

01268-EPA-427

Sarah Dale
Ex. 6 - Privacy
11/15/2009 07:50 PM

To Richard Windsor
cc
bcc
Subject Fwd: briefing items for LPJ

Thought I'd send these along to you in case you wanted to take a look on your blackberry or print them out at home. sorry we weren't able to get you everything before COB friday--this event is coming together very last minute. As i said to adora, I'll have everything printed out and ready here, along with a detailed daily schedule that I'll finish up later tonight. safe travels and i'll see you tomorrow!!!

----- Forwarded message -----

From: **Sarah Dale** < Ex. 6 - Privacy
Date: Sun, Nov 15, 2009 at 5:49 PM
Subject: briefing items for LPJ
To: Ex. 6 - Privacy andy.adora@epa.gov

Adora, attached are the briefing items for LPJ. please print these out so she can take a look on the plane. the stuff in her book is now outdated (although roughly accurate). I will include a final ticktock later tonight that includes both the event at the gov's mansion and the school (currently there is just a ticktock for the school--we're about to have a final countdown mtg where i'll get the most updated info on timing. I'll have these printed out for her here in Denver so we can get her a copy onsite to take a look at (hopefully I'll be able to get to them to her at the airport when she lands).

Thanks!!

sd

[REDACTED] Ex. 5 - Deliberative [REDACTED]
Advance briefing d'evelyn.docx D'Evelyn Girls' Mentoring Program[1].docx
[REDACTED] Ex. 5 - Deliberative [REDACTED]
Girls Mentoring Denver - Jackson[1].docx NOLA Trip Schedule[1].docx
[REDACTED] Ex. 5 - Deliberative [REDACTED]
FLOTUS Schools Event Remarks[1].docx

01268-EPA-719

Richard
Windsor/DC/USEPA/US
05/27/2010 10:21 AM

To Dana Tulus, Mathy Stanislaus, Paul Anastas, Bob Perciasepe,
Seth Oster
cc Al Armendariz
bcc
Subject Fw: French dispersant report, etc.

The French report. Al - I believe you said you were having your staff research other countries' work, right?

Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/27/2010 10:19 AM -----

From: Ex. 6 - Privacy
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/27/2010 07:44 AM
Subject: Fw: French dispersant report, etc.

Sent via BlackBerry by AT&T

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

From: Earthea A Nance <eanance@uno.edu>
Date: Tue, 25 May 2010 16:41:15
To: Ex. 6 - Privacy Ex. 6 - Privacy
Armendariz.Al@epamail.epa.gov<Armendariz.Al@epamail.epa.gov>
Subject: French dispersant report, etc.

Dear Lisa and Al,

Yesterday was very productive, thank you so much. As promised, I am attaching the CEDRE research report on the use of dispersants in France as well as CEDRE's list of dispersants for use in open sea.

Also as promised, I am attaching a map of the 15 coastal communities that the CHART applied research center has been working with for the past 6-8 years. These communities should definitely be included in the environmental reporting network that we talked about on the bus. I am working with NRDC to obtain funding for community-based sampling centers that I hope to establish in some of these communities using a model I developed for New Orleans after Katrina (i.e., people's environmental centers). As we discussed, all environmental monitoring efforts will be coordinated with Region VI and with the LA Bucket Brigade so sampling results can be made available using their online map.

FYI, since Sunday, CHART has been convening meetings in the coastal communities between Louisiana natives and Alaska natives who were impacted by the Exxon Valdez spill. Tomorrow's meetings, which will also include Cajun communities, may get national news coverage from CBS and ABC. CHART, with support from NOAA, has also established a resource website for coastal communities affected by the oil spill: communitiesonthehorizon.org.

Also attached is the agenda for the CNREP conference to be held in New Orleans this Thursday and Friday. You may recall we discussed this briefly yesterday. Just about every local expert on the gulf coast is attending the CNREP

conference, so the list of speakers alone should be valuable in terms of identifying local experts.

Thank you for your leadership!

Highest regards,

-E

cell: [REDACTED] (b) (6)

Earthea Nance, PhD, PE, CFM
Assistant Professor - Department of Planning and Urban Studies (
<http://planning.uno.edu>)
Faculty Associate - Center for Hazards Assessment, Response, and Technology (
www.chart.uno.edu)
University of New Orleans
2000 Lakeshore Drive
New Orleans, LA 70148
office: 111 Milneburg Hall
phone: 504.280.4017
fax: 504.280.6272
E-mail: eanance@uno.edu

From: Armendariz.Al@epamail.epa.gov [Armendariz.Al@epamail.epa.gov]
Sent: Monday, May 24, 2010 10:07 AM
To: Earthea A Nance
Subject: Fw: dispersant report FOR 5/23/2010

FYI

Al Armendariz
Regional Administrator
U.S. EPA
Region 6
armendariz.al@epa.gov
mobile: 972-467-5506

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

From: Steve Mason
Sent: 05/24/2010 09:02 AM CDT
To: Sam Coleman; Al Armendariz
Cc: R6 DWH Info
Subject: dispersant report FOR 5/23/2010

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

(See attached file: Dispersants Operations Summary 5 23 10.pdf)



Using Dispersant to Treat Oil Slicks at Sea.pdf



List of Dispersants for Use in Open Sea.pdf



CHART_coastal_communities.jpg



CNREP 2010 Conference Schedule.pdf

01268-EPA-758

Diane
Thompson/DC/USEPA/US
07/14/2010 11:21 PM

To "Richard Windsor", "David McIntosh"
cc
bcc
Subject Fw: revised draft of your memo

Hope u can read this. Will have hard copy with me tmr am. The comments on the first para are style, on the 5th and last more substance. I would add that it only makes sense if there is a transmittal of some sort that puts it in context. We cld attach it with the Cab Rpt and explain it in the msg part.

From: Ex. 6 -
Sent: 07/14/2010 11:15 PM AST
To: Diane Thompson
Subject: Re: revised draft of your memo

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

From: Thompson.Diane <Thompson.Diane@epamail.epa.gov>
To: Diane Thompson <Ex. 6 - Privacy
Sent: Wed, Jul 14, 2010 6:25 pm
Subject: Fw: revised draft of your memo

----- Original Message -----
From: Richard Windsor
Sent: 07/14/2010 08:51 PM EDT
To: David McIntosh; Diane Thompson
Subject: Re: revised draft of your memo
Fine with me. Diane - see if you think this works. then lets hit send.

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|----->
| From:    |
|----->
|>-----+
|David McIntosh/DC/USEPA/US
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|>-----+
|----->
| To:     |
|----->
|>-----+
|Richard Windsor/DC/USEPA/US@EPA
|
|>-----+
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|----->
| Date: |
|----->
>
|07/14/2010 03:32 PM
|
|----->
| Subject: |
|----->
>
|revised draft of your memo
|
|----->

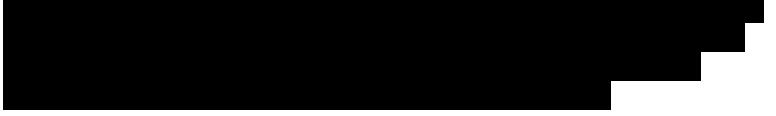
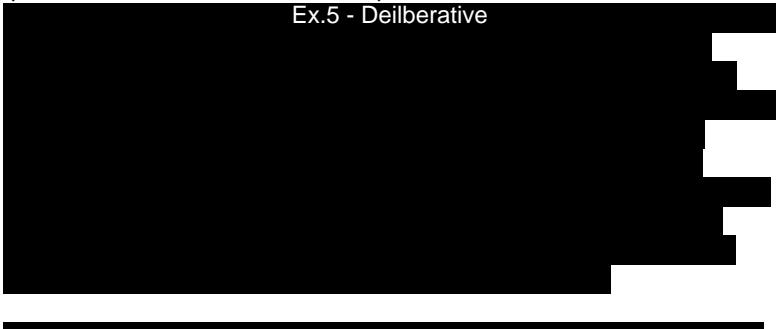
Hi Administrator,
Attached and pasted below is a revised draft of the memo. It
incorporates the information that you conveyed to Senator Bingaman
earlier this week

Ex.5 - Deliberative

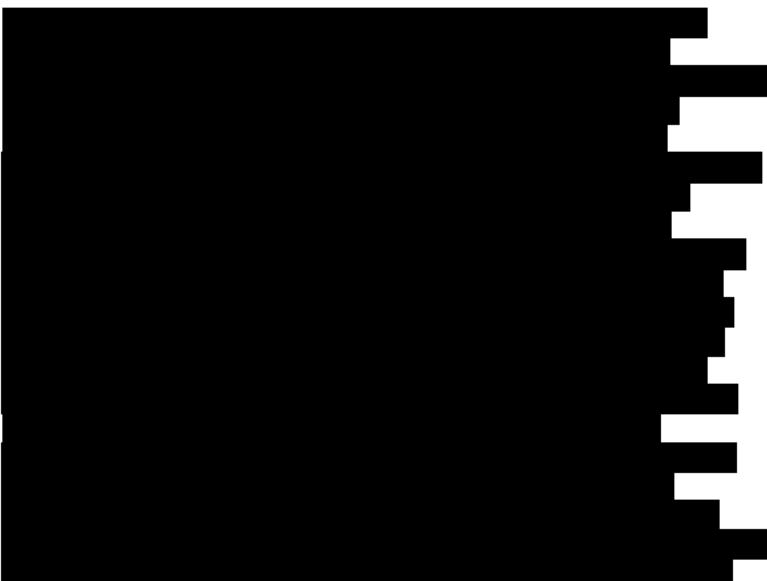
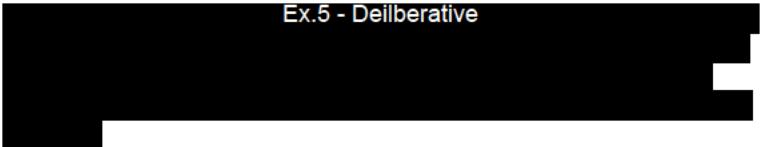


-David

(See attached file: Draft Memo.doc)



Ex.5 - Deliberative



Ex.5 - Deliberative

 Draft_Memo det com.doc

01268-EPA-759

Diane
Thompson/DC/USEPA/US
07/15/2010 08:16 AM

To Richard Windsor
cc "David McIntosh"
bcc

David, Bob P and I talked...here is the consensus version. several things -- changed Ex.5 - Deliberative

Ex.5 - Deliberative

Ex.5 -
Deliberative

carper rev 4.doc

[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

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

David McIntosh The version that is attached here and p... 07/15/2010 07:27:56 AM

From: David McIntosh/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
Date: 07/15/2010 07:27 AM
Subject: Re: Fw: revised draft of your memo

The version that is attached here and pasted immediately below incorporates Diane's edits

Ex.5 -
Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Ex.5 - Deliberative



Ex.5 - Deliberative

-----Diane Thompson/DC/USEPA/US wrote: -----

To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
From: Diane Thompson/DC/USEPA/US
Date: 07/14/2010 11:21PM
Subject: Fw: revised draft of your memo

Hope u can read this. Will have hard copy with me tmr am. The comments on the first para are style, on the 5th and last more substance. I would add that it only makes sense if there is a transmittal of some sort that puts it in context. We cld attach it with the Cab Rpt and explain it in the msg part.

From: (b) (6)
Sent: 07/14/2010 11:15 PM AST
To: Diane Thompson
Subject: Re: revised draft of your memo

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

From: Thompson.Diane <Thompson.Diane@epamail.epa.gov>
To: Diane Thompson <Ex. 6 - Privacy
Sent: Wed, Jul 14, 2010 6:25 pm
Subject: Fw: revised draft of your memo

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

From: Richard Windsor
Sent: 07/14/2010 08:51 PM EDT
To: David McIntosh; Diane Thompson
Subject: Re: revised draft of your memo

Fine with me. Diane - see if you think this works. then lets hit send.

|----->
| From:
|----->

>-----

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| David McIntosh/DC/USEPA/US

|

>-----
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|----->
| To: |
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|----->
| Richard Windsor/DC/USEPA/US@EPA
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|----->
| Date: |
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| 07/14/2010 03:32 PM
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| Subject: |
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| revised draft of your memo
|

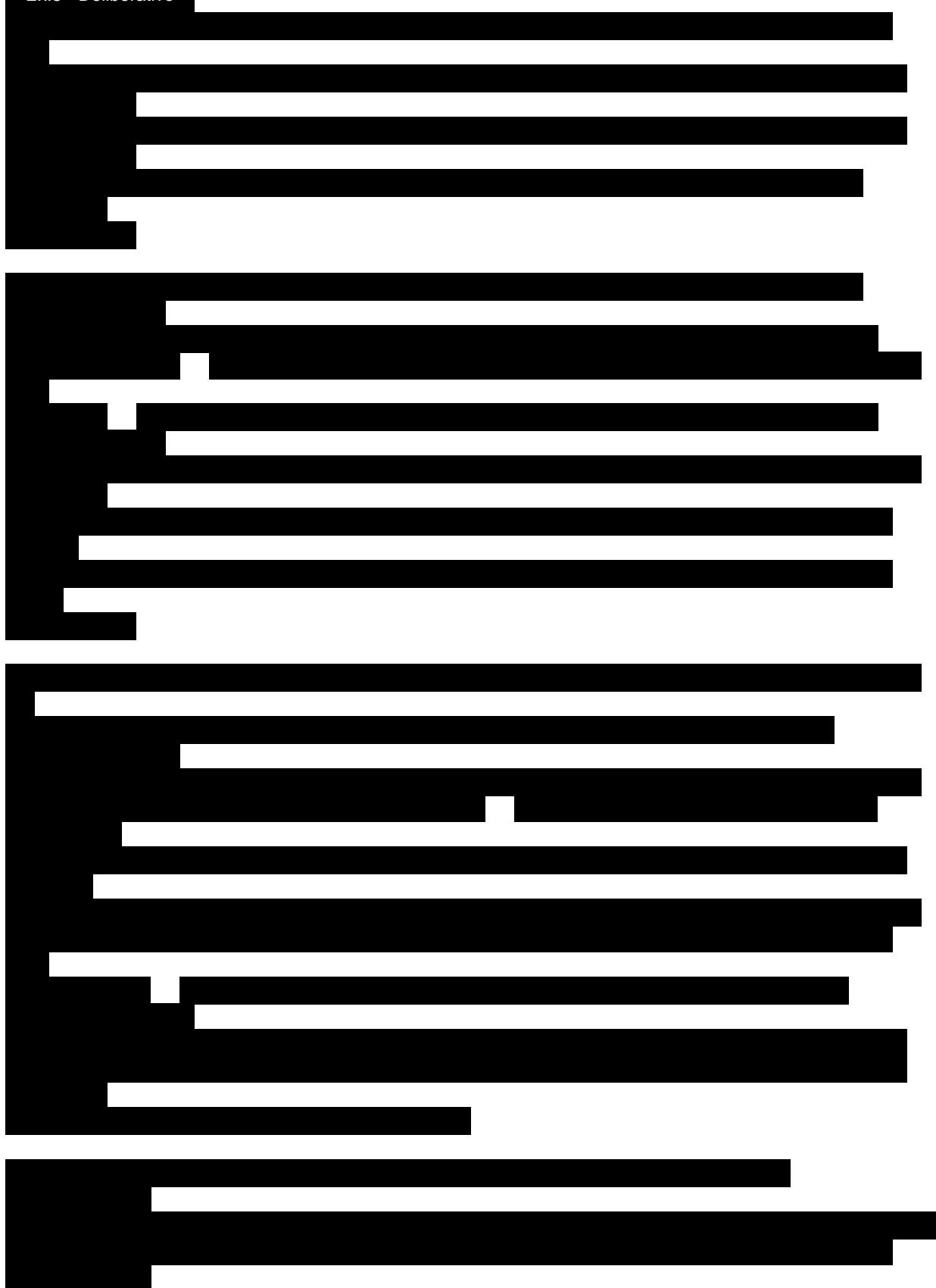
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Hi Administrator,
Attached and pasted below is a revised draft of the memo. It

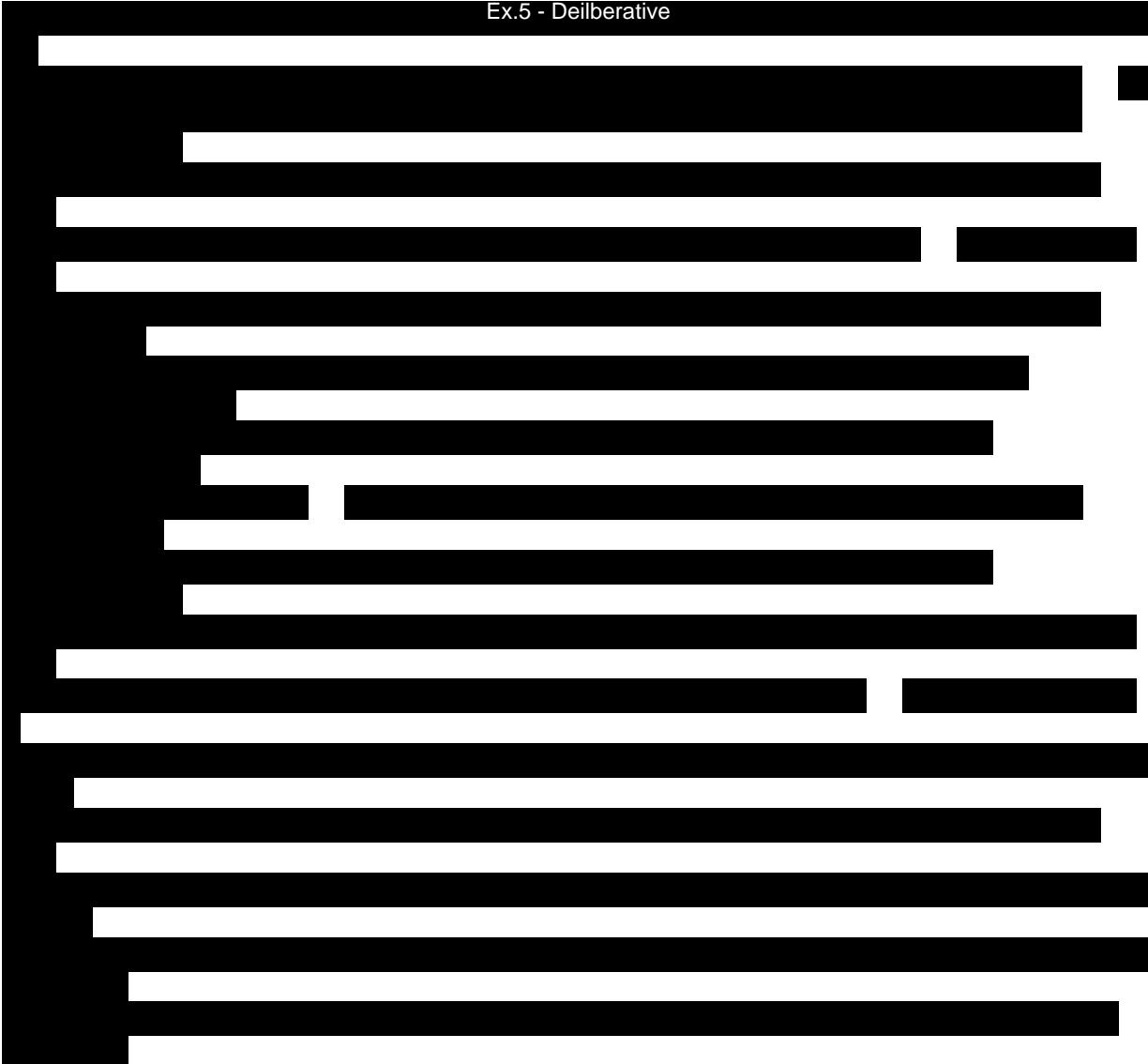
Ex.5 - Deliberative



Ex.5 - Deliberative



Ex.5 - Deliberative



[attachment "Draft_Memo det com.doc" removed by David McIntosh/DC/USEPA/US][attachment "Draft_Memo.doc" deleted by Diane Thompson/DC/USEPA/US]

01268-EPA-782

Diane
Thompson/DC/USEPA/US
08/12/2010 11:28 AM

To "Richard Windsor"
cc
bcc
Subject Fw: EGU/NSPS Outline. FOr DiAne

From: Diane Thompson
Sent: 08/12/2010 09:24 AM EDT
To: "Jamie Pound" <[REDACTED] Ex. 6 - Privacy
Subject: Fw: EGU/NSPS Outline. FOr DiAne

From: Gina McCarthy
Sent: 08/11/2010 06:15 PM EDT
To: Thompson.Diane@EPA.GOV; perciaspe.bob@epa.gov; Sussman.bob@EPA.GOV; Heinzerling.Lisa@EPA.GOV; McIntosh.David@EPA.GOV; Joseph Goffman; Janet McCabe; Fulton.Scott@EPA.GOV; Richard Ossias
Subject: Fw: EGU/NSPS Outline

Per the team's request, Joe worked with OGC to outline a possible strategy to make public our intention to propose an EGU NSPS.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 08/11/2010 06:12 PM -----

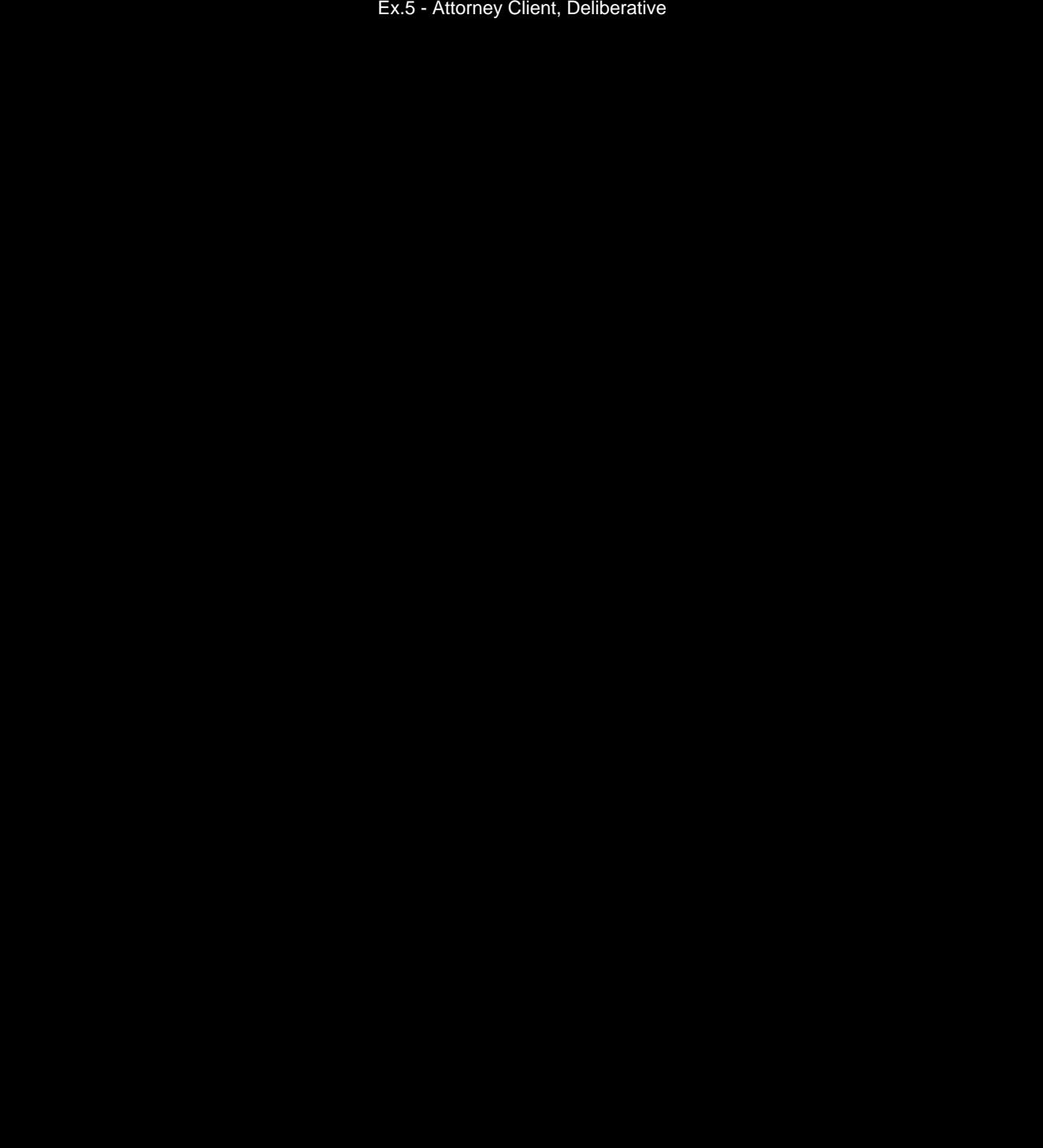
From: Joseph Goffman/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Cindy Huang/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 08/11/2010 01:31 PM
Subject: EGU/NSPS Outline

Gina -- Attached and pasted in is the OGC-generated "outline" to send forward to the group that met on Monday afternoon, as per the Diane/Bob P request for a piece that outlined the mechanism(s) for rolling out our plans on GHG NSPS for EGUs. [REDACTED] (b) (5) Deliberative, (b) (5) Attorney Client
[REDACTED]
[REDACTED]

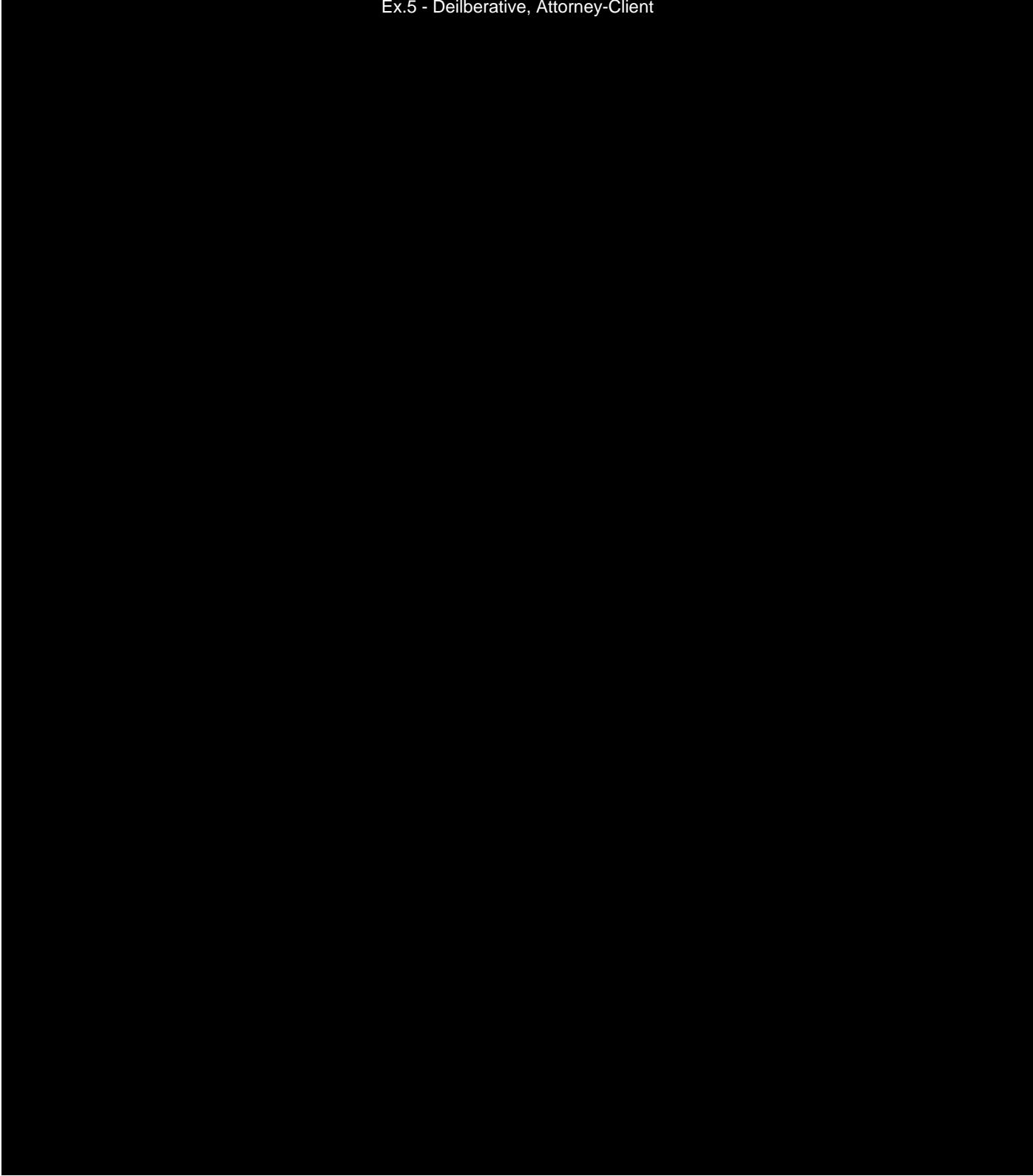
Thanks.

Attorney Work Product – do not release

Ex.5 - Attorney Client, Deliberative



Ex.5 - Deliberative, Attorney-Client



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

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

202 564 3201 Utility Boiler NSPS.2.doc

01268-EPA-812

Adora Andy/DC/USEPA/US

To "Richard Windsor" [redacted] Ex. 6 -

09/16/2010 10:29 PM

cc "Michael Moats"

bcc

Subject PLEASE REVIEW: CAA piece for HuffPo

Hi Boss,

Please see the post Moats wrote below and let us know what you think so we can send to HuffPo tomorrow.

Thanks and have a good night!

AA

Michael Moats

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

From: Michael Moats

Sent: 09/15/2010 06:24 PM EDT

To: Richard Windsor; Lisa Jackson <[redacted] Ex. 6 - Privacy

Cc: Adora Andy

Subject: FOR REVIEW CAA blog piece for HuffPo

Administrator, attached and pasted below is a draft blog/opinion piece [redacted] Ex.5 - Deliberative

[redacted]
[redacted] Enjoy.

Mike

Ex.5 - Deliberative

 20100914 Clean Air Act OpEd (2).doc

Ex.5 -
Deliberative

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

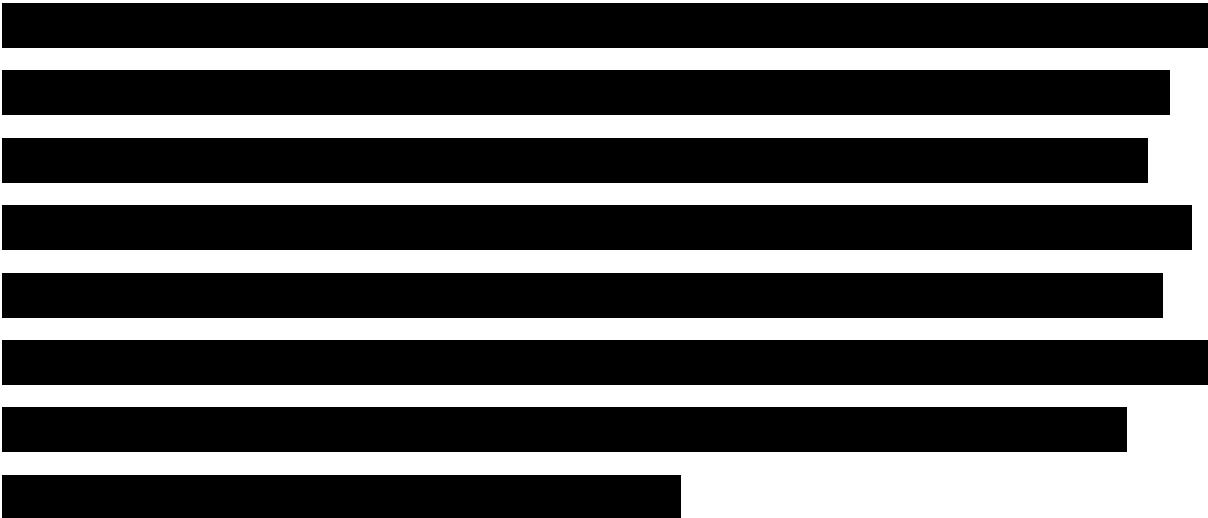
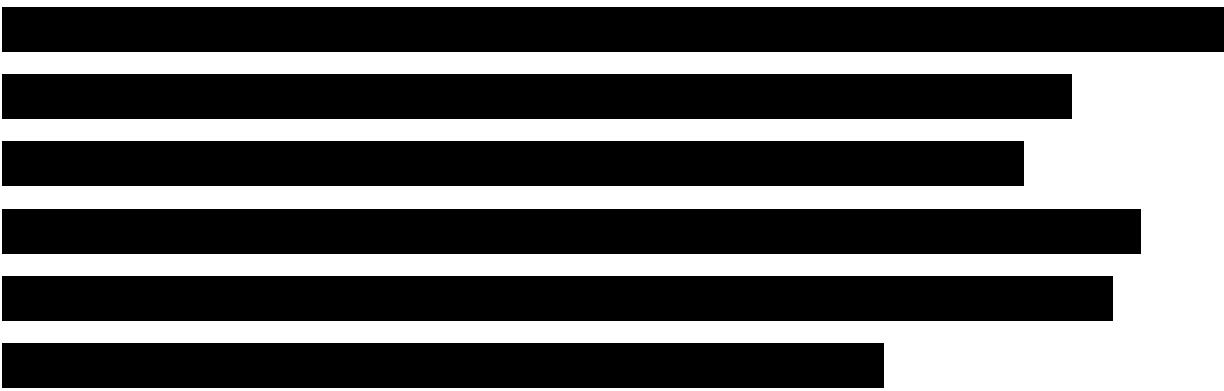
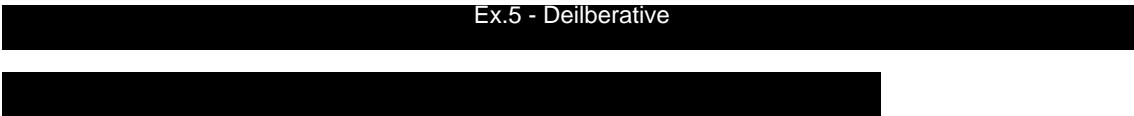
[redacted]

[redacted]

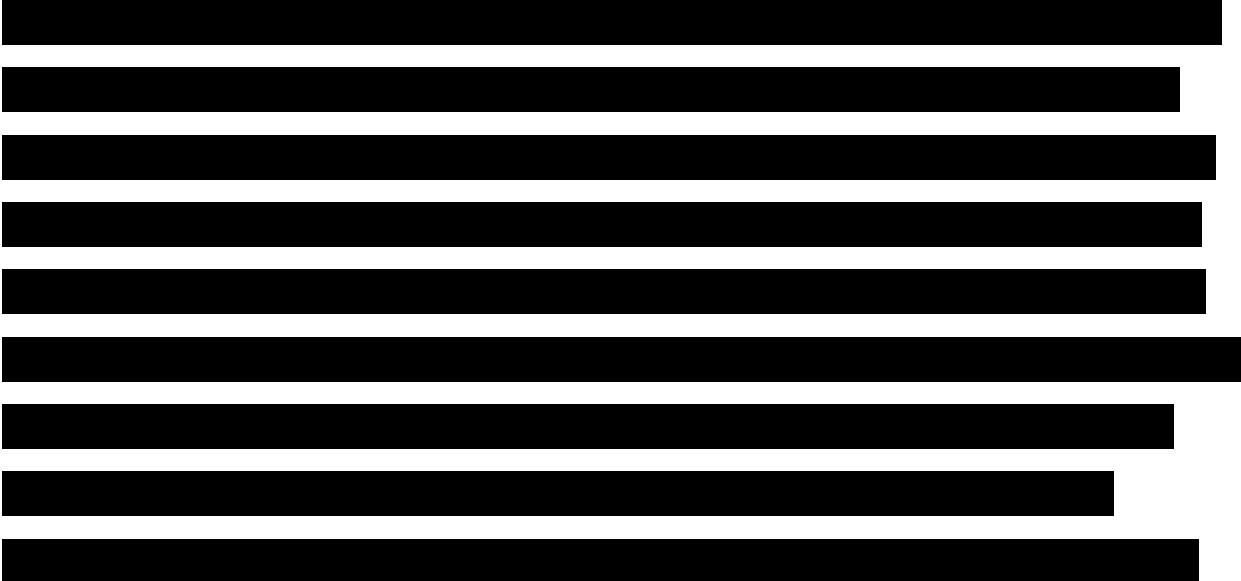
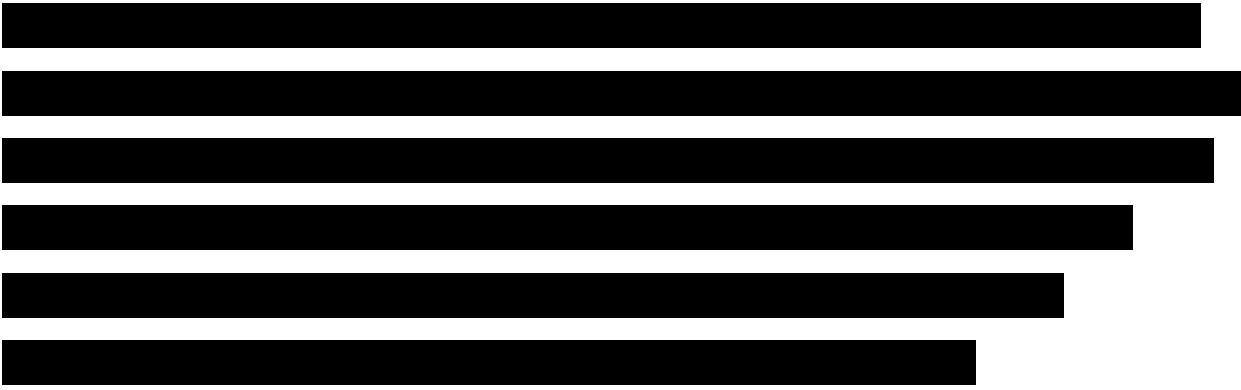
Ex.5 - Deliberative



Ex.5 - Deliberative



Ex.5 - Deliberative



[REDACTED]

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

01268-EPA-844

**Betsaida
Alcantara/DC/USEPA/US**
10/18/2010 12:17 AM

To "Richard Windsor"
cc "Heidi Ellis"
bcc
Subject Media Coverage: EPA, CBC EJ Tour

Administrator,

Attached is 20 page pdf summary of all the media coverage so far and a video of ABC local coverage (story aired on Saturday evening and Sunday morning and we got them access to the superfund site.) The Oakland Tribune article and photo story was picked up by all of the Bay Area News group publications as well as other local, regional and national publications. The Associated Press article was widely picked up by multiple media outlets. LA Times wrote a blog. Chinese paper published an article based on our intv. I'll send around the Greenwire and KPFA Radio stories (these are the reporters who joined us on the bus) when they are published. I'll send this to Aaron to print in the morning and have at your desk if you can't view pdf on your bb.

From: Betsaida Alcantara [REDACTED] Ex. 6 - Privacy
Sent: 10/17/2010 11:54 PM AST
To: Betsaida Alcantara



EJ_Tour_MediaReport_Msimms.pdf



10-16-10 EPA Lisa Jackson & CBC in Oakland KGO -email-.WMV

01268-EPA-1136

EPAExecSec

Sent by: Brian Hope

06/06/2011 04:28 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster

cc

bcc

Subject Daily Reading File: June 6, 2011



Daily Reading File.6.6.11.pdf

01268-EPA-1140

EPAExecSec

Sent by: Brian Hope

06/07/2011 04:10 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster

cc

bcc

Subject Daily Reading File: June 7, 2011



Daily Reading File.6.7.11.pdf

01268-EPA-1145

EPAExecSec
Sent by: Cynthia Gaines

06/08/2011 04:07 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster

cc

bcc

Subject Daily Reading File: June 8, 2011



Daily Reading File.6.8.11.pdf

01268-EPA-1153

EPAExecSec
Sent by: Cynthia Gaines

06/09/2011 04:51 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster

cc

bcc

Subject Daily Reading File: June 9, 2011



Daily Reading File.6.9.11.pdf

01268-EPA-1163

EPAExecSec
Sent by: Cynthia Gaines

06/10/2011 03:36 PM

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

cc

bcc

Subject Daily Reading File: June 10, 2011



Daily Reading File.6.10.11.pdf

01268-EPA-1166

EPAExecSec
Sent by: Cynthia Gaines

06/13/2011 05:10 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch
cc Brian Hope, Eliska Postell, Cynthia Gaines
bcc
Subject Daily Reading File: June 13, 2011



Daily Reading File.6.13.11.pdf

01268-EPA-1170

EPAExecSec
Sent by: Cynthia Gaines

06/15/2011 05:24 PM

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

cc

bcc

Subject Daily Reading File: June 15, 2011



Daily Reading File.6.15.11.pdf

01268-EPA-1174

EPAExecSec
Sent by: Cynthia Gaines

06/16/2011 04:25 PM

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

cc

bcc

Subject Daily Reading File: June 16, 2011



Daily Reading File.6.16.11.pdf

01268-EPA-1183

EPAExecSec
Sent by: Cynthia Gaines

06/21/2011 06:26 PM

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

cc

bcc

Subject Daily Reading File: June 21, 2011



Daily Reading File.6.21.11.pdf

01268-EPA-1195

EPAExecSec

Sent by: Eliska Postell

06/23/2011 04:35 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington,
busch.christopher

cc

bcc

Subject Daily Reading File: June 23, 2011



Daily Reading File.6.23.11.pdf

01268-EPA-1202

EPAExecSec

Sent by: Eliska Postell

06/27/2011 05:09 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: June 27, 2011



Daily Reading File 6.27.11.pdf

01268-EPA-1205

EPAExecSec

Sent by: Eliska Postell

06/28/2011 05:21 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc Cynthia Gaines, Brian Hope, Postell.eliska

bcc

Subject Daily Reading File: June 28, 2011



Daily Reading File 6.28.11.pdf

01268-EPA-1207

EPAExecSec

Sent by: Eliska Postell

06/29/2011 05:01 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: June 29, 2011



Daily Reading File 6.29.11.pdf

01268-EPA-1208

EPAExecSec

Sent by: Eliska Postell

06/30/2011 03:15 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: June 30, 2011



Daily Reading File 6.30.11.pdf

01268-EPA-1213

EPAExecSec

Sent by: Eliska Postell

07/05/2011 04:46 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 5, 2011



Daily Reading File.7.5.11.pdf

01268-EPA-1219

EPAExecSec

Sent by: Eliska Postell

07/07/2011 04:12 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 7, 2011



Daily Reading File.7.7.11.pdf

01268-EPA-1229

EPAExecSec

Sent by: Eliska Postell

07/12/2011 03:49 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 12, 2011



Daily Reading File.7.12.11.pdf

01268-EPA-1238

EPAExecSec

Sent by: Eliska Postell

07/13/2011 04:39 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 13, 2011



Daily Reading File.7.13.11.pdf

01268-EPA-1240

EPAExecSec

Sent by: Eliska Postell

07/14/2011 03:38 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 14, 2011



Daily Reading File.7.14.11.pdf

01268-EPA-1242

EPAExecSec
Sent by: Cynthia Gaines

07/18/2011 06:38 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington,
busch.christopher

cc

bcc

Subject Daily Reading File: July 18, 2011



Daily Reading File.7.18.11.pdf

01268-EPA-1245

EPAExecSec

Sent by: Eliska Postell

07/19/2011 04:09 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading file: July 19, 2011



Daily Reading File.7.19.11.pdf

01268-EPA-1246

EPAExecSec

Sent by: Eliska Postell

07/20/2011 04:43 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 20, 2011



Daily Reading File.7.20.11.pdf

01268-EPA-1249

EPAExecSec

Sent by: Eliska Postell

07/21/2011 03:53 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, busch.christopher

cc

bcc

Subject Daily Reading File: July 21, 2011



Daily Reading.7.21.11.pdf

01268-EPA-1254

EPAExecSec
Sent by: Cynthia Gaines

07/22/2011 06:40 PM

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

cc

bcc

Subject Daily Reading File: July 22, 2011



Daily Reading File.7.22.11.pdf

01268-EPA-1255

EPAExecSec

Sent by: Jacqueline Leavy

07/25/2011 05:38 PM

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

cc

bcc

Subject Daily Reading File: July 25, 2011



Daily Reading File.7.25.11.pdf

01268-EPA-1256

EPAExecSec
Sent by: Cynthia Gaines

07/26/2011 05:13 PM

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

cc

bcc

Subject Daily Reading File: July 26, 2011



Daily Reading File.7.26.11.pdf

01268-EPA-1257

EPAExecSec
Sent by: Cynthia Gaines

07/28/2011 06:57 PM

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

cc

bcc

Subject Daily Reading File: July 28, 2011



Daily Reading File.7.28.11.pdf

01268-EPA-1259

EPAExecSec

Sent by: Eliska Postell

07/29/2011 05:25 PM

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

cc

bcc

Subject Daily Reading File: July 29, 2011



Daily Reading File.7.29.11.pdf

01268-EPA-1263

EPAExecSec
Sent by: Cynthia Gaines

08/01/2011 05:37 PM

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

cc

bcc

Subject Daily Reading File: August 1, 2011



Daily Reading File.8.1.11.pdf

01268-EPA-1266

EPAExecSec

Sent by: Eliska Postell

08/02/2011 06:12 PM

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

cc

bcc

Subject Daily Reading File: August 2, 2011



Daily Reading File.8.2.11.pdf

01268-EPA-1267

EPAExecSec

Sent by: Eliska Postell

08/03/2011 06:02 PM

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

cc

bcc

Subject Daily Reading File: August 3, 2011



Daily Reading File.8.3.11.pdf

01268-EPA-1270

EPAExecSec

Sent by: Eliska Postell

08/04/2011 05:02 PM

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

cc

bcc

Subject Daily Reading File: August 4, 2011



Daily Reading File.8.4.11.pdf

01268-EPA-1271

EPAExecSec
Sent by: Cynthia Gaines

08/05/2011 05:43 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington,
busch.christopher

cc

bcc

Subject Daily Reading File: August 5, 2011



Daily Reading File.8.5.11.pdf

01268-EPA-1272

EPAExecSec
Sent by: Cynthia Gaines

08/08/2011 07:16 PM

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

cc

bcc

Subject Daily Reading File: August 8, 2011



Daily Reading File.8.8.11.pdf

01268-EPA-1273

EPAExecSec

Sent by: Eliska Postell

08/09/2011 04:44 PM

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

cc

bcc

Subject Daily Reading File: August 9, 2011



Daily Reading File.8.9.11.pdf

01268-EPA-1275

EPAExecSec

Sent by: Eliska Postell

08/10/2011 03:58 PM

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

cc

bcc

Subject Daily Reading File: August 10, 2011



Daily Reading File.8.10.11.pdf

01268-EPA-1281

EPAExecSec

Sent by: Eliska Postell

08/12/2011 04:07 PM

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

cc

bcc

Subject Daily Reading File: August 12, 2011



Daily Reading File.8.12.11.pdf

01268-EPA-1283

EPAExecSec
Sent by: Cynthia Gaines

08/15/2011 06:54 PM

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

cc

bcc

Subject Daily Reading File: August 15, 2011



Daily Reading File.8.15.11.pdf

01268-EPA-1285

EPAExecSec

Sent by: Eliska Postell

08/16/2011 05:22 PM

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

cc

bcc

Subject Daily Reading File: August 16, 2011



Daily Reading File.8.16.11.pdf

01268-EPA-1287

EPAExecSec

Sent by: Eliska Postell

08/17/2011 04:59 PM

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

cc

bcc

Subject Daily Reading File: August 17, 2011



Daily Reading File.8.17.2011.pdf

01268-EPA-1289

EPAExecSec

Sent by: Eliska Postell

08/18/2011 03:04 PM

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

cc

bcc

Subject Daily Reading File: August 18, 2011



Daily Reading File.8.18.11.pdf

01268-EPA-1291

EPAExecSec
Sent by: Cynthia Gaines

08/22/2011 06:37 PM

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

cc

bcc

Subject Daily Reading File: August 22, 2011



Daily Reading File.8.22.11.pdf

01268-EPA-1294

EPAExecSec
Sent by: Cynthia Gaines

08/24/2011 06:10 PM

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

cc

bcc

Subject Daily Reading File: August 24, 2011



Daily Reading File.8.24.11.pdf

01268-EPA-1305

EPAExecSec
Sent by: Cynthia Gaines

08/29/2011 05:54 PM

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

cc

bcc

Subject Daily Reading File: August 29, 2011



Daily Reading File.8.29.11.pdf

01268-EPA-1310

EPAExecSec

Sent by: Eliska Postell

08/30/2011 04:42 PM

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

cc

bcc

Subject Daily Reading File: August 30, 2011



Daily Reading File.8.30.11.pdf

01268-EPA-1319

EPAExecSec

Sent by: Eliska Postell

08/31/2011 04:08 PM

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

cc

bcc

Subject Daily Reading File: August 31, 2011



Daily Reading File.8.31.11.pdf

01268-EPA-1321

EPAExecSec

Sent by: Eliska Postell

09/01/2011 02:40 PM

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

cc

bcc

Subject Daily Reading File: September 1, 2011



Daily Reading File.9.1.11.pdf

01268-EPA-1323

EPAExecSec
Sent by: Eliska Postell

09/08/2011 04:08 PM

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

cc

bcc

Subject Daily Reading File: September 8, 2011



Daily Reading File.9.8.11.pdf

01268-EPA-1324

EPAExecSec
Sent by: Eliska Postell

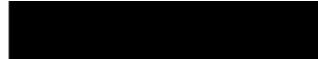
09/09/2011 03:10 PM

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

cc

bcc

Subject Daily Reading File: September 9, 2011



Daily Reading File.9.9.11.pdf

01268-EPA-1330

EPAExecSec

Sent by: Cynthia Gaines

09/12/2011 05:00 PM

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

cc

bcc

Subject Daily Reading File: September 12, 2011



Daily Reading File.9.12.11.pdf

01268-EPA-1338

EPAExecSec

Sent by: Eliska Postell

09/14/2011 04:11 PM

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

cc

bcc

Subject Daily Reading File: September 14, 2011



Daily Reading File.9.14.11.pdf

01268-EPA-1351

EPAExecSec
Sent by: Cynthia Gaines

09/19/2011 05:03 PM

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

cc

bcc

Subject Daily Reading File: September 19, 2011



Daily Reading File.9.19.11.pdf

01268-EPA-1353

EPAExecSec

Sent by: Eliska Postell

09/20/2011 04:07 PM

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

cc

bcc

Subject Daily Reading File: September 20, 2011



Daily Reading File.9.20.11.pdf

01268-EPA-1355

EPAExecSec

Sent by: Eliska Postell

09/21/2011 04:10 PM

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

cc

bcc

Subject Daily Reading File: September 21, 2011



Daily Reading File.9.21.11.pdf

01268-EPA-1357

EPAExecSec

Sent by: Eliska Postell

09/22/2011 04:02 PM

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

cc

bcc

Subject Daily Reading File: September 22, 2011



Daily Reading File.9.22.11.pdf

01268-EPA-1360

EPAExecSec

Sent by: Eliska Postell

09/23/2011 03:42 PM

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

cc

bcc

Subject Daily Reading File: September 23, 2011



Daily Reading File.9.23.11.pdf

01268-EPA-1367

EPAExecSec

Sent by: Eliska Postell

09/27/2011 04:54 PM

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

cc

bcc

Subject Daily Reading File: September 27, 2011



Daily Reading File.9.27.11.pdf

01268-EPA-1370

EPAExecSec

Sent by: Eliska Postell

09/28/2011 04:10 PM

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

cc

bcc

Subject Daily Reading File: September 28, 2011



Daily Reading File.9.28.11.pdf

01268-EPA-1374

EPAExecSec

Sent by: Eliska Postell

09/29/2011 04:24 PM

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

cc

bcc

Subject Daily Reading File: September 29, 2011



Daily Reading File.9.29.11.pdf

01268-EPA-1376

EPAExecSec

Sent by: Eliska Postell

09/30/2011 04:06 PM

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

cc

bcc

Subject Daily Reading File: september 30, 2011



Daily Reading File.9.30.11.pdf

01268-EPA-1379

EPAExecSec
Sent by: Cynthia Gaines

10/03/2011 04:59 PM

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

cc

bcc

Subject Daily Reading File: October 3, 2011



Daily Reading File.10.3.11.pdf

01268-EPA-1382

EPAExecSec

Sent by: Eliska Postell

10/04/2011 04:45 PM

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

cc

bcc

Subject Daily Reading File: October 4, 2011



Daily Reading File.10.4.11.pdf

01268-EPA-1384

EPAExecSec

Sent by: Eliska Postell

10/05/2011 04:19 PM

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

cc

bcc

Subject Daily Reading File: October 5, 2011



Daily Reading File.10.5.11.pdf

01268-EPA-1385

EPAExecSec

Sent by: Eliska Postell

10/06/2011 04:05 PM

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

cc

bcc

Subject Daily Reading File: October 6, 2011



Daily Reading File.10.6.11.pdf

01268-EPA-1388

EPAExecSec

Sent by: Eliska Postell

10/11/2011 05:51 PM

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

cc

bcc

Subject Daily Reading File: October 11, 2011



Daily Reading File.10.11.11.pdf

01268-EPA-1395

EPAExecSec
Sent by: Eliska Postell

10/13/2011 04:26 PM

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

cc

bcc

Subject Daily Reading File: October 13, 2011



Daily Readinf File.10.13.11.pdf

01268-EPA-1400

EPAExecSec

Sent by: Eliska Postell

10/14/2011 04:23 PM

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

cc

bcc

Subject Daily Reading File: October 14, 2011



Daily Reading File.10.14.11.pdf

01268-EPA-1404

EPAExecSec
Sent by: Cynthia Gaines

10/17/2011 05:04 PM

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

cc

bcc

Subject Daily Reading File: October 17, 2011



Daily Reading File.10.17.11.pdf

01268-EPA-1409

EPAExecSec

Sent by: Eliska Postell

10/18/2011 04:24 PM

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

cc

bcc

Subject Daily Reading File: October 18, 2011



Daily Reading File.10.18.11.pdf

01268-EPA-1415

EPAExecSec
Sent by: Cynthia Gaines

10/19/2011 05:21 PM

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

cc

bcc

Subject Daily Reading File: October 19, 2011



Daily Reading File.10.19.11.pdf

01268-EPA-1426

EPAExecSec

Sent by: Jacqueline Leavy

10/24/2011 04:53 PM

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

cc

bcc

Subject Daily Reading File: October 24, 2011



Daily Reading File.10.24.11.pdf

01268-EPA-1429

EPAExecSec

Sent by: Eliska Postell

10/27/2011 04:11 PM

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

cc

bcc

Subject Daily Reading File: October 27, 2011



Daily Reading File.10.27.11.pdf

01268-EPA-1436

EPAExecSec

Sent by: Jacqueline Leavy

10/31/2011 04:06 PM

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

cc

bcc

Subject Daily Reading File: October 31, 2011



Daily Reading File.10.31.11.pdf

01268-EPA-1438

EPAExecSec

Sent by: Eliska Postell

11/01/2011 04:18 PM

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

cc

bcc

Subject Daily Reading File: November 1, 2011



Daily Reading File.11.1.11.pdf

01268-EPA-1443

EPAExecSec

Sent by: Eliska Postell

11/04/2011 04:06 PM

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

cc

bcc

Subject Daily Reading File: November 4, 2011



Daily Reading File.11.4.11.pdf

01268-EPA-1444

EPAExecSec

Sent by: Jacqueline Leavy

11/07/2011 02:57 PM

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

cc

bcc

Subject Daily Reading File: November 7, 2011



Daily Reading File.11.7.11.pdf

01268-EPA-1446

EPAExecSec

Sent by: Eliska Postell

11/08/2011 04:17 PM

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

cc

bcc

Subject Daily Reading File: November 8, 2011



Daily Reading File.11.8.11.pdf

01268-EPA-1447

EPAExecSec

Sent by: Eliska Postell

11/10/2011 04:00 PM

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

cc

bcc

Subject Daily Reading File: November 10, 2011



Daily Reading File.11.10.11.pdf

01268-EPA-1452

EPAExecSec

Sent by: Eliska Postell

11/16/2011 04:41 PM

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

cc

bcc

Subject Daily Reading File: November 16, 2011



Daily Reading File.11.16.11.pdf

01268-EPA-1455

EPAExecSec

Sent by: Eliska Postell

11/17/2011 04:33 PM

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

cc

bcc

Subject Daily Reading File: November 17, 2011



Daily Reading File.11.17.11.pdf

01268-EPA-1460

EPAExecSec

Sent by: Jacqueline Leavy

11/21/2011 04:42 PM

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

cc

bcc

Subject Daily Reading File: November 21, 2011



Daily Reading File.11.21.11.pdf

01268-EPA-1462

EPAExecSec
Sent by: Cynthia Gaines

11/23/2011 02:52 PM

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

cc

bcc

Subject Daily Reading File: November 23, 2011



Daily Reading File.11.23.11.pdf

01268-EPA-1465

EPAExecSec

Sent by: Eliska Postell

11/29/2011 04:32 PM

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

cc

bcc

Subject Daily Reading File: November 29, 2011



Daily Reading File.11.29.11.pdf

01268-EPA-1470

EPAExecSec

Sent by: Eliska Postell

12/01/2011 04:22 PM

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

cc

bcc

Subject Daily Reading File: December 1, 2011



Daily Reading File.12.1.11.pdf

01268-EPA-1474

EPAExecSec

Sent by: Eliska Postell

12/02/2011 04:23 PM

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

cc

bcc

Subject Daily Reading File: December 2, 2011



Daily Reading File.12.2.11.pdf

01268-EPA-1477

EPAExecSec

Sent by: Eliska Postell

12/06/2011 04:28 PM

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

cc

bcc

Subject Daily Reading File: December 6, 2011



Daily Readinf File.12.6.11.pdf

01268-EPA-1488

EPAExecSec

Sent by: Eliska Postell

12/07/2011 04:11 PM

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

cc

bcc

Subject Daily Reading File: December 7, 2011



Daily Reading File.12.7.11.pdf

01268-EPA-1490

EPAExecSec
Sent by: Cynthia Gaines

12/08/2011 05:05 PM

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

cc

bcc

Subject Daily Reading File: December 8, 2011



Daily Reading File.12.8.11.pdf

01268-EPA-1494

EPAExecSec

Sent by: Eliska Postell

12/13/2011 04:42 PM

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

cc

bcc

Subject Daily Reading File: December 13, 2011



Daily Reading File.12.13.11.pdf

01268-EPA-1498

EPAExecSec

Sent by: Eliska Postell

12/14/2011 04:06 PM

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

cc

bcc

Subject Daily Reading File: December 14, 2011



Daily Reading File.12.14.11.pdf

01268-EPA-1505

EPAExecSec

Sent by: Eliska Postell

12/16/2011 04:08 PM

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

cc

bcc

Subject Daily Reading File: December 16, 2011



Daily Reading File.12.16.11.pdf

01268-EPA-1512

EPAExecSec

Sent by: Jacqueline Leavy

12/20/2011 03:26 PM

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

cc

bcc

Subject Daily Reading File: December 20, 2011



Daily Reading File.12.20.11.pdf

01268-EPA-1525

EPAExecSec

Sent by: Eliska Postell

12/23/2011 03:41 PM

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

cc

bcc

Subject Daily Reading File: December 23, 2011



Daily Reading File.12.23.11.pdf

01268-EPA-1526

EPAExecSec

Sent by: Jacqueline Leavy

12/29/2011 01:45 PM

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

cc

bcc

Subject Daily Reading File: December 29, 2011



Daily Reading File.12.29.11.pdf

01268-EPA-1527

EPAExecSec

Sent by: Eliska Postell

01/03/2012 04:23 PM

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

cc

bcc

Subject Daily Reading File: January 3, 2012



Daily Reading File.1.3.12.pdf

01268-EPA-1543

EPAExecSec
Sent by: Cynthia Gaines

01/12/2012 06:09 PM

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

cc

bcc

Subject Daily Reading File: January 12, 2012



Daily Reading File.1.12.12.pdf

01268-EPA-1555

EPAExecSec

Sent by: Eliska Postell

01/19/2012 04:12 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: January 19, 2012



Daily Reading File.1.19.12.pdf

01268-EPA-1559

EPAExecSec

Sent by: Eliska Postell

01/25/2012 04:20 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: January 25, 2012



Daily Reading File.1.25.12.pdf

01268-EPA-1561

EPAExecSec

Sent by: Eliska Postell

01/26/2012 04:28 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: January 26, 2012



Daily Reading File.1.26.12.pdf

01268-EPA-1566

EPAExecSec

Sent by: Cynthia Gaines

01/30/2012 05:05 PM

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

cc

bcc

Subject Daily Reading File: January 30, 2012



Daily Reading File.1.30.12.pdf

01268-EPA-1577

EPAExecSec

Sent by: Eliska Postell

02/01/2012 04:14 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 1, 2012



Daily Reading File.2.1.12.pdf

01268-EPA-1578

EPAExecSec

Sent by: Eliska Postell

02/02/2012 04:20 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 2, 2012



Daily Reading File.2.2.12.pdf

01268-EPA-1579

EPAExecSec

Sent by: Eliska Postell

02/03/2012 04:19 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 3, 2012



Daily Reading File.2.3.12.pdf

01268-EPA-1581

EPAExecSec

Sent by: Eliska Postell

02/07/2012 06:16 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 7, 2012



Daily Reading File.2.7.12.pdf

01268-EPA-1599

EPAExecSec

Sent by: Eliska Postell

02/14/2012 03:56 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 14, 2012



Daily Reading File.2.14.12.pdf

01268-EPA-1600

EPAExecSec

Sent by: Eliska Postell

02/15/2012 04:08 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 15, 2012



Daily Reading File.2.15.12.pdf

01268-EPA-1605

EPAExecSec

Sent by: Eliska Postell

02/16/2012 05:19 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 16, 2012



Daily Reading File.2.16.12.pdf

01268-EPA-1616

EPAExecSec

Sent by: Eliska Postell

02/24/2012 04:01 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 24, 2012



Daily Reading File.2.24.12.pdf

01268-EPA-1622

EPAExecSec

Sent by: Eliska Postell

02/29/2012 04:15 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: February 29, 2012



Daily Reading File.2.29.12.pdf

01268-EPA-1627

EPAExecSec
Sent by: Cynthia Gaines

03/01/2012 05:34 PM

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

cc

bcc

Subject Daily Reading File: March 1, 2012



Daily Reading File.3.1.12.pdf

01268-EPA-1628

EPAExecSec

Sent by: Eliska Postell

03/02/2012 04:38 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 2, 2012



Daily Reading File.3.2.12.pdf

01268-EPA-1638

EPAExecSec

Sent by: Eliska Postell

03/06/2012 04:48 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 6, 2012



Daily Reading File.3.6.12.pdf

01268-EPA-1643

EPAExecSec

Sent by: Eliska Postell

03/08/2012 04:08 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 8, 2012



Daily Reading File.3.8.12.pdf

01268-EPA-1648

EPAExecSec

Sent by: Eliska Postell

03/13/2012 04:55 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 13, 2013



Daily Reading File.3.13.12.pdf

01268-EPA-1652

EPAExecSec

Sent by: Eliska Postell

03/14/2012 04:18 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 14, 2012



Daily Reading File.3.14.12.pdf

01268-EPA-1654

EPAExecSec
Sent by: Cynthia Gaines

03/15/2012 06:15 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Stephanie Washington, Christopher Busch, Veronica Burley, Janet Woodka, Elizabeth Ashwell, Brendan Gilfillan, briefings
cc Brian Hope, Eliska Postell, Jacqueline Leavy, Brigitte Moritz, gaines.cynthia
bcc

Subject Daily Reading File: March 15, 2012



Daily Reading File.3.15.12.pdf

01268-EPA-1657

EPAExecSec

Sent by: Eliska Postell

03/16/2012 03:26 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 16, 2012



Daily Reading File.3.16.12.pdf

01268-EPA-1658

EPAExecSec

Sent by: Eliska Postell

03/20/2012 04:24 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 20, 2012



Daily Reading File.3.20.12.pdf

01268-EPA-1660

EPAExecSec

Sent by: Eliska Postell

03/21/2012 04:03 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 21, 2012



Daily Reading File.3.21.12.pdf

01268-EPA-1667

EPAExecSec

Sent by: Eliska Postell

03/27/2012 03:51 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 27, 2012



Daily Reading File.3.27.12.pdf

01268-EPA-1668

EPAExecSec

Sent by: Eliska Postell

03/28/2012 04:05 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: March 28, 2012



Daily Reading File.3.28.12.pdf

01268-EPA-1669

EPAExecSec
Sent by: Cynthia Gaines

04/02/2012 05:11 PM

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

cc

bcc

Subject Daily Reading File: April 2, 2012



Daily Reading File.4.2.12.pdf

01268-EPA-1672

EPAExecSec

Sent by: Eliska Postell

04/03/2012 04:45 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 3, 2012



Daily Reading File.4.3.12.pdf

01268-EPA-1673

EPAExecSec

Sent by: Eliska Postell

04/04/2012 04:32 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 4, 2012



Daily Reading File.4.4.12.pdf

01268-EPA-1677

EPAExecSec

Sent by: Jacqueline Leavy

04/06/2012 01:11 PM

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

cc

bcc

Subject Daily Reading File: April 6, 2012



Daily Reading File.4.6.12.pdf

01268-EPA-1678

EPAExecSec
Sent by: Cynthia Gaines

04/09/2012 06:56 PM

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

cc

bcc

Subject Daily Reading File: April 9, 2012



Daily Reading File.4.9.12.pdf

01268-EPA-1680

EPAExecSec

Sent by: Eliska Postell

04/10/2012 04:35 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 10, 2012



Daily Reading File.4.10.12.pdf

01268-EPA-1682

EPAExecSec

Sent by: Eliska Postell

04/11/2012 04:07 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 11, 2012



Daily Reading File.4.11.12.pdf

01268-EPA-1685

EPAExecSec

Sent by: Eliska Postell

04/12/2012 04:19 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 12, 2012



Daily Reading File.4.12.12.pdf

01268-EPA-1687

EPAExecSec
Sent by: Cynthia Gaines

04/13/2012 05:31 PM

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

cc

bcc

Subject Daily Reading File: April 13, 2012



Daily Reading File.4.13.12.pdf

01268-EPA-1688

EPAExecSec

Sent by: Eliska Postell

04/18/2012 04:14 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April 18, 2012



Daily Reading File.4.18.12.pdf

01268-EPA-1692

EPAExecSec

Sent by: Eliska Postell

04/19/2012 04:41 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: April



Daily Reading File.4.19.12.pdf

01268-EPA-1693

EPAExecSec
Sent by: Cynthia Gaines

04/25/2012 05:27 PM

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

cc

bcc

Subject Daily Reading File: April 25, 2012



Daily Reading File..4.25.12.pdf

01268-EPA-1695

EPAExecSec

Sent by: Jacqueline Leavy

04/26/2012 04:28 PM

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

cc

bcc

Subject Daily Reading File: April 26, 2012



Daily Reading File.4.26.12.pdf

01268-EPA-1696

EPAExecSec
Sent by: Cynthia Gaines

04/27/2012 05:16 PM

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

cc

bcc

Subject Daily Reading File: April 27, 2012



Daily Reading File.4.27.12.pdf

01268-EPA-1699

EPAExecSec
Sent by: Cynthia Gaines

04/30/2012 05:34 PM

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

cc

bcc

Subject Daily Reading File: April 30, 2012



Daily Reading file.4.30.12.pdf

01268-EPA-1700

EPAExecSec

Sent by: Cynthia Gaines

05/01/2012 06:35 PM

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

cc

bcc

Subject Daily Reading File: May 1, 2012



Daily Reading File.5.1.12.pdf

01268-EPA-1702

EPAExecSec

Sent by: Eliska Postell

05/08/2012 04:42 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: Mat 8, 2012



Daily Reading File.5.8.12.pdf

01268-EPA-1703

EPAExecSec

Sent by: Eliska Postell

05/09/2012 04:16 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 9, 2012



Daily Reading File.5.9.12.pdf

01268-EPA-1706

EPAExecSec

Sent by: Jacqueline Leavy

05/14/2012 02:51 PM

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

cc

bcc

Subject Daily Reading File: May 14, 2012



Daily Reading File.5.14.12.pdf

01268-EPA-1707

EPAExecSec

Sent by: Eliska Postell

05/15/2012 04:30 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 15, 2012



Daily Reading File.5.15.12.pdf

01268-EPA-1708

EPAExecSec

Sent by: Eliska Postell

05/17/2012 05:08 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 17, 2012



Daily Reading File.5.17.12.pdf

01268-EPA-1711

EPAExecSec

Sent by: Eliska Postell

05/22/2012 04:53 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 22, 2012



Daily Reading File.5.22.12.pdf

01268-EPA-1712

EPAExecSec

Sent by: Eliska Postell

05/23/2012 04:16 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 23, 2012



Daily Reading File.5.23.12.pdf

01268-EPA-1713

EPAExecSec

Sent by: Eliska Postell

05/24/2012 04:17 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Sarah Pallone, Richard Windsor, Stephanie Washington, Christopher Busch, Veronica Burley, Elizabeth Ashwell, Brendan Gilfillan, briefings

cc

bcc

Subject Daily Reading File: May 24, 2012



Daily Reading File.5.24.12.pdf

01268-EPA-2162

Lisa
Heinzerling/DC/USEPA/US
03/15/2009 10:38 PM

To "Lisa P Jackson"
cc David McIntosh, Richard Windsor
bcc
Subject Re: Fw: memo to President

Ex.5 - Deliberative



Thanks. See you tomorrow.



Ex.5 - Deliberative



"Lisa P Jackson" OK - here is my mark-up Ex.5 - 03/15/2009 08:26:24 PM

From: "Lisa P Jackson" <Ex. 6 - Privacy
To: David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 03/15/2009 08:26 PM
Subject: Re: Fw: memo to President

Ex.5 - Deliberative



----- Original Message -----
From: <Windsor.Richard@epamail.epa.gov>
To: "Lisa Jackson" <Ex. 6 - Privacy
Sent: Sunday, March 15, 2009 7:32 PM
Subject: Fw: Fw: memo to President

>
>

>
>
> ----- Original Message -----
> From: David McIntosh
> Sent: 03/13/2009 08:45 PM EDT
> To: Richard Windsor
> Cc: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; "David McIntosh"
> <mcintosh.david@epa.gov>
> Subject: Re: Fw: memo to President
> [REDACTED] Ex.5 - Deliberative [REDACTED]

> (See attached file: [REDACTED] Ex.5 - Deliberative [REDACTED])

>
>
> |----->
> | From: |
> |----->

>-----|
> |Richard Windsor/DC/USEPA/US
> |
>
>-----|

> |----->
> | To: |
> |----->

>-----|
> | "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "David McIntosh"
> <mcintosh.david@epa.gov> |
>
>
>-----|

> |----->
> | Date: |
> |----->

>-----|
> | 03/13/2009 07:52 PM
> |
>
>-----|

> |----->
> | Subject: |
> |----->

> | Fw: memo to President
> |
>
>-----
>
>
>
>
> Thanks. [REDACTED] Ex.5 - Deliberative [REDACTED]
>
> One question - [REDACTED] Ex.5 - Deliberative [REDACTED]
>
> Lisa
>
>
> ----- Original Message -----
> From: Lisa Heinzerling
> Sent: 03/13/2009 05:44 PM EDT
> To: Richard Windsor
> Subject: memo to President
> Lisa,
>
> [REDACTED] Ex.5 - Deliberative [REDACTED]
>
> [REDACTED] (b) (6) Privacy [REDACTED]
>
> Lisa
>
>
>
> (See attached file: [REDACTED] Ex.5 - Deliberative [REDACTED]
>
>
>
> [attachment [REDACTED] Ex.5 - Deliberative [REDACTED]
deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2465

Richard
Windsor/DC/USEPA/US
05/18/2009 10:27 PM

To "Diane Thompson"
cc
bcc
Subject F [REDACTED] (b) (6) Personal Privacy

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

From: [REDACTED] (b) (6) Personal
Sent: 05/13/2009 05:32 AM MST
To: Richard Windsor
Subject: [REDACTED] (b) (6) Personal Privacy

I will be on the EJ call today-as I am confirmed -Yeah!

(b) (6) Personal Privacy

(b) (6) Privacy, (b) (5) Deliberative

[REDACTED] (b) (6)

(b) (6) Personal [REDACTED] Resume.DOC
Privacy

01268-EPA-2861

Gina McCarthy/DC/USEPA/US

To "Richard Windsor", "Seth Oster"

cc

09/20/2009 03:48 PM

bcc

Subject Fw: GHG reduction numbers

Attached are some preliminary numbers on the potential ghg reductions thru caa Ex.5 - Deliberative

[REDACTED]

Jim Ketcham-Colwill

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

From: Jim Ketcham-Colwill

Sent: 09/18/2009 08:49 PM EDT

To: Gina McCarthy

Cc: Peter Tsirigotis; Sarah Dunham; Reid Harvey; Matthew Witosky

Subject: GHG reduction numbers

Gina,

Attached are the draft estimates from OAQPS of reduction potential from selected categories of stationary sources. Also attached is a short summary from Sarah of the OTAQ estimates that you've already seen in greater detail.

Ex.5 - Deliberative

[REDACTED]

Have a great weekend!

Jim

P.S. [REDACTED] (b) (6) Personal Privacy

Ex.5 - Deliberative

01268-EPA-6210

"Lisa P Jackson"
Ex. 6 - Privacy
02/07/2009 03:17 PM

To Richard Windsor
cc
bcc
Subject Fw: Environmental Health Initiatives

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

From: Beinecke, Frances
To: Ex. 6 - Privacy
Sent: Thursday, February 05, 2009 2:03 PM
Subject: Environmental Health Initiatives

Dear Lisa,

As we have discussed, NRDC plays a leadership role in the environmental community on matters of environmental health; our organization's Health program is staffed with medical doctors and PhD level scientists as well as lawyers with a tremendous amount of experience in the relevant statutes. You'll meet several of them at our board meeting in a couple of weeks.

Attached is a document that provides our list of top short-term priorities for EPA, FDA, and CPSC for environmental health protection. It is organized both by themes and by Agency. We are anxious to brief you and the relevant assistant administrators (once appointed) on this agenda at your earliest convenience. And I am sure some of these issues will become a topic of discussion when you join us on February 26th.

Regards,
Frances

P.S. Sorry to send to your personal email. May I have your new office contact information?

Frances Beinecke
President
NRDC
40 West 20th Street
New York, NY 10011
212 727-4465
212 633-6935 Fax
fbeinecke@nrdc.org



Priority Envtl Health initiatives for first 100 days [Final Jan 29 2009].doc

01268-EPA-6211

"Lisa P Jackson"
Ex. 6 - Privacy
02/08/2009 08:58 AM

To Richard Windsor
cc
bcc
Subject Fw: Environmental Health Initiatives

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

From: Beinecke, Frances
To: Ex. 6 - Privacy
Sent: Thursday, February 05, 2009 2:03 PM
Subject: Environmental Health Initiatives

Dear Lisa,

As we have discussed, NRDC plays a leadership role in the environmental community on matters of environmental health; our organization's Health program is staffed with medical doctors and PhD level scientists as well as lawyers with a tremendous amount of experience in the relevant statutes. You'll meet several of them at our board meeting in a couple of weeks.

Attached is a document that provides our list of top short-term priorities for EPA, FDA, and CPSC for environmental health protection. It is organized both by themes and by Agency. We are anxious to brief you and the relevant assistant administrators (once appointed) on this agenda at your earliest convenience. And I am sure some of these issues will become a topic of discussion when you join us on February 26th.

Regards,
Frances

P.S. Sorry to send to your personal email. May I have your new office contact information?

Frances Beinecke
President
NRDC
40 West 20th Street
New York, NY 10011
212 727-4465
212 633-6935 Fax
fbeinecke@nrdc.org



Priority Envtl Health initiatives for first 100 days [Final Jan 29 2009].doc

01268-EPA-6228

"Lisa P Jackson"
Ex. 6 - Privacy
03/14/2009 05:20 PM

To David McIntosh
cc Richard Windsor
bcc
Subject (b) (6) Personal Privacy

(b) (5) Deliberative, (b) (6) Privacy [REDACTED] ?

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

From: "Lisa Jackson" <Lisa.Jackson@ptt.gov>
To: <[REDACTED] Ex. 6 - Privacy<[REDACTED] Ex. 6 - Privacy>
Sent: Friday, January 02, 2009 9:37 AM
Subject: (b) (6) Personal Privacy

Lisa P. Jackson
New cell - [REDACTED] (b) (6)

From: [REDACTED] Ex. 6 - Privacy [REDACTED] Ex. 6 - Privacy
Sent: Wednesday, December 31, 2008 3:35 PM
To: David Hayes; Lisa Jackson; stierney@analysisgroup.com; [REDACTED] Ex. 6 - Privacy
Cc: Michael McCabe
Subject: (b) (6) Personal Privacy

I am enclosing the resume of [REDACTED] (b) (6) Personal Privacy [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

*

To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

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*

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contact the sender and delete all copies.

Latham & Watkins LLP

[REDACTED]
(b) (6)

(b) (6) Personal Privacy

01268-EPA-6236

(b) (6) Personal Privacy

To Richard Windsor

05/13/2009 08:32 AM

cc

Please respond to

bcc

(b) (6) Personal Privacy

Subject (b) (6) Personal Privacy

I will be on the EJ call today-as I am confirmed -Yeah!

(b) (6) Personal Privacy .

(b) (6) Privacy

(b) (6) Privacy

(b) (6) Personal Privacy Resume.DOC

01268-EPA-6240

Diane
Thompson/DC/USEPA/US
09/03/2009 08:55 PM

To "Richard Windsor"
cc "Aaron Dickerson"
bcc
Subject Fw: the Meiburg report

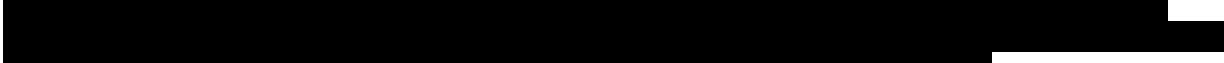
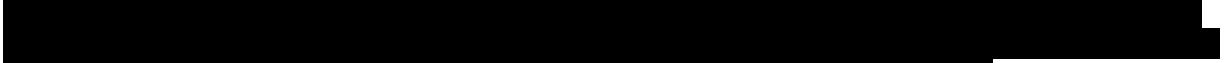
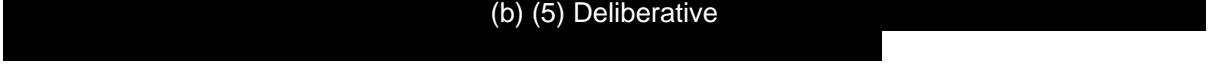
Here it is.
Stan Meiburg

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

From: Stan Meiburg
Sent: 09/03/2009 07:38 PM EDT
To: Diane Thompson
Subject: Re: the Meiburg report

Diane--

(b) (5) Deliberative



Best regards,

Stan



[oceft-managementreviewfinal.pdf](#)

A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Office: (404) 562-8357
Fax: (404) 562-9961
Cell: (404) 435-4234
Email: meiburg.stan@epa.gov

Diane Thompson/DC/USEPA/US

Diane
Thompson/DC/USEPA/US
09/03/2009 06:43 PM

To Stan Meiburg/R4/USEPA/US@EPA
cc
Subject the Meiburg report

Stan,
Hope you are well and preparing to enjoy a nice long weekend and Labor Day.

When you have a chance, could you dig through your files and find of copy of the report you did on the OECA investigators division? I haven't mastered the acronyms yet, so if that doesn't ring a bell let me know and I will try to provide more info on what I am looking for. The Administrator would like to review the report as it keeps coming up in various briefings.

Thanks,
Diane

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

01268-EPA-6242

David Cohen/DC/USEPA/US To Richard Windsor
09/24/2009 11:40 AM cc
bcc
Subject top secret

strictly between us, here is national journal's story on you due out tomorrow. in case you haven't seen an advance copy yet, this will open up nicely on your desktop -- and please act surprised if anyone else shows it to you.

i've been talking to marge about this piece constantly and quietly (the top secret part) since your first month here. the article, satisfactorily to me, turned out sick great, on my view. but more importantly, every word is earned and deserved.



926a-side.pdf



926a.pdf

01268-EPA-6255

Arvin Ganesan/DC/USEPA/US To Richard Windsor, Adora Andy, Seth Oster, Bob Sussman,
Shawn Garvin
03/26/2010 02:47 PM cc
bcc
Subject Fw: Byrd Reaction To EPA Announcement Regarding Spruce
#1 Mine

Robert C. Byrd. The voice of reason.

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

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/26/2010 02:46 PM -----

From: "Jacobs, Jesse (Byrd)" <Jesse_Jacobs@byrd.senate.gov>
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2010 02:45 PM
Subject: FW: Byrd Reaction To EPA Announcement Regarding Spruce #1 Mine

fyi

News From **U.S. Senator**
Robert C. Byrd
West Virginia
Phone (202) 224-3904

For Immediate Release: Friday, March 26, 2010

BYRD REACTS TO ENVIRONMENTAL PROTECTION AGENCY ANNOUNCEMENT REGARDING SPRUCE #1 MINE

Washington, DC – U.S. Senator Robert C. Byrd, D-W.Va., issued the following reaction to the Environmental Protection Agency's (EPA) announcement that they will begin veto proceedings of Arch Coal's surface mining request at Spruce #1 Mine in Logan County:

“The announcement by the EPA today of its Proposed Determination to exercise its veto authority over the Spruce #1 Mine permit begins a process that enables the company and the public to comment on the matter in writing and at public hearings. I would strongly encourage all parties to seek a balanced, fair, reasonable compromise.”

“EPA Administrator Jackson reiterated to me that more wide-ranging guidance is forthcoming in the near future, providing clarity relating to water quality issues and mining permits. I encouraged her to move forward as soon as possible so those seeking approval of permits can fully understand the parameters for acceptable activity under the Clean Water Act.”

###



SpruceMineReact032610.doc

01268-EPA-6257

Aaron
Dickerson/DC/USEPA/US
04/28/2010 06:01 PM

To Richard Windsor
cc
bcc

Subject Re: Fw: Pictures from JHU Visit

These are the best pictures out of the bunch. Let me know if you want to use either of them.



_JHU1773.jpg _JHU1780.jpg

Ex. 6 -

Sent via BlackBerry by AT&T -----Origin...

04/28/2010 01:56:39|PM

From: Ex. 6 - Privacy
To: Aaron Dickerson/DC/USEPA/US@EPA
Date: 04/28/2010 01:56 PM
Subject: Fw: Pictures from JHU Visit

Sent via BlackBerry by AT&T

From: Mary Vitale < Ex. 6 - Privacy

Date: Fri, 23 Apr 2010 16:33:19 -0400

To: < Ex. 6 - Privacy

Subject: Pictures from JHU Visit

Administrator Jackson,

I hope you are doing well. It was so wonderful to hear you speak at Hopkins and to have dinner with you. (b) (6)

I have not yet received everyone's pictures from the event, but I have attached the pictures I have received so far.

Sincerely,
Mary Vitale

01268-EPA-6258

AI Armendariz/R6/USEPA/US To "Richard Windsor"
05/03/2010 08:44 PM cc
bcc
Subject Our Waveland Adventure -- Fw: Report to the Administrator - Waveland Mississippi Public Meeting

Stan Meiburg

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

From: Stan Meiburg
Sent: 05/03/2010 07:46 PM EDT
To: Seth Oster; Adora Andy; Diane Thompson; perciasepe.bob@epa.gov
Cc: Al Armendariz
Subject: Fw: Report to the Administrator - Waveland Mississippi Public Meeting

Seth/Adora/Bob/Diane--

If the Administrator hasn't seen this, she would find it interesting.

Stan

A. Stanley Meiburg
 Acting Regional Administrator
 EPA Region 4
 Sam Nunn Atlanta Federal Center
 61 Forsyth Street, SW
 Atlanta, GA 30303

Office: (404) 562-8357
 Fax: (404) 562-9961
 Cell: (404) 435-4234
 Email: meiburg.stan@epa.gov

----- Forwarded by Stan Meiburg/R4/USEPA/US on 05/03/2010 07:42 PM -----

From: Bryon Griffith/GMPO/USEPA/US
 To: AI Armendariz/R6/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Craig Carroll/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Debbie Dietrich/DC/USEPA/US@EPA, Franklin Hill/R4/USEPA/US@EPA, Scott Gordon <gordon.scott@epa.gov>, Janet Woodka/DC/USEPA/US@EPA, Jim Giattina/R4/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Matt Taylor/R4/USEPA/US@EPA, Sam Coleman/R6/USEPA/US@EPA, Shane Hitchcock/R4/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Carl Terry <terry.carl@epa.gov>, Allison Wise <wise.allison@epa.gov>, Dana Tulis/DC/USEPA/US@EPA, Gilberto Irizarry/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nanci Gelb/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA
 Date: 05/03/2010 04:55 PM
 Subject: Report to the Administrator - Waveland Mississippi Public Meeting

Deepwater Horizon Oil Spill
Gulf of Mexico Program Action Report
Subject: Administrator's Mississippi Coastal Communities Public Mtg.

Waveland, MS**Action Follow-up: Follow-up Contact Commitment – All Registered Participants****Date:** May 3, 2010**From:** Bryon Griffith, Director
Gulf of Mexico Program Office**Action Summary:**

350+ participants (272 registered on the sign-in sheets) attended Administrator Jackson's April 30, 2010 Public Meeting in Waveland, MS. Due to unavoidable delays following the Administrator's press conference in Robert Louisiana, the meeting was postponed by over 2 hours. Consequent to the extraordinary personal effort applied by the participants to adjust their schedules, the Administrator committed to having the Gulf Program Office follow-up directly with each participant to interview and capture the comments and/or ideas that would have expressed if time had permitted.

Over the succeeding 2 days, Gulf Program staff attempted to contact all 272 registered to capture their input in the attached report format. 177 of the participants were successfully reached by the phone numbers provided. The majority of those reached did offer their ideas or comment for inclusion in the report to the Administrator. The following is a rough array of the participant demographics:

Environmental / Conservation Group Members:	4
Locally Elected Officials:	12
Commercial Fishermen:	215
Seafood Producers / Suppliers:	7
Other Businesses & Industry:	15
EJ Community Members:	1
Private Citizens:	3
Ports:	2

State & Local Gov't: 12

Other: 1

As previously stated, the Administrator invited the participants to provide her their unabated ideas and comments. The attached spreadsheet report is a complete compilation of the responses each participant wished to provide to the Administrator.

A few key observations from the exercise that might not be captured in the report are as follows:

- Virtually all of the participants contacted expressed their astonishment that the Federal Government ever contacted them following a public meeting. They were extremely appreciative and impressed.
- Outreach to undeserved communities is hampered by language barriers. All federal and state agencies need to put additional resources into strategies that ensure effective communication, especially with our Hispanic and Asian communities.

In addition to the attached report we have included copies of the local press that tracked this event. The first is the article that appeared in the Waveland Community's local paper (Seacoast Echo) and a link to the video clip that appeared on the regional ABC News program (WLOX).

Finally, I have every confidence that the Administrator will appreciate and enjoy reading the wide array of participant ideas/comments in the attached report at her leisure.



Administrator's Public Mtg. Follow-up Report.xls



EPA Administrator to Hancock newspaper.pdf Brace for disaster newspaper.pdf



EPA consults with local fisherman as oil nears the shore

Check this out...



01268-EPA-6264

Mathy
Stanislaus/DC/USEPA/US
07/11/2010 10:45 AM

To "Richard Windsor", "Bob Perciasepe", "Seth Oster"
cc
bcc
Subject Fw: NAACP Resolution

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

From: David Gray [REDACTED] Ex. 6 - Privacy
Sent: 07/11/2010 09:40 AM EST
To: Sarah Pallone; Mathy Stanislaus; David Gray; Seth Oster; Adora Andy
Subject: NAACP Resolution



NAACP EMERGENCY RESOLUTION.doc

Sarah,

I think this is the NAACP that you were talking about on this morning's call.

David

01268-EPA-6265

Mathy
Stanislaus/DC/USEPA/US
07/15/2010 06:13 PM

To Richard Windsor, Bob Sussman, Stephanie Owens
cc Lisa Feldt
bcc
Subject Fw: Request to meet with you regarding coal ash public hearings

See attached requests for numerous meetings.

Ex.5 - Deliberative

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 07/15/2010 05:11 PM -----

From: "Lisa N. Widawsky" <lwidawsky@environmentalintegrity.org>
To: Mathy Stanislaus/DC/USEPA/US@EPA
Date: 07/15/2010 04:43 PM
Subject: Request to meet with you regarding coal ash public hearings

July 15, 2010

Assistant Administrator Stanislaus,

Attached please find a letter requesting a meeting with you from the Environmental Justice Resource Center, Earthjustice, Appalachian Voices, Sierra Club, Physicians for Social Responsibility, the Southern Environmental Law Center, and the Environmental Integrity Project. We look forward to discussing the public hearings scheduled for the proposed coal ash rule with you. Please let me know if you have any questions.

Thank you,

Lisa Widawsky
Attorney
Environmental Integrity Project
1920 L Street NW, Suite 800
Washington, DC 20036
202.263.4452 (direct)
202.294.3282 (cell)
202.296.8822 (fax)

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Stanislaus Meeting Request 20100715_final.pdf

01268-EPA-6268

Bob Sussman/DC/USEPA/US To Richard Windsor, Bob Perciasepe, Seth Oster
08/11/2010 07:10 PM cc Diane Thompson, Arvin Ganesan, Adora Andy, Betsaida
Alcantara, Avi Garbow
bcc
Subject Fw: New Challenge to the MTM Guidance

A new suit has been filed in Kentucky by a group of landowners and mining companies challenging our April 1 MTM guidance. The claims generally track those in the mining association suit here in DC, although the plaintiffs do claim that they've lost \$3 billion because of EPA's actions.

[REDACTED]
[REDACTED]
[REDACTED]

Ex.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 08/11/2010 06:12 PM -----

From: Gregory Peck/DC/USEPA/US
To: Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Matthew Klasen/DC/USEPA/US@EPA
Date: 08/11/2010 06:09 PM
Subject: New Challenge to the MTM Guidance

From: Hardt, Bill [mailto:bhardt@fbtlaw.com]
Sent: Tuesday, August 10, 2010 5:53 PM
To: Black Gold Sales
Cc: Sullivan, Paul
Subject: FW: Gorman v. EPA filed 8/10/10

L.D.,

Attached are the Complaint, Corporate Disclosure form, and Civil Action Cover Sheet that we filed today in federal court in London.

Should you have any questions, please don't hesitate to contact me.

Bill

F. William Hardt III
Attorney at Law | [Frost Brown Todd LLC](#)

Lexington Financial Center, 250 W. Main Street | Lexington, KY 40507-1749
859.244.3242 Direct | 859.231.0000 Main | 859.231.0011 Fax | 502.457.1385 Mobile
bhardt@fbtlaw.com | www.frostbrown todd.com

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Gorman FRCP Rule 7.1 Corp Disclosure (8-10-10).pdf



Gorman Civil Cover Sheet.pdf



Gorman Complaint (8-10-10).pdf

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-6271

Cameron Davis/R5/USEPA/US To Bob Perciasepe
10/09/2010 09:41 AM cc Philip Metzger, Richard Windsor, Diane Thompson
bcc
Subject Fw: Great Lakes Investments

Bob -- EPA sent Canada its apples two weeks ago. We haven't heard from Canada about their apples yet. See below and attached for details.

Phil, please let me know if you have any questions.

Cam

-----Forwarded by Cameron Davis/R5/USEPA/US on 10/09/2010 08:37AM

To: "Knudson,Dean [NCR]" <Dean.Knudson@ec.gc.ca>
From: Mark Kasman/DC/USEPA/US
Date: 09/27/2010 03:55PM
cc: John Haugland/R5/USEPA/US@EPA, Gary Gulezian/R5/USEPA/US@EPA, Cameron Davis/R5/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Mark Elster/R5/USEPA/US@EPA, Vicki Thomas/R5/USEPA/US@EPA, Sylvia Correa/DC/USEPA/US@EPA, Neilima Senjalia/DC/USEPA/US@EPA
Subject: Great Lakes Investments

Mr. Dean Knudson, Director General
International Affairs Branch
Americas Directorate, Environment Canada
Gatineau, Quebec, Canada

Dear Mr. Knudson:

As agreed at the recent meeting between U.S. EPA Administrator Lisa Jackson and Canadian Minister of the Environment Jim Prentice, attached below is a summary of U.S. government expenditures on Great Lakes ecosystem protection and restoration for the years 2005 - 2008. The attached report also includes the President's proposed budget for Fiscal Year 2011. We look forward to seeing comparable information from Canada and to further discussions of our respective investments in the Great Lakes.

Please let contact me or Sylvia Correa of my staff at 202-564-6443 if you have any questions or concerns.

Sincerely

Mark Kasman, Acting Deputy Director
Office of Regional & Bilateral Affairs

(See attached file: *2010_GL_OMB_crosscut_report.pdf*)

Mark S. Kasman
Acting Deputy Office Director
Office of Regional and Bilateral Affairs
Office of International and Tribal Affairs (2650R)
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
TEL: 1-202-564-2024
FAX: 1-202-565-2411



- 2010_GL_OMB_crosscut_report.pdf

01268-EPA-6272

Janet Woodka/DC/USEPA/US

11/07/2010 05:14 PM

To Richard Windsor

cc Bob Perciasepe

bcc

Subject FOR REVIEW: Task Force presentation

Attached is a draft of a presenation and remarks for tomorrow's TF meeting. Mike Moats did his usual great job drafting and I've made some edits and additions. I'll have a hard copy on the plane and my computer but wanted to send it along tonight just in case you wanted to look at it now.

Janet

[REDACTED] Ex.5 - Deliberative [REDACTED]

[REDACTED] - Slides for Gulf Task Force Presentation.pptx [REDACTED] - Gulf Task Force FL Meeting - LPJ comments.doc

01268-EPA-6273

Gina McCarthy/DC/USEPA/US To Richard Windsor
cc
11/15/2010 07:38 PM bcc
Subject Fw: Lisa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Administrator - it seems that the ATS is asking to talk to you about three recent studies about ozone health impacts. [REDACTED] Ex.5 - Deliberative [REDACTED]

[REDACTED] ..

----- Forwarded by Gina McCarthy/DC/USEPA/US on 11/15/2010 07:32 PM -----

From: Daniel Gerasimowicz/DC/USEPA/US
To: Aaron Dickerson/DC/USEPA/US@EPA, Venu Ghanta/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Cindy Huang/DC/USEPA/US@EPA
Date: 11/15/2010 04:56 PM
Subject: Fw: Lisa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Good afternoon,

Please note: At the bottom of this email are 3 reports that the ATS has just sent over related to tomorrow's phone call - they would briefly like to address these on the call.

I have noted with Mr. Ewart that due to just receiving these and her busy day tomorrow, she will likely be unable to review these in advance of the call -

Just wanted to pass these along as an FYI

Thank you very much

----- Forwarded by Daniel Gerasimowicz/DC/USEPA/US on 11/15/2010 04:53 PM -----

From: "Gary Ewart (DC)" <gewart@thoracic.org>
To: Daniel Gerasimowicz/DC/USEPA/US@EPA
Date: 11/15/2010 04:43 PM
Subject: RE: Lisa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Daniel:

I just wanted to let you know that in addition to the people I emailed earlier (see below) at Laura Van Winkle PhD - University of California Davis and member of the ATS Environmental Health Policy Committee will be on tomorrow's call.

Dr. Van Winkle will briefly review the attached studies.

Please let me know if you have questions or need additional information.

I look forward to tomorrow's call.

Ge

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

From: Gary Ewart (DC)
Sent: Friday, November 12, 2010 1:36 PM
To: 'Gerasimowicz.Daniel@epamail.epa.gov'
Cc: Steve Crane
Subject: RE: Lisa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Daniel:

Just wanted to confirm the American Thoracic Society (ATS) conference call with Administrator Jackson for:

Date: Tuesday, November 16
Time: 2:45-3:00 pm eastern
Phone: (b) (6)
Passcode: (b) (6)

On the call for the ATS will be:

J. Randall Curtis MD, MPH
Immediate Past President of the American Thoracic Society
Professor of Medicine at the University of Washington Harborview Medical Center

Patricia W. Finn MD
ATS Secretary-Treasurer
Director of Pulmonary and Critical Care Medicine at the University of California at San Diego

Stephen C. Crane, PhD MPH
ATS Executive Director

Gary Ewart
Director, ATS Government Relations

There may be one other ATS members joining the call. I will let you know as soon as possible. I also expect we will specifically review 2 or 3 recent studies regarding the health effects of ozone. I will email those studies to you in advance of the call.

Please let me know if you have questions or need additional information.

I look forward to our call next week.

Ge

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

From: Gerasimowicz.Daniel@epamail.epa.gov
[mailto:Gerasimowicz.Daniel@epamail.epa.gov]
Sent: Wednesday, November 10, 2010 2:53 PM
To: Gary Ewart (DC)
Subject: RE: Lisa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Thanks Sir -

We can use your conference line - I will make a notation in the Administrator's calendar to reflect this

Thanks again

| ----->
| From:
| ----->

>-----
-----|
| "Gary Ewart (DC)" <gewart@thoracic.org>
|

>-----
-----|
| ----->
| To:
| ----->

>-----
-----|
| Daniel Gerasimowicz/DC/USEPA/US@EPA
|

>-----
-----|
| ----->
| Date:
| ----->

>-----
-----|
| 11/10/2010 02:42 PM
|

>-----
-----|
| ----->
| Subject:
| ----->

>-----
-----|
| RE: Lisa Jackson Schedule Request - Phone call with ATS President and
Executive Director to Discuss EPA Ozone NAAQS
|

>-----
-----|

Daniel:

We will have ATS leaders calling in from a couple different places, so a

conference call number would be helpful.

If you would like, we can us ours:

Phone: [REDACTED] (b) (6)
Passcode: [REDACTED] (b) (6)

I will get back with you in the near future with names/background info of our people on the call.

Ge

From: Gerasimowicz.Daniel@epamail.epa.gov [mailto:Gerasimowicz.Daniel@epamail.epa.gov]
Sent: Wed 11/10/2010 2:05 PM
To: Gary Ewart (DC)
Subject: Re: Lissa Jackson Schedule Request - Phone call with ATS President and Executive Director to Discuss EPA Ozone NAAQS

Hi Mr. Ewart,

Thank you again for your email. I just tried to call you, but the voice message stated that the office was closed, so I wanted to make sure that I emailed as well.

We would like to schedule this call with Administrator Jackson and ATS for next Tuesday, Nov 16th from 2:45 - 3 PM. Administrator Jackson would be joined by OAR Assistant Administrator Gina McCarthy, Senior Policy Counsel Bob Sussman and Mr. David McIntosh (Associate Administrator for the Office of Congressional and Intergovernmental Relations).

Could you please provide the names of the individuals who will be attending from ATS (in addition to the ATS President)?

Also, if the participants are not all together, we could use one of the conference lines here for this call (and we can provide you with the call-in #).

Thank you very much!

|----->
| From:
|----->

>-----
-----|

| "Gary Ewart (DC)" <gewart@thoracic.org>
|

>-----
-----|

| ----->
| To: |
| ----->

>-----|

| "gerasimowicz.daniel@epa.gov" <'gerasimowicz.daniel@epa.gov'>,
"ellis.heidi@epa.gov" <'ellis.heidi@epa.gov'>, "gage.katherine@epa.gov"
| | <'gage.katherine@epa.gov'>
| |

>-----|

| ----->
| Date: |
| ----->

>-----|

| 11/09/2010 04:42 PM
| |

>-----|

| ----->
| Subject: |
| ----->

>-----|

| Lisa Jackson Schedule Request - Phone call with ATS President and
Executive Director to Discuss EPA Ozone NAAQS
| |

>-----|

Administrator Jackson:

The American Thoracic Society would appreciate the opportunity to schedule a brief (15 minute) phone call with you and the leadership of the American Thoracic Society to discuss EPA's NAAQS for ozone. The American Thoracic Society strongly urges EPA to move forward in setting a final NAAQS for ozone at 60 ppb ug/m3.

We would be available any of the following times:

Thursday, November 11 after 3:00 pm eastern
Friday, November 12 after 3:00 pm eastern

Monday, November 15 after 3:00 pm eastern

If those times do not work for you, we would be happy to consider other alternatives.

Below is background information about the American Thoracic Society and why we, as a medical professional organization, care so deeply about the EPA NAAQS for ozone.

American Thoracic Society

Founded in 1905 as the American Sanatorium Association to prevent, control and treat tuberculosis; renamed the American Trudeau Society in 1938 and the American Thoracic Society in 1960. Originally the medical section of the American Lung Association, the Society became independently incorporated in 2000 as a 501 (c) (3) organization. The over 14000 members of the ATS seek to improve health worldwide by advancing research, clinical care and public health in respiratory disease, critical illness and sleep disorders.

The ATS has played an active role in air pollution. Through its three peer-reviewed journals-the American Journal of Respiratory and Critical Care Medicine (AJRCCM), the American Journal of Respiratory Cell and Molecular Biology (AJRCMB) and Proceedings of the American Thoracic Society (PATS)-the ATS supports the dissemination of groundbreaking research, including health effects of exposure to air pollution. Our members also treat patients with respiratory diseases - like asthma and COPD - that are directly impacted by air pollution.

The ATS has played a significant leadership role in reducing air pollution in the US, including advocating for the 1970 Clear Air Act and 1990 Clean Air Act Amendments. The ATS has also participated in the NAAQS public comment process. We feel advocacy in support of health-based standards under the Clean Air Act is an essential part of our service to our patients with respiratory disease.

I hope you will make time your schedule to hold a brief conversation with the American Thoracic Society leadership to learn more about our support for a final NAAQS for ozone of 60 ppb ug/m³.

If you have questions or need additional information, please feel free to contact me (202 296-9770). I look forward to your response.
Ge

Gary Ewart
Director, Government Relations
American Thoracic Society
1150 18th Street, N.W., Suite 300
Washington, D.C. 20036
Phone: 202 296-9770
Fax: 202 296-9776

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schelegle ozone human AJRCCM 09.pdf Jerrett ozone mortality NEJM 03 12 09.pdf strickland ozone asthma AJRCCM 2010.pdf

01268-EPA-6288

Bob Sussman/DC/USEPA/US
11/22/2010 08:34 PM
To Richard Windsor
cc
bcc
Subject Fw: Hudson River PCBs

FYI --

Ex.5 - Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/22/2010 08:32 PM -----

From: "Levine, Larry" <llevine@nrdc.org>
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Judith Enck/R2/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA
Date: 11/22/2010 08:23 PM
Subject: Hudson River PCBs

Dear Mr. Sussman:

Attached please find a copy of a letter sent today to the Administrator by NRDC, Riverkeeper, Scenic Hudson, and Hudson River Sloop Clearwater.

I have been in touch with your staff today, and we are working on scheduling a meeting with you for early next week. We look forward to discussing this with you then, and would welcome any questions you may have in the interim.

Sincerely,

-Larry Levine

*Lawrence Levine
Senior Attorney
Natural Resources Defense Council
40 W. 20th Street
New York, NY 10011
(212) 727-4548
Fax: (212) 727-1773
llevine@nrdc.org*

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PCB Coalition Letter to Lisa Jackson_ final 11-22-10.pdf

01268-EPA-6292

Michael Moats/DC/USEPA/US

11/23/2010 06:18 PM

To "Richard Windsor", Seth Oster

cc "moats michael"

bcc

Subject ACTION URGENT Harvard message needed tonight

Administrator, pasted below and attached is a draft version of your welcome message to be printed on the programs at Harvard. Sorry for the quick turnaround but we need to get approval tonight to make sure we get them to Harvard tomorrow, when they will go to the printers. I have also attached and pasted the message Director Dan Schrag will be using, for your reference. Thanks.

Mike

DRAFT

Administrator Lisa P. Jackson

Welcome Message for Harvard University 40th Anniversary

For 40 years, EPA has led our country's efforts to protect the air we breathe, to safeguard the water that flows into our homes, and to care for the land where we build our communities and grow our food. Since day one our work has relied on steady advances in science, technology and environmental policymaking – advances that have been led by Harvard University.

The changes of the last four decades have shaped everything from the course of industrial innovation to the safety of everyday activities. When we pour a glass of water, we can be confident it is free of pollution. We can breathe easier knowing that our cars are not releasing harmful lead pollution into the air. When we buy an apple at the grocery store, we are assured it will not carry the dustings of extremely dangerous pesticides. Cleaner, greener communities have prospered as attractive locations to buy a home or invest in a new business, while cutting pollution linked to cancer, heart disease, respiratory illness and other conditions has provided trillions of dollars in health benefits. Today a thriving environmental protection and technology industry supports more than 1.5 million American jobs.

We have all benefitted from the dedication and passion of EPA's workers, who for 40 years have followed a vision of healthier families, cleaner communities and a stronger America. The lessons of the last four decades are right now guiding our work on challenges like climate change and electronic waste pollution, and strengthening our continuing efforts on issues like environmental justice.

Thank you to Director Daniel Schrag and everyone at the Harvard University Center for the Environment for making this meeting possible. I'm proud to join the great thinkers, innovators, policy-shapers and history makers gathered here to reflect on 40 years of environmental progress and look ahead to the next 40 years and beyond.

Lisa P. Jackson, Administrator

U.S. Environmental Protection Agency

DRAFT FROM DANIEL SCHRAG

Forty years ago, our nation faced a series of environmental crises. Toxic chemicals flowed into our waterways; lead from gasoline and paint additives pervaded our communities; and air pollution was so bad in some cities that children were not allowed outside to play. This was the stage onto which the EPA was born, and its achievements over the last 40 years have been nothing short of spectacular. Our air is cleaner, our water is cleaner, and environmental protection has become the expectation, not the exception. Over this rich history, the EPA faced a variety of new challenges, such as the impact of chlorinated fluorocarbons on stratospheric ozone or the impact of sulfur dioxide emissions from coal plants on acid rain and human health. With the assistance of new legislation, the EPA developed solutions that protect our environment and our communities without threatening the continued prosperity of the American economy.

Today, we still face a series of environmental challenges, both new and old. Our national commitment to clean air and water for our citizens is not complete, especially in many of our underprivileged communities. Our nation faces difficult choices in our energy systems, requiring trade-offs between different types of environmental risks. And climate change has emerged at the top of the environmental agenda as a challenge, with its long timescale and global reach, unlike any our nation has ever faced. On this occasion, forty years to the day after the EPA started its operations, it seems an appropriate moment to reflect on EPA's legacy and the nature of the challenges ahead. As Director of the Harvard University Center for the Environment, I am proud to welcome you to Harvard for what I hope will be the start of a continuing conversation on these important issues.

Daniel P. Schrag

From: Michael Moats [REDACTED] **Ex. 6 - Privacy**
Sent: 11/23/2010 06:10 PM EST
To: Michael Moats
Subject: ACTION URGENT Harvard message needed tonight


Welcome-Dan.doc


Ex.5 - Deliberative
20101203 Harvard Welcome Letter (3).doc

01268-EPA-6296

Paul Anastas/DC/USEPA/US To Richard Windsor
11/24/2010 12:42 PM cc Paul Anastas
bcc
Subject Speech at National Academies

Lisa:

There are two draft speeches on sustainability here for you to consider. [REDACTED] (b) (5) Deliberative

[REDACTED] . Of course I have also sent these to Mike Moats and Seth for their consideration as well. I just wanted you to see this version for you to consider.

[REDACTED]
Ex.5 - Deliberative

Happy Thanksgiving!
Paul

[REDACTED]
Ex.5 - Deliberative

NAS_Susainability_SAFE.docx NAS_Susainability_BOLD.docx

01268-EPA-6300

Bob Sussman/DC/USEPA/US To "Richard Windsor"
11/26/2010 10:29 AM cc
bcc

Subject Fw: Letter from Dennis Walcott

You should read this before calling Bloomberg.

Ex.5 - Deliberative

Judith Enck

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

From: Judith Enck
Sent: 11/26/2010 10:21 AM EST
To: Bob Sussman; Jordan Dorfman; Brendan Gilfillan
Subject: Letter from Dennis Walcott



LTR D Walcott 11-19-1020101126_10084213.pdf

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

01268-EPA-6302

Michael Moats/DC/USEPA/US To Heidi Ellis, Marcus McClendon, Richard Windsor
11/29/2010 10:12 AM cc
bcc
Subject R4 event TPs

File attached. Sorry about the short notice.

Ex.5 - Deliberative

 20101129 R4 Office Event.doc

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

01268-EPA-6303

Bob Sussman/DC/USEPA/US To Richard Windsor
11/30/2010 01:05 PM cc Ryan Robison, Jose Lozano, Heidi Ellis, Lawrence Elworth,
Arvin Ganesan, Diane Thompson
bcc
Subject Fw: ESA Talking Points for Administrator

Secretary Locke is trying to schedule a call with you regarding ESA issues -- Ex.5 - Deliberative



I'm enclosing more detailed talking points from the program although they were prepared for the meeting and provide more specifics than you probably need right now.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/30/2010 12:55 PM -----

From: Jim Jones/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Steve Owens/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Jim Hanlon/DC/USEPA/US@EPA, William Jordan/DC/USEPA/US@EPA, Steven Bradbury/DC/USEPA/US@EPA, Richard Keigwin/DC/USEPA/US@EPA, green.teresa@epa.gov, Colleen Flaherty/DC/USEPA/US@EPA
Date: 11/29/2010 04:43 PM
Subject: ESA Talking Points for Administrator

Bob, Attached are two documents. The first is talking points for the Administrator to use with Sec. Locke on the issues related to the 3 Biops OPP is trying to manage as well as the issues surrounding the consultation on the Pesticides General Permit. The second doc is backgrounder related to OPP's history with NMFS and ESA. Let me know if you have any questions or comments. Jim

 Ex.5 - Deliberative

Suggested Speaking Points for Conference Call on ESA, Nov 29, 2010b.doc

Ex.5 - Deliberative

Background Paper on Implementation of NOAA ESA Opinions for Pesticides, Nov 29, 2010.doc

01268-EPA-6315

AI Armendariz/R6/USEPA/US
12/02/2010 01:02 PM

To: Windsor.Richard, Bob Perciasepe, Bob Sussman, Cynthia Giles-AA, Scott Fulton
cc: Seth Oster, Lawrence Starfield, David Gray, John Blevins, Suzanne Murray, Adam Kushner, shapiro.mike, Nancy Stoner
bcc:
Subject: Fact Sheet on R6 Hydrofracking Enforcement Case in Parker County, TX

Hello Lisa,

Attached is a fact sheet and draft enforcement order for our case of hydrofracking impacting the drinking water source for homes in Parker County, Texas.

Please let me or Cynthia know if you have any questions. She and I and our staffs are staying tightly coordinated on this issue.

Best,

AI

AI Armendariz
Regional Administrator
Environmental Protection Agency
Region 6
Dallas, Texas
armendariz.ai@epa.gov

Ex.5 - Deliberative

office: 214-665-2100

Parker County - Range - Hydrofracking Fact Sheet and Draft Order.pdf

01268-EPA-6316

Bob Sussman/DC/USEPA/US

12/03/2010 11:39 AM

To "Richard Windsor", "Bob Perciasepe"

cc "Seth Oster", "Janet Woodka"

bcc

Subject Fw: NPDES permits in Texas

FYI. [REDACTED]
Al Armendariz

Ex.5 - Deliberative

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

From: Al Armendariz
Sent: 12/02/2010 09:21 PM EST
To: "Peter Silva" <silva.peter@epa.gov>; Nancy Stoner; "Mike Shapiro" <shapiro.mike@epa.gov>; "Seth Oster" <oster.seth@epa.gov>
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman; "Miguel Flores" <flores.miguel@epa.gov>; Lawrence Starfield; "David Gray" <gray.david@epa.gov>; Cynthia Giles-AA
Subject: NPDES permits in Texas

Pete and Nancy,

Below is a link to the AP story and the text of the story from the Houston Chronicle, about our letter to TCEQ about NPDES permits and WET limits. (the letter itself is attached)

[REDACTED]
Ex.5 - Deliberative

Best regards,

Al

<http://www.chron.com/disp/story.mpl/ap/tx/7321714.html>

EPA demands Texas reissue 80 water permits
By RAMIT PLUSHNICK-MASTI Associated Press
Dec. 2, 2010, 6:49 PM HOUSTON —

HOUSTON — The U.S. Environmental Protection Agency on Thursday demanded that Texas immediately take steps to reissue Clean Water Act permits to some 80 facilities that have been operating without the necessary paperwork, a public request that signaled the latest round in a long battle. The EPA issued a news release with its request late Thursday, prompting a rapid back-and-forth with Texas environmental regulators. The Texas Commission on Environmental Quality quickly put out a statement saying it had been cooperating with the EPA to resolve the problems, already had two proposals on the table and accused the federal agency of deciding "to jump the gun prematurely with this notice."

The EPA and Texas have been embroiled in a long battle that has evolved from a dispute over environmental issues into an ugly tit-for-tat over state rights. Gov. Rick Perry used the dispute on the campaign trail this fall as an example of how President Barack Obama's administration meddles in state affairs.

The latest matter involves water discharge permits. The EPA says many of the facilities in question have had their paperwork delayed "due to issues regarding the toxicity of the discharges." A "significant number" of permits have not been issued because concerns raised by the EPA have not been resolved,

the agency said. Texas, with more oil refineries, chemical plants and coal-fired power plants than any other state, leads the nation in greenhouse gas emissions and industrial pollution. Its environmental regulatory agency is the second-largest in the world, after the EPA.

"We have been working in good faith with them on this issue for some time now," the Texas agency said in its statement. The EPA, however, said it is concerned that in some cases the expired permits are allowing facilities to discharge toxic waste.

"We are taking a stand for clean water. The streams, lakes and bayous of our great state deserve to be protected from chemicals, bacteria and toxic metals," the EPA's regional director, Al Armendariz, said. "Our children and future generations should be able to swim and fish anywhere in the state without worries about pollution."

Al Armendariz
Regional Administrator
U.S. EPA
Region 6
armendariz.al@epa.gov
office: 214-665-2100

01268-EPA-6330

David
McIntosh/DC/USEPA/US
12/08/2010 04:19 PM

To Richard Windsor
cc Aaron Dickerson, Heidi Ellis, Arvin Ganesan
bcc
Subject I recommend that you place a brief call to Congressman
Butterfield

Administrator:

I recommend that you call Congressman G.K. Butterfield (D-NC-1) this week to thank him for the attached letter, which his office sent to you on November 29. [redacted] Ex.5 - Deliberative [redacted]

[redacted]
-David



[Untitled].pdf



G_K_Butterfield - Wikipedia, the free encyclopedia.mht

01268-EPA-6334

Bob Sussman/DC/USEPA/US To Richard Windsor
12/12/2010 06:52 PM cc Bob Perciasepe, Gwendolyn KeyesFleming, Nancy Stoner,
Arvin Ganesan
bcc
Subject KY Leeco/Stacy Branch Mine

Administrator -- as I mentioned, there is considerable focus now on the KY Leeco/Stacy Branch mine, which is the subject of a CWA 404 application that Region 4 is now reviewing under the Enhanced Coordination Process (ECP) negotiated with the Corps of Engineers. The project has six valley fills and would impact 22,861 linear feet of stream. It would have the largest footprint of all the ECP mines in KY. There have been extensive discussions with the applicant but they have not resulted in acceptable reductions in environmental impact. The ECP review period is about to expire and we need to send a letter to the Corps on December 14 outlining our concerns and recommendations [redacted] Ex.5 - Deliberative [redacted]
[redacted]
[redacted]
[redacted]

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/12/2010 06:30 PM -----

)

Gregory Peck



Leeco Stacy Branch Fact Sheet DEC 09 10 rev.docx

01268-EPA-6335

David
McIntosh/DC/USEPA/US
12/13/2010 09:44 AM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Bob Sussman
cc Arvin Ganesan
bcc
Subject the brewing biomass GHG PSD issue

Attached is the legal memo that the National Alliance of Forest Owners claims to have presented to EPA a while back (I don't know exactly when). The legal analysis in this 3-page memo appears thin. But the salient political fact is that the industry now believes that it has presented EPA with a legal basis for a new rule, and the industry is lobbying the Hill accordingly. Also attached is an advance copy of the letter that we are about to receive from 30 or so House members.



Legal Authority Final pdf.pdf [Untitled].pdf

01268-EPA-6336

Richard
Windsor/DC/USEPA/US
12/13/2010 09:54 AM

To Gina McCarthy
cc Joseph Goffman, Janet McCabe, Scott Fulton, Avi Garbow,
Bob Perciasepe, Bob Sussman, David McIntosh, Lisa
Heinzerling
bcc
Subject Biomass GHG PSD issue

Gina,

Attached is a legal memo that the National Alliance of Forest Owners claims to have presented to EPA a while back

Ex.5 - Deliberative



Thanks, Lisa



Legal Authority Final pdf.pdf

01268-EPA-6343

**Michelle
DePass/DC/USEPA/US**
12/16/2010 09:26 AM

To "EPA"
cc
bcc
Subject Fw: for 12/16

The one-pager below is the only additional talker that Moats did for you as this is to be informal and brief welcome when we get into the breakout.

Md

Michael Moats

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

From: Michael Moats
Sent: 12/16/2010 09:15 AM EST
To: Michelle DePass; Elle Beard
Subject: Fw: for 12/16

One pager attached.

Michael Moats

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

From: Michael Moats
Sent: 12/15/2010 03:50 PM EST
To: Heidi Ellis; Veronica Burley; Ryan Robison; Aaron Dickerson
Subject: for 12/16

 Ex.5 - Deliberative 
[REDACTED]
20101216 WH Tribal Nations Conference.doc 20101215 Holiday Message.doc

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

01268-EPA-6344

David
McIntosh/DC/USEPA/US
12/16/2010 01:18 PM

To: Richard Windsor, Seth Oster, Brendan Gilfillan, Gina McCarthy, Joseph Goffman, Janet McCabe, Bob Perciasepe, Bob Sussman, Diane Thompson
cc
bcc
Subject: Fw: New Charles River Associates Report on EPA Air Regulations and Reliability

Wow. Helpful. [REDACTED] Ex.5 - Deliberative
----- Forwarded by David McIntosh/DC/USEPA/US on 12/16/2010 01:17 PM -----

From: Mary Gade <[REDACTED] Ex. 6 - Privacy
To: [REDACTED] Ex. 6 - Privacy
Date: 12/16/2010 01:15 PM
Subject: New Charles River Associates Report on EPA Air Regulations and Reliability

Greetings! I hope this email finds you well and getting ready for safe and happy holidays.

I am forwarding on to you a report released today by Charles River Associates (CRA) that I think you will find interesting. The report looks at the impacts of EPA's upcoming air regulations on electric system reliability. The report finds that electric system reliability can be maintained as the industry undertakes coal plant retirements and pollution control retrofits to comply with upcoming clean air regulations from the Environmental Protection Agency (EPA). The report considered the impact on electric reliability at the regional transmission organization (RTO), NERC Regional and NERC Subregional levels.

Based on robust modeling after accounting both for already planned retirements plus those driven by EPA air regulations, the CRA report predicts a total of 35 gigawatts of coal retirements in the Eastern Interconnection by 2015, less than 5% of the area's total electric capacity, and 39 gigawatts nationwide. The report highlights that the projected coal retirements in the aggregate are relatively small compared to past additions of new net generation capacity in the U.S.

I have attached CRA's press release, an Executive Summary and both the link and copy of the actual CRA Study.

The report is available at: <<http://www.crai.com/Publications/listingdetails.aspx?id=13473&pubtype=>>.

All my best, Mary

Mary A. Gade
GADE ENVIRONMENTAL GROUP, LLC
444 N. Michigan Ave., Suite 3600
Chicago, IL 60611

Phone: 608.669.8040

email: [REDACTED] Ex. 6 - Privacy

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12-16-10 CRA Reliability Assessment_final_ExecSum.pdf



12-16-10 CRA Reliability Assessment_final.pdf



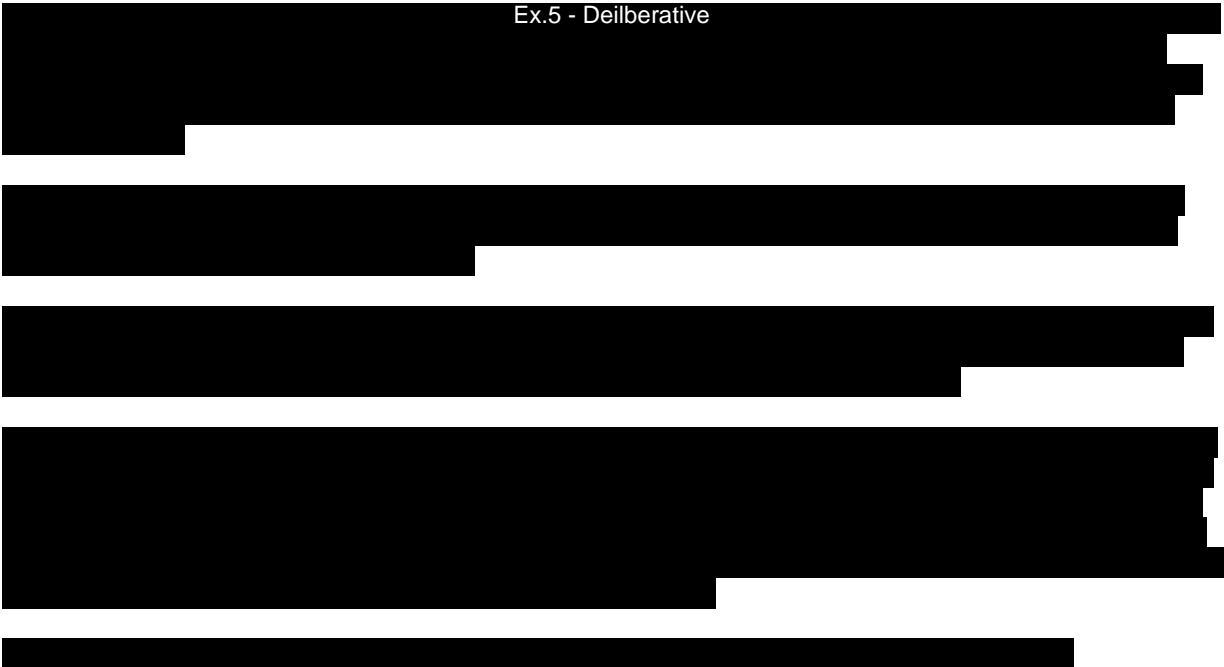
Dec 2010 - Final Press Release - Reliability Assessment of EPA's Proposed Transport Rule.doc

01268-EPA-6358

Bob Sussman/DC/USEPA/US To Richard Windsor
12/20/2010 06:14 PM cc Bob Perciasepe, David McIntosh, Scott Fulton
bcc
Subject Fw: Biomass GHG PSD House letter and economic impacts study

Administrator -- the enclosed is a short OAR update memo reviewing the status of our efforts to provide facilities burning bio-mass with relief from GHG PSD requirements.

Ex.5 - Deliberative



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

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/20/2010 05:58 PM -----

From: Joseph Goffman/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 12/14/2010 09:18 PM
Subject: Re: Biomass GHG PSD House letter and economic impacts study

Administrator -- As Gina promised, please find attached a somewhat more detailed memo, prepared by OAR and reviewed by OGC, on the biomass issue.

Ex.5 - Deliberative



Ex.5 - Deliberative

Thanks.

Ex.5 - Deilberative

Biomass_Briefer_for Administrator_12_14_10_final_600pm.docx

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

Gina McCarthy The troops are working on a briefing an... 12/13/2010 09:00:53 PM

From: Gina McCarthy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: McIntosh.David@EPA.GOV, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 12/13/2010 09:00 PM
Subject: Re: Biomass GHG PSD House letter and economic impacts study

The troops are working on a briefing and talking points for you tomorrow. In the meantime, I thought I would quickly summarize what we have said, what we are doing, and what options we are considering. They will do a much spiffier job tomorrow, I promise.

Ex.5 - Deliberative

Ex.5 - Deliberative



Richard Windsor Thx. That was supposed to read a "str..." 12/13/2010 02:50:38 PM

From: Richard Windsor/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Date: 12/13/2010 02:50 PM
Subject: Re: Biomass GHG PSD House letter and economic impacts study

Thx. That was supposed to read a "strategy & TPs" by Wednesday, preferably by COB tomorrow.

From: Gina McCarthy
Sent: 12/13/2010 02:49 PM EST
To: Richard Windsor
Subject: Re: Biomass GHG PSD House letter and economic impacts study

Will do. I will run something by you this evening.

From: Richard Windsor
Sent: 12/13/2010 02:35 PM EST
To: David McIntosh; Bob Perciasepe; Gina McCarthy; Bob Sussman; Scott Fulton; Joseph Goffman; "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan
Subject: Re: Biomass GHG PSD House letter and economic impacts study

Looks like we need a strategy ,d TPS by Wednesday, preferaby tomorrow at COB.

From: David McIntosh
Sent: 12/13/2010 12:03 PM EST
To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Bob Sussman; Scott Fulton; Joseph Goffman
Subject: Biomass GHG PSD House letter and economic impacts study

Here is the final letter from House members to the Administrator about the biomass GHG PSD issue. Please note in the email below the reference to an imminent economic impacts study.

From: "Karen, Catherine" [ckaren@nafoalliance.org]

Sent: 12/13/2010 11:19 AM EST
To: David McIntosh
Subject: House Tailoring Rule Letter

Hi David,

I hope you had a somewhat restful weekend. Attached please find a letter that should have been received by you all already and is addressed to the Administrator. We will be rolling out an economic study on the impact of the tailoring rule on Weds and I will forward you the materials as soon as they are available.

Take care,
Catherine
Catherine Karen
Vice President for Government Affairs
National Alliance of Forest Owners
122 C Street, NW Suite 630
Washington, DC 20001
202.747.0741 (VM)
703.477.3449 (cell)
ckaren@nafoalliance.org

01268-EPA-6359

David
McIntosh/DC/USEPA/US
12/20/2010 06:28 PM

To Richard Windsor
cc Bob Perciasepe, Scott Fulton, Bob Sussman
bcc
Subject Re: Fw: Biomass GHG PSD House letter and economic impacts study

Ex.5 - Deliberative

Bob Sussman Administrator -- the enclosed is a short... 12/20/2010 06:14:21 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 12/20/2010 06:14 PM
Subject: Fw: Biomass GHG PSD House letter and economic impacts study

Administrator -- the enclosed is a short OAR update memo reviewing the status of our efforts to provide facilities burning bio-mass with relief from GHG PSD requirements.

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/20/2010 05:58 PM -----

From: Joseph Goffman/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Heidi

Date: Ellis/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
12/14/2010 09:18 PM
Subject: Re: Biomass GHG PSD House letter and economic impacts study

Administrator -- As Gina promised, please find attached a somewhat more detailed memo, prepared by OAR and reviewed by OGC, on the biomass issue. [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]
Ex.5 - Deliberative [REDACTED]
[REDACTED]
[REDACTED]

Thanks.

[REDACTED]
Biomass_Briefer_for Administrator_12_14_10_final_600pm.docx

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

Gina McCarthy The troops are working on a briefing an... 12/13/2010 09:00:53 PM

From: Gina McCarthy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: McIntosh.David@EPA.GOV, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 12/13/2010 09:00 PM
Subject: Re: Biomass GHG PSD House letter and economic impacts study

The troops are working on a briefing and talking points for you tomorrow. In the meantime, I thought I would quickly summarize what we have said, what we are doing, and what options we are considering. They will do a much spiffier job tomorrow, I promise.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Richard Windsor Thx. That was supposed to read a "str..." 12/13/2010 02:50:38 PM

From: Richard Windsor/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Date: 12/13/2010 02:50 PM
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To: Richard Windsor
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Will do. I will run something by you this evening.

From: Richard Windsor
Sent: 12/13/2010 02:35 PM EST
To: David McIntosh; Bob Perciasepe; Gina McCarthy; Bob Sussman; Scott Fulton; Joseph Goffman; "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan
Subject: Re: Biomass GHG PSD House letter and economic impacts study

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Sent: 12/13/2010 12:03 PM EST
To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Bob Sussman; Scott Fulton; Joseph Goffman
Subject: Biomass GHG PSD House letter and economic impacts study

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Sent: 12/13/2010 11:19 AM EST
To: David McIntosh
Subject: House Tailoring Rule Letter

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Take care,
Catherine
Catherine Karen
Vice President for Government Affairs
National Alliance of Forest Owners
122 C Street, NW Suite 630
Washington, DC 20001
202.747.0741 (VM)
703.477.3449 (cell)
ckaren@nafoalliance.org

01268-EPA-6378

Arvin Ganesan/DC/USEPA/US
02/23/2011 01:45 PM
To: Richard Windsor, David McIntosh, mccarthy.gina, Bob Perciasepe, Diane Thompson, Seth Oster, Brendan Gilfillan
cc:
bcc:
Subject: Fw: AF&PA statement

AF&PA's statement is mixed to slightly positive.

today issued the following statement regarding the release of the Environmental Protection Agency's (EPA) rules on the Maximum Achievable Control Technology for Industrial Boilers (Boiler MACT).

"The Boiler MACT rules released today are an improvement from where we started last year, but our initial review indicates these rules fall short of what is ultimately needed to support jobs and the economy in the communities where our facilities operate.

"Businesses and other facilities across the country have invested hundreds of millions of dollars over the past few years to upgrade and improve their boilers to meet the previous EPA Boiler MACT requirements. Forcing billions more in investments to retrofit already environmentally good-performing boilers fails to allow targeting of scarce capital toward creating jobs and growing the economy in local communities supported by those facilities.

"With additional time, we believe EPA could develop a proposal that would be even less costly and less harmful to job creation and economic growth. Unfortunately, the important work EPA was doing to improve the rules was cut short when the U.S. District Court rejected EPA's request for time to re-propose the rules and allow for additional public comment.

"We engaged with the Administration and Members of Congress throughout the rulemaking process to provide substantive information for a regulation that meets the goal of achieving good environmental performance in facilities that support thousands of manufacturing jobs. Boiler MACT brought together 260 federal and state-wide elected officials from both parties, including 21 governors, 62 U.S. Senators and 177 members of the U.S. House of Representatives, who expressed their concern for the impact on jobs. I believe those efforts have led to the improvements that were made to the rule, but more changes are needed. "An affordable regulation that protects health and the environment is still possible. We will participate fully in EPA's reconsideration process. We also plan to review the rules carefully to determine whether other administrative, legal or legislative options may be necessary to achieve additional changes."

#

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

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/23/2011 01:43 PM -----

From: <rich.gold@hklaw.com>

To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 02/23/2011 01:42 PM
Subject: Fw: AF&PA statement

Acc and api lean positive as well.

Richard Gold | Holland & Knight
Practice Group Leader
Public Policy and Regulation Group
2099 Pennsylvania Avenue, N.W., Suite 100 | Washington DC 20006
Phone 202.457.7143 | Cell 202.669.9003 | Fax 202.955.5564
rich.gold@hklaw.com | www.hklaw.com

From: Harman, Donna [mailto:Donna_Harman@afandpa.org]
Sent: Wednesday, February 23, 2011 01:16 PM
To: Gold, Richard (WAS - X77143); Kirk Blalock <kblalock@fierce-isakowitz.com>; Mike Chappell <MChappell@fierce-isakowitz.com>
Subject: AF&PA statement

Donna A. Harman
President and Chief Executive Officer
AMERICAN FOREST & PAPER ASSOCIATION
1111 19th Street, NW, Suite 800, Washington, D.C. 20036
donna_harman@afandpa.org
202-463-5151
202-463-2040 (Fax)

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confidentiality. 02.23.11_AFPA Stmt on EPA Boiler MACT Rule.pdf

01268-EPA-6392

Bob Sussman/DC/USEPA/US To Scott Fulton
03/13/2011 11:09 AM cc "Joel Beauvais", "Avi Garbow", "Michael Goo", "David McIntosh", Perciasewe.Bob, "Diane Thompson", "Richard Windsor"
bcc
Subject Re: Deliberative

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



From: Scott Fulton/DC/USEPA/US
To: Sussman.Bob@epamail.epa.gov, Perciasewe.Bob@epamail.epa.gov, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Avi Garbow" <garbow.avi@epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>
Date: 03/12/2011 10:45 AM
Subject: Deliberative

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



Ex.5 -

Cheers,
Scott

From: Kevin McLean
Sent: 03/12/2011 10:04 AM EST
To: Scott Fulton; Avi Garbow
Cc: Richard Ossias; Elliott Zenick; Howard Hoffman; Patricia Embrey; Peter Tsirigotis; Joseph Goffman
Subject: Draft insert for EGU NSPS proposal

Scott and [REDACTED] (b) (5) Deliberative, (b) (5) Attorney Client [REDACTED]
[REDACTED]

[REDACTED]
(b) (5) Deliberative, (b) (5)
Attorney Client
ghg nsps insert draft 31210am.docx

01268-EPA-6394

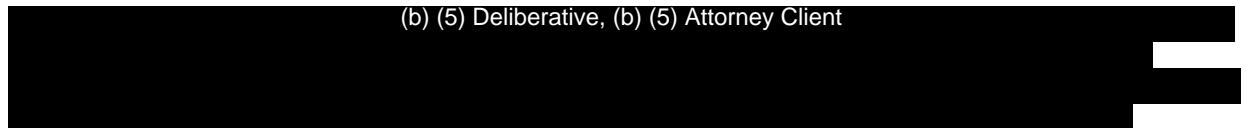
**Richard
Windsor/DC/USEPA/US**
03/14/2011 11:05 AM

To "Gladys Stroman"
cc
bcc
Subject Fw: Deliberative

IMPT - please print out the attachment only and fax

From: Scott Fulton
Sent: 03/12/2011 10:45 AM EST
To: Bob Sussman; Bob Perciasepe; Michael Goo; David McIntosh
Cc: Richard Windsor; "Diane Thompson" <thompson.diane@epa.gov>; "Avi Garbow" <garbow.avi@epa.gov>; Joel Beauvais
Subject: Deliberative

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

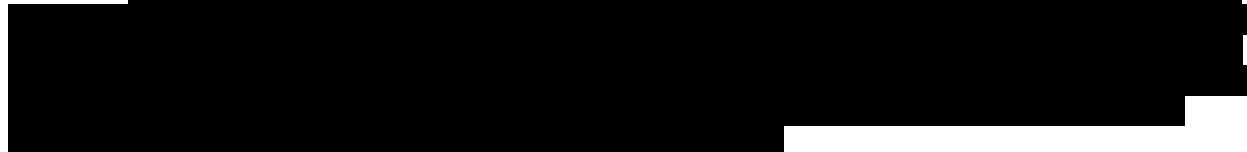


Cheers,
Scott

From: Kevin McLean
Sent: 03/12/2011 10:04 AM EST
To: Scott Fulton; Avi Garbow
Cc: Richard Ossias; Elliott Zenick; Howard Hoffman; Patricia Embrey; Peter Tsirigotis; Joseph Goffman
Subject: Draft insert for EGU NSPS proposal

Scott and

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



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

ghg nsps insert draft 31210am.docx

01268-EPA-6395

Gina McCarthy/DC/USEPA/US

To Richard Windsor, "Scott Fulton"

cc

03/14/2011 12:55 PM

bcc

Subject Fw: Utility Mercury and other Toxics Rule Factsheet

Attached is the current draft factsheet for the utility rule. We will post this when the rule goes out. You will see that it includes a messaging piece on the overall coordination of rulemaking. This is what I would hope is a good starting point for language to be included in the preamble.

John Millett

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

From: John Millett

Sent: 03/14/2011 10:48 AM EDT

To: Gina McCarthy; Joseph Goffman; Rob Brenner; Peter Tsirigotis

Subject: Utility Mercury and other Toxics Rule Factsheet

Here it is with Gina's e-mailed bullets added, Joe's and Ellen's edits/comments, and draft numbers filled in. Still a placeholder for the standards in the final bullets -- working with Peter to fill that in.

Ex.5 - Deliberative

Utility Toxics Factsheetgm jg ek jm -- see slide- clean.docx

~~~~~  
John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

01268-EPA-6401

Richard  
Windsor/DC/USEPA/US  
03/16/2011 09:26 AM

To "Aaron Dickerson"  
cc  
bcc  
Subject Fw: REVISED draft for MATS remarks

Seth Oster

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

**From:** Seth Oster  
**Sent:** 03/16/2011 09:06 AM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Fw: REVISED draft for MATS remarks

The updated version I mentioned.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 03/16/2011 09:04 AM EDT  
**To:** John Millett; ellis.heidi@epa.gov; Aaron Dickerson; Marcus McClendon  
**Cc:** Brendan Gilfillan; Dru Ealons; Gina McCarthy; Seth Oster  
**Subject:** REVISED draft for MATS remarks

Reflecting the changes to the numbers outlined below. Please use this version, number (5).

Ex.5 - Deliberative

20110316 Mercury Air Toxics (5).docx

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

| John Millett Michael -- three bullets need numbers c... 03/16/2011 08:32:43|AM

From: John Millett/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/16/2011 08:32 AM  
Subject: Corrected Numbers: ACTION MATS draft

Michael -- three bullets need numbers corrected in the administrator's remarks. Sorry -- these got by me yesterday. The rest of the numbers in the remarks are correct .

Ex.5 - Deliberative



~~~~~  
John Millett
Office of Air and Radiation Communications
U.S. Environmental Protection Agency
5411 Ariel Rios Building North
Washington, DC 20460
Phone: 202/564-2903
Cell: 202/510-1822

Michael Moats File attached. Please factcheck and pro... 03/15/2011 04:09:01 PM

From: Michael Moats/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA
Cc: John Millett/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 03/15/2011 04:09 PM
Subject: ACTION MATS draft

File attached. Please factcheck and proofread and let me know ASAP if you see any flags.

Again, if we can confirm attendance from the union folks I can probably amplify some of the jobs messaging.

[attachment "20110316 Mercury Air Toxics (2).docx" deleted by John Millett/DC/USEPA/US]

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

01268-EPA-6411

Gina McCarthy/DC/USEPA/US To Richard Windsor
cc
03/16/2011 08:46 PM bcc
Subject Fw: Photos of the Administrator and a few others from Guanajuato -- in 2 e-mails

Thought these photos were pretty cool if you skip the first and the last. You were definitely having way too much fun.

Thanks for today. Because of your leadership, it was a truly a great one.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 03/16/2011 08:43 PM -----

From: Sue Stendebach/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Joseph Goffman/DC/USEPA/US@EPA, Beth Craig/DC/USEPA/US@EPA, Amit Srivastava/DC/USEPA/US@EPA, Cindy Huang/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA
Date: 08/27/2010 12:13 PM
Subject: Photos of the Administrator and a few others from Guanajuato -- in 2 e-mails

Hi Gina,

Attached are some of the pictures from last week in Guanajuato -- from both the meeting and the Tuesday night fun. There was a lot of movement, so blur became the norm. The Photoshop editing that I had made to these disappeared when I uploaded them from my thumb drive; therefore, cropping and color need to be re-worked. If editing improves them significantly, I'll send you better versions next week.

I also plan to send good ones of Secretary Elvira and Minister Prentice to their staffs who are responsible for CEC air and climate issues.

Best,
Sue



Sue Stendebach
Senior Advisor on International Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
Phone: 202-564-8309
Fax: 202-501-0826

01268-EPA-6417

AI Armendariz/R6/USEPA/US To "Seth Oster", "Gina McCarthy", "Richard Windsor"
03/18/2011 09:14 AM cc
 bcc
 Subject Hotel California and Mercury

Anybody else get a quote from a rock star?

:)

AI

AI Armendariz
Regional Administrator
U.S. EPA
Region 6
armendariz.ai@epa.gov
office: 214-665-2100
twitter: @al_armendariz

01268-EPA-6428

**David
McIntosh/DC/USEPA/US**
03/24/2011 05:33 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth Oster, Adora Andy, Brendan Gilfillan, Craig Hooks, Barbara Bennett, Bob Sussman, Scott Fulton
cc Arvin Ganesan, Laura Vaught
bcc

Subject Inside EPA and an internal presentation that an OCIR staffer made in February

Ex.5 - Deliberative [REDACTED]

[REDACTED] An Inside EPA reporter learned of the document's existence and received the document last Friday in response to a FOIA request. The presentation contains little in the way of color commentary. [REDACTED] Ex.5 - Deliberative [REDACTED]



HQ-FOI-00772-11 Responsive Records (OARM and the 112th Congress 2.3.11).pdf

01268-EPA-6429

Bob Sussman/DC/USEPA/US To Diane Thompson
03/24/2011 06:49 PM cc Ann Campbell, Bicky Corman, Bob Perciasepe, Christopher Busch, Daniel Kanninen, David McIntosh, Erica Jeffries, KarenL Martin, Mary Hanley, Michael Goo, Nena Shaw, Richard Windsor, Seth Oster, Venu Ghanta
bcc
Subject Re: Materials for WH meeting

Thanks Diane. A few comments:

[REDACTED]
Ex.5 - Deliberative
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hope this helps.

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

Diane Thompson Attached is the next draft of the policy... 03/24/2011 05:43:21 PM

From: Diane Thompson/DC/USEPA/US
To: Michael Goo/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Erica Jeffries/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA, Nena Shaw/DC/USEPA/US@EPA, Venu Ghanta/DC/USEPA/US@EPA, Mary Hanley/DC/USEPA/US@EPA, KarenL Martin/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA
Date: 03/24/2011 05:43 PM
Subject: Materials for WH meeting

Attached is the next draft of the policy calendar for tomorrow's mtg with Nancy Ann, et al. I will be editing

it further this evening. Please review for any items you think should be, but are not, included; and note any items you think are not significant enough to be included. We will put together a final draft after talking with the Administrator in the morning. Thanks

**Ex.5 - Deliberative**

Mar-June Policy Calendar_v8_highlights.xlsx

Chris L. Busch
Special Assistant to the Chief of Staff
Office of the Administrator | US EPA
Office: (202) 250-8798
Mobile: (202) 450-0968

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

01268-EPA-6431

Richard
Windsor/DC/USEPA/US
03/27/2011 03:18 PM

To Betsaida Alcantara
cc "Adora Andy", "Seth Oster"
bcc
Subject Re: Latest 316B materials

Ex.5 - Deliberative

Betsaida Alcantara

Ex.5 - Deliberative

03/26/2011 10:06:56 AM

From: Betsaida Alcantara/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Seth Oster" <Oster.Seth@epamail.epa.gov>
Date: 03/26/2011 10:06 AM
Subject: Latest 316B materials

Administrator,

Ex.5 - Deliberative

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/25/2011 06:11 PM EDT
To: Bob Sussman; David McIntosh
Subject: Latest 316B materials

Ex.5 - Deliberative

032511 - Tough Internal Qs and As (316b).docx 032311 - 316b Press Release.docx 032211- 316 b rollout plan.doc

Ex.5 - Deliberative

032511 - General Internal Qs and As 316b.doc

01268-EPA-6432

Gina McCarthy/DC/USEPA/US

To Richard Windsor

03/28/2011 12:32 PM

cc Bob Perciasepe, Diane Thompson

bcc

Subject OAR Hot Issues List

We can discuss some of these at our 1 on 1 meeting this afternoon.

Ex.5 - Deliberative

OAR HOT ISSUES 3-28-11.docx

01268-EPA-6439

EOC Manager
Sent by: Lee Veal

03/30/2011 07:16 PM

To Adora Andy, Alan Perrin, Arvin Ganesan, Barry Breen, Bob Perciasepe, Calvin Terada, Chris Field, Cynthia Dougherty, Dan Opalski, Dana Tulis, Daniel Meer, Davis Zhen, Debbie Dietrich, Dennis McLerran, Diane Dettling, Diane Thompson, Eric Burneson, Eugene Lee, Gilberto Irizarry, Gina McCarthy, Janet Woodka, Jared Blumenfeld, Jonathan Edwards, Jose Lozano, Keith Takata, Kevin Teichman, Lee Veal, Lisa Christ, Mathy Stanislaus, Michelle Pirzadeh, Mike Bandrowski, Mike Flynn, perrin.alan, Paul Anastas, Richard Windsor, Samuel Hernandez, Sarah Pallone, Seth Oster, Steve Page, Julian Preston, Jon Richards, Terry Stilman, Margaret Waldon, Jeffrey Blizzard

cc

bcc

Subject March 30 2011 Management Report / Executive Summary

FOR OFFICIAL USE ONLY

Please note that we are adding a data summary table into the body of the larger Management Report. Air sampling results that are going on the web tonight.

Lee Veal
U.S.EPA Office of Radiation and Indoor Air

Sent by the US EPA HQ EOC Incident Manager

Email Address: EOC_Manager@epa.gov
Main Phone: 202.564.3850
Desk Phone: 202.250.8901

Ex.5 - Deliberative



Ex.5 - Deliberative

Ex.5 - Deliberative

Ex.5 - Deliberative

(202) 343-9470 JapanNuclear Executive Summary FINAL 3-30-11.docx JapanNuclear Management Report FINAL 3-30-11.docx

01268-EPA-6440

David
McIntosh/DC/USEPA/US
04/01/2011 10:40 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Barbara Bennett, Bob Sussman, Michael Goo, Bicky Corman, Seth Oster
cc Arvin Ganesan, Laura Vaught, Sarah Pallone
bcc
Subject ECOS in front of the Interior Environment Approps Subcommittee on April 15

It's customary for an appropriations subcommittee, prior to marking up an annual appropriations bill, to convene a one- or two-day-long hearing, at which any interested outside groups have a scheduled opportunity to make their case for or against various pots of money or for or against various policy riders. The Interior, Environment, and Related Agencies Subcommittee of the House Appropriations Committee has announced that it will conduct such a session on the Fiscal Year 2012 Interior, Environment, and Related Agencies Appropriations Act on April 14 and 15. ECOS Executive Director Steve Brown has signed up to be one of the individuals to address the subcommittee on April 15.

Ex.5 - Deliberative



4007_file_ECOS_Testimony_on_EPA_2011_Budget_to_House.doc

01268-EPA-6443

Michael Moats/DC/USEPA/US
04/03/2011 08:59 AM

To Richard Windsor, Aaron Dickerson, Marcus McClendon,
Adrian Collins, Clay Diette
cc Brendan Gilfillan, Andra Belknap, Jose Lozano, Heidi Ellis
bcc
Subject REVISED Brownfields remarks

Attached is a revised version of the Brownfields speech, with notes that came in from OP late Friday. Thanks

Mike

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

[REDACTED] Ex.5 - Deliberative

Mobile: 202-527-4436 [REDACTED] - 20110404 Brownfields Conference (4).doc

01268-EPA-6462

David
McIntosh/DC/USEPA/US
04/14/2011 09:45 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott Fulton, Bob Sussman, Michael Goo, Bicky Corman, Arvin Ganesan, Laura Vaught, Seth Oster, Adora Andy
cc
bcc
Subject utility air toxics rulemaking

Ex.5 - Deliberative



"UARG attacks the time frame within which EPA intends to conduct the subject rulemaking as totally insufficient to allow the industry to participate fully. EPA has committed that “[n]o later than March 16, 2011,” it shall sign for publication in the Federal Register a notice of proposed rulemaking that will alert the industry to EPA’s proposed emission standards. See Proposed Consent Decree [Dkt # 25] ¶ 3. Further, EPA has committed that “[n]o later than November 16, 2011,” it will sign for publication its notice of final rulemaking. *Id.* ¶ 4. The Court appreciates the industry’s concern that this schedule may be too hasty for the critical and expensive regulatory decisions that will be made; however, the proposed Consent Decree allows for a change of schedule if need be. *Id.* ¶ 6 (“Any provision of this Consent Decree may be modified by written stipulation executed by counsel for the Parties and filed with the Court. In addition, any provision of this Consent Decree may be modified by the Court upon motion by any Party to this Consent Decree, for good cause shown, and upon consideration of any response by the non-moving Party.”).² If the science and analysis require more time, EPA can obtain it. In the meantime, as the Plaintiffs pointedly note, these emissions were listed in 2000 and more than a decade will have passed before they are regulated."



EXECUTIVE_OFFICE-#266434-v1-American_Nurses__Memo_Order_on_Motion_to_Enter_CD.PDF

01268-EPA-6464

Michael Moats/DC/USEPA/US

04/14/2011 01:40 PM

To Richard Windsor

cc Lisa Jackson, Seth Oster

bcc

Subject FOR REVIEW MIT draft

Administrator, attached is a draft for MIT. I'll be revising over the next few hours, and would be glad to get your thoughts if you have a chance to review. The basic structure is:

- Ex.5 - Deliberative

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Ex.5 - Deliberative

20110415 MIT Lecture (3).doc

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

01268-EPA-6468

Michael Moats/DC/USEPA/US

04/14/2011 07:26 PM

To Richard Windsor

cc Heidi Ellis, "Lisa At Home", Seth Oster

bcc

Subject Re: FOR REVIEW MIT draft

Made some changes in this draft to try and focus on [REDACTED] Ex.5 - Deliberative

[REDACTED]
Ex.5 - Deliberative

20110415 MIT Lecture (6).doc

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

Richard Windsor

Ex.5 - Deliberative

04/14/2011 05:12:35 PM

From: Richard Windsor/DC/USEPA/US
To: Heidi Ellis/DC/USEPA/US@EPA, "Lisa At Home" <[REDACTED]> Ex. 6 - Privacy
Cc: Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 04/14/2011 05:12 PM
Subject: Re: FOR REVIEW MIT draft

[REDACTED]
Ex.5 - Deliberative

Heidi Ellis

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

From: Heidi Ellis
Sent: 04/14/2011 04:31 PM EDT
To: [REDACTED] Ex. 6 - Privacy
Cc: Michael Moats; Richard Windsor; Seth Oster
Subject: Re: FOR REVIEW MIT draft

[REDACTED]
Ex.5 - Deliberative

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA
Phone: 202-564-3204
Cell: 202-355-5212

Fax: 202-501-1480

Ex. 6 -

Ex.5 - Deliberative

04/14/2011 04:22:21 PM

From: Ex. 6 - Privacy
To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi
Ellis/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA
Date: 04/14/2011 04:22 PM
Subject: Re: FOR REVIEW MIT draft

Ex.5 - Deliberative

Sent from my Verizon Wireless BlackBerry

From: Moats.Michael@epamail.epa.gov

Date: Thu, 14 Apr 2011 13:40:17 -0400

To: <Windsor.Richard@epamail.epa.gov>

Cc: Lisa Jackson<[Ex. 6 - Privacy](#)> <Oster.Seth@epamail.epa.gov>

Subject: FOR REVIEW MIT draft

Administrator, attached is a draft for MIT. I'll be revising over the next few hours, and would be glad to get your thoughts if you have a chance to review. The basic structure is:

- Ex.5 - Deliberative

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

01268-EPA-6474

Michael Moats/DC/USEPA/US

04/15/2011 01:47 PM

To Richard Windsor, Seth Oster

cc

bcc

Subject ACTION powershift draft for review

Administrator, attached is the draft (minus a proper conclusion) for your PS remarks tomorrow evening. I

Ex.5 - Deliberative

Let me know if you feel we need to calibrate it differently.

Thanks.

Ex.5 - Deliberative

20110416 Powershift (2).docx

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

01268-EPA-6475

Lisa at Home
Ex. 6 - Privacy
04/15/2011 04:53 PM

To Richard Windsor
cc
bcc
Subject Fwd: Business Roundtable: Regulatory Reform Letter

 2011.04.12 Liveris.President.Regulatory Reform.pdf >
 2011.04.12 BRT Major Regulations Issues of Concern.pdf >

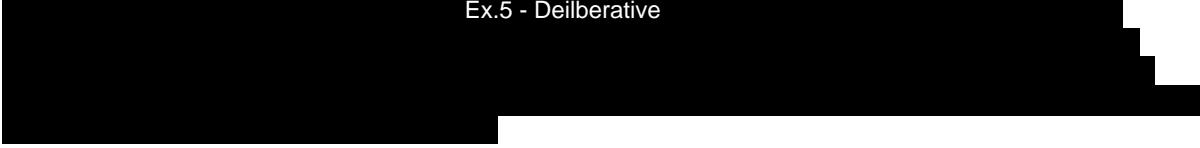
01268-EPA-6476

Richard
Windsor/DC/USEPA/US
04/15/2011 05:01 PM

To "David McIntosh", "Michael Goo", "Bob Perciasepe", "Bob Sussman", "Diane Thompson", "Bicky Corman", "Laura Vaught", "Arvin Ganesan", "Scott Fulton", "Seth Oster"
cc
bcc

Subject Fw: Fwd: Business Roundtable: Regulatory Reform Letter

Ex.5 - Deliberative



Lisa

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

From: Lisa at Home [Ex. 6 - Privacy]
Sent: 04/15/2011 04:53 PM AST
To: Richard Windsor
Subject: Fwd: Business Roundtable: Regulatory Reform Letter



2011.04.12 Liveris.President.Regulatory Reform.pdf >



2011.04.12 BRT Major Regulations Issues of Concern.pdf >

01268-EPA-6478

Bob Sussman/DC/USEPA/US To Richard Windsor
04/15/2011 07:16 PM cc
 bcc
Subject Re: Fw: Fwd: Business Roundtable: Regulatory Reform Letter

Ex.5 - Deliberative

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

Richard Windsor Ex.5 - Deliberative 04/15/2011 05:01:53 PM

From: Richard Windsor/DC/USEPA/US
To: "David McIntosh" <mcintosh.david@epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Scott Fulton" <Fulton.Scott@epa.gov>, "Seth Oster" <oster.seth@epa.gov>
Date: 04/15/2011 05:01 PM
Subject: Fw: Fwd: Business Roundtable: Regulatory Reform Letter

Ex.5 - Deliberative

Lisa

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

From: Lisa at Home [REDACTED] Ex. 6 - Privacy
Sent: 04/15/2011 04:53 PM AST
To: Richard Windsor
Subject: Fwd: Business Roundtable: Regulatory Reform Letter



2011.04.12 Liveris.President.Regulatory Reform.pdf >



2011.04.12 BRT Major Regulations Issues of Concern.pdf >

01268-EPA-6490

Michael Moats/DC/USEPA/US

04/19/2011 05:45 PM

To Richard Windsor, Brendan Gilfillan

cc Adora Andy, Seth Oster

bcc

Subject ACTION EPA-USDA oped

Administrator, attached and pasted below is a joint oped from you and Sec. Vilsack on the tour you just took. [REDACTED] Ex.5 - Deliberative [REDACTED]. Let me know if you have any edits. Thanks.

Mike

Ex.5 - Deilberative

041411.joint EPA USDA oped.EPA edits (2).docx

—

DRAFT

Ex.5 - Deliberative

[REDACTED]
[REDACTED]
[REDACTED]

Ex.5 - Deliberative
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Ex.5 - Deliberative

Figure 1. The effect of the number of clusters on the classification accuracy of the proposed model. The proposed model is compared with the KNN classifier.

A thick black horizontal bar located at the very bottom of the page, spanning most of its width. It appears to be a decorative element or a placeholder for content.

A series of five horizontal black bars of varying lengths, decreasing from top to bottom. The first bar is the longest, followed by a shorter one, then a very long one, another very long one, and finally the shortest bar at the bottom.

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

01268-EPA-6493

Michael Moats/DC/USEPA/US

04/20/2011 12:35 PM

To Richard Windsor

cc Brendan Gilfillan

bcc

Subject ACTION Greenversations blog for Earth Day

Administrator, attached is a draft blog post for EPA's greenversations blog to be posted on or before Earth Day. It includes an embedded video and images that will link to different activities people can take part in. I've tried to represent that in the attached doc, but it's proving too much for Lotus Notes.

For your review.

Ex.5 - Deliberative

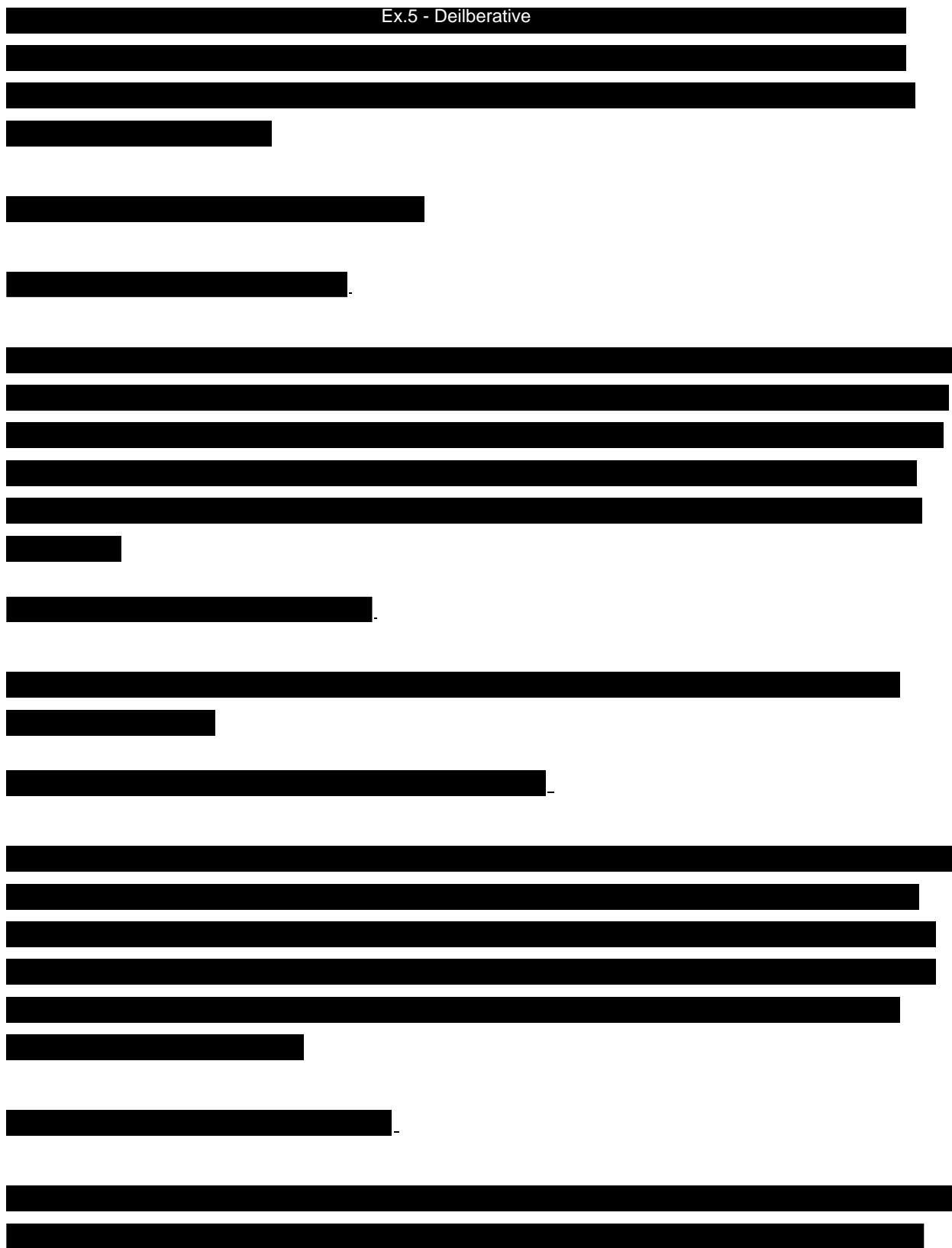
20110422 Greenversations Earth Day Blog.docx

DRAFT

Ex.5 - Deliberative

Term	Percentage
GMOs	~95%
Organic	~95%
Natural	~95%
Artificial	~85%
Organic	~95%
Natural	~95%
Artificial	~85%
Organic	~95%
Natural	~95%
Artificial	~85%

Ex.5 - Deliberative



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

01268-EPA-6494

Bob Sussman/DC/USEPA/US

04/20/2011 08:03 PM

To Richard Windsor

cc Diane Thompson, Scott Fulton, Nancy Stoner, Bob
Perciasepe, Cynthia Giles-AA, Seth Oster, Arvin Ganesan
bcc

Subject Diesel frakking UIC Guidance

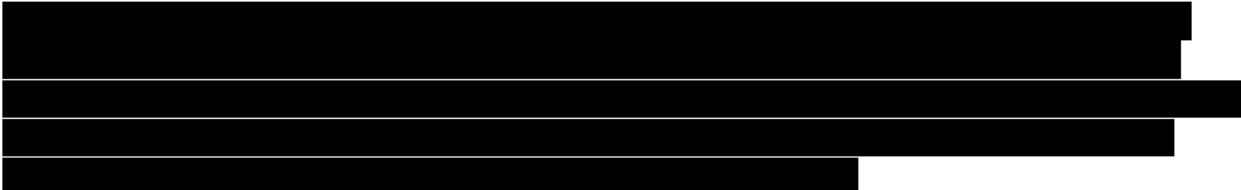
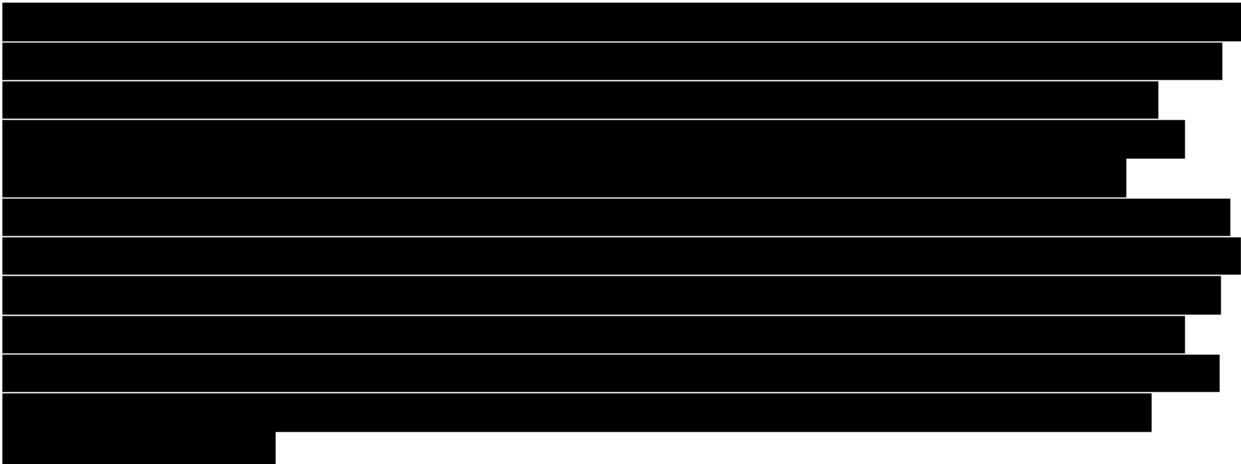
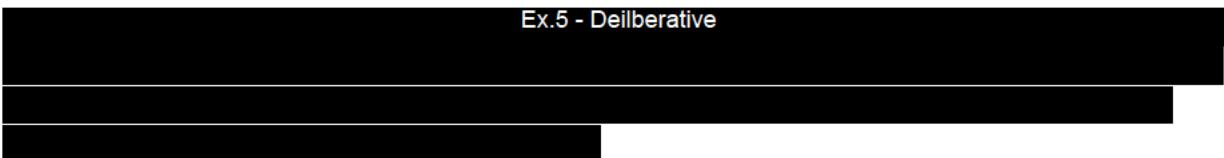
Ex.5 - Deliberative

FRAKING STRATEGY.docx

Confidential & Deliberative -- Do Not Distribute

Administrator –

Ex.5 - Deliberative



Ex.5 - Deliberative

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

01268-EPA-6495

Michael Moats/DC/USEPA/US

To "Richard Windsor", Alisha Johnson

04/21/2011 03:02 PM

CC

bcc

Subject Fw: ACTION Greenversations blog for Earth Day

Here it is. Think I sent while you were in the air yesterday.

Michael Moats

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

From: Michael Moats

Sent: 04/20/2011 12:35 PM EDT

To: Richard Windsor

Cc: Brendan Gilfillan

Subject: ACTION Greenversations blog for Earth Day

Administrator, attached is a draft blog post for EPA's greenversations blog to be posted on or before Earth Day. It includes an embedded video and images that will link to different activities people can take part in. I've tried to represent that in the attached doc, but it's proving too much for Lotus Notes.

For your review.

Ex.5 - Deliberative

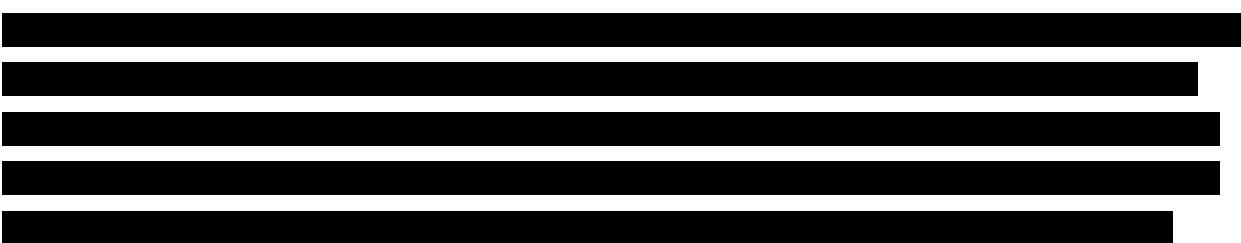
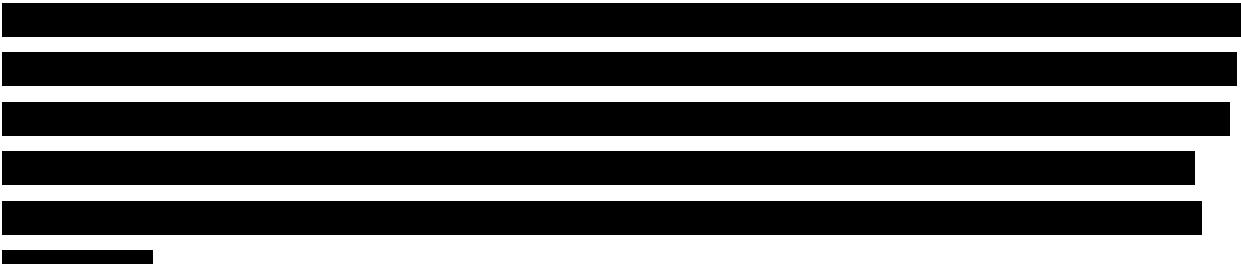
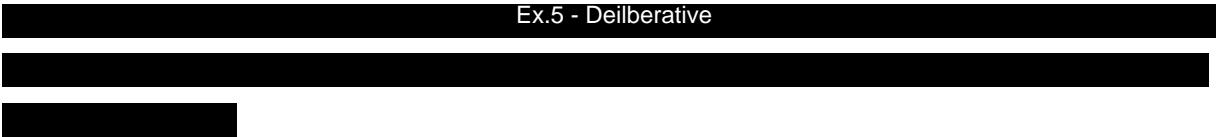
20110422 Greenversations Earth Day Blog.docx

DRAFT

Ex.5 - Deilberative

A series of eight horizontal black bars of varying lengths, decreasing from left to right. The bars are evenly spaced and extend across most of the width of the frame.

Ex.5 - Deliberative



Ex.5 - Deliberative



01268-EPA-6518

Bob Sussman/DC/USEPA/US
05/02/2011 11:47 AM

To: Richard Windsor, Bob Perciasepe, Shawn Garvin, Nancy Stoner, Cynthia Giles-AA, Scott Fulton, Avi Garbow
cc:
bcc:
Subject: Fw: NOI from the Maryland Attorney General's Office re Chesapeake Energy

Per the Administrator's Friday conversation with Governor O'Malley, Avi and I talked to a group from the Maryland AG's office this morning. As they explained, the AG has sent a Notice of Intent to Sue letter (attached) to Chesapeake Energy focussing on the recent Chesapeake well blowout in Pennsylvania. The letter describes potential violations by Chesapeake of RCRA (creating an imminent and substantial endangerment) and the Clean Water Act (discharging pollutants without a permit). [REDACTED]

Ex.5 -
Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

The letter copies the Administrator and US AG and I presume OECA will want to review the letter to determine if EPA should itself pursue the claimed violations.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/02/2011 11:37 AM -----

From: "Ruckman, Steve" <sruckman@oag.state.md.us>
To: Donald Maddox/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: "Winfree, Kay" <kwinfree@oag.state.md.us>, "Rice, Sarah" <srice@oag.state.md.us>, "Snyder, Adam" <asnyder@oag.state.md.us>
Date: 05/02/2011 11:05 AM
Subject: NOI from the Maryland Attorney General's Office re Chesapeake Energy

Attached is the NOI we mailed to Chesapeake Energy on Friday. Apologies that this is only reaching you now.

Best,
Steve

Steve Ruckman
Honors Attorney, Executive Division
Maryland Attorney General's Office
T: (410) 576-7035

Please consider the environment before printing this email

LEGAL DISCLAIMER - The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the

intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.



NOI Letter - Chesapeake Energy (FINAL).pdf

01268-EPA-6533

Bob Sussman/DC/USEPA/US To Richard Windsor
05/06/2011 05:56 PM cc Arvin Ganesan, Diane Thompson, Bob Perciasepe, Scott Fulton
bcc
Subject Fw: FINAL CAWS determination letter

Administrator --

Ex.5 - Deliberative

Let us know how you'd like to proceed. We are talking to Susan late on Monday so your instructions before then would be helpful. .

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/06/2011 05:52 PM -----

From: Susan Hedman/R5/USEPA/US
To: stoner.nancy@epa.gov, Bob Sussman/DC/USEPA/US@EPA, "Arvin Ganesan"
<ganesan.arvin@epa.gov>
Date: 05/06/2011 03:21 PM
Subject: Fw: FINAL CAWS determination letter

Hi Nancy, Bob and Arvin --

Here is the latest draft of the CAWS determination letter. Ex.5 - Deliberative
As noted in the message below, some additional materials are forthcoming.

If possible, I think we should issue this on Wednesday -- and I think we should try to find 15 minutes on Monday for a discussion. We will be in touch with your schedulers to try to set up a call.

Thanks very much,

Susan
Tinka Hyde

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

From: Tinka Hyde
Sent: 05/06/2011 02:09 PM CDT
To: Hedman.Susan@epa.gov
Cc: Mathur.Bharat@epa.gov; Kaplan.Robert@epa.gov
Subject: FINAL CAWS letter

Susan - Here is the final Region 5 draft of the CAWS determination letter for your review. There are several documents for the administrative record that will be finalized on Monday. Shortly, I will forward to you the communications materials we have developed. Finally, we have gotten a copy of the delegation paperwork. We plan on letting HQ know that we concur with the plan to delegate signature authority to Nancy. Let me know if you have questions. Thanks

Ex.5 - Deliberative

Final Region 5 Draft of Determination Letter for CAWS 5-6-11.docx

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

01268-EPA-6576

Michael Goo/DC/USEPA/US
05/13/2011 05:33 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane
Thompson, David McIntosh
cc
bcc
Subject NSPS for GHGs from EGUs

Administrator---I have attached a short briefing memo from me regarding the status of the workgroup efforts to design a greenhouse gas NSPS for electric generating units. I have also scheduled half an hour for us to talk about this on Monday at 5 pm. I believe this will help you more easily understand and evaluate the much more extensive OAR/workgroup presentation scheduled for Tuesday morning. Please let me know if you have any questions prior to Monday evening.

Ex.5 - Deliberative

 
LPJ NSPSfinal.docx nspspptf.pptx

01268-EPA-6596

Michael Goo/DC/USEPA/US

05/17/2011 06:44 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe

cc Aaron Dickerson

bcc

Subject Background on Ozone RIA

Administrator---you have a meeting tomorrow at 9:45 on the RIA for the ozone NAAQS reconsideration.
OAR and OP will participate.

Ex.5 - Deliberative

[REDACTED] The attached memo describes the situation in slightly more detail and outlines what we think are possible options. I will ask Aaron to print this memo out for you in the morning.

Ex.5 - Deliberative

Ozone NAAQS RIA memo final.docx

01268-EPA-6609

Gina McCarthy/DC/USEPA/US To Richard Windsor
cc
05/18/2011 02:26 PM bcc
Subject Re: 2:40 pm briefing material for the Administrator

We are sending the attached power point to you for the 2:40 meeting to supplement the memo we provided for your briefing book. It's just an easier way to walk through this.

Peter Tsirigotis From: Peter Tsirigotis/RTP/USEPA/US... 05/18/2011 02:23:00|PM

From: Peter Tsirigotis/RTP/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, "Don Zinger" <Zinger.Don@EPA.GOV>, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Cc: Steve Page/RTP/USEPA/US@EPA, Peter South/RTP/USEPA/US@EPA, Amy Vasu/RTP/USEPA/US@EPA, Mary Henigin/DC/USEPA/US@EPA, "Peter Tsirigotis" <tsirigotis.peter@epa.gov>
Date: 05/18/2011 02:23 PM
Subject: 2:40 pm briefing material for the Administrator

Mary is getting copies.

Ex.5 - Deliberative

Boiler Reconsideration Administrator 051811 v4.pptx

01268-EPA-6610

Aaron
Dickerson/DC/USEPA/US
05/18/2011 04:01 PM

To Richard Windsor
cc
bcc

Subject Fw: REVISED 5/18 Materials: Meeting on Texas CAA
Permitting with the Administrator

Slide 15 was changed to reflect OGC edits...

 Ex.5 - Deliberative

Texas CAA permitting update - DRAFT - 5172011a.pptx

Venu Ghanta, Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
Room 3316 Ariel Rios North
1200 Pennsylvania Ave. NW (M/C 1101A)
Washington, DC 20460
202-564-1374 (work)
202-407-2050 (cell)

01268-EPA-6629

Michael Moats/DC/USEPA/US

05/21/2011 08:11 AM

To Richard Windsor, Seth Oster

cc Brendan Gilfillan, Seth Oster, moats.michael

bcc

Subject Revised ACTION LATimes OpEd

Morning everyone -- revised oped pasted below and attached.

Brendan -- [REDACTED] Ex.5 - Deliberative [REDACTED] ?

Thanks.

DRAFT

[REDACTED]
Ex.5 - Deliberative
[REDACTED]

[REDACTED]

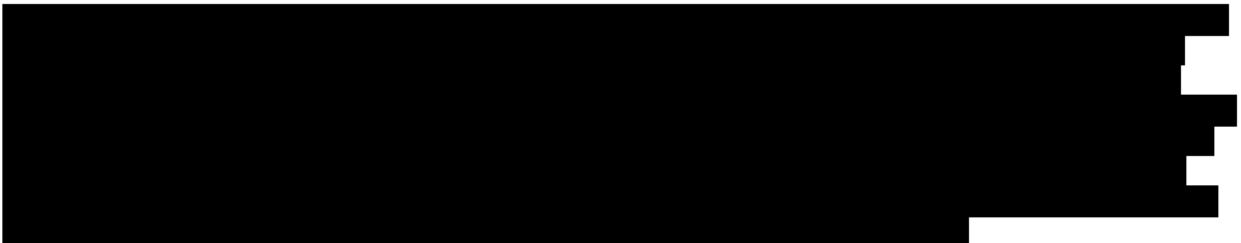
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex.5 - Deliberative



Ex.5 - Deliberative

- 20110521 LA Times OpEd.docx

01268-EPA-6633

Michael Moats/DC/USEPA/US

05/21/2011 11:21 AM

To Seth Oster

cc Brendan Gilfillan, Richard Windsor

bcc

Subject Re: Revised ACTION LATimes OpEd

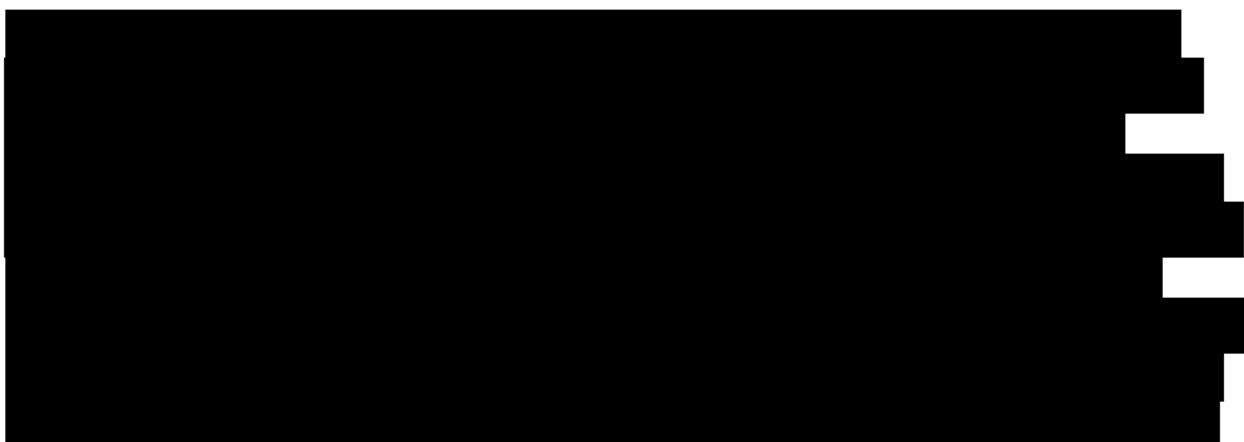
Revised draft below, with the new opening.

Ex.5 - Deliberative

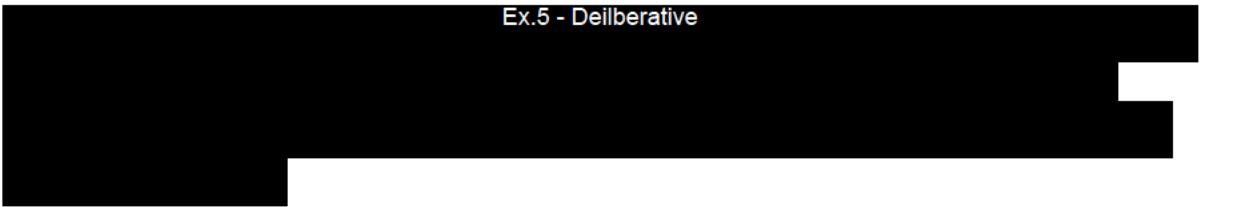
20110521 LA Times OpEd (3).docx

DRAFT

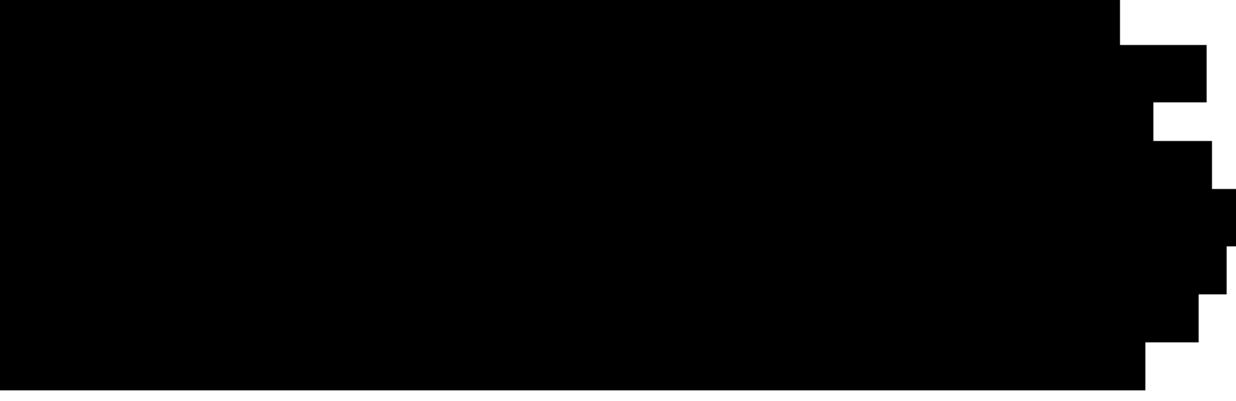
Ex.5 - Deliberative



Ex.5 - Deliberative



Ex.5 - Deliberative



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

01268-EPA-6642

Heidi Ellis/DC/USEPA/US

To "Lisa"

05/24/2011 06:04 PM

cc

bcc

Subject Fw: REVISED fuel economy label talkers

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA
Phone: 202-564-3204
Cell: 202-355-5212
Fax: 202-501-1480

Michael Moats

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

From: Michael Moats
Sent: 05/24/2011 05:54 PM EDT
To: Aaron Dickerson; Jose Lozano; Adrian Collins; Brendan Gilfillan; Heidi Ellis
Subject: REVISED fuel economy label talkers
For the event and the press call.

[REDACTED] Ex.5 - Deliberative [REDACTED]

20110525 Fuel Economy Labels (4).docx 20110525 Fuel Economy Labels PRESS CALL (2).docx

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

01268-EPA-6648

briefings
Sent by: Heidi Ellis

05/25/2011 02:51 PM

To Richard Windsor
cc
bcc

Subject Fw: EPA Policy Statement on Climate Change in CMS# OP-11-000-7960: For the Administrator's Book Today Please

in case you can read it.

----- Forwarded by Heidi Ellis/DC/USEPA/US on 05/25/2011 02:51 PM -----

From: Robin Kime/DC/USEPA/US
To: briefings@epa.gov
Cc: Ann Campbell/DC/USEPA/US@EPA, Robin Kime <Kime.Robin@epamail.epa.gov>
Date: 05/25/2011 11:29 AM
Subject: EPA Policy Statement on Climate Change in CMS# OP-11-000-7960: For the Administrator's Book Today Please

Hi,

Following today's 8:45 meeting, Bicky Corman asked that we provide the attached material for the Administrator's briefing book today. The formal signature package is with OEX for signature and consists of a cover note asking for approval and signature of EPA's adaptation policy statement (by CEQ's deadline of June 3).

Thanks so much!

Robin W. Kime
Office of the Administrator/Office of Policy
Phone (202) 564-6587
Fax (202) 501-1688

 Ex.5 - Deliberative

Policy Statement - Draft for Administrator's Review and Approval -Final.docx

 Ex.5 - Deliberative

Cover memo to Administrator Jackson - FINAL - May 23, 2011.docx

01268-EPA-6649

Gina McCarthy/DC/USEPA/US

To Richard Windsor, "David McIntosh"

cc

05/25/2011 10:29 PM

bcc

Subject Fw: Mercury language

This does seems like a good start. More on the science tomorrow.

John Millett

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

From: John Millett

Sent: 05/25/2011 06:16 PM EDT

To: Gina McCarthy

Subject: Mercury language

fyi -- a good start --

Ex.5 - Deliberative

~~~~~  
John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

----- Forwarded by John Millett/DC/USEPA/US on 05/25/2011 06:15 PM -----

From: Jenny Noonan/RTP/USEPA/US  
To: John Millett/DC/USEPA/US@EPA  
Cc: Jackie Ashley/RTP/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, RobertJ Wayland/RTP/USEPA/US@EPA, Bill Maxwell/RTP/USEPA/US@EPA, Bryan Hubbell/RTP/USEPA/US@EPA  
Date: 05/25/2011 05:29 PM  
Subject: speech insert-tp draft may 25 2011.docx

John --

Here's the next cut. Let me know your thoughts. I'll need Ellen's help in one place.

Thanks,  
Jenny

\*\*\*\*\*

Jenny Noonan  
Director  
Policy Analysis and Communications  
Office of Air Quality Planning and Standards  
US EPA  
Desk: 919/541-0193  
Cell: 919-358-9562

Ex.5 - Deliberative

 - speech insert-tp draft may 25 2011.docx

01268-EPA-6651

Richard  
Windsor/DC/USEPA/US  
05/26/2011 06:23 AM

To "Seth Oster"  
cc  
bcc  
Subject Fw: Mercury language

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/25/2011 10:29 PM EDT  
**To:** Richard Windsor; "David McIntosh" <McIntosh.David@EPA.GOV>  
**Subject:** Fw: Mercury language

This does seems like a good start. More on the science tomorrow.

John Millett

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

**From:** John Millett  
**Sent:** 05/25/2011 06:16 PM EDT  
**To:** Gina McCarthy  
**Subject:** Mercury language

fyi -- a good start --

Ex.5 - Deliberative

~~~~~  
John Millett
Office of Air and Radiation Communications
U.S. Environmental Protection Agency
5411 Ariel Rios Building North
Washington, DC 20460
Phone: 202/564-2903
Cell: 202/510-1822

----- Forwarded by John Millett/DC/USEPA/US on 05/25/2011 06:15 PM -----

From: Jenny Noonan/RTP/USEPA/US
To: John Millett/DC/USEPA/US@EPA
Cc: Jackie Ashley/RTP/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, RobertJ Wayland/RTP/USEPA/US@EPA, Bill Maxwell/RTP/USEPA/US@EPA, Bryan Hubbell/RTP/USEPA/US@EPA
Date: 05/25/2011 05:29 PM
Subject: speech insert-tp draft may 25 2011.docx

John --

Here's the next cut. Let me know your thoughts. I'll need Ellen's help in one place.

Thanks,
Jenny

Jenny Noonan

Director
Policy Analysis and Communications
Office of Air Quality Planning and Standards
US EPA
Desk: 919/541-0193
Cell: 919-358-9562

Ex.5 - Deliberative



- speech insert-tp draft may 25 2011.docx

01268-EPA-6656

Gina McCarthy/DC/USEPA/US
05/27/2011 05:28 PM
To oster.seth, McIntosh.David
cc Richard Windsor
bcc
Subject Fw: WSJ: Mercury response

Here is info we pulled together per the Administrator's request after reading the WSJ opinion piece. I will work with it more but it is a good resource for mercury info and MATS.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 05/27/2011 05:25 PM -----

From: John Millett/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, "David McIntosh" <McIntosh.David@EPA.GOV>, "Seth Oster" <oster.seth@epa.gov>, "Steve Page" <Page.Steve@Epa.GOV>
Date: 05/27/2011 03:47 PM
Subject: WSJ: Mercury response

Hi Gina -- Here are the materials we've assembled to address the types of claims made in the 5-25 WSJ opinion piece by Soon and Driessen --

First -- Talking points that could be worked into speeches or testimony --

Ex.5 - Deliberative

 W/SJ-Soon response -- 5-25-11.docx

Next -- A list of the factual errors in the piece that Ellen Kurlansky put together -- along with corrections --



Factual Errors in the Wall Street Journal 5.docx

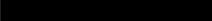
Also, Ellen pulled 9 pages from the preamble that address the risks from mercury --



Hg Health from MATS Preamble.docx

Finally, the latest version of the MATS Claims v. Reality piece -- which covers a broader set of issues.

Ex.5 - Deliberative

 MATS CLAIMS REALITY 5-25.doc

Hope this helps --

John

~~~~~  
John Millett

Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

|               |                                                                                                                                    |                        |
|---------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Gina McCarthy | The WSJ has an article that minimizes t...                                                                                         | 05/25/2011 11:30:50 AM |
| From:         | Gina McCarthy/DC/USEPA/US                                                                                                          |                        |
| To:           | "Steve Page" <Page.Steve@Epa.GOV>, "John Millett" <Millett.John@EPA.GOV>                                                           |                        |
| Cc:           | Janet McCabe/DC/USEPA/US, Joseph Goffman/DC/USEPA/US, "Seth Oster" <oster.seth@epa.gov>, "David McIntosh" <McIntosh.David@EPA.GOV> |                        |
| Date:         | 05/25/2011 11:30 AM                                                                                                                |                        |
| Subject:      | Mercury                                                                                                                            |                        |

The WSJ has an article that minimizes the ph threat of merucry from power plants. The Administrator would like two things: talking points that OPA and OCIR can insert into all hewr speeches, testimony etc. It should be based on the info in the proposed MATS rule. She would also like key passages to be pulled out of the Rule so she can read them through. Can you both work together to get this to her as soon as you can? Thanks

01268-EPA-6664

Bob Sussman/DC/USEPA/US  
06/05/2011 06:15 PM  
To Cynthia Giles-AA  
cc Bob Perciasepe, Diane Thompson, Richard Windsor  
bcc  
Subject Re: Keystone XL

Thanks Cynthia.

Ex.5 - Deliberative

Cynthia Giles-AA Attached is a draft of the Keystone XL... 06/04/2011 05:05:20|PM

From: Cynthia Giles-AA/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 06/04/2011 05:05 PM  
Subject: Keystone XL

Attached is a draft of the Keystone XL comment letter, revised per Ex.5 - Deliberative  
I have attached the entire letter, but have highlighted the sections in which you may be particularly interested.

I also attach the except from EPA's guidelines on NEPA ratings for your information, which explain when the different ratings are appropriate. I am available any time to discuss the comments or rating. I see that you are traveling Monday, so I am happy to discuss this with you tomorrow if you would like. Cell phone is (b) (6).

Cynthia

Ex.5 - Deliberative

Ex.5 - Deliberative

KXL SEIS draft comment letter- 6-4 afternoon clean.docx NEPA ratings - EPA guidance.docx

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

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

01268-EPA-6667

David  
McIntosh/DC/USEPA/US  
06/07/2011 08:29 AM

To Richard Windsor  
cc Vicki Ekstrom  
bcc

Subject here is your LCV speech with (in redline) one word correction  
and 2 references to GHG pollution/climate change

Ex.5 - Deliberative

20110607 LCV (3) - DGM redline.docx

01268-EPA-6671

Gina McCarthy/DC/USEPA/US

To Richard Windsor

06/07/2011 02:03 PM

cc perciasepe.bob, Thompson.Diane, Sussman.bob,  
Fulton.Scott, Michael Goo, Janet McCabe, Joseph Goffman  
bcc

Subject Hot Issue List

Here is an updated list for our meeting tomorrow. It's long, but necessarily so. Thanks

Ex.5 - Deliberative

OAR HOT ISSUES 6-8-11.docx

01268-EPA-6672

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
06/07/2011 03:34 PM cc  
bcc  
**Subject Fw: SIA**

FYI

----- Forwarded by Gina McCarthy/DC/USEPA/US on 06/07/2011 03:34 PM -----

From: Don Zinger/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA  
Date: 06/07/2011 02:26 PM  
Subject: Re: SIA

Scott,  
Here is the background document we sent to the Administrator's office.

## Ex.5 - Deliberative

Event\_Meeting Executive Summary for SIA 6-8-11 meeting\_version5.docx

Gina McCarthy We ran it by OGC this morning and I thi... 06/07/2011 02:15:47 PM

From: Gina McCarthy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Don Zinger" <Zinger.Don@EPA.GOV>  
Date: 06/07/2011 02:15 PM  
Subject: Re: SIA

We ran it by OGC this morning and I think we sent it down. I will ask Don to send it to you asap.

**From:** Scott Fulton  
**Sent:** 06/07/2011 02:13 PM EDT  
**To:** Gina McCarthy  
**Subject:** SIA

Hi Gina - Janet said Anna Wood was working on a briefer for LPJ. Anything to look at before the 3:30? Thx

**From:** Gina McCarthy  
**Sent:** 06/07/2011 02:03 PM EDT  
**To:** Richard Windsor  
**Cc:** perciasewe.bob@epa.gov; Thompson.Diane@EPA.GOV; Sussman.bob@EPA.GOV; Fulton.Scott@EPA.GOV; Michael Goo; Janet McCabe; Joseph Goffman  
**Subject:** Hot Issue List

Here is an updated list for our meeting tomorrow. It's long, but necessarily so. Thanks



01268-EPA-6685

**Laura Vaught/DC/USEPA/US**

06/10/2011 01:05 PM

To Richard Windsor, Gina McCarthy, Michael Goo, Joseph Goffman, Arvin Ganesan, David McIntosh, Seth Oster, Adora Andy, Brendan Gilfillan, Bob Perciasepe, Bob Sussman, Scott Fulton, Diane Thompson

cc

bcc

Subject Fw: Signed MACT letter

The expected Dingell letter requesting 60 day extension of comment period on Mercury and Air Toxics Standard just arrived. 27 House Dems signed it. I see no big surprises on the list of members.

Ex.5 - Deliberative

.

----- Forwarded by Laura Vaught/DC/USEPA/US on 06/10/2011 12:54 PM -----

From: "Murtha, Katie" <Katie.Murtha@mail.house.gov>  
To: Laura Vaught/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA  
Date: 06/10/2011 12:47 PM  
Subject: FW: Signed MACT letter

Have a great weekend, ladies.



AR-M455N\_20110610\_232235.pdf

01268-EPA-6691

**Michael Goo/DC/USEPA/US** To Richard Windsor  
06/13/2011 04:54 PM cc  
bcc  
Subject NRDC meeting tommorrow

Administrator: attached is a brief memo I did for you in advance of tomorrow's meeting with NRDC. I think it will be in your "book" as well. Let me know if you have questions.

Ex.5 - Deliberative

LPJ NRDC memo.docx

01268-EPA-6694

Gina McCarthy/DC/USEPA/US

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

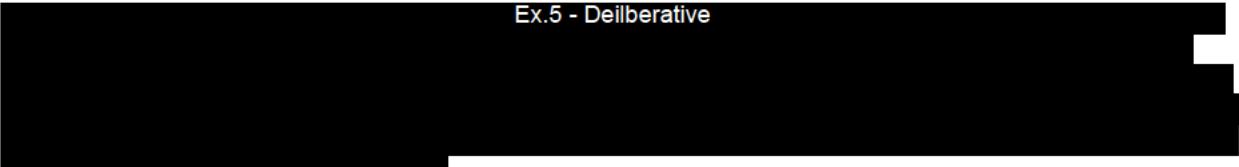
06/15/2011 06:43 PM

cc

bcc

Subject Fw: latest version of Dingell letter

Ex.5 - Deliberative



Julia Miller

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

**From:** Julia Miller

**Sent:** 06/15/2011 06:18 PM EDT

**To:** Gina McCarthy; Joseph Goffman

**Subject:** latest version of Dingell letter

See attached.

Ex.5 - Deliberative



MATS Dingell AL-11-000-XXXX response to request for extension 06-14-11 formatted v2.docx

01268-EPA-6714

Heidi Ellis/DC/USEPA/US To "Lisa"  
06/20/2011 11:21 PM cc  
bcc  
Subject Fw: E-waste Task Force Report

## Ex.5 - Deliberative

---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 06/20/2011 05:58 PM EDT  
**To:** Heidi Ellis; Jose Lozano  
**Cc:** Lisa Feldt  
**Subject:** E-waste Task Force Report

Heidi, Jose,

## Ex.5 - Deliberative

Thanks,  
Shalini

  
ITFES Web Annex.2011-06-14.clean.xlsx|ITFES report - 5th Draft.2011-06-14.clean.docx

01268-EPA-6720

**Laura Vaught/DC/USEPA/US**  
 06/22/2011 09:57 AM

To Richard Windsor, David McIntosh, Arvin Ganesan, Seth Oster, Bob Perciasepe, Bob Sussman, Michael Goo, Scott Fulton, Gina McCarthy, Mathy Stanislaus  
 cc  
 bcc  
 Subject Fw: Bipartisan boiler MACT bill coming Wednesday

Attached is the text of the boiler MACT bill just introduced as well as a list of Members who introduced it. At first glance, it appears to track the provisions I outlined below. It also stays the Solid Waste rule.

Reps. Morgan Griffith (R-VA) and G.K. Butterfield (D-NC), together with Reps. John Barrow (D-GA), Jim Matheson (D-UT), Cathy McMorris Rodgers (R-WA), Pete Olson (R-TX), Mike Ross (D-AR), and Steve Scalise (R-LA).

1 attachment



BOILERMACT\_001\_xml.pdf

Laura Vaught FYI - I haven't yet seen text that will be i... 06/21/2011 08:09:49 PM

From: Laura Vaught/DC/USEPA/US  
 To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, McIntosh.David@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, "Seth Oster" <Oster.Seth@epamail.epa.gov>, Perciasepe.Bob@epamail.epa.gov, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>  
 Date: 06/21/2011 08:09 PM  
 Subject: Fw: Bipartisan boiler MACT bill coming Wednesday

FYI - I haven't yet seen text that will be introduced on this, but below are provisions the R's were shopping to Dem offices, so I would make educated guess to expect the main parts of this to be something along these lines. Will let everyone know for sure when we see it.

Likely provisions:

- 1) Timeline requiring totally new rule in 15 months
- 2) Staying existing rule for that duration
- 3) Preventing states from implementing the MACT hammer in CAA sec 112 during that time
- 4) Including the 2000 definition of solid waste and
- 5) Saying the new standard would have to be compatible with plants current operating conditions. (So called Frankenplant provision).
- 6) Specifying that new rule will allow 5 years for compliance.

**From:** POLITICO Pro Whiteboard [proalerts@politicopro.com]

**Sent:** 06/21/2011 07:32 PM AST

**To:** Laura Vaught

**Subject:** Bipartisan boiler MACT bill coming Wednesday

6/21/11 7:32 PM EDT

Eight Energy and Commerce Committee members — four Republicans and four Democrats — will introduce legislation Wednesday to delay EPA's air toxics standards for boilers, a committee aide tells POLITICO. EPA has already delayed the rule's release, but critics say the agency needs more time to get it right.

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<https://www.politicopro.com/member/?webaction=viewAlerts>

01268-EPA-6735

John  
Hankinson/DC/USEPA/US  
06/24/2011 09:57 AM

To Richard Windsor  
cc Heidi Ellis, Jose Lozano  
bcc  
Subject Salazar

I assume you know this, but I was contacted by Rachel Jacobson late yesterday afternoon and the possible attendance of Ken Salazar at the Task Force meeting. I outlined the schedule for her and she said she would be back with me. I assume this may have been directly discussed, but wanted to be sure you had this heads up.

You didn't think you had the background memo on Task Force priorities we discussed yesterday, so I have attached it. Mary Kay and I are meeting with Bob P this afternoon to discuss the signature recommendations we should focus on in the strategy and the discussions on Sunday. Thanks for your time and patience yesterday. I love the IPAD thing; I hope it works for you!

John

Ex.5 - Deliberative

GULF OF MEXICO ECOSYSTEM RESTORATION PRIORITIES\_06232011.docx

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

01268-EPA-6736

**Bob Sussman/DC/USEPA/US**  
**06/24/2011 05:40 PM**

To: Richard Windsor, Bob Perciasepe, Michael Goo, Arvin Ganesan, Seth Oster  
 cc: Mathy Stanislaus, Lisa Feldt, Scott Fulton, Avi Garbow, Gina McCarthy  
 bcc:  
 Subject: Fw: Reaction to Conceptual Approach to Comparability

Here is the industry response to the guidance framework for the NHSM rule legitimacy criteria that Mathy presented to the industry coalition earlier this week.

Bottom line: They do not reject the guidance concept out-of-hand but make a strong pitch that we pursue rule changes rather than guidance because they think the latter may be legally questionable and afford insufficient protection against enforcement. They also renew their argument for a stay so that we can reconsider and change the rule..

Mathy -- OSWER's reactions are welcome after you've reviewed. .

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 06/24/2011 05:34 PM -----

From: "Bodine, Susan" <Susan.Bodine@btlaw.com>  
 To: Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brenda Mallory/DC/USEPA/US@EPA, Suzanne Rudzinski/DC/USEPA/US@EPA, Jim Berlow/DC/USEPA/US@EPA  
 Cc: Matt Straus/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA  
 Date: 06/24/2011 05:12 PM  
 Subject: Reaction to Conceptual Approach to Comparability

Attached please find an initial reaction to the conceptual approach to comparability presented orally on Tuesday, June 21.

**BARNES &  
 THORNBURG LLP**

[VCard](#) | [Bio](#) | [Dept Info](#)

**Susan Parker Bodine**  
 Partner  
[susan.bodine@BTLaw.com](mailto:susan.bodine@BTLaw.com)

Barnes & Thornburg LLP  
 1717 Pennsylvania Ave.  
 N.W.  
 Suite 500  
 Washington, DC 20006

Phone: 202-371-6364  
 Fax: 202-289-1330

[www.btlaw.com](http://www.btlaw.com)

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containing the signature of a partner. Response to EPA Comparability Framework 062411.pdf



EPA conceptual approach Att A.pdf



EPA conceptual approach att B.pdf



EPA conceptual approach Att D.pdf



EPA conceptual approach Att C.pdf

01268-EPA-6748

Diane  
Thompson/DC/USEPA/US  
07/03/2011 10:18 AM

To "Bob Perciasepe", "Richard Windsor"  
cc  
bcc

Subject Fw: Pollution Report # (Initial)1 Pipeline Spill-Yellowstone  
River - Initial

Here's the latest. Not really anything new from yesterday. Mathy is engaged.  
Sorry if this is duplicate...don't see u on chain from Jim.

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

From: Jim Martin  
Sent: 07/03/2011 10:07 AM EDT  
To: thompson.diane@epa.gov  
Subject: Fw: Pollution Report # (Initial)1 Pipeline Spill-Yellowstone River -  
Initial

James Martin  
Regional Administrator  
Region 8  
U.S. Environmental Protection Agency

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

From: Steven Way  
Sent: 07/03/2011 09:36 AM AST  
To: sknecht@mt.gov  
Cc: Jim Martin; Carol Campbell; David Ostrander  
Subject: Pollution Report # (Initial)1 Pipeline Spill-Yellowstone River -  
Initial

Attached is a Pollution Report (POLREP) regarding:

USEPA Region VII  
Pipeline Spill-Yellowstone River  
Laurel, MT

To view this POLREP, please open the attachment.  
Lotus Notes Users, please Launch the attachment.

For additional information regarding this site,  
please visit the website by clicking on this link:  
<http://www.epaosc.org/ExxonMobilePipelineSpillYellowstoneRiver>



[ExxonMobilePipelineSpillYellowstoneRiver\\_polrep\\_1.htm](http://www.epaosc.org/ExxonMobilePipelineSpillYellowstoneRiver)

01268-EPA-6750

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
**07/03/2011 11:25 AM** cc Bob Perciasepe  
 bcc  
**Subject Fw: NY DEC hydrofracking**

In case you haven't seen, a good summary of New York's actions on fracking . . .

Ex.5 - Deliberative

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/03/2011 11:24 AM -----

From: Judith Enck/R2/USEPA/US  
 To: Sussman.Bob@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov,  
 Woodka.Janet@epamail.epa.gov, Garvin.Shawn@epamail.epa.gov,  
 Armendariz.Al@epamail.epa.gov, Karimjee.Anhar@epamail.epa.gov,  
 Anastas.Paul@epamail.epa.gov, Stoner.Nancy@epamail.epa.gov,  
 Giles-AA.Cynthia@epamail.epa.gov, mccarthy.gina@epa.gov,  
 Rappold.Bernadette@epamail.epa.gov, Oster.Seth@epamail.epa.gov, "Betsaida Alcantara"  
 <Alcantara.Betsaida@epamail.epa.gov>, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>,  
 "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "Fred Hauchman"  
 <Hauchman.Fred@epamail.epa.gov>, malone.kathleen@epa.gov, "Adam Kushner"  
 <Kushner.Adam@epamail.epa.gov>  
 Date: 07/01/2011 12:49 PM  
 Subject: NY DEC hydrofracking

Friends: just in time for the 4th of july fireworks, attached is everything from the state of ny that was released yesterday and today. The full 900-page sgeis will be available july 8. A 60-day public comment period will commence in august. Please share these documents with your staffs. My fabulous region 2 colleague, kathleen malone, is our regional point person for review of the document. Further, region 2 is scheduling a day-long mtg in r3 in philadelphia in july so that we can learn from the pennsylvania experience. Let kathleen malone know if u would like to attend. Cheers, judith

Sent by EPA Wireless E-Mail Services

Beth Soltani

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

**From:** Beth Soltani  
**Sent:** 07/01/2011 12:37 PM EDT  
**To:** Judith Enck  
**Subject:** DEC

For Release: Thursday, June 30, 2011

## New Recommendations Issued in Hydraulic Fracturing Review

- In Reversal of 2009 Report, High-Volume Fracturing Would be Prohibited in NYC and Syracuse Watersheds
- Drilling Banned Within All Primary Aquifers and on State-Owned Land Including State Forest and Wildlife Management Areas
- Drilling Permitted on Other Private Land with Rigorous and Effective Protections
- Advisory Panel on Implementation to Be Appointed

The Department of Environmental Conservation (DEC) tomorrow will release its revised recommendations on mitigating the environmental impacts of high-volume hydraulic fracturing (high-volume fracturing). The recommendations contain these major revisions:

- High-volume fracturing would be prohibited in the New York City and Syracuse watersheds, including a buffer zone;
- Drilling would be prohibited within primary aquifers and within 500 feet of their boundaries;
- Surface drilling would be prohibited on state-owned land including parks, forest areas and wildlife management areas;
- High-volume fracturing will be permitted on privately held lands under rigorous and effective controls; and
- DEC will issue regulations to codify these recommendations into state law.

These recommendations, if adopted in final form, would protect the state's environmentally sensitive areas while realizing the economic development and energy benefits of the state's natural gas resources. Approximately 85 percent of the Marcellus Shale would be accessible to natural gas extraction under these recommendations.

DEC Commissioner Joseph Martens said, "This report strikes the right balance between protecting our environment, watersheds, and drinking water and promoting economic development."

The ban on high-volume fracturing in the New York City and Syracuse watersheds represents a reversal of the Department's 2009 draft report, which would have permitted drilling in those watersheds. The New York and Syracuse watersheds are unique in that they are the only unfiltered supplies of municipal water in the state and deserve special protection. The prior report also would have allowed high-volume fracturing surface drilling in primary aquifers and on public forests, wildlife areas and parkland; the 2011 report reverses all of these recommendations.

There will be more opportunity for review and comment on the Department's recommendations. DEC plans for a 60-day public comment period commencing in August. There is no administrative or discretionary moratorium on high-volume fracturing. By law, no permits may be issued until the public comments are reviewed and considered and the final Supplement Generic Environmental Impact Statement is released.

DEC enforcement and oversight of high-volume fracturing will be rigorous and effective. No permits will be issued until DEC has the proper enforcement capacity in place to monitor all fracturing activities.

In preparing the new recommendations, DEC engaged independent consultants to perform research, sought further information from the gas drilling industry, considered more than 13,000 public comments and studied other states' regulations and experience, including site visits by Commissioner Martens and DEC officials to Pennsylvania incident sites. Since September 2009, DEC staff has spent approximately 10,250 hours updating the document. The 2011 version

contains more than 900 pages, including more than 150 additional pages of data and analysis compared to the 2009 version.

The Department's extensive review has resulted in recommendations for rigorous and effective controls on high-volume fracturing on private lands. These state-of-the-art controls include such permitting rules as:

## Protecting Drinking Water

- **Well water protection and other water protection:** No permits would be issued for sites within 500 feet of a private water well or domestic use spring. No permits may be issued for a proposed site within 2,000 feet of a public drinking water supply well or reservoir at least until three years of experience elsewhere have been evaluated. No permits will be issued for well pads sited within a 100-year floodplain.
- **Additional Well Casing to Prevent Gas Migration:** In most cases, an additional third, cemented well casing is required around each well to prevent the migration of gas. The three required casings are the surface casing, the new intermediate casing and the production casing. The depths of both surface and intermediate casings will be determined by site-specific conditions.
- **Spill control:** All new guidelines will require that flowback water on site must use watertight tanks within a secondary containment. No open containment may be used. A secondary containment will also be required for all fracturing additive containers, additive staging areas and flowback tanks to ensure any spills of wastewater or chemicals at the well pad do not migrate into water supplies.
- **Stormwater Control:** New permit process requiring strict stormwater control measures to prevent stormwater from contaminating water resources.
- **Regulating Water Withdrawals:**
  - New Legislation: Pursuant to the Governor's signing of DEC's Water Withdrawal legislation, which the State Legislature recently passed, a special permit will be required to withdraw large volumes of water for industrial and commercial purposes to ensure there are not adverse impacts.
  - Permit Condition: All withdrawals from surface water bodies will be subject to limits to prevent impacts upon ecosystems and other water quantity requirements. Identification of the water source an applicant intends to use will be required and an annual report must be issued on the aggregate amount of water it has withdrawn or purchased.

## Properly Handling Flowback Water:

Since the 2009 SGEIS, many drilling companies have started to recycle much of the flowback water, greatly reducing the need for disposal.

- **Flowback Water Disposal:** Applicants must have DEC-approved plans for disposing of flowback water and production brine.
- **Drilling & Production Waste Tracking:** DEC would institute a process to monitor disposal of flowback water, production brine, drill cuttings and other drilling waste streams that is similar to the handling of medical waste.
- **Water Treatment Facilities:** Requires full analysis and approvals under existing state

and federal water laws and regulations, which must be completed before a water treatment facility could accept flowback water. This would include a treatment capacity analysis for any publicly operated treatment works facility (POTW) and a contingency plan if the primary disposal for wastewater is a POTW.

### **Taking Local Governments & Communities into Account:**

- **Local Government Notification:** DEC would notify local governments of each well permit application for high-volume fracturing.
- **Local Land Use & Zoning:** Applicant must certify that a proposed activity is consistent with local land use and zoning laws. Failure to certify or a challenge by a locality would trigger additional DEC review before a permit could be issued.

### **Identifying Fracturing Fluid Chemicals:**

- **Chemical Identification:** The 2011 SGEIS identifies 322 chemicals proposed for use in New York and includes health hazard information for each as identified by the NYS Department of Health. Applicants must fully disclose to DEC all products utilized in the high-volume fracturing process. In addition, applicants must agree to publicly disclose the names of the additives, subject to appropriate protections for proprietary information.
- **Chemical Alternatives:** Operators will be required to evaluate using alternative additives that pose less potential risk.

### **Protecting the Air:**

- **Air Quality:** Requires enhanced air pollution controls on engines used at well pads. DEC will monitor local and regional air quality at well pads and surrounding areas.
- **Greenhouse Gas Impact:** Requires use of existing pipelines when available rather than flaring gas.

### **Conserving Habitats:**

- **Private Forestland:** Disturbing the surface of the land is strictly restricted in forests of 150 acres or more by requiring applicants to comply with best management practices.
- **Private Grasslands:** Disturbing the surface of the land is strictly restricted in grasslands of 30 acres or more by requiring applicants to comply with best management practices.

### **Making Sure We Get It Right - Community Impacts Still Under Study:**

The 2009 SGEIS did not adequately consider the community and socioeconomic impacts of high-volume fracturing. To address this deficiency, DEC has engaged independent consultants to thoroughly research these types of effects.

Specifically, researchers are examining both baseline data and the potential effects of development in the areas of:

- Socioeconomic conditions including positive and negative impacts;
- Transportation infrastructure, current road use and the impacts of increased traffic; and
- Visual and noise impacts.

DEC expects the research to be completed by July 31, 2011. This research will be considered and reflected in the final draft of the report.

### **Appointment of Advisory Panel to Develop Implementation Plan:**

Upon final adoption of the permitting standards, the Department will implement a system of oversight, monitoring and enforcement. The successful implementation of high-volume fracturing policy will also require close consultation with local governments and communities.

Commissioner Martens will announce the formation of the High-Volume Hydraulic Fracturing Advisory Panel, which will be composed of outside environmental and industry experts, and local government representatives. The Panel will be charged with developing recommendations for:

- funding to ensure the proper oversight, monitoring and enforcement of mitigation measures, including both state and county agencies responsible for drilling activities and reviewing water sampling data;
- measures to minimize socioeconomic and other impacts on local governments and communities;
- a fee structure for drilling development; and
- a mechanism for the funding of infrastructure improvements.

The complete 2011 SGEIS will be available on [DEC's website](#) on July 8.

\*\*\*\*\*

## **Preliminary Revised Draft SGEIS on the Oil, Gas and Solution Mining Regulatory Program (July 2011)**

### **Horizontal Drilling and High-Volume Hydraulic Fracturing in the Marcellus Shale and Other Low-Permeability Gas Reservoirs**

DEC received more than 13,000 public comments on the first Draft Supplemental Generic Environmental Impact Statement (SGEIS) issued in September 2009. The Draft SGEIS addresses permit conditions required for gas drilling in Marcellus Shale.

In response to issues raised, DEC has prepared a Preliminary Revised Draft SGEIS that will soon be available. As of July 1, an Executive Summary of the document is available for public review. To help those interested in understanding the issues involving horizontal drilling and high-volume hydraulic fracturing, several fact sheets are also available.

#### **Available Documents**

- [Executive Summary \(PDF\)](#) (104 kB)
- [High-Volume Hydraulic Fracturing SGEIS Time Line Fact Sheet \(PDF\)](#) (38 kB)
- [What We Learned From Pennsylvania Fact Sheet \(PDF\)](#) (41 kB)

- [New Recommendations Issued in Hydraulic Fracturing Review](#) (Press Release June 30, 2011)
- [DEC Commissioner Appoints Members to Hydraulic Fracturing Advisory Panel](#) (Press Release July 1, 2011)

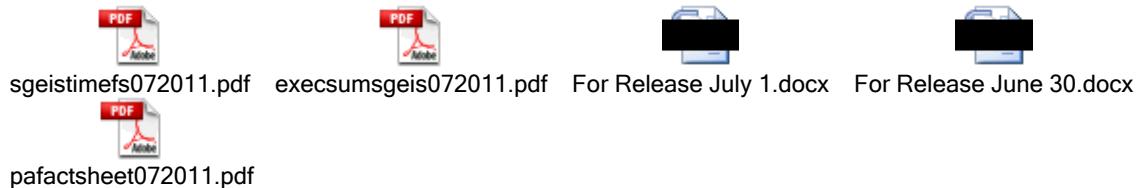
The full document will be available from this web page on July 8, 2011. Details regarding the public comment period will be announced at a later date.

## Assistance

For further information or assistance with these documents, please contact the DEC's Bureau of Public Outreach by email at [public@gw.dec.state.ny.us](mailto:public@gw.dec.state.ny.us) or by calling 518-402-8044.

## More about Preliminary Revised Draft SGEIS on the Oil, Gas and Solution Mining Regulatory Program (July 2011):

- [High-Volume Hydraulic Fracturing SGEIS Time Line](#) - fact sheet on review process and important dates
- [What We Learned From Pennsylvania](#) - fact sheet on lessons learned from a recent spill in Pennsylvania and steps to take to avoid a similar situation



01268-EPA-6756

Lisa Feldt/DC/USEPA/US  
07/07/2011 03:21 PM  
**To** Richard Windsor  
**cc**  
**bcc**  
**Subject** Fw: Responses to Baucus Points

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

----- Forwarded by Lisa Feldt/DC/USEPA/US on 07/07/2011 03:21 PM -----

---

From: Lisa Feldt/DC/USEPA/US  
To: RobinH Richardson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA  
Date: 07/07/2011 03:19 PM  
Subject: Responses to Baucus Points

Please see attached. I will bring hard copies for ride over.

 Ex.5 - Deliberative

Libby\_Baucus 6-7-11.docx

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

01268-EPA-6757

Laura Vaught/DC/USEPA/US  
07/07/2011 06:40 PM  
To windsor.richard  
cc Bob Sussman  
bcc  
Subject AEP info

Here are the three documents I got from AEP today.

One of them is just the old press release they did. One of them is a summary of the report they are running around town with on reliability and the final one is their clarification of the original press release document.  
Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]



FINAL AEP Compliance Plan Release.pdf 2011\_CARReport\_Summary.pdf



Clarification of AEP announcement 6-20-11.pdf

01268-EPA-6760

**Michael Goo/DC/USEPA/US**  
07/08/2011 12:06 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina McCarthy, Scott Fulton  
cc  
bcc  
Subject Social Cost of Carbon

I've discussed this with some, but not all, of you. I want to share this memo from Alex Barron on the social cost of carbon [REDACTED] Ex.5 - Deliberative

[REDACTED] Ex.5 - Deliberative

[REDACTED] Ex.5 - Deliberative

SCC 4 to 15 percent table.pptx SCC Background Memo for MG.docx

01268-EPA-6763

**Bob Sussman/DC/USEPA/US** To Michael Goo  
07/10/2011 04:46 PM cc Bob Perciasepe, Gina McCarthy, Richard Windsor, Scott Fulton  
bcc  
Subject Re: Social Cost of Carbon

While we've all joked about the social cost of carbon, Michael has presented some interesting and thought provoking information [REDACTED] Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Michael Goo I've discussed this with some, but not all... 07/08/2011 12:06:06 PM

From: Michael Goo/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 07/08/2011 12:06 PM  
Subject: Social Cost of Carbon

I've discussed this with some, but not all, of you. I want to share this memo from Alex Barron on the social cost of carbon [REDACTED] Ex.5 - Deliberative

Ex.5 - Deliberative

Ex.5 - Deliberative

SCC 4 to 15 percent table.pptx SCC Background Memo for MG.docx

01268-EPA-6774

Mathy  
Stanislaus/DC/USEPA/US  
07/13/2011 06:29 PM

To Seth Oster, Richard Windsor  
cc  
bcc  
Subject Great Press Opportunity on Brownfield Property

Attached is a description of a ribbon cutting press event regarding the siting of manufacturing of wind energy component parts on a brownfield property brownfield site in Michigan. Ex.5 - Deliberative

[REDACTED]

The event is at 9:30 am on August 9 in Monroe, MI.

Mathy Stanislaus  
USEPA Assistant Administrator



Office of Solid Waste & Emergency Response VENTOWER INDUSTRIES FACT SHEET.docx Site Update - 13.pdf

01268-EPA-6799

**Adrian Collins**

Ex. 6 - Privacy

07/20/2011 01:41 PM

To Richard Windsor, Jose Lozano

cc

bcc

Subject super green facility we are visiting

30% of energy used is solar attache is background info.



Environmental Practices.pdf

01268-EPA-6810

Ex. 6 - Privacy  
07/25/2011 12:01 PM  
Please respond to  
Ex. 6 - Privacy

To "Lisa At Home", Richard Windsor  
cc  
bcc  
Subject Fw: How Great Women Lead

Sent from my Verizon Wireless BlackBerry

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

From: "Bonnie St. John" <Ex. 6 - Privacy>  
Date: Fri, 08 Jul 2011 08:53:55  
To: Lisa Jackson<Ex. 6 - Privacy>  
Cc: <oster.seth@epa.gov>  
Subject: How Great Women Lead

Dear Lisa,

Thank you again for participating in our book project! We are finally in the final stages of the writing process and we're thrilled with the way your chapter has come together. As promised, please find it attached for your review. I hope you like it as much as we do!

Keep in mind as you read that it is meant to be funny at times, so I hope you appreciate our sense of humor. We have taken some poetic license here and there, and some events have been collapsed and rearranged for the sake of brevity, so please understand this may not reflect our visit exactly as it happened. It is also fair to warn you that the publisher may require us shorten this section before it goes into the book in the final form. I only wish we could have included more of your wise words in the text.

Please read this over and let me know your comments as soon as possible. Since our final deadline is looming, the sooner you can respond the better. It would be ideal if you could respond by the end of next week.

I really can't tell you how much it means to Darcy and me to have you as a part of this book. Your contribution to the nation and the world has been truly extraordinary; the whole project is elevated by your participation. You truly are a great woman leader.

Most sincerely,

Bonnie

Bonnie St. John  
Courageous Spirit, Inc.  
301 North Harrison Street, Suite 403  
Princeton, NJ 08540  
Cell: (858) 775-3665  
FAX: (917) 591-8063  
Email: Ex. 6 - Privacy <mailto:Ex. 6 - Privacy>

(b) (6)

CHAPTER 18 Lisa Jackson.docx

01268-EPA-6811

**Laura Vaught/DC/USEPA/US**  
07/28/2011 06:34 PM

To Richard Windsor, Michael Goo, Arvin Ganesan, Scott Fulton,  
Gina McCarthy, Seth Oster, Diane Thompson, Bob  
Perciasepe, Bob Sussman, Janet Woodka, Brendan Gilfillan

cc

bcc

Subject House cement bill is out

FYI - the cement bill that we knew was coming has arrived - introduced in the House today. The language  
is attached.

Ex.5 - Deliberative

[REDACTED]

[REDACTED]



MACTcement.pdf

Co-sponsors include GOP Reps. John Sullivan, Adam Kinzinger, Bob Latta, Greg Walden, Joe Barton, John Carter and Charles Dent and Democratic Reps. Mike Ross, Dan Boren and Jason Altmire.

01268-EPA-6813

Richard  
Windsor/DC/USEPA/US  
08/02/2011 12:01 PM

To AI Armendariz, Janet Woodka  
cc  
bcc  
Subject Fw: Daily Reading File: August 1, 2011

What are we doing about the requests from Port Arthur?

----- Forwarded by Richard Windsor/DC/USEPA/US on 08/02/2011 11:54 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, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA  
Date: 08/01/2011 05:36 PM  
Subject: Daily Reading File: August 1, 2011  
Sent by: Cynthia Gaines

---



Daily Reading File.8.1.11.pdf

01268-EPA-6814

Richard  
Windsor/DC/USEPA/US  
08/02/2011 01:54 PM

To John Hankinson  
cc  
bcc  
Subject Fw: Daily Reading File: July 29, 2011

Assuming you've seen the enviros' Gulf Coast wish list attached?

----- Forwarded by Richard Windsor/DC/USEPA/US on 08/02/2011 01:53 PM -----

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, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA  
Date: 07/29/2011 05:25 PM  
Subject: Daily Reading File: July 29, 2011  
Sent by: Eliska Postell



Daily Reading File.7.29.11.pdf

01268-EPA-6819

John  
Hankinson/DC/USEPA/US  
08/04/2011 07:59 PM

To Richard Windsor  
cc Diane Thompson  
bcc  
Subject Draft Gulf Strategy

Attached is the draft Strategy for the Gulf that will be released to the Task Force on Friday. There is still a piece on Governance/next steps in process. There are also a few late arriving comments that may be included in the final draft.

Ex.5 - Deliberative

Thanks,  
John

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

Ex.5 - Deliberative

Gulf Coast Task Force - Combined Strategy - 2011-08-04 DRAFT\_clean.docx

01268-EPA-6822

Richard  
Windsor/DC/USEPA/US  
08/10/2011 10:38 AM

To John Hankinson  
cc Bob Perciasepe, Diane Thompson  
bcc  
Subject Re: USDA Initiative

Harris Sherman and i have been trying to speak on the nutrient idea as well. He seems excited by it but is in CO and hard to catch. [REDACTED]  
Ex.5 - Deliberative

John Hankinson [REDACTED] Ann Mills will be representing USDA on... 08/10/2011 09:13:19 AM

From: John Hankinson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 08/10/2011 09:13 AM  
Subject: USDA Initiative

Ann Mills will be representing USDA on Friday. [REDACTED]  
Ex.5 - Deliberative

Attached is a draft agenda for Friday's meeting. We are proposing to stay focused on the issues that have been identified through our process as needing high level consideration. We don't plan to go through the document line by line and do editing on the spot. Members will have a chance to offer specific edits to the draft that will be released on August 15 that incorporate the Task Force's directives. We are preparing "one pagers" on each of the issues and a time allocation on the agenda. I actually think we have gotten to pretty good agreement already on most of these, but a final sign off is appropriate.

[REDACTED]  
John [REDACTED]

[REDACTED]  
Ex.5 - Deliberative

August 12 Executive Session Agenda 8-9-11 v3.docx

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

01268-EPA-6825

Lisa Garcia/DC/USEPA/US  
08/10/2011 01:31 PM  
**To** Richard Windsor  
**cc** Jose Lozano, Diane Thompson  
**bcc**  
**Subject** Plan EJ 2014

Administrator:

For ease, I have sent along an electronic version of the final draft of Plan EJ 2014 to Jose to put on your I-Pad.

The essential portion for review is the Executive Summary and Intro (pages 1-28) BUT it flows very quickly (lots of bullet points and pictures).

This document is the awesome culmination of months of work and involved staff from every NPM and program with the assistance of all the regions.

Please let me know if you have thoughts or edits by Monday. Thanks, lisa g

Some background:

The Plan was announced at the NEJAC and went out for public comment in late July 2010. Then the agency created 9 working groups and developed 9 implementation plans (based on the comments)- divided up by topic area (EJ and rulemaking...).

The 9 implementation plans were put out for public comment in April 2011- there has been AA, RA, DRA, DAA and senior staff participation all throughout. All 9 implementation plans as appendices in the document I sent over -. A very big collaborative effort by many different programs. The milestones and deliverables have all been approved by each program- and some have even been accomplished as we continue to work as we plan...

We also have your approved message at the beginning.

Thanks so much! lisa g

**Ex.5 - Deliberative**



Plan EJ\_Consolidated Plan\_FINAL EDITS\_0805-CLEAN.pdf

Lisa F. Garcia, Esq.  
Senior Advisor to the Administrator  
for Environmental Justice

US EPA  
1200 Pennsylvania Ave NW  
Room 3000 ARS: MC-1101A  
Washington, DC 20460  
Tel: (202) 564 1259  
E-mail: [garcia.lisa@epa.gov](mailto:garcia.lisa@epa.gov)



01268-EPA-6839

Lisa Garcia/DC/USEPA/US

08/23/2011 11:33 AM

To Richard Windsor

cc Diane Thompson, Scott Fulton

bcc

Subject Plan EJ 2014

Administrator-

Here is a copy of the Plan with Title VI edits from Cynthia, Diane, Scott and Comms. Scott and I edited a bit more after the AM meeting.. I am only attaching pages i - 30, the implementation plans remain the same.

The Title VI language is highlighted and on pages:

i, vi, 1-4, 8, and 29

I hope to announce tomorrow at the EJ Conference that EPA will post the final Plan EJ 2014 the 1st week in September.

Let me know if you have edits, concerns or thoughts?

Thanks. hope you feel better soon.

Lisa g

Ex.5 - Deliberative

Plan EJ\_Overview TITLE VI edits.0823.docx

01268-EPA-6841

John  
Hankinson/DC/USEPA/US  
08/23/2011 06:38 PM

To Richard Windsor, "Diane Thompson", Bob Perciasepe  
cc  
bcc  
Subject Fw: Gulf Coast Task Force - Combined Strategy -  
2011-08-19 DRAFT-State of LA edits

First part of his comments.

John

---

**From:** Garret Graves [Garret@GOV.STATE.LA.US]  
**Sent:** 08/23/2011 03:55 AM EST  
**To:** John Hankinson; Bryon Griffith  
**Cc:** Charles Sutcliffe <Charles.Sutcliffe@GOV.STATE.LA.US>; Chip Kline <Chip.Kline@GOV.STATE.LA.US>; Bren Haase <Bren.Haase@LA.GOV>  
**Subject:** Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits

Gents,

Here are our consolidated comments up until around page 28.

[REDACTED]  
Ex.5 - Deliberative

Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits.docx

01268-EPA-6842

John  
Hankinson/DC/USEPA/US  
08/23/2011 06:39 PM

To Richard Windsor, "Diane Thompson", Bob Perciasepe  
cc  
bcc  
Subject Fw: Gulf Coast Task Force - Combined Strategy -  
2011-08-19 DRAFT-State of LA edits

---

**From:** Garret Graves [Garret@GOV.STATE.LA.US]  
**Sent:** 08/23/2011 10:53 AM EST  
**To:** John Hankinson; Bryon Griffith  
**Cc:** Chip Kline <Chip.Kline@GOV.STATE.LA.US>; Charles Sutcliffe <Charles.Sutcliffe@GOV.STATE.LA.US>; Bren Haase <Bren.Haase@LA.GOV>  
**Subject:** Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits

This version gets us to "IV. Next Steps". Will send rest later today.

Ex.5 - Deliberative

Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits.docx

01268-EPA-6843

**John  
Hankinson/DC/USEPA/US**  
08/24/2011 06:19 AM

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

Subject Fw: Gulf Coast Task Force - Combined Strategy -  
2011-08-19 DRAFT-State of LA edits

Lisa,

I have reviewed all of his comments thus far, and with the exception of a few "call outs" I think they can be addressed. Ex.5 - Deliberative

## Ex.5 - Deliberative

We may be able to help there.

John

**From:** Garret Graves [Garret@GOV.STATE.LA.US]  
**Sent:** 08/23/2011 11:10 PM EST  
**To:** John Hankinson; Bryon Griffith  
**Subject:** Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits

Deliberative -- For Draft Report Development -- Not for Distribution

John/Bryon:

## Ex.5 - Deliberative

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Thanks guys,

g      Ex.5 - Deliberative  
[REDACTED]  
[REDACTED] Gulf Coast Task Force - Combined Strategy - 2011-08-19 DRAFT-State of LA edits.docx

01268-EPA-6848

Richard  
Windsor/DC/USEPA/US  
08/25/2011 03:51 PM

To Lisa Garcia  
cc Diane Thompson, Scott Fulton, Seth Oster  
bcc  
Subject Re: Plan EJ 2014

It is a wonderful report. Have you rolled it out. It is a significant achievement. Thanks You!

| Lisa Garcia Administrator- Here is a copy of the Pla... 08/23/2011 11:33:20|AM

From: Lisa Garcia/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 08/23/2011 11:33 AM  
Subject: Plan EJ 2014

Administrator-

Here is a copy of the Plan with Title VI edits from Cynthia, Diane, Scott and Comms.  
Scott and I edited a bit more after the AM meeting.. I am only attaching pages i - 30, the implementation plans remain the same.

The Title VI language is highlighted and on pages:

i, vi, 1-4, 8, and 29

I hope to announce tomorrow at the EJ Conference that EPA will post the final Plan EJ 2014 the 1st week in September.

Let me know if you have edits, concerns or thoughts?

Thanks. hope you feel better soon.

Lisa g

Ex.5 - Deliberative

Plan EJ\_Overview. TITLE VI edits.0823.docx

01268-EPA-6849

**Richard  
Windsor/DC/USEPA/US**  
08/29/2011 07:10 AM

To "Shalini Vajjhala", "Michelle DePass", "Elle Beard", "Jose Lozano", "Scott Fulton", "Barbara Bennett", "Erica Jeffries", "Tseming Yang"  
cc  
bcc  
Subject Fw: JIUS draft action plan

+ Fulton, Bennett, Jeffries, Yang

Tx Shalini. Good job. The draft is very comprehensive. Ex.5 - Deliberative

Folks, I think we need folks to review and then get together to discuss so we are all set for Minister Teixeira. For example, I need clarity on our role vis a vis the foundations.

Lisa  
Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 08/28/2011 09:29 PM EDT  
**To:** Richard Windsor  
**Cc:** Michelle DePass; Jose Lozano; Elle Beard  
**Subject:** JIUS draft action plan

Administrator,

As promised, attached is draft 1-year JIUS Action Plan developed from my follow-on meetings in Rio last week. Michelle also has a copy.

We got strong verbal support from all of the key government officials on the framing. Everyone is now reviewing the details, and we expect to go through one quick round of revisions (with comments from Teixeira's team, Rio state, Rio city and the foundations) before you would meet with Teixeira when she is in NYC in late September.

Please let me know if you have any comments at this stage. Otherwise, we'll look forward to sending another update after Labor Day-

Best,  
Shalini

Shalini Vajjhala, PhD  
Deputy Assistant Administrator  
Office of International & Tribal Affairs  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov

01268-EPA-6873

**Richard  
Windsor/DC/USEPA/US**  
08/31/2011 01:40 PM

To "Lisa At Home"  
cc  
bcc  
Subject Fw: JIUS draft action plan

Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 08/28/2011 09:29 PM EDT  
**To:** Richard Windsor  
**Cc:** Michelle DePass; Jose Lozano; Elle Beard  
**Subject:** JIUS draft action plan

Administrator,

As promised, attached is draft 1-year JIUS Action Plan developed from my follow-on meetings in Rio last week. Michelle also has a copy.

We got strong verbal support from all of the key government officials on the framing. Everyone is now reviewing the details, and we expect to go through one quick round of revisions (with comments from Teixeira's team, Rio state, Rio city and the foundations) before you would meet with Teixeira when she is in NYC in late September.

Please let me know if you have any comments at this stage. Otherwise, we'll look forward to sending another update after Labor Day-

Best,  
Shalini

Shalini Vajjhala, PhD  
Deputy Assistant Administrator  
Office of International & Tribal Affairs  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov

01268-EPA-6894

Gina McCarthy/DC/USEPA/US

09/08/2011 06:03 PM

To Richard Windsor, perciasepe.bob, Michael Goo,  
Sussman.bob, Thompson.Diane, Fulton.Scott  
cc Joseph Goffman, Janet McCabe, garbow.avi  
bcc

Subject GHG NSPS

Folks -

Ex.5 - Deliberative

[REDACTED] . This is I believe, consistent with the discussion from our earlier meeting this week.

I am happy to meet or otherwise help get to the next steps/

Ex.5 - Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/08/2011 05:51 PM -----

From: Joseph Goffman/DC/USEPA/US  
To: McCarthy.Gina@epamail.epa.gov  
Cc: Tsirigotis.Peter@epa.gov  
Date: 09/07/2011 10:11 PM  
Subject: NSPS TPs plus 2-OPTION Schedule

Ex.5 - Deliberative

GHG EGU NSPS Talking points.docx

Ex.5 - Deliberative

EGU nsps summary and 2- OPTION schedule 9\_8\_11.pptx

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

01268-EPA-6895

**Gina McCarthy/DC/USEPA/US** To Richard Windsor, "Bob Perciasepe", "Bob Sussman", "Diane Thompson", "Seth Oster"  
09/09/2011 08:03 AM cc  
bcc  
Subject Fw: TPs and Background Info for Luminant Meeting

Not sure if you need or want these talking points for this mornings mtg. But they may help you frame the mtg. Happy to do whatever you need.

Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 09/08/2011 10:18 PM EDT  
**To:** Gina McCarthy  
**Subject:** TPs and Background Info for Luminant Meeting

Ex.5 - Deliberative

CSAPR Luminant TPs 09-08-11.docx

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

01268-EPA-6898

Richard  
Windsor/DC/USEPA/US  
09/10/2011 08:42 AM

To "Seth Oster", "Brendan Gilfillan", "Sarah Pallone"  
cc  
bcc  
Subject Fw: Fwd: (b) (6) RESUME

(b) (6) Personal Privacy

---

**From:** Douglas Palmer | Ex. 6 - Privacy  
**Sent:** 09/10/2011 08:11 AM AST  
**To:** Richard Windsor  
**Subject:** Fwd (b) (6) Personal Privacy | RESUME

This is a resume from Ex.5 - Deliberative

[REDACTED]

Let's talk when you can.  
Hang in there! Doug

Sent from my iPhone

Begin forwarded message:

**From:** (b) (6) Personal Privacy < Ex. 6 - Privacy  
**Date:** August 17, 2011 11:47:12 AM EDT  
**To:** Ex. 6 - Privacy  
**Subject:** (b) (6) RESUME

Doug --

Pls see attached per our conversation. Thank you in advance for any assistance you can provide.

All the best,

(b) (6)

Elena (b) (6) RESUME JULY 2011.doc

01268-EPA-6905

**Bob  
Perciasepe/DC/USEPA/US**  
09/11/2011 11:37 AM

To Richard Windsor  
cc  
bcc  
Subject Fw: Letter

with moats/gillfillan edits

Bob Perciasepe  
Deputy Administrator

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

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 09/11/2011 11:28 AM -----

From: Brendan Gilfillan/DC/USEPA/US  
To: "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>  
Cc: "Seth Oster" <Oster.Seth@epamail.epa.gov>  
Date: 09/11/2011 10:50 AM  
Subject: Letter

---

Per your convos w Seth, here's our draft of the ltr.

Ex.5 - Deliberative  
9-10 bg luminant (mm edits).docx

01268-EPA-6906

Bob Sussman/DC/USEPA/US  
09/11/2011 04:03 PM  
**To:** Brendan Gilfillan  
**cc:** "Arvin Ganesan", "Cynthia Giles-AA", "Joseph Goffman",  
"Gina McCarthy", Oster.Seth, Perciasepe.Bob, "Laura  
Vaught", Windsor.Richard  
**bcc**  
**Subject:** Re: Latest version of the letter

**Ex.5 - Deliberative**

~5011027.docx Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Brendan Gilfillan Attached.

09/11/2011 03:44:35 PM

---

From: Brendan Gilfillan/DC/USEPA/US  
To: Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov,  
Oster.Seth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, "Gina McCarthy"  
<McCarthy.Gina@epamail.epa.gov>, "Cynthia Giles-AA" <Giles-AA.Cynthia@epamail.epa.gov>,  
"Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Arvin Ganesan"  
<Ganesan.Arvin@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>  
Date: 09/11/2011 03:44 PM  
Subject: Latest version of the letter

---

Attached.

Ex.5 - Deliberative

9-11 Luminant letter.docx

01268-EPA-6907

Gina McCarthy/DC/USEPA/US

09/11/2011 05:41 PM

To Richard Windsor, "Bob Perciasepe", "Seth Oster", "Brendan

Gilfillan", "Arvin Ganesan", "Laura Vaught"

cc Joseph Goffman, "Lorie Schmidt"

bcc

Subject Fw: Fw: Latest version of the letter

I am sorry for the late changes in the attached document [REDACTED]

Ex.5 - Deliberative [REDACTED]  
[REDACTED]

**From:** "Ken McCarey" [REDACTED] Ex. 6 - Privacy

**Sent:** 09/11/2011 05:21 PM AST

**To:** Gina McCarthy

**Subject:** Re: Fw: Latest version of the letter

Ken McCarey  
Sunshine Bouquet Co.  
(b) (6) Personal Privacy

Make it a great day!

**From:** McCarthy.Gina@epamail.epa.gov

**To:** Ken McCarey [mailto: [REDACTED]] Ex. 6 - Privacy

**Sent:** Sun, 11 Sep 2011 17:10:56 -0400

**Subject:** Fw: Latest version of the letter

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

From: Brendan Gilfillan  
Sent: 09/11/2011 04:55 PM EDT

To: Bob Sussman  
Cc: Arvin Ganesan; Cynthia Giles-AA; Joseph Goffman; Gina McCarthy;  
Seth Oster; Bob Perciasepe; Laura Vaught; Richard Windsor  
Subject: Re: Latest version of the letter  
All -

The attached reflects thoughts from everyone on this email. While moats is scrubbing with clean eyes, folks shld take one last look and make sure there are no showstoppers.

Thanks

- Brendan

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

From: Bob Sussman  
Sent: 09/11/2011 04:03 PM EDT  
To: Brendan Gilfillan  
Cc: Arvin Ganesan; Cynthia Giles-AA; Joseph Goffman; Gina McCarthy;  
Seth Oster; Bob Perciasepe; Laura Vaught; Richard Windsor  
Subject: Re: Latest version of the letter

[attachment "~5011027.docx" deleted by Brendan Gilfillan/DC/USEPA/US]

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

From: Brendan Gilfillan/DC/USEPA/US  
To: [Windsor.Richard@epamail.epa.gov](mailto:Windsor.Richard@epamail.epa.gov),  
[Perciasepe.Bob@epamail.epa.gov](mailto:Perciasepe.Bob@epamail.epa.gov), [Oster.Seth@epamail.epa.gov](mailto:Oster.Seth@epamail.epa.gov),  
[Sussman.Bob@epamail.epa.gov](mailto:Sussman.Bob@epamail.epa.gov), "Gina McCarthy"  
<[McCarthy.Gina@epamail.epa.gov](mailto:McCarthy.Gina@epamail.epa.gov)>, "Cynthia Giles-AA"  
<[Giles-AA.Cynthia@epamail.epa.gov](mailto:Giles-AA.Cynthia@epamail.epa.gov)>, "Joseph Goffman"  
<[Goffman.Joseph@epamail.epa.gov](mailto:Goffman.Joseph@epamail.epa.gov)>, "Arvin Ganesan"  
<[Ganesan.Arvin@epamail.epa.gov](mailto:Ganesan.Arvin@epamail.epa.gov)>, "Laura Vaught"  
<[Vaught.Laura@epamail.epa.gov](mailto:Vaught.Laura@epamail.epa.gov)>

Date: 09/11/2011 03:44 PM  
Subject: Latest version of the letter

Attached.

Ex.5 - Deliberative  
9-11 luminant letter\_finalgm.docx

01268-EPA-6908

**Bob Sussman/DC/USEPA/US** To Brendan Gilfillan  
09/11/2011 05:45 PM cc "Seth Oster", "Bob Perciasepe", "Richard Windsor"  
**bcc**  
**Subject** Re: FINAL letter

Ex.5 - Deliberative

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

Brendan Gilfillan Final attached in word format - not sur... 09/11/2011 05:25:33|PM

From: Brendan Gilfillan/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Date: 09/11/2011 05:25 PM  
Subject: FINAL letter

Final attached in word format - not sure I have the capacity here to PDF.

Ex.5 - Deliberative

**From:** Brendan Gilfillan | Ex. 6 - Privacy  
**Sent:** 09/11/2011 05:22 PM AST  
**To:** Brendan Gilfillan  
**Subject:** FINAL letter

Ex.5 - Deliberative

9-11 luminant letter\_FINAL\_FINAL.docx

01268-EPA-6909

**Bob Sussman/DC/USEPA/US**  
09/11/2011 06:06 PM  
  
To richard windsor, bob perciasewe, seth oster, brendan gilffilan,  
gina mccarthy, joseph goffman, arvin ganesan, laura vaught,  
avi garbow, cynthia giles  
cc  
bcc  
Subject Fw: Letter on CSPAR Issues

FYI

Bob -- suggest that your office prepare and send a formatted, signed version first thing in the am which we can also use for public release.

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 09/11/2011 06:00 PM -----

---

From: Bob Sussman/DC/USEPA/US  
To: "Campbell, David" <David.Campbell@luminant.com>  
Cc: bob perciasewe  
Date: 09/11/2011 05:59 PM  
Subject: Letter on CSPAR Issues

David -- as discussed earlier this afternoon, enclosed is a letter to you from Bob Perciasewe, our Deputy Administrator. We will send a signed, formatted version of the letter tomorrow morning. We request that you share the letter with your Board.

Thank you.

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

  
9-11 luminant letter\_FINAL\_FINAL.docx

01268-EPA-6910

**Bob Sussman/DC/USEPA/US**  
09/12/2011 09:40 AM  
**To:** Richard Windsor, Bob Perciasepe, Gina McCarthy, Joseph Goffman, Al Armendariz, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Avi Garbow, Cynthia Giles-AA, Scott Fulton  
**cc**  
**bcc**  
**Subject:** Luminant's Response to our Letter on CSPAR Issues

See below Luminant's response to Bob's letter.

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 09/12/2011 09:36 AM -----

---

From: "Campbell, David" <David.Campbell@luminant.com>  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA  
Date: 09/12/2011 09:04 AM  
Subject: RE: Letter on CSPAR Issues  
Sent by: "Quint, Jo Anne" <Jo.Quint@luminant.com>

Bob, thanks for your email. Attached please find a letter from the company.

Regards,  
David

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

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]  
Sent: Sunday, September 11, 2011 4:59 PM  
To: Campbell, David  
Cc: Perciasepe.Bob@epamail.epa.gov  
Subject: Letter on CSPAR Issues

David -- as discussed earlier this afternoon, enclosed is a letter to you from Bob Perciasepe, our Deputy Administrator. We will send a signed, formatted version of the letter tomorrow morning. We request that you share the letter with your Board.

Thank you.

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

(See attached file: 9-11 luminant letter\_FINAL\_FINAL.docx)

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2011 09 12 Luminant to EPA final.pdf

01268-EPA-6914

Richard  
Windsor/DC/USEPA/US  
09/13/2011 10:11 AM

To "Diane Thompson"  
cc  
bcc  
Subject Fw: Confidential

Steve Owens

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

**From:** Steve Owens  
**Sent:** 09/13/2011 10:02 AM EDT  
**To:** Richard Windsor  
**Subject:** Confidential

Lisa,

As you requested, attached is my list of suggested names for consideration [REDACTED] Ex.5 - Deliberative [REDACTED]

[REDACTED]

Many thanks.

Steve

Ex.5 - Deliberative

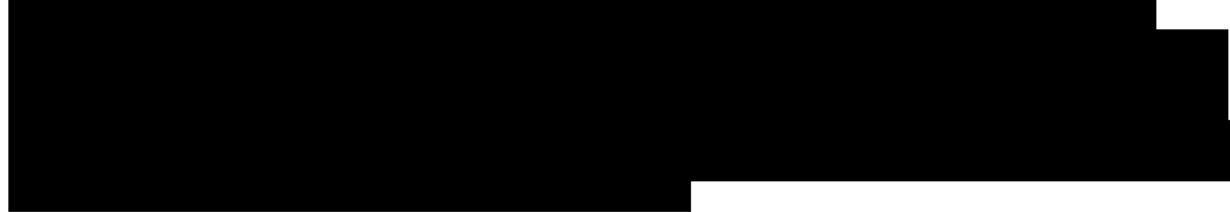
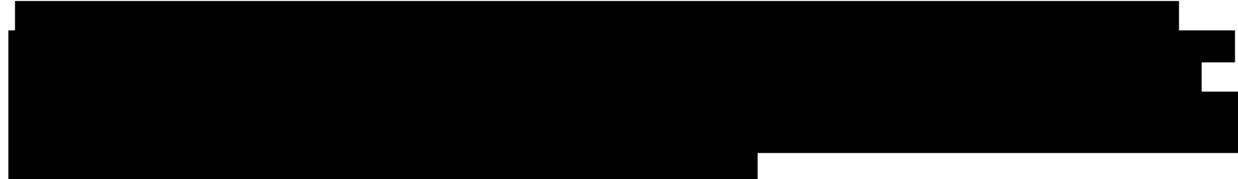
 OCSPP AA.docx

01268-EPA-6919

**Michael Goo/DC/USEPA/US**      To: Richard Windsor, Aaron Dickerson, Gladys Stroman  
09/13/2011 04:03 PM      cc: Robin Kime  
                                bcc:  
                                Subject: Memo on EGU NSPS Costs and Benefits

Administrator: attached is a one page memo outlining the latest cost and benefit figures for the existing source portion of the EGU GHG NSPS

Ex.5 - Deliberative



I would be glad to discuss and if you can, please let me know your thoughts in this regard.

Have a good trip.

Ex.5 - Deliberative

Memo on Net Benefits 9 13 11.docx

Ex.5 - Deliberative

New source Cost Transitional 9 8 11.docx

----- Forwarded by Michael Goo/DC/USEPA/US on 09/13/2011 03:48 PM -----

From: Alex Barron/DC/USEPA/US  
To: Michael Goo  
Cc: "Shannon Kenny" <Kenny.shannon@epa.gov>  
Date: 09/13/2011 03:02 PM  
Subject: Fw: Memo on Net Benefits 9 13 11

Alex Barron

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

**From:** Alex Barron  
**Sent:** 09/13/2011 11:31 AM EDT  
**To:** Shannon Kenny  
**Subject:** Memo on Net Benefits 9 13 11

Can you edit? I'm going to start on the deck...

Ex.5 - Deliberative



- Memo on Net Benefits 9 13 11.docx

01268-EPA-6935

Mathy  
Stanislaus/DC/USEPA/US  
09/18/2011 08:00 PM

To "Richard Windsor"  
cc  
bcc

Subject Fw: Recommendation for Path forward on Non Hazardous Secondary Material Rule

Let me know if you would like to discuss.

Ex.5 - Deliberative

Lisa Feldt

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

**From:** Lisa Feldt  
**Sent:** 09/16/2011 04:04 PM EDT  
**To:** Richard Windsor  
**Cc:** Mathy Stanislaus; Bob Sussman; Arvin Ganesan; Scott Fulton; Gina McCarthy; Avi Garbow; Janet McCabe; Michael Goo; Bicky Corman  
**Subject:** Recommendation for Path forward on Non Hazardous Secondary Material Rule

Deliberative and Confidential

Ex.5 - Deliberative

NHSM Path forward V5\_9\_16.docx

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

01268-EPA-6949

**Margo Oge/DC/USEPA/US**

09/25/2011 02:27 PM

To Richard Windsor

cc

bcc

Subject

Dear Lisa. As you may remember [REDACTED]

(b) (6)

[REDACTED] is looking for a job.

[REDACTED]  
[REDACTED]  
(b) (6)  
[REDACTED]

Thanks  
Margo

01268-EPA-6953

Nancy Stoner/DC/USEPA/US

09/26/2011 10:01 AM

To Richard Windsor

cc Bob Perciasepe, Bob Sussman

bcc

Subject OW hot issues for this week

Administrator,

Please see attached and let me know if you have questions or other topics you'd like me to address.  
Thanks

Ex.5 - Deliberative

OW Hot Issues sept. 25.docx

cc: Bobs

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

01268-EPA-6973

**Richard  
Windsor/DC/USEPA/US**  
09/29/2011 04:00 PM

To Betsaida Alcantara  
cc Gwendolyn KeyesFleming, Bob Sussman, Brendan Gilfillan,  
Sarah Pallone, Seth Oster  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

Ex.5 - Deliberative

Betsaida Alcantara    [Here is the letter that went to the pre...](#)    09/29/2011 03:39:56 PM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Gwendolyn KeyesFleming/R4/USEPA/US@EPA  
 Cc: Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Richard  
       Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth  
       Oster/DC/USEPA/US@EPA  
 Date: 09/29/2011 03:39 PM  
 Subject: Re: Fw: Google Alert - lisa jackson epa

Here is the letter that went to the president, a Kentucky reporter just reached out to us for comment.



Obama President Barack 09 27 11.pdf

Gwendolyn KeyesFleming    [I haven't see the letter either...](#)    09/29/2011 03:37:02 PM

From: Gwendolyn KeyesFleming/R4/USEPA/US  
 To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
 Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Sarah  
       Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
 Date: 09/29/2011 03:37 PM  
 Subject: Re: Fw: Google Alert - lisa jackson epa

I haven't see the letter either but will try to track it down. Discussions are on going w/ KY. Stan & I met w/ Len Peters Monday & Jim G is meeting w/ his KY counter part today. They've come far but we still have a lot of concerns.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 09/29/2011 02:01 PM EDT  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Gwendolyn KeyesFleming; Sarah  
       Pallone; Seth Oster  
**Subject:** Re: Fw: Google Alert - lisa jackson epa  
 haven't seen the letter but things remain very difficult with kentucky, as gwen can elaborate . . . we have seen very little movement on their side

Robert M. Sussman  
 Senior Policy Counsel to the Administrator

Office of the Administrator  
US Environmental Protection Agency

Richard Windsor    Heads up - has anyone seen a copy of...    09/29/2011 01:48:22 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 09/29/2011 01:48 PM  
Subject: Fw: Google Alert - lisa jackson epa

Heads up - has anyone seen a copy of the Beshear letter? I thought things were chugging along with KY?

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 09/29/2011 04:01 PM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

News

1 new result for lisa jackson epa

[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with EPA's southern region administrator, **Lisa Jackson**, was rejected by EPA headquarters. ...

[See all stories on this topic »](#)

---

Tip: Use a plus sign (+) to match a term in your query exactly as is. [Learn more.](#)

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01268-EPA-6977

**Richard  
Windsor/DC/USEPA/US**  
09/29/2011 08:34 PM

To "Daniel Kanninen"  
cc  
bcc  
Subject Fw:

Here is her resume. Tx. Lisa  
Margo Oge

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

**From:** Margo Oge  
**Sent:** 09/25/2011 02:27 PM EDT  
**To:** Richard Windsor

Dear Lisa. As you may remember

(b) (6)

[REDACTED] is looking for a job.

[REDACTED]  
(b) (6)  
[REDACTED]

Thanks  
Margo

01268-EPA-6989

Bob  
Perciasepe/DC/USEPA/US  
10/05/2011 10:19 AM

To Bob Sussman, Gina McCarthy, Richard Windsor, Seth Oster  
cc  
bcc  
Subject FW: Air Quality VIII Sponsor E-mail: CSAPR got you  
spooked? SOLVAir Solutions can help!

Interesting, the market and entrepreneurs respond

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 10/05/2011 10:19:37 AM-----

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

From : "Gagner, Kari" <kgagner@undeerc.org>  
To : "Gagner, Kari" <kgagner@undeerc.org>  
Cc :  
Sent on : 10/05/2011 10:10:11 AM  
Subject : Air Quality VIII Sponsor E-mail: CSAPR got you spooked? SOLVAir Solutions can help!

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[Venue & Travel](#) | [Sponsors](#)

AN E-PUBLICATION OF SOLVAY CHEMICALS, INC.



*SO<sub>3</sub>*   *Trona*   *SO<sub>2</sub>*   *Sodium Bicarbonate*



***CSAPR got you spooked?***

**SOLVAir® Solutions for Air  
Pollution Control**

**SOLVAir Select Sodium  
Bicarbonate**

**SOLVAir Select Trona**





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This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*



- image002.png

01268-EPA-6990

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
10/06/2011 06:22 AM cc  
**bcc**  
**Subject** Fw: Revised Luminant Lett

Attached are the Luminant talking points. Ex.5 - Deliberative  
Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 10/05/2011 10:00 AM EDT  
**To:** David Bloomgren; Gina McCarthy  
**Cc:** Brendan Gilfillan  
**Subject:** Re: Revised Luminant Letter

Thanks, David and Brendan, for cranking away at this.

## Ex.5 - Deilberative

**WANDE, ZEWA AND ZWIRMAN, FOR DETERMINING ANHYDROUS**

Ex 5 - Deliberative

CSAPR | Luminant Campbell TPs - 10-4-11.doc

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

**David Bloomgren** Joe - Below is a revised letter than in... 10/05/2011 09:32:23 AM

From: David Bloomgren/DC/USEPA/US  
To: Joseph Goffman/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/05/2011 09:32 AM  
Subject: Revised Luminant Letter

Joe -

Below is a revised letter than incorporates feedback from Bob P, Bob S., Brendan and me. [REDACTED] (b) (5)  
[REDACTED] so I think we need to refine a bit and make it more clear.

Let me know if you want to discuss.

Thanks,  
David

Ex.5 - Deliberative



Ex.5 - Deliberative

David E. Bloomgren  
U.S. Environmental Protection Agency  
Direct: 202.564.0639  
Mobile: 202.604.5926

01268-EPA-7000

**Michael Moats/DC/USEPA/US**

10/11/2011 12:18 PM

To Richard Windsor

cc Brendan Gilfillan, Betsaida Alcantara

bcc

Subject ACTION oped for review

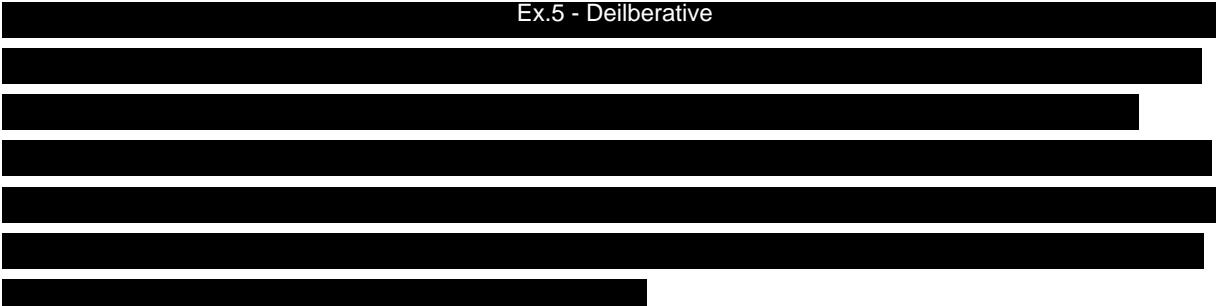
(b) (5) Deliberative

Ex.5 - Deliberative

2011 10 06 AGO op ed BC (EPA edits).doc

Ex.5 -  
Deilberative

Ex.5 - Deliberative



-----

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

01268-EPA-7015

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
10/14/2011 07:04 PM cc Bob Perciasepe, Michael Goo, Scott Fulton, Avi Garbow  
bcc  
Subject Fw: Refinery rulemaking materials

These are the materials on refinery-related rulemakings that Gina handed out at the Tier 3 briefing this afternoon.

Ex.5 - Deilberative



We should decide what we think and then get back to Gina with guidance.

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 10/14/2011 06:55 PM -----

From: Gina McCarthy/DC/USEPA/US  
To: perciasepe.bob@epa.gov, Michael Goo/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
Date: 10/13/2011 08:55 PM  
Subject: Fw: Refinery rulemaking materials

Here is some background on the refinery rules following up on our meeting regarding priority rulemaking.  
Happy to walk through this with you as discussed.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 10/13/2011 08:48 PM -----

From: Lorie Schmidt/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Jim Jones/DC/USEPA/US@EPA, Margo Oge/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA  
Date: 10/13/2011 06:52 PM  
Subject: Refinery rulemaking materials

---

Gina

Attached are 3 documents that Margo's and Steve's folks prepared to address the upcoming OTAQ and OAQPS rulemakings that would affect refineries.

Ex.5 - Deilberative



[REDACTED] Ex.5 - Deliberative [REDACTED]

If you think something else would be helpful for the meeting with the Administrator, please let us know.

thanks

Lorie

[REDACTED] Ex.5 - Deliberative [REDACTED]  
key points - refinery rm schedule 10-13-11.docx refinery rule development schedule 10-13-11.docx  
[REDACTED] Ex.5 - Deliberative [REDACTED]  
refinery sector implementation dates 10-13-11.docx

01268-EPA-7016

**Michael Moats/DC/USEPA/US**

10/17/2011 06:41 AM

To Richard Windsor

cc Brendan Gilfillan, Adrian Collins, Ryan Robison, Jose Lozano

bcc

Subject Cleantech Remarks for tonight

Administrator, attached are remarks for tonight's Cleantech Gala.

Ex.5 - Deliberative

Have a good trip.

Mike

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

Ex.5 - Deliberative

Mobile: 202-527-4436 [REDACTED] - 20111017 Cleantech Gala (2).docx

01268-EPA-7018

**Michael Moats/DC/USEPA/US**

10/17/2011 05:11 PM

To Richard Windsor, Adrian Collins, Jose Lozano

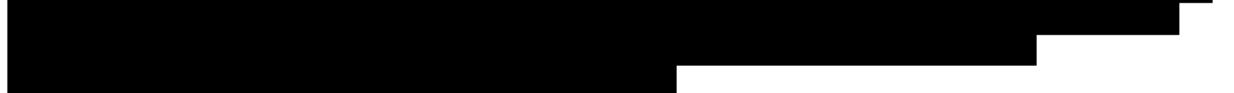
cc Charles Imohiosen, Bob Perciasepe

bcc

Subject Possible update to tonight's Cleantech speech

Administrator, one timely addition that may be worth including

Ex.5 - Deliberative



Ex.5 - Deliberative

20111017 Cleantech Gala (3).docx

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

01268-EPA-7030

Richard  
Windsor/DC/USEPA/US  
10/19/2011 01:01 PM

To Justina Fugh, Jose Lozano, Aaron Dickerson  
cc Diane Thompson, Eric Wachter  
bcc  
Subject Fw: Daily Reading File: October 14, 2011

Hi All,

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

. Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/19/2011 12:58 PM -----

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, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA  
Date: 10/14/2011 04:23 PM  
Subject: Daily Reading File: October 14, 2011  
Sent by: Eliska Postell



Daily Reading File.10.14.11.pdf

01268-EPA-7035

**Gina McCarthy/DC/USEPA/US** To Thompson.Diane, Richard Windsor, perciasepe.bob, oster.seth  
10/19/2011 01:46 PM cc  
bcc  
Subject Updated Factsheet

## Ex.5 - Deliberative

9-19 MATSupdate.doc

01268-EPA-7038

**Peter Grevatt/DC/USEPA/US** To Richard Windsor  
10/19/2011 05:26 PM cc Bob Sussman, Bob Perciasepe, Diane Thompson, Seth Oster  
**bcc**  
**Subject** ACE3 graphs in pdf files

In follow-up to our discussion earlier today, I have included a PDF file that provides a listing of each of the current indicators for the upcoming 3rd edition of the America's Children in the Environment report as well as the individual charts for each indicator and a very brief summary of the information represented in each indicator chart. Please let me know if you want to discuss any of these.

In terms of next steps for the report, I have scheduled briefings for each of the media program AAs, ORD and OEI over the next 2 1/2 weeks, and we are planning to be back with you around the 14th of November to discuss formal interagency review (we have been working very closely the other federal agencies over the last couple of years as we have developed the indicators). I have meetings scheduled with Bob and Bob to go over this in advance and we will work with Coms as we look ahead to the planned release early next year.

Thanks, P.G.

Peter Grevatt, Ph.D.  
Director, Office of Children's Health Protection  
U.S. EPA,  
1200 PA Ave., NW  
Mail Code 1107-A  
Washington, DC 20460  
202-564-8954

Ex.5 - Deliberative

ACE3 graphs + overviews 10-19-11.pdf

01268-EPA-7048

Gina McCarthy/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Bob Sussman, Michael

Goo, Thompson.Diane

10/25/2011 04:29 PM

cc dickerson.aaron

bcc

Subject

Administrator,

Attached is the OAR Hot Issues List that I will bring to our 1-on-1 tomorrow.

Gina

Ex.5 - Deliberative

OAR HOT ISSUES 10-26-11.docx

01268-EPA-7057

Richard  
Windsor/DC/USEPA/US  
10/27/2011 12:44 PM

To Steve Owens  
cc Bob Sussman, Paul Anastas, Jose Lozano, Scott Fulton  
bcc  
Subject Fw: Daily Reading File: October 14, 2011

Steve,

[REDACTED] Ex.5 - Deliberative

[REDACTED] And then can you let me know what you and your folks think?

Thanks, Lisa

Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/27/2011 12:42 PM -----

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, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA  
Date: 10/14/2011 04:23 PM  
Subject: Daily Reading File: October 14, 2011  
Sent by: Eliska Postell



Daily Reading File.10.14.11.pdf

01268-EPA-7058

Richard  
Windsor/DC/USEPA/US  
10/27/2011 12:54 PM

To Jose Lozano, Elizabeth Ashwell  
cc  
bcc  
Subject Fw: Daily Reading File: October 17, 2011

Ex.5 - Deliberative

Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/27/2011 12:53 PM -----

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@EPA, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA  
Date: 10/17/2011 05:04 PM  
Subject: Daily Reading File: October 17, 2011  
Sent by: Cynthia Gaines



Daily Reading File.10.17.11.pdf

01268-EPA-7059

Richard  
Windsor/DC/USEPA/US  
10/27/2011 03:40 PM

To Michelle DePass, Cynthia Giles-AA  
cc Eric Wachter  
bcc  
Subject Fw: Daily Reading File: October 24, 2011

Ex.5 - Deliberative

?

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/27/2011 03:39 PM -----

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@EPA, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 10/24/2011 04:52 PM  
Subject: Daily Reading File: October 24, 2011  
Sent by: Jacqueline Leavy



Daily Reading File.10.24.11.pdf

01268-EPA-7068

**Michael Moats/DC/USEPA/US**

10/31/2011 09:34 AM

To Seth Oster, Richard Windsor

cc Brendan Gilfillan, Vicki Ekstrom

bcc

Subject ACTION Berkeley Law remarks

Beta version attached for review and comments.

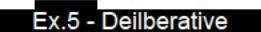
Any thoughts on good stories we can tell?

Some other items I was thinking of including are:

Ex.5 - Deliberative



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

 Ex.5 - Deliberative

Mobile: 202-527-4436  - 20111103 Berkeley.docx

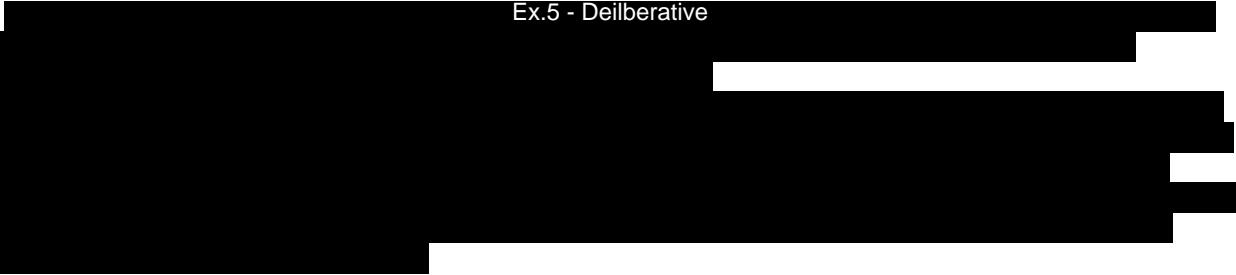
01268-EPA-7069

Richard  
Windsor/DC/USEPA/US  
10/31/2011 02:50 PM

To Michael Moats  
cc Brendan Gilfillan, Seth Oster, Vicki Ekstrom  
bcc  
Subject Re: ACTION Berkeley Law remarks

i like these 2 -

Ex.5 - Deliberative



thinking of others

Michael Moats Beta version attached for review and co... 10/31/2011 09:34:59 AM

---

From: Michael Moats/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA  
Date: 10/31/2011 09:34 AM  
Subject: ACTION Berkeley Law remarks

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Ex.5 - Deliberative



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

Ex.5 - Deliberative

Mobile: 202-527-4436 20111103 Berkeley.docx

01268-EPA-7074

Richard  
Windsor/DC/USEPA/US  
11/01/2011 10:29 AM

To Bob Sussman, Bob Perciasepe, Diane Thompson, Seth Oster, Paul Anastas  
cc Elizabeth Ashwell  
bcc

Subject Fw: ACE3 graphs in pdf files

Ex.5 - Deliberative

I think this group should get together and discuss.

Thanks.

----- Forwarded by Richard Windsor/DC/USEPA/US on 11/01/2011 10:27 AM -----

From: Peter Grevatt/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 10/19/2011 05:27 PM  
Subject: ACE3 graphs in pdf files

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Peter Grevatt, Ph.D.  
Director, Office of Children's Health Protection  
U.S. EPA,  
1200 PA Ave., NW  
Mail Code 1107-A  
Washington, DC 20460  
202-564-8954

Ex.5 - Deliberative

ACE3 graphs + overviews 10-19-11.pdf



01268-EPA-7082

**Michael Moats/DC/USEPA/US**

11/01/2011 11:27 PM

To Richard Windsor

cc Jose Lozano, Seth Oster, Alisha Johnson

bcc

Subject UPDATED Berkeley draft (Tuesday night)

Administrator, sorry this is coming in at a late hour. I wanted to be sure you have a revised version of the speech to look over on the plane, if you get a chance.

Version (2) attached.

Mike

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

[redacted] Ex.5 - Deliberative  
Mobile: 202-527-4436 [redacted] - 20111103 Berkeley (2).docx

01268-EPA-7083

**Michael Moats/DC/USEPA/US** To Richard Windsor, Seth Oster, Alisha Johnson, Jose Lozano  
11/02/2011 05:43 PM cc  
bcc  
Subject REVISED Berkeley remarks

Version (3) attached, based on notes from Seth.

Ex.5 - Deliberative

20111103 Berkeley (3).docx

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

01268-EPA-7090

**Michael Moats/DC/USEPA/US** To: Brendan Gilfillan, Daniel Kanninen, Seth Oster, Richard  
11/11/2011 11:28 AM Windsor  
cc  
bcc  
Subject: ACTION Madison Draft

Current draft for Tuesday attached. I'll revisit this Monday morning, so let me know if you have any thoughts.

Mike

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

Ex.5 - Deliberative

Mobile: 202-527-4436 [REDACTED] - 20111103 Madison (2).docx

01268-EPA-7091

Richard  
Windsor/DC/USEPA/US  
11/14/2011 10:27 AM

To Michael Moats  
cc Brendan Gilfillan, Daniel Kanninen, Seth Oster  
bcc  
Subject Re: ACTION Madison Draft

tx.

Ex.5 - Deliberative

Michael Moats Current draft for Tuesday attached. I'll r... 11/11/2011 11:28:38 AM

---

From: Michael Moats/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Date: 11/11/2011 11:28 AM  
Subject: ACTION Madison Draft

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Mike

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

Ex.5 - Deliberative

Mobile: 202-527-4436 20111103 Madison (2).docx

01268-EPA-7092

Richard  
Windsor/DC/USEPA/US  
11/14/2011 12:57 PM

To Steve Owens  
cc Aaron Dickerson, Bob Perciasepe, Bob Sussman, Diane  
Thompson  
bcc  
Subject Re: OCSPP Update

Sree questions on 2 issues below -

Ex.5 - Deliberative



Thanks.

Steve Owens From: Steve Owens/DC/USEPA/US To:... 11/11/2011 01:14:38 PM

From: Steve Owens/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, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 11/11/2011 01:14 PM  
Subject: OCSPP Update

Ex.5 - Deliberative

OCSPP.HIT.List.11-11-11.docx

01268-EPA-7111

Lawrence  
Elworth/DC/USEPA/US  
12/04/2011 11:47 AM

To Richard Windsor, Bob Perciasepe  
cc Gina McCarthy, "Michael Goo", Bob Sussman  
bcc  
Subject Fw: RFS 2

Please see forwarded e-mail below

**From:** Larry Elworth  
**Sent:** 12/04/2011 11:43 AM EST  
**To:** Lawrence Elworth  
**Subject:** RFS 2

My apologies for this long e-mail message (this is forwarded from my personal account since it is easier to draft text & attach documents from NC). I am providing background and an update on the RFS 2 rule since we will likely need to discuss and deal with it early next week.

## Ex.5 - Dejberativ

Ex.5 - Deliberative



Ex.5 - Deliberative



RFS Background.docx

2013 RFS Volume - Benefit- Cost-Biodiesel[1].docx

01268-EPA-7113

Richard  
Windsor/DC/USEPA/US  
12/04/2011 07:17 PM

To "Michael Moats"  
cc  
bcc  
Subject Fw: RE: FW: (BN) EPA Rule Shows Regulations That Kill  
Jobs Can Create

---

**From:** Arvin Ganesan  
**Sent:** 12/02/2011 03:48 PM EST  
**To:** Richard Windsor; Brendan Gilfillan  
**Subject:** Fw: RE: FW: (BN) EPA Rule Shows Regulations That Kill Jobs Can Create

This statement, from American Boiler Manufacturers is fantastic. We need to get this message out there as we march on.

AMERICAN BOILER MANUFACTURERS ASSOCIATION  
FOR IMMEDIATE RELEASE - FRIDAY, DECEMBER 2, 2011  
BOILER MANUFACTURERS ASSOCIATION REACTS TO EPA PROPOSED ICI BOILER MACT  
RECONSIDERATION

"There appears to be nothing in today's EPA proposals that cannot be handled in a timely and cost-effective way by the types of existing, state-of-the-art, technologically-advanced and fuel-flexible products and equipment supplied by the U. S. boiler manufacturing industry, in combination with innovatively-engineered applications," observed Randy Rawson, President/CEO of the American Boiler Manufacturers Association (ABMA) on the release by EPA of its proposed reconsideration of its NESHAP Industrial, Commercial, Institutional (ICI) Boiler MACT rules. "In other words," Rawson continued, "from our perspective, it looks like EPA is proposing reasonable, pragmatic, cost-conscious air quality rules that are readily and technically achievable by real world boilers - which are the products my members make."

"When compared with earlier incarnations, the rules EPA has proposed today seemingly decrease costs of compliance in many areas while at the same time increasing overall potential health benefits," Rawson observed. "EPA is to be commended in its efforts to listen and to be responsive to those affected by these rules - both the regulated entities and the equipment suppliers - and to leave the door open for even further modifications if technically warranted. The agency has apparently heard the concerns of those impacted by the original ICI Boiler MACT rules and has adjusted and re-adjusted their rules' requirements in a way that few, if any, of the vast majority should have trouble cost-effectively meeting," Rawson said.

Rawson went on to observe that, "When finalized, these rules still hold a strong promise to create additional, highpaying skilled and unskilled domestic manufacturing jobs in the boiler and in associated industries - at a time when

those jobs are sorely needed in communities across the country. And they will be created without compromising efforts to improve the health and well-being of millions of Americans or by imposing overwhelming and unnecessary costs on existing boiler facilities.

"In addition, EPA's work-place standards not only address the issue of lower emissions, regular boiler tune-ups are also a vital component of boiler safety and of operational efficiency," Rawson said.

"I would hope that today's practical actions by EPA - in response to newly-supplied industry data and thousands of prior public comments, including those of ABMA -- will discourage any further efforts in Congress to arbitrarily impose by legislative fiat what are now unnecessary and arbitrary delays in the ongoing rulemaking process.

"Not only has EPA provided far more flexibility in how the Boiler MACT rules will be applied and can be interpreted and implemented, EPA is providing yet another 60 days for even more public review, additional comments, and for possible tweaking of any remaining problem areas," Rawson noted. That's how the process should work. Lengthy, ill-advised additional delays over and above those already contemplated by EPA will produce only ongoing market uncertainty and will yield no new jobs, no economic growth and no cleaner air or any cheaper ultimate compliance options than are now feasible and readily available from existing sources," Rawson concluded."

-30-

[12.02.11]

The American Boiler Manufacturers Association (ABMA) is the national nonprofit trade association of commercial, institutional, industrial, heat recovery, and electricity-generating boiler and equipment manufacturers and their vendors - the companies and personnel that design and fabricate today's real-world boiler systems, providing steam and hot water to millions throughout the country and across the globe. ABMA is headquartered in Vienna, Virginia. [See <http://www.boilermactfacts.com>]

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 12/02/2011 03:46PM -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: Randy Rawson <Randy@abma.com>  
Date: 12/02/2011 03:33PM  
Subject: RE: FW: (BN) EPA Rule Shows Regulations That Kill Jobs Can Create  
*(See attached file: PRNEWSWIRE.PRESS RELEASE.BOILER ASSN REACTS TO EPA 12.02.11 PROPOSALS.pdf)*

Sat in on the press conference at noon; well handled. The attached was sent out shortly afterward; it will also be sent to relevant staff members on the Hill via email later today.

/Randy/

W. Randall Rawson  
President/Chief Executive Officer  
American Boiler Manufacturers Association  
... representing the best of the boiler industry ...!  
8221 Old Courthouse Road, Suite 202

Vienna, Virginia 22182  
Telephone: 703/356-7172  
Fax: 703/356-4543  
BlackBerry: 703/967-8058  
Satellite Office Telephone: 703/729-7510  
Email Address: randy@abma.com  
Website: <http://www.abma.com>

<http://www.boilermactfacts.com>

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

From: Ganesan.Arvin@epamail.epa.gov [  
<mailto:Ganesan.Arvin@epamail.epa.gov>]  
Sent: Tuesday, November 29, 2011 6:08 PM  
To: Randy Rawson  
Subject: Re: FW: (BN) EPA Rule Shows Regulations That Kill Jobs  
Can Create

Thanks for this. Let's plan on talking again tomorrow or on  
Thursday.

From: Randy Rawson <Randy@abma.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 11/29/2011 08:17 AM  
Subject: FW: (BN) EPA Rule Shows Regulations That Kill Jobs Can  
Create

Brian's article is well-balanced.

In announcing your new proposals, it is important for the Administrator to (1) highlight that they represent government listening to the "affected," and responding in a responsible way -- more realistic regulation that accomplishes the same goals as before (protection of public health and welfare), promises the generation of jobs while providing the flexibility to guard as much as possible against the loss of jobs -- and (2) that the forward movement of these proposals within the process renders legislative delays as unwarranted. I know you know this, and it will sound strange coming from a business organization, but

don't try to appease your environmental/health constituency in your announcement -- they are not the ones providing the impetus to 2250 or 1392.

Given my observations about keeping these regs at bay pending the election of a GOP White House/EPA/Congress, I am ready to hopefully be able to validate whatever y'all have come up with.

[Some unsolicited observations....] Have an interesting week!  
:-)

/Randy/

W. Randall Rawson  
President/Chief Executive Officer  
American Boiler Manufacturers Association  
... representing the best of the boiler industry ...!  
8221 Old Courthouse Road, Suite 202  
Vienna, Virginia 22182  
Telephone: 703/356-7172  
Fax: 703/356-4543  
BlackBerry: 703/967-8058  
Satellite Office Telephone: 703/729-7510  
Email Address: [randy@abma.com](mailto:randy@abma.com)  
Website: <http://www.abma.com>

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

From: BRIAN WINGFIELD, BLOOMBERG/ NEWSROOM: [  
<mailto:bwingfield3@bloomberg.net>]  
Sent: Tuesday, November 29, 2011 8:01 AM  
To: Randy Rawson  
Subject: (BN) EPA Rule Shows Regulations That Kill Jobs Can Create

Randy,

Thanks for speaking with me last week. My article on EPA's boiler MACT rule is attached.

Best,  
Brian

---

Brian Wingfield

Bloomberg News  
1399 New York Ave., NW  
Washington, D.C. 20005  
202-654-7318 office  
202-664-6804 cell

+-----  
-----+

EPA Rule Shows Regulations That Kill Jobs Can Create New Ones  
2011-11-29 10:00:00.0 GMT

By Brian Wingfield

Nov. 29 (Bloomberg) -- Lincoln Paper and Tissue LLC is nestled near a pond amid the forested countryside of Maine in a town of the same name. It's a 128-year-old mill where third-generation workers are as deeply rooted as the evergreens.

About 1,100 miles south in Charlotte, North Carolina, sits Babcock & Wilcox Co., a 144-year-old company that is among the nation's largest makers of boilers. Its machinery powered New York City's first subway in 1902.

For more than a century, the interests of such companies were aligned. Now, boiler owners typified by Lincoln and boilermakers led by Babcock have diverging financial interests on one matter -- costly federal regulations, which Republicans have called job-killing and Democrats have hailed as life-saving. The split illustrates how the national debate about federal rules is more complicated than the rhetoric, and how changes in standards can create economic winners and losers.

"Any environmental policy is going to have both benefits and costs," Robert Stavins, director of Harvard University's environmental economics program in Cambridge, Massachusetts, said in an interview. "The notion of a win-win policy is a fiction of politicians and advocates."

The Obama administration's Environmental Protection Agency, at the direction of a federal court, announced on Feb. 21 stricter limits on pollution from industrial boilers, which burn fossil fuels, biomass or other materials to generate electricity at manufacturing plants. The rule sets emissions levels for toxins such as mercury, carbon monoxide and dioxins for about 13,800 of the largest boilers.

#### \$3 Billion Estimate

The administration says the regulation would cost the industry \$3 billion as companies upgrade or replace their boilers. The EPA may issue its revisions to the rules by tomorrow. A comment period would follow before the rules could

be implemented.

President Barack Obama has acknowledged that the boiler rule is among the three most expensive regulations the administration is considering. Republican leaders have called the administration's proposed EPA rules examples of "job-killing regulations," and the House voted Oct. 13 to delay the boiler standards.

For companies that use boilers, the rule may cost \$14.3 billion and put 230,000 jobs at risk in 26 different sectors, including construction and chemical manufacturing, according to the Council of Industrial Boiler Owners, based in Warrenton, Virginia.

For boilermakers, the new market to build boilers and supply equipment to meet pending environmental regulations is valued at \$12 billion to \$24 billion, Babcock & Wilcox Chief Executive Officer Brandon C. Bethards told investors on a May 10 conference call.

#### 'Powerful Market'

"We expect this to be a powerful market over the next several years," Bethards said.

Winners also may include companies that provide environmental controls, such as Shaw Group Inc. of Baton Rouge, Louisiana, and Fluor Corp. of Irving, Texas, according to John Rogers, head of institutional equity research at D.A. Davidson and Co. in Lake Oswego, Oregon.

The EPA has said that, in addition to creating jobs, the regulation would improve public health by limiting toxins that people breathe. The rule may prevent as many as 6,500 deaths a year, according to the administration. The boiler standards are meant to help protect Americans from cancer, heart disease and asthma.

The nonpartisan Congressional Research Service says industry cost estimates are exaggerated. Expenses would mostly fall on the 13 percent of large boilers fueled by coal, oil and biomass, CRS said. It said the remaining major boilers, which mainly burn natural gas, would require periodic tune-ups.

"We must regulate sensibly, in a manner that does not create undue burdens and that carefully considers both the benefits and the costs," EPA Administrator Lisa Jackson told the House Energy and Commerce Committee on Sept. 22.

#### Lincoln Mill

The costs may be high for Lincoln Paper, which already is facing stiff competition because of the globalization of the paper industry, said Keith Van Scotter, the company's CEO.

That competition contributed to the Lincoln mill shutting down for about six months in 2004 and declaring bankruptcy under

previous ownership.

Van Scotter and other investors reopened the mill with 35 percent fewer workers. Lincoln now employs about 400 people, who produce paper for products such as colored napkins and magazine reply cards.

It may cost Lincoln as much as \$5 million to comply with the new EPA industrial-boiler regulation, Van Scotter said.

#### 'Hog Fuel'

"They've come up with rules that are in large part unattainable," he said in an interview in his office in Lincoln, a town of 5,100 located about 50 miles (80 kilometers) north of Bangor.

The cost to comply is almost double the company's annual net income and its yearly budget for capital expenditures, Van Scotter said. That would mean reductions in investment and potential layoffs, he said.

Lincoln's 20-year-old biomass boiler is fed by an average daily diet of 550 tons of "hog fuel," a mixture of tree limbs, wood chips and residue from wastewater collected in the mill's paper-making process, Dennis McComb, Lincoln's environmental and safety manager, said in an interview.

The plant may have to add technology to reduce carbon-monoxide emissions, buy computer monitoring equipment and build a second fuel-storage building, he said. Lincoln is waiting on final rules before determining what actions to take.

#### 36 Mills

The EPA's proposed regulation sets high standards for the acceptable release of each individual toxin, rather than taking into consideration a plant's overall ability to comply, he said.

"You don't have an operating boiler in the country that's consistently meeting all of those limits," McComb said.

The EPA's boiler rules may cause 36 U.S. paper mills to close and risk 20,500 direct jobs in the paper industry, according to a September study commissioned by the American Forest & Paper Association. Groups including the American Chemistry Council also oppose the regulation.

Senators Susan Collins, a Maine Republican, and Ron Wyden, an Oregon Democrat, have sponsored legislation that would give the EPA an additional 15 months to write new rules for industrial boilers. The bill then would give boiler owners as long as five years to comply.

"I'm hoping EPA will produce regulations that are realistic and achievable by real-world standards," Collins, who has voted against Republican efforts to curtail the agency's authority, said in an interview. "I also recognize when EPA has gone overboard, which regrettably under Lisa Jackson it has had

a tendency to do."

#### 'Delaying the Inevitable'

In May, the EPA postponed implementation of the boiler rule to give the public more time to comment.

"Delaying the inevitable is only going to increase the cost of compliance," W. Randall Rawson, president of the American Boiler Manufacturers Association, an industry group based in Vienna, Virginia, said in an interview.

Legislation to delay or kill the boiler rule is adding uncertainty for investors, Paul Welch Goggins, director of marketing communications and development for Cleaver-Brooks Inc., a closely held boiler manufacturer based in Thomasville, Georgia, said in an interview.

The debate over the EPA's boiler standards has become more of a political than a regulatory issue, said Rawson of the boiler manufacturers' group.

#### Sierra Club Suit

Opponents of the rule may want to delay it until after the 2012 election, in hopes that Republicans win both chambers of Congress and the White House, he said.

Environmental groups have a "common purpose" with boiler manufacturers in advocating for the EPA's rules, John Coequyt, director of international climate policy for the Sierra Club, said in an interview.

The San Francisco-based Sierra Club sued the EPA in July in U.S. District Court in Washington to prevent the agency from postponing rules that a federal judge had ordered it to implement.

Bills to delay the rules are a "grotesque weakening of the Clean Air Act that are disguised as temporary time-outs," John Walke, director of the New York City-based Natural Resources Defense Council's clean-air program, said in an interview.

Boiler owners have been on notice for years that these rules were coming, Conrad Schneider, advocacy director for the Clean Air Task Force, said in an interview at his Brunswick, Maine, office.

#### 'Mill's an Anchor'

That's not the point, said Jarrod Kimball, 33, a third-generation worker at Lincoln Paper.

"They want this mill to spend millions of dollars on things they're not going to get any return on," he said in an interview.

On the roads outside the red-brick paper mill, tractor-trailers haul flatbeds stacked with tree trunks through

Lincoln's streets dozens of times a day. Around the mill, a bitter odor, the by-product of the pulping process, hangs in the air.

The process of making paper has changed little since the mill was constructed in 1883. The industry has been reshaped more by less expensive products from outside the U.S.

"This mill's been an anchor in the community," said Kimball, whose father and grandfather worked at the Lincoln plant. "Having two young kids and a wife, I would hate the thought of having to start from scratch and start looking for work all over again."

For Related News and Information:

Maine employment evaluation: NFSENE <Index> GP M <GO>

Babcock & Wilcox product segmentation:

BWC US <EQUITY> PGEO <GO>

Pulp and paper industry news: NH NS1\_PULP\_PAPER <GO>

News about the EPA and Congress: TNI EPA CNG <GO>

--Editors: Timothy Franklin, Larry Liebert

To contact the reporter on this story:

Brian Wingfield in Washington at +1-202-654-7318 or

bwingfield3@bloomberg.net

To contact the editor responsible for this story:

Timothy Franklin at +1-202-624-1864 or

tfranklin14@bloomberg.net



PRNEWSWIRE.PRESS RELEASE.BOILER ASSN REACTS TO EPA 12.02.11 PROPOSALS.pdf

01268-EPA-7115

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
12/07/2011 03:34 PM cc  
bcc  
Subject Fw: Pavillion Report as PDF

here is the report. [REDACTED] Ex.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 12/07/2011 03:29 PM -----

---

From: Fred Hauchman/DC/USEPA/US  
To: Paul Anastas/DC/USEPA/US@EPA, Kevin Teichman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Dayna Gibbons/DC/USEPA/US@EPA, Elizabeth Blackburn/DC/USEPA/US@EPA, Jeanne Briskin/DC/USEPA/US@EPA, Keara Moore/DC/USEPA/US@EPA, Alexis Lan/DC/USEPA/US@EPA  
Cc: Maryellen Radzikowski/DC/USEPA/US@EPA, Ann Campbell/DC/USEPA/US@EPA  
Date: 12/06/2011 07:22 PM  
Subject: Fw: Pavillion Report as PDF

Just received the attached report from Dom.

.....

Fred S. Hauchman, Ph.D.  
Director, Office of Science Policy  
Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (8104R)  
Washington, D.C. 20460  
(202) 564-6705 - office  
(202) 565-2911 - fax  
hauchman.fred@epa.gov

----- Forwarded by Fred Hauchman/DC/USEPA/US on 12/06/2011 07:15 PM -----

---

From: Dominic DiGiulio/ADA/USEPA/US  
To: Fred Hauchman/DC/USEPA/US@EPA, Ayn Schmit/R8/USEPA/US@EPA, David Jewett/ADA/USEPA/US@EPA, Rick Wilkin/ADA/USEPA/US@EPA, Gregory Oberley/R8/USEPA/US@EPA, Robert Parker/R8/USEPA/US@EPA, Martin Hestmark/R8/USEPA/US@EPA, Carlyle Miller/ADA/USEPA/US@EPA  
Date: 12/06/2011 07:15 PM  
Subject: Pavillion Report as PDF

Here is the report as a pdf.

A word file will follow for editing. The file is heavily formatted so editing will change the document.

Dominic C. DiGiulio, Ph.D.  
Acting Chief  
Subsurface Remediation Branch

U.S. Environmental Protection Agency  
Office of Research and Development

National Risk Management Research Laboratory  
Ground Water and Ecosystem Restoration Division  
919 Kerr Research Drive  
Ada, Oklahoma 74820

580-436-8605 (phone)  
580-436-8614 (fax)  
580-583-7329 (mobile)

----- Forwarded by Dominic Digiulio/ADA/USEPA/US on 12/06/2011 06:10 PM -----

From: Kathy Tynsky/ADA/USEPA/US  
To: Dominic Digiulio/ADA/USEPA/US@EPA  
Date: 12/06/2011 06:09 PM  
Subject: Attached: Pavillion Report as PDF

---

Ex.5 - Deliberative



EPA Report on Pavillion.pdf

01268-EPA-7140

**Laura Vaught/DC/USEPA/US**  
12/13/2011 08:50 PM

To Bob Perciasepe  
cc "Alcantara.Betsaida@epamail.epa.gov",  
"Barron.Alex@epamail.epa.gov", "Joel Beauvais", Brendan  
Gilfillan, "Dru Ealons", "Ganesan.Arvin@epamail.epa.gov",  
"Joseph Goffman", "Goo.Michael@epamail.epa.gov",  
"Kanninen.Daniel@epamail.epa.gov", "Gina McCarthy",  
"Oster.Seth@epamail.epa.gov", "Stephanie Owens",  
"Thompson.Diane@epamail.epa.gov",  
"Vaught.Laura@epamail.epa.gov",  
"Windsor.Richard@epamail.epa.gov"  
bcc  
Subject RE: Internal FERC emails show rift with EPA over utility  
MACT

[IMAGE] [IMAGE]

[IMAGE]

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

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

[IMAGE] [I] [IMAGE] [IMAGE]  
**Bob** M Brendan Gilfillan, Windsor.Richard@epamail.epa.gov, 12/13/2011  
**Perciase** A Thompson.Diane@epamail.epa.gov, 08:37 PM  
**pe** E Oster.Seth@epamail.epa.gov,  
I Alcantara.Betsaida@epamail.epa.gov,  
t Ganesan.Arvin@epamail.epa.gov,  
o 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

We should be prepared to provide the Chairman's comments on the need for the rule and the summary of DOE's report of several weeks ago.

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. This is going to be a significant issue tonight/tomorrow.

---

**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>

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- FERC Reliability Quotes.doc

01268-EPA-7153

**Michael Moats/DC/USEPA/US**

12/20/2011 11:19 AM

To Richard Windsor

cc Aaron Dickerson, Jose Lozano, Brendan Gilfillan

bcc

Subject ACTION draft blog post for MATS

Administrator -- pasted below and attached is a draft blog post that will run on Greenversations and your page. I'm still chasing down the final numbers to plug in.

Also, just a heads up that I'll also be sending along a draft blog for Mom's Rising in a little bit.

For you review...

Ex.5 - Deliberative

20111221 MATS Blog post.docx

-----

DRAFT

Ex.5 - Deliberative



Ex.5 - Deliberative



-----

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

01268-EPA-7159

**Richard  
Windsor/DC/USEPA/US**  
12/20/2011 05:00 PM

To Elizabeth Ashwell, Jose Lozano  
cc  
bcc  
Subject Fw: Daily Reading File: October 31, 2011

Ex.5 - Deliberative

Tx.

Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/20/2011 04:59 PM -----

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@EPA, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 10/31/2011 04:06 PM  
Subject: Daily Reading File: October 31, 2011  
Sent by: Jacqueline Leavy



Daily Reading File.10.31.11.pdf

01268-EPA-7160

Richard  
Windsor/DC/USEPA/US  
12/20/2011 05:43 PM

To Gina McCarthy, Janet McCabe  
cc Bob Perciasepe, Daniel Kanninen, Jose Lozano, Eric Wachter  
bcc  
Subject Fw: Daily Reading File: October 4, 2011

Hey.

Ex.5 - Deliberative

[REDACTED] ? Thanks, Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/20/2011 05:42 PM -----

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, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA  
Date: 10/04/2011 04:45 PM  
Subject: Daily Reading File: October 4, 2011  
Sent by: Eliska Postell



Daily Reading File.10.4.11.pdf

01268-EPA-7166

Gina McCarthy/DC/USEPA/US  
12/20/2011 08:20 PM  
To Richard Windsor  
cc Bob Perciasepe, Daniel Kanninen, Eric Wachter, Janet McCabe, Jose Lozano  
bcc  
Subject Re: Fw: Daily Reading File: October 4, 2011

Sorry - just came up for air. I will ask Sarah.

Richard Windsor Hey. Ex.5 - Deliberative 12/20/2011 05:43:54 PM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA  
Date: 12/20/2011 05:43 PM  
Subject: Fw: Daily Reading File: October 4, 2011

Hey. Ex.5 - Deliberative  
? Thanks, Lisa  
----- Forwarded by Richard Windsor/DC/USEPA/US on 12/20/2011 05:42 PM -----

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, Seth Oster/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA  
Date: 10/04/2011 04:45 PM  
Subject: Daily Reading File: October 4, 2011  
Sent by: Eliska Postell



Daily Reading File.10.4.11.pdf

01268-EPA-7199

Gina McCarthy/DC/USEPA/US

01/18/2012 03:21 PM

To Richard Windsor, perciasepe.bob, Michael Goo,

Sussman.bob, Fulton.Scott, Thompson.Diane

cc Joseph Goffman, Janet McCabe, Lorie Schmidt

bcc

Subject Litigation Update on Power Plants and Refineries

As promised, I have attached a memo Joe prepared for us on the current proposed settlement agreements on the Power Plant GHG NSPS and the Refinery RTR (Toxics) and NSPS for GHGs. The memo can be shared or used as the basis for a briefing.

Ex.5 - Deliberative

 NSPS Settlement memo 1 18 12.docx

01268-EPA-7206

Bob  
Perciasepe/DC/USEPA/US  
01/25/2012 08:05 AM

To Richard Windsor  
cc Diane Thompson, Jose Lozano  
bcc  
Subject Outline For "Outlook" Meeting Tomorrow

Administrator:

Here is the current draft of a two page "outlook" document for tomorrow. We organized this to cover all of our affirmative agenda rule makings, and ket science assessments, but not as a list of regulations. Ex.

5 -

I am attaching but also slicing in here. Feed back when you talk with Diane later today. Thanks

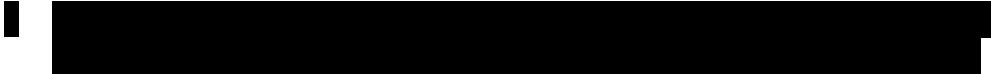
-----  
DRAFT - INTERNAL - DO NOT CITE

Ex.5 - Deliberative



## Ex.5 - Deliberative

Ex.5 - Deliberative



[REDACTED] Ex.5 - Deliberative [REDACTED]

[REDACTED]

Ex.5 - Deliberative  
  
OUTLOOK MEETING 1-26-12.docx

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-7208

**Laura Vaught/DC/USEPA/US**  
01/26/2012 10:47 AM

To Bob Perciasepe, Richard Windsor, Brendan Gilfillan, Michael Goo, "Bob Sussman"  
cc  
bcc

Subject Fw: FirstEnergy will Retire Six Coal-Fired Power Plants

First Energy just put out this announcement - which they tie directly to MATS.

---

**From:** [beth.viola@hklaw.com]  
**Sent:** 01/26/2012 03:39 PM GMT  
**To:** Laura Vaught  
**Cc:** <agrealy@alleghenypower.com>  
**Subject:** FirstEnergy will Retire Six Coal-Fired Power Plants

Laura:

I'm sure you've already heard but wanted to make sure you had this press release. Please don't hesitate to give Anne or myself a call if you have additional questions

Thanks,

Beth

**Beth A. Viola | Holland & Knight**

Senior Policy Advisor  
2099 Pennsylvania Avenue, N.W. | Suite 100  
Washington DC 20006  
Phone 202.457.7030 | Mobile 202.270.5970  
[beth.viola@hklaw.com](mailto:beth.viola@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

---

[Add to address book](#)



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confidentiality.

2012-01-26 FirstEnergy Will Retire Six Coal-Fired Power Plants.pdf

01268-EPA-7209

Richard  
Windsor/DC/USEPA/US  
01/26/2012 10:53 AM

To "Lisa At Home"  
cc  
bcc  
Subject Fw: FirstEnergy will Retire Six Coal-Fired Power Plants

---

**From:** Laura Vaught  
**Sent:** 01/26/2012 10:47 AM EST  
**To:** Bob Perciasepe; Richard Windsor; Brendan Gilfillan; Michael Goo; Bob Sussman  
**Subject:** Fw: FirstEnergy will Retire Six Coal-Fired Power Plants

First Energy just put out this announcement - which they tie directly to MATS.

---

**From:** [beth.viola@hklaw.com]  
**Sent:** 01/26/2012 03:39 PM GMT  
**To:** Laura Vaught  
**Cc:** <agrealy@alleghenypower.com>  
**Subject:** FirstEnergy will Retire Six Coal-Fired Power Plants

Laura:

I'm sure you've already heard but wanted to make sure you had this press release. Please don't hesitate to give Anne or myself a call if you have additional questions

Thanks,

Beth

**Beth A. Viola | Holland & Knight**  
Senior Policy Advisor  
2099 Pennsylvania Avenue, N.W. | Suite 100  
Washington DC 20006  
Phone 202.457.7030 | Mobile 202.270.5970  
[beth.viola@hklaw.com](mailto:beth.viola@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

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[Add to address book](#)



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**ATTACHMENTS) IS NOT INTENDED OR WRITTEN BY HOLLAND & KNIGHT LLP TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING TAX-RELATED PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED MATTER HEREIN.\*\*\*\***

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confidence. [2012-01-26 FirstEnergy Will Retire Six Coal-Fired Power Plants.pdf](#)

01268-EPA-7219

**Michael Moats/DC/USEPA/US**

02/08/2012 12:50 PM

To Richard Windsor

cc Jose Lozano, Aaron Dickerson, Brendan Gilfillan

bcc

Subject Gonzaga remarks

Administrator, attached is our current draft of the Gonzaga remarks for tomorrow morning. Sending them along a bit earlier than usual in case you want to add some personal touches. Thanks.

**Ex.5 - Deliberative**

20120209 Gonzaga (2).docx

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

01268-EPA-7220

**Michael Moats/DC/USEPA/US** To "Richard Windsor"  
02/08/2012 06:15 PM cc  
bcc  
Subject Fw: for Gonzaga tomorrow

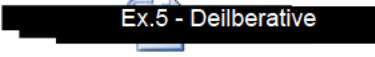
FYI -- A slightly updated version of the remarks for tomorrow.

Have a great birthday!  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 03:26 PM EST  
**To:** briefings@epa.gov; Noah Dubin; Ryan Robison; Adrian Collins; Jeffrey Tate; Jose Lozano; Veronica Burley; Aaron Dickerson; Gladys Stroman  
**Cc:** Brendan Gilfillan  
**Subject:** for Gonzaga tomorrow

Still working on the Environment America call, since we got some additional details today. Will have that tonight or early tomorrow.

 Ex.5 - Deliberative

20120209 Gonzaga (3).docx

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

01268-EPA-7221

**Michael Moats/DC/USEPA/US** To Richard Windsor  
02/08/2012 08:53 PM cc  
bcc  
Subject Re: Re: for Gonzaga tomorrow

Made some changes based on your thoughts, [REDACTED] Ex.5 - Deliberative [REDACTED]

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

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

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/08/2012 06:37PM  
Subject: Re: for Gonzaga tomorrow

Hey. One very important change already - [REDACTED] Ex.5 - Deliberative [REDACTED]

[REDACTED] Will give some more thought.

Inactive hide details for Michael MoatsMichael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 06:15 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: for Gonzaga tomorrow  
FYI -- A slightly updated version of the remarks for tomorrow.

Have a great birthday!

Inactive hide details for Michael MoatsMichael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 03:26 PM EST  
**To:** briefings@epa.gov; Noah Dubin; Ryan Robison; Adrian Collins; Jeffrey Tate; Jose Lozano; Veronica Burley; Aaron Dickerson; Gladys Stroman  
**Cc:** Brendan Gilfillan  
**Subject:** for Gonzaga tomorrow

Still working on the Environment America call, since we got some additional details today. Will have that tonight or early tomorrow.

[attachment "20120209 Gonzaga (3).docx" deleted by Richard Windsor/DC/USEPA/US]

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436  
Ex.5 - Deliberative

[REDACTED] - 20120209 Gonzaga (4).docx

01268-EPA-7222

Michael Moats/DC/USEPA/US

02/08/2012 10:44 PM

To Richard Windsor

cc

bcc

Subject Re: Re: Re: for Gonzaga tomorrow

Another shot.

Ex.5 - Deliberative

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

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

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/08/2012 09:16PM  
Subject: Re: Re: for Gonzaga tomorrow

Thanks. Marcus just gave me a better hook

Ex.5 - Deliberative

---

**From:** Michael Moats  
**Sent:** 02/08/2012 08:53 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Re: for Gonzaga tomorrow

Made some changes based on your thoughts,

Ex.5 - Deliberative

-----

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

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

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/08/2012 06:37PM  
Subject: Re: for Gonzaga tomorrow

Hey. One very important change already - [REDACTED]

Ex.5 - Deliberative  
[REDACTED]

[REDACTED]. Will give some more thought.

Inactive hide details for Michael MoatsMichael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 06:15 PM EST  
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**Subject:** Fw: for Gonzaga tomorrow  
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Inactive hide details for Michael MoatsMichael Moats

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**From:** Michael Moats  
**Sent:** 02/08/2012 03:26 PM EST  
**To:** briefings@epa.gov; Noah Dubin; Ryan Robison; Adrian Collins; Jeffrey Tate; Jose Lozano; Veronica Burley; Aaron Dickerson; Gladys Stroman  
**Cc:** Brendan Gilfillan  
**Subject:** for Gonzaga tomorrow

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[attachment "20120209 Gonzaga (3).docx" deleted by Richard Windsor/DC/USEPA/US]

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

Mobile: 202-527-4436

Ex.5 - Deliberative

[REDACTED] - 20120209 Gonzaga (5).docx

01268-EPA-7223

**Richard  
Windsor/DC/USEPA/US**  
02/09/2012 08:04 AM

To "Adrian Collins"  
cc  
bcc  
Subject Fw: Re: Re: for Gonzaga tomorrow

---

**From:** Michael Moats  
**Sent:** 02/08/2012 10:44 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Re: Re: for Gonzaga tomorrow

Another shot.

Ex.5 - Deliberative



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

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

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/08/2012 09:16PM  
Subject: Re: Re: for Gonzaga tomorrow

Thanks. Marcus just gave me a better hook -

Ex.5 - Deliberative



---

**From:** Michael Moats  
**Sent:** 02/08/2012 08:53 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Re: for Gonzaga tomorrow

Made some changes based on your thoughts,

Ex.5 - Deliberative



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

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

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/08/2012 06:37PM  
Subject: Re: for Gonzaga tomorrow

Hey. One very important change already - [REDACTED]

Ex.5 - Deliberative  
[REDACTED]

[REDACTED] Will give some more thought.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 06:15 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: for Gonzaga tomorrow

FYI -- A slightly updated version of the remarks for tomorrow.

Have a great birthday!

Michael Moats

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

**From:** Michael Moats  
**Sent:** 02/08/2012 03:26 PM EST  
**To:** briefings@epa.gov; Noah Dubin; Ryan Robison; Adrian Collins; Jeffrey Tate; Jose Lozano; Veronica Burley; Aaron Dickerson; Gladys Stroman  
**Cc:** Brendan Gilfillan  
**Subject:** for Gonzaga tomorrow

Still working on the Environment America call, since we got some additional details today. Will have that tonight or early tomorrow.

[attachment "20120209 Gonzaga (3).docx" deleted by Richard Windsor/DC/USEPA/US]

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

 Ex.5 - Deliberative  
20120209 Gonzaga (5).docx

01268-EPA-7255

Ryan Robison/DC/USEPA/US To  
02/24/2012 06:04 PM cc  
bcc  
Subject EPA Technology Market Summit

### **Meeting**

Date 05/14/2012  
Time 08:10:00 AM to 09:30:00 AM  
Chair Ryan Robison

Invitees

Required

Optional

FYI

Location Mary Graydon Center at American  
University,  
4400 Massachusetts Avenue,  
NW, Washington, D.C.

Ct: Rita Smith - 202-564-5044

Adv. Ct: Adrian Collins - 202-604-9942

8:10 AM: The Administrator arrives and is escorted to ground level conference room 1 where she will hold with other cabinet members

8:15 AM: The Administrator is seated on-stage with Secretaries Vilsack and Bryson and Ambassador Kirk; AU President Neil Kerwin gives welcome

8:35 AM: Deputy Administrator Perciasepe gives an overview of Summit; he introduces the Administrator and other cabinet members

8:45 AM: The Administrator gives remarks

8:55 AM: Secretary Vilsack gives remarks

9:02 AM: Secretary Bryson gives remarks

9:09 AM: Ambassador Kirk give remarks

9:15 AM: DA Perciasepe closes program; the Administrator walks with other cabinet members to hold room for press pull asides

9:25 AM: The Administrator departs

01268-EPA-7256

Richard  
Windsor/DC/USEPA/US  
02/26/2012 02:47 PM

To "Lisa At Home"  
cc  
bcc  
Subject Fw: Re: Sandoval

---

**From:** Sarah Pallone  
**Sent:** 02/26/2012 01:53 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Re: Sandoval

Additional materials for Governor Sandoval.

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

 Ex.5 - Deliberative  
MiningTalkingPointsSandoval\_2012\_02\_22\_cwj.docx

 Ex.5 - Deliberative  
Nevada - EPCRA 313 Toxics Release Inventory - TRI - Enforcement at NV Gold Mines.docx

 Ex.5 - Deliberative  
gold mine Case Update with OECA comments.doc

 Ex.5 - Deliberative  
NV Gold Mine talking points with OECA input.doc

 Ex.5 - Deliberative  
Anaconda Yerington Mine.docx

 Ex.5 - Deliberative  
Nevada RH SIP Update 022212.docx

01268-EPA-7258

**Richard  
Windsor/DC/USEPA/US**

02/27/2012 07:17 AM

To "Elizabeth Ashwell"  
cc  
bcc

Subject Fw: Invitation to Santa Barbara's Earth Day to receive Environmental Hero Award

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

From: Jared Blumenfeld  
Sent: 02/25/2012 10:52 PM EST  
To: Jose Lozano; "Teddy Ryerson" <ryerson.teddy@epa.gov>  
Cc: Richard Windsor  
Subject: Fw: Invitation to Santa Barbara's Earth Day to receive Environmental Hero Award

Sent by EPA Wireless E-Mail Services

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

From: "Schneider, Helene" [HSchneider@SantaBarbaraCA.gov]  
Sent: 02/26/2012 02:23 AM GMT  
To: LisaP Jackson  
Cc: Jared Blumenfeld  
Subject: Invitation to Santa Barbara's Earth Day to receive Environmental Hero Award

Dear Administrator Jackson,

I am writing on behalf of a local environmental non-profit organization, Community Environmental Council (CEC), to invite you to receive the Environmental Hero Award at this year's Earth Day Festival in Santa Barbara, California, which will be held during the weekend of April 21-22, 2012.

The details regarding this very popular and long standing festival are included in the attached letter from CEC Executive Director Dave D. Davis. As Mayor of the City of Santa Barbara, it would be my honor to welcome you here and celebrate the accomplishments of the EPA and particularly your leadership as Administrator. While in public office, I have had the pleasure to meet and get to know your Region IX Administrator, Jared Blumenfeld, and I truly appreciate his pro-active leadership, both when he served as the Director for the Environment for the City & County of San Francisco, as well as in his current role. We would certainly also welcome his attendance with you at this event.

Over 30,000 people are expected to attend this year's festival and including you to the program would be a welcome addition to the festivities, as well as a great opportunity for you to convey your message about environmental protections and accomplishments in California to an interested audience and to the local media.

I would also like to invite you to consider participating in a smaller luncheon with key environmental community leaders just prior to the awards ceremony. My office, coordinating with CEC, would make all the necessary arrangements. Finally, we would be happy to coordinate any other media-related event you may wish to organize to give you an opportunity to discuss current events and issues related to EPA. I think the local press would particularly be interested in hearing from you about the recent ruling on cruise ships and the ban on discharge zones off California's coastline, for example.

I hope your very busy schedule will allow you to consider and accept this invitation. Please do not hesitate to contact my office or CEC with any questions you may have. As CEC is finalizing the various logistical details with this upcoming festival, we would appreciate a response from your office as soon as feasibly possible.

Thank you for your leadership and for your consideration on receiving this award.

Sincerely,

Helene

Helene Schneider  
Santa Barbara Mayor



805-564-5323      Santa Barbara Earth Day request to Lisa P Jackson.pdf

01268-EPA-7280

Gina McCarthy/DC/USEPA/US

To Richard Windsor

03/09/2012 01:05 PM

cc perciasepe.bob, Fulton.Scott, Sussman.bob, Michael Goo,  
Janet McCabe, Joseph Goffman

bcc

Subject Hot Issues

We had to reschedule our one-one-one but thought I would share my hot list. Sorry, it is hot - but also a bit long.

 Ex.5 - Deliberative

OAR HOT ISSUES 3-9-12.docx

01268-EPA-7282

**Bob  
Perciasepe/DC/USEPA/US**  
03/13/2012 11:44 AM

To Bob Sussman, Richard Windsor, Michael Goo  
cc  
bcc  
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 [REDACTED] (b) (6) Personal Privacy



- Final Union Letter to President (2).pdf

01268-EPA-7287

**Laura Vaught/DC/USEPA/US**  
03/16/2012 11:03 AM

To : Richard Windsor, Bob Perciasepe, Michael Goo, Gina McCarthy, Arvin Ganesan, Brendan Gilfillan, Scott Fulton  
cc  
bcc  
Subject : Fw: Southern EPA Compliance Cost and Timeline Update

FYI - see below [REDACTED]

Ex.5 - Deliberative [REDACTED]  
[REDACTED]

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]  
BAML - Southern 3.15.12.pdf

01268-EPA-7291

**Michael Moats/DC/USEPA/US**

03/16/2012 04:19 PM

To Richard Windsor, [REDACTED] Ex. 6 -

cc Alisha Johnson

bcc

Subject Draft for Glass Ceiling event

Administrator, draft remarks for tomorrow's event are attached. These may be a little long for a 10 minute block, so don't be shy if you see places you'd like to cut.

Thanks and have a good trip.

[REDACTED] Ex.5 - Deliberative  
[REDACTED]

20120317 John Lewis Glass Ceiling Event (3).docx

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

01268-EPA-7293

**Shawn Garvin/R3/USEPA/US** To Richard Windsor  
03/20/2012 12:05 PM cc  
bcc  
Subject Sunoco Enforcement History

Administrator,

As requested, here is the enforcement history for Sunoco Inc. Please let me know if you have any questions or need any additional information.

Thank you - Shawn

Shawn M. Garvin  
Regional Administrator  
EPA Region III

#### SUNOCO INC (R&M) - MARCUS HOOK REFINERY

| Statute | Inspections<br>Last 5 years | Formal Enf Act<br>Last 05 Yrs | Penalties<br>Last 05 Yrs |
|---------|-----------------------------|-------------------------------|--------------------------|
| CAA     | 7                           | 13                            | \$1,595,353              |
| CWA     | 8                           | 0                             | \$00                     |
| RCRA    | 15                          | 0                             | \$00                     |

Current - in violation of CAA,

Details in the following Attachment



SUNOCO Marcus Hook IDEA Query Results.pdf

#### SUNOCO INC (R&M) PHILADELPHIA REFINERY

| Statute | Inspections<br>Last 5 years | Formal Enf Act<br>Last 05 Yrs | Penalties<br>Last 05 Yrs |
|---------|-----------------------------|-------------------------------|--------------------------|
| CAA     | 3                           | 7                             | \$438,725                |
| CWA     | 25                          | 1                             | \$00                     |
| CWA     | 7                           | 1                             | \$00                     |
| RCRA    | 15                          | 0                             | \$00                     |

Current - in violation of CAA, NPDES

Details in the following Attachment



SUNOCO Philadelphia IDEA Query Results.pdf

01268-EPA-7312

**Richard  
Windsor/DC/USEPA/US**  
03/27/2012 10:37 AM

To "Elizabeth Ashwell", "Jose Lozano"  
cc  
bcc  
Subject Fw: River Rally 2012 - Invitation for the Administrator

FYI  
Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 03/27/2012 10:34 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: River Rally 2012 - Invitation for the Administrator  
[REDACTED]  
(b) (5) Attorney Client, (b) (5) Deliberative

----- Forwarded by Scott Fulton/DC/USEPA/US on 03/27/2012 10:34 AM -----

---

From: Avi Garbow/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Date: 03/27/2012 10:31 AM  
Subject: Fw: River Rally 2012 - Invitation for the Administrator

FYI - regarding invitation for LPJ to speak at large water event in Portland in early May, co-sponsored by Waterkeeper Alliance.

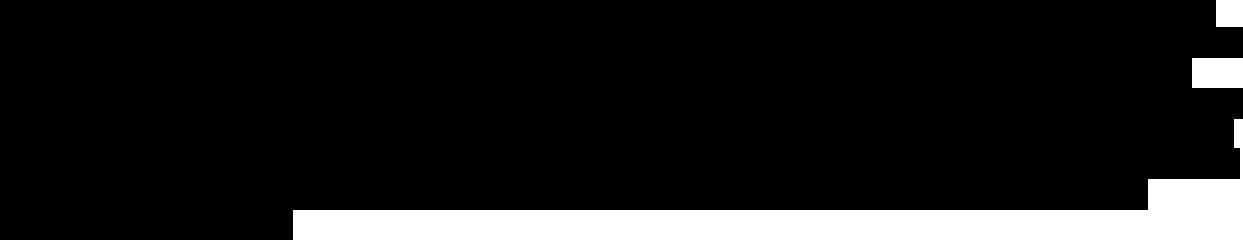
Avi Garbow  
Deputy General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1917

----- Forwarded by Avi Garbow/DC/USEPA/US on 03/27/2012 10:30 AM -----

---

From: Avi Garbow/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 03/26/2012 05:37 PM  
Subject: Re: Fw: River Rally 2012 - Invitation for the Administrator

The event sounds quite good, and Waterkeeper is a solid organization - so all in all, I do not think the Administrator need steer clear of the event or participation. [REDACTED] (b) (5) Attorney Client, (b) (5) Deliberative



Avi

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

Elizabeth Ashwell Avi- Here's some of the back and fort... 03/26/2012 03:33:16 PM

From: Elizabeth Ashwell/DC/USEPA/US  
 To: Avi Garbow/DC/USEPA/US@EPA  
 Date: 03/26/2012 03:33 PM  
 Subject: Fw: River Rally 2012 - Invitation for the Administrator

Avi-

Here's some of the back and forth w/ the group and also we have her listed as a speaker online...let me know what you think:

<http://www.rivernetwork.org/rally/featured-speakers>



RiverRallyInvite\_Jackson\_FINAL.doc River Rally 2011 \_Final Report.pdf  
 ----- Forwarded by Elizabeth Ashwell/DC/USEPA/US on 03/26/2012 03:32 PM -----

From: Travis Loop/DC/USEPA/US  
 To: Elizabeth Ashwell/DC/USEPA/US@EPA  
 Date: 02/29/2012 09:12 PM  
 Subject: Re: Fw: River Rally 2012 - Invitation for the Administrator

They said Friday evening would work great. A 7pm speech. They would like to ask about some time beforehand to have some combination of her meeting with Bobby Kennedy/small reception with leadership/board of his organization. This could transition to the speech.

Are we confirmed for the speech though? They are producing materials for the conference and would like to include her participation.

If possible, it would be great to do a water event with media during the day. There are lots of great opportunities in Portland. Guess I could talk to Betsaida and Brendan about that too.

Thanks so much.

Travis Loop  
 Communications Director  
 Office of Water  
 U.S. Environmental Protection Agency  
 office: 202-564-0183  
 cell: 202-870-6922

Elizabeth Ashwell Can you give me a call to discuss? S... 02/29/2012 04:33:42 PM

From: Elizabeth Ashwell/DC/USEPA/US  
 To: Travis Loop/DC/USEPA/US@EPA  
 Date: 02/29/2012 04:33 PM  
 Subject: Re: Fw: River Rally 2012 - Invitation for the Administrator

Can you give me a call to discuss? She's not available on Monday, only Friday the 4th.

Travis Loop We should still talk on the phone as ther... 02/29/2012 04:24:51 PM

From: Travis Loop/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Cc: Sonia Altieri/DC/USEPA/US@EPA  
Date: 02/29/2012 04:24 PM  
Subject: Re: Fw: River Rally 2012 - Invitation for the Administrator

We should still talk on the phone as there are several considerations with this event and the time in Portland. But the keynote address slot is Monday, May 7 at 830 a.m.

Travis Loop  
Communications Director  
Office of Water  
U.S. Environmental Protection Agency  
office: 202-564-0183  
cell: 202-870-6922

Elizabeth Ashwell    Hi Sonia- I just tried your desk as well...    02/29/2012 02:01:03 PM

From: Elizabeth Ashwell/DC/USEPA/US  
To: Sonia Altieri/DC/USEPA/US@EPA  
Cc: Travis Loop/DC/USEPA/US@EPA  
Date: 02/29/2012 02:01 PM  
Subject: Re: Fw: River Rally 2012 - Invitation for the Administrator

Hi Sonia-  
I just tried your desk as well---it looks like the Administrator is interested in traveling to Portland to participate in the River Rally event on Friday, May 4th. Can you give me a quick call to discuss the best person to communicate with at the River Network? Thanks!

Elizabeth Ashwell  
Director of Scheduling & Advance  
Office of the Administrator | US EPA  
Phone: 202-564-1008

Sonia Altieri    Elizabeth: Attached is the invitation to th...    12/12/2011 04:59:43 PM

From: Sonia Altieri/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Cc: Travis Loop/DC/USEPA/US@EPA  
Date: 12/12/2011 04:59 PM  
Subject: Fw: River Rally 2012 - Invitation for the Administrator

Elizabeth:

Attached is the invitation to the Administrator for the 2012 River Rally. Katherine is asking if we've received the letter. Please let us know.

Travis Loop spoke with Brendan about this specific request. Thanks! Sonia 202-564-0243

----- Forwarded by Sonia Altieri/DC/USEPA/US on 12/12/2011 01:51 PM -----

From: "Katherine Luscher" <KLuscher@rivernetwork.org>  
To: Sonia Altieri/DC/USEPA/US@EPA  
Date: 12/07/2011 05:23 PM  
Subject: River Rally 2012 - Invitation for the Administrator

Hi Sonia,

Thanks for talking with me earlier today. I have attached both the letter and the attachment referenced in the letter. It was mailed last Monday (11/28).

Also, we'd like to note in our brochure that she was invited (knowing that this in no way confirms her attendance). If this is appropriate, do you have a photo we could use?

Stay wonderful...and I do hope to see you in Portland this May!

Best,  
Katherine

\*\*\*\*\*

Katherine Luscher  
River Network  
Education Program Manager  
503.542.8397

*Join us in Portland, Oregon for River Rally 2012 (May 4-7). Visit [www.riverrally.org](http://www.riverrally.org) for more information.*

[attachment "RiverRallyInvite\_Jackson\_FINAL.doc" deleted by Elizabeth Ashwell/DC/USEPA/US] [attachment "River Rally 2011 \_Final Report.pdf" deleted by Elizabeth Ashwell/DC/USEPA/US]

01268-EPA-7313

**Michael Moats/DC/USEPA/US**

03/27/2012 10:40 AM

To Richard Windsor

cc Aaron Dickerson, Brendan Gilfillan

bcc

Subject Today's Talking Points

Administrator, attached are the remarks to use in today's press and stakeholder calls.

This may yet receive some tweaks from the policy folks, but it's pretty close to locked down.

Ex.5 - Deliberative

20120327 NSPS Press Call (4).docx

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

01268-EPA-7315

**Michael Moats/DC/USEPA/US** To Richard Windsor  
03/27/2012 11:10 AM cc  
bcc  
Subject Re: Today's Talking Points

FYI -- here is the final with your edits. The team is uploading these and printing out copies as we speak. And despite the file name, you will use the same TPs for the press and stakeholder calls.

Ex.5 - Deliberative [REDACTED]

20120327 NSPS Press Call (5).docx

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

Richard Windsor few changes From: Michael Moats/DC/... 03/27/2012 10:56:44 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Date: 03/27/2012 10:56 AM  
Subject: Re: Today's Talking Points

few changes

[attachment "20120327 NSPS Press Call (4).docx" deleted by Michael Moats/DC/USEPA/US]

Michael Moats Administrator, attached are the remarks... 03/27/2012 10:40:19 AM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 03/27/2012 10:40 AM  
Subject: Today's Talking Points

Administrator, attached are the remarks to use in today's press and stakeholder calls.

This may yet receive some tweaks from the policy folks, but it's pretty close to locked down.

[attachment "20120327 NSPS Press Call (4).docx" deleted by Michael Moats/DC/USEPA/US]

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator

Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7316

Richard  
Windsor/DC/USEPA/US  
03/27/2012 11:18 AM

To Nancy Stoner, Jeffrey Corbin, Cameron Davis, Ken Kopocis,  
John Hankinson, Bob Perciasepe, Dennis McLerran  
cc  
bcc  
Subject Fw: Daily Reading File: March 20, 2012

See the great letter from [REDACTED] (b) (5), (b) (6) [REDACTED]. Thoughts? Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/27/2012 11:17 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: 03/20/2012 04:25 PM  
Subject: Daily Reading File: March 20, 2012  
Sent by: Eliska Postell

---



Daily Reading File.3.20.12.pdf

01268-EPA-7321

Richard  
Windsor/DC/USEPA/US  
04/05/2012 02:27 PM

To Elizabeth Ashwell  
cc  
bcc  
Subject Re: Princeton University's Earth Day

Decline. Nice though.

Elizabeth Ashwell I can decline this one, but just wanted... 03/30/2012 11:45:12 AM

From: Elizabeth Ashwell/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Jose Lozano/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 03/30/2012 11:45 AM  
Subject: Princeton University's Earth Day

I can decline this one, but just wanted to make you aware that a Princeton student group invited you to participate in an Earth Day celebration on campus on Friday, 4/20:

Date 03/26/2012 02:51 PM  
From Nora Barnett <nbarnett@princeton.edu>  
To LisaP Jackson/DC/USEPA/US@EPA

Subject Princeton Earth Day

On April 20th 2012, Princeton's Environmental Groups, led by SURGE (Students United for a Responsible Global Environment) with the help of Princeton's Sustainability Office will host Princeton's Earth Day celebrations. Every year, Princeton holds Earth Day celebrations to raise awareness about and interest in the pressing issues that face our planet today. Earth Day 2012 will take place on the center lawn of Frist Campus Center, in the middle of Princeton's campus. The location allows for easy visibility and we are expecting a significant attendance both from the Princeton campus and the larger Princeton community. This year's celebration is unique in that our primary goal is to expose the ways in which climate change does have true, tangible, human consequences. Various estimates suggest we may have as many as 150-200 million climate change refugees by 2050. We believe, however, that this awareness of the true human impacts is still lacking on our campus want to emphasize the damage caused by climate change and inspire others to get involved. The event will showcase various student group performances and involve a large photo exhibition of the plight of climate refugees all over the lawn. In addition, this event is a big fund-raiser and in keeping with the theme, we will be donating all profits to climate refugees. This year, the theme of our event is the Human Face of Climate Change. We picked this theme prior to researching your film, and were surprised to find out that it is also the tagline for Climate Refugees.

We would absolutely love to have you come speak at our event. We, and the larger Princeton community, would love to listen to your thoughts and insights. It would be truly an honor to have you and we hope to hear from you soon!

Caroline Jo  
Katie Smith  
Nora Barnett



AX-12-000-5693.pdf

01268-EPA-7322

**Richard  
Windsor/DC/USEPA/US**  
04/05/2012 03:27 PM

To Michelle DePass, Lisa Garcia, Jared Blumenfeld  
cc  
bcc  
Subject Fw: Daily Reading File: April 4, 2012

(b) (5) . Tx.

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/05/2012 03:27 PM -----

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: 04/04/2012 04:32 PM  
Subject: Daily Reading File: April 4, 2012  
Sent by: Eliska Postell

---



Daily Reading File.4.4.12.pdf

01268-EPA-7325

Gina McCarthy/DC/USEPA/US

To Richard Windsor

04/09/2012 09:57 PM

cc perciasepe.bob, Thompson.Diane, Joseph Goffman

bcc

Subject Oil and Gas Talking Points for breakfast mtg

Sorry to send these talking points so late. Hope this isn't too much information.

Ex.5 - Deliberative

Talking Points Oil and Gas NSPS.docx

01268-EPA-7328

**Gina McCarthy/DC/USEPA/US** To Arvin Ganesan  
**04/11/2012 06:41 PM** cc gillilan.brendan, perciasepe.bob, Richard Windsor,  
**bcc** Thompson.Diane, Laura Vaught  
**Subject Re: Fw: Issa inquiry**

Here is the breakdown of funds. Looks to me like we did everything right.

Ex.5 - Deliberative

 coalbedmethaneconf2012.doc

|               |                                             |                        |
|---------------|---------------------------------------------|------------------------|
| Arvin Ganesan | We're in fact finding mode on this and w... | 04/11/2012 02:14:27 PM |
|---------------|---------------------------------------------|------------------------|

From: Arvin Ganesan/DC/USEPA/US  
To: mccarthy.gina@epa.gov  
Cc: gillilan.brendan@epa.gov, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA,  
Thompson.Diane@EPA.GOV, Laura Vaught/DC/USEPA/US@EPA  
Date: 04/11/2012 02:14 PM  
Subject: Re: Fw: Issa inquiry

We're in fact finding mode on this and we'll get back to everyone asap on this. Does that work?

|               |                                         |                        |
|---------------|-----------------------------------------|------------------------|
| Gina McCarthy | Everyone - does anyone have any anxi... | 04/11/2012 02:01:23 PM |
|---------------|-----------------------------------------|------------------------|

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, gillilan.brendan@epa.gov,  
Ganesan.Arvin@EPA.GOV, Thompson.Diane@EPA.GOV  
Date: 04/11/2012 02:01 PM  
Subject: Fw: Issa inquiry

Everyone - does anyone have any anxiety about this technology transfer event we are doing - as we describe it below? Ex.5 - Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 04/11/2012 01:58 PM -----

From: Sarah Dunham/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US  
Cc: "Lorie Schmidt" <schmidt.lorie@epa.gov>, "Paul Gunning" <gunning.paul@epa.gov>, Rona Birnbaum/DC/USEPA/US@EPA  
Date: 04/11/2012 01:53 PM  
Subject: Issa inquiry

---

Gina-

Lorie wanted to make sure we flagged this incoming Issa letter for you (she might have already flagged this). I understand that following the recent GSA IG report, the Committee is asking for information on USG funded conferences attended by more than 50 USG employees. Unfortunately the Coalbed Methane Outreach Program (CMOP) conference is referenced in the letter, but it is not the focus of the inquiry nor relevant to the request. It appears that the Committee learned about the CMOP conference as

a result of contacting the Las Vegas Convention and Visitors Authority and were told that it was an EPA event that would have 150 attendees. We expect only 2-3 EPA employees will attend.

We will provide the further information below to help respond to the inquiry.

Sarah

What is the CMOP conference?

The US Coal Mine Methane Conference is hosted by EPA's Coalbed Methane Outreach Program (CMOP) on an annual basis (since 2007). CMOP is one of EPA's voluntary programs that works in cooperation with industry to reduce methane emissions from US coal mining. The conference is a technology transfer event focused on advancing technology and practices that recover and beneficially use methane as a clean energy source. This year's conference is scheduled to be a one-day event.

Who attends the conference?

Participation in the conference includes 100 - 150 people, mostly the coal mining community and related coalbed methane industry sectors --both US and international attendees. Only two or three US EPA employees (CMOP staff) participate in the event - running event logistics, giving presentations and moderating technical sessions.

How is location determined and why is this year's event in Las Vegas?

Each year the location is determined to maximize participation from the coal mining community. Past locations have included St. Louis, Pittsburgh, Boulder, Birmingham, and Park City. This year's conference has been scheduled to occur concurrently and in the same location with the National Mining Association's MINExpo 2012, which is held every four years in Las Vegas. NMA is the largest mining trade association and this MinExpo event attracts tens of thousands of mining company and related industry representatives. NMA invited EPA-CMOP to participate in MINExpo.

What does the conference cost?

This year's conference will cost an estimated \$76 K

01268-EPA-7333

**Richard  
Windsor/DC/USEPA/US**  
04/17/2012 06:03 PM

To Shawn Garvin, Nancy Stoner, Cynthia Giles-AA  
cc Bicky Corman, Sarah Pallone, Bob Perciasepe  
bcc  
Subject Fw: Daily Reading File: April 4, 2012

Hi - [REDACTED] (b) (5) Attorney Client, (b) (5) Deliberative [REDACTED] ? Thx, Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/17/2012 06:02 PM -----

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: 04/04/2012 04:32 PM  
Subject: Daily Reading File: April 4, 2012  
Sent by: Eliska Postell

---



Daily Reading File.4.4.12.pdf

01268-EPA-7342

**Eric Wachter/DC/USEPA/US** To Richard Windsor  
04/24/2012 05:19 PM cc  
bcc  
**Subject** Fw: Tomorrow's Clean Tech Incubator Tour and Roundtable Stuff!

Sorry, we didn't process this until after it was moot.

----- Forwarded by Eric Wachter/DC/USEPA/US on 04/24/2012 05:18 PM -----

#### Message Information

**Date** 04/19/2012 06:43 PM  
**From** "Tom Soto" <[tsoto@cratonep.com](mailto:tsoto@cratonep.com)>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** Tomorrow's Clean Tech Incubator Tour and Roundtable Stuff!

#### Message Body

Lisa,

You may have already been given this by staff. But just in case. This facility is a really great and visionary effort put forth by the Mayor and funded by our LA Department of Water and Power. The guest list is very strong including a number of clean tech company start ups that get a really big boost when folks like you show up to cheer them on. Secretary Solis joined me three weeks ago for the same purpose and she rocked... as you will tomorrow. Fred Walti is the CEO of the Incubator, really nice guy and will lead you on the tour which I will accompany you and him with. Not sure if any member of council may be there or not. Garcetti showed last time w Hilda.

Also, I'd like to button hole w you a tiny bit just to update you on the progress we've made on the inland empire perchlorate matter. Sutley and her crew have been very helpful in encouraging region 9 to have Jared tour and visit with the folks in the impacted area and Jane Diamond in Region 9 is a breath of fresh air thus far. The water company, the Mayor of Fontana and R9 and I have a conf call on this item next Tuesday, specifically to go over the last slug of migration data, issues related to expanding the superfund site in the area to included the area in question, which of course had not been included, and then finally to have them commit to having the RA meet with us in the area in May. This has been months in the making so we hope it all comes together. Finally, the Mayor of Fontana, Mike Whitehead whom you met w who is CEO of the water company and I will be in DC second or third week of May and I think a brief meeting with you would help build confidence with the mayor and mike, and maybe your superfund staff could join as well. I will work w Dianne to set up if its ok with you. It is a near crisis issues given that of their 34 wells in the city 11 are already shut down and they are not connect to the mwd system. Total ej issue.

Finally! Mary Nichols and I had lunch today and she will try to move around things to be there

tomorrow. Caroline Green has her booked for a meeting around the time you're at LACI... but she asked that I send you her cell number so you two can maybe meet or at least chat by phone. **She really loves her pal Lisa! Her mobile number is [REDACTED] (b) (6)**

**Ok. if you need anything try my cell otherwise see you manana.**



**Tom 310-486-3340LACI - EPA Roundtable - Guest Biographies - 20 April 2012.pdf**

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01268-EPA-7350

**Michael Moats/DC/USEPA/US** To Richard Windsor  
05/15/2012 04:28 PM cc Brendan Gilfillan, Stephanie Epner, Gladys Stroman, Aaron Dickerson  
bcc  
Subject ACTION draft for Tulane

Administrator, attached is our first draft for Tulane on the 19th. [REDACTED] Ex.5 - Deliberative [REDACTED]

Would love to add in any more personal details you'd like to include, or jokes if any come to mind.

For your review and edits. Thanks.

[REDACTED] Ex.5 - Deliberative [REDACTED]

20120519 Tulane Commencement (3).docx

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

01268-EPA-7351

**Michael Moats/DC/USEPA/US** To Richard Windsor  
05/16/2012 03:17 PM cc Aaron Dickerson, Brendan Gilfillan, Gladys Stroman,  
Stephanie Epner  
bcc  
Subject Re: ACTION draft for Tulane

Made some more tweaks in the attached. I tried to trim as much as possible, since most of the past speeches have been around 10 minutes.

Changes are tracked for your review.

Ex.5 - Deliberative

20120519 Tulane Commencement (4).docx

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

Richard Windsor did a quick read. the basics are all the... 05/15/2012 05:19:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA  
Date: 05/15/2012 05:19 PM  
Subject: Re: ACTION draft for Tulane

did a quick read. the basics are all there. will add some stuff tomorrow night (after my hearing). TX

Michael Moats Administrator, attached is our first draft f... 05/15/2012 04:27:26 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/15/2012 04:27 PM  
Subject: ACTION draft for Tulane

Administrator, attached is our first draft for Tulane on the 19th. Ex.5 - Deliberative

Would love to add in any more personal details you'd like to include, or jokes if any come to mind.

For your review and edits. Thanks.

----

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

01268-EPA-7352

Richard  
Windsor/DC/USEPA/US  
05/17/2012 07:19 AM

To "Lisa At Home"  
cc  
bcc  
Subject Fw: ACTION draft for Tulane

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/16/2012 03:17 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson; Brendan Gilfillan; Gladys Stroman; Stephanie Epner  
**Subject:** Re: ACTION draft for Tulane

Made some more tweaks in the attached. I tried to trim as much as possible, since most of the past speeches have been around 10 minutes.

Changes are tracked for your review.

Ex.5 - Deliberative

20120519 Tulane Commencement (4).docx

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

Richard Windsor did a quick read. the basics are all the... 05/15/2012 05:19:53|PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA  
Date: 05/15/2012 05:19 PM  
Subject: Re: ACTION draft for Tulane

did a quick read. the basics are all there. will add some stuff tomorrow night (after my hearing). TX

Michael Moats Administrator, attached is our first draft f... 05/15/2012 04:27:26|PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/15/2012 04:27 PM  
Subject: ACTION draft for Tulane

Administrator, attached is our first draft for Tulane on the 19th. Ex.5 - Deliberative

Would love to add in any more personal details you'd like to include, or jokes if any come to mind.

For your review and edits. Thanks.

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

01268-EPA-7353

**Michael Moats/DC/USEPA/US** To Richard Windsor  
05/17/2012 12:17 PM cc "Aaron Dickerson"  
bcc  
Subject Re: ACTION draft for Tulane

Two versions attached, one clean and another with tracked changes.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

[REDACTED]  
[REDACTED]

I think we're at no more than 15 minutes in this draft, probably less.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

20120519 Tulane Commencement (5).docx 20120519 Tulane Commencement (5 CLEAN).docx

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

Richard Windsor K. Please insert those changes and se... 05/17/2012 11:20:54 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 05/17/2012 11:20 AM  
Subject: Re: ACTION draft for Tulane

K. Please insert those changes and send a new version by 1220 pm. Then I will print out a copy and work on it on the plane.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

Tx, Lisa

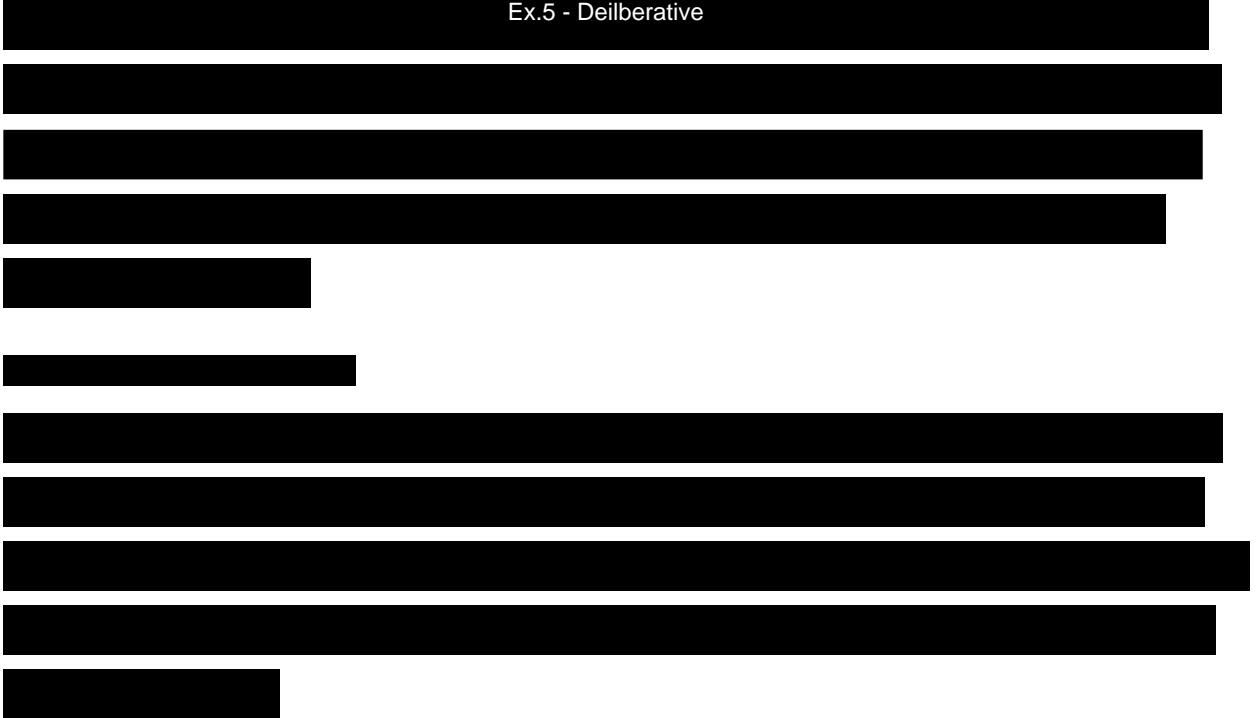
Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 09:40 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: ACTION draft for Tulane

In this section, from page 8 of the version (4), you could change it up some to hit a more personal note.  
So instead of:

Ex.5 - Deliberative



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

Richard Windsor K ----- Original Message -----

05/17/2012 08:44:12 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Date: 05/17/2012 08:44 AM  
Subject: Re: ACTION draft for Tulane

K

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 08:38 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: ACTION draft for Tulane

I tried to get that in there, [REDACTED] Ex.5 - Deliberative [REDACTED]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/17/2012 08:00 AM EDT  
**To:** Michael Moats  
**Subject:** Re: ACTION draft for Tulane

Tx. [REDACTED] Ex.5 - Deliberative [REDACTED]

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/16/2012 03:17 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson; Brendan Gilfillan; Gladys Stroman; Stephanie Epner  
**Subject:** Re: ACTION draft for Tulane

Made some more tweaks in the attached. I tried to trim as much as possible, since most of the past speeches have been around 10 minutes.

Changes are tracked for your review.

[attachment "20120519 Tulane Commencement (4).docx" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor did a quick read. the basics are all the...

05/15/2012 05:19:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA  
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Michael Moats     Administrator, attached is our first draft f...     05/15/2012 04:27:26 PM

From: Michael Moats/DC/USEPA/US  
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Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/15/2012 04:27 PM  
Subject: ACTION draft for Tulane

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For your review and edits. Thanks.

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

01268-EPA-7354

**Michael Moats/DC/USEPA/US** To Richard Windsor  
05/17/2012 04:04 PM cc "Aaron Dickerson"  
bcc  
Subject Re: ACTION draft for Tulane

This isn't shorter, unfortunately, but I don't think it will be much of a problem.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

[REDACTED]  
Ex.5 - Deliberative

20120519 Tulane Commencement (6).docx 20120519 Tulane Commencement (6 CLEAN).docx

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

Richard Windsor [REDACTED] Ex.5 - Deliberative [REDACTED] 05/17/2012 01:32:48 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 05/17/2012 01:32 PM  
Subject: Re: ACTION draft for Tulane

[REDACTED]  
Ex.5 - Deliberative

[REDACTED]  
Tx!

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 12:17 PM EDT  
**To:** Richard Windsor  
**Cc:** "Aaron Dickerson" <dickerson.aaron@epa.gov>  
**Subject:** Re: ACTION draft for Tulane

Two versions attached, one clean and another with tracked changes.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

[REDACTED]

[REDACTED]

Ex.5 - Deliberative

[REDACTED]

I think we're at no more than 15 minutes in this draft, probably less.

[attachment "20120519 Tulane Commencement (5).docx" deleted by Richard Windsor/DC/USEPA/US]  
[attachment "20120519 Tulane Commencement (5 CLEAN).docx" deleted by Richard Windsor/DC/USEPA/US]

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

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[REDACTED]

Ex.5 - Deliberative

[REDACTED]

Tx, Lisa

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 09:40 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: ACTION draft for Tulane

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So instead of:

[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

## Ex.5 - Deliberative

**ANSWER**

**ANSWER**

[View Details](#) | [Edit](#) | [Delete](#)

[View Details](#) | [Edit](#) | [Delete](#)

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**[REDACTED]**

**ANSWER**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Richard Windsor K ----- Original Message -----

05/17/2012 08:44:12 AM

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To: Michael Moats/DC/USEPA/US@EPA  
Date: 05/17/2012 08:44 AM  
Subject: Re: ACTION draft for Tulane

K

Michael Moats

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

**Original Message**

**Sent:** 05/17/2012 08:38 AM EDT

**To:** Richard Windsor

**Subject:** Re: ACTION draft for Tulane  
Ex.5 - Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/17/2012 08:00 AM EDT  
**To:** Michael Moats  
**Subject:** Re: ACTION draft for Tulane

Ex.5 - Deliberative

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/16/2012 03:17 PM EDT  
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**Cc:** Aaron Dickerson; Brendan Gilfillan; Gladys Stroman; Stephanie Epner  
**Subject:** Re: ACTION draft for Tulane

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[attachment "20120519 Tulane Commencement (4).docx" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor did a quick read. the basics are all the... 05/15/2012 05:19:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA  
Date: 05/15/2012 05:19 PM  
Subject: Re: ACTION draft for Tulane

did a quick read. the basics are all there. will add some stuff tomorrow night (after my hearing). TX

Michael Moats Administrator, attached is our first draft f... 05/15/2012 04:27:26 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/15/2012 04:27 PM

Subject: ACTION draft for Tulane

---

Administrator, attached is our first draft for Tulane on the 19th.

Ex.5 - Deliberative

[REDACTED]

Would love to add in any more personal details you'd like to include, or jokes if any come to mind.

For your review and edits. Thanks.

-----

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

01268-EPA-7355

Richard  
Windsor/DC/USEPA/US  
05/17/2012 06:25 PM

To "Jeffrey Tate"  
cc "Jose Lozano"  
bcc  
Subject Fw: ACTION draft for Tulane

Jeff,

Please print 1 copy of each of these and leave under my door so I can work on them after dinner. Tx. Lisa  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 04:04 PM EDT  
**To:** Richard Windsor  
**Cc:** "Aaron Dickerson" <dickerson.aaron@epa.gov>  
**Subject:** Re: ACTION draft for Tulane

This isn't shorter, unfortunately, but I don't think it will be much of a problem.

Ex.5 - Deliberative



Ex.5 - Deliberative



20120519 Tulane Commencement (6).docx 20120519 Tulane Commencement (6 CLEAN).docx

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

Richard Windsor

Ex.5 - Deliberative

05/17/2012 01:32:48 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 05/17/2012 01:32 PM  
Subject: Re: ACTION draft for Tulane

Ex.5 - Deliberative



Michael Moats

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

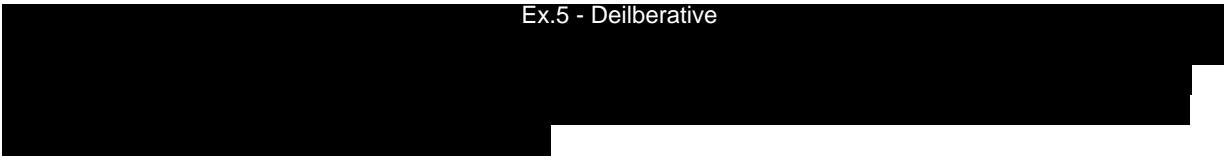
**From:** Michael Moats  
**Sent:** 05/17/2012 12:17 PM EDT  
**To:** Richard Windsor

**Cc:** "Aaron Dickerson" <dickerson.aaron@epa.gov>

**Subject:** Re: ACTION draft for Tulane

Two versions attached, one clean and another with tracked changes.

Ex.5 - Deliberative



I think we're at no more than 15 minutes in this draft, probably less.

[attachment "20120519 Tulane Commencement (5).docx" deleted by Richard Windsor/DC/USEPA/US]

[attachment "20120519 Tulane Commencement (5 CLEAN).docx" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor K. Please insert those changes and se... 05/17/2012 11:20:54 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 05/17/2012 11:20 AM  
Subject: Re: ACTION draft for Tulane

K. Please insert those changes and send a new version by 1220 pm. Then I will print out a copy and work on it on the plane.

Ex.5 - Deliberative



Tx, Lisa

Michael Moats

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

**From:** Michael Moats

**Sent:** 05/17/2012 09:40 AM EDT

**To:** Richard Windsor

**Subject:** Re: ACTION draft for Tulane

In this section, from page 8 of the version (4), you could change it up some to hit a more personal note.  
So instead of:

Ex.5 - Deliberative



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

Mobile: 202-527-4436

Richard Windsor K ----- Original Message -----

05/17/2012 08:44:12 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Date: 05/17/2012 08:44 AM  
Subject: Re: ACTION draft for Tulane

K

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/17/2012 08:38 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: ACTION draft for Tulane

Ex.5 - Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/17/2012 08:00 AM EDT  
**To:** Michael Moats  
**Subject:** Re: ACTION draft for Tulane

Ex.5 - Deliberative

Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/16/2012 03:17 PM EDT  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson; Brendan Gilfillan; Gladys Stroman; Stephanie Epner  
**Subject:** Re: ACTION draft for Tulane

Made some more tweaks in the attached. I tried to trim as much as possible, since most of the past speeches have been around 10 minutes.

Changes are tracked for your review.

[attachment "20120519 Tulane Commencement (4).docx" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor did a quick read. the basics are all the... 05/15/2012 05:19:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA  
Date: 05/15/2012 05:19 PM  
Subject: Re: ACTION draft for Tulane

did a quick read. the basics are all there. will add some stuff tomorrow night (after my hearing). TX

Michael Moats Administrator, attached is our first draft f... 05/15/2012 04:27:26 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/15/2012 04:27 PM  
Subject: ACTION draft for Tulane

Administrator, attached is our first draft for Tulane on the 19th Ex.5 - Deliberative

Would love to add in any more personal details you'd like to include, or jokes if any come to mind.

For your review and edits. Thanks.

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

01268-EPA-7356

**Richard  
Windsor/DC/USEPA/US**  
05/18/2012 12:24 PM

To "Michael Moats", "Jose Lozano", "Janet Woodka"  
cc  
bcc  
Subject Emailing: 20120519 Tulane Commencement (7 CLEAN).docx

TAKE A LOOK. WANT TO MAKE A FEW CHANGES TO END TO make a bit more dramatic but see what you think.

01268-EPA-7357

**Richard  
Windsor/DC/USEPA/US**  
05/18/2012 06:53 PM

To "Jose Lozano", "Janet Woodka", "Jeffrey Tate"  
cc  
bcc  
Subject Emailing: 20120519 Tulane Commencement (7 CLEAN).docx

Jeff - can you print please?

01268-EPA-7358

**Richard  
Windsor/DC/USEPA/US**  
05/19/2012 03:26 PM

To "Michael Moats", "Brendan Gilfillan"  
cc "Janet Woodka", "Jose Lozano"  
bcc  
Subject Fw: Emailing: 20120519 Tulane Commencement (7  
CLEAN).docx

This is close to the final that I delivered. Thanks so much. It went really well.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/18/2012 06:53 PM EDT  
**To:** "Jose Lozano" <lozano.jose@epa.gov>; Janet Woodka; Jeffrey Tate  
**Subject:** Emailing: 20120519 Tulane Commencement (7 CLEAN).docx  
Jeff - can you print please?

01268-EPA-94

**Richard  
Windsor/DC/USEPA/US**  
04/11/2009 11:42 AM

To "Allyn Brooks-Lasure"  
cc  
bcc  
Subject Re: WashPost Article

I think OK. You?

---

**From:** "M. Allyn Brooks-LaSure" [(b) (6) Personal Privacy]

**Sent:** 04/11/2009 08:07 AM MST

**To:** Richard Windsor

**Cc:** Allyn Brooks-LaSure; Bob Sussman; David McIntosh

**Subject:** WashPost Article

## Future Grows More Hazy For Mountaintop Mining

EPA's Fluctuating Messages Concern W.Va. Residents

By David A. Fahrenthold

Washington Post Staff Writer

Saturday, April 11, 2009; B01

ETHEL, W.Va. -- In one of the deepest, steepest corners of Appalachia, where the most important industry is shearing mountains down to flat-top stumps, everybody wants the same answer.

What did Washington just do?

About two weeks ago, the Environmental Protection Agency seemed poised to crack down on the "mountaintop" coal mines that are common in this region, which industry officials say would threaten thousands of jobs. The EPA said it had "significant concerns" about the mines -- in which peaks are legally blasted off to get at coal seams inside -- because neighboring streams are buried under displaced rock.

But later that day, the EPA suddenly seemed to play down its own worries, saying it thought the bulk of the projects would "not raise environmental concerns."

The episode has been seen as an early unsteady attempt by a White House with environmental ambitions to confront one of its most vexing problems: polluting, carbon-heavy, economically vital coal.

This week, EPA Administrator Lisa P. Jackson -- making her first public comments about the letters -- said her agency did not intend to send a mixed message. She said that the EPA was not trying to stop all mountaintop removal but that it "is going to do its job" in checking 150 to 200 projects for environmental impact.

"This was not about making any kind of value judgment on a practice of mining," Jackson said in an interview.

"This is about science. And what the law tells us to do is review these permits."

But here in southern West Virginia, the EPA's moves have left a powerful sense of uncertainty about the future of mountaintop mining. People also see this issue as a microcosm of the nation's ambivalence about coal.

"We don't have a clue" what the federal government is planning, said Roger Horton, a truck driver at a West Virginia mine who heads the group Citizens for Coal. "We want clarity. To do this, to me, is inhumane."

As Washington has become more focused on climate change, coal has become something like the new tobacco: publicly reviled, at least by some, but still deeply embedded in the economy. Coal produces dirty water when it is mined and greenhouse gases when it is burned, but it also accounts for about half of U.S. electric power, and coal mining provides about 82,000 jobs.

What happens here, in the heart of mountaintop-mining country, might be considered coal's unfiltered version.

"You know 'Almost heaven, West Virginia'? Well, now it's 'Almost level, West Virginia,'" said Teresa Perdue, 50, a resident of Ashford, W.Va., who has spoken out against mountaintop removal. Perdue was looking down at a vista that once included a rounded mountain and a valley, Bull Creek Hollow.

But the peak was blasted and scooped away by heavy machinery to get at thin seams of coal near the surface.

Excess rock was dumped into the valley. The resulting landscape was flatter and browner, with plenty of bare rock.

"Who said it's okay to bury streams, it's okay to cut the tops off mountains to get coal?" Perdue said. She still takes

senior photos for local high-schoolers there, but now she has to crop the photos tighter: The background has an unnatural amount of sky, at least for West Virginia.

Some environmentalists think the science is overwhelming that mountaintop mining is harmful. Pro-coal people think the economy trumps everything: "There's nothing to replace [coal] right now," said Jim Taylor, a 73-year-old with long, white George Jones sideburns who manages a hydraulic and machine repair shop in Logan, W.Va.

Sitting in front of a former service station in Blair, W.Va., Carlos Gore, 57, a mountaintop mining opponent, said previous experience shows that mining companies usually win: "They take the rules, and they bend it and twist it like a pig's tail."

Mountaintop mining is also called "mountaintop removal," although in most cases, rock is piled up to re-create the mountain's contours and replanted with grass and trees. The practice is centered in eastern Kentucky and southern West Virginia, although there are some mines in Tennessee, southeast Ohio and southwest Virginia. At the EPA's last count, in 2001, the mines' "valley fills" had buried 724 miles of stream valleys, about 1.2 percent of the region's total.

The industry says the mines produce about 10 percent of the country's coal. Last year, a Washington Post analysis found that the area's coal-burning power plants purchased 32 percent of their fuel from surface mines in this region, which often involve mountaintop mining.

Lately, mountaintop mining's opponents had been on a losing streak. In December, the Bush administration approved a rule that environmentalists said would make it easier to dump waste rock near streams. And in February, a U.S. appeals court rejected environmental groups' challenges to certain mining permits.

Then, on March 24, EPA officials released two letters that had been sent to the U.S. Army Corps of Engineers, which handles permits for valley fills. The letters said that two mines -- one here near Ethel and the other in Pike County, Ky. -- could harm aquatic life in the buried valleys and downstream. It sent three more letters this week, expressing concerns about valley fills at a mine in southwest Virginia and two in West Virginia.

To the coal-industry, it looked like a torpedo, aimed at mountaintop mining.

"EPA: End Production in America," said Chris Hamilton, a vice president at the West Virginia Coal Association. He said it is wrong that in a worldwide economic crisis, "here we're almost trying to find a way to force these, you know, mining jobs to go elsewhere."

In her interview with The Post, Jackson said that the EPA had just begun to review these permit applications and that although "the sense right now is that the vast majority of them are not significant" concerns, she could not predict the final outcome. She said that the White House Council on Environmental Quality has convened officials from the EPA, the Army Corps of Engineers and other federal agencies to talk about the future of mountaintop mining more generally.

In Logan County, W.Va., County Commission President Art Kirkendoll said he was worried that the EPA will eventually turn against coal mining in general, which would remove his area's economic bedrock. He said each mining job supports six or seven jobs in other sectors -- and provides another valuable service in a highly vertical area.

"We need this flat land" to build new factories and stores on, Kirkendoll said. "For our county, it's everything." A few miles away, though, the town of Ethel -- nearest the mine that the EPA singled out -- shows that, although coal mines have long made this area work, they have never made it rich. Ethel is a string of mobile homes along a narrow valley floor, with the most prominent building a decades-dead Methodist church, with tablecloths still on the tables and a loaf of bread turning to dust in a dark hall.

Across the street, a rock the diameter of a large pizza and six inches thick slammed into 81-year-old Madelena Hanshaw's bedroom while she slept. Hanshaw thought it might have been dislodged from a vast mining site just over the next hill.

"I don't sleep good of a night. I just take pills," Hanshaw said. "I moved into the living room. I sleep there now."  
*Staff photographer Michael Williamson contributed to this report.*

01268-EPA-761

Aaron  
Dickerson/DC/USEPA/US  
07/15/2010 09:09 AM

To Richard Windsor  
cc "David McIntosh", "Diane Thompson"  
bcc  
Subject Re: Fw: Fw: revised draft of your memo

ok

Richard Windsor (b) (5) Deliberative 07/15/2010 08:52:59 AM

From: Richard Windsor/DC/USEPA/US  
To: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>  
Date: 07/15/2010 08:52 AM  
Subject: Fw: Fw: revised draft of your memo

Aaron,

(b) (5) Deliberative

Lisa  
Diane Thompson

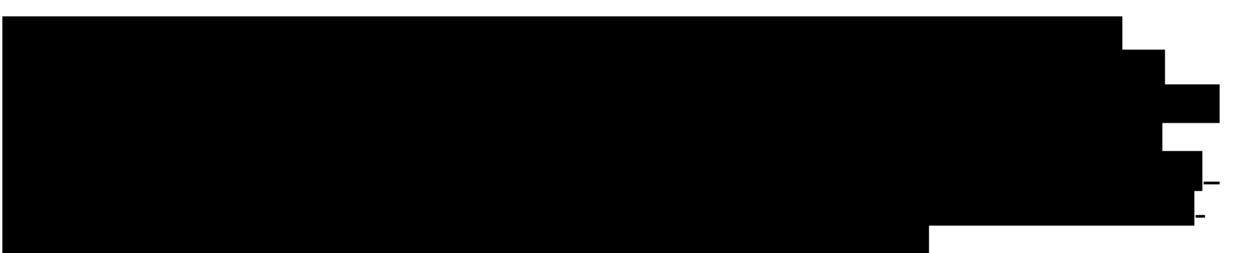
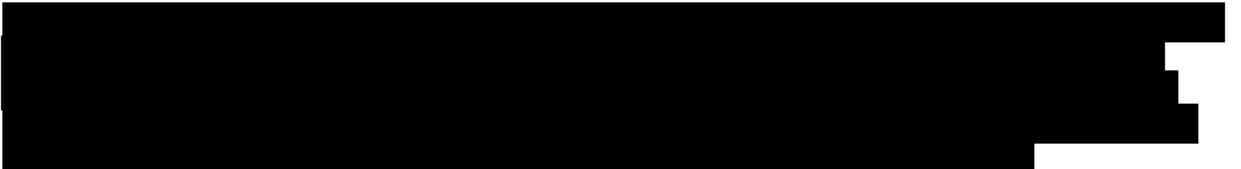
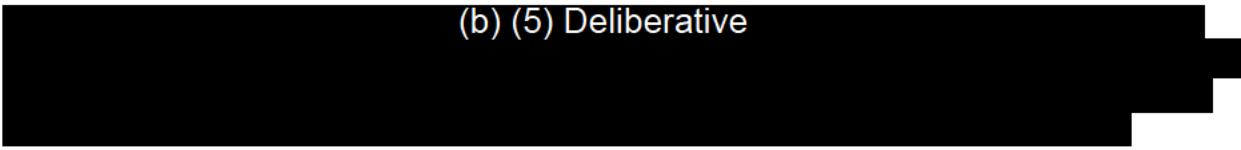
----- Original Message -----

**From:** Diane Thompson  
**Sent:** 07/15/2010 08:16 AM EDT  
**To:** Richard Windsor  
**Cc:** "David McIntosh" <McIntosh.david@epa.gov>  
**Subject:** Re: Fw: revised draft of your memo

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative



\*\*\*\*\*

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

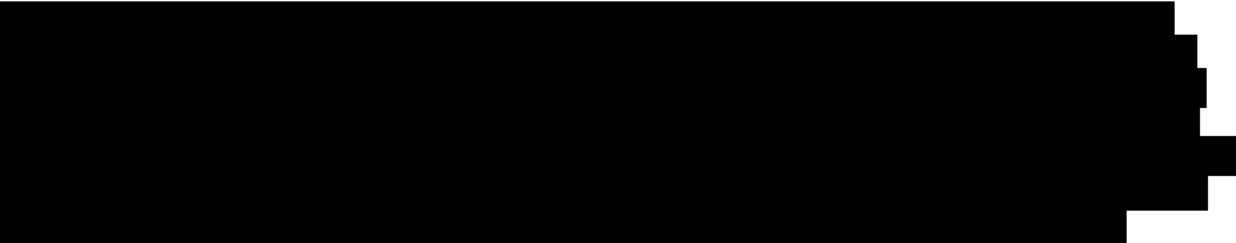
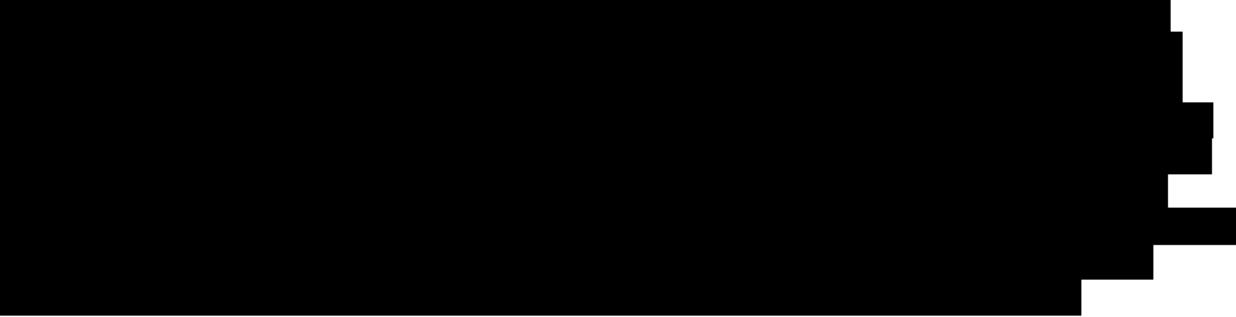
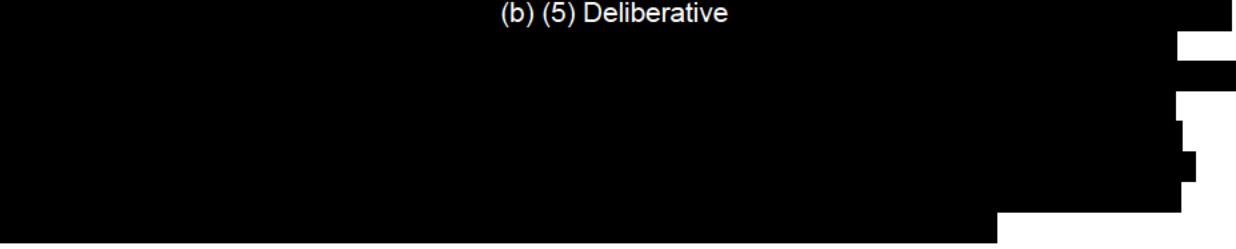
David McIntosh The version that is attached here and p... 07/15/2010 07:27:56 AM

---

From: David McIntosh/DC/USEPA/US  
To: Diane Thompson/DC/USEPA/US@EPA  
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>  
Date: 07/15/2010 07:27 AM  
Subject: Re: Fw: revised draft of your memo

The version that is attached here and pasted immediately below incorporates Diane's edits. In response to Diane's comments: (b) (5) Deliberative

(b) (5) Deliberative



(b) (5) Deliberative



-----Diane Thompson/DC/USEPA/US wrote: -----

To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>  
From: Diane Thompson/DC/USEPA/US  
Date: 07/14/2010 11:21PM  
Subject: Fw: revised draft of your memo

(b) (5) Deliberative



---

**From:** (b) (6) Personal P  
**Sent:** 07/14/2010 11:15 PM AST  
**To:** Diane Thompson  
**Subject:** Re: revised draft of your memo

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

From: Thompson.Diane <Thompson.Diane@epamail.epa.gov>  
To: Diane Thompson <(b) (6) Personal Privacy  
Sent: Wed, Jul 14, 2010 6:25 pm  
Subject: Fw: revised draft of your memo

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

From: Richard Windsor

Sent: 07/14/2010 08:51 PM EDT

To: David McIntosh; Diane Thompson

Subject: Re: revised draft of your memo

Fine with me. Diane - see if you think this works. then lets hit send.

|----->  
| From:  
|----->

>-----  
-----

---|  
| David McIntosh/DC/USEPA/US  
|

>-----  
-----

---|  
|----->  
| To:  
|----->

>-----  
-----

---|  
| Richard Windsor/DC/USEPA/US@EPA  
|

>-----  
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---|  
|----->  
| Date:  
|----->

>-----  
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---|  
| 07/14/2010 03:32 PM  
|

>-----  
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---|  
|----->

| Subject: |  
|----->

>-----

---|

|revised draft of your memo

|

>-----

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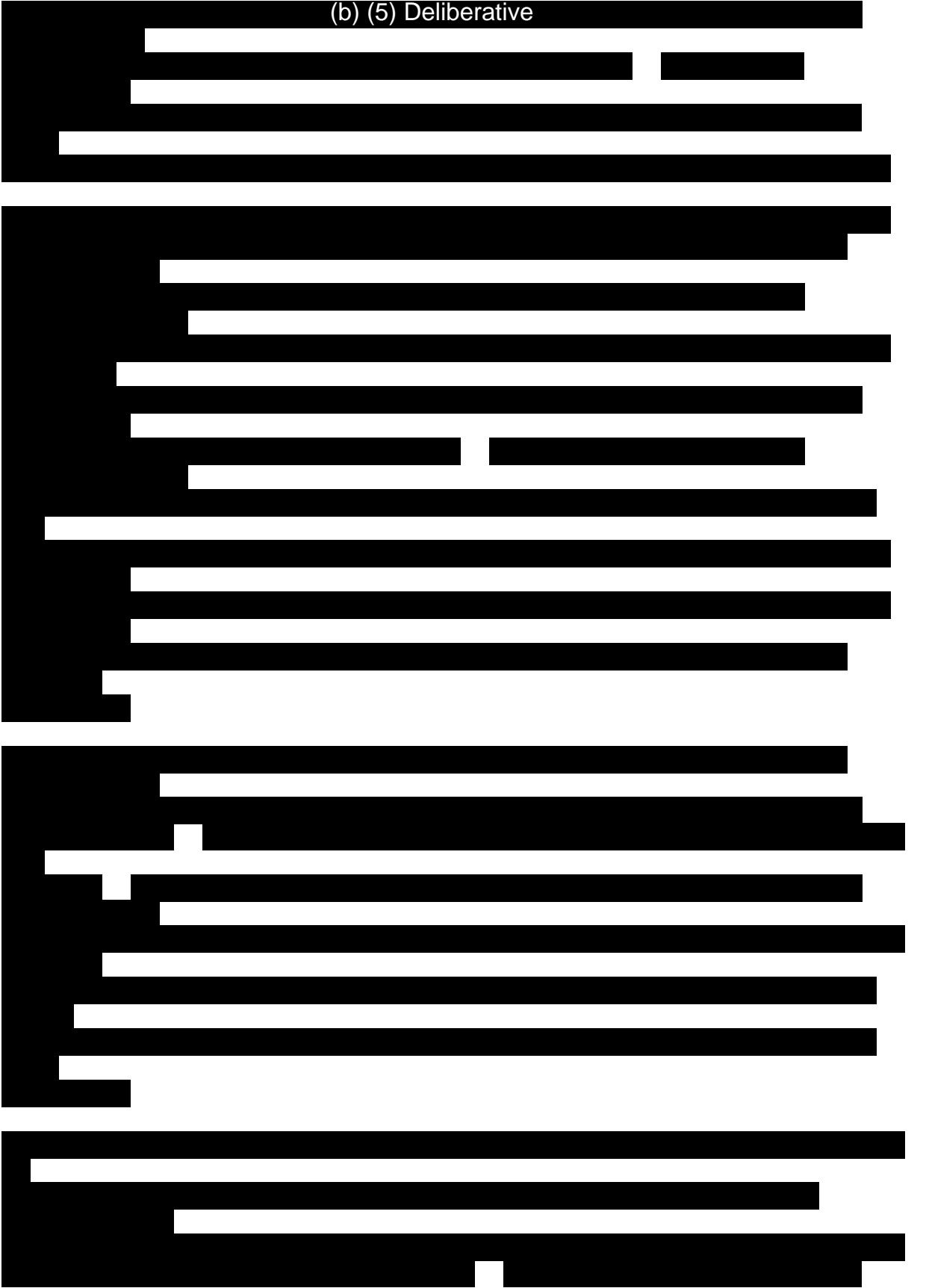
Hi Administrator,

Attached and pasted below is a revised draft of the memo.

(b) (5) D



(b) (5) Deliberative



(b) (5) Deliberative



(b) (5) Deliberative

[attachment "Draft\_Memo det com.doc" removed by David McIntosh/DC/USEPA/US][attachment "Draft\_Memo.doc" deleted by Diane Thompson/DC/USEPA/US]

01268-EPA-770

Seth Oster/DC/USEPA/US

07/24/2010 01:28 PM

To "Bob Perciasepe", Bob Sussman, Richard Windsor

cc

bcc

Subject Re: Fracking PA Hearing in NYT

(b) (5) Deliberative

Seth

---

**From:** Bob Perciasepe (b) (6) Personal Privacy

**Sent:** 07/24/2010 12:57 PM AST

**To:** Bob Sussman; Richard Windsor; Seth Oster

**Subject:** Fracking PA Hearing in NYT

July 23, 2010

## E.P.A. Considers Risks of Gas Extraction

By [TOM ZELLER Jr.](#)

CANONSBURG, Pa. — The streams of people came to the public meeting here armed with stories of yellowed and foul-smelling well water, deformed livestock, poisoned fish and itchy skin. One resident invoked the 1968 zombie thriller “Night of the Living Dead,” which, as it happens, was filmed just an hour away from this southwestern corner of Pennsylvania.

The culprit, these people argued, was hydraulic fracturing, a method of extracting [natural gas](#) that involves blasting underground rock with a cocktail of water, sand and chemicals.

Gas companies countered that the horror stories described in Pennsylvania and at other meetings held recently in Texas and Colorado are either fictions or not the companies’ fault. More regulation, the industry warned, would kill jobs and stifle production of gas, which the companies consider a clean-burning fuel the nation desperately needs.

Just as the Gulf of Mexico is the battleground for the future of offshore [oil](#) drilling, Pennsylvania is at the center of the battle over hydraulic fracturing, or fracking, which promises to open up huge swaths of land for natural gas extraction, but whose environmental risks are still uncertain. Natural gas accounts for roughly a quarter of all energy used in the United States, and that fraction is expected to grow as the nation weans itself from dirtier sources like coal and oil.

The [Environmental Protection Agency](#) has been on a listening tour, soliciting advice from all sides on how to shape a forthcoming \$1.9 million study of hydraulic fracturing’s effect on groundwater.

With the steep environmental costs of fossil fuel extraction apparent on beaches from Texas to

Florida — and revelations that industry shortcuts and regulatory negligence may have contributed to the [BP](#) catastrophe in the gulf — gas prospectors are finding a cold reception for their assertions that their drilling practices are safe.

"The industry has argued there are no documented cases of hydraulic fracturing contaminating groundwater," said Dencil Backus, a resident of nearby Mt. Pleasant Township, at Thursday night's hearing. "Our experience in southwestern Pennsylvania suggests that this cannot possibly be true."

Matt Pitzarella, a spokesman for [Range Resources](#), a Texas-based natural gas producer, acknowledged that the gulf spill had increased public concern about any sort of drilling activity. "However, when people can review the facts, void of the strong emotions the gulf elicits, they can see the stark contrast between high-risk, deep offshore oil drilling and much safer, much lower risk onshore natural gas development," he said by e-mail.

In this part of the country, the potentially enormous natural gas play of the Marcellus Shale has many residents lining up to lease their land to gas prospectors. Estimates vary on the precise size of the Marcellus Shale, which stretches from West Virginia across much of Pennsylvania and eastern Ohio and into the Southern Tier of New York. But by any estimate, the gas deposit is huge — perhaps as much as 500 trillion cubic feet. (New York State uses a little over 1.1 trillion cubic feet of natural gas each year.)

An industry-financed study published this week suggested that as much as \$6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

Fracking has been around for decades, and it is an increasingly prominent tool in the effort to unlock previously unreachable gas reserves. The oil and gas industry estimates that 90 percent of the more than 450,000 operating gas wells in the United States rely on hydraulic fracturing.

Roughly 99.5 percent of the fluids typically used in fracking, the industry says, are just water and sand, with trace amounts of chemical thickeners, lubricants and other compounds added to help the process along. The cocktail is injected thousands of feet below the water table and, the industry argues, can't possibly be responsible for growing complaints of spoiled streams and wells. But critics say that the relationship between fracking fluids and groundwater contamination has never been thoroughly studied — and that proving a link has been made more difficult by oil and gas companies that have jealously guarded as trade secrets the exact chemical ingredients used at each well.

Several other concerns linger over fracking, as well as other aspects of gas drilling — including the design and integrity of well casings and the transport and potential spilling of chemicals and the millions of gallons of water required for just one fracking job.

The recent string of accidents in the oil and gas industries — including the gulf spill and a blowout last month at a gas field in Clearfield County, Pa., that spewed gas and wastewater for 16 hours — has unnerved residents and regulators.

"There is extraordinary economic potential associated with the development of Marcellus Shale resources," said Representative [Joe Sestak](#), Democrat of Pennsylvania, in a statement Friday announcing \$1 million for a federal study of water use impacts in the Delaware Water Basin. However, "there is also great risk." He said, "One way to ensure proper development is to understand the potential impacts."

Amy Mall, a senior policy analyst with the [Natural Resources Defense Council](#), said the scrutiny was long overdue. "I think it's all helping to shine a spotlight on this entire industry," she said. "Corners are sometimes cut, and regulations simply aren't strong enough."

Fears of fracking's impact on water supplies prompted regulators overseeing the Delaware Water Basin to curtail gas exploration until the effects could be more closely studied. New York State lawmakers are contemplating a moratorium.

At the national level, in addition to the E.P.A. study, a Congressional investigation of gas drilling and fracturing, led by House Energy and Commerce Committee, intensified last week with demands sent to several companies for details on their operations — particularly how they handled the slurry of water and chemicals that flowed back from deep within a well.

A renewed, if unlikely, push is also under way to pass federal legislation that would undo an exemption introduced under the Bush administration that critics say freed hydraulic fracturing from regulation under the Safe Drinking Water Act.

Last month, Wyoming introduced some of the nation's toughest rules governing fracturing, including provisions that require companies to disclose the ingredients in their fracturing fluids to state regulators — though specifically not to the public.

Gas drillers, responding to the increased scrutiny and eyeing the expansive and lucrative new gas plays in Appalachia, are redoubling their efforts to stave off federal oversight, in some cases by softening their rigid positions on fracking-fluid disclosure. Last week, Range Resources went so far as to announce its intent to disclose the contents of its fracking fluids to Pennsylvania regulators and to publish them on the company's Web site.

"We should have done this a long time ago," said Mr. Pitzarella, the Range spokesman. "There are probably no health risks with the concentrations that we're utilizing. But if someone has that concern, then it's real and you have to address it."

Environmental groups welcomed that, but said that clear and broad federal jurisdiction would still be needed.

"Any one accident might not be on the scale of the Deepwater Horizon disaster," said Ms. Mall. "But accidents are happening all the time, and there's no regime in place that broadly protects the health of communities and the surrounding environment where drilling is being done."

That was a common theme at the meeting Thursday night.

"I can take you right now to my neighbors who have lost their water supplies," Mr. Backus said to the handful of E.P.A. regulators on hand. "I can take you also to places where spills have killed fish and other aquatic life."

"Corporations have no conscience," he added. "The E.P.A. must give them that conscience."

01268-EPA-1939

Richard  
Windsor/DC/USEPA/US  
02/06/2009 04:36 PM

To "Sean Darcy"  
cc  
bcc  
Subject Re: ap on mercury: obama seeks tougher controls

Don't mention it. [REDACTED] (b) (6) Privacy [REDACTED]

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

From: "Sean Darcy" [sean.darcy@gov.state.nj.us]  
Sent: 02/06/2009 04:33 PM EST  
To: Richard Windsor  
Subject: Re: ap on mercury: obama seeks tougher controls

Thanks, Richard. Much appreciated.

-----  
Sent from Sean Darcy

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
To: Sean Darcy  
Sent: Fri Feb 06 16:28:37 2009  
Subject: Fw: ap on mercury: obama seeks tougher controls

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

From: David Cohen  
Sent: 02/06/2009 04:07 PM EST  
To: Richard Windsor  
Cc: Lisa Heinzerling  
Subject: ap on mercury: obama seeks tougher controls  
Obama seeks tougher controls on mercury emissions  
By DINA CAPPIELLO, Associated Press Writer Dina Cappiello, Associated  
Press Writer 25 mins ago

WASHINGTON - The Obama administration signaled Friday that it will seek more stringent controls on mercury pollution from the nation's power plants, abandoning a Bush administration approach that the industry supported.

The Justice Department on Friday submitted papers to the Supreme Court to dismiss the Bush administration's appeal of the rule, which a lower court struck down last year.

Meanwhile, the Environmental Protection Agency said it would begin crafting a new rule limiting mercury emissions from power plants.

The court was expected to decide later this month whether it would take the case. Last year, an appeals court ruled that the Bush plan violated the law by allowing utilities to purchase emission credits instead of actually reducing emissions.

Such a plan would have allowed some power plants to release more mercury pollution than others, creating localized "hot spots" where concentrations are higher, states and environmental groups argued. The law requires all facilities to install the best technology available to curb emissions.

Power plants are the biggest source of mercury, which finds its way into the food supply. It is commonly found in high concentrations in fish. Mercury can damage developing brains of fetuses and very young children.

"It is yet another Bush administration policy they are not going to go forward with," said David Bookbinder, the Sierra Club's chief climate counsel.

The EPA also announced Friday that it was starting the review of the Bush administration's decision to deny California and other states the right to control emissions of the gases blamed for global warming from cars.

In a statement, the agency said there were significant issues with the previous administration's denial of the California request that represents a significant departure from the law.

While the administration has signaled it is breaking with its predecessor on several issues, Friday's filing on mercury is the first outright reversal of a legal position taken by the Bush administration at the Supreme Court.

EPA Administrator Lisa Jackson told reporters at a green jobs conference in Washington that the Obama administration would draft its own rules under the Clean Air Act to curb mercury emissions.

Jackson — who led the environmental department in New Jersey, one of 17 states that sued the Bush administration in 2006 — said the EPA would likely set limits on the toxic metal from power plants, as required by the law.

"We're better off spending all our resources making rules that will stick instead of fighting the courts on this one," Jackson said.

Representatives of the utility industry, which is still asking the Supreme Court to take up an appeal, said Friday that a new rule would further delay clean up of mercury and cost more than the Bush proposal.

"From an environmental perspective, the thing that is a real shame about all this is had the court left the mercury rule in place we would have had much greater mercury reductions at a lower cost," said Jeff Holmstead, head of the Environmental Strategies Group at the law firm Bracewell & Giuliani, which represents power producers.

---

01268-EPA-2047

Richard  
Windsor/DC/USEPA/US  
02/26/2009 10:06 PM

To "Bicky Corman"  
cc  
bcc  
Subject Re: greetings -

How cool! Think it will stick?

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 02/26/2009 09:55 PM EST  
**To:** Richard Windsor  
**Subject:** RE: greetings -

Good for you. Then I may sleep! You know of a development today relevant to your speech tomorrow.  
Call if you want me to get you/dinner Sunday.

## **Pelosi and Reid: No more coal for Capitol Power Plant**

[Please Digg this post by clicking [here](#) . ]

No doubt spurred on by the impending [civil disobedience](#), Speaker of the House Nancy Pelosi (D-CA) posted a statement and a letter on her blog ([here](#)):

Today, Speaker Pelosi and Senate Majority Leader Harry Reid sent the following letter to the Acting Architect of the Capitol, Stephen T. Ayers, **asking that the Capitol Power Plant (CPP) use 100 percent natural gas for its operations**. They write, “the switch to natural gas will allow the CPP to dramatically reduce carbon and criteria pollutant emissions, eliminating more than 95 percent of sulfur oxides and at least 50 percent of carbon monoxide... We strongly encourage you to move forward aggressively with us on a comprehensive set of policies for the entire Capitol complex and the entire Legislative Branch to quickly reduce emissions and petroleum consumption through energy efficiency, renewable energy, and clean alternative fuels.”

UPDATE: Bill McKibben, who helped organize the impending [civil disobedience](#) at the CPP emails me “just to say, **this civil disobedience stuff kind of works. How many coal plants are there??**”

Here is the letter:

February 26, 2009  
Mr. Stephen T. Ayers

Acting Architect of the Capitol  
SB-15 U.S. Capitol  
Washington, DC 20515

Dear Mr. Ayers:

We want to commend your office for working to implement the Green the Capitol Initiative by increasing energy efficiency and reducing greenhouse gas emissions. However, there is a shadow that hangs over the success of your and our efforts to improve the environmental performance of the Capitol and the entire Legislative Branch. The Capitol Power Plant (CPP) continues to be the number one source of air pollution and carbon emissions in the District of Columbia and the focal point for criticism from local community and national environmental and public health groups.

Since 1910, as you know, the CPP has continuously provided the Capitol, House and Senate office buildings, and other facilities with steam and chilled water for heating and cooling purposes. The plant remains an important component of the facilities master plan and the future of the Capitol complex, and we know your office has taken steps to make the plant cleaner and more efficient. While your progress has been noteworthy, more must be done to dramatically reduce plant emissions and the CPP's impact. Since there are not projected to be any economical or feasible technologies to reduce coal-burning emissions soon, there are several steps you should take in the short term to reduce the amount of coal burned at the plant while preparing for a conversion to cleaner burning natural gas.

We encourage you to take advantage of current excess capacity to burn cleaner fuels and reduce pollution. According to the General Accounting Office (GAO) and an independent analysis from Lawrence Berkeley National Laboratory, the boilers at the CPP are now running with more capacity than has been historically demanded or anticipated. Even with the new Capitol Visitor Center in operation, these analyses show there is sufficient capacity to further increase the burning of natural gas and still meet energy demands at peak hours.

We are also interested in identifying and supporting funding to retrofit CPP if necessary so that it can operate on 100 percent natural gas. Unfortunately, our staff has received conflicting information and cost estimates on what would actually be required to operate the CPP year-round with exclusively natural gas. If a retrofit of two remaining boilers is indeed required, then we encourage you to develop realistic budget numbers to accomplish the retrofit expeditiously including any costs for the purchase of additional quantities of natural gas. In your budget analysis, it is important to take into account that time is of the essence for converting the fuel of the CPP. Therefore it is our desire that your approach focus on retrofitting at least one of the coal boilers as early as this summer, and the remaining boiler by the end of the year.

While the costs associated with purchasing additional natural gas will certainly be higher, the investment will far outweigh its cost. The switch to natural gas will allow the CPP to dramatically reduce carbon and criteria pollutant emissions, eliminating more than 95 percent of sulfur oxides and at least 50 percent of carbon monoxide. The conversion will also reduce the

cost of storing and transporting coal as well as the costs associated with cleaning up the fly ash and waste. Eliminating coal from the fuel mixture should also assist the City of Washington, D.C., in meeting and complying with national air quality standards, and demonstrate that Congress can be a good and conscientious neighbor by mitigating health concerns for residents and workers around Capitol Hill.

Taking this major step toward cleaning up the Capitol Power Plant's emissions would be an important demonstration of Congress' willingness to deal with the enormous challenges of global warming, energy independence and our inefficient use of finite fossil fuels. We strongly encourage you to move forward aggressively with us on a comprehensive set of policies for the entire Capitol complex and the entire Legislative Branch to quickly reduce emissions and petroleum consumption through energy efficiency, renewable energy, and clean alternative fuels.

Thank you for your attention to this critical matter.

best regards,

NANCY PELOSI  
Speaker of the House

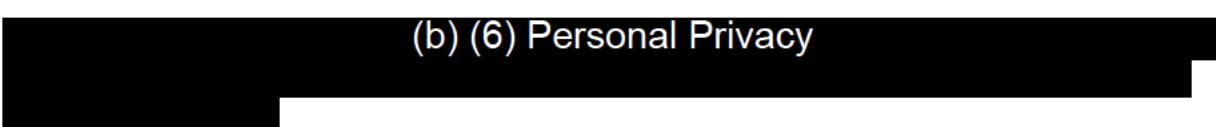
HARRY REID  
Senate Majority Leader

Bicky Corman  
General Counsel  
Government of the District of Columbia  
District Department of the Environment  
Office of the General Counsel  
51 N St., N.E., 6th Floor  
Washington, DC 20002  
(202) 535-1951 (Direct)  
(202) 535-2881 (Fax)  
[Bicky.Corman@dc.gov](mailto:Bicky.Corman@dc.gov)  
[www.ddoe.dc.gov](http://www.ddoe.dc.gov)

---

**From:** Windsor.Richard@epamail.epa.gov [mailto:[Windsor.Richard@epamail.epa.gov](mailto:Windsor.Richard@epamail.epa.gov)]  
**Sent:** Thursday, February 26, 2009 9:43 PM  
**To:** Corman, Bicky (DDOE)  
**Subject:** Re: greetings -

(b) (6) Personal Privacy



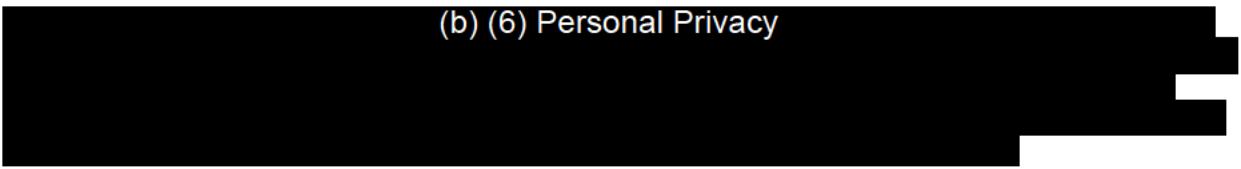
**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]

**Sent:** 02/26/2009 09:39 PM EST

**To:** Richard Windsor

**Subject:** greetings -

(b) (6) Personal Privacy



Bicky Corman  
General Counsel  
Government of the District of Columbia  
District Department of the Environment  
Office of the General Counsel  
51 N St., N.E., 6th Floor  
Washington, DC 20002  
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[Bicky.Corman@dc.gov](mailto:Bicky.Corman@dc.gov)  
[www.ddoe.dc.gov](http://www.ddoe.dc.gov)

01268-EPA-2048

Richard  
Windsor/DC/USEPA/US  
02/26/2009 10:10 PM

To "Allyn Brooks-Lasure"  
cc  
bcc  
Subject Fw: greetings -

FYI - the PowerShift folks are planning a protest \_i think its tomorrow) re the coal fired plant below.

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 02/26/2009 09:55 PM EST

**To:** Richard Windsor  
**Subject:** RE: greetings -

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## Pelosi and Reid: No more coal for Capitol Power Plant

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Speaker of the House

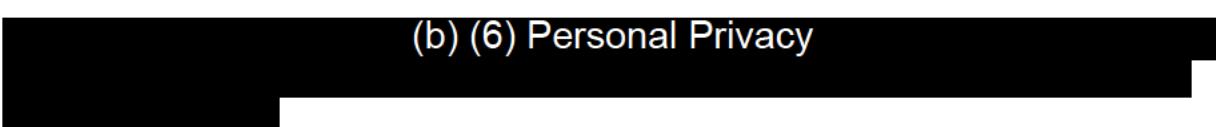
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---

**From:** Windsor.Richard@epamail.epa.gov [mailto:[Windsor.Richard@epamail.epa.gov](mailto:Windsor.Richard@epamail.epa.gov)]  
**Sent:** Thursday, February 26, 2009 9:43 PM  
**To:** Corman, Bicky (DDOE)  
**Subject:** Re: greetings -

(b) (6) Personal Privacy



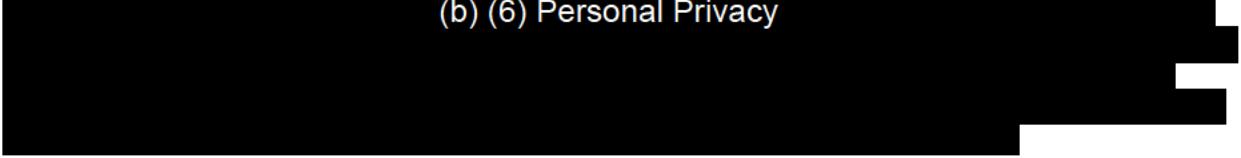
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[Bicky.Corman@dc.gov](mailto:Bicky.Corman@dc.gov)  
[www.ddoe.dc.gov](http://www.ddoe.dc.gov)

01268-EPA-2049

Richard  
Windsor/DC/USEPA/US  
02/27/2009 01:09 PM

To "Bicky Corman"  
cc  
bcc  
Subject Re: Case-by-Case MACT Letter

David McIntosh told me that Sen Byrd has announced that he supports the switch to natural gas. That seems to cement things, no?

Though I would agree that the backstop of your approach is also vital.

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]

**Sent:** 02/27/2009 12:48 PM EST

**To:** Richard Windsor

**Subject:** FW: Case-by-Case MACT Letter

You asked whether Pelosi's demand would stick?

Don't know what AOC's response will be, but "sticking" may be a function of what their Title V permit will contain, which we are poised to renew. To that end, today, we just informed Capitol Power it has 30 days to submit information to us that will serve as the basis of our making a case-by-case MACT determination on their HAP emissions. [Case-by-case determinations have not been made yet elsewhere in the nation; and the required analyses could be disproportionately expensive at plants like Capitol Power that are old and small.] The MACT analysis is only required because they burn coal. If they didn't burn coal, they wouldn't be subject to 112(j).

Bicky Corman  
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[www.ddoe.dc.gov](http://www.ddoe.dc.gov)

01268-EPA-2274

Richard  
Windsor/DC/USEPA/US  
04/02/2009 03:22 PM

To Allyn Brooks-LaSure, David McIntosh, Lisa Heinzerling  
cc  
bcc  
Subject Fw: NYTimes.com: EPA holds trump card in U.S. emissions debate

(b) (5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/02/2009 03:20 PM -----

From: lisa.jackson@dep.state.nj.us  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/02/2009 03:20 PM  
Subject: NYTimes.com: EPA holds trump card in U.S. emissions debate

The New York Times



E-Mail This

JULY 17

This page was sent to you by: lisa.jackson@dep.state.nj.us

BUSINESS / ENERGY & ENVIRONMENT | April 02, 2009

## **EPA holds trump card in U.S. emissions debate**

By DARREN SAMUELSON AND ROBIN BRAVENDER, Greenwire

Two years ago today, the Supreme Court ordered U.S. EPA to reconsider its decision not to regulate for greenhouse gas emissio...

### **Most E-Mailed**

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2. [Boats Too Costly to Keep Are Littering Coastlines](#)
3. [Light and Cheap, Netbooks Are Poised to Reshape PC Industry](#)
4. [Timothy Egan: The Orphans of Ireland](#)
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**500 Days of Summer** Premiered at Sundance, starring Joseph Gordon-Levitt and Zooey Deschanel. Coming This

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Watch the new trailer!  
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JULY17

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01268-EPA-2275

Lisa  
 Heinzerling/DC/USEPA/US  
 04/02/2009 04:09 PM

To Richard Windsor  
 cc Allyn Brooks-LaSure, David McIntosh  
 bcc

Subject Re: Fw: NYTimes.com: EPA holds trump card in U.S.  
 emissions debate

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

04/02/2009 03:21:53 PM

From: Richard Windsor/DC/USEPA/US  
 To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Lisa  
 Heinzerling/DC/USEPA/US@EPA  
 Date: 04/02/2009 03:21 PM  
 Subject: Fw: NYTimes.com: EPA holds trump card in U.S. emissions debate

(b) (5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/02/2009 03:20 PM -----

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 To: Richard Windsor/DC/USEPA/US@EPA  
 Date: 04/02/2009 03:20 PM  
 Subject: NYTimes.com: EPA holds trump card in U.S. emissions debate

The New York Times

**E-Mail This****JULY 17**

This page was sent to you by: lisa.jackson@dep.state.nj.us

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JULY 17

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01268-EPA-2953

**Robert  
Goulding/DC/USEPA/US**  
10/15/2009 08:50 PM

To "Richard Windsor"  
cc "Allyn Brooks-Lasure", "Eric Wachter", "Diane Thompson"  
bcc  
Subject Fw: draft email to Embassy Jakarta

Administrator,

Below is a draft email to be sent to the embassy as a follow-up to ongoing staff discussions we've been having for the trip.

(b) (5) Deliberative



Katherine Buckley

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

**From:** Katherine Buckley  
**Sent:** 10/15/2009 08:36 PM EDT  
**To:** Robert Goulding; Allyn Brooks-LaSure; Marcus McClendon; Eric Wachter  
**Cc:** Gary Waxmonsky; Michael Stahl; Neilima Senjalia; Mark Kasman; Rakhi Kasat  
**Subject:** draft email to Embassy Jakarta

Dear Rob et al,

As promised, below is the draft email we are proposing to send to Embassy Jakarta. Thanks for your comments/thoughts.

Best wishes,  
Katherine and Rakhi

---

(b) (5) Deliberative



(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

morning.

### **Group 1: Advance/Security Group**

|                          |          |
|--------------------------|----------|
| Sarah Dale               | Advance  |
| Clay Diette              | Advance  |
| (b) (6) Personal Privacy | Security |
| (b) (6) Personal Privacy | Security |
| (b) (6) Personal Privacy | Security |

| To Jakarta                                               | From Jakarta                                                          |
|----------------------------------------------------------|-----------------------------------------------------------------------|
| <u>Carrier and Flight Numbers:</u><br>UA #209-US Airways | <u>Carrier and Flight Numbers:</u><br>JAPAN AIRLINES JL 0726 -UA 9682 |

|                                                         |                                                          |
|---------------------------------------------------------|----------------------------------------------------------|
| #5400-Singapore# 952                                    | <u>Departure Point:</u><br>INDONESIA-JAPAN               |
| <u>Departure Point:</u><br>IAD- LA- Singapore           | <u>Date/Time of Departure:</u><br>10/22/2009 10:15:00 PM |
| <u>Date/Time of Departure:</u><br>10/16/2009 2:50:00 PM | <u>Arrival Point:</u><br>DULLES                          |
| <u>Arrival Point:</u><br>INDONESIA                      | <u>Date/Time of Arrival:</u><br>10/23/2009 10:40:00 AM   |
| <u>Date/Time of Arrival:</u><br>10/18/2009 8:25:00 AM   |                                                          |

## **Group 2: Administrator and Staff**

|                                                                                       |                                                                          |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Lisa Jackson<br>(b) (6) Personal Privacy                                              | Administrator<br>Personal Security Lead                                  |
| Alynn Brooks-LaSure<br>Rakhi Kasat or Mark Kasman<br>Advisor for Asia Pacific Program | Deputy Director of Communications<br>Indonesia Program Manager or Senior |

| To Jakarta                                                                 | From Jakarta                                                          |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <u>Carrier and Flight Numbers:</u><br>UA 0976 EMIRATES AIRLINES EK<br>0356 | <u>Carrier and Flight Numbers:</u><br>JAPAN AIRLINES JL 0726 -UA 9682 |
| <u>Departure Point:</u><br>DULLES-DUBAI UAE                                | <u>Departure Point:</u><br>INDONESIA-JAPAN                            |
| <u>Date/Time of Departure:</u><br>10/17/2009 10:08:00 PM                   | <u>Date/Time of Departure:</u><br>10/22/2009 10:15:00 PM              |
| <u>Arrival Point:</u><br>INDONESIA                                         | <u>Arrival Point:</u><br>DULLES                                       |
| <u>Date/Time of Arrival:</u><br>10/19/2009 3:55:00 PM                      | <u>Date/Time of Arrival:</u><br>10/23/2009 10:40:00 AM                |

We recognize that the Embassy booked a number of rooms for the US delegation attending the inauguration and the number of rooms might be greater than the actual size of the official delegation. Given that EPA will have several travelers, the Administrator +1 and others (including advance, security, and staff) would it be possible for these travelers to use the available remaining rooms and those who are not principal +1 would pay for the room with their own credit card?

**Background Materials:**

We would welcome any stock country background scenesetter material that you have that could be sent to us by email as well as any other background information (and if possible bios) on the new VP and the President's Climate Advisor, Rizal Mallarengeng. As we discussed, we also look forward to seeing any possible list you all have of other country representatives to the Presidential inauguration.

Thanks for all your assistance and time and please let us know if you have any questions. If you feel that we should have another call/discussion on Friday morning (DC time), let us know and we can work to set it up.

Thanks again and best wishes,

Katherine and Rakhi

01268-EPA-2954

**Richard  
Windsor/DC/USEPA/US**  
10/15/2009 09:11 PM

To Robert Goulding  
cc  
bcc  
Subject Re: draft email to Embassy Jakarta

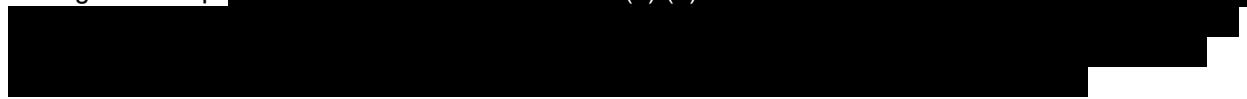
Looks fine so far. What hotel is it please? Tx.  
Robert Goulding

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

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**Sent:** 10/15/2009 08:36 PM EDT  
**To:** Robert Goulding; Allyn Brooks-LaSure; Marcus McClendon; Eric Wachter  
**Cc:** Gary Waxmonsky; Michael Stahl; Neilima Senjalia; Mark Kasman; Rakhi Kasat  
**Subject:** draft email to Embassy Jakarta  
Dear Rob et al,

As promised, below is the draft email we are proposing to send to Embassy Jakarta. Thanks for your comments/thoughts.

Best wishes,  
Katherine and Rakhi

---

Dear Matt and Colleagues in Jakarta,

(b) (5) Deliberative



(b) (5) Deliberative



**Group 1: Advance/Security Group**

|             |         |
|-------------|---------|
| Sarah Dale  | Advance |
| Clay Diette | Advance |

(b) (6) Personal Privacy Security  
 (b) (6) Personal Privacy Security  
 (b) (6) Personal Privacy Security

| To Jakarta                                                                                                                                                                                                                                                                                                                     | From Jakarta                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Carrier and Flight Numbers:</u><br/> UA #209-US Airways<br/> #5400-Singapore# 952</p> <p><u>Departure Point:</u><br/> IAD- LA- Singapore</p> <p><u>Date/Time of Departure:</u><br/> 10/16/2009 2:50:00 PM</p> <p><u>Arrival Point:</u><br/> INDONESIA</p> <p><u>Date/Time of Arrival:</u><br/> 10/18/2009 8:25:00 AM</p> | <p><u>Carrier and Flight Numbers:</u><br/> JAPAN AIRLINES JL 0726 -UA 9682</p> <p><u>Departure Point:</u><br/> INDONESIA-JAPAN</p> <p><u>Date/Time of Departure:</u><br/> 10/22/2009 10:15:00 PM</p> <p><u>Arrival Point:</u><br/> DULLES</p> <p><u>Date/Time of Arrival:</u><br/> 10/23/2009 10:40:00 AM</p> |

## Group 2: Administrator and Staff

|                                                                                       |                                                                                                                     |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Lisa Jackson<br>(b) (6) Personal Privacy                                              | Administrator<br>Personal Security Lead<br>Deputy Director of Communications<br>Indonesia Program Manager or Senior |
| Alynn Brooks-LaSure<br>Rakhi Kasat or Mark Kasman<br>Advisor for Asia Pacific Program |                                                                                                                     |

| To Jakarta                                                                                                                                                                                                                                               | From Jakarta                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Carrier and Flight Numbers:</u><br/> UA 0976 EMIRATES AIRLINES EK<br/> 0356</p> <p><u>Departure Point:</u><br/> DULLES-DUBAI UAE</p> <p><u>Date/Time of Departure:</u><br/> 10/17/2009 10:08:00 PM</p> <p><u>Arrival Point:</u><br/> INDONESIA</p> | <p><u>Carrier and Flight Numbers:</u><br/> JAPAN AIRLINES JL 0726 -UA 9682</p> <p><u>Departure Point:</u><br/> INDONESIA-JAPAN</p> <p><u>Date/Time of Departure:</u><br/> 10/22/2009 10:15:00 PM</p> <p><u>Arrival Point:</u><br/> DULLES</p> <p><u>Date/Time of Arrival:</u></p> |

|                       |                        |
|-----------------------|------------------------|
| Date/Time of Arrival: | 10/23/2009 10:40:00 AM |
| 10/19/2009 3:55:00 PM |                        |

We recognize that the Embassy booked a number of rooms for the US delegation attending the inauguration and the number of rooms might be greater than the actual size of the official delegation. Given that EPA will have several travelers, the Administrator +1 and others (including advance, security, and staff) would it be possible for these travelers to use the available remaining rooms and those who are not principal +1 would pay for the room with their own credit card?

**Background Materials:**

We would welcome any stock country background scenesetter material that you have that could be sent to us by email as well as any other background information (and if possible bios) on the new VP and the President's Climate Advisor, Rizal Mallarengeng. As we discussed, we also look forward to seeing any possible list you all have of other country representatives to the Presidential inauguration.

Thanks for all your assistance and time and please let us know if you have any questions. If you feel that we should have another call/discussion on Friday morning (DC time), let us know and we can work to set it up.

Thanks again and best wishes,

Katherine and Rakhi

01268-EPA-2955

**Robert  
Goulding/DC/USEPA/US**  
10/15/2009 09:11 PM

To Richard Windsor  
cc  
bcc  
Subject Re: draft email to Embassy Jakarta

Grand Hyatt - Jakarta  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 10/15/2009 09:11 PM EDT  
**To:** Robert Goulding  
**Subject:** Re: draft email to Embassy Jakarta  
Looks fine so far. What hotel is it please? Tx.  
Robert Goulding

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

**From:** Robert Goulding  
**Sent:** 10/15/2009 08:50 PM EDT  
**To:** Richard Windsor  
**Cc:** "Allyn Brooks-Lasure" <brooks-lasure.allyn@epa.gov>; Eric Wachter; Diane Thompson  
**Subject:** Fw: draft email to Embassy Jakarta  
Administrator,

Below is a draft email to be sent to the embassy as a follow-up to ongoing staff discussions we've been having for the trip.

(b) (5) Deliberative



Katherine Buckley

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

**From:** Katherine Buckley  
**Sent:** 10/15/2009 08:36 PM EDT  
**To:** Robert Goulding; Allyn Brooks-LaSure; Marcus McClendon; Eric Wachter  
**Cc:** Gary Waxmonsky; Michael Stahl; Neilima Senjalia; Mark Kasman; Rakhi Kasat  
**Subject:** draft email to Embassy Jakarta  
Dear Rob et al,

As promised, below is the draft email we are proposing to send to Embassy Jakarta. Thanks for your comments/thoughts.

Best wishes,  
Katherine and Rakhi

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Dear Matt and Colleagues in Jakarta,

(b) (5) Deliberative



(b) (5) Deliberative

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|                          |          |
|--------------------------|----------|
| Sarah Dale               | Advance  |
| Clay Diette              | Advance  |
| (b) (6) Personal Privacy | Security |
| (b) (6) Personal Privacy | Security |
| (b) (6) Personal Privacy | Security |

| To Jakarta                                                                                                                                                                                                                                                                                                               | From Jakarta                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Carrier and Flight Numbers:</u><br/>UA #209-US Airways<br/>#5400-Singapore# 952</p> <p><u>Departure Point:</u><br/>IAD- LA- Singapore</p> <p><u>Date/Time of Departure:</u><br/>10/16/2009 2:50:00 PM</p> <p><u>Arrival Point:</u><br/>INDONESIA</p> <p><u>Date/Time of Arrival:</u><br/>10/18/2009 8:25:00 AM</p> | <p><u>Carrier and Flight Numbers:</u><br/>JAPAN AIRLINES JL 0726 -UA 9682</p> <p><u>Departure Point:</u><br/>INDONESIA-JAPAN</p> <p><u>Date/Time of Departure:</u><br/>10/22/2009 10:15:00 PM</p> <p><u>Arrival Point:</u><br/>DULLES</p> <p><u>Date/Time of Arrival:</u><br/>10/23/2009 10:40:00 AM</p> |

**Group 2: Administrator and Staff**

|                                          |                                         |
|------------------------------------------|-----------------------------------------|
| Lisa Jackson<br>(b) (6) Personal Privacy | Administrator<br>Personal Security Lead |
| Alynn Brooks-LaSure                      | Deputy Director of Communications       |
| Rakhi Kasat or Mark Kasman               | Indonesia Program Manager or Senior     |
| Advisor for Asia Pacific Program         |                                         |

| To Jakarta                                                                                                                              | From Jakarta                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Carrier and Flight Numbers:</u><br/>UA 0976 EMIRATES AIRLINES EK<br/>0356</p> <p><u>Departure Point:</u><br/>DULLES-DUBAI UAE</p> | <p><u>Carrier and Flight Numbers:</u><br/>JAPAN AIRLINES JL 0726 -UA 9682</p> <p><u>Departure Point:</u><br/>INDONESIA-JAPAN</p> <p><u>Date/Time of Departure:</u></p> |

|                                                          |                                                        |
|----------------------------------------------------------|--------------------------------------------------------|
| <u>Date/Time of Departure:</u><br>10/17/2009 10:08:00 PM | 10/22/2009 10:15:00 PM                                 |
| <u>Arrival Point:</u><br>INDONESIA                       | <u>Arrival Point:</u><br>DULLES                        |
| <u>Date/Time of Arrival:</u><br>10/19/2009 3:55:00 PM    | <u>Date/Time of Arrival:</u><br>10/23/2009 10:40:00 AM |

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Thanks for all your assistance and time and please let us know if you have any questions. If you feel that we should have another call/discussion on Friday morning (DC time), let us know and we can work to set it up.

Thanks again and best wishes,

Katherine and Rakhi

01268-EPA-3086

**Richard  
Windsor/DC/USEPA/US**  
11/16/2009 05:34 PM

To Seth Oster  
cc  
bcc  
Subject Re: Concerns about Zabel and Williams

Thx. Got it

(b) (5) Deliberative

Seth Oster

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

**From:** Seth Oster  
**Sent:** 11/16/2009 05:32 PM EST  
**To:** Richard Windsor  
**Cc:** Diane Thompson; Scott Fulton; Bob Perciasepe  
**Subject:** Fw: Concerns about Zabel and Williams

Lisa -- I wanted to make sure you noted this letter from the Union of Concerned Scientists regarding the situation with the Region 9 employees, and their request for a meeting.

I have some thoughts about how might consider this,

(b) (5) Deliberative

Seth

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

----- Forwarded by Seth Oster/DC/USEPA/US on 11/16/2009 05:29 PM -----

From: "Francesca Grifo" <fgrifo@ucsusa.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Paul Anastas/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth  
Oster/DC/USEPA/US@EPA  
Date: 11/16/2009 04:32 PM  
Subject: Concerns about Zabel and Williams

November 16, 2009

The Honorable Lisa Jackson  
Administrator  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W. (MC1101A)  
Washington, DC 20460

Dear Administrator Jackson:

I am writing to you on behalf of the Union of Concerned Scientists to express our concerns regarding EPA's handling of the posting of a video criticizing a cap and trade policy by two Region 9 lawyers—Allan Zabel and Laurie Williams. While UCS strongly supports cap and trade as part of a suite of climate policies, we believe that these attorneys and all EPA employees should feel empowered to speak as private citizens to inform public policy under debate in the halls of Congress.

We would like to request a meeting sometime in the next week to discuss our concerns and share our suggestions regarding what steps the EPA might take to ensure that this incident can become an opportunity for the agency to move forward on free speech for federal employees. We will follow up by telephone to see when a discussion might be arranged.

As you well know, under the previous administration, EPA scientists and other employees faced severe restrictions on their rights to speak publicly. 'Gag orders' sent from EPA management instructing staff not to speak to the public, the press, and even the Inspector General were all too common over the past few years. We have also heard from EPA employees about continuing difficulties obtaining approval for the publication of scientific papers in peer-reviewed journals.

We very much appreciate that both you and President Obama have spoken clearly and consistently about the importance of transparency in rebuilding the credibility of the agency. This incident can be used as a crucial test of those principles. How EPA responds to this situation will set the tone for agency employees and frame how the public views any further pronouncements on the importance of transparency. We therefore urge the agency to publicly reaffirm the right of EPA employees to speak freely on any topic of their choosing, so long as they make it clear that they are not speaking on behalf of the agency.

We have several concerns with how the incident was handled. Most importantly, press reports indicate that the memo sent to Zabel and Williams threatened disciplinary action if they did not alter or remove their video. As the requested changes to the video were minor and there was every indication that the lawyers were acting in good faith to abide by EPA policies, this language was overly harsh and combative.

In our experience of talking with EPA staff in similar situations, the tone from management matters as much, if not more, than the letter of the law. Other EPA staff may take away from this incident a warning that they will land themselves in hot water by speaking to the public.

To reiterate, while we strongly disagree with the rejection of cap and trade policy espoused by the EPA lawyers' online video and their op-ed in the Washington Post, we strongly support their right to voice their concerns to the public. We look forward to discussing both short and long-term reforms with you in the near future and to working with you to implement improved EPA policies governing employee speech and publication.

Thank you very much.

Sincerely,

Francesca Grifo, Ph.D.  
Senior Scientist and Program Director  
Scientific Integrity Program  
Union of Concerned Scientists

Cc:

Scott Fulton, General Counsel  
Seth Oster, Office of Public Affairs  
Paul Anastas, Office of Research and Development

Francesca T. Grifo, Ph.D.  
Senior Scientist and Director  
Scientific Integrity Program  
1825 K Street NW, Suite 800  
Washington, DC 20006-1232  
202-331-5446 (direct)  
202-223-6133 (main number)  
202-223-6162 (fax)

[www.ucsusa.org](http://www.ucsusa.org)

[attachment "UCS letter to EPA about Zabel and Williams, 11-16-09.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3087

Richard  
Windsor/DC/USEPA/US  
11/16/2009 05:38 PM

To Seth Oster  
cc  
bcc

Subject Re: Concerns about Zabel and Williams

On with Diane and Bob. Will call in 10 minutes when done. Sorry.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 11/16/2009 05:37 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Concerns about Zabel and Williams

(b) (5) Deliberative

That's what I wanted to discuss.

We have a call with you now -- me, David and Larry -- we're standing by. You still want to do it?

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

Richard Windsor Thx. Got it. (b) (5) Deliberative 11/16/2009 05:35:00 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA  
Date: 11/16/2009 05:35 PM  
Subject: Re: Concerns about Zabel and Williams

Thx. Got it. (b) (5) Deliberative  
. Lj

Seth Oster

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

**From:** Seth Oster  
**Sent:** 11/16/2009 05:32 PM EST  
**To:** Richard Windsor  
**Cc:** Diane Thompson; Scott Fulton; Bob Perciasepe  
**Subject:** Fw: Concerns about Zabel and Williams

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I have some thoughts about how might consider this, (b) (5) Deliberative

Seth

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

----- Forwarded by Seth Oster/DC/USEPA/US on 11/16/2009 05:29 PM -----

From: "Francesca Grifo" <fgrifo@ucsusa.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Paul Anastas/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth  
Oster/DC/USEPA/US@EPA  
Date: 11/16/2009 04:32 PM  
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November 16, 2009

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Administrator  
U. S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W. (MC1101A)  
Washington, DC 20460

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Thank you very much.

Sincerely,

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Senior Scientist and Program Director  
Scientific Integrity Program  
Union of Concerned Scientists

Cc:  
Scott Fulton, General Counsel  
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[attachment "UCS letter to EPA about Zabel and Williams, 11-16-09.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3089

Bob  
Perciasepe/DC/USEPA/US  
11/16/2009 06:47 PM

To Diane Thompson, Seth Oster  
cc Richard Windsor, Scott Fulton  
bcc  
Subject Re: Fw: Concerns about Zabel and Williams

(b) (5) Deliberative

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

Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 11/16/2009 06:03 PM EST  
**To:** Seth Oster  
**Cc:** Bob Perciasepe; Richard Windsor; Scott Fulton  
**Subject:** Re: Fw: Concerns about Zabel and Williams

(b) (5) Deliberative

DT

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

Seth Oster

Lisa -- I wanted to make sure you noted...

11/16/2009 05:32:38 PM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob  
Perciasepe/DC/USEPA/US@EPA  
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(b) (5) Deliberative

Seth

Seth Oster  
Associate Administrator

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

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From: "Francesca Grifo" <fgrifo@ucsusa.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
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U. S. Environmental Protection Agency  
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Francesca T. Grifo, Ph.D.  
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[www.ucsusa.org\[attachment "UCS letter to EPA about Zabel and Williams, 11-16-09.doc" deleted by Diane Thompson/DC/USEPA/US\]](http://www.ucsusa.org[attachment )

01268-EPA-3157

Aaron  
 Dickerson/DC/USEPA/US  
 12/08/2009 11:05 AM

To Richard Windsor  
 cc  
 bcc  
 Subject Blackberry

(b) (6) Privacy [REDACTED] ? Also, you can do SMS messaging. Everyone's international blackberry numbers are below. Your phone number was transferred to the bb, but if someone would to SMS you, they have to use (b) (6) Personal Privacy [REDACTED]

| User Name        | International BlackBerry phone number |
|------------------|---------------------------------------|
| Maurice LeFranc  | (b) (6) Personal Privacy              |
| Leif Hockstad    | (b) (6) Personal Privacy              |
| Shalini Vajjhala | (b) (6) Personal Privacy              |
| Michelle DePass  | (b) (6) Personal Privacy              |
| Kimberly Klunich | (b) (6) Personal Privacy              |
| Jennifer Jenkins | (b) (6) Personal Privacy              |
| David McIntosh   | (b) (6) Personal Privacy              |
| Gina McCarthy    | (b) (6) Personal Privacy              |
| Seth Oster       | (b) (6) Personal Privacy              |

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 12/08/2009 10:58 AM -----

From: Vaughn Noga/DC/USEPA/US  
 To: Gina McCarthy/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
 Cc: Linda Travers/DC/USEPA/US@EPA, Mike Flynn/DC/USEPA/US@EPA, Bill Beaver/DC/USEPA/US@EPA, Michael Hillard/DC/USEPA/US@EPA, Johnny Davis/DC/USEPA/US@EPA, Bill Boone/DC/USEPA/US@EPA, Phyllis Kozub/DC/USEPA/US@EPA, Liza Hearns/DC/USEPA/US@EPA, Rachel Felver/DC/USEPA/US@EPA, Renee Gutshall/DC/USEPA/US@EPA  
 Date: 12/08/2009 07:03 AM  
 Subject: EPA IT support updates: SMS Messaging and Security Awareness

This is a follow-on message about IT services that you will receive while on international travel, as well a reminder about security awareness.

### 1. SMS Messaging

In response to your requests, the EPA IT security team has approved a change to the International BlackBerry Security Policy to allow for SMS messaging. SMS messaging allows you to send and receive text messages using the cell phone network. SMS messaging is not secure; any information sent using SMS messaging can be easily intercepted and read by unauthorized parties. If you plan to use this communications method, it is important to note the following:

- SMS messaging is only to be used for non-sensitive communications. For example, SMS messaging must not be used to transmit any policy information, internal EPA deliberations, or policy discussions with other delegates.
- It is your responsibility to appropriately preserve any formal EPA record material that is sent via an SMS message.
- SMS messaging should not be used in a manner that reveals your location or other personal information.
- While you can receive calls with your regular BlackBerry phone number on your international BlackBerry because we are forwarding them, you will need to use a different telephone number for

SMS messaging. To successfully communicate with your colleagues using SMS, you will need to do the following:

1. Inform any contact that you need to exchange SMS messages with about your new phone number, which will be used only for the duration of your travel
2. Add new phone numbers in your international BlackBerry contact list for fellow EPA delegates so that you can send them SMS messages. For reference, here are the phone numbers for the International Travel BlackBerry devices. The new phone number can be stored in any convenient unused phone number field in your International Travel BlackBerry.

| <u>User Name</u> | <u>International BlackBerry phone number</u> |
|------------------|----------------------------------------------|
| Maurice LeFranc  | (b) (6) Personal Privacy                     |
| Leif Hockstad    | (b) (6) Personal Privacy                     |
| Shalini Vajjhala | (b) (6) Personal Privacy                     |
| Michelle DePass  | (b) (6) Personal Privacy                     |
| Kimberly Klunich | (b) (6) Personal Privacy                     |
| Jennifer Jenkins | (b) (6) Personal Privacy                     |
| David McIntosh   | (b) (6) Personal Privacy                     |
| Gina McCarthy    | (b) (6) Personal Privacy                     |
| Seth Oster       | (b) (6) Personal Privacy                     |

- For voice dialing you can use either phone number for your fellow EPA delegates: their original BlackBerry phone number or the International BlackBerry phone number.

To confirm that the security policy on your International BlackBerry has been updated for SMS messaging: Go to settings, options, security options, general settings, and check the value for IT Policy Name. The IT Policy Name should be "InterTravel Phone Policy" and the last updated date should reflect a change on December 7, 2009.

## 2. IT Support Telepresence Call

Cisco is a sponsor of the UN Climate Change summit and has enabled people who will not be in Copenhagen to meet with attendees via the Cisco telepresence video conferencing system. To help resolve any IT issues, EPA has made arrangements to hold a telepresence call with EPA conference attendees on **Wednesday, December 9, 2009 at 4:45 PM Denmark time (10:45 a.m. Eastern Standard time)**. The Cisco telepresence units are located in the Atrium area of the conference center. If you have any IT issues, or just want to experience the latest in video meeting technology, you are invited to attend.

## 3. Beware of "Spear Phishing" Attempts With Climate Change Themes

Phishing e-mail messages are sent indiscriminately to random e-mail addresses, but "spear phishing" is directed at a specific target. Spear phishing attempts continue to use climate change themes, and are expected to increase during and after the United Nations Climate Change Conference in Copenhagen. You are reminded to scrutinize all incoming messages for validity, avoid opening suspicious e-mail attachments, and remain vigilant by reporting all suspicious e-mail to your EPA Information Security Officer (ISO).

The individuals who conduct these attacks typically conduct research about you or your organization, and may single you out based on your position; job function; what you know; or use you as a stepping stone to gain information about other people or organizations that you belong to. The goal of the attacker is typically to compromise the computer you use and ultimately steal U.S. Government data.

Here are some suggestions on what you can do to protect yourself and the network from spear phishing attacks:

- Trust your instincts. If an e-mail message does not seem quite right, resist the temptation to open attachments or click on embedded links to Web sites contained in the e-mail. If you receive a suspicious e-mail message, report it to your ISO, and send it as an attachment to CSIRC@epa.gov along with the subject and recipient's name.
- If an e-mail attachment or link seems suspicious, consider contacting the sender via telephone and

verifying its authenticity before opening.

- Be cautious if you receive an e-mail message from an unfamiliar e-mail address. Be suspicious of work-related e-mail from a Gmail or Yahoo e-mail address, or from a .mil or .gov e-mail address that you do not recognize that may have been spoofed.
- Spelling or grammar mistakes may be clues that an e-mail message may have been sent by an imposter.
- Be suspicious of any e-mail message requesting sensitive information, such as login IDs and passwords.
- Choose passwords that are difficult to determine, meet the Agency policy to contain a combination of letters, numbers, and special characters, and change them frequently. Do not use variations of the same password, or use the same password for multiple accounts. Do not store passwords on or near your computer.
- Do not click on links within e-mail messages that direct you to do so to verify, confirm, or update personal information.
- Avoid clicking on links found on Web pages and in e-mail messages. Check to make sure the link is legitimate by holding your cursor over the hyperlink. If the text that appears differs from the text displayed in the message, do not click the link. A safer practice is to retype it or cut and paste the URL into the browser window. Ensure that the correct Web site address is displayed in the browser window. Malicious Web sites may look identical to a legitimate site, but the URL may use a variation in spelling or a different domain (e.g., .com vs. .net; google.com vs. google.com).
- Limit posting personal information about yourself on the Internet and do not list your personal e-mail address in automatic "Out of Office" replies. If you do, your home computer may also be targeted in a spear phishing attack.

#### **4. General IT Support**

As a final reminder, for IT support during your travel, we ask that you to contact Bill Beaver (OEI/OTOP). Bill can be reached the following ways:

- cell phone: (b) (6) Personal Privacy
- land line phone: 202-566-1801
- external e-mail address: beaver.bill@epa.gov
- internal e-mail address: CN=Bill Beaver/OU=DC/O=USEPA/C=US@EPA

Thank You  
Vaughn Noga

01268-EPA-3576

Michael Martin  
<mm@musicmatters.net>  
03/04/2010 10:38 AM

To Richard Windsor  
cc  
bcc  
Subject FW: Delivery Status Notification (Delay)

Richard,

Please pass this on to Lisa Jackson. For some reason, her personal email does not seem to like to get emails from me!

Thank you.

M

Michael Martin  
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •

[www.effectpartners.com](http://www.effectpartners.com) • w. 952.426.7800

[Effect Marketing](#) • [Strategy and Field Execution](#) • [MusicMatters™](#)

**Reduce. Reuse. Recycle. Respond. Please think twice before printing this email.**

--

----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010 09:04:54 -0600 -----

**To:** MM@EffectPartners.com

**Subject:** Delivery Status Notification (Delay)

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

(b) (6) Personal Privacy

Reporting-MTA: dns;mail.musicmatters.net

Final-Recipient: rfc822; (b) (6) Personal Privacy

Action: delayed

Status: 4.4.7

Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600

----- Message from Michael Martin <mm@musicmatters.net> on Wed, 03 Mar 2010 20:57:54 -0600 -----

**To:** '(b) (6) Personal Privacy' <(b) (6) Personal Privacy>

**Subject:** Some thoughts for your speech

Lisa,

It is great to get to know you a little bit. I am so glad we ran into each other last week.

The speech you are going to give on Monday can be a pivotal moment for our nation's environmental progress. Seriously. In response to our conversation, please allow me to provide you with a point of view from an insider that has been part of the "green + business movement" for over two decades. I think some of these observations and facts might be helpful as you are assembling your speech. This topic has been the core of our work at Effect and I look forward to being part of the change that helps shape the future of sustainability.

1) It is clear from recent research that consumers WANT companies to do the right thing for the planet.

- a. All things being equal, 70% of consumers will choose brands that are doing good things for people and the planet. (Cone Communications, 2009)
- b. 74% of Americans believe companies should do more to protect the planet. (NMI Research, 2009)
- c. 57% of Americans will look for environmentally friendly attributes of a product in their next purchase decision. (USA Today Research)

2) From the corporate point of view, 82% of corporate executives believe that good corporate citizenship helps the bottom line. (Boston College Report, 2009)

3) The notion that doing the right thing for the planet will increase shareholder value is just starting to take hold. This model (what we call "EFFECT Marketing") is what we've worked under for over a decade. The power of capitalism can be harnessed to actually leverage point #1 to achieve point #2. This is happening today and my company is helping this happen with some of America's largest companies.

I believe if you can shine a positive spotlight on this reality for companies, you will be able to turbocharge the movement towards doing what is right for the planet AND the bottom line simultaneously. Free market forces are really the only long-term way to create sustainability in a capitalistic framework. The "bad guys" are only "bad guys" because they are looking at the old models (profits OR planet) and do not yet see how they can actually make more money by operating in a more sustainable manner. You and I know this perspective all too well. Multiple that by tens of millions individuals and that is how we get the environmental problems we now face

The good news is a slightly changed perspective by corporations can be multiplied by those same tens of millions of individuals who ultimately can help solve the problem through their actions and buying behavior.

Here are some other examples to support this point:

Consider Climate Counts. Since 2007, ClimateCounts.org has been using its corporate Climate Scorecard to bring consumers and companies together to address the climate crisis. The idea behind Climate Counts is simple -- let the market drive the kind of innovation that leads to large-scale reduction in greenhouse gas emissions. When consumers make it very clear they want to support companies that take climate change seriously, companies will respond in dramatic ways to earn their business. Then, when those consumers find what they were looking for, businesses begin to realize a return on their investments in climate action. That's the market working to solve this incredible challenge.

We have a roster of clients that are reaching stride at addressing the issues of sustainability:

- 1) **Procter and Gamble**'s "Future Friendly" brand is being formally launched in the U.S. next week. As part of P&G's corporate sustainability commitment, they have created an internal campaign to encourage all of their brands to identify steps that can be taken to reduce their environmental impact. The first examples include: Tide Cold water detergent, Dawn Direct Foam (a no-water soap), Duracell rechargeable batteries and PUR water filters. Over 3 billion people a day touch P&G products worldwide so by creating products with less environmental impact, just through regular use, P&G will literally take millions of tons of CO2 out of the atmosphere and hundreds of tons of waste out of landfills. The upcoming U.S. launch of Future Friendly is designed to inspire more sustainable consumption behaviors for mainstream consumers. The purpose of Future Friendly is to make conservation of natural resources, specifically energy, water and waste, more user friendly for mainstream consumers.
- 2) The **General Mills** oat milling facility in Fridley, Minn., will soon become the company's first biomass-powered plant. Construction has begun on a biomass burner that will consume about 12 percent of the oat hulls left over from the milling process to make food like Cheerios. The energy produced from the burning of the oat hulls will be enough to produce 90 percent of the steam needed for heating the plant and making oat flour. Not only will this reduce the plant's carbon footprint by an estimated 21 percent, it will also save more than \$500,000 in natural gas costs every year. Their **Green Giant** brand has dramatically reduced their use of pesticides, chemicals and water by focusing on their sustainable farming practices.
- 3) **Sellars Absorbent Materials** (a small manufacturing company based in Milwaukee) developed a technology that allows them to produce a paper towel made out of recycled fibers that has a lower raw material cost, lower environmental impact, and a higher absorbency than virgin fiber. A product that is better for the environment, higher performing, that is lower cost than existing product options. This product is rolling out in grocery stores nationally this quarter.
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Additionally, there are the well-documented cases of companies taking on a sustainability focus that has created economic and competitive advantages for them: **Walmart**, **Toyota Prius**, **General Electric**, etc. Or companies such as **Terracycle**, **Native Energy**, Pangea Organics that have embedded sustainability into their core business model from day 1.

In addition to working with the leading companies on sustainability and social change marketing, I lecture at universities around the country and am writing a book about Effect Marketing. Here is my summary: The planet operates on a path of sustainability. The current form of capitalism focuses on quarterly growth. The delta between the two represents the hole we are in, as a people and a planet. We, as a society, need to close that gap, ensuring that companies can still flourish thereby encouraging additional actions, and providing future generations with a world they can thrive in.

At the core, these examples above all look at the premise of full-cost accounting. Business leaders aren't ready to embrace full-cost accounting but, because consumers support those companies doing the right thing for the planet and consumers drive the capitalism equation, the solution to make a free market -based sustainable economic model goes as follows:

- 1) Educate consumers on what is best for the planet.
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- 4) Companies will produce products that are environmentally superior because consumers show they want them.

Thank you for allowing me to share my experience and passion for this topic and, I am available if you have any other questions or want to discuss this in greater detail. You can reach me at this email address or via phone at <sup>(b) (6) Personal Privacy</sup> [REDACTED]

All the best,

Michael Martin

PS: I have another couple of examples coming your way tomorrow but need to get company's approval first. Stand by!

---

Michael Martin

Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •

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01268-EPA-3577

Richard  
Windsor/DC/USEPA/US  
03/04/2010 10:43 AM

To Michael Martin  
cc  
bcc  
Subject Re: FW: Delivery Status Notification (Delay)

Will do. Tx

---

Michael Martin      Richard, Please pass this on to Lisa Jac...      03/04/2010 10:38:42 AM

From: Michael Martin <mm@musicmatters.net>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/04/2010 10:38 AM  
Subject: FW: Delivery Status Notification (Delay)

---

Richard,

Please pass this on to Lisa Jackson. For some reason, her personal email does not seem to like to get emails from me!

Thank you.

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--

----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010 09:04:54 -0600 -----

**To:** MM@EffectPartners.com

**Subject:** Delivery Status Notification  
:(Delay)

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

**(b) (6) Personal Privacy**

Reporting-MTA: dns;mail.musicmatters.net

Final-Recipient: rfc822; **(b) (6) Personal Privacy**  
Action: delayed  
Status: 4.4.7  
Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600

----- Message from Michael Martin <mm@musicmatters.net> on Wed, 03 Mar 2010 20:57:54 -0600 -----

**To:** '(b) (6) Personal Privacy'  
**Subject:** <(b) (6) Personal Privacy

**Subject:** Some thoughts for your speech  
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All the best,

Michael Martin

PS: I have another couple of examples coming your way tomorrow but need to get company's approval first. Stand by!

---

Michael Martin  
Founder and CEO



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01268-EPA-3643

Michael Martin  
<mm@musicmatters.net>  
03/10/2010 05:27 PM

To Richard Windsor  
cc  
bcc

Subject Re: Delivery Status Notification (Delay)

Hi Richard,

Thanks for your help in getting this information to Lisa this last week.

Hey, I have a quick, minor, but important piece of information for you.

If you are still there, could you please call me at (b) (6) Privacy

Thank you!

M

Michael Martin  
Founder and CEO

Michael Martin € Chief Effect Officer € EFFECT Partners, Inc. € 4208 Park  
Glen Road, Minneapolis, Minnesota 55416 € www.effectpartners.com € w.  
952.426.7800  
Effect Marketing € Strategy and Field Execution € MusicMatters

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email.

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```
> From: <Windsor.Richard@epamail.epa.gov>
> Date: Thu, 4 Mar 2010 10:43:23 -0500
> To: michael martin <mm@musicmatters.net>
> Subject: Re: FW: Delivery Status Notification (Delay)
>
> Will do. Tx
>
>
>
>
> From: Michael Martin <mm@musicmatters.net>
>
> To: Richard Windsor/DC/USEPA/US@EPA
>
> Date: 03/04/2010 10:38 AM
>
> Subject: FW: Delivery Status Notification (Delay)
>
>
>
>
>
>
```

> Richard,  
>  
> Please pass this on to Lisa Jackson. For some reason, her personal  
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> Thank you.  
>  
> M  
>  
> Michael Martin  
> Founder and CEO  
>  
> Michael Martin € Chief Effect Officer € EFFECT Partners, Inc. € 4208  
> Park Glen Road, Minneapolis, Minnesota 55416 € www.effectpartners.com €  
> w. 952.426.7800  
> Effect Marketing € Strategy and Field Execution € MusicMatters  
>  
> Reduce. Reuse. Recycle. Respond. Please think twice before printing  
> this email.  
> --  
>  
> ----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010  
> 09:04:54 -0600 -----  
>  
> To: MM@EffectPartners.com  
>  
> Subject: Delivery Status  
> Notification (Delay)  
>  
>  
> This is an automatically generated Delivery Status Notification.  
>  
> THIS IS A WARNING MESSAGE ONLY.  
>  
> YOU DO NOT NEED TO RESEND YOUR MESSAGE.  
>  
> Delivery to the following recipients has been delayed.  
>  
> (b) (6) Personal Privacy  
>  
>  
>  
> Reporting-MTA: dns;mail.musicmatters.net  
>  
> Final-Recipient: rfc822; (b) (6) Personal Privacy  
> Action: delayed  
> Status: 4.4.7  
> Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600  
>  
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> 2010 20:57:54 -0600 -----  
>  
> To: " (b) (6) Personal Privacy  
> < (b) (6) Personal Privacy  
>  
> Subject: Some thoughts for your speech  
>  
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> Lisa,  
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> each other last week.  
>  
> The speech you are going to give on Monday can be a pivotal moment for  
> our nation's environmental progress. Seriously. In response to our  
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> helpful as you are assembling your speech. This topic has been the core  
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>  
>  
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> Multiple that by tens of millions individuals and that is how we get the  
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> conservation of natural resources, specifically energy, water and waste,  
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> Milwaukee) developed a technology that allows them to produce a paper  
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> A product that is better for the environment, higher performing, that is  
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> how they tour to be green and have grown their businesses as a result of  
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> Additionally, there are the well-documented cases of companies taking on  
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> Thank you for allowing me to share my experience and passion for this  
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> or via phone at (b) (6) Personal Privacy  
>  
> All the best,  
>  
> Michael Martin  
>  
> PS: I have another couple of examples coming your way tomorrow but need  
> to get company's approval first. Stand by!  
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>  
> Michael Martin  
> Founder and CEO  
>  
> Michael Martin € Chief Effect Officer € EFFECT Partners, Inc. € 4208  
> Park Glen Road, Minneapolis, Minnesota 55416 € www.effectpartners.com €  
> w. 952.426.7800  
> Effect Marketing € Strategy and Field Execution € MusicMatters  
>  
> Reduce. Reuse. Recycle. Respond. Please think twice before printing  
> this email.  
> --  
>

01268-EPA-3646

Richard  
Windsor/DC/USEPA/US  
03/10/2010 09:53 PM

To "Michael Martin"  
cc  
bcc "Robert Goulding"  
Subject Re: Delivery Status Notification (Delay)

Michael,

Robert Goulding will call you tomorrow. Sorry. I'm just now seeing this.

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

From: Michael Martin [mm@musicmatters.net]  
Sent: 03/10/2010 04:27 PM CST  
To: Richard Windsor  
Subject: Re: Delivery Status Notification (Delay)

Hi Richard,

Thanks for your help in getting this information to Lisa this last week.

Hey, I have a quick, minor, but important piece of information for you.

If you are still there, could you please call me at 952-426-7800?

Thank you!

M

Michael Martin  
Founder and CEO

Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208 Park  
Glen Road, Minneapolis, Minnesota 55416 www.effectpartners.com w.  
952.426.7800  
Effect Marketing Strategy and Field Execution MusicMatters

Reduce. Reuse. Recycle. Respond. Please think twice before printing this  
email.

--

> From: <Windsor.Richard@epamail.epa.gov>  
> Date: Thu, 4 Mar 2010 10:43:23 -0500  
> To: michael martin <mm@musicmatters.net>  
> Subject: Re: FW: Delivery Status Notification (Delay)  
>  
> Will do. Tx  
>  
>  
>

>  
> From: Michael Martin <mm@musicmatters.net>  
>  
> To: Richard Windsor/DC/USEPA/US@EPA  
>  
> Date: 03/04/2010 10:38 AM  
>  
> Subject: FW: Delivery Status Notification (Delay)  
>  
>  
>  
>  
>  
>  
> Richard,  
>  
> Please pass this on to Lisa Jackson. For some reason, her personal  
> email does not seem to like to get emails from me!  
>  
> Thank you.  
>  
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> Founder and CEO  
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> Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208  
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> ----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010  
> 09:04:54 -0600 -----  
>  
> To: MM@EffectPartners.com  
>  
> Subject: Delivery Status  
> Notification (Delay)  
>  
>  
> This is an automatically generated Delivery Status Notification.  
>  
> THIS IS A WARNING MESSAGE ONLY.  
>  
> YOU DO NOT NEED TO RESEND YOUR MESSAGE.  
>  
> Delivery to the following recipients has been delayed.  
>  
> (b) (6) Personal Privacy  
>  
>  
>  
> Reporting-MTA: dns;mail.musicmatters.net  
>  
> Final-Recipient: rfc822; (b) (6) Personal Privacy  
> Action: delayed

> Status: 4.4.7  
> Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600  
>  
> ----- Message from Michael Martin <mm@musicmatters.net> on Wed, 03 Mar  
> 2010 20:57:54 -0600 -----  
>  
> To: " (b) (6) Personal Privacy  
> < (b) (6) Personal Privacy  
>  
> Subject: Some thoughts for your speech  
>  
>  
> Lisa,  
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> It is great to get to know you a little bit. I am so glad we ran into  
> each other last week.  
>  
> The speech you are going to give on Monday can be a pivotal moment for  
> our nation's environmental progress. Seriously. In response to our  
> conversation, please allow me to provide you with a point of view from  
> an insider that has been part of the 'green + business movement' for  
> over two decades. I think some of these observations and facts might be  
> helpful as you are assembling your speech. This topic has been the core  
> of our work at Effect and I look forward to being part of the change  
> that helps shape the future of sustainability.  
> 1) It is clear from recent research that consumers WANT companies to  
> do the right thing for the planet.  
> a. All things being equal, 70% of consumers will choose brands  
> that are doing good things for people and the planet. (Cone  
> Communications, 2009)  
> b. 74% of Americans believe companies should do more to  
> protect the planet. (NMI Research, 2009)  
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> attributes of a product in their next purchase decision. (USA  
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> 2) From the corporate point of view, 82% of corporate executives  
> believe that good corporate citizenship helps the bottom line. (Boston  
> College Report, 2009)  
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> 3) The notion that doing the right thing for the planet will increase  
> shareholder value is just starting to take hold. This model (what we  
> call 'EFFECT Marketing') is what we've worked under for over a decade.  
> The power of capitalism can be harnessed to actually leverage point #1  
> to achieve point #2. This is happening today and my company is helping  
> this happen with some of America's largest companies.  
>  
>  
> I believe if you can shine a positive spotlight on this reality for  
> companies, you will be able to turbocharge the movement towards doing  
> what is right for the planet AND the bottom line simultaneously. Free  
> market forces are really the only long-term way to create sustainability  
> in a capitalistic framework. The 'bad guys' are only 'bad guys' because  
> they are looking at the old models (profits OR planet) and do not yet  
> see how they can actually make more money by operating in a more  
> sustainable manner. You and I know this perspective all too well.  
> Multiple that by tens of millions individuals and that is how we get the  
> environmental problems we now face  
>  
> The good news is a slightly changed perspective by corporations can be

> multiplied by those same tens of millions of individuals who ultimately  
> can help solve the problem through their actions and buying behavior.  
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> Here are some other examples to support this point:  
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> Consider Climate Counts. Since 2007, ClimateCounts.org has been using  
> its corporate Climate Scorecard to bring consumers and companies  
> together to address the climate crisis. The idea behind Climate Counts  
> is simple -- let the market drive the kind of innovation that leads to  
> large-scale reduction in greenhouse gas emissions. When consumers make  
> it very clear they want to support companies that take climate change  
> seriously, companies will respond in dramatic ways to earn their  
> business. Then, when those consumers find what they were looking for,  
> businesses begin to realize a return on their investments in climate  
> action. That's the market working to solve this incredible challenge.  
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> We have a roster of clients that are reaching stride at addressing the  
> issues of sustainability:  
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> 1) Procter and Gamble's <sup>3</sup>'Future Friendly<sup>2</sup> brand is being formally  
> launched in the U.S. next week. As part of P&G's corporate  
> sustainability commitment, they have created an internal campaign to  
> encourage all of their brands to identify steps that can be taken to  
> reduce their environmental impact. The first examples include: Tide  
> Cold water detergent, Dawn Direct Foam (a no-water soap), Duracell  
> rechargeable batteries and PUR water filters. Over 3 billion people a  
> day touch P&G products worldwide so by creating products with less  
> environmental impact, just through regular use, P&G will literally take  
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> 5) Artists such as Jack Johnson and Dave Matthews Band have changed

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> Additionally, there are the well-documented cases of companies taking on  
> a sustainability focus that has created economic and competitive  
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> w. 952.426.7800  
> Effect Marketing Strategy and Field Execution MusicMatters  
>  
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> this email.

> --  
>

01268-EPA-3647

**Robert  
Goulding/DC/USEPA/US**  
03/10/2010 09:56 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Delivery Status Notification (Delay)

On it. Will report back.

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

From: Richard Windsor  
Sent: 03/10/2010 09:53 PM EST  
To: "Michael Martin" <mm@musicmatters.net>  
Subject: Re: Delivery Status Notification (Delay)

Michael,

Robert Goulding will call you tomorrow. Sorry. I'm just now seeing this.

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

From: Michael Martin [mm@musicmatters.net]  
Sent: 03/10/2010 04:27 PM CST  
To: Richard Windsor  
Subject: Re: Delivery Status Notification (Delay)

Hi Richard,

Thanks for your help in getting this information to Lisa this last week.

Hey, I have a quick, minor, but important piece of information for you.

If you are still there, could you please call me at 952-426-7800?

Thank you!

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Michael Martin  
Founder and CEO

Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208 Park  
Glen Road, Minneapolis, Minnesota 55416 www.effectpartners.com w.  
952.426.7800  
Effect Marketing Strategy and Field Execution MusicMatters

Reduce. Reuse. Recycle. Respond. Please think twice before printing this  
email.

--

> From: <Windsor.Richard@epamail.epa.gov>  
> Date: Thu, 4 Mar 2010 10:43:23 -0500  
> To: michael martin <mm@musicmatters.net>  
> Subject: Re: FW: Delivery Status Notification (Delay)  
>  
> Will do. Tx  
>  
>  
>  
>  
> From: Michael Martin <mm@musicmatters.net>  
>  
> To: Richard Windsor/DC/USEPA/US@EPA  
>  
> Date: 03/04/2010 10:38 AM  
>  
> Subject: FW: Delivery Status Notification (Delay)  
>  
>  
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> To: MM@EffectPartners.com  
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> Action: delayed  
> Status: 4.4.7  
> Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600  
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> --  
>

01268-EPA-3649

Michael Martin  
<mm@musicmatters.net>  
03/10/2010 11:16 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Delivery Status Notification (Delay)

Thanks Richard!

I will be on the road, so if possible, please have Robert call me on my cell tomorrow, my number is: (b) (6) Personal Privacy

Thanks.

Michael Martin  
Founder and CEO

Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 • www.effectpartners.com • w. 952.426.7800  
Effect Marketing • Strategy and Field Execution • MusicMatters™

Reduce. Reuse. Recycle. Respond. Please think twice before printing this email.

--

```
> From: <Windsor.Richard@epamail.epa.gov>
> Date: Wed, 10 Mar 2010 21:53:01 -0500
> To: michael martin <mm@musicmatters.net>
> Subject: Re: Delivery Status Notification (Delay)
>
> Michael,
>
> Robert Goulding will call you tomorrow. Sorry. I'm just now seeing this.
>
>
> -----
> From: Michael Martin [mm@musicmatters.net]
> Sent: 03/10/2010 04:27 PM CST
> To: Richard Windsor
> Subject: Re: Delivery Status Notification (Delay)
>
>
>
> Hi Richard,
>
> Thanks for your help in getting this information to Lisa this last week.
>
> Hey, I have a quick, minor, but important piece of information for you.
>
> If you are still there, could you please call me at (b) (6) Privacy
>
> Thank you!
```

>  
> M  
>  
>  
> Michael Martin  
> Founder and CEO  
>  
> Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208 Park  
> Glen Road, Minneapolis, Minnesota 55416 www.effectpartners.com w.  
> 952.426.7800  
> Effect Marketing Strategy and Field Execution MusicMatters  
>  
> Reduce. Reuse. Recycle. Respond. Please think twice before printing this  
> email.  
> --  
>  
>  
>  
>  
>> From: <Windsor.Richard@epamail.epa.gov>  
>> Date: Thu, 4 Mar 2010 10:43:23 -0500  
>> To: michael martin <mm@musicmatters.net>  
>> Subject: Re: FW: Delivery Status Notification (Delay)  
>>  
>> Will do. Tx  
>>  
>>  
>>  
>>  
>> From: Michael Martin <mm@musicmatters.net>  
>>  
>> To: Richard Windsor/DC/USEPA/US@EPA  
>>  
>> Date: 03/04/2010 10:38 AM  
>>  
>> Subject: FW: Delivery Status Notification (Delay)  
>>  
>>  
>>  
>>  
>>  
>>  
>>  
>> Richard,  
>>  
>> Please pass this on to Lisa Jackson. For some reason, her personal  
>> email does not seem to like to get emails from me!  
>>  
>> Thank you.  
>>  
>> M  
>>  
>> Michael Martin  
>> Founder and CEO  
>>  
>> Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208  
>> Park Glen Road, Minneapolis, Minnesota 55416 www.effectpartners.com  
>> w. 952.426.7800  
>> Effect Marketing Strategy and Field Execution MusicMatters  
>>  
>> Reduce. Reuse. Recycle. Respond. Please think twice before printing  
>> this email.

>> --  
>>  
>> ----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010  
>> 09:04:54 -0600 -----  
>>  
>> To: MM@EffectPartners.com  
>>  
>> Subject: Delivery Status  
>> Notification (Delay)  
>>  
>>  
>> This is an automatically generated Delivery Status Notification.  
>>  
>> THIS IS A WARNING MESSAGE ONLY.  
>>  
>> YOU DO NOT NEED TO RESEND YOUR MESSAGE.  
>>  
>> Delivery to the following recipients has been delayed.  
>>  
>> (b) (6) Personal Privacy  
>>  
>>  
>>  
>> Reporting-MTA: dns;mail.musicmatters.net  
>>  
>> Final-Recipient: rfc822; (b) (6) Personal Privacy  
>> Action: delayed  
>> Status: 4.4.7  
>> Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600  
>>  
>> ----- Message from Michael Martin <mm@musicmatters.net> on Wed, 03 Mar  
>> 2010 20:57:54 -0600 -----  
>>  
>> To: " (b) (6) Personal Privacy  
>> < (b) (6) Personal Privacy  
>>  
>> Subject: Some thoughts for your speech  
>>  
>>  
>> Lisa,  
>>  
>> It is great to get to know you a little bit. I am so glad we ran into  
>> each other last week.  
>>  
>> The speech you are going to give on Monday can be a pivotal moment for  
>> our nation's environmental progress. Seriously. In response to our  
>> conversation, please allow me to provide you with a point of view from  
>> an insider that has been part of the 'green + business movement' for  
>> over two decades. I think some of these observations and facts might be  
>> helpful as you are assembling your speech. This topic has been the core  
>> of our work at Effect and I look forward to being part of the change  
>> that helps shape the future of sustainability.  
>> 1) It is clear from recent research that consumers WANT companies to  
>> do the right thing for the planet.  
>> a. All things being equal, 70% of consumers will choose brands  
>> that are doing good things for people and the planet. (Cone  
>> Communications, 2009)  
>> b. 74% of Americans believe companies should do more to  
>> protect the planet. (NMI Research, 2009)  
>> c. 57% of Americans will look for environmentally friendly

>> attributes of a product in their next purchase decision. (USA  
>> Today Research)  
>>  
>> 2) From the corporate point of view, 82% of corporate executives  
>> believe that good corporate citizenship helps the bottom line. (Boston  
>> College Report, 2009)  
>>  
>> 3) The notion that doing the right thing for the planet will increase  
>> shareholder value is just starting to take hold. This model (what we  
>> call 'EFFECT Marketing<sup>2</sup>) is what we've worked under for over a decade.  
>> The power of capitalism can be harnessed to actually leverage point #1  
>> to achieve point #2. This is happening today and my company is helping  
>> this happen with some of America's largest companies.  
>>  
>>  
>> I believe if you can shine a positive spotlight on this reality for  
>> companies, you will be able to turbocharge the movement towards doing  
>> what is right for the planet AND the bottom line simultaneously. Free  
>> market forces are really the only long-term way to create sustainability  
>> in a capitalistic framework. The 'bad guys' are only 'bad guys' because  
>> they are looking at the old models (profits OR planet) and do not yet  
>> see how they can actually make more money by operating in a more  
>> sustainable manner. You and I know this perspective all too well.  
>> Multiple that by tens of millions individuals and that is how we get the  
>> environmental problems we now face  
>>  
>> The good news is a slightly changed perspective by corporations can be  
>> multiplied by those same tens of millions of individuals who ultimately  
>> can help solve the problem through their actions and buying behavior.  
>>  
>> Here are some other examples to support this point:  
>>  
>> Consider Climate Counts. Since 2007, ClimateCounts.org has been using  
>> its corporate Climate Scorecard to bring consumers and companies  
>> together to address the climate crisis. The idea behind Climate Counts  
>> is simple -- let the market drive the kind of innovation that leads to  
>> large-scale reduction in greenhouse gas emissions. When consumers make  
>> it very clear they want to support companies that take climate change  
>> seriously, companies will respond in dramatic ways to earn their  
>> business. Then, when those consumers find what they were looking for,  
>> businesses begin to realize a return on their investments in climate  
>> action. That's the market working to solve this incredible challenge.  
>>  
>> We have a roster of clients that are reaching stride at addressing the  
>> issues of sustainability:  
>>  
>> 1) Procter and Gamble's 'Future Friendly<sup>2</sup> brand is being formally  
>> launched in the U.S. next week. As part of P&G's corporate  
>> sustainability commitment, they have created an internal campaign to  
>> encourage all of their brands to identify steps that can be taken to  
>> reduce their environmental impact. The first examples include: Tide  
>> Cold water detergent, Dawn Direct Foam (a no-water soap), Duracell  
>> rechargeable batteries and PUR water filters. Over 3 billion people a  
>> day touch P&G products worldwide so by creating products with less  
>> environmental impact, just through regular use, P&G will literally take  
>> millions of tons of CO<sub>2</sub> out of the atmosphere and hundreds of tons of  
>> waste out of landfills. The upcoming U.S. launch of Future Friendly is  
>> designed to inspire more sustainable consumption behaviors for  
>> mainstream consumers. The purpose of Future Friendly is to make  
>> conservation of natural resources, specifically energy, water and waste,

>> more user friendly for mainstream consumers.

>>

>> 2) The General Mills oat milling facility in Fridley, Minn., will soon become the company's first biomass-powered plant. Construction has begun on a biomass burner that will consume about 12 percent of the oat hulls left over from the milling process to make food like Cheerios. The energy produced from the burning of the oat hulls will be enough to produce 90 percent of the steam needed for heating the plant and making oat flour. Not only will this reduce the plant's carbon footprint by an estimated 21 percent, it will also save more than \$500,000 in natural gas costs every year. Their Green Giant brand has dramatically reduced their use of pesticides, chemicals and water by focusing on their sustainable farming practices.

>>

>> 3) Sellars Absorbent Materials (a small manufacturing company based in Milwaukee) developed a technology that allows them to produce a paper towel made out of recycled fibers that has a lower raw material cost, lower environmental impact, and a higher absorbency than virgin fiber. A product that is better for the environment, higher performing, that is lower cost than existing product options. This product is rolling out in grocery stores nationally this quarter.

>>

>> 4) Stonyfield yogurt has reduced costs and waste by eliminating the use of plastic tops on their yogurt lids, saving 100 million tons of solid waste annually and increasing their profits in the process.

>>

>> 5) Artists such as Jack Johnson and Dave Matthews Band have changed how they tour to be green and have grown their businesses as a result of these programs.

>>

>> Additionally, there are the well-documented cases of companies taking on a sustainability focus that has created economic and competitive advantages for them: Walmart, Toyota Prius, General Electric, etc. Or companies such as Terracycle, Native Energy, Pangea Organics that have embedded sustainability into their core business model from day 1.

>>

>> In addition to working with the leading companies on sustainability and social change marketing, I lecture at universities around the country and am writing a book about Effect Marketing. Here is my summary: The planet operates on a path of sustainability. The current form of capitalism focuses on quarterly growth. The delta between the two represents the hole we are in, as a people and a planet. We, as a society, need to close that gap, ensuring that companies can still flourish thereby encouraging additional actions, and providing future generations with a world they can thrive in.

>>

>> At the core, these examples above all look at the premise of full-cost accounting. Business leaders aren't ready to embrace full-cost accounting but, because consumers support those companies doing the right thing for the planet and consumers drive the capitalism equation, the solution to make a free market -based sustainable economic model goes as follows:

>>

>> 1) Educate consumers on what is best for the planet.

>>

>> 2) Provide transparent and honest information to consumers as to which companies are doing the right thing for the planet.

>>

>> 3) Consumer will gravitate towards those responsible companies.

>>

>> 4) Companies will produce products that are environmentally superior  
>> because consumers show they want them.  
>>  
>>  
>> Thank you for allowing me to share my experience and passion for this  
>> topic and, I am available if you have any other questions or want to  
>> discuss this in greater detail. You can reach me at this email address  
>> or via phone at (b)(6) Personal Privacy  
>>  
>> All the best,  
>>  
>> Michael Martin  
>>  
>> PS: I have another couple of examples coming your way tomorrow but need  
>> to get company's approval first. Stand by!  
>>  
>>  
>> Michael Martin  
>> Founder and CEO  
>>  
>> Michael Martin Chief Effect Officer EFFECT Partners, Inc. 4208  
>> Park Glen Road, Minneapolis, Minnesota 55416 www.effectpartners.com  
>> w. 952.426.7800  
>> Effect Marketing Strategy and Field Execution MusicMatters  
>>  
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>> this email.  
>> --  
>>  
>

01268-EPA-3843

**Richard  
Windsor/DC/USEPA/US**  
05/06/2010 02:33 PM

To Robert Goulding  
cc  
bcc

Subject Re: DOI News Release: Regional Climate Science Centers

(b) (5) Deliberative

Robert Goulding

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

**From:** Robert Goulding  
**Sent:** 05/06/2010 02:25 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Fw: DOI News Release: Regional Climate Science Centers

---

Robert Goulding  
US EPA  
Administrator's Office  
202-564-0473  
Sent via BlackBerry  
Robert Verchick

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

**From:** Robert Verchick  
**Sent:** 05/06/2010 02:22 PM EDT  
**To:** Robert Goulding  
**Subject:** DOI News Release: Regional Climate Science Centers

Rob,

FYI, DOI is accepting applications for regional climate science centers to be based at universities in the NW, SW, SE, and "North Central" regions. [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED] See below and the attachment.

Rob

Robert R. Verchick  
Deputy Associate Administrator  
Office of Policy, Economics, and Innovation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3513 E, Ariel Rios North  
Mail Code: 1804A  
Washington, DC 20460  
Phone: (202) 564-4332 (main line)

----- Forwarded by Robert Verchick/DC/USEPA/US on 05/06/2010 02:16 PM -----

From: Joel Scheraga/DC/USEPA/US  
To: Abby Hall/DC/USEPA/US@EPA, Bruce Sypniewski/R5/USEPA/US@EPA, Caryn Muellerleile/DC/USEPA/US@EPA, allen.catherine@epa.gov, Elizabeth Laplante/R5/USEPA/US@EPA, Gerald Filbin/DC/USEPA/US@EPA, Jan Gilbreath/DC/USEPA/US@EPA, Joel Scheraga/DC/USEPA/US@EPA, Karen Thundiyl/DC/USEPA/US@EPA, Kelly Maguire/DC/USEPA/US@EPA, Kenneth

Walker/DC/USEPA/US@EPA, Linda Rimer/RTP/USEPA/US@EPA, Lynn Desautels/DC/USEPA/US@EPA, Megan Susman/DC/USEPA/US@EPA, Richard Dumas/DC/USEPA/US@EPA, verchick.robert@epa.gov, Sandy Germann/RTP/USEPA/US@EPA, William Wheeler/DC/USEPA/US@EPA

Date: 05/06/2010 01:51 PM  
Subject: DOI News Release: Regional Climate Science Centers

---

Team,

I thought you'd be interested to see a News Release that came out yesterday from the Department of the Interior announcing a competition for new Regional Climate Science Centers.

Joel

Joel D. Scheraga, Ph.D.  
Senior Advisor for Climate Adaptation  
Office of Policy, Economics, and Innovation  
Office of the Administrator  
U.S. Environmental Protection Agency  
Phone: (202) 564-3385  
Fax: (202) 501-1688  
[attachment "Press Release 05-05-10 OCO FINAL - DOI CSC Competition.docx" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-4197

David  
McIntosh/DC/USEPA/US  
09/15/2010 01:10 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: coal rally

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 09/15/2010 01:10 PM -----

From: David McIntosh/DC/USEPA/US  
To: "Dower, Tom (Commerce)" <Tom\_Dower@commerce.senate.gov>  
Date: 09/15/2010 01:09 PM  
Subject: Fw: coal rally

Hi Tom,

Is Senator Rockefeller certain that he wants to get into a public argument over whose background lends a greater understanding of what unemployment means: the scion of one of the richest families in history or rather someone whose father was a postal carrier in New Orleans? It is really unbecoming for him to make this personal, and I will not be able to let him get away with it if he does it again.

-David

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 09/15/2010 12:42 PM -----

From: "Frommer, Fred" <FFrommer@ap.org>  
To: Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 09/15/2010 12:09 PM  
Subject: coal rally

Hello-

As you might know, hundreds of coal miners rallied this morning on Capitol Hill, and many speakers criticized Lisa Jackson for her policies on mountaintop mining. Many argued that she was trying to shut down coal and take away their jobs. Also, Sen. Rockefeller made this pointed comment about her:

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

Can I get a reaction from you all on this?

Thanks,

Fred

Frederic J. Frommer  
Associated Press Writer  
202 641 9536 w  
202 744 9273 c  
ffrommer@ap.org  
Follow me on Twitter: <http://twitter.com/ffrommer>

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[IP\_US\_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

01268-EPA-4257

**Richard  
Windsor/DC/USEPA/US**  
10/20/2010 03:06 PM

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

Awww  
 Brendan Gilfillan

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

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

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

Andrew Schenkel, Mother Jones

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

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

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

of the energy industry.

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

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

01268-EPA-4258

**Richard  
Windsor/DC/USEPA/US**  
10/20/2010 03:30 PM

To Dru Ealons  
cc  
bcc

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

Tx. But I didn't!  
Dru Ealons

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

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

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

Hope you got my other email.

All my best,

Dru

---

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

Richard Windsor Awww ----- Original Message -----

10/20/2010 03:06:49 PM

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

Awww

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/20/2010 03:00 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Lisa Heinzerling; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons

**Cc:** Adora Andy; Betsaida Alcantara  
**Subject:** Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

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

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

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

01268-EPA-4259

**Richard  
Windsor/DC/USEPA/US**  
10/20/2010 03:34 PM

To Dru Ealons  
cc  
bcc

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

My (b) (6) Privacy is full so that is likely the prob. Sorry. I will clear it out later.  
Dru Ealons

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

**From:** Dru Ealons  
**Sent:** 10/20/2010 03:32 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

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

Dru  
Richard Windsor

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

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

Tx. But I didn't!

Dru Ealons

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

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

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Hope you got my other email.

All my best,

Dru

---

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

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

---

Awww

Brendan Gilfillan

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

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

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

Andrew Schenkel, Mother Jones

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

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

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

of the energy industry.

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

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

01268-EPA-4309

Richard  
Windsor/DC/USEPA/US  
11/10/2010 06:38 AM

To LisaP Jackson  
cc  
bcc  
Subject Re: Greetings

(b) (5) Deliberative

. Lisa

LisaP Jackson

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

**From:** LisaP Jackson  
**Sent:** 11/08/2010 06:11 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Greetings

(b) (5) Deliberative

?

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

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

---

Dear Administrator Jackson,

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

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

Respectfully yours,

Joan

01268-EPA-6209

(b) (5) Deliberative, (b) (6) Personal Privacy

02/03/2009 12:28 PM

Please respond to

(b) (6) Personal Privacy

To Bob.Sussman, Richard Windsor, Lisa Heinzerling, (b) (6) Pers

(b) (6) Personal Privacy

cc

bcc

Subject Re: Boxer principles

The only thing Boxer is thinking is that she needs to somehow create and sustain a public perception in California that she is keeping pace with Congressman Waxman on climate policy. Today's principles, which everyone has seem many times before over the last year-and-a-half, will probably fail to create the impression she desires to create, but that is the Boxer motivation that explains her action today.

Sent from my Verizon Wireless BlackBerry

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

From: <(b) (6) Personal Privacy>

Date: Tue, 3 Feb 2009 11:28:10

To: <Windsor.Richard@epamail.epa.gov>; <(b) (6) Personal Privacy>

<Heinzerling.Lisa@epamail.epa.gov>; <(b) (6) Personal Privacy>

<(b) (6) Personal Privacy> <(b) (6) Personal Privacy>

Subject: FW: Boxer principles

\*\*\*\*\*

\*

To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

For more information please go to <http://www.lw.com/docs/irs.pdf>

\*\*\*\*\*

\*

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Latham & Watkins LLP

01268-EPA-6212

**Daniel Gerasimowicz/DC/USEPA/US** To  
02/11/2009 10:02 PM cc  
Subject Speech at Opening Reception of the Georgetown State-Federal Climate Resource Center.

### **Meeting**

Date 02/23/2009  
Time 06:30:00 PM to 07:00:00 PM  
Chair Daniel Gerasimowicz  
Invitees  
Required  
Optional  
FYI  
Location Gtown Univ Law Center  
12th Floor, Gewirz Student Center-  
120 F St, N.W.

Lead Advance: Megan Cryan (b) (6) Personal Privacy

Staff: Lisa Heinzerling (b) (6) Personal Privacy

Security Lead: (b) (6) Personal Privacy (b) (6) Personal Privacy

Site Contact: Vicki Arroyo (b) (6) Personal Privacy

01268-EPA-6213

**Robert  
Goulding/DC/USEPA/US**  
02/17/2009 09:43 AM

To  
cc  
bcc

Subject NGA Climate/Energy Meeting

### **Meeting**

Date 02/21/2009  
Time 04:30:00 PM to 05:30:00 PM  
Chair Robert Goulding

Invitees

Required

Optional

FYI

Location JW Marriott, 1331 Pennsylvania Ave.,  
NW

Staff:Dave McIntosh, [b] (6) Personal Privacy

Dave McIntosh will attend with the Administrator

Security Ct: [b] (6) Personal Privacy [b] (6) Personal Privacy

[b] (6) Personal Privacy [b] (6) Personal Privacy

01268-EPA-6214

**Richard  
Windsor/DC/USEPA/US**  
02/21/2009 08:07 PM

To "Deborah Howlett", "Ed McBride"  
cc  
bcc  
Subject Re: Great to see you both

BTW - this email is from Lisa Jackson. This is my private email address at EPA - long story. Lisa  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 02/21/2009 06:32 PM EST  
**To:** "Deborah Howlett" <deborah.howlett@gov.state.nj.us>; "Ed McBride" <ed.mcbride@gov.state.nj.us>  
**Subject:** Great to see you both  
Forgive me if I'm in your lanes but...

The (good) news out of that session -

It was great to hear the energy-climate leadership governors secure from Secretary Salazar the Administration's commitmt to move forward very quickly to finalize regulations that will allow offshore wind projects to move forward. JSC has done all he can to advocate for offshore wind. Now NJ is getting the help it needs from the O administration.

It was great to hear, once again, that the O administration recognizes NJ's leadership on renewable energy, energy efficiency, and climate.

The Govs were clear that they do not plan to sit idly by as the administration and the Congress turn to energy and climate legislation.

;) )

01268-EPA-6215

"Deborah Howlett"  
<deborah.howlett@gov.state.nj.us>  
02/22/2009 07:36 AM

To Richard Windsor  
cc  
bcc  
Subject Re: Great to see you both

Very secret squirrel. I like

-----  
Sent from Deborah Howlett

----- Original Message -----  
From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
To: Deborah Howlett; Ed McBride  
Sent: Sat Feb 21 20:07:24 2009  
Subject: Re: Great to see you both

BTW - this email is from Lisa Jackson. This is my private email address at EPA - long story. Lisa

----- Original Message -----  
From: Richard Windsor  
Sent: 02/21/2009 06:32 PM EST  
To: "Deborah Howlett" <deborah.howlett@gov.state.nj.us>; "Ed  
McBride" <ed.mcbride@gov.state.nj.us>  
Subject: Great to see you both  
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; )

01268-EPA-6216

"Ed McBride"  
<Ed.McBride@gov.state.nj.us>  
To Richard Windsor  
cc  
bcc  
02/23/2009 12:37 PM  
Subject RE: Great to see you both

Great to see you too.

---

Edward J. McBride, Jr.  
Chief of Staff  
Office of the Governor  
Phone: 609-777-2475  
Fax: 609-292-5181  
ed.mcbride@gov.state.nj.us

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

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Saturday, February 21, 2009 8:07 PM  
To: Deborah Howlett; Ed McBride  
Subject: Re: Great to see you both

BTW - this email is from Lisa Jackson. This is my private email address at EPA - long story. Lisa

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

From: Richard Windsor  
Sent: 02/21/2009 06:32 PM EST  
To: "Deborah Howlett" <deborah.howlett@gov.state.nj.us>; "Ed  
McBride" <ed.mcbride@gov.state.nj.us>  
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; )

01268-EPA-6217

"Deborah Howlett"  
<deborah.howlett@gov.state.nj.us>  
02/24/2009 11:52 AM

To Richard Windsor  
cc  
bcc  
Subject RE: Great to see you both

Damn, that is some NY Times editorial. You go, Ms. Jackson!

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

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Saturday, February 21, 2009 8:07 PM  
To: Deborah Howlett; Ed McBride  
Subject: Re: Great to see you both

BTW - this email is from Lisa Jackson. This is my private email address at EPA - long story. Lisa

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

From: Richard Windsor  
Sent: 02/21/2009 06:32 PM EST  
To: "Deborah Howlett" <deborah.howlett@gov.state.nj.us>; "Ed McBride" <ed.mcbride@gov.state.nj.us>  
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;)

01268-EPA-6218

Richard  
Windsor/DC/USEPA/US  
02/24/2009 11:56 AM

To "Deborah Howlett"  
cc  
bcc  
Subject Re: Great to see you both

Big fat sloppy kiss. All downhill from there.

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

From: "Deborah Howlett" [deborah.howlett@gov.state.nj.us]  
Sent: 02/24/2009 11:52 AM EST  
To: Richard Windsor  
Subject: RE: Great to see you both

Damn, that is some NY Times editorial. You go, Ms. Jackson!

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

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Saturday, February 21, 2009 8:07 PM  
To: Deborah Howlett; Ed McBride  
Subject: Re: Great to see you both

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From: Richard Windsor  
Sent: 02/21/2009 06:32 PM EST  
To: "Deborah Howlett" <deborah.howlett@gov.state.nj.us>; "Ed  
McBride" <ed.mcbride@gov.state.nj.us>  
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The Govs were clear that they do not plan to sit idly by as the administration and the Congress turn to energy and climate legislation.

;)



01268-EPA-6219

Allyn  
Brooks-LaSure/DC/USEPA/US

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

03/03/2009 02:32 PM

Subject Re: Holdren/Lubchenco Confirmation Delays

Torricelli, Corzine, Schumer, Menendez... Yes, I guess that's right.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/03/2009 02:31 PM EST  
**To:** Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Lisa Heinzerling  
**Subject:** Re: Holdren/Lubchenco Confirmation Delays

You mean feisty DCCC chairs?

Allyn Brooks-LaSure

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

**From:** Allyn Brooks-LaSure  
**Sent:** 03/03/2009 02:08 PM EST  
**To:** Bob Sussman; Richard Windsor; David McIntosh; Lisa Heinzerling  
**Subject:** Re: Holdren/Lubchenco Confirmation Delays

Feisty New Jerseyans.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/03/2009 02:04 PM EST  
**To:** Richard Windsor; David McIntosh; Allyn Brooks-LaSure; Lisa Heinzerling  
**Subject:** Holdren/Lubchenco Confirmation Delays

## NOMINATIONS: N.J. senator stalls confirmations of 2 top science posts (03/03/2009)

The nominations of two of President Barack Obama's top science advisers have stalled in the Senate, which could pose a challenge to the administration as it seeks to frame new policies on climate change and other environmental issues, according to several sources.

Sen. Robert Menendez (D-N.J.) has placed a "hold" that blocks the confirmation votes of Harvard University physicist John Holdren, who is slated to lead the White House Office of Science and Technology Policy, and Oregon State University marine biologist Jane Lubchenco, the nominee to lead the National Oceanic and Atmospheric Administration.

According to sources who asked not to be named because they are not authorized to discuss the matter, Menendez is using the holds as leverage to get Senate leaders' attention for a matter related to Cuba rather than a question of the nominees' credentials.

But the delay has alarmed environmentalists and scientific experts who strongly back Holdren and Lubchenco.

"Climate change damages our oceans more every day we fail to act," said Michael Hirshfield, chief scientist for the advocacy group Oceana. "We need these two supremely qualified individuals on the job yesterday."

Holdren and Lubchenco had a relatively friendly hearing before the Senate Commerce, Science and Transportation Committee last month. An administration official said yesterday he anticipated the nominations would make it to a floor vote, which could resolve the issue (Juliet Eilperin, [Washington Post](#), March 3). -- **KJH**

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

01268-EPA-6220

**David Cohen/DC/USEPA/US** To Richard Windsor  
03/09/2009 06:31 PM cc  
bcc  
**Subject:** Re: Senator Boxer and Senator Carper press release on  
EPA's plans to regulate coal ash

It was a tough day.

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/09/2009 06:21 PM EDT  
**To:** David Cohen; Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Nice

David Cohen

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

**From:** David Cohen  
**Sent:** 03/09/2009 06:14 PM EDT  
**To:** Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh  
**Subject:** Fw: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

----- Forwarded by David Cohen/DC/USEPA/US on 03/09/2009 06:13 PM -----

From: Carolyn Levine/DC/USEPA/US  
To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Date: 03/09/2009 05:53 PM  
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

## Boxer and Carper Applaud EPA Plan to Better Assess and Regulate Coal Ash Dangers

March 9, 2009

**Washington, DC** - U.S. Senators Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, and Tom Carper (D-DE), Chairman of the Subcommittee on Clean Air and Nuclear Safety, today applauded U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson's announcement that EPA will begin reviews and inspections of all coal ash impoundments in the U.S. and will start the process of issuing rules to regulate coal combustion waste.

The Senate Committee on Environment and Public Works held a hearing on the Kingsto

Tennessee, coal ash spill immediately after the disaster. Senator Boxer also raised the Tennessee spill and the potential for similar disasters at other coal ash impoundments nationwide at Administrator Jackson's confirmation hearing. On March 4, Senators Boxer and Carper introduced a Senate Resolution (S. Res. 64) calling on EPA to use its authority under existing law to inspect coal combustion waste facilities and begin the rulemaking process under the Resource Conservation and Recovery Act (RCRA).

Senator Boxer said: "**The plans EPA Administrator Jackson announced today reflect the measures we included in our Senate resolution last week, and are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future.**"

Senator Carper, chairman of the Senate Subcommittee on Clean Air and Nuclear Safety which has oversight jurisdiction over TVA said: "**I am pleased to see our nation's new EPA Administrator Lisa Jackson is making real environmental improvements in this crucial area by using her authority to regulate the disposal of coal ash waste. This decision shows the EPA is serious about cleaning up our nation's dirtiest facilities.**"

# # #

---

Carolyn Levine  
U.S. EPA/Office of Congressional Affairs  
(202) 564-1859  
FAX: (202) 501-1550

01268-EPA-6221

**David Cohen/DC/USEPA/US** To Richard Windsor  
03/09/2009 06:54 PM cc  
bcc  
**Subject:** Re: Senator Boxer and Senator Carper press release on  
EPA's plans to regulate coal ash

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/09/2009 06:42 PM EDT  
**To:** David Cohen  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans  
to regulate coal ash

Why such a tough day?

David Cohen

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

**From:** David Cohen  
**Sent:** 03/09/2009 06:31 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans  
to regulate coal ash

It was a tough day.

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/09/2009 06:21 PM EDT  
**To:** David Cohen; Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David  
McIntosh  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans  
to regulate coal ash

Nice

David Cohen

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

**From:** David Cohen  
**Sent:** 03/09/2009 06:14 PM EDT  
**To:** Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh  
**Subject:** Fw: Senator Boxer and Senator Carper press release on EPA's plans  
to regulate coal ash

----- Forwarded by David Cohen/DC/USEPA/US on 03/09/2009 06:13 PM -----

From: Carolyn Levine/DC/USEPA/US  
To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce

Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA

Date: 03/09/2009 05:53 PM  
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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# # #

---

Carolyn Levine  
U.S. EPA/Office of Congressional Affairs  
(202) 564-1859  
FAX: (202) 501-1550

01268-EPA-6222

**David Cohen/DC/USEPA/US** To Richard Windsor  
03/09/2009 09:29 PM cc  
bcc  
Subject Re: Senator Boxer and Senator Carper press release on  
EPA's plans to regulate coal ash

(b) (5) Deliberative

Richard Windsor Sux. Sorry. ----- Original Message ----- 03/09/2009 09:24:07 PM

From: Richard Windsor/DC/USEPA/US  
To: David Cohen/DC/USEPA/US@EPA  
Date: 03/09/2009 09:24 PM  
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Sux. Sorry.

David Cohen

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

**From:** David Cohen  
**Sent:** 03/09/2009 06:54 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/09/2009 06:42 PM EDT  
**To:** David Cohen  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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David Cohen

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**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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(b) (5) Deliberative

Richard Windsor

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**From:** Richard Windsor  
**Sent:** 03/09/2009 06:21 PM EDT  
**To:** David Cohen; Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh  
**Subject:** Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash  
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**Sent:** 03/09/2009 06:14 PM EDT  
**To:** Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh  
**Subject:** Fw: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Date: 03/09/2009 05:53 PM  
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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# # #

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Carolyn Levine  
U.S. EPA/Office of Congressional Affairs  
(202) 564-1859  
FAX: (202) 501-1550

01268-EPA-6223

David Cohen/DC/USEPA/US  
03/10/2009 06:28 AM  
To Richard Windsor  
cc  
bcc  
Subject Re: fyi

(b) (5) Deliberative

Richard Windsor Wow. Thought-provoking story for me t... 03/10/2009 06:18:17 AM

From: Richard Windsor/DC/USEPA/US  
To: David Cohen/DC/USEPA/US@EPA, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>  
Cc: "Eric Wachter" <wachter.eric@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>  
Date: 03/10/2009 06:18 AM  
Subject: Re: fyi

Wow. Thought-provoking story for me this morning.

(b) (5) Deliberative

David Cohen

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

**From:** David Cohen  
**Sent:** 03/10/2009 03:16 AM EDT  
**To:** Richard Windsor  
**Subject:** fyi

good "green" diversity piece in times today. website version includes photo of you.

March 10, 2009

## In Environmental Push, Looking to Add Diversity

By [MIREYA NAVARRO](#)

When Jerome C. Ringo joined the board of the National Wildlife Federation in 1995, he was the only African-American at the meetings.

Mr. Ringo, now president of the Apollo Alliance, a coalition of environmental, labor and business groups, says that even today, he is often the only environmentalist in the room who is not white.

"We're not where we were, but we're not where we want to be," Mr. Ringo said of the environmental movement's efforts to diversify.

National environmental organizations have traditionally drawn their membership from the white and affluent, and have faced criticism for focusing more on protecting resources than protecting people.

But with a black president committed to environmental issues in the White House and a need to achieve broader public support for initiatives like federal legislation to address [global warming](#), many environmentalists say they feel pressure to diversify the movement further, both in membership and at higher levels of leadership.

"Our groups are not as diverse as we'd like, but every one of the major groups has diversity as a top priority," said Frances Beinecke, president of the [Natural Resources Defense Council](#). "There's great commitment to making the environmental movement representative of what the country is."

The effort to broaden support comes as the groups find themselves competing with industries that oppose environmental measures, sometimes claiming that they will result in higher energy bills or the loss of jobs.

"The organization has to be able to credibly build trust with communities of color who are going to be targeted by the opponents of change," said Sanjay Ranchod, a member of the [Sierra Club](#) board who is leading efforts to attract more minorities.

The need for racial diversity has been a persistent issue in the environmental movement: In 1990, leaders of civil rights and minority groups wrote an open letter that accused the 10 biggest environmental organizations of "racist" hiring practices.

Richard Moore, one of the letter's signers, said the public indictment was set off by several cases in which the groups had pushed for protection of lands at the expense of minority rural communities.

Over the years, organizations like the Natural Resources Defense Council have formed partnerships with smaller environmental groups that emerged in the 1980s and '90s to represent the interests of low-income and minority constituencies.

But more substantial change, Mr. Moore said, has been slow to come.

"If you're going to be impacted by an issue, you bring the impacted people to the table," said Mr. Moore, who is now executive director of the Southwest Network for Environmental and Economic Justice, a coalition of 60 groups.

Cara Pike, the author of a 2007 study commissioned by the environmental law group Earthjustice, said the research found that the "greenest Americans," many of them members of environmental groups, were overwhelmingly white, over 45 and college-educated. "The focus of green groups has been to target the greenest Americans," Ms. Pike said, "and as a result, we've left other people out of the equation."

National polls show high environmental concern among minorities. A post-election poll for the National Wildlife Federation in November, for example, found increasing support among blacks and Latinos for candidates keen on addressing global warming. And surveys by the Public Policy Institute of California have found that minorities are sometimes even more concerned than white respondents about environmental issues like air pollution.

But until recently, social concerns did not appear to be "on the radar" of many large environmental organizations, said Julian Agyeman, chairman of the department of urban and environmental policy and planning at [Tufts University](#) and author of the 2005 book "Sustainable Communities and the Challenge of Environmental Justice."

Even organizations like the Sierra Club, which has incorporated social justice work since the 1990s, concede that their diversity efforts have failed to gain traction. The organization's executive director, Carl Pope, points at "cultural barriers" that in effect shut the door to nonwhites regardless of good intentions.

"If you go to a Sierra Club meeting, the people are mostly white, largely over 40, almost all college-educated, whose style is to argue with each other," Mr. Pope said. "That may not be a welcoming environment."

Those who join such groups sometimes do not stay long. Marcelo Bonta, 35, who worked for four environmental groups before becoming a diversity consultant in Portland, Ore., five years ago, said he found "a need to conform," down to the way to dress.

"It's the tyranny of fleece," Mr. Bonta said. "I always felt I had to dress down."

Some larger environmental groups are taking steps to make up for the past.

Roger Rivera, president of the National Hispanic Environmental Council, an advocacy group in Washington that promotes environmental careers among Latino students, said that for more than a year he had been attending meetings of the Green Group, a loose association of about three dozen environmental organizations, as "an observer."

Mr. Rivera, who served on [President Obama's transition team](#) for the [Interior Department](#), said the Green Group formally invited his organization to join in January — soon after the election of

the first black president, he pointed out.

Larry Schweiger, who is chairman of the association and president of the National Wildlife Federation, said the invitation to groups like Mr. Rivera's was "part of an overall effort to get more engagement in the climate issue."

[Lisa P. Jackson](#), whom Mr. Obama appointed as administrator of the [Environmental Protection Agency](#), emphasized inclusion at a recent conference of environmental justice groups in New York City. Ms. Jackson told the audience that she hoped to bring more diversity to the agency — its staff of about 1,700 is 69 percent non-Hispanic white — "so we look like the people we serve."

(In addition to Ms. Jackson, who is black, Mr. Obama's environment team includes an Asian, [Steven Chu](#), as energy secretary; a Latino, [Ken Salazar](#), as interior secretary; and [Carol M. Browner](#), who is white, as the coordinator of energy and climate policy.)

Van Jones, whose national organization, Green for All, was also invited to join the Green Group, said that while environmental justice groups were focused on "equal protection from bad stuff," groups like his wanted "equal access to good stuff" and to use green jobs to lift urban youths and others out of poverty.

"The more the green movement transforms into a movement for economic opportunity," Mr. Jones said, "the more it will look like America."

01268-EPA-6224

**David Cohen/DC/USEPA/US** To Richard Windsor  
03/10/2009 06:52 AM cc  
bcc  
Subject ps

you know, the only "scheduling" thing i ever weighed in on was that howard university student climate change organization. it was small and not likely to garner attention. but it just struck me, if ever there was a group worthy of our attention and nurturing for myriad reasons, maybe it was they. i was really happy that you all elected to attend. i don't know if they'll become the future. i do know that we could do a lot worse. and often have.

01268-EPA-6225

**Richard  
Windsor/DC/USEPA/US**  
03/10/2009 07:11 AM

To David Cohen  
cc  
bcc  
Subject Re: ps

Agreed. And don't be shy about speaking up. We can help them and others.  
David Cohen

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

**From:** David Cohen  
**Sent:** 03/10/2009 06:52 AM EDT  
**To:** Richard Windsor  
**Subject:** ps

you know, the only "scheduling" thing i ever weighed in on was that howard university student climate change organization. it was small and not likely to garner attention. but it just struck me, if ever there was a group worthy of our attention and nurturing for myriad reasons, maybe it was they. i was really happy that you all elected to attend. i don't know if they'll become the future. i do know that we could do a lot worse. and often have.

01268-EPA-6226

David Cohen/DC/USEPA/US  
03/11/2009 06:31 AM  
  
To Richard Windsor, Allyn Brooks-LaSure, Lisa Heinzerling  
cc  
bcc  
Subject great ghg reporting stories. . .

. . . in the post and times and beyond. not much sign, if any, of "the leak." a rare case of good money driving out bad money? congrats to all. here's ap:

## EPA considers requiring greenhouse gas reporting

By DINA CAPIELLO  
The Associated Press  
Tuesday, March 10, 2009; 5:21 PM

WASHINGTON -- The federal government wants to require companies for the first time to disclose the amount of greenhouse gases they're releasing into the atmosphere.

The Environmental Protection Agency on Tuesday proposed mandatory reporting of the gases blamed for global warming from approximately 13,000 facilities nationwide. The regulation would cover companies that either release large amounts of greenhouse gases directly or produce or import fuels and chemicals that emit heat-trapping gases when burned.

Refineries, automobile manufacturers, power plants, coal mines and large manure ponds at farms all would have to report to the government emissions of at least six different gases.

Together, these facilities account for about 85-90 percent of the country's greenhouse gas emissions, the EPA said.

"Our efforts to confront climate change must be guided by the best possible information," EPA Administrator Lisa Jackson said in a statement announcing the proposed regulation.

Companies would have to start collecting data on their 2010 emissions. The EPA estimates the registry would cost a total of \$127 million a year.

The EPA currently requires reporting of greenhouse gases only from power plants. It also releases an annual inventory that estimates greenhouse gas emissions from broad categories such as transportation and electricity production.

The regulation proposed Tuesday would collect emissions information from individual facilities that emit 25,000 tons or more of greenhouse gases each year \_ or the pollution of more than 4,500 cars.

The information will lay the groundwork for any regulation of greenhouse gases.

The EPA is taking steps toward controlling greenhouse gases using the Clean Air Act. The

agency is expected to issue a finding in mid-April that greenhouse gases pose risks to human health and welfare, a determination that would compel it to reduce emissions under the law, according to a congressional aide briefed on an internal planning document. The aide spoke on condition of anonymity because the agency's plans are not supposed to be disclosed.

Congress is also drafting legislation to limit the pollution.

"These emissions reporting rules are a welcome foundation for any serious program to curb global warming pollution," said David Doniger, climate policy director for the Natural Resources Defense Council, an environmental group.

The Bush administration had failed to meet a deadline set by a 2007 law for drafting the emissions reporting rule. It was due in September.

In a letter sent to EPA at the time, [Sen. Dianne Feinstein](#), D-Calif., criticized the Bush EPA for delaying the measure, as one of several signs that the administration was not serious about addressing global warming.

"Has EPA now become unwilling even to comply with a regulatory deadline ... which simply requires you to begin the process of collecting information necessary for developing sound climate change policy?" Feinstein wrote.

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01268-EPA-6229

**David Cohen/DC/USEPA/US**

03/17/2009 05:30 PM

To Allyn Brooks-LaSure, Adora Andy

cc

bcc Richard Windsor

Subject 60 minutes

here's an idea to keep in your back pocket, [REDACTED]

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

01268-EPA-6230

David Cohen/DC/USEPA/US  
03/24/2009 06:38 AM  
To Richard Windsor  
cc  
bcc  
Subject it gets real. . .

(b) (5) Deliberative

## Regulating Carbon

EPA rules under the Clean Air Act aren't the way to do the job. But a carefully crafted tax might be.

Tuesday, March 24, 2009; A12

THE ENVIRONMENTAL Protection Agency has told the White House that global warming is endangering public health and welfare, The Post's Juliet Eilperin reported yesterday. This "finding" under the Clean Air Act may seem like a no-brainer, given the potential ill effects of climate change. But that law, enacted in 1970, was never intended to deal with greenhouse gases and is not suited to that task. The Bush administration's failure to tackle climate change directly drove states and environmental advocates to seek back-door paths to regulation. If this one goes forward, the EPA would have to regulate greenhouse gases from all sources, including cars, houses and commercial buildings. This would create what Rep. John Dingell (D-Mich.) has called "a glorious mess." Congress should avert it putting a price on carbon.

Such a market-based solution could be accomplished either through a tax or, as the Obama administration supports, by setting a cap on greenhouse gas emissions and having polluting companies pay for the right to emit. Mr. Obama's budget anticipates collecting \$645.7 billion over the next 10 years from such a cap-and-trade regime. But such a complex system would take time to develop and institute, even if Congress supports it. Laurie Williams and Allan Zabel, two EPA enforcement attorneys for more than 20 years in the agency's San Francisco office and writing as private citizens, released a paper last month advocating a "carbon fee" because, they argue, a cap-and-trade system "will not insure a competitive price advantage for clean energy over fossil fuel energy in the near future." Rajendra Pachauri, chairman of the United Nations Intergovernmental Panel on Climate Change, supports cap-and-trade. But when we asked him whether opponents of a carbon tax were right in saying that a tax would not guarantee emissions reductions, Mr. Pachauri said no. "If you rationally design the tax, you could meet the carbon emissions reduction goals," he said, because it "should lead to a shift to other sources of energy or other technologies that reduce energy use efficiently."

Yes, we know. A carbon tax is a politically unpalatable solution for some. But it has advantages over a complex trading system and should be considered. And either a carbon fee or cap-and-trade would be far superior to bureaucratic regulation under the Clean Air Act.

*Do you have a different view of this issue? Debate a member of the editorial board today at [www.washingtonpost.com/opinions](http://www.washingtonpost.com/opinions) .*

view from the times news pages today:

March 24, 2009

News Analysis

## The Fight Plan for Clean Air

By [KATE GALBRAITH](#) and [FELICITY BARRINGER](#)

The [Environmental Protection Agency](#), about to declare heat-trapping gases to be dangerous pollutants, has embarked on one of the most ambitious regulatory challenges in history.

The move is likely to have a profound effect across the economic spectrum, affecting transportation, power plants, oil refineries, cement plants and other manufacturers.

It sets the agency on a collision course with carmakers, coal plants and other businesses that rely on fossil fuels, which fear that the finding will impose complex and costly rules.

But it may also help the Obama administration's efforts to push through a federal law to curb carbon dioxide emissions by drawing industry support for legislation, which many companies see as less restrictive and more flexible than being monitored by a regulatory agency. And it will lay a basis for the United States in the negotiations leading up to a global climate treaty to be signed in Copenhagen in December.

Once made final, the agency's finding will pave the way for federal regulation of carbon dioxide, methane and other heat-trapping gases linked to [global warming](#).

In practical terms, the finding would allow quick federal regulation of motor vehicle emissions of heat-trapping gases and, if further actions are taken by the E.P.A., it could open the doors for regulatory controls on power plants, oil refineries, cement plants and other factories.

On Friday, the E.P.A. sent its finding to the [Office of Management and Budget](#) for review, according to a Web site that lists pending federal rules. Once the budget office clears the finding, it can be signed by the E.P.A.'s administrator, [Lisa P. Jackson](#). There is also likely to be a public comment period on the proposed finding, but there is wide expectation that it will be put in place.

Some policy makers greeted the agency's action as the first step in a new approach to climate change.

"This finding will officially end the era of denial on global warming," Representative [Edward J. Markey](#), a Massachusetts Democrat who leads a select committee on global warming, said in a statement.

But Bill Kovacs, a specialist on global warming issues with the United States Chamber of Commerce, said that an endangerment finding would automatically provoke a tangle of regulatory requirements for businesses large and small.

If finalized, the finding by the agency could lead to a vast extension of its reach. Much is unknown about the details of what the E.P.A. is proposing, including how stringently the agency would regulate the emissions and how it would go about doing so.

But in February, Ms. Jackson indicated she was aware the agency could be stepping into a minefield by issuing such a finding. "We are poised to be specific on what we regulate and on what schedule," she said at the time. "We don't want people to spin that into a doomsday scenario."

Experts said Monday that the E.P.A.'s action would put pressure on Congress to pass federal legislation that could supplant the agency's plan or guide how it was carried out. A federal bill is preferred by many environmentalists and policy makers, as well as by industry.

John D. Walke, a senior lawyer at the [Natural Resources Defense Council](#), said he welcomed the agency's decision but hoped it would ultimately lead to federal legislation.

"For some period we may have parallel efforts of Environmental Protection Agency pursuing or even adopting regulation while the eventual main show will be in Congress," Mr. Walke said.

Still, many doubt that legislation to cap emissions can pass this year, in the midst of a recession and at a time when carbon dioxide emissions are down because production is lower.

The E.P.A.'s move is the latest in a flurry of proposals that signal its determination to break from the Bush administration, which infuriated environmentalists by sidestepping the issue of regulating heat-trapping gases.

Earlier this month, the agency proposed creating a greenhouse-gas emissions registry, which would require industries — including oil refineries and cement makers, as well as utilities and pulp and paper manufacturers — to report how much pollution they were emitting.

The endangerment proposal is another step. In 2007, the [Supreme Court](#) ordered the E.P.A. to determine whether carbon dioxide and other heat-trapping gases qualified as pollutants under the [Clean Air Act](#). Ms. Jackson, the agency's administrator, suggested to The New York Times in February that she hoped to act on emissions of heat-trapping gases by early April, before the

second anniversary of the court's ruling.

The Bush administration had stalled in complying with the court order, opting for more study of the issue, although there was wide consensus among E.P.A. experts that a determination that carbon dioxide was a danger to the public was supported by scientific research.

Asked about the E.P.A.'s move, the White House press secretary, [Robert Gibbs](#), emphasized the importance of going through Congress. "The way to deal with greenhouse gases," Mr. Gibbs said, "is to work with Congress in order to put together a plan that deals with this and creates a market for renewable energy."

There are several reasons that there is a widespread preference for a legislative "cap-and-trade" approach to regulating carbon dioxide emissions, as opposed to E.P.A. regulation.

A central reason, said Paul Bledsoe of the National Commission on Energy Policy, is that Congressional action is less subject to litigation and could not be easily overturned by a new administration.

But a deeper concern among the industry is that regulation by the E.P.A. is a blunt tool. The agency's regulatory powers have previously been applied mainly to pollutants that do damage on a regional level, like nitrogen oxide and hydrocarbons.

By contrast, carbon dioxide, methane and other heat-trapping gases that the E.P.A. proposes to regulate do harm on a global scale.

"The act does not deal well with an emission that's virtually ubiquitous and travels through the atmosphere," said Carol Raulston, a spokesman for the National Mining Association, a coal industry group.

ap story that likely will be read by most people:

## **AP source: EPA closer to global warming warning**

*By H. JOSEF HEBERT, Associated Press Writer H. Josef Hebert, Associated Press Writer*  
2 hrs 43 mins ago

WASHINGTON – The Environmental Protection Agency has taken the first step on the long road to regulating greenhouse gases under the Clean Air Act.

Politicians and the public, business and industry will have to weigh in along the way, but for

now a proposed finding by the EPA that global warming is a threat to public health and welfare is under White House review.

The threat declaration would be the first step to regulating carbon dioxide and other greenhouse gases under the Clean Air Act and could have broad economic and environmental ramifications. It also would probably spur action by Congress to address climate change more broadly.

The White House acknowledged Monday that the EPA had transmitted its proposed finding on global warming to the Office of Management and Budget, but provided no details. It also cautioned that the Obama administration, which sees responding to climate change a top priority, nevertheless is ready to move cautiously when it comes to actually regulating greenhouse gases, preferring to have Congress act on the matter.

The Supreme Court two years ago directed the EPA to decide whether greenhouse gases, especially carbon dioxide from burning fossil fuels, pose a threat to public health and welfare because they are warming the earth. If such a finding is made, these emissions are required to be regulated under the Clean Air Act, the court said.

"I think this is just the step in that process," said White House Press Secretary Robert Gibbs, noting the Supreme Court ruling. Another White House official, speaking anonymously in deference to Gibbs, predicted "a long process" before any rules would be expected to be issued on heat-trapping emissions.

But several congressional officials, also speaking on condition of anonymity because the draft declaration had not been made public — said the transmission makes clear the EPA is moving to declare carbon dioxide and other greenhouse gases a danger to public health and welfare and views them as ripe for regulation under the Clean Air Act.

Such a finding "will officially end the era of denial on global warming," said Rep. Ed Markey, D-Mass., whose Energy and Commerce subcommittee is crafting global warming legislation. He said such an endangerment finding is long overdue because of the Bush administration's refusal to address the issue.

The EPA action "signals that the days of ignoring this pressing issue are over," said Sen. Barbara Boxer, D-Calif., whose Senate committee is working on a climate bill.

Many business leaders argue — as did President George W. Bush — that the Clean Air Act is ill-suited to deal with climate change and that regulating carbon dioxide would hamstring economic growth.

"It will require a huge cascade of (new clean air) permits" and halt a wide array of projects, from building coal plants to highway construction, including many at the heart of President Barack Obama's economic recovery plan, said Bill Kovacs, a vice president for environmental and technology issues at the U.S. Chamber of Commerce.

Abigail Dillen, an attorney for the environmental advocacy group Earthjustice, which is involved

in a number of lawsuits challenging permits for new coal plants, dismissed the dire economic warnings from business groups about carbon dioxide regulation.

"It's to their interest to say the sky is falling, but it's not," she said. "The truth is we've never had to sacrifice air quality to maintain a healthy economy. The EPA has discretion to do this in a reasonable way."

An internal EPA planning document that surfaced recently suggests the agency would like to have a final endangerment finding by mid-April. But officials have made clear actual regulations are unlikely to come immediately and would involve a lengthy process with public comment.

Gibbs, when asked about the EPA document Monday, emphasized that "the president has made quite clear" that he prefers to have the climate issue addressed by Congress as part of a broad, mandatory limit on heat-trapping emissions.

But environmentalists said the significance of moving forward with the long-delayed endangerment issue should not be understated.

"This is historic news," said Frank O'Donnell, who heads Clean Air Watch, an advocacy group. "It will set the stage for the first-ever national limits on global warming pollution and is likely to help light a fire under Congress to get moving."

01268-EPA-6233

David Cohen/DC/USEPA/US  
03/25/2009 06:45 AM  
**To** Richard Windsor  
**cc**  
**bcc**  
**Subject** Re: one more of interest

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

03/25/2009 06:39:06 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** David Cohen/DC/USEPA/US@EPA  
**Date:** 03/25/2009 06:39 AM  
**Subject:** Re: one more of interest

(b) (5) Deliberative

David Cohen

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

**From:** David Cohen  
**Sent:** 03/25/2009 06:31 AM EDT  
**To:** Richard Windsor  
**Subject:** one more of interest

## op.ed. in the post

### Hope in the Mountains

By Robert F. Kennedy Jr.  
Wednesday, March 25, 2009; A15

Yesterday was a great day for the people of Appalachia and for all of America. In a bold departure from Bush-era energy policy, the Obama administration suspended a coal company's permit to dump debris from its proposed mountaintop mining operation into a West Virginia valley and stream. In addition, the administration promised to carefully review upward of 200 such permits awaiting approval by the U.S. Army Corps of Engineers.

With yesterday's action, President Obama has signaled his intention to save this region. His moratorium on these permits will allow the administration to develop a sensible long-term approach to dealing with this catastrophic method of coal extraction.

I join hundreds of Appalachia's embattled communities in applauding this news. Having flown over the coalfields of Appalachia and walked her ridges, valleys and hollows, I know that this

land cannot withstand more abuse. Mountaintop-removal coal mining is the greatest environmental tragedy ever to befall our nation. This radical form of strip mining has already flattened the tops of 500 mountains, buried 2,000 miles of streams, devastated our country's oldest and most diverse temperate forests, and blighted landscapes famous for their history and beauty. Using giant earthmovers and millions of tons of explosives, coal moguls have eviscerated communities, destroyed homes, and uprooted and sickened families with coal and rock dust, and with blasting, flooding and poisoned water, all while providing far fewer jobs than does traditional underground mining.

The backlog of permit applications has been building since Appalachian groups won a federal injunction against the worst forms of mountaintop removal in March 2007. But the floodgates opened on Feb. 13 when the U.S. Court of Appeals for the 4th Circuit in Richmond overturned that injunction. Since then, the Corps has been working overtime to oblige impatient coal barons by quickly issuing the pending permits. Each such permit amounts to a death sentence for streams, mountains and communities. Taken together, these pending permits threatened to lay waste to nearly 60,000 acres of mountain landscape, destroy 400 valleys and bury more than 200 miles of streams.

The Corps already had issued a dozen permits before the White House stepped in, and coal companies have begun destroying some of these sites. The bulldozers are poised for action on the rest. Typical of these is Ison Rock Ridge, a proposed 1,230-acre mine in southwest Virginia that would blow up several peaks and threaten a half-dozen communities, including the small town of Appalachia.

In a valiant effort to hold back destruction, the Appalachia Town Council, citing its responsibility for the "health, safety, welfare, and properties" of its residents, recently passed an ordinance prohibiting coal mining within the town limits without approval from the council. But that ordinance lacks the power to override the Army Corps of Engineers' permit. And while the Obama administration order will reverse the Bush-era policies and stop the pillaging elsewhere, the town of Appalachia remains imperiled.

The White House should now enlarge its moratorium to commute Appalachia's death sentence by suspending the dozen permits already issued. The Environmental Protection Agency should then embark on a rulemaking effort to restore a critical part of the Clean Water Act that was weakened by industry henchmen recruited to powerful positions in the Bush administration. Former industry lobbyists working as agency heads and department deputies issued the so-called "fill rule" to remove 30-year-old laws barring coal companies from dumping mining waste into streams. This step cleared the way for mountaintop removal, which within a few years could flatten an area of the Appalachians the size of Delaware. This change must be reversed to restore the original intent of the Clean Water Act and prevent mining companies from using our streams and rivers as dumps.

The Obama administration's decision to suspend these permits and take a fresh look at mountaintop removal is consistent with Obama's commitment to science, justice and transparency in government and his respect for America's history and values. The people of Appalachia, Va., and the other towns across the coalfields have been praying that Barack

Obama's promise of change will be kept. Thanks to yesterday's decision, hope, not mining waste, is filling the valleys and hollows of Appalachia.

*The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.*

01268-EPA-6234

David Cohen/DC/USEPA/US  
03/25/2009 06:56 AM  
To Richard Windsor  
cc  
bcc  
Subject Re: one more of interest

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 03/25/2009 06:50:04 AM

From: Richard Windsor/DC/USEPA/US  
To: David Cohen/DC/USEPA/US@EPA  
Date: 03/25/2009 06:50 AM  
Subject: Re: one more of interest

(b) (5) Deliberative

David Cohen

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

From: David Cohen  
Sent: 03/25/2009 06:45 AM EDT  
To: Richard Windsor  
Subject: Re: one more of interest

(b) (5) Deliberative

[REDACTED] that it troubles you, too. I keep hoping that an opening for us will present itself soon. maybe it will.

Richard Windsor (b) (5) Deliberative 03/25/2009 06:39:06 AM

From: Richard Windsor/DC/USEPA/US  
To: David Cohen/DC/USEPA/US@EPA  
Date: 03/25/2009 06:39 AM  
Subject: Re: one more of interest

(b) (5) Deliberative

David Cohen

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Sent: 03/25/2009 06:31 AM EDT  
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The backlog of permit applications has been building since Appalachian groups won a federal injunction against the worst forms of mountaintop removal in March 2007. But the floodgates opened on Feb. 13 when the U.S. Court of Appeals for the 4th Circuit in Richmond overturned that injunction. Since then, the Corps has been working overtime to oblige impatient coal barons by quickly issuing the pending permits. Each such permit amounts to a death sentence for streams, mountains and communities. Taken together, these pending permits threatened to lay waste to nearly 60,000 acres of mountain landscape, destroy 400 valleys and bury more than 200 miles of streams.

The Corps already had issued a dozen permits before the White House stepped in, and coal companies have begun destroying some of these sites. The bulldozers are poised for action on the rest. Typical of these is Ison Rock Ridge, a proposed 1,230-acre mine in southwest Virginia that would blow up several peaks and threaten a half-dozen communities, including the small town of Appalachia.

In a valiant effort to hold back destruction, the Appalachia Town Council, citing its responsibility for the "health, safety, welfare, and properties" of its residents, recently passed an ordinance prohibiting coal mining within the town limits without approval from the council. But that ordinance lacks the power to override the Army Corps of Engineers' permit. And while the Obama administration order will reverse the Bush-era policies and stop the pillaging elsewhere, the town of Appalachia remains imperiled.

The White House should now enlarge its moratorium to commute Appalachia's death sentence by suspending the dozen permits already issued. The Environmental Protection Agency should then embark on a rulemaking effort to restore a critical part of the Clean Water Act that was weakened by industry henchmen recruited to powerful positions in the Bush administration. Former industry lobbyists working as agency heads and department deputies issued the so-called "fill rule" to remove 30-year-old laws barring coal companies from dumping mining waste into streams. This step cleared the way for mountaintop removal, which within a few years could flatten an area of the Appalachians the size of Delaware. This change must be reversed to restore the original intent of the Clean Water Act and prevent mining companies from using our streams and rivers as dumps.

The Obama administration's decision to suspend these permits and take a fresh look at mountaintop removal is consistent with Obama's commitment to science, justice and transparency in government and his respect for America's history and values. The people of Appalachia, Va., and the other towns across the coalfields have been praying that Barack Obama's promise of change will be kept. Thanks to yesterday's decision, hope, not mining waste, is filling the valleys and hollows of Appalachia.

*The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.*

01268-EPA-6235

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
cc  
05/01/2009 11:36 AM bcc  
Subject Fw: AP story

AP article on Gina and Barrasso.

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

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 05/01/2009 11:36 AM -----

From: "McCarthy, Gina" <Gina.Mccarthy@ct.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 05/01/2009 11:31 AM  
Subject: Fw: AP story

---

Sounds like its about me, don't ya think?

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

From: Schain, Dennis  
To: McCarthy, Gina  
Sent: Fri May 01 11:29:39 2009  
Subject: AP story

This is full AP story

¶ CHEYENNE, Wyo. (AP) — Sen. John Barrasso, R-Wyo., said Thursday that he is working to stop the confirmation of President Barack Obama's nominee for a key post in the Environmental Protection Agency.

¶ Barrasso, a member of the Senate's energy and environment committees, said he had put a hold on the nomination of Regina McCarthy, Connecticut's environmental protection commissioner. The hold prevents the nomination from going on to a Senate vote.

¶ Obama nominated McCarthy last month to be the EPA's assistant administrator for air and radiation, a position that oversees air quality and policies regarding climate change.

¶ Barrasso said McCarthy had failed to address his concerns about how she would implement the Clean Air Act in light of the EPA's finding this month that greenhouse gas emissions endanger public health and safety.

¶ Barrasso said he's worried the EPA's endangerment finding will trigger a flood of new regulations and judicial challenges.

¶ "Mrs. McCarthy should have an understanding of the consequences of exploiting the Clean Air Act and a plan to avoid this pending economic disaster," Barrasso said in a prepared statement.

¶ Barrasso's spokesman, Greg Keeley, said his office doesn't accept responses from McCarthy and the administration that they haven't decided what actions will be taken to implement the endangerment finding.

¶ "We've heard the argument she can't give an answer until she's in the seat," Keeley said. "That's nonsense."

¶ When her nomination was announced, McCarthy said she was eager to address air pollution and climate change.

¶ "Much work needs to be done to address the nation's air pollution and

climate change challenges and I would very much like to play a part in shaping these efforts," she said.

¶ Sen. James Inhofe of Oklahoma, the ranking Republican on the Senate Environment and Public Works Committee, pledged support of the Barrasso hold, according to Barrasso's release.

01268-EPA-6237

(b) (6) Personal Privacy

07/07/2009 02:40 PM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

---

Sent via BlackBerry by AT&T

**From:** Google Alerts

**Date:** Tue, 07 Jul 2009 18:28:05 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - EPA Lisa jackson

## Google News Alert for: **EPA Lisa jackson**

### [Combative Start to Senate Climate Hearings](#)

New York Times - United States

By Kate Galbraith Getty Images Secretary of Energy Steven Chu, left,

[New York Times](#) Environmental Protection Agency Administrator **Lisa Jackson**, and

Secretary of ...

[See all stories on this topic](#)

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01268-EPA-6238

(b) (6) Personal Privacy

07/08/2009 05:29 PM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - obama transition EPA

Sent via BlackBerry by AT&T

---

**From:** Google Alerts

**Date:** Wed, 08 Jul 2009 19:16:03 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - obama transition EPA

## Google News Alert for: **obama transition EPA**

[Lousy Economy Could Swing Climate Change Vote](#)

CQPolitics.com - Washington,DC,USA

The **EPA** is developing regulations that would cap carbon emissions under the Clean Air Act (PL 101-549). Regulating emissions under the current law could ...

[See all stories on this topic](#)

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01268-EPA-6239

(b) (6) Personal Privacy

07/13/2009 10:58 AM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

Sent via BlackBerry by AT&T

---

**From:** Google Alerts

**Date:** Mon, 13 Jul 2009 14:45:03 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - EPA Lisa jackson

## Google News Alert for: **EPA Lisa jackson**

[Months after ash spill, Tennessee town still choking](#)

CNN - USA

... **EPA's** regulations have treated it as a solid waste, equivalent to household garbage, but not as a hazardous waste," **EPA** Administrator **Lisa Jackson** said. ...

[See all stories on this topic](#)

---

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01268-EPA-6241

(b) (6) Personal Privacy

09/04/2009 02:47 PM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

Sent via BlackBerry by AT&T

---

**From:** Google Alerts

**Date:** Fri, 04 Sep 2009 18:04:57 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - EPA Lisa jackson

## Google Blogs Alert for: **EPA Lisa jackson**

[Switchboard, from NRDC :: David Doniger's Blog :: Wall Street ...](#)

By David Doniger

That pesky **EPA** Administrator **Lisa Jackson** has outfoxed us again! In an editorial called "Terms of 'Endangerment'" (hey, that was the title of my blog last April), the Journal inveighs once more against any action to stop global warming. ...

[Switchboard, from NRDC > David... - http://switchboard.nrdc.org/blogs/ddoniger/](#)

[Tell the \*\*EPA\*\* to Stop Mountaintop Removal ! TAKE ACTION ! - Care2](#)

...

By Cher C.

I've been truly inspired by what thousands are doing around the country to stop mountaintop removal and Big Coal, especially by asking **Lisa Jackson** of the **EPA** to stop extending permits that would destroy more mountains.

[Care2 News Network - http://www.care2.com/news/](#)

[Celestial Junk: Cap and Tax Fail](#)

By Paul

We learned from **EPA** Administrator **Lisa Jackson** that unilateral U.S. action to address climate change through cap-and-trade would be futile. She said in response to a question from me that "U.S. action alone will not impact world CO2 ...

[Celestial Junk - http://cjunk.blogspot.com/](#)

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01268-EPA-6243

**Seth Oster/DC/USEPA/US**

09/26/2009 08:23 AM

To windsor.richard

cc

bcc

Subject Fw: Bill Maher - today's Huff Post Article

Good morning.

(b) (5) Deliberative



Seth  
Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/25/2009 08:13 PM EDT

**To:** Seth Oster

**Subject:** Bill Maher - today's Huff Post Article

This is Bill Maher's post on Huffpo -

New Rule: If America can't get its act together, it must lose the bald eagle as our symbol  
September 25, 2009

New Rule: If America can't get its act together, it must lose the bald eagle as our symbol and replace it with the YouTube video of the puppy that can't get up. As long as we're pathetic, we might as well act like it's cute. I don't care about the president's birth certificate, I do want to know what happened to "Yes we can." Can we get out of Iraq? No. Afghanistan? No. Fix health care? No. Close Gitmo? No. Cap-and-trade carbon emissions? No. The Obamas have been in Washington for ten months and it seems like the only thing they've gotten is a dog.

Well, I hate to be a nudge, but why *has* America become a nation that can't make anything bad end, like wars, farm subsidies, our oil addiction, the drug war, useless weapons programs - oh, and there's still 60,000 troops in Germany - and can't make anything good start, like health care reform, immigration reform, rebuilding infrastructure. Even when we address something, the plan can never start until years down the road. Congress's climate change bill mandates a 17% cut in greenhouse gas emissions... *by 2020* ! Fellas, slow down, where's the fire? Oh yeah, it's where I live, engulfing the entire western part of the United States!

We might pass new mileage standards, but even if we do, they wouldn't start until 2016. In that

year, our cars of the future will glide along at a breathtaking 35 miles-per-gallon. My goodness, is that even humanly possible? Cars that get 35 miles-per-gallon in just six years? Get your head out of the clouds, you socialist dreamer! "What do we want!? A small improvement! When do we want it!? 2016!"

When it's something for us personally, like a laxative, it has to start working now. My TV remote has a button on it now called "On Demand". *You get your ass on my TV screen right now, Jon Cryer, and make me laugh. Now!* But when it's something for the survival of the species as a whole, we phase that in slowly.

Folks, we don't need more efficient cars. We need something to replace cars. That's what's wrong with these piddly, too-little-too-late half-measures that pass for "reform" these days. They're not reform, they're just putting off actually solving anything to a later day, when we might by some miracle have, a) leaders with balls, and b) a general populace who can think again. Barack Obama has said, "If we were starting from scratch, then a single-payer system would probably make sense." *So let's start from scratch.*

Even if they pass the shitty Max Baucus health care bill, it doesn't kick in for 4 years, during which time 175,000 people will die because they're not covered, and about three million will go bankrupt from hospital bills. We have a pretty good idea of the Republican plan for the next three years: Don't let Obama do anything. What kills me is that that's the Democrats' plan, too.

We weren't always like this. Inert. In 1965, Lyndon Johnson signed Medicare into law and 11 months later seniors were receiving benefits. During World War II, virtually overnight FDR had auto companies making tanks and planes only. In one eight year period, America went from JFK's ridiculous dream of landing a man on the moon, to *actually landing a man on the moon.*

This generation has had eight years to build something at Ground Zero. An office building, a museum, an outlet mall, I don't care anymore. I'm tempted to say that, symbolically, all America can do lately is keep digging a hole, but Ground Zero doesn't represent a hole. It is a hole. America: Home of the Freedom Pit. Ironically, it's spitting distance from Wall Street, where they knock down buildings a different way - through foreclosure.

That's the ultimate sign of our lethargy: millions thrown out of their homes, tossed out of work, lost their life savings, retirements postponed - and they just take it. 30% interest on credit cards? It's a good thing the Supreme Court legalized sodomy a few years ago.

Why can't we get off our back? Is it something in the food? Actually, yes. I found out something interesting researching last week's editorial on how we should be taxing the unhealthy things Americans put into their bodies, like sodas and junk foods and gerbils. Did you know that we eat the same high-fat, high-carb, sugar-laden shit that's served in prisons and in religious cults to keep the subjects in a zombie-like state of lethargic compliance? Why haven't Americans arisen en masse to demand a strong public option? Because "The Bachelor" is on. We're tired and our brain stems hurt from washing down French fries with McDonald's orange drink.

The research is in: high-fat diets makes you lazy and stupid. Rats on an American diet weren't motivated to navigate their maze and once in the maze they made more mistakes. And, instead of exercising on their wheel, they just used it to hang clothes on. Of course we can't ban assault rifles - we're the first generation too lazy to make its own coffee. We're the generation that invented the soft chocolate chip cookie: like a cookie, only not so exhausting to chew. I ask you, if the food we're eating in America isn't making us stupid, how come the people in Carl's Jr. ads never think to put a napkin over their pants?

Read more at:

[http://www.huffingtonpost.com/bill-maher/new-rule-if-america-cant\\_b\\_299383.html](http://www.huffingtonpost.com/bill-maher/new-rule-if-america-cant_b_299383.html)

01268-EPA-6244

**Eric Wachter/DC/USEPA/US**

10/19/2009 03:06 PM

To Richard Windsor

cc Aaron Dickerson

bcc

Subject Fw: Quick note from Julie McGehee

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/19/2009 03:06 PM -----

From: Brian Hope/DC/USEPA/US  
To: Eric Wachter/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 10/19/2009 03:03 PM  
Subject: Fw: Quick note from Julie McGehee

----- Forwarded by Brian Hope/DC/USEPA/US on 10/19/2009 03:03 PM -----

#### Message Information

Date 10/19/2009 12:55 PM

From "McGehee, Julie" <jmcgehee@joneswalker.com>

To LisaP Jackson/DC/USEPA/US@EPA

cc

Subject Quick note from Julie McGehee

#### Message Body

---

Hi Lisa,

(b) (6) Privacy



Please let us know if you come to N.O. in November, as you mentioned in your email last Summer. It would be great for us to get a little group together to visit with you since you are not around to join us for our two yearly luncheons.

Keep up the good work!

:)

Julie

**Julie McGehee**

JONES, WALKER

Paralegal

504-582-8554 (office phone)

504-589-8554 (fax)

504-450-5160 (cell phone)

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**OEX Processing Information**

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PO Office

Category:

Message Count

01268-EPA-6245

Jill Davis  
<jill.davis@pacesinc.com>  
10/29/2009 11:37 AM

To Allyn Brooks-LaSure, Bob Perciasepe  
cc Adora Andy, Arvin Ganesan, Bob Sussman, Cameron Davis, Chuck Fox, Craig Hooks, Cynthia Giles-AA, David McIntosh, Diane Thompson, Eric Wachter, Gina McCarthy, Heidi Ellis, Lawrence Elworth, Lisa Heinzerling, Mathy Stanislaus, Michelle DePass, Peter Silva, Richard Windsor, Robert Goulding, Sarah Pallone, Scott Fulton, Seth Oster, Steve Owens  
bcc  
Subject RE: Senior Leadership Retreat

Hi All,

Thanks for asking clarification regarding the "artifacts exercise." We sure don't want to cause any stress due to not being clear about the task and intent of the exercise. We are just looking for each to bring a physical symbol representing your desired legacy or contribution to EPA. So, for example, you could bring anything from a photo, to a drawing, to a piece of coal painted white, to a hat from a world series contention team, to a megaphone representing strong communication. It is up to you--it can be serious or playful. Anything goes. I look forward to meeting you all and working with you.

Regards,

Jill Davis  
Strategic Planner and Executive Coach  
Paces, Inc.  
703-281-7958  
703-585-3250 m

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

From: Brooks-LaSure.Allyn@epamail.epa.gov [mailto:Brooks-LaSure.Allyn@epamail.epa.gov]  
Sent: Thursday, October 29, 2009 9:27 AM  
To: Perciasepe.Bob@epamail.epa.gov  
Cc: Andy.Adora@epamail.epa.gov; Ganesan.Arvin@epamail.epa.gov; Sussman.Bob@epamail.epa.gov; Davis.Cameron@epamail.epa.gov; Fox.Chuck@epamail.epa.gov; Hooks.Craig@epamail.epa.gov; Giles-AA.Cynthia@epamail.epa.gov; McIntosh.David@epamail.epa.gov; Thompson.Diane@epamail.epa.gov; Wachter.Eric@epamail.epa.gov; McCarthy.Gina@epamail.epa.gov; Ellis.Heidi@epamail.epa.gov; Jill Davis; Elworth.Lawrence@epamail.epa.gov; Heinzerling.Lisa@epamail.epa.gov; Stanislaus.Mathy@epamail.epa.gov; DePass.Michelle@epamail.epa.gov; Silva.Peter@epamail.epa.gov; Windsor.Richard@epamail.epa.gov; Goulding.Robert@epamail.epa.gov; Pallone.Sarah@epamail.epa.gov; Fulton.Scott@epamail.epa.gov; Oster.Seth@epamail.epa.gov; Owens.Steve@epamail.epa.gov  
Subject: Re: Senior Leadership Retreat

For my own benefit -- and, perhaps, the benefit of my colleagues -- can I request clarification on this "artifact" business. What exactly are y'all looking for here?

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

## Affairs

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

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

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| From: |  
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| Bob Perciasepe/DC/USEPA/US  
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| To: |  
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| Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Cameron Davis/R5/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA  
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| Cc: |  
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| Jill Davis <jill.davis@pacesinc.com>  
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|----->  
| Date: |  
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| 10/20/2009 04:13 PM  
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|----->  
| Subject: |  
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|----->  
| Senior Leadership Retreat  
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Hi Everyone:

I know everyone is starting to think about the upcoming retreat on October 30 and 31. The location will be at the Aspen Wye River Conference Center on Maryland's Eastern Shore. We will be at the River House. There will be individual rooms at the Conference Center. Please read carefully as there are actions you need to personally complete before Friday this week.

Here are some basics:

We are setting up a car pool system (to reduce our footprint) for Friday morning's departure and for Saturday afternoon's return. Rob Goulding is working on putting that together and if you haven't communicated with him yet please do. Directions will be given to the drivers, but expect the drive to be a little over an hour to perhaps an hour and 15/20 minutes from the DC area to over Wye Island, the Bay Bridge.

We will expect everyone to be there by 9:30 am and we expect to start at 9:45. There will be coffee and light morning fare when we arrive.

The attire will be casual

There is Homework

Read "Good to Great: for the Social Sectors, a 31 page monograph by Jim Collins. We will have copies of this here at EPA this week so that you can read it over the weekend. Rob Goulding, will let your folk know when it arrives. For the few of you not in DC, contact Rob to make arrangements to get the book.

Each of you will be asked during the early session to say a few words about yourself and our facilitator has asked that you also bring an item or artifact that would symbolize your aspirations for our team.

THE SURVEY !!! below is a link to zoomerang.com - Please click on it and complete the survey prepared by the facilitator. When doing it think about the senior management team as you formulate your answers.

Meeting Outline

The meeting will start at 9:45 am on Friday and be completed by 1:30 pm Saturday.

The initial sessions will allow us to get to know a little about each other and our personal aspirations for our time at EPA

We will spend a significant amount of the time focusing on our specific priorities as a team, our values and vision  
We will conclude with discussions on how we make our agenda happen, how do we execute and implement.

There will be more on this before the meeting for you to review and to stimulate our discussions. There will also be some summaries of information from the survey.

Meals will be provided and on Friday night the schedule will provide for time to spend with each other both before the dinner (even a short hike) and after.

Thank you in advance for your participation and completing the survey.

<http://www.zoomerang.com/Survey/?p=WEB229S8FMA8HH>

Bob P

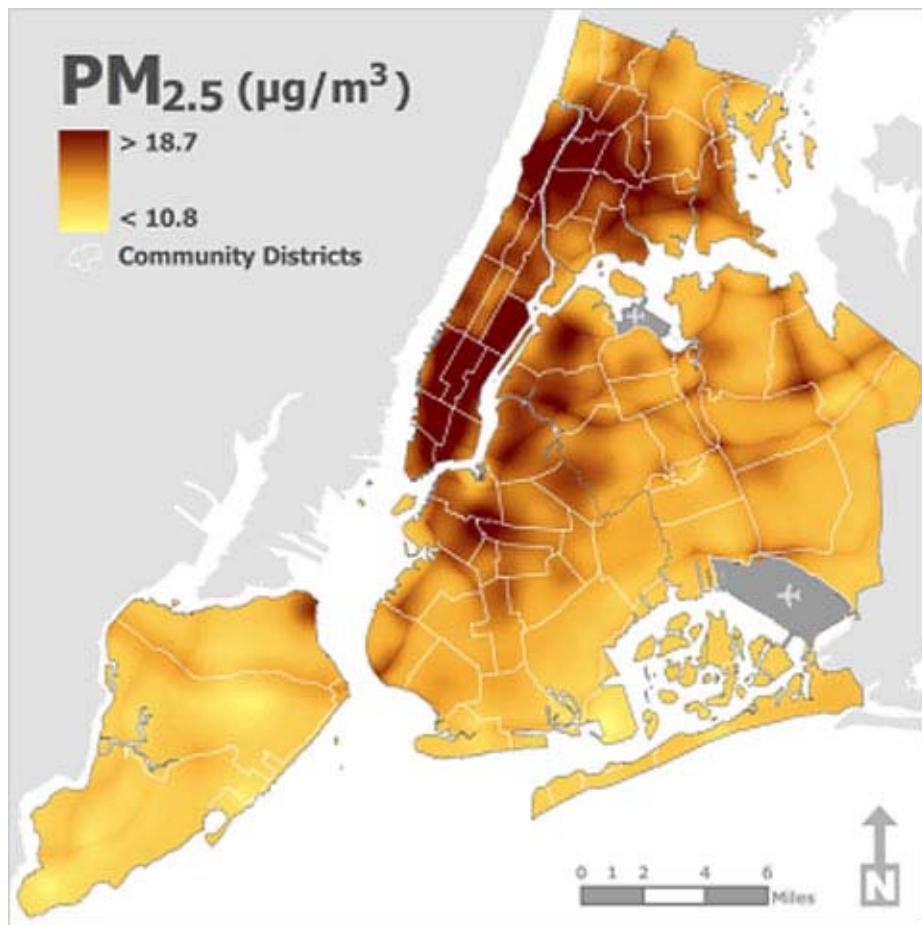
01268-EPA-6246

Bob  
Perciasepe/DC/USEPA/US  
01/04/2010 12:57 PM

To Gina McCarthy, Cynthia Giles-AA, Richard Windsor, Bob Sussman, Lisa Heinzerling  
cc  
bcc  
Subject Interesting NYC Air Info

Interesting NYC Air Data.

(b) (5) Deliberative



### Survey Finds Street-Level Air Pollution in Manhattan

By **SEWELL CHAN**

Department of Health and Mental Hygiene This map shows particulate-matter concentrations as measured last winter.

New York City health officials on Tuesday released the results of the first survey of street-level air quality ever taken in the city. While the key finding — that Manhattan and other built-up, high-traffic parts of the city have the worst concentrations of particulates — will come as little surprise to those who live and work in Manhattan, it will stand in contrast to most indicators that show Manhattan leading the city's five boroughs in indicators of social and economic well-being.

Over all, the [Community Air Survey](#) [pdf], conducted last winter, showed wide variations in air quality. Not only vehicular traffic, but also concentrations in oil-burning boilers in commercial and residential buildings, accounted for particulate concentrations.

Mayor [Michael R. Bloomberg](#) discussed the study, begun as part of his [PlaNYC](#) strategy for long-term environmental stability, at the United Nations Climate Change Conference in Copenhagen.

"This study clearly demonstrates the impacts that pollution from vehicles and certain oil-burning boilers has on our neighborhoods — and it shows us that the most densely populated areas are also the most polluted," he said.

Researchers collected and analyzed air samples from 150 sites across the five boroughs last winter. The survey found that fine-particle and sulfur dioxide pollution was concentrated in areas where more buildings burn oil for heat, and levels were especially high in areas where buildings use so-called residual oil (also known as No. 4 and No. 6 oil) in their boilers.

Such pollutants can cause respiratory disease and premature death, and they put young and elderly people at particular risk.

01268-EPA-6247

**Heidi Ellis/DC/USEPA/US**

To

01/13/2010 04:22 PM

cc

bcc

Subject Call with Senator Bob Corker

### **Meeting**

Date 01/14/2010

Time 09:20:00 AM to 09:30:00 AM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Ramona Lessen (Corker's Office) 202-228-5426

Subj: Coal Combustion bi-products

\*The Administrator will call the Senator on 202-228-5426

Staff:

Arvin Ganesan (OCIR)

Bob Sussman (OA)

01268-EPA-6248

**David  
McIntosh/DC/USEPA/US**  
01/20/2010 10:42 AM

To Richard Windsor, Heidi Ellis, Robert Goulding, Arvin Ganesan  
cc  
bcc  
Subject Fw: Hearing

Yay!

----- Forwarded by David McIntosh/DC/USEPA/US on 01/20/2010 10:42 AM -----

From: "Poirier, Bettina (EPW)" <Bettina\_Poirier@epw.senate.gov>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 01/20/2010 10:37 AM  
Subject: Hearing

---

Due to scheduling conflict for r's will need to reschedule climate hearing

01268-EPA-6249

(b) (6) Personal Privacy

01/26/2010 03:47 PM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

Sent via BlackBerry by AT&T

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**From:** Google Alerts <googlealerts-noreply@google.com>

**Date:** Tue, 26 Jan 2010 19:59:49 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - EPA Lisa jackson

## Google Blogs Alert for: **EPA Lisa jackson**

### [Crossroads's Blog | Clean Energy News of Note](#)

Meanwhile, speaking of **EPA**, the Rolling Stone is calling **EPA Administrator Lisa Jackson** an "Eco-Warrior" in its latest article. We couldn't agree more. Related to that, we've got **Lisa Jackson's** speech from New Orleans this week, ...

[Climate Crossroads Blog - http://connect.sierraclub.org/ClimateCrossroadsBlog](#)

### [PEER: EPA must intervene in weak Fla. pollution control ...](#)

By Alan Gregory

For example, in an October 15, 2009 hearing before the House Transportation and Infrastructure Committee **EPA Administrator Lisa Jackson** testified that - "...we need to strengthen our oversight of state permitting and enforcement programs... ...

[Alan Gregory's Conservation News - http://wolverines.wordpress.com/](#)

### [Rhapsody in Green: EPA Administrator at Auto Show](#)

By Greg Breukelman

Here's the Growth Energy / Ricardo booth at the DC auto show. In the background is **EPA Administrator Lisa Jackson** speaking to a group. Someone just asked her about RFS2 rule making. In her response she acknowledged the improvements that...

[Rhapsody in Green - http://www.rhapsodyingreen.com/rhapsody\\_in\\_green/](#)

### [EPA Administrator at Auto Show - Breukelman's posterous](#)

In the background is **EPA Administrator Lisa Jackson** speaking to a group. Someone just asked her about RFS2 rule making. In her response she acknowledged the improvements that are happening right now in the biofuels industry. ...

[Breukelman's posterous - http://breukelman.posterous.com/](#)

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Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more](#).

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01268-EPA-6250

David  
McIntosh/DC/USEPA/US  
02/12/2010 05:19 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Lisa Heinzerling, Arvin Ganesan, Bob Sussman, Craig Hooks, Seth Oster, Allyn Brooks-LaSure, Lawrence Elworth, Eric Wachter, Robert Goulding, Heidi Ellis, Ray Spears, Scott Fulton, Lisa Garcia

cc

bcc

Subject CEA on "Transforming the Energy Sector and Addressing Climate Change"

Yesterday, the Council of Economic Advisors released the 2010 Economic Report of the President (<http://www.whitehouse.gov/administration/eop/cea/economic-report-of-the-President>). I hadn't seen any drafts of the report and didn't know it was coming. But I've just finished reading Chapter 9, "Transforming the Energy Sector and Addressing Climate Change" (<http://www.whitehouse.gov/sites/default/files/microsites/economic-report-president-chapter-9r2.pdf>)<sup>b)(c)</sup>



In his first year in office, the President took several other significant and concrete steps to transform the energy sector and address climate change. Significantly, the Environmental Protection Agency (EPA) issued two findings in December 2009. The first finding was that six greenhouse gases endanger public health and welfare. The second finding was that the emissions of these greenhouse gases from motor vehicles cause or contribute to pollution that threatens public health and welfare. These findings do not in and of themselves trigger any requirements for emitters, but they lay the foundation for regulating greenhouse gas emissions. Following up on these findings, the Administration has proposed the first mandatory greenhouse gas emission standards for new passenger vehicles. The standards are expected to be finalized in the spring of 2010. By model year 2016, new cars and light trucks sold in the United States will be required to meet a fleet-wide tailpipe emissions limit equivalent to a standard of about 35.5 miles per gallon if met entirely through fuel economy improvements. The EPA estimates that these standards will save about 36 billion gallons of fuel and reduce vehicle greenhouse gas emissions by about 760 million metric tons in CO<sub>2</sub>-equivalent terms over the lifetime of the vehicles.

The Administration also proposed renewable fuel standards consistent with the Energy Independence and Security Act (EISA), which requires that a minimum volume of renewable fuel be added to gasoline sold in the United States. Renewable fuels are derived from bio-based feedstocks such as corn, soy, sugar cane, or cellulose that have fewer life-cycle greenhouse gas emissions than the gasoline or diesel they replace. When fully implemented, the standards will increase the volume of renewable fuel blended into gasoline from 9 billion gallons in 2008 to 36 billion gallons by 2022.

The Administration also has been proactive in establishing minimum energy efficiency standards for a wide variety of consumer products and commercial equipment. For instance, standards were proposed or finalized in 2009 for microwave ovens, dishwashers, small electric motors, lighting, vending machines, residential water heaters, and commercial clothes washers, among others. Overall, these actions will reduce energy consumption and, in turn, greenhouse

gas emissions. The Energy Information Administration's 2009 Annual Energy Outlook projected that by 2030, higher fuel economy and lighting efficiency standards will contribute to lowering energy use per capita by 10 percent, compared with fairly stable energy use per capita between 1980 and 2008 (Department of Energy 2009b). The 2010 Annual Energy Outlook highlights appliance and building efficiency standards as one reason for lower projected carbon dioxide emissions growth, underscoring the benefits of these regulations (Department of Energy 2009a).

Beginning in 2010, the United States will begin collecting comprehensive high-quality data on greenhouse gases from large emitters in many sectors of the economy (for instance, electricity generators and cement producers). When fully implemented, this program will cover about 85 percent of U.S. emissions. The information supplied will provide a basis for formulating policy on how best to reduce emissions in the future. It will also be a valuable tool to allow industry to track emissions over time. Specifically, these data will make it possible for industry and government to identify the cheapest ways to reduce greenhouse gas emissions.

Finally, the President issued an Executive Order requiring Federal agencies to set and meet aggressive goals for greenhouse gas emission reductions. Importantly, agencies are instructed to pursue reductions that lower energy expenses and save taxpayers money.

\*\*\*

Using a macroeconomic model, the Council of Economic Advisers (CEA) estimates that the approximately \$90 billion of Recovery Act investments will save or create about 720,000 job-years by the end of 2012 (a job-year is one job for one year). Projects in the renewable energy generation and transmission, energy efficiency, and transit categories create the most job-years. Approximately two-thirds of the job-years represent work on clean energy projects, either by workers employed directly on the projects or by workers at suppliers to the projects. These macroeconomic benefits make it clear that the Administration has made a tremendous down payment on the clean energy transformation.

\*\*\*

To derive the possible benefits associated with the U.S. contribution to these emission reductions, the CEA calculates that the ACES will result in approximately \$1.6 trillion to \$2.0 trillion of avoided global damages in present value terms between 2012 and 2050 (in 2005 dollars).<sup>8</sup> The value of avoided damages includes such benefits as lower mortality rates, higher agricultural yields, money saved on adaptation measures, and the reduced likelihood of small-probability but high-impact catastrophic events. Further, the benefits will be significantly larger if U.S. policy induces other countries to undertake reductions in greenhouse gas emissions.

<sup>8</sup>The CEA uses estimates of the projected decline in emissions between 2012 and 2050 based on the President's proposed reductions in emissions and uses the central estimate of \$20 a ton for a unit of carbon dioxide emitted in 2007 (in 2007 dollars) that was recently developed as an interim value for regulatory analyses (Department of Energy 2009c). Additionally, it assumes that the benefit of reducing one additional ton of carbon dioxide grows at 3 percent over time and that future damages from current emissions are discounted using an average of 5 percent. Several Federal agencies have used these values in recent proposed rulemakings but have requested comment prior to the final rulemaking, so these estimates may be revised.

01268-EPA-6251

"Center for Progressive  
Reform on behalf of  
(b) (6) Personal Privacy  
<CPRBlog@progressivereform  
.org>

02/21/2010 09:28 AM

Please respond to  
(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Emailing Article from Center for Progressive Reform: EPA's  
Cooperative Approach on Coal Ash Nets

You have been sent a link to the following Center for Progressive Reform article:  
[EPA's Cooperative Approach on Coal Ash Nets](http://www.progressivereform.org/CPRblog.cfm?idBlog=DC7D472F-EAE3-ED21-82E6D44EC71DC226)

This link was sent to you by: (b) (6) Personal Privacy

Message: coal ash

*If you have trouble with the above link, cut and paste this link into your browser's address bar:*  
<http://www.progressivereform.org/CPRblog.cfm?idBlog=DC7D472F-EAE3-ED21-82E6D44EC71DC226>

01268-EPA-6252

(b) (6) Personal Privacy  
Sent by:  
emailthis@ms3.lga2.nytimes.com  
02/22/2010 08:53 PM  
Please respond to  
(b) (6) Personal Privacy

To Richard Windsor  
cc  
bcc  
Subject NYTimes.com: Obama Mounts a Last-Ditch Attempt to Pass a 'Hybrid' Climate and Energy Bill

This page was sent to you by: (b) (6) Personal Privacy

BUSINESS / ENERGY & ENVIRONMENT | February 22, 2010

## Obama Mounts a Last-Ditch Attempt to Pass a 'Hybrid' Climate and Energy Bill

By JOEL KIRKLAND of ClimateWire

The White House is mounting a last-ditch effort to piece together an energy and climate change bill that has enough incentive...

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01268-EPA-6253

**Heidi Ellis/DC/USEPA/US**

To

03/04/2010 12:48 PM

cc

bcc

Subject FYI- Meeting with Charles Jones (NYSE)

### **Meeting**

Date 03/09/2010

Time 05:00:00 PM to 05:45:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Tanya Lombard [b] (6) Personal Privacy

\*Gina will lead this meeting on behalf of the Administrator

topic: Discussion on EPA's efforts to reduce GHG and international markets

Attendees:

Charles Jones (VP Government Affairs)

Courtney Leimkuhler (Senior Vice President for Strategic Planning)

Caroline Angoorly (Climate Expert)

Clarke Camper (Senior VP Head of Government Relations)

Tanya Lombard

Staff:

David McIntosh (OCIR)

Gina McCarthy, Brian McLean (OAR)

Michelle DePass, Joe Ferrante (OIA)

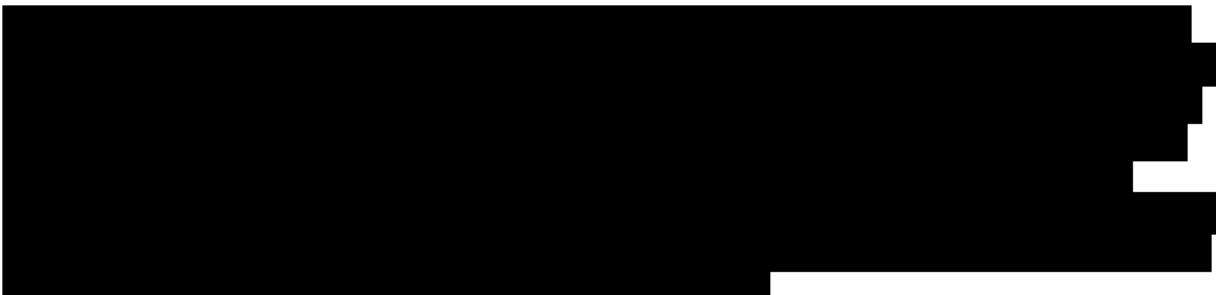
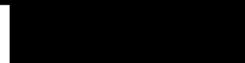
01268-EPA-6254

Betsaida  
Alcantara/DC/USEPA/US  
03/26/2010 09:34 AM

To Richard Windsor, Bob Perciasepe  
cc Seth Oster, Adora Andy  
bcc  
Subject DRAFT Spruce Release

Administrator,  
Here's the draft release. We are planning to put this out at noon.

(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6256

**Shawn Garvin/R3/USEPA/US** To Richard Windsor, Arvin Ganesan  
03/26/2010 03:24 PM cc "Seth Oster", Adora Andy  
bcc  
Subject Re: Gov Manchin called.

Let me know if you need anything from me on this request.

Sent by EPA Wireless E-Mail Services  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/26/2010 03:21 PM EDT  
**To:** Arvin Ganesan  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Shawn Garvin; Adora Andy  
**Subject:** Re: Gov Manchin called.

Yes. Just did. [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 03/26/2010 03:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Gov Manchin called.

did you connect with him?

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

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/26/2010 03:08 PM -----

---

From: Aaron Dickerson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 03/26/2010 02:01 PM  
Subject: Gov Manchin called.

Following up from your earlier call. He will be available anytime after 2:30pm. His number is

(b) (6) Personal Privacy

01268-EPA-6259

Bob Perciasepe  
↳(b) (6) Personal Privacy  
05/24/2010 12:50 AM

To Seth Oster, Richard Windsor, Diane Thompson  
cc  
bcc  
Subject NYT Monday on Drilling and Moratorium

May 23, 2010

## Despite Obama's Moratorium, Drilling Projects Move Ahead

By IAN URBINA

WASHINGTON — In the days since President Obama announced a moratorium on permits for drilling new offshore oil wells and a halt to a controversial type of environmental waiver that was given to the Deepwater Horizon rig, at least seven new permits for various types of drilling and five environmental waivers have been granted, according to records.

The records also indicate that since the April 20 explosion on the rig, federal regulators have granted at least 19 environmental waivers for gulf drilling projects and at least 17 drilling permits, most of which were for types of work like that on the Deepwater Horizon shortly before it exploded, pouring a ceaseless current of oil into the Gulf of Mexico.

Asked about the permits and waivers, officials at the Department of the Interior and the Minerals Management Service, which regulates drilling, pointed to public statements by Interior Secretary Ken Salazar, reiterating that the agency had no intention of stopping all new oil and gas production in the gulf.

Department of the Interior officials said in a statement that the moratorium was meant only to halt permits for the drilling of new wells. It was not meant to stop permits for new work on existing drilling projects like the Deepwater Horizon.

But critics say the moratorium has been violated or too narrowly defined to prevent another disaster.

With crude oil still pouring into the gulf and washing up on beaches and in wetlands, President Obama is sending Mr. Salazar and Homeland Security Secretary Janet Napolitano back to the region on Monday.

In a toughly worded warning to BP on Sunday, Mr. Salazar said at a news conference outside the company's headquarters in Houston, "If we find they're not doing what they're supposed to be doing, we'll push them out of the way appropriately."

Mr. Salazar's position conflicted with one laid out several hours earlier, by the commandant of the United States Coast Guard, Adm. Thad W. Allen, who said that the oil conglomerate's access to the mile-deep well site meant that the government could not take over the lead in efforts to stop the leak.

"They have the eyes and ears that are down there," the admiral said on CNN's "State of the Union" program. "They are necessarily the modality by which this is going to get solved."

Since the explosion, federal regulators have been harshly criticized for giving BP's Deepwater Horizon and hundreds of other drilling projects waivers from full environmental review and for failing to provide rigorous oversight of these projects.

In voicing his frustration with these regulators and vowing to change how they operate, Mr. Obama announced on May 14 a moratorium on drilling new wells and the granting of environmental waivers.

"It seems as if permits were too often issued based on little more than assurances of safety from the oil companies," Mr. Obama said. "That cannot and will not happen anymore."

"We're also closing the loophole that has allowed some oil companies to bypass some critical environmental reviews," he added in reference to the environmental waivers.

But records indicated that regulators continued granting the environmental waivers and permits for types of work like that occurring on the Deepwater Horizon.

In testifying before Congress on May 18, Mr. Salazar and officials from his agency said they recognized the problems with the waivers and they intended to try to rein them in. But Mr. Salazar also said that he was limited by a statutory requirement that he said obligated his agency to process drilling requests within 30 days after they have been submitted.

"That is what has driven a number of the categorical exclusions that have been given over time in the gulf," he said. But critics remained unsatisfied.

Shown the data indicating that waivers and permits were still being granted, Senator Benjamin L. Cardin, Democrat of Maryland, said he was "deeply troubled."

"We were given the clear impression that these waivers and permits were not being granted," said Mr. Cardin, who is a member of the Senate Environment and Public Works Committee, where Mr. Salazar testified last week. "I think the

presumption should be that there should be stronger environmental reviews, not weaker." None of the projects that have recently been granted environmental waivers have started drilling. However, these waivers have been especially troublesome to environmentalists because they were granted through a special legal provision that is supposed to be limited to projects that present minimal or no risk to the environment. At least six of the drilling projects that have been given waivers in the past four weeks are for waters that are deeper — and therefore more difficult and dangerous — than where Deepwater Horizon was operating. While that rig, which was drilling at a depth just shy of 5,000 feet, was classified as a deep-water operation, many of the wells in the six projects are classified as "ultra" deep water, including **four new wells** at over 9,100 feet.

In explaining why they were still granting new permits for certain types of drilling on existing wells, Department of the Interior officials said some of the procedures being allowed are necessary for the safety of the existing wellbore. Pending the recommendations of the 30-day safety review, the officials said, drilling under permits approved before April 20 "may go forward, along with applications to modify existing wells and permits, if those actions are determined to be appropriate."

But Interior Department officials have also explained that one of the main justifications of the moratorium on new drilling was safety. The moratorium was meant to ensure that no new accidents occurred while the administration had time to review the regulatory system.

And yet, the federal **Occupational Safety and Health Administration** has **classified** some of the drilling types that have been allowed to continue as being as hazardous as new well drilling. Federal records also indicate that there have been at least three major accidents involving spills, leaks or explosions on rigs in the gulf since 2002 caused by the drilling procedures still being permitted.

"The moratorium does not even cover the dangerous drilling that caused the problem in the first place," said Daniel J. Rohlf, a law professor at Lewis & Clark Law School, adding he was not certain that the Interior Department was capable of carrying out the needed reforms.

The moratorium has created inconsistencies and confusion.

While Interior Department officials have said certain new drilling procedures on existing wells can proceed, Mr. Salazar, when pressed to explain why new drilling was being allowed, testified on May 18 that "there is no deep-water well in the O.C.S. that has been spudded — that means started — after April 20," referring to the gulf's outer continental shelf.

However, Newfield Exploration Company has confirmed that it began drilling a deep-water well in 2,095 feet of water after April 20. Records indicate that Newfield was issued a **permit** on May 11 to initiate a sidetrack drill, with a required spud date of May 10. A sidetrack is a secondary wellbore drilled away from the original hole.

Among the types of drilling permits that the minerals agency is still granting are called bypass permits. These allow an operator to drill around a mechanical problem in the original hole to the original target from the existing wellbore. Five days before the explosion, the Deepwater Horizon requested and received a revised bypass permit, which was the last drilling permit the rig received from the minerals agency before the explosion. The bore was created and it was the faulty cementing or plugging of that hole that has been cited as one of the causes of the explosion.

In reviewing the minerals agency, federal investigators are likely to pay close attention to how permits and waivers have been granted to drilling projects.

Even before the Deepwater Horizon disaster, the use of environmental waivers was a source of concern. In September 2009, the **Government Accountability Office** released a **report** concluding that the waivers were being illegally granted to onshore drilling projects.

This month, the Interior Department **announced plans** to restrict the use of the waivers onshore, though not offshore. It also began a **joint investigation** of the offshore waiver process with the **Council on Environmental Quality**, an environmental arm of the White House.

The investigation, however, is likely to take months, and in the meantime the waivers are continuing to be issued. There is also a **60-day statute of limitations** on contesting the waivers, which reduces the chances that they will be reversed if problems are found with the projects or the Obama administration's review finds fault in the exemption process.

At least three lawsuits to strike down the waivers have been filed by environmental groups this month. The lawsuits argue that the waivers are overly broad and that they undermine the spirit of laws like the National Environmental Policy Act and the Endangered Species Act, which forbid drilling projects from moving forward unless they produce detailed environmental studies about minimizing potential risks.

01268-EPA-6260

Aaron  
Dickerson/DC/USEPA/US  
06/08/2010 06:14 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Another email from Michael Martin.

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 06/08/2010 06:13 PM -----

From: Michael Martin <mm@effectpartners.com>  
To: Aaron Dickerson/DC/USEPA/US@EPA  
Date: 06/08/2010 02:53 PM  
Subject: Re: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Hi Aaron,

I just found out the principals from Sellars will be in the Gulf area trying to connect with some decision maker tomorrow and Thu.....

Still no luck on BP listening.

Any luck with your conversation with Administrator Jackson?

Thank you so much.

Michael Martin  
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •  
[www.effectpartners.com](http://www.effectpartners.com) • w. 952.426.7800  
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---

**From:** michael martin <[mm@musicmatters.net](mailto:mm@musicmatters.net)>  
**Date:** Fri, 04 Jun 2010 14:21:20 -0500  
**To:** <[dickerson.aaron@epamail.epa.gov](mailto:dickerson.aaron@epamail.epa.gov)>  
**Conversation:** High Performance Cotton Based Absorbents for Oil Spill Clean-Up

**Subject:** FW: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Hi Aaron,

Here is the email I left you a message about today.

Thanks so much for your help in getting this to the correct decision makers on this Gulf Oil Spill.

Please let me know if you received this.

THANKS!

M

Michael Martin  
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •

[www.effectpartners.com](http://www.effectpartners.com) • w. 952.426.7800

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----- Forwarded Message

**From:** michael martin <[mm@musicmatters.net](mailto:mm@musicmatters.net)>

**Date:** Thu, 27 May 2010 18:43:30 -0500

**To:** <[Dickerson.Aaron@epamail.epa.gov](mailto:Dickerson.Aaron@epamail.epa.gov)>

**Cc:** '(b) (6) Personal Privacy' <(b) (6) Personal Privacy'

**Conversation:** High Performance Cotton Based Absorbents for Oil Spill Clean-Up

**Subject:** FW: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Aaron,

How are you doing? Surviving the spill?

Administrator Jackson and I had txt'd this am about a potentially important connect for the Gulf Oil Spill clean-up efforts. The country's leading cotton absorbent company (greener, more cost effective, not made out of fossil fuels, us produced, green job creator, small family company) is owned by a good friend. I believe I had introduced Lisa to him at the Climate Rally.

Anyway, they have a great solution to the clean-up problem and they cannot get through to any decision makers.

Lisa asked me to send info about this.

See below.

If someone from the EPA clean up effort can take a moment to look at this, I think it would be highly beneficial to your efforts.

Thanks so much for your help. Call with questions!

All the best,

PS: I am hoping this email made it to Lisa..when I was sending emails in Feb and March, my emails to her would bounce back. We changed providers on our end and so I hope this one works!

Michael Martin  
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •  
[www.effectpartners.com](http://www.effectpartners.com) • w. 952.426.7800  
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----- Forwarded Message

**From:** "Tom Sellars (I)" <[tsellars@sellarswipers.com](mailto:tsellars@sellarswipers.com)>  
**Date:** Thu, 27 May 2010 17:33:49 -0500  
**To:** michael martin <[mm@musicmatters.net](mailto:mm@musicmatters.net)>  
**Cc:** John Sellars <[JSellars@sellarswipers.com](mailto:JSellars@sellarswipers.com)>  
**Subject:** High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Mike,

Thanks for making the introduction of our company and our high absorbency natural cotton absorbents. Our booms and pads can really help clean up the spill, and do it in a more environmentally sensitive manner than the oil based absorbents currently being used.

My brother John Sellars (<sup>(b) (6) Personal Privacy</sup>) our President, just got back this afternoon from his second trip to the gulf and he has been unable to connect with the appropriate people at BP. Attached is an independent article from a professor on why cotton is superior, a product sheet on our cotton booms and a brief company presentation. The highlights of our spill clean up products (absorbents, wipes, towels) are:

- **Environmentally Superior:** Absorbent booms and pads made from cotton, a natural and renewable resource. All other manufacturers currently use booms with meltblown polypropylene, a synthetic oil-based absorbent which consumes more oil to fight the spill. Our wipes and towels are made with post-consumer waste. We also make the only EPA compliant shop towels.
- **Superior Performance:** Cotton is over 100% more absorbent than synthetic oil based absorbents. Our booms utilize 40% less material and absorb 30% more than competing synthetic filled booms.
- **Competitively Priced:** Our booms and pads are priced competitively against synthetic booms even though they offer superior performance. Our wipes and towels also offer high performance at competitive prices.

We certainly want to do what we can to help clean up this environmental tragedy. Please facilitate an introduction to the decision maker at BP. We are committed to help. We are in the process of making capital investments and hiring people in order to respond with more manufacturing capacity than all of the other synthetic suppliers.

John Sellars can be reached on cell at [REDACTED] (b) (6) Personal Privacy or by email at [jsellars@sellarswipers.com](mailto:jsellars@sellarswipers.com).  
I can be reached on cell at [REDACTED] (b) (6) Personal Privacy

Tom Sellars  
Chairman & CEO  
Sellars

----- End of Forwarded Message

----- End of Forwarded Message

01268-EPA-6261

Gina McCarthy/DC/USEPA/US

To Richard Windsor, "Bob Perciasepe", "Lisa Heinzerling", "Bob Sussman"

06/21/2010 11:45 PM

cc

bcc

Subject Fyi re: ghg mobile source lawsuits

(b) (5) Deliberative



01268-EPA-6262

Richard  
Windsor/DC/USEPA/US  
06/21/2010 11:55 PM

To Gina McCarthy  
cc "Lisa Heinzerling", "Bob Perciasepe", "Bob Sussman", Scott Fulton, David McIntosh  
bcc  
Subject Re: Fyi re: ghg mobile source lawsuits

Tx. Looping in Scott Fulton and David McIntosh.

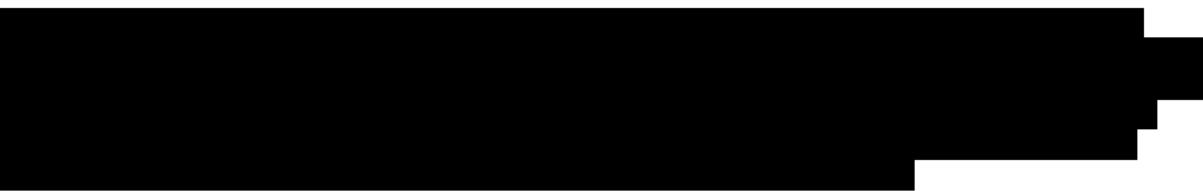
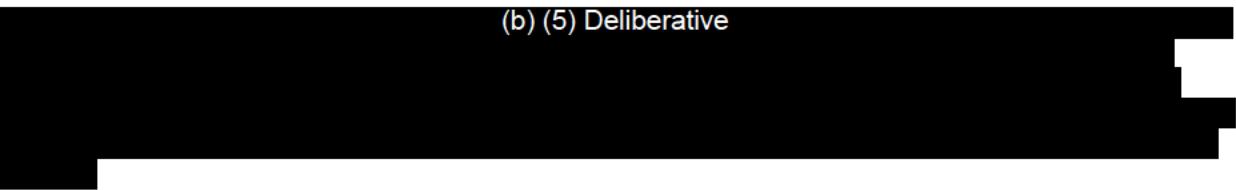
Gina McCarthy

(b) (5) Deliberative

06/21/2010 11:45:20 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Lisa Heinzerling" <Heinzerling.Lisa@EPA.GOV>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Date: 06/21/2010 11:45 PM  
Subject: Fyi re: ghg mobile source lawsuits

(b) (5) Deliberative



01268-EPA-6266

David  
McIntosh/DC/USEPA/US  
07/16/2010 02:10 PM

To Richard Windsor, Gina McCarthy  
cc  
bcc

Subject Fw: From Greenwire -- CLIMATE: Economywide carbon cap  
reduces GDP by 0.2% -- EIA

Hi Administrator and Gina. Today, DOE's Energy Information Administration released the results of its economic computer modeling of the draft Kerry-Lieberman climate bill (the economy-wide version). (b) (5) Delb



01268-EPA-6267

Richard  
Windsor/DC/USEPA/US  
07/23/2010 11:56 AM

To (b) (6) Personal Privacy  
cc  
bcc  
Subject Fw: HEADS UP: PA Fracking Stories

----- Forwarded by Richard Windsor/DC/USEPA/US on 07/23/2010 11:59 AM -----

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA  
Date: 07/23/2010 11:44 AM  
Subject: HEADS UP: PA Fracking Stories

## HEADLINES:

- ASSOCIATED PRESS: Residents tell EPA Pa. gas drilling poisons water
- NEW YORK TIMES: Passions on Display at E.P.A. Meeting
- WEST VIRGINIA PUBLIC RADIO: EPA conducts public meeting on hydraulic fracturing study
- WHEELING INTELLIGENCER: Opinions Differ On Safety of Fracking
- PITTSBURG POST GAZETTE: 1,200 hear Marcellus Shale debate: EPA hearing in Southpointe one of four nationwide

## FULL ARTICLES:

### ASSOCIATED PRESS

#### Residents tell EPA Pa. gas drilling poisons water

By MARC LEVY (AP) – 8 hours ago

CANONSBURG, Pa. — People who make a living from a natural gas drilling technique that involves pumping chemical-laced water into the earth and others who believe it has poisoned them or their well water packed into a hotel ballroom in southwestern Pennsylvania on Thursday night to make an impression on federal researchers.

Residents of Hickory, about 15 miles southwest of Pittsburgh, called for intensive study of hydraulic fracturing, or fracking, and told a U.S. Environmental Protection Agency panel that their well water turned foul after drilling began nearby in the last few years.

Darrell Smitsky said five of his goats died mysteriously and, even though state regulators told him the water was safe, his own test showed sky-high levels of manganese and iron. When he blamed the drilling company, he said, it responded, "Can you prove it?"

Stephanie Hallowitch said her family's well water is no longer safe to even allow her children to run through the sprinklers.

"I urge the EPA to help my family and other families living near drilling to get answers to their questions,"

she said. The research, she continued, must be done "to protect other families before it is too late and they are in our situation."

In fracking, drilling crews pump millions of gallons of sand- and chemical-laced water deep into the earth to break up dense rock to free the natural gas. Some of that water returns as a briny, chemical- and metal-laden brew and is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

The oil and gas industry steadfastly defends the fracking process as having been proven safe over many years and says it is a crucial tool if the country is going to be able to harvest its gas reserves. With many speakers calling for a moratorium on fracking or tough federal regulation, industry representatives contended that states are already doing that job.

The EPA has begun a new look at fracking as gas drillers swarm to the lucrative Marcellus Shale region and blast into other shale reserves around the country. The process is currently exempt from federal regulation, and instead states apply their own rules to it.

Shale drilling is being viewed as so lucrative that international exploration companies are investing billions of dollars in the pursuit.

James Erb, of the American Petroleum Institute, which represents major oil and gas producers, told the EPA that the group is aware of substantial public concern over fracking and that it supports the EPA's review.

API, he said, is confident that the sound application of fracking causes no significant risk to human health, drinking water sources or the environment.

Lou D'Amico, president of the Pennsylvania Independent Oil & Gas Association, made up of hundreds of businesses, said that no example exists of fracking having polluted ground water and that the EPA study should include a review of complaints lodged to state-level agencies and how they were investigated.

"The controversy is one based on media-generated public hysteria and perception, not science, fact or evidence," he said.

Thursday's hearing lasted five hours, with scores of speakers each getting two minutes at a microphone.

Canonsburg is at the heart of hundreds of Marcellus Shale wells that began to be drilled in earnest in 2008. Some geologists say the vast Marcellus Shale region primarily beneath Pennsylvania, New York, West Virginia and Ohio could become the nation's largest natural gas field.

Already, about 1,500 Marcellus Shale wells have been drilled in Pennsylvania in barely two years, and thousands more are expected, transforming areas of the state. Numerous landowners are getting paid to lease their land for drilling or are receiving royalty checks from producing wells. Meanwhile, many industries such as steel pipe makers and haulers are seeing huge new demand from drilling companies.

But many landowners are coming forward to tell stories about spoiled well water.

The EPA's \$1.9 million study is expected to yield preliminary results by the end of 2012, Fred Hauchman, director of the EPA's Office of Science Policy, told attendees at the outset.

Hauchman promised to reach out to experts and study a wide variety of water sources, and he said an advisory board of scientists has told the agency to focus on the impact on water quality and quantity.

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## THE NEW YORK TIMES

### Passions on Display at E.P.A. Meeting

If the Environmental Protection Agency had hoped that the hundreds of landowners, students, community activists, environmentalists and oil and gas representatives invited to a hotel ballroom in southwestern Pennsylvania Thursday night would really stay on point, they were surely disappointed.

The aim of the meeting, which drew well over 1,000 attendees, was to solicit advice from stakeholders on how E.P.A. should focus and design a study of the impact of hydraulic fracturing on groundwater.

The agency's regional administrator instructed the crowd at the outset that the meeting was not to become a debate on the merits of the practice, which involves injecting a high-pressure cocktail of water, sand and chemicals deep underground to crack the rock and release natural gas deposits.

Much advice was offered, and E.P.A. scientists and regulators took copious notes. Industry supporters, too, were on hand to urge that science trump emotion in any analysis, and to point out that hydraulic fracturing has never been definitively linked to groundwater contamination.

But the vast majority of the more than 100 speakers used their two-minute turns at the microphone to unleash furious recriminations at the gas industry, hydraulic fracturing and state and federal regulators for negligence in allowing it to continue. One resident called the E.P.A.'s pending analysis the equivalent of studying the flammability of Rome while the city was burning, while others offered a litany of personal experiences with ponds, streams and wells — all contaminated, they believe, by nearby natural gas fracking fluids.

"Corporations have no conscience," said Dencil Backus, a resident of Mount Pleasant Township in Pennsylvania. "E.P.A. must give them that conscience."

Hydraulic fracturing has been practiced in Pennsylvania and around the country for decades. The gas industry insists that no clear evidence has ever surfaced linking the fluids they use to crack open gas deposits to contamination of drinking water or any other systemic environmental problems.

The E.P.A.'s study — which is just getting started and is expected to be completed in early 2012 — aims to explore the connection further.

Pennsylvania is among several northeastern states where the natural gas industry is priming for a boom. An industry-sponsored and financed study released this week suggested that the gas play, known as the Marcellus Shale, could generate some \$6 billion in government revenues and create up to 280,000 jobs.

But with oil still washing up on the shores of the Gulf of Mexico, many residents were witheringly skeptical of drillers in general. "If you believe the industry line, it's all coincidental and it's not their fault," Mel Packer, a member of Pennsylvania's Green Party and a congressional hopeful, said of the dozens of personal stories from landowners complaining of water contamination from nearby gas wells. "I recognize a scam when I hear one."

Whether the opprobrium is justified or misplaced remains a matter of debate, particularly among those seeking to nudge the nation toward cleaner sources of energy. Many experts consider natural gas, which burns more cleanly than coal or oil, to be a crucial bridging fuel in that process.

"Natural gas has played and will continue to play an important role in our energy portfolio as we transition to a new energy future, and we are fortunate to have domestic resources to help meet our growing needs," Senator Bob Casey, a Pennsylvania Democrat, said in a prepared statement delivered to the assembly. "But I believe it is important to protect the health and safety of Pennsylvanians as we further develop the Marcellus Shale."

**WEST VIRGINIA PUBLIC RADIO**  
**EPA conducts public meeting on hydraulic fracturing study**

By Ben Adducchio

Audio Link: <http://www.wvpubcast.org/newsarticle.aspx?id=15777>

July 23, 2010 – The federal Environmental Protection Agency held a public meeting Thursday in western Pennsylvania to discuss its research on a popular gas and oil extracting process. Under the earth in West Virginia and several other eastern states lies a vast amount of natural gas, trapped in rock.

Freeing that gas is done through a process called hydraulic fracturing.

Fracking, as it is nicknamed, uses millions of gallons of water, mixed with chemicals.

The water is pumped into rock creating fractures that allow the gas to be released and captured. The Environmental Protection Agency is interested in learning more about how this process affects drinking water in communities.

Pennsylvania's State Director for Clean Water Action, Myron Arnowitt, thinks that's good news. "There are things that need to be done to protect people from what's happening, that is very clear," Arnowitt said.

During the meeting in Canonsburg, Pa., EPA officials spoke with residents about the agency's study of fracking and its impact on drinking water.

Arnowitt and more than 1,000 others turned out to listen and to speak.

Bob Deisereth lives in Washington County, Pa., near some gas wells.

"It's been a great experience; I haven't had any problems with any environmental concerns or anything," he said.

According to a recent report for the American Petroleum Institute, drilling into what is known as the Marcellus shale gas reserves is profitable in West Virginia and Pennsylvania.

The report says the Marcellus reserves are worth at least \$2 trillion to industry and billions in potential tax revenues to states.

Scott Courtney is vice president of Oil and Gas Exploration and Production Services with the SCE Environmental Group.

His job is to work with the oil and gas industry to provide support services like finding water for the fracking process.

He's also involved in soil and groundwater testing.

"I firmly believe that the rules and regulations that are in place are protective of human health and the environment," Courtney said.

"I like to fish in these rivers, I like to take my kids in the river, I like to drink clean water," he said, "I like to think that we're contributing to developing the energy resources this country deserves, while maintaining environmental integrity."

But Peter Wray doesn't think there are enough regulations.

He lives in Pittsburgh and is co-chair of the conservation committee of the Allegheny Group, Sierra Club.

"The possible contamination of drinking water is a major question. We cannot simply rely upon the assurances from the industry and state agencies that there is no possibility of contamination," he said.

"What the public needs is a comprehensive, scientific study."

The EPA's research will use collected data from previous work and information from new case studies. The preliminary results are expected by late 2012.

In West Virginia, interest in gas well drilling has increased in recent years. Last month, an explosion at a gas well operation in Marshall County left seven workers injured.

The West Virginia Department of Environmental Protection ordered the company with the permit to operate there to stop all of its state operations.

The DEP reviewed the company's work and yesterday allowed AB Resources PA LLC of Ohio, to re-start its operations.

According to the West Virginia DEP, there are more than 500 wells in the state targeting the Marcellus shale formation.

Due to widespread interest in gas drilling, the DEP's Office of Oil and Gas is conducting a comprehensive review of its program.

That review is looking at staffing levels, funding, and agency policies.

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**WHEELING INTELLIGENCER**  
**Opinions Differ On Safety of Fracking,**

EPA panel hears both sides on drilling process

By CASEY JUNKINS

POSTED: July 23, 2010

CANONSBURG, Pa. - If you ask James Erb, Kathryn Klaber or Dave Spigelmeyer, they will tell you that hydraulic fracturing into Marcellus Shale is relatively safe - and should remain exempt from federal oversight.

However, many of the roughly 1,200 people assembled at Canonsburg, Pa.'s Hilton Garden Inn on Thursday seemed to disagree. They expressed their views to representatives of the U.S. Environmental Protection Agency during a public meeting to collect comments about hydraulic fracturing. Many of the 120-plus speakers cited examples of water contamination, while urging EPA officials to find a way to regulate drilling.

Hydraulic fracturing, or fracking, - the action used to break the Marcellus Shale - calls for drills to blast millions of gallons of water, sand and chemicals into the ground. The process is currently exempt from the federal Safe Drinking Water Act, enforced by the EPA.

Erb, speaking on behalf of the American Petroleum Institute a day after that organization released a study showing that Marcellus activity boosted West Virginia's economy by \$1.3 billion last year, said, "Our

members have extensive experience in performing this activity."

Kluber, president and executive director of the Marcellus Shale Coalition in Washington, D.C., said her industry is "working tirelessly to ensure that fracking is done effectively, prudently and in a way that continues to create thousands of good-paying jobs."

Speaking outside the actual meeting, Dave Spigelmeyer, vice president of government relations for Chesapeake Energy, said state regulators - the West Virginia and Pennsylvania Departments of Environmental Protection - should manage fracking because they know the specific topography and hydrology of their states.

Stephanie Hallowich of Hickory, Pa., however, said her well water was contaminated in June 2009 because of nearby Marcellus drilling. She urged EPA officials to look deeper into the problems.

Pennsylvania resident Darrell Smitsky said his well water turned brown in 2008 after nearby drilling, adding that five of his goats soon died after drinking some of his water.

Paul Heckbert of the Steel Valley Trail Council, urged those just looking at the pots of money offered by drilling companies to consider the larger picture.

"It is hard to feel wealthy if your land gets fouled," he said.

Pennsylvania residents Robert Schmetzer and Ron Gulla said their state's environmental protection department has failed them.

"The (Pennsylvania) DEP has not done their job," Gulla stressed.

"I believe the DEP has been a failure in Pennsylvania," Schmetzer added.

Sporting an anti-drilling T-shirt outside the meeting area, Pittsburgh resident Ken Weir added of the gas companies, "They don't want regulations. ... If you want to drill, do it right."

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## PITTSBURG POST GAZETTE

### 1,200 hear Marcellus Shale debate: EPA hearing in Southpointe one of four nationwide

Friday, July 23, 2010

By Don Hopey, Pittsburgh Post-Gazette

Concerns about the risk of water contamination and public health problems from Marcellus Shale drilling dominated a sometimes loud U.S. Environmental Protection Agency hearing in Southpointe attended by 1,200 people Thursday night.

Although EPA officials told those in attendance the meeting was not about drilling policy, most of the more than 100 speakers let it be known that they oppose Marcellus Shale drilling in the state, and many shared personal stories of contaminated wells, dead farm animals and damaged health. They attributed the problems to water contamination caused by the deep gas drilling operations that are increasing quickly through much of the state.

Several urged that a moratorium on Marcellus Shale drilling be enacted until the EPA finishes its study scheduled for the end of 2012.

Erica Staff, of PennEnvironment, a statewide environmental group, was joined by many speakers in requesting that the EPA broaden its study of the hydraulic fracturing process, known in the industry as

"fracking."

"I urge EPA to expand the scope of the study to include the entire life cycle of gas extraction," Ms. Staff said.

Myron Arnowitt, state director for Clean Water Action, said the EPA needs to look at industry practices that have caused the state Department of Environmental Protection to issue 565 violations at 207 of the 1,458 wells drilled into the Marcellus Shale in Pennsylvania since 2005.

"Eighty of the violations are for illegal disposal of wastewater, and 115 of them were for frack pit violations, and those are serious and need to be investigated by the EPA," Mr. Arnowitt said.

The hearing was the third of four meetings scheduled around the country by the EPA to provide information and gather comments about its proposed \$1.9 million study of the risks to surface and ground water from fracking, a high-pressure, water intensive, procedure used in deep natural gas well drilling to free the gas from dense rock layers a mile or more underground. The EPA held hearings in Fort Worth, Texas, and Denver earlier this month, and next month will hold the last hearing in Binghamton, N.Y.

The drilling technique, used in deep shale and coal beds from Texas to Colorado to Pennsylvania, pumps up to 8 million gallons water and chemical additives -- some of them toxic -- mixed with sand or similar materials down a well under high pressure. The "fracking fluid" causes the shale or coal to crack and the sand props the rock layers apart, allowing the gas trapped there to escape up the well. Some of the contaminated water also returns to the surface and must be collected and disposed of or reused in other wells.

The drilling industry, which emphasizes the economic benefits of tapping into one of the largest unconventional gas fields in the world, says fracking has been used successfully and safely for more than 50 years in many shallow gas wells in Pennsylvania.

"Fracking is neither a new nor controversial process," said Lou D'Amico, president and executive director of the Pennsylvania Independent Oil and Gas Association. "Any controversy is based on hysteria, not facts. It's had no negative impact on groundwater anywhere it's been used."

James Erb, who spoke as a representative of the American Petroleum Institute, said his members know that fracking is a public concern and support the EPA's review of the technology.

"We intend to be active in the study plan developments and its implementation," Mr. Erb said. "We are confident it will show no risk to human health, water resources or the environment."

But environmentalists say the use of fracking in the Marcellus Shale bed that underlies three-fourths of Pennsylvania expands its impact on water supplies and quality.

Terry Greenwood, a Washington County farmer, said he lost 10 calves, eight of them stillborn and another born with a cleft palate, after Marcellus gas wells were drilled near his property.

"My water went bad, but the DEP said it was just farmers' bad luck," he said. "But since I fenced off my pond in 2009, I haven't had any problems. I think clean water is more important than gas."

In its announcement of public hearings for its study in June, the EPA noted that "serious concerns have been raised about hydraulic fracturing's potential impact on drinking water, human health and the environment."

In a statement released Wednesday, the EPA said that while natural gas "plays a key role in our nation's clean energy future and the process known as hydraulic fracturing is one way of accessing that vital resource ... there are serious questions about whether the process of hydraulic fracturing impacts drinking water, human health and the environment and further study is warranted."

The agency said the public hearings are part of the process of launching that study and promised to utilize the best available science and consider public input.

"We see an opportunity, too, for more case studies," said Robert Puls, of the EPA's National Risk Management Laboratory. "We'll also look at vulnerable water resources, both in terms of their distance from a drill site and the intensity of well development. Because of that, the risk could be greater both in terms of water quality and quantity."

As if to emphasize the high stakes of the gas drilling in the Marcellus Shale, industry and environmental groups staged competing news conferences immediately prior to Thursday evening's hearing.

A 2004 EPA review of earlier hydraulic fracturing studies identified health risks associated with some of the lubricating chemicals in the fracking fluid, and noted that the fracturing process could create pathways through which methane can contaminate drinking water wells, but concluded that it found no link between "fracking" and contamination of drinking water supplies. That review, which was used to exempt hydrologic fracturing from regulation by the EPA under the federal Safe Drinking Water Act, has been widely criticized by scientists and environmental organizations for failing to take into account case studies of existing contamination.

The new EPA fracking study proposal was prompted by last year's introduction of legislation -- H.B. 2766, also known as the "FRAC Act" -- that would remove the hydraulic fracturing exemptions that were granted in 2005. The industry is opposed to EPA regulation of the fracking process and has lobbied against passage of the bill.

Thursday night's hearing capped an active week on the Marcellus Shale issue. On Tuesday, Pittsburgh passed a resolution demanding that the state impose a one-year moratorium -- similar to that already in place in New York -- on drilling into the 450-million-year-old Devonian formation, the hottest natural gas "play," or deposit, in the nation. Wednesday evening a standing-room-only crowd of more than 200 attended an Allegheny County Council hearing that focused on Marcellus well drilling in Allegheny County an its potential impacts on the environment and the health of residents and also its economic benefits.

The Marcellus Shale Coalition issued a statement calling the city's moratorium resolution "unfortunate, unnecessary and, frankly, ill-advised" while citing industry job growth and downplaying environmental risks. PennEnvironment commended the city for recognizing that "the gas drilling industry's track record of spills and violations demonstrates a need for additional rules and laws that protect our rivers, drinking water, open spaces, clean air, and public health."

Also this week, the state Department of Environmental Protection ordered Cabot Oil & Gas Corp. within 60 days to fix permanently the water supplies in 14 homes in Dimock, Susquehanna County, that were contaminated by the company's gas well drilling operations. The DEP said it would lift a ban on reviewing new gas well applications by Cabot after the company permanently plugged three of the wells.

An industry study, released Wednesday and paid for by the American Petroleum Institute, said Marcellus Shale gas production could create 280,000 new jobs region-wide, and add \$6 billion in new tax revenue to local state and federal governments over the next decade. The study, authored by Timothy Considine of Natural Resource Economics, a Wyoming consulting firm that does work for the industry, said about 100,000 of those jobs could be created in Pennsylvania and West Virginia. When he worked for Penn State University, Mr. Considine was also the author of a 2009 report that predicted Marcellus Shale drilling would have a multi-billion dollar impact and create 175,000 jobs in Pennsylvania by 2020. The report was criticized because it did not disclose that it was funded by the Marcellus Shale Coalition, a pro-industry advocacy organization.

The state Environmental Quality Board also held a hearing Thursday night in Pittsburgh on proposed state regulatory changes to improve the safety of oil and gas wells and protect the Pennsylvania's water supplies from contamination. The tighter well construction standards are intended to prevent natural gas

from migrating from a well to adjacent, shallow ground water where it contaminate the water supply and cause dangerous concentrations to accumulate in homes and structures.

Because of the conflict with the EPA hearing, the EQB will hold a repeat hearing at 7 p.m. Monday in the state Department of Environmental Protection's Waterfront Conference room A and B, 400 Waterfront Drive, Washington's Landing.

01268-EPA-6269

Michelle  
DePass/DC/USEPA/US  
09/02/2010 06:53 PM

To "EPA", "Heidi Ellis"  
cc  
bcc  
Subject Fw: Proposed China Briefings

LPJ,

Enclosed is a list of briefings that we are going to try and fit in for you before China.

(b) (5) Deliberative



Michelle  
Elle Beard

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

**From:** Elle Beard  
**Sent:** 09/02/2010 05:25 PM EDT  
**To:** Michelle DePass  
**Subject:** Proposed China Briefings

**Proposed China Briefings for the Administrator**

(b) (5) Deliberative



. (b) (5) Deliberative

[REDACTED]

[REDACTED]

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Elle E. Beard  
EPA | Office of International & Tribal Affairs  
Special Assistant to the Assistant Administrator  
(202) 564-7723 (w)  
(202) 412-5517 (c)

01268-EPA-6270

Diane  
Thompson/DC/USEPA/US  
10/04/2010 09:14 AM

To jackson.malcolm  
cc "Margaret Schneider", "Ray Spears", "Richard Windsor",  
(b) (6) Personal Privacy  
bcc  
Subject Fw: PSD Update

(b) (6) Personal Privacy

Thank you,  
Diane

(b) (6) Personal Privacy

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

**From:** (b) (6) Personal Privacy  
**Sent:** 10/01/2010 07:20 PM EDT  
**To:** (b) (6) Personal Privacy (b) (6) Personal Privacy Chris-L Smith; (b) (6) Personal Privacy Diane.Thompson/DC/USEPA/US@EPA; Ted.Stanich/DC/USEPA/US@EPA  
**Cc:** Marcus.McClendon/DC/USEPA/US@EPA  
**Subject:** PSD Update

Dear All,

(b) (5) Deliberative, (b) (6) Personal Privacy

(b) (8) Personal Privacy has prepared Monday's schedule and will send it out to all.

1. "Acting" Assistant Detail Leader - (b) (6) Personal Privacy
2. Mission Support/Logistic - (b) (6) Personal Privacy
3. China Advance Team (b) (6) Personal Privacy are here to support your advance needs.
4. (b) (6) Personal Privacy has been provided to support PSD this coming week and we are appreciative of this resource.

This is all for now.

Respectfully,

(b) (6) Pers  
to -----\Sent by EPA Wireless E-Mail Services.  
Daniel Gerasimowicz

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

**From:** Daniel Gerasimowicz  
**Sent:** 10/01/2010 05:43 PM EDT  
**To:** (b) (6) Personal Privacy (b) (6) Personal Privacy (b) (6) Personal Privacy Chris-L Smith; (b) (6) Personal Privacy  
**Subject:** Monday, October 4, 2010 Schedule for Lisa P. Jackson  
\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Monday, October 4, 2010**

## Notes:

## Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

## Shift Leaders

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

## Staff Contact

Heidi Ellis 202-355-5212

|                     |                            |                                                                                                                                                                                                                                                                                             |
|---------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office     | Daily Meeting                                                                                                                                                                                                                                                                               |
| 09:30 AM - 10:00 AM | Administrator's Office     | Briefing to discuss Alaska Shell PSD Permit<br>Ct: Carla Veney (OGC) 564-1619<br><br>Staff:<br>Scott Fulton (OGC)<br>Shalini Vajjhala (OITA)<br>Cynthia Giles, Lisa Garcia (OECA)<br>Gina McCarthy, Janet McCabe, Anna Wood (OAR)<br>Dennis McLerran (R10)<br>Optional: Diane Thompson (OA) |
|                     |                            | Hookup to Administrator's conference line needed                                                                                                                                                                                                                                            |
| 10:15 AM - 10:30 AM | Ariel Rios                 | Depart for WH<br>Gina McCarthy will ride with the Administrator.                                                                                                                                                                                                                            |
| 10:30 AM - 11:30 AM | The White House, Ward Room | Meeting with White House Officials<br>Ct: Steve Moilenin (OECC) (b) (6) Personal Privacy<br><br>Attendees:<br>Jim Messina, Mona Sutphen, Pete Rouse, Carol Browner<br><br>Staff:<br>Gina McCarthy (OAR)                                                                                     |
| 12:00 PM - 01:00 PM | WH Mess                    | Lunch with Cass Sunstein<br>Ct: Lisa Jones (b) (6) Personal Privacy                                                                                                                                                                                                                         |
| 01:00 PM - 02:00 PM | Bullet Room                | FYI - Senior Staff Meeting<br>Scott Fulton will lead this meeting                                                                                                                                                                                                                           |
| 01:00 PM - 01:15 PM | WH                         | Depart for Ariel Rios                                                                                                                                                                                                                                                                       |
| 01:15 PM - 01:45 PM | Administrator's Office     | Youth Call with White House Office of Public Engagement<br>Ct: Shira Sternberg (OEAE)                                                                                                                                                                                                       |
|                     |                            | Subj: Briefing youth leaders across the country on EPA's accomplishments this year                                                                                                                                                                                                          |
| 02:00 PM - 02:45 PM | Bullet Room                | China Trip Briefing<br>Ct: Gary Waxmonsky (OITA)<br><br>Staff:<br>Michelle DePass, Shalini Vajjhala, Mark Kasman, Luis Troche, Gary Waxmonsky (OITA)<br>Gina McCarthy, Joe Goffman, Steve Page, Dale Evarts                                                                                 |

(OAR)

Scott Fulton, Tseming Yang, Steve Wolfson (OGC)

Seth Oster (OEAE)

Diane Thompson, Heidi Ellis, Marcus McClendon, Clay  
Diette, Adrian Collins (OA)

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|                     |                        |                                                                                                                                                              |
|---------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03:00 PM - 03:15 PM | Administrator's Office | Interview with Politico (In person)<br>Ct: Brendan Gilfillan (OEAE) 564-2081<br><br>Topic: Discuss Climate/GHGs                                              |
| 03:15 PM - 03:30 PM | Administrator's Office | HOLD Call with Navajo Nation President Joe Shirley<br>Ct: Abi Gaudario (R9)                                                                                  |
| 03:40 PM - 03:50 PM | Studio 1, 6330 ARN     | Video Message Taping: Environmental Grantmakers Association<br>Ct: Michael Moats 564-1687 (OEAE)<br><br>Staff:<br>Mike Moats, Ron Slotkin, Deb Berlin (OEAE) |
| 04:00 PM - 05:00 PM | Green Room             | Discussion with Chris Lu<br>Ct: Dan Kanninen (OA)<br><br>Staff:<br>EPA Political Appointees                                                                  |
| 05:00 PM - 06:00 PM |                        | HOLD                                                                                                                                                         |

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\*\*\* 10/01/2010 05:40:17 PM \*\*\*

01268-EPA-6274

**Peter Silva/DC/USEPA/US**

11/16/2010 06:45 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane

Thompson, Arvin Ganesan

cc Nancy Stoner

bcc

Subject Spruce Mine

(b) (5) Deliberative



Peter S. Silva  
Assistant Administrator  
Environmental Protection Agency  
Office of Water  
Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

01268-EPA-6275

Richard  
Windsor/DC/USEPA/US  
11/17/2010 08:12 AM

To Peter Silva  
cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Diane  
Thompson, Nancy Stoner  
bcc  
Subject Re: Spruce Mine

appreciate the update. tx.

Peter Silva

(b) (5) Deliberative

11/16/2010 06:45:16 PM

From: Peter Silva/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob  
Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin  
Ganesan/DC/USEPA/US@EPA  
Cc: Nancy Stoner/DC/USEPA/US@EPA  
Date: 11/16/2010 06:45 PM  
Subject: Spruce Mine

(b) (5) Deliberative



Peter S. Silva  
Assistant Administrator  
Environmental Protection Agency  
Office of Water  
Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington,

DC 20004-3302

01268-EPA-6276

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
11/17/2010 08:33 AM cc Arvin Ganesan, Bob Perciasepe, Diane Thompson, Nancy Stoner, Peter Silva  
bcc  
Subject Re: Spruce Mine

(b) (5) Deliberative

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

Richard Windsor appreciate the update. tx. 11/17/2010 08:13:02 AM

From: Richard Windsor/DC/USEPA/US  
To: Peter Silva/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA  
Date: 11/17/2010 08:13 AM  
Subject: Re: Spruce Mine

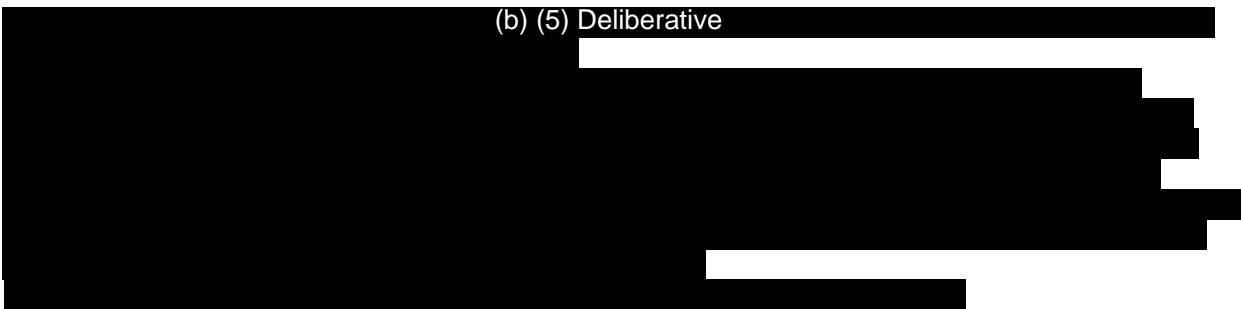
appreciate the update. tx.

Peter Silva (b) (5) Deliberative 11/16/2010 06:45:16 PM

From: Peter Silva/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Nancy Stoner/DC/USEPA/US@EPA  
Date: 11/16/2010 06:45 PM  
Subject: Spruce Mine

(b) (5) Deliberative

(b) (5) Deliberative



Peter S. Silva  
Assistant Administrator  
Environmental Protection Agency  
Office of Water  
Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

01268-EPA-6279

**Bob Sussman/DC/USEPA/US**

11/18/2010 08:02 PM

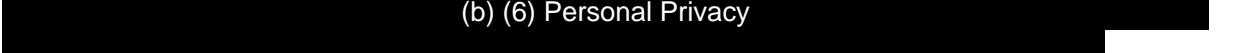
To Richard Windsor, Bob Perciasepe

cc Lisa Heinzerling, David McIntosh, Scott Fulton

bcc

Subject Fw: Boiler MACT meeting

(b) (6) Personal Privacy



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

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/18/2010 07:53 PM -----

---

From: Bob Sussman/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA  
Date: 11/18/2010 07:53 PM  
Subject: Boiler MACT meeting

(b) (6) Personal Privacy



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

01268-EPA-6280

**David  
McIntosh/DC/USEPA/US**  
11/18/2010 08:11 PM

To Bob Sussman, Richard Windsor, Bob Perciasepe  
cc Lisa Heinzerling, Scott Fulton  
bcc  
Subject Re: Boiler MACT meeting

(b) (5) Deliberative [REDACTED]

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/18/2010 08:02 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Cc:** Lisa Heinzerling; David McIntosh; Scott Fulton  
**Subject:** Fw: Boiler MACT meeting

(b) (5) Deliberative [REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 11/18/2010 07:53 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA  
Date: 11/18/2010 07:53 PM  
Subject: Boiler MACT meeting

(b) (6) Personal Privacy [REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator

Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

01268-EPA-6281

**Richard  
Windsor/DC/USEPA/US**  
11/18/2010 10:14 PM

To David McIntosh, Bob Sussman, Bob Perciasepe  
cc Lisa Heinzerling, Scott Fulton  
bcc  
Subject Re: Boiler MACT meeting

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 11/18/2010 08:11 PM EST  
**To:** Bob Sussman; Richard Windsor; Bob Perciasepe  
**Cc:** Lisa Heinzerling; Scott Fulton  
**Subject:** Re: Boiler MACT meeting

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/18/2010 08:02 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Cc:** Lisa Heinzerling; David McIntosh; Scott Fulton  
**Subject:** Fw: Boiler MACT meeting

(b) (5) Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/18/2010 07:53 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA

Date: 11/18/2010 07:53 PM  
Subject: Boiler MACT meeting

---

(b) (6) Personal Privacy



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

01268-EPA-6282

**Bob Sussman/DC/USEPA/US** To Richard Windsor, David McIntosh, Bob Perciasepe  
11/19/2010 06:02 AM cc Lisa Heinzerling, Scott Fulton  
bcc  
Subject Re: Boiler MACT meeting

(b) (6) Personal Privacy

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 11/18/2010 10:14 PM EST  
**To:** David McIntosh; Bob Sussman; Bob Perciasepe  
**Cc:** Lisa Heinzerling; Scott Fulton  
**Subject:** Re: Boiler MACT meeting

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 11/18/2010 08:11 PM EST  
**To:** Bob Sussman; Richard Windsor; Bob Perciasepe  
**Cc:** Lisa Heinzerling; Scott Fulton  
**Subject:** Re: Boiler MACT meeting

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/18/2010 08:02 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Cc:** Lisa Heinzerling; David McIntosh; Scott Fulton  
**Subject:** Fw: Boiler MACT meeting

(b) (5) Deliberative

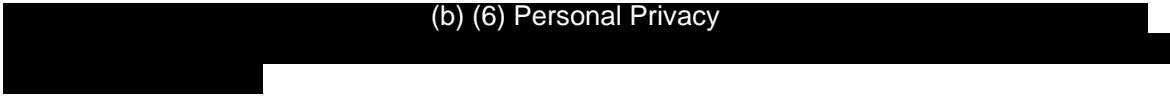
Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/18/2010 07:53 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA  
Date: 11/18/2010 07:53 PM  
Subject: Boiler MACT meeting

---

(b) (6) Personal Privacy



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

01268-EPA-6283

**Gina McCarthy/DC/USEPA/US**

11/20/2010 10:26 PM

To Richard Windsor

cc "Bob Perciasepe", "Bob Sussman", "Scott Fulton", Janet McCabe, Joseph Goffman, "David McIntosh", "Avi Garbow"  
bcc

Subject Pre-brief re: Boiler Mact Re-Proposal Time line

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6284

**Peter Silva/DC/USEPA/US**  
11/22/2010 12:24 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane  
Thompson, Shawn Garvin  
cc  
bcc  
Subject Spruce letter

Just a heads-up that I just signed the letter to Arch Coal on the Spruce Mine issue and it should go out today. It basically outlines our discussion at our first consultation meeting last Tuesday and asks for their decision on whether they want to have additional negotiation discussions. (b) (5) Deliberative

Peter S. Silva  
Assistant Administrator  
Environmental Protection Agency  
Office of Water  
Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

01268-EPA-6285

**Richard  
Windsor/DC/USEPA/US**  
11/22/2010 12:26 PM

To Peter Silva  
cc  
bcc  
Subject Re: Spruce letter

Cool. Tx.  
Peter Silva

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

**From:** Peter Silva  
**Sent:** 11/22/2010 12:24 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Shawn Garvin  
**Subject:** Spruce letter

Just a heads-up that I just signed the letter to Arch Coal on the Spruce Mine issue and it should go out today. It basically outlines our discussion at our first consultation meeting last Tuesday and asks for their decision on whether they want to have additional negotiation discussions. [REDACTED] (b) (5) Deliberative [REDACTED]

Peter S. Silva  
Assistant Administrator  
Environmental Protection Agency  
Office of Water  
Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

01268-EPA-6286

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
11/22/2010 07:43 PM                  cc  
                                                    bcc  
                                                    Subject Two things

[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

thx

01268-EPA-6287

**Richard  
Windsor/DC/USEPA/US**  
11/22/2010 08:25 PM

To Gina McCarthy  
cc  
bcc  
Subject Re: Two things

(b) (5) Deliberative  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 11/22/2010 07:43 PM EST  
**To:** Richard Windsor  
**Subject:** Two things

(b) (5) Deliberative

thx

01268-EPA-6289

David  
McIntosh/DC/USEPA/US  
11/23/2010 03:14 PM

To windsor.richard  
cc ellis.heidi  
bcc  
Subject Fw: Meeting with President Hill

Hi Administrator. Please see below.

(b) (5) Deliberative

Thanks,  
David

-----Forwarded by David McIntosh/DC/USEPA/US on 11/23/2010 03:09PM

-----

To: David McIntosh/DC/USEPA/US@EPA  
From: "Hunter, James L." <Jim\_Hunter@IBEW.org>  
Date: 11/23/2010 10:49AM  
Subject: Meeting with President Hill

David,

I have been trying to get some dates for a meeting and President Hill schedule is nuts as I am sure Lisa Jackson's is also. The only date I have so far is Dec. 17<sup>th</sup>. Ed will be in town and available all day. Please let me know if that will work or if we need to look at Jan.

Jim Hunter Director

IBEW Utility Department

900 7th St. N.W

Washington D.C. 20001

202-728-6065

[hunter@ibew.org](mailto:hunter@ibew.org)

01268-EPA-6290

Richard  
Windsor/DC/USEPA/US  
11/23/2010 03:48 PM

To David McIntosh, "Lisa Jackson"  
cc "ellis heidi", "Heidi Ellis"  
bcc  
Subject Re: Meeting with President Hill

Absolutely!

---

**From:** David McIntosh  
**Sent:** 11/23/2010 03:14 PM EST  
**To:** windsor.richard@epa.gov  
**Cc:** ellis.heidi@epa.gov  
**Subject:** Fw: Meeting with President Hill

Hi Administrator. Please see below. [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]

Thanks,  
David

-----Forwarded by David McIntosh/DC/USEPA/US on 11/23/2010 03:09PM -----

To: David McIntosh/DC/USEPA/US@EPA  
From: "Hunter, James L." <Jim\_Hunter@IBEW.org>  
Date: 11/23/2010 10:49AM  
Subject: Meeting with President Hill

David,

I have been trying to get some dates for a meeting and President Hill schedule is nuts as I am sure Lisa Jackson's is also. The only date I have so far is Dec. 17<sup>th</sup>. Ed will be in town and available all day. Please let me know if that will work or if we need to look at Jan.

Jim Hunter Director

IBEW Utility Department

900 7th St. N.W

Washington D.C. 20001

202-728-6065

[hunter@ibew.org](mailto:hunter@ibew.org)



01268-EPA-6291

Gina McCarthy/DC/USEPA/US

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

cc

11/23/2010 06:15 PM

bcc

Subject Fw: just got a call from

(b) (5) Deliberative

Ellen Kurlansky

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

**From:** Ellen Kurlansky

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

**To:** Gina McCarthy; Rob Brenner; Peter Tsirigotis

**Subject:** just got a call from

(b) (5) Deliberative

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

01268-EPA-6293

**Richard  
Windsor/DC/USEPA/US**  
11/23/2010 06:24 PM

To Gina McCarthy, "Scott Fulton", "Seth Oster"  
cc  
bcc  
Subject Re: just got a call from

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 11/23/2010 06:15 PM EST  
**To:** Richard Windsor; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Fw: just got a call from

(b) (5) Deliberative

Ellen Kurlansky

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

**From:** Ellen Kurlansky  
**Sent:** 11/23/2010 06:11 PM EST  
**To:** Gina McCarthy; Rob Brenner; Peter Tsirigotis  
**Subject:** just got a call from

(b) (5) Deliberative

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

01268-EPA-6294

**Richard  
Windsor/DC/USEPA/US**  
11/23/2010 06:47 PM

To Michael Moats  
cc  
bcc  
Subject Re: ACTION URGENT Harvard message needed tonight

Looks fine. Tx.

---

**From:** Michael Moats  
**Sent:** 11/23/2010 06:18 PM EST  
**To:** Richard Windsor; Seth Oster  
**Cc:** "moats michael" <moats michael@epa.gov>  
**Subject:** ACTION URGENT Harvard message needed tonight

Administrator, pasted below and attached is a draft version of your welcome message to be printed on the programs at Harvard. Sorry for the quick turnaround but we need to get approval tonight to make sure we get them to Harvard tomorrow, when they will go to the printers. I have also attached and pasted the message Director Dan Schrag will be using, for your reference. Thanks.

Mike

----

DRAFT

Administrator Lisa P. Jackson

#### Welcome Message for Harvard University 40th Anniversary

For 40 years, EPA has led our country's efforts to protect the air we breathe, to safeguard the water that flows into our homes, and to care for the land where we build our communities and grow our food. Since day one our work has relied on steady advances in science, technology and environmental policymaking – advances that have been led by Harvard University.

The changes of the last four decades have shaped everything from the course of industrial innovation to the safety of everyday activities. When we pour a glass of water, we can be confident it is free of pollution. We can breathe easier knowing that our cars are not releasing harmful lead pollution into the air. When we buy an apple at the grocery store, we are assured it will not carry the dustings of extremely dangerous pesticides. Cleaner, greener communities have prospered as attractive locations to buy a home or invest in a new business, while cutting pollution linked to cancer, heart disease, respiratory illness and other conditions has provided trillions of dollars in health benefits. Today a thriving environmental protection and technology industry supports more than 1.5 million American jobs.

We have all benefitted from the dedication and passion of EPA's workers, who for 40 years have followed a vision of healthier families, cleaner communities and a stronger America. The lessons of the last four decades are right now guiding our work on challenges like climate change and electronic waste pollution, and strengthening our continuing efforts on issues like environmental justice.

Thank you to Director Daniel Schrag and everyone at the Harvard University Center for the Environment for making this meeting possible. I'm proud to join the great thinkers, innovators, policy-shapers and history makers gathered here to reflect on 40 years of environmental progress and look ahead to the next 40 years and beyond.

Lisa P. Jackson, Administrator

U.S. Environmental Protection Agency

----

DRAFT FROM DANIEL SCHRAG

Forty years ago, our nation faced a series of environmental crises. Toxic chemicals flowed into our waterways; lead from gasoline and paint additives pervaded our communities; and air pollution was so bad in some cities that children were not allowed outside to play. This was the stage onto which the EPA was born, and its achievements over the last 40 years have been nothing short of spectacular. Our air is cleaner, our water is cleaner, and environmental protection has become the expectation, not the exception. Over this rich history, the EPA faced a variety of new challenges, such as the impact of chlorinated fluorocarbons on stratospheric ozone or the impact of sulfur dioxide emissions from coal plants on acid rain and human health. With the assistance of new legislation, the EPA developed solutions that protect our environment and our communities without threatening the continued prosperity of the American economy.

Today, we still face a series of environmental challenges, both new and old. Our national commitment to clean air and water for our citizens is not complete, especially in many of our underprivileged communities. Our nation faces difficult choices in our energy systems, requiring trade-offs between different types of environmental risks. And climate change has emerged at the top of the environmental agenda as a challenge, with its long timescale and global reach, unlike any our nation has ever faced. On this occasion, forty years to the day after the EPA started its operations, it seems an appropriate moment to reflect on EPA's legacy and the nature of the challenges ahead. As Director of the Harvard University Center for the Environment, I am proud to welcome you to Harvard for what I hope will be the start of a continuing conversation on these important issues.

Daniel P. Schrag

---

**From:** Michael Moats [(b) (6) Personal Privacy]  
**Sent:** 11/23/2010 06:10 PM EST  
**To:** Michael Moats  
**Subject:** ACTION URGENT Harvard message needed tonight

01268-EPA-6295

Richard  
Windsor/DC/USEPA/US  
11/24/2010 08:50 AM

To Steve Owens, Gina McCarthy, Sarah Pallone  
cc  
bcc  
Subject Fw: MDE SECRETARY WILSON ANNOUNCES SHE WILL  
NOT SEEK A SECOND TERM

----- Forwarded by Richard Windsor/DC/USEPA/US on 11/24/2010 08:50 AM -----

From: Chuck Fox/CBP/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov  
Date: 11/24/2010 07:57 AM  
Subject: Fw: MDE SECRETARY WILSON ANNOUNCES SHE WILL NOT SEEK A SECOND TERM

[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

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

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

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

Here's the press release...

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

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

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

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

11/23/2010 03:15 PM

cc

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

&gt;&gt;&gt; "Dawn Stoltzfus" &lt;dstoltzfus@mde.state.md.us&gt; 11/23/2010 3:13 PM &gt;&gt;&gt;



## News Release

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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

Martin O'Malley  
Governor

Shari T. Wilson  
Secretary

**FOR IMMEDIATE RELEASE**

Media Contacts:

Dawn Stoltzfus

(410) 537-3003, [DStoltzfus@mde.state.md.us](mailto:DStoltzfus@mde.state.md.us)
**MDE SECRETARY WILSON ANNOUNCES SHE WILL NOT SEEK A SECOND TERM**

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

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

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

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

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

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

- Led development of the recent draft Chesapeake Bay Watershed Implementation Plan judged by the Environmental Protection Agency to be the most satisfactory State plan submitted;
- Restored a consistent baseline of environmental enforcement to ensure a level playing field for the vast majority of regulated entities that are in compliance;

- Implemented the State's first-ever controls of coal combustion byproducts to prevent future groundwater contamination;
- Led the Maryland Climate Commission, which for the first time developed a state plan that provides a road map for addressing climate change, and forged consensus in the legislature leading to adoption of a statewide law requiring a 25 percent reduction of greenhouse gas emissions by 2020;
- Upgraded a suite of controls to reduce stormwater runoff - one of the two growing sources of pollution to the Bay;
- Led the development and successful implementation of the Regional Greenhouse Gas Initiative - the nation's only carbon cap and trade program;
- Implemented a suite of reforms within the agency to improve efficiency;
- Assessed two of the largest penalties ever - a \$1 million penalty for water pollution resulting from fly ash disposal and a \$4 million penalty against Exxon for the 2006 spill in Jacksonville, Maryland.

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

###

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank You

01268-EPA-6297

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

11/24/2010 07:32 PM

cc "Bob Perciasepe", "Bob Sussman", "Scott Fulton", "Lisa Heinzerling", "goffman joseph"  
bcc

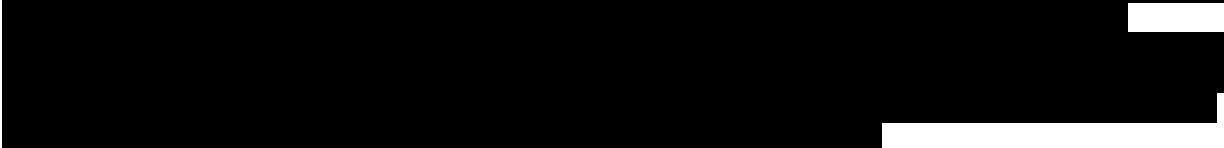
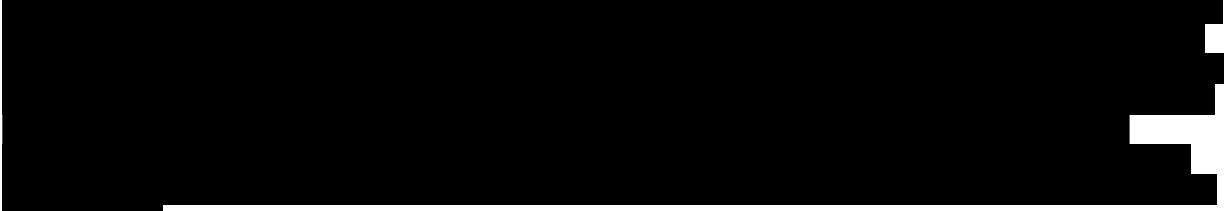
Subject Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative  
  
  


Thanks.

Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 11/24/2010 03:47 PM EST  
**To:** Gina McCarthy  
**Cc:** Brian Mclean  
**Subject:** Draft Note on Transport Rule NODA(b) (5) Deliberative  
  
  


(b) (5) Deliberative



(b) (5) Deliberative



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

01268-EPA-6298

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
11/25/2010 07:23 AM cc "Scott Fulton", "goffman joseph", "Lisa Heinzerling", "Bob  
Perciasepe", Richard Windsor, "Bob Sussman"  
bcc  
Subject Re: Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

11/24/2010 07:32:25 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Lisa Heinzerling" <Heinzerling.Lisa@EPA.GOV>, "goffman joseph" <goffman.joseph@epa.gov>  
Date: 11/24/2010 07:32 PM  
Subject: Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative

Thanks.

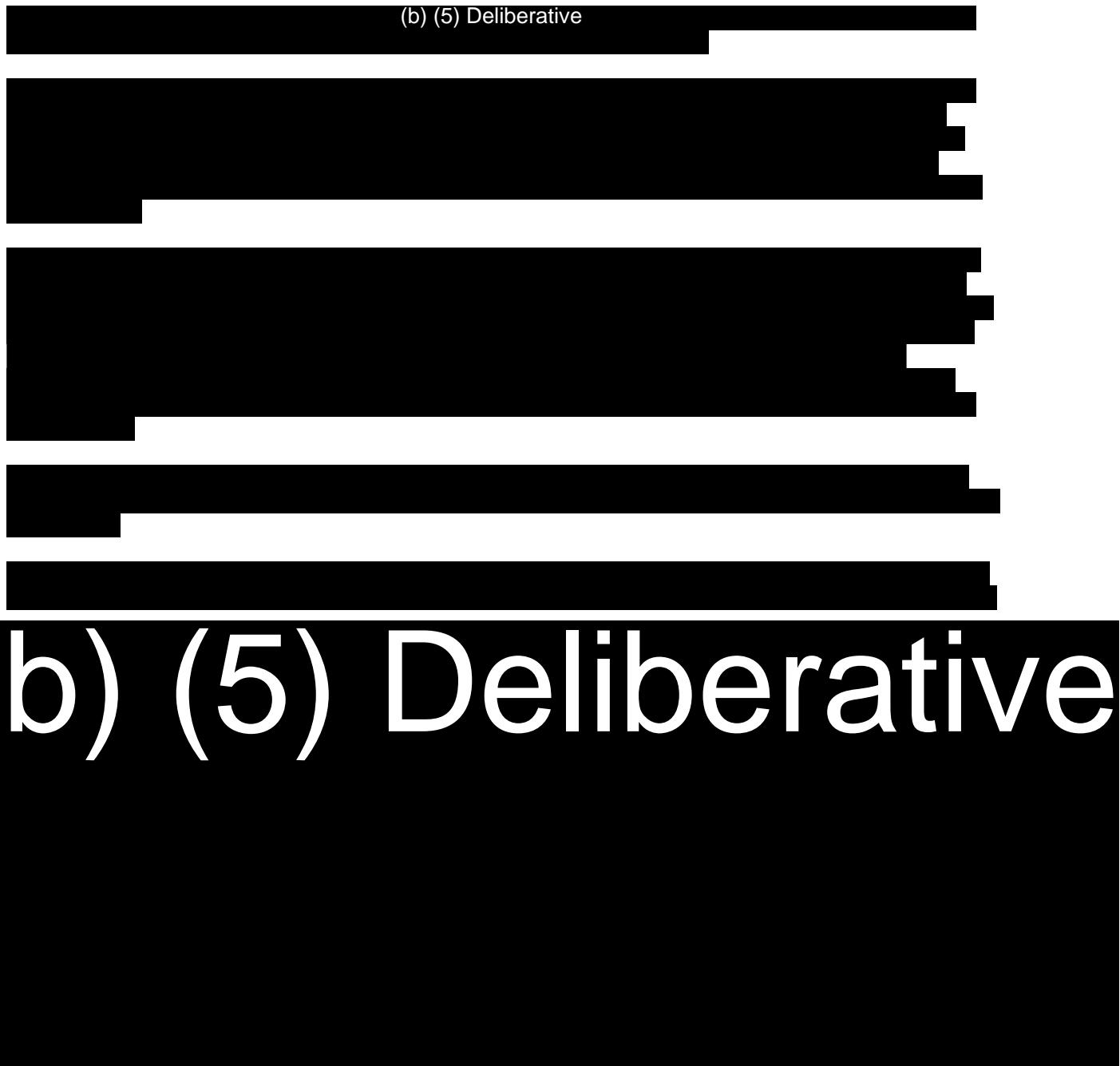
Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 11/24/2010 03:47 PM EST  
**To:** Gina McCarthy  
**Cc:** Brian Mclean  
**Subject:** Draft Note on Transport Rule NODA

(b) (5) Deliberative

(b) (5) Deliberative



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

01268-EPA-6299

**Bob Sussman/DC/USEPA/US**  
11/26/2010 08:43 AM  
**To:** Richard Windsor, Bob Perciasepe, Scott Fulton, Lisa Heinzerling, David McIntosh  
**cc:**  
**bcc:**  
**Subject:** Fw: Utility NSPS Schedule

(b) (5) Deliberative

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

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

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/25/2010 07:03 AM EST  
**To:** Joseph Goffman  
**Cc:** Bob Perciasepe; Gina McCarthy; Janet McCabe; Scott Fulton  
**Subject:** Re: Utility MACT Schedule

(b) (5) Deliberative

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

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

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

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

Bob Sussman (b) (5) Deliberative 11/24/2010 06:51:56 PM

**From:** Bob Sussman/DC/USEPA/US

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

(b) (5) Deliberative

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

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

Please find attached the current version of the utility MACT schedule. (b) (5) Deliberative  
Thanks.

[attachment "Utility MACT Schedule\_110410\_.doc" deleted by Bob Sussman/DC/USEPA/US]

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

01268-EPA-6301

**Lisa at Home**  
◀ (b) (6) Personal Privacy  
11/28/2010 08:45 AM

To Richard Windsor  
cc  
bcc  
Subject To Fight Climate Change, Clear the Air - NYTimes.com

<http://www.nytimes.com/2010/11/28/opinion/28victor.html?pagewanted=2>

Lj

01268-EPA-6304

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
11/30/2010 08:38 PM cc Bob Perciasepe, Seth Oster, Cynthia Giles-AA, Sarah Pallone  
bcc  
Subject Fw: Hydraulic fracturing drinking water contamination and enforcement cases in region 6

(b) (5) Deliberative

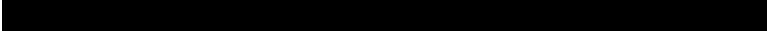
Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/30/2010 08:32 PM -----

From: AI Armendariz/R6/USEPA/US  
To: "Cynthia Giles-AA" <Giles-AA.Cynthia@epamail.epa.gov>, "Mike Shapiro" <shapiro.mike@epa.gov>, "Nancy Stoner" <Stoner.Nancy@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <anastas.paul@epa.gov>, "JamesB Martin" <Martin.JamesB@epamail.epa.gov>, "Shawn Garvin" <Garvin.Shawn@epamail.epa.gov>, "Judith Enck" <enck.judith@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "Scott Fulton" <fulton.scott@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Larry Starfield" <starfield.lawrence@epamail.epa.gov>, "John Blevins" <blevins.john@epa.gov>, "Miguel Flores" <flores.miguel@epa.gov>, "David Gray" <gray.david@epa.gov>  
Date: 11/29/2010 09:46 PM  
Subject: Hydraulic fracturing drinking water contamination and enforcement cases in region 6

(b) (5) Deliberative

(b) (5) Deliberative



Best,

Al

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
office: 214-665-2100

01268-EPA-6305

**Richard  
Windsor/DC/USEPA/US**  
11/30/2010 09:33 PM

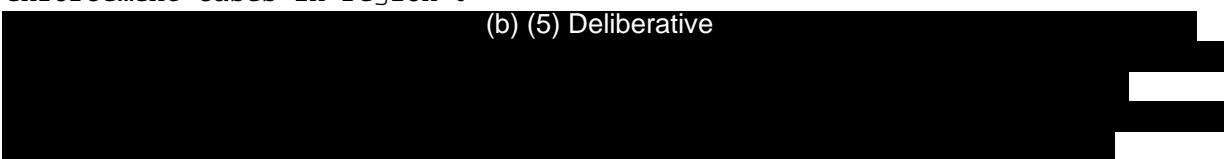
To Bob Sussman  
cc Bob Perciasepe, Seth Oster, Cynthia Giles-AA, Sarah Pallone  
bcc  
Subject Re: Hydraulic fracturing drinking water contamination and enforcement cases in region 6

Tx Bob.  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/30/2010 08:38 PM EST  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; Seth Oster; Cynthia Giles-AA; Sarah Pallone  
**Subject:** Fw: Hydraulic fracturing drinking water contamination and enforcement cases in region 6

(b) (5) Deliberative



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

US Environmental Protection Agency

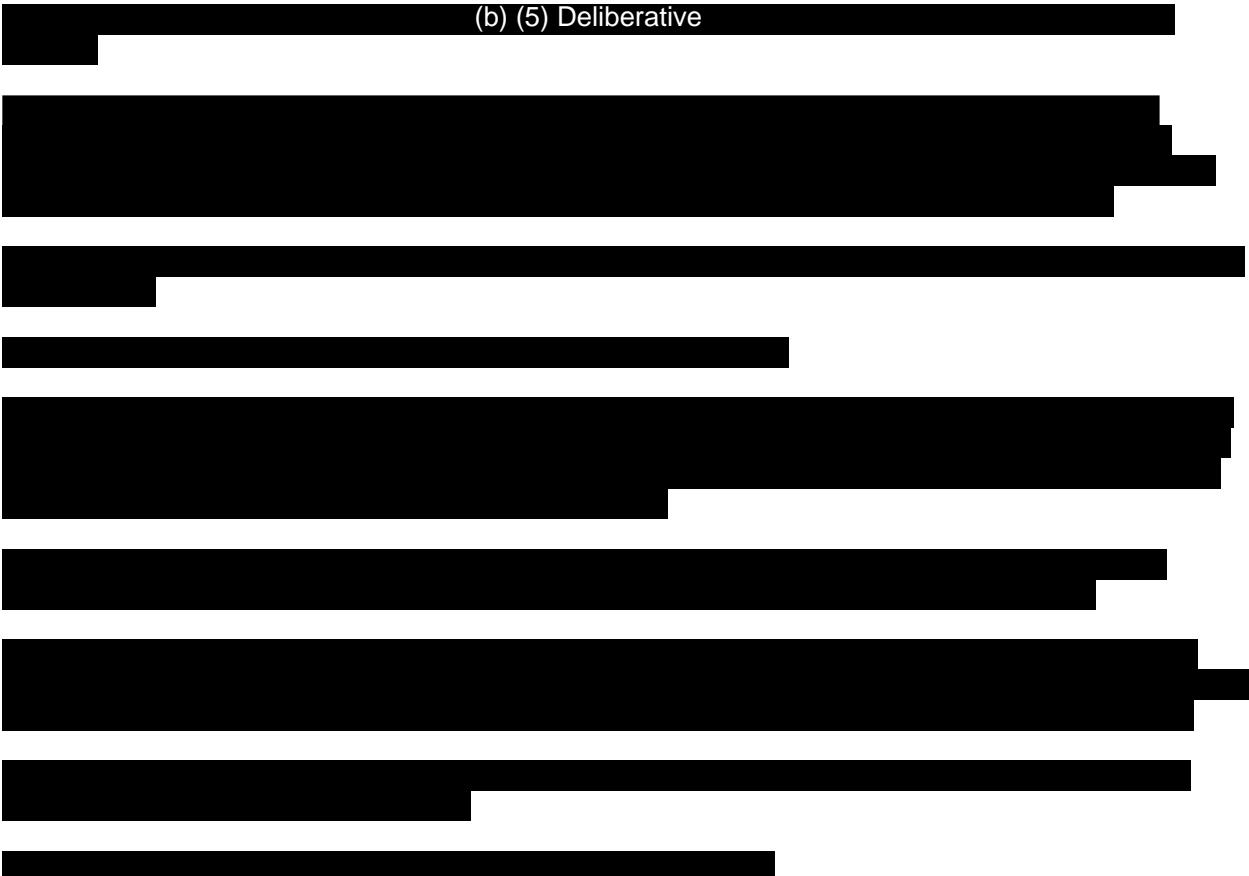
----- Forwarded by Bob Sussman/DC/USEPA/US on 11/30/2010 08:32 PM -----

From: Al Armendariz/R6/USEPA/US  
To: "Cynthia Giles-AA" <Giles-AA.Cynthia@epamail.epa.gov>, "Mike Shapiro" <shapiro.mike@epa.gov>, "Nancy Stoner" <Stoner.Nancy@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <anastas.paul@epa.gov>, "JamesB Martin" <Martin.JamesB@epamail.epa.gov>, "Shawn Garvin" <Garvin.Shawn@epamail.epa.gov>, "Judith Enck" <enck.judith@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "Scott Fulton" <fulton.scott@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Larry Starfield" <starfield.lawrence@epamail.epa.gov>, "John Blevins" <blevins.john@epa.gov>, "Miguel Flores" <flores.miguel@epa.gov>, "David Gray" <gray.david@epa.gov>  
Date: 11/29/2010 09:46 PM  
Subject: Hydraulic fracturing drinking water contamination and enforcement cases in region 6

(b) (5) Deliberative



(b) (5) Deliberative



Best,

AI

---

AI Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
office: 214-665-2100

01268-EPA-6306

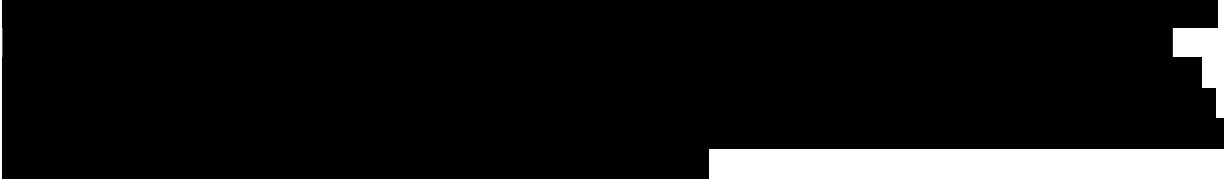
Gina McCarthy/DC/USEPA/US

11/30/2010 11:28 PM

To Richard Windsor, Fulton.Scott, perciasepe.bob,  
Sussman.bob, McIntosh.David  
cc garbow.avi, Janet McCabe, Joseph Goffman  
bcc

Subject Boiler MACT

(b) (5) Deliberative



Is it OK if we get a meeting on your schedule?

01268-EPA-6307

**Richard  
Windsor/DC/USEPA/US**  
12/01/2010 06:35 AM

To Gina McCarthy, "Scott Fulton", "Bob Perciasepe", "Bob Sussman", "David McIntosh"  
cc "garbow avi", Janet McCabe, Joseph Goffman, "Heidi Ellis"  
bcc  
Subject Re: Boiler MACT

Sure  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 11/30/2010 11:28 PM EST  
**To:** Richard Windsor; Fulton.Scott@EPA.GOV; perciasepe.bob@epa.gov; Sussman.bob@EPA.GOV; McIntosh.David@EPA.GOV  
**Cc:** garbow.avi@epa.gov; Janet McCabe; Joseph Goffman  
**Subject:** Boiler MACT

(b) (5) Deliberative



Is it OK if we get a meeting on your schedule?

01268-EPA-6308

Richard  
Windsor/DC/USEPA/US  
12/01/2010 04:21 PM

To Bob Sussman  
cc  
bcc

Subject Re: Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 11/25/2010 07:23 AM EST  
**To:** Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; "goffman joseph" <goffman.joseph@epa.gov>; "Lisa Heinzerling" <Heinzerling.Lisa@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Subject:** Re: Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative



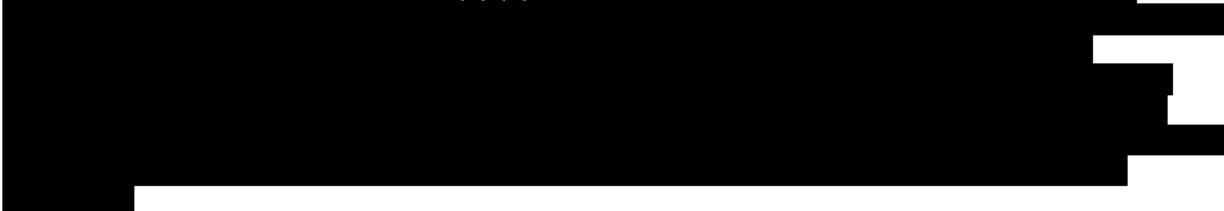
Gina McCarthy

(b) (5) Deliberative

11/24/2010 07:32:25 PM

**From:** Gina McCarthy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Lisa Heinzerling" <Heinzerling.Lisa@EPA.GOV>, "goffman joseph" <goffman.joseph@epa.gov>  
**Date:** 11/24/2010 07:32 PM  
**Subject:** Fw: Draft Note on Transport Rule NODA

(b) (5) Deliberative

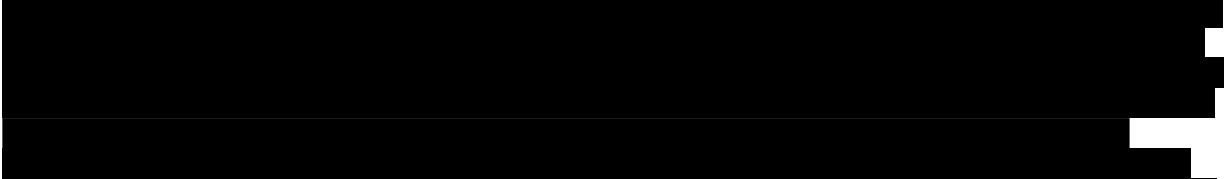
  
  
  


Thanks.  
Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 11/24/2010 03:47 PM EST  
**To:** Gina McCarthy  
**Cc:** Brian Mclean  
**Subject:** Draft Note on Transport Rule NODA

(b) (5) Deliberative



(b) (5) Deliberative



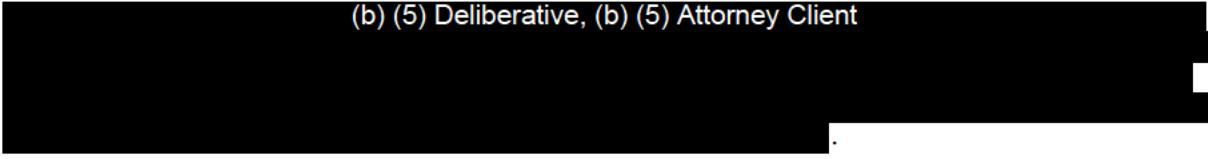
Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

01268-EPA-6309

David  
McIntosh/DC/USEPA/US  
12/01/2010 05:11 PM

To Avi Garbow  
cc Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Janet McCabe, Joseph Goffman, Richard Windsor, Scott Fulton, Seth Oster  
bcc  
Subject Re: Boiler MACT

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



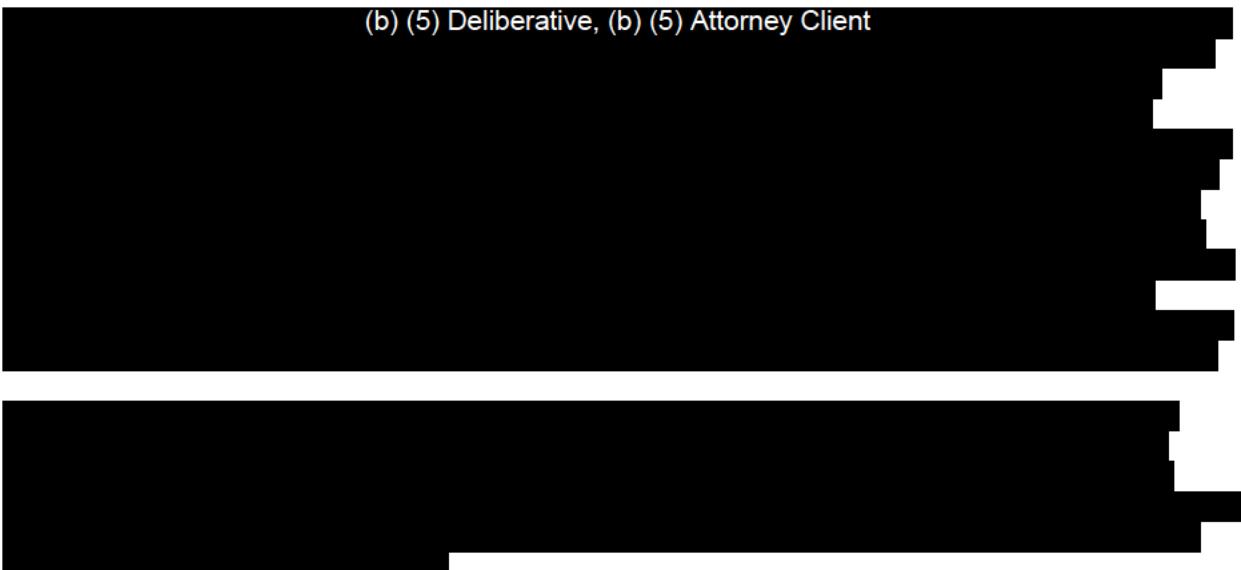
Avi Garbow

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

12/01/2010 04:10:14 PM

From: Avi Garbow/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA  
Date: 12/01/2010 04:10 PM  
Subject: Boiler MACT

Folks,



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

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

Avi

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

01268-EPA-6310

Richard  
Windsor/DC/USEPA/US  
12/01/2010 10:26 PM

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

Haha. Me and music. Hmmmm  
Brendan Gilfillan

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

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

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

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

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

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

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

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

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

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

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

William K. Reilly, who headed the EPA under George H.W. Bush and admires Jackson, said "she doesn't have much margin for error."

"The prospects of a standoff, or a decision to defund the agency in a number of areas, I think are pretty large," Reilly said. "Looking ahead in the next two years, it's going to be a hard ship to steer."

By all indications Jackson - who recalled that, as the child of a postal worker, she knew "my biggest asset was having a brain" - will do as she sees fit, despite the political obstacles.

"Before the last election we should have just been doing our job based on science and the law," she said. "And after this election, we should just do our job based on science and the law."

Jackson, who once mocked the agency she now leads as the "Emissions Permissions Agency," has repeatedly spoken of the need to enforce rules with an eye toward protecting the most vulnerable Americans, including the elderly, poor and minorities, even as others have suggested these measures could cost jobs. Having grown up in New Orleans' Ninth Ward - and taken the wheel to drive her mother, stepfather and aunt out of the city in the face of Hurricane Katrina, which destroyed her mother's home - she visited the region repeatedly during the BP oil spill, telling local residents that the federal government was acutely aware of their predicament.

Opponents have praised Jackson for her personal style: Sen. James M. Inhofe (R-Okla.) calls her "my favorite bureaucrat," and she keeps a photo of the senator and his family in her office. But Inhofe is ready to do battle next year on a range of regulations, and several industry officials note that her friendliness and accessibility has not translated into policy outcomes they can embrace.

Cal Dooley, president and chief executive of the American Chemical Council, said regulations that encourage investment in technology to reduce emissions can't be so onerous that they impede investment and the job base in the United States. "We have some concerns that EPA perhaps hasn't struck that right balance," he told reporters in a recent telephone conference call.

Jackson is operating in a very different political moment from her predecessors. When Richard Nixon established the EPA 40 years ago, environmental disasters including the Santa Barbara oil spill and contamination in Ohio's Cuyahoga River spurred the country to launch an unprecedented push for new environmental regulations. Congress was in the process of adopting laws regulating the air Americans breathed, the water they drank and a host of other activities - most of which would fall under the new agency's jurisdiction.

But as the EPA seeks to finalize a raft of regulations, on everything from smog-forming pollutants to greenhouse gases and emissions, Jackson stands on notice that the new Congress may clip her powers if she overreaches.

Jack Gerard, president of the American Petroleum Institute, said this moment should be "a time of reflection" for top Obama officials such as Jackson when it comes to the administration's environmental agenda.

"The public has soundly rejected a lot of the agenda of Congress and by extension, the Obama administration," Gerard said. "It's time for a course correction, it's time for a policy adjustment."

But Jackson shows little inclination to pull back on the many rules her agency is in the process of finalizing, including new limits on carbon dioxide emissions from industrial sources such as power plants, oil refineries and chemical plants.

A chemical engineer by training who gave up a short-lived post as then-New Jersey Gov. Jon Corzine's chief of staff before moving to Washington, Jackson criticized the EPA under George W. Bush for failing to regulate greenhouse gas emissions from autos and light trucks. Now she has not only helped oversee the first federal curbs on carbon dioxide from vehicles, but is pushing for tougher air quality rules on a range of fronts.

"We are back on the job," she said, adding that she hopes to convey to the public that by implementing new rules. "We are here and having us here is important to your family."

"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

01268-EPA-6311

Richard  
Windsor/DC/USEPA/US  
12/01/2010 10:28 PM

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

Um slightly offkey???

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/01/2010 10:27 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

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

Richard Windsor

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

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

Haha. Me and music. Hmmmm

Brendan Gilfillan

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

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

EPA head Lisa Jackson is prepared for battle

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

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"I think about that evolution," she added, recounting how many Americans no longer face the same

dangers from breathing in the air each day - a change that has brought the agency new challenges and in some senses made it a victim of its own success.

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

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"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

01268-EPA-6312

**Richard  
Windsor/DC/USEPA/US**  
12/01/2010 10:39 PM

To Brendan Gilfillan  
cc  
bcc  
**Subject: Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle**

Agreed.

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/01/2010 10:34 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/01/2010 10:28 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

Um slightly offkey???

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/01/2010 10:27 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

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

Richard Windsor

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

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

Haha. Me and music. Hmmmmmm

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/01/2010 10:20 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons;

Sarah Pallone; Betsaida Alcantara; Daniel Kanninen; Janet Woodka; Lisa Heinzerling

**Subject:** Wash Post Profile: EPA head Lisa Jackson is prepared for battle  
[redacted]

EPA head Lisa Jackson is prepared for battle

By Juliet Eilperin

Washington Post Staff Writer

Wednesday, December 1, 2010; 8:49 PM

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

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

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

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

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

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

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

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

William K. Reilly, who headed the EPA under George H.W. Bush and admires Jackson, said "she doesn't have much margin for error."

"The prospects of a standoff, or a decision to defund the agency in a number of areas, I think are pretty large," Reilly said. "Looking ahead in the next two years, it's going to be a hard ship to steer."

By all indications Jackson - who recalled that, as the child of a postal worker, she knew "my biggest asset was having a brain" - will do as she sees fit, despite the political obstacles.

"Before the last election we should have just been doing our job based on science and the law," she said. "And after this election, we should just do our job based on science and the law."

Jackson, who once mocked the agency she now leads as the "Emissions Permissions Agency," has repeatedly spoken of the need to enforce rules with an eye toward protecting the most vulnerable Americans, including the elderly, poor and minorities, even as others have suggested these measures could cost jobs. Having grown up in New Orleans' Ninth Ward - and taken the wheel to drive her mother, stepfather and aunt out of the city in the face of Hurricane Katrina, which destroyed her mother's home -

she visited the region repeatedly during the BP oil spill, telling local residents that the federal government was acutely aware of their predicament.

Opponents have praised Jackson for her personal style: Sen. James M. Inhofe (R-Okla.) calls her "my favorite bureaucrat," and she keeps a photo of the senator and his family in her office. But Inhofe is ready to do battle next year on a range of regulations, and several industry officials note that her friendliness and accessibility has not translated into policy outcomes they can embrace.

Cal Dooley, president and chief executive of the American Chemical Council, said regulations that encourage investment in technology to reduce emissions can't be so onerous that they impede investment and the job base in the United States. "We have some concerns that EPA perhaps hasn't struck that right balance," he told reporters in a recent telephone conference call.

Jackson is operating in a very different political moment from her predecessors. When Richard Nixon established the EPA 40 years ago, environmental disasters including the Santa Barbara oil spill and contamination in Ohio's Cuyahoga River spurred the country to launch an unprecedented push for new environmental regulations. Congress was in the process of adopting laws regulating the air Americans breathed, the water they drank and a host of other activities - most of which would fall under the new agency's jurisdiction.

But as the EPA seeks to finalize a raft of regulations, on everything from smog-forming pollutants to greenhouse gases and emissions, Jackson stands on notice that the new Congress may clip her powers if she overreaches.

Jack Gerard, president of the American Petroleum Institute, said this moment should be "a time of reflection" for top Obama officials such as Jackson when it comes to the administration's environmental agenda.

"The public has soundly rejected a lot of the agenda of Congress and by extension, the Obama administration," Gerard said. "It's time for a course correction, it's time for a policy adjustment."

But Jackson shows little inclination to pull back on the many rules her agency is in the process of finalizing, including new limits on carbon dioxide emissions from industrial sources such as power plants, oil refineries and chemical plants.

A chemical engineer by training who gave up a short-lived post as then-New Jersey Gov. Jon Corzine's chief of staff before moving to Washington, Jackson criticized the EPA under George W. Bush for failing to regulate greenhouse gas emissions from autos and light trucks. Now she has not only helped oversee the first federal curbs on carbon dioxide from vehicles, but is pushing for tougher air quality rules on a range of fronts.

"We are back on the job," she said, adding that she hopes to convey to the public that by implementing new rules. "We are here and having us here is important to your family."

"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

01268-EPA-6313

**Richard  
Windsor/DC/USEPA/US**  
12/01/2010 10:41 PM

To Brendan Gilfillan  
cc  
bcc

Subject Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

(b) (5) Deliberative

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/01/2010 10:34 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

(b) (5) Deliberative

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**Sent:** 12/01/2010 10:20 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora

Andy; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Sarah Pallone; Betsaida Alcantara; Daniel Kanninen; Janet Woodka; Lisa Heinzerling

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[redacted]  
EPA head Lisa Jackson is prepared for battle

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

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01268-EPA-6314

Richard  
Windsor/DC/USEPA/US  
12/02/2010 11:53 AM

To (b) (6) Personal Privacy  
cc  
bcc

Subject Re: Npr

Hey. I'm well. So good to hear from yall. [REDACTED] (b) (6) Personal Privacy  
[REDACTED]?

seanmdarcy

(b) (6) Personal Privacy

12/02/2010 07:30:35 AM

From: (b) (6) Personal Privacy  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2010 07:30 AM  
Subject: Npr

(b) (6) Personal Privacy

[REDACTED]  
[REDACTED]  
[REDACTED]  
Sent via BlackBerry by AT&T

01268-EPA-6317

**Heidi Ellis/DC/USEPA/US**  
 12/03/2010 05:46 PM

**To** KarenL Martin, DeWitt Watkins, Jose Lozano, Ryan Robison, John Reeder, Ebony Washington, Adrian Collins, Taylor Fiscus, Gwendolyn KeyesFleming, Sherri White, Jim Martin, Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLellan, Shirley Kelley, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject Monday, December 6, 2010 Schedule for Lisa P. Jackson

---

Heidi M. Ellis  
 Director of Scheduling  
 Office of the Administrator | US EPA  
 Phone: 202-564-3204  
 Cell: 202-355-5212  
 Fax: 202-501-1480

----- Forwarded by Heidi Ellis/DC/USEPA/US on 12/03/2010 05:46 PM -----

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

### Schedule for Lisa P. Jackson EPA Administrator Monday, December 6, 2010

---

Notes:

Drivers

|    |                          |                                  |
|----|--------------------------|----------------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) F(b) (6) Personal Privac |
| PM | (b) (6) Personal Privacy | (b) (6) F(b) (6) Personal Privac |

Shift Leaders

|    |                          |                                  |
|----|--------------------------|----------------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) F(b) (6) Personal Privac |
| PM | (b) (6) Personal Privacy | (b) (6) F(b) (6) Personal Privac |

Staff Contact

Heidi Ellis 202-355-5212

---

|                     |                        |               |
|---------------------|------------------------|---------------|
| 08:45 AM - 09:15 AM | Administrator's Office | Daily Meeting |
|---------------------|------------------------|---------------|

---

|                     |            |                |
|---------------------|------------|----------------|
| 09:00 AM - 09:20 AM | Ariel Rios | Depart for GWU |
|---------------------|------------|----------------|

---

|                     |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09:20 AM - 09:55 AM | GW University<br>Media & Public<br>Affairs Building -<br>Jack Morton<br>Auditorium<br>805 21st St, NW<br>Washington, DC<br>20052 | Remarks at the Siemens Competition National Finals Event<br>Ct: Lauren A. Espin (Siemens Foundation) 732-590-2182<br>Advance Ct: Adrian Collins (OA) (b) (6) Personal Privacy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                     |                                                                                                                                  | Format:<br><br>9:20 - 9:30 - Administrator has meet/greet with competition finalists and Mr.<br>Tom McCaulsand, Chairman of the Board of The Siemens Foundation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                     |                                                                                                                                  | 9:30 AM - Video of finalists projects is played                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                     |                                                                                                                                  | 9:35 AM - GWU Executive greets audience and introduces Mr.<br>McCausland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                     |                                                                                                                                  | 9:40 AM - Mr. McCaulsnad provides brief remarks and introduces<br>Administrator<br>Jackson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                     |                                                                                                                                  | 9:43 AM - Administrator Jackson provides remarks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                     |                                                                                                                                  | 9:55 AM - Administrator Jackson departs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09:55 AM - 10:10 AM | GW University                                                                                                                    | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 10:15 AM - 10:30 AM | Administrator's<br>Office                                                                                                        | 1 on 1 with Mathy Stanislaus<br>Ct: Nelida Torres (OSWER) 566-0200<br><br>Optional: Bob Perciasepe, Bob Sussman, Diane Thompson (OA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10:35 AM - 11:20 AM | Bullet Room                                                                                                                      | Briefing to discuss Utility MACT Proposal<br>Ct: Cindy Huang (OAR) 564-7404<br><br>Staff:<br>Bob Perciasepe, Bob Sussman (OA)<br>Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Cate Hight,<br>Amit<br>Srivastava, Steve Page, Peter Tsirigotis, RobertJ Wayland, Rob Brenner,<br>Ellen<br>Kurlansky, Jeneva Craig, Brian McLean, Sam Napolitano (OAR)<br>Scott Fulton, Patricia Embrey, Wendy Blake, Paul Versace, Manisha Patel<br>(OGC)<br>Lisa Heinzerling, Alex Cristofaro (OP)<br>Kevin Teichman (ORD)<br>Cynthia Giles, Lisa Garcia, Asam Kushner, Phil Brooks (OECA)<br>Peter Grevatt, Matthew Davis (OCHP)<br>Rick Albright (R10)<br><br>Optional:<br>Diane Thompson (OA)<br>Lucy Edmondson (R1) |
|                     |                                                                                                                                  | Video/audio bridge hookup needed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11:30 AM - 12:00 PM | Administrator's                                                                                                                  | Brieifng to discuss Boiler MACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                     |                        |                                                                                                                                                                                                                                                                   |
|---------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | Office                 | Ct: Cindy Huang (OAR) 564-7404<br><br>Staff:<br>Bob Perciasepe, Bob Sussman (OA)<br>Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsirigotis (Steve)<br>and Peter by phone from RTP) (OAR)<br>Scott Fulton, Avi Garbow (OGC)                        |
|                     |                        | Optional:<br>Diane Thompson (OA)                                                                                                                                                                                                                                  |
|                     |                        | Hookup to Administrator's conference line needed                                                                                                                                                                                                                  |
| 12:00 PM - 01:00 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                       |
| 01:00 PM - 02:00 PM | Bullet Room            | Senior Staff Meeting                                                                                                                                                                                                                                              |
| 02:00 PM - 02:45 PM | Administrator's Office | Meeting with Debra Lee of BET<br>Ct: Doretta Reaves (OPE) 564-7829<br><br>Staff:<br>Adora Andy (OEAE)<br>Stephanie Owens,Dru Ealons (OPE)<br>Optional: Doretta Reaves (OPE)                                                                                       |
|                     |                        | Attendees:<br>Debra Lee, Chairman and CEO of BET Networks<br>Jeanine Liburd, EVP, Corporate Communications and Public Affairs                                                                                                                                     |
| 03:00 PM - 03:30 PM | Administrator's Office | Communication Materials on Waters of the US Package<br>Ct: Nancy Stoner - 202-564-5066<br><br>Staff: Bob Sussman (OA)<br>Nancy Stoner (OW)<br>Cynthia Giles (OECA)<br>Seth Oster, Betsaida Alcantara (OEAE)<br>Scott Fulton, Avi Garbow (OGC)                     |
| 03:30 PM - 04:00 PM | Administrator's Office | Office Time                                                                                                                                                                                                                                                       |
| 04:00 PM - 04:40 PM | Administrator's Office | Meeting on General Electric Hudson River<br>Bob Sussman - 202-564-7397<br><br>Staff: Mathy Stanislaus, Lisa Felt, James Wilford (OSWER)<br>Cynthia Giles, Catherine McCabe (OECA)<br>Bob Sussman (OA)<br>Judith Enck, Walter Mugdan, Eric Schaaf, Paul Simon (R2) |
|                     |                        | Hookup to the Administrator's conference line needed                                                                                                                                                                                                              |
| 04:40 PM - 05:30 PM |                        | No Meetings                                                                                                                                                                                                                                                       |

05:30 PM - 08:00 PM    White House

HOLD- Congressional Holiday Ball  
Begins @ 6 PM

David McIntosh is attending.

Attire: Black Tie

---

\*\*\* 12/03/2010 05:46:06 PM \*\*\*

01268-EPA-6318

**Richard  
Windsor/DC/USEPA/US**  
12/04/2010 08:21 AM

To Scott Fulton  
cc  
bcc  
Subject Re:

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

Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 12/03/2010 06:39 PM EST  
**To:** Richard Windsor

Hi - a couple of things.

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

[REDACTED] (b) (5) Deliberative, (b)(5) Attorney Client Privilege

Hope the event went well today. Happy Birthday, EPA!  
Scott

01268-EPA-6321

David  
McIntosh/DC/USEPA/US  
12/06/2010 03:11 PM

To Richard Windsor, Scott Fulton  
cc  
bcc

Subject Fw: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 12/06/2010 03:09 PM -----

From: Joseph Goffman/DC/USEPA/US  
To: Cheryl Mackay/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA  
Date: 12/06/2010 03:00 PM  
Subject: Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) Deliberative

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

Cheryl Mackay

(b) (5) Deliberative

12/06/2010 09:44:51 AM

From: Cheryl Mackay/DC/USEPA/US  
To: Wendy Blake/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA  
Date: 12/06/2010 09:44 AM  
Subject: discussion w/ House E&C Cmte staff on Boiler MACT

Hi Joe and Wendy,

(b) (5) Deliberative

Thanks!  
Cheryl

Cheryl A. Mackay

U.S. EPA  
Office of Congressional Relations  
tel: (202) 564-2023  
fax: (202) 501-1550

01268-EPA-6322

Richard  
Windsor/DC/USEPA/US  
12/06/2010 03:40 PM

To David McIntosh, Scott Fulton, Avi Garbow  
cc  
bcc

Subject Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/06/2010 03:11 PM EST  
**To:** Richard Windsor; Scott Fulton  
**Subject:** Fw: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) Deliberative

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**Cc:** David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA  
**Date:** 12/06/2010 03:00 PM  
**Subject:** Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) Deliberative

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

Cheryl Mackay

(b) (5) Deliberative

12/06/2010 09:44:51 AM

**From:** Cheryl Mackay/DC/USEPA/US  
**To:** Wendy Blake/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
**Cc:** David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA  
**Date:** 12/06/2010 09:44 AM  
**Subject:** discussion w/ House E&C Cmte staff on Boiler MACT

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(b) (5) Deliberative

[REDACTED] (b) (5) Deliberative [REDACTED]

Thanks!  
Cheryl

---

Cheryl A. Mackay  
U.S. EPA  
Office of Congressional Relations  
tel: (202) 564-2023  
fax: (202) 501-1550

01268-EPA-6323

Richard  
Windsor/DC/USEPA/US  
12/06/2010 06:18 PM

To Scott Fulton  
cc  
bcc

Subject Re: discussion w/ House E&C Cmte staff on Boiler MACT

Tx Scott!  
Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 12/06/2010 05:23 PM EST  
**To:** Richard Windsor; David McIntosh; Avi Garbow  
**Subject:** Re: discussion w/ House E&C Cmte staff on Boiler MACT  
[REDACTED]  
(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/06/2010 03:40 PM EST  
**To:** David McIntosh; Scott Fulton; Avi Garbow  
**Subject:** Re: discussion w/ House E&C Cmte staff on Boiler MACT  
[REDACTED]  
(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/06/2010 03:11 PM EST  
**To:** Richard Windsor; Scott Fulton  
**Subject:** Fw: discussion w/ House E&C Cmte staff on Boiler MACT  
[REDACTED]  
[REDACTED]  
(b) (5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 12/06/2010 03:09 PM -----

From: Joseph Goffman/DC/USEPA/US  
To: Cheryl Mackay/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA  
Date: 12/06/2010 03:00 PM  
Subject: Re: discussion w/ House E&C Cmte staff on Boiler MACT

[REDACTED]  
(b) (5) Deliberative

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

Cheryl Mackay

[REDACTED]  
(b) (5) Deliberative

12/06/2010 09:44:51 AM

From: Cheryl Mackay/DC/USEPA/US  
To: Wendy Blake/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA  
Date: 12/06/2010 09:44 AM  
Subject: discussion w/ House E&C Cmte staff on Boiler MACT

---

Hi Joe and Wendy,

(b) (5) Deliberative



Thanks!  
Cheryl

---

Cheryl A. Mackay  
U.S. EPA  
Office of Congressional Relations  
tel: (202) 564-2023  
fax: (202) 501-1550

01268-EPA-6324

**Richard  
Windsor/DC/USEPA/US**  
12/07/2010 07:44 AM

To Scott Fulton  
cc David McIntosh  
bcc  
Subject Re: Boiler MACT

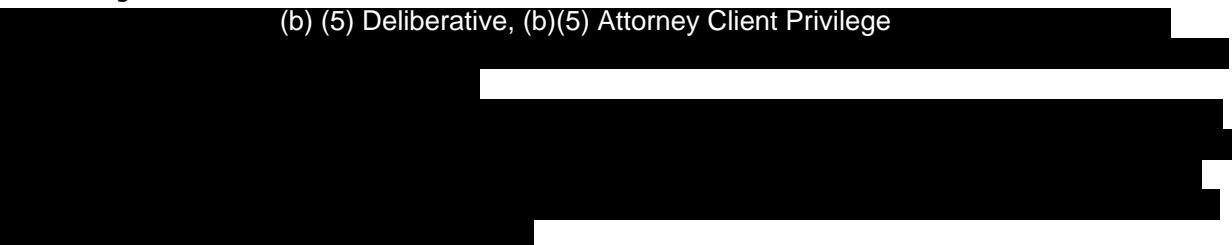
Scott -

(b) (5) Deliberative, (b)(5) Attorney Client Privilege  
Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 12/07/2010 07:41 AM EST  
**To:** Richard Windsor  
**Cc:** David McIntosh  
**Subject:** Boiler MACT

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

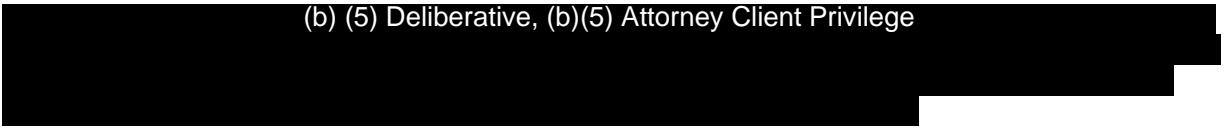


Scott  
Wendy Blake

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

**From:** Wendy Blake  
**Sent:** 12/07/2010 12:15 AM EST  
**To:** Scott Fulton; Avi Garbow; Patricia Embrey  
**Subject:** Fw: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON  
Motion to Amend/Correct - please read  
Scott,

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


Thanks. See you tomorrow.

Wendy

----- Forwarded by Wendy Blake/DC/USEPA/US on 12/07/2010 12:07 AM -----

From: "McDonough, Eileen (ENRD)" <EMcDonou@ENRD.USDOJ.GOV>  
To: Wendy Blake/DC/USEPA/US@EPA  
Date: 12/07/2010 12:06 AM  
Subject: FW: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON Motion to Amend/Correct

documents will follow

Eileen T. McDonough  
Environmental Defense Section  
U.S. Dept. of Justice  
202-514-3126

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**From:** DCD\_ECFNotice@dcd.uscourts.gov [mailto:[DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)]  
**Sent:** Tuesday, December 07, 2010 12:03 AM  
**To:** DCD\_ECFNotice@dcd.uscourts.gov  
**Subject:** Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON Motion to Amend/Correct

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**U.S. District Court**

**District of Columbia**

**Notice of Electronic Filing**

The following transaction was entered by McDonough, Eileen on 12/7/2010 at 0:02 AM EDT and filed on 12/7/2010

**Case Name:** SIERRA CLUB v. JACKSON

**Case Number:** [1:01-cv-01537-PLF](#)

**Filer:** LISA P. JACKSON

**WARNING: CASE CLOSED on 03/31/2006**

**Document Number:** [136](#)

**Docket Text:**

**MOTION to Amend/Correct [80] Order on Motion for Summary Judgment,, Order on Motion**

**to Strike,,, by LISA P. JACKSON (Attachments: # (1) Memorandum in Support, # (2) Exhibit, # (3) Text of Proposed Order, # (4) Text of Proposed Order (Alternative))(McDonough, Eileen)**

**1:01-cv-01537-PLF Notice has been electronically mailed to:**

Alexandra Dapolito Dunn adunn@nacwa.org

Angeline Purdy angeline.purdy@usdoj.gov, efile\_eds.enrd@usdoj.gov, mary.edgar@usdoj.gov

Eileen T. McDonough eileen.mcdonough@usdoj.gov, efile\_eds.enrd@usdoj.gov, mary.edgar@usdoj.gov

Harold Patrick Quinn , Jr hquinn@nma.org

James S. Pew jpew@earthjustice.org, jyowell@earthjustice.org, seisenberg@earthjustice.org

Jeffrey Alan Knight jeffrey.knight@pillsburylaw.com

Michele Ball Morhenn michele.morhenn@shawpittman.com

W. Caffey Norman cnorman@pattonboggs.com

William F. Pedersen , Jr bill.pedersen@billpedersen.com

William J. Frey bfrey@ag.nv.gov, rhooper@ag.nv.gov

**1:01-cv-01537-PLF Notice will be delivered by other means to::**

A. Penna  
VAN NESS FELDMAN, P.C.  
1050 Thomas Jefferson Street, NW  
Washington, DC 20007

Alison Ann Keane  
NATIONAL PAINT & COATING ASSOCIATION  
1500 Rhode Island Avenue, NW  
Washington, DC 20005

Hans Walker , Jr  
HOBBS, STRAUS, DEAN & WALKER  
2120 L Street, NW  
Suite 700

Washington, DC 20037

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**suppressed

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-0]  
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4dbd14f06e9244a2a09f1a6a511513d30be5c29355bb666b347b1899f9de]]

**Document description:**Memorandum in Support

**Original filename:**suppressed

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-1]  
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**Document description:**Exhibit

**Original filename:**suppressed

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-2]  
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**Document description:**Text of Proposed Order

**Original filename:**suppressed

**Electronic document Stamp:**

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**Document description:**Text of Proposed Order (Alternative)

**Original filename:**suppressed

**Electronic document Stamp:**

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36d4ccbfb49dbffcae250db93802ce13761520172af89cebc3c4f429f75a]]

01268-EPA-6325

Richard  
Windsor/DC/USEPA/US  
12/07/2010 09:43 AM

To Mathy Stanislaus  
cc  
bcc

Subject Re: Items in lieu of our one-on-one

(b) (5) Deliberative

Mathy Stanislaus

(b) (5) Deliberative

12/06/2010 11:35:26 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>  
Date: 12/06/2010 11:35 PM  
Subject: Items in lieu of our one-on-one

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) Deliberative



01268-EPA-6326

Mathy  
Stanislaus/DC/USEPA/US  
12/07/2010 10:47 AM

To Richard Windsor  
cc  
bcc  
Subject Re: Items in lieu of our one-on-one

OK - Thanks  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2010 09:43 AM EST  
**To:** Mathy Stanislaus  
**Subject:** Re: Items in lieu of our one-on-one

(b) (5) Deliberative

Mathy Stanislaus

(b) (5) Deliberative

12/06/2010 11:35:26 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>  
Date: 12/06/2010 11:35 PM  
Subject: Items in lieu of our one-on-one

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

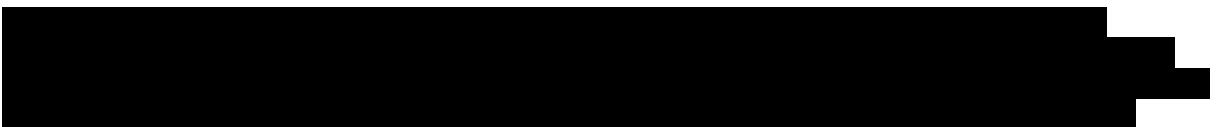
[REDACTED]

[REDACTED]

[REDACTED]

while the general population of children get the majority of dioxin in their diet (about 85 %), children at

(b) (5) Deliberative



01268-EPA-6327

Brendan  
Gilfillan/DC/USEPA/US  
12/07/2010 11:07 AM

To Richard Windsor  
cc  
bcc  
Subject Re: When does mact stuff go out?

(b) (5) Deliberative



Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2010 10:57 AM EST  
**To:** Brendan Gilfillan  
**Subject:** Re: When does mact stuff go out?

Are there TPs?

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2010 10:56 AM EST  
**To:** Richard Windsor  
**Subject:** Re: When does mact stuff go out?

It's shipped.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2010 10:55 AM EST  
**To:** Brendan Gilfillan  
**Subject:** When does mact stuff go out?

01268-EPA-6328

**Gina McCarthy/DC/USEPA/US**

To Bob Sussman, "Bob Perciasepe"

12/07/2010 11:58 AM

cc Adora Andy, Avi Garbow, Brendan Gilfillan, Janet McCabe,  
Joseph Goffman, Stephanie Owens

bcc Richard Windsor

Subject Re: Ozone Rollout Schedule

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh**Sent:** 12/07/2010 11:33 AM EST**To:** Bob Sussman**Cc:** Adora Andy; Avi Garbow; Brendan Gilfillan; Gina McCarthy; Janet McCabe; Joseph Goffman; Stephanie Owens**Subject:** Re: Ozone Rollout Schedule

(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

12/07/2010 11:29:43 AM

From: Bob Sussman/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/07/2010 11:29 AM  
Subject: Re: Ozone Rollout Schedule

(b) (5) Deliberative

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

David McIntosh

berative

12/07/2010 11:18:29 AM

From: David McIntosh/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/07/2010 11:18 AM  
Subject: Ozone Rollout Schedule

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

01268-EPA-6329

Richard  
Windsor/DC/USEPA/US  
12/08/2010 09:49 AM

To Seth Oster  
cc  
bcc

Subject Re: The coverage of Gina comments to Cancun

(b) (5) Deliberative ?

Seth Oster

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

**From:** Seth Oster  
**Sent:** 12/08/2010 09:35 AM EST  
**To:** Richard Windsor  
**Subject:** The coverage of Gina comments to Cancun

The Inside Story

Environmentalists are criticizing comments from EPA air chief Gina McCarthy after she told them that President Obama is not committed to vetoing expected legislation that could override the agency's authority to regulate greenhouse gases (GHG).

The National Wildlife Federation (NWF) alerted reporters to remarks from McCarthy, who spoke via webcast to a Dec. 7 session at this week's international climate negotiations in Cancun. According to NWF, an activist asked McCarthy about the expectation that congressional Republicans and energy-state Democrats would push legislation to delay or overturn EPA's GHG authority, and expressed reservations that Obama would sign such a bill.

"Rather than affirm the President would veto such a bill, she said Congress had a legitimate reason to look at legislation that we say would short circuit EPA action," according to NWF. "With almost no chance for a comprehensive climate bill next year in the U.S., environmental advocates are counting on the President and EPA to stick to their Copenhagen pledge, which by necessity would require a veto of any bill that would delay or constrain the EPA's authority."

Sen. Jay Rockefeller (D-WV) this year introduced a bill to delay for two years EPA's stationary-source GHG regulations, which are slated to take effect in January, although the bill never came to the floor. A Congressional Review Act resolution introduced by Sen. Lisa Murkowski (R-AK) to overturn EPA's GHG endangerment finding failed on a procedural vote this summer.

Rockefeller has said he plans to reintroduce his legislation next year, and House Republicans have pledged to introduce legislation to block EPA's GHG regulations. Press reports quoting anonymous administration officials earlier this year indicated that Obama planned to veto such moves, but industry sources and other observers have noted that such plans have never been confirmed publicly, questioning how far Obama would go to defend EPA.

Obama has opened the door to preempting EPA authority to regulate GHGs in exchange for a scaled-back bipartisan agreement that would at least begin to address the problem of climate change by encouraging development of clean energy choices. But not vetoing legislation blocking EPA's current authority or regulations could undermine any leverage the administration has to drive clean energy legislation.

"NWF is pleased that administration officials have affirmed on numerous occasions while in Cancun that the Copenhagen agreement stands," the group says, referring to the nonbinding political accord that came out of last year's negotiations, in which the U.S. pledged to cut its emissions in the range of 17 percent below 2005 levels by 2020. "We hope Ms. McCarthy will clarify the administration's position."

Video of McCarthy's remarks was expected to be posted later in the evening on the Cancun U.S. Center website.

Related News: [\[Climate Change\]](#)

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

01268-EPA-6331

**Richard  
Windsor/DC/USEPA/US**  
12/10/2010 07:45 AM

To David McIntosh  
cc Aaron Dickerson, Heidi Ellis, Arvin Ganesan  
bcc  
Subject Re: I recommend that you place a brief call to Congressman Butterfield

I assume we are scheduling this.

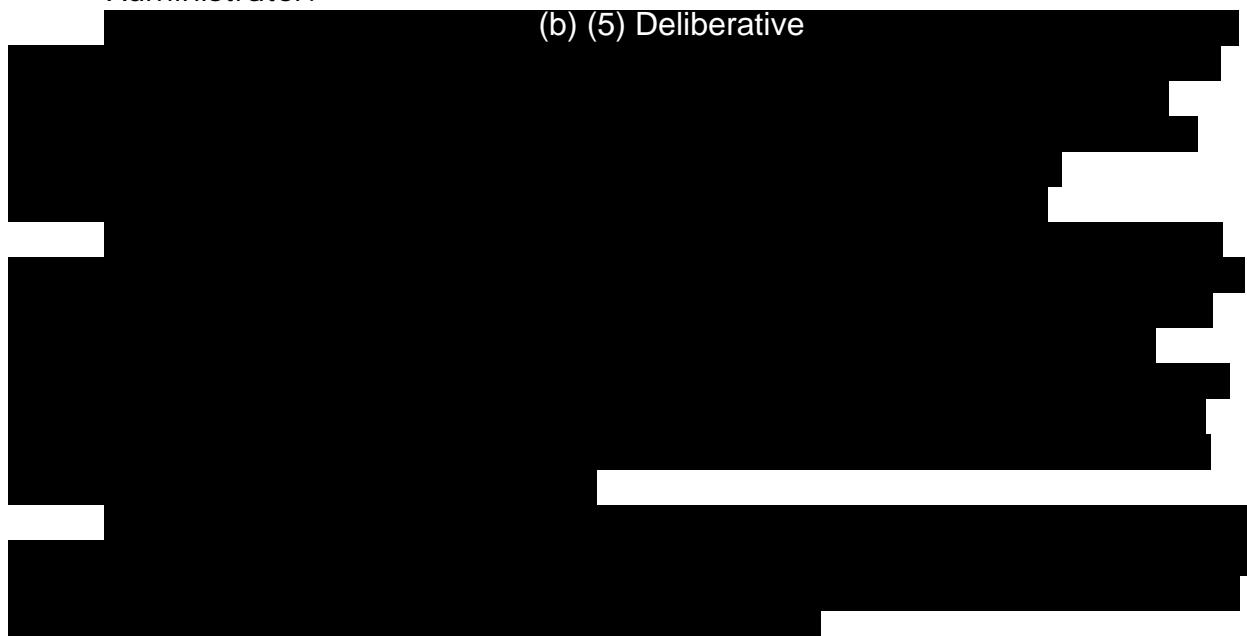
David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/08/2010 04:19 PM EST  
**To:** Richard Windsor  
**Cc:** Aaron Dickerson; Heidi Ellis; Arvin Ganesan  
**Subject:** I recommend that you place a brief call to Congressman Butterfield

Administrator:

(b) (5) Deliberative



-David

  
[Untitled].pdf

Attachment could  
not be opened

[attachment "G\_K\_Butterfield - Wikipedia, the free encyclopedia.mht" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6332

David  
McIntosh/DC/USEPA/US  
12/10/2010 08:05 AM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Adora Andy  
cc  
bcc  
Subject Fw: Reliability

This is helpful.

----- Forwarded by David McIntosh/DC/USEPA/US on 12/10/2010 08:05 AM -----

---

From: Joseph Goffman/DC/USEPA/US  
To: "David McIntosh" <McIntosh.David@epamail.epa.gov>  
Date: 12/10/2010 08:02 AM  
Subject: Reliability - in case you haven't seen

## Utility Experts Downplay Prospects For Blackouts Due To Slew Of EPA Rules

Posted: December 8, 2010

Utility officials and others are downplaying a recent high-profile North American Electric Reliability Corporation (NERC) report warning of adverse electricity grid reliability impacts from pending EPA air, water, and waste rules for the utility sector, saying the rules' impacts are less severe than predicted and will not lead to blackouts.

The reaction downplaying NERC's report appears to undercut one of industry's key arguments for Congress to restrain the agency's rulemaking efforts, as critics have cited reliability concerns in opposing EPA rules.

The NERC report's "bark is worse than the bite" based on findings of other analyses of the impacts of EPA rules, said Ron Binz, chair of the Colorado Public Utilities Commission, at a Dec. 7 energy workshop in Washington, D.C. Howard Gruenspecht, deputy administrator of the U.S. Energy Information Administration, said earlier during the same event that NERC is "crazy" to suggest that pending agency regulations when combined with various other energy-related developments could all have such an adverse effect on reliability.

Consulting firm Charles River Associates (CRA) is also preparing to release a report next week that backs NERC's predictions of likely power plant retirements due to the costs of meeting EPA's pending rules, but still finds that even after those retirements the excess electricity supply will be more than adequate to ensure reliability.

The rebuttals to the NERC report's dire warnings echo recent comments by some state officials at a recent major meeting of three national groups representing energy and environmental regulators. At that Dec. 2 meeting, sources say, some officials said the NERC report had been politicized and downplayed the reliability concerns.

Still, utility industry officials and others say that even though the EPA rules are unlikely to pose the reliability concerns predicted by NERC, uncertainties remain about the exact regulatory requirements industry faces and as-yet unknown answers to key questions could produce significantly different results in their predictions. Those uncertainties are also undermining utilities' ability to make longer-term investment decisions, officials said.

NERC, certified by the Federal Energy Regulatory Commission to ensure the reliability of the electricity grid, on Oct. 26 released a report analyzing EPA's proposed Clean Air Transport Rule (CATR) to establish a nitrogen oxide and sulfur dioxide cap-and-trade program in 31 Eastern states and the District of Columbia; a pending maximum achievable control technology (MACT) rule to cut mercury and other air toxics from power plants; a first-time proposed rule to control disposal of coal combustion waste; and a pending water rule for power plant cooling water intake structures.

The report states that the Clean Water Act cooling water intake structures rule has the "greatest potential impact" on planning reserve margins, making between 37 and 41 gigawatts (GW) vulnerable to retirement. In a related reliability assessment report released alongside the review of EPA's rules, NERC said, "[T]he risk to reliability is a function of the compliance timeline associated with the potential EPA regulations" (Inside EPA, Oct. 29).

But when the audience at the energy workshop was asked whether they expect blackouts as a result of

EPA's rules, no-one raised a hand. The event was organized by the Bipartisan Policy Center, the National Association of Regulatory Utility Commissioners (NARUC), and the Northeast States for Coordinated Air Use Management.

Steve Fine, vice president of energy consulting firm ICF International, gave a presentation at the event saying EPA's rules could cause 12 percent of coal-fired power plants to retire between 2012 and 2016 rather than meet the costs of complying with the agency's regulations. But Fine noted that reliability would not be adversely impacted because those retirements would be offset by a 35 percent increase in gas-fired power plants.

Coal plant retirements will largely be for facilities that are older and not run often and plants that are kept in operation will be run harder, he said. Coal-fired power is "hit" by the regulations but the impact is not "devastating" to the generation mix, Fine said, although ICF definitely sees a "dash to gas" power.

Ira Shavel, vice president of CRA, said the firm's pending study slated for release next week takes a similar approach to the NERC report in analyzing electricity reserves after the application of EPA rules. CRA's study found plant retirement levels comparable to those seen in other studies, with about 35 GW of coal-fired capacity likely to retire around 2015 due to the utility MACT rule and CTR. But even after the retirements, in 2015 at the regional transmission organization level the Midwest Independent Transmission System Operator will still have 15 GW of excess capacity, more than the reserve margin requirements necessary for reliability, Shavel said.

To back his conclusion, Shavel presented a chart showing capacity additions since 1949 in five-year periods that showed in most such periods "a lot more than 35 gigawatts was added net by the industry." So at least on the capacity addition side, "I don't see any problem with adding new capacity to maintain reliability," he said, adding that CRA expects gas-fired generation to be added. "The shortfall seems to be not very great," Shavel reiterated, noting that utilities are already planning new capacity to replace retired coal plants.

The findings echo comments from some state officials at a Dec. 2 meeting of NARUC, the National Association of Clean Air Agencies and the National Association of State Energy Officials -- the first such meeting of all three groups in a decade. At the meeting, also attended by EPA and other officials, some participants said the reliability threats are not as alarming as they were made out to be, says a NARUC spokesperson.

At the Dec. 7 energy workshop, NERC technical analyst John Moura responded to the rebuttals by saying that NERC does not see blackouts resulting from the pending EPA rules but nevertheless sees "a whole lot happening" and concludes "people need to act" to deal with that incoming series of regulations and changes to the electricity system, such as additional wind and solar power, smart grid, and other key industry developments.

Moura defended the analysis as a "risk assessment" that must look at every item potentially affecting reliability. He noted that the report also found various "retrofit constraints" that would affect industry's ability to respond to the pollution control requirements of EPA's rules, including sufficient skilled labor to build and install pollution control equipment, adequate materials and financing, issues that others raised at the event.

Bill Tyndall, Duke Energy's senior vice president of government and regulatory affairs, said at the event, "I don't think we're talking about reliability as broadly as we should be." He said that utilities make investments as a 20 year commitment, and all of the investment projects -- whether pollution control or new generation -- have to be "robust against fuel issues and differences, including the natural gas cycles" of price volatility that have occurred over the years. The investment decisions also have to be defensible taking into consideration regulations for the criteria pollutants and EPA's unknown plans for its ozone and fine particulate matter standards, Tyndall said.

To try to put together from a national and individual company perspective how to provide an energy system to customers that is affordable and reliable 24-hours a day is the challenge that "is being threatened in some ways by the regulatory avalanche that's coming at us" as a result of EPA's rules, Tyndall said.

"The bottom line is, our judgment right now is that an energy solution has to be 'all of the above,'" including natural gas, nuclear power, coal with some technology to make it compatible with future carbon regulations, energy efficiency, wind, solar, and other alternatives, Tyndall said. "We'd like to keep all those choices in the mix, and they do not square well with a very short timing horizon, which is what the regulatory structure in place right now gives us," such as the MACT rule that by law has a three-year compliance deadline power companies must meet.

Meanwhile, Mark Brownstein, deputy director for the Environmental Defense Fund's energy program, said

at the Dec. 7 event that the NERC analysis "says here's what happens if you don't do anything" to respond to EPA's rules and simply shutter facilities rather than try to comply with the regulations. But, he added, "We're not going to do nothing." So the question is, "What will we do and how will we do it?" for investing in energy.

Brownstein said that the claim of EPA rules affecting electricity grid reliability is not new and said the reliability warnings stemming from NERC's report "strikes me as a somewhat flat complaint."

There is broad agreement that somewhere between 10 to 20 percent of the oldest, most inefficient coal plants in the United States will close, as a consequence of a variety of environmental initiatives going on at the federal and state level, he said. "The only real question on the table is what you do about it," Brownstein said.

Brownstein said that in his view, a lot of the solutions to reliability will come from the right investments in transmission and distribution, including "incredible amounts of innovation on the demand side."

With reforms taking place within regional organizations that oversee transmission and reliability, a lot of additional demand side capacity is coming on board without a huge amount of investment or a lot of lead time, Brownstein said. "A lot of the reliability issues we expect to have through the retirement of the old coal-fired plants are really very location-specific, and that is exactly the kind of opportunity that can best be harnessed by targeted efforts at using demand side resources to get at the issues," Brownstein added. -- David Clarke

01268-EPA-6333

**Heidi Ellis/DC/USEPA/US**

12/10/2010 08:24 AM

To Richard Windsor, David McIntosh

cc Aaron Dickerson, Arvin Ganesan

bcc

Subject Re: I recommend that you place a brief call to Congressman Butterfield

Yup. Didn't work out for today so I'm working with his office on a Monday time.

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 12/10/2010 07:45 AM EST

**To:** David McIntosh

**Cc:** Aaron Dickerson; Heidi Ellis; Arvin Ganesan

**Subject:** Re: I recommend that you place a brief call to Congressman Butterfield

I assume we are scheduling this.

David McIntosh

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

**From:** David McIntosh

**Sent:** 12/08/2010 04:19 PM EST

**To:** Richard Windsor

**Cc:** Aaron Dickerson; Heidi Ellis; Arvin Ganesan

**Subject:** I recommend that you place a brief call to Congressman Butterfield

(b) (5) Deliberative



-David



[Untitled].pdf

[attachment "G\_K\_Butterfield - Wikipedia, the free encyclopedia.mht" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6337

David  
McIntosh/DC/USEPA/US  
12/13/2010 12:42 PM

To: Richard Windsor, Bob Perciasepe, Gina McCarthy, Bob Sussman, Seth Oster, Brendan Gilfillan, Michael Moats, Adora Andy, Joseph Goffman, Scott Fulton  
cc  
bcc  
Subject: Fw: From Greenwire -- CLIMATE: EPA's rumored 'permitorium' more complex than Beltway debate suggests

Excellent article. Lots of good stuff in there. Worth reading in full

----- Forwarded by David McIntosh/DC/USEPA/US on 12/13/2010 12:41 PM -----

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To: David McIntosh/DC/USEPA/US@EPA  
Date: 12/13/2010 12:41 PM  
Subject: From Greenwire -- CLIMATE: EPA's rumored 'permitorium' more complex than Beltway debate suggests

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:

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## **CLIMATE: EPA's rumored 'permotorium' more complex than Beltway debate suggests (Monday, December 13, 2010)**

**Gabriel Nelson, E&E reporter**

On Capitol Hill, industry lobbyists are predicting nothing but trouble for facilities like the Hyperion Energy Center, a \$10 billion complex proposed for the cornfields and soybeans of southeastern South Dakota.

The massive facility would include the first refinery built in the United States since 1976, making gasoline from the Canadian tar sands that would be carried into the Midwest by the proposed Keystone XL pipeline.

And the planned project is notable for another reason: It is in line to become one of the first facilities to get a federal permit for its greenhouse gas emissions. State regulators gave the refinery the go-ahead in summer 2009, but developers need to go back to the drawing board so they can start construction late next year, said Preston Phillips, vice president of Dallas-based Hyperion Refining LLC, in a recent interview.

Starting Jan. 2, 2011, officials in all 50 states will need to start deciding whether new power plants and other large industrial facilities are doing enough to avoid releasing carbon dioxide and other gases that are contributing to global warming. It is a new hurdle for many plants that need federal pollution permits, and inside the Beltway, the industry lobbyists are saying that no one will be able to jump it.

More than a dozen of the nation's most powerful trade groups -- including the American Chemistry Council, the American Petroleum Institute and the National Association of Manufacturers -- have started a letter-writing campaign to persuade Congress to stop the climate rules from taking effect on Jan. 2. If lawmakers do not act, the groups say, there will be a virtual freeze on the construction of power plants, factories and other facilities that release large amounts of air pollution.

They see a bleak future for American industry. Without a doubt, *The Wall Street Journal*'s editorial board said recently, U.S. EPA's regulations will lead to a "*de facto* project moratorium" -- a "permotorium," in short -- for at least 18 months.

But despite the massive size of the complex and the fact that greenhouse gases are previously uncharted territory, Hyperion expects the permitting process to be "pretty straightforward," Phillips said.

Asked whether EPA's new climate rules will freeze the permit process, Phillips said, "I certainly don't expect that for this facility. This permit will be in place in the second quarter of next year."

The planned complex is precisely the type of facility the Obama administration was imagining when it put those rules in place. It would roughly double South Dakota's carbon footprint, producing an estimated 16.9 million tons of carbon dioxide each year, and if it were a country of its own, it would rank 85th worldwide in greenhouse gas emissions, just behind the Dominican Republic and Estonia. The project's developers are aiming to break ground by the end of next year, though some competitors in the oil business are skeptical they'll pull it off. But when the company applied for a permit without greenhouse gases, the naysayers made the same claims, Phillips said.

"A lot of people said you could never get the approvals necessary to build a refinery these days," he said.

## Two sets of predictions

There is a great deal of uncertainty ahead for the Hyperion complex. In addition to the air pollution permit, the future of the project depends on the future of the Keystone XL pipeline and the economics of building a new refinery. But one way or the other, the outcome is going to depend on factors that are much more complicated than people on Capitol Hill are suggesting.

With the first nationwide regulations on greenhouse gases just weeks away from taking effect, fans and foes of the Obama administration's climate program are gazing into the tea leaves and seeing two completely different images -- one ominous, the other rosy.

As industry groups predict a construction freeze, environmentalists are rallying around EPA Administrator Lisa Jackson, who has recently taken to accusing lobbyists of spreading "doomsday scenarios" about the agency's work on climate change. With three weeks until the new rules take effect, EPA officials and their counterparts at the state level are still scrambling to get the rules in place, but they say that businesses should not worry.

"Everything is going to go very smoothly at the beginning of next year," said David Doniger, policy director of the Natural Resources Defense Council's climate center, during a recent interview.

"People won't even notice the bump in the road" (E&ETV's "[OnPoint](#)", Nov. 29).

These opposing points of view have become the two brands of conventional wisdom on Capitol Hill, which is as divided as ever on the issue of climate change. Lawmakers are digging into their positions, preparing for the seemingly inevitable moment when they will be asked to decide whether EPA can proceed.

With a climate bill dead on Capitol Hill, the new rules are one of the only ways the administration can act on President Obama's pledge to reduce U.S. greenhouse gas emissions 17 percent from 2005 levels by 2020. EPA needs to take action on climate change, but in "digestible" steps that won't hurt the economy, said Bob Perciasepe, the agency's second-in-command, during a conference earlier this month.

"We need to be credible in the international arena that we're doing something," Perciasepe told an audience of past and present EPA officials, who had gathered at Harvard University to celebrate the agency's 40th birthday. "But also, we need to build confidence in our own country that we can actually make some significant progress here without breaking the system down somehow."

Industry lobbyists say it is a foregone conclusion that there will be enough votes in the Republican-led House to pass legislation blocking EPA's climate program. The battleground will be the Senate, which could soon be put to a vote on a proposal from Sen. Jay Rockefeller (D-W.Va.) to delay the agency's new permitting rules for two years.

His draft bill would only affect the regulations on power plants, refineries and other stationary facilities. It would not stop EPA's new fuel economy standards for cars and trucks, which are intended to reduce greenhouse gas emissions by reducing the amount of fuel that Americans need to burn for transportation.

Senate Majority Leader Harry Reid (D-Nev.) said earlier this year that he would schedule a vote on Rockefeller's bill, but more recently, he has said it depends on the schedule for the rest of the lame-duck session. The White House has vowed to veto it, and Rockefeller has said he would like to tack the measure onto a piece of must-pass legislation, such as an omnibus appropriations bill. For months, Rockefeller has been courting moderate Democrats, who are split on the issue. When EPA released a guidance document last month to explain how states should judge the facilities, other Democrats in Congress called it a "common-sense approach." But the Republicans, who formed a unanimous bloc in June when Sen. Lisa Murkowski (R-Alaska) put forward a resolution to reject EPA's whole climate program, disagreed.

The new rules will "keep the economy mired in stagnation," said Sen. James Inhofe of Oklahoma, who oversees the regulations as the top Republican on the Environment and Public Works Committee.

"Employers were looking for a clear path forward that would inspire confidence that permits would be granted, and in a timely manner," he said. "They won't find it here."

## All quiet beyond the Beltway?

As intensely as the debate has raged in Washington, D.C., things have remained calm in the hinterlands.

Virtually no businesses have gone public to explain where their projects stand and whether they are worried about the new requirements. Instead, they are waiting quietly on the sidelines.

Matt Letourneau, a spokesman on energy issues for the U.S. Chamber of Commerce, said many businesses are choosing not to invest in new facilities right now because of the uncertainty in the permitting process. Other companies are worried about their ability to get permits, he said, but they are not raising their voices about it

"The problem is, you've got to deal with the same people you're mad at," Letourneau said.

But even as powerful trade groups try to convince Congress that the economy will be devastated by EPA's rules, some of the companies they represent are banking on their ability to break ground on facilities that would produce huge amounts of greenhouse gases.

To be sure, businesses are not crazy about the permitting process, which can depend largely upon the whims of regulators. But with billions of dollars on the line, many investors have been preparing for years to get the greenhouse gas permits they will now need. With greenhouse gases, as with other types of pollution, some of them have found a way to get approvals.

Calpine Corp., a power company that does most of its business in California, recently secured a federal permit for its Russell City Energy Center, a combined-cycle natural gas plant in Hayward, Calif. Though EPA's new rules had not taken effect yet, the Houston-based company agreed to set enforceable limits that would require the 600-megawatt plant to produce 50 percent less greenhouse gases than a coal plant.

As part of its deal with the Bay Area Air Quality Management District, Calpine also agreed to donate \$10 million toward the construction of a new library in Hayward and make a \$1.6 million gift to the local parks department.

The permit shows that EPA's new greenhouse rules can work, said Jack Fusco, the company's president and CEO, in a recent statement.

"The electric sector has known that these rules were coming," Calpine and seven other utilities wrote in a letter to *The Wall Street Journal* that was published last week. "Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants."

## 'Some hiccups'

In their efforts to block the new climate rules in court, industry attorneys have cited South Dakota as one of the states that would face a construction moratorium next year.

Their goal is supported in spirit by Republican-led South Dakota, which has joined the legal challenge to EPA's new rules. But according to the state's own permitting officials, there will be no moratorium on permits or construction.

It is true that the South Dakota Department of Environment and Natural Resources still does not have all of its rules in place for next year, said Kyrik Rombough, an engineering director in the agency's air division, but the state is changing them to follow the orders from Washington. At the end of the process, which could take a few more months, South Dakota will be able to issue permits, he said.

The state does not expect to be flooded with permit applications, anyhow, because of EPA's "tailoring rule," which limited the requirements to the largest sources of greenhouse gases. Over the next couple of years, the new rules will add about 2,000 facilities nationwide to the universe of sources needing federal permits, according to EPA estimates.

So far, Hyperion is the only company to ask for a greenhouse gas permit in South Dakota, Rombough said.

"I'm assuming there's going to be some hiccups," he said. "I'm sure some businesses won't want to come in because they don't want to be the first ones in that line, but once the first few get through, enough will have been learned that they'll be able to get their permits in an expedited manner."

Here is how the process works: To get a permit, the largest new plants will need to use the best available control technology (BACT) for greenhouse gases, along with other pollutants that are regulated under the Clean Air Act. Unlike a carbon tax or cap-and-trade program, both of which would put a price on emissions and let businesses decide what to build, the permitting program will require officials do a case-by-case review of the equipment and fuel used at each plant.

Hyperion is confident about its application, Phillips said, because these climate regulations have been on the horizon for a long time. More than a year before EPA finalized its regulations, the developers commissioned an analysis of the project's carbon footprint to check whether it would be

using the best technology available to control greenhouse gases.

Right now, energy efficiency is just about the only thing that the complex can do to reduce its emissions, according to the company's own analysis. EPA acknowledges that the technology to trap and store carbon dioxide is not viable yet, but the Hyperion plant would be equipped with technology to filter out carbon emissions, just in case storage becomes practical later on, Phillips said.

Other companies have been critical of the guidance. It left behind as many questions as it answered, said Steve Rowan, director of environmental affairs at the Charlotte, N.C.-based steel company Nucor Corp.

For example, if companies are not expected to capture and store their carbon emissions, Rowan asked, why did EPA's guidance list it as the ideal technology for addressing climate change? "It seems like an exercise in dealing with things that aren't really going to take us anywhere," Rowan said. "It leaves us wondering exactly what the standard that we're going to be evaluated against is."

## **Broader concerns**

When industry lobbyists have suggested that there will be a construction freeze next year, officials at EPA have taken the uncommon step of calling them out -- sometimes by name.

One of their main targets is Jeff Holmstead, an industry attorney at Bracewell & Giuliani who was the agency's top air official under President George W. Bush. When he predicted that the new greenhouse gas regulations would lead to a moratorium, Holmstead was "simply wrong," EPA press secretary Brendan Gilfillan said last month in a statement.

"We understand there are a lot of lobbyists paid a lot of money to spread doomsday scenarios about what EPA is doing," Gilfillan told Greenwire . "It's been that way throughout our 40-year history, and even though those doomsday scenarios have always been proven wrong, that doesn't mean the arguments don't have sway inside the Beltway. We're asking Americans to look at what we're doing, not what lobbyists are saying."

When asked to explain why companies won't be able to start new projects next year, Holmstead backed off slightly from his prior statements. Some permits may go out by late next year, he said, though they will no doubt be challenged.

Even if things are not "black and white," he said, it is fair to say that people will see a "*de facto* moratorium" in the days, weeks and months after the new rules take effect. Not many companies have gotten federal air permits recently, though that is partly due to the slow economy, and it means there are only a few construction projects set to start next year.

Bill Becker, executive director of the National Association of Clean Air Agencies, said it is unfair to blame the greenhouse gas rules for the delays. It might be difficult to get permits for some types of facilities right now, he said, but those new requirements are not the reason why.

"If a coal-fired power plant is not permitted in a timely manner in the future, it will have nothing to do with the benign greenhouse gas permitting requirements of this program," Becker said. "There will be 15 other reasons that would prevent that application from going forward, and a greenhouse gas permit requiring energy efficiency will be the least of the problems."

But businesses say the slowdown has been made worse by the new administration's decision to get rid of a policy that froze the rules as they stood when a company applied for a permit. Under those rules, even if the agency issued new regulations while the permit was being reviewed, the applicant would not have to worry about them.

Because any permit in the pipeline on Jan. 2 will now need to include greenhouse gases, companies and some states are rushing to get their permits done by the end of the year so they won't be subjected to the new requirements. That is what Nucor is trying to do, Rowan said, but he would not say what is next if the steel company cannot get the permits on time.

With the Obama administration moving forward with several new air pollution standards at once, the permitting process is starting to feel like a "hamster wheel," Rowan said.

It is getting harder to meet federal and state pollution rules and requirements, said one industry source who recently got approval to build a biofuel refinery in the southeastern United States.

The plant was the first of three planned facilities, all of which would need air pollution permits, the source said. But after spending about \$100,000 more than usual on engineering and consulting fees to navigate the permitting process and agreeing to spend more money on the pollution controls demanded by state regulators, the company may look to build its next project outside the United States.

The next plants could be built in the Dominican Republic or another location in the Caribbean or Central America, where there might be better economic opportunities and fewer restrictions on projects.

The source, whose future projects will be affected by EPA's greenhouse gas regulations, said he

doubted that the new rules will stop regulators from issuing permits. But the new rules are making it so expensive and burdensome that businesses do not want to apply in the first place, he said. "As long as you permit something in accordance with the law, you should be able to get the permit," he said. "But agreeing to what they want you to agree to these days -- it just pushes you over the cliff."

### **'What was all the fuss about?'**

Inside the Beltway, lobbyists have sought to frame the new rules as a battle between the Obama administration and industry. But though the rules are coming from Washington, they will be implemented largely by state and local agencies, which have entirely different interests. Many of those officials are under intense pressure to avoid hurting the economy in their own backyard, said Susan Tierney, a consultant who was assistant energy secretary during the Clinton administration after a stint as Massachusetts' environment secretary.

"I have never seen a state that didn't come forth with permits on a timely basis when push came to shove," said Tierney, who is now a managing principal at the Analysis Group in Boston. "I could imagine this will take a little more time as people get familiar with the use of a particular technology, but that is absolutely not the same as a moratorium."

The states are scrambling to overhaul their permitting rules, and with the notable exception of Texas -- which has refused to change its rules in line with EPA's orders -- states are not predicting that they won't be able to issue permits next year. That includes South Dakota and more than a dozen other states that are challenging the rules in court.

By early next year, EPA says, businesses should be able to get permits in every state but Texas, where Gov. Rick Perry (R) and his appointees have refused to follow the Obama administration's commands. EPA is readying a last-minute rule to make sure Texas companies will also be able to start their projects, air chief Gina McCarthy said earlier this month.

In a recent analysis of the correspondence between the states and EPA, the National Association of Clean Air Agencies concluded that all states but Texas will be able to put rules in place by Jan. 2 or, in the case of a few states, shortly thereafter.

"I've not talked to a single state permitting authority who has said, 'My God, the avalanche of permit applications that is falling upon us is so severe that it is paralyzing our ability to issue permits in a timely fashion,'" said Becker, the group's executive director. "States are very sensitive to any interest in economic development within their community, and they will do everything within the law to accelerate the process."

The Obama administration had originally thought about having the greenhouse gas regulations take effect this year, but state and local governments asked to wait until 2011, worried that there might have been tie-ups in the permitting process. Now, the agencies are just about ready to go, despite the claims from industry groups, Becker said.

The U.S. Circuit Court of Appeals for the District of Columbia decided Friday that it would not stop the climate program from taking effect, though it could be quite a while before the court decides whether the regulations are legal under the Clean Air Act. In their efforts to sway the court, attorneys on both sides have examined the updates from the states and reached vastly different conclusions about their readiness to handle greenhouse gases.

Becker, who helped craft the 1990 amendments to the Clean Air Act that started the cap-and-trade program for acid rain, said he has seen this type of situation before.

"This is an organized campaign to bring down the entire program before it even begins," he said. "The opponents are unwilling to give it a chance to succeed. If they gave it time, we would look back after a few months and ask ourselves, 'What was all the fuss about?'"

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Gina McCarthy/DC/USEPA/US  
12/13/2010 01:02 PM  
To David McIntosh  
cc Adora Andy, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Joseph Goffman, Michael Moats, Richard Windsor, Scott Fulton, Seth Oster  
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Subject Re: Fw: From Greenwire -- CLIMATE: EPA's rumored 'permotorium' more complex than Beltway debate suggests

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David McIntosh Excellent article. Lots of good stuff in th... 12/13/2010 12:42:36 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
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To be sure, businesses are not crazy about the permitting process, which can depend largely upon the whims of regulators. But with billions of dollars on the line, many investors have been preparing for years to get the greenhouse gas permits they will now need. With greenhouse gases, as with other types of pollution, some of them have found a way to get approvals.

Calpine Corp., a power company that does most of its business in California, recently secured a federal permit for its Russell City Energy Center, a combined-cycle natural gas plant in Hayward, Calif. Though EPA's new rules had not taken effect yet, the Houston-based company agreed to set enforceable limits that would require the 600-megawatt plant to produce 50 percent less greenhouse gases than a coal plant.

As part of its deal with the Bay Area Air Quality Management District, Calpine also agreed to donate \$10 million toward the construction of a new library in Hayward and make a \$1.6 million gift to the local parks department.

The permit shows that EPA's new greenhouse rules can work, said Jack Fusco, the company's president and CEO, in a recent statement.

"The electric sector has known that these rules were coming," Calpine and seven other utilities wrote in a letter to *The Wall Street Journal* that was published last week. "Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants."

### **'Some hiccups'**

In their efforts to block the new climate rules in court, industry attorneys have cited South Dakota as one of the states that would face a construction moratorium next year.

Their goal is supported in spirit by Republican-led South Dakota, which has joined the legal challenge to EPA's new rules. But according to the state's own permitting officials, there will be no moratorium on permits or construction.

It is true that the South Dakota Department of Environment and Natural Resources still does not have all of its rules in place for next year, said Kyrik Rombough, an engineering director in the agency's air division, but the state is changing them to follow the orders from Washington. At the end of the process, which could take a few more months, South Dakota will be able to issue

permits, he said.

The state does not expect to be flooded with permit applications, anyhow, because of EPA's "tailoring rule," which limited the requirements to the largest sources of greenhouse gases. Over the next couple of years, the new rules will add about 2,000 facilities nationwide to the universe of sources needing federal permits, according to EPA estimates.

So far, Hyperion is the only company to ask for a greenhouse gas permit in South Dakota, Rombough said.

"I'm assuming there's going to be some hiccups," he said. "I'm sure some businesses won't want to come in because they don't want to be the first ones in that line, but once the first few get through, enough will have been learned that they'll be able to get their permits in an expedited manner." Here is how the process works: To get a permit, the largest new plants will need to use the best available control technology (BACT) for greenhouse gases, along with other pollutants that are regulated under the Clean Air Act. Unlike a carbon tax or cap-and-trade program, both of which would put a price on emissions and let businesses decide what to build, the permitting program will require officials do a case-by-case review of the equipment and fuel used at each plant.

Hyperion is confident about its application, Phillips said, because these climate regulations have been on the horizon for a long time. More than a year before EPA finalized its regulations, the developers commissioned an analysis of the project's carbon footprint to check whether it would be using the best technology available to control greenhouse gases.

Right now, energy efficiency is just about the only thing that the complex can do to reduce its emissions, according to the company's own analysis. EPA acknowledges that the technology to trap and store carbon dioxide is not viable yet, but the Hyperion plant would be equipped with technology to filter out carbon emissions, just in case storage becomes practical later on, Phillips said.

Other companies have been critical of the guidance. It left behind as many questions as it answered, said Steve Rowan, director of environmental affairs at the Charlotte, N.C.-based steel company Nucor Corp.

For example, if companies are not expected to capture and store their carbon emissions, Rowan asked, why did EPA's guidance list it as the ideal technology for addressing climate change?

"It seems like an exercise in dealing with things that aren't really going to take us anywhere," Rowan said. "It leaves us wondering exactly what the standard that we're going to be evaluated against is."

## Broader concerns

When industry lobbyists have suggested that there will be a construction freeze next year, officials at EPA have taken the uncommon step of calling them out -- sometimes by name.

One of their main targets is Jeff Holmstead, an industry attorney at Bracewell & Giuliani who was the agency's top air official under President George W. Bush. When he predicted that the new greenhouse gas regulations would lead to a moratorium, Holmstead was "simply wrong," EPA press secretary Brendan Gilfillan said last month in a statement.

"We understand there are a lot of lobbyists paid a lot of money to spread doomsday scenarios about what EPA is doing," Gilfillan told *Greenwire*. "It's been that way throughout our 40-year history, and even though those doomsday scenarios have always been proven wrong, that doesn't mean the arguments don't have sway inside the Beltway. We're asking Americans to look at what we're doing, not what lobbyists are saying."

When asked to explain why companies won't be able to start new projects next year, Holmstead backed off slightly from his prior statements. Some permits may go out by late next year, he said, though they will no doubt be challenged.

Even if things are not "black and white," he said, it is fair to say that people will see a "*de facto* moratorium" in the days, weeks and months after the new rules take effect. Not many companies have gotten federal air permits recently, though that is partly due to the slow economy, and it means there are only a few construction projects set to start next year.

Bill Becker, executive director of the National Association of Clean Air Agencies, said it is unfair to blame the greenhouse gas rules for the delays. It might be difficult to get permits for some types of facilities right now, he said, but those new requirements are not the reason why.

"If a coal-fired power plant is not permitted in a timely manner in the future, it will have nothing to do with the benign greenhouse gas permitting requirements of this program," Becker said. "There will be 15 other reasons that would prevent that application from going forward, and a greenhouse gas permit requiring energy efficiency will be the least of the problems."

But businesses say the slowdown has been made worse by the new administration's decision to get rid of a policy that froze the rules as they stood when a company applied for a permit. Under those rules, even if the agency issued new regulations while the permit was being reviewed, the applicant

would not have to worry about them.

Because any permit in the pipeline on Jan. 2 will now need to include greenhouse gases, companies and some states are rushing to get their permits done by the end of the year so they won't be subjected to the new requirements. That is what Nucor is trying to do, Rowlan said, but he would not say what is next if the steel company cannot get the permits on time.

With the Obama administration moving forward with several new air pollution standards at once, the permitting process is starting to feel like a "hamster wheel," Rowlan said.

It is getting harder to meet federal and state pollution rules and requirements, said one industry source who recently got approval to build a biofuel refinery in the southeastern United States.

The plant was the first of three planned facilities, all of which would need air pollution permits, the source said. But after spending about \$100,000 more than usual on engineering and consulting fees to navigate the permitting process and agreeing to spend more money on the pollution controls demanded by state regulators, the company may look to build its next project outside the United States.

The next plants could be built in the Dominican Republic or another location in the Caribbean or Central America, where there might be better economic opportunities and fewer restrictions on projects.

The source, whose future projects will be affected by EPA's greenhouse gas regulations, said he doubted that the new rules will stop regulators from issuing permits. But the new rules are making it so expensive and burdensome that businesses do not want to apply in the first place, he said.

"As long as you permit something in accordance with the law, you should be able to get the permit," he said. "But agreeing to what they want you to agree to these days -- it just pushes you over the cliff."

### **'What was all the fuss about?'**

Inside the Beltway, lobbyists have sought to frame the new rules as a battle between the Obama administration and industry. But though the rules are coming from Washington, they will be implemented largely by state and local agencies, which have entirely different interests.

Many of those officials are under intense pressure to avoid hurting the economy in their own backyard, said Susan Tierney, a consultant who was assistant energy secretary during the Clinton administration after a stint as Massachusetts' environment secretary.

"I have never seen a state that didn't come forth with permits on a timely basis when push came to shove," said Tierney, who is now a managing principal at the Analysis Group in Boston. "I could imagine this will take a little more time as people get familiar with the use of a particular technology, but that is absolutely not the same as a moratorium."

The states are scrambling to overhaul their permitting rules, and with the notable exception of Texas -- which has refused to change its rules in line with EPA's orders -- states are not predicting that they won't be able to issue permits next year. That includes South Dakota and more than a dozen other states that are challenging the rules in court.

By early next year, EPA says, businesses should be able to get permits in every state but Texas, where Gov. Rick Perry (R) and his appointees have refused to follow the Obama administration's commands. EPA is readying a last-minute rule to make sure Texas companies will also be able to start their projects, air chief Gina McCarthy said earlier this month.

In a recent analysis of the correspondence between the states and EPA, the National Association of Clean Air Agencies concluded that all states but Texas will be able to put rules in place by Jan. 2 or, in the case of a few states, shortly thereafter.

"I've not talked to a single state permitting authority who has said, 'My God, the avalanche of permit applications that is falling upon us is so severe that it is paralyzing our ability to issue permits in a timely fashion,'" said Becker, the group's executive director. "States are very sensitive to any interest in economic development within their community, and they will do everything within the law to accelerate the process."

The Obama administration had originally thought about having the greenhouse gas regulations take effect this year, but state and local governments asked to wait until 2011, worried that there might have been tie-ups in the permitting process. Now, the agencies are just about ready to go, despite the claims from industry groups, Becker said.

The U.S. Circuit Court of Appeals for the District of Columbia decided Friday that it would not stop the climate program from taking effect, though it could be quite a while before the court decides whether the regulations are legal under the Clean Air Act. In their efforts to sway the court, attorneys on both sides have examined the updates from the states and reached vastly different conclusions about their readiness to handle greenhouse gases.

Becker, who helped craft the 1990 amendments to the Clean Air Act that started the cap-and-trade

program for acid rain, said he has seen this type of situation before.

"This is an organized campaign to bring down the entire program before it even begins," he said.

"The opponents are unwilling to give it a chance to succeed. If they gave it time, we would look back after a few months and ask ourselves, 'What was all the fuss about?'"

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01268-EPA-6339

David  
McIntosh/DC/USEPA/US  
12/13/2010 06:54 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: a meeting in early January

Just FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 12/13/2010 06:54 PM -----

From: David McIntosh/DC/USEPA/US  
To: abreehey@boilermakers.org  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA  
Date: 12/13/2010 06:54 PM  
Subject: a meeting in early January

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Hi Abe,

As I mentioned on the phone earlier today, I'd like to request that, in the first or second week of January, a few of us EPA people (including me, Joe in the Air Office front office, and Peter Tsirigotis in the Office of Air Quality Planning and Standards -- both of whom are cc'd here) come over to your neck of the woods to meet with you and anyone else you think is appropriate, specifically about the labor availability question in the context of the Utility MACT Rulemaking (which will start next year) and the Transport Rulemaking (which will conclude next year). Are there any particular days when that might work best on your end?

Thanks,  
David

PS -- By separate email, I've just suggested to Gina McCarthy that she set up a meeting between both relevant EPA politicals and relevant EPA career staff experts on the one hand and AFL-CIO industrial member representatives on the other to talk about any and all aspects of the Utility MACT Rulemaking.

01268-EPA-6340

**Aaron  
Dickerson/DC/USEPA/US**  
12/14/2010 08:39 AM

**To** Valerie Washington, KarenL Martin, DeWitt Watkins, Jose Lozano, Ryan Robison, John Reeder, Ebony Washington, Adrian Collins, Taylor Fiscus, Gwendolyn KeyesFleming, Sherri White, Jim Martin, Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLerran, Shirley Kelley, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy, Lisa Heinzerling, David McIntosh

cc

bcc

Subject Tuesday, December 14, 2010 Schedule for Lisa P. Jackson

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

### Schedule for Lisa P. Jackson EPA Administrator Tuesday, December 14, 2010

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## Notes:

## Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

## Shift Leaders

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| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

## Staff Contact

Heidi Ellis 202-355-5212

|                     |                                                      |                                                              |
|---------------------|------------------------------------------------------|--------------------------------------------------------------|
| 08:30 AM - 09:30 AM | Old Ebbitt Grill<br>675 15th St NW<br>Washington, DC | Breakfast Meeting                                            |
| 08:45 AM - 09:15 AM | Administrator's Office                               | FYI: Daily Meeting                                           |
| 09:30 AM - 10:00 AM | Administrator's Office                               | 1 on 1 with Lisa Garcia<br>Ct. Shelley Dawson - 202-564-2633 |
| 10:00 AM - 10:10 AM | Administrator's Office                               | CFC Photo-Op<br>Linda E. Zarow - 202-564-7431                |
|                     |                                                      | Eric Vance and Ron Slotkin will take the photo.              |
| 10:15 AM - 10:45 AM | Administrator's                                      | 1 on 1 with Chuck Fox                                        |

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | Office                 | Ct: Julie Winters (CBPO) 410-267-5754<br>Optional: Bob Perciasepe, Bob Sussman, Diane Thompson (OA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11:00 AM - 01:00 PM | Green Room             | <p>Speaker Series</p> <p>11:10am: Event starts. LPJ enters with a hand held mike, and introduces Panelists who enter from front of room when introduced. LPJ takes her seat in audience.</p> <p>11:15am: Panel begins.</p> <p>12:10pm: Questions from staff using mic runners.</p> <p>12:25pm: LPJ presents gifts to speakers. Staff is at stage with gift bag.</p> <p>12:30pm: Panel concluded by LPJ. Panelists are escorted to lunch.</p> <p>1:00pm: Panelists depart.</p>                                                                                                                                                                                                                                                              |
| 01:00 PM - 01:30 PM | Room 6530              | <p>MOU Peace Corp<br/>CT: Elle Beard - 202-564-7723</p> <p>1:00-1:05 - Welcome and Remarks by EPA Administrator<br/>1:05-1:10 Remarks by PC Director<br/>1:10-1:15 Signing documents<br/>1:15-1:20 Pictures<br/>* Principles may leave*<br/>1:20-1:30 Show Peace Corps 50th Anniversary Video<br/>1:30-1:40 Introductions<br/>1:40-2:00 Reception</p> <p>Room information:<br/>Room 6530 EPA HQ is reserved from 12:30-2:30 (to allow for set up and takedown). The room holds 37 people total.</p> <p>Invitees:<br/>13 Peace Corps chosen guests<br/>10 EPA (Administrator's Office and OITA)<br/>8 EPA RPCVs (chosen because they will be explicitly involved in the implementation of the MOU)<br/>6 EPA international coordinators</p> |
| 01:45 PM - 02:00 PM | Administrator's Office | <p>Call with Governor Beshear<br/>Sally (Gov Beshear's Office) 502-564-2611</p> <p>Staff: Bob Sussman (OA)</p> <p>The Administrator will call the Governor on his direct line 502-564-5557.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 02:00 PM - 03:00 PM | Bullet Room            | Meeting with Members of the Chesapeake Bay Commission<br>Ct: Julie Winters (CBPO) 410-267-5754                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Staff:  
 Larry Elworth (OA)  
 Chuck Fox (CBPO)  
 Shawn Garvin (R3)  
 Pete Silva (OW)  
 Sarah Pallone (OCIR)  
 Optional: Bob Perciasepe (OA)

Attendees:  
 Senator Mike Brubaker, PA, Vice Chair of the Chesapeake Bay Commission, and  
 Chair of the Pennsylvania Delegation

Senator Mary Margaret Whipple, VA, Vice Chair of the Chesapeake Bay Commission, and Chair of the Virginia Delegation

Delegate Jim Hubbard, MD, Vice-Chair of the Maryland Delegation

Ann Swanson, Executive Director of the Chesapeake Bay Commission

Marel Raub, Pennsylvania Director of the Chesapeake Bay Commission

|                     |                                                   |                                                                                                                                                       |
|---------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:30 PM - 05:30 PM | OITA Office -<br>Ronald Reagan Bldg<br>Room 31107 | FYI - OITA Holiday Party<br>Elle Beard - 202-564-7723                                                                                                 |
| 03:00 PM - 03:10 PM | By Phone                                          | Call with Rep. Upton<br>Ct: Elizabeth Thomas (Scheduler to Rep. Upton)<br>-202-225-3761                                                               |
|                     |                                                   | Staff: Arvin Ganesan - 202-564-4741                                                                                                                   |
|                     |                                                   | The Administrator will call the Rep. Upton's main line at 202-225-3761 and they will connect them.                                                    |
| 03:15 PM - 03:45 PM | Bullet Room                                       | Pre-Brief on Final Chesapeake Bay TMDL<br>Ct: Janice Donlon (R3) <span style="background-color: black; color: black;">(b) (6) Personal Privacy</span> |
|                     |                                                   | Staff:<br>Bob Perciasepe, Bob Sussman, Janet Woodka (OA)                                                                                              |
|                     |                                                   | Shawn Garvin, Chuck Fox, Jon Capacasa, Jim Edward, Jeff Corbin, Katherine Antos (R3/CBPO)- in person                                                  |
|                     |                                                   | Bob Koronczi, Rick Batiuk, Travis Loop, Kelly Shenk, Jennifer Molloy, Christopher Day (R3/CBPO) - by phone                                            |
|                     |                                                   | Pete Silva, Nancy Stoner (OW)<br>Scott Fulton, Avi Garbow (OGC)                                                                                       |
|                     |                                                   | Hookup to Administrator's conference line needed                                                                                                      |
| 04:00 PM - 05:00 PM | Bullet Room                                       | Options Selection Meeting: Utility MACT and Criteria NSPS Proposal                                                                                    |

(Part 1)  
Ct: Cindy Huang (OAR) 564-7404

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

Video/audio bridge hookup will be provided

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

|                     |                        |                                                                                                                                                                                                              |
|---------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05:00 PM - 05:10 PM | Administrator's Office | Call with Mayor Bloomberg<br>ct: Melissa Garcia (b) (6) Personal Privacy                                                                                                                                     |
| 05:10 PM - 05:20 PM | Studio 1, 6330 ARN     | The Administrator will dial (b) (6) Personal Privacy to be connected to the Mayor.<br><br>Video Message Taping<br>Subj: Governor Riley Event<br><br>Ct: John Hankinson (OA)<br><br>Staff: Ron Slotkin (OEAE) |

\*\*\* 12/14/2010 08:30:27 AM \*\*\*

01268-EPA-6341

**Veronica  
Burley/DC/USEPA/US**  
12/14/2010 08:40 AM

**To** Valerie Washington, KarenL Martin, DeWitt Watkins, Jose Lozano, Ryan Robison, John Reeder, Ebony Washington, Adrian Collins, Taylor Fiscus, Gwendolyn KeyesFleming, Sherri White, Jim Martin, Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLerran, Shirley Kelley, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy, Robert Goulding, Lisa Heinzerling, David McIntosh

**cc****bcc****Subject** Tuesday, December 14, 2010 Schedule for Lisa P. Jackson

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### **Schedule for Lisa P. Jackson EPA Administrator** **Tuesday, December 14, 2010**

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Notes:

| Drivers                                                                                                      | Shift Leaders                                                                                                | Staff Contact                                                |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | Heidi Ellis 202-355-5212                                     |
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| 08:45 AM - 09:15 AM                                                                                          | Administrator's Office                                                                                       | FYI: Daily Meeting                                           |
| 09:30 AM - 10:00 AM                                                                                          | Administrator's Office                                                                                       | 1 on 1 with Lisa Garcia<br>Ct. Shelley Dawson - 202-564-2633 |
| 10:00 AM - 10:10 AM                                                                                          | Administrator's Office                                                                                       | CFC Photo-Op<br>Linda E. Zarow - 202-564-7431                |
|                                                                                                              |                                                                                                              | Eric Vance and Ron Slotkin will take the photo.              |

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|------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10:15 AM - 10:45 AM                                        | Administrator's Office | 1 on 1 with Chuck Fox<br>Cc: Julie Winters (CBPO) 410-267-5754                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Optional: Bob Perciasepe, Bob Sussman, Diane Thompson (OA) |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <hr/>                                                      |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 02:00 PM - 03:00 PM                                        | Bullet Room            | Meeting with Members of the Chesapeake Bay Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Ct: Julie Winters (CBPO) 410-267-5754

Staff:

Larry Elworth (OA)  
 Chuck Fox (CBPO)  
 Shawn Garvin (R3)  
 Pete Silva (OW)  
 Sarah Pallone (OCIR)  
 Optional: Bob Perciasepe (OA)

Attendees:

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Senator Mary Margaret Whipple, VA, Vice Chair of the Chesapeake Bay Commission,  
 and Chair of the Virginia Delegation

Delegate Jim Hubbard, MD, Vice-Chair of the Maryland Delegation

Ann Swanson, Executive Director of the Chesapeake Bay Commission

Marel Raub, Pennsylvania Director of the Chesapeake Bay Commission

|                     |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:30 PM - 05:30 PM | OITA Office -<br>Ronald Reagan Bldg<br>Room 31107 | FYI - OITA Holiday Party<br>Elle Beard - 202-564-7723                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03:00 PM - 03:10 PM | By Phone                                          | Call with Rep. Upton<br>Ct: Elizabeth Thomas (Scheduler to Rep. Upton)<br>-202-225-3761<br><br>Staff: Arvin Ganesan - 202-564-4741<br><br>The Administrator will call the Rep. Upton's main line at 202-225-3761<br>and they<br>will connect them.                                                                                                                                                                                                                                                                                         |
| 03:15 PM - 03:45 PM | Bullet Room                                       | Pre-Brief on Final Chesapeake Bay TMDL<br>Ct: Janice Donlon (R3) <sup>(b) (6) Personal Privacy</sup><br><br>Staff:<br>Bob Perciasepe, Bob Sussman, Janet Woodka (OA)<br><br>Shawn Garvin, Chuck Fox, Jon Capacasa, Jim Edward, Jeff Corbin,<br>Katherine Antos<br>(R3/CBPO)- in person<br><br>Bob Koroncai, Rick Batiuk, Travis Loop, Kelly Shenk, Jennifer Molloy,<br>Christopher Day (R3/CBPO) - by phone<br><br>Pete Silva, Nancy Stoner (OW)<br>Scott Fulton, Avi Garbow (OGC)<br><br>Hookup to Administrator's conference line needed |

04:00 PM - 05:00 PM     Bullet Room     Options Selection Meeting: Utility MACT and Criteria NSPS Proposal (Part 1)  
Ct: Cindy Huang (OAR) 564-7404

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

Video/audio bridge hookup will be provided

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

---

05:00 PM - 05:10 PM     Administrator's Office     Call with Mayor Bloomberg  
ct: Melissa Garcia (b) (6) Personal Privacy

The Administrator will dial (b) (6) Personal Privacy to be connected to the Mayor.

---

05:10 PM - 05:20 PM     Studio 1, 6330 ARN     Video Message Taping  
Subj: Governor Riley Event  
  
Ct: John Hankinson (OA)  
  
Staff: Ron Slotkin (OEAE)

---

01268-EPA-6342

David  
McIntosh/DC/USEPA/US  
12/14/2010 10:31 AM

To Barbara Bennett  
cc Arvin Ganesan, Bob Perciasepe, Diane Thompson, Richard Windsor  
bcc  
Subject Re: Omnibus

(b) (5) Deliberative

Barbara Bennett

(b) (5) Deliberative

12/14/2010 10:28:46 AM

From: Barbara Bennett/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 12/14/2010 10:28 AM  
Subject: Omnibus

(b) (5) Deliberative

Barb

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

01268-EPA-6345

**Bob Sussman/DC/USEPA/US**

12/16/2010 02:24 PM

To Karl Brooks, Bob Perciasepe, Seth Oster, Scott Fulton, Sarah

Pallone, Richard Windsor

cc Janet Woodka

bcc

Subject Re: sunflower- confidential - embargoed release

Thanks Karl. Must have missed op-ed. Could you resend?

Karl Brooks

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

**From:** Karl Brooks

**Sent:** 12/16/2010 02:07 PM EST

**To:** Bob Perciasepe; Bob Sussman; Seth Oster; Scott Fulton; Sarah Pallone; Richard Windsor

**Cc:** Janet Woodka

**Subject:** Fw: sunflower- confidential - embargoed release

(b) (5) Deliberative



Karl  
Sent by EPA Wireless E-Mail Services  
David Bryan

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

**From:** David Bryan

**Sent:** 12/16/2010 10:45 AM CST  
**To:** Karl Brooks; William Rice; Rebecca Weber; David Cozad  
**Subject:** Fw: sunflower- confidential - embargoed release

[attachment "10-301 Sunflower decision-embargoed.docx" deleted by Bob Sussman/DC/USEPA/US]

### Text of embargoed release:

#### EMBARGOED until 2 p.m.:

Pankratz, 785-296-5795

December 16, 2010

[kpankratz@kdheks.gov](mailto:kpankratz@kdheks.gov)

Contact: Kristi

[www.kdheks.gov](http://www.kdheks.gov)

## KDHE Issues Sunflower Electric Air Quality Permit

The Kansas Department of Health and Environment (KDHE) announced today that it has issued the air quality permit for the proposed 895 MW Coal-Fired Steam Generating Unit at the Sunflower Electric Power Corporation near Holcomb.

"After careful review of the permit application, public comments and applicable laws, I have decided to approve the application for an air quality permit," said John W. Mitchell, KDHE Acting Secretary. "The Sunflower proposed expansion project meets all current state and federal requirements for issuing the permit."

The Sunflower application was submitted January 13 and deemed complete June 30. An initial public comment period was held July 1-August 15. A second comment period was held September 23-October 23 to allow for changes that needed to be made to the modeling data. Throughout the process, staff has been working on a Responsiveness Summary, reviewing comments received, making modifications to the permit and providing responses to the comments.

"KDHE is committed to a fair and accurate process. Our staff has diligently and thoroughly reviewed this application and all public comments received. We have also worked with EPA and Sunflower throughout the entire process to ensure all requirements are met. I am confident that we have the best permit possible for Kansas," said Acting Secretary Mitchell.

To review a copy of the Sunflower permit and Responsiveness Summary, visit [www.kdheks.gov](http://www.kdheks.gov).

# # #

David W. Bryan, APR  
Public Affairs Specialist  
Office of Public Affairs  
EPA Region 7  
901 N. 5th Street  
Kansas City, KS 66101  
913.551.7433, Fax: 913.551.7066  
[bryan.david@epa.gov](mailto:bryan.david@epa.gov)

----- Forwarded by David Bryan/R7/USEPA/US on 12/16/2010 10:41 AM -----

From: Rich Hood/R7/USEPA/US  
To: David Bryan/R7/USEPA/US@EPA  
Date: 12/16/2010 10:35 AM  
Subject: Fw: sunflower- confidential

---

Dave,

Can you please send the KDHE release to Karl as soon as we have it.

Thanks,

Rich Hood  
Associate Regional Administrator  
For Media, Intergovernmental Relations  
Region 7  
(o) 913-551-7906  
(c) (b) (6) Personal Privacy

----- Forwarded by Rich Hood/R7/USEPA/US on 12/16/2010 10:35 AM -----

From: Karl Brooks/R7/USEPA/US  
To: Rebecca Weber/R7/USEPA/US@EPA, "rice.william" <rice.william@epa.gov>, Rich Hood/R7/USEPA/US@EPA, David Cozad/R7/USEPA/US@EPA  
Date: 12/16/2010 10:15 AM  
Subject: Re: sunflower- confidential

---

Pls fwd me kdhe release asap aftr 2. Tx!  
Sent by EPA Wireless E-Mail Services  
Rebecca Weber

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

**From:** Rebecca Weber  
**Sent:** 12/16/2010 08:34 AM CST  
**To:** Karl Brooks; rice.william@epa.gov; Rich Hood; David Cozad  
**Subject:** sunflower- confidential

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Rich, may want to have some words put together as a response.....

01268-EPA-6346

David  
McIntosh/DC/USEPA/US  
12/17/2010 08:35 AM

To Richard Windsor, Bob Perciasepe, Seth Oster, Diane Thompson, Bob Sussman, Janet Woodka  
cc  
bcc  
Subject CALIFORNIA STRUGGLES TO GAIN EPA 'EQUIVALENCY' RULING ON CLIMATE RULES

Please see below.

(b) (5) Deliberative

**News Headline:** CALIFORNIA STRUGGLES TO GAIN EPA 'EQUIVALENCY' RULING ON CLIMATE RULES | 

**Outlet Full Name:** Inside EPA Weekly Report

**News OCR Text:** California air board officials likely face an uphill battle in trying to convince EPA that the state's emerging greenhouse gas (GHG) cap-and-trade program is "equivalent" to or more protective than the federal agency's looming GHG regulations for major industrial facilities, according to sources.

EPA may find it difficult to issue "equivalency" guidance since it lacks explicit statutory authority to develop its own cap-and-trade program, sources say. Moreover, sources point to the fact that California has failed in past efforts to bypass federal Clean Air Act requirements by citing the stringency of its own existing rules.

Speculation about the state's efforts comes as the head of the California Air Resources Board (CARB) is appealing for a meeting with EPA air chief Gina McCarthy to discuss the potential for a landmark agreement between the agencies. CARB at press time was scheduled Dec. 16 to approve regulations for its cap-and-trade program to reduce GHG emissions from industrial sources and the electricity sector; the program would launch in 2012. Suppliers of transportation fuels and natural gas for industrial and residential use will be added to the program in 2015. The program was authorized by the pioneering 2006 state law AB32.

"In the aggregate, covered sources -- emitting about 85 percent of the state's GHGs -- will have to reduce emissions by 15% between 2010 and 2020," CARB chairwoman Mary Nichols says in a Nov. 30 letter to McCarthy.

"This program fulfills requirements in [AB 32]. My staff is working to ensure that our program also satisfies Clean Air Act requirements that we expect EPA to promulgate over the next few years, including section 165, Prevention of Significant Deterioration [PSD], and section 111, New Source Performance Standards. I would welcome the opportunity to provide you with more detail on how the concept of these federal requirements could be addressed within the framework of a cap-and-trade program." The letter is available on InsideEPA.com.

It appears that Nichols is suggesting that such an equivalency finding by EPA would be made for the applicable Clean Air Act rules after 2012, when the state cap-and-trade program begins, and not affecting permits approved next year under EPA's GHG "tailoring" rule, which is scheduled to take effect next month.

The tailoring rule affects how California air districts permit GHG emissions from larger facilities under the federal PSD and Title V programs. EPA has already identified nearly 30 California air districts as needing to make changes to their state implementation plans (SIPs) in order to implement the tailoring rule next year. An equivalency ruling could eventually result in these SIPs being amended to allow the cap-and-trade program to replace the individual permit program provisions.

An EPA headquarters spokeswoman declined to comment specifically on Nichols' letter or California's requests for an equivalency finding, but said that "if states have ideas, they should send them in."

But an EPA Region IX source says it would appear difficult for EPA to pursue some sort of equivalency finding for California. "EPA remains in open communication with CARB; however, EPA does not have statutory authority to develop a cap-and-trade program, and is therefore unable to provide guidance on 'equivalency,'" the source says.

An industry consultant says California appears to face an uphill battle based on history. The source says California failed in a similar situation when it attempted to convince EPA to allow the state to avoid carrying out the federal Title V air permitting program after it was approved by Congress in 1990, based on the argument that the state's own pollution rules were equivalent or more protective. "I don't see EPA agreeing on this either," the source says.

California industry representatives have been mostly quiet about the state's efforts, but in general appear to support CARB's concept. "It is crucial that state and federal rules don't conflict or overlap in a way that increases cost of compliance," says one industry source.

A CARB spokesman says a meeting has not yet been scheduled between CARB leaders and EPA headquarters staff to discuss the equivalency matter.

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[Return to Top](#)

01268-EPA-6347

Richard  
Windsor/DC/USEPA/US  
12/17/2010 11:03 AM

To Karl Brooks  
cc "Scott Fulton", "Seth Oster", "Sarah Pallone",  
Perciasepe.Bob, Sussman.Bob, "Janet Woodka"  
bcc  
Subject Re: Fw: sunflower- confidential - embargoed release

TX Karl.

Karl Brooks (b) (5) Deliberative 12/16/2010 02:07:49 PM

From: Karl Brooks/R7/USEPA/US  
To: Perciasepe.Bob@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, "Seth Oster"  
<Oster.Seth@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Sarah Pallone"  
<Pallone.Sarah@epamail.epa.gov>, Richard Windsor/DC/USEPA/US  
Cc: "Janet Woodka" <Woodka.Janet@epamail.epa.gov>  
Date: 12/16/2010 02:07 PM  
Subject: Fw: sunflower- confidential - embargoed release

(b) (5) Deliberative

The figure consists of ten horizontal black bars of varying lengths, arranged vertically from top to bottom. The lengths of the bars decrease progressively. The first bar is the longest, followed by a shorter one, then another, and so on until the tenth bar, which is the shortest. There is a small gap between the first bar and the second, and a larger gap between the second bar and the third.

Karl  
Sent by EPA Wireless E-Mail Services  
David Bryan

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

**From:** David Bryan  
**Sent:** 12/16/2010 10:45 AM CST  
**To:** Karl Brooks; William Rice; Rebecca Weber; David Cozad  
**Subject:** Fw: sunflower- confidential - embargoed release

[attachment "10-301 Sunflower decision-embargoed.docx" deleted by Richard Windsor/DC/USEPA/US]

**Text of embargoed release:**

**EMBARGOED until 2 p.m.:**

785-296-5795

December 16, 2010

Contact: Kristi Pankratz,

[kpankratz@kdheks.gov](mailto:kpankratz@kdheks.gov)  
[www.kdheks.gov](http://www.kdheks.gov)

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# # #

David W. Bryan, APR  
Public Affairs Specialist  
Office of Public Affairs  
EPA Region 7

901 N. 5th Street  
Kansas City, KS 66101  
913.551.7433, Fax: 913.551.7066  
bryan.david@epa.gov

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From: Rich Hood/R7/USEPA/US  
To: David Bryan/R7/USEPA/US@EPA  
Date: 12/16/2010 10:35 AM  
Subject: Fw: sunflower- confidential

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Rich Hood  
Associate Regional Administrator  
For Media, Intergovernmental Relations  
Region 7  
(o) 913-551-7906  
(c) 913-339-8327

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To: Rebecca Weber/R7/USEPA/US@EPA, "rice.william" <rice.william@epa.gov>, Rich Hood/R7/USEPA/US@EPA, David Cozad/R7/USEPA/US@EPA  
Date: 12/16/2010 10:15 AM  
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01268-EPA-6348

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
12/17/2010 04:07 PM                  cc  
                                                    bcc  
Subject Fw: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative

01268-EPA-6349

**David  
McIntosh/DC/USEPA/US**  
12/17/2010 05:37 PM

To: Brendan Gilfillan  
 cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Seth Oster, Richard Windsor, Stephanie Owens  
 bcc:  
 Subject: Re: Greenwire: Rockefeller abandons efforts to muzzle EPA authority

The funny thing is that it was actually on again a couple hours after the caucus lunch described in this story. But now it's definitely off.

|                   |                                           |                        |
|-------------------|-------------------------------------------|------------------------|
| Brendan Gilfillan | Rockefeller abandons efforts to muzzle... | 12/17/2010 05:18:50 PM |
|-------------------|-------------------------------------------|------------------------|

From: Brendan Gilfillan/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
 Date: 12/17/2010 05:18 PM  
 Subject: Greenwire: Rockefeller abandons efforts to muzzle EPA authority

## **Rockefeller abandons efforts to muzzle EPA authority (12/17/2010)**

Jean Chemnick, E&E reporter

Sen. Jay Rockefeller (D-W.Va.) this afternoon abandoned his efforts to secure a vote on his bill to limit U.S. EPA authority, blaming Republicans for backing away from the measure.

"I have been reliably informed that longtime Republican proponents of my bill to suspend EPA regulations on greenhouse gas emissions have pulled their support for this year -- so that they can gain some political advantage trying to take over this issue in 2011," the senator said in a statement.

Rockefeller said that momentum had been building among Democrats for his bill, which would delay for two years EPA regulation of greenhouse gas emissions from stationary sources like power plants and manufacturing facilities.

"This is of necessity a bipartisan proposal and it cannot proceed without strong Republican support and effort," he said. He singled out Sen. Lisa Murkowski (R-Alaska) for her continued support for his bill.

Rockefeller's statement comes one day after he said he would "insist" that Senate Majority Leader Harry Reid (D-Nev.) allow the bill to come to the floor during discussion of a government spending bill. Rockefeller's strategy would have required him to find 67 votes -- an improbably high hurdle for a bill that most Senate Democrats oppose.

Senate Democratic leaders have since abandoned the appropriations omnibus because of Republican opposition. Rockefeller has previously hinted he might not pursue a stay on EPA regulations in the new Congress, but he reversed course today.

"Let me make clear, I will be back fighting hard for my two-year bill as my first order of business in the new Congress," he said, citing a January launch date for some carbon requirements for very large sources.

Rockefeller's Democratic colleagues said he discussed his bill during a policy luncheon at the Capitol this afternoon.

"He's indicated that he's not going to proceed," said Sen. Debbie Stabenow (D-Mich.) following the caucus luncheon. "There's not a mechanism to proceed at this point in time."

Stabenow said she did not know how she would vote if Rockefeller did win a vote for his bill.

"I would certainly take a look at it if he does" get the bill to the floor, she said.

Stabenow said she was concerned that EPA regulations would have a stifling effect on her state's manufacturing sector.

Sen. Ben Nelson (D-Neb.), a co-sponsor of the Rockefeller effort, said he was in favor of bringing it to the floor this year, "but I also recognize the compression of time."

Nelson said he hoped EPA would delay implementation of its carbon program until Congress had an opportunity to act.

"I would hope that ... in light of what has been done, and in light of what we want to do, that EPA wouldn't jump in and do something preliminarily to shut us out. Because we would undo whatever they chose to do. I'd rather just not have that fight," he said.

Joe Mendelson, director of the climate change program at the National Wildlife Federation, said that even if an effort like Rockefeller's does not become law, it sends a message to EPA that Congress does not support strong regulation of carbon and other emissions. This can have a dampening effect on the agency's efforts to curb emissions, he said.

"Any political push to attack the agency we think is unjustified, and we don't want to see happen," he said.

01268-EPA-6350

**Gina McCarthy/DC/USEPA/US** To David McIntosh, Brendan Gilfillan  
**12/17/2010 05:42 PM** cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Diane Thompson, Dru Ealons, Janet McCabe, Joseph Goffman, "Seth Oster", Richard Windsor, Stephanie Owens  
**bcc**  
**Subject** Re: Greenwire: Rockefeller abandons efforts to muzzle EPA authority

Had more lives than a cat. Good riddance.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/17/2010 05:37 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Arvin Ganesan; Bob Perciasepe; Diane Thompson; Dru Ealons; Gina McCarthy; Janet McCabe; Joseph Goffman; Seth Oster <oster.seth@epa.gov>; Richard Windsor; Stephanie Owens  
**Subject:** Re: Greenwire: Rockefeller abandons efforts to muzzle EPA authority

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| Brendan Gilfillan | Rockefeller abandons efforts to muzzle...                                                                                                                                                                                                                                                                                                                                             | 12/17/2010 05:18:50 PM |
| From:             | Brendan Gilfillan/DC/USEPA/US                                                                                                                                                                                                                                                                                                                                                         |                        |
| To:               | Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA |                        |
| Date:             | 12/17/2010 05:18 PM                                                                                                                                                                                                                                                                                                                                                                   |                        |
| Subject:          | Greenwire: Rockefeller abandons efforts to muzzle EPA authority                                                                                                                                                                                                                                                                                                                       |                        |

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Joe Mendelson, director of the climate change program at the National Wildlife Federation, said that even if an effort like Rockefeller's does not become law, it sends a message to EPA that Congress does not support strong regulation of carbon and other emissions. This can have a dampening effect on the agency's efforts to curb emissions, he said.

"Any political push to attack the agency we think is unjustified, and we don't want to see happen," he said.

01268-EPA-6351

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Michael Moats, Seth Oster  
12/18/2010 07:24 AM cc Bob Perciasepe, David McIntosh, Arvin Ganesan, Diane  
Thompson  
bcc  
Subject Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/17/2010 09:07 PM EST  
**To:** Michael Moats; Seth Oster  
**Cc:** Bob Perciasepe; Bob Sussman; David McIntosh; Arvin Ganesan; Diane Thompson  
**Subject:** Re: Google Alert - EPA Lisa jackson

Yeah maybe not really - Bill Reilly is way too smart to ever make an offhand remark. And it was a helpful one.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 12/17/2010 09:05 PM EST  
**To:** Richard Windsor; Seth Oster  
**Cc:** Bob Perciasepe; Bob Sussman; David McIntosh; Arvin Ganesan; Diane Thompson

**Subject:** Re: Google Alert - EPA Lisa jackson

As always, happy to help. That kid really made something out of Reilly's offhand comment.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/17/2010 06:14 PM EST  
**To:** Michael Moats; Seth Oster  
**Cc:** Bob Perciasepe; Bob Sussman; David McIntosh; Arvin Ganesan; Diane Thompson  
**Subject:** Fw: Google Alert - EPA Lisa jackson

Thank you Michael.

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/17/2010 06:13 PM -----

From: (b) (6) Personal Privacy  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/17/2010 05:57 PM  
Subject: Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

---

**From:** Google Alerts <googlealerts-noreply@google.com>

**Date:** Fri, 17 Dec 2010 22:20:44 +0000

**To:** **|(b) (6) Personal Privacy**

**Subject:** Google Alert - EPA Lisa jackson

News

1 new result for **EPA Lisa jackson**

[\*\*Previous EPA Administrators Handed Rulemaking 'Grenades' to Obama, William ...\*\*](#)

New York Times

Reilly, who is also co-chairman of the presidential panel investigating the Gulf of Mexico oil spill, lent his support to **EPA Administrator Lisa Jackson**, ...

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---

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[Create](#) another alert.

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01268-EPA-6352

**Richard  
Windsor/DC/USEPA/US**  
12/18/2010 08:32 AM

To "Bob Sussman", "Bob Perciasepe"  
cc  
bcc  
Subject Fw: Utility MACT NSPS

Gina McCarthy

(b) (5) Deliberative [REDACTED] . Thoughts?

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative [REDACTED]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page"  
<Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner"  
<Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative [REDACTED]

[REDACTED]

01268-EPA-6353

**Richard  
Windsor/DC/USEPA/US**  
12/18/2010 08:35 AM

To Gina McCarthy  
cc  
bcc  
Subject Re: Utility MACT NSPS

(b) (5) Deliberative

Let me think on this and get back to you.

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

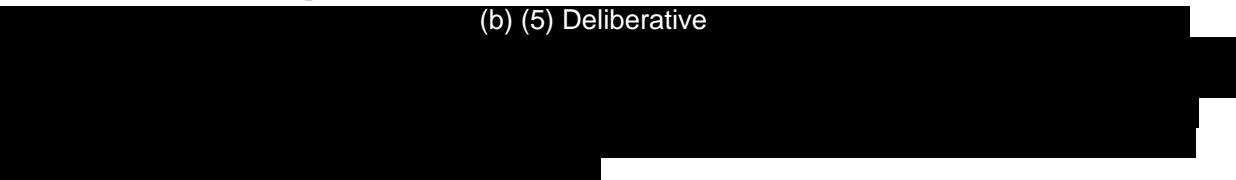


Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative


01268-EPA-6354

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
12/18/2010 09:33 AM cc "Bob Perciasepe", "Bob Sussman"  
**bcc**  
**Subject** Re: Fw: Utility MACT NSPS

(b) (5) Deliberative

you think?

What do

Richard Windsor (b) (5) Deliberative 12/18/2010 08:32:56 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Bob Sussman" <Sussman.bob@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Date:** 12/18/2010 08:32 AM  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative . Thoughts?

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6355

Richard  
Windsor/DC/USEPA/US  
12/18/2010 09:57 AM

To Bob Sussman  
cc "Bob Perciasepe", "Bob Sussman"  
bcc  
Subject Re: Fw: Utility MACT NSPS

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 12/18/2010 09:33 AM EST  
**To:** Richard Windsor  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>  
**Subject:** Re: Fw: Utility MACT NSPS

(b) (5) Deliberative

you think?

What do

Richard Windsor

(b) (5) Deliberative

12/18/2010 08:32:56 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Bob Sussman" <Sussman.bob@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Date:** 12/18/2010 08:32 AM  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

?

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>

**Subject:** Utility MACT NSPS

(b) (5) Deliberative



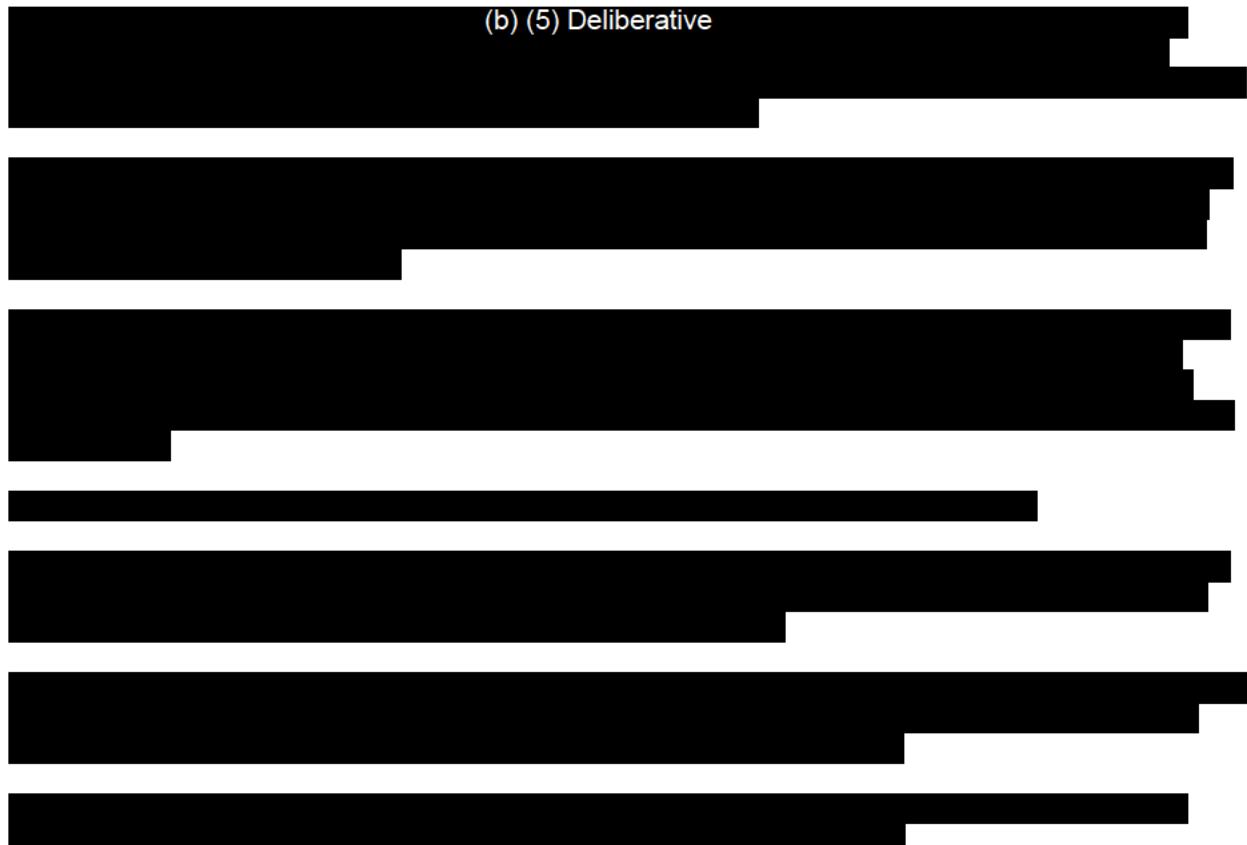
01268-EPA-6356

Bob  
Perciasepe/DC/USEPA/US  
12/18/2010 10:27 AM

To Richard Windsor  
cc Bob Sussman, "Bob Perciasepe", "Bob Sussman"  
bcc  
Subject Re: Fw: Utility MACT NSPS

Lisa and Bob:

(b) (5) Deliberative



Richard Windsor (b) (5) Deliberative ----- Origin... 12/18/2010 09:57:45 AM

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>  
Date: 12/18/2010 09:57 AM  
Subject: Re: Fw: Utility MACT NSPS

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman  
Sent: 12/18/2010 09:33 AM EST  
To: Richard Windsor

**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>  
**Subject:** Re: Fw: Utility MACT NSPS  
(b) (5) Deliberative

[REDACTED] . What do you think?

Richard Windsor [REDACTED] (b) (5) Deliberative 12/18/2010 08:32:56 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** "Bob Sussman" <Sussman.bob@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Date:** 12/18/2010 08:32 AM  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative [REDACTED] Thoughts?  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative



01268-EPA-6357

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
12/18/2010 12:22 PM                  cc  
                                                    bcc  
Subject Re: Utility MACT NSPS

Sure. We can talk when you have had a chance to mull over.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/18/2010 08:35 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: Utility MACT NSPS

(b) (5) Deliberative

Let me think on this and get back to you.

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page"  
<Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner"  
<Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative



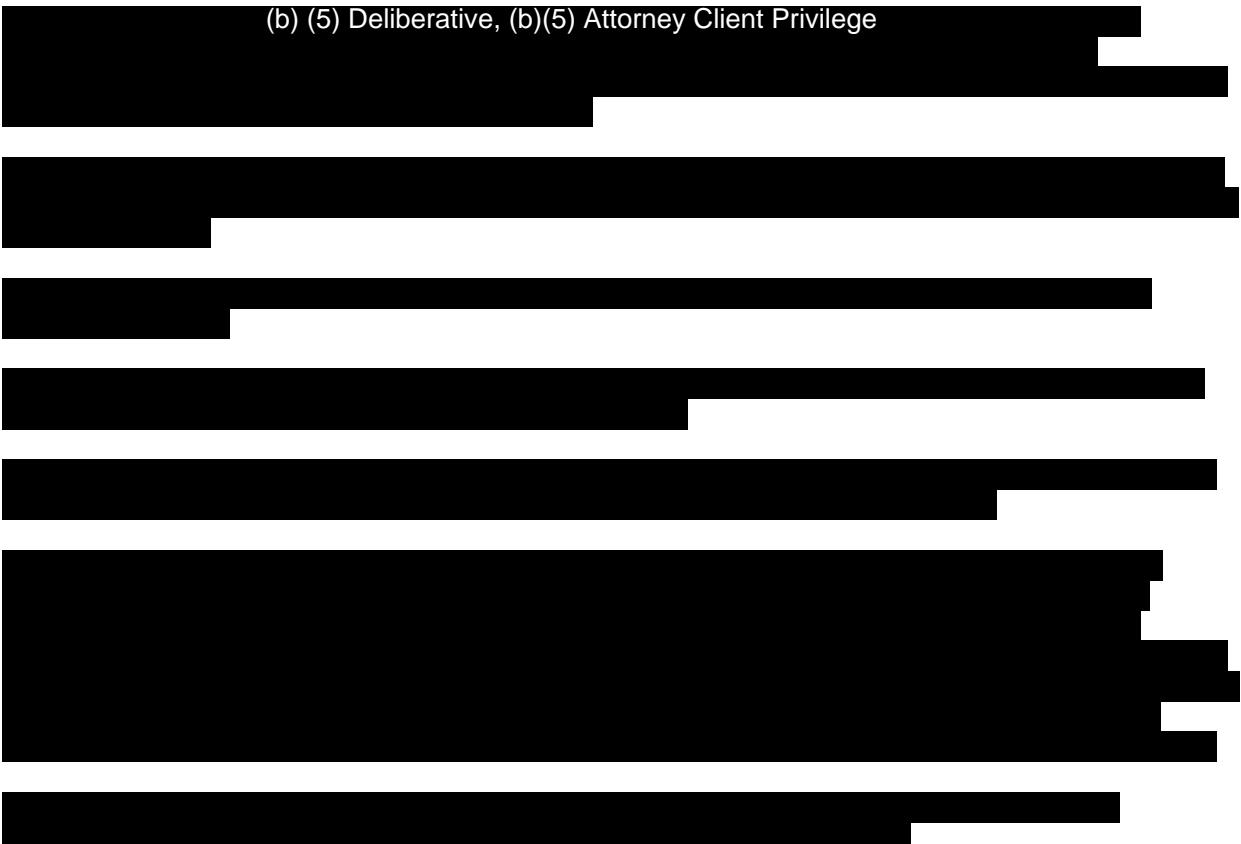
01268-EPA-6360

**David  
McIntosh/DC/USEPA/US**  
12/20/2010 07:23 PM

To Richard Windsor  
cc Scott Fulton, Seth Oster  
bcc

Subject important additional talking point for your Clean Energy  
Group CEO calls tomorrow

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



01268-EPA-6361

Richard  
Windsor/DC/USEPA/US  
12/21/2010 01:18 PM

To Gina McCarthy  
cc Bob Perciasepe, Bob Sussman  
bcc  
Subject Re: Utility MACT NSPS

(b) (5) Deliberative

Lisa

Gina McCarthy Sure. We can talk when you have had... 12/18/2010 12:22:44 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/18/2010 12:22 PM  
Subject: Re: Utility MACT NSPS

Sure. We can talk when you have had a chance to mull over.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/18/2010 08:35 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: Utility MACT NSPS

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Utility MACT NSPS

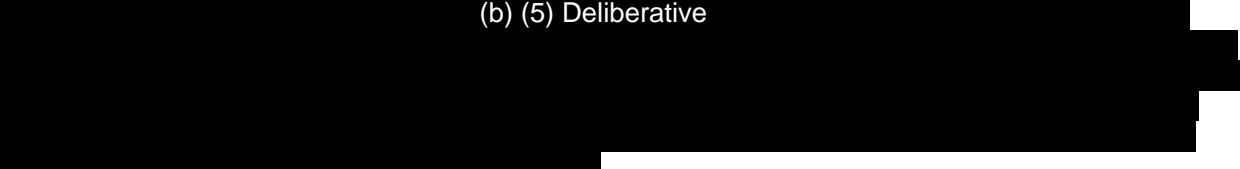
(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/15/2010 12:44 AM EST  
**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>  
**Subject:** Utility MACT NSPS

(b) (5) Deliberative



01268-EPA-6362

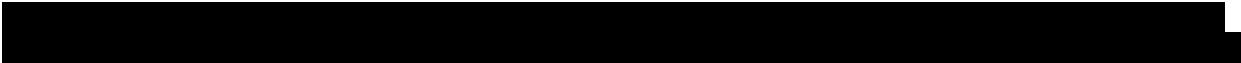
**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
cc  
12/21/2010 01:42 PM bcc  
Subject Re: Utility MACT NSPS

Got it and all very helpful steps.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/21/2010 01:18 PM EST  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Bob Sussman  
**Subject:** Re: Utility MACT NSPS

(b) (5) Deliberative



Lisa

Gina McCarthy Sure. We can talk when you have had... 12/18/2010 12:22:44 PM

---

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/18/2010 12:22 PM  
Subject: Re: Utility MACT NSPS

Sure. We can talk when you have had a chance to mull over.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/18/2010 08:35 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: Utility MACT NSPS

(b) (5) Deliberative



Let me think on this and get back to you.

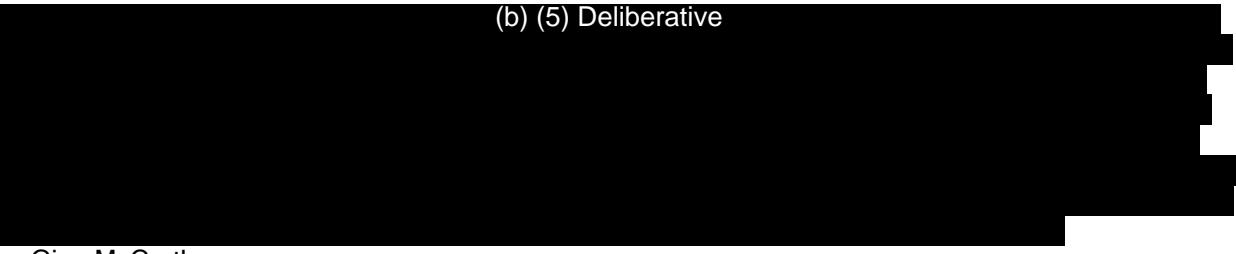
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 12/17/2010 04:07 PM EST  
**To:** Richard Windsor

**Subject:** Fw: Utility MACT NSPS

(b) (5) Deliberative



Gina McCarthy

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

**From:** Gina McCarthy

**Sent:** 12/15/2010 12:44 AM EST

**To:** "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; Janet McCabe; Joseph Goffman; "Robert Brenner" <Brenner.Rob@EPA.GOV>

**Subject:** Utility MACT NSPS

(b) (5) Deliberative



01268-EPA-6363

David  
McIntosh/DC/USEPA/US  
12/21/2010 07:42 PM

To "Richard Windsor"  
cc "Seth Oster"  
bcc

Subject Fw: HEADS UP: Politico has NSPS

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy  
**Sent:** 12/21/2010 07:37 PM EST  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; Gina McCarthy; Bob Perciasepe  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; David McIntosh  
**Subject:** Re: HEADS UP: Politico has NSPS  
<http://www.politico.com/news/stories/1210/46697.html>

The Obama administration is expected to roll out several major greenhouse gas regulations for power plants and refineries as soon as Wednesday, signaling it won't back off its push to fight climate change in the face of mounting opposition on Capitol Hill.

The Environmental Protection Agency has agreed to a schedule for setting greenhouse gas emission limits, known as "performance standards," for the nation's two biggest carbon-emitting industries, POLITICO has learned.

Under the schedule agreed to by EPA, states and environmental groups, the agency will issue a draft greenhouse gas performance standard for power plants by July 2011 and a final rule by May 2012. The agreement - which comes after states and environmentalists challenged the George W. Bush administration's failure to set the standards - requires EPA to issue a draft limit for refineries by Dec. 2011 and a final rule by Nov. 2012.

The White House Office of Management and Budget has signed off on the schedule, according to a litigant in the legal fight.

The standards are part of a series of climate rules from the Obama administration that have faced fierce opposition from industry groups and lawmakers on both sides of the aisle. And while the policies won't go final for more than a year, the political ramifications will come immediately.

They will come as welcome news to environmentalists who want the administration to flex its regulatory muscle following the death of climate legislation this year, but EPA can expect its foes on the right to blast the move as another example of regulatory overreach.

GOP lawmakers slated to claim the gavels of powerful House committees next year have already vowed to launch probes into a host of EPA regulations - including the administration's suite of climate change rules - arguing that the regulations will further damage the already ailing economy.

Starting Jan. 2, EPA will begin regulating large stationary sources of the heat-trapping emissions, but those requirements only apply to new and upgraded facilities and will be determined on a case-by-case basis, so it's unclear how deeply they will slash emissions. The forthcoming standards would set industry-specific standards and could require some of the oldest, dirtiest facilities to clamp down on carbon dioxide.

The agreement doesn't specify what type of requirements EPA will impose on the industries, but environmentalists say the rules have the potential to require substantial emission reductions in existing facilities while offering industry the type of regulatory certainty it's been calling for.

EPA's schedule could also likely impact a high-profile climate lawsuit pending before the U.S. Supreme Court. In the case American Electric Power v. Connecticut, power companies are challenging a lower court ruling that allowed states and environmental groups to move ahead with a public nuisance lawsuit

seeking to force the utilities to slash their greenhouse gas emissions.

Obama administration attorneys asked the court in August to vacate the appeals court's judgment, arguing that in part that EPA was already moving forward with efforts to cut greenhouse gas emissions, which undercut the need for nuisance lawsuits. The attorneys said EPA was "evaluating" whether to include greenhouse gases in performance standards.

States and environmental groups involved in the case argued that EPA's evaluation wasn't good enough because the agency hasn't formally taken action to limit emissions from existing sources. However, they said their claims for relief under nuisance lawsuits would be displaced if such rules were finalized.

It's unclear how EPA's announced schedule will affect the Supreme Court case, which is expected to be argued before the rules go final.

EPA spokeswoman Adora Andy said, "We have nothing to announce at this time. But as we have made clear any regulatory decisions will be guided by sound science and stakeholder input, and encourage deployment of clean technology, while cutting greenhouse gas pollution and providing certainty to key industries in this country."

Read more: [<http://www.politico.com/news/stories/1210/46697.html#ixzz18nQOkEJ1>](http://www.politico.com/news/stories/1210/46697.html#ixzz18nQOkEJ1)

Adora Andy

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

**From:** Adora Andy  
**Sent:** 12/21/2010 07:19 PM EST  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; Gina McCarthy; Bob Perciasepe  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; David McIntosh  
**Subject:** Re: HEADS UP: Politico has NSPS

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy  
**Sent:** 12/21/2010 07:16 PM EST  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; Gina McCarthy; Bob Perciasepe  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; David McIntosh  
**Subject:** HEADS UP: Politico has NSPS

This is what I gave Robin Bravender. Politico will run with it shortly. I will keep my eye on the media coverage throughout the evening so I can keep y'all posted.

Thanks,  
Adora

"We have nothing to announce

At this time. But as we have made clear any regulatory decisions will be guided by sound science and stakeholder input, and encourage deployment of clean technology, while cutting greenhouse gas pollution and providing certainty to key industries in this country."

01268-EPA-6364

David  
McIntosh/DC/USEPA/US  
12/22/2010 08:13 PM

To "Richard Windsor", "Seth Oster"  
cc  
bcc

Subject In case anyone thought the WSJ was still a newspaper ...

The EPA's Utility Men; Anticarbon regulations and the corporate rent-seekers who love them.  
23 December 2010

The Wall Street Journal OnlineWSJO

Strange things happen at the nexus of progressive ideology and private profits. Like Peter Orszag decamping the White House budget office for

Citigroup, a bank that wouldn't exist without taxpayer crutches. Then there are the utility CEOs cheering on the Obama Administration's plans to wipe out large portions of U.S. electric power capacity.

The Environmental Protection Agency is preparing an unprecedented torrent of air and other regulations that will force as much as a third of U.S. coal-fired power to retire in the coming years. This gambit is meant as an anticarbon backstop now that cap and trade is in the political morgue and it will cause huge reliability problems, but some electric executives claim all this merely follows the law and is nothing to worry about.

\*\*\*

Eight leading utility CEOs responded recently to one of our editorials with a letter defending the EPA, claiming that the coal retirements are "long overdue" and that the regulations will "yield important economic benefits." What they didn't mention is that those benefits will mostly accrue to the businesses they happen to head.

But don't take our word for it. Here's John Rowe, one of the letter's signatories and the chairman and chief executive of Exelon:

"Put simply, we expect some drop in 2012 earnings. But we believe by that time that the trough in our revenues will be nearing its end. This morning, I am going to cover three reasons why we believe that. First, EPA regulations will affect both capacity and energy markets, and will do so sooner than many think," Mr. Rowe said on Exelon's second-quarter earnings call in July.

This "welter of regulations that are coming to the nation's coal-fired generation fleet," he continued, means that "Exelon's clean generation will grow in value in a relatively short time. We are of course positioning our portfolio to capture that value." Gotta love the can-do lobbying spirit of that "of course."

The EPA is trying to drive out carbon-heavy coal via activist regulation of traditional air pollutants. This won't hurt Exelon because its electricity portfolio is mostly nuclear; only about 6% is fossil fuel based. But it's more than that. As Mr. Rowe explained, these regulations "increase operating costs for the coal-fired generators"—that is, for his competitors—"and ultimately increase the clearing price for energy."

As wholesale prices rise at the margin, Exelon's revenues rise but its fixed costs don't, juicing profits. On the earnings call, Mr. Rowe said "the upside to Exelon is unmistakable," and he even estimated that every \$5 increase per megawatt-hour translates into \$700 million to \$800 million in new annual revenue. The Chicago-based company will also be able to colonize those markets left without adequate capacity as coal plants are mothballed.

Exelon spokeswoman Judy Rader says the air regulations won't be as harsh as we suggest and that coal plants will shut down for other reasons as well, including the inefficiencies of older plants and current low energy prices and demand. In March, Exelon said it is closing four Pennsylvania facilities for these

reasons. "Exelon and other clean, forward-thinking utilities will benefit because they have already prepared for EPA action by retiring or investing millions of dollars to clean up their aging and inefficient plants," she adds.

But another way to think about the EPA's regulatory deluge is as a cap-and-tax consolation prize. A carbon price would have benefited nuclear generators, and we hear Mr. Rowe personally lobbied Members before the House vote on that bill last year.

Not that this was anything out of the ordinary. Frank Clark, who runs the Exelon unit

Commonwealth Edison in northern Illinois, is one of President Obama's largest fundraisers. Rahm Emanuel helped broker the \$8.2 billion merger that created Exelon in 2000 when he worked at the firm then called Wasserstein Perella. White House aide David Axelrod was once an Exelon consultant.

But Exelon is merely the best connected company trying to cash in on the White House-EPA agenda. Take

NextEra Energy, whose CEO Lewis Hay also claimed that we "mischaracterized" what's going on. NextEra, which operates in 26 states, has expanded rapidly in recent years and is now the largest producer of wind and solar power in the U.S. But that's nothing compared to the EPA windfall he expects.

"Even without legislation in Congress, the EPA is marching forward in terms of regulating carbon dioxide. So I think that puts us in a very good position," said Mr. Hay at a

Bank of America Merrill Lynch Investment Conference in September. Right on cue, the EPA is rolling out new carbon "performance standards" next week.

"But," Mr. Hay continued, "they're regulating so many other things. They have rules and regulations coming out on mercury, NOX, SOX, coal ash. I'm probably missing one or two. . . . It's not going to be economic to put the scrubbers and all the other things that one has put on to deal with this multitude of new rules and regulations coming down the pike. So, without question, we will have a large number of megawatts of capacity come out of the system over time."

In other words, the EPA's path of destruction for others is a growth opportunity for him.

\*\*\*

Regulation always creates winners and losers, and energy businesses always try to game the process instead of allowing markets to shape power supply and demand. But this is an especially outrageous case.

The EPA is abusing environmental law to achieve policy goals that the democratic process has rejected, while also engineering a transfer of wealth to certain companies that will be extracted from the 25 states in the Midwest and South that get more than 50% of their electricity from coal. These industry beneficiaries then pretend that this agenda is nothing more than a stroll around Walden Pond, when it's really about lining their own pockets.

As long as they're on the dole, the EPA's apologists could at least be more candid about why they're encouraging the government to expand its control over the wealth-producing parts of the economy. We'll gladly print the letter.

01268-EPA-6365

Richard  
Windsor/DC/USEPA/US  
12/22/2010 08:26 PM

To David McIntosh, Seth Oster  
cc  
bcc

Subject Re: In case anyone thought the WSJ was still a newspaper ...

That is libelous.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/22/2010 08:13 PM EST  
**To:** Richard Windsor; Seth Oster  
**Subject:** In case anyone thought the WSJ was still a newspaper ...

The EPA's Utility Men; Anticarbon regulations and the corporate rent-seekers who love them.  
23 December 2010

The Wall Street Journal OnlineWSJO

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01268-EPA-6366

David  
McIntosh/DC/USEPA/US  
12/22/2010 09:32 PM

To "Richard Windsor", "Seth Oster"  
cc  
bcc

Subject Re: In case anyone thought the WSJ was still a newspaper ...

Limbaugh and Beck will probably now start attacking them by name too.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/22/2010 08:13 PM EST  
**To:** Richard Windsor; Seth Oster  
**Subject:** In case anyone thought the WSJ was still a newspaper ...

The EPA's Utility Men; Anticarbon regulations and the corporate rent-seekers who love them.  
23 December 2010

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01268-EPA-6367

Richard  
Windsor/DC/USEPA/US  
12/23/2010 10:12 AM

To "Diane Thompson", "Bob Perciasepe"  
cc  
bcc

Subject Fw: In case anyone thought the WSJ was still a newspaper ...

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01268-EPA-6368

Diane  
Thompson/DC/USEPA/US  
12/23/2010 12:32 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: Nature names Dr. Lubchenco Newsmaker of the Year

Did you see this? A congrats note from you would be nice....  
DT

\*\*\*\*\*

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/23/2010 12:31 PM -----

From: Justin Kenney <justin.kenney@noaa.gov>  
To: Diane Thompson/DC/USEPA/US@EPA  
Date: 12/23/2010 10:44 AM  
Subject: Nature names Dr. Lubchenco Newsmaker of the Year

Hello Diane,

I wanted to make sure you saw that *Nature* has selected Dr. Lubchenco as its Newsmaker of the Year. As you know, this is the science equivalent of the TIME Person of the Year, and quite an honor for Jane and NOAA. Here is the cover; the profile (*In the eye of the storm*) and editorial (*Calm in a crisis*) are at [www.nature.com](http://www.nature.com) and copied below.



I have a favor: if you and/or Administrator Jackson have a chance to send Jane a congratulatory note, I know it would mean a lot to her ([jane.lubchenco@noaa.gov](mailto:jane.lubchenco@noaa.gov)). She is currently on a much needed vacation, but, Jane being Jane, she is checking email.

Warmest wishes for the holidays and a happy and healthy New Year,

Justin Kenney  
NOAA Director of Communications & External Affairs

202-482-6090  
Cell: 202-821-6310  
NOAA Responds: [www.noaa.gov](http://www.noaa.gov)

## Newsmaker of the year: In the eye of the storm

She set out to revolutionize US ocean management — but first she faced the oil spill. Jane Lubchenco is Nature's Newsmaker of the Year.

[Richard Monastersky](#)

Jane Lubchenco smiles as a dolphin leaps out of the water, arcs in the air and splashes back down just a few metres away. The 63-year-old marine ecologist is out on a boat near Pascagoula, Mississippi, with a team of researchers studying how the recent oil spill in the Gulf of Mexico has affected dolphin communities there.

On this October day, Lubchenco wears starfish-shaped earrings and a cap emblazoned with the letters 'NOAA', for National Oceanic and Atmospheric Administration. Her shirt sports a NOAA logo, as does her life vest. Rarely does she venture out in public without some symbol of the US government agency she has proudly run since March 2009. A sprawling department of 12,800 people with a budget of US\$4.7 billion, NOAA has responsibilities stretching from the bottom of the sea to the top of the atmosphere and even to the Sun, which it monitors for signs of solar storms (see '[A global reach](#)'). That mandate put Lubchenco at the centre of the government's response to the BP Deepwater Horizon oil-spill disaster — a brutal test for a scientist with little previous management experience.

On board the boat, she relishes the chance to talk about dolphin behaviour with the NOAA researchers, but seems to get the biggest kick when the pilot gives her a turn at the wheel. Gripping the throttle, Lubchenco has to be reminded to stay below the speed limit as she motors through the narrow waterway.

Going slow does not come easily to the NOAA leader. As a celebrated scientist and vocal conservationist, she made her name urging other researchers to speak out on issues of public importance, a stance that not all of her academic colleagues were comfortable with. Now, at an age when many of her cohort are easing back, she is taking on the most ambitious challenge of her career: reorienting how the nation responds to pressing environmental problems such as dwindling fish stocks, rising seas and a changing climate. She has bold plans to strengthen scientific research at NOAA, make it more relevant to society and improve the health of ecosystems and coastal communities.

But the path has not been smooth for Lubchenco, who took over the agency in troubled times. With the economy in a nose dive and many coastal communities struggling, NOAA's policies to limit fishing have proved so contentious that members of US President Barack Obama's own party called for Lubchenco to resign. And the oil-spill disaster has severely tested her political skills. Some of her natural constituency — scientists and environmentalists — have accused her of quashing independent researchers, suppressing information and misleading the public. Although she admits to some communications problems during the crisis, Lubchenco shakes off the broader criticisms. "I'm very proud of what we did during the heat of the moment," she says.

NOAA closed down fisheries, forecast where currents would sweep the oil, monitored storms during one of the most active hurricane seasons on record, protected endangered marine species and is leading the effort to assess damage done by the oil. "I give her very high marks as a leader in what has been a difficult time for NOAA," says Michael Jackson, who was deputy director of the US Department of Homeland Security in 2005, during Hurricane Katrina.

Throughout this day on the Gulf of Mexico, Lubchenco keeps up a hectic pace, visiting multiple sites in the Alabama and Mississippi area. This is her eleventh trip to the Gulf of Mexico region since the Deepwater Horizon oil rig exploded on 20 April, unleashing the largest single marine spill in US history.

In person, Lubchenco makes an easy connection with strangers. She looks them in the eye and asks about their jobs and how the spill affected them. Before lunch, she meets more than two dozen teachers from across the Gulf and starts by telling them how much she appreciates their work. "My sister is a middle-school science teacher. My daughter-in-law is a high-school science teacher, and I was strongly affected by teachers," she says.

The teachers introduce themselves and talk about how the spill touched their students, many of whose parents were put out of work when the spreading oil closed fishing grounds and drove away tourists. The teachers thank Lubchenco for all the information that NOAA posted on its website, which their classes used to find out which fishing areas were closed, where the winds were going and whether currents would carry the oil out of the Gulf. "We would check your site every day," said one teacher. "We used so much of that data."

## Crisis management

With the well capped and the oil dispersing, Lubchenco has entered calmer waters after the tumultuous spring and summer of the crisis. She was one of the 'principals' — the top administration officials working on the spill, who regularly briefed President Obama and rarely rested. Two weeks after the rig exploded, she ran into an old friend at a party in Washington. "Jane, you look really tired," he told her.

"Yeah, I'm sleeping three or four hours a night," she confided to him.

Such was the toll of running the lead ocean agency during one of the biggest environmental disasters in US history. The task was complicated by a series of communications missteps, her own and those of other officials, which drew accusations that she had withheld information about the environmental toll of the spill.

The first flashpoint was the question of how much oil was leaking from the wellhead and where it was going. Days after the spill, when BP was estimating that 1,000 barrels of oil were pouring out each day, a NOAA researcher arrived at a far higher figure of 5,000–10,000 barrels — a "very rough estimate", his e-mail warned. But that was not released to the public. Instead, a Coast Guard admiral in charge of responding to the spill said in a press conference on 28 April that "NOAA experts believe the output could be as much as 5,000 barrels".

That figure stood as the sole government estimate for a month. At the same time, independent researchers came up with estimates in the range of 25,000–100,000 barrels a day. Months later, the government concluded that the well had gushed 62,000 barrels a day initially and then declined to 53,000 (a figure that BP contends is too high).

Other issues also suggested to some that NOAA and the rest of the government were downplaying the magnitude of the problem. In mid-May, academic scientists working in the Gulf started finding evidence that untold amounts of oil were spreading away from the wellhead and forming vast plumes some 1,200 metres below the surface<sup>1</sup>. NOAA initially questioned the

evidence and dismissed media reports as "misleading", even as more evidence emerged. Donald Boesch, president of the University of Maryland Center for Environmental Science in Cambridge and a member of a commission that subsequently reviewed the government's response, says that was a mistake. "Jane was too dismissive about the fact that there could be a significant deep-water plume there," he says. On 8 June, after analysis of more data collected by academic scientists, NOAA acknowledged the presence of diffuse plumes of oil beneath the surface.

## The fate of the oil

On 15 July, BP finally succeeded in capping the well, but there were still major questions about what had happened to all the oil that had escaped over the past three months. In early August, NOAA and other agencies released an 'oil budget', which tallied the fate of all the released oil. Carol Browner, director of the White House Office of Energy and Climate Change Policy, announced on television that three-quarters of the oil was "gone". But that did not match the government's own numbers.

Later that day, Lubchenco appeared with Browner at a White House press conference and corrected the record. "It's important to point out that at least 50% of the oil that was released is now completely gone from the system," said Lubchenco. Illustrating her statistics with a pie chart produced by NOAA and other agencies, Lubchenco said that containment efforts had removed roughly a quarter of the oil and another quarter had either evaporated or dissolved. The rest had dispersed as tiny subsurface droplets or as visible oil, and some of that had been collected from beaches or naturally degraded.

But in making that correction, Lubchenco made a different mistake by saying that the oil budget had been "peer reviewed", a statement at odds with the reports of scientists who supposedly reviewed it. Academics and members of Congress also criticized NOAA's decision to release the four-page oil budget without uncertainty ranges or the background data that justified the conclusions.

Reacting to the series of gaffes, the national commission investigating the oil spill declared in October that "the federal government created the impression that it was either not fully competent to handle the spill or not fully candid with the American people about the scope of the problem". At the very least, those issues undermined the public's trust in the government, said the commission.

For Lubchenco, the judgement was both troubling and ironic. Given her record of urging scientists to speak out, she says, "I would be the last person in the world to be not valuing or promoting communication". She says that she initially baulked at the 5,000-barrel-a-day flow-rate statement. "My inclination was to correct the record, but in the grand scheme of things, since we didn't have the accurate numbers and we were working on getting them, it didn't seem to be that important relative to all the other stuff that was going on." Knowing how much oil was flowing would not have helped the effort to contain it, she argues — an assertion challenged by the oil-spill commission, which says that knowledge of the true flow rate might have helped BP to avoid some problems in its attempts to cap the well. "In hindsight," says Lubchenco, "it took far too long to come up with the eventual answer."

During a press conference in November, she also acknowledged that she had erred in declaring that the oil budget had been peer reviewed. In a subsequent interview, she took personal responsibility for the miscommunication. "I misunderstood what kind of review it had had, so that was my mistake," she said.

But Lubchenco defends her agency's statements about the subsurface plumes, saying that NOAA

was just insisting on careful science. "It's frustrating to get crosswise with my academic colleagues when we thought all we were asking them to do was to be good scientists and to double check and make sure that what they were finding was in fact what they thought it was." Some scientists are still bothered by NOAA's slow acknowledgement of the deep oil, but others agree with her approach. "There was a lot of speculation early on," says Richard Camilli of the Woods Hole Oceanographic Institution in Massachusetts, who led a cruise that uncovered signs of a deep plume of oil in June. "Good science requires peer review. If you're going to say something public it should go through peer review first," says Camilli, who published his findings in Science in August.<sup>2</sup>

Many scientists laud NOAA's overall performance during the spill. Boesch, although critical of Lubchenco's initial response to reports of deep plumes, says that she and NOAA provided "very critical science support to help direct the spill response where it was needed". And he praises the agency for doing something that gets little mention — successfully keeping the nation's seafood safe by closing fishing areas and reopening them only after rigorous testing. "That protected the public," he says, "and in the long run protected the industry."

## Defying expectations

By late October, the sheen of oil had disappeared from the surface of the Gulf and NOAA had shifted towards assessing the damage. "It's far from over," says Lubchenco. "It's going to be years, if not decades, before we really understand the impact this massive infusion of hydrocarbons has had on this system."

In Mississippi Sound earlier that day, Lubchenco relished the chance to spend part of her weekend on the water. As a scientist, she has studied ocean ecosystems for 40 years — an unlikely focus for a girl growing up in the 1950s in Denver, Colorado, in the middle of the continent. But the women in the Lubchenco family have long challenged expectations.

In the early 1900s, her paternal grandmother left her parents' cotton farm in South Carolina to train in medicine, only to find that the dean of one of the nearest medical schools, in North Carolina, would not accept a woman. She finally wore him down, became the first female graduate in 1912 and then married a Ukrainian agricultural researcher who had visited her family's farm years earlier. (He narrowly made it to her graduation ceremony, after having missed the steamer he had originally booked to America — the Titanic.)

Lubchenco's parents were also doctors, and her mother worked part-time so that she could have a career and raise her six girls. In that household, everybody was expected to follow their interests. "Mom and Dad were always great about encouraging us to explore. Of the six of us, we all do completely different things," says Lubchenco.

In secondary school, young Jane was a classic overachiever: an athlete, scholar and leader, she won the school's highest award. But rather than go to a powerhouse university, she chose tiny Colorado College in Colorado Springs and enrolled in an unusual programme with no classes, no grades and no tests. She discovered that she liked biology and took a summer class at the Marine Biological Laboratory in Woods Hole, Massachusetts, where she fell in love — with invertebrates and research. "That whole summer was magical for me," she recalls. "It made me decide I was going to go to grad school and it was going to be marine science."

After getting her PhD at Harvard University in Cambridge, Massachusetts, and teaching there for two years, Lubchenco took what some considered a step down by moving to Oregon State University in Corvallis, where she and her husband, ecologist Bruce Menge, bargained to split an academic position. It was perhaps a first in the United States, and it gave them both a chance to

teach, conduct research and raise their children. The two also split their research on tidal communities, with Lubchenco studying the herbivores and seaweeds and Menge the predators and prey.

At the time, ecology was largely a descriptive science, but Lubchenco was part of a group pushing to introduce experimental approaches. In graduate school, she started moving herbivorous snails around tide pools to tease apart the factors controlling the distribution of seaweeds.

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Lubchenco also made a name for herself by urging fellow ecologists to speak out on environmental issues. As vice-president of the Ecological Society of America in 1988–89, she chaired a panel that called for ecologists to communicate to the public and policy-makers. "It was a coming of age for our society, to admit that relevance was not a four-letter word," recalls Lubchenco (see [page 1032](#)). Later, while serving as president of the American Association for the Advancement of Science — the premier scientific organization in the United States — in 1996–97, she continued to push scientists to become more socially relevant.

Now she has a chance to bolster science and its connection to policy-making at the highest level. NOAA has a long history of conducting some top-notch science and has nurtured pioneering researchers such as ozone specialist Susan Solomon and climate modeller Syukuro Manabe. But it has been perpetually strapped for cash, and previous administrations have at times focused less on the science than on the divisions that provide services, such as forecasting weather and managing fisheries.

When Lubchenco discussed the NOAA post with Obama soon after he was elected in 2008, she told him that one of her goals would be to renew that commitment to science. Obama's response to this proposal and others that she made, she says, was "let's do it".

Once she took office, Lubchenco set out to resurrect the chief-scientist position at NOAA, which has been vacant for 14 years. But she got a lesson in the slow ways of Washington. Much to her frustration, it took months for the Obama administration to approve her choice, Scott Doney of the Woods Hole Oceanographic Institution, and a senator this month put a block on Doney's nomination to protest against the administration's moratorium on offshore drilling. In the meantime, Lubchenco has increased the number of senior scientific positions at NOAA from 10 to 25, and altered the career structure within the agency so that scientists can advance in seniority and salary without having to leave research for a purely management position.

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When Lubchenco arrived in Washington, one of the first problems she had to tackle was the National Polar-orbiting Operational Environmental Satellite System (NPOESS). Designed to collect weather and climate data, it was running years late and more than \$5 billion over budget. Lubchenco and her colleagues in the administration developed a plan to split the unwieldy system into a military part and a civilian part to be jointly managed by NOAA and NASA — a step that could finally get the NPOESS back on track.

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## Fishing woes

For environmentalists, one of the biggest successes of Lubchenco's tenure so far has been the administration's new ocean policy, which Obama signed on 19 July. A centrepiece of the policy is a strategy — long championed by Lubchenco — called coastal and marine spatial planning, which seeks to assess and balance human activities in particular ocean regions so that they do not conflict with each other or harm ecosystems. In the past, the government has tended to manage activities such as fishing individually, without considering how other factors, such as oil drilling and coastal development, might interact with them.

"What Jane has done is catalysed the most important transformation in ocean management in our history," says Elliot Norse, president of the Marine Biology Conservation Institute in Bellevue, Washington.

All that change has brought some strong criticism, especially from the fishing industry. Under her leadership, NOAA has moved to implement the 2007 Magnuson–Stevens Reauthorization Act, which requires the agency to end overfishing. NOAA's actions so upset some fishermen in Gloucester, Massachusetts, that they built a life-sized model of Lubchenco hanging fishermen. The rhetoric in Congress, with the calls for her resignation, was only slightly less inflamed. The source of the strife in New England goes back long before Lubchenco took office. Oversight of fishing in US federal waters is complicated; NOAA shares management duties with eight regional councils made up of federal and state government officials and members of the public, including the fishing industry. The councils choose how they want to control fishing and propose annual limits on each type of seafood. NOAA assesses the plans and then approves or rejects them.

In the past, NOAA had given management councils more latitude, but when Lubchenco took office, she made it clear that she expected them to meet the congressional deadline to end overfishing by this year. As part of that, NOAA last year encouraged the councils to consider a strategy called catch shares. In this scheme, councils allocate fishing 'shares' to individuals or groups, usually on the basis of how much they have previously caught. The recipients of shares can use or sell them. Proponents say that catch shares give fishing communities a long-term economic incentive to rebuild stocks.

Although the strategy has been used around the world and in parts of the United States for decades, the transition to a catch-shares system can be difficult. "It has to be done very carefully. It has to involve the community, from the bottom up," says Brian Rothschild, a professor of marine science at the University of Massachusetts at Dartmouth who has close ties to the New England fishing community. He contends that NOAA and the New England Fishery Management Council moved too quickly in May to implement a programme based on catch shares, without properly involving the local fishing community or explaining the system. Some fishing communities say that the policy has caused major job losses.

Lubchenco and others argue that New England's policy was five years in the making and the

community had ample time to get involved. They also contend that fishermen in the area have been struggling economically for years — long before the management council adopted the new programme. "The reality is that this isn't about catch shares," says Lubchenco. "It really is about the economy."

Peter Baker, manager of the Pew Environment Group's New England overfishing campaign, agrees. He says that Lubchenco "has taken a stand to fix things for the future". Those who have criticized her policy have not offered a viable alternative, he says. "I'm not sure that anything would be enough to appease her detractors."

As difficult as this year has been for Lubchenco, the next few will offer further challenges. NOAA's budget increased by 21% during the past two years, but Obama and Congress are now committed to cutting spending and the outlook for NOAA is bleak. The agency has never enjoyed the same support in Congress as some other science agencies, such as the National Institutes of Health. But Lubchenco thinks that the recent crises deliver a message on the value of NOAA's research and science-based management. "It seems NOAA's relevancy has been more obvious in the last couple of years," she says.

Nowhere is that clearer than out on the Gulf of Mexico, where signs of dead coral and other long-lasting effects of the oil spill are starting to appear. While travelling through the region, Lubchenco recalls that she turned down Obama's transition team several times when she was first offered the job. Leaving her husband and research behind in Oregon seemed too big a sacrifice. But in the end, she says, she believed in the new president and in the opportunity to achieve her lifelong goals. "I came to NOAA to lead and enable change where it would make a difference," she later explained. The rough days so far have not discouraged her. "Meaningful change is not for the timid."

Nature | Editorial

## Calm in a crisis

Jane Lubchenco, *Nature*'s Newsmaker of the Year, shows how scientists can help society. For almost three months this year, a mini-volcano of oil and gas erupted into the Gulf of Mexico and disgorged nearly 5 million barrels of petroleum. Throughout the crisis, a poised scientist gave countless media interviews to explain to a scared and angry public how the US government was striving to contain the damage. Behind the scenes, with decisive leadership, she ran the National Oceanic and Atmospheric Administration (NOAA) — the agency that closed fisheries, tracked oil, protected habitats and assessed the damage to communities and the environment. For her role in the response to the crisis, Jane Lubchenco is *Nature*'s Newsmaker of the Year (see [page 1024](#)).

Before becoming NOAA administrator in 2009, Lubchenco had a reputation as both a leading researcher and an environmental advocate. She made important advances in the basic science of coastal ecology and helped to raise awareness of the many threats to ocean ecosystems around the world. Lubchenco is now reorienting her US\$4.7-billion federal agency to strengthen the science and policies that protect US marine resources.

The United States could do with more scientists like Lubchenco, with the skills and the dedication to speak out on issues that matter. The need will be particularly acute next year, when the Republican Party takes over the US House of Representatives. Although Republicans have generally supported basic science, incoming House leaders have made it clear that they are

hostile to certain areas of research. Some have pledged to hold hearings on climate science, which they argue is seriously flawed and has overstated the evidence for global warming. Adrian Smith (Republican, Nebraska) introduced the YouCut Citizen Review, which calls on the US public to search the National Science Foundation website list of peer-reviewed grants for those they consider wasteful. And Darrell Issa (Republican, California), the incoming head of the powerful Committee on Oversight and Government Reform, last year led an effort to revoke funding from the National Institutes of Health for studies of substance abuse and HIV risk in other countries (see [Nature 460, 667; 2009](#)).

Scientific leaders in the United States must stand up against such attacks. As a first step, they should try to meet with incoming House members from both parties to voice their concerns and explain the rationale behind research in controversial areas. Recognizing that all politics is local, scientists will need to make clear why climate change or HIV research matters for the communities represented by members of Congress. They should take along science-savvy business leaders and locally elected officials to help make their case.

Beyond the scientific leadership, there is a broader need for more individual scientists to communicate with the public. Currently, that kind of activity is not particularly valued — and is even disdained — in some fields of research. And spending time meeting with elected leaders or local journalists does not help a young scientist to get tenure.

Most scientists receive no training in public communication, and will need to hone their skills. Some can learn from experienced mentors; others can benefit from programmes developed by scientific societies and other groups (see [page 1032](#)). Members of academic and government agencies can consult with public-affairs representatives, who can show them the best ways to communicate the results and implications of research. Another avenue is the Congressional Science Fellowship programme, through which scientific societies can sponsor scientists to work in congressional offices for a year, providing advice to elected officials. The societies involved should expand their programmes, and groups that do not currently sponsor fellows should consider it.

As with any endeavour, it takes time to develop the communication skills that Lubchenco and other senior scientists have acquired. Even Lubchenco foundered at times during the oil spill. She made some mistakes and was criticized for the way that her agency initially downplayed the evidence for oil spreading below the surface. Despite such slips, Lubchenco has steered her agency through the crisis with a steady hand. She is an outstanding example of how much one scientist can do to improve both society and natural ecosystems. Others would do well to follow her lead.

01268-EPA-6369

Richard  
Windsor/DC/USEPA/US  
12/23/2010 12:39 PM

To Diane Thompson  
cc  
bcc  
Subject Re: Nature names Dr. Lubchenco Newsmaker of the Year

Done! Cool!  
Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 12/23/2010 12:32 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Nature names Dr. Lubchenco Newsmaker of the Year  
Did you see this? A congrats note from you would be nice....  
DT

\*\*\*\*\*

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/23/2010 12:31 PM -----

From: Justin Kenney <justin.kenney@noaa.gov>  
To: Diane Thompson/DC/USEPA/US@EPA  
Date: 12/23/2010 10:44 AM  
Subject: Nature names Dr. Lubchenco Newsmaker of the Year

Hello Diane,

I wanted to make sure you saw that *Nature* has selected Dr. Lubchenco as its Newsmaker of the Year. As you know, this is the science equivalent of the TIME Person of the Year, and quite an honor for Jane and NOAA. Here is the cover; the profile (*In the eye of the storm*) and editorial (*Calm in a crisis*) are at [www.nature.com](http://www.nature.com) and copied below.



I have a favor: if you and/or Administrator Jackson have a chance to send Jane a congratulatory

note, I know it would mean a lot to her ([jane.lubchenco@noaa.gov](mailto:jane.lubchenco@noaa.gov)). She is currently on a much needed vacation, but, Jane being Jane, she is checking email.

Warmest wishes for the holidays and a happy and healthy New Year,

Justin Kenney  
NOAA Director of Communications & External Affairs  
202-482-6090  
Cell: 202-821-6310  
NOAA Responds: [www.noaa.gov](http://www.noaa.gov)

## Newsmaker of the year: In the eye of the storm

She set out to revolutionize US ocean management — but first she faced the oil spill. Jane Lubchenco is Nature's Newsmaker of the Year.

[Richard Monastersky](#)

Jane Lubchenco smiles as a dolphin leaps out of the water, arcs in the air and splashes back down just a few metres away. The 63-year-old marine ecologist is out on a boat near Pascagoula, Mississippi, with a team of researchers studying how the recent oil spill in the Gulf of Mexico has affected dolphin communities there.

On this October day, Lubchenco wears starfish-shaped earrings and a cap emblazoned with the letters 'NOAA', for National Oceanic and Atmospheric Administration. Her shirt sports a NOAA logo, as does her life vest. Rarely does she venture out in public without some symbol of the US government agency she has proudly run since March 2009. A sprawling department of 12,800 people with a budget of US\$4.7 billion, NOAA has responsibilities stretching from the bottom of the sea to the top of the atmosphere and even to the Sun, which it monitors for signs of solar storms (see ['A global reach'](#)). That mandate put Lubchenco at the centre of the government's response to the BP Deepwater Horizon oil-spill disaster — a brutal test for a scientist with little previous management experience.

On board the boat, she relishes the chance to talk about dolphin behaviour with the NOAA researchers, but seems to get the biggest kick when the pilot gives her a turn at the wheel. Gripping the throttle, Lubchenco has to be reminded to stay below the speed limit as she motors through the narrow waterway.

Going slow does not come easily to the NOAA leader. As a celebrated scientist and vocal conservationist, she made her name urging other researchers to speak out on issues of public importance, a stance that not all of her academic colleagues were comfortable with. Now, at an age when many of her cohort are easing back, she is taking on the most ambitious challenge of her career: reorienting how the nation responds to pressing environmental problems such as dwindling fish stocks, rising seas and a changing climate. She has bold plans to strengthen scientific research at NOAA, make it more relevant to society and improve the health of ecosystems and coastal communities.

But the path has not been smooth for Lubchenco, who took over the agency in troubled times. With the economy in a nose dive and many coastal communities struggling, NOAA's policies to limit fishing have proved so contentious that members of US President Barack Obama's own party called for Lubchenco to resign. And the oil-spill disaster has severely tested her political skills. Some of her natural constituency — scientists and environmentalists — have accused her of quashing independent researchers, suppressing information and misleading the public.

Although she admits to some communications problems during the crisis, Lubchenco shakes off the broader criticisms. "I'm very proud of what we did during the heat of the moment," she says. NOAA closed down fisheries, forecast where currents would sweep the oil, monitored storms during one of the most active hurricane seasons on record, protected endangered marine species and is leading the effort to assess damage done by the oil. "I give her very high marks as a leader in what has been a difficult time for NOAA," says Michael Jackson, who was deputy director of the US Department of Homeland Security in 2005, during Hurricane Katrina. Throughout this day on the Gulf of Mexico, Lubchenco keeps up a hectic pace, visiting multiple sites in the Alabama and Mississippi area. This is her eleventh trip to the Gulf of Mexico region since the Deepwater Horizon oil rig exploded on 20 April, unleashing the largest single marine spill in US history.

In person, Lubchenco makes an easy connection with strangers. She looks them in the eye and asks about their jobs and how the spill affected them. Before lunch, she meets more than two dozen teachers from across the Gulf and starts by telling them how much she appreciates their work. "My sister is a middle-school science teacher. My daughter-in-law is a high-school science teacher, and I was strongly affected by teachers," she says.

The teachers introduce themselves and talk about how the spill touched their students, many of whose parents were put out of work when the spreading oil closed fishing grounds and drove away tourists. The teachers thank Lubchenco for all the information that NOAA posted on its website, which their classes used to find out which fishing areas were closed, where the winds were going and whether currents would carry the oil out of the Gulf. "We would check your site every day," said one teacher. "We used so much of that data."

## Crisis management

With the well capped and the oil dispersing, Lubchenco has entered calmer waters after the tumultuous spring and summer of the crisis. She was one of the 'principals' — the top administration officials working on the spill, who regularly briefed President Obama and rarely rested. Two weeks after the rig exploded, she ran into an old friend at a party in Washington. "Jane, you look really tired," he told her.

"Yeah, I'm sleeping three or four hours a night," she confided to him.

Such was the toll of running the lead ocean agency during one of the biggest environmental disasters in US history. The task was complicated by a series of communications missteps, her own and those of other officials, which drew accusations that she had withheld information about the environmental toll of the spill.

The first flashpoint was the question of how much oil was leaking from the wellhead and where it was going. Days after the spill, when BP was estimating that 1,000 barrels of oil were pouring out each day, a NOAA researcher arrived at a far higher figure of 5,000–10,000 barrels — a "very rough estimate", his e-mail warned. But that was not released to the public. Instead, a

Coast Guard admiral in charge of responding to the spill said in a press conference on 28 April that "NOAA experts believe the output could be as much as 5,000 barrels".

That figure stood as the sole government estimate for a month. At the same time, independent researchers came up with estimates in the range of 25,000–100,000 barrels a day. Months later, the government concluded that the well had gushed 62,000 barrels a day initially and then declined to 53,000 (a figure that BP contends is too high).

Other issues also suggested to some that NOAA and the rest of the government were downplaying the magnitude of the problem. In mid-May, academic scientists working in the Gulf started finding evidence that untold amounts of oil were spreading away from the wellhead and forming vast plumes some 1,200 metres below the surface<sup>1</sup>. NOAA initially questioned the evidence and dismissed media reports as "misleading", even as more evidence emerged. Donald Boesch, president of the University of Maryland Center for Environmental Science in Cambridge and a member of a commission that subsequently reviewed the government's response, says that was a mistake. "Jane was too dismissive about the fact that there could be a significant deep-water plume there," he says. On 8 June, after analysis of more data collected by academic scientists, NOAA acknowledged the presence of diffuse plumes of oil beneath the surface.

## The fate of the oil

On 15 July, BP finally succeeded in capping the well, but there were still major questions about what had happened to all the oil that had escaped over the past three months. In early August, NOAA and other agencies released an 'oil budget', which tallied the fate of all the released oil. Carol Browner, director of the White House Office of Energy and Climate Change Policy, announced on television that three-quarters of the oil was "gone". But that did not match the government's own numbers.

Later that day, Lubchenco appeared with Browner at a White House press conference and corrected the record. "It's important to point out that at least 50% of the oil that was released is now completely gone from the system," said Lubchenco. Illustrating her statistics with a pie chart produced by NOAA and other agencies, Lubchenco said that containment efforts had removed roughly a quarter of the oil and another quarter had either evaporated or dissolved. The rest had dispersed as tiny subsurface droplets or as visible oil, and some of that had been collected from beaches or naturally degraded.

But in making that correction, Lubchenco made a different mistake by saying that the oil budget had been "peer reviewed", a statement at odds with the reports of scientists who supposedly reviewed it. Academics and members of Congress also criticized NOAA's decision to release the four-page oil budget without uncertainty ranges or the background data that justified the conclusions.

Reacting to the series of gaffes, the national commission investigating the oil spill declared in October that "the federal government created the impression that it was either not fully competent to handle the spill or not fully candid with the American people about the scope of the problem". At the very least, those issues undermined the public's trust in the government, said the commission.

For Lubchenco, the judgement was both troubling and ironic. Given her record of urging scientists to speak out, she says, "I would be the last person in the world to be not valuing or

promoting communication". She says that she initially baulked at the 5,000-barrel-a-day flow-rate statement. "My inclination was to correct the record, but in the grand scheme of things, since we didn't have the accurate numbers and we were working on getting them, it didn't seem to be that important relative to all the other stuff that was going on." Knowing how much oil was flowing would not have helped the effort to contain it, she argues — an assertion challenged by the oil-spill commission, which says that knowledge of the true flow rate might have helped BP to avoid some problems in its attempts to cap the well. "In hindsight," says Lubchenco, "it took far too long to come up with the eventual answer."

During a press conference in November, she also acknowledged that she had erred in declaring that the oil budget had been peer reviewed. In a subsequent interview, she took personal responsibility for the miscommunication. "I misunderstood what kind of review it had had, so that was my mistake," she said.

But Lubchenco defends her agency's statements about the subsurface plumes, saying that NOAA was just insisting on careful science. "It's frustrating to get crosswise with my academic colleagues when we thought all we were asking them to do was to be good scientists and to double check and make sure that what they were finding was in fact what they thought it was." Some scientists are still bothered by NOAA's slow acknowledgement of the deep oil, but others agree with her approach. "There was a lot of speculation early on," says Richard Camilli of the Woods Hole Oceanographic Institution in Massachusetts, who led a cruise that uncovered signs of a deep plume of oil in June. "Good science requires peer review. If you're going to say something public it should go through peer review first," says Camilli, who published his findings in Science in August<sup>2</sup>.

Many scientists laud NOAA's overall performance during the spill. Boesch, although critical of Lubchenco's initial response to reports of deep plumes, says that she and NOAA provided "very critical science support to help direct the spill response where it was needed". And he praises the agency for doing something that gets little mention — successfully keeping the nation's seafood safe by closing fishing areas and reopening them only after rigorous testing. "That protected the public," he says, "and in the long run protected the industry."

## Defying expectations

By late October, the sheen of oil had disappeared from the surface of the Gulf and NOAA had shifted towards assessing the damage. "It's far from over," says Lubchenco. "It's going to be years, if not decades, before we really understand the impact this massive infusion of hydrocarbons has had on this system."

In Mississippi Sound earlier that day, Lubchenco relished the chance to spend part of her weekend on the water. As a scientist, she has studied ocean ecosystems for 40 years — an unlikely focus for a girl growing up in the 1950s in Denver, Colorado, in the middle of the continent. But the women in the Lubchenco family have long challenged expectations.

In the early 1900s, her paternal grandmother left her parents' cotton farm in South Carolina to train in medicine, only to find that the dean of one of the nearest medical schools, in North Carolina, would not accept a woman. She finally wore him down, became the first female graduate in 1912 and then married a Ukrainian agricultural researcher who had visited her family's farm years earlier. (He narrowly made it to her graduation ceremony, after having missed the steamer he had originally booked to America — the Titanic.)

Lubchenco's parents were also doctors, and her mother worked part-time so that she could have a career and raise her six girls. In that household, everybody was expected to follow their interests. "Mom and Dad were always great about encouraging us to explore. Of the six of us, we all do completely different things," says Lubchenco.

In secondary school, young Jane was a classic overachiever: an athlete, scholar and leader, she won the school's highest award. But rather than go to a powerhouse university, she chose tiny Colorado College in Colorado Springs and enrolled in an unusual programme with no classes, no grades and no tests. She discovered that she liked biology and took a summer class at the Marine Biological Laboratory in Woods Hole, Massachusetts, where she fell in love — with invertebrates and research. "That whole summer was magical for me," she recalls. "It made me decide I was going to go to grad school and it was going to be marine science."

After getting her PhD at Harvard University in Cambridge, Massachusetts, and teaching there for two years, Lubchenco took what some considered a step down by moving to Oregon State University in Corvallis, where she and her husband, ecologist Bruce Menge, bargained to split an academic position. It was perhaps a first in the United States, and it gave them both a chance to teach, conduct research and raise their children. The two also split their research on tidal communities, with Lubchenco studying the herbivores and seaweeds and Menge the predators and prey.

At the time, ecology was largely a descriptive science, but Lubchenco was part of a group pushing to introduce experimental approaches. In graduate school, she started moving herbivorous snails around tide pools to tease apart the factors controlling the distribution of seaweeds.

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Now she has a chance to bolster science and its connection to policy-making at the highest level. NOAA has a long history of conducting some top-notch science and has nurtured pioneering researchers such as ozone specialist Susan Solomon and climate modeller Syukuro Manabe. But it has been perpetually strapped for cash, and previous administrations have at times focused less on the science than on the divisions that provide services, such as forecasting weather and managing fisheries.

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Although the strategy has been used around the world and in parts of the United States for decades, the transition to a catch-shares system can be difficult. "It has to be done very carefully. It has to involve the community, from the bottom up," says Brian Rothschild, a professor of marine science at the University of Massachusetts at Dartmouth who has close ties to the New England fishing community. He contends that NOAA and the New England Fishery Management Council moved too quickly in May to implement a programme based on catch shares, without properly involving the local fishing community or explaining the system. Some fishing communities say that the policy has caused major job losses.

Lubchenco and others argue that New England's policy was five years in the making and the community had ample time to get involved. They also contend that fishermen in the area have been struggling economically for years — long before the management council adopted the new programme. "The reality is that this isn't about catch shares," says Lubchenco. "It really is about the economy."

Peter Baker, manager of the Pew Environment Group's New England overfishing campaign, agrees. He says that Lubchenco "has taken a stand to fix things for the future". Those who have criticized her policy have not offered a viable alternative, he says. "I'm not sure that anything would be enough to appease her detractors."

As difficult as this year has been for Lubchenco, the next few will offer further challenges. NOAA's budget increased by 21% during the past two years, but Obama and Congress are now committed to cutting spending and the outlook for NOAA is bleak. The agency has never enjoyed the same support in Congress as some other science agencies, such as the National Institutes of Health. But Lubchenco thinks that the recent crises deliver a message on the value of NOAA's research and science-based management. "It seems NOAA's relevancy has been more obvious in the last couple of years," she says.

Nowhere is that clearer than out on the Gulf of Mexico, where signs of dead coral and other long-lasting effects of the oil spill are starting to appear. While travelling through the region, Lubchenco recalls that she turned down Obama's transition team several times when she was first offered the job. Leaving her husband and research behind in Oregon seemed too big a sacrifice. But in the end, she says, she believed in the new president and in the opportunity to achieve her lifelong goals. "I came to NOAA to lead and enable change where it would make a difference," she later explained. The rough days so far have not discouraged her. "Meaningful change is not for the timid."

Nature | Editorial

## Calm in a crisis

Jane Lubchenco, *Nature*'s Newsmaker of the Year, shows how scientists can help society. For almost three months this year, a mini-volcano of oil and gas erupted into the Gulf of Mexico and disgorged nearly 5 million barrels of petroleum. Throughout the crisis, a poised scientist gave countless media interviews to explain to a scared and angry public how the US government was striving to contain the damage. Behind the scenes, with decisive leadership, she ran the National Oceanic and Atmospheric Administration (NOAA) — the agency that closed fisheries, tracked oil, protected habitats and assessed the damage to communities and the environment. For her role in the response to the crisis, Jane Lubchenco is *Nature*'s Newsmaker of the Year (see [page 1024](#)).

Before becoming NOAA administrator in 2009, Lubchenco had a reputation as both a leading researcher and an environmental advocate. She made important advances in the basic science of coastal ecology and helped to raise awareness of the many threats to ocean ecosystems around the world. Lubchenco is now reorienting her US\$4.7-billion federal agency to strengthen the science and policies that protect US marine resources.

The United States could do with more scientists like Lubchenco, with the skills and the dedication to speak out on issues that matter. The need will be particularly acute next year, when the Republican Party takes over the US House of Representatives. Although Republicans have generally supported basic science, incoming House leaders have made it clear that they are hostile to certain areas of research. Some have pledged to hold hearings on climate science, which they argue is seriously flawed and has overstated the evidence for global warming.

Adrian Smith (Republican, Nebraska) introduced the YouCut Citizen Review, which calls on the US public to search the National Science Foundation website list of peer-reviewed grants for those they consider wasteful. And Darrell Issa (Republican, California), the incoming head of the powerful Committee on Oversight and Government Reform, last year led an effort to revoke funding from the National Institutes of Health for studies of substance abuse and HIV risk in other countries (see [Nature 460, 667; 2009](#)).

Scientific leaders in the United States must stand up against such attacks. As a first step, they should try to meet with incoming House members from both parties to voice their concerns and explain the rationale behind research in controversial areas. Recognizing that all politics is local, scientists will need to make clear why climate change or HIV research matters for the communities represented by members of Congress. They should take along science-savvy business leaders and locally elected officials to help make their case.

Beyond the scientific leadership, there is a broader need for more individual scientists to communicate with the public. Currently, that kind of activity is not particularly valued — and is even disdained — in some fields of research. And spending time meeting with elected leaders or local journalists does not help a young scientist to get tenure.

Most scientists receive no training in public communication, and will need to hone their skills. Some can learn from experienced mentors; others can benefit from programmes developed by scientific societies and other groups (see [page 1032](#)). Members of academic and government agencies can consult with public-affairs representatives, who can show them the best ways to communicate the results and implications of research. Another avenue is the Congressional

Science Fellowship programme, through which scientific societies can sponsor scientists to work in congressional offices for a year, providing advice to elected officials. The societies involved should expand their programmes, and groups that do not currently sponsor fellows should consider it.

As with any endeavour, it takes time to develop the communication skills that Lubchenco and other senior scientists have acquired. Even Lubchenco foundered at times during the oil spill. She made some mistakes and was criticized for the way that her agency initially downplayed the evidence for oil spreading below the surface. Despite such slips, Lubchenco has steered her agency through the crisis with a steady hand. She is an outstanding example of how much one scientist can do to improve both society and natural ecosystems. Others would do well to follow her lead.

01268-EPA-6370

Richard  
Windsor/DC/USEPA/US  
12/27/2010 04:38 PM

To Eric Wachter  
cc  
bcc  
Subject Re: Happy Holidays

(b) (5) Deliberative

Eric Wachter

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

**From:** Eric Wachter  
**Sent:** 12/27/2010 04:37 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Happy Holidays

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/27/2010 04:37 PM -----

#### Message Information

**Date** 12/23/2010 06:32 PM 12/27/2010 04:38:13 PM  
**From** "Doniger, David" <[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** Happy Holidays

#### Message Body

Lisa,

Thank you for all the effort leading to today's announcement. I know how hard you and your team are working to move us forward and keep us on the rails. The announcement is a major achievement. To paraphrase Ben Franklin: "Friends, you have your NSPS, now let's see if you can keep it." We'll be with you at every step in the year ahead.

David

David D. Doniger  
Policy Director, Climate Center  
Natural Resources Defense Council  
1200 New York Ave., NW  
Washington, DC 20005  
Phone: (202) 289-2403  
(b) (6) Personal Privacy  
Fax: (202) 789-0859  
[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)  
on the web at [www.nrdc.org](http://www.nrdc.org)  
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

**OEX Processing Information**

Processed Date:

Processed By

PO Office

Category:

Message Count

01268-EPA-6371

David  
McIntosh/DC/USEPA/US  
12/29/2010 04:56 PM

To Richard Windsor, "Diane Thompson", Bob Perciasepe, Bob Sussman, Scott Fulton, ganesan.arvin, Barbara Bennett  
cc  
bcc  
Subject Joe Aldy's replacement

(b) (5) Deliberative

-----Forwarded by David McIntosh/DC/USEPA/US on 12/29/2010 04:53PM

To: " (b) (6) Personal Privacy" < (b) (6) Personal Privacy  
From: Nathaniel Keohane <nkeohane@edf.org>  
Date: 12/29/2010 04:47PM  
Subject: Leaving EDF

Dear friends and colleagues,

I am writing to let you know that this is my last day at Environmental Defense Fund. Starting January 3, I will be serving as Special Assistant to the President for Energy and Environment, National Economic Council/White House Office of Energy and Climate Change. (As if the demands of the job weren't enough, I will also face the daunting prospect of filling the very large shoes of Joe Aldy.) My family and I will continue to live in New York City, but I will be commuting during the weeks to Washington.

After today, my EDF email address and mobile phone will be disconnected. If you need to reach me, please contact me at (b) (6) Personal Privacy

Wishing you all the best for a wonderful New Year,

Nat

---

**Nathaniel Keohane, Ph.D**

Chief Economist

**Environmental Defense Fund**

257 Park Avenue South  
New York, New York 10010  
t 212 616 1271  
f 212 254 7408

[nkeohane@edf.org](mailto:nkeohane@edf.org)

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.



01268-EPA-6372

Richard  
Windsor/DC/USEPA/US  
12/29/2010 04:58 PM

To David McIntosh, "Diane Thompson", Bob Perciasepe, Bob Sussman, Scott Fulton, "Arvin Ganesan", Barbara Bennett  
cc  
bcc  
Subject Re: Joe Aldy's replacement

Tx!

---

**From:** David McIntosh  
**Sent:** 12/29/2010 04:56 PM EST  
**To:** Richard Windsor; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe; Bob Sussman; Scott Fulton; ganesan.arvin@epa.gov; Barbara Bennett  
**Subject:** Joe Aldy's replacement

(b) (5) Deliberative  
-----Forwarded by David McIntosh/DC/USEPA/US on 12/29/2010 04:53PM -----

To: "(b) (6) Personal Privacy" <(b) (6) Personal Privacy>  
From: Nathaniel Keohane <nkeohane@edf.org>  
Date: 12/29/2010 04:47PM  
Subject: Leaving EDF

Dear friends and colleagues,

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After today, my EDF email address and mobile phone will be disconnected. If you need to reach me, please contact me at (b) (6) Personal Privacy

Wishing you all the best for a wonderful New Year,

Nat

---

**Nathaniel Keohane, Ph.D**

Chief Economist

**Environmental Defense Fund**  
257 Park Avenue South  
New York, New York 10010  
t 212 616 1271  
f 212 254 7408  
[nkeohane@edf.org](mailto:nkeohane@edf.org)

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01268-EPA-6373

**Richard  
Windsor/DC/USEPA/US**  
12/29/2010 05:43 PM

To Judith Enck  
cc  
bcc  
Subject Re: Dow Jones: EPA Warns of PCB Risks in Schools

Not a good week for City Hall, that's for sure. Tx.  
Judith Enck

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

**From:** Judith Enck  
**Sent:** 12/29/2010 05:40 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Dow Jones: EPA Warns of PCB Risks in Schools

We also received very positive statements from the nyc teachers union, members of congress, dr phil landrigan, and ngo's. The teachers union is standing with us even though the city is oddly saying they would have to lay off teachers if they make this investment in energy efficiency. I spoke to dep mayor walcott today and he was polite. I am meeting with him next week

Sent by EPA Wireless E-Mail Services

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/29/2010 05:33 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Bob Sussman; "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara; Peter Grevatt; Lisa Garcia; Judith Enck; Steve Owens; Arvin Ganesan; Stephanie Owens; Dru Ealons  
**Subject:** Re: Dow Jones: EPA Warns of PCB Risks in Schools

Nicely done!

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/29/2010 05:22 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Seth Oster <oster.seth@epa.gov>; Betsaida Alcantara; Peter Grevatt; Lisa Garcia; Judith Enck; Steve Owens; Arvin Ganesan; Stephanie Owens; Dru Ealons  
**Subject:** Dow Jones: EPA Warns of PCB Risks in Schools

## EPA Warns of PCB Risks in Schools Dow Jones

By [TENNILLE TRACY](#)

WASHINGTON—Federal authorities are urging schools across the U.S. to replace the electrical components in older light fixtures to reduce the threat of contamination from potentially cancer-causing chemicals.

In nonbinding recommendations released Wednesday, the Environmental Protection Agency says many schools built before 1979 use light fixtures that contain polychlorinated biphenyls, a manmade chemical that can affect the immune system and reproductive system and can cause

cancer if they build up in the human body.

The agency urges schools to replace the electrical components in the light fixtures to prevent the escape of PCBs into the air. If the chemicals do leak, they would not represent an immediate threat but could present health concerns if they persist over time, the EPA says.

If the electrical components are already leaking PCBs, federal law requires the schools to remove them immediately.

The EPA is urging schools to replace the components after a study of three schools in New York City revealed that many fixtures in the schools were leaking PCBs.

The EPA has also worked with school officials in Oregon, North Dakota and Massachusetts to address leaks.

"As we continue to learn more about the potential risks of PCBs in older buildings, EPA will work closely with schools and local officials to ensure the safety of students and teachers," said Steve Owens, EPA's assistant administrator for chemical safety and pollution prevention, in a statement.

But the cost of replacing the electrical components, or the entire light fixture, could be high. New York City officials estimate it would cost \$1 billion to remove and replace lighting fixtures in about 800 buildings across the city.

Because of the expense, New York City officials have balked at the EPA's attempts to make sure the city remove and replace the light fixtures on an expedited schedule.

In a Dec. 21 letter to the EPA, New York City Deputy Mayor Dennis Walcott said the costs of replacing the fixtures, "during this difficult fiscal climate," would force the city to lay off staff and delay school-construction projects.

Mr. Walcott also accuses the EPA of singling out the city and says the agency should require all public and private buildings in the U.S. to replace older light fixtures.

Following the release of the EPA's new recommendation Wednesday, New York's U.S. lawmakers called on the New York City Department of Education to step up its testing and remediation efforts.

"PCB contamination is alarmingly widespread and threatens the health of potentially hundreds of thousands of schoolchildren," Democratic Reps. Jerrold Nadler and Joseph Crowley said in a statement Wednesday.

Prior to 1978, when the manufacture of PCBs was banned, lighting companies used PCBs in electrical equipment because they do not readily burn or conduct electricity. The EPA currently regulates the use, storage and disposal of PCBs, but there are still millions of pieces of equipment in the U.S. that were made prior to the rules, according to the EPA.



01268-EPA-6374

Mathy  
Stanislaus/DC/USEPA/US  
12/30/2010 03:24 PM

To Richard Windsor  
cc Betsaida Alcantara, Bob Perciasepe, Seth Oster  
bcc  
Subject Re: BP waste data

(b) (5) Deliberative

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Richard Windsor (b) (5) Deliberative 12/30/2010 03:19:27 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/30/2010 03:19 PM  
Subject: Re: BP waste data

(b) (5) Deliberative

Betsaida Alcantara

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

From: Betsaida Alcantara  
Sent: 12/30/2010 02:22 PM EST  
To: Bob Perciasepe  
Cc: Mathy Stanislaus; Richard Windsor; Seth Oster  
Subject: Re: BP waste data

(b) (5) Deliberative

(b) (5) Deliberative

Bob Perciasepe

(b) (5) Deliberative

12/30/2010 02:10:10 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/30/2010 02:10 PM  
Subject: Re: BP waste data

Thanks Betsaida:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Betsaida Alcantara

LPJ and Bob P, (b) (5) Deliberative

12/30/2010 02:05:37 PM

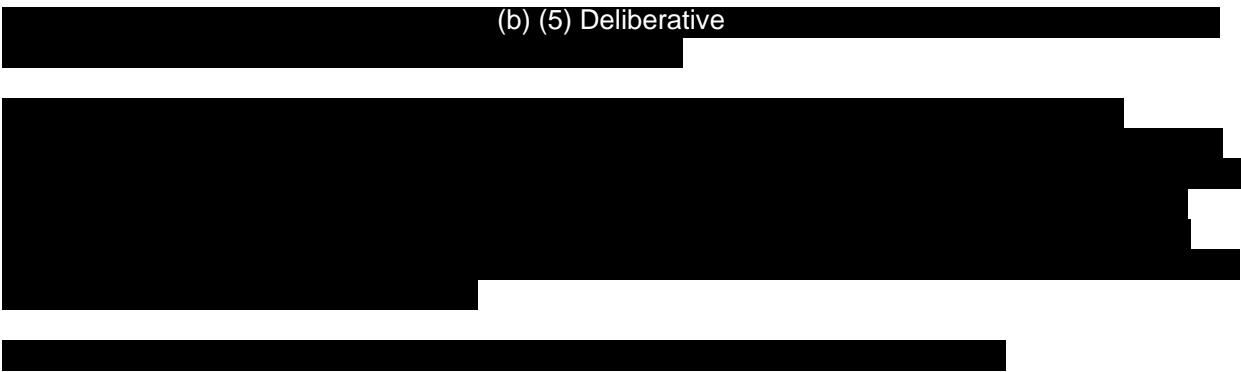
From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/30/2010 02:05 PM  
Subject: BP waste data

LPJ and Bob P,

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6375

Richard  
Windsor/DC/USEPA/US  
12/30/2010 03:31 PM

To Mathy Stanislaus  
cc Betsaida Alcantara, Bob Perciasepe, Seth Oster  
bcc  
Subject Re: BP waste data

Maybe just as a q and a ? We can certainly discuss Munday!  
Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 12/30/2010 03:24 PM EST  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Bob Perciasepe; Seth Oster  
**Subject:** Re: BP waste data

(b) (5) Deliberative

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Richard Windsor

(b) (5) Deliberative

12/30/2010 03:19:27 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
**Cc:** Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
**Date:** 12/30/2010 03:19 PM  
**Subject:** Re: BP waste data

(b) (5) Deliberative

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/30/2010 02:22 PM EST  
**To:** Bob Perciasepe  
**Cc:** Mathy Stanislaus; Richard Windsor; Seth Oster  
**Subject:** Re: BP waste data

(b) (5) Deliberative

(b) (5) Deliberative [REDACTED]

Bob Perciasepe Thanks Betsaida: (b) (5) Deliberative 12/30/2010 02:10:10 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/30/2010 02:10 PM  
Subject: Re: BP waste data

Thanks Betsaida:

(b) (5) Deliberative [REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

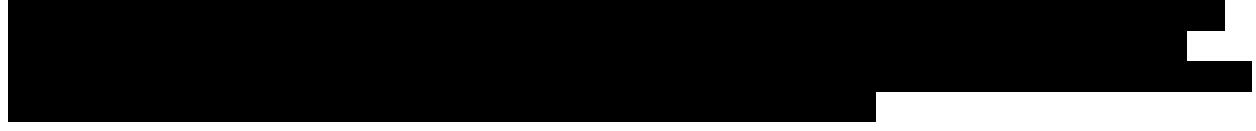
Betsaida Alcantara LPJ and Bob P, (b) (5) Deliberative 12/30/2010 02:05:37 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 12/30/2010 02:05 PM  
Subject: BP waste data

LPJ and Bob P,

[REDACTED] (b) (5) Deliberative [REDACTED]

(b) (5) Deliberative



01268-EPA-6376

**Richard  
Windsor/DC/USEPA/US**  
01/12/2011 05:16 PM

To "Diane Thompson"  
cc  
bcc  
Subject Fw: End of Day AK Pipeline clips

Note - reduced pumping rates. Ha.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 01/12/2011 04:47 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Dana Tulis; Daniel Kanninen; David McIntosh; Diane Thompson; Dru Ealons; Janet Woodka; Mathy Stanislaus; Seth Oster <oster.seth@epa.gov>; Richard Windsor; Sarah Pallone; Stephanie Owens  
**Subject:** End of Day AK Pipeline clips

ABC NEWS

Trans-Alaska Pipeline Restarted Despite Leak

Trans-Alaska pipeline restarted at two-thirds capacity while work continues to fix leak

MARY PEMBERTON

January 12, 2011

ANCHORAGE, Alaska (AP) - Oil is flowing through the trans-Alaska pipeline again, but at only two-thirds the rate as it was before the line was shut down due to a leak.

San Francisco Chronicle

Alaska Pipeline at Reduced Rate as Temperature Drops  
Wednesday, January 12, 2011

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will operate the Trans Alaska Pipeline System at reduced rates for several days to keep the lines and tanks from freezing amid lower temperatures.

Reuters

Alaska oil pipeline resumes flow at reduced rates  
By Yereth Rosen and Joshua Schneyer  
Wed Jan 12, 2011 2:58pm EST

ANCHORAGE/NEW YORK - Alaska's key oil pipeline has resumed shipments and was pumping 400,000 barrels per day, almost two-thirds of its normal levels, following a four-day shutdown due to a small leak, its operator said on Wednesday.

BBC News  
Brent oil price at 27-month high  
January 12, 2011 Last updated at 16:10 ET

The price of Brent crude oil has touched its highest level in 27 months, as a result of production shutdowns and increasing global energy demand.

[[FULL TEXT BELOW]]

### **ABC NEWS**

Trans-Alaska Pipeline Restarted Despite Leak  
Trans-Alaska pipeline restarted at two-thirds capacity while work continues to fix leak  
MARY PEMBERTON  
January 12, 2011

ANCHORAGE, Alaska (AP) - Oil is flowing through the trans-Alaska pipeline again, but at only two-thirds the rate as it was before the line was shut down due to a leak.

The 800-mile pipeline was restarted at 9:03 p.m. Tuesday night. By Wednesday morning, the pipeline that transports about 13 percent of the nation's domestically produced oil was carrying about 400,000 barrels of crude.

The pipeline was shut down Saturday when a leak was discovered near a pump station at Prudhoe Bay.

The 84-hour shutdown turned out to be the second longest since the pipeline began operating in 1977.

Fabrication work continues on a bypass pipe since there is still a leak. In the meantime, officials say an 800-gallon containment tank is being used to capture spilled oil.

### **San Francisco Chronicle**

Alaska Pipeline at Reduced Rate as Temperature Drops  
Wednesday, January 12, 2011

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will operate the Trans Alaska Pipeline System at reduced rates for several days to keep the lines and tanks from freezing amid lower temperatures.

The line restarted at 9:03 p.m. local time yesterday, Matt Carle, a company

spokesman, said in a phone interview. After a section is set up to bypass the leak at Pump Station 1, the pipeline will be shut to complete repairs, Alyeska said in a statement. Temperatures dropped to a low of minus 5 degrees (minus 21 Celsius) yesterday in Barrow, Alaska.

The pipeline is shipping at a rate of about 400,000 barrels of crude oil a day, Matt Carle, a spokesman for Alyeska, said in a telephone interview. Producer output will be slightly less than throughput as supplies that built up in tanks at Pump Station 1 are sent through the pipeline, he said.

"This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in a statement late yesterday.

#### Lower Temperatures

Temperatures in the area near the repair site have fallen from a low of 10 degrees the day after the pipeline shut, according to the National Weather Service.

The 800-mile (1,287-kilometer) pipeline, running south from Prudhoe Bay to Valdez, has been closed since the leak at the pump station on Jan. 8. The shutdown forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

About 25 barrels of crude was recovered in the containment area where the spill occurred between 8 p.m. yesterday and 6 a.m. today, Carle said.

Alyeska estimated that finishing construction of the bypass pipe would take four days and installation an additional 36 hours, the Alaska Department of Environmental Conservation said in a report yesterday.

The cold weather presents "a very dangerous situation," Ehsan Ul-Haq, a Walton-on-Thames, England-based senior market consultant at KBC Energy Economics, said by phone. "In the end, if something goes wrong, there is enough supply from Asia as well as the Middle East to make up for the loss."

#### Refinery Supplies

Flint Hills Resources LLC is receiving crude at its North Pole refinery in Alaska after the pipeline started, and the 226,500-barrel-a-day plant is back in operation, Jake Reint, a company spokesman, said in a telephone interview. The company provided fuel to customers during the outage, he said.

Tesoro Corp. said its 72,000-barrel-a-day Kenai refinery in Alaska can operate at normal, targeted rates for the next week and could extend those rates by scheduling deliveries of crude via tankers from outside Alaska.

Tesoro doesn't have information "that would lead us to believe that the shutdown" of the pipeline will last that long, Mike Marcy, a company spokesman, said in an e-mail yesterday.

Refineries in the Pacific-Northwest and California also use Alaskan crude for the manufacturing of fuels.

"We have no issues with crude supply" at the Richmond refinery, which takes Alaskan oil in Valdez for the 257,200- barrel-a-day plant, Mickey Driver, a spokesman for Chevron, said in an e-mail. "Crude in storage at Valdez is still being loaded for transport. There is also plenty of oil on the open market, and we have access to alternative oil."

Inventories at Valdez have declined 27 percent since the line was shut to 2.16 million barrels yesterday, according to the state's website.

## **Reuters**

Alaska oil pipeline resumes flow at reduced rates

By Yereth Rosen and Joshua Schneyer

Wed Jan 12, 2011 2:58pm EST

- \* Temporary restart helps manage risk of pipe freezing
- \* Flow resumption allows Alaska oil production to restart
- \* Pipeline is back to near two-thirds normal rates
- \* Repair and permanent restart of line awaits approval (Adds Alyeska, regulator comments)

ANCHORAGE/NEW YORK - Alaska's key oil pipeline has resumed shipments and was pumping 400,000 barrels per day, almost two-thirds of its normal levels, following a four-day shutdown due to a small leak, its operator said on Wednesday.

Since it was shut on Saturday, the closure of the line that normally transports 640,000 bpd shut in almost 12 percent of U.S. oil production and threatened to prompt supply shortages for refiners on the U.S. West Coast.

The pipeline was brought back into operation on a temporary basis late Tuesday to prevent its oil and water contents from freezing as temperatures in Alaska dropped.

A small leak on the line still hasn't been repaired, but pipeline operator Alyeska is containing the leaked oil at a pump station along the 800-mile (1,280-kilometer) line. Alyeska awaits regulatory approval to repair the line and resume full shipment volumes, a process that requires welding a stretch of bypass line into place.

The Trans Alaska Pipeline System will continue to run at reduced rates over the coming days, said Thomas Barrett, president of Alyeska, in a statement.

Normal operations would resume after the bypass that sources familiar with the pipeline's operations say could take around five days.

"This interim restart is an important and necessary step to restoring operations while managing the risk of severe damage (to the) TAPS system (during) and extended winter shutdown," the operator said in a statement.

There is no estimate yet of how long it will take to get the pipeline back to normal, said a spokeswoman for the "unified command" of Alyeska and state and federal regulators, which is directing efforts to fix the problem.

"We're still working on fabrication of that bypass line for Pump Station 1," she said.

The pipeline may have to be idled again briefly to complete the bypass, a source familiar with pipeline operations said, but that may take only one or two days when it happens.

The pipeline's restored flow should allow Alaskan North Slope oil producers like BP Plc (BP.L) to resume most of the state's normal oil output of more than 600,000 bpd, while helping to replenish inventories at the Valdez terminal where oil stocks have fallen to around 27 percent of capacity since the pipeline was first shut down on Saturday.

## BBC News

Brent oil price at 27-month high

January 12, 2011 Last updated at 16:10 ET

The price of Brent crude oil has touched its highest level in 27 months, as a

result of production shutdowns and increasing global energy demand.

Brent reached \$98.80, its highest level since April 2009, before trimming gains to close up 51 cents at \$98.12.

The rise came after two Norwegian oil fields had to close on Tuesday due to a gas leak. Both have since reopened.

Alaskan oil production also continued to be hit by a pipeline leak. US light crude rose 75 cents at \$91.86.

The leak in Alaska has now caused the US state's main Trans-Alaska Pipeline to be closed to all but 5% of its usual output since Saturday.

Commerzbank oil analyst Carsten Fritsch said Brent was now expected to hit \$100 a barrel.

He added: "It seems only a matter of time, if sentiment remains positive and more disruptions on the supply side come in."

The Trans-Alaska Pipeline is important because it carries almost 12% of US crude output. It is due to reopen later this week.

Brendan Gilfillan    [Reuters Alaska pipeline restarts at low...](#)    01/12/2011 01:46:43 PM

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From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 01/12/2011 01:46 PM  
Subject: Re: Wed Mid-day AK Pipeline clips

Reuters  
Alaska pipeline restarts at low rates to prevent freezing  
By Joshua Schneyer  
Wed Jan 12, 2011 10:26am EST

The Wall Street  
Frigid Alaska Winter Adds Urgency To Pipeline Restart Effort Article  
By Dan Strumpf and Cassandra Sweet  
JANUARY 12, 2011, 11:41 A.M. ET

Bloomberg

Alaska Pipeline Bypass May Take at Least Five Days to Complete

January 12, 2011, 12:02 AM EST

By Christian Schmollinger and Aaron Clark

Reuters

Alaska oil pipeline pumping 400,000 bpd -operator

January 12, 2011 12:19pm EST

[[Full Clips Below]]

**Reuters**

Alaska pipeline restarts at low rates to prevent freezing

By Joshua Schneyer

Wed Jan 12, 2011 10:26am EST

NEW YORK - In an emergency measure to keep it from freezing, Alaska's largest oil pipeline resumed oil shipments at reduced rates late Tuesday following a small leak that had shut the line since Saturday and halted around 12 percent of U.S. oil production.

The temporary restart of the 800-mile (1,300-km) line comes as operator Alyeska and regulators scramble to prevent oil and water from freezing in the pipes, which could pose major problems for restarting the line on a permanent basis. The pipe normally carries about 640,000 barrels per day of crude from Alaska's North Slope.

Sources familiar with the pipeline's operations said they still hope for a permanent restart as early as the end of the week, after a bypass pipe is welded into place around the site of a small leak.

The breach was found at a pump station on Saturday, forcing the second-longest shutdown in the 33-year history of the line, known as Trans Alaska Pipeline System and partially owned by BP Plc.

Alyeska and government regulators said in a statement that a temporary restart "avoids having to do a more complex cold restart process ... And it also allows North Slope producers to increase production, which will help mitigate freeze concerns."

The interim restart went forward even though the pipeline is still leaking small quantities of crude, which officials said can be cleaned up easily. If

pipe contents freeze, including around a so-called PIG machine inside the pipe for cleaning, it could severely complicate efforts for a full restart, they warned.

Alyeska didn't say what volumes would be pumped through the line during the interim restart period, and North Slope producers were not immediately available to comment on how much oil production is being immediately restored.

JP Morgan analysts cited reports that pipeline flows would start slowly, at levels as low as 30,000 barrels, according to a note Wednesday.

"Overnight reports suggest that the pipeline has been restarted at very low levels, around 30,000 (barrels per day), possibly to reduce the risk from low ambient temperatures in Alaska causing further problems for the crude already in the line," the bank said.

The state's production, much of which is usually shipped to U.S. West Coast refineries, has ground to a near halt since Saturday. West Coast refiners have said they aren't experiencing any supply disruptions to date and don't expect any.

BP, the top oil producer in Alaska, received permission to resume some output as a precautionary measure to prevent equipment from freezing up at its Alaskan fields.

As of Tuesday, around 29 barrels of crude had spilled from TAPS at a pump station, officials said. A bypass will involve draining the contents of the leaky stretch of pipe and installing a stretch of line that goes around the leak.

U.S. crude futures rose for a third straight day since the shutdown, gaining 70 cents to \$91.81 per barrel as of 9:51 a.m. EST.

### **The Wall Street**

Frigid Alaska Winter Adds Urgency To Pipeline Restart Effort Article

By Dan Strumpf and Cassandra Sweet

JANUARY 12, 2011, 11:41 A.M. ET

NEW YORK (Dow Jones)--The frigid Alaskan winter is lending urgency to the repair of the 800-mile Trans-Alaska Pipeline, which was temporarily restarted late Tuesday to prevent the crude inside from freezing.

The harsh conditions and subzero temperatures of Alaska's North Slope make pipeline outages especially perilous, with operators facing the constant

risk of ice forming inside the line. In a worst-case scenario, the crude in the line can solidify into a waxlike sludge and render an entire pipeline unusable.

"In the extreme case ... it can become a long candle," said Richard Kuprewicz, president of the pipeline engineering consulting firm Accufacts Inc. and an expert on oil pipeline safety.

To avoid that fate, pump operators have temporarily restarted the pipeline to ensure the pipes and oil in the system don't freeze while a crew works to install a bypass around the leak.

Alyeska Pipeline Service Co., the operator, said Wednesday that the pipeline will operate "at a reduced rate for several days while a bypass segment is staged for installation." The pipeline system will have to be shut down again while the replacement pipe is installed and tested.

A quick restart is needed to restore one of the biggest sources of oil for the U.S. West Coast. The pipeline normally transports an average 630,000 barrels a day, about 11% of U.S. production, from the state's North Slope to the southern port city of Valdez, where the oil is shipped to customers. But Alyeska ordered producers to halt nearly 600,000 barrels a day of their output along the North Slope. Oil prices have risen nearly 5% since the pipeline shutdown was announced Saturday. Benchmark crude on Wednesday recently rose \$1.01, or 1.1%, to \$92.12 a barrel.

In Prudhoe Bay, the site of the leak, where the bulk of Alaska's oil is produced, temperatures are expected to remain in the negative teens for the next few days, according to AccuWeather.

"As more time goes on, the level of our concern keeps going up, both on impacts from the cold weather and potential freezing, and on operations at Prudhoe Bay itself," said Larry Hartig, commissioner of the state Department of Environmental Conservation and the state's top environmental official.

An additional problem could arise if the pipeline system remains down for so long that the storage facilities where oil is being routed fill up. That could force oil companies to shut down production completely, which could cause oil wells to freeze, posing new hazards, Hartig said.

Typically, oil pipelines operating in cold temperatures are kept warm both by the movement of the crude within the pipe and by heating systems. In subzero temperatures, water that's naturally present in oil can "drop out," freeze into ice and damage pipeline equipment.

The pipeline would sustain far greater damage if the temperature of the oil remaining within a pipeline slips below the "pour point," the threshold at which certain compounds separate from the oil and solidify. That would cause the crude to stop flowing, said Kuprewicz, the pipeline consultant.

That threshold varies widely depending on the makeup of the crude. For Alaska North Slope crude it's -0.4 degrees Fahrenheit, according to J.P. Morgan oil analyst Lawrence Eagles.

While it is unusual for oil's temperature to fall below the pour point, it isn't unheard of. In 1996, a 160,000-barrel-per-day pipeline operated by Seaway Pipeline Co., between Texas City, Texas, and Cushing, Okla., was idled for several weeks after oil with a high pour point clogged the line.

### **Bloomberg**

Alaska Pipeline Bypass May Take at Least Five Days to Complete  
January 12, 2011, 12:02 AM EST  
By Christian Schmollinger and Aaron Clark

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will need at least five days to build and install a bypass on the Trans-Alaska Pipeline System as its seeks to restart the link carrying 15 percent of U.S. crude output after a Jan. 8 leak.

Construction of the piping will take about four days while installation will add 36 hours, according to a statement by the operator and state and federal regulators yesterday. Alyeska has temporarily resumed the system to prevent the buildup of ice and debris that may have accumulated after the flow of oil stopped.

Approval for the restart was granted today by the Unified Command, composed of Alyeska, the U.S. Environmental Protection Agency and the Alaska Department of Environmental Conservation. It will take several hours before the link is operational following the interim resumption, according to the statement.

"The temporary operation is prudent and necessary to reduce the greater risks associated with a continuing cold- weather shutdown," the statement said. "The TAPS line must be shut down again for installation of the bypass."

The 800-mile (1,287-kilometer) pipeline, closed following the leak at Pump Station 1, has exceeded its longest shutdown, said Michelle Egan, a spokeswoman for Alyeska, yesterday. The leak has forced BP Plc,

ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

The temporary restart will help prevent tanks at the pump station from reaching capacity, which would completely halt production, according to yesterday's statement.

It will also allow Alyeska to move an internal pipe- cleaning device, known as a pig, farther down the pipeline to a point where oil can be routed around it.

Oil inventories in Alaska were at about 2.38 million barrels of crude as of yesterday, down from 2.57 million Jan. 9, according to the state's website. The pipeline system transported an average 642,261 barrels a day last month, according to Alyeska's website.

Production on the North Slope was 25,136 barrels yesterday, down from 634,599 on Jan. 7, the website said.

## Reuters

Alaska oil pipeline pumping 400,000 bpd -operator  
January 12, 2011 12:19pm EST

ANCHORAGE - The Trans Alaska Pipeline System was back to pumping 400,000 barrels per day of crude following a limited restart late Tuesday, operator Alyeska said on Wednesday.

The pipeline, which was shut on Saturday after the discovery of a leak, usually pumps 630,000 to 650,000 bpd.

Alyeska is still awaiting regulatory approval for a full restart of the line, the operator said.

Brendan Gilfillan    Clips -----...    01/12/2011 11:15:47 AM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA  
Cc: Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA  
Date: 01/12/2011 11:15 AM  
Subject: Wed AM - AK Pipeline clips

Clips

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Bloomberg

Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days

By Aaron Clark

Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The Telegraph

Oil price closes in on \$100 a barrel on higher demand and Alaska leak

By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline.

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

Financial Times

Oil nears \$100 a barrel on supply disruptions

By Jack Farchy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline

Jan 12, 2011, 10.14am IST

(REUTERS ) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on

Tuesday.

[[FULL TEXT BELOW]]

### **Bloomberg**

Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days

By Aaron Clark

Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The start-up sequence of opening valves and bringing pumps online began at 7 p.m. local time yesterday, according to the statement. The line will be shut down in several days to install a bypass around a leak near Pump Station 1.

This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in the statement.

The 800-mile (1,287-kilometer) pipeline, closed following the leak at the pump station on Jan. 8. The shutdown has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

### **The Telegraph**

Oil price closes in on \$100 a barrel on higher demand and Alaska leak

By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline.

Brent was trading at \$97.77 at lunchtime, falling back from its high of \$98.46 earlier in the day, but up 17 cents on yesterday.

The oil price has not risen above \$98 since October 2008, when the financial crisis started to unfold.

The gap between the UK and US oil price remained at its widest for two years, with crude oil in New York trading around \$6 lower than in London, at \$91.74 a barrel.

Brent supplies are more constrained, and there has been speculation short-term investors such as hedge funds are buying in.

Oil demand is expected to reach a record 88.6m barrels a day during 2011, but OPEC, the cartel

of oil-producing nations, has said it won't increase production, after agreeing to limit prduction two years ago when the recession hit prices.

The Trans Alaska Pipeline, which carries about 12pc of the US's crude oil output, closed down on Saturday after a leak, and has only resumed limited operations.

The pipeline operator was allowed to restart some flow yesterday to prevent the oil from freezing, however the pipeline will be closed again this week to install a bypass over the leaking section.

Cold weather in the north-eastern US has also spurred demand.

"Prices are now based less on fundamentals and more on sentiment and momentum within specific boundaries," analysts at UBS said. "Traditional indicators of price, such as OPEC spare capacity or OECD inventory has having limited use going into 2011."

### **Financial Times**

Oil nears \$100 a barrel on supply disruptions

By Jack Farchy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The price of ICE February Brent, the global benchmark, rose to \$98.46 a barrel on Wednesday morning, the highest in two years.

The rise in oil prices came amid a broad rally in commodities, as the dollar slipped and risk appetite returned to the market after strong eurozone industrial production numbers and encouraging results from the latest Portuguese bond auction.

Brent crude prices were boosted by a brief production outage at two Norwegian North Sea oilfields on Tuesday night, in addition to the continuing disruption at the Prudhoe Bay field in Alaska, North America's largest.

Analysts have stepped up calls for oil to trade above \$100 for the first time since 2008 – when prices shot to a record \$147 a barrel – on the back of strong industrial demand, a cold snap in Europe and the US, and a jump in coal prices.

While Brent is flirting with the \$100 mark, West Texas Intermediate, the US benchmark, is some way from the landmark. On Wednesday, Nymex February WTI was trading at \$90.94 a barrel – a \$6.46 discount to Brent.

The widening gap between the two benchmarks is due to a build-up of inventories at Cushing, Oklahoma, the delivery point for the WTI contract. As Cushing has few outlets to evacuate surplus oil, a glut tends to depress the price of WTI relative to other US and international crude

oil benchmarks.

Hussein Allidina, head of commodities research at Morgan Stanley in New York, described WTI as “the misleading benchmark”, saying: “We prefer to express our bullish view on crude through Brent”.

In other commodity markets on Wednesday, industrial and energy commodities were higher on the back of the higher risk appetite in financial markets.

Copper for delivery in three months gained 0.8 per cent to \$9,595 a tonne on the London Metal Exchange, approaching the all-time peak set last week, while palladium – used in catalytic converters in cars – hit a fresh nine-year high of \$804.10 a troy ounce, up 2.3 per cent on the day.

Agricultural commodity markets were fixated on the US Department of Agriculture report due to be released later in the day. By mid-morning in London, CBOT March wheat was 1.45 per cent stronger at \$7.705 a bushel, CBOT March corn gained 0.6 per cent to \$6.1075 a bushel, and CBOT January soyabean were 0.8 per cent higher at \$13.615 a bushel.

Analysts and traders have warned that the global food balance sheet remains finely balanced, with any surprises likely to send prices shooting higher. The UN Food and Agriculture Organisation’s index of global food prices rose to an all-time peak in December.

### The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The cost of a barrel of Brent crude – oil sourced from the North Sea – hit \$98 this morning, its highest level since October 2008 before the global economic downturn took hold. US crude oil also rose to \$91.65 a barrel, close to its own 27-month high.

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. This has forced a 95% cut in production at Prudhoe Bay, the source of around 15% of US oil output.

BP is the largest shareholder in Alyeska Pipeline Service, which operates the Trans-Alaska Pipeline System. The pipeline is expected to be turned on again later today, but only temporarily, in an attempt to prevent the system freezing up. Under usual conditions, oil is heated to almost 100F before being pumped down the pipe. This prevents the saltwater mixed in with the oil from

freezing during its journey underground or above the permafrost.

Alyeska said last night that it will probably take another five days to install new piping to bypass the site of the leak. They also need to remove two "cleaning pigs" – devices that are sent through the pipeline to dislodge debris from the system. If the pigs cannot be rounded up, they could push ice into pumping facilities and cause further harm.

With prices at the pumps above the levels seen in 2008, the haulage industry has launched a new campaign to try to force the government to cut fuel duty. Britishtruckers.com argues that the domestic freight industry is facing a crisis situation, with prices at "unsustainable levels".

### **The Times of India**

Alyeska receives govt permission to restart Trans-Alaska Pipeline  
Jan 12, 2011, 10.14am IST

(REUTERS ) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

"We got the approval we need to restart the pipeline for interim operations," Katie Pesznecker said.

The company will begin to bring up the pipeline through the night, she added, but gave no estimate of volumes.

The pipeline had been shut down early on Saturday due to a leak.

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

01268-EPA-6377

Lisa at Home  
◀ (b) (6) Personal Privacy  
01/16/2011 07:14 AM

To Richard Windsor  
cc  
bcc  
Subject

- Reprints

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January 15, 2011

## Recession Special: Cleaner Air

By MATTHEW L. WALD

The previous Congress failed to pass [climate change legislation](#), and the new House is openly hostile to the idea. But what the government has not mandated, the economy is doing on its own: emissions of [global warming](#) gases in the United States are down.

According to the Energy Department, carbon dioxide emissions peaked in this country in 2005 and will not reach that level again until the early 2020s.

"It's important to note that the future isn't what it used to be," said David Doniger, policy director of the Climate Center at the Natural Resources Defense Council. He pointed out that the Energy Department's projection of emissions in 2020 was lower in 2008 than in 2007, and has kept falling.

How could that be?

In part, the Great Recession has been good for something.

"The recession has led to a smaller economy, less activity and less energy consumption," said Revis W. James, director of the [Energy Technology Assessment Center](#) at the Electric Power Research Institute, a utility consortium. Electricity consumption had been growing at a rate of 1 percent to 1.5 percent a year, but the recession brought on the steepest drop in decades. When demand fell, the utilities cut back on the use of their least-efficient generating stations, the ones that emit the highest amounts of carbon dioxide per kilowatt-hour.

Of course, the recession will end one day, but the economy will look different when it does, experts say. By then, the United States will be further along in its multidecade trend away from energy-intensive industries and toward a service-based economy.

The other big change is in the price and availability of natural gas. New drilling technology allowing for the recovery of gas from shale formations has led the government to double its estimate of how much natural gas can be recovered from shale. The result is that its price, already at bargain-basement levels, is likely to stay low for years to come. That means that even if the mix of electric generating plants does not change, the cleaner gas-fired ones will run for more hours and the dirtier coal-fired ones will run for fewer. Making a kilowatt-hour from gas means emitting about 40 percent less carbon dioxide, compared with coal.

At the same time, some of the oldest coal plants are being retired because of new rules restricting not carbon but conventional pollutants like soot, mercury, ash, sulfur dioxide and oxides of nitrogen. In their place, electric utilities are increasingly turning to plants powered by natural gas. Some coal- and gas-fired plants will also be displaced by wind as renewable-fuel quotas, enacted by more than half the states, take effect. Also, the federal government enacted new subsidies for renewable energy, which have added more solar and wind-generated electricity. Those investments "lead to decreased emissions relative to what you would have expected two years ago," said Ashley Lawson, a carbon emissions analyst at [Point Carbon](#), a media company.

More efficient lighting in homes and offices, better air conditioners and heaters, and other efficiency improvements to appliances, all justified as saving money over their lifetimes, also save carbon. Cars that go more miles on a gallon of fuel or at least part of the way on electricity will also cut carbon output.

Total electricity use will be about 20 percent higher in 2035 than it is today, the Energy Department estimates, but

renewable energy, which was 10 percent of the mix in 2009, will be 14 percent in 2035. Use of coal as a fuel is predicted to fall to 43 percent from 45 percent.

And who knows? Economic and technical changes could further decrease our carbon output. Gasoline prices could rise above \$4, though the government says that is unlikely. A viable gasoline substitute might be found. New nuclear plants might be built.

Even so, all of this falls far short of putting America on the road to the goal stated by President Obama on the campaign trail two years ago, an 80 percent reduction by 2050. And even if the United States continues to reduce its carbon output by shifting to less energy-intensive industries and by importing more cars, appliances and other energy-intensive goods, the carbon required to make those things will still go into the global atmosphere. The emissions just won't come from the United States.

Lj

01268-EPA-6379

Eric Wachter/DC/USEPA/US  
03/02/2011 02:21 PM  
To Richard Windsor  
cc  
bcc  
Subject Fw: NJAFM contact

FYI

(b) (5) Deliberative

----- Forwarded by Eric Wachter/DC/USEPA/US on 03/02/2011 02:20 PM -----

Lisa,

I am not sure if you remember me. I am Cleighton Smith, and am actively involved in the New Jersey Association for Floodplain Management. As you know this group would not exist without the support of NJ DEP. You were one of our Award recipients in 2008. As the Awards Chair that year, I had the honor of handing you the award. It seemed very shortly after that when you were named by the new president to head the EPA. You cannot imagine the buzz within NJAFM after that happened!!

Oh, how New Jersey has changed since then!! But I must tell you, I have much more interest in the EPA than ever before. I made my whole family watch the President's First State of the Union Address, so I could point you out entering the room!! I saw Mark Mauriello a few weeks ago; he was the guest speaker on the subject of climate change and its impact on New Jersey. Naturally he talked about you and the strides you made while you were our Commissioner. Afterwards, I told him how, whenever I listen to a public radio show that discusses the environment, no matter the topic, if an EPA person is being interviewed, the focus is always on "the science and the data". It must be nearly impossible to keep politics out of these issues, but from where I sit, you are doing an outstanding job!

I also must tell you, my company has been doing work for your agency. I personally have done inspections of dams containing coal combustion waste, in the aftermath of the failure near Kingston, Tennessee. I am frequently in our Fairfax, VA office on business. I would love to stop by the EPA on a future trip to say hello, if your schedule would permit.

Thanks and continued success!!

Cleighton Smith

Cleighton D. Smith, PE, CFM, F. ASCE  
Senior Project Manager  
133 Gaither Drive; Suite F  
Mt. Laurel, NJ 08054-1713  
856.780.3658  
856.802.0846 fax  
(b) (6) Personal Privacy cell  
[www.dewberry.com](http://www.dewberry.com)

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01268-EPA-6380

**Brendan  
Gilfillan/DC/USEPA/US**  
03/03/2011 06:06 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,  
Oster.Seth, Andy.Adora, "Betsaida Alcantara",  
Sussman.Bob, Anastas.Paul, Giles-AA.Cynthia,  
Stoner.Nancy, "Shawn Garvin", "Al Armendariz", "Judith  
Enck", "David McIntosh", "Arvin Ganesan", owens.stephanie,  
ealons.dru

cc

bcc

Subject NY TIMES: E.P.A. Struggles to Regulate Natural Gas  
Industry

**From:** Brendan Gilfillan [(b) (6) Personal Privacy]

**Sent:** 03/03/2011 05:58 AM EST

**To:** Brendan Gilfillan

## E.P.A. Struggles to Regulate Natural Gas Industry

By IAN URBINA

When Congress considered whether to regulate more closely the handling of wastes from oil and gas drilling in the 1980s, it turned to the Environmental Protection Agency to research the matter. E.P.A. researchers concluded that some of the drillers' waste was hazardous and should be tightly controlled.

But that is not what Congress heard. Some of the recommendations concerning oil and gas waste were eliminated in the final report handed to lawmakers in 1987.

"It was like the science didn't matter," Carla Greathouse, the author of the study, said in a recent interview. "The industry was going to get what it wanted, and we were not supposed to stand in the way."

E.P.A. officials told her, she said, that her findings were altered because of pressure from the Office of Legal Counsel of the White House under Ronald Reagan. A spokesman for the E.P.A. declined to comment.

Ms. Greathouse's experience was not an isolated case. More than a quarter century of efforts by some lawmakers and regulators to force the federal government to police the industry better have been thwarted, as E.P.A. studies have been repeatedly narrowed in scope, and important findings have been removed.

For example, the agency had planned to call last year for a moratorium on the gas-drilling technique known as hydrofracking in the New York City watershed, according to internal documents, but the advice was removed from the publicly released letter sent to New York.

Now some scientists and lawyers at the E.P.A. are wondering whether history is about to repeat itself, as the agency undertakes a broad new study of natural gas drilling and its potential risks, with preliminary results scheduled to be delivered next year.

The documents show that the agency dropped plans to study radioactivity in drilling wastewater being discharged by treatment plants into rivers upstream from drinking water intake plants. And in Congress, members from drilling states like Oklahoma have pressured the agency to keep the focus of the new study narrow.

They have been helped in their lobbying efforts by a compelling storyline: Cutting red tape helps these energy companies reduce the nation's dependence on other countries for fuel. Natural gas is also a cleaner-burning alternative to coal and plentiful within United States borders, so it can create jobs.

But interviews with E.P.A. scientists, and confidential documents obtained by The New York Times, show long and deep divisions within the agency over whether and how to increase regulation of oil and gas drillers, and over the enforcement of existing laws that some agency officials say are clearly being violated.

Agency lawyers are in a heated debate over whether to intervene in Pennsylvania, where drilling for gas has increased sharply, to stop what some of those lawyers say is a clear violation of federal pollution laws: drilling waste discharged into rivers and streams with minimal treatment. The outcome of that dispute has the potential to halt the breakneck growth of drilling in Pennsylvania.

The E.P.A. has taken strong stands in some places, like Texas, where in December it overrode state regulators and intervened after a local driller was suspected of water contamination. Elsewhere, the agency has pulled its punches, as in New York.

Asked why the letter about hydrofracking in the New York City watershed had been revised, an agency scientist who

was involved in writing it offered a one-word explanation: "politics."

Natural gas drilling companies have major exemptions from parts of at least seven of the 15 sweeping federal environmental laws that regulate most other heavy industries and that were written to protect air and drinking water from radioactive and hazardous chemicals.

Coal mine operators that want to inject toxic wastewater into the ground must get permission from the federal authorities. But when natural gas companies want to inject chemical-laced water and sand into the ground during hydrofracking, they do not have to follow the same rules.

The air pollution from a sprawling steel plant with different buildings is added together when regulators decide whether certain strict rules will apply. At a natural gas site, the toxic fumes from various parts of it — a compressor station and a storage tank, for example — are counted separately rather than cumulatively, so many overall gas well operations are subject to looser caps on their emissions.

### An Earlier Reversal

The E.P.A. also studied hydrofracking in 2004, when Congress considered whether the process should be fully regulated by the Safe Drinking Water Act.

An early draft of the study discussed potentially dangerous levels of contamination in hydrofracking fluids and mentioned "possible evidence" of contamination of an aquifer. The final version of the report excluded these points, concluding instead that hydrofracking "poses little or no threat to drinking water."

Shortly after the study was released, an E.P.A. whistleblower said the agency had been strongly influenced by industry and political pressure. Agency leaders at the time stood by the study's findings.

"It was shameful," Weston Wilson, the E.P.A. whistleblower, said in a recent interview about the study. He explained that five of the seven members of that study's peer review panel were current or former employees of the oil and gas industry.

"The study ended up being the basis for this industry getting yet another exemption from federal law when it should have resulted in greater regulation of this industry," Mr. Wilson added.

Some E.P.A. scientists say this pattern may be playing out again in the [national study](#) of hydrofracking that Congress will consider as it decides whether drillers will have to operate under stricter rules.

Internal documents from [early](#) meetings, obtained through public-records requests filed by The Times and provided by E.P.A. officials who are frustrated with how research is being handled, show agency field scientists demanding that certain topics be included in the study. And [earlier versions](#) of the research [plan](#) indicate that many of those topics were to be included.

For example, the study was to consider the dangers of toxic fumes released during drilling, the impact of drilling waste on the food chain and the risks of this [radioactive](#) waste to workers.

But many of these concerns, cited by field scientists in earlier documents as high priorities, were cut from the [current study plan](#), according to a version of it made public on Feb. 8.

Earlier planning documents also called for a study of the risks of contaminated runoff from landfills where drilling waste is disposed and included detailed [plans](#) to model whether [rivers](#) can sufficiently dilute hazardous gas-well wastewater discharged from treatment plants.

These topics were cut from the current study plan, even though E.P.A. officials have acknowledged that sewage treatment plants are not able to treat drilling waste fully before it is discharged into rivers, sometimes just miles upstream from drinking water intake plants.

In interviews, several agency scientists and consultants, who declined to be named for fear of reprisals, said the [study](#) was narrowed because of pressure from industry and its allies in Congress, as well as budget and time constraints.

Brendan Gilfillan, an agency spokesman, said that the plan remained broad and that the agency had taken additional steps to investigate the impacts of drilling, including recently issuing a subpoena against the energy services company [Halliburton](#) to force the company to provide fuller disclosure about its drilling operations.

Federal scientists also say the national study is being used to squelch other research by the E.P.A. on hydrofracking.

At a January meeting in Washington, Jeanne Briskin of the [E.P.A.'s Office of Research and Development](#) informed regional directors that the national study would be the [only forum](#) for research on hydrofracking.

This meant, these scientists said, that some projects under way in regional offices would probably have to be stopped. "That may impact our plans to pursue some of the other research," wrote Ron Landy, regional science liaison of E.P.A. Region 3, in an [e-mail](#) to another agency official in January in which he complained about the new directive.

He suggested that until the directive was lifted, his staff should keep quiet about its continuing hydrofracking research and instead emphasize its work on coal to superiors. "I think we can go ahead, but keep the focus on mining, and prepare for moving these efforts into hydraulic fracking once these limitations are lifted," Mr. Landy wrote.

Though the E.P.A. has emphasized the importance of openness and public involvement in the study, internal e-mails show agency officials expressing concern about the reaction if the public were to learn of the narrowing scope of the study.

In those e-mails, these officials strongly discourage anyone from putting anything in writing about the national study unless it is vetted by managers.

In one [e-mail](#), forwarded to The Times by David Campbell, director of the [E.P.A. Region 3 Office of Environmental Innovation](#), described the instructions he had been given by the agency's regional administrator, Shawn M. Garvin. "He could not have been more adamant or clear about the development of any documentation related to our efforts

on Marcellus," Mr. Campbell wrote last December, referring to the Marcellus Shale, a gas-rich rock formation that stretches under Pennsylvania and other states. "His concern is that if we spell out what we think we want to do (our grandest visions) that the public may have access to those documents and challenge us to enact those plans." Mr. Gilfillan, the E.P.A. spokesman, said the e-mail exchange — which was shown to him for comment — did not reflect the agency's efforts to understand the impacts of natural gas extraction better.

But in interviews, agency scientists and lawyers said Mr. Garvin's office had been most resistant to stepping up its regulatory role in Pennsylvania.

These scientists and lawyers said that high-level agency officials in Washington had made it clear in meetings that some of the resistance to more rigorous enforcement was also coming from members of the environmental and energy staff at the White House.

Clark Stevens, a spokesman for the White House, rejected these assertions and argued that the Obama administration had taken "unprecedented steps" to study the impacts of natural gas drilling.

### **Support in Washington**

In its efforts to oppose new federal regulations, the oil and gas industry has found strong allies in Congress to **lobby the agency** about its current research.

"I am confident this study, if truly focused on hydraulic fracturing," **wrote** Senator Tom Coburn, Republican of Oklahoma, last April to the E.P.A. administrator, **Lisa P. Jackson**, "will prove the process indisputably safe and acceptable."

Last September, Senator James M. Inhofe, also a Republican from Oklahoma, wrote to agency officials to offer his guidance about who should be allowed to review the research.

"We caution against potential panelists who have been longtime critics of hydraulic fracturing," he **wrote in a letter**. Over their careers, the two lawmakers from Oklahoma, a major drilling state, have been among the Senate's top 20 recipients of oil and gas campaign contributions, according to federal data.

The oil and gas industry has not hesitated to convey its views to the agency about the study now under way, frequently quoting the language used in 2010 by a Congressional committee, which urged the E.P.A. "to carry out a study on the relationship between hydraulic fracturing and drinking water."

In one **comment** submitted to the agency, Chad Bradley, a lobbyist for **Chesapeake Energy**, criticized the E.P.A., saying it was going beyond its "mandate" from Congress, adding new topics resulting in "mission creep."

Virtually all of the companies **echoed** his comments.

But Representative Maurice D. Hinchey, Democrat from New York, who wrote the original language, said his words were being taken out of context. He added that the E.P.A. had full jurisdiction to study other risks from hydrofracking, like air quality or toxic waste being discharged into rivers.

"The language I authored does not at all limit the scope of the E.P.A.'s study, rather it sets forth the minimum that Congress expects," he added. "Any assertion otherwise by industry is a blatant attempt to misrepresent Congress's intentions."

The **argument** over the scope of the study will affect whether certain exemptions for the oil and gas industry will remain intact.

These exemptions have led to conflicting impulses in Washington for a long time. For example, Carol M. Browner, the E.P.A. administrator in the first Clinton administration, has argued both for and against these sorts of exemptions.

"Whatever comes out of the ground, you don't have to test it, you don't have to understand what's in it, you can dump it anywhere," Ms. Browner, said in a 1997 interview on "60 Minutes," discussing exemptions for toxic wastes from the oil industry, which also apply to natural gas drillers.

"That's how broad the loophole is," she added at the time (her office declined to answer questions about those comments). "There's nothing like it in any environmental statute. Congress should revisit this loophole."

And yet, Ms. Browner, who announced in January that she was stepping down as President Obama's top adviser on energy and **climate change**, has also been a strong supporter over the years of natural gas drilling. For example, she helped ensure in 1995 that hydrofracking would not be covered by certain parts of the Safe Drinking Water Act.

### **Exemptions Stymie E.P.A.**

The natural gas drilling boom is forcing the E.P.A. to wrestle with questions of jurisdiction over individual states and how to police the industry despite its extensive exemptions from federal law.

In Wyoming, for example, the agency is investigating water-well contamination in an area of heavy drilling, even though some within the E.P.A. said in interviews that because of industry exemptions, the agency might not have powers to conduct such an investigation.

In Texas, after an aquifer was contaminated, E.P.A. officials in December ordered a drilling company to provide clean drinking water to residents despite strong resistance from state regulators who said the federal action was premature and unfounded.

The stakes are particularly high in Pennsylvania, where gas drilling is expanding quickly, and where E.P.A. officials say **drilling waste** is being discharged with inadequate treatment into rivers that provide drinking water to more than 16 million people.

Drillers throughout the country are watching Pennsylvania to see whether the federal agency will overrule the state's decisions on how to dispose of drilling waste.

The central question on this issue: Should drillers in Pennsylvania be allowed to dump "mystery liquids" into public

waterways?

Under federal law, certain basic rules govern sewage treatment plants. At their core, these rules say two things: operators have to know what is in the waste they receive, and they have to treat this waste to make it safe before discharging it into waterways.

But in Pennsylvania, these rules are being broken, according to some E.P.A. lawyers.

"Treatment plants are not allowed under federal law to process mystery liquids, regardless of what the state tells them," explained one E.P.A. lawyer in an internal draft memo obtained by The Times. "Mystery liquids is exactly what this drilling waste is, since its ingredient toxins aren't known."

This fact has led to a heated fight within the E.P.A.

Some agency lawyers say the state is not policing treatment plants properly in some instances and is acting beyond its authority in others — allegations that state officials reject.

These lawyers are calling for the E.P.A. to revoke, at least temporarily, Pennsylvania's right to give treatment plants operating permits to handle drilling waste. Last year, state regulators created their own pretreatment standards for plants handling this waste, even though these regulators lacked federal permission to do so, agency lawyers say.

E.P.A. scientists working on the agency's national hydrofracking study have also emphasized that sewage treatment plants are not, technically speaking, treating the waste.

For example, when one agency scientist wrote in a draft plan for the national study that wastewater could be "discharged to surface water after treatment to remove contaminants," another scientist corrected the statement in the margin.

Using the federal definition of treatment, the second scientist wrote, "we really don't fully treat the waste." Nevertheless, the E.P.A. Region 3 office, which oversees Pennsylvania, has staunchly resisted calls from agency lawyers to order the state to stop issuing permits to treatment plants handling drilling waste.

"The bottom line is that under the Clean Water Act, dilution is not the solution to pollution," the enforcement lawyer wrote. "Sewage treatment plants are legally obligated to treat, not dilute, the waste."

"These plants are breaking the law," the lawyer said. "Everyone is looking the other way."

01268-EPA-6381

Stephanie  
Owens/DC/USEPA/US  
03/09/2011 03:37 PM

To Richard Windsor, Dru Ealons  
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bcc

Subject Re: Google Alert - EPA Lisa jackson

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Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/09/2011 03:30 PM EST  
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**Subject:** Fw: Google Alert - EPA Lisa jackson  
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**From:** Google Alerts <googlealerts-noreply@google.com>  
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By Guest

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03/11/2011 09:18 AM

To David McIntosh  
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bcc

Subject Re: From E&E Daily -- POLITICS: Democrats cry foul over  
GOP's attempts to tie fuel prices to EPA

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**From:** David McIntosh  
**Sent:** 03/11/2011 08:08 AM EST  
**To:** windsor.richard@epa.gov  
**Subject:** Fw: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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**From:** David McIntosh  
**Sent:** 03/11/2011 08:06 AM EST  
**To:** David McIntosh  
**Subject:** From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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**Elana Schor and Sarah Abruzzese, E&E reporters**

House Republicans' move to join the two most politically volatile threads in the Washington, D.C., energy debate -- gas prices and U.S. EPA rules -- sparked Democratic charges of deception yesterday and silence so far from the Obama administration.

Speaker John Boehner (R-Ohio) amplified he GOP gambit as he laid out a new project, dubbed the American Energy Initiative, calling for more domestic fossil-fuel production, new nuclear power plants and an end to EPA's authority over greenhouse gases. While the Republican message had percolated all week, Boehner's decision to spotlight the anti-EPA bill now sailing through the House Energy and Commerce Committee gave the gas-price charge a far broader platform. The administration's offshore oil-production policies and regulation of greenhouse gases, Boehner said yesterday, represent a systematic hit to economic growth. "If the White House has its way -- and the EPA imposes a backdoor national energy tax -- gas prices will only go higher," the Ohioan told reporters.

Energy and Commerce Chairman Fred Upton (R-Mich.) began invoking the effect of EPA emissions rules on fuel prices earlier this week, citing cost estimates from a 2009 study of the now-defunct House climate change bill (*E&E Daily*, March 9). But Democrats were still perplexed by the elevation of that argument, with several accusing the GOP of stretching the boundaries of logic to serve its political goals.

"If they could fool people into believing there's a connection, I think they would gain some political mileage, but it's all deceptive," said Rep. Henry Waxman of California, the Energy and Commerce panel's top Democrat and a chief author of that 2009 climate bill. "There's no connection to EPA regulating greenhouse gases for certain stationary sources by requiring them to be more efficient and the price of gasoline."

In fact, Waxman added, large-scale emitters are more likely to reduce their fuel consumption in response to the EPA regulations, saving industry more money. Another senior Energy and Commerce Democrat, Rep. Jay Inslee of Washington, raised similar points by billing the emissions rules as "incentives for industry to make investments" in

efficiency -- with no direct effect on gas prices.

"We're locked into higher oil prices, and the only way to get off of it is finding efficiencies," Inslee said in an interview. As for Republicans' chances of scoring politically with their new strategy, Inslee quipped: "You can repeal the Clean Air Act. You can't repeal the First Law of Thermodynamics. You can't repeal the law of supply and demand. ... People realize there are much bigger forces on gas prices than the Republican caucus."

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) appeared nonplussed upon hearing about the Republican strategy.

"They're ignoring the political upheaval in the Middle East and the fact that we're not moving fast enough to alternative fuels and clean vehicles," she said. Of the 2009 study employed by House Republicans, she added: "It's funny that they're blaming a law that didn't pass for high gas prices."

Yet the rhetoric was not confined to the House side of the Capitol. The ranking Republican on Boxer's panel, Sen. James Inhofe of Oklahoma, delivered a floor speech blaming the White House for rising gas prices and dismissing the impact of recent unrest in the Middle East.

"[A] lot of people are saying that the gas prices that are going up are a result partially of what's happening over there," Inhofe said. "That isn't the real problem. The real problem is a political problem."

Several Democrats, however, found problems with the factual basis of the relationship between gas prices and greenhouse gas emissions limits that would apply to refineries and power plants starting in 2012. Rep. Emanuel Cleaver (D-Mo.), for one, termed the argument "bizarre."

"It reminds me of somebody who ate a hamburger and then ends up catching pneumonia and then says, 'Hamburgers cause pneumonia,'" Cleaver said.

EPA did not respond to requests for comment last night.

### **Refiners' avowals**

In addition to the 2009 study of the House-passed climate bill, Energy and Commerce aides pointed to testimony and supportive letters from refiners who hailed Upton's plan to revoke EPA power over greenhouse gases under the Clean Air Act.

"Every credible economic analysis that has been performed shows that Americans will pay higher prices at the pump and that the refining sector, its high-paying jobs and our nation's energy security will suffer as a direct result of EPA's action," Valero Energy Corp. CEO Bill Klesse wrote in a Wednesday letter to Upton.

Rep. Ed Whitfield (R-Ky.), who chairs the House Energy and Power Subcommittee, cited such testimony as the reason the Republicans are pushing for legislative changes.

In some cases, Whitfield said there is not even technology available to deal with new EPA mandates. "The additional costs that they would have to go through and investments they would have to be making to try to start complying would increase the price of gasoline," he said.

Another letter of support from 16 trade associations, including the National Petrochemical and Refiners Association and the U.S. Chamber of Commerce, praised the economic benefits of restricting EPA regulations but did not specifically address gas prices.

However, in recent testimony before the Energy and Commerce Committee, a top executive at Arkansas-based refiner Lion Oil Co. directly linked the EPA regulations to higher gas prices. New fuel-efficiency standards for vehicles drove up costs for his industry by reducing demand, Lion Vice President Steve Cousins told House members last month, and legislation blocking EPA's greenhouse gas rules would be "necessary to protect consumers, farmers and truckers from higher gasoline and diesel fuel prices," he said.

Rep. Ed. Markey (D-Mass.), the co-sponsor of the climate change bill that passed the House two years ago, said flatly, "the EPA has not done anything to increase gas prices."

That's a point Whitfield acknowledged as well.

"I'm not saying it's contributing to it right now, because the regulations haven't been finalized but we're talking down the road," he said.

Markey dismissed the GOP argument as a distraction from larger issues like the unrest in the Middle East, which is influencing American energy prices.

"Instead of focusing on Gaddafi and the other Middle East dictators, they have decided just to use it as a way of engaging in partisan political finger pointing, and I just think they have no credibility," Markey said.

[Click here](#) to read Valero's letter to Upton.

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Reporters Jean Chemnick, Katie Howell, Jeremy P. Jacobs, Hannah Northey and John McArdle contributed.

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David  
McIntosh/DC/USEPA/US  
03/11/2011 09:21 AM

To Richard Windsor  
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Subject Re: From E&E Daily -- POLITICS: Democrats cry foul over  
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**Sent:** 03/11/2011 09:18 AM EST  
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**Subject:** Re: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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01268-EPA-6384

**Richard  
Windsor/DC/USEPA/US**  
03/11/2011 09:23 AM

To David McIntosh  
cc  
bcc  
**Subject:** Re: From E&E Daily -- POLITICS: Democrats cry foul over  
GOP's attempts to tie fuel prices to EPA

K.

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**From:** David McIntosh  
**Sent:** 03/11/2011 09:21 AM EST  
**To:** Richard Windsor  
**Subject:** Re: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

(b) (5) Deliberative

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**From:** Richard Windsor  
**Sent:** 03/11/2011 09:18 AM EST  
**To:** David McIntosh  
**Subject:** Re: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

(b) (5) Deliberative

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**From:** David McIntosh  
**Sent:** 03/11/2011 08:08 AM EST  
**To:** windsor.richard@epa.gov  
**Subject:** Fw: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

(b) (5) Deliberative

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**From:** David McIntosh  
**Sent:** 03/11/2011 08:06 AM EST  
**To:** David McIntosh  
**Subject:** From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

This E&E Daily story was sent to you by: mcintosh.david@epa.gov

Personal message:

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### **POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA**

(Friday, March 11, 2011)

#### **Elana Schor and Sarah Abruzzese, E&E reporters**

House Republicans' move to join the two most politically volatile threads in the Washington, D.C., energy debate -- gas prices and U.S. EPA rules -- sparked Democratic charges of deception yesterday and silence so far from the Obama administration.

Speaker John Boehner (R-Ohio) amplified the GOP gambit as he laid out a new project, dubbed the American Energy Initiative, calling for more domestic fossil-fuel production, new nuclear power plants and an end to EPA's authority over greenhouse gases. While the Republican message had percolated all week, Boehner's decision to spotlight the anti-EPA bill now sailing through the House Energy and Commerce Committee gave the gas-price charge a far broader platform. The administration's offshore oil-production policies and regulation of greenhouse gases, Boehner said yesterday, represent a systematic hit to economic growth. "If the White House has its way -- and the EPA imposes a backdoor national energy tax -- gas prices will only go higher," the Ohioan told reporters.

Energy and Commerce Chairman Fred Upton (R-Mich.) began invoking the effect of EPA emissions rules on fuel prices earlier this week, citing cost estimates from a 2009 study of the now-defunct House climate change bill (*E&E Daily*, March 9). But Democrats were still perplexed by the elevation of that argument, with several accusing the GOP of stretching the boundaries of logic to serve its political goals.

"If they could fool people into believing there's a connection, I think they would gain some political mileage, but it's all deceptive," said Rep. Henry Waxman of California, the Energy and Commerce panel's top Democrat and a chief author of that 2009 climate bill. "There's no connection to EPA regulating greenhouse gases for certain stationary sources by requiring them to be more efficient and the price of gasoline."

In fact, Waxman added, large-scale emitters are more likely to reduce their fuel consumption in response to the EPA regulations, saving industry more money. Another senior Energy and Commerce Democrat, Rep. Jay Inslee of Washington, raised similar points by billing the emissions rules as "incentives for industry to make investments" in efficiency -- with no direct effect on gas prices.

"We're locked into higher oil prices, and the only way to get off of it is finding efficiencies," Inslee said in an interview. As for Republicans' chances of scoring politically with their new strategy, Inslee quipped: "You can repeal the Clean Air Act. You can't repeal the First Law of Thermodynamics. You can't repeal the law of supply and demand. ... People realize there are much bigger forces on gas prices than the Republican caucus."

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) appeared nonplussed upon hearing about the Republican strategy.

"They're ignoring the political upheaval in the Middle East and the fact that we're not moving fast enough to alternative fuels and clean vehicles," she said. Of the 2009 study employed by House Republicans, she added: "It's funny that they're blaming a law that didn't pass for high gas prices."

Yet the rhetoric was not confined to the House side of the Capitol. The ranking Republican on Boxer's panel, Sen. James Inhofe of Oklahoma, delivered a floor speech blaming the White House for rising gas prices and dismissing the impact of recent unrest in the Middle East.

"[A] lot of people are saying that the gas prices that are going up are a result partially of what's happening over there," Inhofe said. "That isn't the real problem. The real problem is a political problem."

Several Democrats, however, found problems with the factual basis of the relationship between gas prices and greenhouse gas emissions limits that would apply to refineries and power plants starting in 2012. Rep. Emanuel Cleaver (D-Mo.), for one, termed the argument "bizarre."

"It reminds me of somebody who ate a hamburger and then ends up catching pneumonia and then says, 'Hamburgers cause pneumonia,'" Cleaver said.

EPA did not respond to requests for comment last night.

#### **Refiners' avowals**

In addition to the 2009 study of the House-passed climate bill, Energy and Commerce aides pointed to testimony and supportive letters from refiners who hailed Upton's plan to revoke EPA power over greenhouse gases under the Clean Air Act.

"Every credible economic analysis that has been performed shows that Americans will pay higher prices at the pump and that the refining sector, its high-paying jobs and our nation's energy security will suffer as a direct result of EPA's action," Valero Energy Corp. CEO Bill Klesse wrote in a Wednesday letter to Upton.

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In some cases, Whitfield said there is not even technology available to deal with new EPA mandates. "The additional costs that they would have to go through and investments they would have to be making to try to start complying would increase the price of gasoline," he said.

Another letter of support from 16 trade associations, including the National Petrochemical and Refiners Association and the U.S. Chamber of Commerce, praised the economic benefits of restricting EPA regulations but did not specifically address gas prices.

However, in recent testimony before the Energy and Commerce Committee, a top executive at Arkansas-based refiner Lion Oil Co. directly linked the EPA regulations to higher gas prices. New fuel-efficiency standards for vehicles drove up costs for his industry by reducing demand, Lion Vice President Steve Cousins told House members last month, and legislation blocking EPA's greenhouse gas rules would be "necessary to protect consumers, farmers and truckers from higher gasoline and diesel fuel prices," he said.

Rep. Ed Markey (D-Mass.), the co-sponsor of the climate change bill that passed the House two years ago, said flatly, "the EPA has not done anything to increase gas prices."

That's a point Whitfield acknowledged as well.

"I'm not saying it's contributing to it right now, because the regulations haven't been finalized but we're talking down the

road," he said.

Markey dismissed the GOP argument as a distraction from larger issues like the unrest in the Middle East, which is influencing American energy prices.

"Instead of focusing on Gaddafi and the other Middle East dictators, they have decided just to use it as a way of engaging in partisan political finger pointing, and I just think they have no credibility," Markey said.

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David  
McIntosh/DC/USEPA/US  
03/11/2011 09:37 AM

To Richard Windsor  
cc  
bcc

Subject Re: From E&E Daily -- POLITICS: Democrats cry foul over  
GOP's attempts to tie fuel prices to EPA

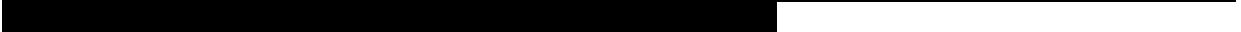
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**Sent:** 03/11/2011 09:18 AM EST  
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**Subject:** Re: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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**Sent:** 03/11/2011 08:08 AM EST  
**To:** windsor.richard@epa.gov  
**Subject:** Fw: From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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**Sent:** 03/11/2011 08:06 AM EST  
**To:** David McIntosh  
**Subject:** From E&E Daily -- POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA

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(Friday, March 11, 2011)

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**Lawrence  
Elworth/DC/USEPA/US**  
03/11/2011 11:59 AM

To Betsaida Alcantara  
 cc Richard Windsor, Adora Andy, Alisha Johnson, Andra Belknap, Arvin Ganesan, David McIntosh, Dru Ealons, Michael Moats, Seth Oster, Shira Sternberg, Stephanie Owens, Vicki Ekstrom  
 bcc  
 Subject Re: Additional Clips from Ag Hearing Yesterday

great job - I love the first headline and opening statement

Lawrence Elworth  
 Agricultural Counselor to the Administrator  
 U. S. Environmental Protection Agency  
 2415 Ariel Rios North  
 202 564-1530

|                    |                                                                                                                                                                                                                                                                                                                                                                                         |                        |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Betsaida Alcantara | Agriculture Hearing Clips: Agri-Pulse...                                                                                                                                                                                                                                                                                                                                                | 03/11/2011 11:52:38 AM |
| From:              | Betsaida Alcantara/DC/USEPA/US                                                                                                                                                                                                                                                                                                                                                          |                        |
| To:                | Richard Windsor/DC/USEPA/US@EPA                                                                                                                                                                                                                                                                                                                                                         |                        |
| Cc:                | Adora Andy/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Shira Sternberg/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA |                        |
| Date:              | 03/11/2011 11:52 AM                                                                                                                                                                                                                                                                                                                                                                     |                        |
| Subject:           | Additional Clips from Ag Hearing Yesterday                                                                                                                                                                                                                                                                                                                                              |                        |

### Agriculture Hearing Clips:

#### **Agri-Pulse: Calm under fire, Administrator Jackson defends EPA actions**

By Jon H. Harsch

WASHINGTON, March 10 - EPA Administrator Lisa Jackson opened her testimony in Thursday's House Agriculture Committee hearing on "the Impact of EPA Regulation on Agriculture" by voicing her "profound respect for the invaluable contribution that farmers make to our economy by producing food, fiber, and fuel for our country and the world" and for "the critical work that farmers are doing to protect our soil, air, and water resources."

#### **SouthWest Farm Press: EPA administrator says 'myths' dogging agency's steps**

Lisa Jackson testifies before House Agriculture Committee; defends agency from reports it is overzealous in its regulatory efforts

Mar. 10, 2011 6:30pm

Today, Committee Chairman Frank Lucas convened a hearing at which EPA Administrator Lisa P. Jackson and others were called to testify about the agency's efforts to regulate air and water. Administrator Jackson said EPA's work and its impact on agriculture has been "mischaracterized" and that myths about the agency's aims are preventing it from addressing the nation's environmental problems.

#### **DesMointes Register: EPA's Jackson; no cow tax**

by Dan Piller

U.S. Environmental Protection Agency administrator Lisa Jackson appeared before the U.S. House Agriculture Committee Thursday and in prepared remarks declared there will be no "cow tax" on farmers.

The so-called Cow Tax had been a point of contention from Farm State representatives who had suggested that the EPA intended to regulate the methane emissions from cows as part of its environmental oversight. Jackson called the Cow Tax "a mischaracterization."

## **[[FULL TEXT BELOW]]**

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Jackson also acknowledged that "farmers operate under unique and challenging circumstances - small margins, international competition, and the difficulties of operating a small business - that complicate the task of making a living on the land." Under questioning, she admitted she's a "city girl" from New Orleans. But she said she's been working closely with Agriculture Secretary Tom Vilsack, making it a point to familiarize herself with farm issues and to increase "EPA's interaction with agriculture and the concerns of farmers across the country."



EPA Administrator Lisa Jackson testifying in a House Agriculture Committee hearing Thursday.  
Photo: Agri-Pulse.

Next, Jackson focused on the need "to dispel certain myths about EPA's work and its impact on agriculture." She said the myths "prevent real dialogue to address our greatest problems" and that Congress and EPA share "a responsibility to ensure that the American people have facts . . . particularly when the fictions are pushed by special interests." She gave five examples of fact

vs popular myth:

#1. The "cow tax" myth "was started in 2008 by a lobbyist . . . The truth is EPA has proposed to reduce greenhouse gas emissions in a responsible, careful manner and we have exempted agricultural sources from that regulation."

#2. As for the myth that EPA will expand regulation of farm dust, "We have no plans to do so."

#3. On pesticide spray drift, "While no one supports pesticides wafting into our schools and communities, EPA does not support a no spray zone policy . . . but the incorrect belief that EPA is promulgating a no-drift policy persists."

#4. Dismissing "the false notion that EPA is planning on mandating federal numeric nutrient limits for various states," Jackson said "Let me be clear. EPA is not working on any federal numeric nutrient limits." She noted that "the case in Florida is unique. The last administration made a determination that federal numeric nutrient standards were necessary."

#5. The myth that EPA will regulate spilled milk in the same way as spilled oil "is simply incorrect." Instead, she explained, EPA on its own initiative has provided a specific exemption for spilled milk "because the law passed by Congress was written broadly enough to cover milk containment."

When Reps. Bob Goodlatte, R-Va., Tim Holden, D-Pa., and other congressmen pressed Jackson on the burdens that cleaning up Chesapeake Bay places on farmers, Jackson acknowledged that "agriculture has made real strides in reducing nutrient pollution." But she added that "there's more to be done" and that it can be done best when states and farm groups work with EPA to come up with the best possible solutions.

Despite Jackson's assurances and her attempts to dispel myths, Rep. Tim Johnson, R-III., charged that EPA "has grossly violated and overstepped any reasonable limitations . . . your agency is the poster child for usurpation of legislative authority."

After testifying in a series of congressional hearings over the past week with the prospect of many more to come, Jackson calmly repeated many of her answers and on several occasions noted that decisions and policies which congressmen complained about were "made by the Bush administration" or were "part of a Bush administration settlement." In another frequent refrain when members complained that the EPA hasn't been thorough enough in counting all costs in its cost/benefit calculations, Jackson repeatedly pointed to "preventive medicine" benefits which far outweigh costs.

As one example of benefits, Jackson pointed to new Boiler MACT rules announced in February for boilers and some incinerators. She said that with these new rules to cut toxic air emissions, "EPA estimates that for every dollar spent to cut these pollutants, the public will see between \$10 to \$24 in health benefits, including avoiding between 2,600 and 6,600 premature deaths, preventing 4,100 heart attacks and averting 42,000 asthma attacks per year."

To read more about Thursday's House Agriculture hearing on "the Impact of EPA Regulation on Agriculture," with Lisa Jackson as the sole witness , click [HERE](#).

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Lisa Jackson testifies before House Agriculture Committee; defends agency from reports it is overzealous in its regulatory efforts

Forrest Laws

Mar. 10, 2011 6:30pmRSS Comments 0 Print Save Email Share

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Administrator Lisa P. Jackson says EPA's work and its impact on agriculture has been "mischaracterized" and that myths about the agency's aims are preventing it from addressing the nation's environmental problems.

Jackson, testifying before the full House Agriculture Committee this afternoon, identified five areas where she said "myths" have proven to be a hindrance to her agency fulfilling its mission to protect the nation's air and water.

Yesterday, the committee passed legislation that would eliminate the requirement for a National Pollutant Discharge Elimination System or NPDES permit for pesticides approved for use under the Federal Insecticide, Fungicide and Rodenticide Act. Committee members said the requirement would have negative economic consequences.

The hearing was convened by Chairman Frank Lucas, a Republican from Oklahoma, but Democrats on the committee have also criticized the agency for being overzealous in its regulation of farming and farming practices.

Jackson did not address the NPDES permitting issue, which EPA is seeking a delay in implementing from the federal courts. But she did talk about five other examples that have embroiled the agency in controversy:

Myth No. 1 - EPA intends to regulate the emissions from cows - what is commonly referred to as a "Cow Tax." "This myth was started in 2008 by a lobbyist and -quickly de-bunked by the non-partisan, independent group fact-check.org it - but it still lives on. The truth is EPA is proposing to reduce greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation."

Myth No. 2 - EPA is attempting to expand regulation of dust from farms. "We have no plans to do so, but let me be clear, the Clean Air Act passed by Congress mandates that the Agency routinely review the science of various pollutants, including Particulate Matter, which is directly responsible for heart attacks and premature deaths," she said. "EPA's independent science panel is currently reviewing that science, and at my direction EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we even propose any rule."

Myth No. 3 - Spray drift. "While no one supports pesticides wafting into our schools and communities, EPA does not support a 'no-spray drift policy.' EPA has been on the record numerous times saying this, but the incorrect belief that EPA desires to regulate all spray drift persists."

Myth No. 4 - The false notion that EPA is planning on mandating Federal numeric nutrient limits on various states. "Again, let me be clear: EPA is not working on any federal numeric nutrient limits. We will soon be releasing a framework memo to our regional offices that makes it clear that addressing nitrogen and phosphorus pollution - which is a major problem - is best addressed by the states, through numerous tools, including proven conservation practices." (She did say the case of Florida is unique. The Bush Administration made a determination that federal numeric nutrient standards were necessary in Florida, requiring EPA to develop such standards.)

Myth No. 5 - EPA intends to treat spilled milk in the same way as spilled oil. "This is simply incorrect. Rather, EPA has proposed, and is on the verge of finalizing an exemption for milk and dairy containers. This exemption needed to be finalized because the law passed by Congress was written broadly enough to cover milk containers. It was our work with the dairy industry that prompted EPA to develop an exemption and make sure the standards of the law are met in a commonsense way."

**DesMointes Register: EPA's Jackson; no cow tax**

1:53 PM, Mar 10, 2011 | by Dan Piller

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The so-called Cow Tax had been a point of contention from Farm State representatives who had suggested that the EPA intended to regulate the methane emissions from cows as part of its environmental oversight. Jackson called the Cow Tax "a mischaracterization."

Her full remarks:

As prepared for delivery.

Chairman Lucas, Ranking Member Peterson and Members of this committee, thank you for inviting me to testify. I'm pleased to be here today.

I have great respect for the oversight role of Congress and believe that this ongoing dialogue is central to the commitment I have made to the American people to conduct EPA's business transparently and with accountability.

I also believe an important part of that commitment is to dispel certain myths about EPA's work and its impact on agriculture. These mischaracterizations are more than simple distractions; they prevent real dialogue to address our greatest problems. And so, today, I would like to spend a few minutes addressing some of them directly.

Let me begin, though, with one simple fact that I proudly embrace: farmers and ranchers are an essential part of our economy. They give us food, fiber, and fuel. The innovators in American agriculture deserve great credit for the significant steps they've taken to protect the environment while feeding millions of people.

With that recognition in mind, my direction to EPA has been to establish a consistent dialogue with the agriculture community, which is crucial to our work.

This is why I would like to take a moment today to address some of the mischaracterizations that have been, at times, unaddressed, or that need to be addressed again. As I'm sure you would agree, Mr. Chairman, facts matter and we all have a responsibility to ensure that the American people have facts and the truth in front of them, particularly when fictions are pushed by special interests with an investment in the outcome.

Let me give you five examples:

One is the notion that EPA intends to regulate the emissions from cows - what is commonly referred to as a "Cow Tax." This myth was started in 2008 by a lobbyist and -quickly de-bunked by the non-partisan, independent group fact-check.org - it still lives on. The truth is - EPA is proposing to reduce greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation.

Another mischaracterization is the claim that EPA is attempting to expand regulation of dust from farms. We have no plans to do so, but let me be clear, the Clean Air Act passed by Congress mandates that the Agency routinely review the science of various pollutants, including

Particulate Matter, which is directly responsible for heart attacks and premature deaths. EPA's independent science panel is currently reviewing that science, and at my direction EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we even propose any rule.

Another example involves spray drift. While no one supports pesticides wafting into our schools and communities, EPA does not support a "no-spray drift policy." EPA has been on the record numerous times saying this, but the incorrect belief that EPA desires to regulate all spray drift persists. We have reached out to National Association of State Departments of Agriculture and other key stakeholders. Working with them, we have been able to identify critical issues and we will continue our efforts to resolve them.

Yet another mischaracterization is the false notion that EPA is planning on mandating Federal numeric nutrient limits on various States. Again, let me be clear: EPA is not working on any federal numeric nutrient limits. We will soon be releasing a framework memo to our regional offices that makes it clear that addressing nitrogen and phosphorus pollution - which is a major problem - is best addressed by the States, through numerous tools, including proven conservation practices. The case of Florida is unique - the last Administration made a determination that federal numeric nutrient standards were necessary in Florida, requiring EPA to develop such standards.

And finally is the notion that EPA intends to treat spilled milk in the same way as spilled oil. This is simply incorrect. Rather, EPA has proposed, and is on the verge of finalizing an exemption for milk and dairy containers. This exemption needed to be finalized because the law passed by Congress was written broadly enough to cover milk containers. It was our work with the dairy industry that prompted EPA to develop an exemption and make sure the standards of the law are met in a commonsense way. All of EPA's actions have been to exempt these containers. And we expect this to become final very shortly.

Contrary to the myths is the reality I spoke of earlier. EPA is in close consultation with America's farmers and ranchers. We have listened to their concerns and made them a part of the work we do. Let me give just one example that is very important to this committee.

When EPA proposed higher renewable fuels production mandates under RFS 2, we heard - again through extensive public comments and direct conversations - the ethanol industry's concerns with the analysis of greenhouse gas impacts, which EPA was conducting under a requirement from Congress. We addressed their concerns, and we now have a rule that encourages vast innovation, respects the needs of agricultural communities, and is expected to create jobs and increase farmers' incomes by \$13 billion annually by 2022.

Mr. Chairman, everyone in this room, has the same desire - to have safe water, air and land for our children - and to do so in a way that maintains our economic strengths. EPA will continue to work with this committee, as well as our partners in the States and the agricultural community to achieve the goals we have set together, and to serve the values we all share. Thank you.

01268-EPA-6387

Richard  
Windsor/DC/USEPA/US  
03/11/2011 05:40 PM

To Gina McCarthy, Paul Anastas, Bob Perciasepe  
cc  
bcc

Subject Re: Fw: Check out this page on nola.com

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

03/11/2011 05:34:37 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA,  
perciasepe.bob@epa.gov  
Date: 03/11/2011 05:34 PM  
Subject: Fw: Check out this page on nola.com

(b) (5) Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 03/11/2011 05:31 PM -----

From: Steve Page/RTP/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 03/11/2011 10:12 AM  
Subject: Check out this page on nola.com

Gina,

(b) (5) Deliberative

(b) (5) Deliberative

I hope this is useful. Any other thoughts on this?

Gina McCarthy

(b) (5) Deliberative

03/10/2011 09:31:54 PM

From: Gina McCarthy/DC/USEPA/US  
To: Page.Steve@Epa.GOV, Wayland.Richard@EPA.GOV  
Cc: Janet McCabe/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA  
Date: 03/10/2011 09:31 PM  
Subject: Fw: Check out this page on nola.com

(b) (5) Deliberative

Lisa

[http://www.nola.com/news/gulf-oil-spill/index.ssf/2011/03/evaporating oil from bp spill.html](http://www.nola.com/news/gulf-oil-spill/index.ssf/2011/03/evaporating_oil_from_bp_spill.html)

RW

01268-EPA-6388

Richard  
Windsor/DC/USEPA/US  
03/11/2011 05:55 PM

To David McIntosh, Diane Thompson, Bob Perciasepe, Barbara Bennett, Arvin Ganesan, Laura Vaught  
cc  
bcc

Subject Re: The House Rs have introduced their next short-term CR

(b) (5) Deliberative [REDACTED]?

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/11/2011 05:43 PM EST  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Barbara Bennett; Arvin Ganesan; Laura Vaught; Scott Fulton; Bob Sussman; Janet Woodka; Lawrence Elworth; Seth Oster; Adora Andy; Michael Goo; Bicky Corman  
**Subject:** The House Rs have introduced their next short-term CR

The House Republicans have introduced their next 3-week CR. It includes some specific cuts directed at EPA. Please see the article below and the actual introduced bill, which is attached.

## **CONTINUING RESOLUTION: New House GOP proposal includes another \$6B in cuts (Friday, March 11, 2011)**

**Sarah Abruzzese, E&E reporter**

House Republicans introduced this afternoon a three-week continuing resolution (CR) to fund the government that includes an additional \$6 billion in spending cuts, including \$238 million from U.S. EPA.

The current measure to fund the government expires March 18. The new measure, [House Joint Resolution 48](#), would run through April 8 and ensure that the government does not shut down while the House and Senate continue to debate on a resolution that would fund the government for the rest of the fiscal year.

"A government shutdown is not an option, period," House Appropriations Chairman Hal Rogers (R-Ky.) said in releasing the new CR. "While short-term funding measures are not the preferable way to fund the government, we must maintain critical programs and services for the American people until Congress comes to a final, long-term agreement."

As written, the resolution would cut \$3.5 billion by reducing or terminating 25 programs. These cuts include three EPA programs: "Greenhouse Gas Cap and Trade Funding" would lose \$5 million, "Local Government Climate Change Grants" would lose \$10 million, and "Targeted Airshed Grants" would lose \$10 million. Republicans said none of these initiatives was funded in President Obama's budget proposal.

The Climate Effects Network-Science Application run by the U.S. Geological Survey would lose \$10.5 million in funding.

The National Park Service would also lose \$25 million for constructing funding rescission. And two of the park service's grant programs that also weren't funded in the president's budget request would lose funding -- \$4.6 million from Preserve America and \$14.8 million from Save America's Treasures. The U.S. Forest Service would lose \$200 million in wild-land fire suppression rescission funds that were carried over from last year, a proposal that was included in the Democratic-controlled Senate's CR measure.

Republicans said they were reaching an additional \$2.6 billion in savings by cutting "earmark" programs from various agencies.

EPA cuts include \$6 million from science and technology, \$26 million from environmental programs and management, \$1 million from buildings and facilities, and \$172 million from tribal assistance grants.

Other cuts included:

- The Bureau of Land Management would lose \$1 million for management of land and resources, \$2 million for construction and \$3 million for land acquisition.
- The Fish and Wildlife Service would lose \$12 million from resource management, \$10 million from

- construction and \$22 million from land acquisition.
- The National Institute of Food and Agriculture would lose \$122 million for research and education and an additional \$11 million for extension.
  - From the National Oceanic and Atmospheric Administration, \$99 million was cut for operations, research and facilities and an additional \$18 million for procurement, acquisition and construction.
  - NASA would see a \$63 million cut from cross-agency support.

The CR will be considered by the House next week.

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[attachment "hjres48\_xml.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6389

**David  
McIntosh/DC/USEPA/US**  
03/11/2011 05:57 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Barbara Bennett, Arvin Ganesan, Laura Vaught  
cc  
bcc

Subject Re: The House Rs have introduced their next short-term CR

(b) (5) Deliberative

?

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/11/2011 05:55 PM EST  
**To:** David McIntosh; Diane Thompson; Bob Perciasepe; Barbara Bennett; Arvin Ganesan; Laura Vaught  
**Subject:** Re: The House Rs have introduced their next short-term CR

(b) (5) Deliberative ?

David McIntosh

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**Sent:** 03/11/2011 05:43 PM EST  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Barbara Bennett; Arvin Ganesan; Laura Vaught; Scott Fulton; Bob Sussman; Janet Woodka; Lawrence Elworth; Seth Oster; Adora Andy; Michael Goo; Bicky Corman  
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- NASA would see a \$63 million cut from cross-agency support.

The CR will be considered by the House next week.

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[attachment "hjres48\_xml.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6390

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

03/11/2011 05:58 PM

cc Paul Anastas, Bob Perciasepe

bcc

Subject Re: Fw: Check out this page on nola.com

(b) (5) Deliberative

Paul - Let's talk over the weekend.

Richard Windsor

(b) (5) Deliberative

03/11/2011 05:40:27 PM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 03/11/2011 05:40 PM  
Subject: Re: Fw: Check out this page on nola.com

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

03/11/2011 05:34:37 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, perciaspe.bob@epa.gov  
Date: 03/11/2011 05:34 PM  
Subject: Fw: Check out this page on nola.com

(b) (5) Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 03/11/2011 05:31 PM -----

From: Steve Page/RTP/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 03/11/2011 10:12 AM  
Subject: Check out this page on nola.com

Gina,

(b) (5) Deliberative

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I hope this is useful. Any other thoughts on this?

Gina McCarthy

(b) (5) Deliberative

03/10/2011 09:31:54 PM

From: Gina McCarthy/DC/USEPA/US  
To: Page.Steve@Epa.GOV, Wayland.Richard@EPA.GOV  
Cc: Janet McCabe/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA  
Date: 03/10/2011 09:31 PM  
Subject: Fw: Check out this page on nola.com

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lisa

[http://www.nola.com/news/gulf-oil-spill/index.ssf/2011/03/evaporating\\_oil\\_from\\_bp\\_spill.html](http://www.nola.com/news/gulf-oil-spill/index.ssf/2011/03/evaporating_oil_from_bp_spill.html)

RW

01268-EPA-6391

**Paul Anastas/DC/USEPA/US**

03/12/2011 07:53 AM

To Gina McCarthy, Richard Windsor

cc Bob Perciasepe

bcc

Subject RE: Fw: Check out this page on nola.com

Yes. Agreed. While I immediately requested a meeting yesterday morning, they were all hands on deck with the tsunami. Gina and I will follow up

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

From : Gina McCarthy/DC/USEPA/US

To : Richard Windsor/DC/USEPA/US@EPA

Cc : Paul Anastas/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA

Sent on : 03/11/2011 05:58:48 PM

Subject : Re: Fw: Check out this page on nola.com

(b) (5) Deliberative

Paul - Let's talk over the weekend.

Richard Windsor

(b) (5) Deliberative

03/11/2011 05:40:27 PM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Bob  
Perciasepe/DC/USEPA/US@EPA  
Date: 03/11/2011 05:40 PM  
Subject: Re: Fw: Check out this page on nola.com

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

03/11/2011 05:34:37 PM

Gina McCarthy

(b) (5) Deliberative

03/10/2011 09:31:54 PM

01268-EPA-6393

**Michael Goo/DC/USEPA/US**  
03/13/2011 02:20 PM  
**To:** Bob Sussman, Scott Fulton  
**cc:** Joel Beauvais, "Avi Garbow", David McIntosh, Bob Perciasepe, "Diane Thompson", Richard Windsor  
**bcc:**  
**Subject:** Re: Deliberative

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

---

**From:** Bob Sussman  
**Sent:** 03/13/2011 11:09 AM EDT  
**To:** Scott Fulton  
**Cc:** Joel Beauvais; "Avi Garbow" <garbow.avi@epa.gov>; Michael Goo; David McIntosh; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>; Richard Windsor  
**Subject:** Re: Deliberative

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

From: Scott Fulton/DC/USEPA/US  
To: Sussman.Bob@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>  
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Avi Garbow" <garbow.avi@epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>  
Date: 03/12/2011 10:45 AM  
Subject: Deliberative

---

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

(b) (5) Deliberative, (b)(5) Attorney Client Privilege [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please let me know your thoughts about the approach taken in the attached text before start of business Monday if possible.

Cheers,  
Scott

---

**From:** Kevin McLean  
**Sent:** 03/12/2011 10:04 AM EST  
**To:** Scott Fulton; Avi Garbow  
**Cc:** Richard Ossias; Elliott Zenick; Howard Hoffman; Patricia Embrey; Peter Tsirigotis; Joseph Goffman  
**Subject:** Draft insert for EGU NSPS proposal

(b) (5) Deliberative, (b)(5) Attorney Client Privilege [REDACTED]

[REDACTED]

[REDACTED]

01268-EPA-6396

Richard  
Windsor/DC/USEPA/US  
03/14/2011 01:41 PM

To David McIntosh, Seth Oster, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Laura Vaught, Adora Andy, Brendan Gilfillan

cc

bcc

Subject Re: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

Facts Matter

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/14/2011 12:32 PM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Laura Vaught; Adora Andy; Brendan Gilfillan  
**Subject:** Fw: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

----- Forwarded by David McIntosh/DC/USEPA/US on 03/14/2011 12:32 PM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients:  
Date: 03/14/2011 12:30 PM  
Subject: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

<http://www.politifact.com/truth-o-meter/statements/2011/mar/14/fred-upton/fred-upton-says-pending-bill-block-epa-curbs-green/>

**A bill that would halt the EPA from regulating greenhouse gases would help "stop rising gas prices."**

[Fred Upton](#) on Tuesday, March 8th, 2011 in a letter to fellow Members of Congress

**Fred Upton says pending bill to block EPA curbs of greenhouse gases will 'stop rising gas prices'**



## Share this story:

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The [measure -- which Whitfield's subcommittee approved on March 10, 2011](#), and which now heads to the full committee -- would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the [March 8, 2011, letter](#), which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!"

"Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas," the lawmakers wrote. "Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. ..."

"H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on ... all of our nation's fuels producers.... If small refiners are forced out of business, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

"We ... have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise."

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of U.S. refineries would indeed be affected.)

"It's Economics 101," said John Felmy, chief economist at the American Petroleum Institute. "The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally."

Others argue the refining industry could adapt to new regulations.

"Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act," said Amy Myers Jaffe, a fellow in energy studies at Rice University.

"So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust," Jaffe said. "It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.'"

Indeed, while a shift to overseas refiners could have negative consequences for the nation -- it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security -- it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question -- when any impact might be felt -- the rules wouldn't take effect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo -- not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill -- if there is an one -- would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs -- up or down -- will influence gasoline prices, which are subject to a wide array of influences. We find their claim False.

--

**Matt Trojan**

(c) (b) (6) Personal Privacy

01268-EPA-6397

Arvin Ganesan/DC/USEPA/US                  To Richard Windsor  
03/14/2011 01:44 PM                  cc  
                                                    bcc  
Subject Re: Politifact: Upton Claim That Halting EPA Regs Would  
"Stop Rising Gas Prices" FALSE

We should start saying that at every opportunity. Love it

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/14/2011 01:41 PM EDT  
**To:** David McIntosh; Seth Oster; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Laura Vaught; Adora Andy; Brendan Gilfillan  
**Subject:** Re: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE  
Facts Matter

David McIntosh

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

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**Sent:** 03/14/2011 12:32 PM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Laura Vaught; Adora Andy; Brendan Gilfillan  
**Subject:** Fw: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

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To: undisclosed-recipients:  
Date: 03/14/2011 12:30 PM  
Subject: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

<http://www.politifact.com/truth-o-meter/statements/2011/mar/14/fred-upton/fred-upton-say>

[s-pending-bill-block-epa-curbs-green/](#)

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### Fred Upton says pending bill to block EPA curbs of greenhouse gases will 'stop rising gas prices'



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The [measure -- which Whitfield's subcommittee approved on March 10, 2011](#), and which now heads to the full committee -- would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the [March 8, 2011, letter](#), which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!"

"Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas," the lawmakers wrote. "Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. ..."

"H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on ... all of our nation's fuels producers.... If small refiners are forced out of business, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

"We ... have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise."

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of U.S. refineries would indeed be affected.)

"It's Economics 101," said John Felmy, chief economist at the American Petroleum Institute. "The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally."

Others argue the refining industry could adapt to new regulations.

"Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act," said Amy Myers Jaffe, a fellow in energy studies at Rice University.

"So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust," Jaffe said. "It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.'"

Indeed, while a shift to overseas refiners could have negative consequences for the nation -- it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security -- it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question -- when any impact might be felt -- the rules wouldn't take effect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo -- not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill -- if there is an one -- would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs -- up or down -- will influence gasoline prices, which are subject to a wide array of influences. We find their claim False.

--

**Matt Trojan**

(c) (b) (6) Personal Privacy

01268-EPA-6398

Richard  
Windsor/DC/USEPA/US  
03/14/2011 02:00 PM

To (b) (6) Personal Privacy  
cc  
bcc

Subject Fw: Politifact: Upton Claim That Halting EPA Regs Would  
"Stop Rising Gas Prices" FALSE

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/14/2011 02:00 PM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 03/14/2011 12:32 PM  
Subject: Fw: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

----- Forwarded by David McIntosh/DC/USEPA/US on 03/14/2011 12:32 PM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients:  
Date: 03/14/2011 12:30 PM  
Subject: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

<http://www.politifact.com/truth-o-meter/statements/2011/mar/14/fred-upton/fred-upton-says-pending-bill-block-epa-curbs-green/>

**A bill that would halt the EPA from regulating greenhouse gases would help "stop rising gas prices."**

Fred Upton on Tuesday, March 8th, 2011 in a letter to fellow Members of Congress

**Fred Upton says pending bill to block EPA curbs of greenhouse gases will 'stop rising gas prices'**



### Share this story:

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The [measure -- which Whitfield's subcommittee approved on March 10, 2011](#), and which now heads to the full committee -- would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the [March 8, 2011, letter](#), which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!"

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--  
Matt Trojan  
(c) (b) (6) Personal Privacy

01268-EPA-6399

**David  
McIntosh/DC/USEPA/US**  
03/15/2011 03:10 PM

To : Richard Windsor, Diane Thompson, Bob Perciasepe, Seth Oster, Adora Andy, Michael Goo, Bicky Corman, Barbara Bennett, Arvin Ganesan, Janet Woodka, Lawrence Elworth, Laura Vaught, Bob Sussman, Scott Fulton, Lisa Garcia  
 cc  
 bcc  
 Subject : From Greenwire -- CLIMATE: House Dems mount last-gasp defense of EPA; McConnell targets agency with Senate amendment

FYI, please see below. The McConnell amendment to the small business bill (the amendment being the Inhofe bill, which is the same as the Upton bill) will likely be voted on tonight. All the Senate Republicans other than Scott Brown, Collins, and Snowe are cosponsors. Manchin is the only Democratic cosponsor. The amendment would need 60 votes, which it won't get.

**An E&E Publishing Service**

**CLIMATE: House Dems mount last-gasp defense of EPA; McConnell targets agency with Senate amendment** (*Tuesday, March 15, 2011*)

**Jean Chemnick, E&E reporter**

With House Energy and Commerce Committee passage of a bill to strip U.S. EPA's power to regulate greenhouse gases a foregone conclusion, Democrats today launched a last-ditch effort to reinstate the agency's position that man-made emissions are the main cause of global warming.

Meanwhile, a debate erupted in the Senate this morning over climate and EPA regulations as the upper chamber was considering a small-business bill. Senate Minority Leader Mitch McConnell (R-Ky.) introduced an amendment to the bill that is identical to the bill Energy and Commerce is considering -- as well as the equivalent of a stand-alone bill introduced by Sen. James Inhofe (R-Okla.).

In the House, Energy and Commerce Committee ranking member Henry Waxman (D-Calif.) and Reps. Diana DeGette (D-Colo.) and Jay Inslee (D-Wash.) offered three slightly different amendments, all of which would amount to a congressional endorsement of the science of climate change.

Waxman's would have stated that Congress accepted EPA's finding that "warming of the climate system is unequivocal," referring to rising atmospheric and ocean temperatures, melting icepack and other phenomena. DeGette's would have said that Congress accepts that "elevated concentrations of greenhouse gases resulting from anthropogenic emissions "are the root cause of recently observed climate change."

Inslee's would have supported EPA's finding that man-made greenhouse gas emissions endanger public health -- which forms the basis of its current and future regulation of those emissions under the Clean Air Act.

All three amendments were defeated along party lines, by 20-31, 21-30 and 21-31 votes, respectively. The full bill is likely to be passed out of the committee later today.

The Democrats said their amendments would not necessarily reinstate EPA's plans to regulate emissions if the bill sponsored by committee Chairman Fred Upton (R-Mich.) became law, but they would at least reverse the bill's assertion that greenhouse gas emissions don't endanger public health and safety by changing the climate.

Waxman said this finding was "the work of multiple, independent research teams, using different techniques and different data sources."

"These conclusions are based on measured changes in the world we live in, not on model projections," he said.

"Pretending problems aren't real doesn't make them go away. Most of us learned that in grade school. We need to face these scientific facts."

But Republicans said that Congress should not be in the business of endorsing scientific findings, especially when there is some disagreement among scientists about the reason for rising temperatures.

"My good friend from California tries to make it appear that the science is settled," said Chairman Emeritus Joe Barton (R-Texas). "I would actually say, on the contrary, the science is not settled; instead, the science is actually going the other way."

Barton said that there were as many regions in the United States where cooling trends have been observed as regions with warming trends, and some scientists do not link greenhouse gas emissions to climate change.

He said he would not support any legislation that would curb emissions except at such high levels that direct exposure would be harmful to humans.

Barton also complained that EPA had not conducted sufficient scientific analyses of its own on the effects of global warming, but instead relied on outside scientists for its conclusions.

The Upton bill, which is expected to pass both the committee and the full House, would prevent EPA from regulating

greenhouse gas emissions from large stationary sources such as electric utilities, oil refineries and manufacturing facilities. It would also prevent EPA from crafting greenhouse gas tailpipe emissions rules for vehicles after model year 2016.

While the committee was debating the Democratic amendments today, McConnell was touting his amendment to the small-business bill. He said he was compelled to make the move because new EPA regulations will lead to even higher gasoline prices and result in the loss of jobs in Kentucky and elsewhere.

"Fourteen million Americans are looking for work," McConnell said on the Senate floor. "Gas prices are approaching \$4 a gallon. And the Obama administration wants unelected and unaccountable bureaucrats to impose new regulations that will destroy even more jobs -- and drive gas prices even higher."

"If you want proof that common sense is taking a backseat to ideology in the White House, look no further: This plan is bad for jobs. It's bad for the economy. And it must be stopped."

01268-EPA-6400

**David  
McIntosh/DC/USEPA/US**  
03/16/2011 08:29 AM

To Richard Windsor  
cc  
bcc  
Subject Hearing Update #2

(b) (5) Deliberative



01268-EPA-6402

**Richard  
Windsor/DC/USEPA/US**  
03/16/2011 09:27 AM

To "Aaron Dickerson"  
cc  
bcc  
Subject Fw: Topline/Tough Q and A

Print please.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 03/16/2011 09:22 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster <oster.seth@epa.gov>; Adora Andy  
**Subject:** Topline/Tough Q and A

Hey Boss -

Below are the topline messages and tough q and a for today's announcement. We'll discuss this - plus Japan - when we come in to do the actualities this morning.

Thanks.

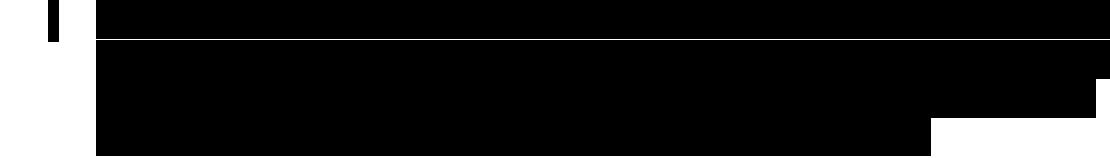
- Brendan

#### Topline Messages

(b) (5) Deliberative



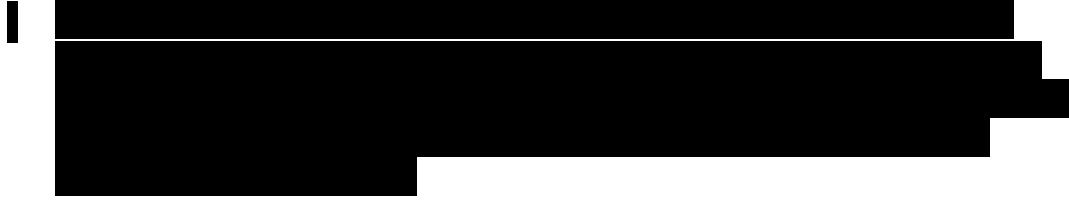
(b) (5) Deliberative



(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6403

**David  
McIntosh/DC/USEPA/US**  
03/16/2011 09:44 AM

To Richard Windsor  
cc  
bcc

Subject and here is the article on the State Department's release on  
the Keystone Pipeline

## **POLICY: Keystone XL must undergo more environmental review**

**-- State Department (Wednesday, March 16, 2011)**

**Christa Marshall, E&E reporter**

The State Department is ordering an additional environmental review of an oil sands pipeline that has been under fire for its potential to increase greenhouse gas emissions.

Yesterday, the department said it would issue a supplemental draft environmental impact statement of TransCanada's Keystone XL pipeline, followed by a 45-day comment period in mid-April.

Analysts said the delay is likely a sign of the controversy swirling around Keystone XL, which would stretch 1,700 miles from Canada to Gulf Coast refineries. It could double the amount of Canadian oil sands crude coming into the United States. Production of oil sands crude releases more greenhouse gases in the production process than traditional oil.

"If the pipeline were on the fast track, it would have been approved already," said Kevin Book, managing director of research at ClearView Energy Partners.

The move also comes after U.S. EPA said last year that the State Department's original draft environmental impact statement of the \$7 billion pipeline contained "inadequate information" because it did not fully consider the project's impact on emissions, wildlife and local communities.

The pipeline has been at the middle of a lobbying firestorm on both sides in recent months, with supporters saying it would help wean the United States off of foreign oil at a time of surging energy prices.

But critics of the pipeline hailed State's decision as an acknowledgment of environmental concerns raised by EPA and others. Along with increased greenhouse gases from oil sands production, those include worries about oil spills in the Great Plains' Ogallala Aquifer, a drinking water source.

**API presses administration to greenlight pipeline project**

"State wasn't required to order this review," said Danielle Droitsch of the Pembina Institute, a Canadian environmental think tank. "It's a sign they heard the criticism."

In its assessment critical of the State Department, EPA said that greenhouse gas emissions from Canadian oil sands crude would be approximately 82 percent greater than those from average crude refined in the United States on a well-to-tank basis ([ClimateWire](#), July 22, 2010). That number is a matter of debate, though, with other analysts estimating that oil sands crude produces roughly 6 percent more greenhouse gases than traditional crude.

And yesterday, TransCanada said it was pleased that State continues to move Keystone XL forward. The company predicted that the pipeline would be operational in 2013 and added that it has held more than 90 open houses and public meetings along the pipeline route.

"Keystone XL has been under review since 2008 and we are confident we have addressed the major questions raised by regulators and government agencies," said Russ Girling, the company's president, in a statement.

Jack Gerard, president of the American Petroleum Institute, said "it is past time for the administration to approve this important infrastructure investment" after State's announcement. The pipeline would lead to 340,000 U.S. jobs, the group said.

The State Department did not say whether it would look at greenhouse gases specifically in the supplemental draft environmental review. It could choose to examine other environmental issues, such as the potential for leaks from the pipeline. The review's content is something that is still being worked out, said a State Department spokeswoman.

Yet Susan Casey-Lefkowitz of the Natural Resources Defense Council said the new environmental impact statement, combined with public comment, could change the ultimate decision of whether State approved the pipeline. The department has a final say on the pipeline, since it would stretch across international borders. Yesterday, State said it would make an ultimate decision on a permit by the end of the year, after hosting a public meeting in Washington, D.C.

The Obama administration is under tremendous pressure to approve Keystone XL, considering current oil politics, said Book. That being said, it doesn't mean that the administration will back the pipeline, considering its need for environmental supporters, he said. There are other options, such as tapping the Strategic Petroleum Reserve, that are more appealing, he said.

"If oil prices keep rising in the next few months, this will be one of the last things Obama looks at to increase supply," he said.

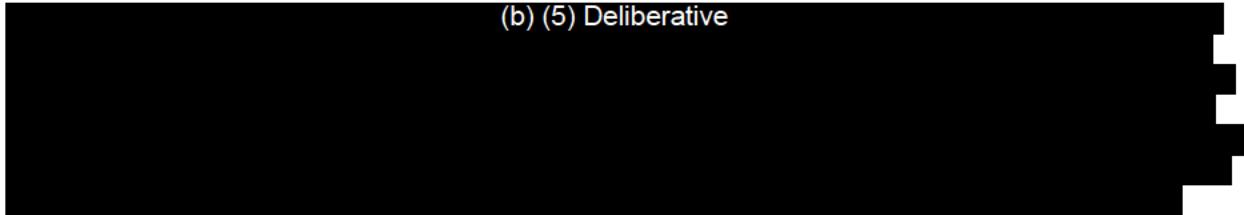
David McIntosh

(b) (5) Deliberative

03/16/2011 08:29:36 AM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/16/2011 08:29 AM  
Subject: Hearing Update #2

(b) (5) Deliberative



01268-EPA-6404

(b) (6) Personal Privacy

03/16/2011 05:03 PM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

**From:** Google Alerts <googlealerts-noreply@google.com>

**Date:** Wed, 16 Mar 2011 20:36:22 +0000

**To:** <(b) (6) Personal Privacy>

**Subject:** Google Alert - EPA Lisa jackson

News

5 new results for **EPA Lisa jackson**

### [\*\*EPA proposes new mercury standards for power plants\*\*](#)

CNN International

"Today we're taking an important step forward in **EPA's** efforts to safeguard the health of millions of Americans," **EPA Administrator Lisa Jackson** said at a press conference to sign the new order. "Under the Clean Air Act these standards will require ...

[See all stories on this topic »](#)

### [\*\*EPA Asked: 'Revisit Ban On Drilling Near NYC Watershed'\*\*](#)

Western Queens Gazette

The request from Maloney and Congressmembers Jerrold Nadler (D-Manhattan) and Maurice Hinchey (D-NY) to **EPA** and Administrator **Lisa Jackson** was made after a recent New York Times story reported that an **EPA** report originally calling for a moratorium on ...

[See all stories on this topic »](#)

### [\*\*EPA proposes regulating mercury from coal plants\*\*](#)

Houston Chronicle

This standard that "will save lives, prevent illnesses and promote vital economic opportunities across the country," said **EPA Administrator Lisa P. Jackson**, who invited second graders to attend the event in Washington, DC where she signed the proposal. ...

[See all stories on this topic »](#)

### [\*\*Lets Have Some More Rads\*\*](#)

Fly Rod &amp; Reel Magazine (blog)

Meanwhile, if you would like to support our search and other efforts, please do and if you would like to contact **EPA Administrator Lisa Jackson** to tell her that she should not "go for it!" you can e-mail her at jackson.lisa@epa.gov.

[See all stories on this topic »](#)

### [\*\*Recent editorials from New Jersey newspapers\*\*](#)

Washington Examiner

16) Trentonian on the political side of **EPA Administrator Lisa Jackson**: There hasn't been a kingmaker in presidential politics since the days of Chicago Mayor Dick Daley. But a potential kingmaker is emerging now — a bureaucrat, not a political boss. ...

[See all stories on this topic »](#)

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01268-EPA-6405

David  
McIntosh/DC/USEPA/US  
03/16/2011 05:18 PM

To Richard Windsor  
cc  
bcc

Subject the amendment that Baucus has filed

FYI, Senator Baucus has filed the text pasted below as an amendment to the small business bill that is on the Senate floor.

(b) (5) Deliberative

To reauthorize and improve the SBIR and STTR programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by \_\_\_\_\_

Viz:

At the end, add the following:

SEC. \_\_\_. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) Purposes.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) Amendment.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

"(a) Definition of Greenhouse Gas.—In this section, the term 'greenhouse gas' means any of the following:

"(1) Carbon dioxide.

"(2) Methane.

"(3) Nitrous oxide.

"(4) Sulfur hexafluoride.

"(5) Hydrofluorocarbons.

"(6) Perfluorocarbons.

"(7) Nitrogen trifluoride.

"(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

"(b) New Source Review.—

"(1) Modification of definition of air pollutant.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term 'air pollutant' shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

"(2) Thresholds for exclusions from permit provisions.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

"(A) that is—

"(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or

"(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

"(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

"(3) Agricultural sources.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

"(A) changes in land use;

"(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or

"(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

"(c) Title V Operating Permits.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.".



01268-EPA-6406

Richard  
Windsor/DC/USEPA/US  
03/16/2011 05:20 PM

To David McIntosh  
cc  
bcc  
Subject Re: the amendment that Baucus has filed

Better than sports...

---

**From:** David McIntosh  
**Sent:** 03/16/2011 05:18 PM EDT  
**To:** Richard Windsor  
**Subject:** the amendment that Baucus has filed

FYI, Senator Baucus has filed the text pasted below as an amendment to the small business bill that is on the Senate floor.

(b) (5) Deliberative



To reauthorize and improve the SBIR and STTR programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by \_\_\_\_\_

Viz:

At the end, add the following:

**SEC. \_\_\_\_\_. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.**

(a) Purposes.—The purposes of this section are—

- (1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and
- (2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) Amendment.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

**“SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.**

“(a) Definition of Greenhouse Gas.—In this section, the term ‘greenhouse gas’ means any of the

following:

- “(1) Carbon dioxide.
- “(2) Methane.
- “(3) Nitrous oxide.
- “(4) Sulfur hexafluoride.
- “(5) Hydrofluorocarbons.
- “(6) Perfluorocarbons.
- “(7) Nitrogen trifluoride.
- “(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

“(b) New Source Review.—

- “(1) Modification of definition of air pollutant.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term ‘air pollutant’ shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.
- “(2) Thresholds for exclusions from permit provisions.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

“(A) that is—

- “(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or
- “(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and
- “(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.
- “(3) Agricultural sources.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- “(A) changes in land use;
- “(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or
- “(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

“(c) Title V Operating Permits.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this

Act.”.

01268-EPA-6407

David  
McIntosh/DC/USEPA/US  
03/16/2011 05:21 PM

To Richard Windsor  
cc  
bcc  
Subject Re: the amendment that Baucus has filed

Exactly

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**From:** Richard Windsor  
**Sent:** 03/16/2011 05:20 PM EDT  
**To:** David McIntosh  
**Subject:** Re: the amendment that Baucus has filed

Better than sports...

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**From:** David McIntosh  
**Sent:** 03/16/2011 05:18 PM EDT  
**To:** Richard Windsor  
**Subject:** the amendment that Baucus has filed

FYI, Senator Baucus has filed the text pasted below as an amendment to the small business bill that is on the Senate floor.

(b) (5) Deliberative



To reauthorize and improve the SBIR and STTR programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by \_\_\_\_\_

Viz:

At the end, add the following:

**SEC. \_\_\_\_\_. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.**

(a) Purposes.—The purposes of this section are—

- (1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and
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requirements under that Act.

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“(a) Definition of Greenhouse Gas.—In this section, the term ‘greenhouse gas’ means any of the following:

- “(1) Carbon dioxide.
- “(2) Methane.
- “(3) Nitrous oxide.
- “(4) Sulfur hexafluoride.
- “(5) Hydrofluorocarbons.
- “(6) Perfluorocarbons.
- “(7) Nitrogen trifluoride.

“(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

“(b) New Source Review.—

“(1) Modification of definition of air pollutant.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term ‘air pollutant’ shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

“(2) Thresholds for exclusions from permit provisions.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

“(A) that is—

- “(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or
- “(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

“(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

“(3) Agricultural sources.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- “(A) changes in land use;
- “(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or
- “(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other

similar structures used primarily for the raising of agricultural or horticultural commodities.

“(c) Title V Operating Permits.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.”.

01268-EPA-6408

**Richard  
Windsor/DC/USEPA/US**  
03/16/2011 06:15 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: MATS coverage

Much better. [REDACTED] (b) (5) Deliberative [REDACTED] ?  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 03/16/2011 06:14 PM EDT  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; David McIntosh; Diane Thompson; Dru Ealons; Gina McCarthy; Janet McCabe; Joseph Goffman; Seth Oster <oster.seth@epa.gov>; Richard Windsor; Stephanie Owens  
**Subject:** Re: MATS coverage

Updated Reuters story:

EPA says rules to provide 9,000 long-term jobs (Adds comment from FERC Chairman Wellinghoff)

By Timothy Gardner

WASHINGTON, March 16 (Reuters) - U.S. environmental regulators proposed rules on Wednesday that would force aging coal-fired power plants to choose between installing anti-pollution technology or shutting, which could ensure reliance on nuclear power and natural gas.

The Environmental Protection Agency said the proposed rules, once fully implemented, will prevent 91 percent of mercury in coal from being released into the air. Power plants would have four years to meet the standards.

The EPA will take public comment for 60 days on the rules, which would require many coal-fired power plants to install scrubbers and other technologies to reduce emissions of arsenic, chromium, nickel and acid gases in addition to mercury, which can damage nervous systems in babies.

"Generally anything that makes coal plants more expensive is a benefit to alternative forms of generation whether they be natural gas, nuclear, or hydropower," said Paul Patterson, an analyst at Glenrock and Associates LLC in New York.

What the final rules will look like after public comment is uncertain, he added.

Jon Wellinghoff, the chairman of the Federal Energy Regulatory Commission, told Reuters the EPA rule could help shift power companies to cleaner sources of energy such as natural gas and wind power and also increase efficiency.

The FERC issued an order Tuesday aimed at allowing companies that reduce energy use to get better compensation, which could increase efficiency on the grid and reduce pollution, he said.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

Issuance of the rules, 20 years in the making, came in response to a court deadline.

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

She said the rules could prevent as many as 17,000 premature deaths and 11,000 heart attacks each year.

#### US COMMITTED TO NUCLEAR

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to nuclear but will conduct checks. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Analysts at Bernstein Research and other institutions have said the EPA crackdown could help force some 15 to 20 percent of U.S. coal-fired plants into early retirement by 2015 as the costs of installing the technology would be a burden on aging plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive about 20 percent of its power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

Republicans in Congress have tried to slow the EPA from acting on toxic pollutants and on greenhouse gases, saying that the rules would hurt the economy.

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

Brendan Gilfillan

(b) (5) Deliberative

03/16/2011 05:45:37 PM

From:

Brendan Gilfillan/DC/USEPA/US

To:

Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane

Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA

Date: 03/16/2011 05:45 PM  
Subject: MATS coverage

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All -

(b) (5) Deliberative

- Brendan

EPA proposes regulating mercury from coal plants  
Associate Press  
March 15, 2011

E.P.A. Proposes New Emission Standards for Power Plants  
The New York Times  
JOHN M. BRODER and JOHN COLLINS RUDOLF  
March 16, 2011

EPA Proposes New Rules on Power-Plant Emissions  
The Wall Street Journal  
STEPHEN POWER

Washington Post used the AP article from above

EPA Proposes First U.S. Standard for Coal-Plant Mercury  
Bloomberg  
Kim Chipman  
Mar 16, 2011

New US air rules may benefit nuclear energy  
Reuters  
March 16, 2011

EPA proposes toxic emissions rules for power plants  
Greenwire  
Gabriel Nelson, E&E reporter  
March 16, 2011

I was not able to find anything in POLITICO about the subject

**EPA proposes regulating mercury from coal plants**  
Associate Press  
March 16, 2011

HOUSTON – The U.S. Environmental Protection Agency proposed rules on Wednesday that would for

the first time regulate toxic air emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.

Environmental and medical groups praised the move, which came in response to a court-ordered deadline, saying the new regulations will remove toxins from the air that contribute to respiratory illnesses, birth defects and developmental problems in children.

Some industry groups slammed the measure, however, accusing the EPA of inflating the benefits and arguing it would cost billions of dollars annually to comply.

Currently, there are no limits on how much mercury or other toxic pollutants can be released from a power plant's smoke stacks – which emit some 386,000 tons of toxic air pollution annually, by far the largest industrial source of such pollution in the United States. The new rules would require power plants to install technologies that would limit the emissions.

The EPA said the regulations would reduce mercury emissions from these power plants by 91 percent. The rules would also further limit other pollutants, including particulate matter, such as dust, dirt and other fragments associated with a variety of respiratory ailments.

This standard "will save lives, prevent illnesses and promote vital economic opportunities across the country," said EPA Administrator Lisa P. Jackson, who invited second-graders to attend the event in Washington, D.C. where she signed the proposal.

Reaching into her own history, Jackson described how her son – an asthmatic – spent his first Christmas in the hospital "literally fighting to breathe."

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

The court order gave the EPA until November to make the rules official. Jackson said companies would then have three years to comply, and some could be given an extra year.

Such rules would have the greatest impact on Texas, which is home to more coal-fired power plants than any other state. Texas has at least 19 coal-fired plants and 10 more in various stages of permitting and construction. The Environmental Defense Fund says seven of the top 25 mercury-emitting power plants are in the Lone Star State, four of those are in the top 10.

The Texas Commission on Environmental Quality, which regulates air emissions from the state's coal-fired power plants, said it already regulates mercury from new plants, in a case-by-case strategy that requires pollution control technologies based on the type of coal being used by the facility. Some coals burn cleaner than others. These regulations do not apply to existing facilities.

Jeff Holmstead, who served as the EPA's top air official from 2000 to 2005 and now heads the Environmental Strategy Group at the Bracewell & Giuliani law firm in Washington, D.C., said the new rules are inefficient, costly and provide few benefits to the environment or public health.

"It seems to be just another way to attack coal and coal-fired power," Holmstead said.

The EPA said it would cost nearly \$11 billion a year for industry to comply with the new rule, prompting Holmstead to define it as "by far the most expensive rule that EPA has ever done."

The agency, joined by medical groups including the American Lung Association and the American Academy of Pediatrics, estimated that the value of health benefits associated with reduced exposure to fine particles could be from \$59 billion to \$140 billion by 2016. The EPA estimates it could save 17,000 lives a year and generate 31,000 short-term construction jobs and 9,000 long-term utility jobs.

"Dirty air makes children sick, that's the long and short of it," said Marion Burton, president of the American Academy of Pediatrics. "If you think it's expensive to install a scrubber, you should see how much it costs to treat a child born with a birth defect that was preventable."

Studies show exposure to mercury increases the risk of birth defects as well as developmental problems in small children.

Jackson said the EPA's models found installing the technologies could increase energy rates by about \$3 to \$4 a month, though it could be less depending on fuel costs. For example, she said, a New Jersey provider that already installed pollution-cutting technologies recently reduced its rates.

A report by the Electric Reliability Coordinating Council, a coalition of power companies, argued the toxic air regulation is only one of several rules slated to go into effect in or around 2015 – rules that could cost industry about \$100 billion. The council says studies have found that for every \$1 billion spent on upgrades and compliance, 16,000 jobs will be put at risk.

### E.P.A. Proposes New Emission Standards for Power Plants

The New York Times

JOHN M. BRODER and JOHN COLLINS RUDOLF

March 16, 2011

WASHINGTON – The Environmental Protection Agency proposed the first national standard for emissions of mercury and other toxins from coal-burning power plants on Wednesday, a rule that could lead to the early closing of dozens of generating stations and is certain to be challenged by the utility industry and Republicans in Congress.

Lisa P. Jackson, the agency's administrator, unveiled the new rule with fanfare at agency headquarters, saying control of dozens of poisonous substances emitted by power plants was two decades overdue and would prevent thousands of deaths and tens of thousands of cases of disease a year.

She pointedly included the head of the American Lung Association and two prominent doctors in her announcement to make the point that the regulations were designed to protect public health and not to penalize the utility industry.

She estimated the total annual cost of compliance at about \$10 billion, in line with some industry estimates (although some are much higher), and the health and environmental benefits at more than \$100 billion a year. She said that households could expect to see their electric bills rise by \$3 to \$4 a month when the regulation is fully in force after 2015.

"Today's announcement is 20 years in the making and is a significant milestone in the Clean Air Act's already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution," she said. She invited a group of second graders from a nearby elementary school to attend the rule's unveiling at her agency.

Ms. Jackson said that mercury and the other emissions covered by the rule damage the nervous systems of children and fetuses, exacerbate asthma and cause lifelong health damage for hundreds of thousands of Americans.

She said that installing and maintaining smokestack scrubbers and other control technology would create 31,000 short-term construction jobs and 9,000 permanent utility sector jobs.

Even before the formal unveiling of the rule, utilities, business groups and Congressional Republicans cast it as the latest salvo in a regulatory war on American industry. They cited a number of recently issued E.P.A. rules, including one on industrial boilers and the first of a series of regulations covering

greenhouse gases, which they argue will impose huge costs on businesses and choke off economic recovery.

"E.P.A. admits the pending proposal will cost at least \$10 billion, making it one of the most expensive rules in the history of the agency," a group of utilities said in a report this week.

"Adaptation to all the proposed rules constitutes an extraordinary threat to the power sector – particularly the half of U.S. electricity derived from coal-fired generation," the group added.

The group questioned Ms. Jackson's assertion that the technology needed to reduce emissions of mercury, lead, arsenic, chromium and other airborne toxins was readily available and reasonably inexpensive. The need to retrofit scores of plants in the same short period of time will tax resources and lead to delays, the industry group said.

The National Association of Manufacturers said the proposed rule would lead to higher electricity prices and significant job losses.

"In addition, electric system reliability could be compromised by coal retirements and new environmental construction projects caused by this proposed rule and other E.P.A. regulations," said Aric Newhouse, the group's vice president for government relations. "Stringent, unrealistic regulations such as these will curb the recent economic growth we have seen."

Public health advocates countered that these were the same complaints that had delayed the rules for more than two decades, as utilities used the courts and Congress to block strong regulations on air pollution. The rule issued Wednesday was timed to meet a deadline set in 2008 by a federal court when it threw out a weaker set of regulations issued by the Bush administration.

"If you think it's expensive to put a scrubber on a smokestack, you should see how much it costs to treat a child over a lifetime with a birth defect," said Dr. Marion Burton, president of the American Academy of Pediatrics, who stood with Ms. Jackson in announcing the rule.

Roughly half of the nation's more than 400 coal-burning plants have some form of control technology installed, and about a third of states have set their own standards for mercury emissions. But the proposed rule issued Wednesday is the first national standard and will require all plants to come up to the standard of the best of the current plants.

The new rules bring to a close a bitter legal and regulatory battle dating back to the passage of the Clean Air Act in 1970, which first directed the E.P.A. to identify and control major industrial sources of hazardous air emissions.

By 1990, however, federal regulators had still not set standards for toxic emissions from power plants, and Congress, in the face of stiff resistance from utilities and coal interests, passed legislation directing the E.P.A. to develop a plan to regulate the industry. In 1998, the agency finally complied, delivering a comprehensive report to Congress detailing the health impacts of numerous pollutants, including mercury, which by then had been linked conclusively in numerous studies to serious cognitive harm to developing fetuses.

In December 2000, in the final days of the Clinton administration, the E.P.A. finally listed power plants as a source of hazardous air pollutants under the Clean Air Act. Yet under the Bush administration, the effort to control power plant emissions would again falter.

The 2000 listing required E.P.A. to implement standards for mercury and other pollutants from the industry. But rather than comply, the agency made the controversial decision in 2005 to delist power plants as sources of hazardous pollution.

Instead the E.P.A. created a cap-and-trade program for mercury, highly favored by industry, which it claimed would achieve virtually identical emissions reductions at lower cost. A coalition of

environmentalists sued, arguing that the cap-and-trade program would not limit other toxic emissions like arsenic and would allow the dirtiest power plants to pay for the right to pollute, putting nearby communities at risk.

In 2008 a federal judge ruled against the E.P.A., giving the agency three years to develop standards for mercury and other pollutants.

The long delay in implementing regulations has meant that emissions of some key pollutants has not just held steady, but has grown in recent years. The E.P.A.'s most recent data shows that from 1999 to 2005, mercury emissions from power plants increased more than 8 percent, to 53 tons from 49 tons. Arsenic emissions grew even more, rising 31 percent, to 210 tons from 160 tons.

The E.P.A. will take public comments for the next several months. It anticipates publishing a final rule at the end of the year or early next, with implementation three or four years later.

### EPA Proposes New Rules on Power-Plant Emissions

The Wall Street Journal  
STEPHEN POWER

WASHINGTON—The Obama administration on Wednesday proposed new regulations that could accelerate the U.S. shift toward natural gas, by requiring coal-burning and oil-fired power plants to reduce their emissions of mercury and other hazardous pollutants.

The proposed standards—which have been the subject of weeks of lobbying at the White House by rival groups of power companies—would prevent as many as 17,000 premature deaths a year, Environmental Protection Agency Administrator Lisa Jackson said in announcing the standards.

The new regulations will cost the power industry about \$11 billion a year, while increasing consumers' electric bills on the order of three or four dollars a month, Ms. Jackson said. Some power-industry officials and lobbyists say the costs will be much greater and that many utilities will respond to the new rules by shutting down aging coal-fired plants.

Ms. Jackson, who unveiled the new rules at a news conference with representatives of the American Lung Association, said the costs would be far outweighed by the public health benefits, which EPA puts at between \$59 billion and \$140 billion, largely in the form of avoided premature deaths and heart attacks.

Some industry analysts have predicted the rules could hasten a shift by many power companies away from coal, the source of half of the country's electricity supply, to cleaner-burning natural gas.

A report last September from bank Credit Suisse said the anticipated mercury rules—the ones announced Wednesday—along with a separate, previously proposed regulations targeting sulfur dioxide and nitrogen oxide, could lead to the closure of nearly 18% of the nation's coal-fired generation capacity, mainly facilities more than 40 years old that lack emissions controls.

The Electric Reliability Coordinating Council, a lobbying group critical of the newly proposed mercury rules, raised another concern in a statement Wednesday: that utilities seeking to comply with these and other rules aimed at curbing coal-plant pollution would lead to a rush of demand for new construction and smoke-stack clean-up technology that could result in higher costs or delays for some utilities.

The rules would benefit companies that have invested heavily in nuclear and renewable energy. Several utilities in that camp have been pressing the Obama administration to enact the new standards.

EPA officials said that while the rule would likely drive some shift toward natural gas, the standards would preserve the diversity of the U.S. energy supply.

Under the proposed rule, power plants would have three years to meet standards for mercury and other

hazardous air pollutants. Owners would have to choose between buying new pollution equipment, switching to cleaner fuels or retiring the plant. The EPA is expected to take public comment on the rules for several months and make a final decision on them in November.

### New US air rules may benefit nuclear energy

Reuters

March 16, 2011

Environmental regulators will propose pollution rules on Wednesday that could ensure continued reliance on nuclear power by forcing aging coal plants into early retirement.

The Environmental Protection Agency said it will unveil standards on mercury, which can damage nervous systems in babies, and other airborne toxins from power plants at 1100 EDT (1500 GMT).

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be more cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to the technology. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

The EPA crackdown could help shut some 15 to 20 percent of aging U.S. coal-fired plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive large amounts of power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

### EPA proposes toxic emissions rules for power plants

Greenwire

Gabriel Nelson, E&E reporter

March 16, 2011

After two decades of delays and false starts, U.S. EPA unveiled a plan today to require coal- and oil-fired power plants to reduce emissions of mercury and 83 other toxics by 2016.

The proposed rules would limit the amount of toxic pollution that can be released into the air for every unit of electricity that is generated. In total, the plan would reduce mercury and acid gas emissions from the U.S. power sector by 91 percent while cutting soot-forming sulfur dioxide (SO<sub>2</sub>) pollution by 53 percent, the agency said today.

Those reductions will protect vulnerable Americans from asthma, developmental disorders and other health problems, as Congress requested when it updated the Clean Air Act 20 years ago, EPA Administrator Lisa Jackson said today at the agency's Washington, D.C., headquarters, flanked by the leaders of the American Lung Association and the American Academy of Pediatrics.

The rules will prevent 17,000 premature deaths and 11,000 heart attacks per year, as well as 120,000 cases of asthma, while adding only \$3 or \$4 to the average homeowner's monthly electric bill, Jackson said.

"We are confident in these expectations because this has been the history of the Clean Air Act for 40 years now," Jackson said. "The Clean Air Act is literally a lifesaver."

The proposal, which was due by today under a court deadline, is one of several new EPA requirements that is expected to drive the next generation of investments in the power sector. Though it was hailed by health groups and many Democrats, it will do nothing to appease the agency's critics, who have described the push to clean up air pollution as part of a "war on coal."

The rules would replace the George W. Bush administration's Clean Air Mercury Rule, a cap-and-trade program that would have forced power plants to cut their mercury emissions by 70 percent. In 2008, a federal court ordered EPA to go back to the drawing board, saying the agency hadn't shown that there would not be health consequences from the decision not to control other metals, such as cadmium and chromium, as well as cancer-causing chemicals such as dioxins and furans.

Today's proposal, which will be followed by a final rule in November, would force some utilities to spend hundreds of millions of dollars to upgrade older power plants that have not already been required to install controls.

All the controls will cost about \$10.9 billion per year, according to EPA's analysis of the new rules, compared to benefits of \$59 billion to \$140 billion. Once the rules are final, companies will have three years to comply with the new rules, though they can get a one-year extension if it proves impossible to get the controls added in time.

Many power plants might need activated carbon injection (ACI) units to control their mercury emissions, as well as flue gas desulfurization (FGD) units, or "scrubbers," to limit their emissions of acid gases. Others might need baghouses, fabric filtering units that keep toxic metals out of the air by trapping the fine particles that are released when fuel is burned.

Scrubbers have been installed at many plants because of separate limits on SO<sub>2</sub>, including a cap-and-trade program that was created two decades ago to fight acid rain.

Power plants with about 40 percent of the nation's coal-fired capacity -- a total of 129 gigawatts, enough to power about 65 million American homes -- do not have scrubbers, according to an analysis by the consulting firm M. J. Bradley & Associates LLC.

Because it is not an emissions trading program, the program will not allow hotspots of toxic pollution, said Marian Burton, president of the American Academy of Pediatrics.

"Dirty air makes children sick. That's the long and short of it," Burton said. "If you think it's an expensive process to put a scrubber on a smokestack, you should see how much it costs over a lifetime to treat a child with a preventable birth defect."

Some Republicans in Congress have raised concerns that the rules could hike electricity prices by raising the cost of burning coal. Some power companies and analysts have also suggested that the toxics rules and other new requirements could cause many power plants to be retired, leading to power shortages.

EPA has vowed to avoid that situation.

It is expected to cause about 10 gigawatts of coal-fired generation to be retired, but many of those plants likely would be shut down anyway, an agency official said today. Most of the lost electricity would be provided by natural gas-fired power plants, the official said.

The controls needed to cut down on toxic pollution are proven, and environmental technology companies are ready to install it, said Mike Durham, CEO of Littleton, Colo.-based ADA-ES Inc. His company has installed mercury controls on about 100 coal-fired boilers that were upgraded in response to state regulations and is now ramping up its production of activated carbon to deal with the expected spike in demand from power plants.

"I don't believe it will be a challenge," Durham said in an interview. "We've had years to prepare for this."

01268-EPA-6409

Richard  
Windsor/DC/USEPA/US  
03/16/2011 06:17 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: MATS coverage

Cool. Got it.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 03/16/2011 06:16 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: MATS coverage

(b) (5) Deliberative

Richard Windsor Much better. (b) (5) Deliberative 03/16/2011 06:15:43 PM

---

**From:** Richard Windsor/DC/USEPA/US  
**To:** Brendan Gilfillan/DC/USEPA/US@EPA  
**Date:** 03/16/2011 06:15 PM  
**Subject:** Re: MATS coverage

Much better. (b) (5) Deliberative ?

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 03/16/2011 06:14 PM EDT  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; David McIntosh; Diane Thompson; Dru Ealons; Gina McCarthy; Janet McCabe; Joseph Goffman; Seth Oster <oster.seth@epa.gov>; Richard Windsor; Stephanie Owens  
**Subject:** Re: MATS coverage

Updated Reuters story:

EPA says rules to provide 9,000 long-term jobs (Adds comment from FERC Chairman Wellinghoff)

By Timothy Gardner

WASHINGTON, March 16 (Reuters) - U.S. environmental regulators proposed rules on Wednesday that would force aging coal-fired power plants to choose between installing anti-pollution technology or shutting, which could ensure reliance on nuclear power and natural gas.

The Environmental Protection Agency said the proposed rules, once fully implemented, will prevent 91 percent of mercury in coal from being released into the air. Power plants would have four years to meet the standards.

The EPA will take public comment for 60 days on the rules, which would require many

coal-fired power plants to install scrubbers and other technologies to reduce emissions of arsenic, chromium, nickel and acid gases in addition to mercury, which can damage nervous systems in babies.

"Generally anything that makes coal plants more expensive is a benefit to alternative forms of generation whether they be natural gas, nuclear, or hydropower," said Paul Patterson, an analyst at Glenrock and Associates LLC in New York.

What the final rules will look like after public comment is uncertain, he added.

Jon Wellinghoff, the chairman of the Federal Energy Regulatory Commission, told Reuters the EPA rule could help shift power companies to cleaner sources of energy such as natural gas and wind power and also increase efficiency.

The FERC issued an order Tuesday aimed at allowing companies that reduce energy use to get better compensation, which could increase efficiency on the grid and reduce pollution, he said.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

Issuance of the rules, 20 years in the making, came in response to a court deadline.

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

She said the rules could prevent as many as 17,000 premature deaths and 11,000 heart attacks each year.

## US COMMITTED TO NUCLEAR

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to nuclear but will conduct checks. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Analysts at Bernstein Research and other institutions have said the EPA crackdown could help force some 15 to 20 percent of U.S. coal-fired plants into early retirement by 2015 as the costs of installing the technology would be a burden on aging plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive about 20 percent of its power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

Republicans in Congress have tried to slow the EPA from acting on toxic pollutants and on greenhouse gases, saying that the rules would hurt the economy.

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

Brendan Gilfillan

(b) (5) Deliberative

03/16/2011 05:45:37 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganeshan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 03/16/2011 05:45 PM  
Subject: MATS coverage

All -

(b) (5) Deliberative

- Brendan

EPA proposes regulating mercury from coal plants  
Associate Press  
March 15, 2011

E.P.A. Proposes New Emission Standards for Power Plants  
The New York Times  
JOHN M. BRODER and JOHN COLLINS RUDOLF  
March 16, 2011

EPA Proposes New Rules on Power-Plant Emissions  
The Wall Street Journal  
STEPHEN POWER

Washington Post used the AP article from above

EPA Proposes First U.S. Standard for Coal-Plant Mercury  
Bloomberg  
Kim Chipman  
Mar 16, 2011

New US air rules may benefit nuclear energy  
Reuters  
March 16, 2011

EPA proposes toxic emissions rules for power plants  
Greenwire  
Gabriel Nelson, E&E reporter  
March 16, 2011

I was not able to find anything in POLITICO about the subject

**EPA proposes regulating mercury from coal plants**  
Associate Press  
March 16, 2011

HOUSTON – The U.S. Environmental Protection Agency proposed rules on Wednesday that would for the first time regulate toxic air emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.

Environmental and medical groups praised the move, which came in response to a court-ordered deadline, saying the new regulations will remove toxins from the air that contribute to respiratory illnesses, birth defects and developmental problems in children.

Some industry groups slammed the measure, however, accusing the EPA of inflating the benefits and arguing it would cost billions of dollars annually to comply.

Currently, there are no limits on how much mercury or other toxic pollutants can be released from a power plant's smoke stacks – which emit some 386,000 tons of toxic air pollution annually, by far the largest industrial source of such pollution in the United States. The new rules would require power plants to install technologies that would limit the emissions.

The EPA said the regulations would reduce mercury emissions from these power plants by 91 percent. The rules would also further limit other pollutants, including particulate matter, such as dust, dirt and other fragments associated with a variety of respiratory ailments.

This standard “will save lives, prevent illnesses and promote vital economic opportunities across the country,” said EPA Administrator Lisa P. Jackson, who invited second-graders to attend the event in Washington, D.C. where she signed the proposal.

Reaching into her own history, Jackson described how her son – an asthmatic – spent his first Christmas in the hospital “literally fighting to breathe.”

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

The court order gave the EPA until November to make the rules official. Jackson said companies would then have three years to comply, and some could be given an extra year.

Such rules would have the greatest impact on Texas, which is home to more coal-fired power plants than any other state. Texas has at least 19 coal-fired plants and 10 more in various stages of permitting and construction. The Environmental Defense Fund says seven of the top 25 mercury-emitting power plants are in the Lone Star State, four of those are in the top 10.

The Texas Commission on Environmental Quality, which regulates air emissions from the state’s coal-fired power plants, said it already regulates mercury from new plants, in a case-by-case strategy that requires pollution control technologies based on the type of coal being used by the facility. Some coals

burn cleaner than others. These regulations do not apply to existing facilities.

Jeff Holmstead, who served as the EPA's top air official from 2000 to 2005 and now heads the Environmental Strategy Group at the Bracewell & Giuliani law firm in Washington, D.C., said the new rules are inefficient, costly and provide few benefits to the environment or public health.

"It seems to be just another way to attack coal and coal-fired power," Holmstead said.

The EPA said it would cost nearly \$11 billion a year for industry to comply with the new rule, prompting Holmstead to define it as "by far the most expensive rule that EPA has ever done."

The agency, joined by medical groups including the American Lung Association and the American Academy of Pediatrics, estimated that the value of health benefits associated with reduced exposure to fine particles could be from \$59 billion to \$140 billion by 2016. The EPA estimates it could save 17,000 lives a year and generate 31,000 short-term construction jobs and 9,000 long-term utility jobs.

"Dirty air makes children sick, that's the long and short of it," said Marion Burton, president of the American Academy of Pediatrics. "If you think it's expensive to install a scrubber, you should see how much it costs to treat a child born with a birth defect that was preventable."

Studies show exposure to mercury increases the risk of birth defects as well as developmental problems in small children.

Jackson said the EPA's models found installing the technologies could increase energy rates by about \$3 to \$4 a month, though it could be less depending on fuel costs. For example, she said, a New Jersey provider that already installed pollution-cutting technologies recently reduced its rates.

A report by the Electric Reliability Coordinating Council, a coalition of power companies, argued the toxic air regulation is only one of several rules slated to go into effect in or around 2015 – rules that could cost industry about \$100 billion. The council says studies have found that for every \$1 billion spent on upgrades and compliance, 16,000 jobs will be put at risk.

### E.P.A. Proposes New Emission Standards for Power Plants

The New York Times

JOHN M. BRODER and JOHN COLLINS RUDOLF

March 16, 2011

WASHINGTON – The Environmental Protection Agency proposed the first national standard for emissions of mercury and other toxins from coal-burning power plants on Wednesday, a rule that could lead to the early closing of dozens of generating stations and is certain to be challenged by the utility industry and Republicans in Congress.

Lisa P. Jackson, the agency's administrator, unveiled the new rule with fanfare at agency headquarters, saying control of dozens of poisonous substances emitted by power plants was two decades overdue and would prevent thousands of deaths and tens of thousands of cases of disease a year.

She pointedly included the head of the American Lung Association and two prominent doctors in her announcement to make the point that the regulations were designed to protect public health and not to penalize the utility industry.

She estimated the total annual cost of compliance at about \$10 billion, in line with some industry estimates (although some are much higher), and the health and environmental benefits at more than \$100 billion a year. She said that households could expect to see their electric bills rise by \$3 to \$4 a month when the regulation is fully in force after 2015.

"Today's announcement is 20 years in the making and is a significant milestone in the Clean Air Act's already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution," she said. She invited a group of second graders from a nearby elementary school to attend the rule's unveiling at her agency.

Ms. Jackson said that mercury and the other emissions covered by the rule damage the nervous systems of children and fetuses, exacerbate asthma and cause lifelong health damage for hundreds of thousands of Americans.

She said that installing and maintaining smokestack scrubbers and other control technology would create 31,000 short-term construction jobs and 9,000 permanent utility sector jobs.

Even before the formal unveiling of the rule, utilities, business groups and Congressional Republicans cast it as the latest salvo in a regulatory war on American industry. They cited a number of recently issued E.P.A. rules, including one on industrial boilers and the first of a series of regulations covering greenhouse gases, which they argue will impose huge costs on businesses and choke off economic recovery.

"E.P.A. admits the pending proposal will cost at least \$10 billion, making it one of the most expensive rules in the history of the agency," a group of utilities said in a report this week.

"Adaptation to all the proposed rules constitutes an extraordinary threat to the power sector – particularly the half of U.S. electricity derived from coal-fired generation," the group added.

The group questioned Ms. Jackson's assertion that the technology needed to reduce emissions of mercury, lead, arsenic, chromium and other airborne toxins was readily available and reasonably inexpensive. The need to retrofit scores of plants in the same short period of time will tax resources and lead to delays, the industry group said.

The National Association of Manufacturers said the proposed rule would lead to higher electricity prices and significant job losses.

"In addition, electric system reliability could be compromised by coal retirements and new environmental construction projects caused by this proposed rule and other E.P.A. regulations," said Aric Newhouse, the group's vice president for government relations. "Stringent, unrealistic regulations such as these will curb the recent economic growth we have seen."

Public health advocates countered that these were the same complaints that had delayed the rules for more than two decades, as utilities used the courts and Congress to block strong regulations on air pollution. The rule issued Wednesday was timed to meet a deadline set in 2008 by a federal court when it threw out a weaker set of regulations issued by the Bush administration.

"If you think it's expensive to put a scrubber on a smokestack, you should see how much it costs to treat a child over a lifetime with a birth defect," said Dr. Marion Burton, president of the American Academy of Pediatrics, who stood with Ms. Jackson in announcing the rule.

Roughly half of the nation's more than 400 coal-burning plants have some form of control technology installed, and about a third of states have set their own standards for mercury emissions. But the proposed rule issued Wednesday is the first national standard and will require all plants to come up to the standard of the best of the current plants.

The new rules bring to a close a bitter legal and regulatory battle dating back to the passage of the Clean Air Act in 1970, which first directed the E.P.A. to identify and control major industrial sources of hazardous air emissions.

By 1990, however, federal regulators had still not set standards for toxic emissions from power plants,

and Congress, in the face of stiff resistance from utilities and coal interests, passed legislation directing the E.P.A. to develop a plan to regulate the industry. In 1998, the agency finally complied, delivering a comprehensive report to Congress detailing the health impacts of numerous pollutants, including mercury, which by then had been linked conclusively in numerous studies to serious cognitive harm to developing fetuses.

In December 2000, in the final days of the Clinton administration, the E.P.A. finally listed power plants as a source of hazardous air pollutants under the Clean Air Act. Yet under the Bush administration, the effort to control power plant emissions would again falter.

The 2000 listing required E.P.A. to implement standards for mercury and other pollutants from the industry. But rather than comply, the agency made the controversial decision in 2005 to delist power plants as sources of hazardous pollution.

Instead the E.P.A. created a cap-and-trade program for mercury, highly favored by industry, which it claimed would achieve virtually identical emissions reductions at lower cost. A coalition of environmentalists sued, arguing that the cap-and-trade program would not limit other toxic emissions like arsenic and would allow the dirtiest power plants to pay for the right to pollute, putting nearby communities at risk.

In 2008 a federal judge ruled against the E.P.A., giving the agency three years to develop standards for mercury and other pollutants.

The long delay in implementing regulations has meant that emissions of some key pollutants has not just held steady, but has grown in recent years. The E.P.A.'s most recent data shows that from 1999 to 2005, mercury emissions from power plants increased more than 8 percent, to 53 tons from 49 tons. Arsenic emissions grew even more, rising 31 percent, to 210 tons from 160 tons.

The E.P.A. will take public comments for the next several months. It anticipates publishing a final rule at the end of the year or early next, with implementation three or four years later.

### EPA Proposes New Rules on Power-Plant Emissions

The Wall Street Journal  
STEPHEN POWER

WASHINGTON—The Obama administration on Wednesday proposed new regulations that could accelerate the U.S. shift toward natural gas, by requiring coal-burning and oil-fired power plants to reduce their emissions of mercury and other hazardous pollutants.

The proposed standards—which have been the subject of weeks of lobbying at the White House by rival groups of power companies—would prevent as many as 17,000 premature deaths a year, Environmental Protection Agency Administrator Lisa Jackson said in announcing the standards.

The new regulations will cost the power industry about \$11 billion a year, while increasing consumers' electric bills on the order of three or four dollars a month, Ms. Jackson said. Some power-industry officials and lobbyists say the costs will be much greater and that many utilities will respond to the new rules by shutting down aging coal-fired plants.

Ms. Jackson, who unveiled the new rules at a news conference with representatives of the American Lung Association, said the costs would be far outweighed by the public health benefits, which EPA puts at between \$59 billion and \$140 billion, largely in the form of avoided premature deaths and heart attacks.

Some industry analysts have predicted the rules could hasten a shift by many power companies away from coal, the source of half of the country's electricity supply, to cleaner-burning natural gas.

A report last September from bank Credit Suisse said the anticipated mercury rules—the ones announced

Wednesday—along with a separate, previously proposed regulations targeting sulfur dioxide and nitrogen oxide, could lead to the closure of nearly 18% of the nation's coal-fired generation capacity, mainly facilities more than 40 years old that lack emissions controls.

The Electric Reliability Coordinating Council, a lobbying group critical of the newly proposed mercury rules, raised another concern in a statement Wednesday: that utilities seeking to comply with these and other rules aimed at curbing coal-plant pollution would lead to a rush of demand for new construction and smoke-stack clean-up technology that could result in higher costs or delays for some utilities.

The rules would benefit companies that have invested heavily in nuclear and renewable energy. Several utilities in that camp have been pressing the Obama administration to enact the new standards.

EPA officials said that while the rule would likely drive some shift toward natural gas, the standards would preserve the diversity of the U.S. energy supply.

Under the proposed rule, power plants would have three years to meet standards for mercury and other hazardous air pollutants. Owners would have to choose between buying new pollution equipment, switching to cleaner fuels or retiring the plant. The EPA is expected to take public comment on the rules for several months and make a final decision on them in November.

#### **New US air rules may benefit nuclear energy**

Reuters

March 16, 2011

Environmental regulators will propose pollution rules on Wednesday that could ensure continued reliance on nuclear power by forcing aging coal plants into early retirement.

The Environmental Protection Agency said it will unveil standards on mercury, which can damage nervous systems in babies, and other airborne toxins from power plants at 1100 EDT (1500 GMT).

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be more cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to the technology. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

The EPA crackdown could help shut some 15 to 20 percent of aging U.S. coal-fired plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive large amounts of power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

#### **EPA proposes toxic emissions rules for power plants**

Greenwire

Gabriel Nelson, E&E reporter

March 16, 2011

After two decades of delays and false starts, U.S. EPA unveiled a plan today to require coal- and oil-fired

power plants to reduce emissions of mercury and 83 other toxics by 2016.

The proposed rules would limit the amount of toxic pollution that can be released into the air for every unit of electricity that is generated. In total, the plan would reduce mercury and acid gas emissions from the U.S. power sector by 91 percent while cutting soot-forming sulfur dioxide (SO<sub>2</sub>) pollution by 53 percent, the agency said today.

Those reductions will protect vulnerable Americans from asthma, developmental disorders and other health problems, as Congress requested when it updated the Clean Air Act 20 years ago, EPA Administrator Lisa Jackson said today at the agency's Washington, D.C., headquarters, flanked by the leaders of the American Lung Association and the American Academy of Pediatrics.

The rules will prevent 17,000 premature deaths and 11,000 heart attacks per year, as well as 120,000 cases of asthma, while adding only \$3 or \$4 to the average homeowner's monthly electric bill, Jackson said.

"We are confident in these expectations because this has been the history of the Clean Air Act for 40 years now," Jackson said. "The Clean Air Act is literally a lifesaver."

The proposal, which was due by today under a court deadline, is one of several new EPA requirements that is expected to drive the next generation of investments in the power sector. Though it was hailed by health groups and many Democrats, it will do nothing to appease the agency's critics, who have described the push to clean up air pollution as part of a "war on coal."

The rules would replace the George W. Bush administration's Clean Air Mercury Rule, a cap-and-trade program that would have forced power plants to cut their mercury emissions by 70 percent. In 2008, a federal court ordered EPA to go back to the drawing board, saying the agency hadn't shown that there would not be health consequences from the decision not to control other metals, such as cadmium and chromium, as well as cancer-causing chemicals such as dioxins and furans.

Today's proposal, which will be followed by a final rule in November, would force some utilities to spend hundreds of millions of dollars to upgrade older power plants that have not already been required to install controls.

All the controls will cost about \$10.9 billion per year, according to EPA's analysis of the new rules, compared to benefits of \$59 billion to \$140 billion. Once the rules are final, companies will have three years to comply with the new rules, though they can get a one-year extension if it proves impossible to get the controls added in time.

Many power plants might need activated carbon injection (ACI) units to control their mercury emissions, as well as flue gas desulfurization (FGD) units, or "scrubbers," to limit their emissions of acid gases. Others might need baghouses, fabric filtering units that keep toxic metals out of the air by trapping the fine particles that are released when fuel is burned.

Scrubbers have been installed at many plants because of separate limits on SO<sub>2</sub>, including a cap-and-trade program that was created two decades ago to fight acid rain.

Power plants with about 40 percent of the nation's coal-fired capacity -- a total of 129 gigawatts, enough to power about 65 million American homes -- do not have scrubbers, according to an analysis by the consulting firm M. J. Bradley & Associates LLC.

Because it is not an emissions trading program, the program will not allow hotspots of toxic pollution, said Marian Burton, president of the American Academy of Pediatrics.

"Dirty air makes children sick. That's the long and short of it," Burton said. "If you think it's an expensive process to put a scrubber on a smokestack, you should see how much it costs over a lifetime to treat a child with a preventable birth defect."

Some Republicans in Congress have raised concerns that the rules could hike electricity prices by raising the cost of burning coal. Some power companies and analysts have also suggested that the toxics rules and other new requirements could cause many power plants to be retired, leading to power shortages.

EPA has vowed to avoid that situation.

It is expected to cause about 10 gigawatts of coal-fired generation to be retired, but many of those plants likely would be shut down anyway, an agency official said today. Most of the lost electricity would be provided by natural gas-fired power plants, the official said.

The controls needed to cut down on toxic pollution are proven, and environmental technology companies are ready to install it, said Mike Durham, CEO of Littleton, Colo.-based ADA-ES Inc. His company has installed mercury controls on about 100 coal-fired boilers that were upgraded in response to state regulations and is now ramping up its production of activated carbon to deal with the expected spike in demand from power plants.

"I don't believe it will be a challenge," Durham said in an interview. "We've had years to prepare for this."

01268-EPA-6410

Richard  
Windsor/DC/USEPA/US  
03/16/2011 07:39 PM

To (b) (6) Personal Privacy  
cc  
bcc  
Subject Fw: Governor O'Malley's statement - mercury rule

Today, Governor Martin O'Malley issued a statement following the Environmental Protection Agency's first-ever national standards to reduce mercury and toxic air pollution from coal and oil-fired power plants. The statement below:

*"Today's proposal by the EPA to reduce toxic air pollution from coal and oil-fired power plants, particularly news for Maryland's families. While Maryland's coal-fired power plants are already subject to stringent standards to the successful implementation of the Healthy Air Act, an estimated 73 percent of mercury air pollution comes across state borders. Right now, ten species of fish are subject to mercury consumption advisories in our State, and many more impoundments are impaired for mercury."*

*"Even as Maryland is taking aggressive action to reduce mercury pollution from sources in our own State, we must continue to address these out-of-state sources. We applaud EPA for moving forward with this much-needed rule."*

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/16/2011 07:43 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Seth Oster" <Oster.Seth@epamail.epa.gov>  
Date: 03/16/2011 07:16 PM  
Subject: Fw: Fwd: Governor O'Malley's statement - mercury rule

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**From:** Anthony Raia  
**Sent:** 03/16/2011 06:52 PM EDT  
**To:** Sarah Pallone  
**Subject:** Fw: Fwd: Governor O'Malley's statement - mercury rule

Gov O'Malley statement

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Sent by EPA Wireless E-Mail Services.

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**From:** "Kathy Kinsey" [kkinsey@mde.state.md.us]  
**Sent:** 03/16/2011 06:44 PM AST  
**To:** Anthony Raia  
**Subject:** Fwd: Governor O'Malley's statement - mercury rule

Anthony, FYI. We thought that we should get something out today since the news stories about the rule will all be in tomorrow's papers.

>>> Dawn Stoltzfus 3/16/2011 6:26 PM >>>

Hi Linda,

FYI a statement from Governor O'Malley on the proposed mercury/air toxics rule was just posted on his blog (and sent to national press): <http://www.governor.maryland.gov/blog/>

Best  
Dawn

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank You

01268-EPA-6412

Al Armendariz/R6/USEPA/US

03/16/2011 09:10 PM

To "Gina McCarthy", "Richard Windsor"

cc

bcc

Subject Fw: EPA Hg and Tox Mact

Some nice words from a friend who runs Air Alliance Houston.

Al

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

---

**From:** "Matthew S. Tejada" [tejada@airalliancehouston.org]

**Sent:** 03/16/2011 04:44 PM EST

**To:** Al Armendariz

**Cc:** David Gray

**Subject:** EPA Hg and Tox Mact

Dr. Al,

I wanted to write to thank you and the entire EPA for the landmark mercury and air toxics MACT standards for power plants proposed today.

In early 2009 there were many hopes and expectations throughout the country for the new era then dawning at the EPA. Nowhere were those hopes stronger or expectations higher than here in Texas.

I think the standards proposed today possibly more clearly than any action thus far taken prove that you and the agency are sustaining those hopes and delivering on the expectations. And not only is the agency living up to the fullest meaning of its mission with these standards, but it is making the clearest case possible that a choice between jobs and health or economy and environment is a false choice. We can, should and will have better protection of our environment and public health along with stimulating the economy and growing jobs that are sustainable and clean.

I hope the fundamental good business, good government and good regulatory sense of EPA's actions today will serve only half as well in bolstering the agency in DC as it will at protecting the health and well being of every single American citizen.

Please feel free to share these thoughts with your staff and colleagues, especially Gina McCarthy. She was great on the phone today.

All the best,

Matthew Tejada



Matthew S. Tejada, PhD  
Executive Director  
713-528-3779 (office)  
(b) (6) Personal Privacy (cell)

01268-EPA-6413

Richard  
Windsor/DC/USEPA/US  
03/16/2011 09:12 PM

To Al Armendariz  
cc  
bcc  
Subject Re: EPA Hg and Tox Mact

Tx!

---

**From:** Al Armendariz  
**Sent:** 03/16/2011 09:10 PM EDT  
**To:** Gina McCarthy; Richard Windsor  
**Subject:** Fw: EPA Hg and Tox Mact

Some nice words from a friend who runs Air Alliance Houston.

Al

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

---

**From:** "Matthew S. Tejada" [tejada@airalliancehouston.org]  
**Sent:** 03/16/2011 04:44 PM EST  
**To:** Al Armendariz  
**Cc:** David Gray  
**Subject:** EPA Hg and Tox Mact

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I think the standards proposed today possibly more clearly than any action thus far taken prove that you and the agency are sustaining those hopes and delivering on the expectations. And not only is the agency living up to the fullest meaning of its mission with these standards, but it is making the clearest case possible that a choice between jobs and health or economy and environment is a false choice. We can, should and will have better protection of our environment and public health along with stimulating the economy and growing jobs that are sustainable and clean.

I hope the fundamental good business, good government and good regulatory sense of EPA's actions today will serve only half as well in bolstering the agency in DC as it will at protecting the health and well being of every single American citizen.

Please feel free to share these thoughts with your staff and colleagues, especially Gina McCarthy. She was great on the phone today.

All the best,

Matthew Tejada



Matthew S. Tejada, PhD

Executive Director

713-528-3779 (office)

(b) (6) Personal Privacy

01268-EPA-6414

**Richard  
Windsor/DC/USEPA/US**  
03/16/2011 10:48 PM

To "Gina (Sheila) McCarthy", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "Michael Goo", "David McIntosh", "Seth Oster", "Bicky Corman", "Adora Andy", "Stephanie Owens", "Dru Ealons", "Janet Woodka", "Arvin Ganesan", "Laura Vaught", "Scott Fulton", "Lisa Garcia"

cc

bcc

Subject Thank You!

All,

I just wanted to thank you all for your efforts in getting the rule proposal out today. I was struck that we are the group that got this proposal out. And that it was Bob P who first made the finding that required that we set the MACT standards.

Special thanks to Gina and her staff. Well done.

Lisa  
Thank you so much

01268-EPA-6415

**Richard  
Windsor/DC/USEPA/US**  
03/17/2011 06:14 AM

To "Brendan Gilfillan"  
cc  
bcc  
Subject Fw: Thank You!

Hey. I sent this to the senior staff expecting them to forward but Seth has me to forward to you personally in acknowledgement of your extra hard work on this one. Tx.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/16/2011 10:48 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Bicky Corman" <bicky.corman@epa.gov>; Adora Andy; "Stephanie Owens" <Owens.Stephanie@epa.gov>; Dru Ealons; Janet Woodka; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Laura Vaught; "Scott Fulton" <Fulton.Scott@epa.gov>; Lisa Garcia

**Subject:** Thank You!

All,

I just wanted to thank you all for your efforts in getting the rule proposal out today. I was struck that we are the group that got this proposal out. And that it was Bob P who first made the finding that required that we set the MACT standards.

Special thanks to Gina and her staff. Well done.

Lisa  
Thank you so much

01268-EPA-6416

David  
McIntosh/DC/USEPA/US  
03/17/2011 08:28 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth Oster, Adora Andy, Brendan Gilfillan, Bob Sussman, Scott Fulton, Arvin Ganesan, Laura Vaught, Michael Goo, Bicky Corman, Scott Fulton

cc

bcc

Subject Republican bill seeks probe into cost of EPA rules

(b) (5) Deliberative

## REGULATIONS: Republican bill seeks probe into cost of EPA rules (Thursday, March 17, 2011)

Gabriel Nelson, E&E reporter

Adding to a long list of bills that target U.S. EPA's regulations, Senate Republicans introduced legislation yesterday that would require a new study of the cost of rules that have borne the brunt of criticism from utilities and oil and gas companies.

The [bill](#) from Sens. James Inhofe (R-Okla.) and Mike Johanns (R-Neb.) would order the Department of Commerce to form a panel to review the "cumulative energy and economic impacts" of more than a half dozen rules. All of them have been proposed or finalized by EPA since the start of the Obama administration, or are expected to be put forward soon.

"This bill is about transparency: the public needs to know the full cost of these rules and the impacts when they fill up at the pump and flip the light switch," Inhofe said in a statement. "It will also help guide and inform Congress as it decides how best to deal with the unprecedented barrage of rules coming out of EPA."

The rules include EPA's new greenhouse gas permitting requirements; upcoming standards for greenhouse gas emissions from power plants and refineries; stricter limits on the acceptable amount of soot and smog in the air; pending regulations on cooling water intake structures for nuclear and coal-fired power plants; a proposed reclassification of coal ash as hazardous waste; and rules for tackling haze at national parks.

The review panel, which would include several Cabinet secretaries and other top officials, also would be required to look at EPA's new plan to limit toxic

emissions from coal-fired power plants.

Along with yesterday's emissions proposal, the agency released a 519-page analysis that projected the rules would have \$10.9 billion in costs per year, compared to benefits of \$59 billion to \$140 billion. Most of the costs are incurred by power producers, who will need to install new pollution controls, while the benefits will come mostly from avoided health problems and early deaths ([Greenwire](#), March 16).

"EPA admits the pending proposal will cost at least \$10 billion, making it one of the most expensive rules in the history of the agency," the industry-funded Electric Reliability Coordinating Council said yesterday. "And this cost does not include indirect costs nor does the agency attempt to estimate the total cost associated with overlapping rules due to be adopted at or around the same time."

Most wide-reaching EPA rules are subjected to a cost-benefit analysis. The recent exception was a new rule requiring large industrial facilities to show they are using the best technology on the market to cut their greenhouse gas emissions.

Critics of the rule have often asked EPA Administrator Lisa Jackson why the agency did not study the costs of that decision. In previous appearances on Capitol Hill, Jackson has argued that an analysis was not required by the Clean Air Act and that it would have been speculative because the decisions on permits are usually made by state agencies after a case-by-case review.

Sen. Lisa Murkowski (R-Alaska) quizzed her on that point during a Senate Appropriations Committee hearing yesterday. Murkowski, the top Republican on the subpanel that crafts EPA's budget, asked whether the agency has analyzed the full cost of limiting greenhouse gases from both large and small sources, as the letter of the law requires.

Jackson said that such an analysis would have a "wide margin of error" because it would look years into the future at rules that have not yet been considered. She said the agency is moving slowly because it is "mindful and hopeful that at some point, Congress may choose to take actions that will affect small sources in different ways."

01268-EPA-6418

**David  
McIntosh/DC/USEPA/US**  
03/22/2011 08:03 AM

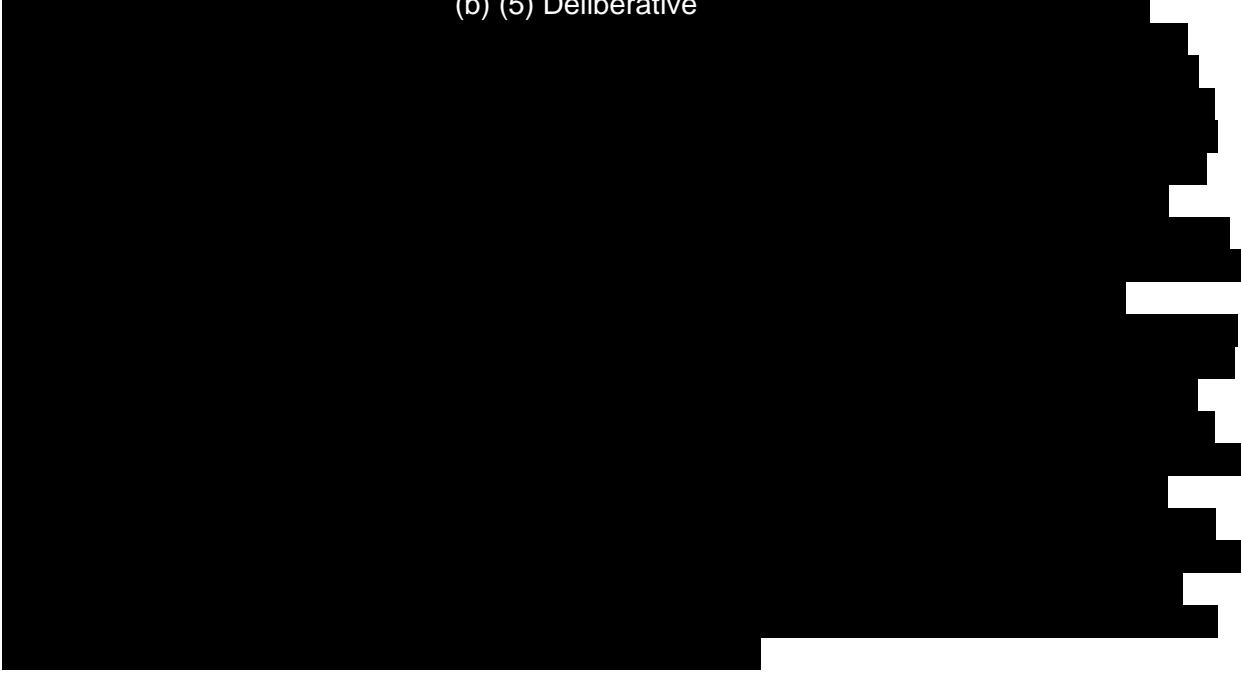
To Richard Windsor, Diane Thompson, Bob Perciasepe, Michael Goo, Bicky Corman, Bob Sussman, Scott Fulton, Seth Oster, Arvin Ganesan, Laura Vaught

cc

bcc

Subject cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6419

**Richard  
Windsor/DC/USEPA/US**  
03/22/2011 08:13 AM

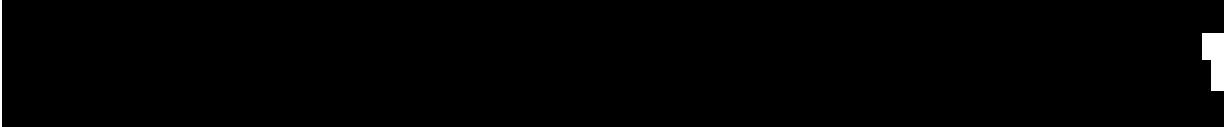
To David McIntosh, Diane Thompson, Bob Perciasepe, Michael Goo, Bicky Corman, Bob Sussman, Scott Fulton, Seth Oster, Arvin Ganesan, Laura Vaught

cc

bcc

Subject Re: cumulative impact analysis for the electric power sector

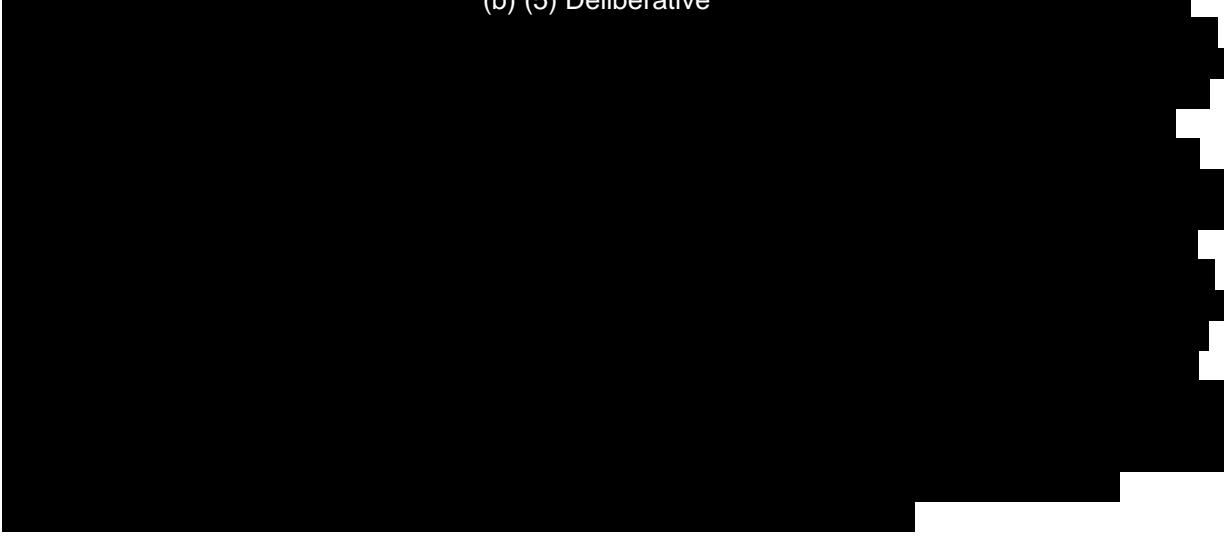
(b) (5) Deliberative



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**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6420

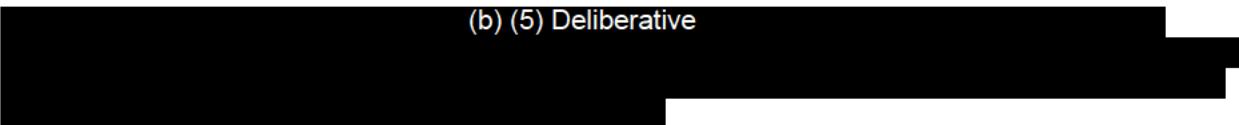
Bob  
Perciasepe/DC/USEPA/US  
03/22/2011 08:33 AM

To Richard Windsor  
cc Arvin Ganesan, Bicky Corman, Bob Sussman, David McIntosh, Diane Thompson, Laura Vaught, Michael Goo, Scott Fulton, Seth Oster  
bcc

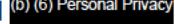
Subject Re: cumulative impact analysis for the electric power sector

All:

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

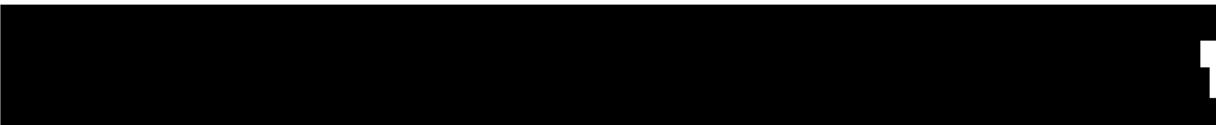
(o) +1 202 564 4711  
(c) +1  (b) (6) Personal Privacy

Richard Windsor

 (b) (5) Deliberative

03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

 (b) (5) Deliberative  
  
  

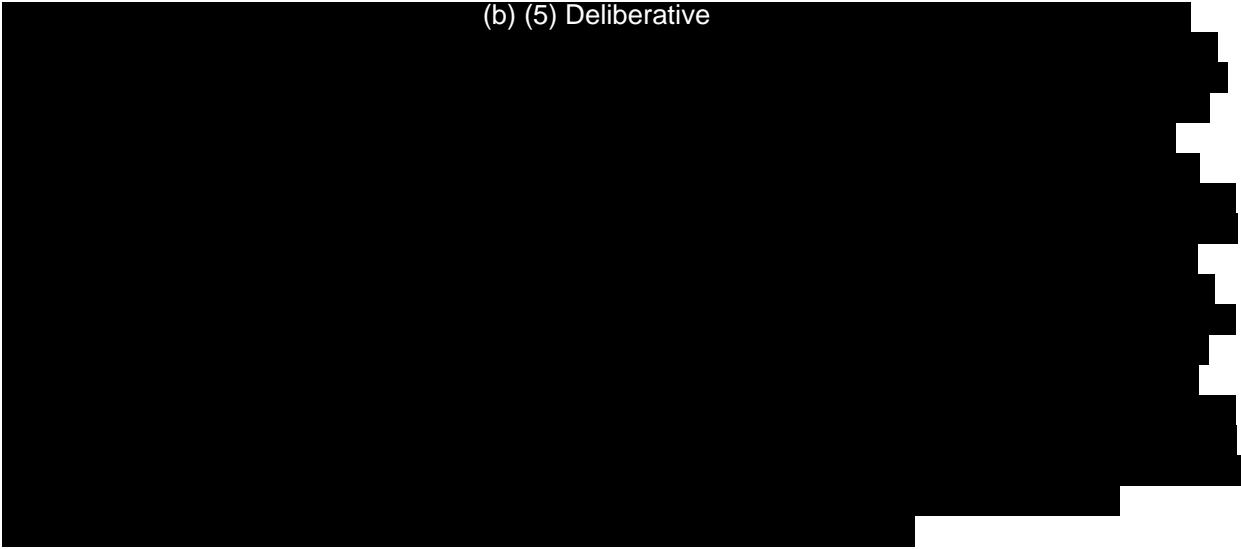

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**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT

**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught

**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6421

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe, Richard Windsor  
03/22/2011 09:32 AM cc Arvin Ganesan, Bicky Corman, David McIntosh, Diane  
Thompson, Laura Vaught, Michael Goo, Scott Fulton, Seth  
Oster  
bcc  
Subject Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/22/2011 08:33 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
All:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Richard Windsor | (b) (5) Deliberative 03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob  
Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky  
Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott  
Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin  
Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

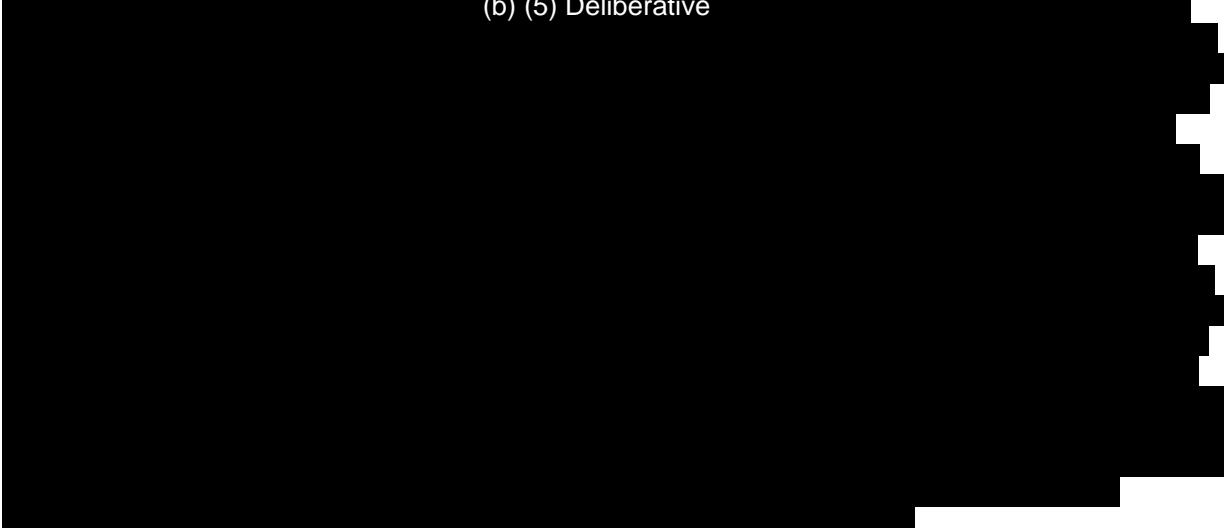
(b) (5) Deliberative



---

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6422

David  
McIntosh/DC/USEPA/US  
03/22/2011 10:04 AM

To Bob Sussman  
cc Arvin Ganesan, Bicky Corman, Bob Perciasepe, Diane Thompson, Laura Vaught, Michael Goo, Richard Windsor, Scott Fulton, Seth Oster  
bcc

Subject Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

03/22/2011 09:32:40 AM

From: Bob Sussman/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/22/2011 09:32 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/22/2011 08:33 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector

All:

(b) (5) Deliberative

Bob Perciasepe

## Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Richard Windsor

(b) (5) Deliberative

03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative

[REDACTED]

(b) (5) Deliberative



01268-EPA-6423

**Bob Sussman/DC/USEPA/US**      **To:** David McIntosh  
**03/22/2011 10:20 AM**      **cc:** Arvin Ganesan, Bicky Corman, Bob Perciasepe, Diane Thompson, Laura Vaught, Michael Goo, Richard Windsor, Scott Fulton, Seth Oster  
**bcc:**  
**Subject:** Re: cumulative impact analysis for the electric power sector

That works from my perspective.  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/22/2011 10:04 AM EDT  
**To:** Bob Sussman  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
(b) (5) Deliberative

Bob Sussman      (b) (5) Deliberative      03/22/2011 09:32:40 AM

From: Bob Sussman/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/22/2011 09:32 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/22/2011 08:33 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster

**Subject:** Re: cumulative impact analysis for the electric power sector  
All:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Richard Windsor

(b) (5) Deliberative

03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob  
Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky  
Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott  
Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin  
Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

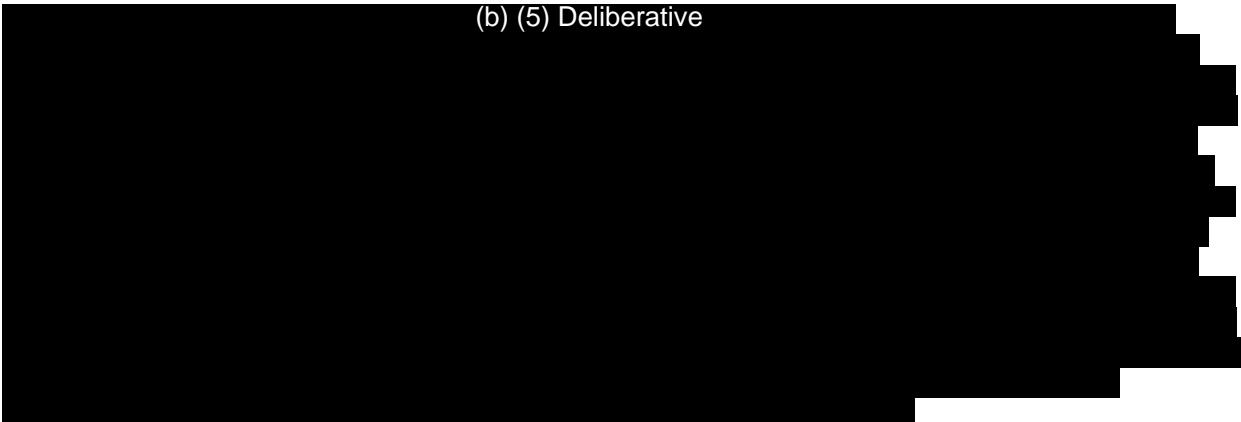
(b) (5) Deliberative

---

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6424

**Michael Goo/DC/USEPA/US**  
03/22/2011 10:59 AM  
**To:** Bob Sussman, David McIntosh  
**cc:** Arvin Ganesan, Bicky Corman, Bob Perciasepe, Diane Thompson, Laura Vaught, Richard Windsor, Scott Fulton, Seth Oster  
**bcc:**  
**Subject:** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative



Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/22/2011 10:20 AM EDT  
**To:** David McIntosh  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector

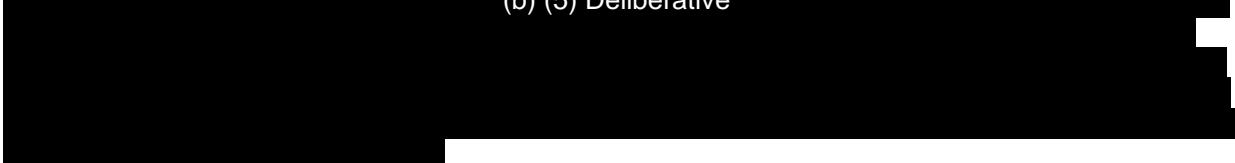
That works from my perspective.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/22/2011 10:04 AM EDT  
**To:** Bob Sussman  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative



Bob Sussman

(b) (5) Deliberative

03/22/2011 09:32:40 AM

From: Bob Sussman/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/22/2011 09:32 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/22/2011 08:33 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector

All:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED]

Richard Windsor

(b) (5) Deliberative

03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

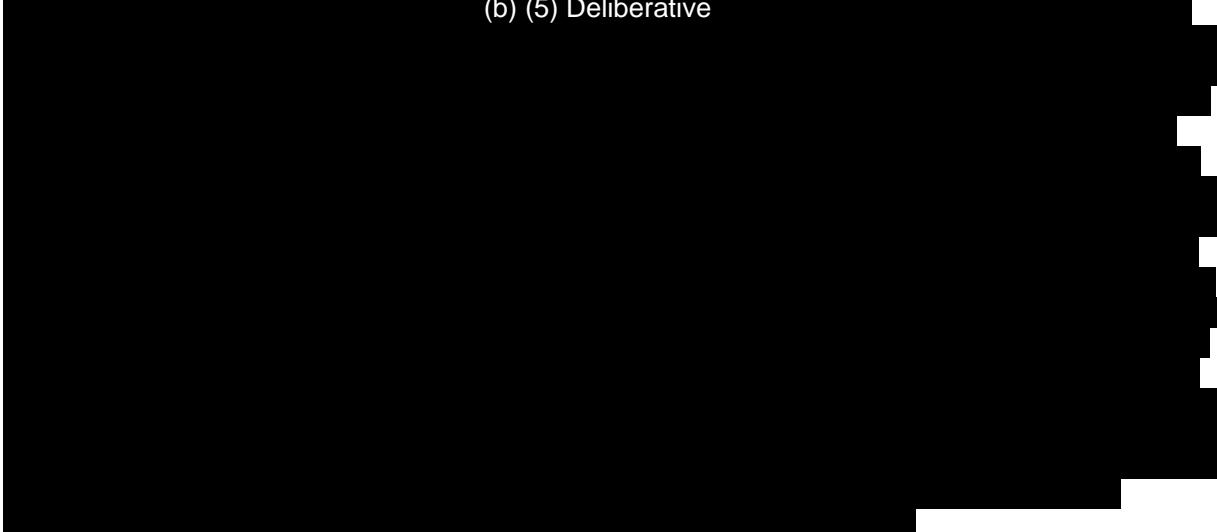
(b) (5) Deliberative



---

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6425

**Bob Sussman/DC/USEPA/US** To Michael Goo  
03/22/2011 11:07 AM cc Arvin Ganesan, Bicky Corman, Bob Perciasepe, David McIntosh, Diane Thompson, Laura Vaught, Richard Windsor, Scott Fulton, Seth Oster  
**bcc**  
**Subject** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

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

Michael Goo

(b) (5) Deliberative

03/22/2011 10:59:29 AM

---

From: Michael Goo/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/22/2011 10:59 AM  
Subject: Re: cumulative impact analysis for the electric power sector

---

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/22/2011 10:20 AM EDT  
**To:** David McIntosh  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
That works from my perspective.  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/22/2011 10:04 AM EDT  
**To:** Bob Sussman  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

03/22/2011 09:32:40 AM

**From:** Bob Sussman/DC/USEPA/US  
**To:** Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
**Date:** 03/22/2011 09:32 AM  
**Subject:** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/22/2011 08:33 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
All:

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Richard Windsor (b) (5) Deliberative 03/22/2011 08:13:32 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

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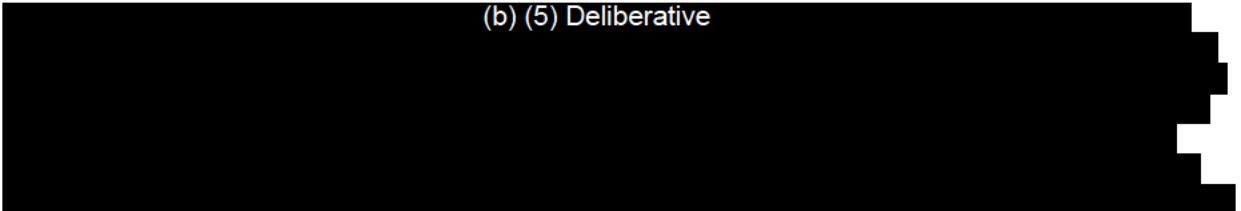
(b) (5) Deliberative



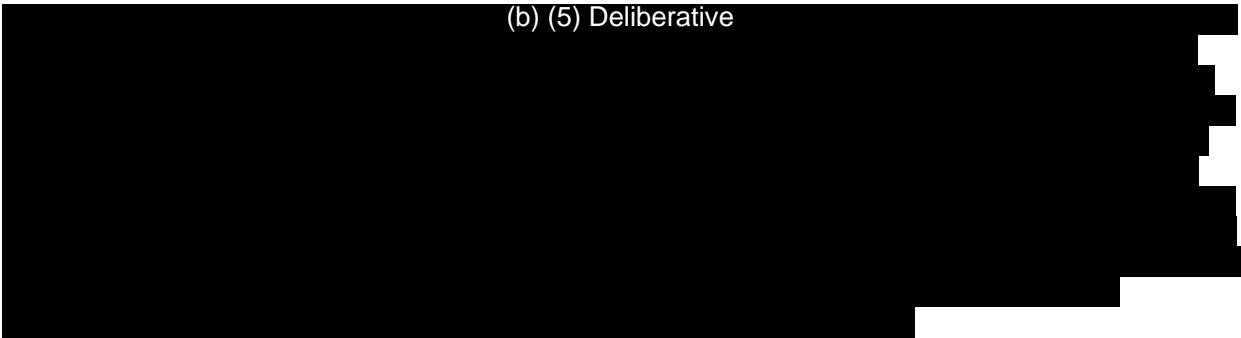
---

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



(b) (5) Deliberative



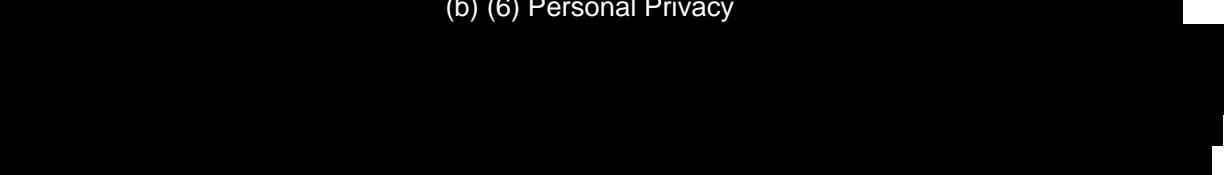
01268-EPA-6426

David  
McIntosh/DC/USEPA/US  
03/22/2011 11:59 AM

To Richard Windsor, Seth Oster  
cc Adora Andy, Brendan Gilfillan, Arvin Ganesan, Laura Vaught  
bcc  
Subject if you get questions about the late-breaking California state court GHG decision

Hi Administrator and Seth:

(b) (6) Personal Privacy



-David

## **CALIFORNIA: Judge blocks state's global warming law, putting 2012 start date in doubt (Tuesday, March 22, 2011)**

Colin Sullivan, E&E reporter

SAN FRANCISCO -- A California Superior Court judge has suspended implementation of the state's climate change law on the grounds that a state agency failed to conduct a proper environmental analysis or consider alternatives to a cap-and-trade system for carbon.

The ruling from San Francisco County Superior Court Judge Ernest Goldsmith amounts to a serious setback for the state and officials at the California Air Resources Board, which is in the process of putting the final touches on its scoping plan to enact the law starting in less than a year.

Among the affected rulemakings under the scoping plan are the state's low-carbon fuel standard, the cap-and-trade market and a 33 percent renewable portfolio standard for electricity by 2020. Taken together, these policies and others are meant to reduce greenhouse gases in California to 1990 levels by 2020, starting Jan. 1, 2012.

In a 36-page order, Goldsmith said ARB had abused its authority under the global warming law, A.B. 32, by failing to consider alternatives in enough detail. A carbon tax, for instance, was given short shrift, Goldsmith said.

"The brief, fifteen-line reference to the carbon fee alternative consists almost entirely of bare conclusions justifying the cap-and-trade decision," the judge wrote. "Informative analysis is absent."

He went on: "ARB fails to describe what a carbon fee program consists of, how fees or taxes are established, criteria for setting the amounts, what the California,

United States and worldwide experience has been, how it is administered and by whom, what are the alternatives for use of the revenue, and what sectors of the economy it should be considered for, or not, or why."

The suit was brought against the air board by a coalition of environmental justice advocates, many of them based in Southern California. The premise of their opposition to the A.B. 32 scoping plan is that the agency failed to comply with the California Environmental Quality Act, which is the state's equivalent of the National Environmental Policy Act.

### **An ARB appeal may delay start**

Jon Costantino, one of the architects of the analysis who has since left the air board, described the ruling as a potentially significant hurdle that has ARB scrambling to react, to stick to a tight timeline for going live with greenhouse gas restrictions by year's end.

"There's not a whole lot of wiggle room in the calendar," said Costantino, now a senior adviser on climate change at Sacramento law firm Manatt, Phelps & Phillips LLP. "As of right now and today, there's uncertainty as to what this all means. The dust has to settle."

It is unclear, for one, if the air board or California Attorney General Kamala Harris (D) will attempt to appeal the ruling. Costantino said if the agency decides to pursue appeal, that means the Jan. 1, 2012, start date would almost certainly get pushed back.

Another option is for state attorneys to seek a stay on the ruling that allows ARB to implement its policies as planned until a final verdict is rendered. Or the air board could conduct the necessary analyses as quickly as possible, but even that option comes with uncertainties attached.

"What happens when ARB redoes the analysis?" Costantino asked. "Does it just go back to the judge? Does it have to go back for public comment?"

### **ARB is confident**

The attorney general's office at press time yesterday was referring calls to the air board. Back in February, Harris rejected a tentative ruling from Goldsmith that mirrors the official decision, saying the judge had issued an "ambiguous" opinion that could unnecessarily derail A.B. 32 ([ClimateWire](#), Feb. 9).

Reached yesterday, ARB spokesman Stanley Young said the agency disagrees with the decision and intends to appeal. But before a time-consuming appeal takes place, the air board plans to seek clarification on the scope of the order so the A.B.

32 process might continue on schedule.

"We believe plaintiffs did not intend to put on hold efforts to improve energy efficiency, establish clean car standards and develop low carbon fuel regulations," Young wrote in an email. "A broadly worded writ puts at risk a range of efforts to move California to a clean energy economy and improve the environment and public health."

Young also insisted the cap-and-trade system and alternatives had been subject to "a robust and comprehensive examination," including a 500-page environmental analysis that "fully addresses the concerns the court raises."

[Click here](#) to see Goldsmith's ruling.

01268-EPA-6427

**Richard  
Windsor/DC/USEPA/US**  
03/22/2011 02:32 PM

To Michael Goo, Bob Sussman, David McIntosh  
cc Arvin Ganesan, Bicky Corman, Bob Perciasepe, Diane  
Thompson, Laura Vaught, Scott Fulton, Seth Oster  
bcc  
Subject Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Michael Goo

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

**From:** Michael Goo  
**Sent:** 03/22/2011 10:59 AM EDT  
**To:** Bob Sussman; David McIntosh  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura  
Vaught; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/22/2011 10:20 AM EDT  
**To:** David McIntosh  
**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura  
Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Re: cumulative impact analysis for the electric power sector  
That works from my perspective.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/22/2011 10:04 AM EDT  
**To:** Bob Sussman

**Cc:** Arvin Ganesan; Bicky Corman; Bob Perciasepe; Diane Thompson; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Seth Oster

**Subject:** Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

03/22/2011 09:32:40 AM

From: Bob Sussman/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 03/22/2011 09:32 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe

**Sent:** 03/22/2011 08:33 AM EDT

**To:** Richard Windsor

**Cc:** Arvin Ganesan; Bicky Corman; Bob Sussman; David McIntosh; Diane Thompson; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster

**Subject:** Re: cumulative impact analysis for the electric power sector

All:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Richard Windsor [redacted] 03/22/2011 08:13:32 AM  
From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/22/2011 08:13 AM  
Subject: Re: cumulative impact analysis for the electric power sector

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

**From:** David McIntosh  
**Sent:** 03/22/2011 08:03 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Michael Goo; Bicky Corman; Bob Sussman; Scott Fulton; Seth Oster; Arvin Ganesan; Laura Vaught  
**Subject:** cumulative impact analysis for the electric power sector

(b) (5) Deliberative



01268-EPA-6433

**David  
McIntosh/DC/USEPA/US**  
03/29/2011 11:42 AM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject the climate votes will not be today

Because apparently Senator Rockefeller has left town again. So the votes on McConnell, Rockefeller, and Baucus are now planned for tomorrow.

01268-EPA-6434

**Richard  
Windsor/DC/USEPA/US**  
03/29/2011 11:43 AM

To David McIntosh  
cc  
bcc  
Subject Re: the climate votes will not be today

Tx.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/29/2011 11:42 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** the climate votes will not be today

Because apparently Senator Rockefeller has left town again. So the votes on McConnell, Rockefeller, and Baucus are now planned for tomorrow.

01268-EPA-6435

Gina McCarthy/DC/USEPA/US

To Richard Windsor

cc

03/29/2011 01:11 PM

bcc

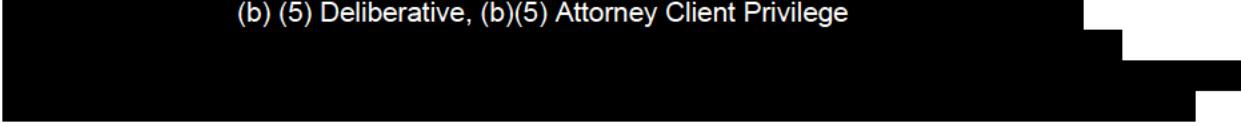
Subject Fw: MY2017+ LDV GHG rule - working with CARB on  
technical issues

EO language in case you need it.

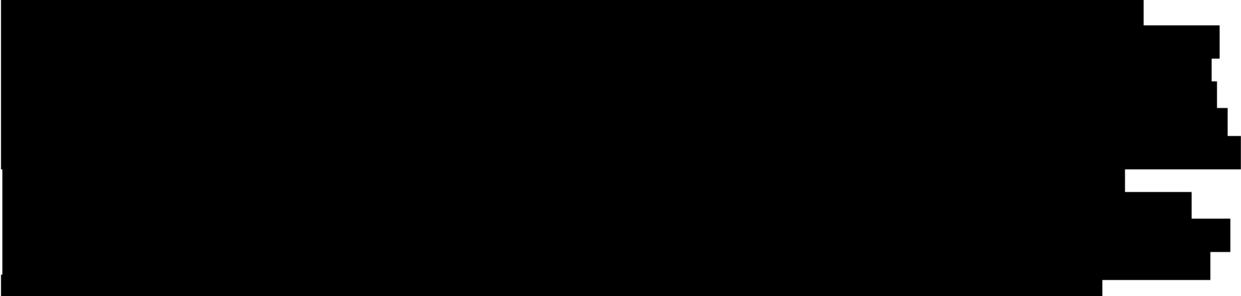
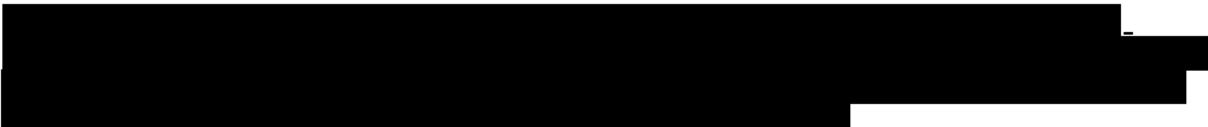
----- Forwarded by Gina McCarthy/DC/USEPA/US on 03/29/2011 01:10 PM -----

From: John Hannon/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Margo Oge/DC/USEPA/US@EPA, Chet France/AA/USEPA/US@EPA, William  
Charmley/AA/USEPA/US@EPA  
Date: 03/29/2011 01:09 PM  
Subject: MY2017+ LDV GHG rule - working with CARB on technical issues

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



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

John Hannon

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW (MC 2344A)  
Washington, D.C. 20460  
Phone (202) 564-5563  
Fax (202) 564-5603

01268-EPA-6437

**Richard  
Windsor/DC/USEPA/US**  
03/30/2011 01:31 PM

To "Seth Oster"  
cc  
bcc  
Subject ABC story on coal ash last night

Hey Seth. The story left out that HOUR 1 included rider language from the Rs that would prevent EPA from finalizing its rules.

01268-EPA-6438

**Richard  
Windsor/DC/USEPA/US**  
03/30/2011 01:45 PM

To Seth Oster  
cc  
bcc  
Subject Re: ABC story on coal ash last night

That's a good one.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 03/30/2011 01:44 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: ABC story on coal ash last night  
You're right. Story left out a number of things. We're following up.

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

Richard Windsor Hey Seth. The story left out that HOUR... 03/30/2011 01:31:30 PM

---

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Date: 03/30/2011 01:31 PM  
Subject: ABC story on coal ash last night

Hey Seth. The story left out that HOUR 1 included rider language from the Rs that would prevent EPA from finalizing its rules.

01268-EPA-6441

**Richard  
Windsor/DC/USEPA/US**  
04/02/2011 04:04 PM

To David McIntosh  
cc  
bcc  
Subject Re: Dingell Op-Ed

Wow

---

**From:** David McIntosh  
**Sent:** 04/02/2011 03:56 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Dingell Op-Ed

---

**From:** Alex Barron  
**Sent:** 04/01/2011 02:38 PM EDT  
**To:** "Shannon Kenny" <Kenny.shannon@epa.gov>; "Lorie Schmidt" <schmidt.lorie@epa.gov>; Joel Beauvais; Michael Goo; Bicky Corman; "David McIntosh" <mcintosh.david@epa.gov>; Laura Vaught; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Benjamin Hengst  
**Subject:** Fw: Dingell Op-Ed

---

**From:** "Cheatham, Melissa Bez" [Melissa.Cheatham@mail.house.gov]  
**Sent:** 04/01/2011 02:21 PM AST  
**To:** Alex Barron  
**Subject:** FW: Dingell Op-Ed

---

April 1, 2011

<http://detnews.com/article/20110401/OPINION01/104010331>

## Dingell: Better emissions law needed

In 2007, the Supreme Court made what I consider to be the wrong decision in Massachusetts v. the Environmental Protection Agency.

In essence, they found that EPA had to determine whether or not greenhouse gas emissions posed a danger to human health and the environment and if EPA did find them to be a danger, they had to regulate them as a pollutant under the Clean Air Act. As the author of the Clean Air Act, I can assure you

that the law was not intended to cover greenhouse gas emissions, nor is it the most effective mechanism to address them.

In the months following the Court's decision, EPA went to work to determine whether or not greenhouse gases are a danger to human health and the environment. In December 2009, the Agency did indeed find that greenhouse gases pose a threat to public health and the environment. Thus, pursuant to the Supreme Court ruling, the EPA must regulate under the Clean Air Act.

My dear friend, House Energy Committee Chairman Fred Upton, R-St. Joseph, has a bill that would repeal the endangerment finding and would statutorily prevent EPA from regulating greenhouse gases under the Clean Air Act. I have the utmost respect for my friend and colleague from the west side of the state and I am sympathetic to what he is trying to accomplish.

However, I voted against Chairman Upton's bill both in the subcommittee markup and the full committee markup. My rationale for voting against this legislation is three-fold.

First, it repeals the endangerment finding. This is a matter of science. In point of fact, it has recently come out via correspondence between then EPA Administrator Stephen Johnson and President George W. Bush that EPA, based on the scientific data, could not have found that greenhouse gases do not pose a risk to health and environment. Moreover, to the best of my knowledge, repealing the endangerment finding would be the first time Congress repealed a scientific finding. This is a slippery slope that I am not willing to enter.

Second, the science is clear: climate change is a very real issue with which we must deal. While the Clean Air Act is not the best way to deal with it, and will lead to all manner of difficulty and confusion, my Republican colleagues have not suggested a better mechanism.

Finally, and this is extremely important to us here in Michigan. The endangerment finding is the legal underpinning for the national standard for auto emissions and fuel economy. If we repeal the endangerment finding, we put the single national standard in very real danger. The bill takes care of this matter for model years after 2017 by not allowing EPA to regulate at all and not allowing EPA to grant California a waiver to issue its own standards.

But, for model years 2012-2016 there is potential for litigation at best and a patchwork of different standards at worst. The consequences to the auto industry and other industries would be unbelievably mischievous.

I stand ready to work with my colleagues on both sides of the aisle to address important issues facing our nation, and addressing climate change in the best manner possible to take care of human health, the environment and to give industry the certainty it needs in order to flourish and create jobs is no exception.

**U.S. Rep. John Dingell , D-Dearborn**

01268-EPA-6442

David  
McIntosh/DC/USEPA/US  
04/02/2011 04:07 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Dingell Op-Ed

(b) (5) Deliberative

---

**From:** Richard Windsor  
**Sent:** 04/02/2011 04:04 PM EDT  
**To:** David McIntosh  
**Subject:** Re: Dingell Op-Ed

Wow

---

**From:** David McIntosh  
**Sent:** 04/02/2011 03:56 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Dingell Op-Ed

---

**From:** Alex Barron  
**Sent:** 04/01/2011 02:38 PM EDT  
**To:** "Shannon Kenny" <Kenny.shannon@epa.gov>; "Lorie Schmidt" <schmidt.lorie@epa.gov>; Joel Beauvais; Michael Goo; Bicky Corman; "David McIntosh" <mcintosh.david@epa.gov>; Laura Vaught; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Benjamin Hengst  
**Subject:** Fw: Dingell Op-Ed

---

**From:** "Cheatham, Melissa Bez" [Melissa.Cheatham@mail.house.gov]  
**Sent:** 04/01/2011 02:21 PM AST  
**To:** Alex Barron  
**Subject:** FW: Dingell Op-Ed

---

April 1, 2011

<http://detnews.com/article/20110401/OPINION01/104010331>

## Dingell: Better emissions law needed

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In essence, they found that EPA had to determine whether or not greenhouse gas emissions posed a danger to human health and the environment and if EPA did find them to be a danger, they had to regulate them as a pollutant under the Clean Air Act. As the author of the Clean Air Act, I can assure you that the law was not intended to cover greenhouse gas emissions, nor is it the most effective mechanism to address them.

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Finally, and this is extremely important to us here in Michigan. The endangerment finding is the legal underpinning for the national standard for auto emissions and fuel economy. If we repeal the endangerment finding, we put the single national standard in very real danger. The bill takes care of this matter for model years after 2017 by not allowing EPA to regulate at all and not allowing EPA to grant California a waiver to issue its own standards.

But, for model years 2012-2016 there is potential for litigation at best and a patchwork of different standards at worst. The consequences to the auto industry and other industries would be unbelievably mischievous.

I stand ready to work with my colleagues on both sides of the aisle to address important issues facing our nation, and addressing climate change in the best manner possible to take care of human health, the environment and to give industry the certainty it needs in order to flourish and create jobs is no exception.

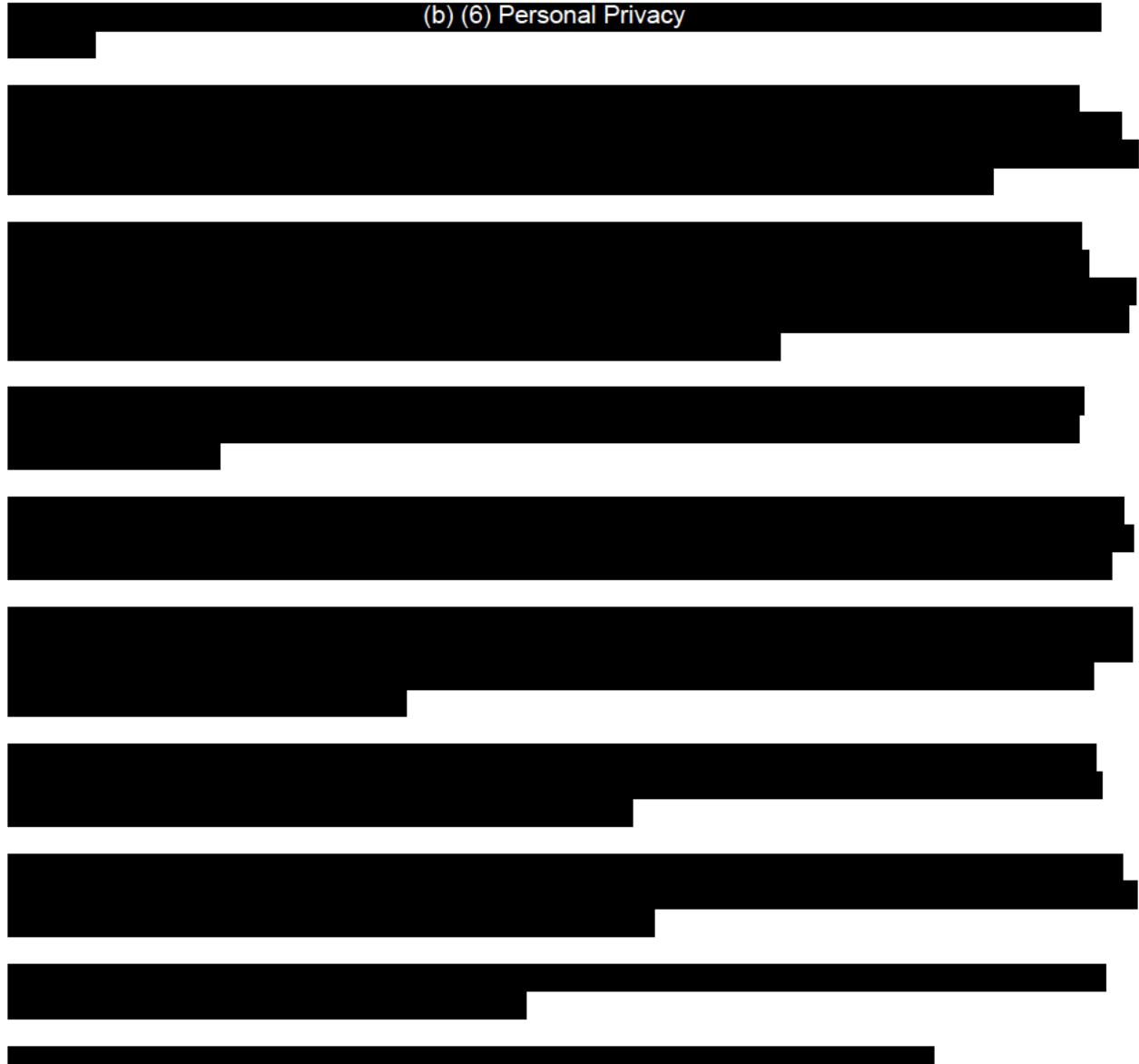
**U.S. Rep. John Dingell , D-Dearborn**

01268-EPA-6444

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
04/03/2011 08:14 PM cc Janet McCabe, Joseph Goffman, Michael Goo,  
perciasepe.bob, Richard Windsor, Thompson.Diane  
bcc  
Subject Re: Transport Rule

Gina -- Thanks for a good briefing. Obviously a lot of excellent work has occurred.

(b) (6) Personal Privacy



 but answers would be very helpful to inform our thinking about this rule as we move ahead.

Gina McCarthy

(b) (5) Deliberative

04/01/2011 07:43:10 PM

From: Gina McCarthy/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Sussman.bob@EPA.GOV,  
Michael Goo/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 04/01/2011 07:43 PM  
Subject: Transport Rule

---

(b) (5) Deliberative



Thanks

01268-EPA-6445

Gina McCarthy/DC/USEPA/US  
04/03/2011 09:20 PM  
To Bob Sussman  
cc Janet McCabe, Joseph Goffman, Michael Goo,  
perciasepe.bob, Richard Windsor, Thompson.Diane  
bcc  
Subject Re: Transport Rule

Thanks for taking the time to walk thru this so quickly. I have asked Joe to work with staff and pull together these responses for you.

Bob Sussman

(b) (5) Deliberative

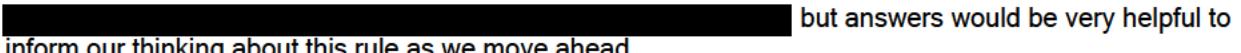
04/03/2011 08:14:45 PM

From: Bob Sussman/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael  
Goo/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA,  
Thompson.Diane@EPA.GOV  
Date: 04/03/2011 08:14 PM  
Subject: Re: Transport Rule

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(b) (6) Personal Privacy

(b) (6) Personal Privacy



but answers would be very helpful to inform our thinking about this rule as we move ahead.

Gina McCarthy

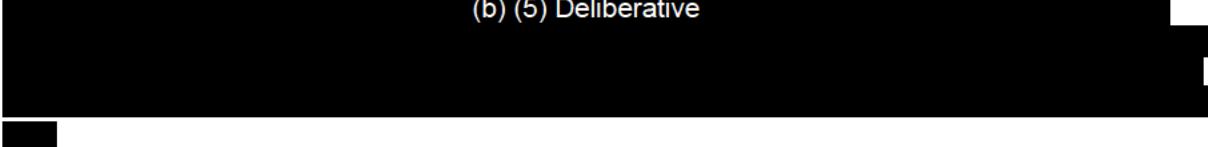
(b) (5) Deliberative

04/01/2011 07:43:10 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Sussman.bob@EPA.GOV,  
Michael Goo/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 04/01/2011 07:43 PM  
Subject: Transport Rule

---

(b) (5) Deliberative



Thanks

01268-EPA-6446

**Laura Vaught/DC/USEPA/US**      To: David McIntosh  
04/06/2011 07:48 PM      cc: Adora Andy, Arvin Ganesan, Barbara Bennett, Bicky Corman, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Eric Wachter, Heidi Ellis, Janet Woodka, Jose Lozano, Lawrence Elworth, Lisa Garcia, Michael Goo, Paul Anastas, Richard Windsor, Scott Fulton, Seth Oster  
bcc:  
Subject: Upton bill update

(b) (5) Deliberative

David McIntosh      Ds voting for it were Manchin, Nelson (o...      04/06/2011 05:24:50 PM

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/06/2011 05:24 PM  
Subject: (last one) McConnell amendment just failed by a vote of 50 to 50 (it needed 60)

Ds voting for it were Manchin, Nelson (of Nebraska), Pryor, and Landrieu. Collins was the only R to vote against it.

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Date: 04/06/2011 05:06 PM  
Subject: Rockefeller amendment just failed by a vote of 12 to 88 (the relative paucity of only 9 Ds is a victory, b/c it means he would not have gotten 60 even if all Rs had voted yes)

---

Voting for it were Rockefeller, Brown (of Massachusetts), Collins, Conrad, Graham, Johnson (of South Dakota), Landrieu, Manchin, McCaskill, Nelson (of Nebraska), Pryor, and Webb.

David McIntosh [Voting for it were Stabenow, Brown \(of...](#) 04/06/2011 04:46:48 PM

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/06/2011 04:46 PM  
Subject: Stabenow amendment just failed by a vote of 7 to 93

---

Voting for it were Stabenow, Brown (of Ohio), Casey, Johnson (of South Dakota), Pryor, Conrad, and Klobuchar

David McIntosh [Voting for it were Baucus, Hagan, Conr...](#) 04/06/2011 04:29:06 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
Date: 04/06/2011 04:29 PM  
Subject: Baucus amendment just failed by a vote of 7 to 93

---

Voting for it were Baucus, Hagan, Conrad, Klobuchar, Begich, Johnson (of South Dakota), and Levin.

01268-EPA-6447

**Richard  
Windsor/DC/USEPA/US**  
04/06/2011 09:25 PM

To Laura Vaught  
cc  
bcc  
Subject Re: Upton bill update

Tx

Laura Vaught

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

**From:** Laura Vaught  
**Sent:** 04/06/2011 07:48 PM EDT  
**To:** David McIntosh  
**Cc:** Adora Andy; Arvin Ganesan; Barbara Bennett; Bicky Corman; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Eric Wachter; Heidi Ellis; Janet Woodka; Jose Lozano; Lawrence Elworth; Lisa Garcia; Michael Goo; Paul Anastas; Richard Windsor; Scott Fulton; Seth Oster  
**Subject:** Upton bill update

(b) (5) Deliberative

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Date: 04/06/2011 05:06 PM  
 Subject: Rockefeller amendment just failed by a vote of 12 to 88 (the relative paucity of only 9 Ds is a victory, b/c it means he would not have gotten 60 even if all Rs had voted yes)

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Voting for it were Rockefeller, Brown (of Massachusetts), Collins, Conrad, Graham, Johnson (of South Dakota), Landrieu, Manchin, McCaskill, Nelson (of Nebraska), Pryor, and Webb.

|                |                                                           |                        |
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 Date: 04/06/2011 04:46 PM  
 Subject: Stabenow amendment just failed by a vote of 7 to 93

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Voting for it were Stabenow, Brown (of Ohio), Casey, Johnson (of South Dakota), Pryor, Conrad, and Klobuchar

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 Date: 04/06/2011 04:29 PM  
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Voting for it were Baucus, Hagan, Conrad, Klobuchar, Begich, Johnson (of South Dakota), and Levin.

01268-EPA-6448

**Laura Vaught/DC/USEPA/US**      To: Laura Vaught  
04/07/2011 03:09 PM      cc: Adora Andy, Arvin Ganesan, Barbara Bennett, Bicky Corman, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, David McIntosh, Diane Thompson, Eric Wachter, Heidi Ellis, Janet Woodka, Jose Lozano, Lawrence Elworth, Lisa Garcia, Michael Goo, Paul Anastas, Richard Windsor, Scott Fulton, Seth Oster  
bcc:  
Subject: Re: Upton bill update

The Upton bill has now passed the House. Final vote was 254-171 with 19 Dems voting in favor. I will send the list of Dem names as soon as it is available.

---

Laura Vaught      The Upton bill motion to recommit (whic...      04/06/2011 07:48:00 PM

From: Laura Vaught/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/06/2011 07:48 PM  
Subject: Upton bill update

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(b) (5) Deliberative



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Voting for it were Rockefeller, Brown (of Massachusetts), Collins, Conrad, Graham, Johnson (of South Dakota), Landrieu, Manchin, McCaskill, Nelson (of Nebraska), Pryor, and Webb.

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 Oster/DC/USEPA/US@EPA  
 Date: 04/06/2011 04:46 PM  
 Subject: Stabenow amendment just failed by a vote of 7 to 93

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Voting for it were Stabenow, Brown (of Ohio), Casey, Johnson (of South Dakota), Pryor, Conrad, and Klobuchar

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Date: 04/06/2011 04:29 PM  
Subject: Baucus amendment just failed by a vote of 7 to 93

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01268-EPA-6449

**Laura Vaught/DC/USEPA/US** To Laura Vaught  
04/07/2011 03:25 PM cc Adora Andy, Arvin Ganesan, Barbara Bennett, Bicky Corman,  
Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel  
Kanninen, David McIntosh, Diane Thompson, Eric Wachter,  
Heidi Ellis, Janet Woodka, Jose Lozano, Lawrence Elworth,  
Lisa Garcia, Michael Goo, Paul Anastas, Richard Windsor,  
Scott Fulton, Seth Oster  
bcc  
Subject Re: Upton bill update

The 19 Dems voting in favor were Altman, Barrow, Bishop (GA), Boren, Boswell, Chandler, Costa, Costello, Critz, Cuellar, Donnelly (IN), Holden, Matheson, McIntyre, Peterson, Rahall, Ross, Schrader and Sewell.

No big surprises on this list.

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Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
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(b) (5) Deliberative

[REDACTED]  
[REDACTED]  
[REDACTED]

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David McIntosh Voting for it were Rockefeller, Brown (o... 04/06/2011 05:06:25 PM

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/06/2011 05:06 PM  
Subject: Rockefeller amendment just failed by a vote of 12 to 88 (the relative paucity of only 9 Ds is a victory, b/c it means he would not have gotten 60 even if all Rs had voted yes)

Voting for it were Rockefeller, Brown (of Massachusetts), Collins, Conrad, Graham, Johnson (of South Dakota), Landrieu, Manchin, McCaskill, Nelson (of Nebraska), Pryor, and Webb.

David McIntosh Voting for it were Stabenow, Brown (o... 04/06/2011 04:46:48 PM

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane

Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA

Date: 04/06/2011 04:46 PM

Subject: Stabenow amendment just failed by a vote of 7 to 93

---

Voting for it were Stabenow, Brown (of Ohio), Casey, Johnson (of South Dakota), Pryor, Conrad, and Klobuchar

David McIntosh [Voting for it were Baucus, Hagan, Conr...](#) 04/06/2011 04:29:06 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA

Date: 04/06/2011 04:29 PM

Subject: Baucus amendment just failed by a vote of 7 to 93

---

Voting for it were Baucus, Hagan, Conrad, Klobuchar, Begich, Johnson (of South Dakota), and Levin.

01268-EPA-6451

Richard  
Windsor/DC/USEPA/US  
04/10/2011 03:28 PM

To "David McIntosh", "Gina (Sheila) McCarthy", "Bob Sussman",  
"Bob Perciasepe", "Seth Oster"  
cc  
bcc  
Subject Fw: Check Out This Article

Upcoming fracking study FYI. Relevant to upcoming NSPS.

---

**From:** Richard Windsor  
**Sent:** 04/10/2011 03:05 PM AST  
**To:** Richard Windsor  
**Subject:** Check Out This Article

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Your friend, [windsor.richard@epa.gov](mailto:windsor.richard@epa.gov), thought you would be interested in this article from TheHill.com:

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- The Hill's E2-Wire**

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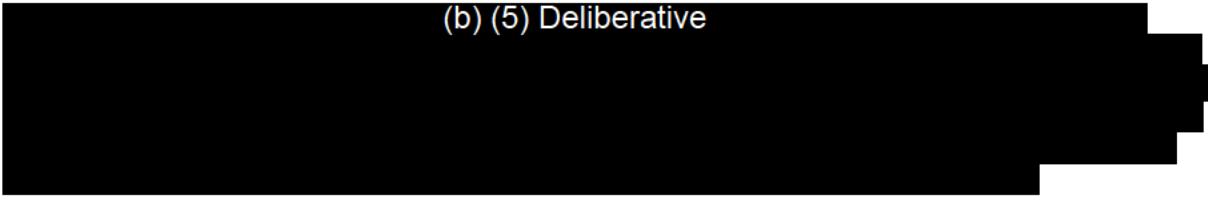


01268-EPA-6452

David  
McIntosh/DC/USEPA/US  
04/10/2011 03:41 PM

To Richard Windsor, "Bob Sussman", "Bob Perciasepe", "Seth Oster"  
cc  
bcc  
Subject Re: Check Out This Article

(b) (5) Deliberative



---

**From:** Richard Windsor  
**Sent:** 04/10/2011 03:28 PM EDT  
**To:** "David McIntosh" <mcintosh.david@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Fw: Check Out This Article

Upcoming fracking study FYI. Relevant to upcoming NSPS.

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**To:** Richard Windsor  
**Subject:** Check Out This Article



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01268-EPA-6453

**Bob  
Perciasepe/DC/USEPA/US**  
04/10/2011 03:48 PM

To David McIntosh, Richard Windsor, "Bob Sussman", "Bob  
Perciasepe", "Seth Oster"  
cc  
bcc  
Subject Re: Check Out This Article

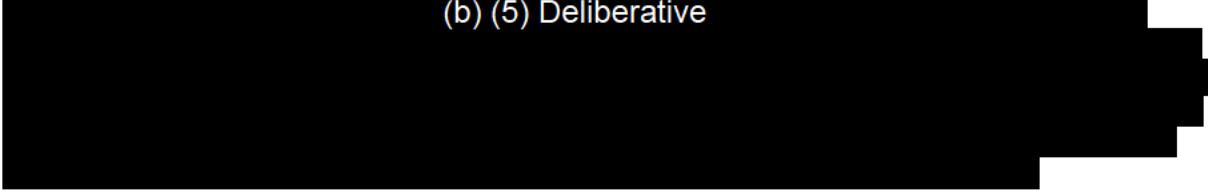
(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) [REDACTED] (b) (8) Personal Privacy

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**From:** David McIntosh  
**Sent:** 04/10/2011 03:41 PM EDT  
**To:** Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

(b) (5) Deliberative



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**From:** Richard Windsor  
**Sent:** 04/10/2011 03:28 PM EDT  
**To:** "David McIntosh" <mcintosh.david@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
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01268-EPA-6454

**David  
McIntosh/DC/USEPA/US**  
04/10/2011 03:54 PM

To Bob Perciasepe, Richard Windsor, "Bob Sussman", "Bob  
Perciasepe", "Seth Oster"  
cc  
bcc  
Subject Re: Check Out This Article

(b) (5) Deliberative

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**From:** Bob Perciasepe  
**Sent:** 04/10/2011 03:48 PM EDT  
**To:** David McIntosh; Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c)

---

**From:** David McIntosh  
**Sent:** 04/10/2011 03:41 PM EDT  
**To:** Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

(b) (5) Deliberative

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**Richard  
Windsor/DC/USEPA/US**  
04/10/2011 04:02 PM

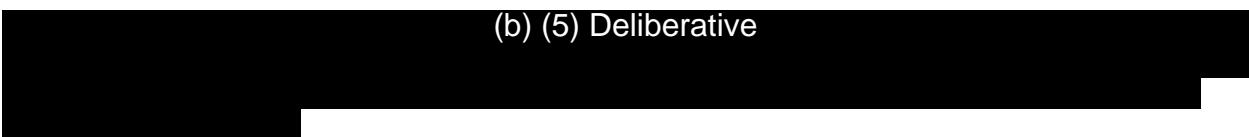
To David McIntosh, Bob Perciasepe, "Bob Sussman", "Bob  
Perciasepe", "Seth Oster"  
cc  
bcc  
Subject Re: Check Out This Article

Agreed.

---

**From:** David McIntosh  
**Sent:** 04/10/2011 03:54 PM EDT  
**To:** Bob Perciasepe; Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

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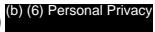


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**From:** Bob Perciasepe  
**Sent:** 04/10/2011 03:48 PM EDT  
**To:** David McIntosh; Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

(b) (5) Deliberative

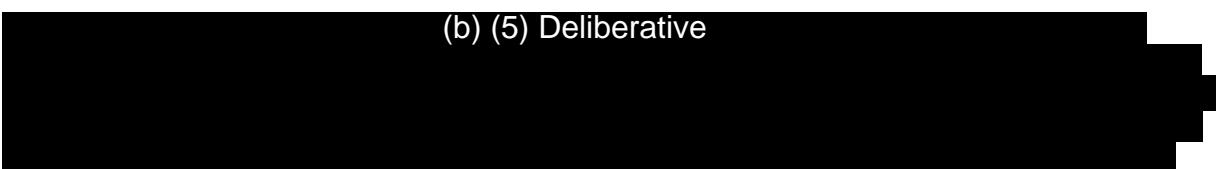


Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) 

---

**From:** David McIntosh  
**Sent:** 04/10/2011 03:41 PM EDT  
**To:** Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Check Out This Article

(b) (5) Deliberative



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**From:** Richard Windsor  
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**To:** "David McIntosh" <mcintosh.david@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Fw: Check Out This Article

Upcoming fracking study FYI. Relevant to upcoming NSPS.

**From:** Richard Windsor  
**Sent:** 04/10/2011 03:05 PM AST  
**To:** Richard Windsor  
**Subject:** Check Out This Article

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- The Hill's E2-Wire**

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01268-EPA-6456

Gina McCarthy/DC/USEPA/US

04/10/2011 08:40 PM

To Arvin Ganesan, Richard Windsor, Bob Perciasepe, Bob Sussman, Seth Oster, Paul Anastas, David McIntosh, Laura Vaught

cc

bcc

Subject Re: Study: Gas from 'fracking' worse than coal on climate

(b) (5) Deliberative

**From:** Arvin Ganesan  
**Sent:** 04/10/2011 04:18 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Paul Anastas; David McIntosh; Laura Vaught; Gina McCarthy  
**Subject:** Study: Gas from fracking worse than coal on climate

This was just published on thehill.com and this is also a topic that could come up at Bob's hearing on Tuesday. [REDACTED] (b) (6) Personal Privacy ?

## Study: Gas from 'fracking' worse than coal on climate

By Ben Geman - 04/10/11 02:40 PM ET

Cornell University professors will soon publish research that concludes natural gas produced with a drilling method called "hydraulic fracturing" contributes to global warming as much as coal, or even more.

The conclusion is explosive because natural gas enjoys broad political support – including White House backing – due to its domestic abundance and lower carbon dioxide emissions when burned than other fossil fuels.

Cornell Prof. Robert Howarth, however, argues that development of gas from shale rock formations produced through hydraulic fracturing – dubbed "fracking" – brings far more methane emissions than conventional gas production.

Enough, he argues, to negate the carbon advantage that gas has over coal and oil when they're burned for energy, because methane is such a potent greenhouse gas.

"The [greenhouse gas] footprint for shale gas is greater than that for conventional gas or oil when viewed on any time horizon, but particularly so over 20 years. Compared to coal, the footprint of shale gas is at least 20% greater and perhaps more than twice as great on the 20-year horizon and is comparable when compared over 100 years," states the upcoming study from Howarth, who is a professor of ecology and environmental biology, and other Cornell researchers.

The Hill obtained a [\*\*pre-publication version of the study\*\*](#), which is slated to run in the journal *Climatic Change*.

It is drawing immediate pushback from industry-aligned experts, who question key assumptions.

The environmental effects of producing gas from shale rock formations – in states including Pennsylvania, Texas and Arkansas – is drawing careful scrutiny as development booms.

The Energy Information Administration – which is the Energy Department's statistical arm – estimates that shale gas will account for 45 percent of total U.S. gas supply in 2035, up from 14 percent in 2009.

The study concludes that shale gas developed through fracking carries a higher greenhouse gas footprint because the “fugitive” methane emissions at the fracking sites are greater than releases from conventional gas wells.

Fugitive methane from other steps in the development process – transport, storage and so forth – are comparable to conventionally produced gas, the study states.

In essence, the Cornell study argues that methane emissions from these shale gas projects mean that shale gas ultimately brings climate consequences comparable to coal over a century, and worse than coal over two decades.

That's because the potent methane emissions in the production process more than compensate for the fact that burning natural gas for power brings far fewer carbon dioxide emissions than burning coal. The study also notes that, depending on the estimates used, conventionally produced gas may add more to climate change than coal over the 20-year horizon.

But experts from the energy consulting firm [\*\*M.J. Bradley & Associates\*\*](#) are questioning the study.

“It needs to be understood as a study that has several key assumptions that are highly uncertain or based on limited data points,” said Christopher Van Atten, a senior vice president with the firm.

M.J. Bradley’s client base includes gas industry clients.

Among Van Atten’s criticisms, the study is overstating methane’s potency as a greenhouse gas, he argues. Van Atten, in an email, notes that the paper assigns a higher global warming potential to methane than the United Nation’s Intergovernmental Panel on Climate Change. He also questions the report’s emphasis on the climatic effects of methane over a 20-year horizon.

“They focus some of their results on a 20 year period which is not particularly relevant in terms of climate change. Methane only lasts in the atmosphere for about a decade, co2 remains in the atmosphere for about a century. By focusing on the shorter timeframe, they show a greater impact from the shorter lived chemical,” he said.

But the study notes that “the 20-year horizon is critical, given the need to reduce global warming in coming decades.”

Fracking involves high-pressure injections of water, chemicals and sand into rock formations, which opens cracks that enable trapped gas to flow. Use of fracking in shale formations is enabling expanded production, but bringing concerns about water contamination along with it.

Natural gas enjoys political support from the Obama administration and many lawmakers. Obama praised natural gas – while highlighting federal efforts to ensure fracking is done safely – during a high-profile energy speech late last month.

“Recent innovations have given us the opportunity to tap large reserves -- perhaps a century’s worth of reserves, a hundred years worth of reserves -- in the shale under our feet,” Obama said at Georgetown University.

Obama has touted the potential of natural gas for use in vehicles, in addition to its role in power generation (natural gas currently produces around a fifth of U.S. electricity).

His proposed “clean energy standard,” which would require utilities to greatly expand the supply of power from low-carbon sources, includes partial credit for natural gas.

More broadly, many gas supporters see domestic reserves as a “bridge” fuel while alternative energy sources are brought into wider use.

Howarth’s study questions this idea.

“The large GHG footprint of shale gas undercuts the logic of its use as a bridging fuel over coming decades, if the goal is to reduce global warming,” the study states.

But Van Atten also notes that gas has other advantages over coal as an energy source, due to its lower emissions of conventional pollutants including nitrogen oxides and sulfur dioxide.

The study cautions that the research is not meant to justify continued use of oil and coal, but rather to show that using shale gas as a substitute might not provide the desired checks on global warming.

Howarth and Cornell engineering Prof. Anthony Ingraffea, who also worked on the study, acknowledged uncertainties in the nexus between shale gas and global warming in a presentation last month.

“We do not intend for you to accept what we reported on today as the definitive scientific study with regard to this question. It is clearly not. We have pointed out as many times as we could that we are basing this study on in some cases questionable data,” Ingraffea said at a mid-March seminar, which is [available for viewing](#) on Howarth’s website.

"What we are hoping to do by this study is to stimulate the science that should have been done before, in my opinion, corporate business plans superceded national energy strategy," he added.

---

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

01268-EPA-6457

David  
McIntosh/DC/USEPA/US  
04/11/2011 08:30 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott Fulton, Bob Sussman, Michael Goo, Bicky Corman, Seth Oster, Adora Andy, Arvin Ganesan, Laura Vaught, Janet Woodka, Lawrence Elworth, Lisa Garcia, Barbara Bennett, Daniel Kanninen, Eric Wachter, Jose Lozano, Heidi Ellis

cc

bcc

Subject New legislative push from the House Energy & Commerce Committee

(b) (5) Deliberative



## EPA: New rules for coal ash, air pollution, offshore drilling to get House scrutiny (Monday, April 11, 2011)

Gabriel Nelson, E&E reporter

In a series of hearings this week, Republicans on the House Energy and Commerce Committee will keep pushing for several curbs on environmental rules that were added to a House spending bill last month but were apparently stripped last week from the final deal between the White House and the divided Congress.

The hearings, which are scheduled to take place on three consecutive days this week, will mainly focus on recent U.S. EPA steps toward stricter limits on industrial air pollution and more careful handling of the ash from coal-fired power plants.

The first hearing will take place Wednesday, when the Energy and Power Subcommittee is slated to vet a draft bill that would change how the Clean Air Act applies to oil and gas drilling in federal waters. It was prompted by a permitting snag that has led Royal Dutch Shell PLC to put off its plan to explore for oil and

gas in the Arctic Ocean.

U.S. EPA had given Shell an air permit to drill in the Chukchi Sea, off the northern coast of Alaska. It was the first air permit granted to an outer continental shelf (OCS) project outside the Gulf of Mexico, but it was sent back to the agency in December when EPA's Environmental Appeals Board found fault with some of the agency's work.

The **discussion draft**, meant to speed along the permitting process, would exempt offshore drilling projects from future review by the Environmental Appeals Board, while clearing up the specific concerns that the panel raised about Shell's plan.

The draft bill will likely get a warm welcome from Alaska lawmakers and most Republicans in Congress, who support drilling in the Arctic as a way of expanding U.S. oil production. When the House originally approved a spending bill that would fund the government for the rest of the current fiscal year, it included an amendment from Rep. Don Young (R-Alaska) that would stop the Environmental Appeals Board from using its funding to review OCS air permits.

Republicans have agreed to remove that "rider" from the funding bill, along with more than a dozen others that were aimed at environmental programs.

Energy and Commerce Chairman Fred Upton (R-Mich.) is circulating the new discussion draft as a standalone bill, a Young spokeswoman said Friday.

Some supporters of offshore drilling have accused EPA of moving too slowly on the permit application, which is a key hurdle for the five-year-old project that has already cost Shell more than \$3 billion. Shell, which now plans to begin drilling next summer, is asking the federal government to finish a new environmental impact statement for the Chukchi Sea project by July.

"The delay -- truly, it's 100 percent attributable to the EPA," Sen. Lisa Murkowski (R-Alaska) told Administrator Lisa Jackson during a hearing last month. "I just cannot understand how it can take so long for an agency to approve an air permit for a drilling rig that will operate 25 to 75 miles offshore less than one quarter of the year" (*E&E Daily* , March 17).

When the appeals board rejected the permit, it said EPA had not correctly evaluated the period of time during which a drilling rig would be subject to air pollution limits. Under the discussion draft, a drilling source is created "at the point in time when drilling activity commences at a location and ceases to exist when drilling activity ends at such location."

The legislation also would change the Clean Air Act so drilling rigs must take into account only air quality on land, but not at sea. It also would exempt the support

fleet for a drilling project from requirements to use the best available pollution controls, which a drilling rig must use.

Republicans billed Wednesday's hearing as the fourth on their "American Energy Initiative," which seeks to lower energy and electricity costs by expanding domestic oil and gas production and easing federal environmental regulations.

## **Coal ash bill**

The next day, the Energy and Power Subcommittee will discuss a bill ([H.R. 1391](#)) from Rep. David McKinley (R-W.Va.) that would stop EPA from classifying ash from coal-burning power plants as hazardous waste.

When the agency put out the proposal last year, it said the stricter rules were necessary to prevent another accident like the massive 2008 coal ash spill at a Tennessee Valley Authority power plant in Kingston, Tenn. But critics say it would discourage the use of ash in other products, such as concrete, and would hike costs.

At Purdue University, where a coal-fired boiler provides heat and power to much of the campus, the proposed rules would raise the cost of handling coal ash from \$250,000 to \$25 million per year, said Robin Ridgway, the school's director of environmental health and safety, during a hearing last week.

"Not only would the EPA's plan reduce demand for coal -- by design, to be sure -- but it would also increase costs for dozens of industries, having a ripple effect that would ultimately destroy jobs and raise electricity prices," McKinley said on the House floor after introducing the bill last week ([E&ENews PM](#), April 7).

A final decision on coal ash is seen as far off after EPA was faced with a deluge of comments on its proposal. During a previous hearing, Jackson said she did not expect a final rule by the end of this year.

Though the Republican-passed spending bill would not have stopped EPA from moving forward on the coal ash rules, it included two amendments from McKinley and Rep. Morgan Griffith (R-Va.) -- a fellow freshman on the Energy and Commerce Committee -- that sought to block new restrictions on mining.

## **Boilers, utilities and cement**

The series of hearings on the American Energy Initiative will continue Friday, when the Energy and Power Subcommittee will discuss EPA's new limits on toxic pollution from industrial boilers and cement kilns, as well as a proposal to set similar rules for coal-fired power plants.

All three rules were ordered when the Clean Air Act was updated in 1990 but were stalled by legal wrangling and left to the Obama administration.

As proposed, they would require businesses to spend billions of dollars on pollution controls but would save thousands of lives each year and prevent asthma, heart attacks and other illnesses.

While public health groups have lauded the new rules, saying the benefits outweigh the costs, industry groups have argued that plants will be shut down and energy costs will rise. Rules for boilers and cement kilns will make U.S. facilities less competitive with foreign industries, business leaders have argued.

The House-passed spending bill contained an amendment from Rep. John Carter (R-Texas) that would have stopped EPA from imposing the new cement rules. He also has introduced a standalone resolution that would overturn the agency's decision.

The rider, along with others that sought to stop new EPA rules, had prompted a fierce backlash from environmentalists. They expect to continue playing defense as the agency moves toward a final rule on toxic pollution from power plants and reworks some parts of the rules for boilers.

"This is an important victory for all Americans who want clean air and water and healthy families," said Michael Brune, executive director of the Sierra Club, after the budget deal was struck late Friday. "But this isn't the last we'll see of polluters' assault on the Clean Air Act and the EPA."

**Schedule:** The hearing on offshore drilling is Wednesday, April 13, at 10 a.m. in 2322 Rayburn.

**Schedule:** The hearing on coal ash is Thursday, April 14, at 9:30 a.m. in 2322 Rayburn.

**Schedule:** The hearing on EPA rules for coal-fired power plants, boilers and cement kilns is Friday, April 15, at 9 a.m. in 2123 Rayburn.

**Witnesses:** TBA.

01268-EPA-6458

**Richard  
Windsor/DC/USEPA/US**  
04/11/2011 11:01 AM

To David McIntosh, Diane Thompson, Bob Perciasepe, Scott Fulton, Bob Sussman, Michael Goo, Bicky Corman, Seth Oster, Adora Andy, Arvin Ganesan, Laura Vaught, Janet Woodka, Lawrence Elworth, Lisa Garcia, Barbara Bennett, Daniel Kanninen, Eric Wachter, Jose Lozano, Heidi Ellis  
cc  
bcc  
Subject Re: New legislative push from the House Energy & Commerce Committee

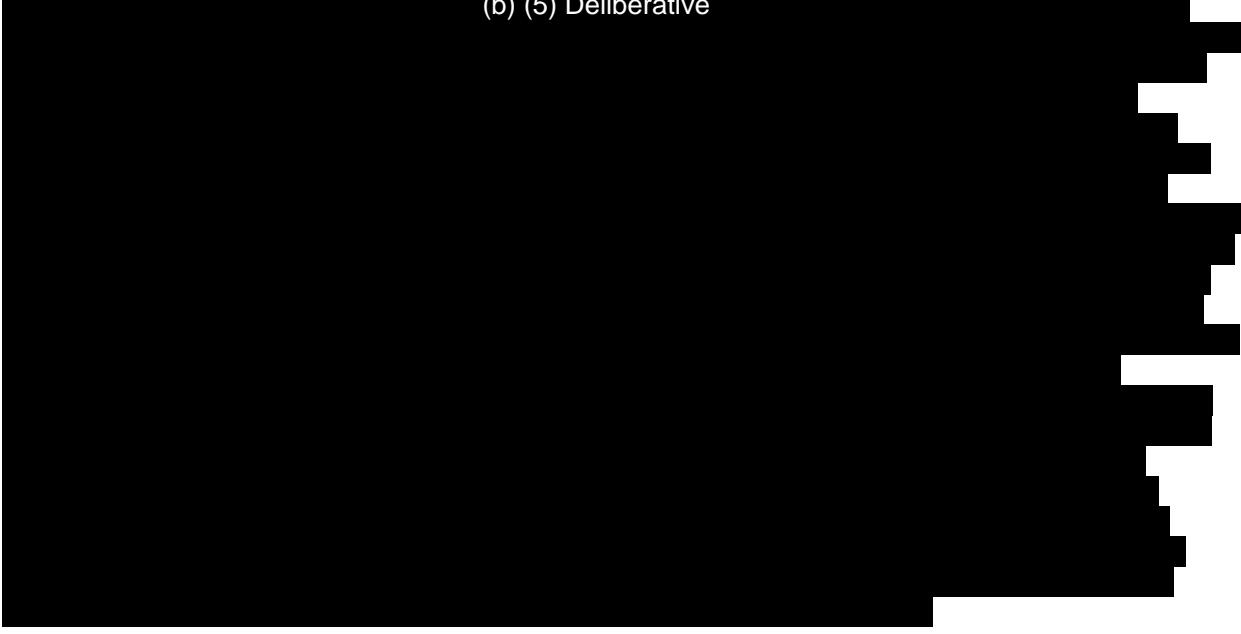
Good campaign fodder for someone.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/11/2011 08:30 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Scott Fulton; Bob Sussman; Michael Goo; Bicky Corman; Seth Oster; Adora Andy; Arvin Ganesan; Laura Vaught; Janet Woodka; Lawrence Elworth; Lisa Garcia; Barbara Bennett; Daniel Kanninen; Eric Wachter; Jose Lozano; Heidi Ellis  
**Subject:** New legislative push from the House Energy & Commerce Committee

(b) (5) Deliberative



## EPA: New rules for coal ash, air pollution, offshore drilling to get House scrutiny (Monday, April 11, 2011)

Gabriel Nelson, E&E reporter

In a series of hearings this week, Republicans on the House Energy and Commerce Committee will keep pushing for several curbs on environmental rules that were added to a House spending bill last month but were apparently stripped last week from the final deal between the White House and the divided Congress.

The hearings, which are scheduled to take place on three consecutive days this week, will mainly focus on recent U.S. EPA steps toward stricter limits on industrial air pollution and more careful handling of the ash from coal-fired power plants.

The first hearing will take place Wednesday, when the Energy and Power Subcommittee is slated to vet a draft bill that would change how the Clean Air Act applies to oil and gas drilling in federal waters. It was prompted by a permitting snag that has led Royal Dutch Shell PLC to put off its plan to explore for oil and gas in the Arctic Ocean.

U.S. EPA had given Shell an air permit to drill in the Chukchi Sea, off the northern coast of Alaska. It was the first air permit granted to an outer continental shelf (OCS) project outside the Gulf of Mexico, but it was sent back to the agency in December when EPA's Environmental Appeals Board found fault with some of the agency's work.

The **discussion draft**, meant to speed along the permitting process, would exempt offshore drilling projects from future review by the Environmental Appeals Board, while clearing up the specific concerns that the panel raised about Shell's plan.

The draft bill will likely get a warm welcome from Alaska lawmakers and most Republicans in Congress, who support drilling in the Arctic as a way of expanding U.S. oil production. When the House originally approved a spending bill that would fund the government for the rest of the current fiscal year, it included an amendment from Rep. Don Young (R-Alaska) that would stop the Environmental Appeals Board from using its funding to review OCS air permits.

Republicans have agreed to remove that "rider" from the funding bill, along with more than a dozen others that were aimed at environmental programs.

Energy and Commerce Chairman Fred Upton (R-Mich.) is circulating the new discussion draft as a standalone bill, a Young spokeswoman said Friday.

Some supporters of offshore drilling have accused EPA of moving too slowly on the permit application, which is a key hurdle for the five-year-old project that has already cost Shell more than \$3 billion. Shell, which now plans to begin drilling next summer, is asking the federal government to finish a new environmental impact statement for the Chukchi Sea project by July.

"The delay -- truly, it's 100 percent attributable to the EPA," Sen. Lisa Murkowski (R-Alaska) told Administrator Lisa Jackson during a hearing last month. "I just cannot understand how it can take so long for an agency to approve an air permit for a drilling rig that will operate 25 to 75 miles offshore less than one quarter of

the year" ([E&E Daily](#) , March 17).

When the appeals board rejected the permit, it said EPA had not correctly evaluated the period of time during which a drilling rig would be subject to air pollution limits. Under the discussion draft, a drilling source is created "at the point in time when drilling activity commences at a location and ceases to exist when drilling activity ends at such location."

The legislation also would change the Clean Air Act so drilling rigs must take into account only air quality on land, but not at sea. It also would exempt the support fleet for a drilling project from requirements to use the best available pollution controls, which a drilling rig must use.

Republicans billed Wednesday's hearing as the fourth on their "American Energy Initiative," which seeks to lower energy and electricity costs by expanding domestic oil and gas production and easing federal environmental regulations.

## Coal ash bill

The next day, the Energy and Power Subcommittee will discuss a bill ([H.R. 1391](#)) from Rep. David McKinley (R-W.Va.) that would stop EPA from classifying ash from coal-burning power plants as hazardous waste.

When the agency put out the proposal last year, it said the stricter rules were necessary to prevent another accident like the massive 2008 coal ash spill at a Tennessee Valley Authority power plant in Kingston, Tenn. But critics say it would discourage the use of ash in other products, such as concrete, and would hike costs.

At Purdue University, where a coal-fired boiler provides heat and power to much of the campus, the proposed rules would raise the cost of handling coal ash from \$250,000 to \$25 million per year, said Robin Ridgway, the school's director of environmental health and safety, during a hearing last week.

"Not only would the EPA's plan reduce demand for coal -- by design, to be sure -- but it would also increase costs for dozens of industries, having a ripple effect that would ultimately destroy jobs and raise electricity prices," McKinley said on the House floor after introducing the bill last week ([E&ENews PM](#) , April 7).

A final decision on coal ash is seen as far off after EPA was faced with a deluge of comments on its proposal. During a previous hearing, Jackson said she did not expect a final rule by the end of this year.

Though the Republican-passed spending bill would not have stopped EPA from moving forward on the coal ash rules, it included two amendments from

McKinley and Rep. Morgan Griffith (R-Va.) -- a fellow freshman on the Energy and Commerce Committee -- that sought to block new restrictions on mining.

## **Boilers, utilities and cement**

The series of hearings on the American Energy Initiative will continue Friday, when the Energy and Power Subcommittee will discuss EPA's new limits on toxic pollution from industrial boilers and cement kilns, as well as a proposal to set similar rules for coal-fired power plants.

All three rules were ordered when the Clean Air Act was updated in 1990 but were stalled by legal wrangling and left to the Obama administration.

As proposed, they would require businesses to spend billions of dollars on pollution controls but would save thousands of lives each year and prevent asthma, heart attacks and other illnesses.

While public health groups have lauded the new rules, saying the benefits outweigh the costs, industry groups have argued that plants will be shut down and energy costs will rise. Rules for boilers and cement kilns will make U.S. facilities less competitive with foreign industries, business leaders have argued.

The House-passed spending bill contained an amendment from Rep. John Carter (R-Texas) that would have stopped EPA from imposing the new cement rules. He also has introduced a standalone resolution that would overturn the agency's decision.

The rider, along with others that sought to stop new EPA rules, had prompted a fierce backlash from environmentalists. They expect to continue playing defense as the agency moves toward a final rule on toxic pollution from power plants and reworks some parts of the rules for boilers.

"This is an important victory for all Americans who want clean air and water and healthy families," said Michael Brune, executive director of the Sierra Club, after the budget deal was struck late Friday. "But this isn't the last we'll see of polluters' assault on the Clean Air Act and the EPA."

**Schedule:** The hearing on offshore drilling is Wednesday, April 13, at 10 a.m. in 2322 Rayburn.

**Schedule:** The hearing on coal ash is Thursday, April 14, at 9:30 a.m. in 2322 Rayburn.

**Schedule:** The hearing on EPA rules for coal-fired power plants, boilers and cement kilns is Friday, April 15, at 9 a.m. in 2123 Rayburn.

**Witnesses:** TBA.

01268-EPA-6459

Sarah Pallone/DC/USEPA/US  
04/12/2011 09:15 AM  
To "Richard Windsor"  
cc  
bcc  
Subject Fw: Penn

Why am I not surprised?  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 04/12/2011 09:13 AM EDT  
**To:** Sarah Pallone; Bob Sussman  
**Subject:** Penn

## 20. PENNSYLVANIA: New development czar spent years fighting enviro regs (04/11/2011)

- [!\[\]\(3d87180cb3a38c42baa07c4ec333ee98\_img.jpg\) Email this Story](#)
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Advertisement



C. Alan Walker, a coal industry magnate and wealthy donor to Pennsylvania's Republican Party, clashed for years with environmental regulators.

In 1981, after his company had been cited by the state for contaminating residents' drinking water with acid mine discharge, he argued the state should let someone from industry influence how environmental regulations were enforced.

Now, Walker himself has been given exactly that role by Pennsylvania's new Republican

governor, Tom Corbett, who has taken nearly \$184,000 in political donations from Walker in the past seven years.

Corbett appointed Walker acting secretary for the state's Department of Community and Economic Development in January. Last month, he granted him authority to expedite and influence permits at any state agency, including the Department of Environmental Protection, which regulates natural gas drilling in the Marcellus Shale. Walker was also appointed to the Marcellus Shale Advisory Commission, which will advise the state in developing the Marcellus Shale.

Walker recently assured state legislators that he would not issue permits or reverse environmental decisions. "I'm merely here as an expeditor to make sure that permits get the proper attention," he said.

At a state House appropriations hearing last month, Walker offered an example of how he helped a metallurgy company, which he said plans to hire 200 welders and pay them above-average wages, but was told it would have to wait six months for DEP permits.

"I asked permission of the secretary of DEP to call the office and ask why the permit was being held up," Walker told lawmakers. "I called the office of the DEP. ... The person on the phone said, 'Well, I don't have anybody here to type the permit.' So that's the type of situation I plan to get involved in. To expedite permits that are being held up for bureaucratic reasons."

But several people close to the process say the case Walker referred to was not so straightforward. They said DEP was running due diligence on the company, as state regulations require, when Walker stepped in.

"He gave an example of what on the surface appeared to be an absurd withholding of a permit," said Gregory Vitali (D), the state representative who questioned Walker at the hearing. "It was not accurate as he described it. It had nothing to do with what he was suggesting. It was legitimate procedure that needed to be followed."

Walker has also defended the environmental record of his coal companies, which were cited a number of times for polluting state waterways.

"As long as I have run those companies, not one gallon of polluted water went into a Commonwealth stream -- period," Walker told *The Patriot-News* last month.

But state records and Walker's own statements show at least 15 cases since the late 1970s in which his businesses polluted the streams and drinking water (Abrahm Lustgarten, [ProPublica/Pittsburgh Post-Gazette](#), April 11). -- AS

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-6460

**Richard  
Windsor/DC/USEPA/US**  
04/13/2011 04:38 PM

To Seth Oster, "Lisa Jackson", Bob Perciasepe, "Diane Thompson", Nancy Stoner, Michael Goo, "Lisa Garcia", "Steve Owens", Cynthia Giles-AA, "Paul Anastas", Lawrence Elworth, Bob Sussman, Barbara Bennett, Scott Fulton, "Michelle DePass", Craig Hooks, Gina McCarthy, Mathy Stanislaus, David McIntosh

cc

bcc

Subject Re: NY Times Story I Mentioned

(b) (5) Deliberative

Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/13/2011 04:29 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>; Nancy Stoner; Michael Goo; "Lisa Garcia" <garcia.lisa@epa.gov>; "Steve Owens" <owens.steve@epa.gov>; Cynthia Giles-AA; "Paul Anastas" <anastas.paul@epa.gov>; Lawrence Elworth; Bob Sussman; Barbara Bennett; Scott Fulton; "Michelle DePass" <depass.michelle@epa.gov>; Craig Hooks; Gina McCarthy; Mathy Stanislaus; David McIntosh  
**Subject:** NY Times Story I Mentioned

NEW YORK. TIMES

EPA Budget Deal Slams State, Regional Programs

By GABRIEL NELSON of Greenwire  
4/13/11

The spending deal brokered last week by President Obama and Congress to avert a government shutdown would balance most its \$1.6 billion in cuts to U.S. EPA's budget on the backs of state regulators and local environmental projects, according to details of the bill that were released by appropriators early this morning.

Three-quarters of the cuts, totaling \$1.19 billion, would come from State and Tribal Assistance Grants (STAG), which mainly fund water infrastructure upgrades and state plans to comply with new federal rules. That includes a \$997 million cut from a pair of revolving funds that finance local drinking water projects and efforts to clean up polluted bodies of water.

With total funding of \$3.77 billion, the STAG programs make up less than half of EPA's \$8.7 billion budget under the pact. Though the president proposed a similar cut to the revolving funds in his fiscal 2012 budget request, his pact with Republicans would now pull funding for the water infrastructure projects a year early.

The budget deal also includes a \$191 million cut to regional programs, such as Obama's own Great Lakes Restoration Initiative. Those programs would now get almost exactly as much as Obama requested this year for projects in the Great Lakes, as well as the Chesapeake Bay and Puget Sound.

Those cuts, along with a plan to rescind \$140 million of unobligated grants from the STAG program, will be a blow to state agencies that are limping due to years of state budget cutbacks, said Bill Becker, executive director of the National Association of Clean Air Agencies. The spending deal also rejects the administration's request for an extra \$82 million in grants to help states implement new air pollution rules

from EPA, and cuts another \$10 million on top of that, he said.

Becker said it's "disconcerting" that many lawmakers want to shrink the federal government, but they are doing it by taking most of the money away from state and local agencies. For example, the spending deal zeroes out a \$20 million program meant to cut air pollution in smog-choked areas of Southern California.

It isn't fair that "Congress asks the states to carry out the will of these environmental statutes, and then savages the funding required to do these tasks," Becker said. "We're trying to do the job that Congress asked us to do."

While the cuts to EPA grant programs were mostly in line with the president's request for next year, the deal goes after the agency's own efforts by taking money from EPA scientists and the offices that design the agency's regulations. Scientific programs would get \$815 million, down \$42 million from fiscal 2010, and environmental programs would end up with \$2.76 billion, down 8.8 percent from last year.

That was a key demand for Republicans such as House Appropriations Chairman Hal Rogers of Kentucky, who framed the spending deal today as a way to "rein in out-of-control federal bureaucracies."

Climate change work by EPA and the Interior Department, which were House Republicans' main target on the environmental front, would end up with \$49 million less than last year, leaving them \$116 million below the president's request for fiscal 2011. But the programs would be allowed to continue, since the House-approved "riders" to stop greenhouse gas regulations and reporting rules were stripped from the bill.

The compromise also takes a slice out of EPA's budget for its hazardous waste cleanup program. The legislation would chop roughly \$23 million from the Superfund budget, reducing it from \$1.31 billion to \$1.28 billion for the remainder of the fiscal year.

The cut isn't likely to significantly affect the day-to-day operation of the program, which is charged with the cleanup of nearly 1,300 hazardous waste sites across the country. And it wasn't much to give away for President Obama, who asked for \$1.24 billion for the program in his budget request for fiscal 2012 (Greenwire, Feb. 14).

Superfund's annual budget has typically ranged between \$1 billion and \$1.3 billion since it was created in the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

###

01268-EPA-6461

Richard  
Windsor/DC/USEPA/US  
04/13/2011 05:55 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: HAGSTROM REPORT | 04.12.11

nice work

|                   |                                                                                                                                                                                                 |                        |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Brendan Gilfillan | Along those lines - another piece out of...                                                                                                                                                     | 04/13/2011 03:55:05 PM |
| From:             | Brendan Gilfillan/DC/USEPA/US                                                                                                                                                                   |                        |
| To:               | Bob Perciasepe/DC/USEPA/US@EPA                                                                                                                                                                  |                        |
| Cc:               | Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA |                        |
| Date:             | 04/13/2011 03:55 PM                                                                                                                                                                             |                        |
| Subject:          | Re: HAGSTROM REPORT   04.12.11                                                                                                                                                                  |                        |

Along those lines - another piece out of yesterday's meeting:

## Jackson takes on EPA myths

[DANIEL LOOKER, Agriculture.com](#) 04/13/2011 @ 3:20pm Business Editor

EPA Administrator Lisa Jackson says that some of the things you know about her agency are simply myths.

Jackson has been attending hearings on Capitol Hill so often lately that members of Congress have jokingly offered her a permanent packing space, one of her aides told Agriculture.com

Earlier this week, the sometimes embattled officer of President Obama's Cabinet met for a few minutes with members of North American Agricultural Journalists to bust a few myths. Among them:

1. **The Cow Tax.** This rumor was circulating before the debate on climate change legislation in Congress and may have been just one nail in the coffin of cap and trade legislation that passed the House but is considered unlikely before 2012. Methane from cattle are a small contributor to greenhouse gases but "there's no cow tax and there's never been a plan to tax cows," Jackson said.
2. **Dust.** Under the Clean Air Act, the EPA must review its standards for particulate matter, Jackson said. But that doesn't mean the agency will necessarily change from the current standards. Agency staff understand that it's impractical to plant or harvest without any dust. Jackson said that fine particulates can have an affect on human health, but "wait before you get too worried about spending money and changing systems in rural America," she said.
3. **Spray drift.** EPA has no plans to require no spray drift, she said. "We do not have a no spray-drift policy and we will not have one," she said.
4. **Milk as a pollutant.** The EPA won't treat spills of milk the same way it treats oil spills. Jackson said the agency has met with representatives of the dairy industry and this week

it announced that milk is exempt from its oil spill protection rules. (Senator Chuck Grassley, a frequent critic of EPA, said Tuesday that "The agency seems oblivious to the tremendous impact its rules and regulations have on the general public and agriculture in particular. I appreciate EPA finally getting the job done and doing the right thing in this instance.")

5. **Ethanol.** The renewable fuel standard does consider ethanol to have a low enough carbon footprint to qualify for mandates to use the fuel. Jackson said it did not in its first draft of the rules for the updated standard required by the 2007 energy law, but after it got better information, corn-based ethanol did meet the level of greenhouse gas emissions required by the law, a 20% cut compared to gasoline.

Jackson said that her agency has already had five meetings to listen to farmers' concerns about dust rules and she's been visiting farms. Her next trip to hear from farmers will be shortly, to Iowa, she said.

|                |                                                                                                                                                                                                                                    |                |                        |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------|
| Bob Perciasepe | Myth busting                                                                                                                                                                                                                       | Bob Perciasepe | 04/12/2011 07:53:26 PM |
| From:          | Bob Perciasepe/DC/USEPA/US                                                                                                                                                                                                         |                |                        |
| To:            | Brendan Gilfillan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA |                |                        |
| Date:          | 04/12/2011 07:53 PM                                                                                                                                                                                                                |                |                        |
| Subject:       | Re: HAGSTROM REPORT   04.12.11                                                                                                                                                                                                     |                |                        |

### Myth busting

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 04/12/2011 07:24 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Lawrence Elworth; Seth Oster <oster.seth@epa.gov>; Adora Andy; Arvin Ganesan  
**Subject:** Fw: HAGSTROM REPORT | 04.12.11

All -

Please see the below report - the Hagstrom report is a very influential ag newsletter. Make sure you read all the way to the bottom!

- Brendan

**From:** The Hagstrom Report [mailto:[info@hagstromreport.com](mailto:info@hagstromreport.com)]

**Sent:** Tuesday, April 12, 2011 5:36 PM

**To:** DeJong, Justin

**Subject:** HAGSTROM REPORT | 04.12.11

# The Hagstrom Report

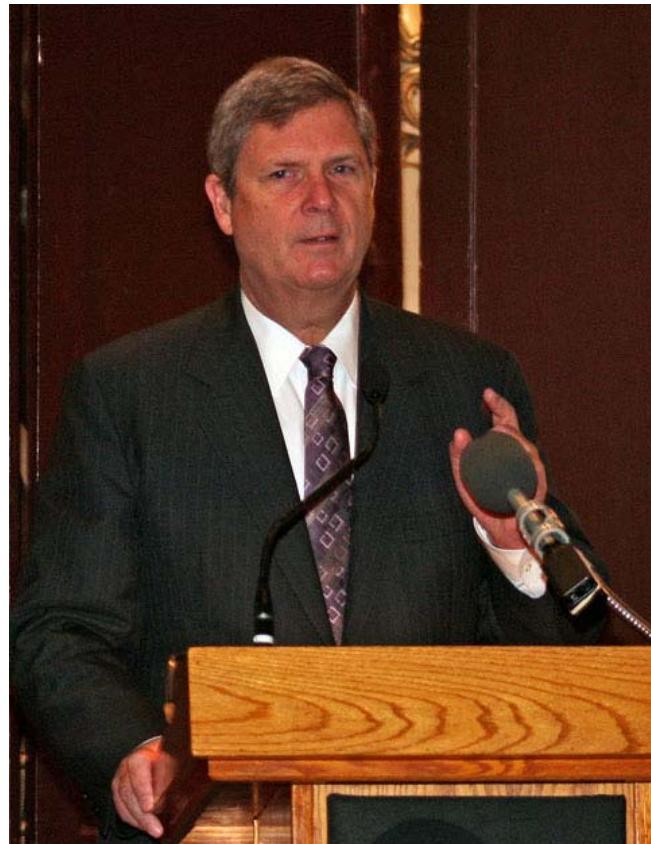
Agriculture News As It Happens



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Tuesday, April 12, 2011 | Volume 1, Number 66

- [Vilsack: Nation needs to talk agriculture restructuring](#)
- [Peterson: Ag cuts for fiscal year 2011 total \\$1.502 billion](#)
- [IDFA votes to oppose Milk Producers policy plan](#)
- [EPA's Jackson: Milk exempt from spill regulation](#)



*Agriculture Secretary Tom Vilsack speaks to the North American Agricultural Journalists this morning. (Charles de Bourbon photo)*

## Vilsack: Nation needs to talk agriculture restructuring

By JERRY HAGSTROM

Reacting to concerns about grain supplies and to further cuts in farm programs in the continuing resolution to fund the government through September 30, Agriculture Secretary Tom Vilsack said today that the nation needs to talk about whether American agriculture needs to be restructured to increase production and what will happen to the roles the government has been playing as budgets are cut.

"We aren't having the right set of conversations in Washington, D.C.," Vilsack told the North American Agricultural Journalists. "We are in a conversation about food prices and crop supplies and questions about support for biofuels." Instead of a question about whether biofuels are being "imposed" on the agricultural system, he said, the question should be, "Can the agriculture production system be designed to meet the needs of food and biofuels?"

Vilsack then cited studies by Michigan State and Penn State universities indicating that double-cropping could produce raw materials for biofuels production in addition to food.

Biofuels, he noted, are part of the Obama administration's strategy to reduce population loss and economic problems in rural America.

"Unfortunately, we are trapped in a debate that could lead to short-changing capacity," he added.

Second, Vilsack said, there needs to be a conversation about what role the government will play as the budget is cut. Although the secretary said he could not discuss the cuts for the remainder of 2011 in detail because he had not seen them, he did say he believed there will be a large cut in conservation.

"Will we forego the benefits of conservation? You still have water conservation issues, soil quality issues," Vilsack asked, adding that he did not have answers to these questions but wanted to start the conversation.

Vilsack also said that even though Congress cut USDA programs, members are still asking for favors. Money has accumulated in the account for fighting forest fires because there have not been major fires in the last two years, Vilsack said, and USDA had begun using some of that money to fight the pine bark beetle, which destroys trees and creates dead timber that is susceptible to fire.

Congress cut the fire suppression account to create savings in the continuing resolution, Vilsack said, but the same day he received a bipartisan letter from 10 House members asking him to spend the money to stop the pine bark beetle.

Vilsack released a copy of the letter in which the members, led by Rep. Kristi Noem, R-S.D., wrote:

"It is our understanding that there are unobligated funds from [fiscal year] 2010, which could be used for western beetle mitigation. We have been supportive of efforts to redirect some of the unobligated [fiscal year] 2010 USFS funds toward bark beetle mitigation activities in the Rocky Mountain Region. While we are fully aware of the fiscal situation of the nation and scarce funding resources, we maintain that redirecting some of the unused funds to respond to this national emergency is an opportunity to use existing resources where they are greatly needed."

Vilsack indicated he did not think the discussion of what the private sector should pick up should extend to the nutrition programs such as food stamps and the school lunch program.

He said he would meet later today with USDA undersecretaries to discuss the details how the agency will handle the cuts.

- [Biofuels Done Right: Land Efficient Animal Feeds Enable Large Environmental and Energy Benefits](#)
- [Food and Fuel: Land Efficient Animal Feeds Enable Large Energy & Environmental Benefits](#)

## Peterson: Ag cuts for fiscal year 2011 total \$1.502 billion

As members of Congress and lobbyists today tried to figure out exactly what agriculture programs cuts have been made in the continuing resolution to fund the government through the fiscal year that ends on September 30, House Agriculture Committee ranking member Collin Peterson, D-Minn., presented the North American Agricultural Journalists with a list of cuts he considers especially significant because they affect mandatory programs supposedly under the control of the authorizing committees rather than the appropriators:

|                                                       |                        |
|-------------------------------------------------------|------------------------|
| Limitation on the Wetlands Reserve Program            | \$119 million          |
| Limit on Conservation Security Program                | 39 million             |
| Limit on Environmental Quality Incentives Program     | 350 million            |
| Dam rehabilitation                                    | 165 million            |
| Limitation on fruit and vegetable snack program       | 117 million            |
| Limitation on Biomass Crop Assistance Program         | 134 million            |
| Rescission of food stamp education program            | 15 million             |
| Rescission of rural electric credit cushion           | 207 million            |
| Rescission of export credit guarantees                | 331 million            |
| Elimination of crop insurance good performance rebate | 25 million             |
| <b>TOTAL</b>                                          | <b>\$1.502 billion</b> |

Ferd Hoefner of the National Sustainable Agriculture Coalition called the conservation cut "massive," saying that "since farmers signing up for the Conservation Stewardship Program in 2011 will not receive their first payments until fiscal year 2012, this proposed cutback would actually force the government to break the terms of the five-year contracts already signed with farmers in 2009 and 2010 and attempt to get payments back. Reneging on contracts already in effect truly represents government at its very worst. We will encourage farmers to appeal."

The Wetlands Reserve Program cut would reduce the program by 48,000 acres while the EQIP cut would mean "less conservation on the land even as production pressures mount, plus an even bigger backlog and waiting list of farmers trying to enroll but unable to participate due to funding cutbacks."

The continuing resolution also includes a \$500 million cut in the special nutrition program for women, infants and children, but Agriculture Secretary Tom Vilsack said today that that cut should not have an immediate impact because it is from a reserve account. Vilsack cautioned, however, that there could be WIC funding problems if there should be any miscalculation in expectations of demand for WIC. During the recession, birth rates have been down, which has decreased demand for WIC.

House and Senate appropriations committees also released charts and statements on the continuing resolution and the expected impact on agriculture:

- [House Appropriations Summary - Final Fiscal Year 2011 Continuing Resolution](#)
- [House Appropriations - FY 2011 Continuing Resolution Reductions - Agriculture](#)
- [Senate Appropriations - Highlights of FY 2011 Continuing Resolution](#)
- [Senate Appropriations – FY 2011 Continuing Resolution: Agriculture, Rural Development, FDA Summary](#)

## IDFA votes to oppose Milk Producers policy plan

In a setback for proposals to rewrite the dairy program this year, the International Dairy Foods Association announced today that its three constituent organizations had voted to support their own dairy policy reform recommendations and to oppose the National Milk Producers Federation's dairy policy package.

The directors of the Milk Industry Foundation, the National Cheese Institute and the International Ice Cream Association made the decisions at a weekend meeting in Carlsbad, Calif., IDFA said in a news release.

IDFA, which represents the dairy processors, had agreed with National Milk, the largest organization of dairy farmers and co-ops, on some issues but had disagreed on National Milk's provision to include a supply management program.

While most of agriculture has been prospering, the dairy industry has suffered from the recession in the United States, a decline in exports and increased costs of feed. Dairy leaders had considered bringing a reform package to Capitol Hill this year ahead of the 2012 farm bill. But House Agriculture Committee Chairman Frank Lucas, R-Okla., has said he will consider it only if the farmers and processors are united.

National Milk's "Foundation for the Future" proposal is considered the most viable alternative policy, but some other dairy and farm groups, including the National Farmers Union, do not support it.

"IDFA's plan offers an alternative path forward that would not limit milk supply through a new mandatory government program, and will give dairy farmers the tools they need to manage volatility," said Connie Tipton, IDFA president and CEO. "Our members believe that it is time to decrease regulations in a highly regulated industry and the National Milk policy package does just the opposite."

IDFA's recommendations include:

- Replacing the Dairy Product Price Support Program and Dairy Export Incentive Program with better risk management tools for producers.
- Strengthening dairy risk management tools including forward contracting, the Livestock Gross Margin-Dairy program, catastrophic margin insurance for all dairy farmers, and tax deferred farm savings accounts.
- Simplifying the Federal Milk Marketing Orders program.

## EPA's Jackson: Milk exempt from spill regulation

The Environmental Protection Agency will exempt milk from a regulation that requires industries that store petroleum products in large quantities to prevent

supplies, EPA Administrator Lisa Jackson said today.

Jackson told the North American Agricultural Journalists she expects the White House to publish and release the rule late today.

Jackson has noted that Congress wrote the oil-spill bill broadly enough to capture animal fats including milk, but that EPA had decided to exempt milk and that the Office of Management had budget had signed off on the milk exemption. Republicans have repeatedly charged that EPA was planning to regulate spilled milk.

Jackson told the agricultural journalists that she hopes the release of the rule stops "the myth that EPA wants to regulate milk."

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| 2512 Virginia Ave. NW | PO Box 58183 | Washington, DC 20037-9997 |

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01268-EPA-6463

David  
McIntosh/DC/USEPA/US  
04/14/2011 10:48 AM

To Richard Windsor  
cc  
bcc

Subject From ClimateWire -- ENERGY: Southern Co. CEO protests 'war on coal' and says nuclear projects are on track

Just FYI. Presumably he'll be singing the same tune when he testifies tomorrow about the utility air toxics rule.

## **ENERGY: Southern Co. CEO protests 'war on coal' and says nuclear projects are on track** (*Thursday, April 14, 2011*)

**Joel Kirkland, E&E reporter**

The chief executive of Southern Co., one of the biggest and most politically influential U.S. electric utilities, marched well-trodden ground yesterday to defend coal-fired power against tougher air quality rules and said his company will press ahead with nuclear expansions.

"Coal is under attack, there's no question," asserted Chairman and CEO Thomas Fanning after a speech at the Washington headquarters of the U.S. Chamber of Commerce.

Fanning, who took the helm in December, hit U.S. EPA hard in a speech that had been billed as a road map for energy policy and creating jobs. He pressed the agency to slow down its implementation of court-ordered rules targeting toxic air pollution, and he warned that a three-year time frame to upgrade or shut down the dirtiest plants would be too costly.

"Nationally, those energy costs could rise as much as 20 percent as a result of this new proposed regulation, and reliability could suffer," he said.

Starting down the path of limiting greenhouse gas emissions tied to climate change "could lay another costly burden on our energy sector," he told the business crowd.

"EPA clearly has an important and critical role to play," he added. "But they do not set policy. That is the job of Congress."

Atlanta-based Southern, which produces electricity for some 4.4 million customers across the Southeast, has often led the charge for investor-owned utilities banding together during recent energy and climate policy battles on Capitol Hill. That cohesion among utilities has appeared more fragmented in recent months, as messaging about energy policy and environmental regulations is increasingly tethered to a utility's specific energy portfolio.

### **Pushing company-based strategies**

Utility CEOs have appeared more comfortable giving their own policy speeches in Washington rather than leaning heavily on industry groups like the Edison Electric Institute to carry a common theme to Congress and the media. In yesterday's appearance before the chamber, Fanning joined the likes of Exelon CEO John Rowe, who in March extolled the virtues of natural gas as a cleaner fuel for power generation in a speech before the American Enterprise Institute.

Rowe, whose Chicago-based company operates the largest U.S. fleet of nuclear power plants, gave his talk just days before a massive earthquake and tsunami caused major damage at Japan's nuclear power plants. Fanning wasn't so lucky.

With two nuclear plants planned for Georgia, Fanning and the Nuclear Regulatory Commission (NRC) have been answering questions about safety standards they're using for the new units. Southern, which has already spent \$2 billion on the nuclear project, has said safety is improved by using Westinghouse Electric's new AP1000 reactor. The NRC is expected to issue construction and operating licenses by year's end.

Fanning said Southern and the nuclear industry "need to be thoughtful" about the disaster that continues to play out at Japan's Fukushima Daiichi nuclear complex. And he sought to link concerns about safety and the cost of building nuclear power plants to anti-nuclear politics.

"Rest assured, we will continue to focus on safety and be diligent in making sure that our plants remain as safe and efficient as possible," he said. "But let's not let politics hinder our progress in this nuclear renaissance."

Fanning sidestepped concerns about backup power capacity and spent fuel disposal issues that dog nuclear power, and he said U.S. nuclear plants have a "terrific track record" in excess of any "reasonable occurrence" of a natural or man-made disaster that could cripple a power plant or trigger a meltdown.

### **Losing market and clout to natural gas**

In terms of cost and regulatory policies, both nuclear power and coal are running up against the emerging heft of

cheap natural gas. Gas produces far smaller amounts of toxic and carbon emissions when powering electric turbines and is competing more favorably against coal on price.

In another example of shifting messages in the energy industry, Fanning warned against an overreliance on gas as a substitute for coal and cast far more doubt than Rowe on domestic supply. "Pending federal regulations have virtually declared a war on coal. As a result, much of our industry is rushing to gas-fired generation," Fanning said.

"Whatever you believe about the future price of natural gas, it's reasonable to believe it will remain volatile," he said. Fanning's position stands in contrast to claims made by natural gas producers and by others in the energy industry that development of massive new onshore gas fields is a bankable "game changer." Domestic natural gas prices that had shot up to nearly \$15 per million British thermal units last decade could remain closer to \$4 or \$5 for decades, they assert, which would compete with Southern's fleet of coal and nuclear power plants.

Fanning spent much of his time talking about coal, however.

"Decisions are being made today that will limit our ability long-term to use coal, and, therefore, negatively impact the economy," Fanning said in the speech.

He asserted there are "enormous social consequences" to shutting down 30- or 40-year-old coal-fired power plants, including loss of jobs he claims could never be replaced in full.

Frank O'Donnell, president of Clean Air Watch, in a brief sent to reporters criticized Southern for battling regulators on implementation of new air quality standards. He took aim at Republican leaders and Southern, which has a long history of big spending to lobby Congress, for downplaying the public health benefits associated with cutting toxic air emissions from coal-fired power plants.

### **Burn U.S. coal here or abroad?**

O'Donnell cited an EPA projection that enforcing the fleet of standards required under the Clean Air Act would prevent as many as 26,000 premature deaths a year and create new jobs, as utilities and factories replace their dirtiest plants and boilers.

"But that appears to be of little interest to the Republican leaders of the House Energy and Commerce Committee," O'Donnell wrote, taking special aim at Rep. Ed Whitfield (R-Ky.), a powerful subcommittee chairman. Whitfield, he asserted, is a "big defender of coal dating back to his days as a lobbyist for the coal-hauling CSX railroad company." As Fanning spoke, the left-leaning Center for American Progress blasted out a brief arguing that a big expansion of U.S. coal exports would conflict with environmental and economic goals. "If the United States is serious about combating the perils of climate change through economic and environmental transformation," said policy analysts Tom Kenworthy and Kate Gordon, "should we really be encouraging the export of American coal to Asian markets?" The center's brief gets into an issue that so far has flown just under the radar in the national energy debate. Gasoline prices and EPA air quality and greenhouse gas regulations are dominating the discussion. As this goes on, the largest U.S. coal producers are trying to push through significant expansions of export terminal capacity along the West Coast so they can send more American coal to Asia, particularly China.

Peabody Energy and Arch Coal, the two largest producers, have been telling their shareholders that bigger coal shipments to China will cushion them against the financial impact of declining coal consumption in the United States. Fanning jumped into the fray yesterday, suggesting above all that the United States should continue to use cheap domestic coal to meet its energy needs.

"The coal will get sold and the coal will be consumed," Fanning said. But he said U.S. energy policies will ultimately steer U.S. coal reserves toward U.S. plants or to Asia. "It would be a shame to give those advantages to somebody else."

01268-EPA-6465

(b) (6) Personal Privacy

04/14/2011 04:22 PM

Please respond to

(b) (6) Personal Privacy

To Michael Moats, Richard Windsor, Heidi Ellis

cc Seth Oster

bcc

Subject Re: FOR REVIEW MIT draft

Hey Heidi.

(b) (5) Deliberative

Sent from my Verizon Wireless BlackBerry

---

**From:** Moats.Michael@epamail.epa.gov

**Date:** Thu, 14 Apr 2011 13:40:17 -0400

**To:** <Windsor.Richard@epamail.epa.gov>

**Cc:** Lisa Jackson<(b) (6) Personal Privacy> <Oster.Seth@epamail.epa.gov>

**Subject:** FOR REVIEW MIT draft

Administrator, attached is a draft for MIT. I'll be revising over the next few hours, and would be glad to get your thoughts if you have a chance to review. The basic structure is:

- Intro: happy 150th b-day MIT...not going to present a scientific paper, will instead talk about  
(b) (5) Deliberative

[REDACTED]

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

01268-EPA-6466

**Heidi Ellis/DC/USEPA/US**

04/14/2011 04:31 PM

To lisapjackson

cc Michael Moats, Richard Windsor, Seth Oster

bcc

Subject Re: FOR REVIEW MIT draft

(b) (5) Deliberative

---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson

(b) (5) Deliberative

04/14/2011 04:22:21 PM

From: (b) (6) Personal Privacy  
To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA  
Date: 04/14/2011 04:22 PM  
Subject: Re: FOR REVIEW MIT draft

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(b) (5) Deliberative

Sent from my Verizon Wireless BlackBerry

**From:** Moats.Michael@epamail.epa.gov**Date:** Thu, 14 Apr 2011 13:40:17 -0400**To:** <Windsor.Richard@epamail.epa.gov>**Cc:** Lisa Jackson<(b) (6) Personal Privacy <Oster.Seth@epamail.epa.gov>**Subject:** FOR REVIEW MIT draft

Administrator, attached is a draft for MIT. I'll be revising over the next few hours, and would be glad to get your thoughts if you have a chance to review. The basic structure is:

- (b) (5) Deliberative

- [REDACTED] (b) (5) Deliberative

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

01268-EPA-6467

Richard  
Windsor/DC/USEPA/US  
04/14/2011 05:12 PM

To Heidi Ellis, "Lisa At Home"  
cc Michael Moats, Seth Oster  
bcc  
Subject Re: FOR REVIEW MIT draft

(b) (5) Deliberative

Heidi Ellis

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

**From:** Heidi Ellis  
**Sent:** 04/14/2011 04:31 PM EDT  
**To:** (b) (6) Personal Privacy  
**Cc:** Michael Moats; Richard Windsor; Seth Oster  
**Subject:** Re: FOR REVIEW MIT draft

(b) (5) Deliberative

---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson

(b) (5) Deliberative

04/14/2011 04:22:21 PM

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**From:** (b) (6) Personal Privacy  
**To:** Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
**Cc:** Seth Oster/DC/USEPA/US@EPA  
**Date:** 04/14/2011 04:22 PM  
**Subject:** Re: FOR REVIEW MIT draft

---

(b) (5) Deliberative

Sent from my Verizon Wireless BlackBerry

**From:** Moats.Michael@epamail.epa.gov  
**Date:** Thu, 14 Apr 2011 13:40:17 -0400  
**To:** <Windsor.Richard@epamail.epa.gov>  
**Cc:** Lisa Jackson<(b) (6) Personal Privacy <Oster.Seth@epamail.epa.gov>  
**Subject:** FOR REVIEW MIT draft  
Administrator, attached is a draft for MIT. I'll be revising over the next few hours, and would be glad to get your thoughts if you have a chance to review. The basic structure is:

- [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

01268-EPA-6469

**Bob Sussman/DC/USEPA/US**

04/15/2011 10:13 AM

To Cynthia Giles-AA, Seth Oster, Adora Andy

cc David McIntosh, Richard Windsor

bcc

Subject Fw: yesterday

We should discuss -- Tom is the TVA CEO.

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

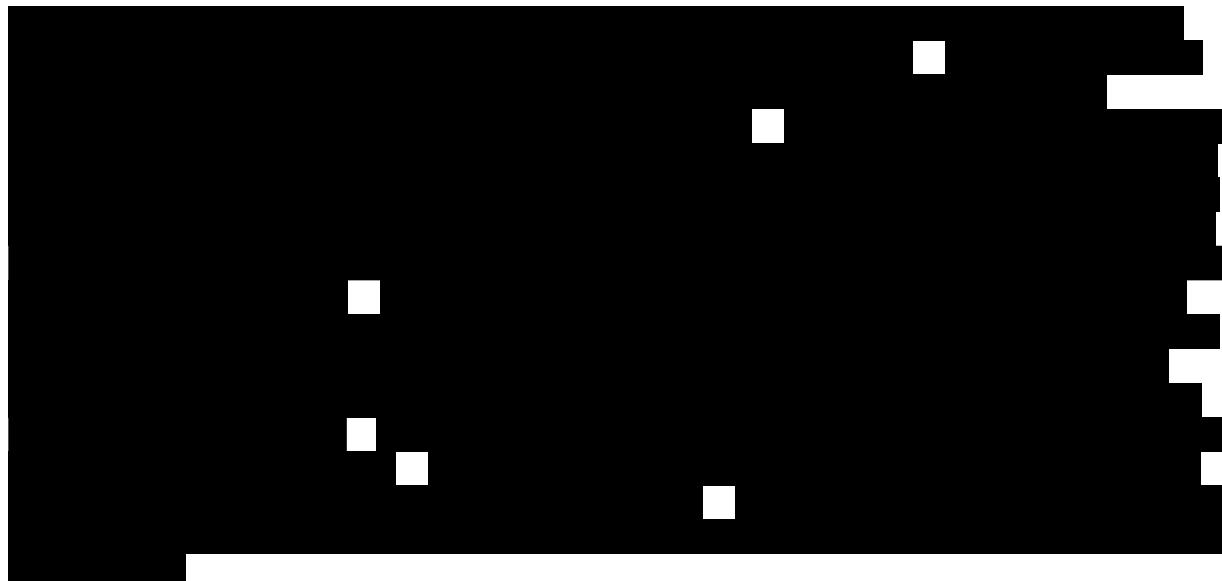
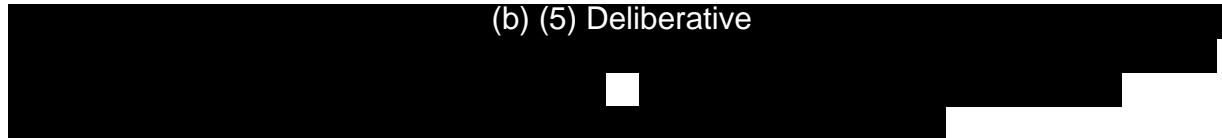
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/15/2011 10:12 AM -----

---

From: "Kilgore, Tom D" <tdkilgore@tva.gov>  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/15/2011 09:44 AM  
Subject: yesterday

Bob,

(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6470

Richard  
Windsor/DC/USEPA/US  
04/15/2011 12:34 PM

To David McIntosh, Seth Oster, "Scott Fulton"  
cc  
bcc

Subject Re: Whitfield TVA statement - fyi

(b) (5) Deliberative



David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/15/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** Fw: Whitfield TVA statement - fyi

----- Forwarded by David McIntosh/DC/USEPA/US on 04/15/2011 10:34 AM -----

From: Laura Vaught/DC/USEPA/US  
To: Lorie Schmidt/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
Date: 04/15/2011 08:31 AM  
Subject: Whitfield TVA statement - fyi

---

## Whitfield Slams TVA Settlement with EPA Over Cle Litigation

April 14, 2011 4:35 PM

WASHINGTON, D.C. - U.S. Rep. Ed Whitfield, (KY-01), Chairman of the House Subcommittee on Energy and statement regarding today's announcement by the Tennessee Valley Authority (TVA) that it has settled legal cha Protection Agency (EPA) and various advocacy groups:

"As Chairman of the House Subcommittee on Energy and Power, one issue that I have watched closely is the act who seek to dictate national energy policy by targeting energy producers with lawsuits brought in concert with E prime example of what is wrong with national environmental policy in the United States – it is being determined payoffs with absolutely no input from elected representatives in the Congress. We intend for this to stop.

"In this settlement, I note that TVA has agreed to pay nearly \$10 million in legal fees to EPA and \$350 million to and greenhouse gas reductions not required by federal law, at a time when TVA has debt ceiling constraints and seek a debt ceiling increase. I find this outrageous.

"I am immensely concerned that this judgment will result in higher costs for electricity ratepayers and will affect their living in Kentucky's coal industry. I am visited regularly by businesses and individuals expressing concern that TVA must do better and I will insist on that."

# # #

01268-EPA-6471

**Richard  
Windsor/DC/USEPA/US**  
04/15/2011 12:34 PM

To Bob Sussman, Cynthia Giles-AA, Seth Oster, Adora Andy  
cc David McIntosh  
bcc  
Subject Re: yesterday

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 04/15/2011 10:13 AM EDT  
**To:** Cynthia Giles-AA; Seth Oster; Adora Andy  
**Cc:** David McIntosh; Richard Windsor  
**Subject:** Fw: yesterday

We should discuss -- Tom is the TVA CEO.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/15/2011 10:12 AM -----

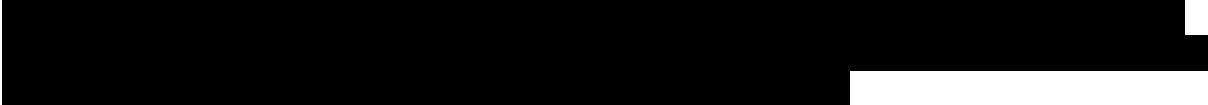
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From: "Kilgore, Tom D" <tdkilgore@tva.gov>  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/15/2011 09:44 AM  
Subject: yesterday

Bob,

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6472

**Richard  
Windsor/DC/USEPA/US**  
04/15/2011 12:38 PM

To David McIntosh, Seth Oster, "Scott Fulton"  
cc  
bcc

Subject Re: Whitfield TVA statement - fyi

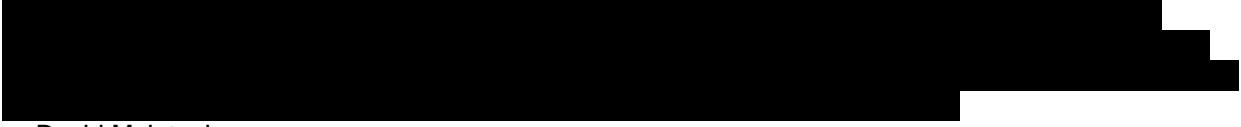
(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/15/2011 12:34 PM EDT  
**To:** David McIntosh; Seth Oster; "Scott Fulton" <Fulton.Scott@epa.gov>  
**Subject:** Re: Whitfield TVA statement - fyi

(b) (5) Deliberative



David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/15/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** Fw: Whitfield TVA statement - fyi

----- Forwarded by David McIntosh/DC/USEPA/US on 04/15/2011 10:34 AM -----

From: Laura Vaught/DC/USEPA/US  
To: Lorie Schmidt/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
Date: 04/15/2011 08:31 AM  
Subject: Whitfield TVA statement - fyi

## Whitfield Slams TVA Settlement with EPA Over Cle Litigation

April 14, 2011 4:35 PM

WASHINGTON, D.C. - U.S. Rep. Ed Whitfield, (KY-01), Chairman of the House Subcommittee on Energy and statement regarding today's announcement by the Tennessee Valley Authority (TVA) that it has settled legal cha Protection Agency (EPA) and various advocacy groups:

"As Chairman of the House Subcommittee on Energy and Power, one issue that I have watched closely is the actions who seek to dictate national energy policy by targeting energy producers with lawsuits brought in concert with E&G. This is a prime example of what is wrong with national environmental policy in the United States – it is being determined by lawyers and lobbyists with absolutely no input from elected representatives in the Congress. We intend for this to stop."

"In this settlement, I note that TVA has agreed to pay nearly \$10 million in legal fees to EPA and \$350 million to settle a case involving mercury and greenhouse gas reductions not required by federal law, at a time when TVA has debt ceiling constraints and Congress is seeking a debt ceiling increase. I find this outrageous."

"I am immensely concerned that this judgment will result in higher costs for electricity ratepayers and will affect their living in Kentucky's coal industry. I am visited regularly by businesses and individuals expressing concern that TVA must do better and I will insist on that."

# # #

01268-EPA-6473

David  
McIntosh/DC/USEPA/US  
04/15/2011 01:01 PM

To Richard Windsor  
cc "Scott Fulton", Seth Oster  
bcc  
Subject Re: Whitfield TVA statement - fyi

Good points.

Richard Windsor (b) (5) Deliberative 04/15/2011 12:38:22 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, "Scott Fulton" <Fulton.Scott@epa.gov>  
Date: 04/15/2011 12:38 PM  
Subject: Re: Whitfield TVA statement - fyi

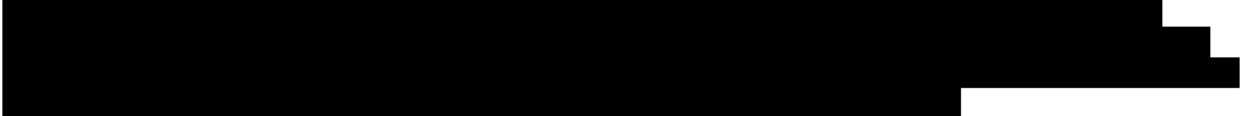
(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/15/2011 12:34 PM EDT  
**To:** David McIntosh; Seth Oster; "Scott Fulton" <Fulton.Scott@epa.gov>  
**Subject:** Re: Whitfield TVA statement - fyi

(b) (5) Deliberative



David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/15/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** Fw: Whitfield TVA statement - fyi

----- Forwarded by David McIntosh/DC/USEPA/US on 04/15/2011 10:34 AM -----

From: Laura Vaught/DC/USEPA/US  
To: Lorie Schmidt/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
Date: 04/15/2011 08:31 AM  
Subject: Whitfield TVA statement - fyi

# Whitfield Slams TVA Settlement with EPA Over Cle Litigation

April 14, 2011 4:35 PM

WASHINGTON, D.C. - U.S. Rep. Ed Whitfield, (KY-01), Chairman of the House Subcommittee on Energy and Power, issued the following statement regarding today's announcement by the Tennessee Valley Authority (TVA) that it has settled legal challenges brought by the Environmental Protection Agency (EPA) and various advocacy groups:

"As Chairman of the House Subcommittee on Energy and Power, one issue that I have watched closely is the actions of environmental activists and their allies in Congress who seek to dictate national energy policy by targeting energy producers with lawsuits brought in concert with EPA. This settlement is a prime example of what is wrong with national environmental policy in the United States – it is being determined by unelected bureaucrats in EPA and advocacy groups with payoffs with absolutely no input from elected representatives in the Congress. We intend for this to stop."

"In this settlement, I note that TVA has agreed to pay nearly \$10 million in legal fees to EPA and \$350 million to settle a case over TVA's failure to meet greenhouse gas reductions not required by federal law, at a time when TVA has debt ceiling constraints and Congress is seeking a debt ceiling increase. I find this outrageous."

"I am immensely concerned that this judgment will result in higher costs for electricity ratepayers and will affect the way people live in Kentucky's coal industry. I am visited regularly by businesses and individuals expressing concern about the future of TVA. I believe TVA must do better and I will insist on that."

# # #

01268-EPA-6477

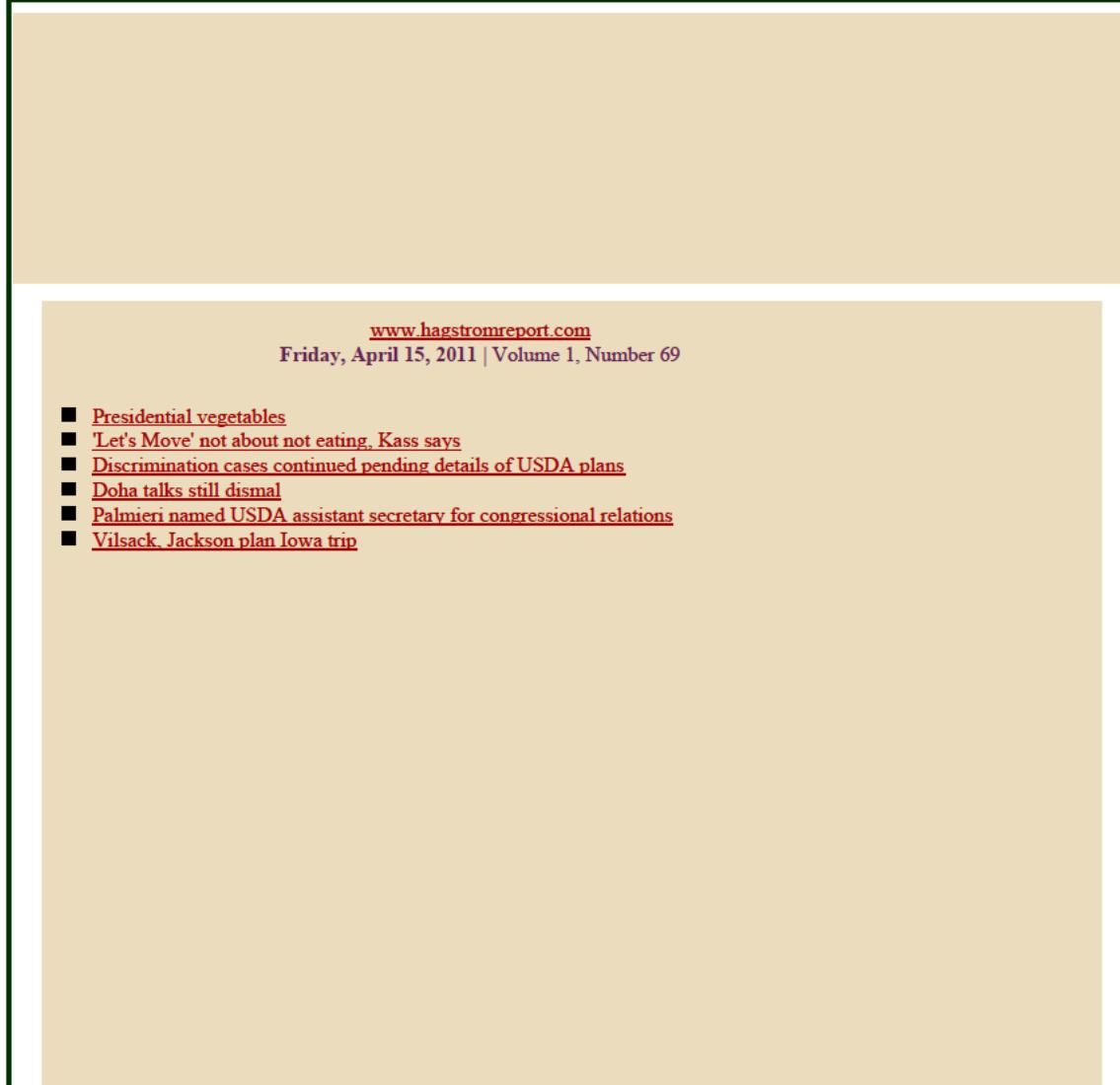
**Lawrence  
Elworth/DC/USEPA/US**  
04/15/2011 06:03 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Adora Andy  
cc  
bcc  
Subject Fw: HAGSTROM REPORT | 04.15.11

Fyi - note IA trip at the end - this guy did a fairly good job covering the ag journalist thing

---

**From:** The Hagstrom Report [info@hagstromreport.com]  
**Sent:** 04/15/2011 05:56 PM AST  
**To:** Lawrence Elworth  
**Subject:** HAGSTROM REPORT | 04.15.11



[www.hagstromreport.com](http://www.hagstromreport.com)  
Friday, April 15, 2011 | Volume 1, Number 69

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- ['Let's Move' not about not eating, Kass says](#)
- [Discrimination cases continued pending details of USDA plans](#)
- [Doha talks still dismal](#)
- [Palmieri named USDA assistant secretary for congressional relations](#)
- [Vilsack, Jackson plan Iowa trip](#)

*President Barack Obama has lunch with Cabinet secretaries in the Oval Office Private Dining Room on March 10. From left: Secretary of the Interior Ken Salazar; Chief of Staff Bill Daley; Agriculture Secretary Tom Vilsack; and Health and Human Services Secretary Kathleen Sebelius. (White House photo)*

### **Presidential vegetables**

President Obama really eats baby carrots, according to this recently released photo of a March 10 lunch.

"The President, if you look closely, is holding baby carrots in his hands," noted [ObamaFoodorama](#), the blog written by Eddie Gehman Kohan that chronicles White House food initiatives.

"It's a rare shot of Mr. Obama clutching vegetables, that foodstuff his wife spends so much time promoting. Most of the food photos of President Obama, whether taken by photojournalists or by White House photographers, have shown him eating things like burgers or ice cream (or Hawaiian Shave Ice, while on vacation)."

**'Let's Move' not about not eating, Kass says**

First Lady Michelle Obama will not mount an “anti-eating” campaign to fight obesity like anti-smoking campaigns of the past, said Sam Kass, the White House deputy chef and senior adviser for healthy food initiatives.

*Robin Schepper, executive director of Let's Move, and Sam Kass, White House senior policy adviser for healthy food initiatives. (Charles de Bourbon photo)*

“Eating is much different than smoking,” Kass told the North American Agricultural Journalists when they visited the White House complex on Monday. “Eating is something you must do three times a day. It is one of the most wonderful things about being a human being. There is nothing you can’t eat at one point.”

A negative campaign “would defeat the comprehensive approach” that the first lady has taken, he said — a reference to her “Let’s Move” campaign to encourage healthy eating, exercise and other measures to fight obesity.

Kass, who cooks for the Obama family as well as advising on food policy, noted that Michelle Obama had planted the White House garden “to highlight the importance of growing food” but had been pleased by the overwhelming response to it.

Kass and Robin Schepper, executive director of “Let’s Move,” acknowledged that tight budgets make it difficult for schools to provide physical education the way they did in the past. Kass noted, however, that there are examples of schools around the country that “have figured out how to balance their priorities.”

Schepper said she considers these efforts vital because 27 percent of applicants for the military are rejected for weight problems and young people who do enter the military often have dental problems because they have eaten so much sugar.

Of the 120,000 recruits the Army gets every year, 40 percent are overweight or obese, and 62 percent need dental care before they can be deployed, compared with 42 percent in 2000, according to the “Let’s Move” website.

So many recruits eat doughnuts for breakfast and can’t make it up a climbing wall, Schepper said, that the military has had to introduce nutrition education as part of program called “Fueling the Soldier Athlete.”

- [Let's Move](#)
- [White House Task Force on Childhood Obesity Report to the President](#)

### **Discrimination cases continued pending details of USDA plans**

A federal judge today continued the discrimination cases brought by Hispanic and female farmers against the Agriculture Department until June 23, when government lawyers expect to be able to present more details on USDA’s plans for an administrative claims process to resolve the issues.

Lawyers for the claimants in *Garcia v. Vilsack*, the Hispanic case, and *Love v. Vilsack*, the women’s case, and for the government all asked U.S. District Judge for the District of Columbia Reggie Walton for the continuance. Lawyers for an additional group of female farmers asked for an intervention so that they could be made party to the Love case, but Walton said he would not consider that request until the government has provided more information on how it will proceed with its plan to settle the cases through administrative means.

Stephen Hill, a lawyer for the Hispanic farmers, also presented evidence that a USDA official had recently made what he considered “disparaging” comments on the litigation, and asked Walton to issue an order stopping USDA officials from making such statements. Walton said he could not put restrictions on what USDA officials say to farmers in meetings, but would have a “real problem” if such statements were made to the media.

Hill also showed an advertisement put out by the Taos County (New Mexico) Economic Development Corporation which said that the administrative process would resolve the Garcia and Love cases, even though those cases are still pending before the court.

Lisa Olson, a Justice Department attorney, said she did not know about these incidents until today, and that the government would deal with any “isolated” cases of inappropriate comments, but could not put a gag order on what community groups say.

Hill submitted to the court a declaration by Ana Jana Flores, a farmer who attended a USDA meeting in Edinburg, Texas, on Monday. According to Flores, Max Finberg, the director of USDA’s center for faith-based and neighborhood partnerships, said that taking the administrative route USDA has proposed was the best option for settlement because the Garcia case is likely to drag on for 10 to 12 years, and that it would be unlikely they would receive any money if they go to court.

Flores also declared that Finberg said black and Native American farmers had gotten better treatment because Hispanics are underrepresented in Congress.

Finberg, in an email today, said “Because of the importance of the Hispanic and Women Farmers’ Claims Process which is voluntary for individuals who believe they were discriminated by USDA in loan making or loan servicing between 1981-2000, it is important to inform and educate people about the process. USDA along with the Texas Mexico Border Coalition held a session on April 11, 2011, during which I and another USDA colleague provided a standard presentation about the claims process. I did not suggest that individuals are required to participate in the claims process, and other remarks were clearly taken out of context.”

*Information about the claims process can be obtained by calling 1-888-508-4429 or going to [www.farmerclaims.gov](http://www.farmerclaims.gov).*

## Doha talks still getting nowhere

Negotiators on agriculture in the Doha round of trade talks made no progress in the last two weeks, according to a source close to the World Trade Organization in Geneva and U.S. farm leaders who recently visited there.

David Walker, the New Zealand ambassador who chairs the agriculture negotiations, plans to submit a “contribution” to the overall Doha round talks next Thursday, the last working day before an Easter break and the target date for all negotiation leaders to submit reports, the Geneva source said.

On April 29, representatives of the WTO member countries are scheduled to discuss the status of the negotiations. The agriculture report will be based on the December 2008 draft text and on discussions that have taken place since then, the source said.

But in a meeting with the negotiators today, Walker said “The last two weeks have produced no constructive, bridge-building solutions to the deadlocked issues,” according to the source. In the meeting, Walker noted that the negotiating process “is entirely bottom-up — input coming only from the members themselves — and his and some delegations’ reports on their consultations indicated that the work they have been undertaking has not yet produced solutions. This includes neutral work on clarifying ambiguities in the present draft as well as negotiations over substance.”

A Cuban representative said at the meeting that the Cuban government has made progress in convincing other members to support its call for special provisions to allow longer repayment periods for export credit “because of its special circumstances particularly the U.S. embargo,” the source said.

Meanwhile, members of the U.S. Wheat Associates, the National Association of Wheat Growers, the National Corn Growers and the U.S. Grains Council, which represents the feed industry, returned from Geneva and issued unusually negative public statements on prospects for the round.

In this week’s *Wheat Letter*, USW Policy Director Shannon Schlecht wrote that “Doha round negotiations are showing no sign of an immediate conclusion as the 10th year of talks continue.”

Negotiators are discouraged by the lack of progress in closing gaps, and it became clear last week that non-agricultural market access (NAMA) is a key hurdle for countries to overcome. While NAMA is a focus in Geneva, it was apparent that gaps remain in the services and agricultural sectors as well.”

The U.S. Grains Council’s *Global Update* said World Trade Organization Director General Pascal Lamy “provided perhaps the most dire assessment of the consequences of not reaching an agreement before 2012, expressing concerns that the round may fail and there may be a need to begin thinking beyond Doha, harvesting the issues on which there is agreement, or adding new issues such as sanitary and phytosanitary measures and climate change to create a more viable and current negotiating package.”

The grains group added that from meetings with U.S. negotiators and delegates from China, Brazil, Japan, the European Union and Walker, “it is clear that significant gaps remain between the level of U.S. ambition on new market access and offers from developing countries such as China and India.”

The report said that Michael Punke, ambassador and deputy United States trade representative for the WTO, reported that the United States had made efforts to find meaningful concessions from China, India and Brazil but that bilateral efforts have yielded little in the way of new offers. The grains industry group stressed the importance of working with developing countries to get some level of

detail on how they intend to apply the formulas that allow for tariff protection on special products and through the use of the special safeguard mechanism, which would allow them to stop an import surge. "Without an understanding of how countries will use these protections, it is difficult for the U.S. grain industry and for U.S. agricultural interests in general, to determine the real value of a Doha market access package," the grains council said.

Both groups said even though prospects look bleak, they were not giving up on the round.

### Palmieri named USDA assistant secretary for congressional relations

President Obama has designated Suzanne Palmieri, the chief of staff to Agriculture Deputy Secretary Kathleen Merrigan, as the acting assistant secretary for congressional relations starting May 2, USDA announced today.

Palmieri, who has worked on Capitol Hill and was at the U.S. Agency for International Development in the Clinton administration, succeeds Krysta Harden, who left the Senate-confirmed post to become chief of staff to Agriculture Secretary Vilsack.

John Berge, who has been acting assistant secretary for congressional relations, will become executive director of USDA's National Food and Agriculture Council and will be stationed in Nebraska. Berge was state director of the Obama campaign in Nebraska and Vilsack's first White House liaison before he became deputy assistant secretary for congressional relations.

Monica Wyant, the deputy White House liaison for USDA, will serve as a special assistant in the research, education and economics division of USDA, succeeding Joani Walsh, who will begin a 30-day detail as USDA acting director of communications.

Walsh replaces Chris Mather, who is leaving today to become communications director for Chicago Mayor-elect Rahm Emanuel.

Toby Osherson, confidential assistant in the Farm Service Agency, will move to the White House liaison office.

### Vilsack, Jackson plan Iowa trip

Agriculture Secretary Tom Vilsack and Environmental Protection Agency Administrator Lisa Jackson announced today that they will travel to Iowa together for a series of events on Tuesday. Vilsack and Jackson will visit farms near Pleasantville and Prairie City and an ethanol plant at Newton, USDA announced in a media advisory.

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| 2512 Virginia Ave NW | PO Box 58183 | Washington, DC 20037-9997 |

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[Powered by Mail Munch](#)

01268-EPA-6479

Richard  
Windsor/DC/USEPA/US  
04/15/2011 07:16 PM

To Michael Moats  
cc  
bcc  
Subject Re: FOR REVIEW MIT draft

It worked out v well. Tx. Well done.  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/14/2011 07:26 PM EDT  
**To:** Richard Windsor  
**Cc:** Heidi Ellis; "Lisa At Home" <(b) (6) Personal Privacy> Seth Oster  
**Subject:** Re: FOR REVIEW MIT draft  
Made some changes in this draft to try and focus on (b) (5) Deliberative

[attachment "20110415 MIT Lecture (6).doc" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor (b) (5) Deliberative 04/14/2011 05:12:35 PM

From: Richard Windsor/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA, "Lisa At Home" <(b) (6) Personal Privacy>  
Cc: Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/14/2011 05:12 PM  
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(b) (5) Deliberative

Heidi Ellis

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**Cc:** Michael Moats; Richard Windsor; Seth Oster  
**Subject:** Re: FOR REVIEW MIT draft

(b) (5) Deliberative

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson

(b) (5) Deliberative

04/14/2011 04:22:21 PM

From: (b) (6) Personal Privacy  
To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA  
Date: 04/14/2011 04:22 PM  
Subject: Re: FOR REVIEW MIT draft

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Sent from my Verizon Wireless BlackBerry

**From:** Moats.Michael@epamail.epa.gov

**Date:** Thu, 14 Apr 2011 13:40:17 -0400

**To:** <Windsor.Richard@epamail.epa.gov>

**Cc:** Lisa Jackson<(b) (6) Personal Privacy <Oster.Seth@epamail.epa.gov>

**Subject:** FOR REVIEW MIT draft

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- (b) (5) Deliberative

■

■

■

■

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

Mobile: 202-527-4436

01268-EPA-6480

**Michael Moats/DC/USEPA/US** To Richard Windsor  
04/15/2011 07:27 PM cc  
bcc  
Subject Re: FOR REVIEW MIT draft

Excellent.

(b) (5) Deliberative

Richard Windsor

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[attachment "20110415 MIT Lecture (6).doc" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor

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**To:** [REDACTED] (b) (6) Personal Privacy  
**Cc:** Michael Moats; Richard Windsor; Seth Oster  
**Subject:** Re: FOR REVIEW MIT draft

[REDACTED] (b) (5) Deliberative [REDACTED]

---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson

[REDACTED] (b) (5) Deliberative

04/14/2011 04:22:21 PM

**From:** [REDACTED] (b) (6) Personal Privacy  
**To:** Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
**Cc:** Seth Oster/DC/USEPA/US@EPA  
**Date:** 04/14/2011 04:22 PM  
**Subject:** Re: FOR REVIEW MIT draft

[REDACTED] (b) (5) Deliberative [REDACTED]

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**From:** Moats.Michael@epamail.epa.gov

**Date:** Thu, 14 Apr 2011 13:40:17 -0400

**To:** <Windsor.Richard@epamail.epa.gov>

**Cc:** Lisa Jackson<(b) (6) Personal Privacy <Oster.Seth@epamail.epa.gov>

**Subject:** FOR REVIEW MIT draft

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- Intro: happy 150th b-day MIT...not going to present a scientific paper, will instead talk about [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...

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

01268-EPA-6481

Richard  
Windsor/DC/USEPA/US  
04/15/2011 07:33 PM

To Michael Moats  
cc  
bcc  
Subject Re: FOR REVIEW MIT draft

Yup. It did. I worked in a few thoughts from Anastas. Was v good.  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/15/2011 07:27 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: FOR REVIEW MIT draft

Excellent. [REDACTED] (b) (5) Deliberative [REDACTED]

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**Sent:** 04/14/2011 07:26 PM EDT  
**To:** Richard Windsor  
**Cc:** Heidi Ellis; "Lisa At Home" <[REDACTED]  
**Subject:** Re: FOR REVIEW MIT draft [REDACTED] Seth Oster

Made some changes in this draft to try and focus on [REDACTED] (b) (5) Deliberative [REDACTED]

[attachment "20110415 MIT Lecture (6).doc" deleted by Richard Windsor/DC/USEPA/US]

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

Richard Windsor [REDACTED] (b) (5) Deliberative [REDACTED] ... 04/14/2011 05:12:35 PM

From: Richard Windsor/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA, "Lisa At Home" <[REDACTED]  
Cc: Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/14/2011 05:12 PM

Subject: Re: FOR REVIEW MIT draft

(b) (5) Deliberative

Heidi Ellis

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

**From:** Heidi Ellis  
**Sent:** 04/14/2011 04:31 PM EDT  
**To:** [REDACTED] (b) (6) Personal Privacy  
**Cc:** Michael Moats; Richard Windsor; Seth Oster  
**Subject:** Re: FOR REVIEW MIT draft

(b) (5) Deliberative

---

Heidi M. Ellis  
Director of Scheduling  
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Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson

(b) (5) Deliberative

04/14/2011 04:22:21 PM

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**From:** (b) (6) Personal Privacy  
**To:** Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
**Cc:** Seth Oster/DC/USEPA/US@EPA  
**Date:** 04/14/2011 04:22 PM  
**Subject:** Re: FOR REVIEW MIT draft

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**Cc:** Lisa Jackson<(b) (6) Personal Privacy> <Oster.Seth@epamail.epa.gov>  
**Subject:** FOR REVIEW MIT draft  
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- (b) (5) Deliberative

- [REDACTED] (b) (5) Deliberative [REDACTED]
- [REDACTED]
- [REDACTED]

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

01268-EPA-6482

**Michael Moats/DC/USEPA/US** To Richard Windsor  
04/15/2011 07:38 PM cc  
bcc  
Subject Re: FOR REVIEW MIT draft

Great! [REDACTED] (b) (5) Deliberative  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/15/2011 07:33 PM EDT  
**To:** Michael Moats  
**Subject:** Re: FOR REVIEW MIT draft

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Michael Moats

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**To:** Richard Windsor  
**Subject:** Re: FOR REVIEW MIT draft

Excellent. [REDACTED] (b) (5) Deliberative [REDACTED]

Richard Windsor

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**To:** Richard Windsor  
**Cc:** Heidi Ellis; "Lisa At Home" <[REDACTED] (b) (6) Personal Privacy [REDACTED]  
**Subject:** Re: FOR REVIEW MIT draft

Made some changes in this draft to try and focus on [REDACTED] (b) (5) Deliberative [REDACTED]

[attachment "20110415 MIT Lecture (6).doc" deleted by Richard Windsor/DC/USEPA/US]

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

Mobile: 202-527-4436

Richard Windsor Need to talk to them about the onterse... 04/14/2011 05:12:35 PM

From: Richard Windsor/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA, "Lisa At Home" <(b) (6) Personal Privacy>  
Cc: Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
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(b) (5) Deliberative

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---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

lisapjackson (b) (5) Deliberative 04/14/2011 04:22:21 PM

From: (b) (6) Personal Privacy  
To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Heidi  
Ellis/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA  
Date: 04/14/2011 04:22 PM  
Subject: Re: FOR REVIEW MIT draft

(b) (5) Deliberative

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**To:** <Windsor.Richard@epamail.epa.gov>  
**Cc:** Lisa Jackson<(b) (6) Personal Privacy> <Oster.Seth@epamail.epa.gov>

**Subject:** FOR REVIEW MIT draft

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- [REDACTED] (b) (5) Deliberative [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

-----

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

01268-EPA-6483

Bob  
Perciasepe/DC/USEPA/US  
04/16/2011 10:57 AM

To Seth Oster, Richard Windsor, Arvin Ganesan, David McIntosh  
cc  
bcc  
Subject

Seth, David and Administrator

(b) (5) Deliberative

## **Senators hold hearing on fracking, surprising EPA answers**

Yesterday, the Senate Environment and Public Works (EPW) Committee held a joint hearing with its Water and Wildlife Subcommittee to discuss the environmental and public health impacts of hydraulic fracturing (fracking). In perhaps the most sensational portion of the hearing, EPA Deputy Administrator Robert **Perciasepe** stated that drillers who use or have used diesel in their fracking fluid and do not have a federal permit are in violation of the Safe Drinking Water Act (SDWA). **Perciasepe**'s comments mark the first time the Agency has taken a concrete position on this issue, which is [currently in litigation](#) in the United States Courts of Appeals for the District of Columbia.

**Perciasepe** went on to characterize EPA's goal as ensuring public confidence in fracking so that the practice can move forward. When pushed to explain how the Agency has responded to reports of problems associated with fracking practices, **Perciasepe** recognized that the states "are on the front lines." He stated that EPA's current role has been to provide oversight to the state programs and take action where endangerment exists.

(b) (5) Deliberative

## **ALEX MILLS: Federal government is oil and gas 'hostile partner'**

By Alex Mills

Thursday, April 14, 2011

SAN ANGELO, Texas — The federal government has been referred to as the oil and gas industry's "silent partner" for years, because the feds had their hands on the operation of the petroleum industry from beginning to end.

That "silent partner" description has changed during the last three years to "hostile partner."

As soon as Nancy Pelosi and Harry Reid began running the show in the U.S. House and Senate, the oil and gas industry had a target on its back and the anti-industry zealots wasted no time in taking aim.

EPA's stubbornness continues, however. The U.S. Senate Environment and Public Works Committee held hearings on April 12 where EPA Deputy Administrator Robert Perciasepe testified that EPA is looking at regulating hydraulic fracturing even though states have regulated fracturing techniques for 60 years. There has never been an incident where groundwater has been polluted from hydraulic fracturing.

"We are taking action," Perciasepe said to committee members. "EPA's responsibility in oversight is one we are pushing forward in a very strong and strenuous way."

-----

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

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

01268-EPA-6484

Richard  
Windsor/DC/USEPA/US  
04/16/2011 11:02 AM

To Bob Perciasepe, Seth Oster, Arvin Ganesan, David McIntosh  
cc  
bcc  
Subject Re:

(b) (5) Deliberative

---

**From:** Bob Perciasepe  
**Sent:** 04/16/2011 10:57 AM EDT  
**To:** Seth Oster; Richard Windsor; Arvin Ganesan; David McIntosh

Seth, David and Administrator

(b) (5) Deliberative

---

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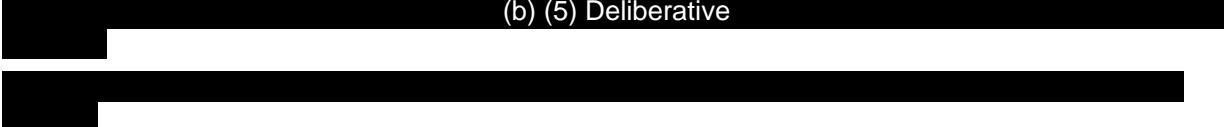
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---

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [redacted] (b) (6) Personal Privacy

01268-EPA-6485

David  
McIntosh/DC/USEPA/US  
04/16/2011 11:07 AM

To Richard Windsor  
cc Arvin Ganesan, Bob Perciasepe, Seth Oster  
bcc  
Subject Re:

(b) (5) Deliberative

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

To: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 04/16/2011 11:02AM  
Subject: Re:

(b) (5) Deliberative

**From:** Bob Perciasepe  
**Sent:** 04/16/2011 10:57 AM EDT  
**To:** Seth Oster; Richard Windsor; Arvin Ganesan; David McIntosh

(b) (5) Deliberative

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-----  
[REDACTED] (b) (5) Deliberative [REDACTED]

## ALEX MILLS: Federal government is oil and gas 'hostile partner'

By Alex Mills

Thursday, April 14, 2011

SAN ANGELO, Texas — The federal government has been referred to as the oil and gas industry's "silent partner" for years, because the feds had their hands on the operation of the petroleum industry from beginning to end.

That "silent partner" description has changed during the last three years to "hostile partner."

As soon as Nancy Pelosi and Harry Reid began running the show in the U.S. House and Senate, the oil and gas industry had a target on its back and the anti-industry zealots wasted no time in taking aim.

EPA's stubbornness continues, however. The U.S. Senate Environment and Public Works Committee held hearings on April 12 where EPA Deputy Administrator Robert Perciasepe testified that EPA is looking at regulating hydraulic fracturing even though states have regulated fracturing techniques for 60 years. There has never been an incident where groundwater has been polluted from hydraulic fracturing.

"We are taking action," Perciasepe said to committee members. "EPA's responsibility in oversight is one we are pushing forward in a very strong and strenuous way."

-----  
[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6486

Bob  
Perciasepe/DC/USEPA/US  
04/16/2011 11:09 AM

To Richard Windsor, Seth Oster, Arvin Ganesan, David McIntosh  
cc  
bcc  
Subject Re:

(b) (5) Deliberative [REDACTED]

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

---

**From:** Richard Windsor  
**Sent:** 04/16/2011 11:02 AM EDT  
**To:** Bob Perciasepe; Seth Oster; Arvin Ganesan; David McIntosh  
**Subject:** Re:

[REDACTED] (b) (5) Deliberative [REDACTED]

---

**From:** Bob Perciasepe  
**Sent:** 04/16/2011 10:57 AM EDT  
**To:** Seth Oster; Richard Windsor; Arvin Ganesan; David McIntosh

Seth, David and Administrator

(b) (5) Deliberative [REDACTED]

---

### Senators hold hearing on fracking, surprising EPA answers

Yesterday, the Senate Environment and Public Works (EPW) Committee held a joint hearing with its Water and Wildlife Subcommittee to discuss the environmental and public health impacts of hydraulic fracturing (fracking). In perhaps the most sensational portion of the hearing, EPA Deputy Administrator Robert **Perciasepe** stated that drillers who use or have used diesel in their fracking fluid and do not have a federal permit are in violation of the Safe Drinking Water Act (SDWA). **Perciasepe**'s comments mark the first time the Agency has taken a concrete position on this issue, which is [currently in litigation](#) in the United States Courts of Appeals for the District of Columbia.

**Perciasepe** went on to characterize EPA's goal as ensuring public confidence in fracking so that the practice can move forward. When pushed to explain how the Agency has responded to reports of problems associated with fracking practices, **Perciasepe** recognized that the states "are on the front lines." He stated that EPA's current role has been to provide oversight to the state programs and take action where endangerment exists.

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[REDACTED] (b) (5) Deliberative [REDACTED]

## ALEX MILLS: Federal government is oil and gas 'hostile partner'

By Alex Mills

Thursday, April 14, 2011

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"We are taking action," Perciasepe said to committee members. "EPA's responsibility in oversight is one we are pushing forward in a very strong and strenuous way."

-----

[REDACTED]  
[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6487

Richard  
Windsor/DC/USEPA/US  
04/18/2011 01:15 PM

To Eric Wachter  
cc  
bcc  
Subject Re: Thank You for your time today

(b) (5) Deliberative

Eric Wachter

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

**From:** Eric Wachter  
**Sent:** 04/18/2011 01:09 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Thank You for your time today  
fyi

----- Forwarded by Eric Wachter/DC/USEPA/US on 04/18/2011 01:09 PM -----

#### Message Information

Date 04/16/2011 10:18 PM04/18/2011 01:15:58 PM  
**From** Ann Washington < (b) (6) Personal Privacy  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** Thank You for your time today

#### Message Body

Hello Mrs. Jackson,

My name is Ann Washington. We met earlier today at the Design Expo on the National Mall as I was volunteering with the Newton Marasco Foundation. I introduced myself to you directly following your speech. We discussed how inspirational you have been to me choosing to pursue a career in Energy, Environment and Climate since leaving New Orleans post-Katrina.

I am honored that you took the time to speak with me. Meeting you today affirmed that it is possible for me to continue to grow and build knowledge as I pursue a career in this field. It is my hope that I continue to gain exposure to additional aspects of this industry.

Best,  
Ann Washington, PMP  
(b) (6) Personal Privacy  
(b) (6) Personal Privacy

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01268-EPA-6488

**Michelle  
DePass/DC/USEPA/US**  
04/19/2011 03:51 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: An amazing speech.

Interesting who got top billing below

---

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

Lakita Stewart  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-6458  
Fax: 202-565-2407  
Email: stewart.lakita@epa.gov

----- Forwarded by Michelle DePass/DC/USEPA/US on 04/19/2011 03:50 PM -----

---

From: "Will Bates - 350.org" <organizers@350.org>  
To: Michelle DePass/DC/USEPA/US@EPA  
Date: 04/19/2011 02:24 PM  
Subject: An amazing speech.

Dear friends,

An extraordinary event took place in Washington, D.C. this past weekend.

Over 10,000 young people came together for Power Shift 2011 -- a 3-day conference to train, organize, and mobilize for climate action in the United States. The US has been an obstacle to climate action for years, so seeing the power and energy of the young people together was one of the most hopeful moments for the climate movement in quite some time.

It was an amazing event: there were inspiring talks from Van Jones and Al Gore, workshops on local solutions, and even a mass march against big polluters in the streets of Washington DC.

But there is one highlight from the weekend you truly need to see: the speech from Bill McKibben, which energized a crowd 10,000 people-strong. Watch the video of this incredible talk:

[www.350.org/powershift-speech](http://www.350.org/powershift-speech)

I have worked with Bill for several years now, and I've seen him give a lot of speeches. This one fired me like never before. Within the speech you'll also get a preview of the announcements set for the coming week about some of our new plans for this year.

Hopefully this video gets you as charged up as we are to get moving and to go bigger than ever with our movement in the months ahead.

More from us very very soon,

Will Bates and the whole 350.org team

P.S. Wondering why folks were rallying at the US Chamber of Commerce? Visit <http://chamber.350.org> to learn more about a campaign we're running in the US to take on those obstructing progress.

---

You should join 350.org on Facebook by becoming a fan of our page at [facebook.com/350org](http://facebook.com/350org) and follow us on twitter by visiting [twitter.com/350](http://twitter.com/350)

To join our list (maybe a friend forwarded you this e-mail) visit [www.350.org/signup](http://www.350.org/signup)

350.org needs your help! To support our work, donate securely online at [350.org/donate](http://350.org/donate)

You are subscribed to this list as depass.michelle@epamail.epa.gov. [Click here to unsubscribe](#)

---

**350.org is an international grassroots campaign that aims to mobilize a global climate movement** united by a common call to action. By spreading an understanding of the science and a shared vision for a fair policy, we will ensure that the world creates bold and equitable solutions to the climate crisis. 350.org is an independent and not-for-profit project.

**What is 350?** 350 is the number that leading scientists say is the safe upper limit for carbon dioxide in our atmosphere. Scientists measure carbon dioxide in "parts per million" (ppm), so 350ppm is the number humanity needs to get below as soon as possible to avoid runaway climate change. To get there, we need a different kind of PPM—a "people powered movement" that is made of people like you in every corner of the planet.

01268-EPA-6489

**Richard  
Windsor/DC/USEPA/US**  
04/19/2011 04:05 PM

To Michelle DePass  
cc  
bcc  
Subject Re: An amazing speech.

Yeah. Ha.  
Michelle DePass

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

**From:** Michelle DePass  
**Sent:** 04/19/2011 03:51 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: An amazing speech.  
Interesting who got top billing below

---

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

Lakita Stewart  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-6458  
Fax: 202-565-2407  
Email: stewart.lakita@epa.gov

----- Forwarded by Michelle DePass/DC/USEPA/US on 04/19/2011 03:50 PM -----

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From: "Will Bates - 350.org" <organizers@350.org>  
To: Michelle DePass/DC/USEPA/US@EPA  
Date: 04/19/2011 02:24 PM  
Subject: An amazing speech.

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Will Bates and the whole 350.org team

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---

You should join 350.org on Facebook by becoming a fan of our page at [facebook.com/350org](http://facebook.com/350org) and follow us on twitter by visiting [twitter.com/350](http://twitter.com/350)

To join our list (maybe a friend forwarded you this e-mail) visit [www.350.org/signup](http://www.350.org/signup)

350.org needs your help! To support our work, donate securely online at [350.org/donate](http://350.org/donate)

You are subscribed to this list as depass.michelle@epamail.epa.gov. [Click here to unsubscribe](#)

---

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01268-EPA-6491

Richard  
Windsor/DC/USEPA/US  
04/20/2011 10:50 AM

To Michael Moats, Brendan Gilfillan  
cc Adora Andy, Seth Oster  
bcc  
Subject Re: ACTION EPA-USDA oped

Please revise this sentence:

(b) (5) Deliberative

THANKS.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/19/2011 05:45 PM EDT  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Adora Andy; Seth Oster  
**Subject:** ACTION EPA-USDA oped

Administrator, attached and pasted below is a joint oped from you and Sec. Vilsack on the tour you just took. (b) (5) Deliberative Let me know if you have any edits. Thanks.

Mike

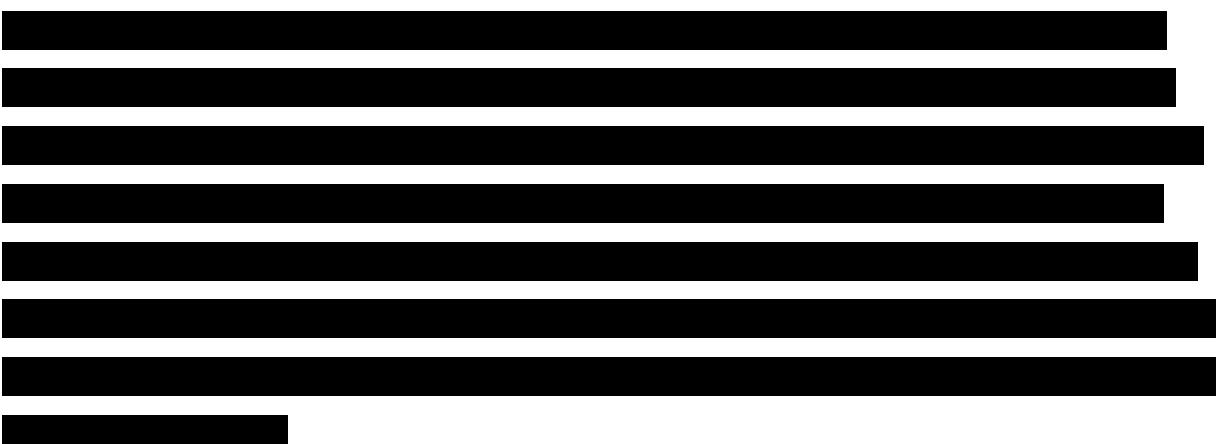
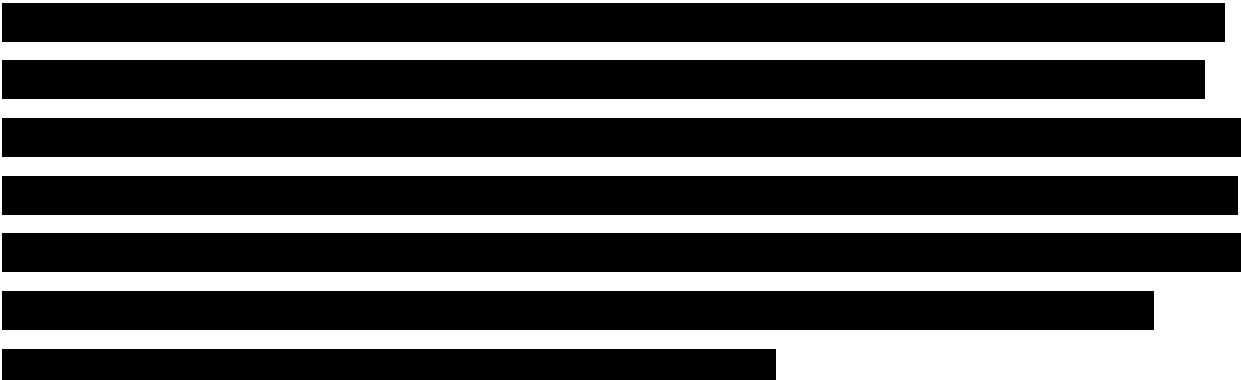
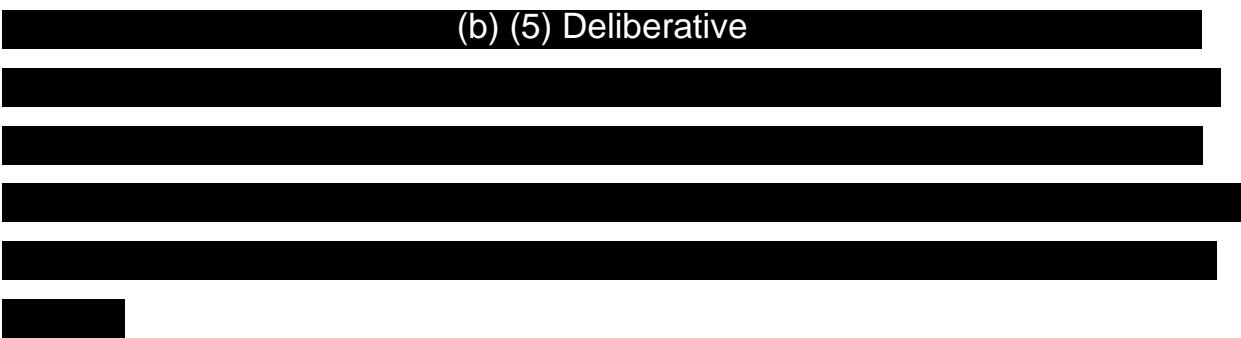
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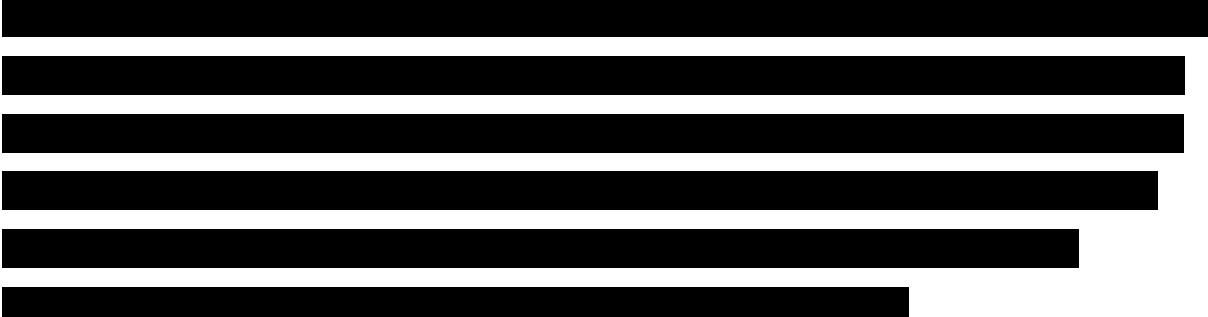
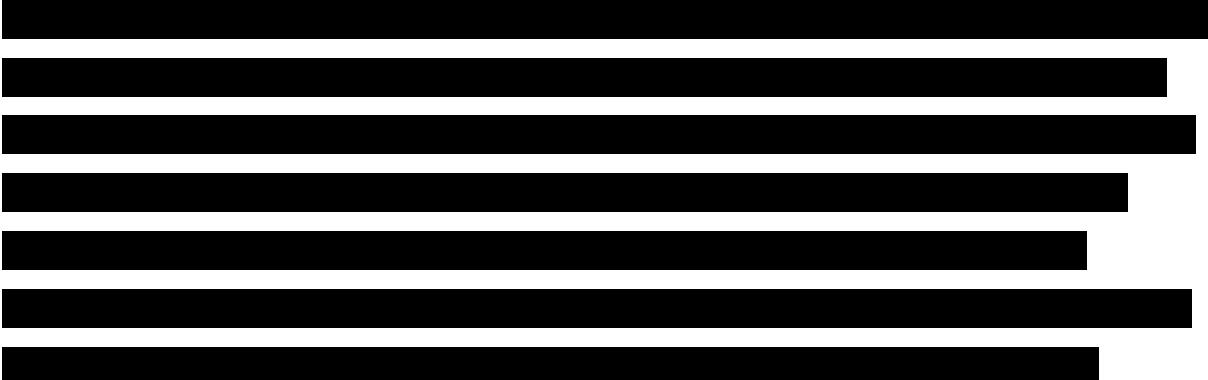
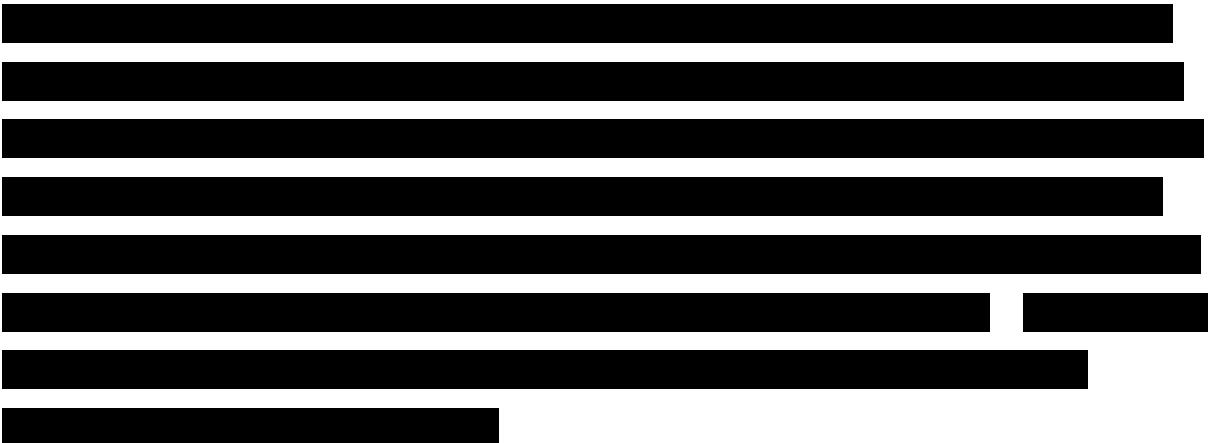
**DRAFT**

(b) (5) Deliberative

(b) (5) Deliberative



(b) (5) Deliberative



(b) (5) Deliberative



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

01268-EPA-6492

**Michael Moats/DC/USEPA/US**

04/20/2011 10:57 AM

To Richard Windsor

cc Adora Andy, Brendan Gilfillan, Seth Oster

bcc

Subject Re: ACTION EPA-USDA oped

Will do, thanks.

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

Richard Windsor

Please revise this sentence: (b) (5) Deliberative

04/20/2011 10:50:26 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/20/2011 10:50 AM  
Subject: Re: ACTION EPA-USDA oped

Please revise this sentence:

(b) (5) Deliberative

THANKS.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/19/2011 05:45 PM EDT  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Adora Andy; Seth Oster  
**Subject:** ACTION EPA-USDA oped

Administrator, attached and pasted below is a joint oped from you and Sec. Vilsack on the tour you just took. (b) (5) Deliberative. Let me know if you have any edits. Thanks.

Mike

[attachment "041411.joint EPA USDA oped.EPA edits (2).docx" deleted by Richard Windsor/DC/USEPA/US]

-----  
**DRAFT**

(b) (5) Deliberative

(b) (5) Deliberative



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]



[REDACTED]

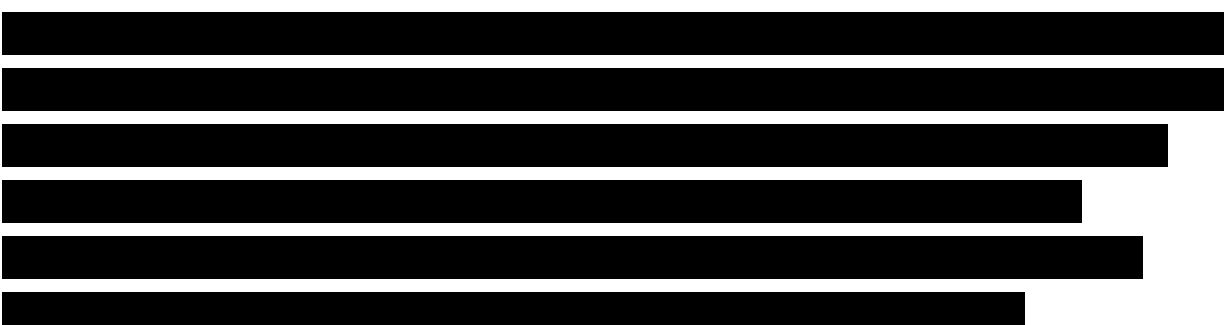
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[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

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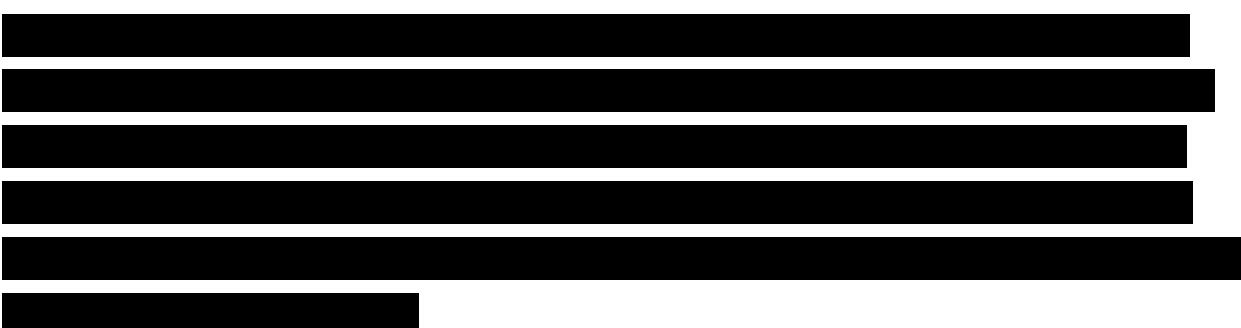
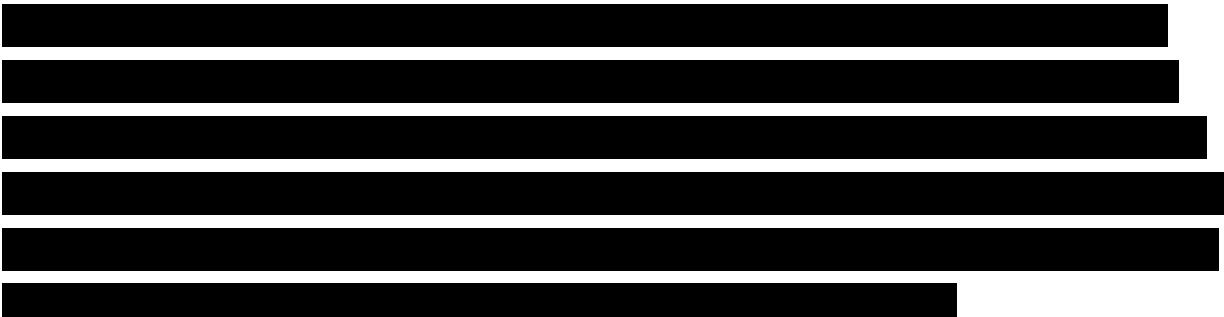
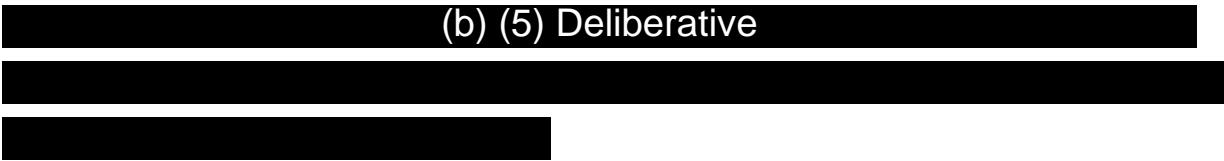
[REDACTED]

[REDACTED]



[REDACTED]

(b) (5) Deliberative



[REDACTED]  
**(b) (5) Deliberative**  
[REDACTED]  
[REDACTED]

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

01268-EPA-6496

**Richard  
Windsor/DC/USEPA/US**  
04/21/2011 05:05 PM

To Michael Moats  
cc  
bcc

Perfect. Thanks.  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/21/2011 03:02 PM EDT  
**To:** Richard Windsor; Alisha Johnson  
**Subject:** Fw: ACTION Greenversations blog for Earth Day

Here it is. Think I sent while you were in the air yesterday.

Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/20/2011 12:35 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan  
**Subject:** ACTION Greenversations blog for Earth Day

Administrator, attached is a draft blog post for EPA's greenversations blog to be posted on or before Earth Day. It includes an embedded video and images that will link to different activities people can take part in. I've tried to represent that in the attached doc, but it's proving too much for Lotus Notes.

For your review.

[attachment "20110422 Greenversations Earth Day Blog.docx" deleted by Richard Windsor/DC/USEPA/US]

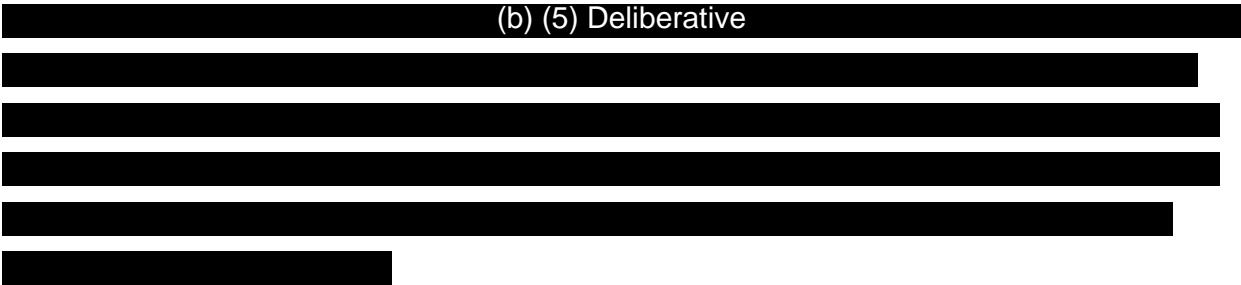
DRAFT

(b) (5) Deliberative

(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6497

Richard  
Windsor/DC/USEPA/US  
04/21/2011 05:32 PM

To "Michael Moats"  
cc  
bcc  
Subject Fw: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

(b) (5) Deliberative

Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 04/21/2011 10:02 AM EDT  
**To:** Richard Windsor; Barbara Bennett; Seth Oster  
**Subject:** Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

Daily Environment Report: News Archive > 2011 > April > 04/21/2011 > News > Sustainability: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

77 DEN A-3

Sustainability

Report Finds 62 Percent of Businesses  
Have Corporate Sustainability Programs

Governments need to design regulations that will encourage businesses to invest in sustainability and foster accurate measurements to verify environmental gains, according to an April 18 report by the consulting firm KPMG.

The report, Corporate Sustainability: A Progress Report, surveyed 378 executives from a range of industries across the globe on their businesses' sustainability plans. It found that 62 percent of businesses have corporate sustainability plans, up from 50 percent in 2008. Only 5 percent of surveyed businesses said they had no plans to address sustainability issues, while the remainder said they were working on their plans.

However, only one-third of those that have such plans publicly report their progress. Half of the executives surveyed thought sustainability programs would improve their company's profitability.

The report defined corporate sustainability as "adopting business strategies that meet the needs of the enterprise and its stakeholders today while sustaining the resources, both human and natural, that will be needed in the future."

The report identified three obstacles to encouraging businesses to invest in sustainability programs:

- a lack of financing options that would allow longer-term benefits of sustainability to compete with cheaper short-term options,
- a lack of common measurements and credible information to perform the required analyses, and
- international regulation to provide businesses with the certainty they need to make the investments.

Source of Innovation

"These initiatives need to succeed because it is clear from our investigations that sustainability can be a

source of innovation and growth, if governments help businesses make it so," according to the report. "The large amount of private sector funds necessary to achieve climate change goals will be released only when investors are confident that governments are committed to making these new systems work."

Additionally, properly crafted regulations could meet environmental goals and "create a self-sufficient market for sustainability," according to the report.

In 1996, about 300 businesses had developed corporate sustainability reports. That number has grown to more than 3,100 in 2010, according to the report. The growth in sustainability planning requires industries to have reliable data to plan properly and to calculate return on investment, the report said.

"For sustainability programs to be properly integrated into operational strategy, meaningful and reliable metrics must be developed along with the underlying processes and systems to produce such information," according to the report.

The survey was done in October 2010 before the United Nations Framework Convention on Climate Change talks in Cancun, Mexico. At those talks, negotiators from 194 countries adopted a series of agreements recognizing the need for deeper cuts in greenhouse gas emissions, providing a foundation for broad forest protection, and helping developing countries adapt to climate change (238 DEN A-4, 12/14/10).

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

\*\*\*\*\*

Sent via Blackberry

01268-EPA-6498

Michael Goo/DC/USEPA/US  
04/21/2011 06:02 PM  
To Richard Windsor  
cc  
bcc  
Subject Re: Fw: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

(b) (5) Deliberative

Richard Windsor FYI re reg review ----- Original Mess... 04/21/2011 05:32:31 PM

From: Richard Windsor/DC/USEPA/US  
To: "Michael Goo" <goo.michael@epa.gov>  
Date: 04/21/2011 05:32 PM  
Subject: Fw: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

FYI re reg review  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 04/21/2011 10:02 AM EDT  
**To:** Richard Windsor; Barbara Bennett; Seth Oster  
**Subject:** Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs  
Daily Environment Report: News Archive > 2011 > April > 04/21/2011 > News > Sustainability: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

77 DEN A-3

Sustainability

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

\*\*\*\*\*

Sent via Blackberry

01268-EPA-6499

David  
McIntosh/DC/USEPA/US  
04/23/2011 07:05 AM

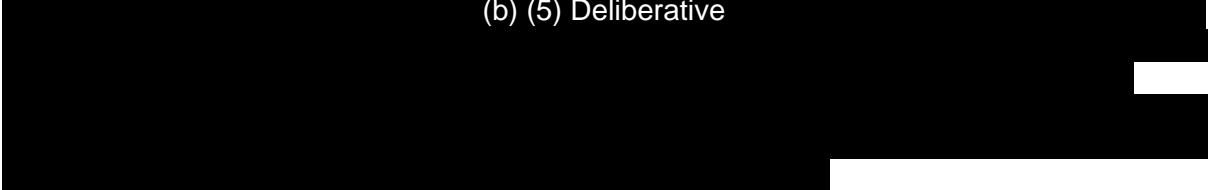
To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott Fulton, Bob Sussman, Michael Goo, Bicky Corman, Seth Oster, Adora Andy, Janet Woodka, Lawrence Elworth, Barbara Bennett, Arvin Ganesan, Laura Vaught

cc

bcc

Subject big R attack on gas prices

(b) (5) Deliberative



-----Forwarded by David McIntosh/DC/USEPA/US on 04/23/2011 06:59AM

-----  
To: Gina McCarthy/DC/USEPA/US@EPA  
From: David McIntosh/DC/USEPA/US  
Date: 04/23/2011 06:58AM  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Subject: Hi Gina -- this is what your 2 hearings will be about

### GOP to make hay in May over gas

By: Darren Goode

April 22, 2011 04:47 PM EDT

Republicans are getting ready to capitalize on record prices at the pump with a May focus on oil and gasoline.

The government shutdown battle put the issue on the back burner even though prices at the pump have been rising steadily since February. Now, with President Barack Obama already on the defensive, the GOP is ready to pounce.

House Republicans are planning bill introductions, hearings, markups and floor votes on legislation aimed at expanding domestic oil production in response to high gasoline prices.

The plain truth that there is realistically nothing Congress can do in the short- or mid-term to affect gas prices that won't get in the way of both parties trying to score political points by complaining the other is not addressing the problem.

"The White House and the rest of the Democrats who run Washington are terrified about the political impact of gas prices, because many of their policies — like the national energy tax — are explicitly designed to raise energy prices," said Michael Steel, spokesman for House

Speaker [John Boehner](#).

Obama on Thursday pointed to high gasoline prices for his [sagging poll numbers](#). "My poll numbers go up and down depending on the latest crisis, and right now gas prices are weighing heavily on people," he said at a [Los Angeles fundraiser](#).

The latest Gallup tracking poll gives the president a 43 percent approval rating and a 49 percent disapproval rating. A divided Congress fares far worse — a 17 percent approval rating that is identical to right after last November's midterm election.

The average price for a gallon of unleaded is \$3.85, up 98 cents from a year ago and more than 30 cents higher than it was in early April 2008 before prices averaged a record of \$4.11 a gallon in July that year.

Prices are already higher in some areas of the country. AAA reports that California, Illinois and New York have average prices of more than \$4, and White House pool reporters have noted Obama's motorcade passed Los Angeles gas stations with prices of \$4.35 per gallon.

In 2008, \$4 gasoline led to House Republicans resorting to floor theatrics to draw attention to their calls for new oil exploration, followed by the famed "drill, baby, drill" chants at the Republican National Convention that September. Now, the GOP controls the floor agenda and plans to use it when they get back from the two-week spring recess.

"I can promise that we are going to be very active," said a House majority aide.

In March, House Republicans unveiled their "American Energy Initiative," a broad pledge to "stop government policies that are driving up gas prices; expand American energy production to lower costs and create more jobs; and promote an 'all of the above' strategy to increase all forms of American energy."

As part of that strategy, House Natural Resources Committee Republicans last week passed three bills aimed at expanding and expediting offshore oil and gas drilling. A spokesman for Chairman Doc Hastings (R-Wash.) said he expects at least one of those bills to be on the floor the first week back from recess.

That first bill is likely to be one that gives the Interior Department 30 days to make a decision on offshore drilling permits in the Gulf of Mexico, allowing for two 15-day extensions of permits that were not already approved before the Obama administration's drilling moratorium installed after the BP oil spill last year.

The bill gives Republicans — and some Democrats — a structured debate in which to hit back at the Obama administration's official five-month deepwater drilling ban last year and what critics labeled a de facto ban for months afterward.

Rep. Lou Barletta, a Republican freshman from eastern Pennsylvania, said he's heard about the issue constantly during the congressional recess, while no action is taken in Washington.

"We talk about the CR and debt limits and budgets, and I go home and think we didn't do

anything about gas prices again," Barletta told POLITICO. "It's frustrating to me as a member of Congress not to be able to come home and say, 'Don't worry, we don't have a plan.' I'm just as frustrated as they are in the fact that we aren't addressing that.

"If every member went home and got beat up over gas prices as a group in Washington, we might have more serious talks about what to do," he added.

Other bills from the Natural Resources panel would lead to new offshore drilling in the Arctic Ocean and off the Atlantic and Pacific coasts. And expect to hear more about the EPA's climate change regulations that affect petroleum refiners.

All of the GOP-led measures are likely dead on arrival in the filibuster-heavy and Democratic-controlled Senate.

Democrats will counter with "use it or lose it" legislation that aims to force companies to produce on, or have a valid reason for not producing on, their existing leases or risk losing other drilling opportunities — a strategy derided by the GOP and oil industry as unrealistic and unhelpful in addressing high prices. Drew Hammill, spokesman for House Minority Leader Nancy Pelosi, also noted possible measures to tap the Strategic Petroleum Reserve and go after gasoline price gouging and excessive market speculation.

Pelosi's office advised Democrats to use this current spring break to gain a foothold in the gas price debate, including the standard press conference and photo op at gas stations.

"Feature Democratic price gouging legislation and other bills that Republicans have blocked, and the Republican budget that provides billions in subsidies for Big Oil while cutting investments in clean energy," states the April 20 memo.

Democrats were also advised to release a report on local gas prices by choosing 10 local stations and noting how much prices there went up in a week versus the national average.

On Thursday, the administration launched a new commission to investigate "fraud or manipulation in the oil markets that might affect gas prices — and that includes the role of traders and speculators," Obama said at a stop in Reno, Nev.

Along those lines, 27 House Democrats — including some led by Rep. Tim Bishop of New York who are considered vulnerable again this cycle — have offered a bill enabling the FTC and state attorneys general to "institute civil and criminal penalties for fuel price gouging during periods proclaimed by the president as an international crisis affecting oil markets, and could also apply to speculation in the oil futures market." A similar measure passed the House last year.

And expect to hear Democrats defend the administration on offshore drilling. Interior has stepped up its issuing of new offshore permits after companies in mid-February developed new well-capping tools in the wake of new department safety and environmental standards rolled out in September.

Marin Cogan contributed to this report.

CORRECTION: An earlier version of this story mischaracterized Rep. Lou Barletta's comments about congressional action on gas prices.

01268-EPA-6500

**Richard  
Windsor/DC/USEPA/US**  
04/23/2011 11:00 AM

To Bicky Corman, David McIntosh, Diane Thompson, Bob Perciasepe, Scott Fulton, Bob Sussman, Michael Goo, Seth Oster, Adora Andy, Janet Woodka, Lawrence Elworth, Barbara Bennett, Arvin Ganesan, Laura Vaught

cc

bcc

Subject Re: big R attack on gas prices

Sure

---

**From:** Bicky Corman  
**Sent:** 04/23/2011 10:55 AM EDT  
**To:** David McIntosh; Richard Windsor; Diane Thompson; Bob Perciasepe; Scott Fulton; Bob Sussman; Michael Goo; Seth Oster; Adora Andy; Janet Woodka; Lawrence Elworth; Barbara Bennett; Arvin Ganesan; Laura Vaught  
**Subject:** Re: big R attack on gas prices

(b) (5) Deliberative



---

**From:** David McIntosh  
**Sent:** 04/23/2011 07:05 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Scott Fulton; Bob Sussman; Michael Goo; Bicky Corman; Seth Oster; Adora Andy; Janet Woodka; Lawrence Elworth; Barbara Bennett; Arvin Ganesan; Laura Vaught  
**Subject:** big R attack on gas prices

(b) (5) Deliberative



-----Forwarded by David McIntosh/DC/USEPA/US on 04/23/2011 06:59AM -----

To: Gina McCarthy/DC/USEPA/US@EPA  
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Date: 04/23/2011 06:58AM  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
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*Marin Cogan contributed to this report.*

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01268-EPA-6501

David  
McIntosh/DC/USEPA/US  
04/25/2011 07:05 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

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

To: "David McIntosh" <mcintosh.david@epa.gov>  
From: Richard Windsor/DC/USEPA/US  
Date: 04/25/2011 06:57PM  
Subject: Fw: Google Alert - lisa jackson epa

FYI on 2nd article...

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 04/25/2011 07:08 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

### [EPA to seek comment on new coal ash data](#)

Solid Waste & Recycling

The volume of comments led **EPA** and Administrator **Lisa Jackson**, who had originally sought to issue a final rule in 2011, to postpone any rulemaking and instead seek further analysis. Among the comments are several from industry and environmental groups ...

[See all stories on this topic »](#)

### [Citing Jobs and Environment, More Unions Backing EPA](#)

truthout

It cited a letter from a coalition including Boilermakers, Mine Workers, and Utility Workers to **EPA** Administrator **Lisa Jackson** saying that aa tightening of standards on ground-level ozone would "have a significant impact on our states' workers. ...

[See all stories on this topic »](#)

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01268-EPA-6502

AI Armendariz/R6/USEPA/US

04/25/2011 07:41 PM

To "Nancy Stoner", "Gina McCarthy", "Seth Oster", "Bob Sussman", "Bob Perciasepe", "Jared Blumenfeld", "Richard Windsor"

cc

bcc

Subject Whiskey versus Water

Hi,

Some people in this part of world credit Will Rogers with saying something like, "Whiskey is for drinking. Water is for fighting."

There was an interesting DOI report released today, looking at precipitation in the west after a 5 degree increase in temperature because of climate change.

Highlight include:

\*\* a decrease in precipitation over the southwestern and south-central areas of the US;

\*\* a decrease for almost all of the western April 1st snowpack, a standard benchmark measurement used to project river basin runoff;

\*\* and an 8 to 20 percent decrease in average annual stream flow in several river basins, including the Colorado, the Rio Grande, and the San Joaquin.

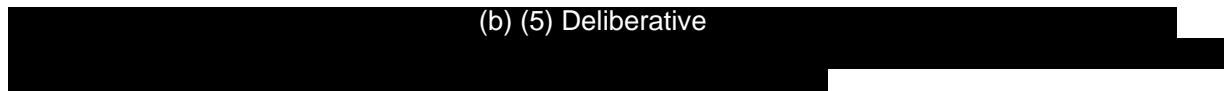
Figure 3 is striking.

Here are the links:

<http://www.doi.gov/news/pressreleases/Interior-Releases-Report-Highlighting-Impacts-of-Climate-Change-to-Western-Water-Resources.cfm>

<http://green.blogs.nytimes.com/2011/04/25/a-21st-century-water-forecast/?smid=tw-nytenvironment&seid=auto>

(b) (5) Deliberative



Some light thoughts to start the week.

;)

AI

---

AI Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.ai@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6503

Bob  
Perciasepe/DC/USEPA/US  
04/25/2011 10:26 PM

To Al Armendariz  
cc Jared Blumenfeld, mccarthy.gina, oster.seth, perciaspe.bob,  
stoner.nancy, Bob Sussman, Richard Windsor  
bcc  
Subject Re: Whiskey versus Water

Thanks Al:

However, I think a little research will attribute that quote to Mark Twain. My favorite Will Rogers quote is "Even if you are on the right track.....you'll get run over if you just sit there"

[REDACTED] (b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

-----AI Armendariz/R6/USEPA/US wrote: -----

To: "Nancy Stoner" <stoner.nancy@epa.gov>, "Gina McCarthy" <mccarthy.gina@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Bob Perciasepe" <perciaspe.bob@epa.gov>, "Jared Blumenfeld" <Blumenfeld.Jared@epamail.epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
From: AI Armendariz/R6/USEPA/US  
Date: 04/25/2011 07:41PM  
Subject: Whiskey versus Water

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<http://www.doi.gov/news/pressreleases/Interior-Releases-Report-Highlighting-Impacts-of-Climate-Change-to-Western-Water-Resources.cfm>

<http://green.blogs.nytimes.com/2011/04/25/a-21st-century-water-forecast/?smid=tw-nyt-environment&seid=auto>

(b) (5) Deliberative



Some light thoughts to start the week.

;) )

AI

---

AI Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6504

Richard  
Windsor/DC/USEPA/US  
04/26/2011 06:39 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Ha is right.

---

**From:** Brendan Gilfillan  
**Sent:** 04/26/2011 06:38 PM EDT  
**To:** Richard Windsor; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Google Alert - lisa jackson epa

Ha can't give him credit for the headline - cause every time we call to gripe about a headline, they blame the editors.

---

**From:** Richard Windsor  
**Sent:** 04/26/2011 06:35 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

Cute from Ben German.

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 04/26/2011 10:20 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

[Hydraulic-Fracturing Rules Target Diesel Fuel](#)

Wall Street Journal

By RYAN TRACY WASHINGTON—The Environmental Protection Agency plans to publish guidelines on permits for companies that use diesel fuel in the hydraulic-fracturing process, **EPA** administrator **Lisa Jackson** said Tuesday. Ms. Jackson said **EPA** is talking ...

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[Wanted by \*\*EPA\*\*: Scientists for controversial climate mission](#)

The Hill (blog)

**EPA's** view is that biomass energy is green energy — if done right. Administrator **Lisa Jackson**, when announcing the permitting delay in January, said, “Renewable, homegrown power sources are essential to our energy future, and an important step to ...

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[Manage](#) your alerts.

01268-EPA-6505

**Bob Sussman/DC/USEPA/US** To Bob Sussman  
04/27/2011 12:59 PM cc Bob Perciasepe, Diane Thompson, Michael Goo, Richard  
Windsor, Seth Oster  
bcc  
Subject Re: Fw: follow- up on HF diesel guidance

(b) (5) Deliberative

[REDACTED] Is that right?

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

Bob Sussman (b) (5) Deliberative 04/26/2011 07:57:12 PM

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane  
Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 04/26/2011 07:57 PM  
Subject: Fw: follow- up on HF diesel guidance

(b) (5) Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/26/2011 07:53 PM -----

From: Nancy Stoner/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/26/2011 07:18 PM  
Subject: Fw: follow- up on HF diesel guidance

(b) (5) Deliberative

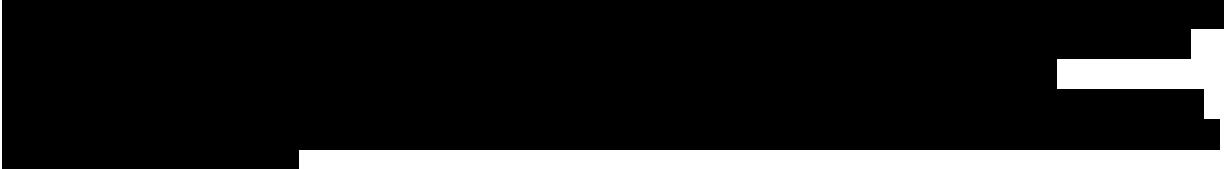
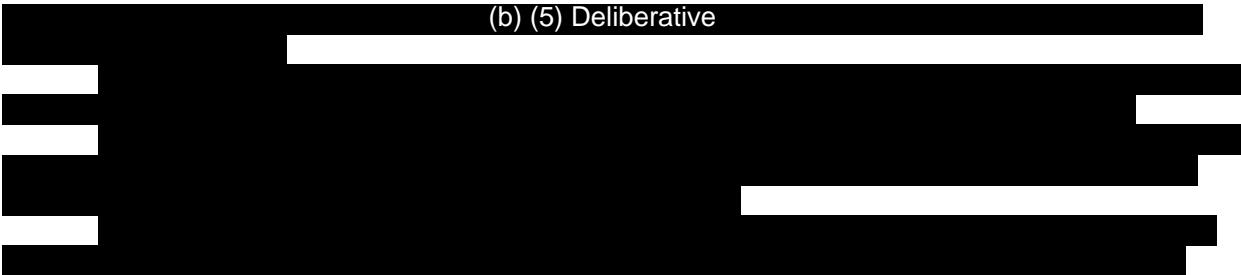
Nancy K. Stoner  
Cynthia Dougherty

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

**From:** Cynthia Dougherty  
**Sent:** 04/26/2011 02:35 PM EDT  
**To:** Nancy Stoner  
**Subject:** follow- up on HF diesel guidance

(b) (5) Deliberative

(b) (5) Deliberative



Cynthia C. Dougherty  
Director  
Office of Ground Water and Drinking Water (4601M)  
(202) 564-3750 - Phone  
(202) 564-3753 - Fax

01268-EPA-6506

Richard  
Windsor/DC/USEPA/US  
04/28/2011 09:44 AM

To Seth Oster, Adora Andy, Brendan Gilfillan, Jared Blumenfeld, David McIntosh, Laura Vaught, Michael Goo, "Corman, Bicky (DDOE)"  
cc (b) (6) Personal Privacy  
bcc  
Subject FYI - Bakersfield, the nation's soot capital, is the site of Chairman Issa's field hearing

**News Headline:** L.A., Bakersfield remain among U.S.'s most polluted cities, report says | 

**Outlet Full Name:** Sacramento Bee - Online, The  
**News OCR Text:** LOS ANGELES -- Smog and soot levels have dropped significantly in Southern California over the last decade, but the Los Angeles region still has the highest levels of ozone nationwide, violating federal health standards an average of 137 days a year.

The city ranks second in the country, behind Bakersfield, Calif., for the highest year-round levels of toxic particles or soot, and fourth in the nation for the number of short-term spikes in soot pollution.

The rankings, part of the annual "State of the Air" report by the American Lung Association, are based on federal and state data, which show that more than 90 percent of Californians live in counties with unhealthful air.

Unlike parts of the East and Midwest, where coal-fired power plants are a primary source of toxic pollution, Southern California's chemical stew is the product of tailpipe emissions from cars and diesel pollution from trucks, trains and ships linked to the ports of Los Angeles and Long Beach. Oil refineries, manufacturing plants and residential wood burning also are significant contributors.

"There has been tremendous progress in California," said Jane Warner, president and chief executive of the association's California branch. But the level of air pollution in the state remains "a critical public health issue," she added. "It is not just a nuisance that burns your eyes or stings your throat."

Air pollution aggravates asthma, heart and lung disease and diabetes and can have a severe effect on children, stunting lung growth. Diesel emissions have been linked to cancer. According to the state Air Resources Board, 9,200 Californians die prematurely each year because of dirty air.

Over the last decade, the average number of high-ozone days has dropped 28 percent in the South Coast basin, which includes Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties. In the Central Valley, Bakersfield, Fresno and Sacramento also experienced their lowest ozone levels since the association's first report was published in 2000.

Nationally, 15 of the 25 most ozone-polluted metropolitan areas showed their lowest levels in a decade, and particle pollution dropped in 25 of the 27 most sooty cities.

Lung association officials acknowledged that some of the drop registered in this year's report, which averages results from 2007 through 2009, may be the result of the economic downturn. Southern California ports experienced a steep drop in tonnage in 2007 and 2008.

But Janice Nolen, the association's assistant vice president for national policy, noted that new emission-control equipment has been installed at power plants and new engine standards have been approved for diesel trucks, along with a program to replace the dirtiest diesel trucks with newer models. "With those changes, we expect much of the reductions in emissions are permanent," Nolen said.

Even with the recession, some areas grew more polluted. Bakersfield and Hanford, Calif., each had worse average year-round soot levels in 2007-09 than in the previous three-year period. Truck and farm equipment emissions, along with winter wood-burning, were major factors, but severe wildfires, which blanketed the state with smoke from burning trees, also played a part.

If Southern California is ever to have consistently clean air, "we need to take dramatic new steps," said Bonnie Holmes-Gen, the association's senior policy director in California. "At this point, anything that's easy has already been done. ... We need to transition away from petroleum fuel to plug-in electric vehicles and redesign cities around public transit, biking and walking."

Nationally, the lung association said more than 154 million people - over half the population - live in areas with dirty air.

The report comes as Republicans in Congress are seeking sharp cuts in the Environmental Protection Agency budget; a rollback of proposed limits on mercury, arsenic and other toxic emissions from coal-fired power plants; and an easing of proposed rules to toughen ozone and soot standards.

"These are perilous times," said Charles D. Connor, president and chief executive of the association. "Despite tremendous gains, the Clean Air Act is under attack from the polluters lobby."

Under the George W. Bush administration, the EPA ignored its science advisers, setting health standards for ozone and particulates that were successfully challenged in court. The agency is expected to issue stricter standards this year that will throw even more cities and counties out of compliance, and increase pressure for further pollution controls.

01268-EPA-6507

Richard  
Windsor/DC/USEPA/US  
04/28/2011 09:52 AM

To David McIntosh, Michael Goo  
cc (b) (6) Personal Privacy  
bcc  
Subject Nice exchange

Good work by Walke.

**News Headline:** Pro & Con: Should Congress delay new clean air regulations at EPA? | 

**Outlet Full Name:** Atlanta Journal-Constitution - Online

**News OCR Text:** YES: New rules will cost rate payers, eliminate jobs and slow recovery.

Southern Co. and our Georgia Power Co. subsidiary are the leading energy suppliers in the Southeast and among the largest in the nation.

We're committed to working with our communities, our customers and other interested parties to continue to reduce any environmental impact of our generation.

We live and work here, too. We want a clean environment. We also want what everyone else wants — the lights on at affordable prices. A healthy economy relies on reliable electricity at costs that people and businesses can afford.

Last month, the U.S. Environmental Protection Agency issued a nearly 1,000-page proposed regulation on even further reductions of emissions from coal-fired power plants. It covers 125 different types of emissions.

The proposal is complex. It contains stringent limits and requirements that must be met in an unreasonably short, three-year time frame. A study conducted for the Edison Electric Institute concluded that by 2015 about 200,000 megawatts of additional environmental controls would be needed nationally to meet the EPA rule.

As the CEO of a company that has installed more emission controls than any other utility, I tell you this cannot be done in three years.

The rule would be costly. Estimates show that in the Southeast alone electricity prices could rise as much as 25 percent in the Southeast.

The cost of adding more controls plus the cost of replacing the coal plants — that would likely shut down — with other types of generation would require utilities to spend up to \$300 billion by 2015. This expense would certainly show up in power bills and threaten U.S. economic recovery.

And reliability could suffer. Bernstein Research predicts that regional capacity margins would plummet, resulting in a greater risk of power outages.

Then there's the impact on jobs. The rule could drive utilities to replace coal with

natural gas, with enormous social consequences. For the same amount of generating capacity, there are six times as many jobs at a coal plant than a gas one. As much as 80,000 megawatts of coal generation could be shut down by 2015, potentially impacting 40,000 jobs.

And that's just in our industry. You also have coal mining, railroads and equipment vendors that would be impacted. Those jobs would go away, too. And think about the tax base that would be lost to those communities, many in rural areas.

Please know that people in my industry already are thinking carefully about making a transition to other types of fuels for electricity generation. But we don't need to manufacture artificial burdens that hurt our customers and weaken our nation's ability to create jobs and improve the economy.

Some will argue that Southern is among those who have had years to deal with these emissions and that we've dragged our feet and delayed long enough.

If having invested more than \$8 billion dollars in environmental controls with plans to spend up to \$4 billion to comply with existing, revised or new rules over the next three years is considered "dragging our feet," then I guess I don't understand the definition of foot-dragging. Those investments already have lowered emissions 70 percent, with more reductions to come.

We all want cleaner air and affordable, reliable electricity. But this latest EPA proposal, if adopted, could put the reliability and affordability of our electric supply at risk.

We need a realistic compliance schedule — based on historical experience — that allows this additional work to be done in an orderly fashion without placing reliability in jeopardy or imposing undue cost increases on our customers.

Thomas A. Fanning is chairman, president and CEO of Atlanta-based Southern Co.

NO: Delays will lead to more adverse health consequences.

If we could prevent 34,000 premature deaths, 22,000 heart attacks and 2.6 million sick days, most of us would.

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This month, Southern CEO Tom Fanning himself came to Washington to appeal to a congressional subcommittee to delay Environmental Protection Agency standards that would achieve dramatic reductions in mercury, arsenic, lead, dioxins, acid gases and deadly particulate matter — the dangerous stuff spewed from oil and coal-fired power plants like Southern's.

Forty years after the Clean Air Act was enacted, half of Southern's power plant units still lack basic pollution control equipment called scrubbers that reduce the most deadly forms of air pollution.

Other utility companies, from Duke Energy serving the Carolinas and Midwestern states to Constellation Energy serving Mid-Atlantic, New England and other states,

have said they stand ready to comply with the standards on time.

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It's not as if the company hasn't known these standards were coming, since they are more than a decade overdue.

But Southern has chosen to continually put off cleaning up all of their dirtiest power plants, and now wants to continue the delay even longer.

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As a public health advocate for a national health and conservation organization, I summarized these consequences during the same congressional hearing where Fanning appeared this month.

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I was born in Georgia and raised in South Carolina. I refuse to believe the good people of this region, including the company's workers, support blocking clean air safeguards that will prevent this much death and human misery.

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The public deserves to know why Southern's "boldness" does not include taking responsibility for its air pollution and the consequences, while it "acts sure" that we won't notice how much our public health is suffering.

John Walke is director of the Natural Resources Defense Council's Clean Air Program in Washington, DC.

01268-EPA-6508

(b) (6) Personal Privacy

04/28/2011 11:09 AM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Portland Power Sect. 126 hearing press

Sent from my Verizon Wireless BlackBerry

**From:** Lisa Plevin <(b) (6) Personal Privacy>**Date:** Thu, 28 Apr 2011 13:26:47 +0000**To:** Lisa Jackson <(b) (6) Personal Privacy>**Subject:** Portland Power Sect. 126 hearing press

well, they're taking full advantage of low-hanging fruit of out-of-state power plant. However, everything now proceeding smoothly. Hearing went very well. Lisa

**DEP Chief: 'We will not back down' on halting power plant pollution**

April 28, 2011

New Jersey Herald

State and local officials speak at hearing

to clean up pollution from Portland, Pa., power plant

By Bruce A. Scruton

bscruton@njherald.com

LIBERTY – New Jersey's top environmental officials said Wednesday that New Jersey will not back down from its resolve to force a Pennsylvania power plant to clean up its act.

The Portland, Pa., power plant, which lacks a pollution control device, is sending harmful levels of sulfur dioxide across state borders into Morris, Warren and Sussex counties.

A federal Environmental Protection Agency hearing on the air pollution spread across northwestern New Jersey from the power plant began at noon Wednesday with testimony from New Jersey's top environmental officer Bob Martin.

Martin, commissioner of the state Department of Environmental Protection, told the five-member hearing panel, "We will not back down from our resolve to force the Portland power plant to take action to reduce its harmful emissions."

Sulfur dioxide is a precursor to acid rain, said Judith Enck, the administrator for EPA's Region 2, who sat on the five-member panel conducting the hearing Wednesday.

She said EPA's action will be the first time the agency has proposed to limit pollution from a single source under the interstate air pollution laws.

"We believe the wisest course will be to require reduced emissions from the power plant," she said.

New Jersey filed formal complaint against the plant, located on the banks of the Delaware River across from the Warren County town of Knowlton, in early 2010, then amended the complaint last fall.

In March, the federal EPA announced it agreed with New Jersey and plans to take action. Wednesday's hearing was the start of that process. EPA officials said the

hearing, with six hours of testimony, drew 110 attendees with 51 of them speaking. Martin said the Portland power plant, owned by GenOn, ranks in the top five in the nation in the highest sulfur dioxide emission rate per megawatt of electricity generated. Knowlton Mayor Frank Van Horn, a town native and mayor for the past 20 years, said town residents can hear the nighttime rumble from the plant when it conducts what he called "route burn-off" a process by which the plant cleans its stacks by high temperature firing of the burners.

He said the result is a brownish cloud and fallout of ash that coats vehicles.

"It has been a continual problem," he said of the plant, which has been operating for a half-century. He said the amount of pollution put into the air is the equivalent of 1,500 20-ton trucks of pollution each year,

"We don't want this plant to shut down,: Van Horn said. "We want this plant to be cleaned up."

Peter Summers, director of the Warren County Health Department, said his department figures show 9.4 percent of the adult population of Warren County has been diagnosed with asthma. This compares, he said, with a New Jersey and national average of 7.7 percent.

Van Horn said that while he has heard the cost to put in the pollution controls could be as much as \$300 million, he also noted that "for 35 to 40 years, this plant has been producing cheap electricity that has gone into the grid and brought in the same cost as other plants." While the area of heaviest pollution, according to both state and federal studies, is in Warren County as well as Pennsylvania's Monroe and Northampton counties, the above-standard pollution levels extend into parts of southern Sussex County and even show up in Hopatcong and western Morris County.

Martin said a monitoring station in Chester in Morris County, 22 miles from the plant, registers the highest SO2 levels of any monitoring station in New Jersey.

"The plant also emits more mercury than all New Jersey coal-fired power plants combined," he said.

The extent of the pollution from the plant has gained attention from local officials.

Sussex County Administrator John Eskilson said this week that the county Health Department Administrator Herb Yardley is preparing a letter and supporting documents that will be submitted during the public comment period, which continues through May 27.

In an EPA study done as a result of New Jersey's complaint, the agency said "extensive analysis shows a clear connection between the emissions from the Portland plant alone and the elevated level of SO2 in New Jersey."

The agency said its study shows an 81 percent reduction of SO2 emissions from the plant would bring the area across the river below the federal pollution standards. That goal should be reached within three years of the final order, expected this fall.

However, Martin said it would be the state's desire to see a reduction of at least 90 percent in the SO2 levels and said the technology exists to reach 95 to 98 percent reductions.

New Jersey is not asking this power plant to do anything that our own state's coal-fired plants have not already done," he said.

"It is unacceptable to have a single power plant on our border emitting more sulfur dioxide and mercury that all of New Jersey's coal-, oil- and gas-fired power plants

combined," he said.

Carolyn Fefferman, a senior advisor to U.S.Sen. Robert Menendez, D-NJ, read a letter into the record from the senator to EPA commissioner Lisa Jackson "in strong support of the proposed rule" to force the plant to limit its pollution.

"Imagine having to tell your children they cannot go outside to play because the wind isn't quite right," he wrote "or because the air they will be breathing will damage their lungs," she read from the letter.

Also of concern to some who spoke at the hearing was how the plant disposes of the ash produced by the boilers. That ash is dumped into an old quarry in Bangor, Pa.

There were fears expressed that mercury and other pollutants in the ash will make their way into the groundwater and even surface streams which then supply the Delaware River.

Jeff Tittel, director of the New Jersey Sierra Club called the plant "the dirtiest threat to the public health and safety" of New Jersey residents. "This facility is something that should have been put out of business decades ago," he said.

GenOn, the current owner of the plant, was created in 2010 by a merger of companies, including the former plant owner Reliant Energy. Steve Davies, who appeared at the hearing representing GenOn, said the company owns nine coal-fired plants in Pennsylvania, along with nine gas-fired plants which, combined, provide about 15 percent of Pennsylvania's power needs. The plant's power is also sold to New Jersey. He said GenOn pays about \$50 million in property taxes in Pennsylvania each year. Davies said that as rules are made, "GenOn will make operating and capital expenditures" and said that any action on the Portland plant "should consider the magnitude of overall SO<sub>2</sub> regulations." He said the EPA should allow GenOn time for compliance and asked "for the opportunity to meet rules" provided those rules are "based on sound science."

Responding to a question from Enck, Davies said three of the company's Pennsylvania coal-fired plants , but not the Portland facility, are equipped with scrubbers and SO<sub>2</sub> equipment. He later amended his statement and told the panel that two additional plants have systems that act as scrubbers, bring the state total to five plants with pollution control devices.

Davies said GenOn has taken advantage of cap-and-trade programs, which allow companies to buy pollution credits from companies that exceed pollution standards and apply them to facilities that do not meet the standards.

"We have been able to comply with all permits and rules," he said.

In response to Donna Mastro, an EPA attorney on the panel, he said the Portland plant began as a base-load facility, meaning it was usually on-line, but now is an intermediate load plant, being used to provide electricity when demand is higher.

Daniel Engle, an Oxford resident. spoke Wednesday afternoon as a representative of unionized ironworkers. He said closing the Portland Plant, with its resulting loss of jobs and economic loss to the local economy would not be right.

Instead, he pointed to projects at two New Jersey plants where pollution control devices have been installed which dramatically reduce - up to 95 percent - the amount of emissions.

Requiring modernization would keep the plant running, he said, with a short-term increase in jobs as the upgrades are done and continuing to provide jobs for the long

term.

The extent of the pollution from the plant is demonstrated in a graphic that shows "a red amoeba" spreading from Pennsylvania into New Jersey. Bill O'Sullivan, director of the New Jersey Division of Air Quality, explained that the chart is from a computer model that shows where there would be violations of federal SO<sub>2</sub> over the course of an hour at least once in a year. The model was done after a study of more than 8,700 hours of data from 2003.

More recently, he said, a new monitor was installed about a mile from the plant at Columbia Lake, in September. Between then and February, the monitor recorded 14 instances of pollution violations of at least an hour duration.

Wind speed and direction at the time of the violations, pointed directly back to the Portland plant. He said his staff then looked at long-term readings from the monitor in Chester and again found the same directional finger pointing at Portland.

"The fact is, when the wind blows in your direction, you are in the path of the pollution," he said.

Among the last speakers of the evening were sisters Lynn and Amy Vonder Haar, ages 11 and 13, respectively, of Liberty.

The girls are homeschooled and one of Lynn's classes is a term on energy.

"Last semester, she was studying U.S. Government so the two issues dovetailed very naturally," said their father, William.

Lynn told the panel that the air coming from the plant "should be cleaned up," while Amy insisted scrubbers "should be put on those stacks."

"If they do that," she added, "we will all have less trouble with acid rain."

In his remarks to the panel, William Vonder Haar, said, "I'm kinda shocked that in this day of modern technology, well, I can't understand how any plant could run without scrubbers."

Then he added, "for them (GenOn) to make profits at the expense of human impact and environmental health, something like this is a wrong thing to do."

01268-EPA-6509

Richard  
Windsor/DC/USEPA/US  
04/28/2011 12:54 PM

To Bob Sussman  
cc  
bcc

Subject Re: Fw: follow- up on HF diesel guidance

yes - (b) (5) Deliberative

Bob Sussman (b) (5) Deliberative 04/27/2011 12:57:00 PM

From: Bob Sussman/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 04/27/2011 12:57 PM  
Subject: Re: Fw: follow- up on HF diesel guidance

(b) (5) Deliberative

. Is that right?

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

Bob Sussman H (b) (5) Deliberative 04/26/2011 07:57:12 PM

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 04/26/2011 07:57 PM  
Subject: Fw: follow- up on HF diesel guidance

(b) (5) Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/26/2011 07:53 PM -----

From: Nancy Stoner/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 04/26/2011 07:18 PM  
Subject: Fw: follow- up on HF diesel guidance

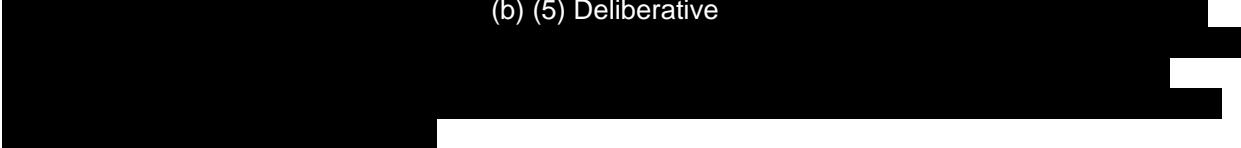
(b) (5) Deliberative

Nancy K. Stoner  
Cynthia Dougherty

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

**From:** Cynthia Dougherty  
**Sent:** 04/26/2011 02:35 PM EDT  
**To:** Nancy Stoner  
**Subject:** follow-up on HF diesel guidance

(b) (5) Deliberative



Cynthia C. Dougherty  
Director  
Office of Ground Water and Drinking Water (4601M)  
(202) 564-3750 - Phone  
(202) 564-3753 - Fax

01268-EPA-6510

**Richard  
Windsor/DC/USEPA/US**  
04/28/2011 04:11 PM

To Jose Lozano  
cc  
bcc  
Subject Re: Idea for a Cool Project

(b) (5) Deliberative

Jose Lozano

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

**From:** Jose Lozano  
**Sent:** 04/28/2011 03:55 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Idea for a Cool Project

(b) (5) Deliberative

Give me a bit and I will work out a plan and get back to you.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/28/2011 03:17 PM EDT  
**To:** "Jose Lozano" <lozano.jose@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>  
**Subject:** Idea for a Cool Project

Hey Jose,

(b) (5) Deliberative

Thx, Lisa

01268-EPA-6511

Bob  
Perciasepe/DC/USEPA/US  
04/28/2011 04:59 PM

To Richard Windsor, Bob Sussman, Diane Thompson, Gina McCarthy, Nancy Stoner, Mathy Stanislaus, Steve Owens  
cc  
bcc  
Subject

Good, Bob worked for me when I was Secretary, I think very highly of him.

## **GOVERNOR MARTIN O'MALLEY ANNOUNCES ROBERT M. SUMMERS AS MARYLAND'S SECRETARY OF ENVIRONMENT**

ANNAPOLIS, MD (April 28, 2011) - At a meeting of the Executive Cabinet today, Governor Martin O'Malley announced the appointment of Robert M. Summers, Ph.D. as Maryland's Secretary of the Environment. Summers has served as Deputy Secretary for the Department of the Environment since January 2007 and has been Acting Secretary since December 2010. Throughout his 27-year career, Dr. Summers has been a key contributor to Maryland's nationally prominent environmental programs, including the multi-jurisdictional Chesapeake Bay restoration effort.

"I am pleased to announce Dr. Summers as our Secretary for the Environment," said Governor O'Malley. "With his highly-regarded expertise, straightforward approach to finding workable solutions, and passion for clean water, clean air and a healthy environment, we are confident that his continued leadership will serve the people of our State well as we work to protect our environmental priorities."

"I am honored to be asked to lead the Department's work to safeguard drinking water, clean up the Chesapeake Bay and local rivers and streams, make our air healthier to breathe, and protect families from hazards -- including childhood lead poisoning," said Dr. Summers. "I am committed to application of the best science, the best service using e-commerce, predictability and transparency in permitting, and encouraging innovative technologies to protect public health and the environment. We have an enormous opportunity to foster innovation and create jobs with the Bay and environmental restoration, just like we are doing with climate change and renewable energy."

For 27 years, Summers has served in various capacities within Maryland's progressive and nationally recognized environmental programs, with emphasis on scientific and technical issues related to water pollution control, drinking water protection and federal, State and local government environmental laws and regulations. Summers has worked at MDE since its creation in 1987 and has served as the Director of the Water Management Administration and Director of the Technical and Regulatory Services Administration.

"Dr. Summers' history of dedication to the Chesapeake Bay and the State of Maryland, as well as his professional background and personal skills, will make him a valuable member of Governor O'Malley's cabinet as Maryland moves forward in its ongoing role as a leader on environmental matters," said Kim Coble, Maryland Executive Director of the Chesapeake Bay Foundation.

"Dr. Summers' technical expertise as well as his leadership role in developing Maryland's portion of the Chesapeake Bay restoration strategy reflects a sound understanding of the science involved and the steps necessary to achieve the Bay restoration and cleanup," said Kathleen T. Snyder, President and CEO of the Maryland Chamber of Commerce. "Dr. Summers has also shown the ability to balance numerous competing interests and broad-reaching requirements -- such an approach ensures environmental protection with consideration to impacts on all sectors."

Dr. Summers currently serves as Maryland's Commissioner on the Susquehanna River Basin Commission, the Interstate Commission on the Potomac River Basin and the Appalachian States' Low Level Radioactive Waste Commission.

Dr. Summers received his B.A. (1976) and Ph.D. (1982) in Environmental Engineering from the Johns Hopkins University, under the tutelage of the late Dr. M. Gordon ("Reds") Wolman.

Some of the Department's achievements under the O'Malley-Brown Administration include:

- Leading development of a strong State Watershed Implementation Plan, as part of EPA's plan to restore the Chesapeake Bay;
- Enacting new regulations to reduce pollution from stormwater runoff, the fastest-growing source of Bay pollution;
- Issuing new regulations and a permit on Concentrated Animal Feeding Operations to, for the first time, implement manure handling requirements on 85 percent of poultry litter generated from Maryland's poultry operations;
- Jump-starting the Bay Restoration Fund septic upgrades program;
- Aggressively enforcing the State's lead laws, testing more children for lead poisoning and reporting fewer children with lead poisoning than ever before;
- Implementing the Greenhouse Gas Reduction Act of 2009, which calls for a 25 percent reduction in state greenhouse gas emissions by 2020;
- Leading Maryland's participation in the Regional Greenhouse Gas Initiative, the country's first cap-and-trade program, which has raised \$162.4 million for programs to promote cleaner energy sources, energy efficiency and conservation, and provide rate relief for low and moderate income households; and
- Implementing Maryland's Clean Cars legislation, implementing stricter vehicle emission standards targeted at reducing greenhouse gas emissions and improving air quality.

###

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6512

David  
McIntosh/DC/USEPA/US  
04/28/2011 06:44 PM

To Richard Windsor  
cc Michael Goo  
bcc  
Subject Re: Nice exchange

Yes, and how. I've left him a message about it.

Richard Windsor Good work by Walke. 04/28/2011 09:51:58 AM

---

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh <McIntosh.David@EPA.GOV>, Michael Goo/DC/USEPA/US@EPA  
Cc: (b) (6) Personal Privacy <(b) (6) Personal Privacy>  
Date: 04/28/2011 09:51 AM  
Subject: Nice exchange

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John Walke is director of the Natural Resources Defense Council's Clean Air Program in Washington, DC.



01268-EPA-6513

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
04/28/2011 07:20 PM cc Janet McCabe, Joseph Goffman, Michael Goo,  
perciasepe.bob, Richard Windsor, Thompson.Diane  
bcc  
Subject Re: Transport Rule

(b) (5) Deliberative

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

Gina McCarthy Thanks for taking the time to walk thru t... 04/03/2011 09:20:15 PM

---

From: Gina McCarthy/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael  
Goo/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA,  
Thompson.Diane@EPA.GOV  
Date: 04/03/2011 09:20 PM  
Subject: Re: Transport Rule

Thanks for taking the time to walk thru this so quickly. I have asked Joe to work with staff and pull together these responses for you.

Bob Sussman (b) (5) Deliberative 04/03/2011 08:14:45 PM

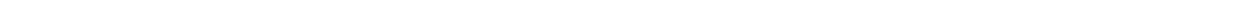
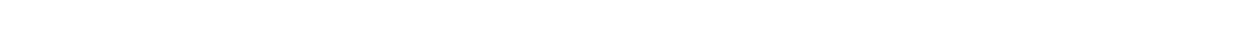
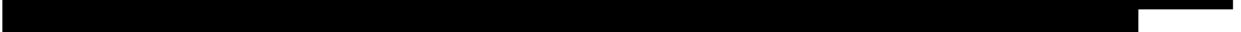
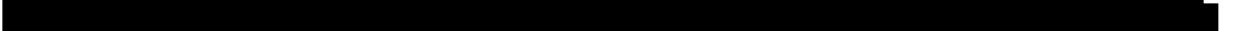
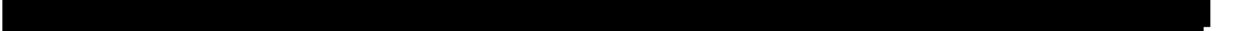
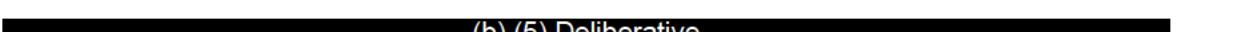
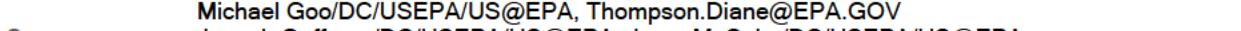
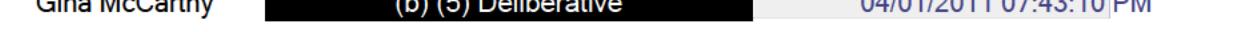
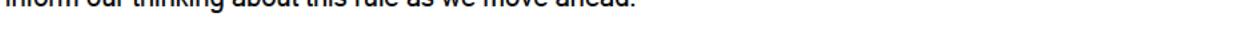
---

From: Bob Sussman/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael  
Goo/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA,  
Thompson.Diane@EPA.GOV  
Date: 04/03/2011 08:14 PM  
Subject: Re: Transport Rule

Gina -- Thanks for a good briefing. Obviously a lot of excellent work has occurred.

(b) (5) Deliberative

(b) (5) Deliberative



but answers would be very helpful to inform our thinking about this rule as we move ahead.

Gina McCarthy (b) (5) Deliberative 04/01/2011 07:43:10 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Sussman.bob@EPA.GOV,  
Michael Goo/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 04/01/2011 07:43 PM  
Subject: Transport Rule

(b) (5) Deliberative



Thanks



01268-EPA-6514

Gina McCarthy/DC/USEPA/US  
04/28/2011 07:28 PM  
To Bob Sussman  
cc Janet McCabe, Joseph Goffman, Michael Goo, "Bob Perciasepe", Richard Windsor, "Diane Thompson"  
bcc  
Subject Re: Transport Rule

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 04/28/2011 07:20 PM EDT  
**To:** Gina McCarthy  
**Cc:** Janet McCabe; Joseph Goffman; Michael Goo; perciasepe.bob@epa.gov; Richard Windsor; Thompson.Diane@EPA.GOV  
**Subject:** Re: Transport Rule

(b) (5) Deliberative

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

Gina McCarthy Thanks for taking the time to walk thru t... 04/03/2011 09:20:15 PM

---

From: Gina McCarthy/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Date: 04/03/2011 09:20 PM  
Subject: Re: Transport Rule

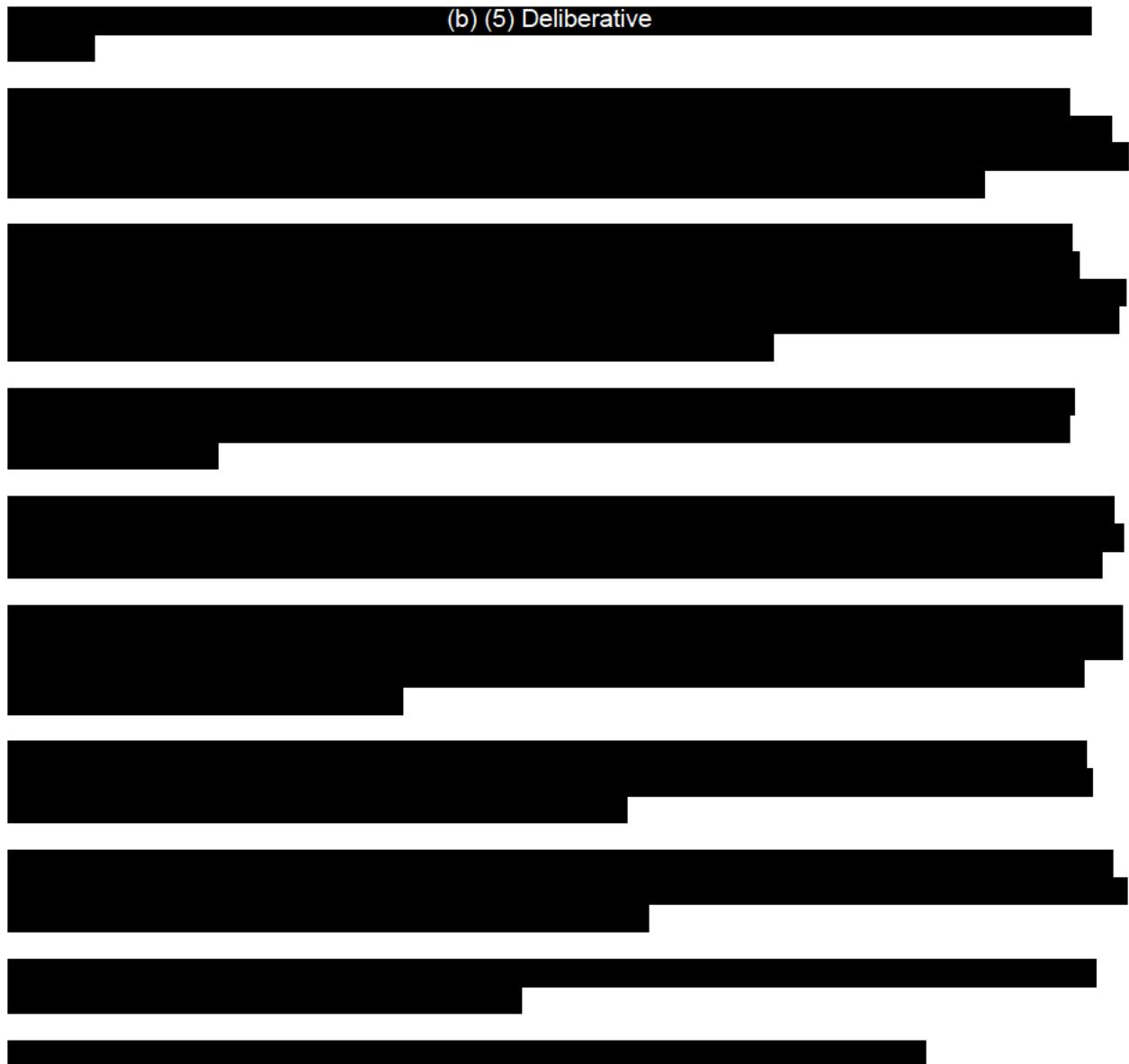
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(b) (5) Deliberative

04/01/2011 07:43:10 PM

From: Gina McCarthy/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Sussman.bob@EPA.GOV,  
Michael Goo/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 04/01/2011 07:43 PM  
Subject: Transport Rule

---

(b) (5) Deliberative



Thanks

01268-EPA-6515

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
04/28/2011 07:40 PM cc Janet McCabe, Joseph Goffman, Michael Goo, "Bob Perciasepe", Richard Windsor, "Diane Thompson"  
bcc  
Subject Re: Transport Rule

great.

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

Gina McCarthy

(b) (5) Deliberative

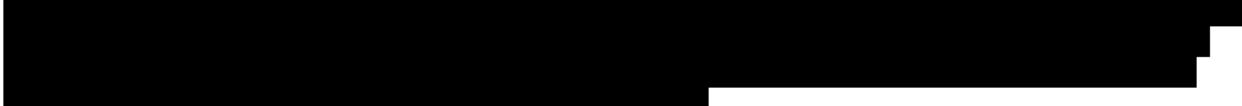
04/28/2011 07:28:57 PM

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From: Gina McCarthy/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, "Diane Thompson" <Thompson.Diane@EPA.GOV>  
Date: 04/28/2011 07:28 PM  
Subject: Re: Transport Rule

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(b) (5) Deliberative



Bob Sussman

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**To:** Gina McCarthy  
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**Subject:** Re: Transport Rule

(b) (5) Deliberative  
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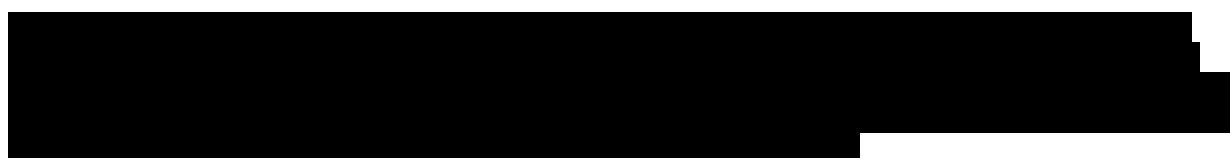
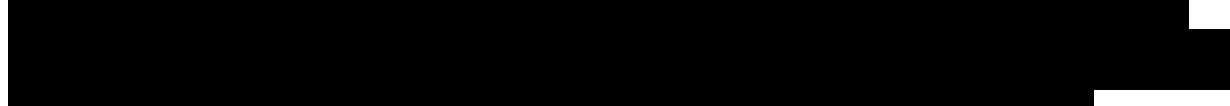
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Gina McCarthy

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From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Sussman.bob@EPA.GOV, Michael Goo/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 04/01/2011 07:43 PM  
Subject: Transport Rule

---

(b) (5) Deliberative

Thanks

01268-EPA-6516

**Richard  
Windsor/DC/USEPA/US**  
04/29/2011 10:12 AM

To Sarah Pallone  
cc  
bcc  
**Subject:** Re: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Ummmm...  
Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 04/29/2011 10:04 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Arvin Ganesan  
**Subject:** Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling  
Definitely a novel approach:

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

## Gov. Tom Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Published: Thursday, April 28, 2011, 4:16 PM Updated: Thursday, April 28, 2011, 5:48 PM



By **The Associated Press**

EDINBORO — Some Pennsylvania universities should consider drilling for natural gas below campus to help solve their budget problems, Gov. Tom Corbett said today.

**The Erie Times-News reported** that Corbett made the suggestion during an appearance at a meeting of the Pennsylvania State System of Higher Education at Edinboro University.

Corbett said six of **the 14 campuses in the Pennsylvania State System of Higher Education** are located on the Marcellus Shale formation, which lies primarily beneath Pennsylvania, New York, West Virginia and Ohio. He said more than 2,000 wells have been drilled in the past three years and many thousands more planned.

Drilling for gas in deep shale deposits is emerging as a major new source of energy that supporters say is homegrown and cleaner than coal or oil.

But shale drilling requires injecting huge volumes of water underground to help shatter the rock — a process called hydraulic fracturing, or fracking. That process can pollute groundwater, and it has raised concerns about the safety of drinking water. The Marcellus Shale formation lies primarily beneath Pennsylvania, New York, West Virginia and Ohio; Pennsylvania, however, has more than 2,000 wells drilled in the past three years and many thousands more planned.

Most big gas states require drillers to dump their wastewater into deep shafts drilled into the earth to prevent it from has moved to limit it, Pennsylvania still allows hundreds of millions of gallons of the partially treated drilling wastewater communities draw drinking water.

01268-EPA-6517

**Sarah Pallone/DC/USEPA/US** To Richard Windsor  
04/29/2011 10:28 AM cc  
bcc  
**Subject:** Re: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

I wish I could take credit for this line from one of my staff: maybe PSU could offer an new hydrofracture engineering degree!

Insanity.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/29/2011 10:12 AM EDT  
**To:** Sarah Pallone  
**Subject:** Re: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

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Sarah Pallone

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

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**Sent:** 04/29/2011 10:04 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Arvin Ganesan  
**Subject:** Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

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

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The Erie Times-News reported that Corbett made the suggestion during an appearance at a meeting of the Pennsylvania at Edinboro University.

Corbett said six of the 14 campuses in the Pennsylvania State System of Higher Education are located on the region of underground natural gas deposits that are currently being explored and extracted.

**The Republican governor's proposed budget** for the fiscal year that starts in July would cut \$2 billion from education and universities by 50 percent. The newspaper said Corbett emphasized the cuts are only proposals and that funding for education will come from the budget with state lawmakers.

The Marcellus Shale formation lies primarily beneath Pennsylvania, New York, West Virginia and Ohio; Pennsylvania, has more than 2,000 wells drilled in the past three years and many thousands more planned.

Drilling for gas in deep shale deposits is emerging as a major new source of energy that supporters say is homegrown and cleaner than coal or oil.

But shale drilling requires injecting huge volumes of water underground to help shatter the rock — a process called hydraulic fracturing, or fracking. The treated wastewater is then pumped back up to the surface along with the natural gas. The water returns to the surface, in addition to the gas, as ultra-salty brine tainted with metals like barium and strontium, trace elements and chemicals injected by the drilling companies.

Most big gas states require drillers to dump their wastewater into deep shafts drilled into the earth to prevent it from contaminating groundwater. While Pennsylvania has moved to limit it, Pennsylvania still allows hundreds of millions of gallons of the partially treated drilling wastewater to be dumped directly into rivers and streams that communities draw drinking water.

01268-EPA-6519

Nancy Stoner/DC/USEPA/US

05/02/2011 07:32 PM

To Richard Windsor

cc Bob Perciasepe, Bob Sussman

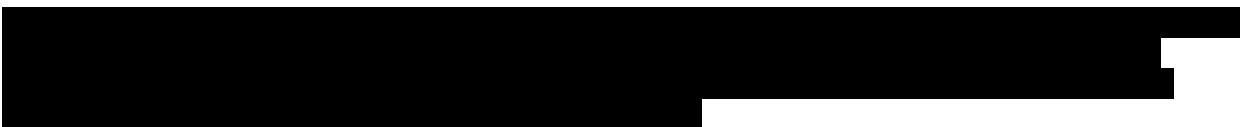
bcc

Subject Water Hot Items

Administrator,

I think you are pretty much aware of what is going on in OW, but here are a few items that may be of interest:

(b) (5) Deliberative



Feel free to let me know if there are other issues for which you'd like an update.

Thanks,

Nancy

cc: Bob P and Bob S

01268-EPA-6520

**Karl Brooks/R7/USEPA/US**

05/03/2011 09:45 AM

To Richard Windsor

cc

bcc

Subject Re: Fw: EPA tries to win back farm states

(b) (5) Deliberative

See you next week.

Karl Brooks  
 Regional Administrator  
 EPA Region 7  
 913.551.7006

|                 |                                              |                        |
|-----------------|----------------------------------------------|------------------------|
| Richard Windsor | Thanks for your help in this effort. Lisa... | 05/03/2011 08:40:28 AM |
|-----------------|----------------------------------------------|------------------------|

From: Richard Windsor/DC/USEPA/US  
 To: "Karl Brooks" <brooks.karl@epa.gov>, "Susan Hedman" <hedman.susan@epa.gov>, "Jared Blumenfeld" <blumenfeld.jared@epa.gov>, "Jim Martin" <Martin.Jim@epamail.epa.gov>, "Al Armendariz" <Armendariz.Al@epa.gov>, "Gwendolyn KeyesFleming" <KeyesFleming.Gwendolyn@epamail.epa.gov>, "Shawn Garvin" <Garvin.Shawn@epamail.epa.gov>, "Judith Enck" <enck.judith@epa.gov>, "Curt Spalding" <spalding.curt@epa.gov>, "Dennis McLerran" <mclerran.dennis@epa.gov>  
 Cc: "Janet Woodka" <Woodka.Janet@epamail.epa.gov>  
 Date: 05/03/2011 08:40 AM  
 Subject: Fw: EPA tries to win back farm states

Thanks for your help in this effort. Lisa  
 Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 05/03/2011 08:31 AM EDT  
**To:** Richard Windsor  
**Subject:** EPA tries to win back farm states

FYI



## EPA tries to win back farm states

By: Robin Bravender

May 3, 2011 04:44 AM EDT

Lisa Jackson is looking for some friends down on the farm.

Farm-state voters have seemingly lost patience with Democrats in Washington. Last fall, the governorships and a combined 16 congressional seats in several key states that supported President Barack Obama in 2008 flipped to Republicans, including Iowa, Michigan, Ohio, Pennsylvania and Wisconsin.

At the center of complaints from farm-state lawmakers: the Environmental Protection Agency's air and water regulations, which they claim will put farms out of business.

In an effort to repair its image in the heartland, EPA Administrator Lisa Jackson and other Cabinet officials are hitting the road and the airwaves.

Jackson traveled to Iowa last month and California farm country in March, and EPA says additional trips are in the works. She has also been trying to improve EPA's image through appearances on local radio stations and with op-eds in farm states.

"Part of the reason for being here is to speak directly to folks outside of that echo chamber that's the Washington, D.C., world about what's really happening," Jackson told Des Moines, Iowa, radio station WHO last month.

"I call it sort of my 'debunking the myths' tour," she said.

Jackson admits she doesn't have a background in agriculture. "I'm a city girl," the New Orleans native said.

She insists EPA isn't out to put farms out of business but has failed to make much headway on Capitol Hill, where the agency's farm policies have come under fire from Democrats and Republicans alike.

At a heated March House Agriculture Committee hearing, California Democrat Dennis Cardoza told Jackson her agency was "the most unpopular agency in farm country from sea to shining sea, bar none."

The committee's top Democrat, Collin Peterson of Minnesota, said EPA appears to farmers like "an out-of-control agency that doesn't understand agriculture and doesn't seem to want to understand it." And Illinois Republican Tim Johnson told Jackson that her agency has been the "poster child ... for usurpation of legislative authority."

Among the most common anti-EPA talking points: The agency plans to clamp down on farm dust, regulate spilled milk like spilled oil and impose a "cow tax" on farmers for the greenhouse gases emitted by livestock.

Jackson says those are all myths. She told the House panel that the "mischaracterizations" about her agency "are more than simply a distraction" and "could prevent real dialogue to address our greatest problems."

Jackson insists that EPA has no plans to regulate dust on farms, although she hasn't ruled out the possibility. Last month, EPA made good on its promise to exempt milk containers from rules aimed at preventing oil spills from reaching water supplies.

And Jackson says the "cow tax" rumors are hot air. "That myth was started in 2008 by a

"lobbyist" and quickly debunked by a nonpartisan, independent group, she said at the hearing.

"I have a tremendous respect for the agricultural sector," she said. "Farmers and ranchers are an essential part of our economy; they give us food, fiber and fuel."

Jon Doggett, vice president of public policy of the National Corn Growers Association, said he often hears concerns from growers about not just what they see happening now at EPA but also "what they see coming in the future."

But he said it's a welcome sign that EPA officials are heading out to talk to farmers. "The thing that gets our folks most upset is the feeling that EPA doesn't know what we're doing out on farms," he said.

Pairing Jackson with Agriculture Secretary Tom Vilsack could help on that front.

Jackson and the former Iowa governor last month visited a livestock farm, a row crop farm and a biodiesel plant.

The two also penned an op-ed in The Des Moines Register last week touting the "shared goals" of EPA and farmers and again sought to set straight "some of the misconceptions and myths about the EPA."

Jackson is also known for her ability to put even her fiercest critics at ease when she meets them face to face. She's friendly with the Senate's top climate skeptic, Jim Inhofe (R-Okla.), who regularly berates the administration's environmental policies.

The EPA chief would do well to make stops in places such as Fort Wayne, Peoria or Evanston and answer questions about what much-feared regulations will really do, said a former Senate Democratic aide.

"Lisa Jackson does a very good job in that environment," that person said, because she can easily relate to people and doesn't get rattled.

Jackson also met with farmers and ranchers in Fresno, Calif., in March. In an op-ed in the Fresno Bee, she touted EPA's partnerships with agriculture and said its top brass has met with hundreds of farmers and ranchers across the country in the past year.

Norm Ornstein, a political analyst at the American Enterprise Institute, said the administration is likely trying to avoid fights in states that still rely heavily on agriculture.

"The last thing you want to do is piss them off for no good reason," he said.

And the attacks from farmers have been amplified amid Republicans' constant criticism of EPA and the Obama administration's environmental agenda.

"If you're aiming at the White House, you're going to use every weapon in your arsenal and everything that you can do to raise the dissatisfaction level in people," Ornstein said.

House Republicans on the Agriculture and Natural Resources committees plan to continue their assault Tuesday with a joint hearing titled "At Risk: American Jobs, Agriculture, Health and Species — the Costs of Federal Regulatory Dysfunction."

Jackson isn't scheduled to testify, but with fights ahead on 2012 appropriations, skyrocketing gas and oil prices and a possible farm bill in the offing next year, she'll need to keep up the effort.

"In the end, the proof is in the pudding, you look at what happens day to day," said Paul Schlegel, director of environment and energy policy at the American Farm Bureau Federation.



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FD HIDDEN DIV

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
[pallone.sarah@epa.gov](mailto:pallone.sarah@epa.gov)

01268-EPA-6521

**Richard  
Windsor/DC/USEPA/US**  
05/03/2011 12:06 PM

To Jared Blumenfeld  
cc  
bcc  
Subject Re: EPA tries to win back farm states

Way too much useless info in my head. Tx.  
Jared Blumenfeld

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

**From:** Jared Blumenfeld  
**Sent:** 05/03/2011 11:51 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: EPA tries to win back farm states

(b) (5) Deliberative

Jared Blumenfeld  
Sent by EPA Wireless E-Mail Services  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/03/2011 09:40 AM EDT  
**To:** "Karl Brooks" <brooks.karl@epa.gov>; "Susan Hedman" <hedman.susan@epa.gov>; "Jared Blumenfeld" <blumenfeld.jared@epa.gov>; Jim Martin; "Al Armendariz" <Armendariz.Al@epa.gov>; Gwendolyn Keyes Fleming; Shawn Garvin; "Judith Enck" <enck.judith@epa.gov>; "Curt Spalding" <spalding.curt@epa.gov>; "Dennis McLerran" <mclerran.dennis@epa.gov>  
**Cc:** Janet Woodka  
**Subject:** Fw: EPA tries to win back farm states

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**Subject:** EPA tries to win back farm states

FYI



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Jackson insists that EPA has no plans to regulate dust on farms, although she hasn't ruled out the possibility. Last month, EPA made good on its promise to exempt milk containers from rules aimed at preventing oil spills from reaching water supplies.

And Jackson says the "cow tax" rumors are hot air. "That myth was started in 2008 by a lobbyist" and quickly debunked by a nonpartisan, independent group, she said at the hearing.

"I have a tremendous respect for the agricultural sector," she said. "Farmers and ranchers are an essential part of our economy; they give us food, fiber and fuel."

Jon Doggett, vice president of public policy of the National Corn Growers Association, said he often hears concerns from growers about not just what they see happening now at EPA but also "what they see coming in the future."

But he said it's a welcome sign that EPA officials are heading out to talk to farmers. "The thing that gets our folks most upset is the feeling that EPA doesn't know what we're doing out on farms," he said.

Pairing Jackson with Agriculture Secretary Tom Vilsack could help on that front.

Jackson and the former Iowa governor last month visited a livestock farm, a row crop farm and a biodiesel plant.

The two also penned an op-ed in The Des Moines Register last week touting the "shared goals" of EPA and farmers and again sought to set straight "some of the misconceptions and myths about the EPA."

Jackson is also known for her ability to put even her fiercest critics at ease when she meets them face to face. She's friendly with the Senate's top climate skeptic, Jim Inhofe (R-Okla.), who regularly berates the administration's environmental policies.

The EPA chief would do well to make stops in places such as Fort Wayne, Peoria or Evanston and answer questions about what much-feared regulations will really do, said a former Senate Democratic aide.

"Lisa Jackson does a very good job in that environment," that person said, because she can easily relate to people and doesn't get rattled.

Jackson also met with farmers and ranchers in Fresno, Calif., in March. In an op-ed in the Fresno Bee, she touted EPA's partnerships with agriculture and said its top brass has met with hundreds of farmers and ranchers across the country in the past year.

Norm Ornstein, a political analyst at the American Enterprise Institute, said the administration is likely trying to avoid fights in states that still rely heavily on agriculture.

"The last thing you want to do is piss them off for no good reason," he said.

And the attacks from farmers have been amplified amid Republicans' constant criticism of EPA and the Obama administration's environmental agenda.

"If you're aiming at the White House, you're going to use every weapon in your arsenal and everything that you can do to raise the dissatisfaction level in people," Ornstein said.

House Republicans on the Agriculture and Natural Resources committees plan to continue their assault Tuesday with a joint hearing titled "At Risk: American Jobs, Agriculture, Health and Species — the Costs of Federal Regulatory Dysfunction."

Jackson isn't scheduled to testify, but with fights ahead on 2012 appropriations, skyrocketing gas and oil prices and a possible farm bill in the offing next year, she'll need to keep up the effort.

"In the end, the proof is in the pudding, you look at what happens day to day," said Paul Schlegel, director of environment and energy policy at the American Farm Bureau Federation.



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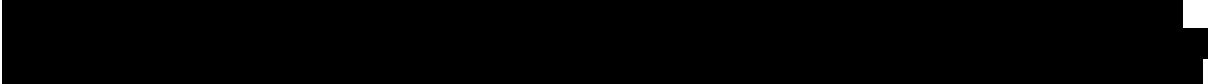
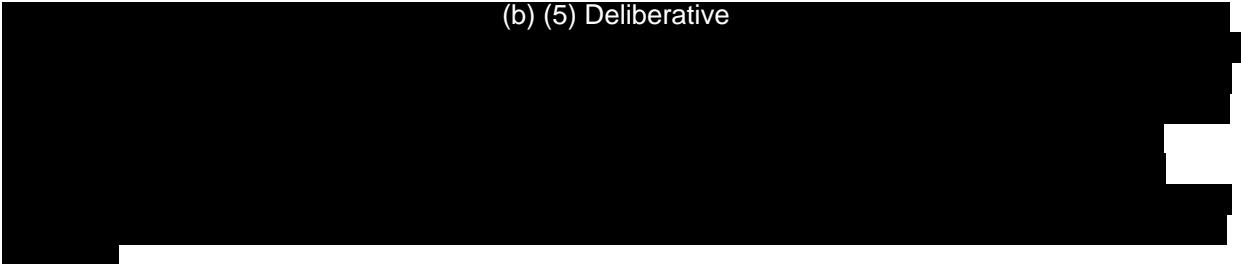
#### FD HIDDEN DIV

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
[pallone.sarah@epa.gov](mailto:pallone.sarah@epa.gov)

01268-EPA-6522

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
05/03/2011 07:35 PM cc Bob Perciasepe, Arvin Ganesan, Diane Thompson  
bcc  
Subject Gwen's Mtg with kentucky tomorrow on 402 permitting for  
mining projects

(b) (5) Deliberative



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

01268-EPA-6523

Gina McCarthy/DC/USEPA/US

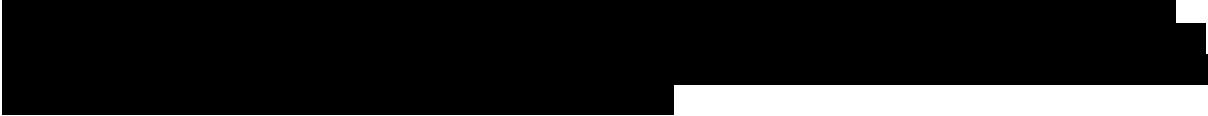
To Richard Windsor

05/04/2011 01:26 AM

cc David McIntosh, Michael Goo, Bob Perciasepe, Diane  
Thompson, Janet McCabe, Joseph Goffman  
bcc

Subject Boiler MACT, CISWI and Portland Cement Reconsiderations

(b) (5) Deliberative



01268-EPA-6524

**Richard  
Windsor/DC/USEPA/US**  
05/04/2011 06:14 AM

To Gina McCarthy  
cc David McIntosh, Michael Goo, Bob Perciasepe, Diane Thompson, Janet McCabe, Joseph Goffman  
bcc  
Subject Re: Boiler MACT. CISWI and Portland Cement Reconsiderations

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/04/2011 01:26 AM EDT  
**To:** Richard Windsor  
**Cc:** David McIntosh; Michael Goo; Bob Perciasepe; Diane Thompson; Janet McCabe; Joseph Goffman  
**Subject:** Boiler MACT. CISWI and Portland Cement Reconsiderations

(b) (5) Deliberative

01268-EPA-6525

**Richard  
Windsor/DC/USEPA/US**  
05/04/2011 09:48 AM

To Stephanie Owens  
cc  
bcc  
Subject Re: Post article - Congregation is first black church in D.C. to be powered by solar energy

Tx!

Stephanie Owens

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

**From:** Stephanie Owens  
**Sent:** 05/04/2011 09:45 AM EDT  
**To:** Richard Windsor; Alisha Johnson; Brendan Gilfillan; Dru Ealons  
**Cc:** Seth Oster; Adora Andy; Lisa Garcia  
**Subject:** Re: Post article - Congregation is first black church in D.C. to be powered by solar energy

We will post on our web page and have the White House Faith Office amplify as well.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/04/2011 09:31 AM EDT  
**To:** Alisha Johnson; Brendan Gilfillan; Dru Ealons  
**Cc:** Seth Oster; Adora Andy; Lisa Garcia; Stephanie Owens  
**Subject:** Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

Very, very nice. Let's amplify this on social media please. Thanks. Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/04/2011 09:30 AM -----

---

From: "Yolanda Caraway" <ycaraway@THECARAWAYGROUP.COM>  
To: Richard Windsor/DC/USEPA/US@EPA, (b) (6) Personal Privacy  
Date: 05/04/2011 08:57 AM  
Subject: Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

Yolanda Caraway  
President and CEO  
The Caraway Group, Inc.  
1010 Wisconsin Ave. NW  
Suite 550  
Washington, DC 20007  
(202) 965-2810 Office  
(202) 965-2812 Fax  
yolanda@thecarawaygroup.com

\*Sent from my BlackBerry Wireless - Please excuse any typos

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

From: Rae Robinson Trotman  
To: Yolanda Caraway; Tonya Williams (Tonya@thecarawaygroup.com); Darrell Jackson (Darrell@thecarawaygroup.com) <Darrell@thecarawaygroup.com>; Phallan Davis <phallan@thecarawaygroup.com>  
Sent: Wed May 04 08:45:41 2011  
Subject: Post article - Congregation is first black church in D.C. to be powered by solar energy

C <<image001.jpg>> ongregation is first black church in D.C. to be powered by solar energy

By Darryl Fears, Tuesday, May , 6:52 PM

A historic black church that has sat on the same corner in LeDroit Park for 99 years has become the first African American church in the District to rely on renewable solar energy for electrical power.

Florida Avenue Baptist's <<http://www.flavbc.org/>> installation of 44 solar panels was hailed at a ribbon-cutting Tuesday by Environmental Protection Agency Administrator Lisa P. Jackson and other government officials as a breakthrough in the black community, where the clean-energy divide mirrors its well-known high-tech digital divide with the white community.

"This is an important first," said Jackson, whose agency recently started a faith-based initiative to increase clean-energy awareness among religious groups. "They're saying: We're going to take the lead in helping African American homes to become energy efficient."

The church's pastor, the Rev. Earl D. Trent Jr., said the panels' installation, by a North Carolina-based company in March, was important not only because the church will save money on its \$3,000 monthly electric bill from Pepco but also because it will reduce "dirty" coal-fired energy and enable him to establish a "green ministry" that could awaken churchgoers who know little to nothing about clean energy and its benefits.

African Americans tend to live in older, less energy-efficient homes equipped with older appliances and, therefore, have higher energy bills.

According to "Energy Democracy <[http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy\\_Democracy\\_Report\\_\(WEB\).pdf](http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy_Democracy_Report_(WEB).pdf)>," a 2010 report by the Center for Social Inclusion, African Americans spent an average of \$1,439 on electric bills in 2008, more than what Latino and Asian Americans spent, and significantly higher than what white Americans paid.

"We want to be a model for green energy," Trent said in an earlier interview. "I've gotten calls from pastors who want to find out how they can do this," he added, raising his hope that the renewable-energy divide can be bridged.

African American churches have historically led social change in black communities, raising awareness of civil rights in the past and now, possibly, environmental justice, Trent said. Helping to lower coal-energy production, even marginally, at power plants is a symbolic step in a nation where, he said, many black people live near such plants and their smokestacks.

"African Americans have more sources of pollution in their neighborhoods than others," Jackson said, standing on the roof of the church near Howard University Hospital as the sun beat down. "We have mercury, neurotoxins building up in our bodies .□.□. mothers pass it to children. We have .□.□. developmental disorders. All that comes back to this," she said, pointing to the row of solar panels.

"I think it's an extraordinary thing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities. "For me, this is a big story, even if it's just one church. You know how black churches are. If one pastor does it, the others have to do it because they don't want to be outdone."

When ministers inquire about getting panels, they'll learn that they'll have to spend green to go green.

At Florida Avenue Baptist, which has 500 members, the cost was \$60,000. With prayer, and 12 members of the flock who were willing to invest money in exchange for Solar Renewable Energy Certificates <[http://www.epa.gov/greenpower/documents/gpp\\_basics-recs.pdf](http://www.epa.gov/greenpower/documents/gpp_basics-recs.pdf)>, the cost was overcome.

The certificates are a kind of energy credit that companies such as power plants buy to sidestep government regulations and penalties for producing too much pollution.

The idea to go solar came to Trent through Gilbert Campbell III, a co-owner of Volt Energy <<http://volt-energy.com/>>, a North Carolina clean-energy company with an office in Washington. Campbell, a Howard University graduate who met Trent years earlier through his father, a pastor, had a proposition.

"I want to share with you the benefits of the church looking at solar," Campbell recalled saying in December. "You have an opportunity to educate younger students in the church," he said. "There's a value associated with that."

Volt Energy helped Florida Avenue Baptist set up a business, allowing it to make the investment and receive the certificates. The investors recouped \$18,000 within 60 days from a federal tax credit that for-profit entities receive for making investments in renewable technology.

Volt Energy also customized a curriculum for the church, teaching energy efficiency, recycling, and the how-tos of using energy-efficient light bulbs and reading energy bills to children.

Last week, Pepco turned on the power generated by the panels.

The church is expected to save 15 percent, about \$450, on its monthly bill, Campbell said. More money will probably be saved after an energy audit of the church and the installation of energy-efficient doors, windows and light fixtures, he said.

The church plans to eventually install a monitor outside the sanctuary so that its members can see the amount of energy being produced and the money being saved, Trent said.

"They're excited," he said. "They can't wait to see."

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Rae Robinson Trotman| Chief of Staff | The Caraway Group, Inc. | 1010 Wisconsin Avenue, NW | Suite 550 | Washington, DC 20007 | 202-243-7653 (direct) | 202-965-2812 (fax) | [www.thecarawaygroup.com](http://www.thecarawaygroup.com)|

[<http://twitter.com/TheCarawayGroup>](http://twitter.com/TheCarawayGroup)

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(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-6526

Gina McCarthy/DC/USEPA/US  
05/04/2011 02:32 PM  
**To:** Richard Windsor  
**cc:** Bob Perciasepe, David McIntosh, Diane Thompson, Janet McCabe, Joseph Goffman, Michael Goo  
**bcc:**  
**Subject:** Re: Boiler MACT, CISWI and Portland Cement Reconsiderations

(b) (5) Deliberative [REDACTED]

Richard Windsor

(b) (5) Deliberative

05/04/2011 06:14:51 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Gina McCarthy/DC/USEPA/US@EPA  
**Cc:** David McIntosh/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
**Date:** 05/04/2011 06:14 AM  
**Subject:** Re: Boiler MACT, CISWI and Portland Cement Reconsiderations

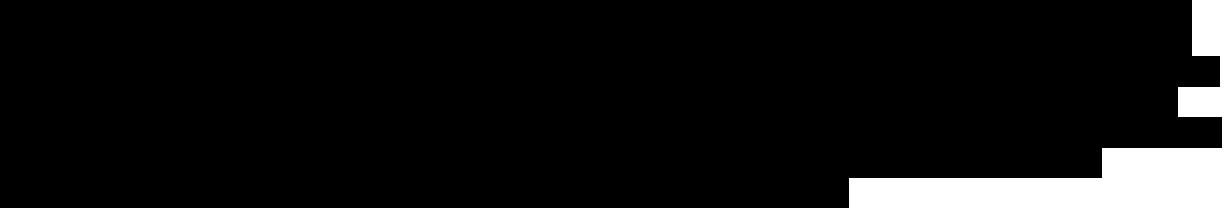
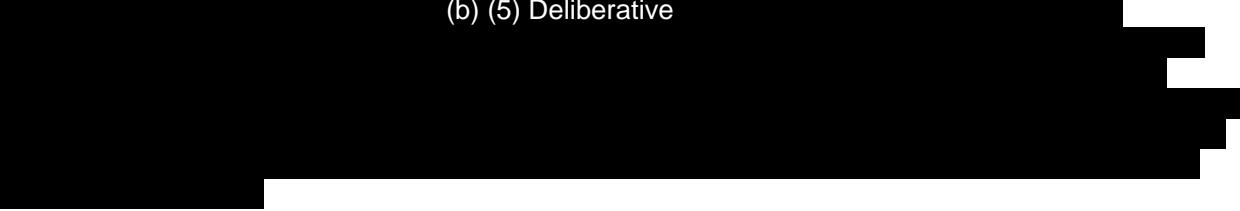
(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/04/2011 01:26 AM EDT  
**To:** Richard Windsor  
**Cc:** David McIntosh; Michael Goo; Bob Perciasepe; Diane Thompson; Janet McCabe; Joseph Goffman  
**Subject:** Boiler MACT. CISWI and Portland Cement Reconsiderations

(b) (5) Deliberative



01268-EPA-6528

**Richard  
Windsor/DC/USEPA/US**  
05/06/2011 08:33 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

No clue. Didn't read article.

---

**From:** Arvin Ganesan  
**Sent:** 05/06/2011 08:22 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

(b) (5) Deliberative



Sent from my Blackberry Wireless Device

---

**From:** Richard Windsor  
**Sent:** 05/06/2011 08:15 AM EDT  
**To:** "Arvin Ganesan" <ganesan.arvin@epa.gov>  
**Subject:** Fw: Google Alert - lisa jackson epa

See last piece... ?

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/06/2011 12:10 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

Web

4 new results for **lisa jackson epa**

**LISA JACKSON EPA GO AWAY**

**LISA JACKSON EPA GO AWAY (NASHVILLE)** ... THEY ARE THE COSTS OF THE HIGH PRICE OF OIL EPA IS BECAUSE SHELL SPENT 4 BILLION IN ALASKA AND THE EPA SAID NO YOU ...

[nashville.craigslist.org/pol/2357303636.html](http://nashville.craigslist.org/pol/2357303636.html)

**Twitter / Jennifer A. Dlouhy: Lisa Jackson: EPA will soo ...**

**Lisa Jackson:** EPA will soon issue guidance for companies injecting diesel in # fracking process. "This is not exempt" from EPA oversight.

[twitter.com/jendlouhyhc/status/62869622642323456](http://twitter.com/jendlouhyhc/status/62869622642323456)

**EPA Administrator Lisa Jackson, Governor Bill Richardson, L.A. ...**

WASHINGTON , May 2, 2011 /NEWS.GNOM.ES/ — Earth Day Network announced today that it has an all-star cast as confirmed speakers at its May 3rd Climate ...

[democrat.gnom.es/.../epa-administrator-lisa-jackson-governor-...](#)

**Randy Ellis to Meet with EPA director Lisa Jackson | RoaneViews**

EPA Director **Lisa Jackson** with a VIP from Roane County. ... I don't have the answers, but there has to be some way to reign in **EPA**, TVA and other agencies ...

[www.roanerviews.com/node/6307](#)

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01268-EPA-6529

**Noah Dubin/DC/USEPA/US** To  
**05/06/2011 04:55 PM** cc  
**bcc Richard Windsor**  
**Subject Monday, May 9, 2011 Schedule for Lisa P. Jackson**

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

**Schedule for Lisa P. Jackson EPA Administrator**  
**Monday, May 9, 2011**

---

Notes:

| Drivers                                                                                                      | Shift Leaders                                                                                                                                                                                                                                                                                                   | Staff Contact            |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy                                                                                                                                                                                                    | Heidi Ellis 202-355-5212 |
| 08:30 AM - 08:45 AM Ariel Rios                                                                               | Depart for DOI                                                                                                                                                                                                                                                                                                  |                          |
| 08:45 AM - 09:15 AM Administrator's Office                                                                   | FYI Daily Briefing                                                                                                                                                                                                                                                                                              |                          |
| 08:45 AM - 10:00 AM Department of Interior                                                                   | US-China Strategic & Economic Dialogue<br>Ct: Josh Novikoff: 564-1032<br><br>8 AM: Delegations Arrive<br>*Principals arrive by 8:45                                                                                                                                                                             |                          |
|                                                                                                              | 9:15 - 10:00 AM: Opening Session with VPOTUS Remarks<br>Location: Sidney R. Yates Auditorium<br>Press: Open Press                                                                                                                                                                                               |                          |
| 10:45 AM - 01:15 PM Department of State                                                                      | US-China Strategic & Economic Dialogue<br>Ct: Josh Novikoff: 564-1032<br><br>10:45 AM - 12:15 PM: Breakout Session: Electronic Stewardship<br>Location: Room 1107<br><br>12:15 - 1:15 PM: Strategic Track Principals Working Lunch<br>Location: Thomas Jefferson Room                                           |                          |
| 01:00 PM - 02:00 PM Bullet Room                                                                              | FYI Senior Staff Meeting                                                                                                                                                                                                                                                                                        |                          |
| 02:15 PM - 03:45 PM Department of State                                                                      | US-China Strategic & Economic Dialogue<br>Ct: Josh Novikoff: 564-1032<br><br>2:15 - 3:45 PM: Strategic Track Plenary Session I: US-China Cooperation<br>(Camera Spray)<br>Location: Loy Henderson Auditorium<br><br>**2:39 - 3:27 PM: Cooperation on Clean Energy, Climate Change, and Environment (U.S. leads) |                          |

Location: Loy Henderson Auditorium

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03:45 PM - 04:00 PM | State Department       | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04:00 PM - 04:45 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 04:45 PM - 05:15 PM | Administrator's Office | Briefing on Scientific Integrity<br>Ct: Becky Fried 564-0960<br><br>Staff:<br>Bob Perciasepe, Bob Sussman (OA)<br>Paul Anastas (ORD)<br>Scott Fulton (OGC)                                                                                                                                                                                                                                                                         |
|                     |                        | Optional:<br>Diane Thompson (OA)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 05:30 PM - 05:50 PM | Administrator's Office | Meeting on Dominion Settlement<br>Ct: Nena Shaw 564-5106<br><br>Staff:<br>Bob Sussman (OA)<br>Cynthia Giles (OECA)                                                                                                                                                                                                                                                                                                                 |
|                     |                        | Optional:<br>Diane Thompson (OA)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06:30 PM - 06:45 PM | Ariel Rios             | Depart for State                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06:45 PM - 08:45 PM | Department of State    | US-China Strategic & Economic Dialogue<br>Ct: Josh Novikoff: 564-1032<br><br>6:45 - 7:15 PM: Joint Pre-Dinner Reception<br>Location: Principals in Thomas Jefferson Room; delegates in John Quincy Adams Room<br><br>7:00 PM: Joint Family Photo for Principals<br>Location: Thomas Jefferson Room<br>Press: Pooled Press<br><br>7:15 - 8:45 PM: Joint Banquet at State Department<br>Location: Ben Franklin Room<br>Press: Closed |

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\*\*\* 05/06/2011 04:52:38 PM \*\*\*

01268-EPA-6530

**Gina McCarthy/DC/USEPA/US**

05/06/2011 05:41 PM

To Richard Windsor, perciasepe.bob, Michael Goo,

McIntosh.David, Thompson.Diane

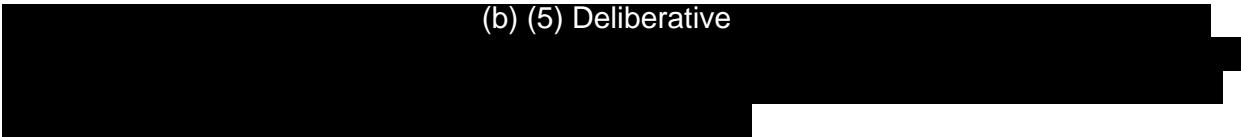
cc Janet McCabe, oster.seth

bcc

Subject Portland Cement Reconsideration

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-6536

David  
McIntosh/DC/USEPA/US  
05/06/2011 08:24 PM

To Laura Vaught, Arvin Ganesan, "Richard Windsor"  
cc  
bcc  
Subject Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

**From:** lisapjackson  
**Sent:** 05/06/2011 11:53 PM GMT  
**To:** David McIntosh; Laura Vaught; Arvin Ganesan; Michael Goo; Gina McCarthy  
**Subject:** Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

---

**From:** Google Alerts <googlealerts-noreply@google.com>  
**Date:** Fri, 06 May 2011 22:08:49 +0000  
**To:** <(b) (6) Personal Privacy  
**Subject:** Google Alert - EPA Lisa jackson

News

3 new results for **EPA Lisa jackson**

[\*\*EPA Administrator meeting on Gulf Coast Restoration\*\*](#)

WLOX

EPA Administrator **Lisa Jackson** is chairing a meeting of the Gulf Coast Ecosystem Restoration Task Force in Mobile today. She told the panel about the national significance of the Gulf of Mexico and the Gulf Coast region. The New Orleans native said, ...

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[\*\*Sen. Barbara Boxer Demands Action Over Foul Odor in Mecca\*\*](#)

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In a letter sent Thursday to US Environmental Protection Agency Administrator **Lisa Jackson**, Boxer stated that a solution was long overdue and expressed hope that the **EPA** would step up its ongoing investigation. "Hundreds of area residents have lodged ...

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[\*\*Mont. Senate Race Will Turn on Energy, Climate, Natural Resource Issues\*\*](#)

New York Times

But the senator said he has met several times with **EPA** Administrator **Lisa Jackson** to discuss **EPA**'s greenhouse gas plans, and he believes that the agency is crafting rules that are generally practical and would not put undue pressure on his state's ...

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01268-EPA-6537

Richard  
Windsor/DC/USEPA/US  
05/06/2011 09:11 PM

To David McIntosh, Laura Vaught, Arvin Ganesan  
cc  
bcc  
Subject Re: Google Alert - EPA Lisa jackson

Agreed.

---

**From:** David McIntosh  
**Sent:** 05/06/2011 08:24 PM EDT  
**To:** Laura Vaught; Arvin Ganesan; Richard Windsor  
**Subject:** Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

---

**From:** lisapjackson  
**Sent:** 05/06/2011 11:53 PM GMT  
**To:** David McIntosh; Laura Vaught; Arvin Ganesan; Michael Goo; Gina McCarthy  
**Subject:** Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

---

**From:** Google Alerts <googlealerts-noreply@google.com>  
**Date:** Fri, 06 May 2011 22:08:49 +0000  
**To:** <(b) (6) Personal Privacy  
**Subject:** Google Alert - EPA Lisa jackson

News

3 new results for **EPA Lisa jackson**

[EPA Administrator meeting on Gulf Coast Restoration](#)

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[Mont. Senate Race Will Turn on Energy, Climate, Natural Resource Issues](#)

New York Times

But the senator said he has met several times with **EPA** Administrator **Lisa Jackson** to discuss **EPA's** greenhouse gas plans, and he believes that the agency is crafting rules that are generally practical and would not put undue pressure on his state's ...

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01268-EPA-6538

Laura Vaught/DC/USEPA/US

05/07/2011 08:19 AM

To Richard Windsor, David McIntosh, Arvin Ganesan

cc

bcc

Subject Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

---

**From:** Richard Windsor  
**Sent:** 05/06/2011 09:11 PM EDT  
**To:** David McIntosh; Laura Vaught; Arvin Ganesan  
**Subject:** Re: Google Alert - EPA Lisa jackson

Agreed.

---

**From:** David McIntosh  
**Sent:** 05/06/2011 08:24 PM EDT  
**To:** Laura Vaught; Arvin Ganesan; Richard Windsor  
**Subject:** Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

---

**From:** lisapjackson  
**Sent:** 05/06/2011 11:53 PM GMT  
**To:** David McIntosh; Laura Vaught; Arvin Ganesan; Michael Goo; Gina McCarthy  
**Subject:** Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

---

**From:** Google Alerts <googlealerts-noreply@google.com>  
**Date:** Fri, 06 May 2011 22:08:49 +0000  
**To:** <(b) (6) Personal Privacy  
**Subject:** Google Alert - EPA Lisa jackson

News

3 new results for **EPA Lisa jackson**

[EPA Administrator meeting on Gulf Coast Restoration](#)

WLOX

EPA Administrator **Lisa Jackson** is chairing a meeting of the Gulf Coast Ecosystem Restoration Task Force in Mobile today. She told the panel about the national

significance of the Gulf of Mexico and the Gulf Coast region. The New Orleans native said, ...

[See all stories on this topic »](#)

### [Sen. Barbara Boxer Demands Action Over Foul Odor in Mecca](#)

KPSP Local 2

In a letter sent Thursday to US Environmental Protection Agency Administrator **Lisa Jackson**, Boxer stated that a solution was long overdue and expressed hope that the **EPA** would step up its ongoing investigation. "Hundreds of area residents have lodged ...

[See all stories on this topic »](#)

### [Mont. Senate Race Will Turn on Energy, Climate, Natural Resource Issues](#)

New York Times

But the senator said he has met several times with **EPA** Administrator **Lisa Jackson** to discuss **EPA**'s greenhouse gas plans, and he believes that the agency is crafting rules that are generally practical and would not put undue pressure on his state's ...

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01268-EPA-6539

Nancy Stoner/DC/USEPA/US

05/09/2011 10:51 AM

To Richard Windsor

cc Bob Perciasepe, Bob Sussman

bcc

Subject OW Hot Issues

Administrator,

(b) (5) Deliberative



Please let me know if you have any questions or feedback. Thanks

cc: Bob P, Bob S

Nancy Stoner  
Acting Assistant Administrator  
US Environmental Protection Agency  
Office of Water  
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. 3219A East Bldg., Washington, DC 20004-3302

01268-EPA-6542

Richard  
Windsor/DC/USEPA/US  
05/10/2011 10:58 AM

To (b) (6) Personal Privacy  
cc  
bcc

Subject Fw: The Yes Men target Peabody with a satirical campaign.

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/10/2011 10:57 AM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 05/10/2011 10:40 AM  
Subject: The Yes Men target Peabody with a satirical campaign.

## **Peabody Energy (NYSE: BTU) Announces "Coal Cares™" Initiative, New Nationwide Campaign Against Stigma of Childhood Asthma**

ST. LOUIS, May 10, 2011 / PRNewswire via COMTEX/ -- Peabody Energy today announced the creation of an innovative new public health initiative designed to combat the stigma of asthma among American children ages 0-18. With Coal Cares™ ([www.coalcares.org](http://www.coalcares.org)), Peabody will offer free, custom-branded inhaler actuators to children living within 200 miles of a coal plant, along with coupons worth \$10 towards the purchase of the asthma medication itself.

"Too many young Americans face daily schoolyard taunting and bullying because of a condition over which they have no control," said Gregory H. Boyce, Chairman and Chief Executive Officer of Peabody Energy. "By re-branding the inhaler as a cool, individualized, must-have accessory, Coal Cares™ will empower children to tell bullies: 'suck it up.'" Children can choose from a variety of youth-themed inhaler cases, from tween faves like "the Bieber" and "My Little Pony," to the "Emo" and "Diamond" inhalers for older, style-conscious youth. There's even "My First Inhaler," for tots.

Coal Cares™ launches today in commemoration of Asthma Awareness Month, the Environmental Protection Agency's effort to call attention to rising asthma rates, especially among children. Coal Cares™ and its Puff-Puff™ line of inhalers is the first, and most ambitious, market-friendly public health initiative of this scope of any privately-owned American company, and testifies to the energy industry's commitment to the well-being of all citizens, including the youngest.

"Our actions are guided by a singular mission: to be a leading worldwide producer and supplier of balanced energy solutions, which power economic prosperity and well-being," said Boyce. "Coal Cares™ brings this mission to life, empowering children everywhere to take control of their destinies, beginning with their own lungs."

"Coal Cares™ is emblematic of the return to self-reliance that healthy entrepreneurship demands," said James Miasmus, Vice President of Government Affairs at Peabody USA. "Costly 'scrubbing' technology, on the other hand, is an untested and heavy-handed intrusion into our still-vulnerable economy. At Peabody, we're thinking globally but acting locally, and locating preventive action at the point of consumption, where it belongs."

"Coal Cares™ isn't just the name of a campaign," said Kevin Briesslau, Vice President of Communications at Peabody Coal. "It's a philosophy, a way of doing business in harmony with the community we are a part of. After all, coal is the fastest-growing fuel in the world. We're part of America's heritage, and we're here to stay."

To learn more about Peabody's Coal Cares™ initiative, visit: [www.coalcares.org](http://www.coalcares.org).

Peabody Energy (NYSE: BTU) is the world's largest private-sector coal company and a global leader in clean coal solutions. With 2010 sales of 246 million tons and nearly \$7 billion in revenues, Peabody fuels 10 percent of U.S. power and 2 percent of worldwide electricity.

CONTACT:

Vic Ganey  
Phone (314) 472-5539

SOURCE Peabody Energy

01268-EPA-6543

Richard  
Windsor/DC/USEPA/US  
05/10/2011 12:12 PM

To Adora Andy  
cc Brendan Gilfillan, "David McIntosh", "Seth Oster"  
bcc  
Subject Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy  
**Sent:** 05/10/2011 12:07 PM EDT  
**To:** Adora Andy  
**Cc:** Richard Windsor; Brendan Gilfillan; "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Adora Andy

(b) (5) Deliberative

05/10/2011 12:04:58 PM

---

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Seth Oster" <oster.seth@epa.gov>  
Date: 05/10/2011 12:04 PM  
Subject: Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

# Republicans Seek More Information on Impact of EPA Rules on Power Industry

By Kim Chipman - May 9, 2011 6:44 PM ET

U.S. House Republican leaders are seeking information from the Obama administration about possible harm to the electricity-generating industry from Environmental Protection Agency rules.

House Energy and Commerce Committee Chairman [Fred Upton](#), a Michigan Republican, and two subcommittee chairman asked the EPA about how it analyzes the effect of new rules on the power industry, according to letters released today by the committee. Requests also were made to the Energy Department and Federal Energy Regulatory Commission, which oversees power distribution.

President [Barack Obama](#)'s EPA is under fire from Republicans such as Upton who say agency regulations will hurt the economy and destroy jobs. New and pending rules under scrutiny include limits on [greenhouse gases](#) blamed for [climate change](#) and a proposal to cut mercury and air toxins from coal-fired plants.

"The committee is concerned that the Obama EPA has been regulating too much too fast, without fully analyzing the feasibility and economic impacts of its new rules," the House panel said in a statement.

The panel wrote to EPA Administrator Lisa Jackson asking whether the agency studied how regulations will affect energy, manufacturing and trade-exposed industries such as cement, paper and steel.

The lawmakers asked whether the EPA consulted with the Energy Department, the [Federal Energy Regulatory Commission](#), the [Council on Environmental Quality](#) or the Office of Management and Budget about the impact of rules on electricity reliability.

The rules are "sensible steps to protect public health," according to an EPA statement today. The agency is working with companies to ensure that Clean Air Act rules are "reasonable, commonsense and achievable," according to the statement.

Upton, joined by Representatives Ed Whitfield of Kentucky and Cliff Stearns of [Florida](#), asked Energy Secretary Steven Chu and FERC Chairman Jon Wellinghoff about consultations between their agencies and EPA on regulations affecting power companies.

Richard Windsor

(b) (5) Deliberative

05/10/2011 10:14:52 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Cc: "David McIntosh" <mcintosh.david@epa.gov>

Date: 05/10/2011 10:14 AM  
Subject: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 10:13 AM EDT  
**To:** Richard Windsor  
**Cc:** Laura Vaught  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Richard Windsor

----- Original Message ----- From: Goo...

05/10/2011 10:10:21 AM

From: Richard Windsor/DC/USEPA/US  
To: "David McIntosh" <mcintosh.david@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>  
Date: 05/10/2011 10:10 AM  
Subject: Fw: Google Alert - lisa jackson epa

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/10/2011 02:07 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for lisa jackson epa

## [House Republicans draw bead on EPA](#)

UPI.com

Fred Upton, R-Mich., chairman of the House Energy and Commerce Committee, joined other Republican leaders in asking the **EPA** in a letter how it perceives the new rules would affect the power industry. The panel asked **EPA** Administrator **Lisa Jackson** if ...

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01268-EPA-6544

**Richard  
Windsor/DC/USEPA/US**  
05/10/2011 12:29 PM

To Adora Andy  
cc  
bcc

Subject Re: Fw: Fw: Google Alert - lisa jackson epa

Tx!

Adora Andy

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

**From:** Adora Andy  
**Sent:** 05/10/2011 12:25 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

05/10/2011 12:12:03 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Adora Andy/DC/USEPA/US@EPA  
**Cc:** Brendan Gilfillan/DC/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>, "Seth Oster" <oster.seth@epa.gov>  
**Date:** 05/10/2011 12:12 PM  
**Subject:** Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy  
**Sent:** 05/10/2011 12:07 PM EDT  
**To:** Adora Andy  
**Cc:** Richard Windsor; Brendan Gilfillan; "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Adora Andy

(b) (5) Deliberative

05/10/2011 12:04:58 PM

**From:** Adora Andy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Seth Oster" <oster.seth@epa.gov>  
**Date:** 05/10/2011 12:04 PM  
**Subject:** Re: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative



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Richard Windsor

(b) (5) Deliberative

05/10/2011 10:14:52 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Cc: "David McIntosh" <mcintosh.david@epa.gov>  
Date: 05/10/2011 10:14 AM  
Subject: Fw: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 10:13 AM EDT  
**To:** Richard Windsor  
**Cc:** Laura Vaught  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

Richard Windsor

----- Original Message ----- From: Goo...

05/10/2011 10:10:21 AM

From: Richard Windsor/DC/USEPA/US  
To: "David McIntosh" <mcintosh.david@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>  
Date: 05/10/2011 10:10 AM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 05/10/2011 02:07 PM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

**News****1 new result for lisa jackson epa**[\*\*House Republicans draw bead on EPA\*\*](#)

UPI.com

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01268-EPA-6545

**Richard  
Windsor/DC/USEPA/US**  
05/10/2011 05:54 PM

To David McIntosh, Adora Andy, Brendan Gilfillan, Betsaida Alcantara  
cc  
bcc  
Subject Re: all the more reason for us to be hard-hitting

Oh yes!  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 05:37 PM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** all the more reason for us to be hard-hitting

## **AIR POLLUTION: Health groups 'shocked' by Barton's mercury claim**

(Tuesday, May 10, 2011)

**Gabriel Nelson, E&E reporter**

Several public health groups are going after former House Energy and Commerce Chairman Joe Barton (R-Texas) for claiming that pollution from coal-fired power plants does not hurt anybody. During a recent hearing on U.S. EPA's toxic pollution standards for the power sector, Barton said mercury and other chemicals released into the air by coal plants do not present a "medical negative." Doctors from groups such as the American Academy of Pediatrics, American Lung Association and American Public Health Association were "shocked" by the claim because there is clear evidence that the emissions kill people and cause health problems, they say in a [letter](#) sent to Barton today. They included a list of studies to back up their point.

"We strongly urge you and your staff to read through the volumes of work that have been published over the decades on this topic," the letter says. "Once you do, we trust that you will agree that the EPA is on strong footing when it assesses and states the health benefits of measures to reduce air pollution."

Mercury, a trace ingredient in coal that can cause developmental problems in children, is released into the air when the fuel is burned. When it falls into oceans, lakes and streams, it undergoes a chemical transformation that allows the toxic metal to accumulate in fish and other types of wildlife.

Scientists say that eating mercury-tainted fish presents a risk to pregnant women and children, though they have continued to argue about how much of the problem is caused by U.S. coal plants. While conceding he is "not a medical doctor," Barton said he is skeptical about the federal rules because the average power plant releases just a few pounds of mercury per year.

"You're not going to get enough mercury exposure, or [sulfur dioxide] exposure, or even particulate matter exposure. I think the EPA numbers are pulled out of the thin air," Barton said at an Energy and Commerce hearing. "If their benefits are not real and the costs are real, we're absolutely wrong to force these standards," he added.

The emissions standards that EPA proposed earlier this year would require coal plants without pollution controls to release about 91 percent less mercury. They would also require controls for acid gases and fine particles, which would reduce the amount of sulfur dioxide (SO<sub>2</sub>) and soot that power plants release into the air.

### **Utilities see problems**

Meeting the proposed mercury limits would require coal plants to add pollution controls or find coal with a lower mercury content. It can cost hundreds of millions of dollars to add the controls needed to trap mercury, but the same filtering equipment captures fine particles, which EPA says are responsible for tens of thousands of early deaths each year.

The toxic pollution rules are being resisted by coal-dependent power companies, which say the requirements are too stringent and would take effect too quickly. Among them is American Electric Power Co. Inc., which is circulating draft legislation on Capitol Hill that would delay and scale back the toxics rules, along with other new EPA regulations ([Greenwire](#), April 29).

New and proposed EPA rules would raise electricity rates by about 25 percent, the heads of Atlanta-based Southern Co. and Detroit-based DTE Energy Co. predicted last month during the Energy and Commerce Committee hearing. Juggling the various shutdowns and upgrades will make the rules more expensive and could hurt the reliability of the electric grid, they said.

The mercury rules in particular contain "egregious errors" that justify taking the proposal back to the drawing board, says the Utility Air Regulatory Group, a coalition of power companies represented by attorneys at Hunton & Williams LLP.

In a [letter](#) sent to EPA late last week, the group claims that at least half of the 40 coal-fired boilers that the agency pegged as the best performers have actual mercury emissions that are 1,000 times higher than the agency estimated. That means the emissions standards in the proposed rule are "obviously wrong," the letter says.

Environmental groups say power companies are trying to stall rules that were due under the Clean Air Act more than a decade ago. EPA predicts that the toxic pollution rules would cost \$10.9 billion per year and would yield annual health benefits of \$59 billion to \$140 billion, mainly by preventing about 17,000 premature deaths each year.

"How many lives does AEP believe it is worth risking?" wrote Frances Beinecke, president of the Natural Resources Defense Council, in a blog post today.

[Click here](#) to read the health groups' letter.

[Click here](#) to read the utilities' letter.

01268-EPA-6546

**Richard  
Windsor/DC/USEPA/US**  
05/10/2011 06:12 PM

To Adora Andy, David McIntosh, Brendan Gilfillan, Betsaida Alcantara  
cc  
bcc  
Subject Re: all the more reason for us to be hard-hitting

Will be great for Jon Stewart.  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 05/10/2011 06:07 PM EDT  
**To:** Richard Windsor; David McIntosh; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** Re: all the more reason for us to be hard-hitting

We didn't get any calls on this letter... However, it's a great thing that all of these independent groups are out there beating this back for us. Strong.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/10/2011 05:54 PM EDT  
**To:** David McIntosh; Adora Andy; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** Re: all the more reason for us to be hard-hitting

Oh yes!

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 05:37 PM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** all the more reason for us to be hard-hitting

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"How many lives does AEP believe it is worth risking?" wrote Frances Beinecke, president of the Natural Resources Defense Council, in a blog post today.

[Click here](#) to read the health groups' letter.

[Click here](#) to read the utilities' letter.

01268-EPA-6549

Richard  
Windsor/DC/USEPA/US  
05/11/2011 09:27 AM

To David McIntosh, Bob Perciasepe, Bob Sussman  
cc  
bcc

Subject Re: Today's Deputy Energy (Green?) Cabinet Meeting

Tx

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/11/2011 09:24 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman  
**Subject:** Re: Today's Deputy Energy (Green?) Cabinet Meeting

(b) (5) Deliberative



[Untitled].pdf

Attachment damaged/missing

David McIntosh

(b) (5) Deliberative

05/11/2011 08:18:28 AM

From: David McIntosh/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, mccarthy.gina@epa.gov, windsor.richard@epa.gov  
Date: 05/11/2011 08:18 AM  
Subject: Re: Today's Deputy Energy (Green?) Cabinet Meeting

(b) (5) Deliberative



Bob Perciasepe    Administrator:    05/10/2011 09:58:27 PM

From: Bob Perciasepe/DC/USEPA/US  
To: windsor.richard@epa.gov, David McIntosh/DC/USEPA/US@EPA, mccarthy.gina@epa.gov, Bob Sussman/DC/USEPA/US@EPA  
Date: 05/10/2011 09:58 PM  
Subject: Today's Deputy Energy (Green?) Cabinet Meeting

Administrator:

(b) (5) Deliberative



There were a few other items discussed but these are the items I wanted to bring to this group's attention.

Bob Perciasepe  
Deputy Administrator

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



01268-EPA-6551

Richard  
Windsor/DC/USEPA/US  
05/11/2011 01:41 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Today's MTM hearing

Hey. I don't have Ms. Richardson's cell but would like to call her. Can you set that up?

I'll call Nancy.

(b) (5) Deliberative

[REDACTED] ? Proud of her.

And while I'm at it, I'm proud of you! Thanks for your hard and successful work on this.

Lisa  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 01:21 PM EDT  
**To:** Richard Windsor  
**Subject:** Today's MTM hearing

Two items I wanted to flag for you from Nancy's hearing on MTM and Spruce today.

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

I'd recommend that you also call her to thank her. Do you have her cell, or shall I set it up?

Thanks.

---

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



01268-EPA-6552

Richard  
Windsor/DC/USEPA/US  
05/11/2011 01:49 PM

To Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Nancy Stoner, Brendan Gilfillan, Adora Andy, Diane Thompson, Arvin Ganesan, David McIntosh, Daniel Kanninen

cc

bcc

Subject Re: Politico: GOP slams EPA's 'war on coal'

The GOP should be called out for their Kangaroo Court. [REDACTED] (b) (5) Deliberative  
[REDACTED]. He is clearly an unethical bully. [REDACTED] (b) (5) Deliberative [REDACTED].  
Nancy deserves a medal for putting up with losers like that.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 05/11/2011 01:45 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Nancy Stoner; Brendan Gilfillan; Adora Andy; Diane Thompson; Arvin Ganesan; David McIntosh; Daniel Kanninen; Bob Sussman  
**Subject:** Politico: GOP slams EPA's 'war on coal'

## GOP slams EPA's 'war on coal'

By Darren Samuelsohn  
POLITICO Pro

5/11/11 1:32 PM EDT

House Republicans slammed the EPA Wednesday for waging a "war on coal" that has left industry struggling to meet a shifting landscape of environmental regulations.

About a dozen GOP members of a Transportation and Infrastructure panel unloaded on the Obama administration for tightening standards last spring on mining companies that need Clean Water Act permits and also for banning mine operators from filling stream valleys with rock waste — a critical step in mountaintop removal mining.

EPA acting water chief Nancy Stoner defended her agency's work, explaining that it is taking industry concerns into account even as it follows legal requirements to protect public health and the environment. "We've stood our ground based on peer-reviewed science," she said.

But Republicans weren't buying her arguments, complaining that the EPA has skirted advice from the Army Corps of Engineers and state officials, including in mining heavyweight West Virginia.

"Actions speak louder than words," said West Virginia Republican Rep. Shelley Moore Capito.

"You are running roughshod as an agency," added Rep. Don Young (R-Alaska).

Before Stoner could testify, GOP lawmakers made her sit through 90 minutes of complaints from

an opening panel of mining industry advocates.

Mike Carey, head of the Ohio Coal Association and a frequent critic of Democratic environmental policies, singled out EPA Administrator Lisa Jackson, who he said has been waging a "war on coal" dating back to her time atop the New Jersey Department of Environmental Protection.

There, Carey complained that Jackson had blocked construction of new coal plants. "She may not be calling for a moratorium today, but her regulatory policies are certainly creating them," he said.

Several green activists who filled the hearing room burst out at one point in protest of the GOP-led hearing, prompting Chairman Bob Gibbs (R-Ohio) and committee staff to threaten their removal from the room. Three people then put tape over their mouths in protest.

Environmentalists got some help from the Democratic end of the dais. California Rep. Laura Richardson said Carey's comments targeting Jackson were "a little over the top, in my opinion."

"We don't attack our administrator," she said. "I don't believe we allow people giving testimony [to do that] either."

Subcommittee ranking member Tim Bishop (D-N.Y.) also defended the Obama administration, citing the EPA's clearance rate on Clean Water Act mining permits held over from the George W. Bush administration.

01268-EPA-6553

**Richard  
Windsor/DC/USEPA/US**  
05/11/2011 02:01 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Today's MTM hearing

Will do. In about an hour.  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 02:00 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Today's MTM hearing

Thanks.

(b) (5) Deliberative

Congresswoman Richardson's cell is (b) (6) Personal Privacy and her email address is (b) (6) Personal Privacy.

When you have a second, you should strike while the iron is hot and just leave a VM or send an email.

When/if that fails, I'll set it up through the regular scheduling process.

---

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

Richard Windsor Hey. I don't have Ms. Richardson's cell... 05/11/2011 01:41:27 PM

---

From: Richard Windsor/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 05/11/2011 01:41 PM  
Subject: Re: Today's MTM hearing

Hey. I don't have Ms. Richardson's cell but would like to call her. Can you set that up?

I'll call Nancy.

(b) (5) Deliberative

? Proud of her.

And while I'm at it, I'm proud of you! Thanks for your hard and successful work on this.

Lisa

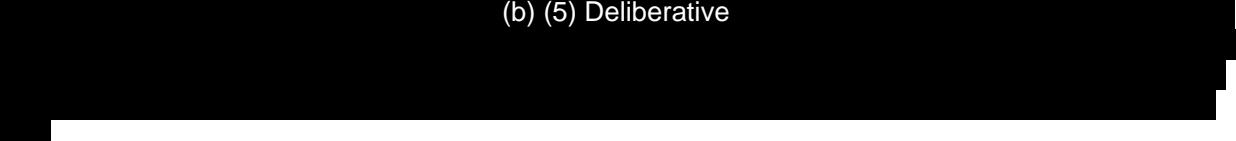
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 01:21 PM EDT  
**To:** Richard Windsor  
**Subject:** Today's MTM hearing

Two items I wanted to flag for you from Nancy's hearing on MTM and Spruce today.

(b) (5) Deliberative



I'd recommend that you also call her to thank her. Do you have her cell, or shall I set it up?

Thanks.

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

01268-EPA-6554

**Richard  
Windsor/DC/USEPA/US**  
05/11/2011 03:43 PM

To Arvin Ganesan  
cc  
bcc  
**Subject: Re: Charleston Gazette: EPA, Democrats respond to coal industry attacks**

Tx!

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 02:10 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor  
**Cc:** Adora Andy; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; David McIntosh; Diane Thompson; Nancy Stoner  
**Subject:** Re: Charleston Gazette: EPA, Democrats respond to coal industry attacks

Great. Administrator, ill add Bishop to your call list over the coming days.

Sent from my Blackberry Wireless Device

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 05/11/2011 02:07 PM EDT  
**To:** Richard Windsor  
**Cc:** Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; David McIntosh; Diane Thompson; Nancy Stoner  
**Subject:** Charleston Gazette: EPA, Democrats respond to coal industry attacks

EPA, Democrats respond to coal industry attacks

May 11, 2011 by Ken Ward Jr.

The House Committee on Transportation and Infrastructure's interrogation of EPA acting water chief Nancy Stoner seems to be winding down, as the GOP and the coal industry continue their efforts to discredit the Obama administration's efforts to reduce the impacts of coal mining on Appalachian communities.

Testimony from the first panel of witnesses was about what you would expect, given last week's initial day of this two-part hearing, dubbed, "EPA Mining Policies: Assault on Appalachian Jobs."

Today's hearing went a little different from last week's in some respects, though.

First of all, someone from EPA was actually given the chance to speak and explain the agency's policies. Of course, the GOP committee leadership, contrary to long-standing protocols for congressional hearings, made EPA acting water chief Nancy Stoner follow the panel of industry witnesses. Traditionally, officials from administrative agencies usually appear first at such hearings.

Stoner made a strong statement about what EPA's trying to do:

Appalachian families should not have to choose between healthy watersheds and a healthy economy – they deserve both.

And, she explained EPA's view of its role in dealing with Clean Water Act 404 permits:

EPA does not view this authority as an opportunity to second guess the Corps' decision-making, but rather as an important responsibility to conduct an independent review of projects that have the potential to significantly impact public health.

Stoner explained to committee members that EPA's actions are backed up by more than 100 peer-reviewed studies, and she specifically cited the new West Virginia University paper that further documents concerns about mountaintop removal's impacts on human health of residents who live near these mines.

This time around, we also got to see a couple of Democratic committee members actually challenge some of what the industry witnesses and their Republican hosts were saying.

For example, the subcommittee's ranking Democrat, Rep. Timothy Bishop of New York, pointed out that EPA has not rejected any of the 140 pending coal-related 404 permit applications the Obama administration inherited when it took office two years ago. And, Bishop noted that over the past 39 years, EPA has used its veto authority only 13 times, while processing more than two million 404 permits:

Two million permits set against 13 permits [vetoed] It's a little bit difficult to argue that there is a level of uncertainty that is debilitating.

And, Rep. Laura Richardson, D-Calif., questioned Carey's proposal from the Ohio Coal Association for a "regulatory time out", saying:

You're not going to see no regulation.

Richardson tried to ask Carey what sort of middle ground proposals his organization would have for dealing with EPA, but Carey said he wasn't interested in such compromises.

And Carey had another bit of testimony that was very interesting. In his public statement to the committee, he mentioned increased safety enforcement by the U.S. Mine Safety and Health Administration as part of the Obama administration's "war on coal."

In his written testimony, Carey tried to insist that his group was "... not complaining about enforcement actions that protect miners' safety ..." But, among a list of proposals his group is opposing, he included MSHA's plan to "End Black Lung," a disease that has killed 10,000 coal miners in the last decade.

Richard Windsor    The GOP should be called out for their...    05/11/2011 01:49:30 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA  
Date: 05/11/2011 01:49 PM  
Subject: Re: Politico: GOP slams EPA's 'war on coal'

The GOP should be called out for their Kangaroo Court. (b) (5) Deliberative

[REDACTED] He is clearly an unethical bully. (b) (5) Deliberative

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Betsaida Alcantara

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

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**Sent:** 05/11/2011 01:45 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Nancy Stoner; Brendan Gilfillan; Adora Andy; Diane Thompson; Arvin Ganesan; David McIntosh; Daniel Kanninen; Bob Sussman  
**Subject:** Politico: GOP slams EPA's 'war on coal'

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By Darren Samuelsohn  
POLITICO Pro

5/11/11 1:32 PM EDT

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But Republicans weren't buying her arguments, complaining that the EPA has skirted advice from the Army Corps of Engineers and state officials, including in mining heavyweight West Virginia.

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"You are running roughshod as an agency," added Rep. Don Young (R-Alaska).

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Environmentalists got some help from the Democratic end of the dais. California Rep. Laura Richardson said Carey's comments targeting Jackson were "a little over the top, in my opinion."

"We don't attack our administrator," she said. "I don't believe we allow people giving testimony [to do that] either."

Subcommittee ranking member Tim Bishop (D-N.Y.) also defended the Obama administration, citing the EPA's clearance rate on Clean Water Act mining permits held over from the George W. Bush administration.

01268-EPA-6555

**Richard  
Windsor/DC/USEPA/US**  
05/11/2011 03:47 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Today's MTM hearing

Left vmail ob her cell. Best to set up a call. Tx!  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 02:36 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Today's MTM hearing

Here's her correct email.

(b) (6) Privacy

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/11/2011 02:01 PM EDT  
**To:** Arvin Ganesan  
**Subject:** Re: Today's MTM hearing

Will do. In about an hour.

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 02:00 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Today's MTM hearing

Thanks.

(b) (5) Deliberative

Congresswoman Richardson's cell is (b) (6) Personal Privacy and her email address is  
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When you have a second, you should strike while the iron is hot and just leave a VM or send an email.

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

(f) 202.501.1519

Richard Windsor Hey. I don't have Ms. Richardson's cell... 05/11/2011 01:41:27 PM

From: Richard Windsor/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 05/11/2011 01:41 PM  
Subject: Re: Today's MTM hearing

Hey. I don't have Ms. Richardson's cell but would like to call her. Can you set that up?

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(b) (5) Deliberative

? Proud of her.

And while I'm at it, I'm proud of you! Thanks for your hard and successful work on this.

Lisa

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 01:21 PM EDT  
**To:** Richard Windsor  
**Subject:** Today's MTM hearing

Two items I wanted to flag for you from Nancy's hearing on MTM and Spruce today.

(b) (5) Deliberative

I'd recommend that you also call her to thank her. Do you have her cell, or shall I set it up?

Thanks.

---

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



01268-EPA-6558

Bob  
Perciasepe/DC/USEPA/US  
05/11/2011 10:35 PM

To windsor.richard  
cc Adora Andy, David McIntosh, Scott Fulton, fulton.scott,  
thompson.diane, Bob Sussman  
bcc  
Subject Signature date for stay notice - Boiler MACT

Administrator:

(b) (5) Deliberative



[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

-----Adora Andy/DC/USEPA/US wrote: -----

To: David McIntosh/DC/USEPA/US@EPA  
From: Adora Andy/DC/USEPA/US  
Date: 05/11/2011 06:50PM  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

David McIntosh---05/11/2011 06:44:55

(b) (5) Deliberative

From: David McIntosh/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov,  
Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 06:44 PM  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

---

(b) (5) Deliberative

From: Scott Fulton/DC/USEPA/US  
To: Perciasepe.Bob@epamail.epa.gov, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Adora Andy"  
<Andy.Adora@epamail.epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>, fulton.scott@epa.gov  
Date: 05/11/2011 06:36 PM  
Subject: Fw: Fw: Fw: Signature date for stay notice

---

(b) (5) Deliberative

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

**From:** Patricia Embrey  
**Sent:** 05/11/2011 06:32 PM EDT  
**To:** Scott Fulton  
**Cc:** Kevin Mclean; Richard Ossias  
**Subject:** Re: Fw: Fw: Signature date for stay notice

Here is the current draft from OAR.

From: Scott Fulton/DC/USEPA/US  
To: "Richard Ossias" <Ossias.Richard@epamail.epa.gov>, "Kevin Mclean" <Mclean.Kevin@epamail.epa.gov>, "Patricia Embrey" <Embrey.Patricia@epamail.epa.gov>  
Date: 05/11/2011 05:54 PM  
Subject: Fw: Fw: Signature date for stay notice

---

Can't track down Wendy or Susmita. Need a little help here. Thx!

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

To: dubey.susmita@epamail.epa.gov  
Cc: Wendy Blake  
Subject: Fw: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:30 PM

Can you get me the revised draft FR asap? Thx!

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

From: Bob Perciasepe  
To: David McIntosh  
Cc: Adora Andy  
Cc: Scott Fulton  
Cc: Michael Goo  
Cc: David McIntosh  
Cc: Bob Perciasepe  
Cc: Bob Sussman  
Cc: Diane Thompson  
Subject: Re: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:18 PM

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

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

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 05:08 PM  
Subject: Re: Fw: Signature date for stay notice

Before Friday is Thursday, and today is Wednesday. So I would be making some phone calls late tonight.

From: Adora Andy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 04:29 PM  
Subject: Re: Fw: Signature date for stay notice

(b) (5) Deliberative

From: Scott Fulton/DC/USEPA/US  
To: "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 03:37 PM  
Subject: Fw: Signature date for stay notice

(b) (5) Deliberative

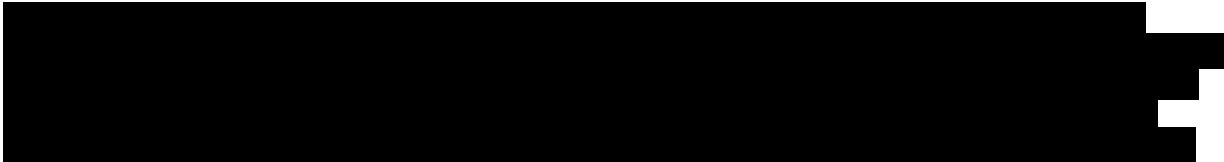
-----Original Message Truncated-----

[attachment "Boiler Stay Notice 051111.doc" deleted by Adora Andy/DC/USEPA/US]

01268-EPA-6559

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe, "windsor richard"  
05/12/2011 07:19 AM cc Adora Andy, David McIntosh, Scott Fulton, "fulton scott",  
"Diane Thompons"  
bcc  
Subject Re: Signature date for stay notice - Boiler MACT

(b) (5) Deliberative



---

**From:** Bob Perciasepe  
**Sent:** 05/11/2011 10:35 PM EDT  
**To:** windsor.richard@epa.gov  
**Cc:** Adora Andy; David McIntosh; Scott Fulton; fulton.scott@epa.gov; thompson.diane@epa.gov; Bob Sussman  
**Subject:** Signature date for stay notice - Boiler MACT

Administrator:

(b) (5) Deliberative



(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

-----Adora Andy/DC/USEPA/US wrote: -----  
To: David McIntosh/DC/USEPA/US@EPA

From: Adora Andy/DC/USEPA/US  
Date: 05/11/2011 06:50PM  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

David McIntosh---05/11/2011 06:44:55

[REDACTED] (b) (5) Deliberative

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To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 06:44 PM  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

From: Scott Fulton/DC/USEPA/US  
To: Perciasepe.Bob@epamail.epa.gov, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>, fulton.scott@epa.gov  
Date: 05/11/2011 06:36 PM  
Subject: Fw: Fw: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

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

**From:** Patricia Embrey  
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**Cc:** Kevin Mclean; Richard Ossias  
**Subject:** Re: Fw: Fw: Signature date for stay notice

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From: Scott Fulton/DC/USEPA/US  
To: "Richard Ossias" <Ossias.Richard@epamail.epa.gov>, "Kevin Mclean" <Mclean.Kevin@epamail.epa.gov>, "Patricia Embrey" <Embrey.Patricia@epamail.epa.gov>  
Date: 05/11/2011 05:54 PM  
Subject: Fw: Fw: Signature date for stay notice

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Cc: Scott Fulton  
Cc: Michael Goo  
Cc: David McIntosh  
Cc: Bob Perciasepe  
Cc: Bob Sussman  
Cc: Diane Thompson  
Subject: Re: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:18 PM

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

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

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 05:08 PM  
Subject: Re: Fw: Signature date for stay notice

Before Friday is Thursday, and today is Wednesday. So I would be making some phone calls late tonight.

From: Adora Andy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 04:29 PM  
Subject: Re: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

From: Scott Fulton/DC/USEPA/US  
To: "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 03:37 PM  
Subject: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative [REDACTED]

-----Original Message Truncated-----

[attachment "Boiler Stay Notice 051111.doc" deleted by Adora Andy/DC/USEPA/US]

01268-EPA-6560

Bob  
Perciasepe/DC/USEPA/US  
05/12/2011 07:53 AM

To Bob Sussman, "windsor richard"  
cc Adora Andy, David McIntosh, Scott Fulton, "Scott Fulton",  
"Diane Thompons"  
bcc  
Subject Re: Signature date for stay notice - Boiler MACT

Bob.

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

---

**From:** Bob Sussman  
**Sent:** 05/12/2011 07:19 AM EDT  
**To:** Bob Perciasepe; "windsor richard" <windsor.richard@epa.gov>  
**Cc:** Adora Andy; David McIntosh; Scott Fulton; "fulton scott" <fulton.scott@epa.gov>; "Diane Thompons" <thompson.diane@epa.gov>  
**Subject:** Re: Signature date for stay notice - Boiler MACT

(b) (5) Deliberative

---

**From:** Bob Perciasepe

**Sent:** 05/11/2011 10:35 PM EDT

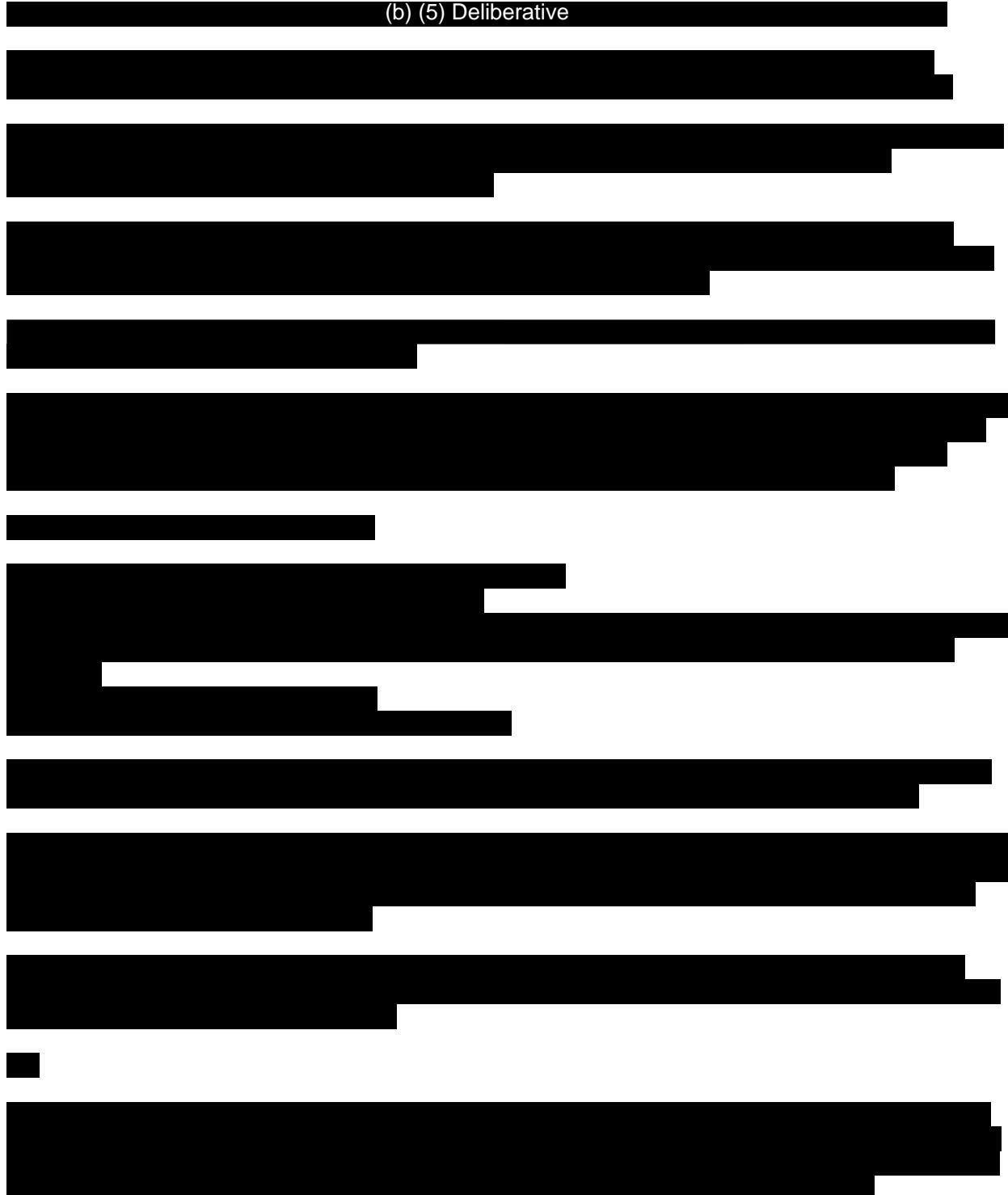
**To:** windsor.richard@epa.gov

**Cc:** Adora Andy; David McIntosh; Scott Fulton; fulton.scott@epa.gov; thompson.diane@epa.gov; Bob Sussman

**Subject:** Signature date for stay notice - Boiler MACT

Administrator:

(b) (5) Deliberative



(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

-----Adora Andy/DC/USEPA/US wrote: -----

To: David McIntosh/DC/USEPA/US@EPA  
From: Adora Andy/DC/USEPA/US  
Date: 05/11/2011 06:50PM  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

(b) (5) Deliberative



David McIntosh---05/11/2011 06:44:55

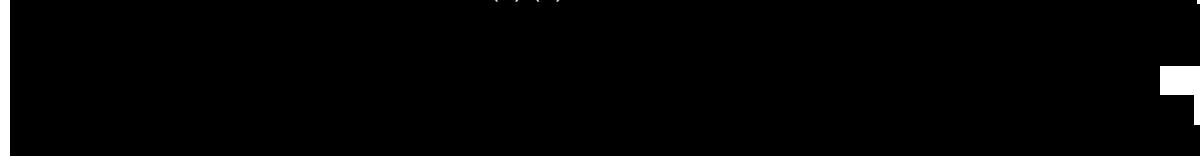
(b) (5) Deliberative



From: David McIntosh/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 06:44 PM  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

---

(b) (5) Deliberative



(b) (5) Deliberative

From: Scott Fulton/DC/USEPA/US  
To: Perciasepe.Bob@epamail.epa.gov, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>, fulton.scott@epa.gov  
Date: 05/11/2011 06:36 PM  
Subject: Fw: Fw: Fw: Signature date for stay notice

---

(b) (5) Deliberative

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

**From:** Patricia Embrey  
**Sent:** 05/11/2011 06:32 PM EDT  
**To:** Scott Fulton  
**Cc:** Kevin Mclean; Richard Ossias  
**Subject:** Re: Fw: Fw: Signature date for stay notice

Here is the current draft from OAR.

From: Scott Fulton/DC/USEPA/US  
To: "Richard Ossias" <Ossias.Richard@epamail.epa.gov>, "Kevin Mclean" <Mclean.Kevin@epamail.epa.gov>, "Patricia Embrey" <Embrey.Patricia@epamail.epa.gov>  
Date: 05/11/2011 05:54 PM  
Subject: Fw: Fw: Signature date for stay notice

---

Can't track down Wendy or Susmita. Need a little help here. Thx!

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

To: dubey.susmita@epamail.epa.gov  
Cc: Wendy Blake  
Subject: Fw: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:30 PM

Can you get me the revised draft FR asap? Thx!

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

From: Bob Perciasepe  
To: David McIntosh  
Cc: Adora Andy

Cc: Scott Fulton  
Cc: Michael Goo  
Cc: David McIntosh  
Cc: Bob Perciasepe  
Cc: Bob Sussman  
Cc: Diane Thompson  
Subject: Re: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:18 PM

[REDACTED] (b) (5) Deliberative  
[REDACTED]  
[REDACTED]  
[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 05:08 PM  
Subject: Re: Fw: Signature date for stay notice

Before Friday is Thursday, and today is Wednesday. So I would be making some phone calls late tonight.

From: Adora Andy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 04:29 PM  
Subject: Re: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative  
[REDACTED]

From: Scott Fulton/DC/USEPA/US  
To: "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 03:37 PM  
Subject: Fw: Signature date for stay notice

[REDACTED] (b) (5) Deliberative  
[REDACTED]

-----Original Message Truncated-----

[attachment "Boiler Stay Notice 051111.doc" deleted by Adora Andy/DC/USEPA/US]

01268-EPA-6561

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe  
05/12/2011 08:33 AM cc Adora Andy, David McIntosh, "Scott Fulton", Scott Fulton,  
"Diane Thompons", "windsor richard"  
bcc  
Subject Re: Signature date for stay notice - Boiler MACT

(b) (5) Deliberative

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

Bob Perciasepe (b) (5) Deliberative 05/12/2011 07:53:21 AM

From: Bob Perciasepe/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, "windsor richard" <windsor.richard@epa.gov>  
Cc: Adora Andy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Scott  
Fulton/DC/USEPA/US@EPA, "Scott Fulton" <fulton.scott@epa.gov>, "Diane Thompons"  
<thompson.diane@epa.gov>  
Date: 05/12/2011 07:53 AM  
Subject: Re: Signature date for stay notice - Boiler MACT

Bob.

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (8) Personal Privacy

---

**From:** Bob Sussman  
**Sent:** 05/12/2011 07:19 AM EDT  
**To:** Bob Perciasepe; "windsor richard" <windsor.richard@epa.gov>  
**Cc:** Adora Andy; David McIntosh; Scott Fulton; "fulton scott" <fulton.scott@epa.gov>; "Diane Thompons"  
<thompson.diane@epa.gov>  
**Subject:** Re: Signature date for stay notice - Boiler MACT

(b) (5) Deliberative



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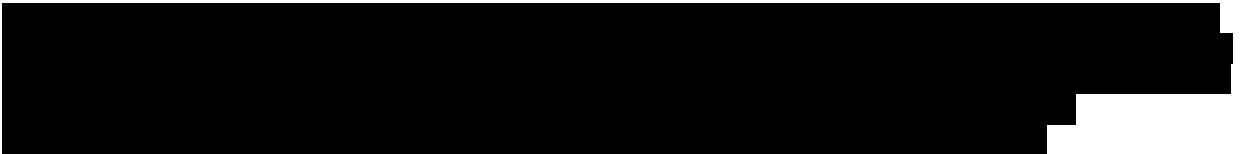
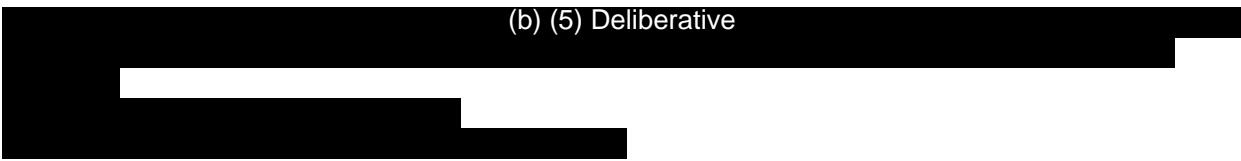
**From:** Bob Perciasepe  
**Sent:** 05/11/2011 10:35 PM EDT  
**To:** windsor.richard@epa.gov  
**Cc:** Adora Andy; David McIntosh; Scott Fulton; fulton.scott@epa.gov; thompson.diane@epa.gov; Bob Sussman  
**Subject:** Signature date for stay notice - Boiler MACT

Administrator:

(b) (5) Deliberative



(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

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

-----Adora Andy/DC/USEPA/US wrote: -----

To: David McIntosh/DC/USEPA/US@EPA  
From: Adora Andy/DC/USEPA/US  
Date: 05/11/2011 06:50PM  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov, Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

[b] (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative

David McIntosh---05/11/2011 06:44:55 PM--- (b) (5) Deliberative

From: David McIntosh/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, fulton.scott@epa.gov,  
Perciasepe.Bob@epamail.epa.gov, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 05/11/2011 06:44 PM  
Subject: Re: Fw: Fw: Fw: Signature date for stay notice

(b) (5) Deliberative

From: Scott Fulton/DC/USEPA/US  
To: Perciasepe.Bob@epamail.epa.gov, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Adora Andy"  
<Andy.Adora@epamail.epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>, fulton.scott@epa.gov  
Date: 05/11/2011 06:36 PM  
Subject: Fw: Fw: Fw: Signature date for stay notice

(b) (5) Deliberative

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

**From:** Patricia Embrey  
**Sent:** 05/11/2011 06:32 PM EDT  
**To:** Scott Fulton  
**Cc:** Kevin Mclean; Richard Ossias  
**Subject:** Re: Fw: Fw: Signature date for stay notice

Here is the current draft from OAR.

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To: "Richard Ossias" <Ossias.Richard@epamail.epa.gov>, "Kevin Mclean" <Mclean.Kevin@epamail.epa.gov>, "Patricia Embrey" <Embrey.Patricia@epamail.epa.gov>  
Date: 05/11/2011 05:54 PM  
Subject: Fw: Fw: Signature date for stay notice

Can't track down Wendy or Susmita. Need a little help here. Thx!

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

To: dubey.susmita@epamail.epa.gov  
Cc: Wendy Blake  
Subject: Fw: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:30 PM

Can you get me the revised draft FR asap? Thx!

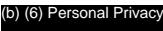
-----Original Message-----

From: Bob Perciasepe  
To: David McIntosh  
Cc: Adora Andy  
Cc: Scott Fulton  
Cc: Michael Goo  
Cc: David McIntosh  
Cc: Bob Perciasepe  
Cc: Bob Sussman  
Cc: Diane Thompson  
Subject: Re: Fw: Signature date for stay notice  
Sent: May 11, 2011 5:18 PM

(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator

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

From: David McIntosh/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: Scott Fulton/DC/USEPA/US@EPA, "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Perciasepe"

<Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>

Date: 05/11/2011 05:08 PM

Subject: Re: Fw: Signature date for stay notice

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From: Adora Andy/DC/USEPA/US

To: Scott Fulton/DC/USEPA/US@EPA

Cc: "Michael Goo" <Goo.Michael@epamail.epa.gov>, "David McIntosh"

<McIntosh.David@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>

Date: 05/11/2011 04:29 PM

Subject: Re: Fw: Signature date for stay notice

(b) (5) Deliberative

From: Scott Fulton/DC/USEPA/US

To: "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Michael Goo"

<Goo.Michael@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>

Date: 05/11/2011 03:37 PM

Subject: Fw: Signature date for stay notice

(b) (5) Deliberative

-----Original Message Truncated-----

[attachment "Boiler Stay Notice 051111.doc" deleted by Adora Andy/DC/USEPA/US]

01268-EPA-6562

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
05/12/2011 10:28 AM cc Bob Perciasepe, Scott Fulton, Heidi Ellis, Richard Windsor  
bcc  
Subject Boiler MACT

(b) (5) Deliberative



Heidi will be in touch to schedule.

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

01268-EPA-6563

Gina McCarthy/DC/USEPA/US  
05/12/2011 10:45 AM  
To Bob Sussman  
cc Bob Perciasepe, Scott Fulton, Heidi Ellis, Richard Windsor,  
Janet McCabe  
bcc  
Subject Re: Boiler MACT

I was preparing that for Bob P at his request. I will have a briefing paper for you later today or tomorrow morning.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/12/2011 10:28 AM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor  
**Subject:** Boiler MACT

(b) (5) Deliberative



Heidi will be in touch to schedule.

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

01268-EPA-6564

**Bob  
Perciasepe/DC/USEPA/US**  
05/12/2011 10:53 AM

To Gina McCarthy, Bob Sussman  
cc Scott Fulton, Heidi Ellis, Richard Windsor, Janet McCabe  
bcc  
Subject Re: Boiler MACT

Thanks all.

[REDACTED] (b) (5) Deliberative [REDACTED]

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:45 AM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

I was preparing that for Bob P at his request. I will have a briefing paper for you later today or tomorrow morning.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/12/2011 10:28 AM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor  
**Subject:** Boiler MACT

[REDACTED] (b) (5) Deliberative [REDACTED]

Heidi will be in touch to schedule.

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



01268-EPA-6565

**Gina McCarthy/DC/USEPA/US** To Bob Perciasepe, Bob Sussman  
05/12/2011 10:57 AM cc Scott Fulton, Heidi Ellis, Richard Windsor, Janet McCabe  
bcc  
Subject Re: Boiler MACT

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 05/12/2011 10:53 AM EDT  
**To:** Gina McCarthy; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

Thanks all.

(b) (5) Deliberative

Eye to getting final out by Jan 1.

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:45 AM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

I was preparing that for Bob P at his rec [REDACTED] I will have a briefing paper for you later today or tomorrow morning.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/12/2011 10:28 AM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor  
**Subject:** Boiler MACT

(b) (5) Deliberative

[REDACTED] (b) (5) Deliberative [REDACTED]

Heidi will be in touch to schedule.

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

01268-EPA-6566

**Laura Vaught/DC/USEPA/US**  
05/12/2011 11:13 AM

To Richard Windsor, David McIntosh, Arvin Ganesan, Michael Goo  
cc  
bcc  
Subject Fw: Upton: Debt limit an option for EPA rider

no surprise here, but fyi on Upton's comments today about possibility of using the debt limit as vehicle for ghg rider.

----- Forwarded by Laura Vaught/DC/USEPA/US on 05/12/2011 11:12 AM -----

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Laura Vaught/DC/USEPA/US@EPA  
Date: 05/12/2011 11:07 AM  
Subject: Upton: Debt limit an option for EPA rider

## **Upton: Debt limit an option for EPA rider**

By Darren Samuelsohn  
POLITICO Pro

5/12/11 11:05 AM EDT

Rep. Fred Upton left the door open Thursday to stopping EPA's climate change rules via a rider on legislation that raises the nation's debt limit.

"We're not done with the issue yet," the Energy and Commerce Committee chairman told reporters. "It's still early in the legislative year. We're going to look at all options. I don't know whether that's one of them or not."

Upton (R-Mich.) led the effort earlier this year on House-passed stand-alone legislation that blocks the EPA. But the provision hit a wall in the Senate, with Democratic leaders blocking a similar measure from passing as an amendment to the small-business bill.

Republicans have said they will try to block EPA's climate policies in other venues, including fiscal year 2012 spending bills and perhaps as a trade-off during talks with the White House on legislation that increases the country's debt limit.

Asked Thursday during a panel discussion hosted by The Hill whether the EPA climate issue would be part of the debt ceiling debate, Upton at first insisted he didn't know what the outcome would be. But he did lump it in with other hot-button issues also on the negotiation table between the Obama administration and Capitol Hill.

"I would say that there's no way that a clean debt ceiling would pass in the Congress," Upton said. "Lots of different players would be voting no on that."

To read and comment online:

<https://www.politicopro.com/go/?id=3274>

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01268-EPA-6567

David  
McIntosh/DC/USEPA/US  
05/12/2011 12:02 PM

To Arvin Ganesan, Richard Windsor  
cc Laura Vaught  
bcc  
Subject Re: issa opinion piece

Thanks Arvin. Administrator, please see below.

(b) (5) Deliberative

Arvin Ganesan

05/12/2011 11:56:03 AM

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 05/12/2011 11:56 AM  
Subject: issa opinion piece

## D.C. can slow rising gas prices

By: Rep. Darrell Issa

May 12, 2011 06:45 AM EDT

As gas prices across the United States approach four dollars a gallon, Congress has a responsibility to ensure that political agendas and the administration's bureaucratic delays do not block efforts to lower energy costs and use our nation's abundant natural resources. Increasing oil and gas production – both offshore and on –is essential to our energy future.

We need to rely far more on hydraulic fracturing, a proven, safe technology.. We must also eliminate the excessive regulatory barriers to offshore drilling. With this, Washington can pave the way to an independent energy future.

While the opponents of domestic energy exploration disseminate questionable analysis that relies on scare tactics to prolong our dependence on foreign sources, Congress must make sure that the American people know the facts.

The U.S. has greater energy resources than any other nation on earth. This includes 163 billion barrels of recoverable oil – enough to meet current usage levels and replace all imports for 50 years. We also have more coal deposits than any other nation, and enough natural gas to meet demand for 90 years.

Yet these resources are being kept out of reach because of an intense regulatory bias and radical environmental activists — both in the administration and elsewhere.

In the last year, the Gulf coast economy was severely hurt by the Deepwater Horizon oil spill. Residents have told Oversight Committee investigators that the administration's efforts to delay or stop offshore oil production have undermined their efforts to rebuild local economies as well as blocking the way to energy independence.

To date, 12 oil rigs have left the Gulf for other countries — including Egypt and Brazil. Gulf energy production will decrease this year. Yet the administration has slowed the permit approval process dramatically. Since President Barack Obama ended his moratorium on offshore drilling in October, only a handful of new permits have been granted.

Similarly, hydraulic fracturing for onshore oil and natural gas deposits is under attack. Despite its safe use for 60 years in more than 1 million wells in the U.S. and the promise of reducing our oil imports by more than half over the next 10 years, the Environmental Protection Agency and the Department of Energy are caving to radical environmentalists who demand new, onerous regulations against the industry.

The Energy Department has gone so far as to convene a panel charged with designing the “best practices” for industry safety. Naturally, the panel does not include a single practitioner of hydraulic fracturing — but does include the president of the Environmental Defense Fund.

The Oversight and Government Reform Committee has examined these and other energy independence issues through hearings, on-scene investigations in gulf communities, and document examination. The problems are clear; the solutions known.

The United States cannot afford to leave our domestic petroleum resources untapped. And we cannot rely upon foreign suppliers in a politically unstable world. The longer we wait, the more difficult our predicament will become.

Economic hardships from rising energy prices are being felt across the country. Just last month, Federal Reserve Chairman Ben Bernanke announced that our fragile economic recovery could be held back by higher fuel prices. Consumer spending will almost certainly decline, and the American public will forego investment opportunities.

As April unemployment figures crept back up to 9 percent, the economic hazard from rising energy costs is very real.

Congress, however, has an opportunity to change this and free up opportunities to explore and produce our own national resources; to create private sector jobs, and to address the costly bias against domestic energy production.

The choice is not and has never been between technologies that lower energy usage and those that increase production. The United States needs both.

By renewing our commitment to safe domestic oil and gas exploration and deploying new energy technologies that tap our nation’s vast natural resources we can obtain that long elusive goal of energy independence.

*Darrell Issa (R-Calif.) is the chairman of the House Committee on Oversight and*

*Government and Reform.*

---

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

01268-EPA-6568

David  
McIntosh/DC/USEPA/US  
05/12/2011 12:20 PM

To Laura Vaught, Richard Windsor, Arvin Ganesan, Michael Goo  
cc  
bcc  
Subject Re: Upton: Debt limit an option for EPA rider

(b) (5) Deliberative

Laura Vaught

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

**From:** Laura Vaught  
**Sent:** 05/12/2011 11:13 AM EDT  
**To:** Richard Windsor; David McIntosh; Arvin Ganesan; Michael Goo  
**Subject:** Fw: Upton: Debt limit an option for EPA rider

no surprise here, but fyi on Upton's comments today about possibility of using the debt limit as vehicle for ghg rider.

----- Forwarded by Laura Vaught/DC/USEPA/US on 05/12/2011 11:12 AM -----

---

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Laura Vaught/DC/USEPA/US@EPA  
Date: 05/12/2011 11:07 AM  
Subject: Upton: Debt limit an option for EPA rider

## Upton: Debt limit an option for EPA rider

By Darren Samuelsohn  
POLITICO Pro

5/12/11 11:05 AM EDT

Rep. Fred Upton left the door open Thursday to stopping EPA's climate change rules via a rider on legislation that raises the nation's debt limit.

"We're not done with the issue yet," the Energy and Commerce Committee chairman told reporters. "It's still early in the legislative year. We're going to look at all options. I don't know whether that's one of them or not."

Upton (R-Mich.) led the effort earlier this year on House-passed stand-alone legislation that blocks the EPA. But the provision hit a wall in the Senate, with Democratic leaders blocking a similar measure from passing as an amendment to the small-business bill.

Republicans have said they will try to block EPA's climate policies in other venues, including fiscal year 2012 spending bills and perhaps as a trade-off during talks with the White House on legislation that increases the country's debt limit.

Asked Thursday during a panel discussion hosted by The Hill whether the EPA climate issue

would be part of the debt ceiling debate, Upton at first insisted he didn't know what the outcome would be. But he did lump it in with other hot-button issues also on the negotiation table between the Obama administration and Capitol Hill.

"I would say that there's no way that a clean debt ceiling would pass in the Congress," Upton said. "Lots of different players would be voting no on that."

To read and comment online:

<https://www.politicopro.com/go/?id=3274>

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01268-EPA-6569

**Richard  
Windsor/DC/USEPA/US**  
05/12/2011 01:17 PM

To Gina McCarthy, Bob Perciasepe, Bob Sussman  
cc Scott Fulton, Heidi Ellis, Janet McCabe  
bcc  
Subject Re: Boiler MACT

Tx. Heidi - please schedule the briefing for early next week. Gina - please make sure Peter T can be available by phone for the meeting. Tx.

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:57 AM EDT  
**To:** Bob Perciasepe; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 05/12/2011 10:53 AM EDT  
**To:** Gina McCarthy; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

Thanks all.

(b) (5) Deliberative

Eye to getting final out by Jan 1.

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:45 AM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

I was preparing that for Bob P at his request. I will have a briefing paper for you later today or tomorrow morning.

Bob Sussman

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

**From:** Bob Sussman

**Sent:** 05/12/2011 10:28 AM EDT

**To:** Gina McCarthy

**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor

**Subject:** Boiler MACT

(b) (5) Deliberative



Heidi will be in touch to schedule.

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

01268-EPA-6570

**Heidi Ellis/DC/USEPA/US** To Richard Windsor  
05/12/2011 01:22 PM cc Bob Perciasepe, Bob Sussman, Gina McCarthy, Janet McCabe, Scott Fulton  
**bcc**  
**Subject** Re: Boiler MACT

It's been scheduled. We canvassed schedules and landed on 2:45 PM on Wednesday. We can try for earlier, but may lose the full group.

Please advise.

---

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator | US EPA  
Phone: 202-564-3204  
Cell: 202-355-5212  
Fax: 202-501-1480

Richard Windsor Tx. Heidi - please schedule the briefing... 05/12/2011 01:17:23|PM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Scott Fulton/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 05/12/2011 01:17 PM  
Subject: Re: Boiler MACT

Tx. Heidi - please schedule the briefing for early next week. Gina - please make sure Peter T can be available by phone for the meeting. Tx.

Gina McCarthy

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**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:57 AM EDT  
**To:** Bob Perciasepe; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 05/12/2011 10:53 AM EDT  
**To:** Gina McCarthy; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

Thanks all.

(b) (5) Deliberative

Eye to getting final out by Jan 1.  
Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:45 AM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

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

**From:** Bob Sussman  
**Sent:** 05/12/2011 10:28 AM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor  
**Subject:** Boiler MACT

(b) (5) Deliberative

Heidi will be in touch to schedule.

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

01268-EPA-6571

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
cc  
05/12/2011 01:23 PM bcc  
Subject Re: Boiler MACT

Will do.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/12/2011 01:17 PM EDT  
**To:** Gina McCarthy; Bob Perciasepe; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Janet McCabe  
**Subject:** Re: Boiler MACT

Tx. Heidi - please schedule the briefing for early next week. Gina - please make sure Peter T can be available by phone for the meeting. Tx.

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:57 AM EDT  
**To:** Bob Perciasepe; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

(b) (5) Deliberative

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 05/12/2011 10:53 AM EDT  
**To:** Gina McCarthy; Bob Sussman  
**Cc:** Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe  
**Subject:** Re: Boiler MACT

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(b) (5) Deliberative

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Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

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**From:** Gina McCarthy  
**Sent:** 05/12/2011 10:45 AM EDT  
**To:** Bob Sussman

**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor; Janet McCabe

**Subject:** Re: Boiler MACT

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**Sent:** 05/12/2011 10:28 AM EDT

**To:** Gina McCarthy

**Cc:** Bob Perciasepe; Scott Fulton; Heidi Ellis; Richard Windsor

**Subject:** Boiler MACT

(b) (5) Deliberative



Heidi will be in touch to schedule.

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

(202)-564-7397

US Environmental Protection Agency

01268-EPA-6572

Richard  
Windsor/DC/USEPA/US  
05/12/2011 02:39 PM

To David McIntosh  
cc Arvin Ganesan, Laura Vaught  
bcc  
Subject Re: issa opinion piece

tx. where did this piece run?

David McIntosh Thanks Arvin. Administrator, please se... 05/12/2011 12:02:43 PM

From: David McIntosh/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Laura Vaught/DC/USEPA/US@EPA  
Date: 05/12/2011 12:02 PM  
Subject: Re: issa opinion piece

Thanks Arvin. Administrator, please see below. (b) (5) Deliberative

Arvin Ganesan ----- 05/12/2011 11:56:03 AM

From: Arvin Ganesan/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 05/12/2011 11:56 AM  
Subject: issa opinion piece

## D.C. can slow rising gas prices

By: Rep. Darrell Issa

May 12, 2011 06:45 AM EDT

As gas prices across the United States approach four dollars a gallon, Congress has a responsibility to ensure that political agendas and the administration's bureaucratic delays do not block efforts to lower energy costs and use our nation's abundant natural resources. Increasing oil and gas production – both offshore and on –is essential to our energy future.

We need to rely far more on hydraulic fracturing, a proven, safe technology.. We must also eliminate the excessive regulatory barriers to offshore drilling. With this, Washington can pave the way to an independent energy future.

While the opponents of domestic energy exploration disseminate questionable analysis that relies on scare tactics to prolong our dependence on foreign sources, Congress must make sure that the American people know the facts.

The U.S. has greater energy resources than any other nation on earth. This includes 163 billion barrels of recoverable oil – enough to meet current usage levels and replace all imports for 50 years. We also have more coal deposits than any other nation, and enough natural gas to meet demand for 90 years.

Yet these resources are being kept out of reach because of an intense regulatory bias and radical environmental activists — both in the administration and elsewhere.

In the last year, the Gulf coast economy was severely hurt by the Deepwater Horizon oil spill. Residents have told Oversight Committee investigators that the administration's efforts to delay or stop offshore oil production have undermined their efforts to rebuild local economies as well as blocking the way to energy independence.

To date, 12 oil rigs have left the Gulf for other countries — including Egypt and Brazil. Gulf energy production will decrease this year. Yet the administration has slowed the permit approval process dramatically. Since President Barack Obama ended his moratorium on offshore drilling in October, only a handful of new permits have been granted.

Similarly, hydraulic fracturing for onshore oil and natural gas deposits is under attack. Despite its safe use for 60 years in more than 1 million wells in the U.S. and the promise of reducing our oil imports by more than half over the next 10 years, the Environmental Protection Agency and the Department of Energy are caving to radical environmentalists who demand new, onerous regulations against the industry.

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The Oversight and Government Reform Committee has examined these and other energy independence issues through hearings, on-scene investigations in gulf communities, and document examination. The problems are clear; the solutions known.

The United States cannot afford to leave our domestic petroleum resources untapped. And we cannot rely upon foreign suppliers in a politically unstable world. The longer we wait, the more difficult our predicament will become.

Economic hardships from rising energy prices are being felt across the country. Just last month, Federal Reserve Chairman Ben Bernanke announced that our fragile economic recovery could be held back by higher fuel prices. Consumer spending will almost certainly decline, and the American public will forego investment opportunities.

As April unemployment figures crept back up to 9 percent, the economic hazard from rising energy costs is very real.

Congress, however, has an opportunity to change this and free up opportunities to explore and produce our own national resources; to create private sector jobs, and to address the costly bias against domestic energy production.

The choice is not and has never been between technologies that lower energy usage and those that increase production. The United States needs both.

By renewing our commitment to safe domestic oil and gas exploration and deploying new energy technologies that tap our nation's vast natural resources we can obtain that long elusive goal of energy independence.

*Darrell Issa (R-Calif.) is the chairman of the House Committee on Oversight and Government and Reform.*

---

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

01268-EPA-6573

David  
McIntosh/DC/USEPA/US  
05/13/2011 08:20 AM

To Richard Windsor, Adora Andy, Brendan Gilfillan, Michael Moats  
cc  
bcc  
Subject Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

**News Headline:** Clearing the air: When opposites actually agree | 

**Outlet Full Name:** Chicago Tribune - Online

**News OCR Text:** Environmental advocacy organizations and major electric utilities don't always see eye to eye on government standards. But the Environmental Law & Policy Center and Exelon Corp. agree that the Environmental Protection Agency's action to protect public health and clean up our nation's oldest and dirtiest power plants is not only essential to safeguard the health of thousands of Illinois residents — it will also be good for creating jobs and boosting the state's economy.

We believe that efforts by some in Congress to derail this action should be vigorously resisted.

The intense national debate over proposed new federal standards to reduce hazardous air pollutants from power plants comes to Chicago on May 24. The EPA will hold a public hearing here on its proposed standards setting federal limits — for the first time — on mercury, arsenic, lead, hydrochloric acid and other hazardous air pollutants.

The "toxics rule" is one of two key safeguards the EPA has proposed under the Clean Air Act to protect public health and the environment. The other is the Clean Air Transport Rule, which will reduce the downwind transfer of sulfur dioxide and nitrogen oxide emissions. Both standards are expected to be finalized this year.

These new standards will achieve cleaner air and safeguard public health. They target for cleanup life-threatening air pollutants that have been linked to cancer, heart disease, neurological damage, birth defects, asthma attacks and even premature death, and especially affect children and the elderly.

For example, mercury is a neurotoxin that causes fetal brain damage. State public health officials have issued "advisories" on every river, lake and stream in the Great Lakes states, warning people — especially pregnant women — to severely limit their consumption of fish. Sad isn't it, that it's not safe for people to eat the fish that they catch here?

Old, inefficient coal-fired power plants in the Midwest are the largest source of these air pollutants. In fact, two coal plants in Chicago are among the oldest operating in the nation. The Clean Air Task Force recently reported that coal plant pollution causes more than 1,000 heart attacks and 450 hospital admissions every year in Illinois.

The proposed new EPA clean-air standards will help prevent these unnecessary illnesses and also protect our environment. They will drive power plant owners to

decide whether to clean up or retire their oldest, highest-polluting plants. Taking the dirtiest plants off the grid will enable newer, more efficient power plants to be built, resulting in more jobs, cleaner air and lower health costs. Exelon and other utilities have already taken steps to install pollution controls and transition to cleaner resources. For example, Exelon in 2009 announced plans to retire several units at two older coal plants. Plus, there are many proven pollution-control technologies available, some of which take only 18 months to install. In fact, well over half of the nation's power plants have already installed pollution controls.

The University of Massachusetts at Amherst estimated earlier this year that compliance with new clean air standards will create more than 122,000 capital investment jobs in Illinois over the next five years, and nearly 1,500 permanent jobs operating and maintaining the new equipment here. Accordingly, Illinois will be one of the states poised to benefit most from the EPA's new standards. (These are skilled, high-paying jobs that the state badly needs.) And it's not just jobs. Another new report titled "Expensive Neighbors: The Hidden Cost of Harmful Pollution to Downwind Employers and Businesses" found that the longer the EPA's transport rule is not implemented, the longer Illinois will suffer from about \$450 million in lost income and tax revenue each year. These losses result from reduced productivity from air pollution that wafts into Illinois from other states.

Those who oppose EPA's clean air standards point to likely power plant retirements. In true Chicken Little form, they warn there won't be enough electricity left to supply our needs. But the electric power industry is well-prepared for the changes and can maintain system reliability — a fact that several recent reports have corroborated. M.J. Bradley & Associates notes that the United States already has a strong foundation of more than 100 gigawatts of excess power plant capacity, double the amount of capacity that can be expected to retire under the new EPA standards.

The EPA's common-sense health protections are required by the Clean Air Act and long overdue. They will dramatically improve public health, create much-needed jobs, and transition us to a cleaner energy future. This is an important case where Exelon and the Environmental Law & Policy Center stand together — as we all should — to protect public health, our environment and the Illinois economy.

John W. Rowe is chairman and CEO of the Chicago-based Exelon Corp. Howard A. Learner is president of the Environmental Law & Policy Center, a Midwest public interest advocacy organization.

01268-EPA-6574

Richard  
Windsor/DC/USEPA/US  
05/13/2011 08:41 AM

To David McIntosh, Adora Andy, Brendan Gilfillan, Michael Moats  
cc  
bcc  
Subject Re: Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

V cool.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/13/2011 08:20 AM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Michael Moats  
**Subject:** Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

**News Headline:** Clearing the air: When opposites actually agree | 

**Outlet Full Name:** Chicago Tribune - Online

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John W. Rowe is chairman and CEO of the Chicago-based Exelon Corp. Howard A. Learner is president of the Environmental Law & Policy Center, a Midwest public interest advocacy organization.

01268-EPA-6575

**Michael Moats/DC/USEPA/US** To Richard Windsor  
05/13/2011 09:31 AM cc Adora Andy, Brendan Gilfillan, David McIntosh  
bcc  
Subject Re: Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

We cool with posting a link to this on Facebook?

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

Richard Windsor V cool. ----- Original Message ----- 05/13/2011 08:41:14 AM

---

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
Date: 05/13/2011 08:41 AM  
Subject: Re: Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

V cool.

David McIntosh

----- Original Message -----  
**From:** David McIntosh  
**Sent:** 05/13/2011 08:20 AM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Michael Moats  
**Subject:** Chicago Tribune joint op-ed by Exelon and the Environmental Law & Policy Center

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The "toxics rule" is one of two key safeguards the EPA has proposed under the Clean Air Act to protect public health and the environment. The other is the Clean Air Transport Rule, which will reduce the downwind transfer of sulfur dioxide and nitrogen oxide emissions. Both standards are expected to be finalized this year.

These new standards will achieve cleaner air and safeguard public health. They target for cleanup life-threatening air pollutants that have been linked to cancer, heart disease, neurological damage, birth defects, asthma attacks and even premature death, and especially affect children and the elderly.

For example, mercury is a neurotoxin that causes fetal brain damage. State public health officials have issued "advisories" on every river, lake and stream in the Great Lakes states, warning people — especially pregnant women — to severely limit their consumption of fish. Sad isn't it, that it's not safe for people to eat the fish that they catch here?

Old, inefficient coal-fired power plants in the Midwest are the largest source of these air pollutants. In fact, two coal plants in Chicago are among the oldest operating in the nation. The Clean Air Task Force recently reported that coal plant pollution causes more than 1,000 heart attacks and 450 hospital admissions every year in Illinois.

The proposed new EPA clean-air standards will help prevent these unnecessary illnesses and also protect our environment. They will drive power plant owners to decide whether to clean up or retire their oldest, highest-polluting plants. Taking the dirtiest plants off the grid will enable newer, more efficient power plants to be built, resulting in more jobs, cleaner air and lower health costs. Exelon and other utilities have already taken steps to install pollution controls and transition to cleaner resources. For example, Exelon in 2009 announced plans to retire several units at two older coal plants. Plus, there are many proven pollution-control technologies available, some of which take only 18 months to install. In fact, well over half of the nation's power plants have already installed pollution controls.

The University of Massachusetts at Amherst estimated earlier this year that compliance with new clean air standards will create more than 122,000 capital investment jobs in Illinois over the next five years, and nearly 1,500 permanent jobs operating and maintaining the new equipment here. Accordingly, Illinois will be one of the states poised to benefit most from the EPA's new standards. (These are skilled, high-paying jobs that the state badly needs.) And it's not just jobs. Another new report titled "Expensive Neighbors: The Hidden Cost of Harmful Pollution to Downwind Employers and Businesses" found that the longer the EPA's transport rule is not implemented, the longer Illinois will suffer from about \$450 million in lost income and tax revenue each year. These losses result from reduced productivity from air pollution that wafts into Illinois from other states.

Those who oppose EPA's clean air standards point to likely power plant retirements. In true Chicken Little form, they warn there won't be enough electricity left to supply our needs. But the electric power industry is well-prepared for the changes and can maintain system reliability — a fact that several recent reports have corroborated. M.J. Bradley & Associates notes that the United States already has a

strong foundation of more than 100 gigawatts of excess power plant capacity, double the amount of capacity that can be expected to retire under the new EPA standards.

The EPA's common-sense health protections are required by the Clean Air Act and long overdue. They will dramatically improve public health, create much-needed jobs, and transition us to a cleaner energy future. This is an important case where Exelon and the Environmental Law & Policy Center stand together — as we all should — to protect public health, our environment and the Illinois economy.

John W. Rowe is chairman and CEO of the Chicago-based Exelon Corp. Howard A. Learner is president of the Environmental Law & Policy Center, a Midwest public interest advocacy organization.

01268-EPA-6579

Gina McCarthy/DC/USEPA/US

05/16/2011 09:46 AM

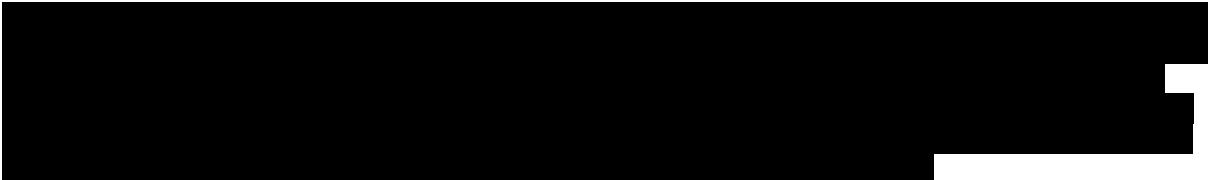
To Richard Windsor, perciasepe.bob, Thompson.Diane,  
Sussman.bob, Michael Goo, McIntosh.David, oster.seth,  
Fulton.Scott

cc

bcc

Subject Utility MACT (MATS)

(b) (5) Deliberative



01268-EPA-6580

David  
McIntosh/DC/USEPA/US  
05/16/2011 10:34 AM

To Gina McCarthy  
cc Fulton.Scott, Michael Goo, oster.seth, perciasepe.bob,  
Richard Windsor, Sussman.bob, Thompson.Diane  
bcc  
Subject Re: Utility MACT (MATS)

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

05/16/2011 09:46:10 AM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Thompson.Diane@EPA.GOV,  
Sussman.bob@EPA.GOV, Michael Goo/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV,  
oster.seth@epa.gov, Fulton.Scott@EPA.GOV  
Date: 05/16/2011 09:46 AM  
Subject: Utility MACT (MATS)

(b) (5) Deliberative

01268-EPA-6581

Richard  
Windsor/DC/USEPA/US  
05/16/2011 10:46 AM

To David McIntosh  
cc  
bcc

Subject Re: Utility MACT (MATS)

(b) (5) Deliberative

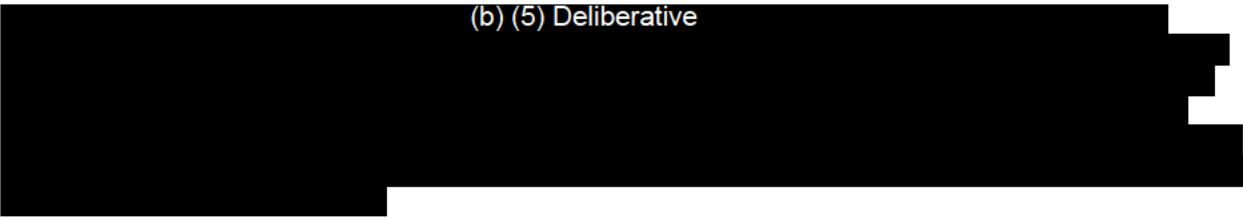
David McIntosh

(b) (5) Deliberative

05/16/2011 10:34:28 AM

From: David McIntosh/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Fulton.Scott@EPA.GOV, Michael Goo/DC/USEPA/US@EPA, oster.seth@epa.gov, perciasepe.bob@epa.gov, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV, Thompson.Diane@EPA.GOV  
Date: 05/16/2011 10:34 AM  
Subject: Re: Utility MACT (MATS)

(b) (5) Deliberative



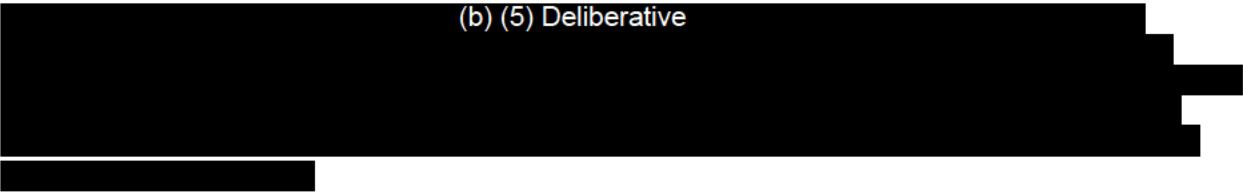
Gina McCarthy

(b) (5) Deliberative

05/16/2011 09:46:10 AM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Thompson.Diane@EPA.GOV, Sussman.bob@EPA.GOV, Michael Goo/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, oster.seth@epa.gov, Fulton.Scott@EPA.GOV  
Date: 05/16/2011 09:46 AM  
Subject: Utility MACT (MATS)

(b) (5) Deliberative


01268-EPA-6582

**Gina McCarthy/DC/USEPA/US** To David McIntosh  
05/16/2011 12:06 PM cc "Scott Fulton", Michael Goo, "Seth Oster", "Bob Perciasepe",  
Richard Windsor, "Bob Sussman", "Diane Thompson"  
bcc  
Subject Re: Utility MACT (MATS)

I agree with your assessment and I am awaiting a draft.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/16/2011 10:34 AM EDT  
**To:** Gina McCarthy  
**Cc:** Fulton.Scott@EPA.GOV; Michael Goo; oster.seth@epa.gov; perciasepe.bob@epa.gov; Richard Windsor; Sussman.bob@EPA.GOV; Thompson.Diane@EPA.GOV  
**Subject:** Re: Utility MACT (MATS)

(b) (5) Deliberative

Gina McCarthy

(b) (5) Deliberative

05/16/2011 09:46:10 AM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, perciasewe.bob@epa.gov, Thompson.Diane@EPA.GOV,  
Sussman.bob@EPA.GOV, Michael Goo/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV,  
oster.seth@epa.gov, Fulton.Scott@EPA.GOV  
Date: 05/16/2011 09:46 AM  
Subject: Utility MACT (MATS)

(b) (5) Deliberative

01268-EPA-6583

Richard  
Windsor/DC/USEPA/US  
05/16/2011 12:14 PM

To David McIntosh, Diane Thompson, Bob Perciasepe, Gina McCarthy, Seth Oster, Arvin Ganesan, Laura Vaught, Bob Sussman, Michael Goo, Bicky Corman, Scott Fulton

cc

bcc

Subject Re: a press release that the International Brotherhood of Electrical Workers is putting out today

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/16/2011 11:53 AM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Gina McCarthy; Seth Oster; Arvin Ganesan; Laura Vaught; Bob Sussman; Michael Goo; Bicky Corman; Scott Fulton  
**Subject:** a press release that the International Brotherhood of Electrical Workers is putting out today

**Statement of Edwin D. Hill, International President  
International Brotherhood of Electrical Workers, on the Need for  
Legislative Action to Phase in EPA Regulations on Clean Air Act**

We have reviewed the Environmental Protection Agency's proposed Mercury and Air Toxics Standard, also known as maximum achievable control technology (MACT), for utilities and firmly believe that the three-year timeframe for reducing emissions of carbon, mercury and other pollutants is not realistic. We agree with those who are seeking legislative action to phase in the impact of the regulations in a manner that will preserve jobs and reliable electric power.

We have met with the EPA to discuss our concerns and recognize that the EPA has limited discretion and flexibility in addressing compliance timelines because it is bound by the mandates of a federal court. We believe that realistic and reasonable standards will only be achieved through legislation.

We support reducing emissions and we have publicly supported a diverse energy portfolio. However, new nuclear plants take years to permit and construct. Despite efforts to introduce more renewables into our nation's energy mix – efforts the IBEW fully supports – the Department of Energy estimates that only 2 percent of our electricity was derived from wind, solar and geothermal in 2009.

Many of the affected coal plants, aged 50 to 60 years or older, are located in the Midwest, a region that is not well served by renewable energy sources. Early shutdowns of coal-fired plants could lead to the loss of 50,000 workers in utilities, mining, railroad and related occupations and 200,000 more in indirect losses. If – as most credible estimates predict – the utilities have to close 50,000 megawatts or more of coal plants, rates will soar and reliability will be dramatically affected in many parts of the country.

We agree with those who are calling on Congress to act. We will work with those who will craft a balanced approach to emissions limits with the need for jobs and reliable electricity.

# # #

The International Brotherhood of Electrical Workers (IBEW) represents approximately 725,000 members who work in a wide variety of fields, including manufacturing, utilities, construction, telecommunications, broadcasting, railroads and government

01268-EPA-6584

David  
McIntosh/DC/USEPA/US  
05/16/2011 01:54 PM

To Richard Windsor  
cc  
bcc

Subject the small volume of stationary source GHG permitting

(b) (5) Deliberative

Arched by David McIntosh/DC/USEPA/US on 05/16/2011 01:48 PM -----

From: Laura Vaught/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 05/16/2011 09:30 AM  
Subject: another politico pro story that might be hearing related

**EPA's backers say the first round of greenhouse gas permits have been a success.**

By ROBIN BRAVENDER | 5/16/11 5:38 AM EDT

**Predictions that the Obama administration's climate rules would bring the U.S. economy screeching to a halt haven't come true — at least not yet.**

**Opponents of the EPA's climate rules have kept up their fiery rhetoric since the regulations officially kicked in on Jan. 2. Congressional critics warn the climate rules will halt construction and hamstring an economic recovery, and they've vowed to use every possible legislative avenue to unravel them, including the debt ceiling fight later this summer.**

But off the Hill, the EPA and its backers say the agency has gotten off to a smooth — if slow — start to ratcheting down greenhouse gas emissions without imposing undue burdens on industries.

So far this year, state permitting agencies have issued three air pollution permits that account for greenhouse gas emissions, according to the EPA. Those permits went to a Nucor Corp. iron manufacturing plant in Louisiana, a Calpine natural gas fired power plant in California and to a We Energies biomass power plant in Wisconsin.

Under the EPA's phased-in rules, only the largest emitters of greenhouse gases are required to prove that they are using the best available pollution controls when they upgrade or build new facilities. According to the agency's guidelines, that will mean maximizing energy efficiency for most plants.

Backers of the EPA's climate rules point to the three completed permits as evidence that the process has been relatively seamless so far. Another nine permitting applications are in the queue for the EPA to review or comment on, and the agency is tracking about 80 additional projects that might be subject to the new rules.

**“We see absolutely no evidence of any kind of construction moratorium or even delay as a result of this rule,” said Bill Becker, executive director of the National Association of Clean Air Agencies, a coalition of state and local air regulators.**

By establishing a timeline to phase in the rules to first target the biggest emitters,

the EPA's first round of climate regulation "did exactly what it intended to," Becker said, by exempting many facilities that may otherwise have been subject to the new regulations.

The EPA says it's taking about the same amount of time to get permits through the pipeline, and several state regulators say they've been handling the new requirements with relative ease, aside from some resource constraints.

"It's an additional workload, that's for sure, and we have stressed resources at this time, so any additional workload only serves to add to the strain we're already feeling," said Jim Ross, manager of the Illinois EPA's division of air pollution control. "That said, we are implementing the rule." Illinois has a handful of pending permitting applications.

If anyone's unhappy with the first round of greenhouse gas permits it should be critics on the left — not industry, a former top Obama EPA official said earlier this month.

"Let me say quite honestly, I think that the implementation of that program could be criticized, but not because it's too extreme — if anything, because it's too modest," said Lisa Heinzerling, a Georgetown law professor who recently stepped down as chief of EPA's policy office.

Heinzerling noted that the first permit issued under the rules didn't require any new pollution control rules for the facility beyond what had already been proposed before the climate rules took effect. "So the sky didn't fall on Jan. 2, and indeed the first permit appears to have no new pollution controls required," she said.

But the EPA's critics still see plenty to worry about.

Industry representatives find the small number of applications troubling, given the EPA's initial estimates about how many sources would be subject to the program. The agency predicted that about 700 New Source Review permits would be issued under the new climate rules by July, and an additional 900 between July 2011 and June 2013.

"People want to know what's going on: nothing," said Jeff Holmstead, an industry attorney and former EPA air chief under the George W. Bush administration.

"People just aren't building things."

Holmstead added, "The problem is, people are just not willing to subject themselves to the permitting process when nobody really knows how it is going to work."

Other factors are likely contributing to the low number of permitting applicants, including the sluggish economy and the fact that some industries are waiting to see whether EPA's critics in Congress are successful in their bid to nullify climate regulations. Also, many sources that had long been waiting for permits were able to get them finalized just prior to the January deadline, said Becker of NACAA.

Even given the relatively low number of applicants, industry representatives find the permitting pace troubling.

"While certainly in an economic downturn, people may not be building at a historical rate, three permits?" said Joe Stanko, an industry attorney at Hunton & Williams. "There's got to be, I think, more going on."

Industry representatives and state regulators anticipate more hurdles as groups launch legal challenges to permits and the agency phases in more sources.

Green groups have already issued a challenge to the Nucor air quality permit,

claiming that it doesn't meet the EPA's standards for greenhouse gas controls. And industry attorneys fear that permits issued by the EPA will face a tougher slog than those issued by state and local regulators. The agency has yet to issue any permits for states where the federal government is in charge of greenhouse gas rules. Stanko said he expects those permits to take much longer, because the permits can't go final until any challenges are settled by an agency appeals board. "We know that folks have used this procedural distinction to try and stop or slow down new permits or plant expansions on challenges relating to conventional pollutant emissions," he said.

And state regulators must now prepare for Round Two of the permitting rules, when new and modified sources can trigger climate rules based solely on their greenhouse gas emissions. For now, only sources that already need permits for other pollutants are subject to the rules.

"Have we been overwhelmed to date? No," said Bryan Johnston, an environmental scientist in the air permits division at the Louisiana Department of Environmental Quality. "The great unknown is Phase Two."

01268-EPA-6585

**Richard  
Windsor/DC/USEPA/US**  
05/16/2011 06:21 PM

To Seth Oster  
cc  
bcc  
Subject Re: Boiler MACT Stay -- Update

(b) (5) Deliberative

Gimme a buzz when you get a moment. Tx.

Seth Oster

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

**From:** Seth Oster  
**Sent:** 05/16/2011 06:09 PM EDT  
**To:** Richard Windsor  
**Subject:** Boiler MACT Stay -- Update

(b) (5) Deliberative

Seth

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

01268-EPA-6586

Richard  
Windsor/DC/USEPA/US  
05/16/2011 07:27 PM

To "Gina (Sheila) McCarthy"  
cc  
bcc  
Subject Fw: Boiler coverage

(b) (5) Deliberative

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/16/2011 07:22 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons  
**Subject:** Boiler coverage

All -

(b) (5) Deliberative  
(b) (5) Deliberative .

Thanks.

- Brendan

**Reuters:** US delays air pollution rules on industry boilers

**Bloomberg:** EPA to Postpone Boiler Rules Amid Industry Group Complaints

**WSJ:** EPA to Delay Pollution Rule

**AP:** EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

**Politico Pro:** EPA to stall air toxics rule

Reuters

US delays air pollution rules on industry boilers

Mon May 16, 2011

\* Rules had been intended to ax toxic pollution

\* EPA opens up new comment period on rules, delaying them

\* Rules less costly to industry were issued in February

WASHINGTON, May 16 (Reuters) - U.S. environmental regulators delayed air pollution rules for boilers at plants and factories on Monday, a move green groups said was a bow to industry pressure.

The Environmental Protection Agency said it postponed the effective date of standards issued early this year on incinerators and boilers at factories to allow for more public comments. It said it wanted more feedback from the public and industry.

After a comment period the agency issued the rules under court order in February. But now the agency will hold another comment period on the rules through July 15, delaying the ultimate implementation of the anti-pollution measure.

The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

"We've come an awful long way from an agency that was determined to provide health protections that were long overdue to one that is willing to put them off indefinitely in response to political pressure from industry," said James Pew, an attorney for the environmental group Earthjustice.

When the agency issued the rules in February it said they would cost industry about \$2.1 billion a year, rather than an estimate of \$3.9 billion per year, because they were more flexible for industry. They allowed polluters to fine-tune their existing pollution controls, for example, rather than add costly new controls.

Pew said the EPA was in effect delaying implementation of the rules until some unknown date in the future leaving people at risk of asthma, premature death and heart attacks from the boiler emissions without protection for the foreseeable future.

The EPA is slated to propose rules on greenhouse emissions from power plants in July and on oil refiners in December. (Reporting by Timothy Gardner; Editing by Cynthia Osterman)

Bloomberg

### EPA to Postpone Boiler Rules Amid Industry Group Complaints

By Kim Chipman - May 16, 2011 2:19 PM ET in Share1More

Business Exchange Buzz up! Digg Print Email The Environmental Protection Agency said it will delay new standards for industrial boilers, giving the Obama administration time to change the rule opposed by industry groups such as the U.S. Chamber of Commerce.

The chamber, the nation's biggest business lobby, and the National Association of Manufacturers asked the EPA last month to postpone the air regulations. The agency said in February, when it issued the standards under court order, that it would reconsider the rules, aimed at cutting toxic emissions such as mercury and soot.

The Council of Industrial Boiler Owners last year said the proposal would cost the industry \$20 billion and as many as 300,000 jobs. The EPA, which estimated costs at \$9.5 billion, responded by issuing rules it said were 50 percent less expensive and pledging to make more changes as needed.

The EPA's delay of the May 21 effective date will "allow the agency to continue to seek additional public comment before an updated rule is proposed," the EPA said today in an e-mailed statement.

Reconsideration of the rule, which prompted more than 4,800 comments from businesses and communities after being proposed in April 2010, is in line with President Barack Obama's January order that agencies ensure that regulations don't unnecessarily hurt U.S. economic growth.

The Washington-based National Association of Manufacturers praised EPA's decision to rework the boiler rules.

"This will alleviate job creators from burdensome and costly regulations while the EPA goes through the reconsideration process," the group said today in an e-mail. It "removes a level of uncertainty found among manufacturers that has discouraged future investment and job growth."

Wall Street Journal

## EPA to Delay Pollution Rule

By STEPHEN POWER And TENNILLE TRACY

The Obama administration suspended a new regulation aimed at cutting pollution from boilers at oil refineries, chemical plants and other factories, amid complaints by a range of industries over the potential cost.

Monday's announcement by the Environmental Protection Agency marks at least a temporary victory for industry and congressional critics of the administration's regulatory policies. The boiler rule is the latest in a series of EPA regulations the administration has scaled back or delayed amid criticism that jobs would be threatened.

In a written statement, the EPA said it was postponing the effective date of the rule after deciding that the general public "did not have sufficient opportunity to comment" on it. The agency said allowing more time for analysis of the rule's costs and benefits "is consistent with" a January executive order by President Barack Obama that directed federal agencies to review their regulations and "avoid excessive, inconsistent and redundant regulation."

It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said at the time that its standards for major boilers were expected to avoid 2,500 to 6,500 premature deaths.

Boilers use coal, natural gas and other fuel to produce steam, which is then used to generate electricity or heat.

At the time EPA released its rule, the agency said it wanted to reconsider certain aspects of it, in part because it was operating under a court-ordered deadline that forced it to release the standards sooner than it wanted.

Manufacturers, paper mills and other industries affected by the rule have long complained about the cost of compliance. They say EPA's cost estimates, which reach \$1.4 billion per year for major boilers, underestimate the true cost of meeting the standards.

Trade groups including those representing paper companies, sugar companies and rubber manufacturers

had asked the EPA to suspend the rule. By freezing the rule, the EPA relieves U.S. companies from complying with standards that may eventually change, said Alicia Meads, director of energy and resources policy at the National Association of Manufacturers.

"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms. Meads said. "A lot of companies might've shut their doors once this became final."

House Republicans have cited the rule as part of a broader attack on what they portray as overreaching by the EPA. Earlier this year, some of them offered to draft legislation to give the EPA more time to develop the standards.

Environmental groups criticized the agency for suspending the boiler rule, particularly because the EPA has said it would avoid thousands of premature deaths every year.

"The industry let loose its dogs on The Hill and suddenly EPA discovers all these flaws in a rule that it hadn't noticed before," said Jim Pew, an attorney with Earthjustice.

The Clean Air Act requires the EPA to develop emissions standards for boilers. The Bush administration developed a set of standards in 2004, but those standards were vacated by a court in 2007.

Associated Press

EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

WASHINGTON -- The Environmental Protection Agency is delaying indefinitely regulations to reduce toxic pollution from boilers and incinerators.

The move comes in response to a request from industry groups.

The announcement Monday was another setback for a rule that the agency claims will avert thousands of heart attacks and asthma cases each year. In February, the EPA announced changes to make it much cheaper to comply with the new standards without diminishing the public health benefits.

Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

01268-EPA-6587

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
05/17/2011 01:35 AM                  cc  
                                                    bcc  
Subject Re: Boiler coverage

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/16/2011 07:27 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
**Subject:** Fw: Boiler coverage

(b) (5) Deliberative

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/16/2011 07:22 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons  
**Subject:** Boiler coverage

All -

(b) (5) Deliberative  
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Thanks.

- Brendan

**Reuters:** US delays air pollution rules on industry boilers**Bloomberg:** EPA to Postpone Boiler Rules Amid Industry Group Complaints**WSJ:** EPA to Delay Pollution Rule

**AP: EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely**

**Politico Pro: EPA to stall air toxics rule**

Reuters

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\* Rules less costly to industry were issued in February

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After a comment period the agency issued the rules under court order in February. But now the agency will hold another comment period on the rules through July 15, delaying the ultimate implementation of the anti-pollution measure.

The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

"We've come an awful long way from an agency that was determined to provide health protections that were long overdue to one that is willing to put them off indefinitely in response to political pressure from industry," said James Pew, an attorney for the environmental group Earthjustice.

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Bloomberg

EPA to Postpone Boiler Rules Amid Industry Group Complaints

By Kim Chipman - May 16, 2011 2:19 PM ET in Share1 More

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The chamber, the nation's biggest business lobby, and the National Association of Manufacturers asked the EPA last month to postpone the air regulations. The agency said in February, when it issued the standards under court order, that it would reconsider the rules, aimed at cutting toxic emissions such as mercury and soot.

The Council of Industrial Boiler Owners last year said the proposal would cost the industry \$20 billion and as many as 300,000 jobs. The EPA, which estimated costs at \$9.5 billion, responded by issuing rules it said were 50 percent less expensive and pledging to make more changes as needed.

The EPA's delay of the May 21 effective date will "allow the agency to continue to seek additional public comment before an updated rule is proposed," the EPA said today in an e-mailed statement.

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Wall Street Journal

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By STEPHEN POWER And TENNILLE TRACY

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Monday's announcement by the Environmental Protection Agency marks at least a temporary victory for industry and congressional critics of the administration's regulatory policies. The boiler rule is the latest in a series of EPA regulations the administration has scaled back or delayed amid criticism that jobs would be threatened.

In a written statement, the EPA said it was postponing the effective date of the rule after deciding that the general public "did not have sufficient opportunity to comment" on it. The agency said allowing more time for analysis of the rule's costs and benefits "is consistent with" a January executive order by President Barack Obama that directed federal agencies to review their regulations and "avoid excessive, inconsistent and redundant regulation."

It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said

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"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms. Meads said. "A lot of companies might've shut their doors once this became final."

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(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

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The move comes in response to a request from industry groups.

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Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

01268-EPA-6588

Richard  
Windsor/DC/USEPA/US  
05/17/2011 06:09 AM

To Gina McCarthy  
cc  
bcc  
Subject Re: Boiler coverage

(b) (5) Deliberative

Gina McCarthy

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The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to

weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

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01268-EPA-6589

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
05/17/2011 09:08 AM cc  
Subject Re: Boiler coverage  
bcc

(b) (5) Deliberative

Richard Windsor

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01268-EPA-6590

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05/17/2011 09:10 AM

To Gina McCarthy

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bcc

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Associated Press

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(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

WASHINGTON -- The Environmental Protection Agency is delaying indefinitely regulations to reduce toxic pollution from boilers and incinerators.

The move comes in response to a request from industry groups.

The announcement Monday was another setback for a rule that the agency claims will avert thousands of heart attacks and asthma cases each year. In February, the EPA announced changes to make it much cheaper to comply with the new standards without diminishing the public health benefits.

Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation

taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

01268-EPA-6591

Richard  
Windsor/DC/USEPA/US  
05/17/2011 09:31 AM

To (b) (6) Personal Privacy  
cc  
bcc  
Subject

**News Headline:** AIR POLLUTION: Power plant union asks Congress to delay EPA rules | 

**Outlet Full Name:** Greenwire

**News OCR Text:** A labor union that is usually a stalwart supporter of the Obama administration is asking Congress to delay U.S. EPA's new rules on toxic air pollution from coal-fired power plants, saying jobs will be lost if utilities don't get more time.

The International Brotherhood of Electrical Workers said today that it is backing American Electric Power Co. Inc. (AEP) as it lobbies Congress to give utilities an extra five or six years to clean up or shut down their oldest coal plants.

Tens of thousands of union jobs are at stake, but EPA cannot do anything about it, IBEW President Edwin Hill said in a statement. Under the Clean Air Act, power plants can only get three years -- with a possible one-year extension after that -- to add equipment that would trap emissions of mercury, acid gases and heavy metals.

"Realistic and reasonable standards will only be achieved through legislation," Hill said.

If the new rules force older coal plants to be retired, about 50,000 workers in the utility, mining and railroad industries could lose their jobs, the union says. The 720,000-member union represents 220,000 employees of electric, natural gas and water utilities, including about 20,000 workers at coal-fired power plants and others at the railroads that deliver their coal.

Jim Hunter, director of IBEW's utility department, said the union worked closely with AEP on a draft bill that would delay the air toxics rules and several other looming regulations for the power sector. He said IBEW supports the final product of those talks: a 56-page bill that has drawn a fierce backlash from environmental and public health groups since it surfaced on Capitol Hill last month.

"We're OK with the rules," Hunter told Greenwire. "The idea of installing pollution equipment is a reasonable request, and shutting down 70-year-old plants is also understandable, but it has to be done in such a way that we don't devastate the workforce, we don't create instability in the system ... and at the same time we keep reasonable costs on our electricity."

Critics of the bill have pulled no punches, saying that it would allow tens of thousands of early deaths each year. The Natural Resources Defense Council, Environmental Defense Fund and Sierra Club have launched a campaign asking how many people should die to prevent the billions of dollars in costs that are associated

with the new rules.

"Today we are asking AEP a simple question," said Environmental Defense Fund President Fred Krupp in a statement last week. "What's your number? What's the acceptable number of American lives to surrender?"

Yet the support of one of the nation's largest labor organizations -- and a steady Democratic donor -- could deal a political blow to the argument that the utility sector is well-equipped to handle the new rules. Melissa McHenry, a spokeswoman for AEP, confirmed today that the company had discussed its bill with the union.

The IBEW was the 17th biggest spender in the 2010 campaign cycle, giving out \$3.46 million in political donations, according to the campaign finance database OpenSecrets.org. Ninety-eight percent of the union's money went to Democrats.

[Click here](#) to read AEP's draft bill.

01268-EPA-6592

**Richard  
Windsor/DC/USEPA/US**  
05/17/2011 09:48 AM

To Bob Perciasepe, Michael Goo, Scott Fulton  
cc Seth Oster  
bcc  
Subject Fw: Boiler coverage

FYI

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/17/2011 09:47 AM -----

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 05/17/2011 09:10 AM  
Subject: Re: Boiler coverage

(b) (5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/17/2011 09:08 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Boiler coverage

(b) (5) Deliberative

Richard Windsor

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**Sent:** 05/16/2011 07:27 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
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Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/16/2011 07:22 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons  
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The Environmental Protection Agency said it postponed the effective date of standards issued early this year on incinerators and boilers at factories to allow for more public comments. It said it wanted more feedback from the public and industry.

After a comment period the agency issued the rules under court order in February. But now the agency will hold another comment period on the rules through July 15, delaying the ultimate implementation of the anti-pollution measure.

The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

"We've come an awful long way from an agency that was determined to provide health protections that were long overdue to one that is willing to put them off indefinitely in response to political pressure from industry," said James Pew, an attorney for the environmental group Earthjustice.

When the agency issued the rules in February it said they would cost industry about \$2.1 billion a year, rather than an estimate of \$3.9 billion per year, because they were more flexible for industry. They allowed polluters to fine-tune their existing pollution controls, for example, rather than add costly new controls.

Pew said the EPA was in effect delaying implementation of the rules until some unknown date in the future leaving people at risk of asthma, premature death and heart attacks from the boiler emissions

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The EPA is slated to propose rules on greenhouse emissions from power plants in July and on oil refiners in December. (Reporting by Timothy Gardner; Editing by Cynthia Osterman)

Bloomberg

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By Kim Chipman - May 16, 2011 2:19 PM ET in Share 1 More

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The chamber, the nation's biggest business lobby, and the National Association of Manufacturers asked the EPA last month to postpone the air regulations. The agency said in February, when it issued the standards under court order, that it would reconsider the rules, aimed at cutting toxic emissions such as mercury and soot.

The Council of Industrial Boiler Owners last year said the proposal would cost the industry \$20 billion and as many as 300,000 jobs. The EPA, which estimated costs at \$9.5 billion, responded by issuing rules it said were 50 percent less expensive and pledging to make more changes as needed.

The EPA's delay of the May 21 effective date will "allow the agency to continue to seek additional public comment before an updated rule is proposed," the EPA said today in an e-mailed statement.

Reconsideration of the rule, which prompted more than 4,800 comments from businesses and communities after being proposed in April 2010, is in line with President Barack Obama's January order that agencies ensure that regulations don't unnecessarily hurt U.S. economic growth.

The Washington-based National Association of Manufacturers praised EPA's decision to rework the boiler rules.

"This will alleviate job creators from burdensome and costly regulations while the EPA goes through the reconsideration process," the group said today in an e-mail. It "removes a level of uncertainty found among manufacturers that has discouraged future investment and job growth."

Wall Street Journal

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Monday's announcement by the Environmental Protection Agency marks at least a temporary victory for industry and congressional critics of the administration's regulatory policies. The boiler rule is the latest in a series of EPA regulations the administration has scaled back or delayed amid criticism that jobs would be threatened.

In a written statement, the EPA said it was postponing the effective date of the rule after deciding that the general public "did not have sufficient opportunity to comment" on it. The agency said allowing more time for analysis of the rule's costs and benefits "is consistent with" a January executive order by President Barack Obama that directed federal agencies to review their regulations and "avoid excessive, inconsistent and redundant regulation."

It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said at the time that its standards for major boilers were expected to avoid 2,500 to 6,500 premature deaths.

Boilers use coal, natural gas and other fuel to produce steam, which is then used to generate electricity or heat.

At the time EPA released its rule, the agency said it wanted to reconsider certain aspects of it, in part because it was operating under a court-ordered deadline that forced it to release the standards sooner than it wanted.

Manufacturers, paper mills and other industries affected by the rule have long complained about the cost of compliance. They say EPA's cost estimates, which reach \$1.4 billion per year for major boilers, underestimate the true cost of meeting the standards.

Trade groups including those representing paper companies, sugar companies and rubber manufacturers had asked the EPA to suspend the rule. By freezing the rule, the EPA relieves U.S. companies from complying with standards that may eventually change, said Alicia Meads, director of energy and resources policy at the National Association of Manufacturers.

"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms. Meads said. "A lot of companies might've shut their doors once this became final."

House Republicans have cited the rule as part of a broader attack on what they portray as overreaching by the EPA. Earlier this year, some of them offered to draft legislation to give the EPA more time to develop the standards.

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"The industry let loose its dogs on The Hill and suddenly EPA discovers all these flaws in a rule that it hadn't noticed before," said Jim Pew, an attorney with Earthjustice.

The Clean Air Act requires the EPA to develop emissions standards for boilers. The Bush administration developed a set of standards in 2004, but those standards were vacated by a court in 2007.

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01268-EPA-6593

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
05/17/2011 09:54 AM cc  
Subject Re: Boiler coverage  
bcc

(b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/17/2011 09:10 AM EDT  
**To:** Gina McCarthy  
**Subject:** Re: Boiler coverage

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[REDACTED] (b) (5) Deliberative [REDACTED]

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01268-EPA-6594

**Richard  
Windsor/DC/USEPA/US**  
05/17/2011 09:56 AM

To "David McIntosh"  
cc  
bcc  
Subject Fw: Boiler coverage

Gina McCarthy

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**From:** Gina McCarthy  
**Sent:** 05/17/2011 09:54 AM EDT  
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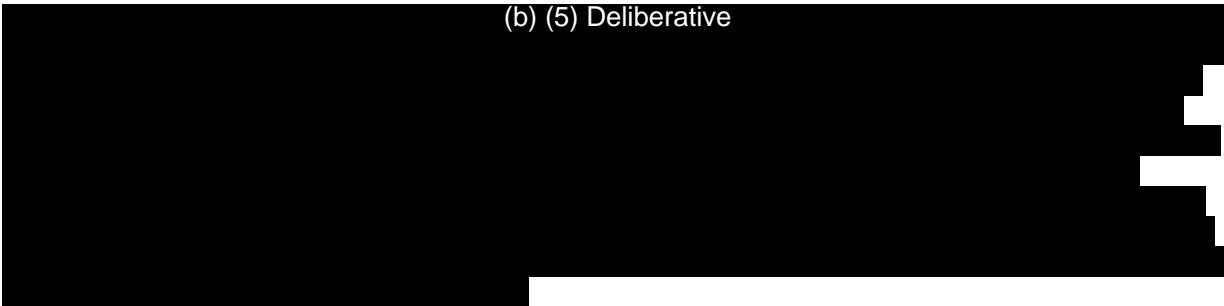
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It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever

is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said at the time that its standards for major boilers were expected to avoid 2,500 to 6,500 premature deaths.

Boilers use coal, natural gas and other fuel to produce steam, which is then used to generate electricity or heat.

At the time EPA released its rule, the agency said it wanted to reconsider certain aspects of it, in part because it was operating under a court-ordered deadline that forced it to release the standards sooner than it wanted.

Manufacturers, paper mills and other industries affected by the rule have long complained about the cost of compliance. They say EPA's cost estimates, which reach \$1.4 billion per year for major boilers, underestimate the true cost of meeting the standards.

Trade groups including those representing paper companies, sugar companies and rubber manufacturers had asked the EPA to suspend the rule. By freezing the rule, the EPA relieves U.S. companies from complying with standards that may eventually change, said Alicia Meads, director of energy and resources policy at the National Association of Manufacturers.

"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms. Meads said. "A lot of companies might've shut their doors once this became final."

House Republicans have cited the rule as part of a broader attack on what they portray as overreaching by the EPA. Earlier this year, some of them offered to draft legislation to give the EPA more time to develop the standards.

Environmental groups criticized the agency for suspending the boiler rule, particularly because the EPA has said it would avoid thousands of premature deaths every year.

"The industry let loose its dogs on The Hill and suddenly EPA discovers all these flaws in a

rule that it hadn't noticed before," said Jim Pew, an attorney with Earthjustice.

The Clean Air Act requires the EPA to develop emissions standards for boilers. The Bush administration developed a set of standards in 2004, but those standards were vacated by a court in 2007.

Associated Press

### EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

WASHINGTON -- The Environmental Protection Agency is delaying indefinitely regulations to reduce toxic pollution from boilers and incinerators.

The move comes in response to a request from industry groups.

The announcement Monday was another setback for a rule that the agency claims will avert thousands of heart attacks and asthma cases each year. In February, the EPA announced changes to make it much cheaper to comply with the new standards without diminishing the public health benefits.

Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

01268-EPA-6595

**Noah Dubin/DC/USEPA/US** To  
**05/17/2011 05:48 PM** cc  
**bcc Richard Windsor**  
**Subject Wednesday, May 18, 2011 Schedule for Lisa P. Jackson**

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

### **Schedule for Lisa P. Jackson EPA Administrator** **Wednesday, May 18, 2011**

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Notes:

| Drivers                                                                                                      | Shift Leaders                                                                                                | Staff Contact                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | Heidi Ellis 202-355-5212                                                                                                                                                                                                                                                                                                                          |
| 08:45 AM - 09:15 AM                                                                                          | Administrator's Office                                                                                       | Daily Briefing                                                                                                                                                                                                                                                                                                                                    |
| 09:45 AM - 10:15 AM                                                                                          | Bullet Room                                                                                                  | Meeting to Discuss Ozone Reconsideration Regulatory Impact Analysis<br>Janet Means-Thomas - 202-564-2454                                                                                                                                                                                                                                          |
|                                                                                                              |                                                                                                              | <p>Staff:<br/> Bob Sussman, Diane Thompson, Charles Imohiosen (OA)<br/> Michael Goo, Bicky Corman, Alex Barron, Al McGartland, Elizabeth Kopits,<br/> Cynthia Morgan, Shannon Kenny (OP)<br/> Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Ron Evans,<br/> Lydia Wegman (OAR)</p> <p>**Teleconferencing is required for this meeting</p> |
| 10:15 AM - 10:30 AM                                                                                          | Ariel Rios                                                                                                   | Depart for Hart<br>*Arvin will ride with the Administrator and brief her en route.                                                                                                                                                                                                                                                                |
| 10:30 AM - 11:30 AM                                                                                          | EPA East 1153                                                                                                | FYI EPA Observance of Older Americans Month                                                                                                                                                                                                                                                                                                       |
| 10:30 AM - 11:00 AM                                                                                          | Stabenow's Office,<br>133 Hart                                                                               | Meeting with Senators Stabenow and Boxer<br>Ct: Arvin Ganesan 564-4741<br><br>Topic: Pesticide issue<br><br>Staff:<br>Arvin Ganesan (OCIR)                                                                                                                                                                                                        |
| 11:00 AM - 11:15 AM                                                                                          | Hart                                                                                                         | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                             |
| 11:15 AM - 11:45 AM                                                                                          | Administrator's Office                                                                                       | One on One with Cynthia Giles<br>Ct: Linda Huffman 564-3139                                                                                                                                                                                                                                                                                       |

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

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|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12:00 PM - 12:20 PM | Administrator's Office | Pre-brief for Daily Show Appearance<br>Ct: Candace White 564-4308                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                     |                        | Staff:<br>Betsaida Alcantara, Seth Oster (OEAE)<br>Jose Lozano (OA)<br>Arvin Ganesan, David McIntosh (OCIR)                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12:25 PM - 01:15 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01:15 PM - 02:00 PM | Bullet Room            | Options Selection: Review of NAAQS for Carbon Monoxide<br>Ct: Cindy Huang 564-1850                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                     |                        | Staff:<br>Bob Perciasepe, Bob Sussman, Dan Kanninen, Charles Imohiosen, Lisa Garcia (calling in) (OA)<br>Gina McCarthy, Janet McCabe (OAR)<br>Steve Page, Lydia Wegman (OAQPS)<br>Scott Fulton (OGC)<br>Peter Grevatt (OCHP)<br>Michael Goo (OP)<br>Paul Anastas (ORD)<br>Seth Oster (OEAE)<br>Barbara Bennet (OCFO)                                                                                                                                                                                                 |
|                     |                        | Optional:<br>Diane Thompson (OA)<br>Karen Martin, Deirdre Murphy, Rosalina Rodriguez (OAQPS-HEID)<br>David Orlin, John Hannon, Marilyn Kuray (OGC)<br>Richard Wayland, Lew Weinstock, Nealson Watkins (OAQPS-AQAD)<br>Tom Long, John Vandenberg, Doug Johns, Bob Fegley, Tim Benner, Vernon Benignus, Mary Ross (ORD)<br>Michael Firestone (OCHP)<br>Thomas Gillis, Brian Heninger, Nicole Owens (OP)<br>Tom Eagles (OAR-OPAR)<br>Don Zinger, Rob Brenner (OAR)<br>Jeffrey Clark (OAQPS)<br>Joseph Somers (OAR-OTAQ) |
|                     |                        | **Teleconferencing is required for this meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 02:10 PM - 02:35 PM | Administrator's Office | Pre-Brief on Option Selection: Stormwater Rule Part I<br>Ct: Martha Workman (OW) 564-3774                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                     |                        | Staff:<br>Nancy Stoner, Jim Hanlon, Deb Nagle, Connie Bosma<br>Ephraim King, Mary Smith (OW)                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                     |                        | Optional:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Bob Sussman, Bob Perciasepe, Diane Thompson (OA)

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|                     |                        |                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:40 PM - 03:10 PM | Administrator's Office | Boiler MACT Discussion<br>Ct: Venu Ghanta 564-1374<br><br>Purpose: To discuss the schedule for reconsideration<br><br>Staff:<br>Bob Perciasepe, Bob Sussman, Diane Thompson (OA)<br>Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsirigotis (OAR)<br>Scott Fulton (OGC)<br>Michael Goo (OP)<br><br>**Teleconferencing is required for this meeting         |
| 03:15 PM - 03:30 PM | Administrator's Office | Discussion on Environmental Technology<br>Ct: Rhonda Robinson 564-1151<br><br>Staff:<br>Bob Perciasepe (OA)<br>Barbara Bennett (OCFO)<br><br>Optional:<br>Diane Thompson (OA)                                                                                                                                                                                             |
| 03:30 PM - 04:30 PM | Bullet Room            | Senior Policy Meeting                                                                                                                                                                                                                                                                                                                                                     |
| 04:45 PM - 05:30 PM | Bullet Room            | Meeting on Texas CAA Permitting<br>Ct: Venu Ghanta - 202-564-1374<br><br>Staff:<br>Bob Perciasepe, Bob Sussman, Charles Imohiosen (OA)<br>Gina McCarthy, Janet McCabe, Bill Harnett* (OAR)<br>Scott Fulton (OGC)<br>Al Armendariz, Carl Edlund, Layla Mansuri (R6)<br>Barbara Bennett (OCFO)<br>Adam Kushner (OECA)<br><br>Optional:<br>Diane Thompson, Janet Woodka (OA) |
|                     |                        | *MOSS will dial Bill Harnett into this meeting at [REDACTED] (b) (6) Personal Privacy                                                                                                                                                                                                                                                                                     |

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\*\*\* 05/17/2011 05:36:01 PM \*\*\*

01268-EPA-6597

"Seth Oster"  
«(b) (6) Personal Privacy  
05/17/2011 10:02 PM

To Bob Perciasepe, Richard Windsor, David McIntosh  
cc  
bcc  
Subject Huff Post Story on Ci

## International Duped By Militant Greenwash Pitch

For some environmental advocates -- including prominent supporters like [the actor Harrison Ford](#) and the band [the Dixie Chicks](#) -- [Conservation International](#), the nearly 25-year-old environmental organization based in Arlington, Va., is one of the most important conservation groups of the last generation.

The outfit has spearheaded countless conservation and climate programs, and just this week, scientists with the organization's [Rapid Assessment Program](#) announced that they had [uncovered what might well be nine potentially novel marine species off the Bali coast](#).

Critics of the group, however, are unimpressed. To them, C.I. is hopelessly compromised, and it represents the worst of what the old-guard environmental movement has become: fat, wealthy, and addicted to the largesse of polluting corporate donors.

Where you sit along that divide will likely determine how you'll receive a recent video assault undertaken by a ragtag British magazine called [Don't Panic](#), which sent a pair of reporters posing as executives from the arms maker Lockheed Martin to meet with a Conservation International representative. They were seeking C.I.'s help in greenwashing the company's militant and presumably eco-unfriendly public image.

The video catalogs Conservation International's business relationships, and documents what its producers consider the cloying tone of press releases on C.I.'s Web site, which praise the environmental efforts of the group's corporate sponsors.

"This is in stark contrast to C.I.'s utter silence with regard to the many environmental crimes of their corporate patrons," says the video's narrator, Heydon Prowse. "For example, [Total's tar sands extraction in Madagascar](#), or [BP's in Canada](#), which has been described by Greenpeace as the [greatest environmental crime in history](#)."

"Are they any more than a green PR company helping major corporations launder their public images?" Prowse asks.

The video and accompanying low-quality audio gathered from the meeting with the Conservation International representative appear to offer a rather damning portrait of the

organization -- particularly as the C.I. rep seems all too willing to accommodate the phony executives' needs, including the odd suggestion that the company adopt an endangered Middle Eastern vulture as a mascot.

Christine MacDonald, a journalist and author of the 2008 book "[Green Inc.](#)," said no one should be surprised by the exchange. MacDonald's experience working as a media manager at Conservation International inspired her book.

"I found it rather odd that the filmmakers presented the idea of C.I. taking money from Lockheed Martin as utterly shocking," MacDonald said. "The Nature Conservancy, after all, [has already taken money from Lockheed](#). And C.I. has [funding ties to B-2 bomber maker, Northrup Grumman](#), and Northrup's President and C.E.O., Wes Bush, [sits on C.I.'s board of directors.](#)"

MacDonald also said it was worth noting that in the video, the C.I. representative never suggests that her organization could actually improve Lockheed's environmental practices -- only its image.

"The entire discussion is about how C.I. could help the company improve its image by linking its brand to an endangered species," she said.

But Justin Ward, the vice president for business practices at Conservation International, said in a telephone interview that the video is misleading, in part because it represents just one slice of a whole range of interactions, including a variety of phone calls and emails, that taken together provide a fuller picture of how Conservation International deals with potential corporate partners.

"We do not help companies with their image," Ward said.

Ward provided, by way of demonstration, a [copy of a follow-up email](#) sent from the C.I. representative heard in the *Don't Panic* exposé to the phony arms dealers.

In that email, the representative notes that Lockheed will need to go through C.I.'s more extensive due diligence process. She also encourages further engagement on developing the company's environmental and climate strategies -- and seeks contact with technical staff at Lockheed capable of discussing the matter on a more granular level.

"The video unto itself is not representative of the interactions that any of our employees have with any of the companies that we work with," Ward said.

He added that for all the condemnation of corporate partnerships leveled against Conservation International, these partnerships [amount to less than 10 percent of the group's budget](#) -- not an insignificant amount, but it's not everything.

"It's an important source of revenue, and we believe it's appropriate to involve the private sector. Conservation requires resources," Ward said. "Provided all corporate relationships are handled in a transparent way, and all revenues are channeled into our conservation programs, then we don't

think that compromises our mission and it doesn't present a conflict of interest."

Still, MacDonald said it was hard to view the video and not wonder whether, in real world situations, conservation groups working with business executives were not akin to lambs among wolves.

"Can you imagine an actual P.R. firm or advertising agency ever suggesting that an arms dealer adopt a vulture as its mascot? It so absurd it's almost funny," MacDonald said. "But it underscores a more serious problem: Nonprofit officials are often ill-matched against corporate executives and often lack the hard nosed business skills to negotiate good deals for nature."

01268-EPA-6598

**David  
McIntosh/DC/USEPA/US**  
05/18/2011 06:45 AM

To "Richard Windsor"  
cc  
bcc  
Subject Fw: Looks like an increasingly isolated position

Good article.  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 05/18/2011 06:38 AM EDT  
**To:** "David McIntosh" <mcintosh.david@epa.gov>  
**Subject:** Looks like an increasingly isolated position  
InsideEPA

Southern's Lone Warning On EPA Rules

Posted: May 17, 2011

A top Southern Company executive was alone in warning other power industry officials about the looming "train wreck" from EPA's pending air, water, waste and climate rules at a May 17 Edison Electric Institute (EEI) conference where industry analysts and other experts largely downplayed the reliability and other impacts of the looming rules.

G. Edison Holland Jr, Southern Company's general counsel, warned the gathering that the rules pose "a real challenge" to reliability, not only due to tight time frames to add pollution controls or re-power coal facilities to gas, but also because no one has looked at whether gas-powered electricity will be able to be easily transmitted to the grid -- an issue that has been completely ignored by every major study analyzing the rules, he said.

Additionally, Holland told the conference, sponsored by EEI and the American Bar Association and titled "EPA Regulation of Electric Generation: Train Wreck or Clearing the Tracks for the New Energy Economy?", that there has been too little discussion on the impact of the rules on the electricity consumer, who will face higher rates. That could force energy-intensive jobs overseas, he warned. Additionally, Holland said replacing coal power with natural gas generation will cost jobs. For every coal-fired power plant shut down, six jobs will be lost and only one of those will be replaced in a gas-fired plant, he said. The economic impact of this will be "devastating" and these scenarios should also be factored into the analyses, he warned.

However, most other speakers at the day-long event downplayed major concerns that EPA rules will have a major electricity reliability impact, with analysts noting that consensus is emerging that the rules will prompt retirement of about 50 gigawatts (GW) of the smallest, oldest and least-controlled coal plants, of which 20 GW has already publicly announced retirements, and that not all of that power will need to be replaced immediately.

For example, Steven Fine of consulting firm ICF said many plants will find it economical to add on controls to comply with the EPA rules rather than retire. Additionally, Hugh Wynne of Bernstein Research sought to alleviate concerns that the Southeast would be most hampered by the rules, noting he expects to see significant new construction in the region to compensate for retired units there. He said expectations that 50 GW will retire is "a fairly well-accepted number." Michael Schwartz, a senior vice president at Duke Energy Corp., said power plants in regulated markets would fare better than those in unregulated ones, such as in the Mid-Atlantic, Northeast and Texas, but that he believed the EPA rules overall would be a driver for fleet modernization.

In response to Holland's concerns, Wynne noted that even if 30 GW of replacement power was needed over 10 years it would not be difficult to build within that time line. And he predicted five years would pass "without anybody noticing the impact."

Related N

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

\*\*\*\*\*

Sent via Blackberry

01268-EPA-6599

Heidi Ellis/DC/USEPA/US

05/18/2011 08:27 AM

To ellis.heidi

cc Denise Anderson, Laura Vaught, Malcolm Jackson, Noah Dubin, Robin Kime, Michael Goo, Bicky Corman, Mary Hanley, Dorris Riddick, John Reeder, Valerie Washington, KarenL Martin, DeWitt Watkins, Jose Lozano, Ryan Robison, Ebony Washington, Adrian Collins, Taylor Fiscus, Gwendolyn KeyesFleming, Sherri White, Jim Martin, Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLellan, Shirley Kelley, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Dette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy Robert Goulding, David McIntosh

bcc

Subject REVISED: Wednesday, May 18, 2011 Schedule for Lisa P. Jackson

Please note the following changes:

- The meeting with Senators Stabenow and Boxer has been cancelled.
- The Administrator will most likely participate in all meetings via teleconference.

Thank you.

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

### Schedule for Lisa P. Jackson EPA Administrator

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**Wednesday, May 18, 2011**

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Notes:

Drivers

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|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

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| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

Heidi Ellis 202-355-5212

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

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|                     |          |                                                                                                          |
|---------------------|----------|----------------------------------------------------------------------------------------------------------|
| 09:45 AM - 10:15 AM | By Phone | Meeting to Discuss Ozone Reconsideration Regulatory Impact Analysis<br>Janet Means-Thomas - 202-564-2454 |
|---------------------|----------|----------------------------------------------------------------------------------------------------------|

Staff:

Bob Sussman, Diane Thompson, Charles Imohiosen (OA)  
 Michael Goo, Bicky Corman, Alex Barron, Al McGartland, Elizabeth Kopits,  
 Cynthia Morgan, Shannon Kenny (OP)  
 Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Ron Evans,  
 Lydia Wegman  
 (OAR)

\*\*Teleconferencing is required for this meeting

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10:30 AM - 11:30 AM | EPA East 1153          | FYI EPA Observance of Older Americans Month                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11:15 AM - 11:45 AM | Administrator's Office | <p>One on One with Cynthia Giles<br/>     Ct: Linda Huffman (OECA) 564-3139</p> <p>*The group will call the Administrator.</p> <p>Optional:<br/>     Bob Perciasepe, Bob Sussman, Diane Thompson (OA)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12:00 PM - 12:20 PM | Administrator's Office | <p>Pre-brief for Daily Show Appearance<br/>     *The group will call the Administrator.</p> <p>Staff:<br/>     Betsaida Alcantara, Seth Oster (OEAE)<br/>     Jose Lozano (OA)<br/>     Arvin Ganesan, David McIntosh (OCIR)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12:25 PM - 01:15 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01:15 PM - 02:00 PM | Bullet Room            | <p>Options Selection: Review of NAAQS for Carbon Monoxide<br/>     Ct: Cindy Huang 564-1850</p> <p>Staff:<br/>     Bob Perciasepe, Bob Sussman, Dan Kanninen, Charles Imohiosen, Lisa Garcia<br/>     (calling in) (OA)<br/>     Gina McCarthy, Janet McCabe (OAR)<br/>     Steve Page, Lydia Wegman (OAQPS)<br/>     Scott Fulton (OGC)<br/>     Peter Grevatt (OCHP)<br/>     Michael Goo (OP)<br/>     Paul Anastas (ORD)<br/>     Seth Oster (OEAE)<br/>     Barbara Bennet (OCFO)</p> <p>Optional:<br/>     Diane Thompson (OA)<br/>     Karen Martin, Deirdre Murphy, Rosalina Rodriguez (OAQPS-HEID)<br/>     David Orlin, John Hannon, Marilyn Kuray (OGC)<br/>     Richard Wayland, Lew Weinstock, Nealson Watkins (OAQPS-AQAD)<br/>     Tom Long, John Vandenberg, Doug Johns, Bob Fegley, Tim Benner,</p> |

Vernon Benignus,  
Mary Ross (ORD)  
Michael Firestone (OCHP)  
Thomas Gillis, Brian Heninger, Nicole Owens (OP)  
Tom Eagles (OAR-OPAR)  
Don Zinger, Rob Brenner (OAR)  
Jeffrey Clark (OAQPS)  
Joseph Somers (OAR-OTAQ)

\*\*Teleconferencing is required for this meeting

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02:10 PM - 02:35 PM     Administrator's Office     Pre-Brief on Option Selection: Stormwater Rule Part I  
Ct: Martha Workman (OW) 564-3774

\*The group will call the Administrator.

Staff:  
Nancy Stoner, Jim Hanlon, Deb Nagle, Connie Bosma  
Ephraim King, Mary Smith (OW)

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

---

02:40 PM - 03:10 PM     Administrator's Office     Boiler MACT Discussion  
Ct: Venu Ghanta 564-1374

Purpose: To discuss the schedule for reconsideration

Staff:  
Bob Perciasepe, Bob Sussman, Diane Thompson (OA)  
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsirigotis  
(OAR)  
Scott Fulton (OGC)  
Michael Goo (OP)

\*\*Teleconferencing is required for this meeting

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03:15 PM - 03:30 PM     Administrator's Office     Discussion on Environmental Technology  
Ct: Rhonda Robinson 564-1151

\*The group will call the Administrator.

Staff:  
Bob Perciasepe (OA)  
Barbara Bennett (OCFO)

Optional:  
Diane Thompson (OA)

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03:30 PM - 04:30 PM     Bullet Room     Senior Policy Meeting

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04:45 PM - 05:30 PM      Bullet Room

Meeting on Texas CAA Permitting  
Ct: Venu Ghanta - 202-564-1374

Staff:

Bob Perciasepe, Bob Sussman, Charles Imohiosen (OA)  
Gina McCarthy, Janet McCabe, Bill Harnett\* (OAR)  
Scott Fulton (OGC)  
Al Armendariz, Carl Edlund, Layla Mansuri (R6)  
Barbara Bennett (OCFO)  
Adam Kushner (OECA)

Optional:

Diane Thompson, Janet Woodka (OA)

\*MOSS will dial Bill Harnett into this meeting at [b] (6) Personal Privacy

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\*\*\* 05/18/2011 08:25:00 AM \*\*\*

01268-EPA-6600

**Heidi Ellis/DC/USEPA/US**

05/18/2011 08:34 AM

**To** Heidi Ellis

**cc** Denise Anderson, Laura Vaught, Malcolm Jackson, Noah Dubin, Robin Kime, Michael Goo, Bicky Corman, Mary Hanley, Dorris Riddick, John Reeder, Valerie Washington, KarenL Martin, DeWitt Watkins, Jose Lozano, Ryan Robison, Ebony Washington, Adrian Collins, Taylor Fiscus, Gwendolyn KeyesFleming, Sherri White, Jim Martin, Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLellan, Shirley Kelley, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Dette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy Robert Goulding, David McIntosh

**bcc**

**Subject** REVISED (2): Wednesday, May 18, 2011 Schedule for Lisa P. Jackson

**One additional change:**

- There is no longer a pre-brief on the stormwater rule.

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

### **Schedule for Lisa P. Jackson EPA Administrator**

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#### **Wednesday, May 18, 2011**

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**Notes:****Drivers**

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

**Shift Leaders**

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

**Staff Contact**

Heidi Ellis 202-355-5212

|                                                                                                                                                  |                        |                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM                                                                                                                              | Administrator's Office | Daily Briefing                                                                                           |
| 09:45 AM - 10:15 AM                                                                                                                              | By Phone               | Meeting to Discuss Ozone Reconsideration Regulatory Impact Analysis<br>Janet Means-Thomas - 202-564-2454 |
| <b>Staff:</b><br>Bob Sussman, Diane Thompson, Charles Imohiosen (OA)<br>Michael Goo, Bicky Corman, Alex Barron, Al McGartland, Elizabeth Kopits, |                        |                                                                                                          |

Cynthia Morgan, Shannon Kenny (OP)  
 Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Ron Evans,  
 Lydia Wegman  
 (OAR)

\*\*Teleconferencing is required for this meeting

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|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10:30 AM - 11:30 AM | EPA East 1153          | FYI EPA Observance of Older Americans Month                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11:15 AM - 11:45 AM | Administrator's Office | <p>One on One with Cynthia Giles<br/>     Ct: Linda Huffman (OECA) 564-3139</p> <p>*The group will call the Administrator.</p> <p>Optional:<br/>     Bob Perciasepe, Bob Sussman, Diane Thompson (OA)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12:00 PM - 12:20 PM | Administrator's Office | <p>Pre-brief for Daily Show Appearance<br/>     *The group will call the Administrator.</p> <p>Staff:<br/>     Betsaida Alcantara, Seth Oster (OEAE)<br/>     Jose Lozano (OA)<br/>     Arvin Ganesan, David McIntosh (OCIR)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12:25 PM - 01:15 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01:15 PM - 02:00 PM | Bullet Room            | <p>Options Selection: Review of NAAQS for Carbon Monoxide<br/>     Ct: Cindy Huang 564-1850</p> <p>Staff:<br/>     Bob Perciasepe, Bob Sussman, Dan Kanninen, Charles Imohiosen, Lisa Garcia<br/>     (calling in) (OA)<br/>     Gina McCarthy, Janet McCabe (OAR)<br/>     Steve Page, Lydia Wegman (OAQPS)<br/>     Scott Fulton (OGC)<br/>     Peter Grevatt (OCHP)<br/>     Michael Goo (OP)<br/>     Paul Anastas (ORD)<br/>     Seth Oster (OEAE)<br/>     Barbara Bennet (OCFO)</p> <p>Optional:<br/>     Diane Thompson (OA)<br/>     Karen Martin, Deirdre Murphy, Rosalina Rodriguez (OAQPS-HEID)<br/>     David Orlin, John Hannon, Marilyn Kuray (OGC)<br/>     Richard Wayland, Lew Weinstock, Nealson Watkins (OAQPS-AQAD)<br/>     Tom Long, John Vandenberg, Doug Johns, Bob Fegley, Tim Benner,<br/>     Vernon Benignus,<br/>     Mary Ross (ORD)<br/>     Michael Firestone (OCHP)</p> |

Thomas Gillis, Brian Heninger, Nicole Owens (OP)  
Tom Eagles (OAR-OPAR)  
Don Zinger, Rob Brenner (OAR)  
Jeffrey Clark (OAQPS)  
Joseph Somers (OAR-OTAQ)

\*\*Teleconferencing is required for this meeting

---

02:10 PM - 02:35 PM      Administrator's Office      1 on 1 with Nancy Stoner  
Ct: Martha Workman (OW) 564-3774

\*The group will call the Administrator.

Staff:  
Nancy Stoner (OW)

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

---

02:40 PM - 03:10 PM      Administrator's Office      Boiler MACT Discussion  
Ct: Venu Ghanta 564-1374

Purpose: To discuss the schedule for reconsideration

Staff:  
Bob Perciasepe, Bob Sussman, Diane Thompson (OA)  
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsirigotis (OAR)  
Scott Fulton (OGC)  
Michael Goo (OP)

\*\*Teleconferencing is required for this meeting

---

03:15 PM - 03:30 PM      Administrator's Office      Discussion on Environmental Technology  
Ct: Rhonda Robinson 564-1151

\*The group will call the Administrator.

Staff:  
Bob Perciasepe (OA)  
Barbara Bennett (OCFO)

Optional:  
Diane Thompson (OA)

---

03:30 PM - 04:30 PM      Bullet Room      Senior Policy Meeting

---

04:45 PM - 05:30 PM      Bullet Room      Meeting on Texas CAA Permitting  
Ct: Venu Ghanta - 202-564-1374

Staff:

Bob Perciasepe, Bob Sussman, Charles Imohiosen (OA)  
Gina McCarthy, Janet McCabe, Bill Harnett\* (OAR)  
Scott Fulton (OGC)  
Al Armendariz, Carl Edlund, Layla Mansuri (R6)  
Barbara Bennett (OCFO)  
Adam Kushner (OECA)

Optional:

Diane Thompson, Janet Woodka (OA)

\*MOSS will dial Bill Harnett into this meeting at [b] (6) Personal Privacy

---

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\*\*\* 05/18/2011 08:33:28 AM \*\*\*

01268-EPA-6601

Heidi Ellis/DC/USEPA/US

05/18/2011 09:01 AM

To "Lisa"

cc "Aaron Dickerson"

bcc

Subject Call-in information for meetings today

9:45 Ozone Reconsideration

Call-in Information

Conference Number: (b) (6) Personal Privacy

(b) (6) Personal Privacy

11:15 1 on 1 with Cynthia

\*they will call you.

12PM: Pre-brief for Daily Show

\*they will call you

1:15 Options Selection: Review of NAAQS for Carbon Monoxide

Call-in Information

Conference Number: (b) (6) Personal Privacy

(b) (6) Personal Privacy

2:10 1 on 1 with Nancy Stoner

\*they will call me

2:40 Boiler MACT Discussion

Call-in Information

Conference Number: (b) (6) Personal Privacy

(b) (6) Personal Privacy

3:15 Discussion on Environmental Technology

\*they will call you

4:45 TX CAA Permitting

Call-in Information

Conference Number: (b) (6) Personal Privacy

(b) (6) Personal Privacy

---

Heidi M. Ellis

Director of Scheduling

Office of the Administrator | US EPA

Phone: 202-564-3204

Cell: 202-355-5212

Fax: 202-501-1480

01268-EPA-6602

**Richard  
Windsor/DC/USEPA/US**  
05/18/2011 09:26 AM

To David McIntosh  
cc  
bcc  
Subject Re: Looks like an increasingly isolated position

The EEI leadership is hanging tough.  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/18/2011 06:45 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Looks like an increasingly isolated position

Good article.

Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 05/18/2011 06:38 AM EDT  
**To:** "David McIntosh" <mcintosh.david@epa.gov>  
**Subject:** Looks like an increasingly isolated position

InsideEPA

Southern's Lone Warning On EPA Rules

Posted: May 17, 2011

A top Southern Company executive was alone in warning other power industry officials about the looming "train wreck" from EPA's pending air, water, waste and climate rules at a May 17 Edison Electric Institute (EEI) conference where industry analysts and other experts largely downplayed the reliability and other impacts of the looming rules.

G. Edison Holland Jr, Southern Company's general counsel, warned the gathering that the rules pose "a real challenge" to reliability, not only due to tight time frames to add pollution controls or re-power coal facilities to gas, but also because no one has looked at whether gas-powered electricity will be able to be easily transmitted to the grid -- an issue that has been completely ignored by every major study analyzing the rules, he said.

Additionally, Holland told the conference, sponsored by EEI and the American Bar Association and titled "EPA Regulation of Electric Generation: Train Wreck or Clearing the Tracks for the New Energy Economy?", that there has been too little discussion on the impact of the rules on the electricity consumer, who will face higher rates. That could force energy-intensive jobs overseas, he warned. Additionally, Holland said replacing coal power with natural gas generation will cost jobs. For every coal-fired power plant shut down, six jobs will be lost and only one of those will be replaced in a gas-fired plant, he said. The economic impact of this will be "devastating" and these scenarios should also be factored into the analyses, he warned.

However, most other speakers at the day-long event downplayed major concerns that EPA rules will have a major electricity reliability impact, with analysts noting that consensus is emerging that the rules will prompt retirement of about 50 gigawatts (GW) of the smallest, oldest and least-controlled coal plants, of which 20 GW has already publicly announced retirements, and that not all of that power will need to be replaced immediately.

For example, Steven Fine of consulting firm ICF said many plants will find it economical to add on controls to comply with the EPA rules rather than retire. Additionally, Hugh Wynne of Bernstein Research sought to alleviate concerns that the Southeast would be most hampered by the rules, noting he expects to see significant new construction in the region to compensate for retired units there. He said expectations that 50 GW will retire is "a fairly well-accepted number." Michael Schwartz, a senior vice president at Duke Energy Corp., said power plants in regulated markets would fare better than those in unregulated ones, such as in the Mid-Atlantic, Northeast and Texas, but that he believed the EPA rules overall would be a driver for fleet modernization.

In response to Holland's concerns, Wynne noted that even if 30 GW of replacement power was needed over 10 years it would not be difficult to build within that time line. And he predicted five years would pass "without anybody noticing the impact."

Related N

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

\*\*\*\*\*

Sent via Blackberry

01268-EPA-6604

Richard  
Windsor/DC/USEPA/US  
05/18/2011 01:19 PM

To Susan Hedman  
cc  
bcc  
**Subject:** Re: This just in: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

Cool  
Susan Hedman

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

**From:** Susan Hedman  
**Sent:** 05/18/2011 01:07 PM EDT  
**To:** Richard Windsor  
**Cc:** "Sarah Pallone" <pallone.sarah@epa.gov>; Janet Woodka; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
**Subject:** This just in: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

FYI

Denise Gawlinski

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

**From:** Denise Gawlinski  
**Sent:** 05/18/2011 11:49 AM CDT  
**To:** Susan Hedman; Bharat Mathur; Tinka Hyde; Timothy Henry; Linda Holst; Anne Rowan; Philippa Cannon; Elissa Speizman; Cameron Davis; Robert Kaplan; Gary Prichard; Ronna Beckmann; Gloria Swanson; Naimah Karim; Arvin Ganesan; Sarah Pallone; Jack Bowles; Denis Borum  
**Subject:** Fw: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

Durbin news release and letter to IEPA below.

---

Denise Gawlinski  
Congressional/Intergovernmental Liaison  
Office of Regional Administrator  
U.S. EPA Region 5  
(312) 886-9859

----- Forwarded by Denise Gawlinski/R5/USEPA/US on 05/18/2011 11:44 AM -----

---

From: "Collinson, Erin (Durbin)" <Erin\_Collinson@durban.senate.gov>  
To: Denise Gawlinski/R5/USEPA/US@EPA  
Date: 05/18/2011 11:42 AM  
Subject: FW: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

---

Here you go!

**From:** Mulka, Christina (Durbin)  
**Sent:** Wednesday, May 18, 2011 12:33 PM  
**To:** Mulka, Christina (Durbin)  
**Subject:** DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER



For Immediate Release

Contact: Christina Mulka

[Christina.mulka@durbin.senate.gov](mailto:Christina.mulka@durbin.senate.gov)

202-228-5643

May 18, 2011

## DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

*Senator briefed by EPA Administrator after environmental group names Chicago River among the ten most endangered rivers in the country*

[WASHINGTON, D.C.] – After a briefing from the U.S. Environmental Protection Agency (EPA) Administrator, Lisa Jackson, U.S. Senator Dick Durbin (D-IL) today asked the Illinois Environmental Protection Agency (IEPA) to strengthen its water quality standards for the Chicago and Calumet Rivers as soon as possible. Yesterday, American Rivers – a national environmental group – named the Chicago River among the ten most endangered rivers in the country. The group estimates that sewage comprises roughly 70% of the water in Chicago River.

**"We have an opportunity to save the Chicago River. A safe and healthy waterway will strengthen Chicago's lakefront," wrote Durbin. "I would ask the IEPA to comply with the request made by the U.S. EPA and adopt more stringent water quality standards to reflect the potential for recreational activities in the Chicago Area Waterway System and Lower Des Plaines River."**

Last week, EPA Region V notified the State of Illinois that water quality standards for five segments of the Chicago and Calumet River must be upgraded to protect health and safety on the rivers. To attain this standard, the Metropolitan Water Reclamation District (MWRD) of Greater Chicago will be required to disinfect sewage discharged into the waterway system from two treatment plants at Calumet and North Side. Every day, the MWRD releases 1.2 billion gallons of wastewater into the Chicago River. Chicago is the last major metropolitan area that does not disinfect its wastewater.

[Text of the letter below]

May 18, 2011

Lisa Bonnett  
Interim Director  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62702

Dear Director Bonnett:

I urge the Illinois Environmental Protection Agency to strengthen water quality standards for segments of the Chicago Area Waterway System and the Lower Des Plaines River expeditiously, as requested by the U.S. Environmental Protection Agency (EPA) in a letter dated May 11<sup>th</sup>.

Federal regulations require states to adopt water quality standards that provide "for recreation in and on water," unless recreational uses are found to be unattainable. The EPA's recent evaluation of the Chicago Area Waterway System and Lower Des Plaines River found substantial evidence to suggest that recreational activities are already occurring in and on these waterways.

As you know, Chicago is the only major U.S. city that does not disinfect its sewage. This has had a significant impact on water quality in the Chicago River and its tributaries. American Rivers, a national environmental group, recently named the Chicago River among the ten most endangered rivers in the country, because of the threat posed by sewage waste. The group estimates that undisinfected wastewater comprises as much as 70 percent of the water in the Chicago River.

We have an opportunity to save the Chicago River. A safe and healthy waterway system will strengthen Chicago's lakefront. I ask the Illinois EPA to comply with the request made by the U.S. EPA and adopt more stringent water quality standards to reflect the potential for recreational activities in the Chicago Area Waterway System and Lower Des Plaines River.

Sincerely,  
Richard J. Durbin



01268-EPA-6605

**Gina McCarthy/DC/USEPA/US**      To: Richard Windsor  
 05/18/2011 02:10 PM      cc  
 bcc  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

helpful

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                              |          |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|------------------------|
| Richard Windsor                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ----- Original Message ----- | From:... | 05/18/2011 02:04:22 PM |
| From: Richard Windsor/DC/USEPA/US<br>To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov><br>Date: 05/18/2011 02:04 PM<br>Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal |                              |          |                        |

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/18/2011 01:36 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka  
**Subject:** Politico Pro: Former Obama aide sees room for CES-EPA deal

## Former Obama aide sees room for CES-EPA deal

By Robin Bravender  
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

"I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority," Aldy said at a clean energy event hosted by the Brookings Institution. "And then I think there's eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority."

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035

to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

"Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act," Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

01268-EPA-6606

**Richard  
Windsor/DC/USEPA/US**  
05/18/2011 02:13 PM

To Gina McCarthy  
cc  
bcc

Subject Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Huh?

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/18/2011 02:10 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal  
 helpful

Richard Windsor

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

From:...

05/18/2011 02:04:22 PM

From: Richard Windsor/DC/USEPA/US  
 To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>  
 Date: 05/18/2011 02:04 PM  
 Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/18/2011 01:36 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <ostero.seth@epa.gov>; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka  
**Subject:** Politico Pro: Former Obama aide sees room for CES-EPA deal

## Former Obama aide sees room for CES-EPA deal

By Robin Bravender  
 POLITICO Pro

5/18/11 12:36 PM EDT

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"I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority," Aldy said at a clean energy event hosted by the Brookings Institution. "And then I think there's eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority."

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035 to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

"Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act," Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

01268-EPA-6607

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
 05/18/2011 02:21 PM cc  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal bcc

Sorry - I was being sarcastic.

|                 |                                   |                        |
|-----------------|-----------------------------------|------------------------|
| Richard Windsor | Huh? ----- Original Message ----- | 05/18/2011 02:13:55 PM |
|-----------------|-----------------------------------|------------------------|

From: Richard Windsor/DC/USEPA/US  
 To: Gina McCarthy/DC/USEPA/US@EPA  
 Date: 05/18/2011 02:13 PM  
 Subject: Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Huh?

Gina McCarthy

----- Original Message -----  
**From:** Gina McCarthy  
**Sent:** 05/18/2011 02:10 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal  
 helpful

|                 |                              |          |                        |
|-----------------|------------------------------|----------|------------------------|
| Richard Windsor | ----- Original Message ----- | From:... | 05/18/2011 02:04:22 PM |
|-----------------|------------------------------|----------|------------------------|

From: Richard Windsor/DC/USEPA/US  
 To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>  
 Date: 05/18/2011 02:04 PM  
 Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Brendan Gilfillan

----- Original Message -----  
**From:** Brendan Gilfillan  
**Sent:** 05/18/2011 01:36 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka  
**Subject:** Politico Pro: Former Obama aide sees room for CES-EPA deal

## Former Obama aide sees room for CES-EPA deal

By Robin Bravender  
 POLITICO Pro

5/18/11 12:36 PM EDT

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Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

01268-EPA-6608

**Richard  
Windsor/DC/USEPA/US**  
05/18/2011 02:23 PM

To Gina McCarthy  
cc  
bcc

Subject Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Oh. I am reviewing the paper now. Might want to ask Laurie to do same.  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/18/2011 02:21 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Sorry - I was being sarcastic.

|                 |      |                              |                        |
|-----------------|------|------------------------------|------------------------|
| Richard Windsor | Huh? | ----- Original Message ----- | 05/18/2011 02:13:55 PM |
|-----------------|------|------------------------------|------------------------|

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 05/18/2011 02:13 PM  
Subject: Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Huh?

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 05/18/2011 02:10 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal  
helpful

|                 |                              |          |                        |
|-----------------|------------------------------|----------|------------------------|
| Richard Windsor | ----- Original Message ----- | From:... | 05/18/2011 02:04:22 PM |
|-----------------|------------------------------|----------|------------------------|

From: Richard Windsor/DC/USEPA/US  
To: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>  
Date: 05/18/2011 02:04 PM  
Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/18/2011 01:36 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <ostero.seth@epa.gov>; Betsaida Alcantara; David McIntosh; Arvin Ganesan;

Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka  
**Subject:** Politico Pro: Former Obama aide sees room for CES-EPA deal

## Former Obama aide sees room for CES-EPA deal

By Robin Bravender  
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

"I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority," Aldy said at a clean energy event hosted by the Brookings Institution. "And then I think there's eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority."

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035 to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

"Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act," Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

01268-EPA-6611

**Gina McCarthy/DC/USEPA/US**

05/18/2011 04:48 PM

To Richard Windsor

cc "Michael Goo", "Bob Perciasepe", "Bob Sussman", "Scott Fulton", "Diane Thompson", Joseph Goffman, Janet McCabe, "Lorie Schmidt"

bcc

Subject GHG NSPS

(b) (5) Deliberative

01268-EPA-6612

Richard  
Windsor/DC/USEPA/US  
05/18/2011 04:54 PM

To: Brendan Gilfillan  
cc: Bob Perciasepe, David McIntosh, Gina McCarthy, Seth Oster, Stephanie Owens  
bcc:  
Subject: Re: Enviro's on boilers and mercury and air toxics standards

yup

Brendan Gilfillan

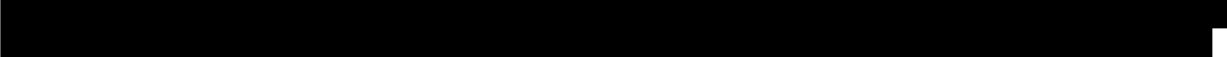
(b) (5) Deliberative

05/18/2011 04:54:00 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, David McIntosh/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 05/18/2011 04:54 PM  
Subject: Enviro's on boilers and mercury and air toxics standards

Administrator/all -

(b) (5) Deliberative



01268-EPA-6613

Bob  
Perciasepe/DC/USEPA/US  
05/18/2011 05:01 PM

To Richard Windsor, Brendan Gilfillan  
cc David McIntosh, Gina McCarthy, "Seth Oster", Stephanie Owens  
bcc  
Subject Re: Enviro on boilers and mercury and air toxics standards

ALA

Called me today. Same angle.  
I have more but will verbal it.

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/18/2011 04:54 PM EDT  
**To:** Brendan Gilfillan  
**Cc:** Bob Perciasepe; David McIntosh; Gina McCarthy; Seth Oster <oster.seth@epa.gov>; Stephanie Owens  
**Subject:** Re: Enviro on boilers and mercury and air toxics standards  
yup

Brendan Gilfillan

(b) (5) Deliberative

05/18/2011 04:54:00 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, David McIntosh/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 05/18/2011 04:54 PM  
Subject: Enviro on boilers and mercury and air toxics standards

Administrator/all -

(b) (5) Deliberative

01268-EPA-6614

**Bob Sussman/DC/USEPA/US**  
05/18/2011 07:54 PM  
**To** "Scott Fulton", "Michael Goo", "Bob Perciasepe", Richard  
Windsor, "Diane Thompson"  
**cc**  
**bcc**  
**Subject** Re: GHG NSPS

(b) (5) Deliberative

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

Gina McCarthy

(b) (5) Deliberative

05/18/2011 04:48:52 PM

**From:** Gina McCarthy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** "Michael Goo" <goo.michael@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob  
Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Diane  
Thompson" <Thompson.Diane@EPA.GOV>, Joseph Goffman/DC/USEPA/US, Janet  
McCabe/DC/USEPA/US, "Lorie Schmidt" <schmidt.lorie@epa.gov>  
**Date:** 05/18/2011 04:48 PM  
**Subject:** GHG NSPS

(b) (5) Deliberative

01268-EPA-6624

**Richard  
Windsor/DC/USEPA/US**      To Betsaida Alcantara  
 05/20/2011 11:40 AM      cc  
 bcc  
 Subject Re: The Hill Blog: EPA has broad support outside the  
 Beltway, agency's chief says

(b) (5) Deliberative

|                    |                                                                                                                                                                                                                                                                                                                                            |                        |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Betsaida Alcantara | EPA has broad support outside the...                                                                                                                                                                                                                                                                                                       | 05/20/2011 11:39:04 AM |
| From:              | Betsaida Alcantara/DC/USEPA/US                                                                                                                                                                                                                                                                                                             |                        |
| To:                | Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, Thompson.Diane@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, Owens.Stephanie@epamail.epa.gov, Ealons.Dru@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, McIntosh.David@epamail.epa.gov |                        |
| Cc:                | "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>                                                                                                                                     |                        |
| Date:              | 05/20/2011 11:39 AM                                                                                                                                                                                                                                                                                                                        |                        |
| Subject:           | The Hill Blog: EPA has broad support outside the Beltway, agency's chief says                                                                                                                                                                                                                                                              |                        |

EPA has broad support outside the Beltway, agency's chief says  
 By Ben Geman - 05/20/11 10:10 AM ET

Environmental Protection Agency (EPA) chief Lisa Jackson is firing back at Capitol Hill critics by casting their attacks as Beltway talking points at odds with public views about the environment.

Jackson, in a Thursday night appearance on "The Daily Show," responded to largely GOP claims that EPA is overzealously pursuing regulations that will throttle the economy.

"It is definitely an inside-the-Beltway line of reasoning," Jackson said. She said Washington is a place where industry interests peddle a narrative that transforms the Beltway into a "fact-free zone."

"Outside Washington, 95 percent of the American people say they want government – they see one of the roles of government is protecting their air and their water," she said in the interview, posted on the show's website.

Jackson noted that environmental improvements have for decades coincided with economic growth. She also said environmental protections produce large savings in healthcare costs.

Jackson's comments come at a time when top Capitol Hill Republicans are pushing to delay or scuttle EPA rules or policies on climate change, air toxins, mountaintop-removal mining and other areas.

"Time and time again we are having to go onto the Hill, oftentimes with people who privately tell me, 'Hey, I am for the environment,' and then they say 'but,' and the 'but' is a set of talking points from industry that really is shortsighted, that really isn't about our children and our future," Jackson said.

But EPA is also facing criticism from the left, most recently over its decision this week to delay new air toxics standards for industrial boilers.

Jackson said the standards – which had come under attack from an array of industry groups and Capitol Hill Republicans – would be delayed for a "very limited period of time" and that a schedule would be announced soon.

"We are committed to the rule. I know people are worried," Jackson said. "We will finalize that rule."

Jackson said the decision to put the wide-ranging industrial boiler rules on hold was not political, but rather to ensure it's done right to withstand legal challenges.

"No one in that White House is saying to me, 'Don't do a boiler rule,' " she said. Jackson more broadly defended President Obama's environmental commitment.

She credited him for the six-month spending deal with Republicans last month that omitted GOP proposals to thwart various EPA rules, noting the negotiations "knocked out every one of those riders that would have stopped EPA."

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 05/20/2011 08:22 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Daniel Kanninen; Stephanie Owens; Dru Ealons; Arvin Ganesan; David McIntosh  
**Cc:** Seth Oster; Brendan Gilfillan; Alisha Johnson; Andra Belknap  
**Subject:** Politico Pro: Jackson defends rule delay on 'The Daily Show'  
Jackson defends rule delay on 'The Daily Show'

By Robin Bravender  
POLITICO Pro  
5/20/11 8:13 AM EDT

EPA chief Lisa Jackson doesn't want anyone to worry that her agency is backing off controversial air toxics rules for boilers.

The agency sparked outcry<<https://www.politicopro.com/story/energy/?id=3423>> from the left earlier this week by announcing that, in response to the industry's request, the agency would indefinitely stall the so-called boiler MACT rules while it reconsiders the standards for mercury and other air toxics.

"We agreed to do that and to stay it for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said in an appearance Thursday on Comedy Central's "The Daily Show."

"I know people are worried," Jackson added. "We will finalize that rule because it's important."

The boiler MACT rules, which require boilers to install maximum achievable control technologies to curb mercury and other pollutants, have come under attack from industry and critics on Capitol Hill. The EPA estimated the rules it finalized in March would prevent up to 6,600 premature deaths annually.

Amid the policy talk, Jon Stewart still found time in his interview with Jackson for a few pokes at the agency's critics. "What is the type of pressure that you face?" the comedian asked. "Lobbyists? Phone calls at night? You get, let's say, a tuna head in your bed ..."

Watch the full interview here<<http://bit.ly/18d6v>>.

Patrick Reis contributed to this report.

To read and comment online:

[<https://www.politicopro.com/go/?id=3459>](https://www.politicopro.com/go/?id=3459)

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 05/20/2011 06:43 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Brendan Gilfillan  
**Subject:** Politico Morning Energy Blog: Jackson to greens: Calm down  
In today's Morning Energy.

HUSH, BABY, HUSH – Environmental groups have been in a tizzy ever since the EPA agreed to indefinitely delay air pollution rules for industrial boilers, but agency chief Lisa Jackson told Jon Stewart last night that she has no intention of abandoning the rules. The controversy: <http://politico.pro/mdTFXc<#story3423>>

"We agreed to ... stay [the rules] for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said during an appearance on "The Daily Show."

Jackson acknowledged that greens are worried that the agency will abandon the rules in the face of industry and Republican opposition, but countered with a big promise: "We will finalize that rule because it's important."

01268-EPA-6625

**Noah Dubin/DC/USEPA/US**

05/20/2011 04:43 PM

To  
cc  
bcc Richard Windsor

**Subject Monday, May 23, 2011 Schedule for Lisa P. Jackson**

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

**Schedule for Lisa P. Jackson EPA Administrator**  
**Monday, May 23, 2011**

---

Notes:

| Drivers                                                                                                      | Shift Leaders                                                                                                | Staff Contact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | Heidi Ellis 202-355-5212                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08:45 AM - 09:15 AM                                                                                          | Administrator's Office                                                                                       | Daily Briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09:30 AM - 10:00 AM                                                                                          | Administrator's Office                                                                                       | Discussion on Section 308 of the Clean Water Act<br>Ann Campbell - 202-566-1370                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                                              |                                                                                                              | <p>Staff:</p> <p>Bob Sussman, Diane Thompson, Larry Elworth (OA)<br/>         Scott Fulton, Avi Garbow (OGC)<br/>         Nancy Stoner (OW)<br/>         Michael Goo, Bicky Corman (OP)<br/>         Cynthia Giles (OECA) - calling in<br/>         Arvin Ganesan (OCIR)</p> <p>Aaron Dickerson will dial Ms. Giles into this meeting with her cell number:<br/>         (b) (6) Personal Privacy</p>                                                                                                                                                                                                                                                                                                                                                            |
| 10:00 AM - 11:00 AM                                                                                          | Bullet Room                                                                                                  | <p>Option Selection Meeting: Stormwater Rule Part I<br/>         Ct: Ann Campbell: 202-566-1370</p> <p>Staff:</p> <p>Bob Sussman, Bob Perciasepe (OA)<br/>         Seth Oster (OEAE)<br/>         Nancy Stoner, Jim Hanlon, Deborah Nagle, Connie Bosma,<br/>         Holly Galavotti, Ephraim King, Maryt Smith, Janet Goodwin (OW)<br/>         Scott Fulton, Ashley Allen, Steven Neugeboren,<br/>         Mary Ellen Levine, Sylvia Horwitz (OGC)<br/>         Michael Goo (OPEI)<br/>         Peter Grevatt (OCHP)<br/>         Cynthia Giles (OECA)<br/>         Gina McCarthy (OAR)<br/>         Michelle DePass (OITA)<br/>         Robert Fegley (ORD)<br/>         David Webster (R1)<br/>         Judith Enck (R2)<br/>         Jon Capacasa (R3)</p> |

Gwendolyn Keyes-Fleming (R4)  
Susan Hedman (R5)  
Al Armendariz (R6)  
Karen Flournoy (R7)  
Jim Martin (R8)  
Janet Hashimoto (R9)  
Edward Kowalski (R10)

Optional:  
Diane Thompson, Janet Woodka (OA)

\*\*Teleconferencing is required for this meeting

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11:15 AM - 12:00 PM    Bullet Room

Early Guidance Briefing: Coal Combustion Residuals (SAN 4470; Tier 1)  
Ct: Nelly Torres 564-5767

Staff:

Bob Sussman, Lisa Garcia, Charles Imohiosen, Janet Woodka (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Suzanna Rudzinski, Robert Dellinger,  
Betsy Devlin, Richard Mattick, Matt Straus (OSWER)  
Michael Goo (OPEI)  
Scott Fulton, Laurel Celeste (OGC)  
Steve Owens (OCSPP)  
Paul Anastas (ORD)  
Rosemarie Kelley, Sandra Connors (OECA)  
Gina McCarthy (OAR)  
Nancy Stoner (OW)  
William Early (R3)  
Gwendolyn Keyes-Fleming (R4)  
Margaret Guerriero (R5)  
Rebecca Weber (R7)  
James Martin (R8)  
Jeff Scott (R9)

Optional (Work Group members/ Regulatory Steering Committee members - calling in):

Steve Souders, Bonnie Robinson, Mark Eads, Rachel Alford, Becky Cuthbertson, Zubair Saleem, Ronald Jordan, Velu Senthil, Bill Maxwell, Pete Raack, James Thompson, Jace Cuje, Susan Thorneloe, Thomas Groeneveld , Laurel Celeste, Paul Balserak , Robin Jenkins, Mary Hunt , Andrea Barbieri, Jon Johnston, Susan Mooney, Robert-Eu Smith, William Swietlik, Richard Benware, Julie Gevrenov, Ellen Kurlansky, Steve Smith, Matthew Sander, Cari Shiffman, Rick Rogers, Nicole Wilson, Nicole Moran , John Schofield , William Nickerson, James Kohler, Lynn Beasley, Kendra Morrison, Ginny Phillips, Souhail Al-abed, Thabet Laymet

Rita Tate, Maryanne Ruiz, Michelle Boyd, Annette Hill, Robert Tolpa, Rita Culp, Alice Todd, Sonya Moore, Kathy Meltzer, Lesley Schaaff, Stuart Miles-McLean, Angela Hofmann, Lisa Verdonik, Robert Fegley, Gerard Kraus, Wanda Farrar, Tom Eagles, Pat Williams, Sandy Evalenko, Perry Gerain, Nick Hilosky

\*\*Teleconferencing is required for this meeting

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|                     |                        |                                                                                                                                                          |
|---------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12:00 PM - 01:00 PM | Administrator's Office | No Meetings                                                                                                                                              |
| 01:00 PM - 02:00 PM | Bullet Room            | Senior Staff Meeting                                                                                                                                     |
| 02:15 PM - 02:30 PM | Bullet Room            | Meeting with Oceana and Center for International Environmental Law (CIEL)<br>Ct: Elle Beard 202-564-7723<br>CIEL Ct: Dan Magraw [b] (6) Personal Privacy |

---

\*The Administrator will be present for the first 15 minutes of this meeting, with Michelle DePass taking over for an additional 15 minutes

Topic: Fishery subsidies

Attendees:

Andy Sharpless, CEO, Oceana

John Carlson, Oceana

Dan Magraw, President Emeritus, CIEL

Staff:

Michelle DePass, Walker Smith, Joe Ferrante, Megan Samenfeld-Specht (OITA)

Optional:

Bob Sussman, Diane Thompson (OA)

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|                     |                        |                                                                                                                                                                                                                                                               |
|---------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:30 PM - 02:45 PM | Administrator's Office | Phone Call with Federal Trade Commission Chairman Leibowitz<br>Ct: June Young [b] (6) Personal Privacy                                                                                                                                                        |
|                     |                        | Purpose: to discuss ethanol ratings<br><br>The Chairman will place the call to Aaron Dickerson (564-1783) who will transfer him to the Administrator<br><br>Staff:<br>Gina McCarthy (OAR)<br><br>Optional:<br>Bob Sussman, Diane Thompson, Larry Elworth (OA) |

---

|                     |                        |                                                                                   |
|---------------------|------------------------|-----------------------------------------------------------------------------------|
| 03:00 PM - 03:45 PM | Administrator's Office | Meeting with William McDonough<br>Margaret Sanders [b] (6) Personal Privacy       |
|                     |                        | Topic: Green manufacturing, building products, and architecture<br><br>Attendees: |

William McDonough, Principal and Founder, William McDonough + Partners and McDonough Consulting; Principal and Co-founder, McDonough Braugart Design Chemistry

Ken Alston, CEO, McDonough Braugart Design Chemistry

Michael Donovan, Director, McDonough Consulting

Bridgett Luther, President, Cradle to Cradle Products Innovation Institute

Janet Wallace, Board Member; Cradle to Cradle Products Innovation Institute

Staff:

Paul Anastas (ORD)

Steve Owens (OCSPP)

Bicky Corman (OP)

Optional:

Diane Thompson, Bob Sussman (OA)

Michelle DePass (OITA)

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03:55 PM - 04:25 PM     Administrator's Office     Follow-up Meeting on Texas Clean Air Act Permitting  
Ct: Venu Ghanta 564-1374

Staff:

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

Seth Oster (OEAE)

Al Armendariz (R6) (calling in)

Optional:

Diane Thompson, Janet Woodka (OA)

\*\*Teleconferencing is required for this meeting

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04:30 PM - 04:45 PM     Ariel Rios     Depart for DOT

---

05:15 PM - 05:45 PM     1200 New Jersey Ave SE, Media Center -1st Floor     Video Recording with Secretary LaHood for Fuel Economy Label Roll-Out  
Adora Andy - 202-564-2715

Staff:

Brendan Gilfillan (OEAE)

---

05:45 PM - 06:00 PM     DOT     Depart for Bliss Cafe

---

06:00 PM - 06:30 PM     Bliss Cafe  
201 Massachusetts Ave, NE Washington,  
DC 20002     Meet & Greet  
Ct: Heidi Ellis (OA) 202-564-3204

---

\*\*\* 05/20/2011 04:33:46 PM \*\*\*

01268-EPA-6626

**Michael Moats/DC/USEPA/US**

05/20/2011 07:02 PM

To Richard Windsor

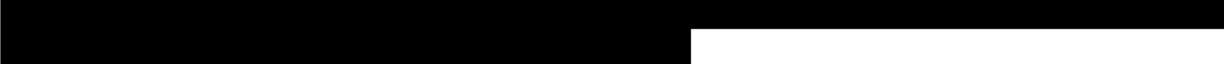
cc Seth Oster, Brendan Gilfillan, moats.michael

bcc

Subject ACTION LATimes OpEd

Administrator, pasted below is the draft oped responding to the LA Times piece that ran this morning.

(b) (5) Deliberative



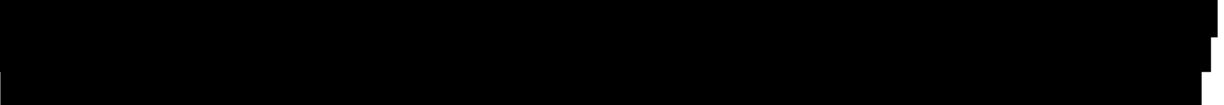
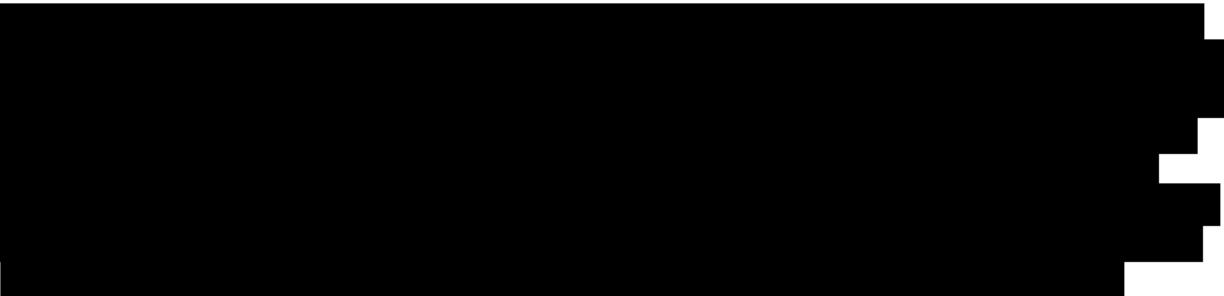
For your review, thanks.

Mike

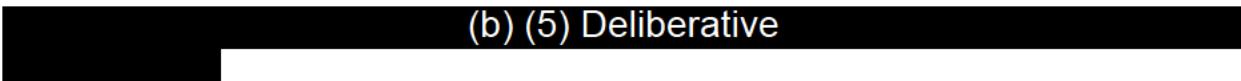
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**DRAFT**

(b) (5) Deliberative



(b) (5) Deliberative



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

01268-EPA-6627

**Richard  
Windsor/DC/USEPA/US**  
05/20/2011 07:20 PM

To Michael Moats  
cc Seth Oster, Brendan Gilfillan, "Michael Moats"  
bcc  
Subject Re: ACTION LATimes OpEd

(b) (5) Deliberative

Tx!  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/20/2011 07:02 PM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Brendan Gilfillan; moats.michael@epa.gov  
**Subject:** ACTION LATimes OpEd

Administrator, pasted below is the draft oped responding to the LA Times piece that ran this morning.

(b) (5) Deliberative

For your review, thanks.

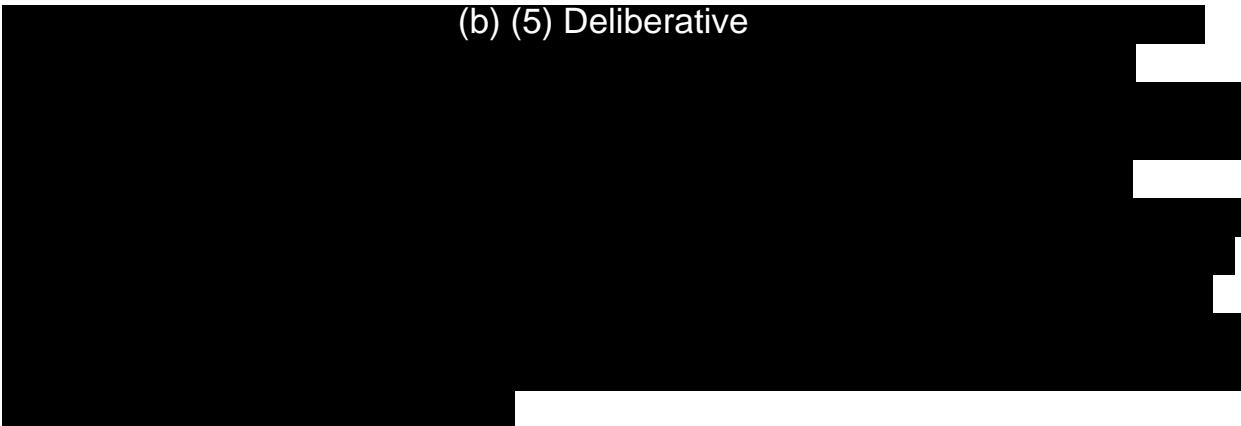
Mike

-----

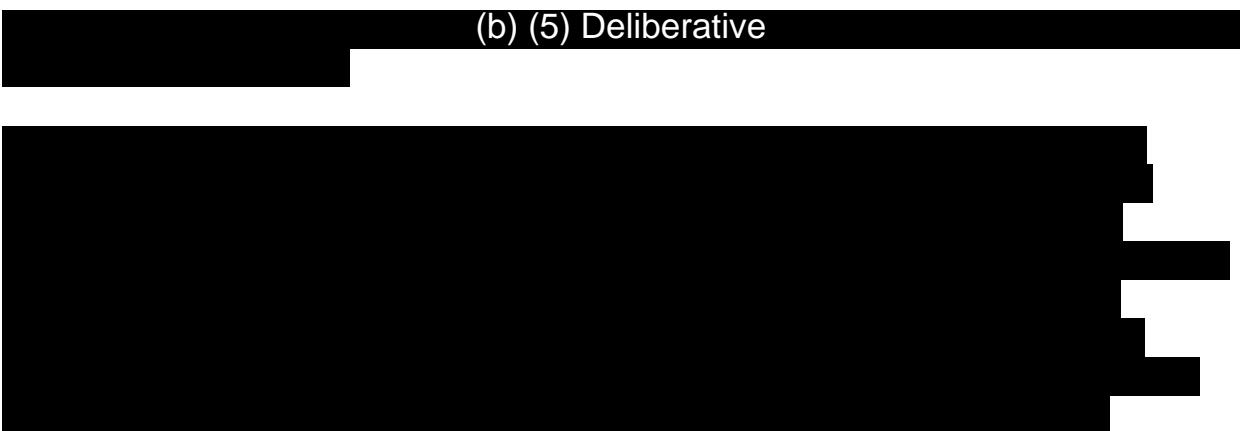
**DRAFT**

(b) (5) Deliberative

(b) (5) Deliberative



(b) (5) Deliberative



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

01268-EPA-6628

**Michael Moats/DC/USEPA/US**

05/20/2011 08:02 PM

To Richard Windsor

cc Seth Oster, Brendan Gilfillan, "Michael Moats"

bcc

Subject Re: ACTION LATimes OpEd

Thx boss. I'll send revisions tonight or early tmrw.

Richard Windsor

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

**From:** Richard Windsor

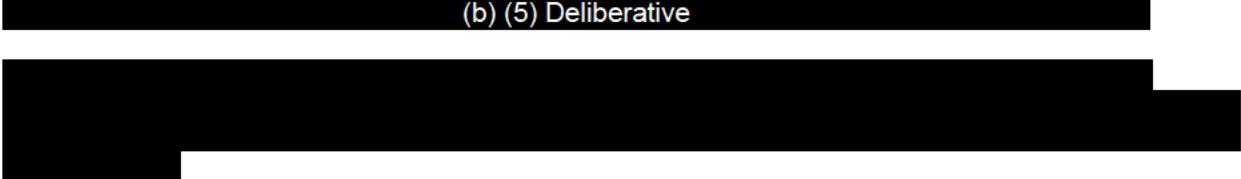
**Sent:** 05/20/2011 07:20 PM EDT

**To:** Michael Moats

**Cc:** Seth Oster; Brendan Gilfillan; "Michael Moats" <moats.michael@epa.gov>

**Subject:** Re: ACTION LATimes OpEd

(b) (5) Deliberative



Tx!

Michael Moats

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

**From:** Michael Moats

**Sent:** 05/20/2011 07:02 PM EDT

**To:** Richard Windsor

**Cc:** Seth Oster; Brendan Gilfillan; moats.michael@epa.gov

**Subject:** ACTION LATimes OpEd

Administrator, pasted below is the draft oped responding to the LA Times piece that ran this

morning.

(b) (5) Deliberative



For your review, thanks.

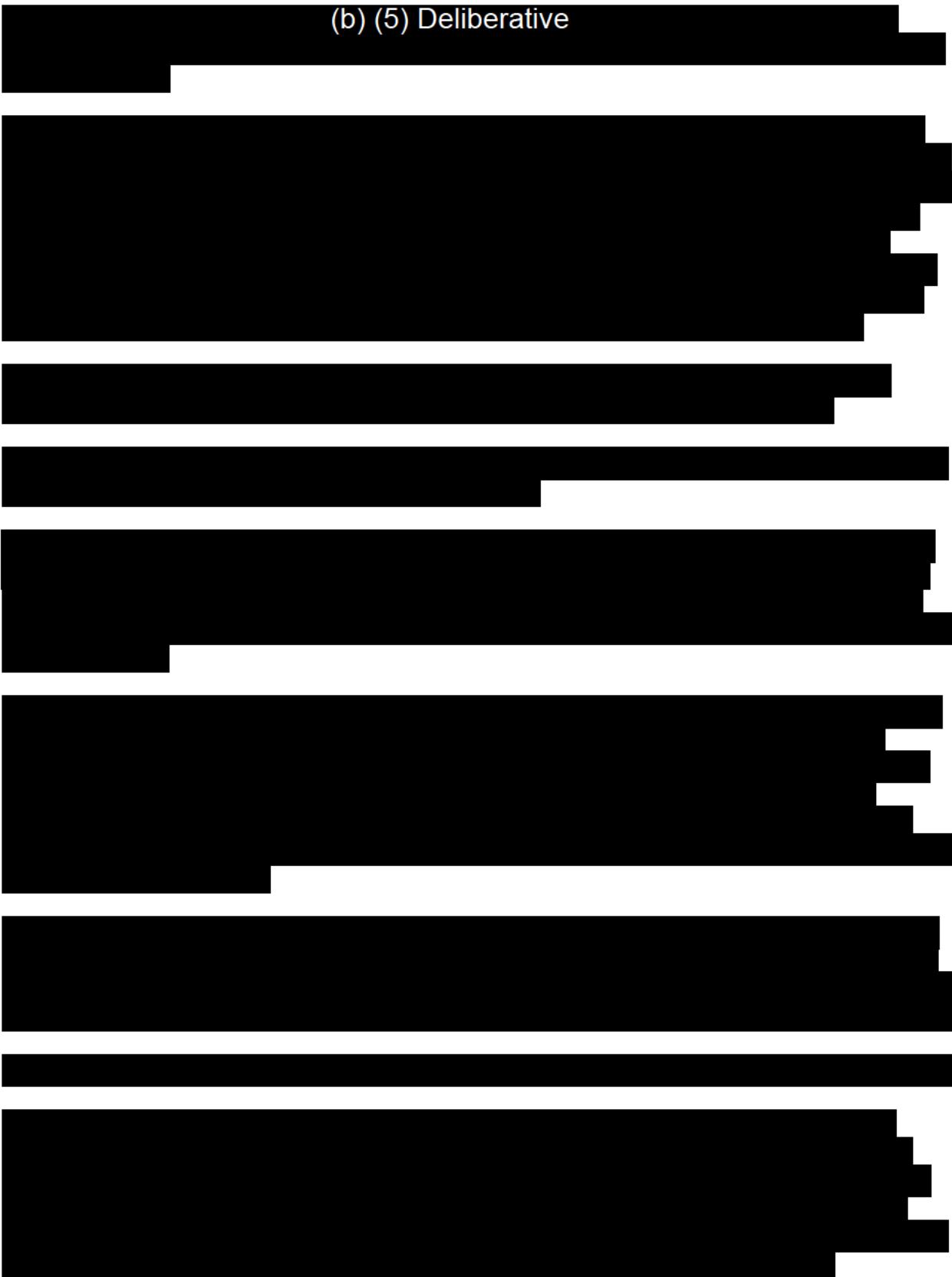
Mike

-----  
**DRAFT**

(b) (5) Deliberative



(b) (5) Deliberative



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

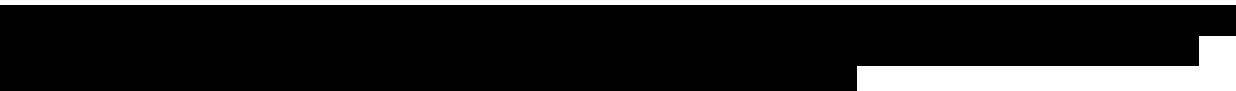
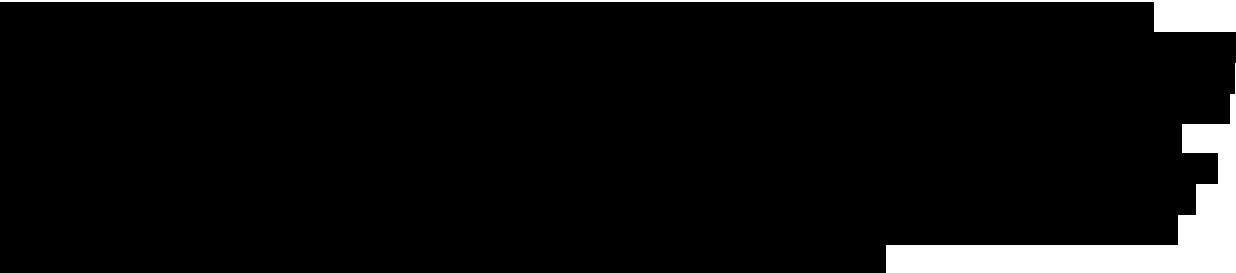
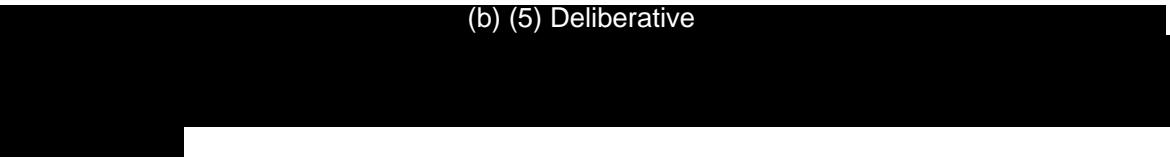
01268-EPA-6630

Richard  
Windsor/DC/USEPA/US  
05/21/2011 08:29 AM

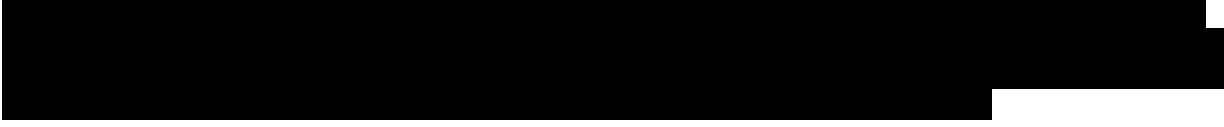
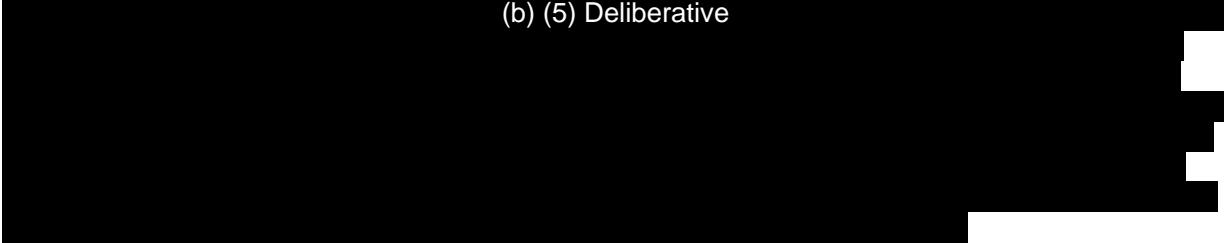
To Michael Moats, Seth Oster  
cc Brendan Gilfillan, "Michael Moats"  
bcc  
Subject Re: Revised ACTION LATimes OpEd

Sorry a few more minor catches in CAPS below. Thanks again. Lisa

-----  
(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6631

**Michael Moats/DC/USEPA/US**

05/21/2011 09:12 AM

To Seth Oster

cc Brendan Gilfillan, Richard Windsor

bcc

Subject Re: Revised ACTION LATimes OpEd

(b) (5) Deliberative



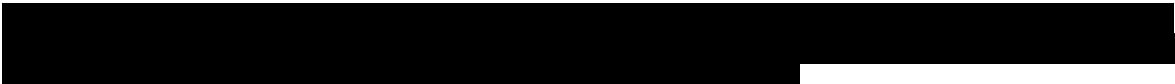
-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

-----Seth Oster/DC/USEPA/US wrote: -----

To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
From: Seth Oster/DC/USEPA/US  
Date: 05/21/2011 09:05AM  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, "Michael Moats" <moats.michael@epa.gov>  
Subject: Re: Revised ACTION LATimes OpEd

Mike -- this is great. But I have a couple of additional thoughts -- some small and one major idea about the opening.

(b) (5) Deliberative



. How about this:

Revised Opening:

(b) (5) Deliberative



Thoughts?

Seth

---

**From:** Michael Moats  
**Sent:** 05/21/2011 08:11 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Cc:** Brendan Gilfillan; Seth Oster; moats.michael@epa.gov  
**Subject:** Revised ACTION LATimes OpEd

Morning everyone -- revised oped pasted below and attached.

Brendan -- (b) (5) Deliberative ?

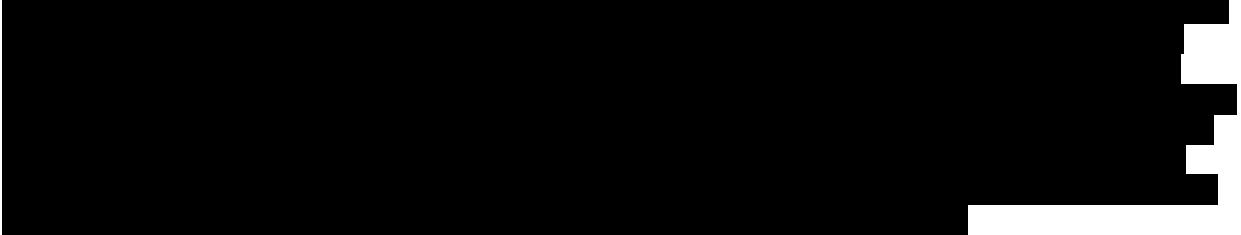
Thanks.

**DRAFT**

(b) (5) Deliberative



(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-6632

Richard  
Windsor/DC/USEPA/US  
05/21/2011 10:42 AM

To Michael Moats, Seth Oster  
cc Brendan Gilfillan  
bcc  
Subject Re: Revised ACTION LATimes OpEd

(b) (5) Deliberative

---

**From:** Michael Moats  
**Sent:** 05/21/2011 09:12 AM EDT  
**To:** Seth Oster  
**Cc:** Brendan Gilfillan; Richard Windsor  
**Subject:** Re: Revised ACTION LATimes OpEd

(b) (5) Deliberative



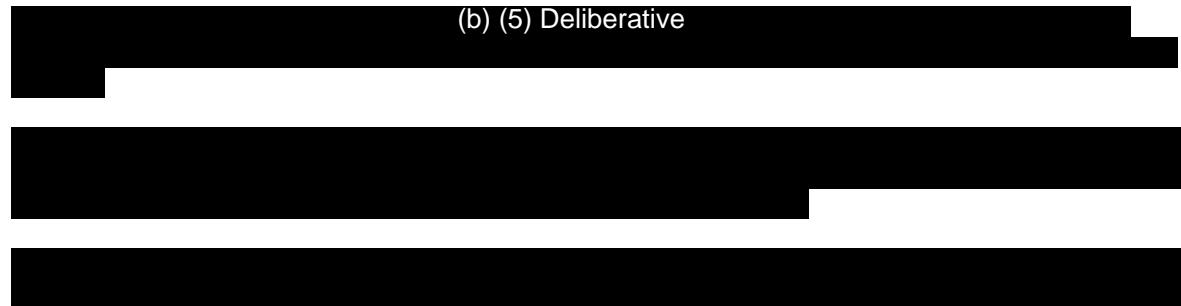
-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

-----Seth Oster/DC/USEPA/US wrote: -----

To: Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
From: Seth Oster/DC/USEPA/US  
Date: 05/21/2011 09:05AM  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, "Michael Moats" <moats.michael@epa.gov>  
Subject: Re: Revised ACTION LATimes OpEd

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(b) (5) Deliberative



(b) (5) Deliberative

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Revised Opening:

(b) (5) Deliberative

Thoughts?

Seth

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**Sent:** 05/21/2011 08:11 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Cc:** Brendan Gilfillan; Seth Oster; moats.michael@epa.gov  
**Subject:** Revised ACTION LATimes OpEd

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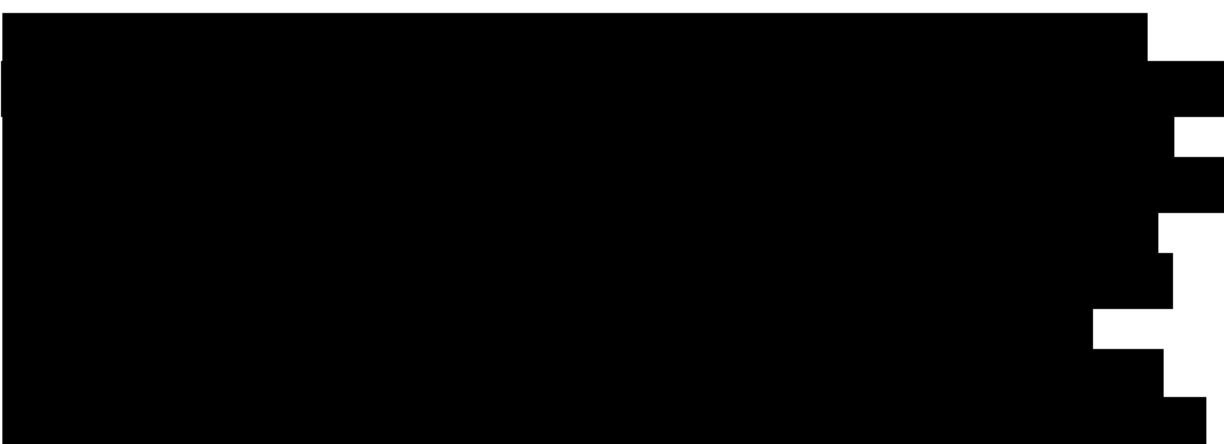
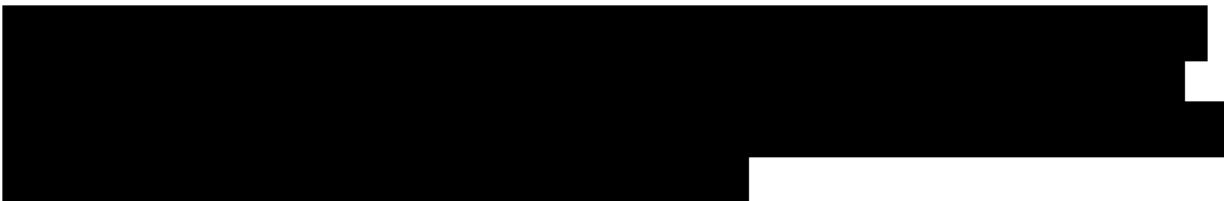
Brendan -- (b) (5) Deliberative ?

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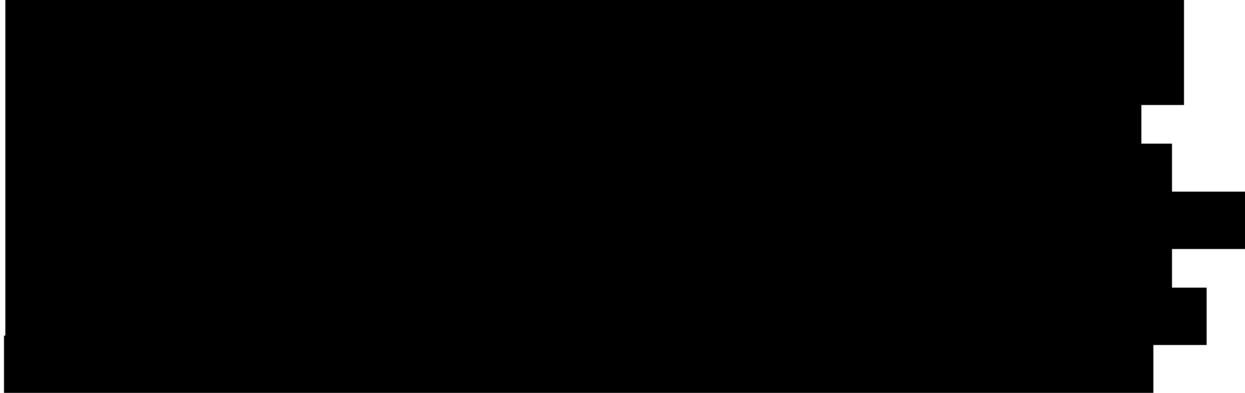
DRAFT

(b) (5) Deliberative

(b) (5) Deliberative



(b) (5) Deliberative

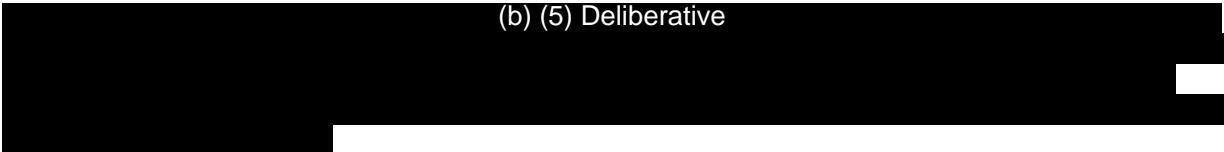


01268-EPA-6636

David  
McIntosh/DC/USEPA/US  
05/23/2011 08:16 AM

To Richard Windsor  
cc  
bcc  
Subject also relevant to tomorrow's hearing

(b) (5) Deliberative



**News Headline:** EPA has broad support outside the Beltway, agency's chief says |



**Outlet Full Name:** Hill - Online, The

**News OCR Text:** Environmental Protection Agency (EPA) chief Lisa Jackson is firing back at Capitol Hill critics by casting their attacks as Beltway talking points at odds with public views about the environment.

Jackson, in a Thursday night appearance on "The Daily Show," responded to largely GOP claims that EPA is overzealously pursuing regulations that will throttle the economy.

"It is definitely an inside-the-Beltway line of reasoning," Jackson said. She said Washington is a place where industry interests peddle a narrative that transforms the Beltway into a "fact-free zone."

"Outside Washington, 95 percent of the American people say they want government — they see one of the roles of government is protecting their air and their water," she said in the interview, posted on the show's website.

Jackson noted that environmental improvements have for decades coincided with economic growth. She also said environmental protections produce large savings in healthcare costs.

Jackson's comments come at a time when top Capitol Hill Republicans are pushing to delay or scuttle EPA rules or policies on climate change, air toxins, mountaintop-removal mining and other areas.

"Time and time again we are having to go onto the Hill, oftentimes with people who privately tell me, 'Hey, I am for the environment,' and then they say 'but,' and the 'but' is a set of talking points from industry that really is shortsighted, that really isn't about our children and our future," Jackson said.

But EPA is also facing criticism from the left, most recently over its decision this week to delay new air toxics standards for industrial boilers.

Jackson said the standards — which had come under attack from an array of industry groups and Capitol Hill Republicans — would be delayed for a "very limited

period of time" and that a schedule would be announced soon.

"We are committed to the rule. I know people are worried," Jackson said. "We will finalize that rule."

Jackson said the decision to put the wide-ranging industrial boiler rules on hold was not political, but rather to ensure it's done right to withstand legal challenges.

"No one in that White House is saying to me, 'Don't do a boiler rule,' " she said. Jackson more broadly defended President Obama's environmental commitment.

She credited him for the six-month spending deal with Republicans last month that omitted GOP proposals to thwart various EPA rules, noting the negotiations "knocked out every one of those riders that would have stopped EPA."

01268-EPA-6637

Richard  
Windsor/DC/USEPA/US  
05/23/2011 08:24 AM

To David McIntosh  
cc  
bcc

Subject Re: also relevant to tomorrow's hearing

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/23/2011 08:16 AM EDT  
**To:** Richard Windsor  
**Subject:** also relevant to tomorrow's hearing

(b) (5) Deliberative

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01268-EPA-6638

Richard  
Windsor/DC/USEPA/US  
05/24/2011 07:13 AM

To David McIntosh  
cc  
bcc

Subject Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

(b) (5) Deliberative

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**From:** David McIntosh  
**Sent:** 05/24/2011 07:04 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Adora Andy; Brendan Gilfillan  
**Subject:** PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

[http://oversight.house.gov/images/stories/Testimony/REPORT\\_-\\_Rising\\_Energy\\_Costs\\_An\\_Intentional\\_Result\\_of\\_Government\\_Action.pdf](http://oversight.house.gov/images/stories/Testimony/REPORT_-_Rising_Energy_Costs_An_Intentional_Result_of_Government_Action.pdf)

EPA has collaborated with environmental groups to target independent energy producers for environmental concerns not related to their operations. *In an email message reviewed by the Committee, environmental advocates and EPA's Texas-based regional director exchanged celebratory accolades for efforts that create barriers to energy production. One exchange concluded: "Yee haw! Hats off to the new Sheriff and his deputies!"*

*The Obama Administration has advanced an agenda that discourages development of domestic carbon-based energy resources. Administration actions include the threat of new federal regulation of hydraulic fracturing, withdrawal of federal lands, both on and offshore, from energy production, increasingly burdensome requirements for oil shale research and development leases, and a de facto moratorium on drilling permits. This strategy has added to permitting delays, created additional layers of review, and prolonged study periods. In addition, other laws such as the Endangered Species Act and the Clean Air Act have been used to further suppress domestic oil and gas production, leading to higher gasoline prices and growing dependence on foreign oil.*

*Before EPA issued the Endangerment Finding for Greenhouse Gasses under the Clean Air Act (CAA), the White House and the agency had been warned by economists, legislators, and their own advisors that the GHG regulations would impose a high cost on the economy via higher energy prices and increased uncertainty. Former Energy and Commerce Chairman Dingell famously stated in April 2008 that regulating GHGs under the CAA would result in a "glorious mess"*

*Failing to pass cap-and-trade, the Administration turned to regulation to do what it couldn't via Congress. Namely, EPA issued the controversial endangerment finding for CO2 and other greenhouse gases (GHGs). This finding put in motion the onerous mechanisms of the Clean Air Act which imposes enormous costs on consumers of carbon-based fuel.*

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*that would wreak havoc on the economy. In March 2009, then-Ranking Member Issa warned EPA that, . . . the immediate result of issuing an endangerment finding is that thousands of American small businesses, already struggling in one of the toughest economic [climates] our generation has ever seen, will be thrown into a sea of legal uncertainty, further depressing their*

*ability to stay viable.*

*Bottom line: the Administration knew that the implementation of EPA's GHG regulations would have a large economic impact. During consideration of cap-and-trade legislation, a top White House economic official warned that, "if you don't pass this [cap-and-trade] legislation then...the EPA is going to have to regulate in this area. And it is not going to be able to regulate in a market-based way, so it's going to have to regulate in a command-and-control way, which will probably generate even more uncertainty."*

*Despite the success of fracking, federal agencies appear to be in a race to see which one can regulate it first. The Department of Interior announced last November that it will consider regulating fracking on federal lands.*

*The EPA, which concluded seven years ago that fracking "poses little or no threat" to drinking water supplies, is revisiting the issue. Having found no evidence that fracking chemicals reach drinking water, EPA now wants to study the entire lifecycle of the water used. In addition, DOE has convened a study group to review the fracking process. In a written statement, DOE Secretary Steven Chu stated, "I am looking forward to hearing from this diverse, respected group of experts on best practices for safe and responsible natural gas production." Although the study groups members are certainly highly respected, a survey of their biographies indicates none has recent industry experience with the advancements in the technology.*

*As Chairman Fred Upton of the Energy and Commerce Committee pointed out, the*

*duplicative efforts of DOI, DOE, and EPA run contrary to the Administration's pledge to eliminate government waste and streamline processes. It mirrors the President's favorite example of the headache caused by agency jurisdiction, "The Interior Department is in charge of salmon while they're in fresh water, but the Commerce Department handles them when they're in saltwater. I hear it gets even more complicated once they're smoked."*

*Additional regulation of fracking is unnecessary because, as EPA Administrator Lisa Jackson pointed out, fracking is not an unregulated activity.*

*Federal regulation by*

*EPA, DOE, and DOI would cause needless delay and uncertainty along with multiple additional layers of red tape. Ultimately, federal intervention will chill investment and decrease energy independence.*

*Quite the opposite - the states, not*

*the federal government, have always regulated the process and have done so with a solid track record. Officials in state after state have gone on the record to say that fracking has not caused any problems and any reports to the contrary are inaccurate.*

*One of the principal obstacles to drilling is EPA's failure to issue an air pollution permit for the project. Since most new offshore drilling has occurred in the Gulf of Mexico under Interior jurisdiction, EPA has little experience with offshore permitting. That inexperience seems to be amounting to incompetence. Alaska Senator Lisa Murkowski testified before the House Energy and Commerce Committee, "If EPA cannot demonstrate some competency ... then EPA should not expect to keep its authority for long."*

*After years of studying the issue,*

*EPA granted an air permit last summer only to have it remanded by the EPA's Environmental Appeals Board in January for not adequately reviewing the potential health effects on people living on shore. The closest village, located 70 miles from the proposed drill site and occupying one square mile, is home to 245 people. EPA Administrator Lisa Jackson told the Senate Energy Committee, "I believe that the analysis will clearly show that there is no public health concern here."*

*Shell continues to wait for the rest of EPA to conclude what its Administrator already has.*

*A "curious" twist in the quest to develop NPR-A is the related action of other agencies. EPA and the U.S. Fish and Wildlife Service both designated the Colville River Delta as an "Aquatic Resource of National Significance," a decision they made without notice and comment, but one that potentially has great consequences. Sen. Murkowski's spokesman called the move "capricious and done only to interfere with development."*

*EPA's Contribution to NEPA Delays*

*EPA is also responsible for delays at the project approval stage. A couple of examples best illustrate the effect of EPA's pressure on land managers conducting NEPA analyses. In one case, involving a large project of 1,250 wells in Wyoming, EPA inexplicably changed the type of air study it required. The companies involved in the EIS for the large project had already spent \$2.5 million based on prior guidance from EPA. In a second case, EPA asked a small business operating in Utah, Gasco Energy, to complete three rounds of air modeling for its 1,500 well project. EPA changed its request three times as to what type of air study it required, which resulted in years of delay and hundreds of thousands of dollars in unnecessary expenses. EPA made these requests despite Gasco Energy agreeing to controls and other mitigation measures above and beyond those the law requires.*

*Texas has weathered the recession better than most states,*

*Last June, the EPA decided to strike down the "flex permit" system Texas has used since 1996, rejecting Texas-issued air-quality permits for refiners and other industrial plants.*

*due in no small part to a  
booming oil and gas production, and the state is fighting to keep EPA from interfering with its  
success. Under Obama, EPA put a spotlight on the state, seemingly assuming that a profitable  
oil and gas industry is an indication of insufficient regulation.*

*Then,  
in December, EPA sent Texas regulators a letter saying it had "no choice" but to seize control of  
permitting in the state.*

### **EPA Oversteps Texas Regulator**

*Another high profile example of the EPA overstepping Texas regulators based on false  
claims of urgency came last December. The issue began when a landowner filed a complaint  
with the Texas Railroad Commission (RRC), the state oil and gas regulator, on August 6, 2010,  
stating that methane had contaminated water wells. The RRC commenced a full investigation  
into the source of the methane within days of the complaint. Over the next several months, the  
RRC - with full cooperation from Range, the company that owned gas production wells nearby -  
collected samples, performed tests, and conducted interviews. The investigation found that  
homeowners in the area had reported gas in their water for decades. Chemical fingerprinting of  
the gas in the well indicated that it did not come from Range's wells but from a shallow gas  
formation where wells were drilled in the early 1980s. After finishing its investigation in  
March 2011, the RRC officially concluded that Range did not cause the water well  
contamination and that it likely came from the shallow gas formation.<sup>225</sup>*

*EPA, on the other hand, raced to issue an emergency order in December 2010, assuming  
the culpability of Range without the benefit of all the facts. EPA did not allow the RRC to finish  
its investigation,*

*did not discuss the results of independent EPA sampling with the RRC as the  
organizations had planned, and did not give Range an opportunity to present important  
objective facts. The Order directed Range to provide drinking water to the residents and to  
begin taking actions to correct the problem within 48 hours. The Order imposed costly  
requirements on Range, yet EPA has been unable to provide data indicating Range production  
activities contributed to the contamination of the wells. In addition to the cost of its voluntary  
cooperation with the Texas RRC, Range is incurring significant expenses defending itself -  
between \$1.5 million to \$1.75 million so far.*

*The Committee has reviewed documents indicating that this action was coordinated with  
local environmental activists. EPA Regional Administrator Al Armendariz wrote in an email to  
his friends at the Environmental Defense Fund and Public Citizen just before issuing the press  
release, "We're about to make a lot of news [...] [T]ime to Tivo Channel 8."*

*Such an act was unprecedented in Texas.*

*He went on,*

*"Thank you both for helping to educate me on the public's perspective of these issues." "Yee  
haw! Hats off to the new Sheriff and his deputies!" one activist replied.<sup>231</sup>*

*After issuing the emergency order, EPA shifted rapidly into spin mode, exaggerating the  
circumstances and misrepresenting the work already conducted by the RRC. "I believe we've got  
two people whose houses could explode. So we've got to move," the Administrator told the  
Dallas Morning News,*

*attempting to justify his declaration of an "imminent and substantial  
endangerment to a public drinking water aquifer through methane contamination" from Range's  
"fracked" production well.*

*EPA also played into environmental rhetoric by highlighting that Range utilized  
hydraulic fracturing to produce natural gas. The Order did not allege the gas was a consequence  
of hydraulic fracturing, and EPA technical staff admitted that hydraulic fracturing in the Barnett  
Shale deep below the well could not be the cause of the gas occurring in the water wells.*

*In reality, the emergency basis was false. As the findings of fact  
attached to the order stated, the threat to the homes had already been evaluated, and one of the  
water wells had been disconnected from the home months earlier.*

*Despite the well contamination having no connection to hydraulic fracturing, EPA included in  
their press release announcing the emergency order, "EPA believes that natural gas plays a key  
role in our nation's clean energy future and the process known as hydraulic fracturing is one way  
of accessing that vital resource. However, we want to make sure natural gas development is  
safe."*

*EPA has refused to cooperate with either the Range or the RRC to resolve the dispute. In January, the RRC held an open hearing to receive expert testimony on the issue. Several experts explained flaws in EPA's methodology, explaining that deep Barnett Shale had very low levels of nitrogen compared to the shallow Strawn formation.*

*Possibly not so coincidentally, Range is also a very active driller in the Marcellus Shale of Pennsylvania.*

*Nitrogen, therefore, was the distinguishing fingerprint. If the well had high levels of nitrogen, then the contamination was not coming from the Barnett Shale where Range had drilled. EPA had failed to conduct this analysis, but RRC took the time to do it. EPA declined to participate in the open hearing. Some critics joked that "EPA had better things to do - like asking the Department of Justice to impose a \$16,500-a-day fine on the company for failing to comply with an order that EPA itself has neither the interest nor ability to defend or explain in an open forum."*<sup>237</sup>

*One Texas Railroad Commissioner called EPA's action "Washington politics of the worst kind. The EPA's act is nothing more than grandstanding in an effort to interject the federal government into Texas business. The Railroad Commission has been on top of this issue from Day 1. We will continue to take all necessary action to protect Texas lakes, rivers and aquifers. Texans have no interest in Washington doing for Texas what it did for Louisiana fishermen."*

01268-EPA-6639

David  
McIntosh/DC/USEPA/US  
05/24/2011 07:16 AM

To Richard Windsor  
cc  
bcc  
Subject Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

OK I'll try.

(b) (5) Deliberative

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

To: David McIntosh/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 05/24/2011 07:13AM  
Subject: Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

(b) (5) Deliberative

---

**From:** David McIntosh  
**Sent:** 05/24/2011 07:04 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Adora Andy; Brendan Gilfillan  
**Subject:** PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

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*domestic carbon-based energy resources. Administration actions include the threat of new*

*federal regulation of hydraulic fracturing, withdrawal of federal lands, both on and offshore,*

*from energy production, increasingly burdensome requirements for oil shale research and*

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*layers of red tape. Ultimately, federal intervention will chill investment and decrease energy*

*independence.*

*Quite the opposite - the states, not*

*the federal government, have always regulated the process and have done so with a solid track*

*record. Officials in state after state have gone on the record to say that fracking has not caused*

*any problems and any reports to the contrary are inaccurate.*

*One of the principal obstacles to drilling is EPA's failure to issue an air pollution permit for the project. Since most new offshore drilling has occurred in the Gulf of Mexico under Interior jurisdiction, EPA has little experience with offshore permitting. That inexperience seems to be amounting to incompetence. Alaska Senator Lisa Murkowski testified before the*

*House Energy and Commerce Committee, "If EPA cannot demonstrate some competency ...*

*then EPA should not expect to keep its authority for long."*

*After years of studying the issue,*

*EPA granted an air permit last summer only to have it remanded by the EPA's Environmental Appeals Board in January for not adequately reviewing the potential health effects on people*

*living on shore. The closest village, located 70 miles from the proposed drill site and occupying one square mile, is home to 245 people. EPA Administrator Lisa Jackson told the Senate Energy Committee, "I believe that the analysis will clearly show that there is no public health concern here."*

*Shell continues to wait for the rest of EPA to conclude what its Administrator already has.*

*A "curious" twist in the quest to develop NPR-A is the related action of other agencies. EPA and the U.S. Fish and Wildlife Service both designated the Colville River Delta as an "Aquatic Resource of National Significance," a decision they made without notice and comment, but one that potentially has great consequences. Sen. Murkowski's spokesman called the move "capricious and done only to interfere with development."*

#### *EPA's Contribution to NEPA Delays*

*EPA is also responsible for delays at the project approval stage. A couple of examples best illustrate the effect of EPA's pressure on land managers conducting NEPA analyses. In one case, involving a large project of 1,250 wells in Wyoming, EPA inexplicably changed the type of air study it required. The companies involved in the EIS for the large project had already spent \$2.5 million based on prior guidance from EPA. In a second case, EPA asked a small business operating in Utah, Gasco Energy, to complete three rounds of air modeling for its 1,500 well project. EPA changed its request three times as to what type of air study it required, which*

*resulted in years of delay and hundreds of thousands of dollars in unnecessary expenses. EPA*

*Made these requests despite Gasco Energy agreeing to controls and other mitigation measures*

*above and beyond those the law requires.*

*Texas has weathered the recession better than most states,*

*Last June, the EPA decided to strike down the "flex permit" system Texas has used since 1996, rejecting Texas-issued air-quality permits for refiners and other industrial plants. due in no small part to a*

*booming oil and gas production, and the state is fighting to keep EPA from interfering with its*

*success. Under Obama, EPA put a spotlight on the state, seemingly assuming that a profitable*

*oil and gas industry is an indication of insufficient regulation.*

*Then,*

*in December, EPA sent Texas regulators a letter saying it had "no choice" but to seize control of permitting in the state.*

### **EPA Oversteps Texas Regulator**

*Another high profile example of the EPA overstepping Texas regulators based on false claims of urgency came last December. The issue began when a landowner filed a*

*complaint*

*with the Texas Railroad Commission (RRC), the state oil and gas regulator, on August 6, 2010,*

*stating that methane had contaminated water wells. The RRC commenced a full investigation*

*into the source of the methane within days of the complaint. Over the next several months, the*

*RRC – with full cooperation from Range, the company that owned gas production wells nearby –*

*collected samples, performed tests, and conducted interviews. The investigation found that*

*homeowners in the area had reported gas in their water for decades. Chemical fingerprinting of*

*the gas in the well indicated that it did not come from Range's wells but from a shallow gas*

*formation where wells were drilled in the early 1980s. After finishing its investigation in*

*March 2011, the RRC officially concluded that Range did not cause the water well*

*contamination and that it likely came from the shallow gas formation.<sup>225</sup>*

*EPA, on the other hand, raced to issue an emergency order in December 2010, assuming*

*the culpability of Range without the benefit of all the facts. EPA did not allow the RRC to finish*

*its investigation,*

*did not discuss the results of independent EPA sampling with the RRC as the*

*organizations had planned, and did not give Range an opportunity to present important*

*objective facts. The Order directed Range to provide drinking water to the residents and to*

*begin taking actions to correct the problem within 48 hours. The Order imposed costly*

*requirements on Range, yet EPA has been unable to provide data indicating Range production*

*activities contributed to the contamination of the wells. In addition to the cost of its voluntary*

*cooperation with the Texas RRC, Range is incurring significant expenses defending itself –*

*between \$1.5 million to \$1.75 million so far.*

*The Committee has reviewed documents indicating that this action was coordinated with*

*local environmental activists. EPA Regional Administrator Al Armendariz wrote in an email to*

*his friends at the Environmental Defense Fund and Public Citizen just before issuing the press*

*release, "We're about to make a lot of news [...] [T]ime to Tivo Channel 8."*

*Such an act was unprecedented in Texas.*

*He went on,*

*"Thank you both for helping to educate me on the public's perspective of these issues."*  
*"Yee*

*haw! Hats off to the new Sheriff and his deputies!" one activist replied.<sup>231</sup>*

*After issuing the emergency order, EPA shifted rapidly into spin mode, exaggerating the circumstances and misrepresenting the work already conducted by the RRC. "I believe we've got*

*two people whose houses could explode. So we've got to move," the Administrator told the*

*Dallas Morning News ,*

*attempting to justify his declaration of an "imminent and substantial*

*endangerment to a public drinking water aquifer through methane contamination" from Range's*

*"fracked" production well.*

*EPA also played into environmental rhetoric by highlighting that Range utilized*

*hydraulic fracturing to produce natural gas. The Order did not allege the gas was a consequence*

*of hydraulic fracturing, and EPA technical staff admitted that hydraulic fracturing in the Barnett*

*Shale deep below the well could not be the cause of the gas occurring in the water wells.*

*In reality, the emergency basis was false. As the findings of fact*

*attached to the order stated, the threat to the homes had already been evaluated, and one of the*

*water wells had been disconnected from the home months earlier.*

*Despite the well contamination having no connection to hydraulic fracturing, EPA included in*

*their press release announcing the emergency order, "EPA believes that natural gas plays a key*

*role in our nation's clean energy future and the process known as hydraulic fracturing is one way*

*of accessing that vital resource. However, we want to make sure natural gas development is*

*safe."*

*EPA has refused to cooperate with either the Range or the RRC to resolve the dispute. In*

*January, the RRC held an open hearing to receive expert testimony on the issue. Several experts*

*explained flaws in EPA's methodology, explaining that deep Barnett Shale had very low levels*

*of nitrogen compared to the shallow Strawn formation.*

*Possibly not so coincidentally, Range is also a very active driller in the Marcellus Shale*

*of Pennsylvania.*

*Nitrogen, therefore, was the*

*distinguishing fingerprint. If the well had high levels of nitrogen, then the contamination was*

*not coming from the Barnett Shale where Range had drilled. EPA had failed to conduct this*

*analysis, but RRC took the time to do it. EPA declined to participate in the open hearing. Some*

*critics joked that "EPA had better things to do – like asking the Department of Justice to impose*

*a \$16,500-a-day fine on the company for failing to comply with an order that EPA itself*

*has*

*neither the interest nor ability to defend or explain in an open forum."237*

*One Texas Railroad Commissioner called EPA's action "Washington politics of the*

*worst kind. The EPA's act is nothing more than grandstanding in an effort to interject the federal*

*government into Texas business. The Railroad Commission has been on top of this issue from*

*Day 1. We will continue to take all necessary action to protect Texas lakes, rivers and aquifers.*

*Texans have no interest in Washington doing for Texas what it did for Louisiana fishermen."*

01268-EPA-6640

Richard  
Windsor/DC/USEPA/US  
05/24/2011 07:22 AM

To David McIntosh  
cc  
bcc  
Subject Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

Cool

---

**From:** David McIntosh  
**Sent:** 05/24/2011 07:16 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

OK I'll try. [REDACTED] (b) (5) Deliberative [REDACTED]

-----  
Richard Windsor/DC/USEPA/US wrote: -----  
To: David McIntosh/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 05/24/2011 07:13AM  
Subject: Re: PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

[REDACTED] (b) (5) Deliberative [REDACTED]

---

**From:** David McIntosh  
**Sent:** 05/24/2011 07:04 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Adora Andy; Brendan Gilfillan  
**Subject:** PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

[http://oversight.house.gov/images/stories/Testimony/REPORT\\_-\\_Rising\\_Energy\\_Costs\\_An\\_Intentional\\_Result\\_of\\_Government\\_Action.pdf](http://oversight.house.gov/images/stories/Testimony/REPORT_-_Rising_Energy_Costs_An_Intentional_Result_of_Government_Action.pdf)

EPA has collaborated with environmental groups to target independent energy producers for environmental concerns not related to their operations. *In an email message reviewed by the Committee, environmental advocates and EPA's Texas-based regional director exchanged celebratory accolades for efforts that create barriers to energy production. One exchange concluded: "Yee haw! Hats off to the new Sheriff and his deputies!"*

*The Obama Administration has advanced an agenda that discourages development of domestic carbon-based energy resources. Administration actions include the threat of new federal regulation of hydraulic fracturing, withdrawal of federal lands, both on and offshore, from energy production, increasingly burdensome requirements for oil shale research and development leases, and a de facto moratorium on drilling permits. This strategy has added to permitting delays, created additional layers of review, and prolonged study periods. In addition, other laws such as the Endangered Species Act and the Clean Air Act have been used to further suppress domestic oil and gas production, leading to higher gasoline prices and growing*

*dependence on foreign oil.*

*Before EPA issued the Endangerment Finding for Greenhouse Gasses under the Clean Air Act (CAA), the White House and the agency had been warned by economists, legislators, and their own advisors that the GHG regulations would impose a high cost on the economy via higher energy prices and increased uncertainty. Former Energy and Commerce Chairman Dingell famously stated in April 2008 that regulating GHGs under the CAA would result in a “glorious mess”*

*Failing to pass cap-and-trade, the Administration turned to regulation to do what it couldn't via Congress. Namely, EPA issued the controversial endangerment finding for CO2 and other greenhouse gases (GHGs). This finding put in motion the onerous mechanisms of the Clean Air Act which imposes enormous costs on consumers of carbon-based fuel.*

*Before EPA issued the Endangerment Finding for Greenhouse Gasses under the Clean Air Act (CAA), the White House and the agency had been warned by economists, legislators, and their own advisors that the GHG regulations would impose a high cost on the economy via higher energy prices and increased uncertainty. Former Energy and Commerce Chairman Dingell famously stated in April 2008 that regulating GHGs under the CAA would result in a “glorious mess”*

*that would wreak havoc on the economy. In March 2009, then-Ranking Member Issa warned EPA that, . . . the immediate result of issuing an endangerment finding is that thousands of American small businesses, already struggling in one of the toughest economic [climates] our generation has ever seen, will be thrown into a sea of legal uncertainty, further depressing their ability to stay viable.*

*Bottom line: the Administration knew that the implementation of EPA's GHG regulations would have a large economic impact. During consideration of cap-and-trade legislation, a top White House economic official warned that, “if you don't pass this [cap-and-trade] legislation then...the EPA is going to have to regulate in this area. And it is not going to be able to regulate in a market-based way, so it's going to have to regulate in a command-and-control way, which will probably generate even more uncertainty.”*

*Despite the success of fracking, federal agencies appear to be in a race to see which one can regulate it first. The Department of Interior announced last November that it will consider regulating fracking on federal lands.*

*The EPA, which concluded seven years ago that fracking*

*"poses little or no threat" to drinking water supplies, is revisiting the issue. Having found no evidence that fracking chemicals reach drinking water, EPA now wants to study the entire lifecycle of the water used. In addition, DOE has convened a study group to review the fracking process. In a written statement, DOE Secretary Steven Chu stated, "I am looking forward to hearing from this diverse, respected group of experts on best practices for safe and responsible natural gas production." Although the study groups members are certainly highly respected, a survey of their biographies indicates none has recent industry experience with the advancements in the technology.*

*As Chairman Fred Upton of the Energy and Commerce Committee pointed out, the*

*duplicative efforts of DOI, DOE, and EPA run contrary to the Administration's pledge to eliminate government waste and streamline processes. It mirrors the President's favorite example of the headache caused by agency jurisdiction, "The Interior Department is in charge of salmon while they're in fresh water, but the Commerce Department handles them when they're in saltwater. I hear it gets even more complicated once they're smoked."*

*Additional regulation of fracking is unnecessary because, as EPA Administrator Lisa Jackson pointed out, fracking is not an unregulated activity.*

*Federal regulation by*

*EPA, DOE, and DOI would cause needless delay and uncertainty along with multiple additional layers of red tape. Ultimately, federal intervention will chill investment and decrease energy independence.*

*Quite the opposite - the states, not*

*the federal government, have always regulated the process and have done so with a solid track record. Officials in state after state have gone on the record to say that fracking has not caused any problems and any reports to the contrary are inaccurate.*

*One of the principal obstacles to drilling is EPA's failure to issue an air pollution permit for the project. Since most new offshore drilling has occurred in the Gulf of Mexico under Interior jurisdiction, EPA has little experience with offshore permitting. That inexperience seems to be amounting to incompetence. Alaska Senator Lisa Murkowski testified before the House Energy and Commerce Committee, "If EPA cannot demonstrate some competency ...*

*then EPA should not expect to keep its authority for long."*

**After years of studying the issue,**

EPA granted an air permit last summer only to have it remanded by the EPA's Environmental Appeals Board in January for not adequately reviewing the potential health effects on people living on shore. The closest village, located 70 miles from the proposed drill site and occupying one square mile, is home to 245 people. EPA Administrator Lisa Jackson told the Senate Energy Committee, "I believe that the analysis will clearly show that there is no public health concern here."

Shell continues to wait for the rest of EPA to conclude what its Administrator already has.

A "curious" twist in the quest to develop NPR-A is the related action of other agencies.

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**EPA's Contribution to NEPA Delays**

EPA is also responsible for delays at the project approval stage. A couple of examples best illustrate the effect of EPA's pressure on land managers conducting NEPA analyses. In one case, involving a large project of 1,250 wells in Wyoming, EPA inexplicably changed the type of air study it required. The companies involved in the EIS for the large project had already spent \$2.5 million based on prior guidance from EPA. In a second case, EPA asked a small business operating in Utah, Gasco Energy, to complete three rounds of air modeling for its 1,500 well project. EPA changed its request three times as to what type of air study it required, which resulted in years of delay and hundreds of thousands of dollars in unnecessary expenses. EPA made these requests despite Gasco Energy agreeing to controls and other mitigation measures above and beyond those the law requires.

**Texas has weathered the recession better than most states,**

Last June, the EPA decided to strike down the "flex permit" system Texas has used since 1996, rejecting Texas-issued air-quality permits for refiners and other industrial plants.

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booming oil and gas production, and the state is fighting to keep EPA from interfering with its success. Under Obama, EPA put a spotlight on the state, seemingly assuming that a profitable oil and gas industry is an indication of insufficient regulation.

Then,

in December, EPA sent Texas regulators a letter saying it had "no choice" but to seize control of permitting in the state.

**EPA Oversteps Texas Regulator**

Another high profile example of the EPA overstepping Texas regulators based on false claims of urgency came last December. The issue began when a landowner filed a complaint with the Texas Railroad Commission (RRC), the state oil and gas regulator, on August 6, 2010, stating that methane had contaminated water wells. The RRC commenced a full investigation into the source of the methane within days of the complaint. Over the next several months, the RRC - with full cooperation from Range, the company that owned gas production wells nearby - collected samples, performed tests, and conducted interviews. The investigation found that homeowners in the area had reported gas in their water for decades. Chemical fingerprinting of the gas in the well indicated that it did not come from Range's wells but from a shallow gas formation where wells were drilled in the early 1980s. After finishing its investigation in March 2011, the RRC officially concluded that Range did not cause the water well contamination and that it likely came from the shallow gas formation.<sup>225</sup>

EPA, on the other hand, raced to issue an emergency order in December 2010, assuming the culpability of Range without the benefit of all the facts. EPA did not allow the RRC to finish its investigation,

did not discuss the results of independent EPA sampling with the RRC as the organizations had planned, and did not give Range an opportunity to present important objective facts. The Order directed Range to provide drinking water to the residents and to begin taking actions to correct the problem within 48 hours. The Order imposed costly requirements on Range, yet EPA has been unable to provide data indicating Range production activities contributed to the contamination of the wells. In addition to the cost of its voluntary cooperation with the Texas RRC, Range is incurring significant expenses defending itself - between \$1.5 million to \$1.75 million so far.

The Committee has reviewed documents indicating that this action was coordinated with local environmental activists. EPA Regional Administrator Al Armendariz wrote in an email to his friends at the Environmental Defense Fund and Public Citizen just before issuing the press release, "We're about to make a lot of news [...] [T]ime to Tivo Channel 8."

*Such an act was unprecedented in Texas.*

*He went on,*

*"Thank you both for helping to educate me on the public's perspective of these issues." "Yee haw! Hats off to the new Sheriff and his deputies!" one activist replied.*<sup>231</sup>

*After issuing the emergency order, EPA shifted rapidly into spin mode, exaggerating the circumstances and misrepresenting the work already conducted by the RRC. "I believe we've got two people whose houses could explode. So we've got to move," the Administrator told the Dallas Morning News,*

*attempting to justify his declaration of an "imminent and substantial endangerment to a public drinking water aquifer through methane contamination" from Range's "fracked" production well.*

*EPA also played into environmental rhetoric by highlighting that Range utilized hydraulic fracturing to produce natural gas. The Order did not allege the gas was a consequence of hydraulic fracturing, and EPA technical staff admitted that hydraulic fracturing in the Barnett Shale deep below the well could not be the cause of the gas occurring in the water wells.*

*In reality, the emergency basis was false. As the findings of fact attached to the order stated, the threat to the homes had already been evaluated, and one of the water wells had been disconnected from the home months earlier.*

*Despite the well contamination having no connection to hydraulic fracturing, EPA included in their press release announcing the emergency order, "EPA believes that natural gas plays a key role in our nation's clean energy future and the process known as hydraulic fracturing is one way of accessing that vital resource. However, we want to make sure natural gas development is safe."*

*EPA has refused to cooperate with either the Range or the RRC to resolve the dispute. In January, the RRC held an open hearing to receive expert testimony on the issue. Several experts explained flaws in EPA's methodology, explaining that deep Barnett Shale had very low levels of nitrogen compared to the shallow Strawn formation.*

*Possibly not so coincidentally, Range is also a very active driller in the Marcellus Shale of Pennsylvania.*

*Nitrogen, therefore, was the distinguishing fingerprint. If the well had high levels of nitrogen, then the contamination was not coming from the Barnett Shale where Range had drilled. EPA had failed to conduct this analysis, but RRC took the time to do it. EPA declined to participate in the open hearing. Some critics joked that "EPA had better things to do - like asking the Department of Justice to impose a \$16,500-a-day fine on the company for failing to comply with an order that EPA itself has neither the interest nor ability to defend or explain in an open forum."*<sup>237</sup>

*One Texas Railroad Commissioner called EPA's action "Washington politics of the worst kind. The EPA's act is nothing more than grandstanding in an effort to interject the federal government into Texas business. The Railroad Commission has been on top of this issue from Day 1. We will continue to take all necessary action to protect Texas lakes, rivers and aquifers. Texans have no interest in Washington doing for Texas what it did for Louisiana fishermen."*

01268-EPA-6641

**Bob Sussman/DC/USEPA/US**  
05/24/2011 10:54 AM

To Cynthia Giles-AA, Bob Perciasepe, Michael Goo, Richard Windsor, Scott Fulton  
cc  
bcc  
Subject Re: Dominion

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Let me know if this works for everyone. Cynthia -- please feel free to amend or embroider as necessary.

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

Bob Sussman Cynthia - Ex.5 - Deliberative 05/22/2011 05:01:55 PM

---

From: Bob Sussman/DC/USEPA/US  
To: Cynthia Giles-AA/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 05/22/2011 05:01 PM  
Subject: Re: Dominion

Cynthia -- Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

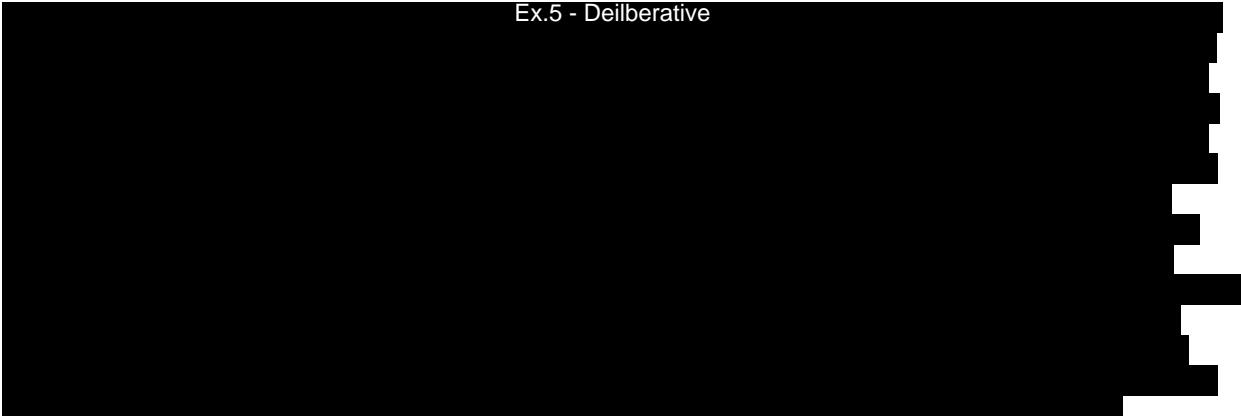
Cynthia Giles-AA Ex.5 - Deliberative 05/22/2011 12:15:47 PM

---

From: Cynthia Giles-AA/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott

Date: Fulton/DC/USEPA/US@EPA  
05/22/2011 12:15 PM  
Subject: Re: Dominion

Ex.5 - Deliberative



I will try to reach you Monday am to discuss.

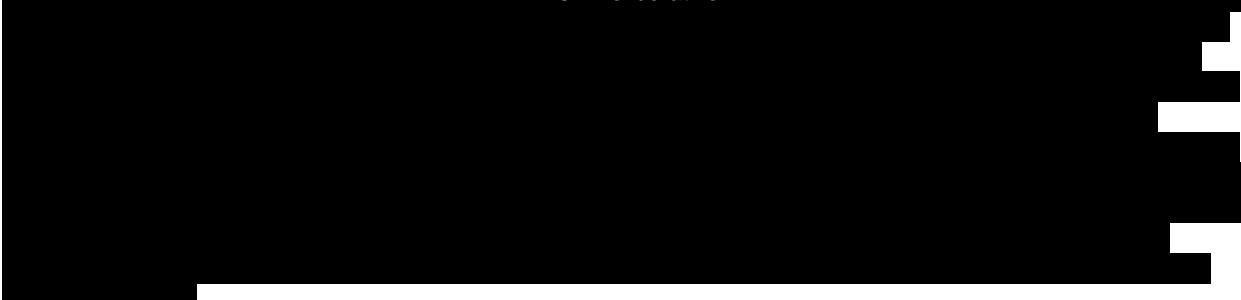
Cynthia

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/22/2011 11:04 AM EDT  
**To:** Cynthia Giles-AA; Richard Windsor  
**Cc:** Bob Perciasepe; Michael Goo; Scott Fulton  
**Subject:** Re: Dominion

Ex.5 - Deliberative



Cynthia Giles-AA

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

**From:** Cynthia Giles-AA  
**Sent:** 05/21/2011 09:29 AM EDT  
**To:** Richard Windsor  
**Cc:** Bob Sussman; Bob Perciasepe; Michael Goo; Scott Fulton  
**Subject:** Re: Dominion

Ex.5 - Deliberative



[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

Cynthia

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

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

Richard Windsor

Ex.5 - Deliberative

05/21/2011 07:52:04 AM

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 05/21/2011 07:52 AM  
Subject: Re: Dominion

Ex.5 - Deliberative

[REDACTED]

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/20/2011 06:22 PM EDT  
**To:** Cynthia Giles-AA  
**Cc:** Richard Windsor; Bob Perciasepe; Michael Goo; Scott Fulton  
**Subject:** Dominion

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

Ex.5 - Deliberative



Cynthia -- we should follow-up directly but others should feel free offer their thoughts.

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

01268-EPA-6643

Richard  
Windsor/DC/USEPA/US  
05/24/2011 06:46 PM

To Bob Sussman, Bob Perciasepe  
cc Diane Thompson, "Bob Perciasepe", "Bob Sussman", Scott  
Fulton  
bcc  
Subject Re: MTM Guidance vs rule

Please request a mtg at my level asap.

Ex.5 - Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 05/24/2011 06:38 PM EDT  
**To:** Bob Perciasepe  
**Cc:** Diane Thompson; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Bob Sussman" <Sussman.bob@epa.gov>; Scott Fulton  
**Subject:** Re: MTM Guidance vs rule  
Latest developments and a new twist...

Ex.5 - Deliberative

**Ex.5 - Deliberative**

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

Bob Perciasepe

**Ex.5 - Deliberative**

05/24/2011 05:26:22 PM

**From:** Bob Perciasepe/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Cc:** "Bob Sussman" <Sussman.bob@epa.gov>  
**Date:** 05/24/2011 05:26 PM  
**Subject:** Re: MTM Guidance vs rule

**Ex.5 - Deliberative**

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

Richard Windsor

**----- Original Message -----**

**From:** Richard Windsor  
**Sent:** 05/24/2011 04:48 PM EDT  
**To:** Diane Thompson; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Cc:** "Bob Sussman" <Sussman.bob@epa.gov>  
**Subject:** Re: MTM Guidance vs rule

**Ex.5 - Deliberative**

Diane Thompson

**----- Original Message -----**

**From:** Diane Thompson  
**Sent:** 05/24/2011 04:03 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Cc:** Bob Sussman  
**Subject:** MTM Guidance vs rule

**Ex.5 - Deliberative**

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

01268-EPA-6644

**Bob Sussman/DC/USEPA/US** To Gina McCarthy  
05/24/2011 07:12 PM cc "Scott Fulton", "Michael Goo", Janet McCabe, Joseph Goffman, "Bob Perciasepe", Richard Windsor, "Lorie Schmidt", "Bob Sussman", "Diane Thompson"  
bcc  
Subject Re: GHG NSPS

Gina -- rereading your e-mail, I think there's no doubt that the additional work you outline is necessary and will be valuable to the Administrator. I hope there's no hesitation in moving ahead with this work while we wait for additional guidance from the Administrator. I feel certain that it will lay the groundwork for our next meeting with her and will be time well spent.

If there are any questions about next steps, we'll be happy to confer. All of us want to keep the process moving.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Gina McCarthy Administrator: I wanted to make sure th... 05/18/2011 04:48:52 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Michael Goo" <goo.michael@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Diane Thompson" <Thompson.Diane@EPA.GOV>, Joseph Goffman/DC/USEPA/US, Janet McCabe/DC/USEPA/US, "Lorie Schmidt" <schmidt.lorie@epa.gov>  
Date: 05/18/2011 04:48 PM  
Subject: GHG NSPS

Administrator: I wanted to make sure that we got started on the next level of assessment of options for the GHG NSPS following the meeting this week. So this is just a check-in from the team to make sure we correctly read your comments, questions and reactions correctly.

Ex.5 - Deliberative

The redacted content consists of three large rectangular black boxes stacked vertically, with white rectangular highlights at the top and bottom edges of each box, indicating a specific section of the email body has been withheld under FOIA exemptions.



01268-EPA-6645

**Michael Goo/DC/USEPA/US**  
**05/24/2011 07:46 PM**

To Bob Sussman, Gina McCarthy  
 cc "Scott Fulton", "Michael Goo", Janet McCabe, Joseph Goffman, "Bob Perciasepe", Richard Windsor, "Lorie Schmidt", "Bob Sussman", "Diane Thompson"  
 bcc  
 Subject Re: GHG NSPS

I agree that this is the work that needs to be done going forward. Gina and I will meet tomorrow to see what progress has been made.

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 05/24/2011 07:12 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Michael Goo" <goo.michael@epa.gov>; Janet McCabe; Joseph Goffman; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Lorie Schmidt" <schmidt.lorie@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Re: GHG NSPS

Gina -- rereading your e-mail, I think there's no doubt that the additional work you outline is necessary and will be valuable to the Administrator. I hope there's no hesitation in moving ahead with this work while we wait for additional guidance from the Administrator. I feel certain that it will lay the groundwork for our next meeting with her and will be time well spent.

If there are any questions about next steps, we'll be happy to confer. All of us want to keep the process moving.

Robert M. Sussman  
 Senior Policy Counsel to the Administrator  
 Office of the Administrator  
 (202)-564-7397  
 US Environmental Protection Agency

Gina McCarthy      **Administrator: I wanted to make sure th...**      05/18/2011 04:48:52 PM

---

From: Gina McCarthy/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Cc: "Michael Goo" <goo.michael@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Diane Thompson" <Thompson.Diane@EPA.GOV>, Joseph Goffman/DC/USEPA/US, Janet McCabe/DC/USEPA/US, "Lorie Schmidt" <schmidt.lorie@epa.gov>  
 Date: 05/18/2011 04:48 PM  
 Subject: GHG NSPS

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Ex.5 - Deliberative



Ex.5 - Deliberative

A large rectangular area of the page is completely blacked out, indicating redaction. This redacted area is positioned above the text "Ex.5 - Deliberative".A second large rectangular area of the page is completely blacked out, indicating redaction. This redacted area is positioned below the first one.

01268-EPA-6646

**Gina McCarthy/DC/USEPA/US**

05/24/2011 07:55 PM

To Michael Goo, Bob Sussman  
 cc "Scott Fulton", "Michael Goo", Janet McCabe, Joseph Goffman, "Bob Perciasepe", Richard Windsor, "Lorie Schmidt", "Bob Sussman", "Diane Thompson"  
 bcc  
 Subject Re: GHG NSPS

Excellent. Onward and upward.  
 Michael Goo

----- Original Message -----

**From:** Michael Goo  
**Sent:** 05/24/2011 07:46 PM EDT  
**To:** Bob Sussman; Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Michael Goo" <goo.michael@epa.gov>; Janet McCabe; Joseph Goffman; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Lorie Schmidt" <schmidt.lorie@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Re: GHG NSPS

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Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 05/24/2011 07:12 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Michael Goo" <goo.michael@epa.gov>; Janet McCabe; Joseph Goffman; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Lorie Schmidt" <schmidt.lorie@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Re: GHG NSPS

Gina -- rereading your e-mail, I think there's no doubt that the additional work you outline is necessary and will be valuable to the Administrator. I hope there's no hesitation in moving ahead with this work while we wait for additional guidance from the Administrator. I feel certain that it will lay the groundwork for our next meeting with her and will be time well spent.

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Robert M. Sussman  
 Senior Policy Counsel to the Administrator  
 Office of the Administrator  
 (202)-564-7397  
 US Environmental Protection Agency

Gina McCarthy      Administrator: I wanted to make sure th...      05/18/2011 04:48:52 PM

From: Gina McCarthy/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Cc: "Michael Goo" <goo.michael@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Diane Thompson" <Thompson.Diane@EPA.GOV>, Joseph Goffman/DC/USEPA/US, Janet

Date: McCabe/DC/USEPA/US, "Lorie Schmidt" <schmidt.lorie@epa.gov>  
05/18/2011 04:48 PM  
Subject: GHG NSPS

Administrator: I wanted to make sure that we got started on the next level of assessment of options for the GHG NSPS following the meeting this week. So this is just a check-in from the team to make sure we correctly read your comments, questions and reactions correctly.

Ex.5 - Deliberative



01268-EPA-6647

Richard  
Windsor/DC/USEPA/US  
05/25/2011 12:33 PM

To Susan Hedman  
cc  
bcc  
Subject Re: Fw: Activists protest atop Pilsen coal plant chimney

I thought we had lots of cameras at the hearing...sad.

Susan Hedman Here's a further "update" on the Fisk po... 05/25/2011 09:45:37 AM

From: Susan Hedman/R5/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Gina McCarthy" <mccarthy.gina@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA, "Janet McCabe" <mccabe.janet@epa.gov>  
Date: 05/25/2011 09:45 AM  
Subject: Fw: Activists protest atop Pilsen coal plant chimney

Here's a further "update" on the Fisk power plant. The Greenpeace action was reportedly timed to coincide with yesterday's Chicago hearing on the new air toxics standard -- and, unfortunately, completely eclipsed news coverage of a terrific hearing that was attended by busloads of representatives of environmental, social justice and faith-based groups from throughout the Midwest who were there to express strong support the new standard.

----- Original Message -----

From: Susan Hedman  
Sent: 05/24/2011 10:17 PM MST  
To: Susan Hedman  
Subject: Activists protest atop Pilsen coal plant chimney

This story was sent to you by: Susan Hedman

-----  
Activists protest atop Pilsen coal plant chimney  
-----

Staff report

May 24 2011, 11:55 AM CDT

Eight Greenpeace activists were protesting today atop the smokestack of a Pilsen coal-fired power plant.

The complete article can be viewed at:  
<http://www.chicagotribune.com/news/local/breaking/chibrknews-activists-climb-300-foot-coal-plant-chimney-20110524,0,7014779.story>

Visit chicagotribune.com at <http://www.chicagotribune.com>

01268-EPA-6650

**Richard  
Windsor/DC/USEPA/US**  
05/25/2011 10:34 PM

To Diane Thompson, "Seth Oster"  
cc "Brendan Gilfillan"  
bcc  
Subject Re: Fwd: SOS in NJ: Possible bad news from Christie  
tomorrow on RGGI

Brendan will have a good idea of how far to go and where to be.

---

**From:** Diane Thompson  
**Sent:** 05/25/2011 09:27 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>  
**Cc:** Richard Windsor; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>  
**Subject:** Fw: Fwd: SOS in NJ: Possible bad news from Christie tomorrow on RGGI

LPJ will want a reactive statement if this happens..

Ex.5 - Deliberative

---

**From:** Judith Enck  
**Sent:** 05/25/2011 08:59 PM EDT  
**To:** thompson.diane@epa.gov  
**Subject:** Fw: Fwd: SOS in NJ: Possible bad news from Christie tomorrow on RGGI

Fyi  
Sent by EPA Wireless E-Mail Services

---

**From:** Laura Haight [lhaight@nypirg.org]  
**Sent:** 05/25/2011 08:37 PM AST  
**To:** Judith Enck  
**Subject:** Fwd: SOS in NJ: Possible bad news from Christie tomorrow on RGGI

Hi Judith,

FYI. I'm not sure if this is something the EPA can weigh in on, but I wanted to flag it for you.

\* Sigh \*  
Laura

----- Forwarded message -----  
**From:** Martinez, Luis <[lmartinez@nrdc.org](mailto:lmartinez@nrdc.org)>  
**Date:** Wed, May 25, 2011 at 7:25 PM  
**Subject:** SOS in NJ: Possible bad news from Christie tomorrow on RGGI

To: RGGI List-serve <[rggi@googlegroups.com](mailto:rggi@googlegroups.com)>

Hi everyone

Rumors are swirling that Christie will announce his intention to pull NJ from RGGI tomorrow morning. We are working on any last resort measures to delay the decision or change his mind. At this point we think only high level calls to Christie would be effective. If you can or know someone who can reach him, this would be the time to do that. Let's keep our fingers crossed for tomorrow.

Best,

Luis

-

--  
Laura Haight, NYPIRG  
518-436-0876, ext. 258  
(b) (6) Personal Privacy [REDACTED] (cell)

01268-EPA-6652

**Laura Vaught/DC/USEPA/US**

05/26/2011 03:46 PM

To Richard Windsor, David McIntosh, Arvin Ganesan

cc

bcc

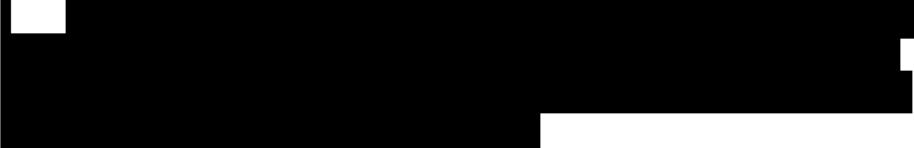
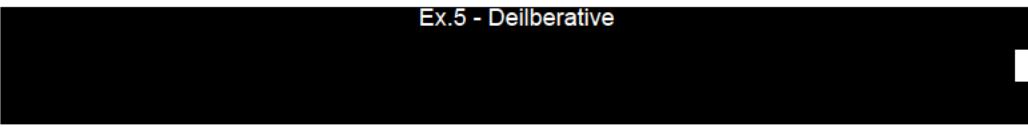
Subject notes on Republican agenda - fyi

Administrator, David and Arvin - [REDACTED]

Ex.5 - Deliberative [REDACTED]

Ex.5 - Deliberative [REDACTED]

Ex.5 - Deliberative



Ex.5 - Deliberative



- Ex.5 - Deliberative



01268-EPA-6653

Gina McCarthy/DC/USEPA/US  
 To: Seth Oster  
 05/26/2011 04:36 PM  
 cc: Adora Andy, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, David McIntosh, Diane Thompson, ganesan.arvin, Richard Windsor  
 bcc:  
 Subject: Re: DOE Official's Comment About EPA Regulations

Ex.5 - Deliberative

|            |                                                                                                                                                                                                                       |                        |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Seth Oster | A DOE official has made some stateme...                                                                                                                                                                               | 05/26/2011 04:19:26 PM |
| From:      | Seth Oster/DC/USEPA/US                                                                                                                                                                                                |                        |
| To:        | Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA                                                                                                                        |                        |
| Cc:        | David McIntosh/DC/USEPA/US@EPA, ganesan.arvin@epa.gov, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA |                        |
| Date:      | 05/26/2011 04:19 PM                                                                                                                                                                                                   |                        |
| Subject:   | DOE Official's Comment About EPA Regulations                                                                                                                                                                          |                        |

A DOE official has made some statements that you should be aware of right away. Ex.5 - Deliberative

<http://www.knoxnews.com/news/2011/may/25/epa-regulations-coal-fired-power-plants-could-forc>

## EPA regulations for coal-fired power plants could force shut downs

KINGSPORT, Tenn. -- New regulations from the Environmental Protection Agency mean a lot of coal-fired power plants will shut down soon, said James Wood, deputy assistant secretary for the U.S. Department of Energy.

He said the approval of new rules for air pollution, water pollution and waste disposal could result in the retirement of between 35 and 70 gigawatts of coal-fired power generation nationwide, with EPA predicting much less and some analysts predicting much more.

**"Number one, electric rates are going to go up," he said. "Number two, whether or not construction jobs in the green industry are created, I think there's virtually no manufacturing jobs that are likely to be created from the replacement of coal. Three ... transmission grid stability is likely to emerge as a major issue, both because of the shutdowns and because of the intermittency of renewables."**

He said the effects experienced where the plants are located could mirror those in Massachusetts, where Dominion announced this month that it would close its Salem Harbor power plant.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

01268-EPA-6654

**Richard  
Windsor/DC/USEPA/US**  
05/26/2011 05:22 PM

To Gina McCarthy  
cc  
bcc  
Subject Re: DOE Official's Comment About EPA Regulations

Tx.

Gina McCarthy

----- Original Message -----

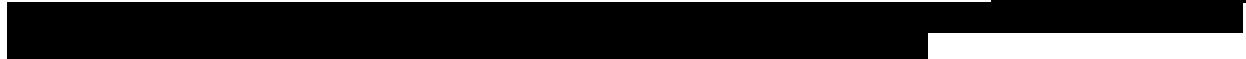
**From:** Gina McCarthy  
**Sent:** 05/26/2011 04:36 PM EDT  
**To:** Seth Oster  
**Cc:** Adora Andy; Betsaida Alcantara; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; David McIntosh; Diane Thompson; ganesan.arvin@epa.gov; Richard Windsor  
**Subject:** Re: DOE Official's Comment About EPA Regulations

Ex.5 - Deliberative

|            |                                         |                        |
|------------|-----------------------------------------|------------------------|
| Seth Oster | A DOE official has made some stateme... | 05/26/2011 04:19:26 PM |
|------------|-----------------------------------------|------------------------|

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, ganesan.arvin@epa.gov, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 05/26/2011 04:19 PM  
Subject: DOE Official's Comment About EPA Regulations

A DOE official has made some statements that you should be aware of right away. Ex.5 - Deliberative



<http://www.knoxnews.com/news/2011/may/25/epa-regulations-coal-fired-power-plants-could-forc>

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He said the approval of new rules for air pollution, water pollution and waste disposal could result in the retirement of between 35 and 70 gigawatts of coal-fired power generation nationwide, with EPA predicting much less and some analysts predicting much more.

"Number one, electric rates are going to go up," he said. "Number two, whether or not

**construction jobs in the green industry are created, I think there's virtually no manufacturing jobs that are likely to be created from the replacement of coal. Three ... transmission grid stability is likely to emerge as a major issue, both because of the shutdowns and because of the intermittency of renewables."**

He said the effects experienced where the plants are located could mirror those in Massachusetts, where Dominion announced this month that it would close its Salem Harbor power plant.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

01268-EPA-6655

Richard  
Windsor/DC/USEPA/US  
05/27/2011 08:19 AM

To Bob Sussman  
cc "Avi Garbow", Gina McCarthy, Scott Fulton, David McIntosh,  
Seth Oster  
bcc  
Subject Re:

Ex.5 - Deliberative

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 05/27/2011 08:14 AM EDT  
**To:** Richard Windsor  
**Cc:** "Avi Garbow" <garbow.avi@epa.gov>; Gina McCarthy; Scott Fulton; David McIntosh; Seth Oster  
**Subject:** Re:

That was indeed the thrust of our discussion.

Ex.5 - Deliberative

Richard Windsor

Ex.5 - Deliberative

05/27/2011 07:39:16 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Gina McCarthy/DC/USEPA/US@EPA, "Avi Garbow" <garbow.avi@epa.gov>  
**Date:** 05/27/2011 07:39 AM  
**Subject:** Re:

Ex.5 - Deliberative

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 05/27/2011 07:01 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Gina McCarthy; "Avi Garbow" <garbow.avi@epa.gov>

Ex.5 - Deliberative

[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

We will verify the actual dates before firming things up, but wanted to make sure you were comfortable with the vehicle we are contemplating.

Scott

01268-EPA-6657

**Richard  
Windsor/DC/USEPA/US**  
05/30/2011 07:58 AM

To Laura Vaught  
cc  
bcc  
Subject Re: notes on Republican agenda - fyi

Tx!

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 05/26/2011 03:46 PM EDT  
**To:** Richard Windsor; David McIntosh; Arvin Ganesan  
**Subject:** notes on Republican agenda - fyi  
Administrator, David and Arvin [REDACTED]

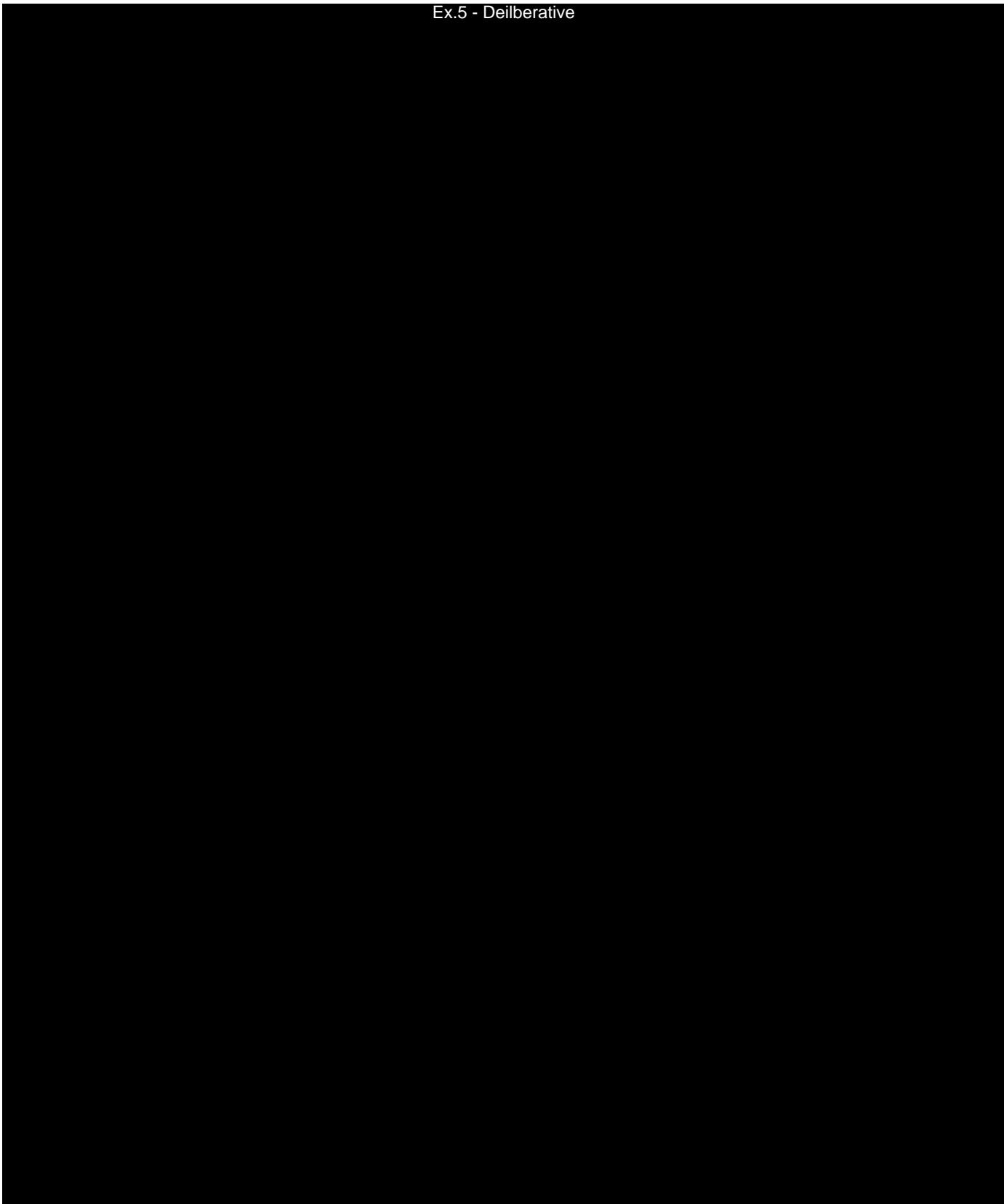
Ex.5 - Deliberative

[REDACTED]

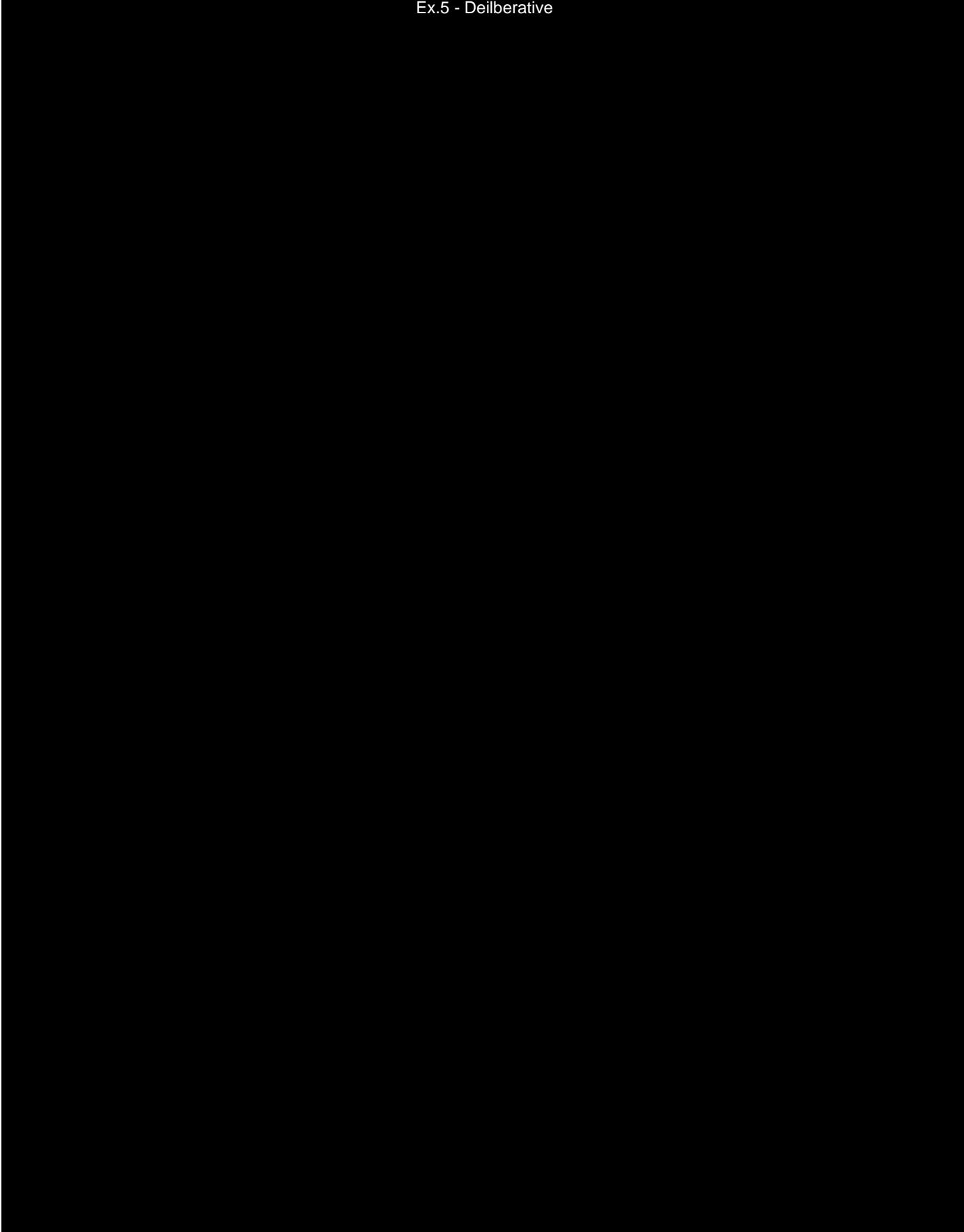
Ex.5 - Deliberative

[REDACTED]

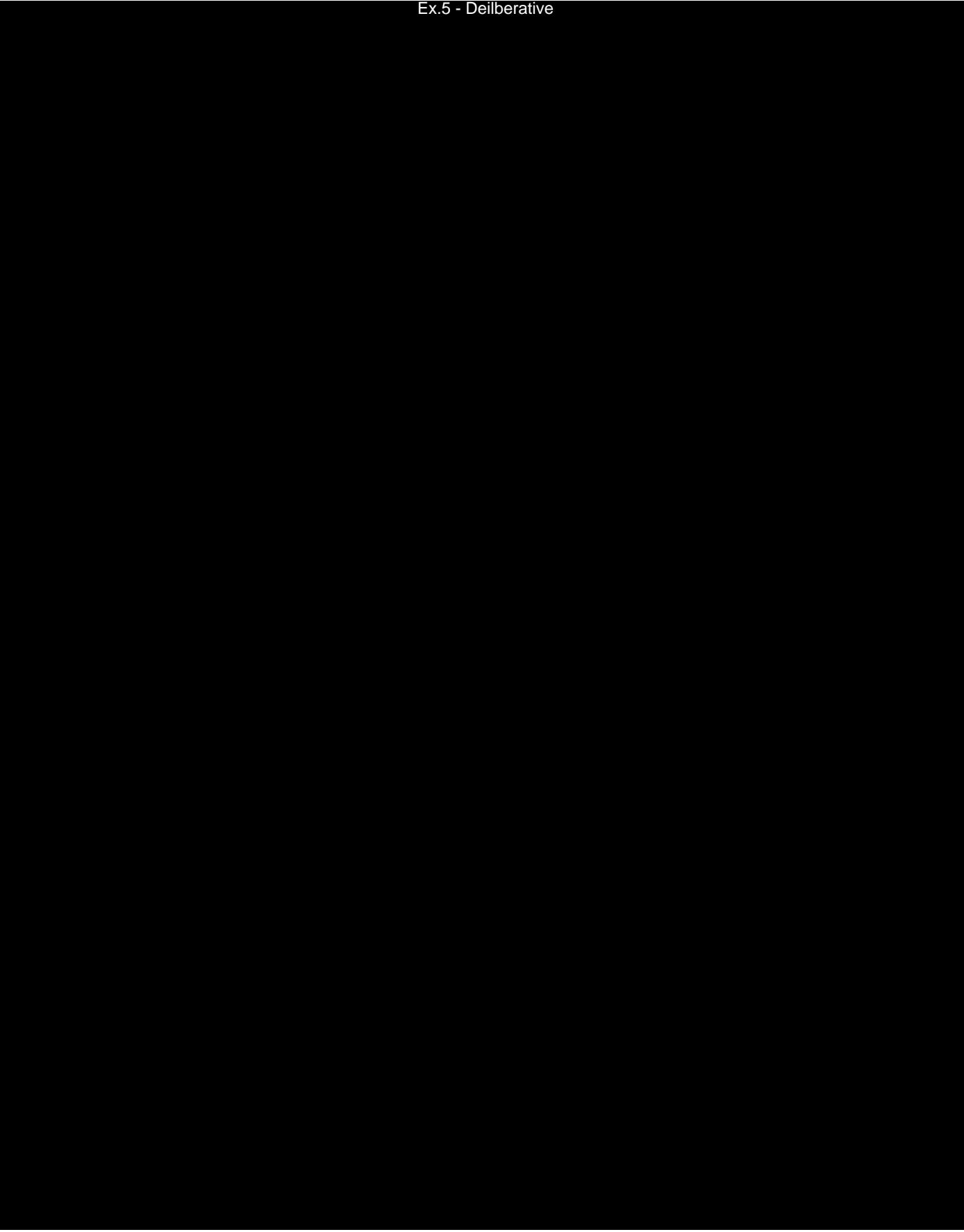
Ex.5 - Deliberative



Ex.5 - Deliberative



Ex.5 - Deliberative





01268-EPA-6658

David  
McIntosh/DC/USEPA/US  
05/31/2011 05:09 PM

To Richard Windsor  
cc  
bcc  
Subject Senator Inhofe doesn't like Mr Bryson either

This MUST be deliberate.

**INHOFE WANTS TO SCUTTLE BRYSON NOMINATION:** Jim Inhofe says he “will be working actively to defeat” the nomination of John Bryson to be Commerce Secretary. “[It] is understandable that President Obama would select John Bryson as his nominee: he is a founder of a radical environmental organization and a member of a United Nations advisory group on climate change,” Inhofe said in a statement. “Mr. Bryson once called the Waxman-Markey cap-and-trade bill ‘moderate.’”

01268-EPA-6659

**Richard  
Windsor/DC/USEPA/US**  
05/31/2011 05:39 PM

To David McIntosh  
cc  
bcc  
Subject Re: Senator Inhofe doesn't like Mr Bryson either

Gee.  
David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 05/31/2011 05:09 PM EDT  
**To:** Richard Windsor  
**Subject:** Senator Inhofe doesn't like Mr Bryson either

This MUST be deliberate.

**INHOFE WANTS TO SCUTTLE BRYSON NOMINATION:** Jim Inhofe says he “will be working actively to defeat” the nomination of John Bryson to be Commerce Secretary. “[It] is understandable that President Obama would select John Bryson as his nominee: he is a founder of a radical environmental organization and a member of a United Nations advisory group on climate change,” Inhofe said in a statement. “Mr. Bryson once called the Waxman-Markey cap-and-trade bill ‘moderate.’”

01268-EPA-6660

**Richard  
Windsor/DC/USEPA/US**  
06/02/2011 12:13 AM

To Adora Andy, "Seth Oster", "Lisa Jackson"  
cc "Brendan Gilfillan", "Betsaida Alcantara"  
bcc  
Subject Re: Colbert

Lobbyist line was pretty funny  
Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 06/02/2011 12:01 AM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Re: Colbert

Kennedy says mtm is illegal. He called Massey Coal a criminal enterprise.  
Colbert said, "if these poor people don't want their mountains blown up, why don't these poor people just hire lobbyists."  
Kennedy: "...they've corrupted the legal system, they've corrupted the judges.."

No talk of EPA  
Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 06/01/2011 11:56 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Colbert

Has Bobby Kennedy on talking about the mtm documentary The Last Mountain.

01268-EPA-6661

"Choice Privileges"  
<email\_choiceprivileges@choi  
cehotels.com>

06/04/2011 03:39 AM

Please respond to  
"mailbox26859x4DDD7D6B2E  
CA25"  
<email\_choiceprivileges@choi  
cehotels.com>

To Richard Windsor

cc

bcc

Subject Your June Deals &amp; Destinations

Hello LISA!  
Your point  
balance as of  
**05/22/2011** is  
(b) (6)

[Make a Reservation](#) | [Hotel Deals](#) | [Hotel Openings](#) | [Buy Points](#)

---

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  - Rhode Island
- 

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## CHOICE DESTINATIONS

### This Summer, visit Boston!

Explore the narrow cobblestone streets of Beacon Hill, walk the Freedom Trail, where history unfolded or relax in the Boston Common. Attend a baseball game at the legendary Fenway Park or shop the luxury boutiques on Newbury Street. Unwind for a weekend getaway and take a harbor cruise to the cape. Don't forget to keep your eyes peeled for whales on the ride over. Once there, dine on lobster and chowder

### Now is a great time to enjoy Southern California

Take the family to the area's many theme parks including Disneyland or Knott's Berry Farm or spend a day at Huntington Beach – known as one of the birthplaces of surfing. If the bright lights of Hollywood are more your speed, visit Paramount Studios on Melrose or stroll down Hollywood's Walk of Fame. Take a tour of the Griffith Observatory and take in amazing views of the iconic Hollywood sign and

along Commercial Street in the former Portuguese port of Provincetown or hike to the top of the Pilgrim Monument. Take a day trip from the tip of the cape south to the islands of Nantucket or Martha's Vineyard for a truly New England Summer experience.

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vistas of this sprawling city. Shop with the stars on Rodeo Drive in Beverly Hills.

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\*\*Must book at [ChoiceHotels.com](http://ChoiceHotels.com) between 5/25/11 and 6/15/11 and stay must be completed by 7/31/11 to be eligible for this offer. Return rebate form and copy of hotel receipt to the address above after the stay. Submission must be postmarked by 8/7/11 to qualify and will not be acknowledged or returned. You will receive the gift card within 4-6 weeks. Only one gift card per stay regardless of total number of consecutive nights. Incomplete, late, lost, misdirected or undeliverable submissions are invalid. You must maintain a U.S. address (including U.S. territories) to be eligible for this offer.

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01268-EPA-6665

**Noah Dubin/DC/USEPA/US**

To

06/06/2011 06:13 PM

cc

bcc Richard Windsor

Subject Tuesday, June 7, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Tuesday, June 7, 2011**

---

Notes:

Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

Heidi Ellis 202-355-5212

08:30 AM - 08:40 AM By Phone

Call with Congresswoman Shelley Capito (WV)  
Ct: Arvin Ganesan - 202-564-4741

\*The Administrator will call (b) (6) Personal Privacy to be connected to the Congresswoman

\*Back-up number is Alison Bibbee - (b) (6) Personal Privacy

08:45 AM - 09:15 AM Administrator's Office

FYI Daily Briefing

08:45 AM - 09:00 AM Ariel Rios

Depart for USDA Whitten Building

Larry Elworth will travel with the Administrator

09:00 AM - 09:30 AM 1400 Jefferson Drive SW -Secretary's Office Rm. 200A

Meeting with Former Administrator Ruckelshaus and Secretary Vilsack  
Ct: Larry Elworth 202-564-1530

Attendees:

Former Administrator Bill Ruckelshaus

Agriculture Secretary Tom Vilsack

Staff:

Larry Elworth (OA)  
Sarah Pallone (OCIR)

09:30 AM - 10:30 AM 200A of the USDA Whitten Building

Meeting with Secretary Vilsack and Agricultural Groups  
Ct: Sally Cluthe (b) (6) Personal Privacy

Attendees:

-Secretary Vilsack

-Paul Schlegel, Director of Public Policy, American Farm Bureau  
-Jan Ahlen, Climate and Energy Coordinator, National Farmers Union  
-Dana Peterson, CEO, National Association of Wheat Growers  
-Mark Gaede, Director of Gov't Affairs, National Association of Wheat Growers  
-Jeff Harrison, Sorghum Producers  
-Steven Hensley, Senior Director of Regulatory Affairs, USA Rice Federation  
-Ray Earl Vester, Chair, USA Rice Federation  
Representatives from the following groups are expected as well:  
-American Soybean Association  
-National Corn Growers Association  
-National Cotton Council  
Staff:  
Larry Elworth (OA)

|                     |                        |                                                                                                                                                                                                                                                                                                                                                 |
|---------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10:30 AM - 10:45 AM | USDA Whitten Building  | Depart for Ariel Rios<br><br>Larry Elworth will travel with the Administrator                                                                                                                                                                                                                                                                   |
| 11:00 AM - 11:30 AM | Administrator's Office | Pre-Brief on Fuel Efficiency Standards Meeting<br>Ct: Venu Ghanta - 202-564-1374<br><br>Staff:<br>Bob Perciasepe (OA) -By Phone<br>Seth Oster (OEAE)<br>Gina McCarthy (OAR)<br><br>**Teleconferencing is required for this meeting                                                                                                              |
| 11:30 AM - 12:00 PM | Administrator's Office | Meeting on Green House Gas New Source Performance Standards<br>Ct: Venu Ghanta 564-1374<br><br>Staff:<br>Bob Perciasepe (calling in), Bob Sussman, Diane Thompson (OA)<br>Michael Goo (OP)<br>Scott Fulton (OGC)<br>Gina McCarthy (OAR)<br>David McIntosh (OCIR)<br><br>**Aaron Dickerson will dial Mr. Perciasepe in: (b) (6) Personal Privacy |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 12:00 PM - 01:00 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Administrator's Office    | No Meetings                                                                                                                                         |
| 01:30 PM - 06:00 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Out of Office             | Out of Office                                                                                                                                       |
| 06:45 PM - 08:15 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Union Station - East Hall | League of Conservation Voters Capital Dinner<br>Ct: Jennifer Miller (b) (6) Personal Privacy<br>Advance Ct: Adrian Collins (b) (6) Personal Privacy |
| <p>Format: Open Press</p> <p>Notable Attendees:</p> <p>-Gene Karpinski, President, League of Conservation Voters</p> <p>-George Schultz, Former Reagan Secretary of State</p> <p>-Tom Steyer, Senior Managing Member of San Francisco-based Farallon Capital, co-chairman of Californians for Clean Energy and Jobs</p> <p>-John Hunting, John Hunting and Associates</p> <p>Bill Roberts, The Atlantic Philanthropies (USA) Inc.</p> <p>Agenda:</p> <p>6:30 PM - Reception</p> <p>7:30 PM - Program Begins</p> <p>7:50 PM - The Administrator is introduced by Gene Karpinski</p> <p>7:53 PM - The Administrator delivers the Keynote Address</p> <p>8:10 PM - Dinner/Dessert/Coffee</p> <p>8:30 PM - Awards Ceremony Begins</p> <p>9:03 PM - Program Ends</p> <p>Staff:<br/>David McIntosh (OCIR)</p> |                           |                                                                                                                                                     |
| <hr/> <p>*** 06/06/2011 06:03:53 PM ***</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                           |                                                                                                                                                     |

01268-EPA-6666

**Richard  
Windsor/DC/USEPA/US**  
06/06/2011 10:25 PM

To David McIntosh  
cc Vicki Ekstrom  
bcc  
Subject Re: Re: couple things

Yup - let's do that. Tx.

---

**From:** David McIntosh  
**Sent:** 06/06/2011 10:23 PM EDT  
**To:** Richard Windsor  
**Cc:** Vicki Ekstrom  
**Subject:** Fw: Re: couple things

Hi Administrator. Just FYI (in case you feel like adding a specific reference to climate and GHG emissions -- or would like me or Vicki to add one).

-----Forwarded by David McIntosh/DC/USEPA/US on 06/06/2011 10:21PM -----

To: tiernan\_sittenfeld@lcv.org  
From: David McIntosh/DC/USEPA/US  
Date: 06/06/2011 10:21PM  
Cc: Heidi Ellis/DC/USEPA/US@EPA, Jennifer\_Milley@lcv.org  
Subject: Re: couple things

Hi Tiernan. Thanks very much. She's really looking forward to it too. Her remarks are focused on the Clean Air Act in general and the utility air toxics rule in particular. Currently there is no specific reference to climate but I'll ask her whether she wants to add one. It's hard to affect her remarks this late in the game, though.

-----Tiernan Sittenfeld <tiernan\_sittenfeld@lcv.org> wrote: -----

To: David McIntosh/DC/USEPA/US@EPA  
From: Tiernan Sittenfeld <tiernan\_sittenfeld@lcv.org>  
Date: 06/06/2011 09:42PM  
Cc: Jennifer Milley <Jennifer\_Milley@lcv.org>, Heidi Ellis/DC/USEPA/US@EPA  
Subject: couple things

Hey David,

We are really excited about Administrator Jackson's speech at our dinner tomorrow night! I know Jen and Heidi (copied above) have been in touch about her remarks, but I also wanted to circle back with you. I'm assuming this email is unnecessary, but Gene wants to make sure that she focuses her remarks on the importance of the various Clean Air Act rules and especially mentions climate. And as you know, we are very focused on smog and mercury. Anyway, sorry for the rather last minute nature of this email and please let me know if you need anything from us.

Also, I assume you know this, but just in case we are bringing our state league directors, staff, and board members to meet with Gina at noon tomorrow (and Nancy Stoner at 11).

Thanks for all and see you tomorrow night if not before.

Best,

Tiernan

01268-EPA-6668

Gina McCarthy/DC/USEPA/US

06/07/2011 08:43 AM

To Richard Windsor, Thompson.Diane

cc Fulton.Scott, Joseph Goffman, Lorie Schmidt,  
McIntosh.David, Michael Goo, perciasewe.bob,  
Sussman.bob, Thompson.Diane, Janet McCabe

bcc

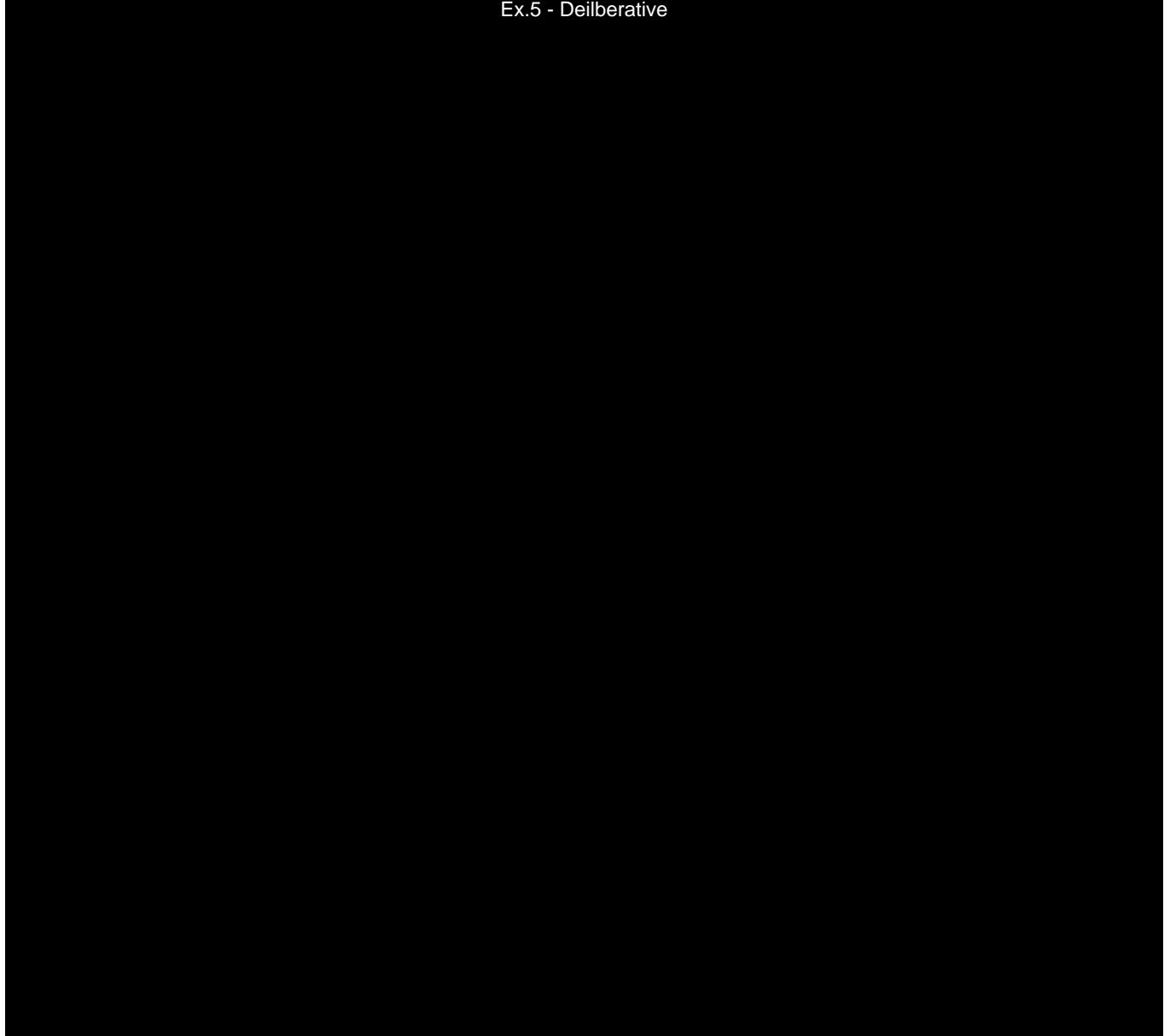
Subject Re: GHG NSPS

Administrator:

Here is a quick update on the email I sent to you a few weeks back regarding the status of the GHG NSPS effort. I am hoping we can touch base on these issues when we meet later today. I realize the meeting is only 30 minutes and I would appreciate the opportunity to walk through these issues to ensure that I deliver a rule that meets your needs.

Diane - Sorry for the late arrival of this information. I will bring copies.

Ex.5 - Deliberative



Ex.5 - Deliberative

01268-EPA-6669

**Bob Sussman/DC/USEPA/US** To Avi Garbow  
06/07/2011 10:30 AM cc David McIntosh, garbow.avi, Gina McCarthy, Richard  
Windsor, Scott Fulton, Seth Oster, Bob Perciasepe  
bcc  
Subject Boiler MACT Reconsideration Schedule

Avi --

(b) (5) Deliberative, (b) (5) Attorney Client

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Avi Garbow Folks, Let me chime in to make sure... 06/01/2011 09:14:24 PM

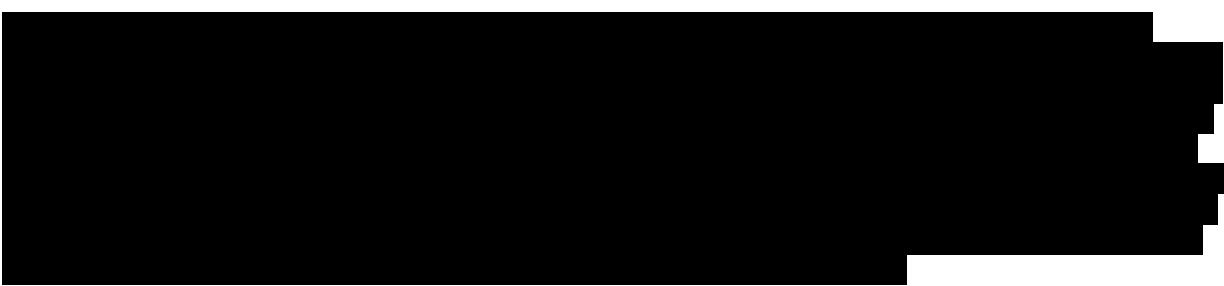
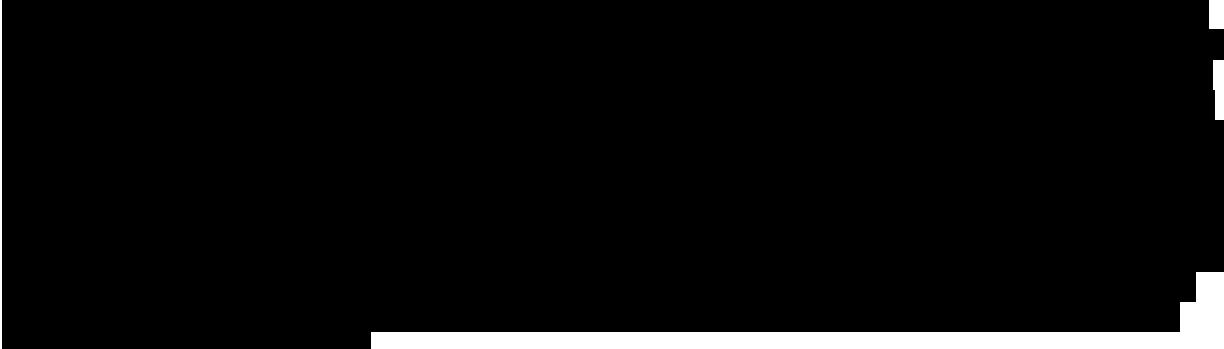
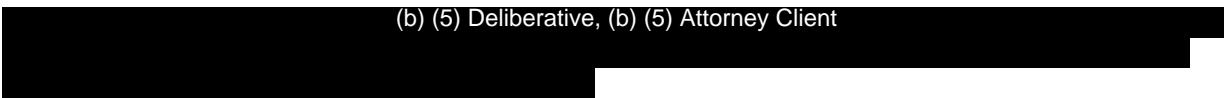
---

From: Avi Garbow/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Richard  
Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth  
Oster/DC/USEPA/US@EPA, garbow.avi@epa.gov  
Date: 06/01/2011 09:14 PM  
Subject: Re:

Folks,

Let me chime in to make sure we've properly characterized the two objectives/questions as I understand them, [REDACTED] (b) (5) Deliberative, (b) (5) Attorney Client

(b) (5) Deliberative, (b) (5) Attorney Client



Avi

Avi Garbow  
Deputy General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1917

-----Bob Sussman/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA  
From: Bob Sussman/DC/USEPA/US  
Date: 05/27/2011 08:14AM  
Cc: "Avi Garbow" <garbow.avi@epa.gov>, Gina McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Subject: Re:

(b) (5) Deliberative, (b) (5) Attorney Client



From: Richard Windsor/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA, "Avi Garbow" <garbow.avi@epa.gov>  
Date: 05/27/2011 07:39 AM  
Subject: Re:

(b) (5) Deliberative, (b) (5) Attorney Client

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 05/27/2011 07:01 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Gina McCarthy; "Avi Garbow" <garbow.avi@epa.gov>

(b) (5) Deliberative, (b) (5) Attorney Client

Scott

01268-EPA-6673

Richard  
Windsor/DC/USEPA/US  
06/08/2011 07:28 AM

To Bob Perciasepe  
cc  
bcc

Subject Re: SES Backfills and OAR

Oh. Ok. Tx. [REDACTED]  
Bob Perciasepe

Ex.5 - Deliberative

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 06/08/2011 07:12 AM EDT  
**To:** Richard Windsor  
**Cc:** "Barbara Bennett" <Bennett.Barbara@epa.gov>; "Craig Hooks" <Hooks.Craig@epa.gov>; John Reeder; "Bob PERCIASEPE" <PERCIASEPE.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** SES Backfills and OAR

Additional background:

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Craig Hooks

(b) (5) Deliberative

06/08/2011 06:23:50 AM

From: Craig Hooks/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Craig Hooks" <Hooks.Craig@epa.gov>, "Barbara Bennett" <Bennett.Barbara@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, John Reeder/DC/USEPA/US@EPA, "Bob PERCIASEPE" <PERCIASEPE.bob@epa.gov>  
Date: 06/08/2011 06:23 AM  
Subject: Re: Reminder

(b) (5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 06/08/2011 05:22 AM EDT  
**To:** "Craig Hooks" <Hooks.Craig@epa.gov>; "Barbara Bennett" <Bennett.Barbara@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; John Reeder  
**Subject:** Fw: Reminder  
[REDACTED] (b) (5) Deliberative  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/07/2011 11:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Reminder

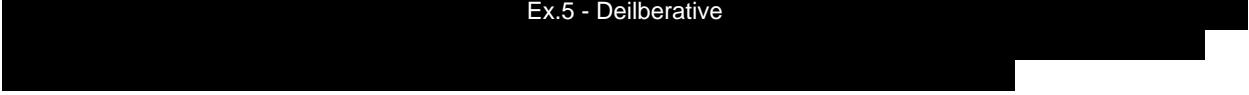
(b) (6) Privacy, (b) (5) Deliberative

01268-EPA-6674

**Bob  
Perciasepe/DC/USEPA/US**  
06/08/2011 07:38 AM

To Richard Windsor  
cc  
bcc  
Subject Re: SES Backfills and OAR

Ex.5 - Deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6675

**Laura Vaught/DC/USEPA/US**  
**06/08/2011 03:42 PM**

To Adora Andy, "Richard Windsor", Bob Perciasepe, Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Arvin Ganesan", Stephanie Owens, Sarah Pallone, Dru Ealons  
cc  
bcc  
Subject Re: BLOOMBERG: Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

With apologies to those on this email who just got this exact same note from me, below is a little more info on this as an fyi.

we might get as soon as Friday though more likely early next week. Right now they have 25 Dems signed on (is Dem only letter), but they are keeping it open this week to potentially add more.

Will share as soon as they finalize and send.

Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 06/08/2011 03:35 PM EDT  
**To:** Laura Vaught; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens; Sarah Pallone; Dru Ealons  
**Subject:** BLOOMBERG: Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

Rachael Schultz

----- Original Message -----

**From:** Rachael Schultz  
**Sent:** 06/08/2011 03:28 PM EDT  
**To:** Betsaida Alcantara; Brendan Gilfillan; Alisha Johnson; Seth Oster; Adora Andy; Andra Belknap; Mary Robbins; Shira Sternberg; Alexandria Carter  
**Subject:** BLOOMBERG: Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

### Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

Bloomberg

By Jim Snyder - Jun 8, 2011

U.S. Representative John Dingell, a [Michigan](#) Democrat, will ask the [Environmental Protection Agency](#) to extend the comment period for a clean-air rule designed to cut mercury and other toxic emissions.

Dingell, a former chairman of the House Energy Committee, is circulating a letter among lawmakers that asks EPA to give utilities, manufacturers, environmental groups and other interests 120 days to comment, double the current schedule.

Coal-dependent utilities such as American Electric Power Co. have said the proposed rule would raise electricity prices and cost jobs. Dingell plans to send the letter to EPA Administrator Lisa

Jackson next week. It doesn't ask to delay the rule, which a court has said must be released in November.

The clean-air rule may have "wide-reaching impacts on the way our country generates and consumes electricity," according to the letter. "Such a dense and wide-ranging rulemaking requires thorough analysis and evaluation by stakeholders."

The rule would require cuts to emissions of mercury, which can hinder the neurological development of children, and other toxins. The agency has said its rule will prevent as many as 17,000 premature deaths and 11,000 heart attacks at an annual cost to industry of about \$10.9 billion. The EPA estimates the rules will yield up to \$140 billion in health benefits.

While reducing emissions will improve public health and the environment, "we also must be mindful of the economic impact new regulations could have, especially with the complexity and breadth of applicability for this proposed rule being so significant," Dingell wrote in the letter.

#### 'Economic Implications'

Dingell will join Republican Representatives Fred Upton of Michigan and Ed Whitfield of [Kentucky](#) and Senator James Inhofe of [Oklahoma](#) in seeking to extend the time for comments.

The rule has "major electric reliability and economic implications for the nation," Upton, chairman of the Energy and Commerce Committee, and the Republicans wrote in a May 17 letter. They are seeking a comment period of at least 120 days.

The EPA estimates less than 1 percent of coal-fired [power plants](#) production capacity would close as a result of its rule.

The American Coalition for Clean Coal Electricity, an Alexandria, Virginia-based group that backs policies promoting coal, released a report that found as much as 47.8 gigawatts of electricity, about 15 percent of coal's U.S. production capacity, may close prematurely because of the mercury rule and a separate regulation designed to cut emissions of sulfur dioxide and nitrogen oxides, which cause smog and acid rain.

#### 'Common-Senate' Rules

In response to the coalition's report, [Brendan Gilfillan](#), an EPA spokesman, said the agency was working with utilities and other interested groups to ensure its clean-air rules were "reasonable, common-sense and achievable."

"More than half of all coal-fired power plants already deploy the widely available pollution control technologies that allow them to meet these important standards," Gilfillan said in an e-mail.

Daniel Weiss, senior fellow at the [Center for American Progress](#), a Washington-based group that says it supports progressive public policies, said the EPA should reject calls to extend its

comment period.

"There has been ample time to review and analyze this proposal," Weiss said. EPA first said it would regulate mercury emissions in 2000. The delay was sought by "big utilities and big coal companies" to organize opposition to the rule, Weiss said.

01268-EPA-6676

**Noah Dubin/DC/USEPA/US**

To

06/08/2011 05:09 PM

cc

bcc Richard Windsor

Subject Thursday, June 9, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, June 9, 2011**

---

Notes:

Drivers

AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Shift Leaders

AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Staff Contact

Heidi Ellis (b) (6) Personal Privacy

|                     |                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office                                                                                                                     | FYI: Daily Briefing                                                                                                                                                                                                                                                                                                                            |
| 09:00 AM - 10:00 AM | Main Auditorium,<br>Lower level,<br>Natcher Conference<br>Center,<br>National Institutes of<br>Health,<br>45 Center Drive,<br>Bethesda, MD | Health Data Initiative Forum<br>Ct: Ethan McMahon 566-0359<br><br>Staff:<br>Jose Lozano (OA)<br>Malcolm Jackson (OEI)<br><br>Agenda:<br><br>9:00 AM Welcome and Opening Remarks<br>-Moderator: Matt Miller, Host, "Left, Right & Center," NPR<br>-Francis Collins, Director, NIH<br>-Harvey V. Fineberg, President, IOM<br>-Secretary Sebelius |
|                     |                                                                                                                                            | 9:20 AM The Health Data Initiative: Past, Present, and Future<br>-Todd Park, Chief Technology Officer, HHS                                                                                                                                                                                                                                     |
|                     |                                                                                                                                            | 9:35 AM Environmental Protection Agency Challenge Announcement<br>-The Administrator                                                                                                                                                                                                                                                           |
|                     |                                                                                                                                            | 9:40 AM Announcements                                                                                                                                                                                                                                                                                                                          |
| 10:00 AM - 10:20 AM | Bethesda, MD                                                                                                                               | Depart for Ariel Rios<br><br>Jose Lozano will ride with the Administrator                                                                                                                                                                                                                                                                      |
| 11:30 AM - 12:00 PM | Administrator's Office                                                                                                                     | Discussion on Coal Combustion Residuals<br>Ct: Nelly Torres 564-5767<br><br>Staff:<br>Bob Sussman (OA)<br>Mathy Stanlislaus, Lisa Feldt (OSWER)                                                                                                                                                                                                |

Optional:  
Diane Thompson (OA)

---

|                     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12:00 PM - 12:55 PM | Administrator's Office                           | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12:55 PM - 01:15 PM | 1151 EPA East                                    | <p>Ted Danson Book Event<br/>EPA's Transformational Leadership Conversation Seminar Series</p> <p>"OCEANA - Our Endangered Oceans and What We Can Do To Save Them"</p> <p>12:55 PM "Holding" room 1151 EPA East (the Administrator and Ted Danson)</p> <p>1:00 PM The Administrator will give welcome remarks and introduce Mr. Danson</p> <p>1:15 PM Administrator will leave - Mr. Danson will talk about his book</p> <p>1:30 PM Q &amp; A - conversational style</p> <p>2:15 PM Audience Q&amp;A</p> <p>2:35 PM Book signing</p> <p>3:00 PM Mr. Danson leaves EPA</p> |
| 01:45 PM - 02:00 PM | Ariel Rios                                       | Depart for White House                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 02:00 PM - 02:30 PM | White House - WW<br>Office of the Chief of Staff | <p>Meeting with Bill Daley and Nancy-Ann DeParle<br/>Ct: Julie Siegel - (b) (6) Personal Privacy</p> <p>Staff:<br/>Bob Perciasepe (OA)<br/>Gina McCarthy (OAR)</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| 02:30 PM - 02:45 PM | White House                                      | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02:55 PM - 03:15 PM | Administrator's Office                           | <p>Alaska De-Brief with Bob Sussman</p> <p>Staff:<br/>Bob Sussman (OA)<br/>Seth Oster (OEAE)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 03:30 PM - 04:00 PM | Administrator's Office                           | <p>Mid-Year Review: Karl Brooks<br/>Ct: Julia Cacho (b) (6) Personal Privacy</p> <p>Staff:<br/>Karl Brooks (R7)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

---

Bob Perciasepe (OA)

Optional:  
Diane Thompson (OA)

Aaron Dickerson will call Mr. Brooks at [redacted] (b) (6) Personal Privacy

---

04:15 PM - 04:45 PM      Administrator's Office      Mid-Year Review: Jared Blumenfeld  
Ct: Abby Gaudario [redacted] (b) (6) Personal Privacy

Staff:  
Jared Blumenfeld (R9)  
Bob Perciasepe (OA)

Optional:  
Diane Thompson (OA)

Aaron Dickerson will call Mr. Blumenfeld on his cell: 415-215-2375

---

05:00 PM - 05:30 PM      Administrator's Office      Mid-Year Review: Dennis McLerran  
Ct: Matt Magorrian [redacted] (b) (6) Personal Privacy

Staff:  
Bob Perciasepe (OA)  
Dennis McLerran (R10)

Optional:  
Diane Thompson (OA)

Aaron Dickerson will call Mr. McLerran on his cell: [redacted] (b) (6) Personal Privacy

---

05:30 PM - 06:00 PM      Administrator's Office      Mid-Year Review: Jim Martin  
Ct: Shirley Kelley [redacted] (b) (6) Personal Privacy

Staff:  
Jim Martin (R8)  
Bob Perciasepe (OA)

Optional:  
Diane Thompson (OA)

Aaron Dickerson will call Mr. Martin at his direct line: [redacted] (b) (6) Personal Privacy

---

06:45 PM - 07:00 PM      Ariel Rios      Depart for Union Station

---

07:00 PM - 09:45 PM      Union Station - East Hall      Keystone Awards Dinner  
Ct: Robyn Brewer rbrewer@keystone.org  
Advance Ct: Adrian Collins [redacted] (b) (6) Personal Privacy

Format: Closed Press

Staff:  
Diane Thompson (OA)

1,000 Audience Members

Notable Attendees and Award Recipients:

-John Rowe, CEO, Exelon -- will introduce The Administrator

-Bill Daley, White House Chief of Staff

-Christine Eibs-Singer, Co-Founder and CEO, E + Co

-Tracy Wolstencroft, Goldman Sachs

-Joel I. Klein, CEO, Educational Division, News Corporation

-Clint Vince Chair, Energy, Transport and Infrastructure, SNR Denton

-Robert W. Craig, The Keystone Center

-Margaret Carlson, Bloomberg News

Agenda:

6:00 Seating Registration Opens

6:30 Cocktails

7:15 East Hall Opens for Dinner

7:37 Presentation of Leadership in Industry Award (Rowe/Daley)

7:43 First Course Served

8:09 Leadership in the Environment Award (Eibs-Singer/Wolstencroft)

8:16 Leadership in Education Award (Klein/Chavous)

8:22 Dinner Service

9:18 Leadership in Government Award (Jackson/Rowe)

9:25 Founder's Award (Vince/Craig)

9:34 Program Concludes

01268-EPA-6679

Richard  
Windsor/DC/USEPA/US  
06/09/2011 01:45 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

Ex.5 - Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/09/2011 01:38 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

In yesterday's trade press, Jeff Holmstead was reported to say (though he wasn't directly quoted) that that there isn't much risk posed by mercury and other toxic emissions from power plants. He said he also doesn't believe claims that emissions of fine particles are killing tens of thousands of people each year.

We did a little bit of digging and we have unearthed troves of quotes and testimony from Holmstead when we was AA for OAR and was trying to pass Clean Skies. See below from a snippet.

You're scheduled to testify in front of EPW on Weds.

(b) (5) Deliberative

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/09/2011 01:29 PM -----

From: Arvin Ganesan/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Lorie Schmidt/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, "mccarthy gina" <mccarthy.gina@epa.gov>, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA  
Date: 06/08/2011 04:30 PM  
Subject: Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

Ex.5 - Deliberative

Other quotes from Holmstead testimony:

- "EPA's new analysis projects that, by 2010, reductions in fine particle and ozone levels under Clear Skies would result in billions of dollars in health and visibility benefits nationwide each

year, including prolonging as many as 7,900 lives annually. " (July 2003)

- "Recent actions to reduce mercury emissions from medical waste incinerators and municipal waste combustors are significantly reducing emissions of mercury. In fact, full implementation and compliance with medical waste incinerator and municipal waste combustor regulations will result in significant mercury emission reductions from these important sources. Power generation is now the largest uncontrolled source of mercury emissions, contributing approximately 35% of the total anthropogenic mercury emissions in this country. President Bush's Clear Skies Initiative would put a cap on mercury emissions from power generators. " (May 2003)

- Of the many air pollutants regulated by EPA, fine particle pollution is perhaps the greatest threat to public health. Hundreds of studies in the peer-reviewed literature have found that these microscopic particles can reach the deepest regions of the lungs. Exposure to fine particles is associated with premature death, as well as asthma attacks, chronic bronchitis, decreased lung function, and respiratory disease. Exposure is also associated with aggravation of heart and lung disease, leading to increased hospitalizations, emergency room and doctor visits, and use of medication. (May 2005)

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan

(b) (5) Deliberative

06/08/2011 04:25:11 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Lorie Schmidt/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, "mccarthy gina" <mccarthy.gina@epa.gov>, Seth Oster/DC/USEPA/US@EPA  
Date: 06/08/2011 04:25 PM  
Subject: Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

(b) (5) Deliberative

"Of the many air pollutants regulated by EPA, fine particle pollution is perhaps the greatest threat to public health."

Here is the testimony. There are others we have as well.[attachment "holmstead.pdf" deleted by Arvin Ganesan/DC/USEPA/US]

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov

(p) 202.564.5200

(f) 202.501.1519

Lorie Schmidt I am checking to see if someone can do... 06/08/2011 02:16:30 PM

From: Lorie Schmidt/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, "mccarthy gina" <mccarthy.gina@epa.gov>, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 06/08/2011 02:16 PM  
Subject: Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

I am checking to see if someone can do this.

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 06/08/2011 01:23 PM EDT  
**To:** Arvin Ganesan; "mccarthy gina" <mccarthy.gina@epa.gov>; Joseph Goffman; Lorie Schmidt; Laura Vaught; Seth Oster  
**Subject:** Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

Ex.5 - Deliberative [REDACTED]

[REDACTED]  
David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 06/08/2011 01:17 PM EDT  
**To:** Arvin Ganesan; "mccarthy gina" <mccarthy.gina@epa.gov>; Joseph Goffman; Lorie Schmidt; Laura Vaught; Seth Oster  
**Subject:** Re: AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

Ex.5 - Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/08/2011 01:15 PM EDT  
**To:** mccarthy.gina@epa.gov; Joseph Goffman; Lorie Schmidt; David McIntosh; Laura Vaught; Seth Oster  
**Subject:** AIR POLLUTION: Utility groups trade blows on new EPA emissions rules

Jeff Holmstead's line here. "He said yesterday that there isn't much risk posed by mercury and other toxic emissions from power plants. He said he also doesn't believe claims that

emissions of fine particles are killing tens of thousands of people each year."

The rebuttal that was put together for the WSJ piece making the same assertion will be helpful as this continues.

## **1. AIR POLLUTION: Utility groups trade blows on new EPA emissions rules (06/08/2011)**

**Gabriel Nelson, E&E reporter**

Coal-heavy power companies and their cleaner cousins are continuing to spar over new air pollution regulations from U.S. EPA, releasing competing analyses this week on the effects of a pair of rules that would make coal plants spend billions of dollars to control toxic chemicals and emissions that lead to soot and smog.

Those two regulations -- the Clean Air Transport Rule, which would cap key emissions that travel across state lines, and the "Utility MACT" rule, which would set limits on mercury and other toxic chemicals -- would cost power companies an extra \$17.8 billion per year, according to a [report](#) released today by a coal-industry group.

The American Coalition for Clean Coal Electricity, a trade group including coal companies and coal-heavy utilities such as Southern Co. and American Electric Power Co. Inc., paid for the study by New York-based National Economic Research Associates Inc.

NERA analysts concluded that those new costs would lead to a 13 percent drop in coal-fired generation and a 26 percent increase for natural gas. Electricity prices would rise by an average of 11.5 percent across the country, with double-digit hikes for ratepayers in 21 states.

On balance, those increases would cause the economy to shed about 144,000 jobs for the next decade, the study says, despite claims from supporters that the rules will create construction work. EPA estimated that the rules would have little effect on jobs, and might increase total employment in the long run.

The new study was welcomed by lobbyists for coal-heavy utilities, who are hoping to derail the rules on Capitol Hill by arguing that they will hinder an economic recovery. They are looking to lawmakers such as Rep. Ed Whitfield (R-Ky.), the chairman of the House subcommittee that oversees the Clean Air Act, who is crafting a bill to that effect.

"If anyone comes to you in the dark of night and says, 'I have a proposal to increase electricity costs across the board, and it's a job creator,' do not buy anything from that person," said Scott Segal, a lobbyist at Bracewell & Giuliani LLP, during a debate on the rules yesterday at the Environmental Law Institute. "The notion that a very expensive rule is a great way to create jobs -- give me that money and I will create far more jobs."

But other utilities, which get their electricity from other fuels and have installed pollution controls on their coal plants, say the rules are needed to level the playing field.

And environmental and public health groups say those costs are outweighed by the health and environmental benefits of the rules. Combined, the two proposals would prevent between 20,800 and 53,000 premature deaths each year as well as a slew of heart attacks, asthma flare-ups and other health problems, according to EPA projections.

Analysts for the Clean Energy Group, a coalition that includes Exelon Corp. and six other utilities, released a competing report yesterday saying that the costs are manageable and won't make the electric grid less reliable.

Sixty percent of coal-fired boilers already meet EPA's proposed limit on mercury emissions, while 73 percent would comply with the rules for acid gases and 70 percent would have emissions below the particulate matter (PM) standards, Michael Bradley, the head of the utility group, said during the debate.

"While there will be companies that will need to make major investments to comply," Bradley said, "many are well on their way toward compliance."

Making the rest of the boilers comply with the toxics rules would cost \$10.9 billion and achieving the proposed Transport Rule would cost another \$2.9 billion per year, according to EPA estimates. But the agency pegged the monetized health benefits much higher -- in the hundreds of billions of dollars.

Some are skeptical. Among them is Jeff Holmstead, an attorney at Bracewell & Giuliani who was air chief at EPA under the George W. Bush administration.

He said yesterday that there isn't much risk posed by mercury and other toxic emissions from power plants. He said he also doesn't believe claims that emissions of fine particles are killing tens of thousands of people each year.

But John Walke, clean air director at the Natural Resources Defense Council, said it would be unwise to put off the pollution rules, which would replace air pollution standards that were struck down in court during the last administration.

"Just as when a battery of tobacco industry lobbyists argued that cigarettes don't cause cancer, the public doesn't buy the arguments of a handful of industry lobbyists over the expertise of pediatricians, American Lung Association doctors and the Environmental Protection Agency," Walke said.

[\*\*Click here\*\*](#) to read the NERA analysis.

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

01268-EPA-6681

Richard  
Windsor/DC/USEPA/US  
06/09/2011 07:46 PM

To Seth Oster, Shawn Garvin, Gina McCarthy, Sarah Pallone, Arvin Ganesan, Janet Woodka, "Brendan Gilfillan", Bob Perciasepe, David McIntosh  
cc  
bcc  
Subject Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

It is worth noting that AEP has not called or asked to sit down with EPA to discuss a plan for moving forward. EPA would welcome such a conversation.

[REDACTED]  
Ex.5 - Deliberative

[REDACTED]  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 06/09/2011 07:43 PM EDT  
**To:** Shawn Garvin; Richard Windsor; Gina McCarthy; Sarah Pallone; Arvin Ganesan; Janet Woodka; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; David McIntosh  
**Subject:** Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Thanks Shawn. As you can imagine, we're dealing with this now. We'll get you our statement shortly, which you can use as needed.

Seth  
Shawn Garvin

----- Original Message -----

**From:** Shawn Garvin  
**Sent:** 06/09/2011 07:42 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Seth Oster; Sarah Pallone; Arvin Ganesan; Janet Woodka  
**Subject:** Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES  
FYI...

----- Forwarded by Shawn Garvin/R3/USEPA/US on 06/09/2011 07:40 PM -----

From: Shawn Garvin/R3/USEPA/US  
To: Diana Esher/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA  
Cc: Anthony Raia/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, Stacie Driscoll/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Jessica Greathouse/R3/USEPA/US@EPA, Patrick Egan/R3/USEPA/US@EPA  
Date: 06/09/2011 07:40 PM  
Subject: Re: Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Diana & Mick - Could you please work with your HQ counterparts to talk about responding to this release.

Thank you - Shawn

Jessica Greathouse    Jessica H. Greathouse State and C...    06/09/2011 04:06:26 PM

From: Jessica Greathouse/R3/USEPA/US  
To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Diana Esher/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Stacie Driscoll/R3/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Anthony Raia/DC/USEPA/US@EPA  
Date: 06/09/2011 04:06 PM  
Subject: Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Jessica H. Greathouse  
State and Congressional Liaison  
U.S. Environmental Protection Agency  
(304) 224-3181

----- Forwarded by Jessica Greathouse/R3/USEPA/US on 06/09/2011 04:09 PM -----

From: "Communications Office - Gov. Earl Ray Tomblin" <govofficemcomm@wv.gov>  
To: Jessica Greathouse/R3/USEPA/US@EPA  
Date: 06/09/2011 04:01 PM  
Subject: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Having trouble viewing this email? [Click here](#)

**For Immediate Release  
June 9, 2011**

**Contact: Jacqueline Proctor  
304-558-2000**

---

**GOVERNOR CALLS UPON EPA TO STOP HURTING WEST  
VIRGINIA FAMILIES**

## *242 Jobs will be lost at AEP due to EPA regulations*

CHARLESTON, W.Va. -Gov. Earl Ray Tomblin issued the following statement after learning American Electric Power (AEP) will close three West Virginia power plants by 2014 resulting in the loss of 242 jobs. AEP cites environmental regulations issued by the federal Environmental Protection Agency (EPA) as the cause of the impending closures.

"Today's announcement by AEP reinforces the belief that the EPA is out of touch with the economic impact of their overreaching regulations," Gov. Tomblin said. "While the nation's economy is struggling, West Virginia recently saw a 4 percent increase in real gross domestic product (GDP) due to our approach to our energy sector and the improving business climate of our State. Our work to improve our State continues, as West Virginia continues to pay down its debt, lower business taxes, explore ways to strengthen our energy sector, and rebuild our manufacturing base. We all want a clean and healthy environment. But the EPA's inflexible approach that is driving our Nation's energy policy is wrong, and it will permanently damage industries, businesses, and cause significant negative impacts on consumers and workers. It needs to stop."

# # #

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Governor's Office of Communications | Governor's Office | 1900 Kanawha Boulevard, East | Building 1 | Charleston | WV | 25305

01268-EPA-6682

**Richard  
Windsor/DC/USEPA/US**  
06/09/2011 08:07 PM

To Brendan Gilfillan  
cc  
bcc  
**Subject: Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES**

(b) (5)

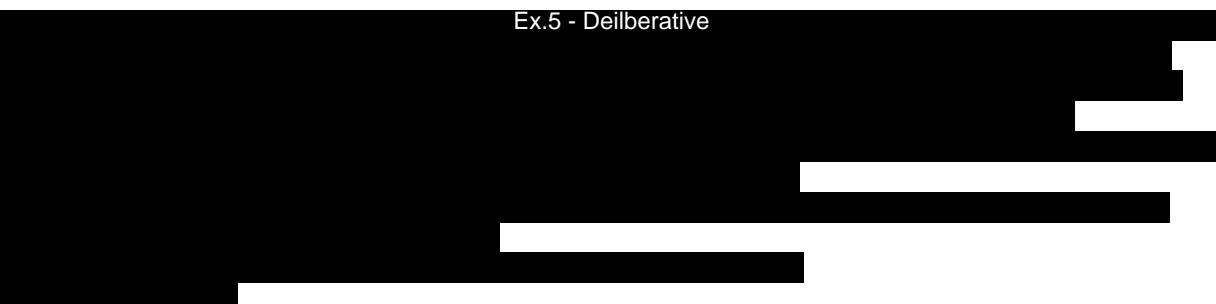
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 06/09/2011 07:57 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Here's the latest draft of a statement:

Ex.5 - Deliberative



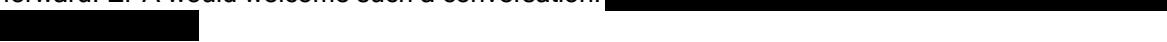
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 06/09/2011 07:46 PM EDT  
**To:** Seth Oster; Shawn Garvin; Gina McCarthy; Sarah Pallone; Arvin Ganesan; Janet Woodka; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; David McIntosh  
**Subject:** Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

It is worth noting that AEP has not called or asked to sit down with EPA to discuss a plan for moving forward. EPA would welcome such a conversation.

Ex.5 - Deliberative



Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 06/09/2011 07:43 PM EDT  
**To:** Shawn Garvin; Richard Windsor; Gina McCarthy; Sarah Pallone; Arvin Ganesan; Janet Woodka; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; David McIntosh  
**Subject:** Re: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Thanks Shawn. As you can imagine, we're dealing with this now. We'll get you our statement shortly, which you can use as needed.

Seth  
Shawn Garvin

----- Original Message -----

**From:** Shawn Garvin  
**Sent:** 06/09/2011 07:42 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Seth Oster; Sarah Pallone; Arvin Ganesan; Janet Woodka  
**Subject:** Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES  
FYI...

----- Forwarded by Shawn Garvin/R3/USEPA/US on 06/09/2011 07:40 PM -----

From: Shawn Garvin/R3/USEPA/US  
To: Diana Esher/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA  
Cc: Anthony Raia/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, Stacie Driscoll/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Jessica Greathouse/R3/USEPA/US@EPA, Patrick Egan/R3/USEPA/US@EPA  
Date: 06/09/2011 07:40 PM  
Subject: Re: Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Diana & Mick - Could you please work with your HQ counterparts to talk about responding to this release.

Thank you - Shawn

Jessica Greathouse      Jessica H. Greathouse State and C...      06/09/2011 04:06:26 PM

---

From: Jessica Greathouse/R3/USEPA/US  
To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Diana Esher/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Stacie Driscoll/R3/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Anthony Raia/DC/USEPA/US@EPA  
Date: 06/09/2011 04:06 PM  
Subject: Fw: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

Jessica H. Greathouse  
State and Congressional Liaison  
U.S. Environmental Protection Agency  
(304) 224-3181

----- Forwarded by Jessica Greathouse/R3/USEPA/US on 06/09/2011 04:09 PM -----

From: "Communications Office - Gov. Earl Ray Tomblin" <govofficecomm@wv.gov>  
To: Jessica Greathouse/R3/USEPA/US@EPA  
Date: 06/09/2011 04:01 PM  
Subject: 06-09-11 GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES

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**For Immediate Release  
June 9, 2011**

**Contact: Jacqueline Proctor  
304-558-2000**

---

**GOVERNOR CALLS UPON EPA TO STOP HURTING WEST VIRGINIA FAMILIES**

*242 Jobs will be lost at AEP due to EPA regulations*

CHARLESTON, W.Va. -Gov. Earl Ray Tomblin issued the following statement after learning American Electric Power (AEP) will close three West Virginia power plants by 2014 resulting in the loss of 242 jobs. AEP cites environmental regulations issued by the federal Environmental Protection Agency (EPA) as the cause of the impending closures.

"Today's announcement by AEP reinforces the belief that the EPA is out of touch with the economic impact of their overreaching regulations," Gov. Tomblin said. "While the nation's economy is struggling, West Virginia recently saw a 4 percent increase in real gross domestic product (GDP) due to our approach to our energy sector and the improving business climate of our State. Our work to improve our State continues, as West Virginia continues to pay down its debt, lower business taxes, explore ways to strengthen our energy sector, and rebuild our manufacturing base. We all want a clean and healthy environment. But the EPA's inflexible approach that is driving our Nation's energy policy is wrong, and it will permanently damage industries, businesses, and cause significant negative impacts on consumers and workers. It needs to stop."

# # #

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Governor's Office of Communications | Governor's Office | 1900 Kanawha Boulevard, East | Building 1 | Charleston | WV | 25305

01268-EPA-6683

**Lisa Garcia/DC/USEPA/US**  
06/10/2011 08:05 AM  
**To:** "Gina McCarthy", "Janet McCabe", "Mathy Stanislaus",  
"Richard Windsor", "Seth Oster"  
**cc**  
**bcc**  
**Subject:** Fw: CrossRoadsNews: EPA proposal would reduce harmful  
emissions

Fyi

---

**From:** "Robert Bullard" [(b) (6) Personal Privacy]  
**Sent:** 06/10/2011 08:01 AM AST  
**To:** "Emily Enderle" <eenderle@earthjustice.org>; "Huang, Albert" <ahuang@nrdc.org>  
**Cc:** Lisa Garcia  
**Subject:** RE: CrossRoadsNews: EPA proposal would reduce harmful emissions

This is another “back-door” attempt to locate biomass incinerators in black communities by calling them “green energy.” Check out my several I wrote on the subject and this particular plant. These plant proposals are popping up all across the south. We need help educating communities about them. They are being marketed as jobs. I am also asking Al Huang for NRDC assistance on this matter (perfect for a legal intern).

Monday, May 23, 2011

Biomass Incinerators Being Promoted in Black Communities as Clean Energy and Green Jobs

Biomass incineration is now being promoted as green and clean energy, green jobs and a strategy to combat climate change--a practice that is exploiting the extremely high black jobless rate which now stands at 16.1 percent.

<http://dissidentvoice.org/2011/02/dismantling-energy-apartheid-in-the-united-states/>

We are working with the NAACP in Valdosta, GA to stop one that's also in black community. WE stopped it, but the company is trying to sneak back in.

Let talk.

Robert D. Bullard, Ph.D.  
Environmental Justice Resource Center  
Clark Atlanta University

**From:** Emily Enderle [mailto:[eenderle@earthjustice.org](mailto:eenderle@earthjustice.org)]  
**Sent:** Thursday, June 09, 2011 5:42 PM  
**To:** Lisa Garcia ([garcia.lisa@epa.gov](mailto:garcia.lisa@epa.gov))  
**Cc:** (b) (6) Personal Privacy  
**Subject:** CrossRoadsNews: EPA proposal would reduce harmful emissions

Thought you might find this article on the Atlanta power plant air toxics hearing that ran in print and online in the CrossRoadsNews (Decatur, GA) of interest. The piece was authored by Rep Hank Johnson (D-GA) and Dr. Bullard.

[http://www.crossroadsnews.com/view/full\\_story/13533416/article-EPA-proposal-would-reduce-harmfu](http://www.crossroadsnews.com/view/full_story/13533416/article-EPA-proposal-would-reduce-harmfu)

I-emissions?

---

Emily Enderle  
Legislative Representative  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036  
T: 202-667-4500 ext. 201  
C: 202-253-2397  
F: 202-667-2356  
[www.earthjustice.org](http://www.earthjustice.org)

01268-EPA-6684

**Bob Sussman/DC/USEPA/US**  
06/10/2011 10:02 AM

To Bob Perciasepe, David McIntosh, Michael Goo, Richard Windsor, Scott Fulton  
cc  
bcc

Subject Re: GHG NSPS Update

Administrator -- a few thoughts on follow-up and next steps.

Ex.5 - Deliberative



Let us know if you have further thoughts.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

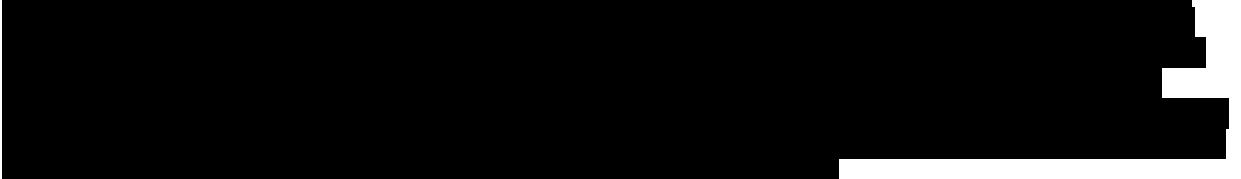
Gina McCarthy Administrator: After our meeting on Tue... 06/09/2011 12:51:31 AM

---

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
Cc: Janet McCabe/DC/USEPA/US@EPA  
Date: 06/09/2011 12:51 AM  
Subject: GHG NSPS Update

Administrator: After our meeting on Tuesday, I wanted to recap my understanding of the next steps we need to take. If you or others see anything that needs clarification or raises concerns, please let me know.

Ex.5 -  
Deliberative



Ex.5 - Deliberative



01268-EPA-6686

**Richard  
Windsor/DC/USEPA/US**  
06/10/2011 01:09 PM

To Laura Vaught, Gina McCarthy, Michael Goo, Joseph Goffman, Arvin Ganesan, David McIntosh, Seth Oster, Adora Andy, Brendan Gilfillan, Bob Perciasepe, Bob Sussman, Scott Fulton, Diane Thompson

cc

bcc

Subject Re: Signed MACT letter

Tx. We'll need a strategy.  
Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 06/10/2011 01:05 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Michael Goo; Joseph Goffman; Arvin Ganesan; David McIntosh; Seth Oster; Adora Andy; Brendan Gilfillan; Bob Perciasepe; Bob Sussman; Scott Fulton; Diane Thompson  
**Subject:** Fw: Signed MACT letter

The expected Dingell letter requesting 60 day extension of comment period on Mercury and Air Toxics Standard just arrived. 27 House Dems signed it. I see no big surprises on the list of members.

Dingell's office is not doing any press on it - which doesn't necessarily mean someone else won't, but his office isn't going to generate that.

----- Forwarded by Laura Vaught/DC/USEPA/US on 06/10/2011 12:54 PM -----

From: "Murtha, Katie" <Katie.Murtha@mail.house.gov>  
To: Laura Vaught/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA  
Date: 06/10/2011 12:47 PM  
Subject: FW: Signed MACT letter

Have a great weekend, ladies.

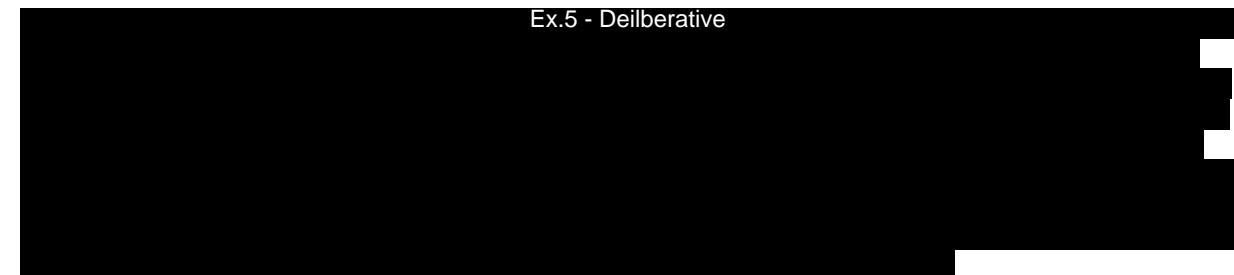
[attachment "AR-M455N\_20110610\_232235.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6687

**David  
McIntosh/DC/USEPA/US**  
06/10/2011 01:27 PM

To Richard Windsor  
 cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Scott Fulton, Seth Oster  
 bcc  
 Subject Re: Signed MACT letter

Ex.5 - Deliberative



|                 |                            |               |                        |
|-----------------|----------------------------|---------------|------------------------|
| Richard Windsor | Tx. We'll need a strategy. | ----- Orig... | 06/10/2011 01:09:14 PM |
|-----------------|----------------------------|---------------|------------------------|

From: Richard Windsor/DC/USEPA/US  
 To: Laura Vaught/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
 Date: 06/10/2011 01:09 PM  
 Subject: Re: Signed MACT letter

Tx. We'll need a strategy.

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 06/10/2011 01:05 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Michael Goo; Joseph Goffman; Arvin Ganesan; David McIntosh; Seth Oster; Adora Andy; Brendan Gilfillan; Bob Perciasepe; Bob Sussman; Scott Fulton; Diane Thompson  
**Subject:** Fw: Signed MACT letter

The expected Dingell letter requesting 60 day extension of comment period on Mercury and Air Toxics Standard just arrived. 27 House Dems signed it. I see no big surprises on the list of members.

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----- Forwarded by Laura Vaught/DC/USEPA/US on 06/10/2011 12:54 PM -----

From: "Murtha, Katie" <Katie.Murtha@mail.house.gov>  
 To: Laura Vaught/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA  
 Date: 06/10/2011 12:47 PM  
 Subject: FW: Signed MACT letter

Have a great weekend, ladies.

[attachment "AR-M455N\_20110610\_232235.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6688

Richard  
Windsor/DC/USEPA/US  
06/10/2011 01:33 PM

To Joseph Goffman, David McIntosh  
cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman,  
Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura  
Vaught, Michael Goo, Scott Fulton, Seth Oster  
bcc  
Subject Re: Signed MACT letter

Tx!

Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 06/10/2011 01:30 PM EDT  
**To:** David McIntosh  
**Cc:** Richard Windsor; Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: Signed MACT letter

Ex.5 - Deliberative

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

David McIntosh

(b) (5) Deliberative

06/10/2011 01:27:32 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 06/10/2011 01:27 PM  
Subject: Re: Signed MACT letter

Ex.5 - Deliberative

Richard Windsor

Tx. We'll need a strategy.

----- Orig...

06/10/2011 01:09:14 PM

From: Richard Windsor/DC/USEPA/US  
To: Laura Vaught/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Michael

Goo/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA

Date: 06/10/2011 01:09 PM  
Subject: Re: Signed MACT letter

---

Tx. We'll need a strategy.

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 06/10/2011 01:05 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Michael Goo; Joseph Goffman; Arvin Ganesan; David McIntosh; Seth Oster; Adora Andy; Brendan Gilfillan; Bob Perciasepe; Bob Sussman; Scott Fulton; Diane Thompson  
**Subject:** Fw: Signed MACT letter

The expected Dingell letter requesting 60 day extension of comment period on Mercury and Air Toxics Standard just arrived. 27 House Dems signed it. I see no big surprises on the list of members.

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----- Forwarded by Laura Vaught/DC/USEPA/US on 06/10/2011 12:54 PM -----

From: "Murtha, Katie" <Katie.Murtha@mail.house.gov>  
To: Laura Vaught/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA  
Date: 06/10/2011 12:47 PM  
Subject: FW: Signed MACT letter

---

Have a great weekend, ladies.

[attachment "AR-M455N\_20110610\_232235.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6689

**Laura Vaught/DC/USEPA/US**      To: David McIntosh, Richard Windsor  
**06/10/2011 01:40 PM**      cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Joseph Goffman, Michael Goo, Scott Fulton, Seth Oster  
**bcc**  
**Subject: Re: Signed MACT letter**

Ex.5 - Deliberative

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 06/10/2011 01:27 PM EDT  
**To:** Richard Windsor  
**Cc:** Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Scott Fulton; Seth Oster  
**Subject:** Re: Signed MACT letter

Ex.5 - Deliberative

Richard Windsor Tx. We'll need a strategy. ----- Orig... 06/10/2011 01:09:14 PM

From: Richard Windsor/DC/USEPA/US  
To: Laura Vaught/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 06/10/2011 01:09 PM  
Subject: Re: Signed MACT letter

Tx. We'll need a strategy.

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 06/10/2011 01:05 PM EDT  
**To:** Richard Windsor; Gina McCarthy; Michael Goo; Joseph Goffman; Arvin Ganesan; David McIntosh; Seth Oster; Adora Andy; Brendan Gilfillan; Bob Perciasepe; Bob Sussman; Scott Fulton; Diane Thompson  
**Subject:** Fw: Signed MACT letter

The expected Dingell letter requesting 60 day extension of comment period on Mercury and Air Toxics Standard just arrived. 27 House Dems signed it. I see no big surprises on the list of members.

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From: "Murtha, Katie" <Katie.Murtha@mail.house.gov>  
To: Laura Vaught/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA  
Date: 06/10/2011 12:47 PM  
Subject: FW: Signed MACT letter

---

Have a great weekend, ladies.

[attachment "AR-M455N\_20110610\_232235.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6690

Richard  
Windsor/DC/USEPA/US  
06/10/2011 10:41 PM

To David McIntosh  
cc Jose Lozano, Seth Oster  
bcc  
Subject Re: hello from California!

Ex.5 - Deliberative Tx!

---

**From:** David McIntosh  
**Sent:** 06/10/2011 07:38 PM EDT  
**To:** Richard Windsor  
**Cc:** Jose Lozano; Seth Oster  
**Subject:** Fw: hello from California!

Ex.5 - Deliberative



---

**From:** "Faber, Lauren" [lfaber@calepa.ca.gov]  
**Sent:** 06/10/2011 04:25 PM MST  
**To:** David McIntosh  
**Subject:** Re: hello from California!

Looks like a meeting with the Governor is happening! I know it is already the weekend for you all on the east coast. Do you think there is any way to get our discussion relayed to the Administrator? I'm thinking a weekend phone call probably wouldn't work now...

---

**From:** Faber, Lauren  
**To:** 'McIntosh.David@epamail.epa.gov' <McIntosh.David@epamail.epa.gov>  
**Sent:** Fri Jun 10 15:17:37 2011  
**Subject:** Re: hello from California!

Of course!

Now, it sounded from the Gov's office that they are still trying to work something out re Monday. If it works out, you had said you thought the best approach would be for Mary to contact the Administrator directly to discuss messaging. If that is still the case, what is the best way for Mary to reach her?

---

**From:** McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>  
**To:** Faber, Lauren  
**Sent:** Fri Jun 10 14:34:05 2011  
**Subject:** RE: hello from California!

Thanks, Lauren!

From: "Faber, Lauren" <lfaber@calepa.ca.gov>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 06/09/2011 07:03 PM  
Subject: RE: hello from California!

---

Ha! Just saw the E&E article about your upcoming move! Congratulations- how cool! What a great company, and they are lucky to have you. So, yes, we absolutely must catch up!

Thanks for your help earlier today. As you can see, coordination with the Gov's office is not....smooth...these days. I'm still trying to see what we can do on our end because I think that kind of conversation would have a very positive impact.

Let's talk soon.

Lauren

---

*Lauren Faber  
Assistant Secretary for Climate Change  
California Environmental Protection Agency  
1001 I Street, 25th Floor  
Sacramento, California 95814  
916-445-2006  
916-524-9872 (cell)  
lfaber@calepa.ca.gov*

**From:** Faber, Lauren  
**Sent:** Thursday, June 09, 2011 10:10 AM  
**To:** 'mcintosh.david@epa.gov'  
**Subject:** hello from California!

Hi David,

How are you?! Just left you a message on your voicemail.  
Wouldn't it be pleasant if I were getting in touch simply to say hello and see how you are? Alas, I have another reason :) It is in regards to Administrator Jackson's travel to Sacramento on Monday.

I would really appreciate if you could give me a call at your earliest convenience (phone #s below).

Look forward to connecting!

Lauren

---

*Lauren Faber*  
Assistant Secretary for Climate Change  
California Environmental Protection Agency  
1001 I Street, 25th Floor  
Sacramento, California 95814  
916-445-2006  
916-524-9872 (cell)  
[lfaber@calepa.ca.gov](mailto:lfaber@calepa.ca.gov)

01268-EPA-6692

Noah Dubin/DC/USEPA/US  
 06/15/2011 06:31 PM  
 To  
 cc  
 bcc Richard Windsor  
 Subject Thursday, June 16, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, June 16, 2011**

---

Notes:

|                                                                                                              |                                                                                                              |                          |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------|
| Drivers                                                                                                      | Shift Leaders                                                                                                | Staff Contact            |
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | Heidi Ellis 202-355-5212 |

---

|                     |              |        |
|---------------------|--------------|--------|
| 08:30 AM - 09:00 AM | Cafe Du Parc | Coffee |
|---------------------|--------------|--------|

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|                     |                        |                    |
|---------------------|------------------------|--------------------|
| 08:45 AM - 09:15 AM | Administrator's Office | FYI Daily Briefing |
|---------------------|------------------------|--------------------|

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|                     |              |                        |
|---------------------|--------------|------------------------|
| 09:15 AM - 09:30 AM | Cafe du Parc | Depart for White House |
|---------------------|--------------|------------------------|

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|                     |                               |                                                                        |
|---------------------|-------------------------------|------------------------------------------------------------------------|
| 09:30 AM - 10:00 AM | WH - Office of Chief of Staff | Meeting with Bill Daley<br>Ct: Julie Siegel - (b) (6) Personal Privacy |
|---------------------|-------------------------------|------------------------------------------------------------------------|

---

|                     |             |                       |
|---------------------|-------------|-----------------------|
| 10:00 AM - 10:15 AM | White House | Depart for Ariel Rios |
|---------------------|-------------|-----------------------|

---

|                     |                        |             |
|---------------------|------------------------|-------------|
| 10:15 AM - 11:00 AM | Administrator's Office | No Meetings |
|---------------------|------------------------|-------------|

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|                     |            |                |
|---------------------|------------|----------------|
| 11:00 AM - 11:15 AM | Ariel Rios | Depart for HHS |
|---------------------|------------|----------------|

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|                     |          |                                                                        |
|---------------------|----------|------------------------------------------------------------------------|
| 11:05 AM - 11:15 AM | By Phone | Phone Call with Lew Hay, NextEra Energy<br>Ct: David McIntosh 564-0539 |
|---------------------|----------|------------------------------------------------------------------------|

The Administrator will call Mr. Hay on his direct line: (b) (6) Personal Privacy

Topic: 316(b)

Staff:

David McIntosh (OCIR)  
Michael Goo (OP)

Optional:

Bob Sussman, Diane Thompson (OA)

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|                     |                                                         |                                                                                                                                                         |
|---------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:15 AM - 11:45 AM | Dept. of Health and Human Services,<br>200 Independence | Health and Human Services Prevention Strategy Event<br>Ct: Berit Hallberg (b) (6) Personal Privacy<br>Adv. Ct: Marcus McLendon (u) (o) Personal Privacy |
|---------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|

Ave. SW  
Washington DC

## Participants:

-Secretary Kathleen Sebelius

-Senator Tom Harkin

-Director Melody Barnes

-Surgeon General Regina M. Benjamin

-Director Gil Kerlikowske, Office of National Drug Control Policy

-Acting CEO Robert Velasco II, Corporation for National and Community Service

## Agenda:

-Secretary Sebelius gives opening remarks

-Senator Harkin gives remarks

-Dr. Benjamin gives overview of the NPS

-Melody Barnes gives overview of DPC's Role in Prevention

-The Administrator gives an overview of EPA's Role in Prevention - The Administrator will speak from 11:25 until 11:35

30 Attendees

11:45 AM - 12:00 PM HHS

## Depart for Dirkseen

12:00 PM - 01:00 PM

Sen. Wyden's Office,  
223 Dirksen

Boiler MACT Meeting with Senators

Ct: Wayne Binkley Wayne\_Binkley@wyden.senate.gov  
EPA Ct: Arvin Ganesan 564-4741

## Attendees:

-Senator Wyden (OR)

-Senator Pryor (AR)

-Senator Landrieu (LA)

-Senator Collins (ME)

-Senator Alexander (TN)

## Staff

Alvimi  
Gina L.

Ulla McCarthy (UAR)  
Mathy Stanislaus (OSW)

Matty Stannius (OSW)

---

Digitized by srujanika@gmail.com

|                     |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01:00 PM - 01:10 PM | Dirksen                      | Depart for Rayburn                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 01:10 PM - 01:40 PM | 2108 Rayburn Office Building | Meeting with Congressman Edward Markey (MA)<br>Cc: Nancy Morrissey - 202-225-2836<br><br>Staff:<br>Laura Vaught (OCIR)                                                                                                                                                                                                                                                                                                                                        |
| 01:40 PM - 01:55 PM | Rayburn                      | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 02:10 PM - 02:40 PM | Administrator's Office       | Pre-brief for Stormwater Option Selection Meeting<br>Cc: Ann Campbell - 202-566-1370<br><br>Staff:<br>Bob Perciasepe (OA)<br>Nancy Stoner (OW)<br>Bicky Corman, Charlotte Bertrand (OP)<br>Avi Garbow (OGC)<br><br>Optional:<br>Diane Thompson, Bob Sussman (OA)                                                                                                                                                                                              |
| 03:00 PM - 04:15 PM | Administrator's Office       | New Source Performance Standards for Green House Gas Emissions from Power Plants Update<br>Cc: Cindy Huang 564-1850<br><br>Staff:<br>Bob Perciasepe, Bob Sussman, Diane Thompson (OA)<br>David McIntosh (OCIR)<br>Gina McCarthy, Joseph Goffman (OAR)<br>Michael Goo (OP)<br>Scott Fulton (OGC)                                                                                                                                                               |
| 04:30 PM - 05:00 PM | Bullet Room                  | Meeting with Bill McDermott, President and CEO of SAP<br>Cc: Shakeba Carter-Jenkins - 202-564-6385<br><br>Attendees:<br><br>Bill McDermott, President and CEO of SAP<br><br>Robert Courteau, President of North America<br><br>Tim Moylan, President of Southeast Asia<br><br>Rob Stien, Vice President & General Counsel,<br>Artemis Strategies<br><br>Staff:<br>Michael Goo, Bill Hanson, George Wyeth, (OP)<br>Malcolm Jackson (OEI)<br>Paul Anastas (ORD) |

Stephanie Owens (OEAE)

---

05:00 PM - 05:30 PM      Administrator's  
Office

Briefing for Gasland 2 Documentary  
Ct: Betsaida Alcantara - 202-564-1692

Staff:  
Bob Sussman (OA)  
Seth Oster, Betsaida Alcantara (OEAE)  
Al Armendariz (R6) - calling in

Optional:  
Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

---

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\*\*\* 06/15/2011 06:28:35 PM \*\*\*

01268-EPA-6693

**Noah Dubin/DC/USEPA/US** To  
**06/15/2011 06:37 PM** cc  
**bcc Richard Windsor**  
**Subject \*\*Updated\*\* Thursday, June 16, 2011 Schedule for Lisa P. Jackson**

\*\*\* do not copy or forward this information \*\*\*

### **Schedule for Lisa P. Jackson EPA Administrator** **Thursday, June 16, 2011**

---

Notes:

Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

|             |                          |
|-------------|--------------------------|
| Heidi Ellis | (b) (6) Personal Privacy |
|-------------|--------------------------|

|                     |                                                         |                                                                                                                                                                |
|---------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office                                  | FYI Daily Briefing                                                                                                                                             |
| 08:45 AM - 09:15 AM | Cafe du Parc                                            | Coffee                                                                                                                                                         |
| 09:15 AM - 09:30 AM | Cafe du Parc                                            | Depart for White House                                                                                                                                         |
| 09:30 AM - 10:00 AM | WH - Office of the Chief of Staff                       | Meeting with Bill Daley<br>Ct: Julie Siegel - (b) (6) Personal Privacy                                                                                         |
| 10:00 AM - 10:15 AM | White House                                             | Depart for Ariel Rios                                                                                                                                          |
| 10:15 AM - 11:00 AM | Administrator's Office                                  | No Meetings                                                                                                                                                    |
| 11:00 AM - 11:15 AM | Ariel Rios                                              | Depart for HHS                                                                                                                                                 |
| 11:05 AM - 11:15 AM | By Phone                                                | Phone Call with Lew Hay, NextEra Energy<br>Ct: David McIntosh 564-0539<br><br>The Administrator will call Mr. Hay on his direct line: (b) (6) Personal Privacy |
|                     |                                                         | Topic: 316(b)                                                                                                                                                  |
|                     |                                                         | Staff:<br>David McIntosh (OCIR)<br>Michael Goo (OP)                                                                                                            |
|                     |                                                         | Optional:<br>Bob Sussman, Diane Thompson (OA)                                                                                                                  |
| 11:15 AM - 11:45 AM | Dept. of Health and Human Services,<br>200 Independence | Health and Human Services Prevention Strategy Event<br>Ct: Berit Hallberg (b) (6) Personal Privacy<br>Adv. Ct: Marcus McLendon (u) (o) Personal Privacy        |

Ave. SW  
Washington DC

Participants:

- Secretary Kathleen Sebelius
- Senator Tom Harkin
- Director Melody Barnes
- Surgeon General Regina M. Benjamin
- Director Gil Kerlikowske, Office of National Drug Control Policy
- Acting CEO Robert Velasco II, Corporation for National and Community Service

Agenda:

- Secretary Sebelius gives opening remarks
- Senator Harkin gives remarks
- Dr. Benjamin gives overview of the NPS
- Melody Barnes gives an overview of DPC's Role in Prevention
- The Administrator gives an overview of EPA's Role in Prevention - The Administrator will speak from 11:25 until 11:35

30 Attendees

---

|                     |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:45 AM - 12:00 PM | HHS                                 | Depart for Dirksen                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12:00 PM - 01:00 PM | Sen. Wyden's Office,<br>223 Dirksen | <p>Boiler MACT Meeting with Senators<br/>Ct: Wayne Binkley Wayne_Binkley@wyden.senate.gov<br/>EPA Ct: Arvin Ganesan 564-4741</p> <p>Attendees:</p> <ul style="list-style-type: none"><li>-Senator Wyden (OR)</li><li>-Senator Pryor (AR)</li><li>-Senator Landrieu (LA)</li><li>-Senator Collins (ME)</li><li>-Senator Alexander (TN)</li></ul> <p>Staff:</p> <p>Arvin Ganesan (OCIR)<br/>Gina McCarthy (OAR)<br/>Mathy Stanislaus (OSWER)</p> |

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|                     |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01:00 PM - 01:10 PM | Dirksen                      | Depart for Rayburn                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 01:10 PM - 01:40 PM | 2108 Rayburn Office Building | Meeting with Congressman Edward Markey (MA)<br>Cc: Nancy Morrissey - 202-225-2836<br><br>Staff:<br>Laura Vaught (OCIR)                                                                                                                                                                                                                                                                                                                                       |
| 01:40 PM - 01:55 PM | Rayburn                      | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 02:10 PM - 02:40 PM | Administrator's Office       | Pre-brief for Stormwater Option Selection Meeting<br>Cc: Ann Campbell - 202-566-1370<br><br>Staff:<br>Bob Perciasepe (OA)<br>Nancy Stoner (OW)<br>Bicky Corman, Charlotte Bertrand (OP)<br>Avi Garbow (OGC)<br><br>Optional:<br>Diane Thompson, Bob Sussman (OA)                                                                                                                                                                                             |
| 03:00 PM - 04:15 PM | Administrator's Office       | New Source Performance Standards for Green House Gas Emissions from Power Plants Update<br>Cc: Cindy Huang 564-1850<br><br>Staff:<br>Bob Perciasepe, Bob Sussman, Diane Thompson (OA)<br>David McIntosh (OCIR)<br>Gina McCarthy, Joseph Goffman (OAR)<br>Michael Goo (OP)<br>Scott Fulton (OGC)                                                                                                                                                              |
| 04:30 PM - 05:00 PM | Bullet Room                  | Meeting with Bill McDermott, President and CEO of SAP<br>Cc: Shakeba Carter-Jenkins - 202-564-6385<br><br>Attendees:<br><br>Bill McDermott, President and CEO of SAP<br><br>Robert Courteau, President of North America<br><br>Tim Moylan, President of Southeast Asia<br><br>Rob Stien, Vice President & General Counsel<br>Artemis Strategies<br><br>Staff:<br>Michael Goo, Bill Hanson, George Wyeth, (OP)<br>Malcolm Jackson (OEI)<br>Paul Anastas (ORD) |

Stephanie Owens (OEAE)

---

05:00 PM - 05:30 PM      Administrator's  
Office

Briefing for Gasland 2 Documentary  
Ct: Betsaida Alcantara - 202-564-1692

Staff:  
Bob Sussman (OA)  
Seth Oster, Betsaida Alcantara (OEAE)  
Al Armendariz (R6) - calling in

Optional:  
Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

---

---

\*\*\* 06/15/2011 06:32:47 PM \*\*\*

01268-EPA-6695

Brendan  
Gilfillan/DC/USEPA/US  
06/15/2011 07:49 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,  
andy.adora, oster.seth, mcintosh.david, Ganesan.Arvin,  
Vaught.Laura, "Gina McCarthy", "Joseph Goffman",  
"Stephanie Owens", "Dru Ealons", "Shawn Garvin"

cc

bcc

Subject WVNS TV: AEP: Closing Plants Were 'Nearing the End of Their Lives'

---

**From:** Brendan Gilfillan [(b) (6) Personal Privacy]

**Sent:** 06/15/2011 07:45 PM AST

**To:** Brendan Gilfillan

## AEP: Closing Plants Were 'Nearing the End of Their Lives'

The Kanawha River Plant is scheduled for early closure.

Photo Credit: JIM ROSS / The State Journal

**American Electric Power recently announced it would speed up the closure of five plants, three of which are in West Virginia.**

Posted Wednesday, June 15, 2011 ; 04:57 PM  
WVNS TV

By Jim Ross

[Email](#) | [Other Stories by Jim Ross](#)

The days of some of West Virginia's oldest coal-fired power plants are numbered.

The question facing the state is how many or few those days are and how to manage the demand for electricity versus the supply as those plants approach their ends.

Last week, American Electric Power caused a stir in the state when it announced proposed Environmental Protection Agency regulations regarding air quality, coal ash disposal and water temperature, among others, would force it to close three power plants at the end of 2014 rather than by 2020 as previously scheduled.

The closing of the three plants -- Philip Sporn near New Haven in Mason County, Kanawha River near Glasgow in Kanawha County and Kammer near Moundsville -- would mean the loss of 242 jobs.

In addition, other West Virginians could lose jobs at AEP plants in surrounding states. The Big Sandy plant in Kentucky, which sits across the Big Sandy River from Wayne County, would be converted from coal to natural gas and be out of production for a year in the process.

In last week's announcement, AEP CEO Michael Morris said the early closure of the plants and other steps AEP will take to meet the new EPA standards could increase rates by 10 to 35 percent.

AEP's announcement drew immediate criticism from Sen. Joe Manchin, D-W.Va.; U.S. Reps. Shelley Moore Capito and David McKinley, both R-W.Va.; acting Gov. Earl Ray Tomblin and others. It drew praise from environmental groups. Conspicuously absent from commenting, either in opposition to the EPA regulations or against them, was Sen. Jay Rockefeller, D-W.Va., and U.S. Rep. Nick Rahall, D-W.Va.

Yet no matter what the EPA timetable is for implementing the new and proposed regulations, AEP sees all three plants with limited futures, said Charles Patton, president and chief operating officer of AEP subsidiary Appalachian Power, in an interview this week.

"The plants, most of them are in excess of 50 years old. These plants are nearing the end of their life. This is more of managing the transition," Patton said.

The three plants designated for early closure are not major players in the AEP supply grid the way larger plants such as the John Amos plant in Putnam County are. They're on what AEP calls extended startup status. They run, but only when demand is highest, such as in summer cooling season and winter heating season.

Appalachian Power spokeswoman Jeri Matheney said one unit at Sporn is shut down. The other four are on extended startup status. Patton said Kanawha River and the Glen Lyn power plant in Virginia are extended startup plants also, but are efficient enough to run more than planned.

Patton said AEP is long in generation, that is, it generates more power than it needs. It sells excess power to other companies. Appalachian Power, one of the operating divisions of AEP, is short, meaning its plants don't produce enough electricity to meet customer demand, so it must acquire electricity from other AEP operating divisions, Patton said.

"That length will give us a little bit of coverage as we shut these plants. Within the next two to three years, AEP goes short. We will have to go to the market while we build new generation. Our customers, particularly our large industrial customers, are adverse to being part of the market. They want stability," Patton said.

AEP's future generating plants will likely be powered by natural gas, Patton said.

"Coal still makes sense to be part of the mix, but we can no longer afford to be 99 percent coal," he said.

AEP spent \$2 billion on pollution control equipment at the John Amos plant and the Mountaineer plant in Mason County. Along with the Mitchell plant at Moundsville, they are very cost-efficient. The only regulatory problem they may have is whatever the EPA decides to do regarding the regulation of coal ash, Patton said.

"Our goal ultimately is compliance. We just need a little bit of time to maintain reliability, and we need to manage rates," Patton said.

01268-EPA-6696

Gina McCarthy/DC/USEPA/US

06/15/2011 08:11 PM

To Richard Windsor, "Bob Perciasepe", "Diane Thompson",  
"Scott Fulton", "Michael Goo", "Bob Sussman", Janet  
McCabe, Joseph Goffman

cc

bcc

Subject Fw: Per my voice mail of earlier today

Administrator - [REDACTED]

Ex.5 - Deliberative [REDACTED]  
[REDACTED]

Peter Tsirigotis

----- Original Message -----

**From:** Peter Tsirigotis  
**Sent:** 06/15/2011 06:02 PM EDT  
**To:** Gina McCarthy; Joseph Goffman  
**Cc:** Steve Page; tsirigotis.peter@epa.gov  
**Subject:** Fw: Per my voice mail of earlier today

See attached.

Ex.5 - Deliberative [REDACTED]  
[REDACTED]

Ex.5 - Deliberative [REDACTED]

----- Forwarded by Peter Tsirigotis/RTP/USEPA/US on 06/15/2011 05:57 PM -----

From: Wendy Blake/DC/USEPA/US  
To: Peter Tsirigotis/RTP/USEPA/US@EPA  
Cc: Patricia Embrey/DC/USEPA/US@EPA, Susmita Dubey/DC/USEPA/US@EPA  
Date: 06/15/2011 01:07 PM  
Subject: Per my voice mail of earlier today

We spoke with Scott Fulton,

Ex.5 - Deliberative [REDACTED]  
[REDACTED]

If you need anything further from us, please let us know.

Wendy

Wendy L. Blake  
U.S. Environmental Protection Agency  
Office of General Counsel  
phone: (202) 564-1821  
fax: (202) 564-5603



01268-EPA-6697

**Richard  
Windsor/DC/USEPA/US**  
06/15/2011 08:12 PM

To Gina McCarthy, "Bob Perciasepe", "Diane Thompson", "Scott Fulton", "Michael Goo", "Bob Sussman", Janet McCabe, Joseph Goffman  
cc  
bcc  
Subject Re: Per my voice mail of earlier today

Any objections out there?  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/15/2011 08:11 PM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <Thompson.Diane@EPA.GOV>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; Janet McCabe; Joseph Goffman  
**Subject:** Fw: Per my voice mail of earlier today

Administrator - [REDACTED] Ex.5 - Deliberative [REDACTED]

Peter Tsirigotis

----- Original Message -----

**From:** Peter Tsirigotis  
**Sent:** 06/15/2011 06:02 PM EDT  
**To:** Gina McCarthy; Joseph Goffman  
**Cc:** Steve Page; tsirigotis.peter@epa.gov  
**Subject:** Fw: Per my voice mail of earlier today

See attached. [REDACTED] Ex.5 - Deliberative [REDACTED]

----- Forwarded by Peter Tsirigotis/RTP/USEPA/US on 06/15/2011 05:57 PM -----

From: Wendy Blake/DC/USEPA/US  
To: Peter Tsirigotis/RTP/USEPA/US@EPA  
Cc: Patricia Embrey/DC/USEPA/US@EPA, Susmita Dubey/DC/USEPA/US@EPA  
Date: 06/15/2011 01:07 PM  
Subject: Per my voice mail of earlier today

We spoke with Scott Fulton [REDACTED]

Ex.5 - Deliberative [REDACTED]

If you need anything further from us, please let us know.

Wendy

Wendy L. Blake  
U.S. Environmental Protection Agency  
Office of General Counsel  
phone: (202) 564-1821  
fax: (202) 564-5603

01268-EPA-6699

**Michael Goo/DC/USEPA/US**  
06/15/2011 08:25 PM

To Bob Perciasepe, Scott Fulton, Richard Windsor, Gina McCarthy, "Bob Perciasepe", "Diane Thompson", "Scott Fulton", "Michael Goo", "Bob Sussman", Janet McCabe, Joseph Goffman

cc

bcc

Subject Re: Per my voice mail of earlier today

No objection here.  
Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 06/15/2011 08:24 PM EDT  
**To:** Scott Fulton; Richard Windsor; Gina McCarthy; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Janet McCabe; Joseph Goffman  
**Subject:** Re: Per my voice mail of earlier today

Agree from here.

Ex.5 - Deliberative

Ex.5 - Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 06/15/2011 08:19 PM EDT  
**To:** Richard Windsor; Gina McCarthy; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Janet McCabe; Joseph Goffman  
**Subject:** Re: Per my voice mail of earlier today

No objection here.

Ex.5 - Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 06/15/2011 08:12 PM EDT  
**To:** Gina McCarthy; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Janet McCabe; Joseph Goffman  
**Subject:** Re: Per my voice mail of earlier today

Any objections out there?  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/15/2011 08:11 PM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Diane Thompson" <Thompson.Diane@EPA.GOV>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; Janet McCabe; Joseph Goffman  
**Subject:** Fw: Per my voice mail of earlier today

Administrator -

Ex.5 - Deliberative

Peter Tsirigotis

----- Original Message -----

**From:** Peter Tsirigotis  
**Sent:** 06/15/2011 06:02 PM EDT  
**To:** Gina McCarthy; Joseph Goffman  
**Cc:** Steve Page; tsirigotis.peter@epa.gov  
**Subject:** Fw: Per my voice mail of earlier today

See attached.

Ex.5 - Deliberative

?

Ex.5 - Deliberative

----- Forwarded by Peter Tsirigotis/RTP/USEPA/US on 06/15/2011 05:57 PM -----

From: Wendy Blake/DC/USEPA/US  
To: Peter Tsirigotis/RTP/USEPA/US@EPA  
Cc: Patricia Embrey/DC/USEPA/US@EPA, Susmita Dubey/DC/USEPA/US@EPA  
Date: 06/15/2011 01:07 PM  
Subject: Per my voice mail of earlier today

We spoke with Scott Fulton,

Ex.5 - Deliberative

If you need anything further from us, please let us know.

Wendy

Wendy L. Blake  
U.S. Environmental Protection Agency  
Office of General Counsel  
phone: (202) 564-1821  
fax: (202) 564-5603



01268-EPA-6701

Michael Goo/DC/USEPA/US

To Richard Windsor

06/16/2011 01:11 PM

cc

bcc

Subject Upcoming meeting on EGU NSPS for GHGs.

Administrator:

In advance of our upcoming meeting today on the EGU NSPS for GHGs, I wanted to make a few points. I will also leave a hard copy version of this email for you in your office.

Ex.5 - Deliberative



[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

01268-EPA-6702

**Bob Sussman/DC/USEPA/US**

06/16/2011 07:28 PM

To Richard Windsor

cc Nancy Stoner, Gwendolyn KeyesFleming, Arvin Ganesan,  
Diane Thompson, Betsaida Alcantara, Bob Perciasepe

bcc

Subject Leeco KY Mine 404 Permit

Administrator -- as you'll recall, we met with you twice to discuss the CWA 404 permit for the Leeco mine in Eastern Kentucky.

Ex.5 - Deliberative

A large block of text has been completely redacted with black bars. The redaction covers approximately 15 lines of text, starting from the end of the previous paragraph and extending down to the bottom of the page. The redacted area is roughly rectangular, with some irregular edges where it meets other text or the page boundary.

Ex.5 - Deliberative



01268-EPA-6704

Lawrence  
Elworth/DC/USEPA/US  
06/17/2011 01:16 PM

To Bob Sussman  
cc Arvin Ganesan, Avi Garbow, Bob Perciasepe, Diane  
Thompson, Richard Windsor, Scott Fulton, Steve Owens  
bcc  
Subject Re: Settlement of Pesticide Mega Suit

This is an excellent synopsis -

Ex.5 - Deliberative

Lawrence Elworth  
Agricultural Counselor to the Administrator  
U. S. Environmental Protection Agency  
2415 Ariel Rios North  
202 564-1530

Bob Sussman      Administrator -- you are aware, I believe...      06/16/2011 07:55:57 PM

---

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Steve Owens/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi  
Garbow/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Bob  
Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane  
Thompson/DC/USEPA/US@EPA  
Date: 06/16/2011 07:55 PM  
Subject: Settlement of Pesticide Mega Suit

Administrator -- you are aware, I believe, of the ESA "mega suit", brought by Center for Biological Diversity to compel EPA to initiate consultations with the Services on a large universe of pesticides and to require "interim" measures to protect endangered species while consultations are underway. This suit builds on the Washington Toxics cases under which EPA was compelled to initiate consultations for a smaller group of pesticides, leading ultimately to the biological opinions that have spawned further litigation and formed the basis for the NAS review that EPA and NMFS have undertaken to address the science underlying the BiOps.

(b) (5) Attorney Client, (b) (5) Deliberative

[REDACTED]  
[REDACTED]  
[REDACTED]  
Ex.5 - Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

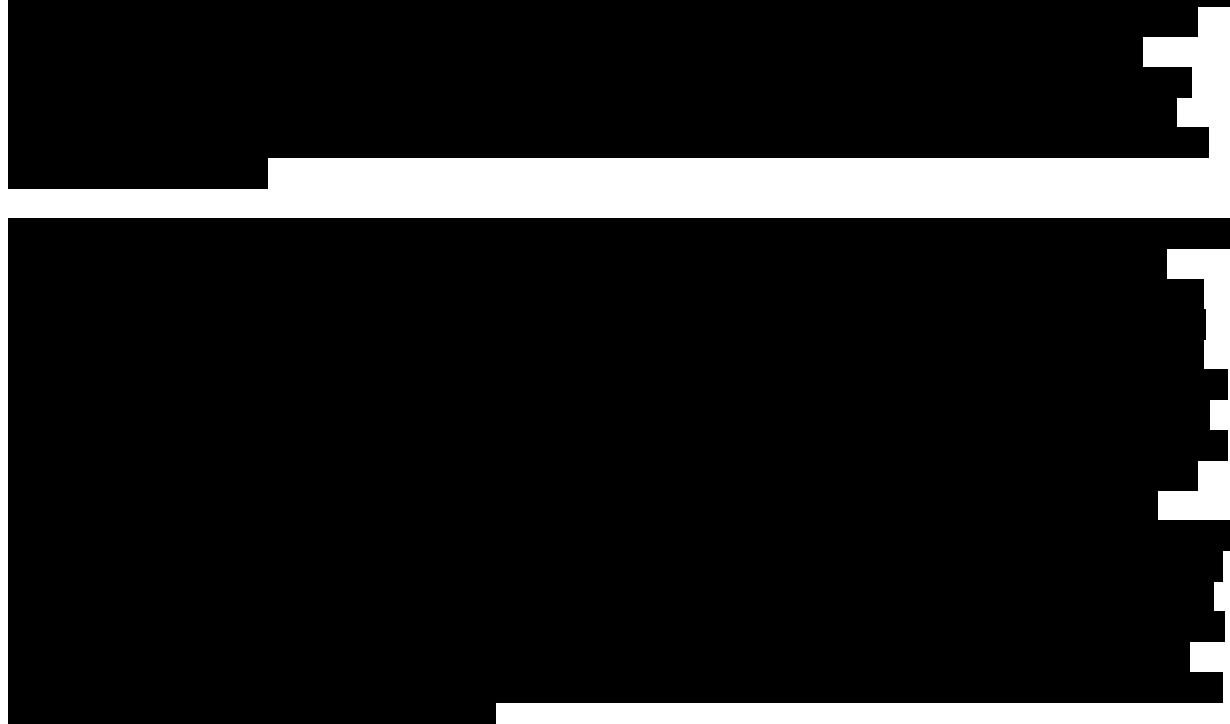
01268-EPA-6705

**Mathy  
Stanislaus/DC/USEPA/US**  
06/17/2011 04:09 PM

To Richard Windsor  
cc Diane Thompson, Bob Perciasepe, Bob Sussman, Seth  
Oster, Cynthia Giles-AA, Lisa Feldt  
bcc  
Subject Alliant Energy Coal Ash Impoundment

Lisa - As I shared previously, as part of our ongoing assessment of structural integrity of CCR surface impoundments, EPA's contractor conducted a site assessment of the impoundments at Alliant Energy's Burlington, Iowa facility. The Burlington Facility is located along the Mississippi River in Burlington, Iowa.

Ex.5 - Deliberative



Please let us know if you need anything else.

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

01268-EPA-6708

**Richard  
Windsor/DC/USEPA/US**  
06/20/2011 02:00 PM

To David McIntosh, Scott Fulton, Brendan Gilfillan, Bob Perciasepe, Diane Thompson, "Seth Oster", Adora Andy, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Avi Garbow, Gina McCarthy, Janet McCabe, Joseph Goffman, Bob Sussman, Daniel Kanninen, Stephanie Owens, Dru Ealons

cc

bcc

Subject Re: Politico breaking news:  
SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT

Precisely right David.

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 06/20/2011 11:07 AM EDT  
**To:** Scott Fulton; Brendan Gilfillan; Richard Windsor; Bob Perciasepe; Diane Thompson; "Seth Oster" <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Arvin Ganesan; Laura Vaught; Avi Garbow; Gina McCarthy; Janet McCabe; Joseph Goffman; Bob Sussman; Daniel Kanninen; Stephanie Owens; Dru Ealons

**Subject:** Re: Politico breaking news:  
SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT

Ex.5 - Deliberative

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 06/20/2011 11:00 AM EDT  
**To:** Brendan Gilfillan; Richard Windsor; Bob Perciasepe; Diane Thompson; "Seth Oster" <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Laura Vaught; Avi Garbow; Gina McCarthy; Janet McCabe; Joseph Goffman; Bob Sussman; Daniel Kanninen; Stephanie Owens; Dru Ealons

**Subject:** Re: Politico breaking news:  
SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT

(b) (5) Deliberative, (b) (5) Attorney Client

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 06/20/2011 10:37 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Laura Vaught; Scott Fulton; Avi Garbow; Gina McCarthy; Janet McCabe; Joseph Goffman; Bob Sussman; Daniel Kanninen; Stephanie Owens; Dru Ealons

**Subject:** Politico breaking news:  
SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT

**SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT:** In an [8-0 decision](#), the Supreme Court on Monday reversed a lower court ruling that allowed states and environmental groups to sue utilities over their greenhouse gas emissions. The justices held that EPA's actions under the Clean Air Act displace the claims made under public nuisance laws.

01268-EPA-6709

Gina McCarthy/DC/USEPA/US

06/20/2011 05:47 PM

To Richard Windsor

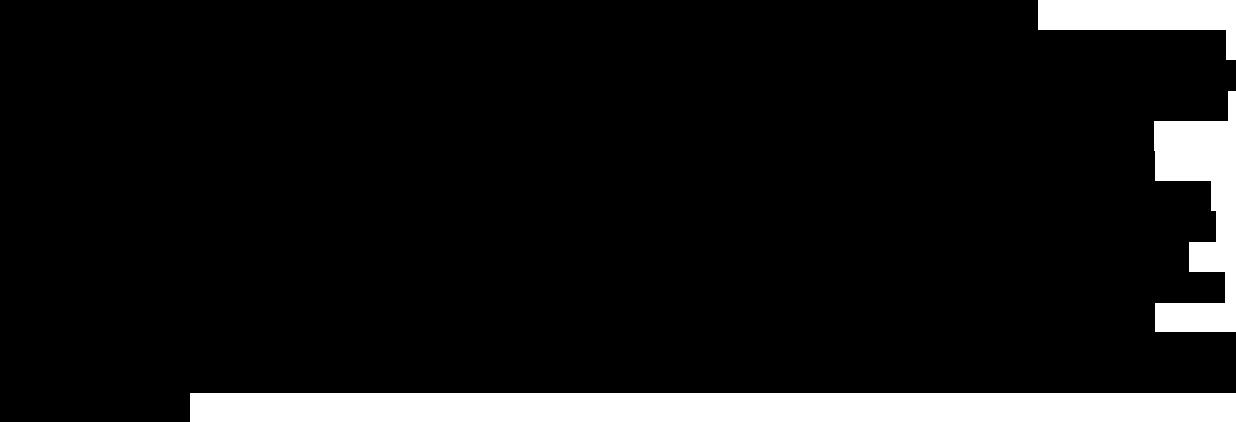
cc perciasepe.bob, Michael Goo, Sussman.bob, Fulton.Scott,  
Joseph Goffman, Janet McCabe, Thompson.Diane,  
McIntosh.David

bcc

Subject GHG NSPS Update

Administrator: To follow up on last week's discussion, we have directed staff to move forward with modeling,

Ex.5 - Deliberative



If I missed anything or misspoke in any way, I am hoping that others will add or clarify.

Thanks

01268-EPA-6711

**Richard  
Windsor/DC/USEPA/US**  
06/20/2011 07:32 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: MATS comment period extension

Cool. At least one typo in my quote - "assist" not "assistant."  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 06/20/2011 06:19 PM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster  
**Subject:** MATS comment period extension

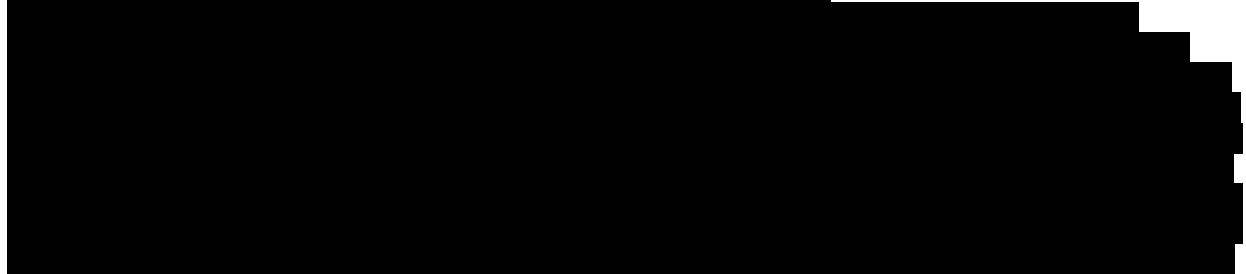
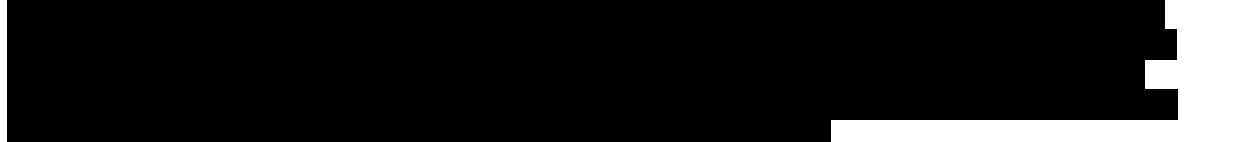
Hey Boss -

Here's the latest draft of the release we're planning to issue tomorrow on the MATS comment period extension.

Thanks

- Brendan

Ex.5 - Deliberative



01268-EPA-6712

**Bob Sussman/DC/USEPA/US** To Richard Windsor

06/20/2011 09:03 PM cc

bcc

Subject Fw: Leeco KY Mine 404 Permit

Administrator -- can we go ahead? [REDACTED] Ex.5 - Deliberative

----- Forwarded by Bob Sussman/DC/USEPA/US on 06/20/2011 09:01 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Nancy Stoner/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 06/16/2011 07:28 PM  
Subject: Leeco KY Mine 404 Permit

Administrator -- as you'll recall, we met with you twice to discuss the CWA 404 permit for the Leeco mine in Eastern Kentucky. As proposed, this was one of the largest mines on the ECP list, with six valley fills.

Ex.5 - Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

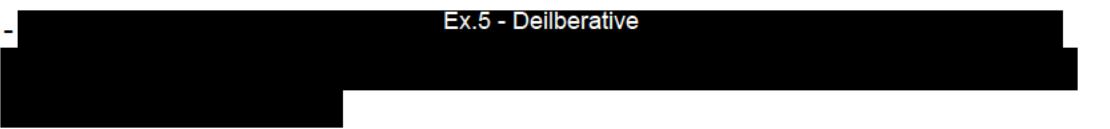
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Ex.5 - Deliberative





01268-EPA-6713

Richard  
Windsor/DC/USEPA/US  
06/20/2011 09:04 PM

To Bob Sussman  
cc  
bcc

Yes  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 06/20/2011 09:03 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Leeco KY Mine 404 Permit

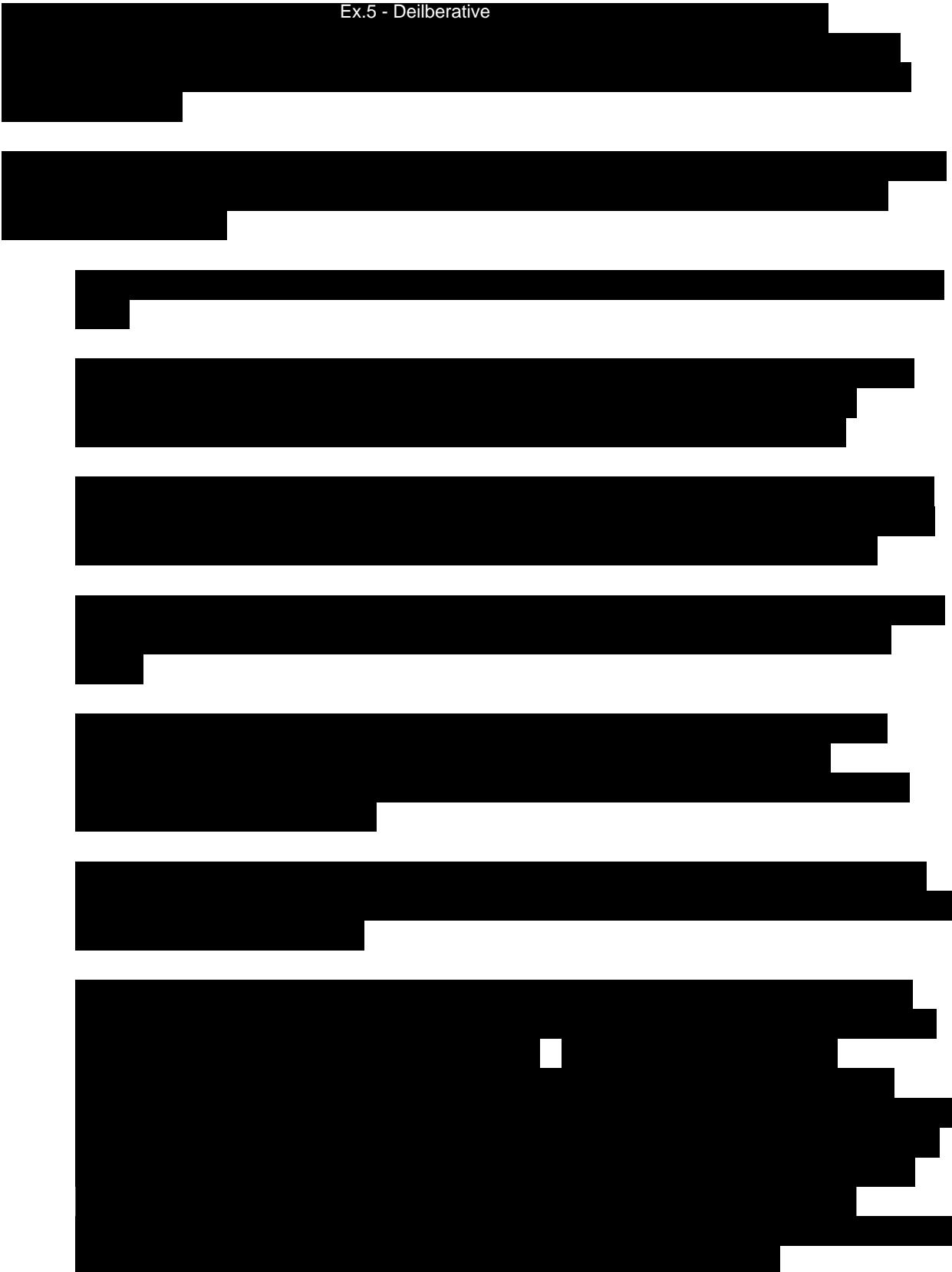
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/20/2011 09:01 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Nancy Stoner/DC/USEPA/US@EPA, Gwendolyn Keyes Fleming/R4/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 06/16/2011 07:28 PM  
Subject: Leeco KY Mine 404 Permit

Administrator -- as you'll recall, we met with you twice to discuss the CWA 404 permit for the Leeco mine in Eastern Kentucky. As proposed, this was one of the largest mines on the ECP list, with six valley fills.

## Ex.5 - Deliberative

Ex.5 - Deliberative



- [REDACTED] Ex.5 - Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

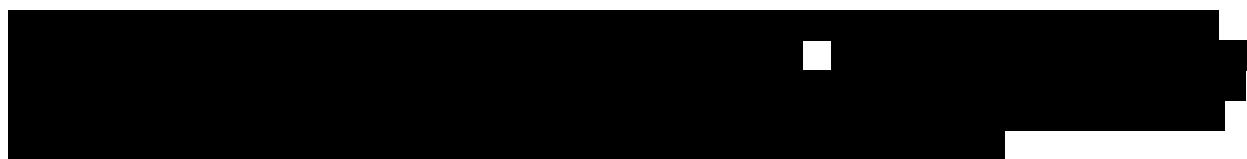
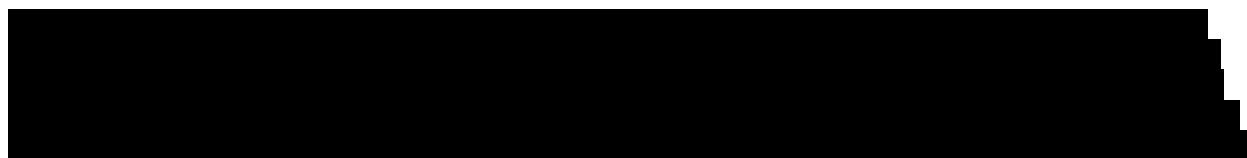
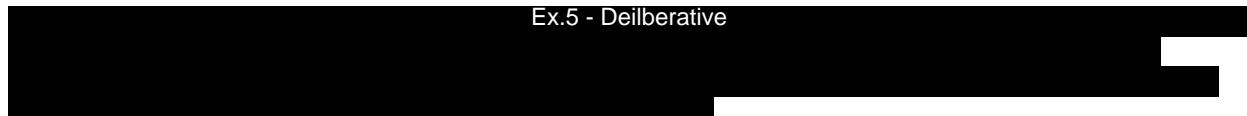
01268-EPA-6715

Michael Goo/DC/USEPA/US  
06/21/2011 01:09 PM  
  
To Gina McCarthy  
cc Fulton.Scott, Janet McCabe, Joseph Goffman,  
McIntosh.David, perciasepe.bob, Richard Windsor,  
Sussman.bob, Thompson.Diane  
bcc  
Subject Re: GHG NSPS Update

Gina:

Thanks for the email. I would just make a few points:

Ex.5 - Deliberative



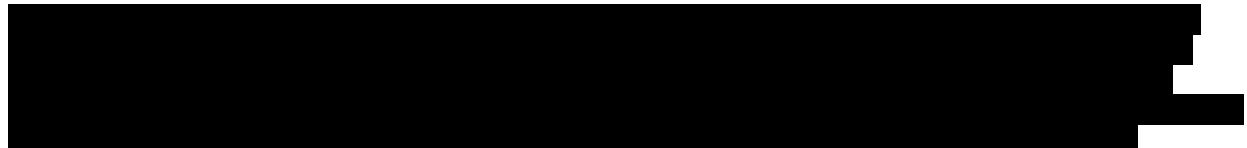
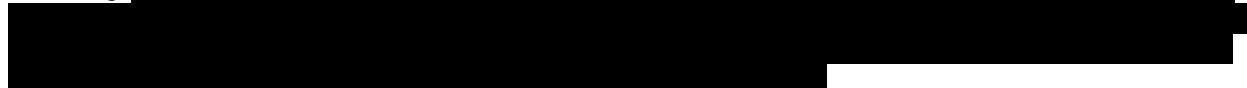
Gina McCarthy      Administrator: To follow up on last wee...      06/20/2011 05:47:28 PM

---

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: perciasepe.bob@epa.gov, Michael Goo/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV,  
Fulton.Scott@EPA.GOV, Joseph Goffman/DC/USEPA/US@EPA, Janet  
McCabe/DC/USEPA/US@EPA, Thompson.Diane@EPA.GOV, McIntosh.David@EPA.GOV  
Date: 06/20/2011 05:47 PM  
Subject: GHG NSPS Update

Administrator: To follow up on last week's discussion, we have directed staff to move forward with  
modeling,

Ex.5 - Deliberative



Ex.5 - Deliberative



If I missed anything or misspoke in any way, I am hoping that others will add or clarify.

Thanks

01268-EPA-6717

David  
McIntosh/DC/USEPA/US  
06/21/2011 04:06 PM

To: Brendan Gilfillan  
cc: Brendan Gilfillan, Adora Andy, Arvin Ganesan, Betsaida Alcantara, Laura Vaught, Seth Oster, Richard Windsor  
bcc:  
Subject: Re: ALA statement on comment period extension

Ex.5 - Deliberative

Brendan Gilfillan All - Here's the first round of stories on... 06/21/2011 03:42:01 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Date: 06/21/2011 03:42 PM  
Subject: Re: ALA statement on comment period extension

All -

Here's the first round of stories on this - mostly wires, and mostly playing it straight:

## FULL STORIES:

### US extends comment time on power plant toxics rule

Reuters

By: Tim Gardner

Tue Jun 21, 2011 1:33pm

Comments extended 30 days, final rule time not changed

\* Power companies divided about rules

WASHINGTON, June 21 (Reuters) - The U.S. Environmental Protection Agency said on Tuesday it has extended the comment timeline by 30 days on a draft rule on reducing mercury emissions and other toxic pollution from power plants but left the target for finalization of the rule unchanged.

The EPA proposed the rules in March that could force aging coal-fired power plants to choose between installing anti-pollution technology or shutting.

The agency took public comment on the rules for 60 days and extended it by 30 days on Tuesday, "in our effort to be responsive to Congress and to build on the robust public comment

process," EPA Administrator Lisa Jackson said in a release.

The agency expects the rule will be finalized in November.

Many Republicans and some Democrats in Congress have urged the EPA to slow down the roll-out of air pollution rules because they say they will hurt jobs.

But the EPA says the rules must go forward because they will protect human health. When the rule is finalized it will assist in preventing 11,000 heart attacks, and 17,000 premature deaths, the agency says.

Some power companies such as Calpine Corp ([CPN.N](#)) have invested in technology to cut pollution and support the rules.

American Electric Power ([AEP.N](#)), one of the country's largest coal burners, said it plans to retire nearly a quarter of its coal fleet and retrofit other units to comply with proposed environmental regulations.

## **US EPA Extends Time For Comments On Mercury Emissions Rule**

June 21, 2011

By Ryan Tracy, Of DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- The U.S. Environmental Protection Agency Tuesday said it will allow more time for public comments about a rule that would require power plants to limit mercury emissions, but said it would still finalize the rule in November.

The announcement came after a top agency official defended the rule in a public appearance Tuesday, pushing back against critics who say it is too costly and have been stepping up pressure on the Obama administration to delay it.

Deputy EPA Administrator Bob Perciasepe said the agency would "be willing to sit down with any company to look at their particular issues and work through their implementation challenges." He noted that companies will have three years or more to comply.

"We think that's enough time," Perciasepe said. "I believe they are prepared."

The proposed rule would require coal-fired power plants to install technology that limits the emissions of mercury and other toxins. EPA Administrator Lisa Jackson said Tuesday in a statement that she was extending the comment period in response to a request from Congress, but added, "EPA will put these long-overdue standards in effect in November, as planned."

The public comment period was extended by 30 days and now ends Aug. 4.

## **EPA extends comment period on proposed mercury rule**

By Andrew Restuccia , The Hill

June 21, 2011 01:29 PM ET

The Environmental Protection Agency said Tuesday it would extend by 30 days a public comment period for proposed regulations aimed at lowering mercury and other toxic emissions from power plants.

The extension of the comment period, EPA said, will not delay the release of EPA's final standards, which is slated for November.

"These standards are critically important to the health of the American people and will leverage technology already in use at over half of the nation's coal power plants to slash emissions of mercury and other hazardous pollutants," EPA Administrator Lisa Jackson said Tuesday.

The decision to extend the comment period comes amid increasing pressure from Republicans, some moderate Democrats and coal-fired utilities like American Electric Power to delay the standards.

American Lung Association President Charles Connor called the move "distressing."

"It is most distressing to see EPA accede to pleas from industry lawyers, lobbyists and their allies in Congress calling for additional time, on top of the 111 days already provided, to review and comment on the proposal," Connor said.

Clean Air Watch President Frank O'Donnell said that EPA's decision is likely an effort to "relieve political pressure against the standards."

"But we do fear that pressure will continue unabated," he said.

The **first-ever national standards**, which have been in the works for decades, would require companies to install technology at power plants to lower a slew of harmful emissions, including mercury, arsenic, chromium and nickel.

The standards will result in major health benefits, according to EPA. When finalized, the standards will prevent 11,000 heart attacks and 17,000 premature deaths each year, Jackson said Tuesday.

In addition, EPA has stressed that the standards are cost effective, arguing that for every \$1

spent, the public will see \$13 in benefits.

The comment period extension comes a week after EPA announced it would delay by two months the release of proposed climate regulations for power plants. The May 2012 deadline for issuing the final regulations will not slip, EPA says.

### EPA Extends Comment Time on Mercury and Air Toxics Proposal

Bloomberg

By: Kim Chipman

Jun 21, 2011 12:54 PM

The [Environmental Protection Agency](#) said it will extend the public comment period for a proposed mercury and air toxics rule, responding to calls from lawmakers to give companies more time to weigh in on the standards.

The EPA will extend the comment timeline by 30 days, according to a statement today. The November deadline for issuing final standards will remain the same.

U.S. Representative John Dingell, a Michigan Democrat, was among lawmakers calling on the agency to give utilities, manufacturers, environmental groups and other interested parties 120 days to comment, double the current schedule.

Brendan Gilfillan    FOR IMMEDIATE RELEASE:    ...    06/21/2011 02:02:42 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA

Date: 06/21/2011 02:02 PM  
Subject: ALA statement on comment period extension

**FOR IMMEDIATE RELEASE:**

June 21, 2011

**Contact:** Mary Havell

202 -715-3459

[mhavell@lungusa.org](mailto:mhavell@lungusa.org)

### American Lung Association Calls for EPA to Complete Mercury and Air Toxics Rule on Time, Criticizes Comment Extension

Washington, D.C. (June 21, 2011) — Charles D. Connor, American Lung Association President and CEO, issued

the following statement in response to the U.S. Environmental Protection Agency's (EPA) announcement to extend the public comment period on its proposed Mercury and Air Toxics Rule:

"The American Lung Association is deeply troubled by the announcement today by the U.S. Environmental Protection Agency to extend the comment period for the Power Plant Mercury and Air Toxics standards. The cleanup of toxic air pollution from power plants is 20 years overdue. I stood with EPA Administrator Lisa P. Jackson in support of these lifesaving standards when this proposal was announced on March 16, 2011. It is most distressing to see EPA accede to pleas from industry lawyers, lobbyists and their allies in Congress calling for additional time, on top of the 111 days already provided, to review and comment on the proposal.

"Last month, I [wrote](#) to Administrator Jackson urging her to complete action on this rule by the deadline of November 16, 2011. I am reassured today by [Administrator Jackson's renewed commitment](#) to this deadline. This deadline is vital because the Mercury and Air Toxics Rule, when fully implemented, will prevent an estimated 120,000 asthma attacks and 17,000 premature deaths each year."

01268-EPA-6718

**Laura Vaught/DC/USEPA/US**  
06/21/2011 08:09 PM  
**To:** "Richard Windsor", McIntosh.David, Ganesan.Arvin, "Seth Oster", Perciasepe.Bob, "Bob Sussman", "Michael Goo", "Gina McCarthy", "Scott Fulton"  
**cc**  
**bcc**  
**Subject:** Fw: Bipartisan boiler MACT bill coming Wednesday

FYI - I haven't yet seen text that will be introduced on this, but below are provisions the R's were shopping to Dem offices, so I would make educated guess to expect the main parts of this to be something along these lines. Will let everyone know for sure when we see it.

Likely provisions:

- 1) Timeline requiring totally new rule in 15 months
- 2) Staying existing rule for that duration
- 3) Preventing states from implementing the MACT hammer in CAA sec 112 during that time
- 4) Including the 2000 definition of solid waste and
- 5) Saying the new standard would have to be compatible with plants current operating conditions. (So called Frankenplant provision).
- 6) Specifying that new rule will allow 5 years for compliance.

---

**From:** POLITICO Pro Whiteboard [proalerts@politicopro.com]

**Sent:** 06/21/2011 07:32 PM AST

**To:** Laura Vaught

**Subject:** Bipartisan boiler MACT bill coming Wednesday

6/21/11 7:32 PM EDT

Eight Energy and Commerce Committee members — four Republicans and four Democrats — will introduce legislation Wednesday to delay EPA's air toxics standards for boilers, a committee aide tells POLITICO. EPA has already delayed the rule's release, but critics say the agency needs more time to get it right.

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<https://www.politicopro.com/member/?webaction=viewAlerts>

01268-EPA-6721

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
cc  
06/22/2011 12:56 PM bcc  
Subject Fw: NOAA chief apologizes for miscommunication on climate service

This went south in a hurry...

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/22/2011 12:56 PM -----

---

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 06/22/2011 12:52 PM  
Subject: NOAA chief apologizes for miscommunication on climate service

## **NOAA chief apologizes for miscommunication on climate service**

By Robin Bravender  
6/22/11 12:50 PM EDT

NOAA Administrator Jane Lubchenco is sorry for getting off on the wrong foot with Republicans when the Obama administration announced plans to create a new climate office within her agency.

"In February 2010, we announced our intent to establish a climate service," Lubchenco told the House science committee on Wednesday. "That announcement did not go well, and I apologize that we got off on the wrong foot."

Congressional Republicans have slammed the administration for announcing the new office without the green light from the legislative branch, and the fiscal 2011 spending bill passed in April includes a GOP-led rider that prohibits NOAA from establishing the new office.

Lubchenco assured lawmakers Wednesday that NOAA has not set up the service, and is looking to improve its relationship with its critics in Congress, including the science committee chairman, Ralph Hall (R-Texas), who authored the amendment to block funding to NOAA's climate service.

"Mr. Hall, it is my sincerest hope that the time and effort that we have committed to sharing information with the committee and responding to your requests over the last year has begun to

restore the goodwill that long characterized the relationship between NOAA and the science committee," Lubchenco said.

Lubchenco also apologized for the delay in getting her testimony to the committee after Hall called it "truly appalling" that it arrived "26 hours late and is 27 pages."

"I certainly accept your apologies," Hall said.

But several GOP colleagues on the panel accused the administration of moving ahead on the climate service despite the prohibition from Congress by having a climate service transitional director and six regional directors on the payroll.

"I think you're breaking the law, frankly, because you're standing up a service that Congress has told you not to do," said Rep. Paul Broun (R-Ga.), chairman of the science panel's Subcommittee on Investigations and Oversight.

Lubchenco defended those positions, noting that they were hired last year, before the passage of the continuing resolution and are doing ongoing climate work that NOAA has existing authority to perform.

To read and comment online:

<https://www.politicopro.com/go/?id=4154>

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01268-EPA-6722

**Bob Sussman/DC/USEPA/US** To Bob Sussman  
06/23/2011 11:01 AM cc Arvin Ganesan, Avi Garbow, Bob Perciasepe, Diane  
Thompson, Lawrence Elworth, Richard Windsor, Scott  
Fulton, Steve Owens  
bcc  
Subject Re: Settlement of Pesticide Mega Suit

Administrator -- I wanted to double-check whether you have concerns about the approach described below. [REDACTED] (b) (5) Attorney Client, (b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

**Bob Sussman**    Administrator -- you are aware, I believe...    06/16/2011 07:56:28 PM

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Steve Owens/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 06/16/2011 07:56 PM  
Subject: Settlement of Pesticide Mega Suit

Administrator -- you are aware, I believe, of the ESA "mega suit", brought by Center for Biological Diversity to compel EPA to initiate consultations with the Services on a large universe of pesticides and to require "interim" measures to protect endangered species while consultations are underway. This suit builds on the Washington Toxics cases under which EPA was compelled to initiate consultations for a smaller group of pesticides, leading ultimately to the biological opinions that have spawned further litigation and formed the basis for the NAS review that EPA and NMFS have undertaken to address the science underlying the BiOps.

(b) (5) Attorney Client, (b) (5) Deliberative

[REDACTED]  
[REDACTED]  
[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

01268-EPA-6723

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Bob Perciasepe, Seth Oster, Arvin  
06/23/2011 12:35 PM Ganesan, Scott Fulton  
cc  
bcc  
Subject Boiler MACT Reconsideration Schedule

While we've discussed this, I wanted to be sure that everyone is aware that tomorrow DOJ will file papers responding to Sierra Club's opposition to our request to stay the CISWI litigation and that response will include our schedule for proposed and final reconsideration of CISWI and Boiler MACT. Ex.5 - Deliberative  
[REDACTED]

[REDACTED] Ex.5 - Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

01268-EPA-6724

**Michael Goo/DC/USEPA/US** To Richard Windsor, Bob Sussman, David McIntosh  
06/23/2011 12:41 PM cc  
bcc  
Subject NSPS EGU meeting at 1

Administrator, sorry for the last minute nature of this email but as you know the scene changes rather rapidly on this NSPS situation.

At the meeting today, which is to update you on modeling results there are a few things I would like you to know.

Ex.5 - Deliberative



01268-EPA-6725

**Richard  
Windsor/DC/USEPA/US**  
06/23/2011 12:57 PM

To Bob Sussman, Bob Perciasepe, Seth Oster, Arvin Ganesan,  
Scott Fulton  
cc  
bcc  
Subject Re: Boiler MACT Reconsideration Schedule

Ex.5 - Deliberative

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 06/23/2011 12:35 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Seth Oster; Arvin Ganesan; Scott Fulton  
**Subject:** Boiler MACT Reconsideration Schedule

While we've discussed this, I wanted to be sure that everyone is aware that tomorrow DOJ will file papers responding to Sierra Club's opposition to our request to stay the CISWI litigation and that response will include our schedule for proposed and final reconsideration of CISWI and Boiler MACT. Ex.5 - Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

01268-EPA-6726

**Richard  
Windsor/DC/USEPA/US**  
06/23/2011 03:04 PM

To Arvin Ganesan, Bob Perciasepe  
cc  
bcc  
Subject Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5) Attorney Client, (b) (5) Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 02:49 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Fw: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

Administrator and Bob:

I wanted to also tell you that while the tech analysis did not single out MTM, this article does. Ex.5 -  
Deilberative

-----  
**ARVIN R. GANESAN**  
 Deputy Associate Administrator  
 Office of the Administrator  
 United States Environmental Protection Agency  
 Ganesan.Arvin@epa.gov  
 (p) 202.564.5200  
 (f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/23/2011 02:46 PM -----

---

From: Arvin Ganesan/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
 Date: 06/23/2011 02:45 PM  
 Subject: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

This refers to the technical assistance that we provided to Bishop in advance of the Mica/Rahall CWA bill that passed out of T&I. There's opportunity here.

## 1. WATER POLICY: EPA warns Mica-Rahall bill would 'overturn' clean water law (06/23/2011)

**Paul Quinlan, E&E reporter**

U.S. EPA warned of the potential dire consequences of legislation being fast-tracked through the House that would give states final say on rules concerning water, wetlands and mountaintop-removal mining.

In a four-page **legal analysis**, EPA said the measure ([H.R. 2018](#)) sponsored by House Transportation and Infrastructure Chairman John Mica (R-Fla.) and ranking member Nick Rahall (D-W.Va.) "would overturn almost 40 years of federal legislation by preventing EPA from protecting public health and

water quality."

GOP House leaders expect to bring the bill to a floor vote this summer.

EPA said the Mica-Rahall bill would "significantly undermine" the agency's role of overseeing states' establishment and enforcement of water pollution limits and permits. It said the measure would hinder EPA's ability to intervene on behalf of downstream states harmed by pollution coming from a state upstream. And it said the bill would prevent EPA from protecting local communities from ill-conceived mountaintop-removal and similar projects allowed to go forward under Army Corps of Engineers-issued permits.

"This would fundamentally disrupt the balance established by the original [Clean Water Act] in 1972 -- a law that carefully constructed complementary roles for EPA, the Corps, and states," the analysis said.

That is the opposite of what proponents argue the bill would do. They say it would shore up what they see as the erosion of state authority under the Clean Water Act and restore a state-federal partnership on enforcement of the law.

At its core, the bill would prevent EPA from reversing or overruling previously issued approval of state water quality limits, permitting authority, or permits to dredge and fill waterways or wetlands.

Defenders of the agency say that power is necessary to keep up with new scientific understanding of pollution and health effects and to ensure that states, seen by many as more vulnerable to local influence and political pressure, are enforcing rules on their books to protect local and interstate waters.

Proponents of the bill counter that the Obama administration's EPA has abused that authority by overruling states, reversing decisions made under previous administrations and creating widespread regulatory uncertainty that has hindered job-creation and economic recovery.

Rahall and Mica have both bristled over EPA's recent actions affecting their home states, including the decision to subject mountaintop-removal mining applications to tougher review and to replace vague, state-established water pollution limits in Florida with tougher, numeric standards.

"Our coal miners are scared about their jobs, and they have received no comforting actions or signals," Rahall said yesterday before the committee approved the bill in a nearly party-line vote. "I hoped under this administration we would reach common ground. Unfortunately, that has not been the case."

In the analysis, EPA defends its power to veto permits issued by the Army Corps of Engineers, calling it "the action of last resort." Under the Mica-Rahall bill, the state would have to concur with the EPA veto.

Supporters rejected EPA's warnings, saying that states have a vested interest in protecting their waters and that EPA's arguments are "insulting to states, governors and state legislatures."

"It's not 1972 anymore -- we've come a long way since then," said Justin Harclerode, spokesman for committee Republicans. "These arguments only work if you believe that the states have no interest in protecting the health and safety of their citizens or the quality of their waters. ... Nothing in the bill overturns, prevents or eliminates any of EPA's traditional authorities or roles -- the bill simply restores the historic balance between the EPA and states under the Clean Water Act."

EPA provided the analysis to Rep. Tim Bishop (D-N.Y.), ranking member of the Transportation and Infrastructure subcommittee with jurisdiction over the Clean Water Act. Bishop railed against committee leaders' efforts to fast-track the bill and offered an amendment yesterday that would preserve EPA's authority over individual states. The amendment failed along party lines.

"This go-it-alone approach flies in the face of science, common sense and decades of experience

implementing the Clean Water Act," Bishop said.

## Groups weigh in

The bill has prompted an outpouring of support and opposition from various corners of the debate on federal regulatory authority over water.

Environmental groups panned the committee vote to approve the bill.

"This bill is a recipe for increased pollution, dirtier waters and more mountaintop removal mining," said Jon Devine, senior attorney in the water program at the Natural Resources Defense Council. "Its supporters seem intent on taking us back to the 'good old days' when rivers like the Cuyahoga caught fire and Lake Erie was declared dead."

Industry groups, such as the Associated Equipment Distributors, which represents heavy equipment dealers, supported the bill. "EPA is standing in the way of a broad range of economic activity that involves 'turning dirt,'" the group wrote in a letter to Mica and Rahall. "That is hampering job creation and recovery in an industry hit hard by the recession."

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A group of West Virginia chambers of commerce sent EPA Administrator Lisa Jackson a letter asking for swift consideration of mining permits, an issue the legislation seeks to address. The National Mining Association said the bill would "provide much needed certainty for jobs and the Appalachian economy."

*Reporter Manuel Quinones contributed.*

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
(f) 202.501.1519

01268-EPA-6727

**Richard  
Windsor/DC/USEPA/US**  
06/23/2011 03:09 PM

To Arvin Ganesan  
cc  
bcc

Subject Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

Ex.5 - Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 03:06 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5)

Sent from my Blackberry Wireless Device

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 06/23/2011 03:04 PM EDT  
**To:** Arvin Ganesan; Bob Perciasepe  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5) Attorney Client, (b) (5) Deliberative .

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 02:49 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Fw: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

Administrator and Bob:

I wanted to also tell you that while the tech analysis did not single out MTM, this article does. Ex.5 -  
Deliberative

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/23/2011 02:46 PM -----

From: Arvin Ganesan/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 06/23/2011 02:45 PM  
Subject: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

---

This refers to the technical assistance that we provided to Bishop in advance of the Mica/Rahall CWA bill that passed out of T&I. There's opportunity here.

## 1. WATER POLICY: EPA warns Mica-Rahall bill would 'overturn' clean water law (06/23/2011)

**Paul Quinlan, E&E reporter**

U.S. EPA warned of the potential dire consequences of legislation being fast-tracked through the House that would give states final say on rules concerning water, wetlands and mountaintop-removal mining.

In a four-page **legal analysis**, EPA said the measure ([H.R. 2018](#)) sponsored by House Transportation and Infrastructure Chairman John Mica (R-Fla.) and ranking member Nick Rahall (D-W.Va.) "would overturn almost 40 years of federal legislation by preventing EPA from protecting public health and water quality."

GOP House leaders expect to bring the bill to a floor vote this summer.

EPA said the Mica-Rahall bill would "significantly undermine" the agency's role of overseeing states' establishment and enforcement of water pollution limits and permits. It said the measure would hinder EPA's ability to intervene on behalf of downstream states harmed by pollution coming from a state upstream. And it said the bill would prevent EPA from protecting local communities from ill-conceived mountaintop-removal and similar projects allowed to go forward under Army Corps of Engineers-issued permits.

"This would fundamentally disrupt the balance established by the original [Clean Water Act] in 1972 -- a law that carefully constructed complementary roles for EPA, the Corps, and states," the analysis said.

That is the opposite of what proponents argue the bill would do. They say it would shore up what they see as the erosion of state authority under the Clean Water Act and restore a state-federal partnership on enforcement of the law.

At its core, the bill would prevent EPA from reversing or overruling previously issued approval of state water quality limits, permitting authority, or permits to dredge and fill waterways or wetlands.

Defenders of the agency say that power is necessary to keep up with new scientific understanding of pollution and health effects and to ensure that states, seen by many as more vulnerable to local influence and political pressure, are enforcing rules on their books to protect local and interstate waters.

Proponents of the bill counter that the Obama administration's EPA has abused that authority by overruling states, reversing decisions made under previous administrations and creating widespread regulatory uncertainty that has hindered job-creation and economic recovery.

Rahall and Mica have both bristled over EPA's recent actions affecting their home states, including the decision to subject mountaintop-removal mining applications to tougher review and to replace vague, state-established water pollution limits in Florida with tougher, numeric standards.

"Our coal miners are scared about their jobs, and they have received no comforting actions or

signals," Rahall said yesterday before the committee approved the bill in a nearly party-line vote. "I hoped under this administration we would reach common ground. Unfortunately, that has not been the case."

In the analysis, EPA defends its power to veto permits issued by the Army Corps of Engineers, calling it "the action of last resort." Under the Mica-Rahall bill, the state would have to concur with the EPA veto.

Supporters rejected EPA's warnings, saying that states have a vested interest in protecting their waters and that EPA's arguments are "insulting to states, governors and state legislatures."

"It's not 1972 anymore -- we've come a long way since then," said Justin Harclerode, spokesman for committee Republicans. "These arguments only work if you believe that the states have no interest in protecting the health and safety of their citizens or the quality of their waters. ... Nothing in the bill overturns, prevents or eliminates any of EPA's traditional authorities or roles -- the bill simply restores the historic balance between the EPA and states under the Clean Water Act."

EPA provided the analysis to Rep. Tim Bishop (D-N.Y.), ranking member of the Transportation and Infrastructure subcommittee with jurisdiction over the Clean Water Act. Bishop railed against committee leaders' efforts to fast-track the bill and offered an amendment yesterday that would preserve EPA's authority over individual states. The amendment failed along party lines.

"This go-it-alone approach flies in the face of science, common sense and decades of experience implementing the Clean Water Act," Bishop said.

## Groups weigh in

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Environmental groups panned the committee vote to approve the bill.

"This bill is a recipe for increased pollution, dirtier waters and more mountaintop removal mining," said Jon Devine, senior attorney in the water program at the Natural Resources Defense Council. "Its supporters seem intent on taking us back to the 'good old days' when rivers like the Cuyahoga caught fire and Lake Erie was declared dead."

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*Reporter Manuel Quinones contributed.*

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency

Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

01268-EPA-6728

**Richard  
Windsor/DC/USEPA/US**  
06/23/2011 04:09 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5) Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 03:15 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

Ex.5 - Deliberative

Sent from my Blackberry Wireless Device

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 06/23/2011 03:09 PM EDT  
**To:** Arvin Ganesan  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

Ex.5 - Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 03:06 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5)

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**From:** Richard Windsor  
**Sent:** 06/23/2011 03:04 PM EDT  
**To:** Arvin Ganesan; Bob Perciasepe  
**Subject:** Re: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

(b) (5) Deliberative

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**Sent:** 06/23/2011 02:49 PM EDT  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Fw: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

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Ex.5 -  
Deliberative

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----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/23/2011 02:46 PM -----

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From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 06/23/2011 02:45 PM  
Subject: E&E: EPA warns Mica-Rahall bill would 'overturn' clean water law

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*Reporter Manuel Quinones contributed.*

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United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
(f) 202.501.1519

01268-EPA-6729

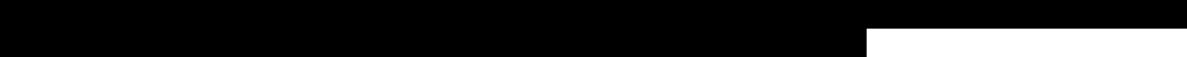
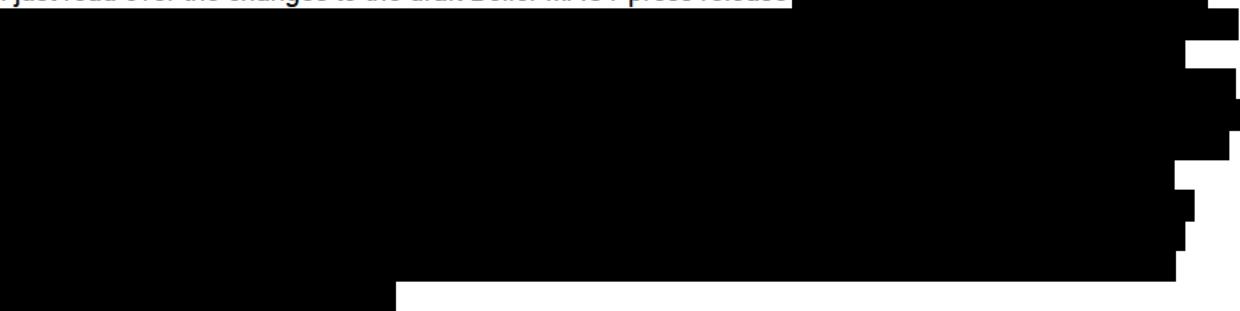
Gina McCarthy/DC/USEPA/US

06/23/2011 08:06 PM

To Richard Windsor, perciasepe.bob, Sussman.bob,  
Fulton.Scott, oster.seth, Thompson.Diane, Ganesan.Arvin  
cc  
bcc  
Subject Boiler MACT announcement

I just read over the changes to the draft Boiler MACT press release

Ex.5 - Deliberative



[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]  
[REDACTED]

01268-EPA-6730

**Gina McCarthy/DC/USEPA/US**

06/24/2011 07:48 AM

To Richard Windsor, "Bob Perciasepe", "Bob Sussman", "Scott Fulton", "Seth Oster", "Diane Thompson", "Arvin Ganesan"

cc

bcc

Subject Re: Boiler MACT announcement

Ex.5 - Deliberative

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy**Sent:** 06/23/2011 08:06 PM EDT**To:** Richard Windsor; perciasepe.bob@epa.gov; Sussman.bob@EPA.GOV; Fulton.Scott@EPA.GOV; oster.seth@epa.gov; Thompson.Diane@EPA.GOV; Ganesan.Arvin@EPA.GOV**Subject:** Boiler MACT announcement

I just read over the changes to the draft Boiler MACT press release

Ex.5 - Deliberative

Ex.5 - Deliberative



01268-EPA-6731

Richard  
Windsor/DC/USEPA/US  
06/24/2011 07:53 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Letter to Senators on NHSM/Boiler MACT

Gina has a few comments on language. I will forward them to you just to be sure you are consistent with them.

Ex.5 - Deliberative

---

**From:** Arvin Ganesan  
**Sent:** 06/23/2011 10:27 PM EDT  
**To:** Richard Windsor  
**Subject:** Letter to Senators on NHSM/Boiler MACT

Hi:

The letter below is still going through final legal review, but I wanted to see if you're comfortable with the direction.

Ex.5 - Deliberative

Do you have thoughts? I'll have the final draft ready for you tomorrow.

THanks!

Ex.5 - Deliberative

## Ex.5 - Deliberative

## Ex.5 - Deliberative

Sincerely,

Lisa P. Jackson

Administrator

United States Environmental Protection Agency

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-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
(f) 202.501.1519

01268-EPA-6732

**Richard  
Windsor/DC/USEPA/US**  
06/24/2011 07:55 AM

To "Arvin Ganesan"  
cc  
bcc  
Subject Fw: Boiler MACT announcement

Nevermind!  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/24/2011 07:48 AM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>; "Diane Thompson" <Thompson.Diane@EPA.GOV>; "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>  
**Subject:** Re: Boiler MACT announcement

Ex.5 - Deliberative

Gina McCarthy

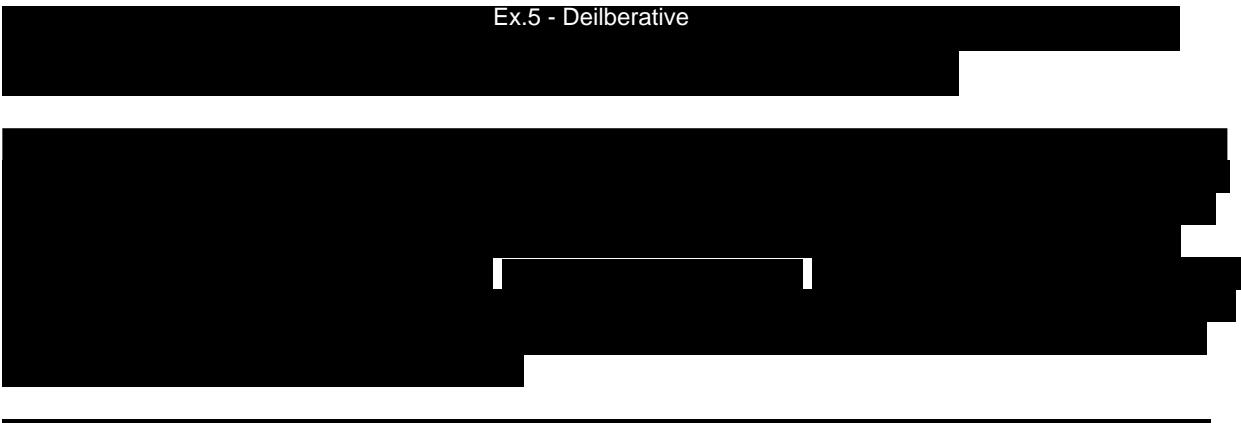
----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/23/2011 08:06 PM EDT  
**To:** Richard Windsor; perciasepe.bob@epa.gov; Sussman.bob@EPA.GOV; Fulton.Scott@EPA.GOV; oster.seth@epa.gov; Thompson.Diane@EPA.GOV; Ganesan.Arvin@EPA.GOV  
**Subject:** Boiler MACT announcement

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Ex.5 - Deliberative

Ex.5 - Deliberative



01268-EPA-6733

**Richard  
Windsor/DC/USEPA/US**  
06/24/2011 08:09 AM

To Bob Sussman  
cc Nancy Stoner, Gwendolyn KeyesFleming, Arvin Ganesan,  
Diane Thompson, Betsaida Alcantara, Bob Perciasepe  
bcc  
Subject Re: Leeco KY Mine 404 Permit

Agree.

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 06/16/2011 07:28 PM EDT  
**To:** Richard Windsor  
**Cc:** Nancy Stoner; Gwendolyn KeyesFleming; Arvin Ganesan; Diane Thompson;  
Betsaida Alcantara; Bob Perciasepe  
**Subject:** Leeco KY Mine 404 Permit

Administrator -- as you'll recall, we met with you twice to discuss the CWA 404 permit for the Leeco mine in Eastern Kentucky. As proposed, this was one of the largest mines on the ECP list, with six valley fills.

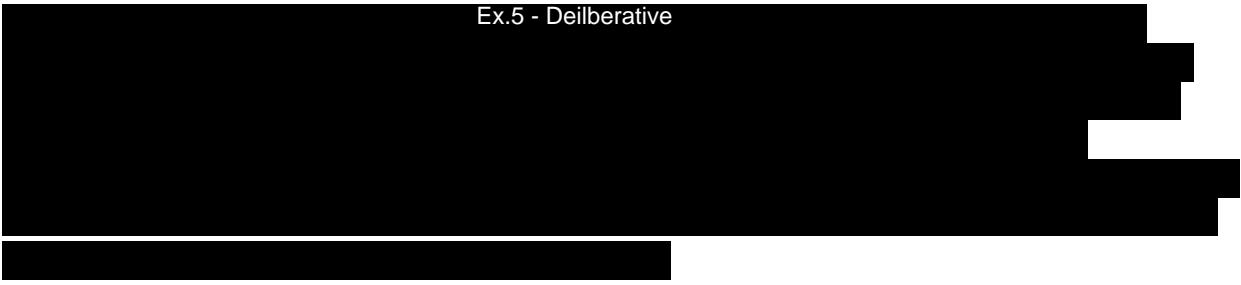
Ex.5 - Deliberative



**Ex.5 - Deliberative**



Ex.5 - Deliberative



01268-EPA-6734

Richard  
Windsor/DC/USEPA/US  
06/24/2011 08:43 AM

To Bob Sussman  
cc  
bcc  
Subject Re: Settlement of Pesticide Mega Suit

I agree. Tx.  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 06/23/2011 11:01 AM EDT  
**To:** Bob Sussman  
**Cc:** Arvin Ganesan; Avi Garbow; Bob Perciasepe; Diane Thompson; Lawrence Elworth; Richard Windsor; Scott Fulton; Steve Owens  
**Subject:** Re: Settlement of Pesticide Mega Suit  
Administrator -- I wanted to double-check whether you have concerns about the approach described below.  
(b) (5) Deliberative, (b) (5) Attorney Client

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Bob Sussman      Administrator -- you are aware, I believe...      06/16/2011 07:56:28 PM

---

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Steve Owens/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 06/16/2011 07:56 PM  
Subject: Settlement of Pesticide Mega Suit

---

Administrator -- you are aware, I believe, of the ESA "mega suit", brought by Center for Biological Diversity to compel EPA to initiate consultations with the Services on a large universe of pesticides and to require "interim" measures to protect endangered species while consultations are underway. This suit builds on the Washington Toxics cases under which EPA was compelled to initiate consultations for a smaller group of pesticides, leading ultimately to the biological opinions that have spawned further litigation and formed the basis for the NAS review that EPA and NMFS have undertaken to address the science underlying the BiOps.

(b) (5) Deliberative, (b) (5) Attorney Client



[REDACTED]

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

01268-EPA-6737

AI Armendariz/R6/USEPA/US  
06/25/2011 10:24 PM  
**To** Seth Oster  
**cc** "Betsaida Alcantara", "Paul Anastas", Bob Sussman, "Judith Enck", ganesan.arvin, Shawn Garvin, gilfillan.brendan, Stephanie Owens, Bob Perciasepe, "Richard Windsor", Gina McCarthy  
**bcc**  
**Subject** Dallas Morning News Editorial on Gas Drilling and Air Quality  
(Re: WSJ Editorial on Fracking)

Thanks Seth.

Below is an editorial the DMN just published about air emissions and shale drilling (and TCEQ and EPA).

Best to all, Al

Editorial: Texans must force TCEQ to get serious about air quality

Published 24 June 2011

The lazy, hazy days of June are a little too hazy in these parts.

In North Texas, summer is the season for ozone violations. And in this perpetually smog-choked area, summer 2011 didn't even officially start before the air-quality infractions began accumulating again.

The storyline has become all too familiar in North Texas, where a nine-county swath has been rated a &#8220;serious non-attainment area.&#8221; This ongoing failure to meet federal air-quality standards puts public health at risk, yet the Texas Commission on Environmental Quality has shown little sense of urgency when it comes to clearing the air.

Still, the TCEQ is taking another shot at crafting a plan to reduce pollution &#8212; largely because the U.S. Environmental Protection Agency requires one.

Fortunately, the public has a chance to weigh in and tell the state commission that it needs a more aggressive approach to get within striking distance of the air-quality standards the rest of the country abides by. During the next few weeks, Dallas-area residents can speak up at public hearings or submit comments urging the TCEQ to require deeper pollution cuts.

A key point of contention will be how much the gas industry should be expected to reduce emissions of volatile organic compounds, or VOCs.

Even as drilling for natural gas has expanded rapidly, moving

into urban areas and adding to existing pollution problems, state regulators have let them off easy, allowing dangerous chemicals to stream into our skies. Now, TCEQ has proposed a modest cut to VOCs, suggesting these emissions could be reduced by a little more than 10 percent.

They could be. But existing technology makes it possible for gas drillers to go much further and slash VOCs to a fraction of current levels.

TCEQ must set a higher standard &#8212; instead of simply hoping the industry will clean itself up.

The North Texas Clean Air Steering Committee, which includes elected officials from across the region, has asked the TCEQ to get serious about reducing VOCs and enact more stringent regulations.

The steering committee&#8217;s request is consequential. But other North Texas leaders should echo that call in hearings next month and tell TCEQ officials that significantly reducing these emissions is essential if the area ever hopes to meet minimum standards for air quality.

In Dallas and other nearby cities, the costly and dangerous impact of pollution has cut across political lines, as some Democrats and Republicans, as well as environmental and business leaders, have urged action.

All of these groups should be well represented when the TCEQ comes to Arlington in July.

While state regulators have sometimes seemed impervious to public comments, this opportunity is North Texas&#8217; best shot to improve yet another lackluster air-pollution plan. If local leaders stay silent, the TCEQ will stick with the laissez-faire approach that has left our area in a smog-filled haze.

Published 24 June 2011 06:01 PM

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Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov

office: 214-665-2100  
twitter: @al\_armendariz

-----Seth Oster/DC/USEPA/US wrote: -----  
To: "Lisa Jackson" <windsor.richard@epa.gov>, Bob Sussman/DC/USEPA/US, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Paul Anastas" <anastas.paul@epa.gov>, Al Armendariz/R6/USEPA/US@EPA, "Judith Enck" <enck.judith@epa.gov>, "Shawn M. Garvin" <Garvin.Shawn@epamail.epa.gov>  
From: Seth Oster/DC/USEPA/US  
Date: 06/25/2011 09:09PM  
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Subject: WSJ Editorial on Fracking

Extensive piece in today's Journal. You should read.

[REDACTED]  
Ex.5 - Deliberative  
[REDACTED]

Seth

#### WSJ Editorial: The Facts About Fracking

The real risks of the shale gas revolution, and how to manage them.

June 25, 2011

The U.S. is in the midst of an energy revolution, and we don't mean solar panels or wind turbines. A new gusher of natural gas from shale has the potential to transform U.S. energy production—that is, unless politicians, greens and the industry mess it up.

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The resulting boom is transforming America's energy landscape. As recently as 2000, shale gas was 1% of America's gas supplies; today it is 25%. Prior to the shale breakthrough, U.S. natural gas reserves were in decline, prices exceeded \$15 per million British thermal units, and investors were building ports to import liquid natural gas.

Today, proven reserves are the highest since 1971, prices have fallen close to \$4 and ports are being retrofitted for LNG exports. The shale boom is also reviving economically suffering parts of the country, while offering a new incentive for manufacturers to stay in the U.S. Pennsylvania's Department of Labor and Industry estimates fracking in the Marcellus shale formation, which stretches from upstate New York through West Virginia, has created 72,000 jobs in the Keystone State between the fourth quarter of 2009 and the first quarter of 2011.

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All of this growth has inevitably attracted critics, notably environmentalists and their allies. They've launched a media and political assault on hydraulic fracturing, and their claims are raising public anxiety. So it's a useful moment to separate truth from fiction in the main allegations against the shale revolution.

&#8226; Fracking contaminates drinking water. One claim is that fracking creates cracks in rock formations that allow chemicals to leach into sources of fresh water. The problem with this argument is that the average shale formation is thousands of feet underground, while the average drinking well or aquifer is a few hundred feet deep. Separating the two is solid rock. This geological reality explains why EPA administrator Lisa Jackson, a determined enemy of fossil fuels, recently told Congress that there have been no "proven cases where the fracking process itself has affected water."

A drilling team from Minard Run Oil Company pull out steel pipe during a fracking operation at a 2100 foot natural gas well in Pleasant Valley, Pennsylvania in 2008.

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01268-EPA-6738

**Paul Anastas/DC/USEPA/US**  
06/26/2011 06:07 AM  
**To:** Seth Oster, "Lisa Jackson", Bob Sussman, Bob Perciasepe,  
"Paul Anastas", Al Armendariz, "Judith Enck", Shawn Garvin  
**cc:** "Betsaida Alcantara", "Brendan Gilfillan", Stephanie Owens,  
"Arvin Ganesan"  
**bcc**  
**Subject:** Re: WSJ Editorial on Fracking

Thanks Seth

We should discuss further. As you know, Bob and I are appearing before the DOE Advisory Panel on Tuesday and these issues are likely to be raised

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 06/25/2011 10:09 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Sussman; Bob Perciasepe; "Paul Anastas" <anastas.paul@epa.gov>; Al Armendariz; "Judith Enck" <enck.judith@epa.gov>; Shawn Garvin  
**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Stephanie Owens; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
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01268-EPA-6739

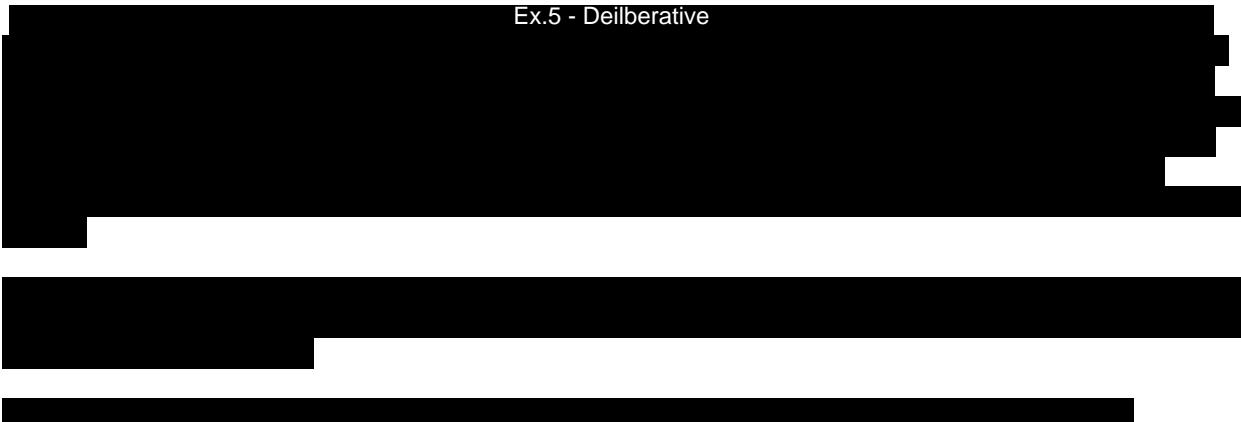
Bob  
Perciasepe/DC/USEPA/US  
06/26/2011 09:18 AM

To : Seth Oster, "Lisa Jackson", Bob Sussman, "Paul Anastas", Al Armendariz, "Judith Enck", "Shawn M. Garvin"  
cc : "Betsaida Alcantara", "Brendan Gilfillan", "Stephanie Owens", "Arvin Ganesan"  
bcc :  
Subject : RE: WSJ Editorial on Fracking

All

Nothing new regardless. Some shots at EPA but here are some thoughts.

Ex.5 - Deliberative



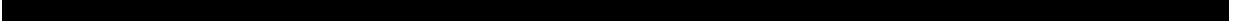
Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

----- Original Message -----

From : Seth Oster/DC/USEPA/US  
To : "Lisa Jackson" <windsor.richard@epa.gov>, Bob Sussman/DC/USEPA/US, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Paul Anastas" <anastas.paul@epa.gov>, Al Armendariz/R6/USEPA/US@EPA, "Judith Enck" <enck.judith@epa.gov>, "Shawn M. Garvin" <Garvin.Shawn@epamail.epa.gov>  
Cc : "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Sent on : 06/25/2011 10:09:39 PM  
Subject : WSJ Editorial on Fracking

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Ex.5 - Deliberative



**Ex.5 - Deliberative**

Seth

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01268-EPA-6740

**Richard  
Windsor/DC/USEPA/US**  
06/26/2011 09:20 AM

To : Seth Oster, "Lisa Jackson", Bob Sussman, Bob Perciasepe,  
"Paul Anastas", Al Armendariz, "Judith Enck", Shawn Garvin  
cc : "Betsaida Alcantara", "Brendan Gilfillan", Stephanie Owens,  
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Subject : Re: WSJ Editorial on Fracking

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**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Sussman; Bob Perciasepe; "Paul Anastas" <anastas.paul@epa.gov>; Al Armendariz; "Judith Enck" <enck.judith@epa.gov>; Shawn Garvin  
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A drilling team from Minard Run Oil Company pull out steel pipe during a fracking operation at a 2100 foot natural gas well in Pleasant Valley, Pennsylvania in 2008.

A second charge, based on a Duke University study, claims that fracking has polluted drinking water with methane gas. Methane is naturally occurring and isn't by itself harmful in drinking water, though it can explode at high concentrations. Duke authors Rob Jackson and Avner Vengosh have written that their research shows "the average methane concentration to be 17 times higher in water wells located within a kilometer of active drilling sites." They failed to note that researchers sampled a mere 68 wells across Pennsylvania and New York—where more than 20,000 water wells are drilled annually. They had no baseline data and thus no way of knowing if methane concentrations were high prior to drilling.

They also acknowledged that methane was detected in 85% of the wells they tested, regardless of drilling operations, and that they'd found no trace of fracking fluids in any wells. The Duke study did spotlight a long-known and more legitimate concern: the possibility of leaky well casings at the top of a drilling site, from which methane might migrate to water supplies. As the BP Gulf of Mexico spill attests, proper well construction and maintenance are major issues in any type of drilling, and they ought to be the focus of industry standards and attention. But the risks are not unique to fracking, which has provided no unusual evidence of contamination.

- Fracking releases toxic or radioactive chemicals. The reality is that 99.5% of the fluid injected into fracture rock is water and sand. The chemicals range from the benign, such as citric acid (found in soda pop), to benzene. States like Wyoming and Pennsylvania require companies to publicly disclose their chemicals, Texas recently passed a similar law, and other states will follow. Drillers must dispose of fracking fluids, and environmentalists charge that disposal sites also endanger drinking water, or that drillers deliberately discharge radioactive wastewater into streams. The latter accusation inspired the EPA to require that Pennsylvania test for radioactivity. States already have strict rules designed to keep waste water from groundwater, including liners in waste pits, and drillers are subject to stiff penalties for violations. Pennsylvania's tests showed radioactivity at or below normal

levels.

- Fracking causes cancer. In Dish, Texas, Mayor Calvin Tillman caused a furor this year by announcing that he was quitting to move his sons away from "toxic" gases—such as cancer-causing benzene—from the town's 60 gas wells. State health officials investigated and determined that toxin levels in the majority of Dish residents were "similar to those measured in the general U.S. population." Residents with higher levels of benzene in their blood were smokers. (Cigarette smoke contains benzene.)
- Fracking causes earthquakes. It is possible that the deep underground injection of fracking fluids might cause seismic activity. But the same can be said of geothermal energy exploration, or projects to sequester carbon dioxide underground. Given the ubiquity of fracking without seismic impact, the risks would seem to be remote.
- Pollution from trucks. Drillers use trucks to haul sand, cement and fluids, and those certainly increase traffic congestion and pollution. We think the trade-off between these effects and economic development are for states and localities to judge, keeping in mind that externalities decrease as drillers become more efficient.
- Shale exploration is unregulated. Environmentalists claim fracking was "exempted" in 2005 from the federal Safe Water Drinking Act, thanks to industry lobbying. In truth, all U.S. companies must abide by federal water laws, and what the greens are really saying is that fracking should be singled out for special and unprecedented EPA oversight. Most drilling operations—including fracking—have long been regulated by the states. Operators need permits to drill and are subject to inspections and reporting requirements. Many resource-rich states like Texas have detailed fracking rules, while states newer to drilling are developing these regulations.

As a regulatory model, consider Pennsylvania. Recently departed Governor Ed Rendell is a Democrat, and as the shale boom progressed he worked with industry and regulators to develop a flexible regulatory environment that could keep pace with a rapidly growing industry. As questions arose about well casings, for instance, Pennsylvania imposed new casing and performance requirements. The state has also increased fees for processing shale permits, which has allowed it to hire more inspectors and permitting staff. New York, by contrast, has missed the shale play by imposing a moratorium on fracking. The new state Attorney General, Eric Schneiderman, recently sued the federal government to require an extensive environmental review of the entire Delaware River Basin.

Meanwhile, the EPA is elbowing its way into the fracking debate, studying the impact on drinking water, animals and "environmental justice."

Amid this political scrutiny, the industry will have to take great drilling care while better making its public case. In this age of saturation media, a single serious example of water contamination could lead to a political panic that would jeopardize tens of billions of dollars of investment. The industry needs to establish best practices and blow the whistle on drillers that dodge the rules.

The question for the rest of us is whether we are serious about domestic energy production.

All forms of energy have risks and environmental costs, not least wind (noise and dead birds and bats) and solar (vast expanses of land). Yet renewables are nowhere close to supplying enough energy, even with large subsidies, to maintain America's standard of living. The shale gas and oil boom is the result of U.S. business innovation and risk-taking. If we let the fear of undocumented pollution kill this boom, we will deserve our fate as a second-class industrial power.

01268-EPA-6741

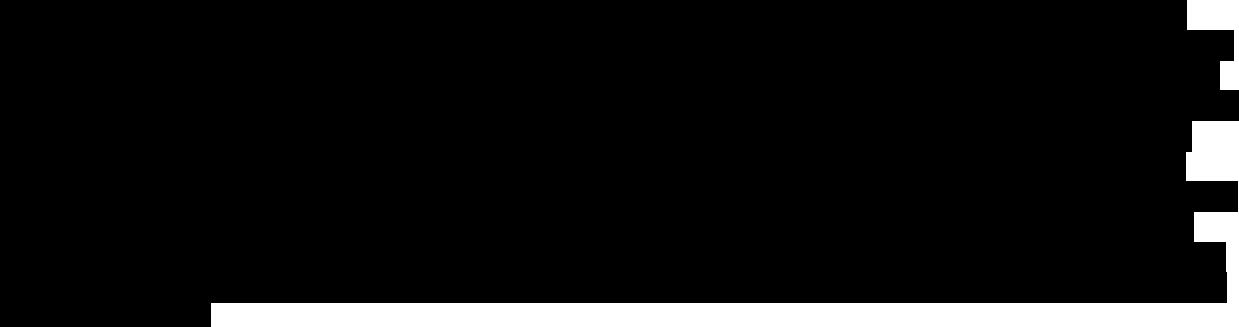
Mathy  
Stanislaus/DC/USEPA/US  
06/27/2011 05:41 PM

To Richard Windsor  
cc Bob Sussman, Bicky Corman, Michael Goo, Avi Garbow,  
Diane Thompson, Scott Fulton, Lisa Feldt  
bcc  
Subject CCR NODA - Beneficial Use in Concrete

Lisa:

I wanted to give you the latest regarding the Coal Combustion Residual (CCR) Notice of Data Availability (NODA), as well as update you on the discussion that was held with the you regarding the beneficial use of CCRs, and in particular the use of coal fly ash in concrete and what we can say. As you may recall, the CCR NODA contains comments and other data that was received during the comment period, as well as certain other data that the Agency could use that may significantly influence the Agency's decision regarding the final CCR rule.

(b) (5) Deliberative, (b) (5) Attorney Client



Mathy

01268-EPA-6742

Gina McCarthy/DC/USEPA/US

To Richard Windsor, perciasepe.bob, Michael Goo

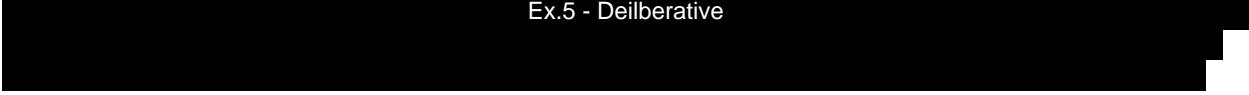
cc

06/29/2011 07:29 PM

bcc

Subject Transport Rule

Ex.5 - Deliberative



This is a very proud moment for the team who have worked on this for many years. Yippee.

01268-EPA-6743

**Richard  
Windsor/DC/USEPA/US**  
06/29/2011 07:36 PM

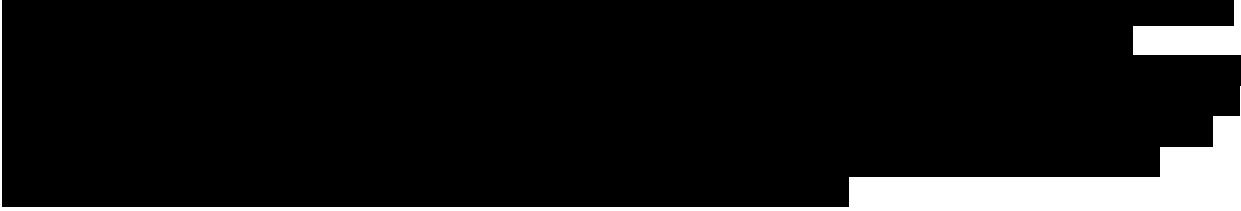
To Gina McCarthy  
cc  
bcc  
Subject Re: Transport Rule

Congrats!  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 06/29/2011 07:29 PM EDT  
**To:** Richard Windsor; perciasepe.bob@epa.gov; Michael Goo  
**Subject:** Transport Rule

Ex.5 - Deliberative



This is a very proud moment for the team who have worked on this for many years. Yippee.

01268-EPA-6744

**Laura Vaught/DC/USEPA/US**

06/30/2011 12:07 PM

To Richard Windsor, Gina McCarthy, Bob Perciasepe, Bob Sussman, Michael Goo, Arvin Ganesan, Diane Thompson, Bicky Corman, Janet Woodka, Scott Fulton, Joseph Goffman, Seth Oster, Brendan Gilfillan, Adora Andy

cc

bcc

Subject possible cement rule legislation - fyi

All: Just a heads up that I think we should expect to see a bipartisan bill introduced in the House next week on the cement rule.

My expectation is that it will be introduced by Sullivan (R) and Ross (D) and that it will be modeled on parts of the recent Boiler MACT bill - saying that we have to re-propose a rule in 15 months and have to have a 5 year compliance window. I believe it will be a short bill with just those two provisions although that of course is subject to change before next week - and in fact the timing could change as well.

Will keep everyone posted and pass along a copy when I get one, but just letting folks know this is likely coming so that we can start preparing arguments on what a redo and delay of that rule would mean in terms of benefits.

01268-EPA-6745

Richard  
Windsor/DC/USEPA/US  
07/02/2011 09:54 PM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, "Arvin Ganesan", "vaught laura", "Stephanie Owens", "ealons gov", Gina McCarthy, Joseph Goffman, "mccabe janet", Daniel Kanninen  
cc  
bcc  
Subject: Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Well -i'll be.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 07/02/2011 09:08 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; ganesan.arvin@epa.gov; vaught.laura@epa.gov; owens.stephanie@epa.gov; ealons.gov@epa.gov; Gina McCarthy; Joseph Goffman; mccabe.janet@epa.gov; Daniel Kanninen  
**Subject:** Washington Post Editorial: An overblown attack on EPA emissions rules

PRACTICALLY EVERY day on the campaign trail, Republican presidential hopefuls blast President Obama's "job-killing regulations." Atop their list are rules from the Environmental Protection Agency, one of which the EPA will finalize this week.

The would-be presidents aren't alone. Since the Republicans took control of Congress, GOP lawmakers have repeatedly attempted to derail rules on the greenhouse gases that cause climate change, as well as new restrictions on conventional air pollutants that the EPA has regulated for decades – gases and particulates that contribute to asthma, heart attacks and other health problems. Republicans on the House Energy and Commerce Committee have announced that they will introduce a bill in August designed to roll back pending regulations on toxic air pollutants from utilities and industrial boilers.

Yet predictions of EPA-induced disaster are wildly overblown, at best.

Bloomberg Government released a study on greenhouse gas regulation last month, finding that the first phase of the EPA's efforts will cost little and produce little in terms of emissions reductions, since power plants are becoming more efficient and therefore producing fewer emissions anyway. Bloomberg found that forthcoming greenhouse gas rules might be tougher, but that, among other things, utilities will respond by simply burning more cheap natural gas instead of coal.

Meanwhile, the Center for American Progress pointed out that many coal power plants – the sort of facilities that an EPA crackdown on toxic air pollutants such as mercury would affect – already have relevant pollution control technologies installed or in construction. And dozens of those that don't are old, inefficient, rarely used and, in many cases, slated for closure. Last year a Credit Suisse study found that EPA anti-air-

pollution rules might encourage some additional coal plants to shut down – but that the closures would actually help utilities in oversupplied power markets, not to mention improving ambient air quality.

There will, of course, be costs. But there will also be benefits. The EPA asserts that for every dollar spent on measures to cut particulate and ozone pollution, there will be \$30 in economic benefits to public health – fewer sick days taken, fewer chronic illnesses, fewer early deaths. On greenhouse gases, a fair reading of the EPA's new air pollution rules suggests that, if anything, they won't do nearly enough to address the risks associated with climate change, perhaps cutting emissions a few percentage points relative to business as usual. And since the EPA is using an old statute to tackle carbon emissions, which it hasn't done before, its effort to do even that will be subject to years of legal challenges.

Instead of blasting the EPA, Congress could craft climate policy that is both more efficient and more effective – upping energy research budgets and putting a price on carbon. But, judging from the rhetoric on the campaign trail and in the House, we aren't optimistic that will happen anytime soon.

01268-EPA-6746

**Richard  
Windsor/DC/USEPA/US**  
07/02/2011 10:00 PM

To Seth Oster  
cc  
bcc  
**Subject: Re: Washington Post Editorial: An overblown attack on EPA emissions rules**

**Ex.5 - Deliberative**

Seth Oster

**----- Original Message -----**

**From:** Seth Oster  
**Sent:** 07/02/2011 09:59 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

**Ex.5 - Deliberative**

Richard Windsor

**----- Original Message -----**

**From:** Richard Windsor  
**Sent:** 07/02/2011 09:54 PM EDT  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "vaught laura" <vaught.laura@epa.gov>; "Stephanie Owens" <Owens.Stephanie@epa.gov>; "ealons gov" <ealons.gov@epa.gov>; Gina McCarthy; Joseph Goffman; "mccabe janet" <mccabe.janet@epa.gov>; Daniel Kanninen  
**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Well -i'll be.

Brendan Gilfillan

**----- Original Message -----**

**From:** Brendan Gilfillan  
**Sent:** 07/02/2011 09:08 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; ganesan.arvin@epa.gov; vaught.laura@epa.gov; owens.stephanie@epa.gov; ealons.gov@epa.gov; Gina McCarthy; Joseph Goffman; mccabe.janet@epa.gov; Daniel Kanninen  
**Subject:** Washington Post Editorial: An overblown attack on EPA emissions rules

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01268-EPA-6747

**Richard  
Windsor/DC/USEPA/US**  
07/02/2011 11:02 PM

To Seth Oster  
cc  
bcc

Subject Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Oh sorry. Forgot. Good job. Tx.  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 07/02/2011 10:02 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

I actually told you about it -- it was when we talked when you were driving on Thursday. We had been working the piece.

Ex.5 - Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/02/2011 10:00 PM EDT  
**To:** Seth Oster  
**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Ex.5 - Deliberative

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 07/02/2011 09:59 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Ex.5 - Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/02/2011 09:54 PM EDT  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "vaught laura" <vaught.laura@epa.gov>; "Stephanie Owens" <Owens.Stephanie@epa.gov>; "ealons gov" <ealons.gov@epa.gov>; Gina McCarthy; Joseph Goffman; "mccabe janet" <mccabe.janet@epa.gov>; Daniel Kanninen

**Subject:** Re: Washington Post Editorial: An overblown attack on EPA emissions rules

Well -i'll be.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan

**Sent:** 07/02/2011 09:08 PM EDT

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; ganesan.arvin@epa.gov; vaught.laura@epa.gov; owens.stephanie@epa.gov; ealons.gov@epa.gov; Gina McCarthy; Joseph Goffman; mccabe.janet@epa.gov; Daniel Kanninen

**Subject:** Washington Post Editorial: An overblown attack on EPA emissions rules

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01268-EPA-6749

**Bob Sussman/DC/USEPA/US** To Scott Fulton, Avi Garbow  
07/03/2011 11:17 AM cc Nancy Stoner, Bob Perciasepe, Richard Windsor  
bcc  
Subject Fw: Jul. 1 -- BNA, Inc. Daily Environment Report - Breaking News -- Rule v. guidance ruling

I wanted to put on your screen this DC Circuit decision, which holds that "guidance" issued under the CAA is in fact rulemaking [REDACTED] Ex.5 - Deliberative [REDACTED]  
[REDACTED]

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/03/2011 11:09 AM -----

---

From: Nancy Stoner/DC/USEPA/US  
To: Gregory Peck/DC/USEPA/US@EPA, "Nancy Stoner" <stoner.nancy@epa.gov>, Bob Sussman/DC/USEPA/US@EPA  
Date: 07/01/2011 02:20 PM  
Subject: Re: Jul. 1 -- BNA, Inc. Daily Environment Report - Breaking News -- Rule v. guidance ruling

Not helpful - [REDACTED] Ex.5 - Deliberative  
Nancy K. Stoner

---

**From:** Gregory Peck  
**Sent:** 07/01/2011 02:15 PM EDT  
**To:** "Nancy Stoner" <stoner.nancy@epa.gov>; Bob Sussman  
**Subject:** Fw: Jul. 1 -- BNA, Inc. Daily Environment Report - Breaking News -- Rule v. guidance ruling

Rut roh.

---

-----  
Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. E.P.A.

---

**From:** Matthew Klasen  
**Sent:** 07/01/2011 02:02 PM EDT  
**To:** Gregory Peck; Karyn Wendelowski; Gautam Srinivasan  
**Subject:** Fw: Jul. 1 -- BNA, Inc. Daily Environment Report - Breaking News -- Rule v. guidance ruling

Uh oh...new D.C. Circuit caselaw on rule v. guidance...

mk

-----  
Matt Klasen  
U.S. Environmental Protection Agency  
Office of Water (IO)  
202-566-0780  
cell (202) 380-7229

-----Forwarded by Matthew Klasen/DC/USEPA/US on 07/01/2011 02:01PM -----

To: Matthew Klasen/DC/USEPA/US@EPA  
From: BNA Highlights <[bhighliq@bna.com](mailto:bhighliq@bna.com)>  
Date: 07/01/2011 01:58PM  
Subject: Jul. 1 -- BNA, Inc. Daily Environment Report - Breaking News

E-mail not displaying correctly? View publication in your browser: <http://news.bna.com/deln>

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## Breaking News

### Appeals Court Vacates EPA Guidance On Alternatives to Ozone Pollution Fees

Posted July 1, 2011, 1:53 P.M. ET

A federal appeals court July 1 vacated Environmental Protection Agency guidance that allowed some states to avoid collecting polluter fees in areas with severe or extreme ozone problems by using alternative compliance measures instead, saying the agency should have conducted a notice-and-comment rulemaking (Natural Resources Defense Council v. EPA, D.C. Cir., No. 10-1056, 1/7/2011).

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit concluded unanimously that EPA violated the Administrative Procedure Act in developing the alternatives through guidance rather than rulemaking.

"On the merits, we conclude that the guidance qualifies as a legislative rule that EPA was required to issue through notice and comment rulemaking and that one of its features—the so-called attainment alternative—violates the Clean Air Act's plain language," the court said in its decision.

EPA issued guidance in January 2010 allowing states to waive the fees if they established

alternate programs to comply with Section 185 of the Clean Air Act. That section requires states to collect fees from polluters in "severe" and "extreme" ozone nonattainment areas for the since-revoked hourly ozone standard.

The Natural Resources Defense Council filed a lawsuit in March 2010, arguing that EPA's guidance without notice and comment violated the Administrative Procedure Act and that the attainment alternatives violated the Clean Air Act (93 DEN A-1, 5/13/11).

Judge David Tatel wrote the opinion, with Judith Rogers and Thomas Griffith concurring.

*By [Amena H. Sayid](#)*

The decision by the U.S. Court of Appeals for the District of Columbia Circuit in Natural Resources Defense Council v. EPA is available at <http://tinyurl.com/3j4xmyw>.

### **D.C. Circuit Dismisses Petitions Challenging Decision to Abandon Yucca Mountain Project**

*Posted July 1, 2011, 1:53 P.M. ET*

A federal appeals court July 1 dismissed four petitions challenging Obama administration efforts to abandon the Yucca Mountain radioactive waste repository project, which include the Energy Department's attempt to withdraw the license application for the project (In re: Aiken County, D.C. Cir., No. 10-1050, 7/1/11).

The steps taken by the administration are not final agency actions and are therefore not ripe for review, according to the [ruling](#) by the U.S. Court of Appeals for the District of Columbia Circuit.

Officials representing Aiken County, S.C., the state of South Carolina, and Washington state, along with three private citizens claimed that the Energy Department's recent actions demonstrating a desire to abandon the Yucca Mountain project violated the Nuclear Waste Policy Act, the National Environmental Policy Act, and the Administrative Procedure Act.

The states and county house sites that temporarily store spent nuclear fuel and high-level radioactive waste that would be transferred to a federal nuclear waste repository (56 DEN A-2, 3/23/11).

The claims are not ripe until the Nuclear Regulatory Commission either acts on the Energy Department's motion to withdraw the application or issues a decision on the license application, according to the ruling.

The U.S. Court of Appeals for the District of Columbia Circuit ruling in In re: Aiken County is available at <http://tinyurl.com/3ep236s>.

### **Appeals Court Upholds Dismissal of Lawsuit By Sierra Club on Three Air Pollution Permits**

*Posted July 1, 2011, 1:53 P.M. ET*

The U.S. Court of Appeals for the District of Columbia Circuit on July 1 [affirmed](#) the dismissal of

an environmental group's lawsuit regarding three prevention of significant deterioration permits for power plants in Kentucky (Sierra Club v. Jackson, D.C. Cir., No. 10-5280, 7/1/11).

The case centers on whether the Environmental Protection Agency has a statutory obligation under Section 167 of the Clean Air Act to prevent Kentucky from issuing prevention of significant deterioration (PSD) permits to new or modified industrial facilities until it makes corrections to a state implementation plan for air pollution that the environmental group alleges is deficient.

The Sierra Club argued that EPA was obligated to intervene, but the court said the agency was not.

The Sierra Club was appealing a July 2010 decision by the U.S. District Court for the District of Columbia. The D.C. Circuit decision affirms the district court ruling (Sierra Club v. Jackson, D. D.C., No. 09-02089, 7/2/10).

The three projects at issue in the litigation are the East Kentucky Power Cooperative's J.K. Smith Generating Station, Conoco Phillips and Peabody's Kentucky NewGas Synthetic Natural Gas Production plant, and Cash Creek Generation LLC's coal-fired Cash Creek Generating Station.

The appeals court heard oral arguments on the case April 7 (68 DEN A-7, 4/8/11).

The decision by the U.S. Court of Appeals for the District of Columbia Circuit in Sierra Club v. Jackson is available at <http://tinyurl.com/3pyrnr7>.

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This e-mail is published as a supplement to Daily Environment Report (ISSN 1521-9402) by The Bureau of National Affairs, Inc., 1801 S. Bell Street, Arlington, VA 22202. Full reports on the contents of this e-mail will appear in the next regular edition of Daily Environment Report.

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01268-EPA-6751

**Richard  
Windsor/DC/USEPA/US**  
07/06/2011 08:25 AM

To Sarah Pallone  
cc  
bcc  
Subject Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

(b) (6)

Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 07/06/2011 08:18 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

I can think of no better individual to protect the values of this country and its people. It is a pleasure and an honor to serve under you in this agency.

Sarah Hspodor-Pallone  
 Deputy Associate Administrator  
 for Intergovernmental Relations  
 Office of the Administrator  
 202-564-7178  
 pallone.sarah@epa.gov

Seth Oster

All,

07/05/2011 11:48:04 PM

**From:** Seth Oster/DC/USEPA/US  
**To:** Bob Perciasepe/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, "Paul Anastas" <anastas.paul@epa.gov>, Craig Hooks/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, "Michelle DePass" <depass.michelle@epa.gov>, Steve Owens/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, "Eric Wachter" <wachter.eric@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, "Aaron Dickerson" <dickerson.aaron@epa.gov>, "Gladys Stroman" <stroman.gladys@epa.gov>, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Malcolm Jackson/DC/USEPA/US@EPA, Curt Spalding/R1/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, "Jared Blumenfeld" <blumenfeld.jared@epa.gov>, "Dennis McLerran" <mclerran.dennis@epa.gov>, Joel Beauvais/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Ryan Robison/DC/USEPA/US@EPA  
**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Shira Sternberg/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, "David Cohen" <cohen.david@epa.gov>, Andra Belknap/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA

Date: 07/05/2011 11:48 PM  
Subject: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

All,

Wednesday's New York Times will have a lengthy story about EPA and Administrator Jackson. The story is pasted below and this is the link to it online.

<http://www.nytimes.com/2011/07/06/science/earth/06epa.html?pagewanted=2&hpw>

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

July 5, 2011

## E.P.A. Chief Stands Firm as Tough Rules Loom

By [JOHN M. BRODER](#)

WASHINGTON – In the next weeks and months, Lisa P. Jackson, the Environmental Protection Agency administrator, is scheduled to establish regulations on smog, mercury, carbon dioxide, mining waste and vehicle emissions that will affect every corner of the economy.

She is working under intense pressure from opponents in Congress, from powerful industries, from impatient environmentalists and from the Supreme Court, which just affirmed the agency's duty to address global warming emissions, a project that carries profound economic implications.

The new rules will roll out just as President Obama's re-election campaign is getting under way, with a White House highly sensitive to the probability of political damage from a flood of government mandates that will strike particularly hard at the manufacturing sector in states crucial to the 2012 election.

No other cabinet officer is in as lonely or uncomfortable a position as Ms. Jackson, who has been left, as one adviser put it, behind enemy lines with only science, the law and a small band of loyal lieutenants to support her.

Ms. Jackson describes the job as draining but says there are certain principles she will not compromise, including rapid and vigorous enforcement of some of the most far-reaching health-related rules ever considered by the agency.

"The only thing worse than no E.P.A. is an E.P.A. that exists and doesn't do its job – it becomes just a placebo," she said last week in an hourlong interview in Houston. "We are doing our job."

Although she has not met with the president privately since February, Ms. Jackson said she was confident that he would back her on the tough decisions she had to make. "All of us are mindful that he has a lot of things to do," she said.

Attacks on her and her agency have become a central part of the Republican playbook, but she said she wanted no sympathy.

"Any E.P.A. director sits at the intersection of some very important issues – air pollution, clean water, and whether businesses can survive," said Ms. Jackson, a chemical engineer trained at Tulane and Princeton Universities and a former director of the New Jersey Department of Environmental Protection. "No one knows this job unless they've sat in the seat."

Ms. Jackson said she intended to go forward with new, tougher air- and water-quality rules, including those that address climate change, despite Congressional efforts to override her authority and even a White House initiative to weed out overly burdensome regulations.

The first of these new rules is expected to be announced Thursday, imposing tighter restrictions on soot and smog emissions from coal-burning power plants in 31 states east of the Rockies. The regulation is expected to lead to the closing of several older plants and will require the installation of scrubbers at many of those that remain in operation. One former E.P.A. administrator, [William K. Reilly](#), who served under the first President George Bush, is a sometime adviser to Ms. Jackson. He said she was taking fire from all sides.

"She's got three very large challenges," Mr. Reilly said. "First, she's got to administer the [Clean Air Act](#) to try to accomplish something for which it was never designed, the control of carbon dioxide, a difficult regulatory challenge in itself. Second, she has to do that and cope with all these other regulations which are not of her making and have come to land on her desk in a climate of intense political polarization and economic distress."

"And the third challenge," he continued, "is that the White House – any White House – doesn't want to hear an awful lot from the E.P.A. It's not an agency that ever makes friends for a president. In the cabinet room, many of the secretaries got along with each other, but they all had an argument with me. It's the nature of the job."

Mr. Reilly said the White House had left Ms. Jackson out on a limb when it failed to push hard for the [cap-and-trade climate change bill](#) that passed the House in 2009 but stalled in the Senate last year. Administration officials had argued that legislation was far superior to agency regulation as a means of addressing climate-altering emissions. But when the bill ran up against bipartisan opposition in the Senate, Mr. Reilly said, "the White House didn't lift a finger," an assertion administration officials dispute.

The White House said that it fully supported the agency's aggressive standards for a variety of pollutants to protect public health and the environment and denied that it was resisting further regulatory action for political reasons.

"It's simply a matter of choosing the health and safety of the American people over polluters," Clark Stevens, a White House spokesman, said in an e-mailed statement, "and doing so in a common-sense way that allows us to protect public health while also growing the economy – which will continue to be a shared goal of this entire administration."

One of Ms. Jackson's most vocal critics is [Representative Edward Whitfield](#), Republican of Kentucky and chairman of the energy and power subcommittee of the House Energy and Commerce Committee. He has held several hearings at which Ms. Jackson served as target practice for opponents of E.P.A. regulation of carbon dioxide and other pollutants. Ms. Jackson said that was the roughest treatment she had gotten in her two and a half years in Washington.

Mr. Whitfield, who has never met privately with Ms. Jackson, was unapologetic.

"It is unprecedented the number of major regulations this administration is putting out," he said, "and I can't tell you how many calls and meetings and letters I have asking, 'Is there any way to slow E.P.A. down?'"

"What's troubling to us," Mr. Whitfield continued, "is that President Obama on the one hand is saying we have to be really careful about these regulations and consider the impact on jobs and the economy, but over at the agency they're just going full speed ahead with minimal attention or analysis on job impact."

One hot spot where Ms. Jackson can count on friendly treatment is "The Daily Show," where she has appeared three times in two years. Questioning from the host, Jon Stewart, was gentle, to say the least, referring in a recent show to the agency's "unassailable successes" in dealing with air and water pollution and to the "tremendous corporate interests" arrayed against her.

Even those most supportive of Ms. Jackson say that the agency has taken on a virtually unmanageable set of challenges across the range of policy, from mountaintop-removal coal mining to wetlands preservation to the control of toxic emissions from power plants and refineries. She is also in charge of federal restoration efforts in the Gulf of Mexico after the BP oil spill.

"Have they bitten off more than they can chew?" asked Jason S. Grumet, president of the Bipartisan Policy Center, who has close ties to the White House and the agency. "Yes. But that's a testament to their aspirations, and now reality is setting in."

The reality being that there is often political fallout whenever tough policy decisions are made, and that the timing of Ms. Jackson's rule setting could not be more inopportune for Mr. Obama. "It's always the case that there are conflicts between good policy and good politics, and the E.P.A. is often the crucible of those challenges," Mr. Grumet said.

One of the toughest pending decisions, he said, concerns a standard for permissible levels of smog-causing compounds including ozone. The agency's scientific advisory panel has recommended setting a high bar that could put hundreds of counties out of compliance with the law, forcing them to take action to reduce emissions, even though the pollutants may be generated beyond their jurisdiction.

The law requires that E.P.A. make such decisions based solely on the health effects of the pollution, not on the possible cost of compliance, creating a huge political problem.

"Telling a government that has to stand for re-election that it should make decisions with no consideration of cost is understandably going to create great agita in the political offices," Mr. Grumet said.

01268-EPA-6752

Richard  
Windsor/DC/USEPA/US  
07/06/2011 08:30 AM

To Sarah Pallone  
cc  
bcc  
Subject Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

How about lunch today at 1:30 pm?  
Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 07/06/2011 08:27 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

(b) (6)

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

Richard Windsor

(b) (6)

07/06/2011 08:25:14 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Sarah Pallone/DC/USEPA/US@EPA  
**Date:** 07/06/2011 08:25 AM  
**Subject:** Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

(b) (6)

Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 07/06/2011 08:18 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

I can think of no better individual to protect the values of this country and its people. It is a pleasure and an honor to serve under you in this agency.

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

Seth Oster      All,      07/05/2011 11:48:04 PM

From: Seth Oster/DC/USEPA/US  
 To: Bob Perciasepe/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, "Paul Anistas" <anistas.paul@epa.gov>, Craig Hooks/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, "Michelle DePass" <depass.michelle@epa.gov>, Steve Owens/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, "Eric Wachter" <wachter.eric@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, "Aaron Dickerson" <dickerson.aaron@epa.gov>, "Gladys Stroman" <stroman.gladys@epa.gov>, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Malcolm Jackson/DC/USEPA/US@EPA, Curt Spalding/R1/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, "Jared Blumenfeld" <blumenfeld.jared@epa.gov>, "Dennis McLerran" <mclerran.dennis@epa.gov>, Joel Beauvais/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Ryan Robison/DC/USEPA/US@EPA  
 Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Shira Sternberg/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, "David Cohen" <cohen.david@epa.gov>, Andra Belknap/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA  
 Date: 07/05/2011 11:48 PM  
 Subject: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

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<http://www.nytimes.com/2011/07/06/science/earth/06epa.html?pagewanted=2&hpw>

Seth

Seth Oster  
 Associate Administrator  
 Office of External Affairs and Environmental Education  
 Environmental Protection Agency  
 (202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

July 5, 2011

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By [JOHN M. BRODER](#)

WASHINGTON – In the next weeks and months, [Lisa P. Jackson](#), the [Environmental Protection Agency](#) administrator, is scheduled to establish regulations on smog, mercury, carbon dioxide, mining waste and vehicle emissions that will affect every corner of the economy.

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"She's got three very large challenges," Mr. Reilly said. "First, she's got to administer the [Clean Air Act](#) to try to accomplish something for which it was never designed, the control of carbon dioxide, a difficult regulatory challenge in itself. Second, she has to do that and cope with all these other regulations which are not of her making and have come to land on her desk in a climate of intense political polarization and economic distress."

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One of the toughest pending decisions, he said, concerns a standard for permissible levels of smog-causing compounds including [ozone](#). The agency's scientific advisory panel has recommended setting a high bar that could put hundreds of counties out of compliance with the law, forcing them to take action to reduce emissions, even though the pollutants may be generated beyond their jurisdiction.

The law requires that E.P.A. make such decisions based solely on the health effects of the pollution, not

on the possible cost of compliance, creating a huge political problem.

"Telling a government that has to stand for re-election that it should make decisions with no consideration of cost is understandably going to create great agita in the political offices," Mr. Grumet said.

01268-EPA-6753

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
07/07/2011 07:57 AM                  cc  
                                                    bcc  
                                                    Subject GHG NSPS

I know we are all focused on the rollout of CSAPR today - thank you all for that. But I am also thinking about the September GHG NSPS and wanted to put a bug in your ear. Then maybe we can talk when you are ready and I can do some preparation.

Ex.5 - Deliberative



01268-EPA-6754

**Richard  
Windsor/DC/USEPA/US**  
07/07/2011 08:03 AM

To Gina McCarthy  
cc  
bcc  
Subject Re: GHG NSPS

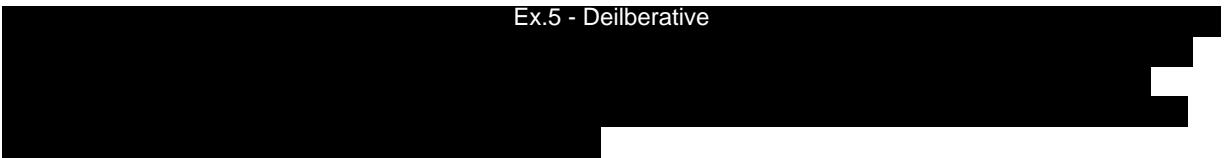
Very very good thinking. Thanks.  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 07/07/2011 07:57 AM EDT  
**To:** Richard Windsor  
**Subject:** GHG NSPS

I know we are all focused on the rollout of CSAPR today - thank you all for that. But I am also thinking about the September GHG NSPS and wanted to put a bug in your ear. Then maybe we can talk when you are ready and I can do some preparation.

Ex.5 - Deliberative



01268-EPA-6758

Richard  
Windsor/DC/USEPA/US  
07/07/2011 09:48 PM

To Betsaida Alcantara  
cc  
bcc

Subject Re: EPA Press Release: Here's What They're Saying About  
the Cross-State Air Pollution Rule

Nice  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 07/07/2011 07:41 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Al Armendariz; Alisha Johnson; Andra Belknap; Arvin Ganesan; Bicky Corman; Bob Perciasepe; Bob Sussman; Curt Spalding; Daniel Kanninen; Diane Thompson; Dru Ealons; Gina McCarthy; Gwendolyn KeyesFleming; Heidi Ellis; Janet McCabe; Janet Woodka; Jose Lozano; Judith Enck; Laura Vaught; Mathy Stanislaus; Michael Goo; Nancy Stoner; Paul Anastas; Richard Windsor; Seth Oster; Shawn Garvin; Stephanie Owens; Steve Owens; Susan Hedman  
**Subject:** EPA Press Release: Here's What They're Saying About the Cross-State Air Pollution Rule

#### CONTACT

Enesta Jones (News Media Only)

[jones.enesta@epa.gov](mailto:jones.enesta@epa.gov)

202-564-7873

202-564-4355

#### FOR IMMEDIATE RELEASE

July 7, 2011

## Here's What They're Saying About the Cross-State Air Pollution Rule

**WASHINGTON** - Today, the U.S. Environmental Protection Agency (EPA) finalized Clean Air Act protections that will slash hundreds of thousands of tons of smokestack emissions that travel long distances through the air and threaten the health of hundreds of millions of Americans living downwind. The Cross-State Air Pollution Rule will protect communities that are home to 240 million Americans from smog and soot pollution, preventing up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma, and 1.8 million sick days a year beginning in 2014 – achieving up to \$280 billion in annual health benefits.

#### U.S. Sen. Tom Carper of Delaware

"Today's Environmental Protection Agency (EPA) announcement of the cross-state air pollution rule ensures that all states are good neighbors when it comes to air pollution. My state of Delaware has made great strides in the effort to clean up its own air pollution and as we see with this new rule, those efforts have paid off and we now do not contribute to

other state's pollution problems..."

**Albert Rizzo, American Lung Association**

"Today's finalization of the Cross-State Air Pollution Rule is a vital component of the EPA's effort to protect the health of millions of Americans who live downwind of power plants that belch out life-threatening pollution."

**Rick Sullivan, Massachusetts Secretary of Energy and Environmental Affairs**

"Massachusetts congratulates EPA on its issuance of the Cross State Air Pollution Rule. This rule will reduce emissions of harmful air pollutants from large power plants in upwind states, which contribute to unhealthy air in Massachusetts. As a state that has already taken action to significantly reduce power plant pollution, Massachusetts is pleased that EPA is leveling the playing field by requiring power plants in upwind states to follow suit quickly - starting on January 1 2012. Massachusetts residents will breathe easier when that occurs."

**Dr. Georges C. Benjamin, The American Public Health Association**

"Too many Americans suffer from life-threatening ozone and air pollution emitted by coal-burning power plants," said Georges C. Benjamin, MD, FACP, FACEP (E), executive director of APHA. "Today's ruling is an important and long overdue step to protect the health of Americans and clean up our environment. It's a huge win-win. We praise EPA for its continued efforts to help create stronger, healthier and more productive communities for ourselves and our families."

**Fred Krupp, Environmental Defense Fund**

"These clean air standards for power plant pollution will provide some of the greatest human health protections in our nation's history," said EDF President Fred Krupp. "Millions of Americans live downwind from this deadly pollution -- from the communities that live in the shadows of these smokestacks to those afflicted by the pollution that drifts hundreds of miles downwind. Today's clean air protections will help eastern states restore healthy air in communities hard hit by air pollution, and will help all of us live longer and healthier lives."

**Gene Karpinski, League of Conservation Voters**

"We applaud the EPA for providing a long overdue update to these necessary clean air standards. The benefits of these efforts to curb toxic air pollution have proven time and again to greatly outweigh the costs, and we commend the agency for taking this important step forward. By finalizing this rule, the EPA will help reduce the spread of harmful pollution across state borders, providing millions of Americans with cleaner air and water in their own cities and across the country."

**Mary Anne Hitt, The Sierra Club**

"If you have a child with asthma or a loved one at risk of a heart attack, you can breathe easier today, because these new protections will decrease the chances they will end up in the emergency room."

**Adam Garber, Penn Environment**

"Today's announcement is a victory for Pennsylvania communities that have lived in the deadly shadow of power plant pollution for far too long," said Adam Garber, Field Director with PennEnvironment. "This action will reduce the impact of toxic emissions from other states and give us a chance to breathe easier with cleaner air."

More information: <http://www.epa.gov/crossstaterule/>

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Curt Spalding/R1/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA  
Date: 07/07/2011 07:39 PM  
Subject: Readout of EPA's air announcement today

Administrator,

Below is the latest coverage of today's Cross State Air Pollution Rule announcement. CBS Evening News is also planning to do a short story tonight on the rule tonight. Our stakeholder calls were heavily attended and positive. We have regional amplification efforts underway including op-eds, ed board meetings, interviews with local media in NY, NJ, PA, CT, Ohio, Texas, among other states. This evening we also put out a release of quotes from public health organizations, elected leaders and environmental groups praising the rule.

### Coverage:

Associated Press: EPA clamps down on pollution spoiling air downwind  
(Posted in Washington Post, Forbes, Newsday, News Tribune, Atlanta Journal Constitution, Fuel Fix blog, Bloomington Pantagraph, San Francisco Chronicle, Star Tribune, Newsday)  
The New York Times - E.P.A. Sets New Standards for Coal-Burning Plants  
AP - NJ environmentalists praise new power plant rules  
The Washington Post - EPA to impose new power plant rules  
McClatchy Newspapers - New EPA rule will clean the air for 240 million Americans  
MSNBC - Cleaner air, costlier electricity under new EPA rule  
Associated Press (Houston Chronicle) - EPA requires Texas power plants to lower pollution  
USA TODAY - Tough new clean-air rules will target drifting pollution  
The Huffington Post - Environmental Protection Agency Cracks Down On Power Plants, Air Pollution Downwind  
Reuters - EPA finalizes coal plant emission rule: sources  
Fox News (AP) - EPA Aims to Cut Pollution in Downwind States  
The Hill - EPA finalizes rules for cross-state air pollution  
Dallas News - New EPA regulation targets Texas' coal-fired power plants  
Pittsburgh Tribune-Review - EPA announces new rules on cross-state air pollution  
Louisville Courier-Journal - EPA moves to curb interstate pollution

**FULL STORIES BELOW:****EPA clamps down on pollution spoiling air downwind**

Associated Press (Printed in Forbes, Newsday, News Tribune, Atlanta Journal Constitution,  
Fuel Fix blog, Bloomington Pantagraph, San Francisco Chronicle)  
By DINA CAPPIELLO

WASHINGTON (AP) — The EPA is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

EPA Administrator Lisa Jackson announced the final rule Thursday. The regulation will clean up smog, soot and acid rain in downwind states — where they add to locally produced pollution, making it impossible for those states to meet air quality standards.

The rule differs from one proposed in July. Power plants in the District of Columbia and five states — Delaware, Connecticut, Florida, Louisiana and Massachusetts — will no longer have to control for two pollutants — sulfur dioxide, responsible for acid rain, and nitrogen oxides, which contribute to smog and soot.

The regulation replaces a 2005 Bush administration proposal that was rejected by a federal court.

**E.P.A. Sets New Standards for Coal-Burning Plants**

The New York Times  
July 7, 2007  
By JOHN M. BRODER

WASHINGTON — The Environmental Protection Agency on Thursday issued new standards for coal-burning power plants in 28 states that would sharply cut smokestack emissions that have polluted forests, farms, lakes and streams across the eastern United States for decades.

The agency said that the new regulations, which take effect beginning in 2012, would cut emissions of soot, smog and acid rain from hundreds of power plants by millions of tons at a cost to utilities of less than \$1 billion a year. The E.P.A. said the cleaner air would prevent as many as 34,000 premature deaths, 15,000 nonfatal heart attacks and hundreds of thousands of cases of asthma and other respiratory ailments every year. Lisa P. Jackson, the E.P.A. administrator, said the new rule would improve air quality for 240 million Americans living in states where the pollution is produced and downwind. "No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," she said. "This is a long-overdue step to protect the air we breathe."

The new regulation, known as the Cross-State Air Pollution Rule, is essentially a rewrite of a rule issued by the administration of President George W. Bush that was invalidated by a federal judge in 2008. The regulation, known popularly as the transport rule because it involves emissions that are carried eastward by prevailing winds, is a significant toughening of an acid rain program that was part of the 1990 amendments to the Clean Air Act.

The agency said that utilities could meet the new standards at a modest cost using commonly available technology like smokestack scrubbers. Under some E.P.A. projections, the new rule would create jobs in pollution-control business and significantly improve labor productivity by reducing the number of workdays lost to respiratory and other illnesses.

The utility industry and many Republicans in Congress, however, contend that the new rule, along with other pending E.P.A. air quality regulations, will require the closing of dozens of aging coal plants and impose heavy financial burdens on power companies and their customers.

"The E.P.A. is ignoring the cumulative economic damage new regulations will cause," said Steve Miller, president of the American Coalition for Clean Coal Electricity, a group of coal-burning utilities. "America's coal-fueled electric industry has been doing its part for the environment and the economy, but our industry needs adequate time to install clean coal technologies to comply with new regulations. Unfortunately, E.P.A. doesn't seem to care."

An industry-financed study found that new air pollution rules would cost tens of thousands of jobs and raise electricity rates by more than 20 percent in some parts of the country.

Senator James M. Inhofe, Republican of Oklahoma, called the new rule an impediment to economic growth and job creation.

"True environmental progress will not come from these costly, heavy-handed regulations that harm the very people E.P.A. claims to protect," Mr. Inhofe said in a statement. "Real progress on clean air is best achieved through common-sense multipollutant legislation that streamlines the Clean Air Act's many redundant and overlapping mandates."

"The bottom line," he added, "is that reducing emissions does not have to be this expensive — the Obama E.P.A. just wants it to be."

Supporters of the new rule said that any costs would be more than offset by health and other benefits. The E.P.A. estimates the annual benefits of the cross-state pollution rule at between \$120 billion and \$280 billion a year by 2014.

John F. Sheehan of the Adirondack Council, a nonprofit advocacy group, said that the finalization of the new air quality rule would help Adirondack Park in upstate New York, the nation's largest park outside Alaska, recover from exposure to decades of dangerous pollution produced far from its borders.

"This is the biggest leap forward in our long history of dealing with this problem," Mr. Sheehan said in a telephone interview. "This is a very deep cut on a very aggressive schedule and essentially enough to end chronic acidification of lakes and ponds in the Adirondacks."

He said that it would allow the regeneration of spruce and fir forests in the six-million-acre park while improving the habitat of dozens of species, from the

Bicknell's Thrush at high elevations to brook trout in streams.

"This sets the stage for biological recovery and the return of species that once inhabited those lands and waters," he said.

### **NJ environmentalists praise new power plant rules**

Associated Press

HADDONFIELD, N.J. — Regulators say some of New Jersey's coal-fired power plants will have to get makeovers quickly to comply with a new set of federal rules designed to cut down on air pollution crossing state lines that was finalized Thursday.

But the big change could come from what happens elsewhere. Pennsylvania and Ohio, coal-dependent states that are upwind of New Jersey, both have requirements to make major cuts to emissions of the chemicals that cause smog and acid rain, starting next year.

"It's great news for New Jersey. It's great news for anyone who wants to breathe clean air," Judith Enck, the administrator for the federal Environmental Protection Agency region that includes New Jersey and New York. "We know that air pollution does not respect state boundaries."

The EPA estimates that the changes could avert 450 to 1,200 premature deaths per year in New Jersey and between 13,000 and 34,000 a year in the 27 states affected by the rules.

The rules replace ones from 2005 that was struck down by a federal court. Enck said the new version should withstand any court challenges.

Critics, including some who speak for the coal industry, see the rules as an expensive attack on the industry by the Obama administration.

Mike Jennings, a spokesman for Public Service Enterprise Group, New Jersey's largest utility and the operator of several coal-fired plants in New Jersey and elsewhere, could not say Thursday what the regulations could mean for the company. The company generally has supported measures to control pollutants that cross state lines.

EPA data show New Jersey, which has 36 coal-fired power plants, contributes to pollution largely in Connecticut and New York.

One of New Jersey's main environmentalists, state Sierra Club Director Jeff Tittel, said the rule is needed because New Jersey receives so much pollution from elsewhere. He said the Portland Generating Station in Northampton County, Pa., is the single biggest cause of air pollution in northwestern New Jersey.

"This rule is really going to help people in New Jersey breathe better," he said. "We have some of the worst air pollution in the United States."

### **EPA to impose new power plant rules**

The Washington Post

Thursday, July 7, 10:54 AM

By Juliet Eilperin

The Environmental Protection Agency will finalize rules Thursday that will compel 28 states and the District to curb air pollution that travels across states, according to sources briefed on the matter, the first in a series of federal restrictions aimed at improving the air Americans breathe.

The Cross State Air Pollution Rule, which replaces a Bush-era regulation thrown out by federal courts in 2008, targets coal-fired power plants mainly in the eastern United States. The measure, along with a proposal aimed at cutting summertime smog in the Midwest, will cost the utility industry roughly \$2.4 billion in pollution control upgrades over several years.

The EPA estimates the two proposals will yield \$120 to \$280 billion in annual benefits, including preventing 13,000 to 34,000 premature deaths of Americans who otherwise would have succumbed to heart and lung disease.

A federal judge vacated the Bush administration's Clean Air Interstate Rule (CAIR) for several reasons, questioning in part whether the emissions trading system it established would do enough to bring all states into compliance with federal air quality standards.

Frank O'Donnell, who directs the advocacy group Clean Air Watch, said the measures are "a good first step in cleaning up the air" but are less significant than upcoming guidelines for acceptable smog and soot levels across the country.

S. William Becker, executive director of the National Association of Clean Air Agencies, said the new regulations impose tighter restrictions than did the Bush rules on sulfur dioxide emissions that create fine particles known as soot. But they resemble the former rules, he said, in that they are using an outdated smog standard that the EPA is expected to tighten as soon as this month.

EPA officials declined to comment in advance of a noon announcement on the regulations.

Utilities in several states, including Virginia and Maryland, have already begun to cut the nitrogen oxide and sulfur dioxide emissions linked to both soot and smog-forming ozone. The EPA estimates that the power sector has spent \$1.6 billion so far to install pollution controls that helped bring emissions in line with the Bush measure.

"The utilities are basically already meeting this," said Michael Dowd, who directs the air quality division at Virginia's Department of Environmental Quality. He added that while the Cross State measure was helpful because it "locks into place" slightly stricter standards than the CAIR rule, "it's probably not going to bring any substantial real reductions from what we're seeing now."

James L. Connaughton, who chaired the Council on Environmental Quality under George W. Bush and now serves as executive vice president for public policy at Constellation Energy, said Constellation has spent \$1 billion on pollution upgrades at facilities such as Maryland's Brandon Shores power plant.

"We just went ahead and did it," Connaughton said, adding it was unfortunate the court ruled that the Bush proposal could not go into effect. "We lost a couple of years in air quality improvement and investment, but we're now back on track."

Some utility officials said the new rules and others that the Obama administration plans to enact in the coming months could force the retirement of several coal plants. That, in turn, will raise electricity costs for consumers, said American Electric Power spokesman Pat Hemlepp .

"We need time to review the rule to see what, if any, changes were made to address comments and concerns submitted by industry and to determine how to comply," Hemlepp said. "Our most significant concern remains the unrealistic compliance timetables of this and a series of other EPA rules that target coal-fueled generation."

The rule will likely have its biggest impact on states such as Texas, which has challenged the idea of stricter controls on coal-fired power plants.

Vicki Patton, a senior attorney for the Environmental Defense Fund, said that Texas power plants collectively "are the nation's largest emitter" of nitrogen oxide and "the second largest emitter" of sulfur dioxide.

"Cleaning up the lethal air pollution from Texas' coal plants will save over a thousand lives each year and help the children who suffer from this pollution breathe easier," she said.

### **New EPA rule will clean the air for 240 million Americans**

By RENEE SCHOOF  
McClatchy Newspapers

Pollution that blows hundreds of miles from coal-fired power plants into other states will be reduced under a final plan that the Environmental Protection Agency announced Thursday.

The rule, a revision of a Bush administration plan, will require pollution reductions in 27 states from Texas and Minnesota on the west to the East Coast. Cleaner, healthier air is expected as a result in the eastern, central and southern parts of the country, home to 240 million people.

The Clean Air Act requires under a "good neighbor" provision that power plants don't export pollution to other states. Some states, including North Carolina and Delaware, cleaned up their own plants but ended up with unhealthy air days anyway because of pollution from tall power plant smokestacks hundreds of miles away in other states.

"Just because wind and weather will carry pollution away from its source at a local power plant, it doesn't mean the pollution is no longer that plant's responsibility," EPA Administrator Lisa Jackson said. "Pollution that crosses state lines puts a greater burden on states and makes them responsible for cleaning up someone else's mess."

Medical experts say that the fine particles and soot from power plants can be deadly, especially for people with heart and lung conditions. Bad air days also aggravate asthma and are even hazardous for healthy people who exercise outdoors.

The EPA said the new rule would prevent up to 34,000 premature deaths a year when it's phased in by 2014. It also estimated that there would be 15,000 fewer nonfatal heart attacks, 19,000 fewer cases of acute bronchitis and 400,000 fewer cases of worsened asthma each year. The numbers are compared to 2005, before the earlier rule went into effect.

While many of the nation's power plants have installed the equipment needed to reduce the pollution, others have held off.

The equipment was first required under a 2005 rule issued by the Bush administration EPA to solve the interstate pollution problem. The U.S. Circuit Court of Appeals for the District of Columbia struck it down in 2008, however, saying it was "fundamentally flawed" and didn't go far enough. The court left the old rule temporarily in place and gave the EPA a deadline to improve it.

Jackson said the new plan puts firmer caps on pollution. She said that it also gives states flexibility on how to implement the requirements.

The EPA estimated the pollution controls would cost \$1.6 billion per year over 30 years. It projected health benefits of \$280 billion per year. The agency also said that the money spent on pollution controls would create U.S. jobs.

Critics, however, warned of higher electricity rates and lost jobs.

Sen. Jon Cornyn, R-Texas, objected at a recent hearing that the rule would require Texas to reduce sulfur dioxide emissions by almost half in just six months. He said he had concerns about "the projected harm it will do to electricity producers and consumers and job creators in my home state."

Jackson told reporters at a briefing on Thursday that if Texas were not included it would contribute to air pollution affecting thousands of families outside the state. She also said that Texas had cost-effective means to reduce pollution and would be able to continue to burn coal to make electricity.

House Republicans this year have argued that the EPA has gone too far with proposed regulations on air and water pollution. Their proposed appropriations bill for the agency would cut its budget by 18 percent and restrict its authority.

Conservation and environmental groups applauded the new rule.

Clean Air Watch, an advocacy group, reported this week that 38 states and Washington, D.C., had smoggy days this year, when pollution exceeded the government limit.

"This is a long overdue and much needed step towards protecting the health of people

in states downwind of big coal burning power plants. It will prove to be a life saver," Clean Air Watch President Frank O'Donnell said in an email.

The EPA said that the pollution reductions also would improve visibility in parks and reduce acid rain that harms plants and wildlife in forests, lakes and streams.

"This is a historic day for the Adirondack Park, the Catskill Park and the neighboring Appalachian Mountain Range, from Maine to the Great Smoky Mountain National Park," Brian L. Houseal, executive director of the Adirondack Council, said in a statement. The environmental group has been fighting acid rain since 1975.

### **Cleaner air, costlier electricity under new EPA rule**

MSNBC

Environmental agency forces older coal-fired power plants to curb pollution

WASHINGTON— In an effort to curb air pollution in downwind states, the Environmental Protection Agency on Thursday ordered utilities to either clean up or shut down older coal-fired power plants in 27 states in the eastern half of the U.S.

The order, which comes in response to a court ruling, requires utilities to install devices that slash emissions of sulfur dioxide and nitrogen oxides — byproducts of burning coal that react with the atmosphere to form the particles that cause soot and smog.

"No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA chief Lisa Jackson said in announcing the rule.

While Jackson argues the cleaner air will improve public health, pushback already has come from some states and companies operating older coal-fired power plants.

They say the rule could prove too costly and that the timeline for compliance is too short.

Anticipating the EPA order, Oklahoma sued the agency in May, citing costs of up to \$2.5 billion to install "scrubbers" that would reduce pollution from state coal plants.

That could drive up utility rates by as much as 20 percent, argued Oklahoma Attorney General Scott Pruitt.

Texas also has opposed the rule.

"Both federal and state governments need to focus their resources on real risks, instead of creating false crises that frighten the public and misuse public resources," Bryan Shaw, chairman of the state's environmental agency, testified in Congress last week.

States downwind of power plants mostly support the rule because they end up seeing the haze in their backyards.

The EPA estimates up to \$280 billion in annual benefits from cleaner air in areas that are home to 240 million Americans. It figures each year of cleaner air will prevent "up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma and 1.8 million sick days."

*'Flexibility' promised*

Jackson also promised "flexibility" for adopting the rule, including "allowing states to decide how best to decrease dangerous air pollution in the most cost effective way."

The rule aims to cut sulfur dioxide emissions by 73 percent from 2005 levels, and nitrogen oxide emissions by 54 percent.

Rule supporters also note that the old plants were largely exempt from existing Clean Air Act initiatives aimed at making new plants cleaner.

The thinking when those exemptions were granted was the problem would take of itself as older plants were retired, said Pat Cummins with the Western Regional Air Partnership. But some owners have instead extended their lives rather than build new and more expensive plants.

EPA estimates utilities will have to invest \$800 million a year in pollution upgrades starting in 2014, in addition to the \$1.6 billion annually invested by the industry in recent years.

For consumers, the EPA figures that could translate into a roughly 2 percent increase in monthly electricity bills.

Nationwide, more than 300 old coal plants could face required upgrades, said Stephanie Kodish, an attorney with the National Parks Conservation Association, a group that lobbied for the rule as a way to reduce hazy days in wilderness areas.

Tighter standards were first issued in 1999 by the Clinton-era EPA.

President George W. Bush's administration revised those in 2005, but in 2008 a federal appeals court ruled that the revised rule did not meet Clean Air Act requirements.

*Similar plan in the West*  
Last month, the EPA announced plans for similar action at aging coal-fired power plants across the West.

A federal judge in Colorado will have to accept or deny the proposed settlement with environmental groups that sued to enforce Clean Air Act provisions. That ruling is expected following a 30-day comment period that ends July 15.

Officials have identified 18 coal plants in the four Western states that would have to be retired, retrofitted with new pollution reduction equipment or otherwise reduce emissions.

Combined, the 18 plants emit more than 200,000 tons of sulfur dioxide and 150,000 tons of nitrogen oxides a year, according to WildEarth Guardians, a plaintiff in the Colorado case along with the Environmental Defense Fund and National Parks Conservation Association. Several cement and soda ash plants also would have to make changes.

David Eskelen with Pacificorps, which operates four coal plants in Wyoming that fall under the haze rule, said his company has spent \$1.2 billion on air quality controls since 2005. But he said it would take 12 years, not five as proposed, to meet the haze requirements.

"We are making excellent progress," Eskelsen said. "If there is a more aggressive reduction schedule, policy makers need to understand this is going to result in significant cost increases to electricity."

*The Associated Press contributed to this report.*

### **EPA requires Texas power plants to lower pollution**

Associated Press  
By RAMIT PLUSHNICK-MASTI

July 7, 2011, 11:23AM

HOUSTON — New federal rules on how much ozone-causing pollution power plants can emit will force facilities in Texas to monitor sulfur dioxide and nitrogen oxide year-round.

Texas industries backed by the state's environmental regulatory agency have long opposed similar proposals by the U.S. Environmental Protection Agency. Power plants

are concerned the federal requirements could require costly improvements to decrease airborne pollution.

Texas and the EPA have a long-running battle that has evolved from a fight over environmental regulation into a tiff over states' rights. This rule could further anger Gov. Rick Perry, who is viewed as a potential GOP presidential candidate.

Earlier EPA proposals included a weaker plan that would have only required plants in the Lone Star State to monitor nitrogen oxide in the summer.

## **Tough new clean-air rules will target drifting pollution**

USA TODAY

By Elizabeth Weise

Environmental Protection Agency Administrator Lisa Jackson is expected to announce tough new regulations Thursday that seek to significantly reduce emissions from many coal-fired power plants.

The new measures will cover plants in as many as 28 states whose pollution blows into other states. They are expected to save 14,000 to 36,000 lives a year, says Janice Nolen of the American Lung Association. But various business groups and some congressional Republicans are calling them job-killing and unnecessary.

The Clean Air Transport Rule addresses the problem of coal-fired power plants in some states creating pollution that drifts into other states, which EPA is required to address under the Clean Air Act. Under the regulation, plants in affected states will begin reducing emissions in 2012.

By 2014 the new regulations are expected to reduce sulfur dioxide by 73% and reduce nitrogen oxides by 54% from 2005 levels. These emissions can form fine-particle pollution and smog, both of which are particularly dangerous to people with lung and heart disease.

The new regulations will likely inflame already heated opposition in some quarters to EPA regulations.

A policy rider announced Wednesday by House Republicans would prevent EPA from regulating greenhouse gas emissions from power plants for one year. Rep. Mike Simpson, R-Idaho, chairman of the House Appropriations Committee's Interior, Environment and Related Agencies panel, said the provision was necessary to rein in out-of-control and job-killing regulation. But EPA says reduced emissions will lead to \$280 billion in lower health and environmental costs a year, which the agency says far outweighs the annual cost of compliance of \$800 million.

How much is cheap energy worth, asks the American Lung Association's Nolen. "Is it worth 36,000 American lives a year? That's a pretty significant

price to pay."

Are EPA's estimates of \$280 billion in health and environmental savings realistic?

While it's difficult to correctly estimate the benefits and costs of such regulations, says Ted Gayer, an expert on energy economics at the Brookings Institution in Washington, D.C., sulfur dioxide reductions generally result in big health care savings compared with costs. But that's only if they're done in a cost-effective manner using market-friendly trading systems that let companies with emission levels below what's required to sell rights to those emissions to other firms. The exact mechanism EPA will use isn't known.

EPA has estimated that the benefits will outweigh the costs by a factor of between 40 and 100 to one.

The standards replace the Clean Air Interstate Rule, originally proposed by the Bush administration in 2005, which was tossed out in 2008 when the U.S.

Court of Appeals for the District of Columbia ordered it revised, saying it did not meet the requirements of the Clean Air Act.

## **Environmental Protection Agency Cracks Down On Power Plants, Air Pollution Downwind**

The Huffington Post

By DINA CAPPIELLO

WASHINGTON -- The Environmental Protection Agency is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

EPA Administrator Lisa Jackson announced on Thursday a plan to clean up smog, soot and acid rain in downwind states – where they combine with locally produced pollution, making it impossible for those states to meet air quality standards on their own.

The rule differs from one proposed in July. Power plants in the District of Columbia and five states – Delaware, Connecticut, Florida, Louisiana and Massachusetts – will no longer have to control for two pollutants – sulfur dioxide, responsible for acid rain, and nitrogen oxides, which contribute to smog and soot.

Texas, by contrast, will have to reduce more pollution than the initial proposal.

The regulation replaces a 2005 Bush administration proposal that was rejected by a federal court.

Jackson, in a call with reporters Thursday, said the regulation would make sure no community has to bear the burden of another community's polluters. She said just because pollution drifts far from a power plant, "doesn't mean pollution is no longer that

plant's responsibility."

"Pollution that crosses state lines places a greater burden on (downwind) states and makes them responsible for cleaning up someone else's mess," she said.

The rule, which will start going into effect next year, will cost power companies \$800 million annually in 2014. That's in addition to the \$1.6 billion spent per year to comply with the Bush rule that was still in effect until the government drafted a new one. The agency said that cost would be far outweighed by the public health benefits.

### **EPA finalizes coal plant emission rule: sources**

Reuters

Thu Jul 7, 2011 11:57am EDT

U.S. environmental regulators finalized a rule on Thursday to slash air pollution from power plants east of the Rocky Mountains, government sources said.

The measure, the Cross State Air Pollution Rule, will add costs for some coal-fired power plants, but should cut healthcare bills for Americans. Industry sources said it resembled a draft rule issued by the Environmental Protection Agency last year, industry sources said.

The EPA would reduce power plant sulfur dioxide emissions by 73 percent by 2014, from 2005 levels, when combined with state environmental laws. It will cut nitrogen oxide emissions by 54 percent by 2014.

(Reporting by Timothy Gardner and Tom Doggett; Editing by David Gregorio)

### **EPA Aims to Cut Pollution in Downwind States**

Fox News (AP)

Published July 07, 2011

WASHINGTON -- The Environmental Protection Agency is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

EPA Administrator Lisa Jackson announced on Thursday a plan to clean up smog, soot and acid rain in downwind states -- where they combine with locally produced pollution, making it impossible for those states to meet air quality standards on their own.

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five states -- Delaware, Connecticut, Florida, Louisiana and Massachusetts -- will no longer have to control for two pollutants -- sulfur dioxide, responsible for acid rain, and nitrogen oxides, which contribute to smog and soot.

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## EPA finalizes rules for cross-state air pollution

The Hill

By Andrew Restuccia - 07/07/11 12:41 PM ET

The Environmental Protection Agency issued final regulations Thursday aimed at slashing toxic power plant air pollution that crosses state lines and potentially puts thousands of lives at risk.

The regulations put new limits on sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions from power plant smokestacks in 27 eastern states. The power plant emissions, EPA says, travel across state lines, threatening the health of thousands of people.

"No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA Administrator Lisa Jackson said Thursday. "These Clean Air Act safeguards will help protect the health of millions of Americans and save lives by preventing smog and soot pollution from traveling hundreds of miles and contaminating the air they breathe."

It's the latest effort by EPA to reduce air pollution. The agency is targeting pollution from industrial boilers as well as greenhouse gases, mercury and other air toxics from power plants. EPA says it will unveil long-delayed ozone standards in July.

But Republicans and some Democrats are working to block or delay EPA's regulations, arguing they are overly burdensome.

The states covered by Thursday's rule will work with power plants to install technology to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions, which contribute to ozone and fine-particle pollution. EPA says many power plants have already begun installing the necessary equipment.

By 2014, the regulations will cut SO<sub>2</sub> emissions by 73 percent and NO<sub>x</sub> emissions by 55 percent below 2005 levels, EPA says. That will prevent 34,000 premature deaths, 15,000 heart attacks and 40,000 cases of asthma starting in 2014 – health benefits that amount to \$280 billion a year, according to the agency.

Fewer states are covered under the final regulations. A proposed rule unveiled by the agency last year covered 31 states.

The so-called clean air transport rule – which EPA has renamed the cross-state air pollution rule – replaces a set of 2005 Bush administration regulations that were struck down by the courts.

Jackson said Thursday that the regulations will have the added benefit of increasing visibility in many state and national parks, and improving the health of streams and lakes.

Environmental and public health groups applauded the regulations Thursday.

"Today's finalization of the Cross-State Air Pollution Rule is a vital component of the EPA's effort to protect the health of millions of Americans who live downwind of power plants that belch out life-threatening pollution," said Albert Rizzo, national volunteer chair at the American Lung Association, in a statement.

Still, some groups said the rule is not stringent enough.

"But as significant as today's action is, it represents only a step toward a greater goal with respect to transported air pollution," said National Association of Clean Air Agencies Executive Director Bill Becker. "The NO<sub>x</sub> emissions cap is simply not sufficient to control the magnitude of emissions that come from power plants."

Industry groups, for their part, blasted the regulations.

"The EPA is ignoring the cumulative economic damage new regulations will cause," American Coalition for Clean Coal Electricity President Steve Miller said in a statement. "America's coal-fueled electric industry has been doing its part for the environment and the economy, but our industry needs adequate time to install clean coal technologies to comply with new regulations. Unfortunately, EPA doesn't seem to care."

## EPA Unveils Clean Air Transport Rule

Environmental Leader

July 7, 2011

The Environmental Protection Agency today finalized widely anticipated Clean Air Act regulations on pollution that crosses state lines.

In an announcement shortly before noon Eastern, the EPA said the Clean Air Transport Rule will cut hundreds of thousands of tons of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions that form soot and smog. These threaten the 240 million Americans living downwind of smokestacks, the agency said.

It predicted that the rule, along with other state and EPA actions, will reduce SO<sub>2</sub> emissions by 73 percent from 2005 levels. NO<sub>x</sub> emissions will drop by 54 percent, the agency said.

The Cross-State Air Pollution Rule, as it is formally known, replaces and strengthens the 2005 Clean Air Interstate Rule (CAIR), which the U.S. Court of Appeals for the D.C. Circuit ordered EPA to revise in 2008. The court allowed CAIR to remain in place temporarily while the EPA worked to finalize today's replacement rule, the agency said.

Under today's rule-making, 27 states in the eastern U.S. will work with power plants to cut air pollution. The EPA said the rule ensures flexibility by helping states to develop cost-effective emissions-reductions actions.

And in a supplemental rulemaking, the EPA is also proposing to require sources in Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin to reduce NO<sub>x</sub> emissions during the summertime ozone season.

The EPA said that the regulations announced today will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma, and 1.8 million sick days a year beginning in 2014 – achieving up to \$280 billion in annual health benefits.

"These clean air standards for power plant pollution will provide some of the greatest human health protections in our nation's history," Environmental Defense Fund president Fred Krupp said. "Today's clean air protections will help eastern states restore healthy air in communities hard hit by air pollution, and will help all of us live longer and healthier lives."

The proposal is open for public review and comment for 45 days after publication in the Federal Register.

More information on the regulations is available [here](#).

**New EPA regulation targets Texas' coal-fired power plants**

Dallas News  
Washington Bureau  
Published 07 July 2011 11:58 AM  
By DAVE MICHAELS

WASHINGTON — The Obama administration announced Thursday that Texas' coal-fired power plants will be regulated by a new rule that requires them to cut pollution that worsens air quality for neighboring states.

The announcement is likely to spark outcry from Texans in Congress and some Texas electricity generators, which say the Environmental Protection Agency didn't give the state enough opportunity to explain why it should be exempt from the rule.

The companies say the regulation, which would require them to install pollution-control equipment known as scrubbers, could force the closure of old coal-fired power plants, many built in the 1970s. Those plants are responsible for nearly half of the state's sulfur dioxide emissions, according to EPA data.

EPA Administrator Lisa Jackson said Texas' power plants could have increased pollution levels if its plants were left out of the regulation.

The emissions of sulfur dioxide and nitrogen oxide, emitted by tall smokestacks, travels downwind and makes it more difficult for nearby states to meet air-quality standards, according to the EPA.

Texas will have to cut its emissions of sulfur dioxide, a key air pollutant that aggravates asthma and causes other respiratory diseases, by almost 50 percent.

Three of the coal plants are located in East Texas and are owned by Dallas-based Luminant, the wholesale unit of Energy Future Holdings. The company mines lignite, a type of coal that generally contains higher amounts of sulfur than other forms of coal.

"Without this rule, Texas power plants will contribute significantly to air pollution in downwind states, tribes and local communities," Jackson said.

"Texas has an ample range of cost-effective emission reduction options for complying with the requirements of this rule without threatening reliability or the continued operation of coal-burning units, including those that burn lignite from local mining operations," she said.

Environmental groups say the rule is long overdue and praised the EPA for issuing it.

The regulation is certain to prompt more friction between the EPA and Republican lawmakers in Congress, who complain the agency's regulations are too expensive and aren't justified by science.

Nearly 30 Texans in Congress, including several Democrats, wrote the EPA last month to argue the state needed more notice about the rule because it requires "drastic" pollution cuts.

**EPA announces new rules on cross-state air pollution**

By Pittsburgh Tribune-Review

July 7, 2011

Pennsylvania is among 27 states that will be affected by new rules to control cross-state air pollution the U.S. Environmental Protection Agency announced today.

Allegheny County officials have long complained that pollution from Ohio power plants has been a major contributor to air pollution in the Pittsburgh area. The new federal regulations are aimed at forcing power plants to take more responsibility for cross-state air pollution by installing pollution control technology. More than 240 million Americans will benefit under the rules, according to the EPA.

There are 19 sources of out-of-state pollution that harm Pennsylvania that will have to improve their pollution controls, according to the agency's website. But Pennsylvania also has 12 pollution creators contributing to problems in other states that it will have to help monitor.

**EPA moves to curb interstate pollution**

Louisville Courier-Journal

July 7, 2011, 11:52 AM

James Bruggers

The U.S. Environmental Protection Agency on Thursday unveiled a final rule that will require power plants in 27 states including Kentucky and Indiana to reduce pollution that fouls the air of communities hundreds of miles away from the smokestacks.

The agency posted an announcement late Thursday morning that it would unveil the Cross-State Air Pollution Rule.

Local and state air regulators said Thursday morning they were waiting for details on the rule, which was designed to replace a 2005 Bush administration rule that was struck down in 2008 and then partially restored. Louisville officials had counted on the Bush rule to help the metro area meet federal health standards for ozone and fine particle standards.

The EPA predicts the cross-state rule will avoid 13,000 to 34,000 premature deaths, 15,000 non-fatal heart attacks and 19,000 hospital and emergency room visits. Utilities say new EPA actions planned for coming months will drive up the cost of electricity.

LG&E in May announced that it wants to raise residential electric bills by about 19 percent by 2016 to pay for upgrading its coal-fired power plants to meet stricter federal environmental regulations. The company said the monthly bill of a typical residential customer — using 1,000 kilowatt hours a month — would increase \$1.96 next year, and more each successive year, reaching \$16.33 by 2016.

The higher rates – which need approval from the Kentucky Public Service Commission – would go toward \$2.5 billion in improvements to four plants operated by LG&E and sister company Kentucky Utilities, including the 29-year-old Mill Creek Station in southwestern Jefferson County.

(This story will be updated.)

Reporter James Bruggers can be reached at (502) 582-4645.

01268-EPA-6762

Bob  
Perciasepe/DC/USEPA/US  
07/08/2011 09:32 PM

To Richard Windsor, "Bob Perciasepe", "Diane Thompson"  
cc  
bcc  
Subject RE: Thanks again!

Here to do a little cheer is a blog from Michael Brune sierra club.  
Of course before you read it .. We loved this week working with you.

---

This week, the New York Times ran a profile on EPA Administrator Lisa Jackson, who some people think has the toughest job in the Obama administration. I was struck by how the article described her as being "behind enemy lines with only science, the law and a small band of loyal lieutenants to support her."

What an odd perspective. From that viewpoint, Jackson appears to be a solitary, lonely warrior, and there's hardly anyone to be found in all of America who really cares about clean air, clean water, and public health besides a "small band" of do-gooders inside the EPA. Of course, the opposite is true: A supermajority of the American public -- across party lines -- believes that we need to do more to stand up to polluters. A bipartisan poll released this spring by the American Lung Association revealed how three quarters of Americans want to see stronger, updated standards on all forms of air toxics, soot, smog, and carbon pollution.

Yesterday, the EPA met this sentiment with action by announcing the first of a series of air pollution regulations that will be rolled out during the next few months. This one, called the Cross-State Air Pollution Rule, addresses the long-standing problem that pollution from coal-fired power plants frequently travels hundreds of miles and across state lines. Here's how a different article in the New York Times described what the new rule means:

By the time the new requirements take effect in 2014, power plants will need to have cut their sulfur dioxide emissions by 73 percent and their nitrogen oxides by 54 percent from 2005 levels.

Cutting down on pollution that leads to soot and smog -- as well as acid rain and hazy outdoor air -- is expected to prevent 13,000 to 34,000 people from dying prematurely each year. The benefits would be greatest in northeastern states such as Ohio and Pennsylvania, which would see an estimated 3,100 and 2,900 early deaths avoided annually.

What wasn't mentioned is that investing in modern pollution controls mandated by this rule will cause net savings for American consumers. Save lives and save money -- what's not to like?

Polluters opposed this, not because it will save lives, but because, and this comes straight from the president of the American Coalition for Clean Coal Electricity: "America's coal-fueled electric industry ... needs adequate time to install clean coal technologies."

How much more time do they want? Another 20,000 deaths? 40,000? You don't need science or the law to see the absurdity of that argument. Just common sense and a little humanity.

So kudos to Administrator Jackson for standing up to polluters and doing her job of protecting our health. She may be behind enemy lines, but she's most definitely not alone.

There's more work to be done. During the coming months, the EPA will finalize important new air-pollution rules on ozone, toxic mercury, and carbon pollution. All of them face opposition from polluters and their allies. So for those of us who'd rather stand on the side of science, the law, and common sense, let's make it very clear that America is ready to move beyond the tired arguments of dirty energy industries. Make your voice count! Send a message here to the EPA that we need them to continue to stand firm

against polluters.

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Diane Thompson"  
<thompson.diane@epa.gov>  
Cc :  
Sent on : 07/08/2011 09:19:15 PM  
Subject : Thanks again!

Rough week. I know. Sorry. Thanks. Lisa

01268-EPA-6764

Richard  
Windsor/DC/USEPA/US  
07/10/2011 08:38 PM

To Seth Oster, "Lisa Jackson"  
cc Adora Andy, "Betsaida Alcantara", Bob Perciasepe, "Diane Thompson"  
bcc  
Subject Re: Baltimore Sun Baltimore Sun: "EPA administrator stands tall"

It is quite nice to read. Tx!

---

**From:** Seth Oster  
**Sent:** 07/10/2011 08:24 PM EDT  
**To:** "Lisa Jackson" <windsor richard@epa.gov>  
**Cc:** Adora Andy; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Baltimore Sun Baltimore Sun: "EPA administrator stands tall"

It's becoming a pattern that the early part of your weeks are starting to regularly begin with really good profiles of you. We can't take the credit for having worked this one they way we did with the NY Times last week. But it's just as good, if not better. Congratulations. We're going to circulate it.

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

[www.baltimoresun.com/news/opinion/editorial/bs-ed-lisa-jackson-20110709,0,6614641.story](http://www.baltimoresun.com/news/opinion/editorial/bs-ed-lisa-jackson-20110709,0,6614641.story)

## Baltimore Sun EPA administrator stands tall

**Our view: With latest rules, federal agency puts public health and welfare ahead of the financial interests of polluters**

8:00 AM EDT, July 10, 2011

For those who long for clean water, breathable air and perhaps even a healthy Chesapeake Bay, there's at least one public figure willing to fight for your cause, and she's a former chemical engineer who has never held elected office.

U.S. Environmental Protection Agency Administrator Lisa P. Jackson has emerged as one of the most effective figures in the Obama administration to date. She's a tough, no-nonsense, plain-spoken regulator who doesn't seem especially fazed by constant attacks from House Republicans who insist that EPA rules

are costing the nation precious jobs.

Of course, the EPA is not the economic boogeyman that conservatives claim. While polluters must sometimes dip into profits to meet minimum environmental standards, studies have shown the net effect on the economy is hardly disastrous. A recent Office of Management and Budget report found the benefits of EPA regulations over the past 10 years outweigh the costs anywhere from 3-to-1 to as much as 20-to-1.

How is that possible? Because for every polluter who must toe the line – install scrubbers to take sulfur dioxide out of factory emissions, for instance – there are new jobs created in building and installing those scrubbers, opportunities in next-generation factories to replace aging technology, as well as health benefits to people living downwind from the facility.

The EPA is no jobs killer; it's often a job creator. But the agency's chief role is to look out for the health and welfare of the public by creating rules and procedures polluters must follow so that their profits are not based on choking or poisoning the American people.

One of the best examples came on Thursday, with the new EPA rules governing power plant emissions that contribute to soot, smog and acid rain. The agency estimates that for an additional \$1 billion investment to upgrade these plants, the public will be spared 34,000 premature deaths, 15,000 nonfatal heart attacks and countless cases of asthma and other respiratory ailments.

That's particularly helpful to residents of Maryland, where the state has already taken great strides to clean up local power plants but is powerless to do anything about coal-fired plants in the Midwest that send air pollution streaming eastward.

Of course, that won't stop the polluters and their allies in Congress from complaining about how the regulations will drive up costs while completely ignoring the billions of dollars in lost productivity and health care costs such air pollution causes downwind. Why should Maryland residents pay with their lives so others can run their air conditioners more cheaply?

But that's not the only battle Ms. Jackson and the EPA are taking on this summer and fall. New rules governing mercury emissions, mining wastes, vehicle emissions and, most controversial of all, climate change, are also coming out – much to the chagrin not only of Republicans but some Democrats facing re-election in 2012.

That Ms. Jackson so far seems resolute in her agency's efforts is a tribute to her professionalism and integrity. No doubt there are even some in the White House who would prefer that the EPA soften or delay its approach.

Closest to home, she's also been a driving force in the Obama administration's efforts to create a "pollution diet" for the Chesapeake Bay by holding states in the watershed accountable. That's drawn howls of protest from farmers, builders and others who may face increased regulations – and costs – as a result. But it's the best hope in a generation for a cleaner Chesapeake Bay, and Marylanders should be thrilled by Ms. Jackson's advocacy.

That's not to suggest that everything ever written by an EPA bureaucrat is above criticism or should be the last word in public policy. But the reality is that the agency is not caving to industry as it did so often during the George W. Bush years. It is putting the public's best interests ahead of polluters, even the deep-pocketed, politically influential kind. That's reason to cheer.

01268-EPA-6765

**Bob Sussman/DC/USEPA/US**

07/11/2011 08:42 AM

To Adora Andy

cc "Betsaida Alcantara", "Andra Belknap", "Dru Ealons", "Vicki Ekstrom", "Scott Fulton", "Arvin Ganesan", "Brendan Gilfillan", "Alisha Johnson", "Daniel Kanninen", "David McIntosh", "Michael Moats", "Seth Oster", "Stephanie Owens", "Bob Perciasepe", Sarah Pallone, "Shira Sternberg", "Bob Sussman", "Diane Thompson", "Richard Windsor"

bcc

Subject Re: St. Pete Times: Republicans take dead aim on EPA

Ex.5 - Deliberative

Robert M. Sussman  
 Senior Policy Counsel to the Administrator  
 Office of the Administrator  
 (202)-564-7397  
 US Environmental Protection Agency

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Adora Andy | <a href="#">[obj]</a> Appeared in: St. Petersburg Times a...                                                                                                                                                                                                                                                                                                                                                                                                                                     | 07/11/2011 07:20:47 AM |
| From:      | Adora Andy/DC/USEPA/US                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                        |
| To:        | "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Daniel Kanninen" <Kanninen.Daniel@epamail.epa.gov>, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, Sarah Pallone/DC/USEPA/US@EPA                                                                            |                        |
| Cc:        | "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Shira Sternberg" <Sternberg.Shira@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Vicki Ekstrom" <Ekstrom.Vicki@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov> |                        |
| Date:      | 07/11/2011 07:20 AM                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                        |
| Subject:   | St. Pete Times: Republicans take dead aim on EPA                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |

[\[obj\]](#)  
 Appeared in: St. Petersburg Times and Pocono Record

Republicans take dead aim on EPA

By Robyn Blumner

July 11, 2011 12:00 AM

The best way to appreciate the benefits of environmental regulation is to travel internationally. I don't mean to First World cities like Toronto or Paris but to places where government is unable or unwilling to rein in polluters.

When I was in Beijing about 10 years ago, travelers could expect days of thick smog and locals sporting facemasks to protect their lungs. What I saw in Lagos, Nigeria, were waterways piled high with garbage, while children played nearby. And the tap water? Don't even brush your teeth with it. In my experience, anywhere pollution was allowed to exist, it did, ruining the outdoors, not to mention the health of human beings.

But in America we have the Environmental Protection Agency.

Yes, the EPA, the great "Job-Killing Organization of America" as Republican presidential candidate Michele Bachmann dubbed it. She'd repeal it if she could. So would former House Speaker Newt Gingrich, another GOP presidential hopeful, who would replace it with the "Environmental Solutions Agency," that would work cooperatively with industry. Because that's worked so well in the past.

The EPA is under assault right now by Republicans on the campaign trail as well as in Congress. Last week, House Republicans outlined new cuts they will seek, representing an 18 percent reduction from current spending. EPA administrator Lisa Jackson has been called before a congressional energy subcommittee to be pilloried by its chairman Rep. Edward Whitfield, R-Ky. She's a Republican punching bag.

There is a fever pitch of hysteria coming from conservatives against a host of regulations that would tighten rules on harmful emissions from coal-burning power plants, mining operations and vehicles. The new rules are needed in light of the latest scientific data on the dangers posed to human health by various pollutants. Even former Republican EPA administrators, William Ruckelshaus and Christine Todd Whitman, have been publicly defending the Obama administration's efforts, including on the regulation of greenhouse gas emissions.

But current congressional Republicans, representing their industry donors and climate-change deniers, are in full-attack mode. As always, the science is irrelevant, and when profits are at risk, so is human health.

What a far cry from the bipartisanship that surrounded the EPA's beginnings in 1970, when Republican President Richard Nixon established it. That year, a Democratic controlled Congress passed the Clean Air Act by a vote of 73-to-0 in the Senate, and 374-to-1 in the House. Everyone understood that the time had come to put the Earth first.

America desperately needed heavy-handed, top-down environmental regulation. As Ruckelshaus and Whitman noted in a Washington Post op-ed, air in major cities was so smog-filled that Bob Hope joked, "I don't trust air I can't see." The Cuyahoga River in Cleveland, Ohio, caught fire in 1969, and Lake Erie was declared dead a year later.

Obviously, the concept of leaving industry to police itself was an unmitigated failure. Even free market proponents realized that, without government-imposed pollution controls, businesses won't invest in clean technologies since they'd be at a competitive disadvantage. The state-by-state approach didn't work either. Powerful industries simply co-opted local politicians.

Last year marked the EPA's 40th anniversary. A report card issued by the nonpartisan Aspen Institute highlighted 10 ways the agency has strengthened America. These include removing lead from gasoline, as well as from the air, controlling car emissions, managing toxic chemicals such as DDT and asbestos, and cleaning the water. We all live stunningly better lives due to the agency's work.

But there are signs that the Obama EPA is bowing to the constant haranguing. In Florida, the agency just dropped its years-long effort to establish clean water standards for the state's waterways, leaving it to the state to police nutrient runoff from farms and industrial plants. The backward lesson is, create enough of a ruckus over cost, and polluters win.

And around the world, when polluters win, life is miserable. In China, thousands of villagers and their children suffer from exposure to lead released from nearby factories. Without a robust government regulator, it can happen here, too. Again.

You can respond to Robyn's column at [blumner@sptimes.com](mailto:blumner@sptimes.com)

01268-EPA-6766

Richard  
Windsor/DC/USEPA/US  
07/11/2011 01:56 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: WSJ Editorial: The EPA Doesn't Love New York

Saw it. Tx.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 07/11/2011 12:56 PM EDT  
**To:** Richard Windsor; Seth Oster; Bob Sussman; Bob Perciasepe; Diane Thompson; Adora Andy; Arvin Ganesan  
**Subject:** WSJ Editorial: The EPA Doesn't Love New York

Administrator,  
This is the Journal piece discussed in the morning meeting. We wanted to make sure you saw it.

Ex.5 - Deliberative

The EPA Doesn't Love New York  
Wall Street Journal  
July 11, 2011

You can lead the Environmental Protection Agency to water, but you can't make it think. That's what New York City has learned after suggesting changes to costly, needless regulations that the federal government is imposing on Gotham.

The regulations will cost billions, are "truly burdensome" and almost entirely useless, says New York City environmental commissioner Cas Holloway, who wrote a 15-page letter to the EPA explaining what is wrong with its analysis.

Take the mandate governing Hillview, a 90-acre, 900-million gallon reservoir in Yonkers, north of the city. The EPA wants the city to build a \$1.6 billion-plus cover to prevent contamination by cryptosporidium, a water-born pathogen that causes diarrhea.

There's one problem. The pathogen hasn't been found in the reservoir despite years of tests and is barely present in the city, with about 100 confirmed cases of illness each year due to the little critter. Mr. Holloway says the EPA "inexplicably" claims that covering the reservoir would prevent between 112,000 and 365,000 cases annually, which is "off by several incidents of magnitude." Such wildly inflated estimates are an EPA staple, intended to scare the public.

Gotham has already spent nearly \$15 billion since 2002 for federally-mandated water projects, with the feds chipping in less than 1% of the cost. Next year it will finish building a \$1.6 billion ultraviolet facility—the largest in the world—to disinfect water even more than it already does. City water rates have increased by 134% since 2002, more than 91% since 2006, and they will rise further if the EPA doesn't bend. None of this seems to matter to Administrator Lisa Jackson.

Perhaps you are wondering how all of this squares with President Obama's Executive Order 13563, issued to great media fanfare in January, asking all federal agencies to rethink regulations. "The goal of my administration has been to strike the right balance" between regulation and economic growth, Mr. Obama wrote in these pages on January 18.

Thinking he meant what he said, New York and the U.S. Conference of Mayors proposed recommendations in March that included cost-benefit analyses for such projects. The EPA ignored nearly all of the suggestions. The EPA prefers to haul the city before a federal judge, a process that gives it

leverage to impose the EPA's rules. Mr. Holloway's lament that "a one-size-fits-all approach isn't appropriate" is almost quaint in its naivete about EPA methods.

We sympathize with Mr. Holloway for trying to be rational about clean drinking water, but he might want to ask where are New York's politicians when he needs them? The liberals who dominate Gotham's political class have built their careers denouncing anyone who challenges the EPA as an enemy of public health. They're doing it now in Congress as Ms. Jackson tries to wipe out the coal industry and impose vast new costs on utilities. New Yorkers are learning what it's like to be an American business.

01268-EPA-6767

Richard  
Windsor/DC/USEPA/US  
07/12/2011 08:55 PM

To : Shawn Garvin, Bob Perciasepe, Seth Oster, Nancy Stoner, Cynthia Giles-AA, Bob Sussman, Arvin Ganesan, Sarah Pallone, Mathy Stanislaus, "Diane Thompson", Betsaida Alcantara  
cc  
bcc  
Subject : Re: 07-12-11 Governor Announces Marcellus Shale Regulation

Apparently, our shoulders are broad enough to support the Governor and his Administration. Tx.  
Shawn Garvin

----- Original Message -----

**From:** Shawn Garvin  
**Sent:** 07/12/2011 06:20 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Seth Oster; Nancy Stoner; Cynthia Giles-AA; Bob Sussman; Arvin Ganesan; Sarah Pallone; Mathy Stanislaus; "Diane Thompson" <thompson.diane@epa.gov>; Betsaida Alcantara  
**Subject:** Fw: 07-12-11 Governor Announces Marcellus Shale Regulation  
FYI...

Sent by EPA Wireless E-Mail Services  
Jessica Greathouse

----- Original Message -----

**From:** Jessica Greathouse  
**Sent:** 07/12/2011 02:37 PM EDT  
**To:** Shawn Garvin; William Early; Jon Capacasa; John Pomponio; Samantha Beers; Ron Borsellino; Abe Ferdas; Diana Esher; Linda Boornazian; Michael Kulik; Stacie Driscoll; Angela McFadden; Troy Jordan; Marcia Mulkey  
**Subject:** FW: 07-12-11 Governor Announces Marcellus Shale Regulation

The press conference is still under way. The governor kicked things off by bashing EPA for its bias against coal and dampening West Virginia's work to make the U.S energy independent. Later in the presser, he responded to a question by stating that this emergency work on Marcellus rules was necessary so that EPA wouldn't veto the state's natural gas industry like it did the Spruce mine.

Sent with Good ([www.good.com](http://www.good.com))

----- Forwarded by Jessica Greathouse/R3/USEPA/US on 07/12/2011 02:37:05 PM-----

----- Original Message -----

From : "Communications Office - Gov. Earl Ray Tomblin" <govofficecomm@wv.gov>  
To : Jessica Greathouse/R3/USEPA/US@EPA  
Cc :  
Sent on : 07/12/2011 02:26:00 PM  
Subject : 07-12-11 Governor Announces Marcellus Shale Regulation

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**For Immediate Release**

**July 12, 2011**

**Contact: Jacqueline Proctor**

**304-558-2000**

**GOVERNOR ANNOUNCES**

**MARCELLUS SHALE REGULATION**

*Executive Order Mandates WV DEP Regulatory Action*

CHARLESTON, W.Va. - Gov. Earl Ray Tomblin, joined by West Virginia Department of Environmental Protection (DEP) Cabinet Secretary Randy Huffman, Legislators, and natural gas industry representatives today announced the filing of an executive order that directs the DEP to promulgate additional environmental regulations governing Marcellus Shale drilling activities.

"This executive order is the first step in my long-term plan to ensure responsible development of Marcellus Shale," Gov. Tomblin said. "The good-paying jobs predicted with this development must include the protection of our public's health and safety as well as that of our environment. I want to thank our citizens who have voiced their concerns about Marcellus Shale drilling and want to assure them that I recognize this emerging segment of the natural gas industry warrants my immediate attention to ensure responsible development."

By directing Secretary Huffman to use his existing emergency rule making authority, Gov.

Tomblin is calling for additional regulations concerning: water withdrawals, stream and groundwater protection, and public notice.

Executive Order 4-11 outlines several requirements of natural gas companies including but not limited to:

- Marcellus Shale drilling applicants seeking to drill within the boundaries of a municipality must file a public notice of intent to drill.
- Surface land use that will disturb 3 or more acres must be certified by and constructed in accordance with plans certified by a registered professional engineer.
- Companies withdrawing over 210,000 gallons of water a month must file a water management plan with the DEP and adhere to certain specified standards.
  - o Before fracking begins, such companies must also provide a list of additives that will be used in the frack fluid, and after fracking is complete, the additives actually used.
- When using water from a public stream, a company must identify the designated and existing uses of that stream.

"I am pleased that the natural gas industry supports my decision to pursue reasonable environmental regulations to ensure responsible development of the Marcellus Shale," Gov. Tomblin said. "Regulatory certainty is important not only to the industry, but also to our great citizens."

The executive order also instructs the DEP to further review the agency's overall authority over drilling activities related to horizontal wells.

# # #



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Governor's Office of Communications | Governor's Office | 1900 Kanawha Boulevard, East | Building 1 | Charleston | WV | 25305

01268-EPA-6768

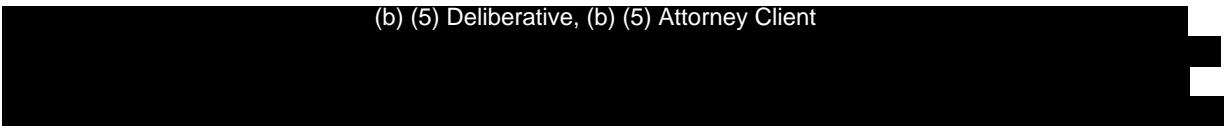
**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

07/13/2011 10:39 AM

cc "Scott Fulton"

bcc

Subject Fw: Heads up: Sierra Club plans to file contempt motion in  
Boiler MACT case(b) (5) Deliberative, (b) (5) Attorney Client  
  


Scott Fulton

----- Original Message -----

**From:** Scott Fulton**Sent:** 07/13/2011 10:34 AM EDT**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Gina McCarthy; Janet McCabe; Bob Sussman; Bob Perciasepe; "Diane Thompson"  
<thompson.diane@epa.gov>**Subject:** Heads up: Sierra Club plans to file contempt motion in Boiler MACT case(b) (5) Deliberative, (b) (5) Attorney Client  


Patricia Embrey

----- Original Message -----

**From:** Patricia Embrey**Sent:** 07/13/2011 10:10 AM EDT**To:** Scott Fulton; Avi Garbow; Joel Beauvais**Cc:** Richard Ossias**Subject:** Impending contempt motion from Sierra Club in Boiler MACT case(b) (5) Deliberative, (b) (5) Attorney Client  
  
  


01268-EPA-6769

**Gina McCarthy/DC/USEPA/US** To Scott Fulton, Richard Windsor  
07/13/2011 10:58 AM cc  
Subject Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case  
bcc

(b) (5) Deliberative, (b) (5) Attorney Client

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 07/13/2011 10:44 AM EDT  
**To:** Gina McCarthy; Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>  
**Subject:** Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 07/13/2011 10:39 AM EDT  
**To:** Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>  
**Subject:** Fw: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 07/13/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Gina McCarthy; Janet McCabe; Bob Sussman; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

Patricia Embrey

----- Original Message -----

**From:** Patricia Embrey  
**Sent:** 07/13/2011 10:10 AM EDT  
**To:** Scott Fulton; Avi Garbow; Joel Beauvais  
**Cc:** Richard Ossias  
**Subject:** Impending contempt motion from Sierra Club in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

(b) (5) Deliberative, (b) (5)



01268-EPA-6770

**Richard  
Windsor/DC/USEPA/US**  
07/13/2011 11:12 AM

To Gina McCarthy  
cc "Scott Fulton"  
bcc  
Subject Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 07/13/2011 10:39 AM EDT  
**To:** Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>  
**Subject:** Fw: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 07/13/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Gina McCarthy; Janet McCabe; Bob Sussman; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

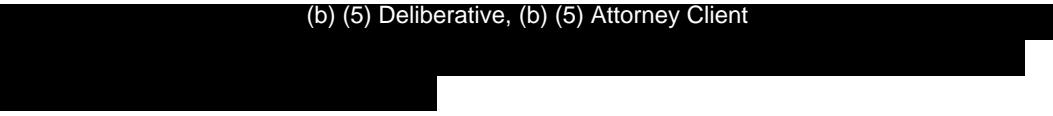
Patricia Embrey

----- Original Message -----

**From:** Patricia Embrey  
**Sent:** 07/13/2011 10:10 AM EDT  
**To:** Scott Fulton; Avi Garbow; Joel Beauvais  
**Cc:** Richard Ossias  
**Subject:** Impending contempt motion from Sierra Club in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

(b) (5) Deliberative, (b) (5) Attorney Client



01268-EPA-6771

**Gina McCarthy/DC/USEPA/US**      To: Richard Windsor  
07/13/2011 11:20 AM      cc: "Scott Fulton"  
                                    bcc:  
  
Subject: Re: Heads up: Sierra Club plans to file contempt motion in  
Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client ?

Richard Windsor      (b) (5) Deliberative, (b) (5) Attorney Client      07/13/2011 11:12:40 AM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: "Scott Fulton" <Fulton.Scott@epa.gov>  
Date: 07/13/2011 11:12 AM  
Subject: Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 07/13/2011 10:39 AM EDT  
**To:** Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>  
**Subject:** Fw: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

[REDACTED]  
Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 07/13/2011 10:34 AM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Gina McCarthy; Janet McCabe; Bob Sussman; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

[REDACTED]  
Patricia Embrey

----- Original Message -----

**From:** Patricia Embrey  
**Sent:** 07/13/2011 10:10 AM EDT  
**To:** Scott Fulton; Avi Garbow; Joel Beauvais  
**Cc:** Richard Ossias  
**Subject:** Impending contempt motion from Sierra Club in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

1| [REDACTED]  
b [REDACTED]  
) [REDACTED]  
5 [REDACTED]

[REDACTED]  
c [REDACTED]  
[REDACTED]  
i [REDACTED]

01268-EPA-6772

**Gina McCarthy/DC/USEPA/US** To Scott Fulton  
07/13/2011 11:58 AM cc "Scott Fulton", Richard Windsor  
bcc  
Subject Re: Heads up: Sierra Club plans to file contempt motion in  
Boiler MACT case

Thx will let you know.

Scott Fulton (b) (5) Deliberative, (b) (5) Attorney Client 07/13/2011 11:58:23 AM

From: Scott Fulton/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: "Scott Fulton" <Fulton.Scott@epa.gov>  
Date: 07/13/2011 11:58 AM  
Subject: Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5)

**From:** Gina McCarthy  
**Sent:** 07/13/2011 11:20 AM EDT  
**To:** Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@epa.gov>  
**Subject:** Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client ?

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: "Scott Fulton" <Fulton.Scott@epa.gov>  
Date: 07/13/2011 11:12 AM  
Subject: Re: Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 07/13/2011 10:39 AM EDT  
**To:** Richard Windsor  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>

**Subject:** Fw: Heads up: Sierra Club plans to file contempt motion in Boiler

(b) (5)

Deliberative,  
(b) (5)  
Attorney  
Client

----- Original Message -----

**From:** Scott Fulton

**Sent:** 07/13/2011 10:34 AM EDT

**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Gina McCarthy; Janet McCabe; Bob Sussman; Bob Perciasepe; "Diane Thompson"

<thompson.diane@epa.gov>

**Subject:** Heads up: Sierra Club plans to file contempt motion in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

----- Original Message -----

**From:** Patricia Embrey

**Sent:** 07/13/2011 10:10 AM EDT

**To:** Scott Fulton; Avi Garbow; Joel Beauvais

**Cc:** Richard Ossias

**Subject:** Impending contempt motion from Sierra Club in Boiler MACT case

(b) (5) Deliberative, (b) (5) Attorney Client

01268-EPA-6775

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Bob Perciasepe, Seth Oster  
07/15/2011 05:16 PM cc  
bcc  
**Subject** Fw: EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

Ex.5 - Deliberative |?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/15/2011 05:13 PM -----

From: Anhar Karimjee/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 07/15/2011 02:25 PM  
Subject: EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

FYI - from Inside EPA

### EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

Posted: July 14, 2011

EPA is planning to conduct lifecycle assessments of the "cradle to grave" environmental, economic and health impacts of multiple energy sources including biofuels and hydraulic fracturing, which sources say could boost the agency's ability to zero in on particular risks and recommend policies for mitigating them.

The effort, which agency officials call a "full-cost accounting of energy choices," will be led by EPA's new Air, Climate & Energy (ACE) research program that aims to inform policy decisions "in the context of a changing climate and evolving energy use," according to EPA's fiscal year 2012 budget request, which says ACE will perform lifecycle analyses into the production, operation and impacts of energy systems on health and the environment.

EPA outlined its plans for the new energy lifecycle research in a presentation to a June 30 meeting of its Science Advisory Board (SAB) and Board of Scientific Counselors (BOSC). At the meeting, panelists highlighted some problems with the plan including difficulties in using sustainability to drive Clean Air Act and other policies, and sources say there are other issues including key scientific uncertainties.

The ACE research effort -- led by the agency's Office of Research & Development (ORD) -- already includes a pilot study examining cross-cutting impacts associated with wood-fueled boiler systems used heavily in the northeast United States, but agency officials are looking at much larger energy sources for future lifecycle studies.

For example, EPA officials are looking at key energy and mineral extraction and injection processes, including hydraulic fracturing, carbon capture and sequestration (CCS) and mountaintop mining, as prime candidates for broad lifecycle assessments (LCAs).

Such an approach differs from traditional risk assessment methods typically taken by the air research programs within ORD, which focus only on potential negative health or environmental impacts, because LCA methodology "lets you put everything into context so you can make decisions," according to an EPA source.

Another major advantage of an LCA approach to comparing energy choices is that it would allow EPA to

zero in on risks associated with any part of the energy process cycle to "maximize efficiency" and recommend policy for mitigating risks specific to just that part of the cycle. For example, environmentalists are urging EPA to take extra steps to address the risk of drinking water contamination from hydraulic fracturing, or fracking.

"For example, if we do this LCA on hydraulic fracturing, and we say, overall the cost is cheaper than burning coal, but if we do this one thing, we can" further reduce the risks from fracking, the analysis can serve to identify "more holistic, sustainable" approaches to making energy choices, the EPA source says.

Sustainability has been a major priority of ORD chief Paul Anastas' tenure at the Obama EPA, expected to culminate in a landmark study by the National Academy of Sciences on incorporating a sustainable approach across EPA, which sources say could be released later this summer.

**But during the SAB-BOSC meeting panelists warned of "a fundamental disconnect between sustainability as a paradigm for driving research and the legislative mandates of the Clean Air Act ,," and suggested difficulties in integrating the two measures , especially with worsening budget constraints looming for EPA.**

The LCA approach also faces scientific challenges, as EPA has historically struggled with how to perform LCAs because they often contain more uncertainty than traditional risk assessments. Earlier this year, EPA's draft report on the impacts of biofuels -- mandated by the 2007 energy law -- highlighted a number of issues that the agency is grappling with, including uncertainties about feedstock technologies and data limitations.

Though EPA has already used the LCA approach for analyzing biofuels, most of the assessments have focused on particular parameters like greenhouse gases (GHGs) yielding disparate results in some cases. "Anytime you start stringing lots of models together, you'll have a certain level of uncertainty," the EPA source says. "We'll be trying to narrow some of those uncertainties to do a comparison of choices to inform decisions."

Despite the problems involved with the lifecycle approach and the fact that energy is not typically within EPA's mandate, the agency in its presentation at the SAB-BOSC meeting said that the ACE effort is necessary because energy production and use has enormous impacts on air quality and climate, with conventional energy options generally representing major sources and climbing populations underscoring the mounting pressure on climate and air quality. Air quality impacts and climate are "intricately linked with current and future energy options," the document says.

In the presentation dated June 14, "Framework for EPA's Air, Climate and Energy Research Program," agency officials detailed their plans to turn a large part of their focus away from research aimed at developing methodology for near-road monitoring approaches, much of which has already been implemented in the regulatory arena, to a "full cost accounting of energy choices" like algal and cellulosic biofuels for transportation and other energy sources.

EPA will likely target biofuels as an early pilot study for the LCAs "with a heavy emphasis on form," the source says, pointing out that "algae, cellulosic [biofuels] each have their pluses and minuses."

During the June 30 meeting, panelists said that while EPA is mandated to report annually to Congress on GHG effects from biofuels, the agency "really has no authority on energy," but that the lack of legislative authority "could free ORD to provide research of a more creative and unfettered nature," according to breakout group minutes.

Given that human and environmental health impacts are heavily influenced by energy choices, taking action on climate change mitigation and air quality is not possible without "also understanding the Nation's evolving energy landscape," according to the agency's research framework document.

In addition to the systems-based analysis of multimedia impacts from fracking, CCS and mountaintop mining, the LCA approach seeks to better clarify energy-based alternatives to multipollutant risk reduction

and a "hierarchy selection of energy alternatives balancing benefit-cost and sustainability" that looks at social and economic implications along with environmental health impacts, interim ACE program director Dan Costa said at the meeting.-- Bridget DiCosmo

Anhar Karimjee

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U.S. Environmental Protection Agency  
office: (202) 343-9260  
cell: (b) (6) Personal Privacy

01268-EPA-6776

Richard  
Windsor/DC/USEPA/US  
07/15/2011 05:26 PM

To Bob Sussman  
cc  
bcc

Subject Re: EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

Huh?

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 07/15/2011 05:16 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Fw: EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

Ex.5 - Deliberative |?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202) 564-7397  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/15/2011 05:13 PM -----

---

From: Anhar Karimjee/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 07/15/2011 02:25 PM  
Subject: EPA Plans Major Research Into Multiple Energy Sources' Lifecycle Impacts

FYI - from Inside EPA

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Anhar Karimjee

---

U.S. Environmental Protection Agency

office: (202) 343-9260

cell: (b) (6) Personal Privacy

01268-EPA-6777

Diane  
Thompson/DC/USEPA/US  
07/15/2011 07:31 PM

To Adora Andy, Richard Windsor, Bob Perciasepe  
cc Seth Oster  
bcc  
Subject Re: HEADS UP: LEAD CLEARANCE

Ex.5 - Deliberative

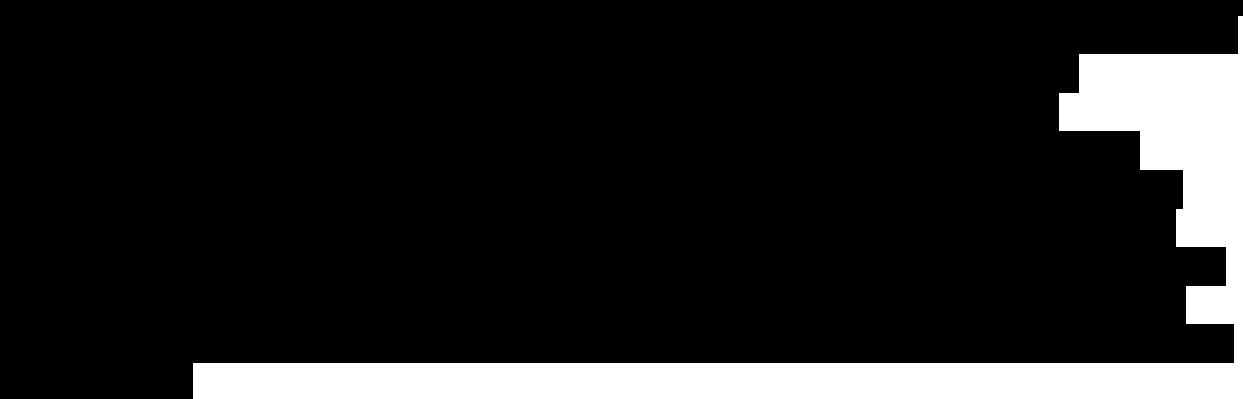
Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 07/15/2011 07:28 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe  
**Cc:** Seth Oster  
**Subject:** HEADS UP: LEAD CLEARANCE

Good Evening Administrator, Bob and Diane,

Ex.5 - Deliberative



. Below is a positive statement from Waxman and from the National Association of Home Builders.

Have a good night,  
Adora

**Waxman's Statement on Final Supplemental Rule on EPA's Lead Paint Renovation Program**

Committee on Energy and Commerce  
Rep. Henry A. Waxman, Ranking Member

For Immediate Release: July 15, 2011  
Karen Lightfoot/Lindsay Vidal: (202) 225-5735

Rep. Waxman's Statement on Final Supplemental Rule on EPA's Lead Paint Renovation Program

WASHINGTON, DC — Today Rep. Henry A. Waxman issued the following statement in response to the Environmental Protection Agency finalizing

its supplemental Lead Renovation, Repair, and Painting rule:

"Today EPA is taking final action on a remaining element of the program to require lead-safe work practices for renovation and repair jobs in houses that are likely to contain lead paint. EPA's lead paint renovation program provides critical protections for children and pregnant women against harm from toxic lead dust, which damages brain development in children. Now, we must work to preserve funding to implement and enforce these common-sense public health protections."

### **NAHB Applauds EPA Rejection Of Renovation Clearance Testing Requirements**

**July 15, 2011** - The National Association of Home Builders commends the U.S. Environmental Protection Agency for rejecting a proposal to add third-party clearance testing to the Lead: Renovation, Repair and Painting Rule (RRP).

"We're pleased that the EPA listened to the concerns of remodelers about the extreme costs the proposed clearance testing would have imposed," said Bob Peterson, NAHB Remodelers chair and a remodeler from Fort Collins, Colo. "Home owners are saved from spending a great deal of money on lead testing. If remodeling is more affordable, home owners will be able to hire an EPA-certified renovator to keep them safe from lead dust hazards during renovation."

At NAHB's request this regulation was selected for review by the EPA under the Presidential Executive Order for Regulatory Review (*Improving Regulation and Regulatory Review* , 76 FR 3821 issued on Jan. 21) concerning the impact of federal rules on small businesses and job creation.

The lead rule applies to homes built before 1978 and requires renovator training and certification, following lead-safe work practices, containing and cleaning dust, and record keeping.

Under the lead paint rule contractors have been required to wipe down the project area after completing remodeling or renovation work and match the result to an EPA-approved card to determine whether lead paint dust is still present – a process that EPA says is "effective at reducing dust lead levels below the dust-lead hazard standard."

The proposal would have required contractors to hire EPA-accredited dust samplers to collect several samples after a renovation and send them to an EPA-accredited lab for lead testing. Because of the cost of this as well as the waiting period for test results and the limited number of accredited labs nationwide, professional remodelers were very concerned about home owners' willingness to undergo the process.

"The EPA has maintained its common sense approach to keeping families safe during renovation," said Peterson. "Hiring trained professional remodelers to contain dust, use lead-safe work practices,

and clean up has been shown to successfully minimize lead hazards and protect individuals from lead exposure."

Several problems with the rule still remain. The EPA has yet to recognize an efficient, low-cost lead test kit that meets the requirements of the regulation. And last year the agency removed a key consumer choice measure – the opt-out provision – which allowed home owners with no children or pregnant women in residence to waive the rule's requirement. In this down economy, consumers are still balking at the extra costs of the rule and often choose to reduce the amount of work done on their homes, hire uncertified contractors, or endanger themselves by attempting the work themselves.

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

01268-EPA-6778

**Richard  
Windsor/DC/USEPA/US**  
07/15/2011 07:35 PM

To Diane Thompson, Adora Andy, Bob Perciasepe  
cc Seth Oster  
bcc  
Subject Re: HEADS UP: LEAD CLEARANCE

Ex.5 - Deliberative

Diane Thompson

----- Original Message -----

**From:** Diane Thompson  
**Sent:** 07/15/2011 07:31 PM EDT  
**To:** Adora Andy; Richard Windsor; Bob Perciasepe  
**Cc:** Seth Oster  
**Subject:** Re: HEADS UP: LEAD CLEARANCE

Ex.5 - Deliberative

Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 07/15/2011 07:28 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe  
**Cc:** Seth Oster  
**Subject:** HEADS UP: LEAD CLEARANCE

Good Evening Administrator, Bob and Diane,

(b) (5) Deliberative



[REDACTED]. Below is a positive statement from Waxman and from the National Association of Home Builders.

Have a good night,  
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Committee on Energy and Commerce  
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"Today EPA is taking final action on a remaining element of the program to require lead-safe work practices for renovation and repair jobs in houses that are likely to contain lead paint. EPA's lead paint renovation program provides critical protections for children and pregnant women against harm from toxic lead dust, which damages brain development in children. Now, we must work to preserve funding to implement and enforce these common-sense public health protections."

**NAHB Applauds EPA Rejection Of Renovation Clearance Testing Requirements**

**July 15, 2011** - The National Association of Home Builders commends the U.S. Environmental Protection Agency for rejecting a proposal to add third-party clearance testing to the Lead: Renovation, Repair and Painting Rule (RRP).

"We're pleased that the EPA listened to the concerns of remodelers about the extreme costs the proposed clearance testing would have imposed," said Bob Peterson, NAHB Remodelers chair and a remodeler from Fort Collins, Colo. "Home owners are saved from spending a great deal of money on lead testing. If remodeling is more affordable, home owners will be able to hire an EPA-certified renovator to keep them safe from lead dust hazards during renovation."

At NAHB's request this regulation was selected for review by the EPA under the Presidential Executive Order for Regulatory Review (*Improving Regulation and Regulatory Review* , 76 FR 3821 issued on Jan. 21) concerning the impact of federal rules on small businesses and job creation.

The lead rule applies to homes built before 1978 and requires renovator training and certification, following lead-safe work practices, containing and cleaning dust, and record keeping.

Under the lead paint rule contractors have been required to wipe down the project area after completing remodeling or renovation work and match the result to an EPA-approved card to determine whether lead paint dust is still present – a process that EPA says is "effective at reducing dust lead levels below the dust-lead hazard standard."

The proposal would have required contractors to hire EPA-accredited dust samplers to collect

several samples after a renovation and send them to an EPA-accredited lab for lead testing. Because of the cost of this as well as the waiting period for test results and the limited number of accredited labs nationwide, professional remodelers were very concerned about home owners' willingness to undergo the process.

"The EPA has maintained its common sense approach to keeping families safe during renovation," said Peterson. "Hiring trained professional remodelers to contain dust, use lead-safe work practices, and clean up has been shown to successfully minimize lead hazards and protect individuals from lead exposure."

Several problems with the rule still remain. The EPA has yet to recognize an efficient, low-cost lead test kit that meets the requirements of the regulation. And last year the agency removed a key consumer choice measure – the opt-out provision – which allowed home owners with no children or pregnant women in residence to waive the rule's requirement. In this down economy, consumers are still balking at the extra costs of the rule and often choose to reduce the amount of work done on their homes, hire uncertified contractors, or endanger themselves by attempting the work themselves.

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

01268-EPA-6780

**Richard  
Windsor/DC/USEPA/US**  
07/18/2011 02:42 PM

To Al Armendariz, "Lisa Jackson"  
cc Adora Andy  
bcc  
Subject Re: Austin visit to Dell HQ

Sure. Tx.

---

**From:** Al Armendariz  
**Sent:** 07/18/2011 01:33 PM CDT  
**To:** windsor.richard@epa.gov  
**Cc:** Adora Andy  
**Subject:** Austin visit to Dell HQ

Hi Lisa,

It is ok with you if I stay in Dallas while you and Nancy and others are in Austin at the Dell function? I was planning on being there, but there are a couple of high congressional visibility coal-plant issues in New Mexico and Texas popping this week that I am working on with Janet McCabe and I think I can serve you better if I am in Dallas helping to keep things running tightly on those.

Al

---

Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6781

Richard  
Windsor/DC/USEPA/US  
07/19/2011 10:46 AM

To Betsaida Alcantara  
cc Seth Oster, Alisha Johnson  
bcc  
Subject Re: TIME Magazine quote

good with me. tx

Betsaida Alcantara Administrator, Bryan Walsh with TIM... 07/18/2011 06:41:53 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA  
Date: 07/18/2011 06:41 PM  
Subject: TIME Magazine quote

Administrator,  
Bryan Walsh with TIME Magazine is doing a short piece for print publication on our recent air regs (specifically CSAP and Air Toxics), upcoming actions and what they mean for human health and the economy in the U.S. This morning, he spoke to Gina on background and she reinforced that we are required to enforce these regs by law, that these have been due for 20 years and that they don't come as a surprise to companies. She also discussed how we don't expect to see a tremendous number of power plant retirements, and that any we do see may have already happened due to the continuous shift from coal to natural gas.

We would like to submit a quote by you, on the record, for this story, which will run later this week. Please see the quote below and let me know if you are ok with this, or have suggested changes.  
Thank you

"No community should bear the burden of another community's polluters or to be powerless act against the air pollution that leads to asthma, heart attacks and other harmful illnesses. That's why EPA is using the Clean Air Act to provide updated standards that will protect our families and communities, especially children, and why we've moved forward with the Cross-State Air Pollution Rule and new Mercury and Air Toxics Standards. With the help of existing technologies and the flexibility provided by the Clean Air Act, we'll be able to take common-sense steps that take into account the economy and job while yielding billions of dollars of savings in health benefits."

01268-EPA-6782

**Richard  
Windsor/DC/USEPA/US**  
07/19/2011 12:05 PM

To "Gina (Sheila) McCarthy", "Scott Fulton", Avi Garbow, "Janet McCabe", "Mathy Stanislaus", "Lisa Feldt", "Bob Sussman", "Diane Thompson"  
cc "Arvin Ganesan", "Bob Perciasepe"  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative  
? Need in next day or so.

Tx. Lisa

01268-EPA-6783

**Gina McCarthy/DC/USEPA/US** To Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton",  
Avi Garbow, Janet McCabe, "Mathy Stanislaus", Lisa Feldt,  
"Bob Sussman", "Diane Thompson"  
**07/19/2011 12:13 PM** cc "Arvin Ganesan", "Bob Perciasepe"  
**bcc**  
**Subject** Re: Boiler MACT/NHSM delay bills

I am in car mtgs. Janets heading down and Peter T is here. If we can track Joe down, he can give you the rundown on Sierra Club filings.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: Boiler MACT/NHSM delay bills

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Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

Need in next day or so.

Tx. Lisa

01268-EPA-6784

**Bob  
Perciasepe/DC/USEPA/US**  
07/19/2011 12:16 PM

To Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton",  
Avi Garbow, Janet McCabe, "Mathy Stanislaus", Lisa Feldt,  
"Bob Sussman", "Diane Thompson"  
cc "Arvin Ganesan", "Bob Perciasepe"  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

Will be there in 10 minutes.

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

[REDACTED] ? Need in next day or so.

Tx. Lisa

01268-EPA-6785

**Mathy  
Stanislaus/DC/USEPA/US**  
07/19/2011 12:34 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

I'm out of town and will not be able to attend.  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

Need in next day or so.

Tx. Lisa

01268-EPA-6786

**Richard  
Windsor/DC/USEPA/US**  
07/19/2011 12:38 PM

To Mathy Stanislaus, "Lisa Feldt"  
cc  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

Ex.5 - Deliberative

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 07/19/2011 12:34 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Boiler MACT/NHSM delay bills

I'm out of town and will not be able to attend.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

? Need in next day or so.

Tx. Lisa

01268-EPA-6788

**Lisa Feldt/DC/USEPA/US**

07/19/2011 12:41 PM

To Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton",  
Avi Garbow, Janet McCabe, "Mathy Stanislaus", "Bob  
Sussman", "Diane Thompson"

cc "Arvin Ganesan", "Bob Perciasepe"

bcc

Subject Re: Boiler MACT/NHSM delay bills

I am up in Region 1 with Bob S. re Housatonic. I know Mathy is on road but am available on my cell. Lisa Feldt

Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 07/19/2011 12:05 PM EDT

**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 07/19/2011 11:16 AM EDT

**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

Need in next day or so.

Tx. Lisa

01268-EPA-6789

**Bob Sussman/DC/USEPA/US**  
**07/19/2011 12:50 PM**

To Bob Perciasepe, Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton", Avi Garbow, Janet McCabe, "Mathy Stanislaus", Lisa Feldt, "Bob Sussman", "Diane Thompson" cc "Arvin Ganesan", "Bob Perciasepe"  
 bcc  
 Subject Re: Boiler MACT/NHSM delay bills

Unfortunately on plane. Will check in on return.

Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 07/19/2011 12:16 PM EDT  
**To:** Richard Windsor; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: Boiler MACT/NHSM delay bills

Will be there in 10 minutes.

Bob Perciasepe  
 Deputy Administrator  
 (o)202 564 4711  
 (c) [REDACTED] (b) (6) Personal Privacy  
 Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

[REDACTED] (b) (5) Deliberative

(b) (5) Deliberative ? Need in next day or so.

Tx. Lisa

01268-EPA-6792

**Richard  
Windsor/DC/USEPA/US**  
07/19/2011 02:19 PM

To Mathy Stanislaus  
cc Lisa Feldt, Scott Fulton, Bob Perciasepe, Bob Sussman,  
Diane Thompson, Arvin Ganesan, Gina McCarthy, Janet  
McCabe  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

(b) (5) Deliberative

?

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 07/19/2011 02:15 PM EDT  
**To:** Richard Windsor  
**Cc:** Lisa Feldt; Scott Fulton; Bob Perciasepe; Bob Sussman; Diane Thompson;  
Arvin Ganesan; Gina McCarthy; Janet McCabe  
**Subject:** Re: Boiler MACT/NHSM delay bills

Matt's been engaged on this and working with OGC. (b) (5) Deliberative, (b) (5) Attorney Client

[REDACTED]

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 07/19/2011 12:34 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Boiler MACT/NHSM delay bills

I'm out of town and will not be able to attend.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton"  
<Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus"  
<stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>;  
"Diane Thompson" <thompson.diane@epa.gov>

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe"  
<perciasepe.bob@epa.gov>

**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 11:16 AM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Boiler MACT/NHSM delay bills  
Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative

Need in next day or so.

Tx. Lisa

01268-EPA-6793

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Mathy Stanislaus  
07/19/2011 02:30 PM cc Lisa Feldt, Scott Fulton, Bob Perciasepe, Diane Thompson,  
Arvin Ganesan, Gina McCarthy, Janet McCabe  
bcc  
Subject Re: Boiler MACT/NHSM delay bills

[REDACTED]  
Ex.5 - Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 02:19 PM EDT  
**To:** Mathy Stanislaus  
**Cc:** Lisa Feldt; Scott Fulton; Bob Perciasepe; Bob Sussman; Diane Thompson;  
Arvin Ganesan; Gina McCarthy; Janet McCabe  
**Subject:** Re: Boiler MACT/NHSM delay bills

[REDACTED]  
Ex.5 - Deliberative

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 07/19/2011 02:15 PM EDT  
**To:** Richard Windsor  
**Cc:** Lisa Feldt; Scott Fulton; Bob Perciasepe; Bob Sussman; Diane Thompson;  
Arvin Ganesan; Gina McCarthy; Janet McCabe  
**Subject:** Re: Boiler MACT/NHSM delay bills

Matt's been engaged on this and working with OGC. Here's were we think is shaking out:

(b) (5)  
Deliberative, (b)  
(5)  
Attorney  
Client

[REDACTED]

[REDACTED]  
very would be subject to the CAA section 112 boiler standards as opposed to the incinerator standards.

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 07/19/2011 12:34 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Boiler MACT/NHSM delay bills

I'm out of town and will not be able to attend.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 07/19/2011 12:05 PM EDT  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton"

<Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Re: Boiler MACT/NHSM delay bills

Huddling in my office at 1215 if any of you are available.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 07/19/2011 11:16 AM EDT

**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton"

<Fulton.Scott@epa.gov>; Avi Garbow; Janet McCabe; "Mathy Stanislaus" <stanislaus.mathy@epa.gov>; Lisa Feldt; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

[REDACTED] (b) (5) Deliberative

Need in next day or so.

Tx. Lisa

01268-EPA-6800

**Lisa Garcia/DC/USEPA/US**

07/21/2011 10:28 AM

To Judith Enck, Cynthia Giles-AA, Gina McCarthy, Adam Kushner, Arvin Ganesan, Janet Woodka, "garcia.lisa", "Janet McCabe"

cc "Richard Windsor", "Barbara Bennett"

bcc

Subject Re: air toxics etc in Tonawanda, NY

Great news. Thanks R2 for supporting and working with the EJ community.

This community group started almost 7yrs ago with a small 20k EJ grant from NY to study health impacts from benzene and have really leveraged work and attention to bring about change and reductions in toxics in their neighborhood. [REDACTED]

(b)(5) Deliberative

[REDACTED] Thanks.

---

**From:** Judith Enck

**Sent:** 07/21/2011 09:35 AM EDT

**To:** Cynthia Giles-AA; Gina McCarthy; Adam Kushner; Arvin Ganesan; Janet Woodka; garcia.lisa@epa.gov

**Subject:** air toxics etc in Tonawanda, NY

EPA had a great day in Tonowanda, NY yesterday. see clips below. much more to do, but we are working toward significant air toxics and other reductions at this very large petroleum coke facility. we are also launching an innovative pollution prevention initiative to deal with the 50 plus other major facilities in this zip code. thanks for all the hq assistance. the fiesty local group, Clean Air Coalition of western ny will be at the epa ej conference in a few weeks. cheers, Judith

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Buffalo News

### Tonawanda Coke agrees to reduce benzene emissions

By Janice L. Habuda

Updated: July 21, 2011, 6:40 AM

Benzene emissions from Tonawanda Coke Corp. will continue to fall under agreements signed this week between the company and regulatory agencies, officials announced Wednesday.

Regional leaders from the federal Environmental Protection Agency and the state Department of Environmental Conservation discussed the agreements at a news conference outside the Kenmore-Town of Tonawanda Municipal Building, where they also announced that grants totaling \$230,000 have been awarded to two groups involved in local environmental efforts.

"Our work on Tonawanda Coke is a work in progress," said Judith A. Enck, the EPA's regional administrator. "We're not done. It's continuing."

According to Enck, the agreements, combined with earlier efforts, will reduce emissions of benzene—a known carcinogen — from the River Road facility by at least two-thirds.

"We are focused . . . on the benzene emissions because benzene has been linked to cancer, to blood disorders and to reproductive problems," Enck said.

Officials did not give a timeline for the two-thirds reduction or any details on current benzene emission levels.

A yearlong air-quality study, performed by the DEC during 2007 and 2008, established that Tonawanda Coke is the predominant source of benzene in the town's industrial zone.

The agreements with the state and federal environmental agencies require the company to make significant repairs to — and eventually replace — the ammonia scrubber system, among other things. "That is Phase 1 of our enforcement together," said Abby Snyder, regional director for the DEC. "The first thing we wanted to target was reducing benzene emissions."

A total of \$230,000 in EPA grants will go to environmental initiatives for local businesses and residents. A \$130,000 pollution prevention grant was awarded to the New York State Pollution Prevention Institute, which is based at Rochester Institute of Technology. It will be used to lend technical assistance to businesses in the town, conduct detailed environmental assessments of their manufacturing processes and improve operations to significantly reduce their environmental impacts.

A \$100,000 Community Action for a Renewed Environment grant went to the Clean Air Coalition of Western New York, a citizens group that initiated air testing on its own several years ago to investigate residents' illnesses. The coalition will work with residents to prioritize environmental risks and concerns they want addressed.

"Finally, the voice of the Tonawanda community was heard," said Sen. Charles E. Schumer, D-N. Y. "This agreement, spearheaded by the EPA, along with DEC, [proves] that a community can band together and stand up for their simple right to breathe clean air."

Rep. Louise M. Slaughter, D-Fairport, applauded the development. "Clean air is a basic human right, and I'm proud of my friends at the Clean Air Coalition for leading the fight on behalf of everyone in Tonawanda," she said.

### **Tonawanda Coke promises to clean up act**

Wednesday, 20 Jul 2011, 6:11 PM EDT

Mark Parrotte

TONAWANDA, N.Y. (WIVB)

Neighbors in the town of Tonawanda say it's been a long time coming.

According to the Environmental Protection Agency, the Tonawanda Coke Corporation has agreed to improve operations and upgrade pollution controls. The plant has been under fire for years, accused of emitting toxins into the air. Surrounding residents say the plant's pollution is the root of their health problems.

EPA Region 2 Administrator Judith Enck said, "These are very much problems of the past that we need to solve. And, we're also here to work on pollution prevention to ensure a cleaner environment for the future."

The EPA is providing a pollution prevention grant to help businesses conduct assessments.

**Tonawanda Coke to cut benzene emissions by two thirds**

By Joyce Kryszak

July 20, 2011

TONAWANDA, NY (WBFO)

The EPA and the New York State Department of Environmental Conservation officials said that the plant owner has signed an agreement, stipulating they will lower benzene emissions there by two thirds over the next year.

The company also is committing to improve overall operations and monitoring for gas leaks and repair equipment and upgrade pollution controls.

The EPA and the DEC will monitor compliance and issue additional enforcement orders if needed, according to EPA Regional Administrator Judith Enck. She said the criminal case against the company's manager continues in court, although no trial date has yet been set.

The EPA also announced two grants, totaling \$230,000. The first \$130,000 grant will give technical assistance to businesses to help them reduce their impact on the environment.

The other \$100,00 grant was awarded to the Clean Air Coalition of Western New York. It will allow them to develop community-wide efforts to monitor and prioritize pollution complaints, regarding the town's 53 facilities suspected of emitting dangerous emissions.

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**PHOTO:** EPA WNY Regional Administrator Judith Enck with Anahita Williamson of NYS Pollution Prevention Institute, DEC Region 9 Director Abby Snyder, and Erin Heaney of the Clean Air Coalition of WNY

Officials with the Environmental Protection Agency were in Tonawanda Wednesday, announcing progress in bringing pollution under control at the Tonawanda Coke plant.

Tonawanda News

July 21, 2011

**Plant to cut emissions**

By Neale Gulley

Tonawanda Coke Corporation is working with the Environmental Protection Agency to make repairs that are expected to cut benzene emissions by up to two-thirds at the River Road plant.

An administrative order agreed to by plant management will result in repairs and improvements in the by-products area of the plant, the EPA announced Wednesday.

The work orders are the result of the EPA's ongoing investigation into high benzene emissions identified at the plant in recent years. The orders require repairs and improvements to the plant's ammonia

scrubber, light oil scrubber, tar precipitator, piping, process vessel vents, tar decanter, tar storage tank, and by-products gas main, EPA spokesman Elias Rodriguez said.

The company will install a new ammonia scrubber at the plant and modify a piece of equipment that is designed to cool the coke oven gas to condense out tars and other impurities, he said.

"Our evaluation of the facility is going on multiple fronts but this is focused on the clean air portion," he said.

The repairs mean a benzene reduction of approximately two-thirds of the measured benzene emissions at the facility.

Wednesday's announcement was met with applause by Rep. Louise Slaughter (NY-28) and Sen. Chuck Schumer (D-NY).

"Clean air is a basic human right and I'm proud of my friends at the Clean Air Coalition for leading the fight on behalf of everyone in Tonawanda," Slaughter said in a written statement. "I'm also very thankful to the EPA and DEC for working diligently to improve and monitor the air quality near Tonawanda Coke and in the greater Tonawanda community."

At a press conference held in the Town of Tonawanda Wednesday morning, the federal agency also announced that it will provide two grants to state and local groups to help further curb pollution in the area.

A \$130,000 pollution prevention grant was awarded to the New York State Pollution Prevention Institute to lend technical assistance to businesses in the town, "to conduct detailed environmental assessments of their manufacturing processes and improve operations in a way that significantly reduces their impact on the environment," the agency stated in a press release.

EPA is also awarding a \$100,000 Community Action for a Renewed Environment grant to the Clean Air Coalition of Western New York to work with the Tonawanda community in prioritizing environmental risks and concerns that the community wants to address.

"Finally, the voice of the Tonawanda community was heard," said Schumer. "This agreement, spearheaded by the EPA, along with DEC, prove that a community can band together and stand up for their simple right to breathe clean air."

The area surrounding the River Road facility has one of the highest concentrations of air pollution in the state, a fact blamed by many for high incidences of cancer and other illness among residents there.

The industrial section of the town has 53 facilities, including the coke plant, according to the EPA. Also located in the area are two petroleum distribution terminals, multiple chemical bulk storage terminals, a coal-burning power plant, a tire manufacturing plant and two interstate highways, the EPA said.

01268-EPA-6801

**Richard  
Windsor/DC/USEPA/US**  
07/21/2011 11:06 AM

To Lisa Garcia, Judith Enck, Cynthia Giles-AA, Gina McCarthy,  
Adam Kushner, Arvin Ganesan, Janet Woodka, "garcia lisa",  
Janet McCabe  
cc Barbara Bennett  
bcc  
Subject Re: air toxics etc in Tonawanda, NY

Great stuff! Tx! Lisa

---

**From:** Lisa Garcia  
**Sent:** 07/21/2011 10:28 AM EDT  
**To:** Judith Enck; Cynthia Giles-AA; Gina McCarthy; Adam Kushner; Arvin Ganesan; Janet Woodka; "garcia lisa" <garcia.lisa@epa.gov>; Janet McCabe  
**Cc:** Richard Windsor; Barbara Bennett  
**Subject:** Re: air toxics etc in Tonawanda, NY

Great news. Thanks R2 for supporting and working with the EJ community.  
This community group started almost 7yrs ago with a small 20k EJ grant from NY to study health impacts from benzene and have really leveraged work and attention to bring about change and reductions in toxics in their neighborhood.

(b)(5) Deliberative

Thanks.

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Updated: July 21, 2011, 6:40 AM

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01268-EPA-6803

**Richard  
Windsor/DC/USEPA/US**  
07/21/2011 06:25 PM

To Adora Andy  
cc  
bcc  
Subject Re: HEADS UP: Colorado Roadless RDEIS comment letter

Tx

Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 07/21/2011 06:06 PM EDT  
**To:** Richard Windsor  
**Cc:** Jim Martin; Cynthia Giles-AA; Lawrence Elworth; Seth Oster  
**Subject:** HEADS UP: Colorado Roadless RDEIS comment letter

Administrator,

We just want to flag an issue for you that arose today dealing with the Administration's plans for roadless national forest land. (b)(5) Deliberative

[REDACTED]

Jim or I are happy to explain more via phone. I'm in the office for a while longer but will be on my cell: (b) (6) Personal Privacy

Thanks,  
Adora

THE DENVER POST:

EPA criticizes federal plan for roadless forest land in Colorado  
By Bruce Finley  
The Denver Post  
Posted: 07/21/2011 01:00:00 AM MDT

The government's latest plan for managing 4.2 million acres of remaining roadless national-forest land in Colorado offers the strictest protection for only about 13 percent of it and makes exceptions for mining, logging and ski-area expansion.

Now, in a broad critique of that plan, the Environmental Protection Agency is seeking a much stronger approach.

EPA officials have submitted a letter asking the Forest Service to ensure top-tier protection for 2.6 million acres, more than quadruple the current 562,200 acres. The EPA also is recommending measures to reduce greenhouse-gas emissions from coal mining and to prevent harm to wetlands from development around ski areas.

Colorado natural resources officials, who helped develop the federal plan, declined to address EPA concerns.

"We look forward to reviewing the perspective of the EPA as we work through and consider its views as well as those from many organizations, industries and individuals who have taken the time to examine the proposed rule and submit comments," state natural resources spokesman Todd Hartman said.

The EPA critique adds to concerns raised by industry and environmental advocacy groups. Energy companies opposed provisions that could limit drilling. Preservationists worry that exceptions allowing tree-cutting as deep as 1.5 miles into roadless forests, to prevent wildfires in beetle-ravaged areas near towns, will lead to needless harm.

"We cannot force them to make these changes," EPA environmental scientist Elaine Suriano said at the agency's headquarters in Washington. "These are things we think are important. Generally, agencies pay attention to what other agencies have to say."

Forest Service officials said they'll consider EPA concerns along with those of 55,000 others who submitted comments on the plan. Comments have been collected at federal offices in California.

"The EPA has got a role in the enforcement of the Clean Air Act and enforcement of the Clean Water Act and, to the extent these comments address those kinds of resources, we will take a close look at it," said Randy Karsteadt, acting deputy regional forester in Denver.

By early 2012, Agriculture Secretary Tom Vilsack is expected to issue a final statement of how the plan for managing roadless forests in Colorado probably would affect the environment — and announce a final rule to implement the plan.

The current national rule governing use of roadless national-forest land, established under President Bill Clinton, blocks most road building on 4.4 million of the 14.5 million acres of national forest in Colorado.

EPA officials said in a letter and seven-page summary submitted Monday that increased upper-tier acreage in Colorado "would provide greater protection of roadless characteristics and less opportunity for adverse impacts to air quality and aquatic resources."

They recommended burning or capturing methane gas released from coal-mine vents — for which companies need temporary roads for drilling and maintenance. The exceptions granted for ski-area expansion into roadless forests could lead to new lodging, parking lots and other development affecting surrounding forests, EPA officials said. This requires "discussion of how these impacts would be mitigated to protect forest resources."

Environmental advocates welcomed the EPA scrutiny.

"This shows where the Forest Service hasn't done its job" and may require changing the proposal, Earthjustice staff attorney Ted Zukoski said.

The large number of parties submitting comments indicates Coloradans "want an improved rule – a rule that really protects the values of roadless areas," said Rocky Smith, forest project director for Rocky Mountain Wild. "This rule, even though it's better than some previous versions, doesn't do a very good job."

[attachment "Co Roadless Rule - RDEIS comment letter.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6805

**Richard  
Windsor/DC/USEPA/US**  
07/21/2011 06:41 PM

To Bob Sussman  
cc  
bcc  
Subject Re: Coal ash

Thx!  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 07/21/2011 06:39 PM EDT  
**To:** Richard Windsor  
**Subject:** Coal ash

I had a discussion with Eric Schaeffer opening up some interesting possibilities for resolving the coal ash rulemaking. Will be following up with him and others. Mathy is in the loop. More later.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-6807

Richard  
Windsor/DC/USEPA/US  
07/22/2011 10:24 AM

To "Larry Elworth"  
cc  
bcc  
Subject Fw:

No further response desirable or necessary.

----- Original Message -----

From: [(b) (6) Personal Privacy]  
Sent: 07/22/2011 02:04 AM GMT  
To: Richard Windsor  
Subject: Re:

Thanks.

----- Original Message -----

From: Richard Windsor [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Thursday, July 21, 2011 10:03 PM  
To: [(b) (6) Personal Privacy]  
Subject: Re:

Tom. [REDACTED] (b)(5) Deliberative [REDACTED]

[REDACTED] Lisa [REDACTED]

----- Original Message -----

From: [(b) (6) Personal Privacy]  
Sent: 07/22/2011 01:42 AM GMT  
To: Richard Windsor

Lisa - [REDACTED] (b)(5) Deliberative [REDACTED]

[REDACTED] Just FYI.

By Bruce Finley

The Denver Post

Posted: 07/21/2011

The government's latest plan for managing 4.2 million acres of remaining

roadless national-forest land in Colorado offers the strictest protection for only about 13 percent of it and makes exceptions for mining, logging and ski-area expansion.

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01268-EPA-6808

Lawrence  
Elworth/DC/USEPA/US  
07/22/2011 10:39 AM

To Richard Windsor  
cc  
bcc  
Subject Re:

Got it - thanks

----- Original Message -----

From: Richard Windsor  
Sent: 07/22/2011 10:24 AM EDT  
To: "Larry Elworth" <Elworth.Lawrence@epa.gov>  
Subject: Fw:

No further response desirable or necessary.

----- Original Message -----

From: [(b) (6) Personal Privacy]  
Sent: 07/22/2011 02:04 AM GMT  
To: Richard Windsor  
Subject: Re:

Thanks.

----- Original Message -----

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Sent: Thursday, July 21, 2011 10:03 PM  
To: [(b) (6) Personal Privacy]  
Subject: Re:

Tom.

(b)(5) Deliberative

Lisa

----- Original Message -----

From: [(b) (6) Personal Privacy]  
Sent: 07/22/2011 01:42 AM GMT  
To: Richard Windsor

Lisa -

(b)(5) Deliberative

Just FYI.

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The Denver Post

Posted: 07/21/2011

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01268-EPA-6809

AI Armendariz/R6/USEPA/US  
07/22/2011 10:25 PM

To McCarthy.Gina, windsor.richard, mccabe.janet, Oster.Seth,  
Bob Perciasepe, sussman.bob  
cc mansuri.layla, gray.david  
bcc  
Subject another editorial from DMN ed board: "Texas should stop  
pretending EPA isn't serious."

The DMN ed board doing their part to convince readers that Gina is serious.

--AI

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Editorial: Texas should stop pretending EPA isn't serious  
Published 22 July 2011 03:53 PM

Texas' electricity grid operator issued a daunting warning last week when it said a tough Environmental Protection Agency rule on coal-plant emissions could spark power shortages and blackouts across the state.

Indeed, after a hard day at work, no one wants to return to a dark, sweltering house, or pay outrageously high electricity bills because power is in short supply. But it doesn't have to be that way. The Electric Reliability Council of Texas' warning creates a false choice that misses an important point, that Texas has plenty of alternatives – which it should get busy pursuing instead of pretending the EPA isn't serious about clean-air standards.

The false choice pits clean air against reliable power. Texas must have both, and can achieve both through a continued push to develop alternative energy, embrace forward-looking conservation policies, and reduce emissions from coal-fired power plants. The result would be fewer health problems from bad air, including premature deaths, and a stronger economic development tool. Plus, Texans would have the electricity needed to keep pace with a burgeoning population and economic growth.

The sad fact is that North Texas remains in violation of federal ozone standards, and after years of denial, Texas is among the least prepared to comply with the new rules. Fault for this rests squarely with state officials and coal-fired power plant operators who have tried repeatedly to delay the inevitable.

ERCOT, which is responsible for making sure the lights stay on statewide, says the Jan. 1 deadline for compliance with the EPA's Cross-State Air Pollution Rule to reduce sulfur-dioxide emissions is "unreasonable." To avoid emission violations after the deadline, coal-fired power plant operators would limit or shut down generation to levels that might cause serious power outages statewide, ERCOT says.

That's short-sighted. Owners of coal-fired power plants and ERCOT have had plenty of advance warning about the new federal rules. Complaining about the timetable gives operators another excuse to put off what they must do. Moreover, Texas isn't being singled out. The EPA's rule applies to coal plants in 27 states, which, like Texas, also will have to make major emissions cuts. In Texas, for example, the rule would require an annual reduction of sulfur-dioxide emissions to 244,000 tons, or by 47 percent from 2010 levels.

In reality, the problem resides with a just a few plants, whose compliance would make a difference in air quality. In a recent Viewpoints column in this newspaper, Gina McCarthy, assistant administrator for the

EPA's Office of Air and Radiation, noted that about 42 percent of emissions of soot-forming sulfur dioxide covered by the rule in Texas are produced at just three plants, which collectively account for only 13 percent of the state's electricity generation. McCarthy says that most operators will not face a heavy burden under this rule but that those not in compliance simply must step up and install the scrubbers and other technology to sharply reduce emissions as others have done.

We agree. It's time for Texas to stop complaining and start complying.

<http://www.dallasnews.com/opinion/editorials/20110722-editorial-texas-should-stop-pretending-epa-isnt-serious.ece>

---

Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6812

**Richard  
Windsor/DC/USEPA/US**  
07/28/2011 08:52 PM

To Laura Vaught  
cc  
bcc  
Subject Re: House cement bill is out

Tx

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 07/28/2011 06:34 PM EDT  
**To:** Richard Windsor; Michael Goo; Arvin Ganesan; Scott Fulton; Gina McCarthy; Seth Oster; Diane Thompson; Bob Perciasepe; Bob Sussman; Janet Woodka; Brendan Gilfillan  
**Subject:** House cement bill is out

FYI - the cement bill that we knew was coming has arrived - introduced in the House today. The language is attached.

(b)(5) Deliberative

[redacted]. This largely follows the Boiler MACT bill introduced in the House -

it's a stay of the cement rule, no earlier than 15 months from enactment for promulgation of new rule, at least 5 years for compliance and includes much of the same language on solid waste definition.

[attachment "MACTcement.pdf" deleted by Richard Windsor/DC/USEPA/US]

Co-sponsors include GOP Reps. John Sullivan, Adam Kinzinger, Bob Latta, Greg Walden, Joe Barton, John Carter and Charles Dent and Democratic Reps. Mike Ross, Dan Boren and Jason Altmire.

01268-EPA-6815

**Michael Moats/DC/USEPA/US**

08/04/2011 10:08 AM

To Richard Windsor

cc Brendan Gilfillan

bcc

Subject ACTION rural blog post for review

Administrator,

(b) (5) Deliberative



Let me know if you have any questions. Thanks.

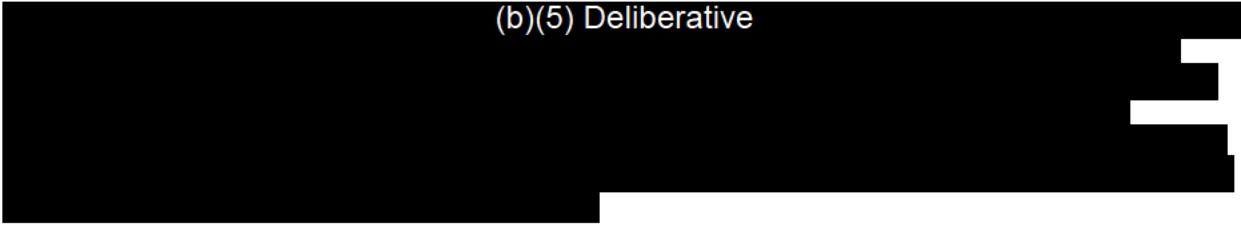
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**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6816

Richard  
Windsor/DC/USEPA/US  
08/04/2011 10:09 AM

To "Seth Oster"  
cc  
bcc

Subject Fw: Newsday editorial: Stop chipping away at the EPA

It would be great to have state by state - "if not for EPA" type report.  
Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 08/04/2011 09:23 AM EDT  
**To:** Seth Oster; Richard Windsor; Janet Woodka  
**Subject:** Newsday editorial: Stop chipping away at the EPA

---

NEWSDAY

**Keeler: Stop chipping away at the EPA**

August 3, 2011 7:04 PM

By BOB KEELER

Bob Keeler is a member of the Newsday editorial board.

Long before he became our president, Ronald Reagan was widely known for a line he delivered often: "At General Electric, progress is our most important product." What he didn't emphasize was GE's other important product: pollution.

The huge company is fully or partly responsible for dozens of Superfund sites. One example: GE dumped an estimated 1.3 million pounds of a carcinogen, polychlorinated biphenyls (PCBs) into the Hudson River north of Albany from 1947 to 1977.

GE is dredging the Hudson, to remove PCBs from its sediment, so the chemicals can no longer contaminate the fish and endanger the humans who eat them. But this dredging is not an act of corporate altruism. The company had to be pushed, by the federal Environmental Protection Agency. Without the EPA, it's a safe bet that GE's solution, leaving the PCBs in the sediment, would have prevailed.

All this is to point out that the EPA does a vital job, protecting us from environment-killing polluters. But current Republican orthodoxy labels the EPA a "job-killing" pariah.

That expression was polished to a high shine in the GOP phrase factory. Republican candidates at every level use it a lot, usually to describe taxes and regulation. One presidential candidate, Rep. Michele Bachmann (R-Minn.) has used that epithet often, usually when she promises to do away with the EPA if she becomes our president.

But we don't have to wait for the 2012 election to know what lies in store for the

EPA -- and for the core legislation that it enforces, such as the Clean Air Act and the Clean Water Act -- if that sort of anti-regulation ideology carries the day.

Last month, the Republican-controlled House of Representatives passed something called the "Clean Water Cooperative Federalism Act of 2011." It sounds innocuous enough. But what it basically means is this: The federal government, through the EPA, will no longer be able to protect the public from water pollution when the states don't do an adequate job.

"This was the first time in 40 years where a house of Congress voted to essentially overturn a base environmental statute," said Scott Slesinger, legislative director of the Natural Resources Defense Council.

So, the EPA couldn't protect one state from what's dumped in the water of another. We have an example right here. The EPA used the Superfund law in the GE situation, but it uses the Clean Water Act to protect Long Island Sound from pollution, by New York, Connecticut or any other state.

For the incurably nostalgic, the death of the EPA can bring back vignettes from days gone by. One that leaps to mind is the day in 1969 when Ohio's Cuyahoga River caught fire. It wasn't the first fiery day on the Cuyahoga. But it was the one that helped lead to the passage of the Clean Water Act in 1972.

For those more interested in health than nostalgia, this bill is pernicious in a bipartisan way. Most of those who voted for it, including Rep. Peter King of Seaford, are Republicans, but a handful of Democrats went along. That includes its co-sponsor, Rep. Nick Rahall of West Virginia. He's upset about the obstacles standing in the way of a coal-mining method called mountaintop removal. Where does the debris end up? In the rivers. And which evil agency is standing in the way? Of course, the EPA.

Happily, it's not likely to pass in this Senate. And the White House has made crystal clear that President Barack Obama would veto it. But if there's a Republican Senate and a Republican president, get ready for dirtier water. Overnight, the guiding principle will change from "the polluter pays" to "polluting pays."

Photo credit: TMS illustration by Matt Wuerke |

01268-EPA-6817

**Richard  
Windsor/DC/USEPA/US**  
08/04/2011 10:15 AM

To Michael Moats  
cc  
bcc  
Subject Re: ACTION rural blog post for review

Fine. Tx.  
Michael Moats

----- Original Message -----

**From:** Michael Moats  
**Sent:** 08/04/2011 10:08 AM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan  
**Subject:** ACTION rural blog post for review

Administrator, [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

Let me know if you have any questions. Thanks.

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**DRAFT**

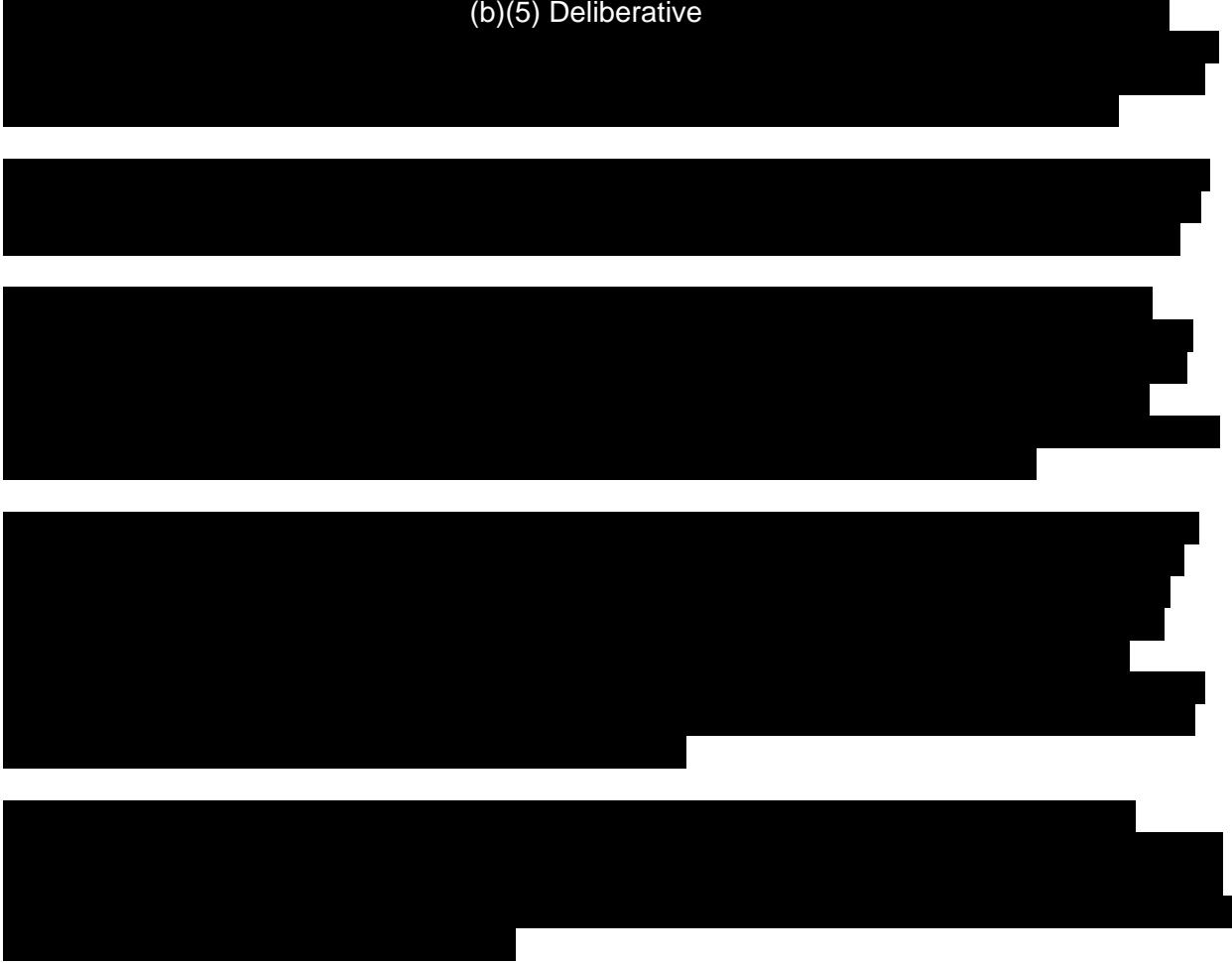
[REDACTED] (b)(5) Deliberative [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6821

**Richard  
Windsor/DC/USEPA/US**  
08/08/2011 09:16 AM

To : Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Brendan Gilfillan, Mathy Stanislaus, Nancy Stoner, Cynthia Giles-AA, Gina McCarthy, Paul Anastas, Steve Owens, Michael Goo, Bicky Corman, Daniel Kanninen, Alisha Johnson, Andra Belknap

cc

bcc

Subject : Re: Politico: The art of criticizing EPA rules, real or not

Gee I wonder why 80% of Americans disapprove of the way they do their jobs. Its about creating jobs, not tilting at EPA windmills. Tx.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 08/08/2011 09:02 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Seth Oster; Brendan Gilfillan; Mathy Stanislaus; Nancy Stoner; Cynthia Giles-AA; Gina McCarthy; Paul Anastas; Steve Owens; Michael Goo; Bicky Corman; Daniel Kanninen; Alisha Johnson; Andra Belknap  
**Subject:** Politico: The art of criticizing EPA rules, real or not

The art of criticizing EPA rules, real or not

Politico

By Robin Bravender  
8/8/11 5:39 AM EDT

No EPA rules can escape the wrath of House Republicans, even those that don't exist.

The EPA has become a favorite target for GOP lawmakers looking to lash out against the White House. And beyond efforts to block pending EPA rules for climate change, water pollution and other controversial policies, Republicans are also trying to handcuff the agency on rules it might issue someday.

Republicans have no qualms with that approach and say they're eager to tie the EPA's hands before it can issue rules they warn could hurt industries across the country.

"I think you need to send a signal to agencies like the EPA that they should not proceed down the wrong track," House Agriculture Chairman Frank Lucas (R-Okla.) said in a recent interview. Lucas and other farm state lawmakers have been particularly outspoken about the need to rein in EPA rules.

Among the non-rules that have taken heat from the GOP: potential EPA efforts to clamp down on farm dust, a "cow tax" on farmers for the greenhouse gases emitted by livestock and limits for ammonia and ammonium under clean air rules.

Republicans have offered various bills and appropriations riders aimed at halting EPA work on those efforts, despite the Obama administration's attempts to assure Congress that it won't issue such rules.

For example, in her first two major legislative actions in the House, freshman Republican Rep. Kristi Noem of South Dakota introduced an amendment and a stand-alone bill to limit the EPA's authority to regulate dust on farms.

EPA Administrator Lisa Jackson has repeatedly insisted that the agency has no plans to regulate farm

dust, and she said recently that the cow tax rumor was a myth started by a lobbyist. And the EPA's clean air rules for nitrogen oxides and sulfur oxides last month didn't include limits for ammonia or other reduced forms of nitrogen.

Jackson expressed frustration in March with what she called the "myths" surrounding her agency's policies. "These mischaracterizations are more than simply a distraction," she said. "They could prevent real dialogue to address our greatest problems."

Still, Lucas said he remained dubious about EPA rules after Jackson appeared before his committee. After telling lawmakers a list of things she didn't plan to do, Lucas said, "When asked if she had the authority to do all those things, she said 'yes.'"

The GOP's pre-emptive strike has drawn the ire of top Democrats, who accuse Republicans of trying to fuel fears about the EPA by complaining about mythical regulations.

Rep. Jim Moran, the top Democrat on the subpanel that oversees the EPA's annual spending bill, berated Oklahoma Republican Rep. Tom Cole last month for offering a spending bill rider to block the EPA from regulating ammonia and ammonium emissions like those created by agricultural operations.

"EPA has no intention of regulating ammonia" under rules for nitrogen oxides and sulfur oxides, Moran said. "So what we're doing is feeding into the hysteria of certain industries by going after regulations that don't exist." Cole's amendment was adopted by the Appropriations Committee.

Rep. Mike Simpson (R-Idaho), the chairman of the EPA spending subcommittee, said there's no harm in blocking rules the agency isn't going to issue anyway.

"If we fully trusted the EPA, maybe [Moran's] argument would be right. But the hysteria is justified, quite frankly, because I frankly don't trust what they're going to do. And if they're not going to regulate it, then there's no problem with having it in the bill. So I would just as soon say, 'trust but verify,'" he said.

"We're not making this stuff up," Simpson added. "This comes from our constituents; people all across this country have concerns about the EPA and what is happening and what they are proposing to do."

To read and comment online:

<https://www.politicopro.com/go/?id=5113><<https://www.politicopro.com/go/?id=5113>>

01268-EPA-6823

**Lisa At Home**  
◀ (b) (6) Personal Privacy  
08/10/2011 01:09 PM

To Richard Windsor  
cc  
bcc  
Subject Miller: Coal is critical to America's future

Hey, check this out from CNN:  
Miller: Coal is critical to America's future  
<http://www.cnn.com/2011/OPINION/08/10/miller.coal.clean/index.html>

Sent from my iPad

01268-EPA-6824

Richard  
Windsor/DC/USEPA/US  
08/10/2011 01:22 PM

To "Laura Vaught", "Diane Thompson", "Bob Perciasepe", "Bob Sussman", "Michael Goo", "Gina (Sheila) McCarthy", "Janet McCabe", "Brendan Gilfillan"  
cc  
bcc

Subject Fw: Miller: Coal is critical to America's future

The 2nd to last paragraph caught my eye.

----- Original Message -----

From: Lisa At Home [REDACTED] (b) (6) Personal Privacy  
Sent: 08/10/2011 01:09 PM AST  
To: Richard Windsor  
Subject: Miller: Coal is critical to America's future

Hey, check this out from CNN:  
Miller: Coal is critical to America's future  
<http://www.cnn.com/2011/OPINION/08/10/miller.coal.clean/index.html>

Sent from my iPad

01268-EPA-6826

Laura Vaught/DC/USEPA/US                  To Richard Windsor  
08/10/2011 03:03 PM                  cc  
                                                bcc  
Subject Re: Fw: Miller: Coal is critical to America's future

(b)(5) Deliberative

Richard Windsor The 2nd to last paragraph caught my e... 08/10/2011 01:22:53 PM

From: Richard Windsor/DC/USEPA/US  
To: "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 08/10/2011 01:22 PM  
Subject: Fw: Miller: Coal is critical to America's future

The 2nd to last paragraph caught my eye.

----- Original Message -----

From: Lisa At Home [REDACTED] (b) (6) Personal Privacy  
Sent: 08/10/2011 01:09 PM AST  
To: Richard Windsor  
Subject: Miller: Coal is critical to America's future

Hey, check this out from CNN:  
Miller: Coal is critical to America's future  
<http://www.cnn.com/2011/OPINION/08/10/miller.coal.clean/index.html>

Sent from my iPad

01268-EPA-6827

Richard  
Windsor/DC/USEPA/US  
08/11/2011 06:55 PM

To Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Laura Vaught, Gina McCarthy, Janet McCabe, Michael Goo, Bicky Corman

cc

bcc

Subject Re: Update on NYT story re: reliability

Tx to you and Bob.  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 08/11/2011 06:08 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Laura Vaught; Gina McCarthy; Janet McCabe; Michael Goo; Bicky Corman  
**Subject:** Update on NYT story re: reliability

The reporter is expecting to file his story tonight - I will forward as soon as it runs. I spoke to the reporter on background at length and then Bob pushed back very hard on the record, driving a few main points:

(b)(5) Deliberative



This will still be a tough story - the reporter was very set in his angle - but Bob provided him plenty of material to use to balance everything else he's hearing.

- Brendan

01268-EPA-6828

**Bob  
Perciasepe/DC/USEPA/US**  
08/12/2011 04:51 AM

To: Brendan Gilfillan, Richard Windsor, Diane Thompson, Laura Vaught, Gina McCarthy, Janet McCabe, Michael Goo, Bicky Corman  
cc  
bcc  
Subject: Re: Update on NYT story re: reliability

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 08/11/2011 06:08 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Laura Vaught; Gina McCarthy; Janet McCabe; Michael Goo; Bicky Corman  
**Subject:** Update on NYT story re: reliability

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(b)(5) Deliberative

This will still be a tough story - the reporter was very set in his angle - but Bob provided him plenty of material to use to balance everything else he's hearing.

- Brendan

01268-EPA-6829

**Richard  
Windsor/DC/USEPA/US**  
08/12/2011 04:56 AM

To Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Laura Vaught, Gina McCarthy, Janet McCabe, Michael Goo, Bicky Corman

cc

bcc

Subject Re: Update on NYT story re: reliability

Brendan,

(b)(5) Deliberative

[REDACTED] . Just a thought...

Lisa  
Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 08/12/2011 04:51 AM EDT  
**To:** Brendan Gilfillan; Richard Windsor; Diane Thompson; Laura Vaught; Gina McCarthy; Janet McCabe; Michael Goo; Bicky Corman  
**Subject:** Re: Update on NYT story re: reliability

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) [REDACTED] (b) (6) Personal Privacy  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 08/11/2011 06:08 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Laura Vaught; Gina McCarthy; Janet McCabe; Michael Goo; Bicky Corman  
**Subject:** Update on NYT story re: reliability

The reporter is expecting to file his story tonight - I will forward as soon as it runs. I spoke to the reporter on background at length and then Bob pushed back very hard on the record, driving a few main points:

(b)(5) Deliberative

This will still be a tough story - the reporter was very set in his angle - but Bob provided him plenty of material to use to balance everything else he's hearing.

- Brendan

01268-EPA-6830

(b) (6) Personal Privacy

08/12/2011 05:45 AM

Please respond to

(b) (6) Personal Privacy

To "Steven Chu"

cc Richard Windsor

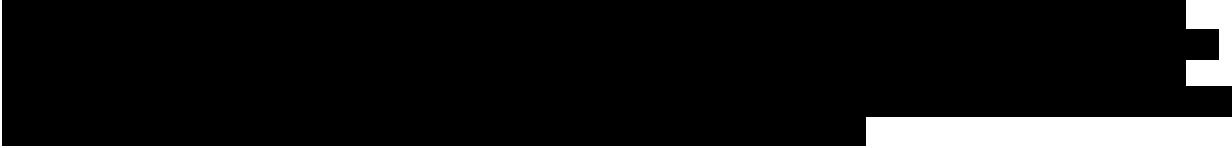
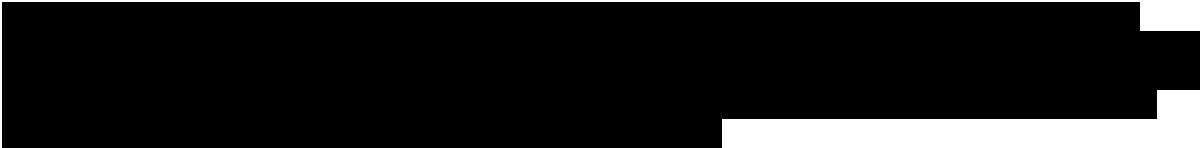
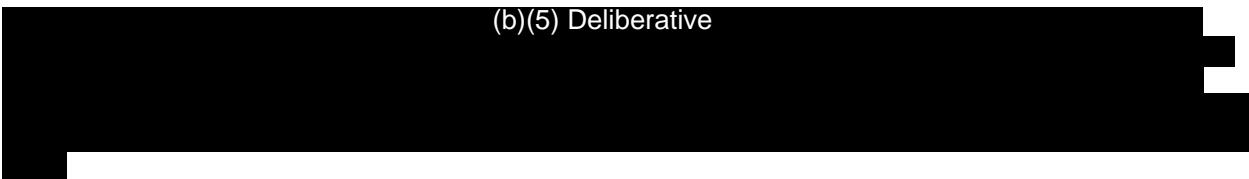
bcc

Subject Secret Plan (B) for W D ...

Steven,

I hope you're well. First, congratulations to your team for supporting the completion of the first phase SEAC subcommittee fracking report. I look forward to meeting with you soon to discuss next steps. I believe we have a time scheduled to do so.

(b)(5) Deliberative



I'd like to meet one on one to discuss this if you are interested. (b)(5) Deliberative  
[redacted] Thanks.

Lisa  
Sent from my Verizon Wireless BlackBerry

01268-EPA-6831

**Noah Dubin/DC/USEPA/US** To  
 08/15/2011 05:20 PM cc  
**bcc Richard Windsor**  
**Subject Tuesday, August 16, 2011 Schedule for Lisa P. Jackson**

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Tuesday, August 16, 2011**

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Notes: All times are shown in Eastern Daylight Time (EDT)

Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

|                          |
|--------------------------|
| Jose Lozano              |
| (b) (6) Personal Privacy |

07:30 AM - 08:00 AM Hotel

Depart for Palacio do Itamaraty

08:00 AM - 09:20 AM Palacio do Itamaraty Joint Initiative on Urban Sustainability Opening Session Agenda:

7:50-8:00 AM: Opening the Meeting

-Hosts Israel Klabin and Judith Rodin

8:00-8:05 AM: Welcome

-Ambassador Andre Correa do Lago, Itamaraty

8:05-8:45 AM: Opening remarks

-Minister of Environment Izabella Teixeira

-The Administrator

-Mayor Eduardo Paes, Rio de Janeiro

-Mayor Michael Nutter, Philadelphia

-Rio de Janeiro State Secretary of Environment Carlos Minc

-U.S. Ambassador to Brazil Thomas Shannon

8:45-9:20 AM: Introductions

-Invited Non-Government Participants

08:45 AM - 09:15 AM Administrator's Office

FYI Daily Briefing

09:20 AM - 09:35 AM Palacio do Itamaraty

Press Conference for Government Principals

09:40 AM - 11:30 AM    Palacio do Itamaraty    JIUS Session I—Discussion: A Joint Initiative on Urban Sustainability  
Agenda

9:40-9:45 AM: Session Opening Remarks  
-Ambassador Andre Correa do Lago, Itamaraty

9:45-10:05 AM: Presentation: Rio de Janeiro and Upcoming Mega-events:  
A Green and Inclusive Legacy  
-Deputy Mayor Carlos Muniz, City of Rio de Janeiro

10:05-10:20 AM: Overview of the JIUS Proposal  
-Ambassador Andre Correa do Lago, Itamaraty

-Deputy Assistant Administrator Shalini Vajjhala, U.S. EPA

10:20-11:20 AM: Discussion: High-level conversation on the strategic  
vision and path forward for the JIUS  
-Moderated by Israel Klabin and Judith Rodin

11:20-11:30 AM: Summary: Opportunities and Challenges  
-The Administrator  
-Minister of Environment Izabella Teixeira

|                     |                                 |                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:30 AM - 12:00 PM | TBD                             | Interview with Cidades e Solucoes                                                                                                                                                                                                                                                                                                                                            |
| 11:30 AM - 12:30 PM | Palacio do Itamaraty<br>Room: 2 | Lunch & Presentation<br>Agenda:<br><br>12:15-12:45 PM: Presentation: Rio de Janeiro in advance of upcoming<br>mega-events by senior Rio de Janeiro City (and/or State) official TBD<br>EPA<br><br>12:45-1:00 PM: Questions & Answers brief session                                                                                                                           |
| 12:30 PM - 01:40 PM | Palacio do Itamaraty            | JIUS Session II—Presentations: The Opportunities and Challenges of<br>Urban Sustainability<br>Presenter: Alberto Silva, Port Redevelopment Company<br><br>Agenda:<br><br>12:1:30-12:45 PM: Scene setter: Rio de Janeiro, Mega-Cities, and Options<br>for a Greener Future<br><br>-Janice Perlman, Founder, Mega-Cities Project<br><br>12:45-1:00 PM: Presentation: FBDS: TBC |

-Andre Urani

1:00-1:15 PM: Presentation: Defining the benefits of investing in sustainability – an example from Rio de Janeiro

-Cristina Mendonça, City Director, Clinton Climate Initiative

1:15-1:30 PM: Presentation: Investing in a Green Economy for the 21st Century and the Role of Urban Centers

-Dr. David Wood, Director of the Center for Responsible Investment, Harvard University

1:30-1:40 PM: Q&A

-Moderated by Israel Klabin and Judith Rodin

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01:55 PM - 03:15 PM      Palacio do Itamaraty      JIUS Session III—Panel Discussion: Scope for JIUS Agenda:

1:55-2:00 PM: Presentation of Discussion Questions

-Introduced by Israel Klabin and Judith Rodin

2:00-2:30 PM: Panel Discussion

-With Brazilian representatives including Nabil Bonduki (MMA), Suzana Khan (State of Rio), Sergio Besserman (City of Rio)

2:30-3:00 PM: Open discussion with all participants

3:00-3:05 PM: Summary and Next Steps for JIUS

-The Administrator

-Minister Teixeira

3:05-3:15 PM: Closing and Thank You

-Ambassador Andre do Lago, Itamaraty

-Hosts Israel Klabin and Judith Rodin

---

03:15 PM - 03:45 PM      Palacio do Itamaraty      Depart for Palacio dos Laranjeiras

---

03:30 PM - 03:45 PM      By Phone      Phone Call with Diane Thompson  
The Administrator will call Diane.

---

04:00 PM - 05:00 PM      Palacio dos Laranjeiras      High-Level Event at Palacio dos Laranjeiras  
Format: Open Press

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|                     |                         |                      |
|---------------------|-------------------------|----------------------|
| 05:00 PM - 05:45 PM | Palacio dos Laranjeiras | Depart for Reception |
|---------------------|-------------------------|----------------------|

06:00 PM - 08:00 PM Fundacao Eva Klabin Reception at Fundacao Eva Klabin

\*\*\* 08/15/2011 05:17:12 PM \*\*\*

01268-EPA-6832

Michelle  
DePass/DC/USEPA/US  
08/15/2011 09:59 PM

To "Richard Windsor"  
cc  
bcc  
Subject Fw: Monthly Sustainable Development Report

FYI- Cecilia Estalano started her own firm

---

**From:** Estolano LeSar Perez Advisors LLC [newsletter@elpadvisors.com]  
**Sent:** 08/15/2011 05:49 PM AST  
**To:** Michelle DePass  
**Subject:** Monthly Sustainable Development Report

Having trouble viewing this email? [Click here](#).

# Sustainable Development Report

Issue: # 2

August 2011

County of San Bernardino Vision Project  
Photo Credits: Adore Realty, SB County Superior Court & Vision Project, and Wikipedia

## Vision and Strategic Plan: A Touchstone in Turbulent Times

At a time when Wall Street is swinging wildly between plunging losses and steep gains and fears of a double-dip recession are surging, it is worth reflecting

### About Us

ELP Advisors works with cities, agencies, stakeholders, foundations and business groups to craft strategies to grow thriving, healthy, vibrant communities.

### In This Issue

[CA Supreme Court Grants Stay; Will Hear CRA/League of Cities Case](#)

on the value of having a strong vision and a good strategic plan. In this month's issue we're featuring the [County of San Bernardino's Vision Report](#) as an example of a process and a plan that can provide a touchstone during troubled times. San Bernardino has been one of the counties hardest hit in the nation by the Great Recession and housing foreclosures. San Bernardino County, and the San Bernardino Association of Governments (SANBAG) brought together all 24 cities and towns in the County, consulted with more than 25 groups of experts and utilized a robust public engagement process to create the Countywide Vision Report. The Countywide Vision report reminds us that in times of doubt and fear, meaningful strategic planning that embraces deep community engagement can provide a good foundation for coordinated action, enable more efficient use of scarce resources, and perhaps most importantly, inspire a community to envision and create a better future.

On another note, [ELP Advisors](#) is pleased to welcome Angela Rashid (Associate) and Richard France (Intern) as the newest members of our staff. Both are graduates of UCLA's Urban Planning program and bring a diverse range of skills to our team.

Sincerely yours,

Cecilia V. Estolano | Jennifer LeSar | Katherine Aguilar Perez

## **Sustainable Economic Development**

### **CA Supreme Court Grants Stay; Will Hear Constitutional Challenge to AB 1X 26-27**

On August 11, the California Supreme Court announced it would hear the lawsuit filed by the California Redevelopment Association (CRA) and the League of California Cities (League), which requests that the Court declare unconstitutional AB 1X 26 and AB 1X 27. The Court states in its order that "the briefing schedule is designed to facilitate oral argument as early as possible in 2011, and a decision before January 15, 2012." The Court also issued a

[Powering Innovation Economies](#)

[Compendium of Best Practices in Energy Efficiency and Renewable Power](#)

[Caltrans Transportation Planning Grant Awards](#)

[Sustainable Communities Notes](#)

### **Upcoming Events**

**August 18**  
[Can Small be Green? - A Panel Discussion on Sustainable Wealth Building for California's New Majority](#)

**August 25**  
[Green Jobs and Energy Efficiency Webinar hosted by the Local Government Commission](#)

**August 30 & 31**  
[Congressional Black Caucus Job Fair](#)

**September 11**

[LA River Revitalization Corporation Inaugural Event](#)

**September 11 - 14**

[California APA Annual Conference](#)

### **Website**

[www.elpadvisors.com](http://www.elpadvisors.com)  
[www.lesardevelopment.com](http://www.lesardevelopment.com)

partial stay regarding suspension of the effectiveness of AB1X 26-27 until it can rule on the constitutionality of these two bills.

On July 18, CRA and the League of California Cities filed a petition asking the California Supreme Court to overturn AB 1X 26 and AB 1X 27 because they violate the Constitution. The Cities of San Jose and Union City joined as plaintiffs. CRA and the League also had requested that the Court issue a stay to prevent the legislation from going into effect until the Court can decide the lawsuit.

The central claim for the challenge to AB 1X 26 and AB 1X 27 is that these bills violate Proposition 22, the constitutional amendment passed last November by 61% of the state's voters. This amendment explicitly prohibits the "seizing, diverting, shifting, borrowing, transferring, suspending, or otherwise taking or interfering with" revenue dedicated to local government, including local redevelopment funds.

[Click here](#) for a summary of the CRA/League lawsuit and other materials.

## **Powering Innovation Economies through Art and Culture**

The Urban Land Institute is hosting a Powering Innovation Economies Conference in San Diego on Friday, September 2nd. The conference will showcase how cities are using art and culture as economic drivers for their cities and how this emerging trend is being identified as a key ingredient to future great cities in the 21st century. Colorado Governor John Hickenlooper will share how the City of Denver has earned a position as a leading cultural mecca; John Alschuler will present the wildly successful High Line linear park in Manhattan; and Dave Malmuth and Pete Garcia will share their concept for San Diego's IDEA District where innovation, design, education and art are intentionally integrated to create a place where creativity can thrive.

[Click here](#) to register.

## **Compendium of Best Practices in Energy Efficiency and Renewable Power**

Sustainability Directors, policy makers and advocates should add to their resources library the *Compendium of Best Practices* on state and local successes in energy efficiency and renewable energy compiled by the Renewable Energy & Efficiency Partnership (REEEP), the Alliance to Save Energy and the American Council on Renewable Energy (ACORE). The report describes more than 20 practices and includes examples of their effective implementation in states and cities. The *Compendium* focus on policies, financing mechanisms and other initiatives that can be easily replicated and that create favorable market conditions for energy efficiency and renewable energy. This is a useful tool and reference document that includes the key program elements of each best practice, the benefits of the practice and examples of its successful implementation.

To read the full report [click here](#).

## **Transportation**

### **Caltrans Transportation Planning Grant Awards**

Last week, Caltrans announced the grant recipients of this year's Transportation Planning Grant program. Caltrans received 211 applications totaling \$34 million in funding requests. Ultimately, 75 applications were selected totaling \$10.3 million for funding.

As the number of applicants for the program demonstrates, the Caltrans grant program is very competitive. For over 10 years, this Caltrans program has successfully provided critical funding resources to support local planning efforts.

To view the award list, [click here](#).

## Sustainable Communities Notes

### San Bernardino County Vision Project

The San Bernardino County Vision Project marks the first effort to shape the future of America's largest county as a complete community that includes county government, cities, school districts, businesses, service organizations, and more than 2 million residents.

San Bernardino County government leaders convened public meetings and conferences with stakeholders such as industry, educators, environmental experts and healthcare professionals, and then crunched data to create a Vision Statement that was recently adopted by a council representing the county and all 24 cities within the county. The five-paragraph statement envisions a "complete county" that capitalizes on its diversity to create a vibrant economy and a system of services and amenities that will make San Bernardino County a model community.

The task for county leaders now is to steer the community toward efforts that will make the Vision a reality by convening leaders, showcasing local efforts, and keeping the Vision within the view of residents and business and community leaders.

To learn more about the Vison Project [click here](#).

## Ocean Protection Council Draft Strategic Action Plan Available for Public Comment

One of California's greatest treasures is its access to coastal and ocean resources. The California Ocean Protection Council (OPC) was formed as a result of legislation enacted in 2004 known as the California Ocean Protection Act (COPA). The OPC's mission is to "ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems for the benefit of current and future generations". The OPC is currently updating its strategic plan, [A Vision for Our Ocean and Coast: Five-Year Strategic Plan](#) and seeks comments on its new approach.

The OPC describes its 2012-2017 Strategic Action Plan as "a more focused action plan that identifies targeted areas where the OPC can be the most effective in this current challenging economic and fiscal climate." The new Strategic Action Plan will focus on four key areas that will encompass the core of OPC's efforts over next five years: climate change; sustainable fisheries and marine ecosystems; coastal and ocean impacts from land; and industrial uses of the ocean. In addition, the plan outlines goals to improve the use of and sharing of scientific information needed to make critical coastal and ocean management decisions.

At the end of August, the OPC will host public workshops in Northern, Central and Southern California to garner public comments about the plan.

[Click here](#) to learn more about the California Ocean Protection Council and for a schedule of public workshops. The public comment period is open through September 12<sup>th</sup>.

## Upcoming Events

**August 18 | Can Small be Green? - A Panel Discussion on Sustainable Wealth Building for California's New Majority hosted by The Crawford Family Forum**

[Click here](#) for more information.

**August 25 | Green Jobs and Energy Efficiency Webinar hosted by the Local Government Commission**

[Click here](#) for more information and a complete listing of upcoming workshops.

**August 30 & 31 | Congressional Black Caucus Job Fair**

[Click here](#) for more information.

**September 11 | LA River Revitalization Corporation Inaugural Event**

[Click here](#) for more information.

**September 11-14 | California APA Annual Conference, Santa Barbara**  
[Click here](#) for more information

[Forward email](#)

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[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
Estolano LeSar Perez Advisors LLC | 315 W. 9th Street, Suite 1010 | Los Angeles | CA | 90015

01268-EPA-6833

**Jose Lozano/DC/USEPA/US**  
08/16/2011 06:35 AM  
**To** Jose Lozano  
**cc** Adrian Collins, Betsaida Alcantara, (b) (6) Privacy, Elizabeth Ashwell, Elle Beard, (b) (6) Privacy Erica Jeffries, (b) (6) Privacy [REDACTED] Laura Sauls, Michelle DePass, Noah Dubin, Orlando Gonzalez, (b) (6) Privacy, Ryan Robison, Shalini Vajjhala, (b) (6) Privacy  
**bcc** Richard Windsor  
**Subject** Re: Tuesday: 8/16 Schedule (BB Friendly)

8:30am:

**Administrator Departs Hotel**

*Travel time from Hotel to Palacio do Itamaraty: Approx.30 min*

*Motorcade: 01 / 02*

9:00-10:20am:

**JIUS: Opening Session**

8:50-9:00        *Opening the Meeting*  
                    Hosts Israel Klabin and Judith Rodin  
9:00-9:05        *Welcome*  
                    Ambassador Andre Correa do Lago, Itamaraty  
9:05-9:45        *Opening remarks*  
Minister of Environment Izabella Teixeira  
EPA Administrator Lisa P. Jackson  
Mayor Eduardo Paes, Rio de Janeiro  
Mayor Michael Nutter, Philadelphia  
Rio de Janeiro State Secretary of Environment Carlos Minc  
U.S. Ambassador to Brazil Thomas Shannon  
9:45-10:20        *Introductions*  
Invited Non-Government Participants

10:20-10:35am:

**Press Conference for government principals**

10:40am-12:30pm:

**Session I—Discussion: A Joint Initiative on Urban Sustainability**

10:40-10:45      *Session Opening Remarks*  
Ambassador Andre Correa do Lago, Itamaraty  
10:45-11:05      *Presentation: Rio de Janeiro and Upcoming Mega-events: A Green Inclusive Legacy*  
Deputy Mayor Carlos Muniz, City of Rio de Janeiro  
11:05-11:20      *Overview of the JIUS Proposal*  
Ambassador Andre Correa do Lago, Itamaraty  
Deputy Assistant Administrator Shalini Vajjhala, U.S. EPA  
11:20-12:20      *Discussion: High-level conversation on the strategic vision and path forward for the JIUS*  
Moderated by Israel Klabin and Judith Rodin

12:20-12:30      *Summary: Opportunities and Challenges*  
Administrator Lisa P. Jackson, U.S. EPA  
Minister of Environment Izabella Teixeira

12:30-1:00pm:  
**Administrator Interview for Cidades e Solucoes**

Room: Library

12:30-1:30pm:  
**Lunch**

*Buffet style, VIPs eat first and head table will be reserved.*

1:30-2:40pm:  
**Session II—Presentations: The Opportunities and Challenges of Urban Sustainability**  
1:30-1:45            *Scene setter: Rio de Janeiro, Mega-Cities, and Options for a Greener Future*  
                          Janice Perlman, Founder, Mega-Cities Project  
1:45-2:00            *Presentation: FBDS: TBC*  
                          Andre Urani  
2:00-2:15            *Presentation: Defining the benefits of investing in sustainability – an example from Rio de Janeiro*  
                          Cristina Mendonça, City Director, Clinton Climate Initiative  
2:15-2:30            *Presentation: Investing in a Green Economy for the 21<sup>st</sup> Century and the Role of Urban Centers*  
                          Dr. David Wood, Director of the Center for Responsible Investment, Harvard University

2:30-2:40            *Q&A*  
Moderated by Israel Klabin and Judith Rodin

2:40-2:55pm:  
**Coffee Break**

2:55-4:00pm:  
**Session III—Panel Discussion: Scope for JIUS**  
2:55-3:00            *Presentation of Discussion Questions*  
Introduced by Israel Klabin and Judith Rodin  
3:00-3:30            *Panel Discussion*  
With Brazilian representatives including Nabil Bonduki (MMA), Suzana Khan (State of Rio), Sergio Besserman (City of Rio)  
3:30-4:00            *Open discussion with all participants*

4:00-4:05pm:

**Summary and Next Steps for JIUS**

Administrator Lisa P. Jackson, U.S. EPA

Minister Teixeira

4:05-4:15pm:

**Closing and Thank You**

4:05-4:10 Ambassador Andre do Lago, Itamaraty

4:10-4:15 Hosts Israel Klabin and Judith Rodin

4:15pm:

**Depart for Palacio dos Palacio Guanabara**

Address: Rua Pinheiro Machado, s/nº - 5<sup>th</sup> floor

*Travel time to Palacio: Approx.30 min*

Motorcade: 01 / 02 / EPA Bus (+Nutter and Rodin)

4:30pm:

**Call with Diane Thompson**

5:00-6:00pm:

**High-Level Event at Palacio dos Guanabara (OPEN PRESS)**

Governor Sergio Cabral

6:00pm:

**Depart for Reception**

*Travel time to Reception: Approx.45 min*

Motorcade: 01 / 02 / EPA Bus

6:30pm:

*FYI: Delegation leaves Hotel for Reception*

7:00pm-9:00pm:

**Reception at Fundacao Eva Klabin**

---

Jose Lozano

Director of Operations  
Office of the Administrator | US EPA  
Phone: 202-564-7433  
Fax: 202-501-1480

01268-EPA-6834

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
08/17/2011 06:19 PM cc Cynthia Giles-AA, Bob Perciasepe, Scott Fulton, Nancy Stoner, Shawn Garvin, Arvin Ganesan, Diane Thompson  
bcc  
Subject EIS Issues for WVa King Coal Highway

Administrator -- I wanted to provide a brief heads-up on an issue Cynthia will likely broach with you in more detail.

The proposed King Coal Highway is a 95-mile stretch of road in Southern West Virginia that has been on the drawing board for years. It is viewed as offering economic development benefits in a poor part of the State and enjoys strong support from the Congressional delegation and Governor. The project would be constructed in part with federal highway funds and FHWA has been heavily involved in the planning process. An EIS was issued in 2000 but is out-of-date because of changes in the project design. The biggest change is to rely on valley fills from MTM operations to create relatively flat terrain on which the road bed could be constructed. One of these mines would be the Buffalo Mountain Surface Mine, for which a 404 permit application is pending before the Corps and is subject to the ECP process. Buffalo Mountain would have 13 valley fills and result in greater stream impacts than the Spruce Mine on which we have invoked 404(c). There has been no action on the permit application, apparently because the coal company is not interested in moving forward at this point.

(b)(5) Deliberative



Cynthia can provide more background but I wanted to put this issue on your screen because of the time sensitivity.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-6835

**Richard  
Windsor/DC/USEPA/US**  
08/17/2011 08:54 PM

To Seth Oster  
cc  
bcc  
**Subject: Re: Harsh Words for E.P.A. From Most G.O.P. Candidates**  
NY Times: "Harsh Words for EPA From Most G.O.P.  
Candidates"

Gauntlet tossed...

---

**From:** Seth Oster  
**Sent:** 08/17/2011 08:42 PM EDT  
**To:** "Lisa Jackson" <windsor richard@epa.gov>; Bob Perciasepe; Diane Thompson; Bob Sussman; Scott Fulton; Lisa Garcia; Bicky Corman; Michael Goo; Daniel Kanninen; Barbara Bennett; Laura Vaught;  
**(b) (6) Personal Privacy** Sarah Pallone; Mathy Stanislaus; Steve Owens; Malcolm Jackson; Gina McCarthy; Regional Administrators; Janet Woodka; "Paul Anastas" <anastas.paul@epa.gov>; Cynthia Giles-AA; Charles Imohiosen; Avi Garbow; Janet McCabe; Matt Bogoshian; "Michelle DePass" <depass.michelle@epa.gov>; Joseph Goffman; Lisa Feldt  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; David Bloomgren; Stephanie Owens; Shira Sternberg; Andra Belknap; Alisha Johnson; Michael Moats; Vicki Ekstrom; Christopher Busch  
**Subject:** Harsh Words for E.P.A. From Most G.O.P. Candidates NY Times: "Harsh Words for EPA From Most G.O.P. Candidates

All,

The story below will run in the NY Times tomorrow.

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

**NEW YORK TIMES**  
August 17, 2011

## Harsh Words for E.P.A. From Most G.O.P. Candidates

By JOHN M. BRODER

WASHINGTON — The [Environmental Protection Agency](#) is emerging as a favorite target of the Republican presidential candidates, who portray it as the very symbol of a heavy-handed regulatory agenda imposed by the Obama administration that they say is strangling the economy.

Representative [Michele Bachmann](#) of Minnesota wants to padlock the E.P.A.'s doors, as does former Speaker Newt Gingrich. Gov. [Rick Perry](#) of Texas wants to impose an immediate moratorium on

environmental regulation.

Representative [Ron Paul](#) of Texas wants environmental disputes settled by the states or the courts. Herman Cain, a businessman, wants to put many environmental regulations in the hands of an independent commission that includes [oil](#) and gas executives. Jon M. Huntsman Jr., the former Utah governor, thinks most new environmental regulations should be shelved until the economy improves.

Only [Mitt Romney](#), the former Massachusetts governor, has a kind word for the E.P.A., and that is qualified by his opposition to proposed regulation of carbon dioxide and other gases that contribute to [global warming](#).

Opposition to regulation and skepticism about climate change have become tenets of Republican orthodoxy, but they are embraced with extraordinary intensity this year because of the faltering economy, high fuel prices, the [Tea Party](#) passion for smaller government and an activist Republican base that insists on strict adherence to the party's central agenda.

But while attacks on the E.P.A., climate-change science and environmental regulation more broadly are surefire applause lines with many Republican primary audiences, these views may prove a liability in the general election, pollsters and analysts say. The American people, by substantial majorities, are concerned about air and water pollution, and largely trust the E.P.A., national surveys say.

"Not only are these positions irresponsible, they're politically problematic," said David Jenkins of [Republicans for Environmental Protection](#), a group that believes that conservation should be a core value of the party. "The whole idea that you have to bash the E.P.A. and run away from climate change to win a Republican primary has never been borne out. Where's the evidence?"

But the leading Republican candidates are all linking environmental regulation to jobs and the economy, suggesting that the nation cannot afford measures that impose greater costs on businesses and consumers. Mrs. Bachmann drew loud applause 10 days ago at a [rally in Iowa](#) when she declared: "I guarantee you the E.P.A. will have doors locked and lights turned off, and they will only be about conservation. It will be a new day and a new sheriff in Washington, D.C."

In an earlier debate she said the agency should be renamed the "job-killing organization of America." She has called global-warming science a hoax.

The White House disputes the accusation that it is burdening the economy with regulations. It says that it issued fewer new rules in its first two years than the George W. Bush administration issued in its final two years.

"This administration has shown a clear commitment to taking steps to protect our families from dangerous pollution, while at the same time ensuring those steps are implemented in a way that minimizes costs, maximizes flexibility and does not impede our economic recovery," said Clark Stevens, a White House spokesman.

Mr. Perry has been at war with the E.P.A. almost since the day he took office as governor. He is leading a group of states in a [lawsuit](#) seeking to block the agency from putting in place rules limiting greenhouse gas emissions from power plants, refineries and other large sources.

On Monday, Mr. Perry called on Mr. Obama to [halt all regulations](#) because, Mr. Perry said, "his E.P.A. regulations are killing jobs all across America."

In his book, "[Fed Up, Our Fight to Save America from Washington](#)," Mr. Perry described global-warming science as "one contrived phony mess that is falling apart under its own weight" and a "secular carbon cult" led by false prophets like Al Gore.

Such regulatory and financial sentiments are shared by many Republicans in Congress and are encouraged by industries that are reliable financial supporters of Republican candidates – the petroleum

industry, utilities, [coal](#) companies, heavy manufacturers and the U.S. Chamber of Commerce. Republican presidential candidates cross these interests at their peril.

"It remains to be seen of course, but my guess is that in order to get the nomination you're going to have to be pretty solid on these issues," said Myron Ebell, of the [Competitive Enterprise Institute](#), a libertarian research and advocacy organization in Washington. "It's going to be a litmus test or shorthand way for voters to see how the candidate thinks about not only big issues like global warming and energy rationing policies, but it's indicative of other things as well."

Mr. Ebell said that Mr. Romney, Mr. Gingrich and Mr. Huntsman, who have all said that global warming is real and at least tentatively attributed it to human actions, would suffer for it in the Republican primaries.

Mr. Perry's anti-E.P.A. stance has been popular with Republicans in Texas and could carry him far in the primaries, said Ken Kramer, director of the [Texas chapter of the Sierra Club](#). It may prove a liability in a general election, Mr. Kramer said.

"That kind of rhetoric is popular with a certain segment here," he said. "But a lot of other Texans, especially those in major cities with air pollution problems, are not necessarily supportive of the governor's war on the E.P.A."

He added, "My sense is there's definitely a difference between what plays well in Texas from a political standpoint and what plays well in other parts of country."

Mr. Paul holds rather more complex views of the environment and regulation. He generally favors a hands-off approach to federal regulation, although he has backed some tax incentives for clean energy development.

He opposes tax breaks for oil and gas companies but supports Arctic drilling. He is skeptical about climate change but said in 2008 that there were [unexplained anomalies](#) in global temperatures.

Mr. Romney's position may be the most complicated of all. In Massachusetts, he proposed plans to reduce greenhouse gas emissions and was a sponsor of a regional [carbon cap-and-trade](#) program. He has mostly backed away from those positions, but he says there is still an important place for regulation.

"I believe we should keep our air and our water clean," Mr. Romney said at [a town hall-style meeting](#) in New Hampshire last month.

"Do I support the E.P.A.?" he said. "In much of its mission, yes; but in some of its mission, no."

Despite a Supreme Court ruling to the contrary, Mr. Romney said the federal law did not give the agency authority to regulate carbon emissions. "I don't think that was the intent of the original legislation," he said, "and I don't think carbon is a pollutant in the sense of harming our bodies."

01268-EPA-6836

Bob  
 Perciasepe/DC/USEPA/US  
 08/19/2011 10:22 AM

To Arvin Ganesan, Richard Windsor  
 cc "corman.bicky@epa.gov", "Fulton.Scott@epa.gov",  
 "ganesan.arvin@epa.gov", "goo.michael@epa.gov", Janet  
 McCabe, "mccarthy.gina@epa.gov",  
 "moats.michael@epa.gov", "oster.seth@epa.gov",  
 "perciasepe.bob@epa.gov", "Stoner.Nancy@epa.gov",  
 "Sussman.bob@epa.gov", "thompson.diane@epa.gov",  
 Laura Vaught  
 bcc  
 Subject RE: Fw: Check Out This Article

Thanks Arvin

Very similar to the testimony we have provided Congress. Brendan, you should send to your friend at the NYT.

Bob Perciasepe  
 Deputy Administrator  
 US EPA  
 202 564 4711

----- Original Message -----

From : Arvin Ganesan/DC/USEPA/US  
 To : Richard Windsor/DC/USEPA/US@EPA  
 Cc : corman.bicky@epa.gov, Fulton.Scott@epa.gov, ganesan.arvin@epa.gov, goo.michael@epa.gov, Janet McCabe/DC/USEPA/US@EPA, mccarthy.gina@epa.gov, moats.michael@epa.gov, oster.seth@epa.gov, perciasepe.bob@epa.gov, Stoner.Nancy@epa.gov, Sussman.bob@epa.gov, thompson.diane@epa.gov, Laura Vaught/DC/USEPA/US@EPA  
 Sent on : 08/18/2011 11:31:27 PM  
 Subject : Re: Fw: Check Out This Article

I couldn't click on the link for some reason, but I think you're referring to this positive article.

## **Report: No 'train wreck' from EPA utility rules**

By Andrew Restuccia - 08/18/11 06:40 PM ET

Utility industry claims that looming Environmental Protection Agency rules for power plants will create an economic "train wreck" are overblown, the non-partisan Congressional Research Service (CRS) says in a new report.

Because EPA has yet to propose or finalize many of its clean air regulations, industry-sponsored studies predicting economic calamity "effectively underestimate the complexities of the regulatory process and overstate the near-term impact of many of the regulatory actions," CRS says in [an Aug. 8 report](#) that has been circulating on Capitol Hill in recent days.

The report comes amid escalating concerns from Republicans and some moderate Democrats about EPA regulations aimed at reducing greenhouse gas emissions and a slew of other air pollutants. House Republicans have led a multi-prong effort to block or delay the rules and many GOP presidential hopefuls have made EPA a symbol of federal overreach.

But CRS says the public health benefits of the regulations – which EPA says would prevent thousands of premature deaths and illnesses – outweigh the costs.

"The costs of the rules may be large, but, in most cases, the benefits are larger, especially estimated public health benefits," the report says.

The report analyzes studies by the Edison Electric Institute and the North American Electric Reliability Corporation that say EPA's regulations amount to a "train wreck" that will hobble the economic recovery. EPA opponents have long pointed to the studies in objecting to the rules.

But the August CRS report says the studies don't reflect the reality of EPA's regulations.

"The studies sponsored by industry groups (EEI and NERC) were written before EPA proposed most of the rules whose impacts they analyze, and they assumed that the rules would impose more stringent requirements than EPA proposed in many cases," the CRS report says.

In addition, CRS notes that the regulations are likely to change in the coming months and, once finalized, facilities will have "several years before being required to comply."

The report also dismisses concerns that the regulations will result in the shuttering of coal-fired power plants. American Electric Power and other utilities have said the pending rules will **force the closure of plants**.

"The primary impacts of many of the rules will largely be on coal-fired plants more than 40 years old that have not, until now, installed state-of-the-art pollution controls," the report says. "Many of these plants are inefficient and are being replaced by more efficient combined cycle natural gas plants, a development likely to be encouraged if the price of competing fuel—natural gas—continues to be low, almost regardless of EPA rules."

Many utilities have installed the necessary technology to comply with the regulations, the report says, noting that for those plants "costs will be minimal."

More broadly, the report says that industry studies go about evaluating the costs of EPA rules all wrong. The studies can't accurately predict costs on a national or regional level because they are site-specific, the report says.

"In reality, evaluating regulatory impacts, compliance costs, and possible retirement decisions depends on facility-specific considerations—micro, not macro," the report says. "Utilities and states will be affected differently."

Lastly, the report downplays concerns from Republicans like Sen. Lisa Murkowski (R-Alaska) that EPA rules will **affect power grid reliability**.

"There is a substantial amount of excess generation capacity at present, due in part to the recession and also due to the large number of natural gas combined cycle plants

constructed in the last decade, muting reliability concerns," the report says.

-----Richard Windsor/DC/USEPA/US wrote: -----

To: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Michael Moats" <moats.michael@epa.gov>, "Scott Fulton" <Fulton.Scott@epa.gov>, "Nancy Stoner" <Stoner.Nancy@epa.gov>  
From: Richard Windsor/DC/USEPA/US  
Date: 08/18/2011 11:20PM  
Subject: Fw: Check Out This Article

---

**From:** Richard Windsor  
**Sent:** 08/18/2011 10:53 PM AST  
**To:** Richard Windsor  
**Subject:** Check Out This Article

## CHECK OUT THIS ARTICLE

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01268-EPA-6837

Seth Oster  
↳(b) (6) Personal Privacy  
08/20/2011 11:46 AM

To Bob Perciasepe, Richard Windsor  
cc  
bcc  
Subject Banner on Front Page of Huffington Post -- from Wash Post

Posted at 12:19 PM ET, 08/19/2011

## Getting ready for a wave of coal-plant shutdowns

By [Brad Plumer](#)

(JOHN GILES/ASSOCIATED PRESS) Over the next 18 months, the Environmental Protection Agency will finalize [a flurry of new rules](#) to curb pollution from coal-fired power plants. Mercury, smog, ozone, greenhouse gases, water intake, coal ash—it's all getting regulated. And, not surprisingly, some lawmakers are grumbling.

Industry groups such the Edison Electric Institute, which represents investor-owned utilities, and the American Legislative Exchange Council have dubbed the coming rules "[EPA's Regulatory Train Wreck.](#)" The regulations, they say, will cost utilities up to \$129 billion and force them to retire one-fifth of coal capacity. Given that coal provides 45 percent of the country's power, that means higher electric bills, more blackouts and fewer jobs. The doomsday scenario has alarmed Republicans in the House, who have been scrambling to block the measures. Environmental groups retort that the rules will bring sizeable public health benefits, and that industry groups have been exaggerating the costs of environmental regulations since they were first created.

So, who's right? This month, the nonpartisan Congressional Research Service, which conducts policy research for members of Congress, has been circulating a paper that tries to calmly sort through the shouting match. [Thanks to The Hill's Andrew Restuccia, it's now available](#) (PDF) for all to read. And the upshot is that CRS is awfully skeptical of the "train wreck" predictions.

First, the report agrees that the new rules will likely force the closure of many coal plants between now and 2017, although it's difficult to know precisely how many. For green groups, that's a feature, not a bug: Many of these will be the oldest and dirtiest plants around. About 110 gigawatts, or one-third of all coal capacity in the United States, came online between 1940 and 1969. Many of these plants were grandfathered in under the Clean Air Act, and about two-thirds of them don't have scrubbers:

(FGD = Flue Gas Desulfurization, SCR = Selective Catalytic Reduction)

CRS notes that many of the plants most affected by the new EPA rules were facing extinction

anyway: “Many of these plants are inefficient and are being replaced by more efficient combined cycle natural gas plants, a development likely to be encouraged if the price of competing fuel—natural gas—continues to be low, almost regardless of EPA rules.”

Still, that’s a lot of plants. Won’t this wreak havoc on the grid? Not necessarily, the CRS report says, although the transition won’t be simple. For one, most of these plants don’t provide as much baseload power as it appears on first glance—pre-1970 coal plants operating without emissions controls are in use, on average, only about 41 percent of the time. Second, the report notes that “there is a substantial amount of excess generation capacity at present,” caused by the recession and the boom in natural gas plants. Many of those plants can pitch in to satisfy peak demand. Third, electric utilities can add capacity fairly quickly if needed — from 2000 to 2003, utilities added more than 200 gigawatts of new capacity, far, far more than the amount that will be lost between now and 2017.

Granted, those upgrades and changes won’t be free. The CRS report doesn’t try to independently evaluate the costs of the new rules, noting that they will depend on site-specific factors and will vary by utility and state. (Matthew Wald recently [wrote a helpful piece](#) in *The New York Times* looking at how utilities might cope.) But, the report says, industry group estimates are almost certainly overstated. For one, they were analyzing early EPA draft proposals, and in many cases, the agency has tweaked its rules to allay industry concerns. And many of the EPA’s rules are almost certain to get bogged down in court or delayed for years, which means that utilities will have more time to adapt than they fear.

The CRS report also agrees with green groups that the benefits of these new rules shouldn’t be downplayed. Those can be tricky to quantify, however. In one example, the EPA [estimates](#) that an air-transport rule to clamp down on smog-causing sulfur dioxide and nitrogen dioxide would help prevent 21,000 cases of bronchitis and 23,000 heart attacks, and save 36,000 lives. That’s, at the high end, \$290 billion in health benefits, compared with \$2.8 billion per year in costs (according to the EPA) by 2014. “In most cases,” CRS concludes, “the benefits are larger.”

Granted, few would expect this report to change many minds in Congress. Just 10 days ago, Michele Bachmann was on the campaign trail [promising](#) that if she becomes president, “I guarantee you the EPA will have doors locked and lights turned off, and they will only be about conservation.” That doesn’t sound like someone who’s waiting for a little more data before assessing the impact of the new regulations.

By [Brad Plumer](#) | 12:19 PM ET, 08/19/2011

01268-EPA-6838

Richard  
Windsor/DC/USEPA/US  
08/20/2011 01:02 PM

To "Seth Oster"  
cc  
bcc  
Subject Re: Banner on Front Page of Huffington Post -- from Wash Post

Tx

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**From:** Seth Oster [(b) (6) Personal Privacy]

**Sent:** 08/20/2011 11:46 AM AST

**To:** Bob Perciasepe; Richard Windsor

**Subject:** Banner on Front Page of Huffington Post -- from Wash Post

Posted at 12:19 PM ET, 08/19/2011

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By [Brad Plumer](#) | 12:19 PM ET, 08/19/2011

01268-EPA-6840

**Eric Wachter/DC/USEPA/US**

08/23/2011 12:39 PM

To Richard Windsor

cc

bcc

Subject Fw: Massena Update and Press

----- Forwarded by Eric Wachter/DC/USEPA/US on 08/23/2011 12:39 PM -----

#### Message Information

Date 08/21/2011 08:01 PM

From Anne Kelly/R2/USEPA/US

To CN=LisaP Jackson/OU=DC/O=USEPA/C=US@EPA

cc

Subject Fw: Massena Update and Press

#### Message Body

Hi Lisa!

Hope you don't mind but I just could not resist sending you this. It's been a wild ride in Massena these past few weeks. Larry Thompson broke through the fence and drove a backhoe around, trying to remove the landfill. We had a SWAT team, hostage negotiator and about 20 assorted troopers. There were some very tense moments, as you can imagine.

Other than this, things are going fairly well.

(b) (6) Privacy

I?

Hope all is well with you and that you enjoy hearing about your old site.

All the best,  
Anne

## Thompson Dig Raises Concern Over Landfill

By [BRIAN HAYDEN](#)

FRIDAY, AUGUST 19, 2011

MASSENA - Larry Thompson's effort to remove a 12-acre landfill from the General Motors-Powertrain site has raised new concerns about leaving the landfill there.

Mr. Thompson said he excavated contaminated soils from the landfill with a backhoe for nearly two hours last week because it had been poisoning the surrounding area, including his land on the St. Regis Mohawk Reservation, for decades.

Mr. Thompson, who goes by the traditional Native American name of Kanietakeron, faces two felony counts of second-degree criminal mischief for damage in excess of \$1,500, as well as misdemeanor

counts of second-degree reckless endangerment and resisting arrest. He was released on \$5,000 bail Monday and the case is being held over for grand jury action.

His actions have prompted new questions from local officials. At Thursday's North Country Redevelopment Task Force meeting, County Legislator Anthony Arquieett requested the Environmental Protection Agency provide more information on its decision to cap the landfill and leave it there permanently.

"From the county's standpoint, I think we need to have a deeper understanding of the process the EPA used to determine capping as the remedy of the landfill," Mr. Arquieett said. "I'd like to formally request the EPA provide the information, the data that was used in the remedy selection process."

Mr. Arquieett said he wants the data to ensure that keeping the landfill there permanently does not pose any threats to health or safety.

"We're just looking for some transparency for what's been done," he said. "We're obligated to look out for all of the residents and all of the communities surrounding the former GM site."

The EPA would be happy to provide Mr. Arquieett and the task force with the requested information data, according to Project Manager Anne E. Kelly.

Contrary to Mr. Thompson's claims, the landfill does not pose a threat to human health or safety in its current condition, Ms. Kelly said. A number of factors, including cost, community input and risk of contamination by removing the landfill factored into the EPA's decision to cap it and leave it there nearly 20 years ago. The EPA has since re-evaluated its decision many times over the years and still determined it to be the best course of action.

According to a report on the EPA's website, the landfill contains sludge laden with polychlorinated biphenyls, or PCBs, as well as foundry sand, soil and concrete excavated during the plant's construction, die casting machines from the plant and other solid industrial waste.

"Our goal in issuing any decision ... is to eliminate risk to human health and the environment. The capping and containment of the landfill reduces exposure, it eliminates exposure, from the landfill," Ms. Kelly said. "That's its fundamental purpose."

The EPA's goal in remediating Superfund sites is not necessarily to return them to pre-contamination conditions, she said.

"EPA decisions are made to reduce risk, to eliminate risk to the best to our ability, and not to clean up sites to their original conditions," she said. "That's EPA's charge really. We get the site into what we call an acceptable risk range."

The St. Regis Mohawk Tribe and others never agreed with the EPA's decision to keep the landfill there, she said.

"There are people that obviously don't accept that as a valid criteria, because what's acceptable? And I fully understand that," she said.

Over the next several years, the landfill will be drawn back an additional 150 feet from the Thompson's adjacent property and the St. Lawrence River so that it "would be more consistent with our regulations for hazardous landfills," Ms. Kelly said. There will also be a system of wells to extract all groundwater coming from the landfill, as "very low" levels of PCBs have been found in the groundwater.

A partial groundwater collection system already exists at the landfill, she said.

"We wanted to get in there, collect where we knew there were PCBs coming out of it and intercept that," she said. "We collect all of that water into a truck and treat it."

In his court testimony earlier this week, Mr. Thompson said he recalled a conversation with Ms. Kelly many years ago before she was the site's project manager.

"She told me that this cap on the mound would continue to allow leaching, and that it was not a solution, that the air was bad, she knows this," he said in court.

Ms. Kelly said she did not recall such a conversation taking place.

"I had no role in the project before I became project manager," she said.

Demolition crews have been able to continue working at the site since last Thursday's incident. Demolition at the plant is about 75 percent complete and is still on schedule for completion this fall, according to cleanup manager M. Brendan Mullen. About 50 employees are currently on-site working.

The site has been entirely cleaned up of the shovelfuls of dirt excavated by Mr. Thompson last week, Ms. Kelly said.

"While it was completely unforeseen by anybody, we were able to respond. The landfill cap was completely repaired," she said. "There was no risk of exposure from anything on the GM property there."

-----Forwarded by Anne Kelly/R2/USEPA/US on 08/21/2011 07:42PM -----

To: Walter Mugdan/R2/USEPA/US@EPA, John Senn/R2/USEPA/US@EPA, Joel Singerman/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, John LaPadula/R2/USEPA/US@EPA, Marla Wieder/R2/USEPA/US@EPA

From: Anne Kelly/R2/USEPA/US

Date: 08/13/2011 10:40PM

Subject: Massena Update and Press

I got back from Massena this afternoon - things went as well as can be expected. I realize now that the Thompsons did us a favor at the last public meeting in May with their incendiary statements. We had many discussions regarding site security with the Trust after the Thompsons stated their intention to move the landfill if we refused to do so. I knew something would happen, I just did not take him so literally.

I cannot believe he dumped a load of landfill material at the feet of the state troopers. We have the troopers' shoes and pants in a drum at the site!

In his arraignment he threatened to do this again. I am concerned about the potential escalation (obviously). I'll keep you posted.

I have to be in Massena next week and the following week for previously scheduled meetings.

<http://www.mpcourier.com/article/20110813/DCO01/30813996>

## Feds Unmoved By GM Site Dig

By [BRIAN HAYDEN](#)

SATURDAY, AUGUST 13, 2011

MASSENA - Larry Thompson's effort to remove a 12-acre landfill from the General Motors-Powertrain site is not swaying the federal government from its plan to keep it there permanently.

On Friday, cleanup crews contained about 200 cubic yards of soils excavated during Mr. Thompson's two-hour dig Thursday with a backhoe. An additional 200 cubic feet of ground touched by the contaminated soil was also treated.

Portions of the material were transported to secure locations on the site, according to Environmental Protection Agency Project Manager Anne E. Kelly. Crews also worked to repair the clay landfill cap breached during Mr. Thompson's excavation.

"Any damages that were created by yesterday's actions will be completely remediated by the end of the day," Ms. Kelly said. "The materials have been covered and managed so there's no release now."

Air monitoring stations were running nearby at the time of the excavation, Ms. Kelly said. Officials are still waiting to obtain that data.

"They will tell us if any (polychlorinated biphenyls) were released during the excavation," she said.

The contents exhumed during Mr. Thompson's dig varied, Ms. Kelly said.

"There were milk cartons and newspapers and PCB waste," she said.

On Thursday, Dana Leigh Thompson said her husband wanted the landfill removed because leaving it there was "environmental genocide" to the adjacent St. Regis Mohawk Reservation. The EPA still plans to keep the landfill there permanently despite Mr. Thompson's actions, Ms. Kelly said.

"Criminal activity is not going to change our determination," she said. "The actions yesterday were obviously contrary to the goal to reduce exposure."

According to a report on the EPA's website, the landfill contains PCB-laden sludge, foundry sand, soil, concrete, die casting machines and other solid industrial waste. GM, under the direction of EPA, capped it in 1987.

The EPA decided to leave the landfill there permanently nearly 20 years ago, Ms. Kelly said. Much of the GM site will be completely remediated by 2016, but 41 acres on or near the landfill will be restricted for redevelopment indefinitely and are suitable for "open space," according to an EPA-sponsored study completed last winter.

"EPA's remedy was selected through a regulatory process," she said.

A number of factors, including cost, community input and risk of contamination by removing the landfill factored into the EPA's decision to cap it and leave it there, Ms. Kelly said.

"If it's very difficult to control the exposure then that's deemed a risk," Ms. Kelly said. "Digging up a landfill could create a risk to contaminants."

EPA's decision to leave the landfill was not supported by the St. Regis Mohawk Tribe or other Native Americans at the time, Ms. Kelly said. But containing the landfill was determined to be the best course of action for hazardous materials within the landfill, she said.

"It has never been widely accepted by the Mohawk community that was a good solution," she said.

During his Thursday morning dig, Mr. Thompson also extracted a large industrial drum. Dumping drums full of hazardous materials into a landfill is illegal, but this one was empty, Ms. Kelly said.

"There's no way of knowing when that was placed in the landfill," Ms. Kelly said. "I can't say with regard to the drum what was in it."

Mr. Thompson's actions are also not stopping the site's current owner, the Revitalizing Auto Communities Environmental Response Trust, from trying to market and redevelop the property.

"Thursday's events will not slow RACER's progress in cleaning up the property to be in full compliance

with the rigorous requirements established by the US EPA. Nor will it weaken RACER's resolve to work with the broader Massena community, including the St. Regis Mohawk Tribe, to pursue the local community's vision for economic renewal," RACER spokesperson Mark Behan noted in a release. "We are relieved no one was injured in Thursday's events."

## Thompson Waits In Jail

By [BRIAN HAYDEN](#)

SATURDAY, AUGUST 13, 2011

MASSENA - Construction crews have been a common sight at the General Motors-Powertrain site this summer, as workers complete the demolition of the former automotive plant.

But when a backhoe showed up at the back corner of the property Thursday morning, employees there knew something was wrong.

Larry Thompson, who owns land adjacent to the GM site, entered the property and began digging into a 12-acre landfill with a backhoe in an attempt to remove it.

Mr. Thompson continued to be held Friday at the St. Lawrence County Correctional Facility on two felony charges of second degree criminal mischief and misdemeanor charges of second-degree reckless endangerment and resisting arrest. With bail set at \$100,000 cash or \$200,000 bond, Mr. Thompson is scheduled to appear for a preliminary hearing in Massena Town Court on Monday.

Workers at the scene, such as site manager David W. Grant, described unusual circumstances before the incident occurred.

"At approximately 8:45 a.m., I was notified by a hired contracting crew, Brandenburg, that two vehicles were observed parked on the Old State Route 37 embankment in a peculiar place. I went out to take a closer look at what was going on," he noted in court papers.

"I saw a black pick up truck with Mohawk Security written on door, and a red truck, both vehicles were occupied by males," he noted. "The black vehicle had a guy sitting in the passenger seat with army fatigues on. I took pictures of both these trucks and left the scene."

During a meeting with supervisors later this morning, Mr. Grant was notified of a breach in the rear fence that borders the St. Regis Mohawk Reservation.

"It appeared the backhoe entered through a hinged gate that is always locked," he noted.

After traveling to the landfill, Mr. Grant said he witnessed Mr. Thompson digging with the backhoe. He also witnessed "approximately six bystanders" digitally recording the event.

"I know that this landfill, which contains contaminated materials, was capped with clay years ago and was not to be disturbed," Mr. Grant said. "From preliminary assessments, I observed that the perimeter fence was damaged ... the industrial landfill site had been breached with possible contamination present."

Daniel L. Kemp, a senior construction manager at the site, said he received a transmission from an employee that a backhoe had dumped soils into an on-site rail car. Trains have entered and exited the site throughout the summer, carting out scrap metal and other materials.

Mr. Kemp then advanced toward the landfill, and described being confronted by Mr. Thompson in his backhoe.

"As Larry was advancing toward my vehicle I could see he was mouthing the words 'move back now' repeatedly to me," he said in a statement he signed for police. "He had advanced the backhoe to within what I would guess to be one foot of the front of my vehicle."

After backing his vehicle up, Mr. Kemp said Mr. Thompson got out of the backhoe to talk to him.

"He then stated his opinion of the remedial action for the landfill and his view that the landfill had to go," Mr. Kemp said. "I told him that I understood his viewpoint but that this was not the avenue to take."

Eventually, Mr. Thompson re-entered the backhoe and continued digging, and state police arrived.

"Larry had locked himself into the cab of his backhoe and was digging for two hours before we were able to block off the open gate that Larry had entered through with a larger front end loader," Mr. Kemp said. "At that time Larry drove the backhoe through a section of the fence causing damage."

Shortly after that, state police were able to arrest Mr. Thompson and the standoff ended. Mr. Kemp was unsure of the exact cost of Thursday's incident.

"I do not know what the exact cost is going to be," he noted. "But in my personal opinion, I would believe it to be in the tens of thousands of dollars."

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#### OEX Processing Information

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01268-EPA-6844

Noah Dubin/DC/USEPA/US  
 08/24/2011 06:13 PM  
**To**  
**cc**  
**bcc** Richard Windsor  
**Subject** Thursday, August 25, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, August 25, 2011**

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Notes:

Drivers  
 AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
 PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Shift Leaders  
 AM (b) (6) Personal Privacy (b) (6) (b) (6) Personal Privacy  
 PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Staff Contact  
 Jose Lozano  
 (b) (6) Personal Privacy

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|---------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office | Daily Briefing                                                                                                                                                                                                                                                                                              |
| 10:00 AM - 10:45 AM | Bullet Room            | Update on Utility GHG New Source Performance Standards<br>Ct: Venu Ghanta 202-564-1374<br><br>Staff:<br>Bob Sussman (OA)<br>Gina McCarthy, Janet McCabe, Joe Goffman (OAR)<br>Scott Fulton, Avi Garbow (OGC)<br>Michael Goo, Shannon Kenny (OP)<br>Arvin Ganesan, Laura Vaught (OCIR)<br>Seth Oster (OEAAE) |
|                     |                        | Optional:<br>Diane Thompson, Bob Perciasepe (OA)                                                                                                                                                                                                                                                            |
| 11:00 AM - 11:15 AM | MOSS Studio            | Video Message for Cyber Security<br>Ct: Brendan Gilfillan - 202-564-2081                                                                                                                                                                                                                                    |
| 12:00 PM - 02:00 PM | Convention Center      | FYI: MLK Civil Rights Luncheon<br>Attorney General Eric Holder will be a featured speaker                                                                                                                                                                                                                   |
| 12:00 PM - 01:00 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                 |
| 01:15 PM - 02:00 PM | Administrator's Office | Gulf Coast Task Force Executive Session Pre-Brief<br>Ct: Caroline Whitehead - 202-566-2907<br><br>Staff:<br>John Hankinson, Bryon Griffith (GCETF)<br><br>Optional:<br>Diane Thompson, Bob Sussman, Bob Perciasepe (OA)                                                                                     |

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:15 PM - 02:45 PM | ARN Entrance           | FYI Feds Feed Families Food Drive-Food Sculpture Contest                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02:30 PM - 02:40 PM | Administrator's Office | <p>Discussion on King Cole Highway<br/>Ct: Shelly Dawson 202-564-2440</p> <p>Staff:<br/>Cynthia Giles (OECA)<br/>Laura Vaught (OCIR)</p> <p>Optional:<br/>Diane Thompson, Bob Sussman, Bob Perciasepe (OA)</p>                                                                                                                                                                                                                                                                                                                     |
| 03:00 PM - 03:15 PM | Administrator's Office | <p>Call with Congresswoman Louise Slaughter (NY)<br/>Ct: Bobbi Wilson [REDACTED]</p> <p>*The Administrator will call [REDACTED] (b) (6) Personal Privacy to be connected to the Congresswoman.</p> <p>Staff:<br/>Laura Vaught (OCIR)</p>                                                                                                                                                                                                                                                                                           |
| 04:00 PM - 04:20 PM | Administrator's Office | <p>Interview with Michael Fletcher, US Hispanic Engineer and Information Technology<br/>Ct: Alisha Johnson (OEAE) 202-564-4373</p> <p>Phone interview</p> <p>4:00-4:10 Prep<br/>4:10-4:20 Interview</p> <p>Staff: Brendan Gilfillan, Alisha Johnson (OEAE)</p> <p>Topics: The future of clean energy, the role of EPA in a political climate hostile to regulation, the aftermath of the Gulf oil spill, the importance of getting more Hispanics into STEM jobs, and the road that the Administrator took to her current job.</p> |
| 04:40 PM - 05:00 PM | Bullet Room            | <p>Meeting to Discuss Florida Nutrients<br/>Ct: Don Maddox 202-564-7207</p> <p>Staff:<br/>Bob Sussman, Diane Thompson, Bob Perciasepe (OA)<br/>Gwen Keyes-Fleming (R4)<br/>Scott Fulton, Avi Garbow (OGC)<br/>Nancy Stoner, Ellen Gilinsky (OW)<br/>Arvin Ganesan, Laura Vaught (OCIR)<br/>Seth Oster (OEAE)</p> <p>Optional:<br/>Janet Woodka (OA)</p> <p>*MOSS will dial Gwen in at [REDACTED] (b) (6) Personal Privacy</p>                                                                                                      |

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07:00 PM - 09:00 PM      Nationals Park

EPA Staff Outing at Nationals Park  
Cc: Dan Kanninen - 202-564-0471

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\*\*\* 08/24/2011 06:09:57 PM \*\*\*

01268-EPA-6845

**Aaron  
Dickerson/DC/USEPA/US**  
08/25/2011 11:14 AM

To Richard Windsor  
cc Gladys Stroman  
bcc  
Subject REVISED Schedule for Thursday, August 25

Revision:  
5:30pm Call w/Congressman Dicks

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, August 25, 2011**

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|                     |                        |                                                                                                                                                    |
|---------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office | Daily Briefing                                                                                                                                     |
| 10:00 AM - 10:45 AM | Bullet Room            | Update on Utility GHG New Source Performance Standards<br>Ct: Venu Ghanta 564-1374                                                                 |
| 11:00 AM - 11:15 AM | MOSS Studio            | Video Message for Cyber Security<br>Ct: Brendan Gilfillan - 202-564-2081                                                                           |
| 12:00 PM - 02:00 PM | Convention Center      | FYI: MLK Civil Rights Luncheon<br>Attorney General Eric Holder will be featured speaker                                                            |
| 12:00 PM - 01:00 PM | Administrator's Office | No Meetings                                                                                                                                        |
| 01:15 PM - 02:00 PM | Administrator's Office | Gulf Coast Task Force Executive Session Pre-Brief<br>Ct: Caroline Whitehead - 202-566-2907<br><br>Staff:<br>John Hankinson, Bryon Griffith (GCETF) |
|                     |                        | Optional:<br>Diane Thompson, Bob Sussman, Bob Perciasepe (OA)                                                                                      |
| 02:15 PM - 02:45 PM | ARN Entrance           | FYI Feds Feed Families Food Drive-Food Sculpture Contest                                                                                           |
| 02:30 PM - 02:40 PM | Administrator's Office | Discussion on King Cole Highway<br>Ct: Shelly Dawson 564-2440<br><br>Staff:<br>Cynthia Giles (OECA)<br>Laura Vaught (OCIR)                         |
|                     |                        | Optional:<br>Diane Thompson, Bob Sussman, Bob Perciasepe (OA)                                                                                      |

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|                     |                        |                                                                                                                                                                                                                                                |
|---------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03:00 PM - 03:15 PM | Administrator's Office | Call with Congresswoman Louise Slaughter (NY)<br>Ct: Bobbi Wilson - (b) (6) Personal Privacy                                                                                                                                                   |
|                     |                        | *The Administrator will call (b) (6) Personal Privacy to be connected to the Congresswoman.                                                                                                                                                    |
|                     |                        | Staff:<br>Laura Vaught (OCIR)                                                                                                                                                                                                                  |
| 04:00 PM - 04:20 PM | Administrator's Office | Interview with Michael Fletcher, US Hispanic Engineer and Information Technology<br>Ct: Alisha Johnson (OEAE) 564-4373                                                                                                                         |
|                     |                        | Phone interview                                                                                                                                                                                                                                |
|                     |                        | 4:00-4:10 Prep<br>4:10-4:20 Interview                                                                                                                                                                                                          |
|                     |                        | Staff: Brendan Gilfillan, Alisha Johnson (OEAE)                                                                                                                                                                                                |
|                     |                        | Topics: The future of clean energy, the role of EPA in a political climate hostile to regulation, the aftermath of the Gulf oil spill, the importance of getting more Hispanics into STEM jobs, and the road that she took to her current job. |
| 04:40 PM - 05:00 PM | Bullet Room            | Meeting to Discuss Florida Nutrients<br>Ct: Don Maddox 564-7207                                                                                                                                                                                |
|                     |                        | Staff:<br>Bob Sussman, Diane Thompson, Bob Perciasepe (OA)<br>Gwen Keyes-Fleming (R4)<br>Scott Fulton, Avi Garbow (OGC)<br>Nancy Stoner, Ellen Gilinsky (OW)<br>Arvin Ganesan, Laura Vaught (OCIR)<br>Seth Oster (OEAE)                        |
|                     |                        | *MOSS will dial Gwen in at (b) (6) Personal Privacy                                                                                                                                                                                            |
| 05:30 PM - 05:45 PM | Administrator's Office | Call with Congressman Norm Dicks (WA)<br>Ct: Shalanda Young - 202 225-5916                                                                                                                                                                     |
|                     |                        | * The Administrator will call 225-5916 to be connected to the Congressman.                                                                                                                                                                     |
|                     |                        | Staff:<br>Laura Vaught (OCIR)                                                                                                                                                                                                                  |
| 07:00 PM - 09:00 PM | Nationals Park         | EPA Staff Outing at Nationals Park<br>Ct: Dan Kanninen - 202-564-0471                                                                                                                                                                          |

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\*\*\* 08/25/2011 11:11:26 AM \*\*\*

01268-EPA-6846

**Richard  
Windsor/DC/USEPA/US**  
08/25/2011 02:58 PM

To Seth Oster, Brendan Gilfillan, Betsaida Alcantara  
cc  
bcc  
Subject Fw: WSJ: SEC Bears Down on Fracking

The EPA didn't respond to requests for comment?

----- Forwarded by Richard Windsor/DC/USEPA/US on 08/25/2011 02:58 PM -----

From: Betsaida Alcantara/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA  
 Date: 08/25/2011 02:47 PM  
 Subject: WSJ: SEC Bears Down on Fracking

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### SEC Bears Down on Fracking

Wall Street Journal

By DEBORAH SOLOMON

WASHINGTON—The Securities and Exchange Commission is asking oil and gas companies to provide it with detailed information—including chemicals used and efforts to minimize environmental impact—about their use of a controversial drilling process used to crack open natural gas trapped in rocks.

The federal government's investor-and-markets watchdog is stepping into the heated environmental debate surrounding hydraulic fracturing, or "fracking," according to government and industry officials, even as state and federal environmental officials have begun to bring greater pressure on the industry. The process, which involves pumping water, chemicals and sand underground to free difficult-to-reach natural gas in shale basins, has come under criticism from environmental groups ad some lawmakers over concerns toxins in the mix may contaminate air and water.

The SEC move shows the broad interest among Washington regulators in taking a closer look at fracking and suggests companies that are betting billions of dollars on the technology will increasingly need to weigh disclosing techniques they often consider proprietary. Battles over disclosure have already broken out at the state level, including in states such as New York and Pennsylvania that sit on the giant Marcellus Shale, an underground formation that has become a fracking hotbed because of the large quantities of natural gas there. Just last week, Noble Energy Inc. paid \$3.4 billion for a stake in developing 663,350 acres there.

Regulators in several states have identified cases in which drilling—although not necessarily the fracturing process in particular—has allowed natural gas to seep into residential water wells, and at least one scientific study has linked drilling and gas contamination more broadly. But there have been few if any documented cases of contamination by the chemicals used in hydraulic fracturing. The industry acknowledges that improperly constructed wells can allow gas to escape, but says such cases are rare and aren't directly tied to fracturing itself.

In the past, the SEC has trained its attention on other areas of concern, such as subprime mortgages and credit-default swaps, and has asked companies to provide additional information to investors. Government officials said the SEC's interest in fracking is in ensuring investors are being told about risks a company may face related to its operations, such as lawsuits, compliance costs or other uncertainties.

Other federal agencies like the Environmental Protection Agency are collecting information about fracking, but those efforts are separate from the SEC.

For the moment, the SEC isn't requiring broad, standardized disclosure of fracking information to the public. Instead, oil and gas companies are being asked by the agency's office that oversees corporate disclosure to supply information confidentially to the SEC, and the agency, in turn, will likely require them to publicly disclose some of that information, according to government officials.

"If there's something in [a company's] field of operation that creates uncertainty, that's something they may want to talk about" with investors, said a government official.

The SEC's requests drew criticism from some in the industry about potential regulatory overkill.

"While our industry absolutely supports common sense disclosure and transparency measures, such duplicative inquiries that may fall outside of an agency's core mission, are troubling and counter to what our nation needs at this time," said Kathryn Klaber, president of Marcellus Shale Coalition, an industry group.

An SEC spokesman said "in the course of our filing reviews staff will ask questions related to the areas disclosed in the company's filings." The EPA didn't respond to requests for comment.

The SEC's foray into the issue comes as the Obama administration is trying to find a middle ground between environmental concerns over fracking and an industry that is creating jobs and increasing domestic supplies of an alternative energy source to coal. Natural gas currently provides about 25% of total U.S. energy and is projected to increase to 45% by 2035, according to the U.S. Energy Information Administration. In addition to a fracking study being conducted by the EPA, the Department of Energy and the Interior Department have also been examining the practice. Some states have fined drilling companies for environmental problems.

For securities regulators, two recent energy-related disasters are fresh in their minds: the crippling of Tokyo Electric Power Co.'s Fukushima Daiichi nuclear-power plant in March and last year's BP PLC oil spill in the Gulf of Mexico. In both cases, some investors were surprised at the risk to which the companies were exposed, and their share prices fell sharply.

The SEC's questions in recent letters include which chemicals are being injected into the ground, what companies are doing to minimize water usage and what steps they are taking to minimize environmental impact, according to copies reviewed by The Wall Street Journal.

The questions are already prompting some companies to disclose more. SandRidge Energy, a small, Oklahoma company, beefed up disclosure related to fracking operations after the SEC asked a series of questions in connection with a public offering of a trust SandRidge completed last week. For instance, the company said in a recent financial filing that its fracking fluid contains 99% fresh water, and the remainder includes the food additive guar, enzymes and other chemicals, which it didn't name.

Fracking fluids include some toxic chemicals, based on company disclosures of chemicals such as benzene and formaldehyde for congressional reports and at voluntary disclosure sites.

Kevin White, senior vice president of SandRidge, said "responding to those comments would be easier than what other companies might face" because the firm doesn't use many chemicals in its fracking fluid.

Industry representatives said much depends on how specific the SEC wants companies to be and cautioned they would resist revealing proprietary information.

"While we support disclosing our ingredients, it is critical to our business that we protect our proprietary information, including the recipes of our products," said spokeswoman Tara Mullee Agard of Halliburton Co., one of the largest providers of hydraulic-fracturing services to the energy industry.

Already some companies have said they will voluntarily publicize their chemicals online at FracFocus.org, and several states, including Wyoming, Texas and Arkansas, have recently passed mandatory disclosure rules. The companies will make the information public through state registries.

Fracking is primarily regulated by states and is largely exempt from some federal statutes, such as the Safe Water Drinking Act. The EPA's study on whether fracking affects drinking water is to be released at the end of 2012. For the study, nine companies provided information on the chemicals they use after an agency request last year.

The SEC has also been investigating whether companies are overstating the long-term productivity of their natural-gas wells and has issued subpoenas to at least two firms, according to company financial disclosures earlier this month. The agency subpoenaed Quicksilver Resources Inc. and ExCo Resources Inc. The New York attorney general's office, meanwhile, has also issued subpoenas this month to various companies, including Range Resources Corp., Goodrich Petroleum Corp. and Cabot Oil & Gas Corp., over their estimates.

Jim Smith, a partner at Houston law firm Porter Hedges LLP specializing in environmental law, questioned whether the type of fracking information the SEC is requesting is material to a company. "I have not heard of companies in relatively recent times having significant environmental liabilities associated with hydraulic fracturing that in any way affected their reported worth," he said.

Investors, including the \$129.4 billion New York State Common Retirement Fund, have begun agitating for enhanced disclosure of fracking operations over the past few years and have successfully included shareholder proposals at 16 companies. Though none have passed, proponents at Chevron Corp. got 41% support, backers at Exxon Mobil Corp. got 28% and Williams Cos. holders got 42%. Some companies, such as Williams and Cabot, have increased disclosure of their fracking operations as a result of the proposals.

New York State Comptroller Thomas P. DiNapoli , who runs the New York State Common Retirement Fund, said some companies drilling in the Marcellus Shale in Pennsylvania have had to pay large fines and suffered reputational damage over fracking problems. Chesapeake Energy and Cabot have paid fines there. "Only through appropriate disclosure do you get the information you need to make informed and sound investment decisions," he said.

01268-EPA-6847

Richard  
Windsor/DC/USEPA/US  
08/25/2011 03:40 PM

To Eric Wachter  
cc  
bcc  
Subject Re: Fw: Massena Update and Press

(b) (6) Privacy

. Tx.

Eric Wachter ----- Forwarded by Eric Wachter/DC/US... 08/23/2011 12:40:04 PM

From: Eric Wachter/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 08/23/2011 12:40 PM  
Subject: Fw: Massena Update and Press

----- Forwarded by Eric Wachter/DC/USEPA/US on 08/23/2011 12:39 PM -----

#### Message Information

Date 08/21/2011 08:01 PM08/25/2011 03:40:50 PM  
From Anne Kelly/R2/USEPA/US  
To CN=LisaP Jackson/OU=DC/O=USEPA/C=US@EPA  
cc  
Subject Fw: Massena Update and Press

#### Message Body

Hi Lisa!

Hope you don't mind but I just could not resist sending you this. It's been a wild ride in Massena these past few weeks. Larry Thompson broke through the fence and drove a backhoe around, trying to remove the landfill. We had a SWAT team, hostage negotiator and about 20 assorted troopers. There were some very tense moments, as you can imagine.

Other than this, things are going fairly well. (b) (6) Privacy

?

Hope all is well with you and that you enjoy hearing about your old site.

All the best,  
Anne

## Thompson Dig Raises Concern Over Landfill

By [BRIAN HAYDEN](#)  
FRIDAY, AUGUST 19, 2011

MASSENA - Larry Thompson's effort to remove a 12-acre landfill from the General Motors-Powertrain site has raised new concerns about leaving the landfill there.

Mr. Thompson said he excavated contaminated soils from the landfill with a backhoe for nearly two hours last week because it had been poisoning the surrounding area, including his land on the St. Regis Mohawk Reservation, for decades.

Mr. Thompson, who goes by the traditional Native American name of Kanietakeron, faces two felony counts of second-degree criminal mischief for damage in excess of \$1,500, as well as misdemeanor counts of second-degree reckless endangerment and resisting arrest. He was released on \$5,000 bail Monday and the case is being held over for grand jury action.

His actions have prompted new questions from local officials. At Thursday's North Country Redevelopment Task Force meeting, County Legislator Anthony Arquieett requested the Environmental Protection Agency provide more information on its decision to cap the landfill and leave it there permanently.

"From the county's standpoint, I think we need to have a deeper understanding of the process the EPA used to determine capping as the remedy of the landfill," Mr. Arquieett said. "I'd like to formally request the EPA provide the information, the data that was used in the remedy selection process."

Mr. Arquieett said he wants the data to ensure that keeping the landfill there permanently does not pose any threats to health or safety.

"We're just looking for some transparency for what's been done," he said. "We're obligated to look out for all of the residents and all of the communities surrounding the former GM site."

The EPA would be happy to provide Mr. Arquieett and the task force with the requested information data, according to Project Manager Anne E. Kelly.

Contrary to Mr. Thompson's claims, the landfill does not pose a threat to human health or safety in its current condition, Ms. Kelly said. A number of factors, including cost, community input and risk of contamination by removing the landfill factored into the EPA's decision to cap it and leave it there nearly 20 years ago. The EPA has since re-evaluated its decision many times over the years and still determined it to be the best course of action.

According to a report on the EPA's website, the landfill contains sludge laden with polychlorinated biphenyls, or PCBs, as well as foundry sand, soil and concrete excavated during the plant's construction, die casting machines from the plant and other solid industrial waste.

"Our goal in issuing any decision ... is to eliminate risk to human health and the environment. The capping and containment of the landfill reduces exposure, it eliminates exposure, from the landfill," Ms. Kelly said. "That's its fundamental purpose."

The EPA's goal in remediating Superfund sites is not necessarily to return them to pre-contamination conditions, she said.

"EPA decisions are made to reduce risk, to eliminate risk to the best to our ability, and not to clean up sites to their original conditions," she said. "That's EPA's charge really. We get the site into what we call an acceptable risk range."

The St. Regis Mohawk Tribe and others never agreed with the EPA's decision to keep the landfill there, she said.

"There are people that obviously don't accept that as a valid criteria, because what's acceptable? And I fully understand that," she said.

Over the next several years, the landfill will be drawn back an additional 150 feet from the Thompson's adjacent property and the St. Lawrence River so that it "would be more consistent with our regulations for hazardous landfills," Ms. Kelly said. There will also be a system of wells to extract all groundwater coming from the landfill, as "very low" levels of PCBS have been found in the groundwater.

A partial groundwater collection system already exists at the landfill, she said.

"We wanted to get in there, collect where we knew there were PCBS coming out of it and intercept that," she said. "We collect all of that water into a truck and treat it."

In his court testimony earlier this week, Mr. Thompson said he recalled a conversation with Ms. Kelly many years ago before she was the site's project manager.

"She told me that this cap on the mound would continue to allow leaching, and that it was not a solution, that the air was bad, she knows this," he said in court.

Ms. Kelly said she did not recall such a conversation taking place.

"I had no role in the project before I became project manager," she said.

Demolition crews have been able to continue working at the site since last Thursday's incident. Demolition at the plant is about 75 percent complete and is still on schedule for completion this fall, according to cleanup manager M. Brendan Mullen. About 50 employees are currently on-site working.

The site has been entirely cleaned up of the shovelfuls of dirt excavated by Mr. Thompson last week, Ms. Kelly said.

"While it was completely unforeseen by anybody, we were able to respond. The landfill cap was completely repaired," she said. "There was no risk of exposure from anything on the GM property there."

-----Forwarded by Anne Kelly/R2/USEPA/US on 08/21/2011 07:42PM -----

To: Walter Mugdan/R2/USEPA/US@EPA, John Senn/R2/USEPA/US@EPA, Joel Singerman/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, John LaPadula/R2/USEPA/US@EPA, Marla Wieder/R2/USEPA/US@EPA  
From: Anne Kelly/R2/USEPA/US  
Date: 08/13/2011 10:40PM  
Subject: Massena Update and Press

I got back from Massena this afternoon - things went as well as can be expected. I realize now that the Thompsons did us a favor at the last public meeting in May with their incendiary statements. We had many discussions regarding site security with the Trust after the Thompsons stated their intention to move the landfill if we refused to do so. I knew something would happen, I just did not take him so literally.

I cannot believe he dumped a load of landfill material at the feet of the state troopers. We have the troopers' shoes and pants in a drum at the site!

In his arraignment he threatened to do this again. I am concerned about the potential escalation (obviously). I'll keep you posted.

I have to be in Massena next week and the following week for previously scheduled meetings.

<http://www.mpcourier.com/article/20110813/DC001/30813996>

## Feds Unmoved By GM Site Dig

By [BRIAN HAYDEN](#)  
SATURDAY, AUGUST 13, 2011

MASSENA - Larry Thompson's effort to remove a 12-acre landfill from the General Motors-Powertrain site is not swaying the federal government from its plan to keep it there permanently.

On Friday, cleanup crews contained about 200 cubic yards of soils excavated during Mr. Thompson's two-hour dig Thursday with a backhoe. An additional 200 cubic feet of ground touched by the contaminated soil was also treated.

Portions of the material were transported to secure locations on the site, according to Environmental Protection Agency Project Manager Anne E. Kelly. Crews also worked to repair the clay landfill cap breached during Mr. Thompson's excavation.

"Any damages that were created by yesterday's actions will be completely remediated by the end of the day," Ms. Kelly said. "The materials have been covered and managed so there's no release now."

Air monitoring stations were running nearby at the time of the excavation, Ms. Kelly said. Officials are still waiting to obtain that data.

"They will tell us if any (polychlorinated biphenyls) were released during the excavation," she said.

The contents exhumed during Mr. Thompson's dig varied, Ms. Kelly said.

"There were milk cartons and newspapers and PCB waste," she said.

On Thursday, Dana Leigh Thompson said her husband wanted the landfill removed because leaving it there was "environmental genocide" to the adjacent St. Regis Mohawk Reservation. The EPA still plans to keep the landfill there permanently despite Mr. Thompson's actions, Ms. Kelly said.

"Criminal activity is not going to change our determination," she said. "The actions yesterday were obviously contrary to the goal to reduce exposure."

According to a report on the EPA's website, the landfill contains PCB-laden sludge, foundry sand, soil, concrete, die casting machines and other solid industrial waste. GM, under the direction of EPA, capped it in 1987.

The EPA decided to leave the landfill there permanently nearly 20 years ago, Ms. Kelly said. Much of the GM site will be completely remediated by 2016, but 41 acres on or near the landfill will be restricted for redevelopment indefinitely and are suitable for "open space," according to an EPA-sponsored study completed last winter.

"EPA's remedy was selected through a regulatory process," she said.

A number of factors, including cost, community input and risk of contamination by removing the landfill factored into the EPA's decision to cap it and leave it there, Ms. Kelly said.

"If it's very difficult to control the exposure then that's deemed a risk," Ms. Kelly said. "Digging up a landfill could create a risk to contaminants."

EPA's decision to leave the landfill was not supported by the St. Regis Mohawk Tribe or other Native Americans at the time, Ms. Kelly said. But containing the landfill was determined to be the best course of action for hazardous materials within the landfill, she said.

"It has never been widely accepted by the Mohawk community that was a good solution," she said.

During his Thursday morning dig, Mr. Thompson also extracted a large industrial drum. Dumping drums

full of hazardous materials into a landfill is illegal, but this one was empty, Ms. Kelly said.

"There's no way of knowing when that was placed in the landfill," Ms. Kelly said. "I can't say with regard to the drum what was in it."

Mr. Thompson's actions are also not stopping the site's current owner, the Revitalizing Auto Communities Environmental Response Trust, from trying to market and redevelop the property.

"Thursday's events will not slow RACER's progress in cleaning up the property to be in full compliance with the rigorous requirements established by the US EPA. Nor will it weaken RACER's resolve to work with the broader Massena community, including the St. Regis Mohawk Tribe, to pursue the local community's vision for economic renewal," RACER spokesperson Mark Behan noted in a release. "We are relieved no one was injured in Thursday's events."

## Thompson Waits In Jail

By [BRIAN HAYDEN](#)

SATURDAY, AUGUST 13, 2011

MASSENA - Construction crews have been a common sight at the General Motors-Powertrain site this summer, as workers complete the demolition of the former automotive plant.

But when a backhoe showed up at the back corner of the property Thursday morning, employees there knew something was wrong.

Larry Thompson, who owns land adjacent to the GM site, entered the property and began digging into a 12-acre landfill with a backhoe in an attempt to remove it.

Mr. Thompson continued to be held Friday at the St. Lawrence County Correctional Facility on two felony charges of second degree criminal mischief and misdemeanor charges of second-degree reckless endangerment and resisting arrest. With bail set at \$100,000 cash or \$200,000 bond, Mr. Thompson is scheduled to appear for a preliminary hearing in Massena Town Court on Monday.

Workers at the scene, such as site manager David W. Grant, described unusual circumstances before the incident occurred.

"At approximately 8:45 a.m., I was notified by a hired contracting crew, Brandenburg, that two vehicles were observed parked on the Old State Route 37 embankment in a peculiar place. I went out to take a closer look at what was going on," he noted in court papers.

"I saw a black pick up truck with Mohawk Security written on door, and a red truck, both vehicles were occupied by males," he noted. "The black vehicle had a guy sitting in the passenger seat with army fatigues on. I took pictures of both these trucks and left the scene."

During a meeting with supervisors later this morning, Mr. Grant was notified of a breach in the rear fence that borders the St. Regis Mohawk Reservation.

"It appeared the backhoe entered through a hinged gate that is always locked," he noted.

After traveling to the landfill, Mr. Grant said he witnessed Mr. Thompson digging with the backhoe. He also witnessed "approximately six bystanders" digitally recording the event.

"I know that this landfill, which contains contaminated materials, was capped with clay years ago and was not to be disturbed," Mr. Grant said. "From preliminary assessments, I observed that the perimeter

fence was damaged ... the industrial landfill site had been breached with possible contamination present."

Daniel L. Kemp, a senior construction manager at the site, said he received a transmission from an employee that a backhoe had dumped soils into an on-site rail car. Trains have entered and exited the site throughout the summer, carting out scrap metal and other materials.

Mr. Kemp then advanced toward the landfill, and described being confronted by Mr. Thompson in his backhoe.

"As Larry was advancing toward my vehicle I could see he was mouthing the words 'move back now' repeatedly to me," he said in a statement he signed for police. "He had advanced the backhoe to within what I would guess to be one foot of the front of my vehicle."

After backing his vehicle up, Mr. Kemp said Mr. Thompson got out of the backhoe to talk to him.

"He then stated his opinion of the remedial action for the landfill and his view that the landfill had to go," Mr. Kemp said. "I told him that I understood his viewpoint but that this was not the avenue to take."

Eventually, Mr. Thompson re-entered the backhoe and continued digging, and state police arrived.

"Larry had locked himself into the cab of his backhoe and was digging for two hours before we were able to block off the open gate that Larry had entered through with a larger front end loader," Mr. Kemp said. "At that time Larry drove the backhoe through a section of the fence causing damage."

Shortly after that, state police were able to arrest Mr. Thompson and the standoff ended. Mr. Kemp was unsure of the exact cost of Thursday's incident.

"I do not know what the exact cost is going to be," he noted. "But in my personal opinion, I would believe it to be in the tens of thousands of dollars."

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#### OEX Processing Information

|                 |                     |
|-----------------|---------------------|
| Processed Date: | 08/22/2011 02:32 PM |
| Processed By    | Jacqueline Leavy    |
| PO Office       | Category:           |
| OEX             | CMS                 |
| Message Count   | 1                   |

01268-EPA-6850

**Richard  
Windsor/DC/USEPA/US**  
08/29/2011 07:46 AM

To Bob Perciasepe, "Scott Fulton", "Gina (Sheila) McCarthy",  
"Bob Perciasepe", "Seth Oster", Brendan Gilfillan, Janet  
McCabe, Laura Vaught, "Michael Goo"

cc

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

(b)(5) Deliberative

Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 08/29/2011 06:05 AM EDT  
**To:** Richard Windsor; "Scott Fulton" <Fulton.Scott@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan; Janet McCabe; Laura Vaught; "Michael Goo" <goo.michael@epa.gov>  
**Subject:** RE: Fw: Google Alert - lisa jackson epa

All

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : "Scott Fulton" <Fulton.Scott@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>  
Cc :  
Sent on : 08/28/2011 06:47:37 PM  
Subject : Fw: Google Alert - lisa jackson epa

Heads up. Can't read the whole article cause I'm not a subscriber. **(b)(5) Deliberative**

---

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 08/28/2011 10:38 PM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

[News](#)

1 new result for **lisa jackson epa**

### [An EPA Moratorium](#)

Wall Street Journal

As it happens, those 1990 amendments contain an overlooked proviso that would let Mr. Obama overrule **EPA** Administrator **Lisa Jackson's** agenda. With an executive order, he could exempt all power plants "from compliance with any standard or limitation" ...

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01268-EPA-6852

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

08/29/2011 11:26 AM

cc

bcc

Subject RE: Majority Leader's Memo to House Rs

this will create lots of jobs....

Sent with Good ([www.good.com](http://www.good.com))

----- Original Message -----

From : Richard Windsor/DC/USEPA/US

To : Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Cc :

Sent on : 08/29/2011 11:13:42 AM

Subject : Majority Leader's Memo to House Rs

**In case you haven't seen it...**

**MEMORANDUM**

TO: House Republicans

FR: Eric Cantor

DT: Monday, August 29, 2011

RE: Upcoming Jobs Agenda

As you know, we released The House Republican Plan for America's Job Creators earlier this year. While the debt crisis has demanded much of our attention, our new majority has passed over a dozen pro-growth measures to address the equally troubling jobs crisis, such as the Energy Tax Prevention Act and the Putting the Gulf of Mexico Back to Work Act. Aside from repeal of the 1099 reporting requirement in ObamaCare, however, each House Republican jobs bill now sits dormant in the Democrat-controlled Senate. You can view the progress of our jobs bills at [MajorityLeader.gov/JobsTracker](http://MajorityLeader.gov/JobsTracker).

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**REPEAL OF JOB-DESTROYING REGULATIONS TO CREATE MIDDLE CLASS**

## JOBS

Since passage of H.Res. 72 on February 11, our committee chairmen have been investigating and inventorying regulatory burdens to job creators. They've found many that have tied the hands of small business people and prevented job growth. By pursuing a steady repeal of job-destroying regulations, we can help lift the cloud of uncertainty hanging over small and large employers alike, empowering them to hire more workers.

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Therefore, under Chairman Dave Camp's leadership, the Ways and Means Committee will be exploring a number of ways to remove tax burdens for job creators and incentivize small businesses. These targeted efforts will not interfere with House Republicans' continued pursuit of fundamental tax reform, just as we proposed in our budget resolution this spring. Rather, the following proposals represent bipartisan and pro-growth steps that can be taken immediately to help businesses hire those struggling to find a job today.

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Beginning in 2013, federal, state, and local governments will be required to withhold three percent of all government payments made to contractors in excess of \$100 million. While the law has been delayed multiple times, its effect once implemented will be massive—causing accounting burdens on governments and potentially harmful cash flow disruptions for contractors and subcontractors across all sectors. Therefore, we will move quickly this fall to repeal this burdensome requirement and relieve construction contractors, medical providers, manufacturers, farmers, and many others providing goods and services under government

contracts of the uncertainty the impending law is creating.

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Small businesses employ about half of all Americans, yet President Obama is proposing federal tax rates that could take away more than 40 percent of their income. While the previous Democrat majority was pushing through their nearly \$1 trillion stimulus, we began work on a proposal to allow small business people to take a tax deduction equal to 20% of their income. The goal was simple—immediately free up funds for small business people to retain and hire new employees, and reinvest in and grow their businesses. In light of the stimulus's failure, and our current position in the majority, I expect the House to move quickly in the coming months on this common sense and pro-growth small business proposal to create middle-class jobs.

**FINAL THOUGHTS**

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See you next week.

Sincerely,  
Eric

01268-EPA-6853

**Richard  
Windsor/DC/USEPA/US**  
08/29/2011 11:41 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Majority Leader's Memo to House Rs

Yeah - getting my resume ready!  
Arvin Ganesan

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**Sent:** 08/29/2011 11:26 AM EDT  
**To:** Richard Windsor  
**Subject:** RE: Majority Leader's Memo to House Rs  
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01268-EPA-6854

Laura Vaught/DC/USEPA/US  
08/29/2011 12:27 PM  
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cc: Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Gina McCarthy, Mathy Stanislaus, Michael Goo, Scott Fulton, Seth Oster  
bcc:  
Subject: Re: Majority Leader's Memo to House Rs

There are no surprises on this list. The one thing that I would observe is (b)(5) Deliberative



Richard Windsor In case you haven't seen it... MEMOR... 08/29/2011 11:13:43 AM

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- **Grandfathered Health Plans (November/December):** We all remember when President Obama promised Americans that if they liked their health care plan they could keep it. Now, the Obama Administration has been issuing further restrictions against those previously protected plans. The result, by the Administration’s own estimates, will be a loss of 49 to 80 percent of small employer plans, 34 to 64 percent of large employer plans, and 40 to 67 percent of individual insurance plans. Meanwhile, employers losing their grandfathered status will face steep penalties, increasing their costs and negatively affecting wages and job growth. The Energy and Commerce, Ways and Means, and Education and Workforce committees will soon be working on legislation to repeal these ObamaCare restrictions.
- **Ozone Rule (Winter):** This effective ban or restriction on construction and industrial growth for much of America is possibly the most harmful of all the currently anticipated Obama Administration regulations. Consequences would reach far across the U.S. economy, resulting in an estimated cost of \$1 trillion or more over a decade and millions of jobs. Unlike her predecessors, EPA Administrator Lisa Jackson is pushing for a premature readjustment of the current ozone standards, dramatically increasing the number of “nonattainment” areas. The new readjustment rule is expected early this fall and I expect the Energy and Commerce Committee to act swiftly to prevent its implementation, in order to protect American jobs.
- **Farm Dust (Winter):** The EPA is expected to issue revised standards for particulate matter (PM) in the near future. Any downward revision to PM standards will significantly impact economic growth and jobs for businesses and people throughout rural America that create dust, like the farmer in Atkinson, Illinois, who raised his

concerns with the President at a town hall earlier this month. While the President may have sent him on a bureaucratic wild goose chase, the House will act promptly on H.R. 1633, the Farm Dust Regulation Prevention Act, sponsored by Rep. Kristi Noem (SD). H.R. 1633 would protect American farmers and jobs by establishing a one year prohibition against revising any national ambient air quality standard applicable to coarse PM and limiting federal regulation of dust where it is already regulated under state and local laws.

- **Greenhouse Gas (Winter):** The EPA's upcoming greenhouse gas new source performance standards (NSPS) will affect new and existing oil, natural gas, and coal-fired power plants, as well as oil refineries, nationwide. While the impact on the economy and jobs are likely to be severe, the rules are quickly moving forward, once again revealing the Administration's disregard for the consequences of their policies on our jobs crisis. Again, I expect Chairman Upton and the Energy and Commerce Committee to move swiftly in the coming months to protect American jobs and consumers.
- **NLRB's Ambush Elections (Winter):** This summer, the NLRB issued a notice of proposed rulemaking that could significantly alter current union representation election procedures, giving both employers and employees little time to react to union formations in the future. The result will increase labor costs and uncertainty for nearly all private employers in the U.S. The House will soon consider legislation that will bring common sense to union organizing procedures to protect the interests of both employers and their workers.

## **IMMEDIATE TAX RELIEF TO CREATE MIDDLE CLASS JOBS**

The second focus of our jobs agenda this fall and winter will pursue tax relief designed to help American employers create middle class jobs. Small businesses, in particular, are overburdened with taxes that destroy jobs and in a fragile economy, the worst thing government can do is impose tax increases that prevent small businesses from hiring. Instead, government should be focused on ways to enable businesses small and large to unlock more capital and create new jobs.

Therefore, under Chairman Dave Camp's leadership, the Ways and Means Committee will be exploring a number of ways to remove tax burdens for job creators and incentivize small businesses. These targeted efforts will not interfere with House Republicans' continued pursuit of fundamental tax reform, just as we proposed in our budget resolution this spring. Rather, the following proposals represent bipartisan and pro-growth steps that can be taken immediately to help businesses hire those struggling to find a job today.

### **3% Withholding Rule Repeal:**

Beginning in 2013, federal, state, and local governments will be required to withhold three percent of all government payments made to contractors in excess of \$100 million. While the law has been delayed multiple times, its effect once implemented will be massive—causing accounting burdens on governments and potentially harmful cash flow disruptions for contractors and subcontractors across all sectors. Therefore, we will move quickly this fall to

repeal this burdensome requirement and relieve construction contractors, medical providers, manufacturers, farmers, and many others providing goods and services under government contracts of the uncertainty the impending law is creating.

**20% Small Business Tax Deduction:**

Small businesses employ about half of all Americans, yet President Obama is proposing federal tax rates that could take away more than 40 percent of their income. While the previous Democrat majority was pushing through their nearly \$1 trillion stimulus, we began work on a proposal to allow small business people to take a tax deduction equal to 20% of their income. The goal was simple—immediately free up funds for small business people to retain and hire new employees, and reinvest in and grow their businesses. In light of the stimulus's failure, and our current position in the majority, I expect the House to move quickly in the coming months on this common sense and pro-growth small business proposal to create middle-class jobs.

**FINAL THOUGHTS**

In the weeks and months ahead, we will move aggressively on the items outlined above. But, our increased focus on the repeal of job-destroying regulations and pursuit of pro-growth tax relief will not distract from other equally important areas of our jobs agenda.

As he has promised in the past, we expect the President to transmit three vitally important trade agreements this fall. When he finally sends them our way, I will not hesitate to schedule them. In addition, the Senate has set up a vote on the House-passed patent reform bill next week. Increased movement in both of these areas on the part of the President and the Senate is welcomed. I hope the Senate and the President will join the House in acting on the other many pro-growth items we have already passed and will be passing in the coming months.

See you next week.

Sincerely,  
Eric

01268-EPA-6855

**Gina McCarthy/DC/USEPA/US** To Seth Oster, Richard Windsor, "Bob Perciasepe", Laura Vaught  
08/29/2011 01:13 PM cc "Aaron Dickerson", "Jose Lozano", Joseph Goffman  
bcc  
Subject Re: According to Reilly

Just waked thru the factsheet with Joe. Looks good but want to send along in 15-20 minutes with. A bit more concise talking points and [REDACTED] (b)(5) Deliberative

[REDACTED]  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 08/29/2011 12:58 PM EDT  
**To:** Richard Windsor; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Laura Vaught  
**Cc:** "Aaron Dickerson" <dickerson.aaron@epa.gov>; "Jose Lozano" <lozano.jose@epa.gov>  
**Subject:** Re: According to Reilly

We are all meeting now on this at this moment -- so the update helps. Gina is working on the fact sheet and we have some strategic suggestions that Bob P will call and describe to you momentarily.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 08/29/2011 12:55 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Laura Vaught  
**Cc:** "Aaron Dickerson" <dickerson.aaron@epa.gov>; "Jose Lozano" <lozano.jose@epa.gov>  
**Subject:** According to Reilly

[REDACTED] (b)(5) Deliberative [REDACTED] What is ETA on fact sheet? Aaron - can you arrange a call with me and David Campbell, Luminant CEO between 330 and 5 pm EST? Thx.

01268-EPA-6856

**Michael Moats/DC/USEPA/US**

08/29/2011 05:51 PM

To Richard Windsor, Seth Oster

cc Brendan Gilfillan, Betsaida Alcantara

bcc

Subject ACTION blog post

Administrator, I pulled this together this afternoon after talking to Seth and team about responding to some of the incoming we've been getting today. We're still looking it over, but would be glad to get your thoughts.

Mike

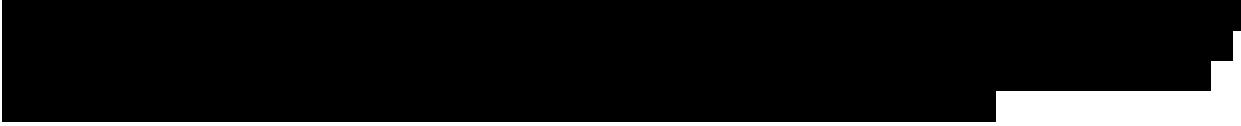
-----

**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6858

Gina McCarthy/DC/USEPA/US To Richard Windsor  
08/30/2011 09:44 AM cc Cynthia Giles-AA  
bcc  
Subject Fw: Dominion

Administrator - [REDACTED] (b)(5) Deliberative [REDACTED]

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 08/30/2011 08:39 AM EDT  
**To:** Cynthia Giles-AA  
**Cc:** Bob Perciasepe; Gina McCarthy; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Avi Garbow  
**Subject:** Re: Dominion  
Thanks Cynthia. Good thoughts.

[REDACTED] (b)(5) Deliberative [REDACTED]

[REDACTED] ?

[REDACTED] (b)(5) Deliberative [REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Cynthia Giles-AA I wanted to provide you with a brief up... 08/29/2011 07:24:17 PM

---

From: Cynthia Giles-AA/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 08/29/2011 07:24 PM  
Subject: Dominion

I wanted to provide you with a brief update regarding our work in connection with MATS prior to your meeting with Dominion on Wednesday.

[REDACTED] (b)(5) Deliberative [REDACTED]

(b)(5) Deliberative



Please let me know if you have any questions or would like additional information.

Cynthia

Cynthia Giles  
Assistant Administrator  
U.S. EPA, Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

01268-EPA-6860

Richard  
Windsor/DC/USEPA/US  
08/30/2011 02:59 PM

To "Seth Oster", "Bob Perciasepe"  
cc  
bcc  
Subject Blog

Will send the below to Cutter in 10 minutes...

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter, I believe there is a need to put context to EPA rules beyond their cost. I intend to mount a spirited defense of EPA, the Clean Air Act and protecting our air, water and land.

To that end, my staff has sent a blog I intend to post today. It is pasted below. Happy to discuss.

(b)(5) Deliberative



(b)(5) Deliberative



01268-EPA-6861

Richard  
Windsor/DC/USEPA/US  
08/30/2011 03:05 PM

To "Seth Oster", "Bob Perciasepe"  
cc  
bcc  
Subject Re: Blog

Unless you have a comment...  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 08/30/2011 02:59 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Blog

Will send the below to Cutter in 10 minutes...

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter, I believe there is a need to put context to EPA rules beyond their cost. I intend to mount a spirited defense of EPA, the Clean Air Act and protecting our air, water and land.

To that end, my staff has sent a blog I intend to post today. It is pasted below. Happy to discuss.

Thanks, Lisa

(b)(5) Deliberative

[REDACTED]

[REDACTED]

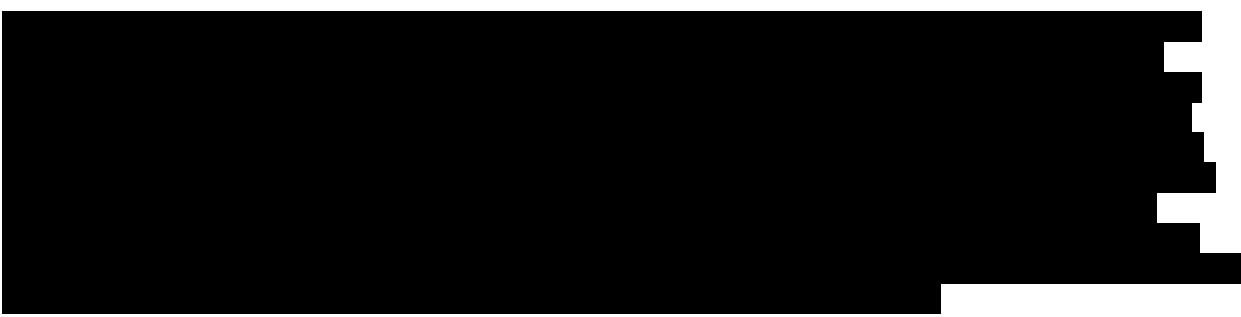
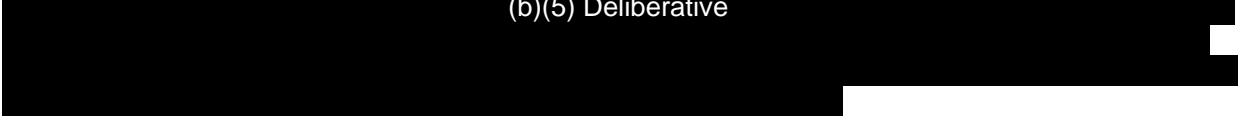
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)(5) Deliberative



01268-EPA-6862

**Gina McCarthy/DC/USEPA/US** To Richard Windsor, "Bob Perciasepe", "Scott Fulton", "Seth Oster", "Diane Thompson", "Bob Sussman"  
08/30/2011 04:40 PM cc Joseph Goffman  
bcc  
Subject Re: Luminant

FYI. More on Luminant that we will be developing a response to.

Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 08/30/2011 04:34 PM EDT  
**To:** Gina McCarthy; Sam Napolitano; Jeb Stenhouse; John Millett; Kevin McLean; Sonja Rodman  
**Subject:** Luminant

Pasted in below is an expurgated version of a report on what Luminant's mouthpieces are telling interested stakeholders. [REDACTED] (b)(5) Deliberative [REDACTED]  
[REDACTED]

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

- EFH's/Luminant's plan to file a law suit challenging the Cross-State Pollution rule this Thursday. - As most of you know, EFH has been complaining mightily about the cost of the rule to them and the amount of notice they received. Luminant will seek a temporary injunction in the DC Circuit Court.
- When I asked whether they were coordinating with the State of Texas and whether Texas would be filing an appeal also, he professed to not knowing.
- they were optimistic about getting the stay because the lawyers had uncovered the General Counsel had recommended not including Texas in the rule, but had been overruled by Administrator Jackson.

- about getting a 3 or 4 year "deferral" of the rule applying to them. He will ask that the application of this rule to them be timed to coincide with the MACT rule. If they would get the delay,
- said that they could promise to achieve 40 to 45% reductions in SO2 v. the 65% reductions Luminant claims is required by the Rule.
- They say that TX is responsible for 5% contribution of SO2 but is required to make 50% of the reductions.
- If the deferral is granted they will scrub Monticello.
- They will have a press release that will talk about the benefits of pollution regulations, but contrary to what I had requested, they will say nothing about the benefits of this rule. There will also issue a press release about their plans if they are not granted a stay. They will "idle" 2 of the three units of the Monticello and lay off more than 500 workers (mostly miners).
- ERCOT will file an affidavit in their petition for a stay.
- asked about whether they were going to buy allowance from other TX utilities that have already scrubbed there plants, he answered with a vague maybe.
- claims that the company has increase generation by 13% since 2007, reduced SO2 by 21% and NOx by 9%.
- the press statement will claim that the rule means the end of mining lignite in TX, even though they will continue to mine lignite at other plants.

01268-EPA-6863

Gina McCarthy/DC/USEPA/US

To Richard Windsor, "Bob Perciasepe", "Diane Thompson",  
"Seth Oster"

08/30/2011 04:54 PM

CC

bcc

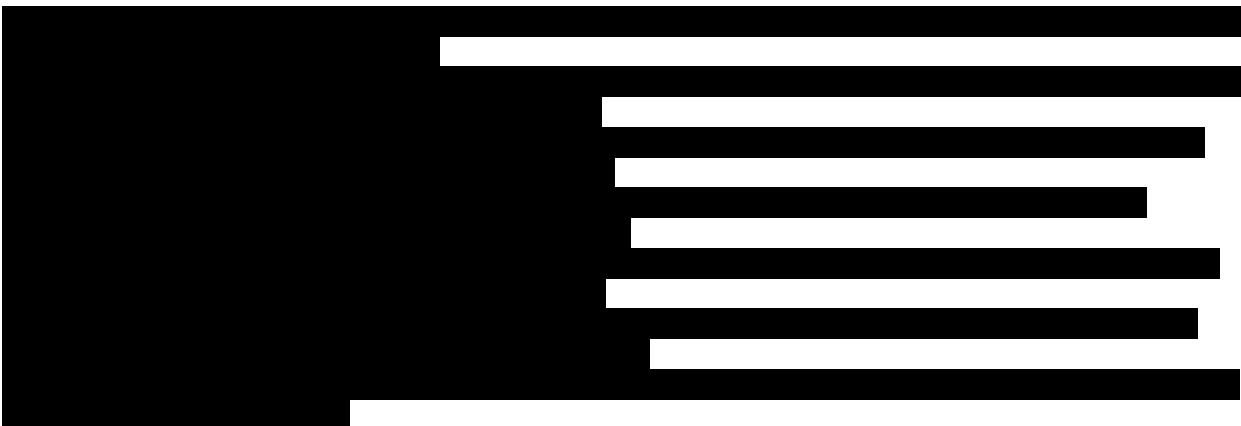
## Subject Luminant

Just an fyi if you have time to read

(b)(5) Deliberative

(b)(5) Deliberative

(b)(5) Deliberative



01268-EPA-6865

**Richard  
Windsor/DC/USEPA/US**  
08/30/2011 05:06 PM

To Bob Sussman, Gina McCarthy  
cc "Scott Fulton", Joseph Goffman, "Seth Oster", "Bob  
Perciasepe", "Bob Sussman", "Diane Thompson"  
bcc  
Subject Re: Luminant

(b)(5) Deliberative

?

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 08/30/2011 04:57 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; Joseph Goffman; "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Re: Luminant

Our meeting with Luminant CEO is on Thursday. (b)(5) Deliberative

?

. Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy FYI. More on Luminant that we will be d... 08/30/2011 04:40:14 PM

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From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Seth Oster" <oster.seth@epa.gov>, "Diane Thompson" <Thompson.Diane@EPA.GOV>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Cc: Joseph Goffman/DC/USEPA/US  
Date: 08/30/2011 04:40 PM  
Subject: Re: Luminant

FYI. More on Luminant that we will be developing a response to.

Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 08/30/2011 04:34 PM EDT  
**To:** Gina McCarthy; Sam Napolitano; Jeb Stenhouse; John Millett; Kevin McLean; Sonja Rodman  
**Subject:** Luminant

Pasted in below is an expurgated version of a report on what Luminant's mouthpieces are telling interested stakeholders. (b)(5) Deliberative

[REDACTED] (b)(5) Deliberative  
[REDACTED].

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

- EFH's/Luminant's plan to file a law suit challenging the Cross-State Pollution rule this Thursday. - As most of you know, EFH has been complaining mightily about the cost of the rule to them and the amount of notice they received. Luminant will seek a temporary injunction in the DC Circuit Court.
- When I asked whether they were coordinating with the State of Texas and whether Texas would be filing an appeal also, he professed to not knowing.
- they were optimistic about getting the stay because the lawyers had uncovered the General Counsel had recommended not including Texas in the rule, but had been overruled by Administrator Jackson.
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their plans if they are not granted a stay. They will "idle" 2 of the three units of the Monticello and lay off more than 500 workers (mostly miners).

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- claims that the company has increase generation by 13% since 2007, reduced SO2 by 21% and NOx by 9%.
- the press statement will claim that the rule means the end of mining lignite in TX, even though they will continue to mine lignite at other plants.

01268-EPA-6867

**Richard  
Windsor/DC/USEPA/US**  
08/30/2011 05:18 PM

To Gina McCarthy, "Bob Perciasepe", "Scott Fulton", "Seth Oster", "Diane Thompson", "Bob Sussman"  
cc Joseph Goffman  
bcc  
Subject Re: Luminant

Scott/Gina - [REDACTED]

(b)(5) Deliberative

[REDACTED]  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 08/30/2011 04:40 PM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>; "Diane Thompson" <Thompson.Diane@EPA.GOV>; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Cc:** Joseph Goffman  
**Subject:** Re: Luminant

FYI. More on Luminant that we will be developing a response to.  
Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 08/30/2011 04:34 PM EDT  
**To:** Gina McCarthy; Sam Napolitano; Jeb Stenhouse; John Millett; Kevin McLean; Sonja Rodman  
**Subject:** Luminant

Pasted in below is an expurgated version of a report on what Luminant's mouthpieces are telling interested stakeholders.

(b)(5) Deliberative

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

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Circuit Curt.

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01268-EPA-6868

Gina McCarthy/DC/USEPA/US To Richard Windsor  
cc  
08/30/2011 06:32 PM bcc  
Subject Re: Luminant

No clue.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 08/30/2011 05:06 PM EDT  
**To:** Bob Sussman; Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@epa.gov>; Joseph Goffman; "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Luminant

(b)(5) Deliberative

?

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 08/30/2011 04:57 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Scott Fulton" <Fulton.Scott@EPA.GOV>; Joseph Goffman; "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Re: Luminant

Our meeting with Luminant CEO is on Thursday.

(b)(5) Deliberative

. Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy FYI. More on Luminant that we will be d... 08/30/2011 04:40:14 PM

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From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@EPA.GOV>, "Seth Oster" <oster.seth@epa.gov>, "Diane Thompson" <Thompson.Diane@EPA.GOV>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Cc: Joseph Goffman/DC/USEPA/US  
Date: 08/30/2011 04:40 PM  
Subject: Re: Luminant

FYI. More on Luminant that we will be developing a response to.

Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 08/30/2011 04:34 PM EDT  
**To:** Gina McCarthy; Sam Napolitano; Jeb Stenhouse; John Millett; Kevin McLean; Sonja Rodman  
**Subject:** Luminant

Pasted in below is an expurgated version of a report on what Luminant's mouthpieces are telling interested stakeholders. [REDACTED] (b)(5) Deliberative [REDACTED]  
[REDACTED]

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

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01268-EPA-6869

Gina McCarthy/DC/USEPA/US

08/30/2011 06:32 PM

To Scott Fulton, Richard Windsor, "Bob Perciasepe", "Scott Fulton", "Seth Oster", "Diane Thompson", "Bob Sussman"  
cc Joseph Goffman, "Avi Garbow"  
bcc  
Subject Re: Luminant

(b)(5) Deliberative

Scott Fulton

----- Original Message -----

**From:** Scott Fulton  
**Sent:** 08/30/2011 05:19 PM EDT  
**To:** Gina McCarthy; Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Cc:** Joseph Goffman; "Avi Garbow" <garbow.avi@epa.gov>  
**Subject:** Re: Luminant

(b)(5) Deliberative

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 08/30/2011 04:40 PM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>; "Diane Thompson" <Thompson.Diane@EPA.GOV>; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Cc:** Joseph Goffman  
**Subject:** Re: Luminant

FYI. More on Luminant that we will be developing a response to.

Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 08/30/2011 04:34 PM EDT  
**To:** Gina McCarthy; Sam Napolitano; Jeb Stenhouse; John Millett; Kevin McLean; Sonja Rodman  
**Subject:** Luminant

Pasted in below is an expurgated version of a report on what Luminant's mouthpieces are telling interested stakeholders. (b)(5) Deliberative

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

- EFH's/Luminant's plan to file a law suit challenging the Cross-State Pollution rule this Thursday. - As most of you know, EFH has been complaining mightily about the cost of the rule to them and the amount of notice they received. Luminant will seek a temporary injunction in the DC Circuit Court.
- When I asked whether they were coordinating with the State of Texas and whether Texas would be filing an appeal also, he professed to not knowing.
- they were optimistic about getting the stay because the lawyers had uncovered the General Counsel had recommended not including Texas in the rule, but had been overruled by Administrator Jackson.
- about getting a 3 or 4 year "deferral" of the rule applying to them. He will ask that the application of this rule to them be timed to coincide with the MACT rule. If they would get the delay,
- said that they could promise to achieve 40 to 45% reductions in SO2 v. the 65% reductions Luminant claims is required by the Rule.
- They say that TX is responsible for 5% contribution of SO2 but is required to make 50% of the reductions.
- If the deferral is granted they will scrub Monticello.
- They will have a press release that will talk about the benefits of pollution regulations, but contrary to what I had requested, they will say nothing about the benefits of this rule. There will also issue a press release about their plans if they are not granted a stay. They will "idle" 2 of the three units of the Monticello and lay off more than 500 workers (mostly miners).
- ERCOT will file an affidavit in their petition for a stay.
- asked about whether they were going to buy allowance from other TX utilities that have already scrubbed their plants, he answered with a vague maybe.
- claims that the company has increased generation by 13% since 2007,

reduced SO<sub>2</sub> by 21% and NOx by 9%.

-the press statement will claim that the rule means the end of mining lignite in TX, even though they will continue to mine lignite at other plants.

01268-EPA-6870

**Richard  
Windsor/DC/USEPA/US**  
08/30/2011 07:02 PM

To Gina McCarthy  
cc Cynthia Giles-AA  
bcc  
Subject Re: Dominion

(b)(5) Deliberative

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 08/30/2011 09:44 AM EDT  
**To:** Richard Windsor  
**Cc:** Cynthia Giles-AA  
**Subject:** Fw: Dominion

Administrator -

(b)(5) Deliberative

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 08/30/2011 08:39 AM EDT  
**To:** Cynthia Giles-AA  
**Cc:** Bob Perciasepe; Gina McCarthy; Laura Vaught; Michael Goo; Richard Windsor; Scott Fulton; Avi Garbow  
**Subject:** Re: Dominion

Thanks Cynthia. Good thoughts.

I want to reinforce

(b)(5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Cynthia Giles-AA I wanted to provide you with a brief up... 08/29/2011 07:24:17 PM

From: Cynthia Giles-AA/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob

Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Laura  
Vaught/DC/USEPA/US@EPA  
Date: 08/29/2011 07:24 PM  
Subject: Dominion

I wanted to provide you with a brief update regarding our work in connection with MATS prior to your meeting with Dominion on Wednesday.

We are working closely and productively with Gina and OAR and OGC to evaluate potential options for EPA responding to concerns about reliability being raised by utilities with respect to their ability to meet the statutorily imposed MACT compliance deadlines. The options range from (b)(5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please let me know if you have any questions or would like additional information.

Cynthia

Cynthia Giles  
Assistant Administrator  
U.S. EPA, Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

01268-EPA-6871

Bob  
Perciasepe/DC/USEPA/US  
08/30/2011 08:59 PM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject Aother Study/Analysis showing no reliability problem

# Transmission Operator Predicts Little Reliability Impact From EPA Rules

Posted: August 29, 2011

A new report from PJM Interconnection, the nation's largest transmission operator, says system reliability is not threatened by coal-fired power plant retirements spurred by new EPA rules, despite coal industry claims that the impacts could be severe.

The report forecasts adequate -- even improved -- capacity margins despite the loss of thousands of megawatts of coal-fired electricity in the next two to three years from impending environmental regulations. The report also underscores the role of cleaner energy resources such as natural gas and demand response in bolstering reliability in the wake of the coal plant retirements.

The report comes amid continued debate among lawmakers, EPA and industry over the impacts of EPA regulations on power grid reliability. Senate Energy & Natural Resources Committee ranking member Lisa Murkowski (R-AK) recently pressed the Federal Energy Regulatory Commission (FERC) to examine the reliability implications of EPA rules and to report any findings that FERC and EPA have compiled on the impacts of the rules on the power system.

PJM is overseen by FERC as a federally designated regional transmission operator (RTO) and the new PJM report could help guide any FERC evaluation of the impact of EPA rules on reliability. [The PJM report](#), released Aug. 26, looks at "the finalized Cross State Air Pollution Rule (CSAPR) and proposed National Emissions Standards for Hazardous Air Pollutants (NESHAP)" issued by EPA, "affecting electric generating units, and coal-fired units in particular."

"PJM has been in the process of estimating the impacts of these rules on the

amount of coal-fired generating capacity that may retire, rather than install pollution control retrofits by examining the retrofit status of coal capacity by the age and size of coal-fired units," according to the report.

The report concludes that "even with almost 7,000 MW less coal capacity clearing for the 2014/2015 Delivery Year, PJM estimates the RTO will carry a reserve margin of 19.6 percent for the Delivery Year, including the demand and capacity commitments of [Fixed Resource Requirement] FRR entities."

The report notes that FRR entities in PJM's area of control include one of the largest coal-fired generators in the country, American Electric Power, which has announced 6,000 megawatts (MW) of coal retirements in response to CSAPR and NESHAP. Another large coal utility, Duke Energy, announced 1,000 MW of retirements due to the same EPA regulations. PJM noted that Duke Energy will be integrated into the RTO's region of control at the end of 2011.

PJM says the bright spot in these announcements are commitments to replace the lost capacity with gas-fired power plants. The added capacity from gas more than compensates for the lost capacity, the report says.

"Even with the potential retirement of coal capacity already announced by FRR entities, there are also announced commitments to replace a portion of that capacity with new gas-fired capacity such that the RTO would still carry a reserve margin at or above of the target 15.3 percent installed reserve margin," according to the report. "Add into the mix the potential for new entry from Demand Resources [demand response and storage], as has been the trend in recent years, and resource adequacy does not appear to be threatened."

PJM says the modeling used in this report could be applied to evaluate the grid impacts of other EPA rules.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6872

**Michael Moats/DC/USEPA/US** To Richard Windsor  
08/31/2011 12:09 PM cc Seth Oster  
bcc  
Subject ACTION blog post

Administrator, apologies for the urgent delivery. We've been working to get this as close to perfect as we can and incorporate other input. We think it's very close to ready, and wanted to get your ok on it. Thanks.

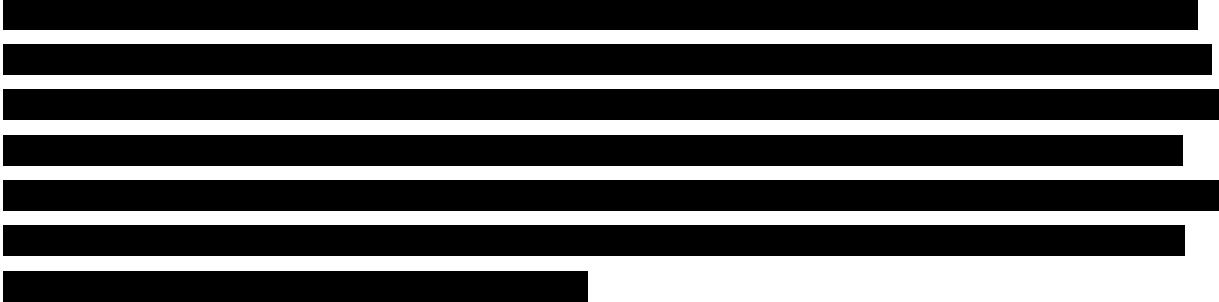
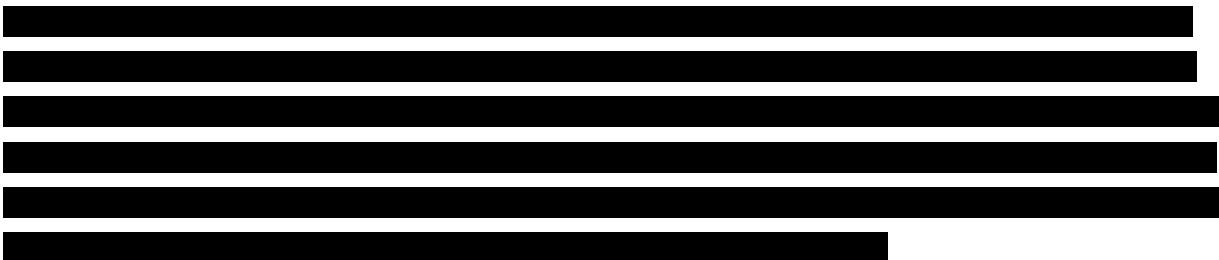
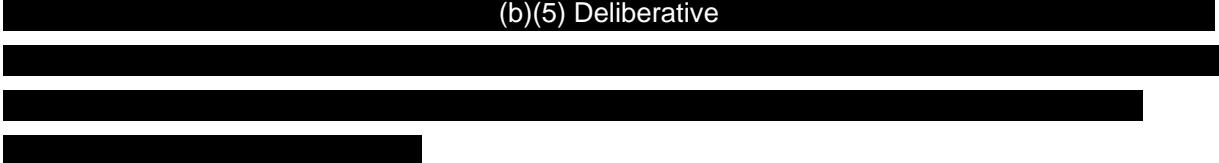
-----

**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



[REDACTED] (b)(5) Deliberative [REDACTED]  
[REDACTED]

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6875

Richard  
Windsor/DC/USEPA/US  
08/31/2011 01:50 PM

To Arvin Ganesan  
cc  
bcc  
Subject RE: NHSM rule

(b) (6) Privacy [REDACTED] ?

Arvin Ganesan

(b) (6) Privacy

08/31/2011 01:49:20 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US  
Date: 08/31/2011 01:49 PM  
Subject: RE: NHSM rule

(b) (6) Privacy [REDACTED]  
[REDACTED]

Sent with Good (www.good.com)

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA  
Cc :  
Sent on : 08/31/2011 01:42:50 PM  
Subject : Re: NHSM rule

all ok. [REDACTED] (b) (6) Privacy [REDACTED] ?

Arvin Ganesan Administrator: We're trying to get a mee... 08/31/2011 12:40:16 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US  
Date: 08/31/2011 12:40 PM  
Subject: NHSM rule

Administrator:

We're trying to get a meeting on the books with you in the next week or two with the head of the Steelworkers regarding the Non-Hazardous Secondary Materials Rule and the interplay with Boiler MACT.

[REDACTED] (b)(5) Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
(b)(5) Deliberative  
[REDACTED]  
[REDACTED]  
[REDACTED].

Thanks.

Arvin

Sent with Good ([www.good.com](http://www.good.com))

01268-EPA-6876

**Michael Moats/DC/USEPA/US** To Richard Windsor  
08/31/2011 02:17 PM cc  
bcc  
Subject ACTION blog edits

Administrator, those changes you asked for pasted below. Seth has OKed this. Let me know if you have additional changes you want. Thanks.

**DRAFT**

(b) (5) Deliberative



(b) (5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6877

Richard  
Windsor/DC/USEPA/US  
08/31/2011 03:16 PM

To Michael Moats  
cc Seth Oster  
bcc  
Subject Re: ACTION blog edits

great. see changes in caps below...please proofread one more time and get er done. tx.

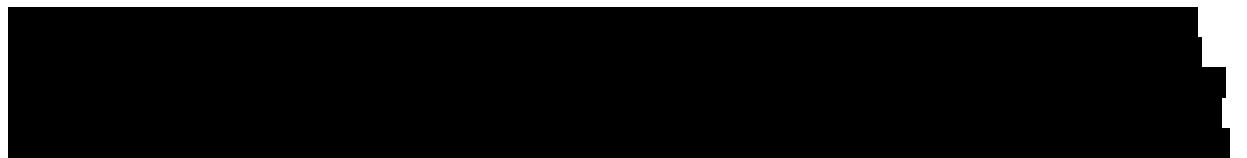
Michael Moats Administrator, those changes you ask... 08/31/2011 02:23:32 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 08/31/2011 02:23 PM  
Subject: ACTION blog edits

Administrator, those changes you asked for pasted below. Seth has OKed this. Let me know if you have additional changes you want. Thanks.

DRAFT

(b) (5) Deliberative



(b) (5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6878

Richard  
Windsor/DC/USEPA/US  
08/31/2011 04:08 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: NHSM rule

(b) (6) Privacy  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 08/31/2011 01:58 PM EDT  
**To:** Richard Windsor  
**Subject:** RE: NHSM rule

(b) (6) Privacy

Sent with Good (www.good.com)

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA  
Cc :  
Sent on : 08/31/2011 01:50:31 PM  
Subject : RE: NHSM rule

(b) (6) Privacy

Arvin Ganesan

(b) (6) Privacy

08/31/2011 01:49:20 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US  
Date: 08/31/2011 01:49 PM  
Subject: RE: NHSM rule

(b) (6) Privacy

Sent with Good (www.good.com)

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA  
Cc :  
Sent on : 08/31/2011 01:42:50 PM  
Subject : Re: NHSM rule

(b) (6) Privacy [REDACTED] ?

---

Arvin Ganesan      Administrator: We're trying to get a mee...      08/31/2011 12:40:16 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US  
Date: 08/31/2011 12:40 PM  
Subject: NHSM rule

---

Administrator:

We're trying to get a meeting on the books with you in the next week or two with the head of the Steelworkers regarding the Non-Hazardous Secondary Materials Rule and the interplay with Boiler MACT. [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks.

Arvin

Sent with Good (www.good.com)

01268-EPA-6881

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
08/31/2011 07:29 PM cc Seth Oster, Bob Perciasepe  
**bcc**  
**Subject** more on luminant . . .

(b) (6) Privacy

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 08/31/2011 07:25 PM -----

---

From: Joseph Goffman/DC/USEPA/US  
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Date: 08/31/2011 05:26 PM  
Subject: Fw: TXU's/Luminant's Aug 24 SEC filing

John Millett

----- Original Message -----

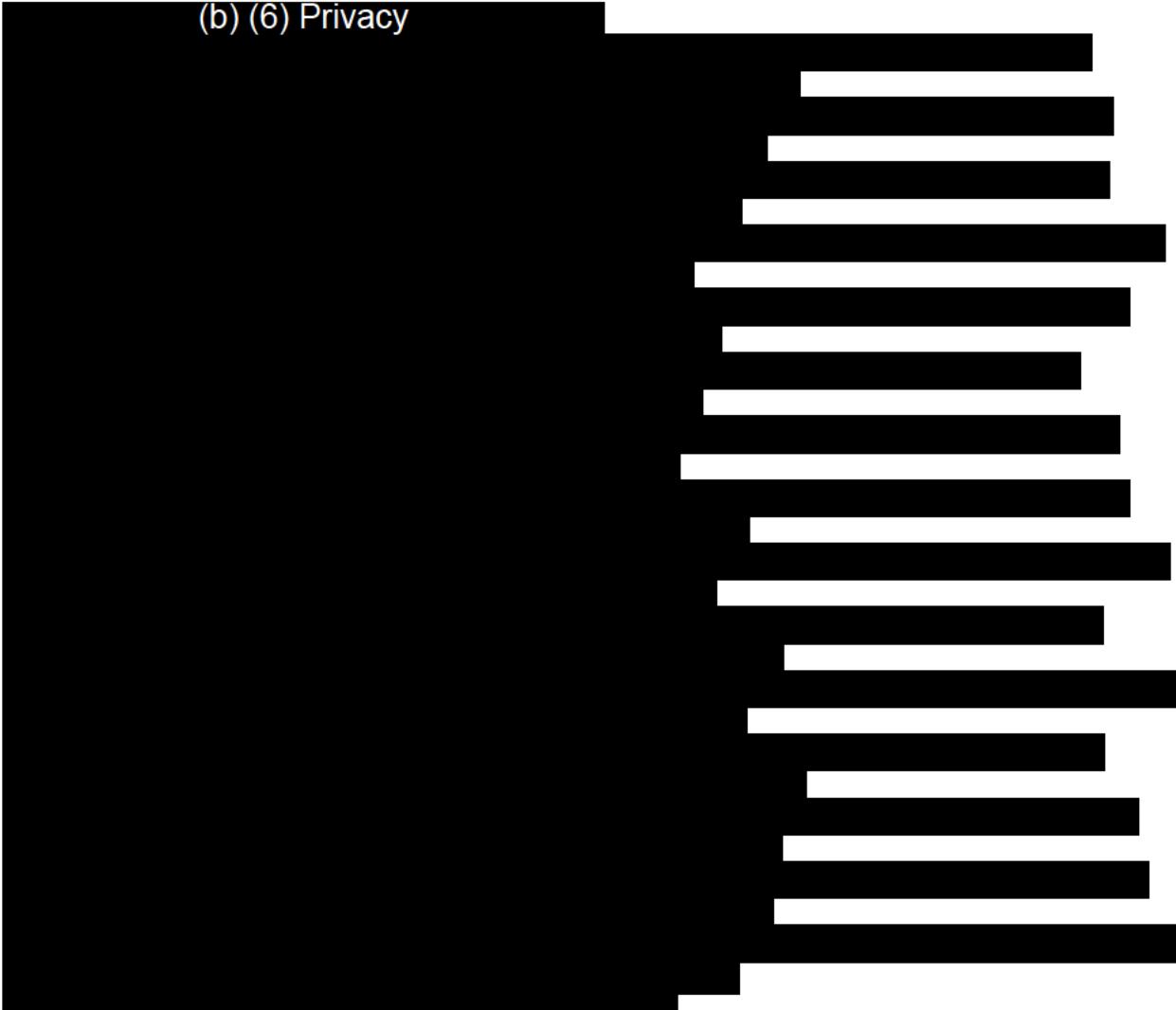
**From:** John Millett  
**Sent:** 08/30/2011 02:46 PM EDT  
**To:** Gina McCarthy; Joseph Goffman; Sam Napolitano; Jeb Stenhouse  
**Subject:** TXU's/Luminant's Aug 24 SEC filing

(b) (6) Privacy

(b) (6) Privacy



(b) (6) Privacy



(b) (6) Privacy



---

John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

01268-EPA-6882

**Bob Sussman/DC/USEPA/US**  
09/01/2011 11:00 AM

To Richard Windsor, Bob Perciasepe, Michael Goo, Laura  
Vaught  
cc Seth Oster  
bcc  
Subject EEI Comments

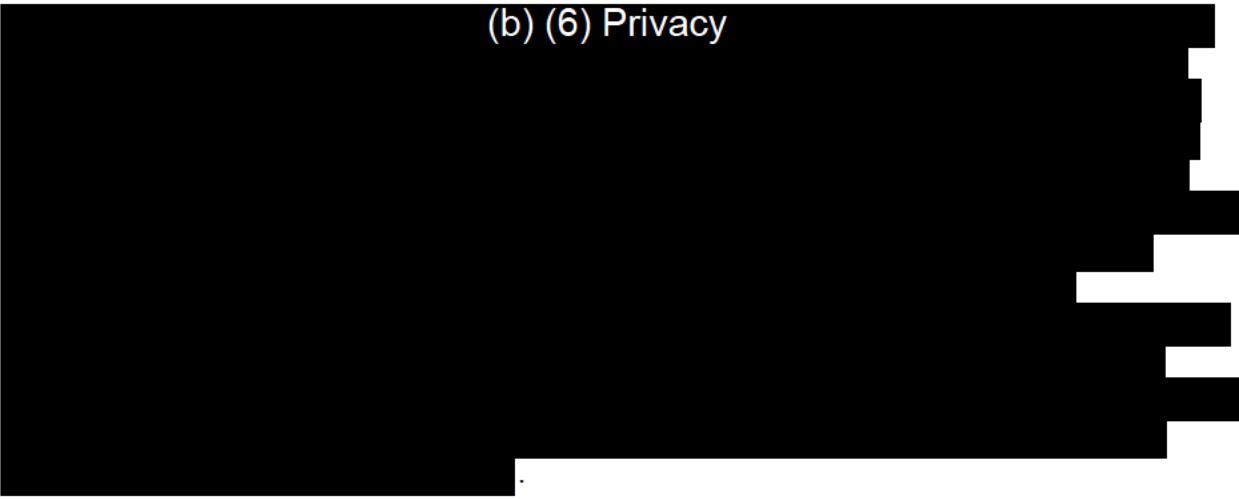
I have reviewed the EEI comments and am excerpting key passages below which I believe you should read. (The bold text is in the original).

(b) (6) Privacy

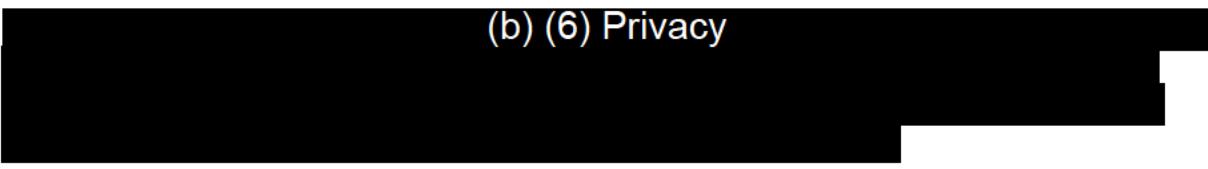


Here's the key text:

(b) (6) Privacy



(b) (6) Privacy



(b) (6) Privacy



Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-6883

Bob  
Perciasepe/DC/USEPA/US  
09/01/2011 01:23 PM

To Richard Windsor  
cc  
bcc  
Subject FW: Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

So they are basically saying that the short time frame makes it not possible to evaluate reliability so therefore they are representing several scenarios that each could have reliability consequences from their perspective. They are saying January 2012 as opposed to the roll up time in December of 2012 for the summer and March of 2013 for ant annual.

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 09/01/2011 01:23:59 PM-----

----- Original Message -----

From : Al Armendariz/R6/USEPA/US  
To : "Oster, Seth" <Oster.Seth@epamail.epa.gov>, Bob Perciasepe/DC/USEPA/US, "Sussman, Bob" <sussman.bob@epa.gov>, "McCarthy, Gina" <McCarthy.Gina@epamail.epa.gov>  
Cc :  
Sent on : 09/01/2011 12:11:25 PM  
Subject : Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

---

**From:** Rob Lawrence  
**Sent:** 09/01/2011 11:59 AM EDT  
**To:** Carl Edlund; David Gray; Al Armendariz; James Yarbrough; Lawrence Starfield; Thomas Diggs; William Luthans  
**Subject:** Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

FYI

---

**From:** "Gage, Theresa" [tgage@ERCOT.COM]  
**Sent:** 09/01/2011 03:38 PM GMT  
**To:** NEWS\_BULLETINS@LISTS.ERCOT.COM  
**Subject:** News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

## NewsRelease

September 01 2011

# ERCOT Reviews Impact of Cross State Air Pollution Rule

The Electric Reliability Council of Texas (ERCOT), the state grid operator and manager of the wholesale electric market, released today an evaluation of the potential impacts of the Environmental Protection Agency's (EPA) Cross State Air Pollution Rule on generation facilities in ERCOT, as requested by the Public Utility Commission in July 2011.

The report, "Impacts of the Cross-State Air Pollution Rule on the ERCOT System," is available on [www.ercot.com](http://www.ercot.com) in the News/Reports and Presentations section under Operations and System Planning.

Based on the information provided by the resource owners, ERCOT developed three scenarios of potential impacts from CSAPR:

§ The first scenario, derived directly from the compliance plans of individual resource owners, indicates that ERCOT will experience a generation capacity reduction of approximately 3,000 MW during the off-peak months of March, April, October and November, and 1,200 – 1,400 MW during the other months of the year, including the peak load months of June, July and August.

§ Scenario 2, which incorporates the potential for increased unit maintenance outages due to repeated daily dispatch of traditionally base-load coal units, results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 5,000 MW during the fall months of October, November and possibly into December.

§ Scenario 3 includes the impacts noted for Scenario 2, along with potential impacts from limited availability of imported low-sulfur coal. This scenario results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 6,000 MW during the fall months of October, November and possibly into December.

When the CSAPR rule was announced in July, it included Texas in compliance programs that ERCOT and its resource owners had reasonably believed would not be applied to Texas. In addition, the rule required implementation within five months – by January 2012. The implementation timeline provides ERCOT an extremely truncated period in which to assess the reliability impacts of the rule, and no realistic opportunity to take steps that could even partially mitigate the substantial losses of available operating capacity described in the scenarios examined in this report. In short, the CSAPR implementation date does not provide ERCOT and its resource owners a meaningful window for taking steps to avoid the loss of thousands of megawatts of capacity, and the attendant risks of outages for Texas power users.

The Electric Reliability Council of Texas, Inc., (ERCOT) manages the flow of electric power to approximately 23 million Texas customers - representing 85 percent of the state's electric load and 75 percent of the Texas land area. As the Independent System Operator for the region, ERCOT schedules power on an electric grid that connects 40,500 miles of transmission lines and more than 550 generation units. ERCOT also manages financial settlement for the competitive wholesale bulk-power market and administers customer switching for 6.6 million Texans in competitive choice areas. ERCOT is a membership-based 501(c)(4) nonprofit corporation, governed by a board of directors and subject to oversight by the Public Utility Commission of Texas and the Texas Legislature.

## Contact

Theresa Gage

512-225-7074

01268-EPA-6884

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
09/01/2011 01:45 PM cc  
bcc  
**Subject:** Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

Not cool.

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 09/01/2011 01:44 PM -----

From: Al Armendariz/R6/USEPA/US  
To: "Oster, Seth" <Oster.Seth@epamail.epa.gov>, Bob Perciasepe/DC/USEPA/US, "Sussman, Bob" <sussman.bob@epa.gov>, "McCarthy, Gina" <McCarthy.Gina@epamail.epa.gov>  
Date: 09/01/2011 12:11 PM  
Subject: Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

---

**From:** Rob Lawrence  
**Sent:** 09/01/2011 11:59 AM EDT  
**To:** Carl Edlund; David Gray; Al Armendariz; James Yarbrough; Lawrence Starfield; Thomas Diggs; William Luthans  
**Subject:** Fw: News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule  
FYI

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**From:** "Gage, Theresa" [tgage@ERCOT.COM]  
**Sent:** 09/01/2011 03:38 PM GMT  
**To:** NEWS\_BULLETINS@LISTS.ERCOT.COM  
**Subject:** News Release: ERCOT Reviews Impact of Cross State Air Pollution Rule

**NewsRelease**

September 01 2011

## ERCOT Reviews Impact of Cross State Air Pollution Rule

The Electric Reliability Council of Texas (ERCOT), the state grid operator and manager of the wholesale electric market, released today an evaluation of the potential impacts of the Environmental Protection Agency's (EPA) Cross State Air Pollution Rule on generation facilities in ERCOT, as requested by the Public Utility Commission in July 2011.

The report, "Impacts of the Cross-State Air Pollution Rule on the ERCOT System," is available on [www.ercot.com](http://www.ercot.com) in the News/Reports and Presentations section under Operations and System Planning.

Based on the information provided by the resource owners, ERCOT developed three scenarios of potential impacts from CSAPR:

- The first scenario, derived directly from the compliance plans of individual resource owners, indicates that ERCOT will experience a generation capacity reduction of approximately 3,000 MW during the off-peak months of March, April, October and November, and 1,200 – 1,400 MW during the other months of the year, including the peak load months of June, July and August.
- Scenario 2, which incorporates the potential for increased unit maintenance outages due to repeated daily dispatch of traditionally base-load coal units, results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 5,000 MW during the fall months of October, November and possibly into December.
- Scenario 3 includes the impacts noted for Scenario 2, along with potential impacts from limited availability of imported low-sulfur coal. This scenario results in a generation capacity reduction of approximately 3,000 MW during the off-peak months of March and April; 1,200 – 1,400 MW during the remainder of the first nine months of the year; and approximately 6,000 MW during the fall months of October, November and possibly into December.

When the CSAPR rule was announced in July, it included Texas in compliance programs that ERCOT and its resource owners had reasonably believed would not be applied to Texas. In addition, the rule required implementation within five months – by January 2012. The implementation timeline provides ERCOT an extremely truncated period in which to assess the reliability impacts of the rule, and no realistic opportunity to take steps that could even partially mitigate the substantial losses of available operating capacity described in the scenarios examined in this report. In short, the CSAPR implementation date does not provide ERCOT and its resource owners a meaningful window for taking steps to avoid the loss of thousands of megawatts of capacity, and the attendant risks of outages for Texas power users.

The Electric Reliability Council of Texas, Inc., (ERCOT) manages the flow of electric power to approximately 23 million Texas customers - representing 85 percent of the state's electric load and 75 percent of the Texas land area. As the Independent System Operator for the region, ERCOT schedules power on an electric grid that connects 40,500 miles of transmission lines and more than 550 generation units. ERCOT also manages financial settlement for the competitive wholesale bulk-power market and administers customer switching for 6.6 million Texans in competitive choice areas. ERCOT is a membership-based 501(c)(4) nonprofit corporation, governed by a board of directors and subject to oversight by the Public Utility Commission of Texas and the Texas Legislature.

### Contact

Theresa Gage 512-225-7074

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01268-EPA-6885

Gina McCarthy/DC/USEPA/US  
09/02/2011 09:53 AM  
**To:** Richard Windsor, perciasepe.bob, Sussman.bob, Fulton.Scott, oster.seth  
**cc**  
**bcc**  
**Subject:** Fw: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

FYI The Dominion news about upcoming plant closures is public. [REDACTED] (b) (5) Deliberative [REDACTED]

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/02/2011 09:50 AM -----

From: Andrea Drinkard/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 09/02/2011 09:43 AM  
Subject: Fw: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

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Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

----- Forwarded by Andrea Drinkard/DC/USEPA/US on 09/02/2011 09:44 AM -----

From: Betsaida Alcantara/DC/USEPA/US  
To: Michael Kulik/R3/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA  
Date: 09/02/2011 09:14 AM  
Subject: Re: Fw: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

HQ will put together a statement. Mick, let us know if you get media inquiries on this.

Michael Kulik FYI --Mick

09/02/2011 08:39:49 AM

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From: Michael Kulik/R3/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 09/02/2011 08:39 AM  
Subject: Fw: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

FYI  
--Mick

----- Forwarded by Michael Kulik/R3/USEPA/US on 09/02/2011 08:39 AM -----

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To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Daniel Ryan/R3/USEPA/US@EPA, Bonnie Smith/R3/USEPA/US, Michael Kulik/R3/USEPA/US@EPA, Terri-A White/R3/USEPA/US@EPA, Patrick Egan/R3/USEPA/US@EPA, David Arnold/R3/USEPA/US@EPA, Diana Esher/R3/USEPA/US@EPA, Stacie

Date: 09/02/2011 08:29 AM  
Subject: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

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Driscoll/R3/USEPA/US@EPA, Linda Miller/R3/USEPA/US@EPA, Donna Heron/R3/USEPA/US@EPA, David Sternberg/R3/USEPA/US@EPA, Lawrence Teller/R3/USEPA/US@EPA, Richard Killian/R3/USEPA/US@EPA

## Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

By [Peter Frost, pfrost@dailypress.com](#) | 247-4744

8:55 PM EDT, September 1, 2011

YORK — Dominion Virginia Power said Thursday that it plans to close a coal-fired power plant in Chesapeake by 2016 and shutter one of the two coal-fired units at its Yorktown Power Station by 2015 in response to an expected tightening of federal environmental regulations.

The utility's preliminary plans, outlined in its semiannual Integrated Resource Plan submitted to the Virginia State Corporation Commission, could result in the loss of 145 jobs in Chesapeake and dozens more in York over the next five years.

The move also could raise customers' rates over the long term and result in a loss of tax revenue for York County and the city of Chesapeake, said Jim Norvelle, a Dominion spokesman in Richmond.

The Yorktown Power Station, which has been open since 1957, sits along the York River near Seaford. It employs about 127 people and provides enough power for 88,750 homes.

Because of three proposed Environmental Protection Agency policy changes, the utility may be forced shutter the York station entirely by 2022, said J. David Rives, Dominion's senior vice president of fossil and hydro generation.

Rives stressed that the plans are not final and cautioned that they could change within the next two years, depending on the outcome of the three pending updates to EPA regulations.

### Top industrial polluters

Both local plants ranked among the state's biggest industrial polluters in 2009, according to the Toxic Release Inventory, a report released in March of this year that examines water, air and land pollution.

The Yorktown Power Station held the 10<sup>th</sup> spot on the list with annual emissions of 1.32 million pounds, down from 1.39 million pounds a year earlier.

The Chesapeake Energy Center, which opened in 1953 on the Elizabeth River, was Virginia's

fourth-biggest polluter in 2009, releasing 2.18 million pounds of toxins, according to the report.

While Dominion insists each plant meets current environmental standards, the company acknowledges that both of the aging plants — each of which is more than 50 years old — eventually would need to be replaced.

Either way, Norvelle said, customers' rates are expected to rise.

"We'll have to make additional investments regardless of the outcome," Norvelle said. "If you look at the choices we have to make, do you invest in the power station that's more than 50 years old that's working on a short life span, or do you invest in a new power station that will be open for 40 to 60 more years?"

Employees at both Hampton Roads plants were informed of the utility's plans this week.

"This is a huge cultural shift for any utility," Rives said. "For us to enter a mode where we're actually putting plants down is a pretty traumatic thing. We're still working through all of this and we have not given (employees) any numbers (on job cuts) because frankly we don't have them yet."

Shutting the plants also could hurt tax revenues in York and Chesapeake. In 2010, Dominion paid York \$2.4 million in taxes, the bulk of which came from the power station, Norvelle said. The company paid the city of Chesapeake \$7.4 million taxes last year.

Dominion's plan to close the plants was cheered by environmental groups, including the Virginia chapter of the Sierra Club.

"We're very pleased that they're deciding to retire these ancient plants, each of which presents serious health risks to Hampton Roads," said Glen Besa, director of the Sierra Club's Virginia chapter. "On the other hand, we're still looking for Dominion to invest more on renewable energy, particularly solar and wind power."

### **EPA's proposed changes**

The EPA's three policy updates, all in draft form, would tighten regulations on power plants, particularly those that use coal as a primary fuel to generate electricity.

Two of the updates include proposed air-quality standards that would require power companies to reduce the emission of toxins like nitrous oxide, mercury and sulfur dioxide. A third proposed policy change, the most problematic for the York plant, deals with the water the plant discharges into the York River.

To comply with the new standards, Dominion would be required to install various types of equipment like closed-loop cooling towers, scrubbers and filters that could cost up to \$1 billion, Rives said.

Dominion has submitted comments on each of the proposals, "parts of which we think are reasonable, parts that are not," Rives said. Nonetheless, he said, the utility is pursuing the plan to shutter the two local facilities as if the new regulations will be enacted.

Since both local plants were built before 1960, the cost of making the upgrades is prohibitive, Rives said. For comparison, Rives highlighted Dominion's proposal to build a new natural gas-powered plant in Warren County that would generate about twice as much electricity at a cost of about \$1.1 billion. That plan is pending with state regulators.

"Based on what we know at this time, it's best for the rate-payer that we not invest in these old facilities," Rives said.

Instead, the utility is floating a plan to build two additional natural gas-fired power stations in Virginia between 2016 and 2019. Dominion has not identified sites for either plant.

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Roy Seneca  
EPA Region 3 Press Officer  
Office of Public Affairs  
[seneca.roy@epa.gov](mailto:seneca.roy@epa.gov)  
(215) 814-5567

01268-EPA-6886

**Richard  
Windsor/DC/USEPA/US**      To Gina McCarthy  
 09/02/2011 09:53 AM      cc  
 bcc  
**Subject:** Re: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022

Lead time is good.  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 09/02/2011 09:53 AM EDT  
**To:** Richard Windsor; perciasepe.bob@epa.gov; Sussman.bob@EPA.GOV; Fulton.Scott@EPA.GOV; oster.seth@epa.gov  
**Subject:** Fw: Newport News Daily Press (9-2) Dominion plans to shutter Yorktown and Chesapeake power plants between 2015 and 2022  
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 Email: drinkard.andrea@epa.gov  
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Roy Seneca  
EPA Region 3 Press Officer  
Office of Public Affairs  
[seneca.roy@epa.gov](mailto:seneca.roy@epa.gov)  
(215) 814-5567

01268-EPA-6887

Richard  
Windsor/DC/USEPA/US  
09/05/2011 05:26 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: The New York Times: A Debate Arises on Job Creation and Environment

Great. Tx.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/05/2011 05:24 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster  
**Subject:** The New York Times: A Debate Arises on Job Creation and Environment

Below is a story written by the nytimes environmental reporter and a business reporter on jobs and environmental regulation. We provided a great deal of information on background, including our jobs analysis "white paper" that OP put together for Waxman, the Ceres reports, the Congressional Research Service report, and our analysis of the cement mact which showed a net jobs gain. Several of these pieces were cited in the article.

Story:

#### A Debate Arises on Job Creation and Environment

By MOTOKO RICH and JOHN BRODER

Published: September 05, 2011

Do environmental regulations kill jobs?

Republicans and business groups say yes, arguing that environmental protection is simply too expensive for a battered economy. They were quick to claim victory Friday after the Obama administration abandoned stricter ozone pollution standards.

Many economists agree that regulation comes with undeniable costs that can affect workers. Factories may close because of the high cost of cleanup, or owners may relocate to countries with weaker regulations.

But many experts say that the effects should be assessed through a nuanced tally of costs and benefits that takes into account both economic and societal factors. Some argue that the costs can be offset as companies develop cheaper ways to clean up pollutants, and others say that regulation is often blamed for job losses that occur for different reasons, like a stagnant economy. As companies develop new technologies to cope with regulatory requirements, some new jobs are created.

What's more, some economists say, previous regulations, like the various amendments to the Clean Air Act, have resulted in far lower costs and job losses than industrial executives initially feared.

For example, when the Environmental Protection Agency first proposed amendments to the Clean Air Act aimed at reducing acid rain caused by power plant emissions, the electric utility industry warned that they would cost \$7.5 billion and tens of thousands of jobs. But the cost of the program has been closer to \$1 billion, said Dallas Burtraw, an economist at Resources for the Future, a nonprofit research group on the environment. And the E.P.A., in a paper published this year, cited studies showing that the law had been a modest net creator of jobs through industry spending on technology to comply with it.

The question of just how much environmental regulation hurts jobs is a particularly delicate one as leaders in Washington debate the best ways to address the nation's stubbornly high unemployment rate. As President Obama prepares for an important speech on Thursday focusing on job creation,

Republicans are pushing for a rollback in environmental regulations that they say saddle companies with onerous costs that curtail jobs without leading to significant improvement in environmental or public health.

Part of the problem in evaluating the costs of regulation is that there have been few systematic studies of such costs after regulations are imposed.

"Regulations are put on the books and largely stay there unexamined," said Michael Greenstone, an economist at the Massachusetts Institute of Technology. "This is part of the reason that these debates about regulations have a Groundhog's Day quality to them."

Mr. Greenstone has conducted one of the few studies that actually measure job losses related to environmental rules. In researching the amendments to the Clean Air Act that affected polluting plants from 1972 and 1987, he found that those companies lost almost 600,000 jobs compared with what would have happened without the regulations.

But Mr. Greenstone has also conducted research showing that clean air regulations have reduced infant mortality and increased housing prices, and indeed many economists argue that job losses should not be considered in isolation. They say the costs of regulations are dwarfed by the gains in lengthened lives, reduced hospitalizations and other health benefits, and by economic gains like the improvement to the real estate market.

Business groups also tend to cite regulation even if other factors are involved, critics say. The cement industry is currently warning that as many as 18 of the 100 cement plants currently operating in the United States could close down because of proposed stricter standards for sulfur dioxide and nitrogen oxide emissions, resulting in the direct loss of 13,000 jobs.

An E.P.A. analysis of the proposed rules projects a much smaller effect, ranging from as few as 600 jobs lost to 1,300 jobs actually added in companies that make cleaner equipment.

Some cement plants could be at risk simply because of the economy. With the housing market on its knees, demand for cement is down by about 40 percent from its prerecession peak. According to Andy O'Hare, vice president for regulatory affairs at the Portland Cement Association, a trade group, about a third of the cement plants in the country are being shut off every other month.

That's precisely why imposing new regulations right now could be tricky. "Even if these rules have benefits that justify the costs, there is still a separate question on when is the right time to impose these regulations," said John Graham, dean of the Indiana University School of Public and Environmental Affairs and the head of the White House Office of Information and Regulatory Affairs under President George W. Bush. "These benefits, which are often quite substantial, tend to be long term before they are incurred. They don't necessarily help in this short-term precarious situation that we're in."

As much as timing, many companies are seeking clarity, saying they are more concerned about knowing what the rules are - and when and how much they will change - than eliminating the rules altogether.

"The environmental regulations are a moving target," said Spencer Weitman, president of the National Cement Company of Alabama, a cement maker in Ragland, Ala. The company has suspended a \$350 million project to build a new kiln because, it says, it cannot figure out which of three proposed standards it must meet. The firm has been cited by House Republicans as a case study in how environmental rules kill jobs, as National Cement estimated that it would take about 1,500 construction workers to build the kiln and then 20 to operate it on a permanent basis.

Mr. Weitman said the company, which has been asking the E.P.A. for clarification, worried that it would not be able to afford the technology required to comply with new standards. But, he said, "we agree that we need to protect the environment and we need regulations in place to make sure that we all do it right. That's not the argument that we're coming up with. We do need regulations that are achievable and that make sense."

For now, the Obama administration is moving ahead with plans for a number of other environmental rules, including regulations governing industrial emissions that cross state lines and toxic air pollution from power plants and factory boilers.

In issuing new regulations, the administration says it weighs job creation and economic growth as carefully as it does health, safety and environmental impacts, a commitment enshrined in an executive order signed by the president earlier this year.

House Republicans say the administration is engaged in a spasm of rule-making that is retarding the nation's economy and exacerbating persistently high unemployment. They have announced plans to review and repeal a catalog of environmental, labor and health care rules beginning this week.

Finding a middle ground is difficult, especially in the midst of heated political wrangling over how to cope with the sputtering economy. Businesses are focusing almost entirely on the costs. Environmental groups,

meanwhile, tally up the benefits without paying much heed to the costs.

"My view is that the Republican claim that 'job-killing regulation' is a redundancy is as ridiculous as the left-wing view that 'job-killing regulation' is an oxymoron," said Cass Sunstein, head of the White House Office of Information and Regulatory Affairs. "Both are silly political claims that have no place in a serious discussion."

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/03/2011 02:05 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster  
**Subject:** The New York Times Editorial: A Bad Call on Ozone  
EDITORIAL  
A Bad Call on Ozone

Published: September 03, 2011

President Obama's decision not to proceed with stronger air-quality standards governing ozone is a setback for public health and the environment and a victory for industry and its Republican friends in Congress.

In a terse, three-paragraph statement Friday morning, the president said he did not want to burden industry with new rules at a time of great economic uncertainty, and he pledged to revisit the issue in two years. But since the proposed rules would not have begun to bite for several years, his decision seemed driven more than anything else by politics and his own re-election campaign.

Ozone is the main component of smog, a leading cause of respiratory and other diseases. The standards governing allowable ozone levels of ozone in communities across the country have not changed since 1997. In 2008, the Bush administration proposed a new standard that was a good deal weaker than the recommendations of the E.P.A.'s science advisers and were promptly challenged in courts by state governments and environmental groups.

This summer, Lisa Jackson, the administrator of the Environmental Protection Agency, sent a new and stronger standard to the White House - igniting a fierce lobbying campaign by industry groups asserting that the standards would require impossibly costly investments in new pollution controls and throw people out of work. Industry has made these arguments before. They almost always turn out to be exaggerated. The president sought to assuage Ms. Jackson by reminding her that a host of other environmental rules approved or in the works - including mandating cleaner cars and fewer power plant emissions of mercury and other pollutants - would do much to clean the air. All true. But there is still no excuse for compromising on public health and allowing politics to trump science.

Betsaida Alcantara

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**Sent:** 09/03/2011 02:03 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster  
**Subject:** NYTimes: Stung by the President on Air Quality, Environmentalists Weigh Their Options  
Stung by the President on Air Quality, Environmentalists Weigh Their Options

By LESLIE KAUFMAN

Published: September 3, 2011

For environmental groups, it was the final hard slap that brought a long-troubled relationship to the brink.

In late August, the State Department gave a crucial go-ahead on a controversial pipeline<<http://www.nytimes.com/2011/08/27/business/energy-environment/us-state-department-to-allow-canadian-pipeline.html>> to bring tar sands oil from Canada to the Gulf Coast. Then on Friday, leading into the holiday weekend, the Obama administration announced without warning that it was walking away from stricter ozone pollution standards<<http://www.nytimes.com/2011/09/03/science/earth/03air.html>> that it had been promising for three years and instead sticking with Bush-era standards.

John D. Walke, clean air director of the Natural Resources Defense Council, an advocacy group based in New York, likened the ozone decision to a "bomb being dropped."

Mr. Walke and representatives of other environmental groups saw the president's actions as brazen political sellouts to business interests and the Republican Party, which regards environmental regulations as job killers and a brick wall to economic recovery.

The question for environmentalists became, what to do next?

"There is shock and chaos here," Mr. Walke said, "so I do not know. I can't answer that question." But he added that his group would resume a smog lawsuit against the government that it had dropped because it had been lulled into believing that this administration would enact tougher regulations without being forced to do so by the courts.

Political analysts watching the Obama administration's pullback from the environmental agenda this past month say that in the current climate there is little chance that environmentalists or their allies will ever side with the Republicans. After all, the Republican-led House of Representatives has been aggressively moving to curtail protections for endangered species and regulations for clean air and water, and most of the Republican presidential candidates have been intensely critical of any government effort to address climate change<<http://topics.nytimes.com/top/news/science/topics/globalwarming/index.html?inline=nyt-classifier>>.

Still, they say, the president could face political repercussions in subtler but nevertheless corrosive ways: from losing volunteer enthusiasm to tying up his allies in fights with him instead of with his enemies.

"Energy from part of the base will now be directed at communicating with the White House and not with the public about the administration's record," said Daniel J. Weiss, director of climate strategy at the Center for American Progress, a liberal research group with close ties to the White House.

And Justin Ruben, executive director of <<http://front.moveon.org>> MoveOn.org<<http://MoveOn.org>>, a five-million-member online progressive political organization that played a significant role in President Obama<[http://topics.nytimes.com/top/reference/timestopics/people/o/barack\\_obama/index.html?inline=nyt-per](http://topics.nytimes.com/top/reference/timestopics/people/o/barack_obama/index.html?inline=nyt-per)>'s election in 2008, said he was sure that his members would be deflated.

"How are our members in Ohio and Florida who pounded the pavement in 2008 going to make the case for why this election matters?" Mr. Ruben said. "Stuff like this is devastating to the hope and passion that fuels the volunteers that made the president's 2008 campaign so unique and successful."

Anthony Leiserowitz, director of the Yale Project on Climate Change Communication, who does extensive work on public perception and the environment, said the real threat to the president's reputation stemming from the ozone decision went far beyond environmentalists.

"It could play into an emerging narrative in his own party that he is caving too quickly to Republican pressure," Dr. Leiserowitz said. "It is a dangerous narrative in your own base because it cuts down on enthusiasm and it is a narrative that his opponents will pick up on."

In fact, it is a lesson that some environmental groups have already learned, and they are preparing to act

accordingly.

"I think that two-plus years into Obama's presidency is more than enough time for him to have established a clear weak record," said Kierán Suckling, executive director of the Center for Biological Diversity, which has been battling the president on endangered species.

"The environmental movement needs to keep piling the pressure on and realizing playing nicey-nice won't work," Mr. Suckling said, adding that more public actions and lawsuits are the way to get Mr. Obama's attention.

His is not the only group going this way, but so far it is unclear that protests are being heard.

All last week across the street from the White House, Bill McKibben, a founder of <<http://www.350.org>> >[350.org](http://350.org)<<http://350.org>>, a grass-roots organization that advocates limiting carbon emissions, staged demonstrations to protest the Keystone XL pipeline, which would bring the tar sands oil from Canada.

As of Friday, Mr. McKibben said, more than a thousand people had been arrested in the previous days of protest, including Obama campaign staff members from 2008. Yet, he said of the White House, "we heard not one word from them."

One of those former campaign workers who was arrested was Courtney Hight, who was the youth vote director in Florida in 2008. She offered an explicit warning: "If the president decides not to permit the pipeline, he will reignite the enthusiasm many of my friends and I felt in 2008. But if he approves it, it is just human nature that the disappointment will sap the enthusiasm that drove us to work so hard last time."

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/02/2011 06:35 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster  
**Subject:** Politico: Obama blindsides enviros - and his own EPA  
Obama blindsides enviros - and his own EPA

By Robin Bravender  
9/2/11 5:45 PM EDT

Leaders of environmental and public health groups arrived at the White House Friday morning for what was supposed to be a look-ahead at the fall energy and environment agenda.

What they got instead was a rude awakening.

Administration officials told the stunned enviros that President Barack Obama was pulling the plug on plans to tighten Bush-era ozone standards – standards Obama's own EPA chief has previously declared "not legally defensible."

The environmentalists may have been the last to know, but not by much; an administration official told POLITICO that the White House didn't notify the EPA of the decision until Thursday – and that EPA officials were not involved in the decision-making process.

The EPA was "completely blindsided by this," said John Walke, clean air director at the Natural Resources Defense Council.

As recently as last month, EPA lawyers were asking a federal appellate court in Washington to delay litigation over the Bush-era ozone standard because a new Obama ozone rule was just around the corner.

But on Friday, Obama announced that he was asking EPA Administrator Lisa Jackson to put the new rule on ice – characterizing the decision as part of a larger effort aimed at “reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.”

The about-face has environmentalists and other progressives fuming.

“Many MoveOn members are wondering today how they can ever work for President Obama’s reelection, or make the case for him to their neighbors, when he does something like this, after extending the Bush tax cuts for the rich, and giving in to Tea Party demands on the debt deal,” MoveOn’s executive director, Justin Ruben said in a statement. “This is a decision we’d expect from George W. Bush.”

The White House quickly deflected suggestions that the president had caved into Republican pressure with the 2012 election looming. “This has nothing to do with politics, nothing at all,” one White House official told reporters Friday on a conference call.

But it’s hard to avoid that impression after industry and congressional Republicans launched an aggressive campaign to convince the administration to drop the standards. Major business groups have warned that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy – with an estimated cost of up to \$90 billion annually – and that a new rule would hurt Obama’s reelection bid.

In 2008, the Bush administration tightened the ozone limits from 84 parts per billion to 75 parts per billion, despite scientific advisers’ recommendations to issue a standard that would have taken the limits down to the 60 to 70 parts per billion range.

In January 2010, the Obama EPA proposed moving down to the 60 to 70 parts per billion when averaged over an eight-hour period.

Jackson wrote that she had decided to reconsider the rule based on concerns that the Bush-era standards were “not legally defensible,” given the scientific evidence and the recommendations of the EPA’s independent science advisers.

The EPA sent a final rule to the White House in July for final review. Many observers speculated that the administration would try to appease both sides with a final standard of 70 parts per billion – more than environmentalists wanted, but less than industry feared.

And in fact, an administration source said Friday, the standard the EPA sent to the White House was set at the upper end of the range Obama’s EPA had suggested nearly two years ago.

But even that was apparently too much. With Obama’s approval ratings sinking, with Republicans on the warpath about the burden of environmental regulations – and on a day the administration had to announce that the economy created no new jobs in August – Obama announced that he was abandoning the new ozone rule.

“I want to be clear: My commitment and the commitment of my administration to protecting public health and the environment is unwavering,” he insisted. “I will continue to stand with the hardworking men and women at the EPA as they strive every day to hold polluters accountable and protect our families from harmful pollution. And my administration will continue to vigorously oppose efforts to weaken EPA’s authority under the Clean Air Act or dismantle the progress we have made.”

Environmentalists are skeptical.

“I think obviously the administration has done some great things,” said Tiernan Sittenfeld, the League of

Conservation Voters's senior vice president for government affairs. "But there's also been some real disappointments, and today's ozone announcement is at the top of the list."

Industry officials and Republican leaders crowded about the news. "This sudden admission by President Obama that ill-considered regulations do, in fact, have a negative impact upon our economy is a welcome breakthrough," Rep. Fred Upton (R-Mich.), chairman of the House Energy and Commerce Committee, and Ed Whitfield (R-Ky.), chairman of its Energy and Power Subcommittee, said in a statement. "With the president's change of heart on regulations, we welcome his support in having our pro-jobs and pro-growth measures signed into law."

Jeff Holmstead, an industry attorney and former EPA air chief during the George W. Bush administration, said he was surprised by the fact that Obama took the credit – or the blame – for yanking the rule himself.

"I expected that EPA would quietly withdraw the ozone rule without any fanfare," he said in a statement. "The political folks at the White House must believe that the president needs to show that he is concerned about too much regulation from EPA."

The administration could now be put in the awkward position of defending the Bush-era rule in a federal appeals court, despite Jackson's statement that it's "not legally defensible."

Litigation over the 2008 rules has been put on hold while the EPA pledged to reconsider the standards. EPA has repeatedly asked a federal judge to hold off briefing on the issue because it planned to issue the rule soon. Greens and public health advocates said Friday that they intend to push the court to get moving again.

Calling the White House's decision not to finish reconsidering the ozone standard "inexcusable," American Lung Association President Charles Connor said his group "now intends to revive its participation in litigation with the administration, which was suspended following numerous assurances that the administration was going to complete this reconsideration and obey the law."

Darren Goode contributed to this report.

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<https://www.politicopro.com/go/?id=5624><<https://www.politicopro.com/go/?id=5624>>

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Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/02/2011 05:22 PM EDT  
**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster  
**Subject:** Carper to hold hearing on ozone

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/02/2011 05:21 PM -----

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From: POLITICO Pro Whiteboard <proalerts@politicopro.com>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 09/02/2011 05:11 PM  
Subject: Carper to hold hearing on ozone

9/2/11 5:11 PM EDT

Sen. Tom Carper, chairman of the Environment and Public Works clean air subcommittee, said he intends to hold a hearing on the White House's decision to delay action on an EPA ozone rule. "This decision leaves me with more questions than answers," Carper said in a statement. "To that end, I intend to hold a hearing in the clean air subcommittee with White House officials to explain these actions and the possible ramifications." He added he is "very concerned about the ramifications this action may have on the health of thousands of Delawareans and millions of Americans that are vulnerable to the harmful effects of ozone air pollution."

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01268-EPA-6889

**Richard  
Windsor/DC/USEPA/US**  
09/07/2011 10:53 AM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Politico: Browner Statement

Tx

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/07/2011 10:31 AM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Alisha Johnson; Heidi Ellis; Janet Woodka; Seth Oster  
**Subject:** Politico: Browner Statement  
9/7/11 9:31 AM EDT

"Obviously I was disappointed" with President Barack Obama's decision last week to pull back on tougher ozone standards, former White House climate chief Carol Browner said this morning at The Atlantic's "Women of Washington" event at The Newseum.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/07/2011 09:49 AM EDT  
**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Alisha Johnson; Heidi Ellis; Janet Woodka; Seth Oster  
**Subject:** Politico: Ex-EPA official slams Obama on ozone/Boxer: I hope greens sue Obama

## Ex-EPA official slams Obama on ozone

By Robin Bravender  
9/7/11 9:44 AM EDT

A former top Obama EPA official is slamming the president's decision to pull the plug on setting a tougher smog rule.

Lisa Heinzerling, who served as chief of the EPA policy office for President Barack Obama before returning to work as a law professor at Georgetown, wrote [a scathing critique](#) Sunday in Grist Magazine, calling Obama's announcement "terribly bad news, and terribly bad policy."

Obama on Friday announced that he had instructed EPA chief Lisa Jackson to withdraw the rule as part of his administration's effort to "underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

But pulling the rule for that reason is "unlawful," Heinzerling wrote. The U.S. Supreme Court

has "unequivocally held that the Clean Air Act forbids the consideration of economic costs" in setting national air quality standards.

Heinzerling also blasted Obama for keeping the George W. Bush administration's 2008 standard in place after the EPA's independent science advisers had said it didn't go far enough to protect public health.

"It is hard to see how President Obama's decision today reflects an attitude toward science that is any more respectful than the attitude the Bush administration displayed in its 2008 ozone standard," she said.

And in light of Obama's stated commitment to transparency, Heinzerling called for the White House to release the final rule that the EPA sent over to the Office of Management and Budget in July. "[T]here exists a full package from EPA containing the final rule and the explanation for it," she wrote. "The least the White House can do at this point is to release that package."

## **Boxer: I hope greens sue Obama**

By Darren Goode  
9/7/11 8:52 AM EDT

Senate Environment and Public Works Chairwoman Barbara Boxer said she hopes green groups sue President Barack Obama over his decision to punt a regulation curbing smog-creating emissions until at least 2013.

Boxer — whose relatively mild reaction to Obama's surprise announcement Friday was in contrast to heated rebukes by environmental groups — said she will stand by those groups in any litigation to force the administration to issue a final ozone rule that goes beyond what was enacted by President George W. Bush.

Environmental groups charged that Obama made a political calculus by punting on a rule that was a particular target of critics who charge his regulatory agenda has hurt the economy and jobs.

Boxer didn't quite go there. "I'm not making any charge. I'm just saying I disagree, strongly, with their decision," she told reporters Tuesday. She added, "And I hope they'll be sued in court and I hope the court can stand by the Clean Air Act."

Noting that every president regardless of political party has been sued by environmental groups, Boxer said, "And I'm on the side of the environmentalists. If you factor in the health benefits you save so many lives and you prevent so many hospital admissions that it's a big plus for the economy."

Boxer issued a statement Friday saying she was "disappointed" in the decision but also "heartened" by Obama's pledge in his announcement to safeguard the EPA and more specifically

the Clean Air Act.

On Tuesday, she defended the milder tone of Friday's statement.

"I'm involved in a hand-to-hand combat with people in the House; they're trying to destroy the EPA, destroy the Clean Air Act," Boxer said, noting she fought a similar battle when GOP presidential candidate Newt Gingrich was House speaker more than a decade ago. "So I was heartened to see that the president went out of his way to address the larger issue of this battle that we're facing."

She added: "So that's why the statement was balanced because I thought what he said was balanced."

Obama — in a letter to House Speaker John Boehner last week — listed the ozone rule at the top of the list of seven regulations whose annual costs top \$1 billion annually. The rule was estimated to cost between \$19 billion and \$90 billion annually.

Boxer said she would use a hearing called by Sen. Tom Carper (D-Del.) on the ozone rule to "examine the charge that this type of regulation actually harms our economy. I don't believe that. Because I don't think they're factoring in the health benefits."

01268-EPA-6890

**Richard  
Windsor/DC/USEPA/US**  
09/07/2011 11:08 AM

To Seth Oster  
cc  
bcc  
Subject Re: Alice in Wonderland

Remarkable.  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 09/07/2011 11:05 AM EDT  
**To:** Richard Windsor  
**Subject:** Alice in Wonderland

(b) (5) Deliberative ?

*"Obviously I was disappointed" with President Barack Obama's decision last week to pull back on tougher ozone standards, former White House climate chief Carol Browner said this morning at The Atlantic's "Women of Washington" event....*

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

01268-EPA-6891

**Bob Sussman/DC/USEPA/US**  
09/07/2011 12:20 PM  
**To:** "Betsaida Alcantara", "Richard Windsor", "Bob Perciasepe",  
"Diane Thompson"  
**cc**  
**bcc**  
**Subject:** Fw: Think Progress: No White House Reg Reform  
Moratorium, NYT Report False

---

**From:** Dan Weiss [dweiss@americanprogress.org]  
**Sent:** 09/07/2011 12:01 PM AST  
**To:** undisclosed-recipients:  
**Subject:** Think Progress: No White House Reg Reform Moratorium, NYT Report False

Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

## [White House Says New York Times Report On Potential New Regulations Moratorium Is 'False'](#) by Faiz Shakir

By [Faiz Shakir](#) on Sep 7, 2011 at 11:20 am

In today's New York Times, Jeff Zeleny writes that the White House is considering "[a new moratorium](#)" on regulations that affect the economy. Zeleny predicts the proposal could sow discord between Obama and his base of progressive supporters:

The president intends to offer at least some progressive proposals to help regain a fighting posture that he has not had since the health care debate, but **a provision is also being discussed to place a new moratorium on some regulations that affect the economy, excluding health care and financial rules.** The proposals are likely to infuriate an already unhappy Democratic base.

Such a proposal would — if true — further anger progressive policy advocates who rightly note smart regulations have helped make the country stronger (ie, child labor laws, the Clean Air Act, and protections against hidden credit card fees).

But in a statement issued today, White House spokesman Clark Stevens flatly denied the Times' reporting:

**Those reports are false.** The Administration has a strong record of implementing smart, sensible steps that protect consumers, public health, and the environment. While the President has made clear that we must continue to ensure that new regulations are based on common sense, and implemented in ways that do not impede our economic recovery, he has also made clear that he will not accept the false choice of either having prosperity or clean air, clean water, and safe food. Americans deserve both, and we will continue to take steps that provide those protections, while fostering economic growth.

Earlier this year, President Obama signed an executive order that mandated a “government-wide review” to “remove outdated regulations that stifle job creation and make our economy less competitive.”

If what Obama announces is simply a progressive approach of streamlining duplicative, outdated, or ineffective regulations, then the proposals are unlikely to “infuriate” the base, as Zeleny predicts. But following an ill-conceived decision to overrule his EPA on an ozone pollution standard, progressives do have reason to be concerned and are watching with a careful eye.

01268-EPA-6892

**Laura Vaught/DC/USEPA/US**  
09/08/2011 10:50 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Michael Goo  
cc  
bcc

Subject Fw: Administrator meeting tomorrow

FYI on EEI meeting tomorrow.

----- Forwarded by Laura Vaught/DC/USEPA/US on 09/08/2011 10:48 AM -----

---

From: Ann W Loomis <ann.w.loomis@dom.com>  
To: Laura Vaught/DC/USEPA/US@EPA  
Date: 09/08/2011 10:24 AM  
Subject: Administrator meeting tomorrow

Just wanted to be sure you knew that I expected the EEI meeting with the Administrator tomorrow will be much the same message on the Utility MACT that we discussed last week.

I don't think you'll hear any surprises.

Ann

01268-EPA-6893

**Richard  
Windsor/DC/USEPA/US**  
09/08/2011 10:51 AM

To Laura Vaught, Bob Sussman, Bob Perciasepe, Michael Goo  
cc  
bcc  
Subject Re: Administrator meeting tomorrow

Tx

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 09/08/2011 10:50 AM EDT  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Michael Goo  
**Subject:** Fw: Administrator meeting tomorrow

FYI on EEI meeting tomorrow.

----- Forwarded by Laura Vaught/DC/USEPA/US on 09/08/2011 10:48 AM -----

---

From: Ann W Loomis <ann.w.loomis@dom.com>  
To: Laura Vaught/DC/USEPA/US@EPA  
Date: 09/08/2011 10:24 AM  
Subject: Administrator meeting tomorrow

Just wanted to be sure you knew that I expected the EEI meeting with the Administrator tomorrow will be much the same message on the Utility MACT that we discussed last week.  
I don't think you'll hear any surprises.

Ann

01268-EPA-6897

**Richard  
Windsor/DC/USEPA/US**  
09/09/2011 05:49 PM

To Eric Wachter  
cc  
bcc  
Subject Re: Dear Lisa Jackson, Please Don't Go!

Txl

Eric Wachter

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 09/09/2011 05:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Dear Lisa Jackson, Please Don't Go!

Looks like Tittel has an email campaign going. You've received a bunch of these in your public account. We'll send them nice letters in response.

----- Forwarded by Eric Wachter/DC/USEPA/US on 09/09/2011 05:06 PM -----

From: Howard Schwartz <(b) (6) Personal Privacy  
To: LisaP Jackson/DC/USEPA/US@EPA  
Date: 09/09/2011 04:59 PM  
Subject: Dear Lisa Jackson, Please Don't Go!  
Sent by: New Jersey Sierra Club <(b) (6) Personal Privacy

---

Sep 9, 2011

Administrator Lisa Jackson

Dear Administrator Jackson,

Thank you for being a true environmental champion who has worked relentlessly to protect our environment and our health. Given the political climate that we are in now it is more important than ever that you continue your amazing work at the Environmental Protection Agency. You have fought for what you believe is right and stood by it.

The Sierra Club has worked tirelessly on the Air Toxic Rule, CAIR Rule, and Mercury Rule with your support. You never caved to big business or special interest, but instead protected the lungs of all Americans and we thank you for that. Given all that is happening in Washington DC we need you now more than ever.

There is no one who would bring the expertise, passion, and leadership to the Environmental Protection Agency like you do you are irreplaceable. Thank you for all that you have done and hopefully all that you will continue to do.

Sincerely,

Mr. Howard Schwartz  
803 Bowline Dr  
Forked River, NJ 08731-3006



01268-EPA-6901

Richard  
Windsor/DC/USEPA/US  
09/11/2011 10:16 AM

To Bob Perciasepe  
cc  
bcc  
Subject Re: Sunday Luminant Call

Yes. Will try to do both. [REDACTED] (b) (5) Deliberative  
Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 09/11/2011 10:07 AM EDT  
**To:** Richard Windsor  
**Subject:** FW: Sunday Luminant Call

Our call this morning is at 11:30. If you want to join here are the numbers. When it is over several of us will want to connect with you to discuss [REDACTED] (b) (5) Deliberative [REDACTED]

Are you available around 2 pm?

Thanks

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 09/11/2011 10:07:53 AM-----

----- Original Message -----

From : Bob Perciasepe/DC/USEPA/US  
To : Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA  
Cc :  
Sent on : 09/10/2011 10:03:21 PM  
Subject : Sunday Luminant Call

Hi Everyone:

I am setting a call for 11:30 am  
The call in number is. [REDACTED] (b) (6) Personal Privacy and access is [REDACTED] (b) (6) Personal Privacy

Agenda will be:

**A) update on letter and review of final draft. Expect a draft before 11 am so folks can read in advance.  
key letter components from a content perspective:**

[REDACTED] (b) (5) Deliberative [REDACTED]

(b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**B) Options that go beyond the basic elements of the letter:  
Discussion of each for final key up for Administrator**

(b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

thanks

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-6903

Richard  
Windsor/DC/USEPA/US  
09/11/2011 11:25 AM

To Al Armendariz, Gina McCarthy, Seth Oster, Janet McCabe  
cc "Lisa Jackson", Bob Perciasepe, Bob Sussman, Cynthia  
Giles-AA  
bcc  
Subject Re: Dallas Morning News: "Perry's warning of Texas job  
losses from EPA action fell flat "

Very nice. Tx.

----- Original Message -----

From: Al Armendariz  
Sent: 09/11/2011 10:16 AM CDT  
To: Gina McCarthy; Seth Oster; Janet McCabe  
Cc: "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Bob Sussman; Cynthia Giles-AA  
Subject: Dallas Morning News: "Perrys warning of Texas job losses from EPA action fell flat "

Nice article about last year's work. It starts on the front page of today's paper (front page image attached).

Al

---

Perry's warning of Texas job losses from EPA action fell flat  
Published: 10 September 2011 10:39 PM

By RANDY LEE LOFTIS  
Environmental Writer  
rloftis@dallasnews.com

Central to Gov. Rick Perry's presidential campaign message is attacking federal regulations as job killers.

But one of Perry's most detailed and specific job-loss predictions turns out to be wrong.

Perry warned last year that tens of thousands of Texas jobs would vanish because the Environmental Protection Agency, under President Barack Obama, was demanding changes in dozens of Texas industrial plants state air permits.

Washington's latest attempt to intrude on the state's authority not only undermines Texas' successful clean-air programs, but it will cost the state tens of thousands of jobs, Perry said in a news release on June 15, 2010.

Perry repeated the tens of thousands figure in speeches, statements and news releases.

The actual number of jobs lost, however, was zero.

No plants shut down, cut production or left Texas, permit records and interviews with Texas and federal officials, company representatives and

business advocates show. All the plants have made or are making what a consultant called a fairly smooth transition to a different type of permit.

&#8216;Running as normal&#8217;

&#8220;We&#8217;re running as normal,&#8221; said Elizabeth Kimbrough, a spokeswoman for Garland Power & Light.

Perry singled out the city-owned utility last year as a Texas venture that was in danger of a shutdown when the EPA demanded that it change one plant&#8217;s permit. The new permit is not finished, but GP&L has not curtailed operations, she said.

Perry&#8217;s aides say his warnings were justified at the time based on what was known about the EPA policy&#8217;s potential impact. EPA officials say they had no intention of penalizing any plant that had been operating in good faith, a point they made publicly when they announced their Texas permit orders.

The failure of Perry&#8217;s prediction demonstrates the risk of forecasting the effect of any government policy. It also highlights a debate over economics and philosophy that has become a main point in the run up to next year&#8217;s presidential election.

Republican candidates have attacked federal regulations in general and EPA air-pollution rules in particular as attempts to cripple the economy and extend government control without scientific justification.

Environmental advocates say a cleaner environment yields economic benefits far beyond the costs of compliance. Annual regulatory reports to Congress, submitted by both Democratic and Republican presidents since 1997, have reached the same conclusion.

Economists, environmental groups and industry organizations routinely produce studies pronouncing every conceivable verdict upon the costs of regulation and the benefits of public health. Most predictions fade from memory, with little after-the-fact verification, when the debate over a new law or rule is finished.

Rarely does the public get as swift and certain a look at the outcome of an economic forecast as it has with Texas&#8217; &#8220;flexible&#8221; permits.

Under the federal Clean Air Act, Congress sets policy, the EPA writes overall rules and, in most cases, states enforce them. States can adopt their own permit procedures within federal requirements.

In summer 2010, the EPA&#8217;s regional administrator in Dallas, Obama appointee Al Armendariz, rejected Texas&#8217; flexible-permit program, saying the state&#8217;s way of regulating big industrial plants since 1994 violated the Clean Air Act.

The EPA said the flexible permits Texas issued were unclear and confusing and obscured the true nature and amount of plants&#8217; emissions. Texas assigned a single big number to a plant, some covering more than a square mile; the EPA demanded a separate number for each emission source in the plant in order to boost clarity and make enforcement easier. The EPA disputed other technical aspects as well.

Payback?

Armendariz ordered the affected plants, eventually numbering about 140, to respond with plans to seek permits in line with federal law. If Texas refused to change its permit system, the EPA would take the permits over and issue them itself.

For Perry, the EPA's effort epitomized an overreaching, command-and-control approach that put a target on the back of a state where he maintained business-friendly ways had created jobs and cut pollution while the national economy suffered.

His supporters said federal censure of Texas' air-pollution policies also masked Democratic payback to a solidly Republican state.

That's when Perry issued his warning that the EPA's rejection of Texas' flexible permits would kill tens of thousands of Texas jobs. He cited the number repeatedly, at one point even blasting the EPA in a news release datelined Shanghai while on a trade visit there.

A year later, no Texas industrial calamity materialized. By this summer, all the companies had received new state permits acceptable to the EPA or were in the process of doing so. None ever stopped operating.

Lucy Nashed, deputy press secretary in the governor's office, said Perry's point was that a weak economy does not need more fetters on business.

"Now is not the time for government to be placing costly and burdensome mandates on job creators, especially given the success of Texas' flex-permit program," she said.

The Texas approach helped reduce emissions of nitrogen oxides by nearly 58 percent and emissions of smog-causing pollution in general by 27 percent since 2000 — more than any other state in the nation, Nashed said.

Environmental advocates, who contend the pollution cuts came mostly from federal mandates, said the collapse of Perry's doomsday scenario was expected. They said the governor and other Texas officials were trying to scare people for political purposes.

"It was absolutely no surprise," said Elena Craft, a health scientist in the Austin office of the Environmental Defense Fund, a national environmental group.

"We've heard the same statements many, many times out of the governor's office," said Craft, a Ph.D. toxicologist. "We hear this cry of 'wolf' every single time, and it never comes to fruition."

As the public political fighting continued, officials from the EPA and the Texas Commission on Environmental Quality worked quietly on procedures to deflex; the disputed permits. Some of those actually affected; the managers of oil and chemical plants, power plants and factories; wondered whether to defy the EPA, and a number of business groups joined the state in a federal lawsuit that is still pending.

Most companies, however, seemed less interested in making legal or political points than in getting whatever permits the agencies decided they needed. Some, such as British chemicals maker Ineos, decided to cooperate quickly and aggressively and later were pleased they did.

&#8220;We worked really closely with the EPA,&#8221; spokesman Charles Saunders said. &#8220;We felt it was within the best interests of the company to get out ahead of this thing so as not to interrupt things operationally.&#8221;

After some back and forth with the federal agency, &#8220;in the end we both came out with an outcome that we could live with,&#8221; Saunders said. &#8220;So everybody moved on.&#8221;

Not much difference

A company analysis found that the permit system really didn&#8217;t make much difference. &#8220;The data that we were able to demonstrate to the EPA showed that we could really exist quite well under either permitting regime,&#8221; Saunders said.

&#8220;And so for us, it was academic just to move forward.&#8221;

Professionals helping companies with deflexing their permits said the process was occasionally complex but not particularly difficult. Robert Liles, a principal consultant with Dallas-based Trinity Consultants, is walking clients through the process now.

&#8220;It was about as expected, I would say, just going back and reversing past permit actions and re-permitting them under the EPA&#8217;s preferred, non-flexed approach,&#8221; Liles said. Texas environmental officials gave invaluable help, he said.

Liles, like others involved in the process, said he has heard of no shutdowns or relocations because of the EPA&#8217;s demands.

&#8220;Their regulations are definitely getting tougher, not just in Texas but just everywhere,&#8221; he said. &#8220;There&#8217;s no doubt about that. But no results like that that I have heard of yet.&#8221; The EPA action, he said, turned out to be &#8220;more of a nuisance.&#8221;

Some companies that Perry singled out as being at risk from the EPA also said the transitions have proved smoother than the governor&#8217;s warning implied. In the June news release, Perry held up Garland Power & Light, a Chevron Phillips Chemical plant and a Flint Hills Resources refinery as endangered.

GP&L&#8217;s Kimbrough said that as the utility awaits a deflexed state permit for its Ray Olinger plant, the EPA has extended each deadline so the plant didn&#8217;t stop operating or slip into noncompliance.

&#8220;I guess it sounded scarier than what it turned out to be,&#8221; she said. &#8220;We were taking their lead &#8212; whatever we needed to do for them.&#8221;

New deal completed quickly

Flint Hills Resources, owned by Koch Industries, completed a new deal with the EPA and the state within three months of Perry&#8217;s statement. In a news release in October, president and CEO Brad Razook cited &#8220;the agencies&#8217; cooperation and hard work in developing a process for Flint Hills to move forward with transitioning our permits in the state.&#8221;

The company declined to comment for this story, as did Chevron Phillips, whose

permit change is pending.

With the charge that a permit dispute would lead to an economic Armageddon for Texas now disproved, the EPA's critics still complain that the federal agency made Texas companies jump through hoops without reason.

&#8220;It is both troubling and telling that the EPA's demand to deflex these permits essentially resulted in nothing more than a bureaucratic paper shuffle to reclassify the permits, a costly and time-consuming action that produced no environmental benefit,&#8221; said Nashed, the governor's spokeswoman.

The EPA says public accountability for industries and compliance with federal law were ample justification. The agency also believes improved permits will result in less pollution.

Bill Hammond, president and CEO of the Texas Association of Business, the state's biggest business lobby, said he wasn't aware of any job losses from the EPA's rejection of flexible permits. Such predictions are always based on assumptions that can turn out wrong, he said.

Failure to comply with EPA orders would have cost too much, he said, while lawsuits might not succeed. His group was among those that sued to block the EPA policy.

&#8220;I think it's a bad idea, but basically, the companies have agreed to play by their [EPA officials'] rules,&#8221; Hammond said.

&#8220;They didn't have much choice. They just sucked it up.&#8221;

Do EPA rules cost money or save it?

Do environmental regulations cost money or save it?

They save it, the White House Office of Budget and Management has said under Democratic and Republican presidents.

Since 1997, the OMB has reported to Congress on costs and benefits of federal regulations. The estimates are ranges, frequently large ones.

In all but two years since 1997, the OMB has said economic benefits &#8212; through avoided illnesses or deaths and avoided work and school absences &#8212; exceeded compliance costs.

In 2011, the Obama administration said regulations cost between \$23.3 billion and \$28.5 billion a year. Health benefits ran between \$81.8 billion and \$550 billion. That meant at least \$2.87 in benefits for each \$1 spent on compliance.

The OMB under President George W. Bush reported possible net costs in 2001 and 2002, Bush's first two years. But each of those years might also have produced net benefits, the OMB said then. From 2003-2008, Bush's White House said each year that environmental rules helped the economy, producing an average of at least \$2.48 in benefits for each \$1 in compliance costs.

Economists have refined the estimates over the years. Early reports from the Clinton administration contained sky-high estimates of clean-air benefits. Those estimates returned to earth in later years.

---

Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6911

Richard  
Windsor/DC/USEPA/US  
09/12/2011 11:25 AM

To: Brendan Gilfillan, Bob Sussman, Bob Perciasepe, Gina McCarthy, Joseph Goffman, Al Armendariz, Seth Oster, Arvin Ganesan, Laura Vaught, Avi Garbow, Cynthia Giles-AA, Scott Fulton

cc

bcc

Subject: Re: Luminant's Response to our Letter on CSPAR Issues

(b) (5) Deliberative

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 09/12/2011 11:20 AM EDT  
**To:** Bob Sussman; Richard Windsor; Bob Perciasepe; Gina McCarthy; Joseph Goffman; Al Armendariz; Seth Oster; Arvin Ganesan; Laura Vaught; Avi Garbow; Cynthia Giles-AA; Scott Fulton

**Subject:** Re: Luminant's Response to our Letter on CSPAR Issues  
Luminant release:

09.12.11

Luminant Announces Facility Closures, Job Reductions in Response to EPA Rule  
DALLAS -

In employee meetings today across its Texas operations, Luminant leadership announced the need to close facilities to comply with the Environmental Protection Agency's Cross-State Air Pollution Rule, which will cause the loss of approximately 500 jobs.

The rule, which the EPA released earlier this summer, requires Texas power generators to make dramatic reductions in emissions beginning January 1, 2012. While Luminant is making preparations to meet the rule's compliance deadline, this morning it also filed a legal challenge in an effort to protect facilities and employees, and to minimize the harm this rule will cause to electric reliability in Texas.

To meet the rule's unrealistic deadline and requirements, Luminant reluctantly must take the difficult steps of idling two generating units and ceasing mining Texas lignite at three mines. Luminant will also implement several other actions to reduce emissions, including making substantial investments in its facilities.

Luminant supports continued efforts to improve air quality across the state and nation. Since 2005, for example, Luminant has achieved a 21 percent reduction in SO2 emissions, while at the same time increasing generation by 13 percent.

CEO Statement

"As always, Luminant is committed to complying fully with EPA regulations. We have spent the last two months identifying all possible options to meet the requirements of this new rule, and we are launching a significant investment program to reduce emissions across our facilities," said David Campbell, Luminant's chief executive officer. "However, meeting this unrealistic deadline also forces us to take steps that will idle facilities and result in the loss of jobs," said Campbell.

"We have hundreds of employees who have spent their entire professional careers at Luminant and its predecessor companies," added Campbell. "At every step of this process, we have tried to minimize these impacts, and it truly saddens me that we are being compelled to take the actions we've announced today. We have filed suit to try to avoid these consequences."

#### Legal Basis and Support

The company's legal action is part of a broader effort, supported by a large and bipartisan contingent of political and community leaders, to achieve these goals without harming critically important Texas jobs and electric reliability.

Luminant, like several other affected companies and governmental entities, believes the rule's mandates for Texas are unlawful. A year ago, the EPA's proposed rule did not include Texas in the annual SO2 and

NOx reductions programs. Now, one year later, the CSAPR imposes a 47 percent SO2 reduction and substantial NOx reductions by Texas sources beginning in January 2012. And notably, the rule requires a 64 percent reduction of SO2 emissions to Luminant's fossil fuel generating units.

Luminant's suit in the United States Court of Appeals for the District of Columbia Circuit seeks to invalidate the CSAPR as to Texas. Further, to try to stop the adverse effects on Luminant, its employees, and its customers in advance of the compliance deadline, Luminant will seek a judicial stay of this rule because of the immediate and irreparable harm that it will inflict.

#### Operational Response Plan

To ensure compliance in this extremely compressed time frame, production and operational changes will have to be made at two of the company's large power plant and mining complexes. Under the Electric Reliability Council of Texas's protocol, these decisions must be communicated to the Council by October 3 so they can adequately prepare for 2012.

At the Monticello Power Plant and supporting Thermo and Winfield mines in Northeast Texas, the following steps will be necessary:

- Monticello Units 1 and 2 will be idled. These units have a capacity of approximately 1,200 megawatts.
- Monticello Unit 3 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- Thermo and Winfield mines will cease mining Texas lignite with the idling of Monticello units 1 and 2 and the fuel switching at Monticello Unit 3, but Luminant will continue reclamation activities at these sites.

At Big Brown Power Plant and its supporting mine in Freestone County, the following steps will be necessary:

- Big Brown units 1 and 2 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- The Big Brown/Turlington Mine will cease mining Texas lignite, but Luminant will continue reclamation activities there.

In addition to these job losses at Luminant, the closures will mean that the counties and communities around the company's affected operations will see decreased tax contributions, indirect employment, support of local small businesses and other economic activity.

#### Investment Program

At Monticello Unit 3 and two of Luminant's other coal generating facilities, the Martin Lake Power Plant in Rusk County and the Sadow 4 Power Plant in Milam County, the company will immediately begin a substantial investment program to upgrade the capabilities of existing environmental control equipment, install new environmental control equipment and implement programs to reduce emissions.

The company expects to invest approximately \$280 million by the end of 2012 and estimates that it will spend more than \$1.5 billion before the end of the decade in environmental control equipment to comply with regulatory requirements. Unfortunately, the rule's 2012 deadline will not allow for the permitting, construction and installation of new equipment in time to avoid the announced closures.

These investments in environmental control equipment represent the latest in a series of significant investments across Energy Future Holdings, parent company to Luminant, and its subsidiaries. Since 2007, EFH companies have invested over \$11 billion in the state's infrastructure and created 1,500 net new jobs with about 675 of those at Luminant.

The emissions reduction installations Luminant has underway across its fleet follow a series of voluntary actions the company has taken to reduce emissions - actions that have already produced positive results.

#### Federal Legal Action Outlined

Luminant submitted to the EPA a request for reconsideration and stay of the new rule on August 5, on which the agency has not acted. This morning, the company filed a petition with the U.S. Court of Appeals for the District of Columbia Circuit asking the court to invalidate CSAPR as to Texas. As part of its action, Luminant also plans to ask the court to stay the applicability of the EPA rule. In its request for a stay, the company will demonstrate that:

- Without fair notice and the opportunity to provide comment, the EPA has mandated that Texas slash its SO2 emissions by half and greatly reduce NOx emissions in less than five months – a compliance timetable that is impossible to meet without facility closures and job cuts.
- The standard time frame for permitting, constructing, and installing new emission controls is several years, yet the rule allowed less than six months.
- The state would bear 25 percent of the SO2 reduction burden imposed under this rule, which is more than twice the state's contribution to the total SO2 emissions of all states included in the rule. Before these mandates go into effect, current SO2 emissions rates for the state's power generation plants are already

lower than the average of the other states included in the rule.

- Having less than a year ago concluded that Texas SO2 emissions have no significant downwind effects, the EPA is now mandating these CSAPR reductions because the agency predicts, through its modeling, a small contribution from Texas to the air quality at a single monitor 500 miles away in Madison County, Illinois – a location EPA itself has concluded is in air-quality attainment based on actual air sample monitoring. In effect, the rule improperly elevates the EPA's hypothetical modeling over actual monitored conditions.
- Similarly, the rule imposes severe NOx emission reductions on Luminant, based on modeling that conflicts with actual monitored conditions.
- These requirements will seriously jeopardize the ability of the state's electric grid to supply power to Texas businesses and consumers and cause the loss of hundreds of jobs with corresponding effects on local communities whose economies depend on Luminant's facilities.

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 09/12/2011 09:40 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Gina McCarthy; Joseph Goffman; Al Armendariz; Seth Oster; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Avi Garbow; Cynthia Giles-AA; Scott Fulton  
**Subject:** Luminant's Response to our Letter on CSPAR Issues

See below Luminant's response to Bob's letter.

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 09/12/2011 09:36 AM -----

From: "Campbell, David" <David.Campbell@luminant.com>  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA  
Date: 09/12/2011 09:04 AM  
Subject: RE: Letter on CSPAR Issues  
Sent by: "Quint, Jo Anne" <Jo.Quint@luminant.com>

Bob, thanks for your email. Attached please find a letter from the company.

Regards,  
David

-----Original Message-----

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]  
Sent: Sunday, September 11, 2011 4:59 PM  
To: Campbell, David  
Cc: Perciasepe.Bob@epamail.epa.gov  
Subject: Letter on CSPAR Issues

David -- as discussed earlier this afternoon, enclosed is a letter to you from Bob Perciasepe, our Deputy Administrator. We will send a signed, formatted version of the letter tomorrow morning. We request that you share the letter with your Board.

Thank you.

Robert M. Sussman  
Senior Policy Counsel to the Administrator Office of the Administrator US  
Environmental Protection Agency

(See attached file: 9-11 luminant letter\_FINAL\_FINAL.docx)

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[attachment "2011 09 12 Luminant to EPA final.pdf" deleted by Brendan Gilfillan/DC/USEPA/US]

01268-EPA-6912

**Richard  
Windsor/DC/USEPA/US**  
09/13/2011 04:02 AM

To Seth Oster  
cc  
bcc

Subject Re: "TXU value depends on the price of natural gas."

Indeed.  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 09/12/2011 11:57 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe  
**Cc:** Bob Sussman  
**Subject:** Re: "TXU value depends on the price of natural gas."

A full set of stories from today will be coming to you in a package tomorrow. Here is an interesting one from Al.

Al Armendariz

----- Original Message -----

**From:** Al Armendariz  
**Sent:** 09/12/2011 11:38 PM EDT  
**To:** "Sussman, Bob" <sussman.bob@epa.gov>; Seth Oster; Brendan Gilfillan;  
"Gray, David" <gray.david@epa.gov>  
**Cc:** "Mann, Chrissy" <mann.chrissy@epa.gov>  
**Subject:** "TXU value depends on the price of natural gas."

Interesting quote from David Campbell at the end. A \$45B bet gone bad.

Al

-- TXU value depends on the price of natural gas--

Published on September 5th, 2007

Written by: Rod Adams

TXU purchasers are on the road telling investors about the value of their decision to buy the utility for \$45 Billion.

As is made clear in an article published on Star-Telegram.com titled TXU buyers bet on higher natural gas prices, one of the major factors that will make the decision a good one is the price of natural gas in Texas.

The higher the price of that commodity, the more money the utility will make and the more valuable the stock will be.

That analysis may not be intuitively obvious since about half of TXU's generating capacity burns natural gas, but when one looks at the actual electricity production from the company the story becomes more clear. As of 2006, only about 6% of TXU production comes from burning gas - most of the gas fired capacity in the system is in peaking plants that rarely operate. The vast majority of TXU production comes from coal and nuclear plants whose fuel costs are much lower and more stable than those of the gas fired plants.

Since Texas electrical markets are partially deregulated, the market price is set by the highest cost generators. Those are usually companies that depend on natural gas as their main supply. Companies with substantial quantities of lower cost generation can make a huge rate of return in that kind of market.

Here are some numbers for thought - according to figures published by the Nuclear Energy Institute the average cost of generation (in US dollar cents per kilowatt-hour) from various sources in 2006 was as follows:

Coal - 2.37  
Gas - 6.75  
Petroleum - 9.63  
Nuclear - 1.72

If you are a company with mostly depreciated coal and nuclear assets (since most of TXU's plants are more than 25 years old, they qualify) you can manufacture electricity for well under 50% of the market price. That is a huge margin for a high volume commodity.

Here is the explanation in the words of the company:

David Campbell, TXU's chief financial officer, explained the company's hedging strategy in a July interview, noting that TXU's coal and nuclear plants "are like a natural gas field" that TXU owns.

"They produce power at the cost of coal and nuclear, but the price is driven by the wholesale market in Texas, and that price is set by natural gas," he said.

That is something to think about.

<http://atomicinsights.com/2007/09/txu-value-depends-on-the-price-of-natural-gas.html>

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-6913

Bob Sussman/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Seth Oster

09/13/2011 08:29 AM

cc

bcc

Subject Fw: Dallas Morning News - Luminant

A couple of important points to note in this story, [REDACTED] (b) (5) Deliberative  
[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 09/13/2011 08:27 AM -----

From: David Gray/R6/USEPA/US  
To: David Gray/R6/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bloomgren.David@epamail.epa.gov, David Cohen/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 09/13/2011 08:12 AM  
Subject: Dallas Morning News - Luminant

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## Energy Future Holdings warns it will shut down plants, cut jobs, to comply with EPA



File 2006/Staff Photo

Lignite coal (foreground) has been used at EFH's Big Brown plant near Fairfield, but the company will switch to higher-grade coal from Wyoming.

1 of 3 

A

Text Size



By ELIZABETH SOUDER

Staff Writer

[esouder@dallasnews.com](mailto:esouder@dallasnews.com)

Published: 12 September 2011 10:43 PM

Related

Texas' largest power generator, [Energy Future Holdings](#), said Monday that it must shut down two coal plants and three mines, cut 500 jobs and spend as much as \$1.5 billion to comply with

new federal environmental rules.

The company also sued the [Environmental Protection Agency](#), asking the U.S. Court of Appeals to review the Cross-State Air Pollution Rule, which requires Texas to cut sulfur dioxide emissions 47 percent by January.

The EPA countered that it has been working with the Dallas power company to help it meet the rule, designed to prevent thousands of premature deaths because of [asthma](#). But EFH, after complying with environmental rules in the past, has changed tactics, the EPA said.

"As recently as yesterday EPA offered to share additional information that shows the potential for a no-shutdown, no-layoff solution for statewide compliance. It is unfortunate that company leadership rushed to a decision that needlessly puts their workers' jobs at risk," Gina McCarthy, the EPA's assistant administrator for air, said in a written statement.

The fight over coal plant emissions has escalated at a time when Gov. [Rick Perry](#) is campaigning for president by opposing Washington regulations.

"The [Obama](#) administration continues to put up roadblocks for our nation's job creators by imposing burdensome regulations based on assumptions, not facts, that will result in job losses and increased energy costs with no definite environmental benefit," the governor said in a statement.

Some other coal plant operators say they must also cut back operations, while others say the impact will be less dramatic. The state grid operator has said the new rules make it harder to keep the lights on and could boost electricity prices by around 10 percent.

#### Idling 2 units

EFH's power plant division, Luminant, said it will idle two generation units at the Monticello plant near Mount Pleasant. Both units were built in the 1970s. The move would cut Luminant's generating capacity by about 8 percent.

Luminant hasn't filed notice with the Electric Reliability Council of Texas that it will stop using the plants or given the grid operator its operating plans for next year. The company must file notice by Oct. 3 to idle the plants in January.

The company said it will also shut down two strip mines at the Monticello plant and one at the Big Brown plant in Fairfield. The mines produce lignite, a low-grade coal used at the power plants. The power generator will switch to cleaner coal from Wyoming.

Luminant will spend \$280 million by the end of 2012 to add pollution controls at the one Monticello unit that will continue to operate, the Martin Lake power plant and the Sandow plant. By the end of the decade, Luminant said, it expects to spend \$1.5 billion on environmental equipment.

EFH complained to federal regulators that Texas plant operators weren't given enough notice to upgrade plants. The company and the state of Texas have officially requested a stay. The EPA hasn't made a decision.

McCarthy said EFH in the past has complied with rules without firing workers or shutting down plants.

"It is not EPA's role to tell private corporations which business decisions to make, but we firmly believe that there are better alternatives for Luminant. We remain committed to working with them and sharing additional information to find ways forward that protect health and save the jobs of Luminant's workers," the EPA official said.

#### Others' complaints

Other coal plant operators have complaints similar to Luminant's.

"Of all the challenges we've had in my career, this is probably the largest environmental challenge," said Gary Gibbs, manager of environmental and governmental affairs for AEP Texas.

That's because instead of getting a few years to cut pollution, Texas plants get only a few months, he said. The EPA added Texas to the rule shortly before publishing it.

Gibbs said his parent company, [American Electric Power](#), will have to idle three plants that serve Texas, one in ERCOT and two in the Southwestern Electric Power Co. Upgrades will cost about a half-billion dollars, he said, and upgrading all of AEP's coal plants across the country could reach \$8 billion.

Victor Robledo, a spokesman for CPS Energy, San Antonio's municipal power company, said the company must dial down one coal plant, and CPS will stop using the plant entirely by 2018, 15 years ahead of its life expectancy.

Some companies are in a better position.

[NRG Energy](#), the second-largest power generator in Texas, won't have to shut down plants or cut jobs, and the cost to comply won't be material, officials have said.

Gibbs, of AEP, pointed out that NRG's massive coal plant near Houston already had to comply with stricter pollution rules because it's in an area that doesn't meet federal air standards.

And a plant owned by [Austin](#) Energy and the Lower [Colorado River](#) Authority already complies with the EPA rule, allowing the owners to sell emission credits.

State Sen. [Troy Fraser](#), R-Horseshoe Bay, will hold a hearing on the topic Tuesday. Luminant chief executive [David Campbell](#), other coal executives and state regulators will testify before the

Natural Resources Committee.

Fraser said state leaders have asked the EPA to give the companies more time, “but based on the actions the last couple of days, we realize they aren’t backing off of their timeline.”

He said he expects the Texas attorney general to file suit soon. Officials at the attorney general’s office have said they are considering a lawsuit.

On Thursday, several Texas regulators will testify before the U.S. House Committee on Science, Space and Technology about the EPA rule, and later this month the Texas House committee on public affairs will hold its own hearing.

01268-EPA-6915

Richard  
Windsor/DC/USEPA/US  
09/13/2011 12:33 PM

To Arvin Ganesan, Laura Vaught  
cc  
bcc  
Subject Fw: "TXU value depends on the price of natural gas."

I would think there are some folks who might find this very interesting as hearings approach.

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/13/2011 12:32 PM -----

From: Seth Oster/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>  
Cc: Bob Sussman/DC/USEPA/US  
Date: 09/12/2011 11:57 PM  
Subject: Re: "TXU value depends on the price of natural gas."

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**Sent:** 09/12/2011 11:38 PM EDT  
**To:** "Sussman, Bob" <sussman.bob@epa.gov>; Seth Oster; Brendan Gilfillan; "Gray, David" <gray.david@epa.gov>  
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That is something to think about.

<http://atomicinsights.com/2007/09/txu-value-depends-on-the-price-of-natural-gas.html>

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-6916

**Laura Vaught/DC/USEPA/US**

09/13/2011 01:18 PM

To Richard Windsor, Arvin Ganesan

cc

bcc

Subject Re: "TXU value depends on the price of natural gas."

Yes - several people have found it very interesting. There is a similar and also interesting 2010 NYT article.

<http://www.nytimes.com/2010/02/28/business/energy-environment/28txu.html?pagewanted=all>  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 09/13/2011 12:33 PM EDT

**To:** Arvin Ganesan; Laura Vaught

**Subject:** Fw: "TXU value depends on the price of natural gas."

I would think there are some folks who might find this very interesting as hearings approach.

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/13/2011 12:32 PM -----

From: Seth Oster/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>  
Cc: Bob Sussman/DC/USEPA/US  
Date: 09/12/2011 11:57 PM  
Subject: Re: "TXU value depends on the price of natural gas."

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Al Armendariz

----- Original Message -----

**From:** Al Armendariz

**Sent:** 09/12/2011 11:38 PM EDT

**To:** "Sussman, Bob" <sussman.bob@epa.gov>; Seth Oster; Brendan Gilfillan; "Gray, David" <gray.david@epa.gov>

**Cc:** "Mann, Chrissy" <mann.chrissy@epa.gov>

**Subject:** "TXU value depends on the price of natural gas."

Interesting quote from David Campbell at the end. A \$45B bet gone bad.

AI

-- TXU value depends on the price of natural gas--

Published on September 5th, 2007

Written by: Rod Adams

TXU purchasers are on the road telling investors about the value of their decision to buy the utility for \$45 Billion.

As is made clear in an article published on Star-Telegram.com titled TXU buyers bet on higher natural gas prices, one of the major factors that will make the decision a good one is the price of natural gas in Texas.

The higher the price of that commodity, the more money the utility will make and the more valuable the

stock will be.

That analysis may not be intuitively obvious since about half of TXU's generating capacity burns natural gas, but when one looks at the actual electricity production from the company the story becomes more clear. As of 2006, only about 6% of TXU production comes from burning gas - most of the gas fired capacity in the system is in peaking plants that rarely operate. The vast majority of TXU production comes from coal and nuclear plants whose fuel costs are much lower and more stable than those of the gas fired plants.

Since Texas electrical markets are partially deregulated, the market price is set by the highest cost generators. Those are usually companies that depend on natural gas as their main supply. Companies with substantial quantities of lower cost generation can make a huge rate of return in that kind of market.

Here are some numbers for thought - according to figures published by the Nuclear Energy Institute the average cost of generation (in US dollar cents per kilowatt-hour) from various sources in 2006 was as follows:

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<http://atomicinsights.com/2007/09/ttxu-value-depends-on-the-price-of-natural-gas.html>

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Regional Administrator  
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armendariz.al@epa.gov  
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twitter: @al\_armendariz

01268-EPA-6917

**Richard  
Windsor/DC/USEPA/US**  
09/13/2011 02:02 PM

To Laura Vaught  
cc Seth Oster, Brendan Gilfillan  
bcc  
Subject Re: "TXU value depends on the price of natural gas."

+ oster, gilfillan in case they would like to read

|              |                                              |                        |
|--------------|----------------------------------------------|------------------------|
| Laura Vaught | Yes - several people have found it very i... | 09/13/2011 01:18:01 PM |
|--------------|----------------------------------------------|------------------------|

From: Laura Vaught/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 09/13/2011 01:18 PM  
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Richard Windsor

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<http://atomicinsights.com/2007/09/ttx-value-depends-on-the-price-of-natural-gas.html>

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Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
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twitter: @al\_armendariz



01268-EPA-6918

**Richard  
Windsor/DC/USEPA/US**

09/13/2011 02:20 PM

To Gina McCarthy  
cc  
bcc

Subject Fw: "TXU value depends on the price of natural gas."

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/13/2011 02:20 PM -----

From: Laura Vaught/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
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armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-6920

Richard  
Windsor/DC/USEPA/US  
09/14/2011 08:41 AM

To Seth Oster, Bob Perciasepe, "Lisa Jackson"  
cc "Diane Thompson"  
bcc  
Subject Re: AP - Luminant

The option (b) (5) DP

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 09/14/2011 08:36 AM EDT  
**To:** Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Fw: AP - Luminant

David Gray

----- Original Message -----

**From:** David Gray  
**Sent:** 09/14/2011 07:33 AM CDT  
**To:** David Gray  
**Cc:** Brendan Gilfillan; Al Armendariz; Andra Belknap; Bob Sussman; David Bloomgren; David Cohen; John Millett; Joseph Goffman; Laura Vaught; Michael Moats; Seth Oster  
**Subject:** AP - Luminant

## Lawmakers defiant over federal clean air rule

By APRIL CASTRO

AUSTIN, Texas

A threat by one of the state's largest energy companies to shut down generators and layoff hundreds of workers over stricter pollution standards came one day after the EPA issued a letter assuring the company a plan could be worked out to help it comply with the standards.

The new rules are designed to significantly reduce smog and soot pollution by requiring 27 states, including Texas, to decrease smokestack emissions, mostly at coal-fired power plants.

But Luminant and other agencies insist it is logically impossible to comply with the new regulation by January without decreasing production.

"We continue to believe there are options to explore that would bring your company into compliance with this rule -- a rule that EPA was under court order to finalize and that will have

significant public health benefits in Texas and numerous downwind states," wrote Bob Perciasepe, deputy administrator for the EPA, in a letter to Luminant CEO David Campbell.

"We stand ready to continue working with you to ensure that you have explored all the available options to achieve the necessary pollution reductions under the Clean Air Act without having to idle or shut down these operations and put these jobs at risk."

Campbell said that while discussions with the EPA are ongoing, "the reality is that there are no easy paths for reducing emissions by 64 percent this fast."

The letter was delivered to a panel of lawmakers who slammed the EPA Tuesday over a new pollution rule they say will cause electricity shortages and cost hundreds of jobs, including 500 layoffs announced this week, despite the federal agency's attempts to work closely with energy providers to prevent problems.

The legislative hearing came a day after Luminant, Texas' largest energy provider, announced it would shut down generators and lay off 500 jobs to comply with the new set of rules that goes into effect in January.

Reiterating accusations made by Gov. Rick Perry, a leading GOP presidential candidate, Republican Sen. Troy Fraser called the rule a job killer and suggested the Obama Administration is unfairly targeting Texas because it is heavily Republican.

"We are in an election season and surely an agency wouldn't be political in this, but the seven most affected states were all very red states," said Fraser, chairman of the Senate Natural Resources Committee.

"One does question the motive behind some of the actions," said chairman of the Texas Commission on Environmental Quality Bryan Shaw, a Perry appointee.

Perry has used the Cross-State Air Pollution Rule as fodder in his long-standing accusation that the EPA under President Barack Obama meddles in state affairs, lays down expensive regulations during tough economic times and is forcing companies to cut jobs to offset the cost of complying with environmental rules. Texas has requested a delay in the requirement.

The defiant panel of lawmakers also scoffed at a list of options presented by environmentalists, who say the federal requirement can be met without causing power shortages.

"There are a bunch of rules that are pending, protocols, executive orders that could be issued, we think would really help," said Tom "Smitty" Smith, Texas director for the watchdog organization Public Citizen.

He said energy efficiency programs, new building codes and more solar and wind power could help the state comply with the federal regulation and "keep the lights on."

"If we put as much energy into getting these rule-making packages out the door as we have

complaining about the EPA, we might actually be able to keep the lights on," he said.

"'Might' be able to?" Fraser asked. "That's not very encouraging ... that's a pretty strong statement coming from an environmental group."

Texas, faced with a growing population, few new energy sources and hot summers, has been vocal in its opposition to the regulation since it was announced in July. Texas has 19 coal-fired power plants, more than any other state, and plans to build nine more.

Nearly all of Texas' Congressional representatives have signed letters expressing concern about the impact the rule will have on jobs.

01268-EPA-6921

**Richard  
Windsor/DC/USEPA/US**  
09/14/2011 08:52 AM

To Seth Oster, Bob Perciasepe, "Lisa Jackson"  
cc "Diane Thompson"  
bcc  
Subject Re: AP - Luminant

Oh ok. if u see it that way then I will stop overreacting. Well done!  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 09/14/2011 08:51 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: AP - Luminant

Will follow up. But this is a very good piece for us.  
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**From:** Richard Windsor  
**Sent:** 09/14/2011 08:41 AM EDT  
**To:** Seth Oster; Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
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The option is(b) (5) DP

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**From:** Seth Oster  
**Sent:** 09/14/2011 08:36 AM EDT  
**To:** Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Fw: AP - Luminant

David Gray

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**From:** David Gray  
**Sent:** 09/14/2011 07:33 AM CDT  
**To:** David Gray  
**Cc:** Brendan Gilfillan; Al Armendariz; Andra Belknap; Bob Sussman; David Bloomgren; David Cohen; John Millett; Joseph Goffman; Laura Vaught; Michael Moats; Seth Oster  
**Subject:** AP - Luminant

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But Luminant and other agencies insist it is logically impossible to comply with the new regulation by January without decreasing production.

"We continue to believe there are options to explore that would bring your company into compliance with this rule -- a rule that EPA was under court order to finalize and that will have significant public health benefits in Texas and numerous downwind states," wrote Bob Persciasepe, deputy administrator for the EPA, in a letter to Luminant CEO David Campbell.

"We stand ready to continue working with you to ensure that you have explored all the available options to achieve the necessary pollution reductions under the Clean Air Act without having to idle or shut down these operations and put these jobs at risk."

Cambell said that while discussions with the EPA are ongoing, "the reality is that there are no easy paths for reducing emissions by 64 percent this fast."

The letter was delivered to a panel of lawmakers who slammed the EPA Tuesday over a new pollution rule they say will cause electricity shortages and cost hundreds of jobs, including 500 layoffs announced this week, despite the federal agency's attempts to work closely with energy providers to prevent problems.

The legislative hearing came a day after Luminant, Texas' largest energy provider, announced it would shut down generators and lay off 500 jobs to comply with the new set of rules that goes into effect in January.

Reiterating accusations made by Gov. Rick Perry, a leading GOP presidential candidate, Republican Sen. Troy Fraser called the rule a job killer and suggested the Obama Administration is unfairly targeting Texas because it is heavily Republican.

"We are in an election season and surely an agency wouldn't be political in this, but the seven most affected states were all very red states," said Fraser, chairman of the Senate Natural Resources Committee.

"One does question the motive behind some of the actions," said chairman of the Texas Commission on Environmental Quality Bryan Shaw, a Perry appointee.

Perry has used the Cross-State Air Pollution Rule as fodder in his long-standing accusation that

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01268-EPA-6922

**Richard  
Windsor/DC/USEPA/US**  
09/14/2011 08:53 AM

To Seth Oster, Bob Perciasepe, "Lisa Jackson"  
cc "Diane Thompson"  
bcc  
Subject Re: AP - Luminant

I'm on the plane. They're closing the door now. Suggest we skip tomorrow am mtg?  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 09/14/2011 08:51 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: AP - Luminant

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**From:** Richard Windsor  
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**To:** Seth Oster; Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>  
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The option (b) (5) DP



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01268-EPA-6923

Noah Dubin/DC/USEPA/US                          To  
09/14/2011 05:47 PM                          cc  
                                                            bcc Richard Windsor  
Subject 09/16/2011 thru 09/29/2011 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
Schedule**

09/14/2011 05:42:55 PM

**Friday, 9/16/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

**11:00 AM-11:15 AM Phone Call with Diane Thompson**  
The Administrator will call Diane

Location: By Phone

**12:05 PM-04:15 PM En Route to Chicago, IL**  
American Airlines flight #1442

Departs San Francisco (SFO) at 12:05 PM EDT/9:05 AM PDT

Arrives in Chicago (ORD) at 4:15 PM EDT/3:15 PM CDT

Location: En Route to Chicago, IL

**04:30 PM-05:00 PM Depart for Hotel**  
Location: Ohare Int. Airport

**Saturday, 9/17/2011**

**Sunday, 9/18/2011**

**Monday, 9/19/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

**10:30 AM-10:50 AM Phone Call with NOAA Assistant Secretary Robinson**  
Ct: Allandra Washington -(b) (6) Privacy

\*\*All parties will call into the conference line that Aaron Dickerson will open.

Topic: Follow up on the Gulf Coast Task Force Executive Session

Staff:

John Hankinson, Bryon Griffin(GCTF)

Location: By Phone/Administrator's Office

---

**11:00 AM-11:05 AM Depart for Region 5 Offices**

Location: Hotel

---

**11:15 AM-11:45 AM EPA Region 5 Merit Awards Ceremony**

Ct: Elissa Speizman - 312-353-2073

Format: Closed Press

Location: Lake Michigan Room,  
EPA Region 5 Offices,  
77 West Jackson Blvd.  
Chicago, IL 60604

---

**11:45 AM-12:00 PM Depart for TBD**

Location: EPA Region 5 Offices

---

**12:00 PM-12:30 PM One on One with Mayor Emanuel**

Location: TBD

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**12:30 PM-01:15 PM Announcement with Mayor Emanuel**

Ct: Shannon [REDACTED] (b) (6) Personal Privacy

Format: Open Press

Location: TBD, Chicago, IL

---

**01:00 PM-02:00 PM FYI Senior Staff**

Location: Bullet Room

---

**01:15 PM-01:30 PM Depart for Henry Ford Academy**

Location: TBD

---

**01:50 PM-02:15 PM Informal Tour of Henry Ford Academy**

Ct: Kristin Dean - [REDACTED] (b) (6) Personal Privacy

Format: Closed Press

Location: Henry Ford Academy,  
3415 West Arthington St, Chicago, IL

---

**02:15 PM-03:30 PM White House Business Council & Environmental Law & Policy Center Roundtable Discussion**

Ct: Kristin Dean - [REDACTED] (b) (6) Personal Privacy

Format: Closed Press

Agenda: The Administrator will participate in a roundtable discussion coordinated by ELPAC with local business owners.

Location: Henry Ford Academy,  
3415 West Arthington St, Chicago, IL

---

**03:30 PM-05:30 PM En Route to Milwaukee, WI**

Location: En Route to Milwaukee, WI

**08:00 PM-09:00 PM     Dinner with Milwaukee CEOs**

Location: TBD

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**Tuesday, 9/20/2011**

**08:45 AM-09:15 AM     FYI Daily Briefing**

Location: Administrator's Office

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**08:50 AM-09:00 AM     Depart for Milwaukee Water Council**

Location: Hotel

---

**09:00 AM-09:30 AM     Remarks at Milwaukee Water Council Water Summit V**

Ct: Dean Amhaus - (b) (6) Personal Privacy

Format: Open Press

Agenda:

- Welcome Remarks & Intro: Rich Meeusen, Co-Chair, Milwaukee Water Council

- Keynote Address: The Administrator

Location: 710 N. Plankinton Ave., Milwaukee, WI 53203

---

**02:00 PM-02:45 PM     Depart for Milwaukee Airport**

Location: TBD

---

**03:31 PM-05:20 PM     En Route to DC**

Frontier Airlines flight #322

Departs Milwaukee (MKE) at 3:31 PM EDT/2:31 PM CDT

Arrives in DC (DCA) at 5:20 PM EDT

Location: En Route to DC

---

**Wednesday, 9/21/2011**

**08:45 AM-09:15 AM     Daily Briefing**

Location: Administrator's Office

---

**09:15 AM-10:15 AM     HOLD: Boys and Girls Club Congressional Breakfast MOU Signing**

Ct: Dru Ealons 564-7314

---

**10:00 AM-10:45 AM     Early Guidance Briefing for Chesapeake Bay Concentrated Animal Feeding Operations Proposed Rule Revisions**

Ct: Martha Workman - 202-564-3774

Staff:

Larry Elworth +1 (OA)

Nancy Stoner, Jim Hanlon, Deborah Nagle, Allison Wiedeman (OW)  
Gina McCarthy +1 (OAR)  
Cynthia Giles (OECA)  
Scott Fulton +1 (OGC)  
Michael Goo +1 (OP)  
Paul Anastas +1 (ORD)  
Mathy Stanislaus +1 (OSWER)  
Curt Spalding +1 (R1)  
Judith Enck +1 (R2)  
Shawn Garvin +1 (R3)  
Gwen Keyes-Fleming +1 (R4)  
Susan Hedman +1 (R5)  
Al Armendariz +1 (R6)  
Karl Brooks +1 (R7)  
Jim Martin +1 (R8)  
Jared Blumenfeld +1 (R9)  
Dennis McLerran +1 (R10)  
Jeff Corbin, Jim Edward +1 (Ches. Bay)  
Heidi Ellis (OEAE)

Optional:

Lisa Garcia, Janet Woodka, Dan Kanninen, Bob Sussman (OA)  
Sandy Evalenko, Macara Lousberg (OW)  
Arvin Ganesan, Laura Vaught (OCIR)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

---

**11:00 AM-11:45 AM      Strategy Discussion of Vehicle and Fuel Standards (Tier 3)**  
Ct: Cindy Huang - 202-564-1850

Staff:

Deputy Administrator (OA)  
Scott Fulton, John Hannon (OGC)  
Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)

Optional:

Bob Sussman, Diane Thompson (OA)  
Arvin Ganesan, Laura Vaught (OCIR)

\*\*This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

---

**12:00 PM-01:00 PM      No Meetings**  
Location: Administrator's Office

---

**01:00 PM-01:45 PM      Meeting with Siemens Executives**  
Ct: Rich Reisig richard.reisig@siemens.com

Topic: Utilities toxic rule

**Attendees:**

- Randy Zwirn, CEO of Siemens Energy Americas
- Barry Nicholls Sr. VP, Marketing
- Rich Reisig, VP, Government Affairs

**Staff:**

Bob Perciasepe (OA)  
Gina McCarthy (OAR)  
Arvin Ganesan (OCIR)  
Scott Fulton (OGC)

**Optional:**

Bob Sussman, Diane Thompson (OA)  
Janet McCabe (OAR)  
Location: Bullet Room

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**02:00 PM-03:00 PM      HOLD for HEC Prep**

---

**03:30 PM-04:30 PM      Senior Policy Meeting**  
Location: Bullet Room

---

**05:00 PM-05:10 PM      Phone Call with Congressman Mike Thompson (CA)**  
Ct: Katie Washburn - 202-226-7372

The Administrator will call 202-226-7372 to be connected to the Congressman.

**Staff:**

Larry Elworth (OA)  
Laura Vaught (OCIR)

**Optional:**

Arvin Ganesan (OCIR)  
Location: Administrator's Office

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**Thursday, 9/22/2011**

**08:00 AM-01:00 PM      HOLD for HEC**

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**08:45 AM-09:15 AM      FYI Daily Briefing**  
Location: Administrator's Office

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**01:00 PM-02:00 PM      No Meetings**  
Location: Administrator's Office

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**02:00 PM-02:30 PM      Update on Pavillion**  
Ct: Shelly Dawson 202-564-2440

**Staff:**

Bob Sussman (OA)  
Cynthia Giles (OECA)  
Nancy Stoner (OW)  
Paul Anastas (By Phone )(ORD)

Jim Martin (By Phone) (R8)

Optional:

Diane Thompson (OA)

\*\*Teleconferencing is required for this briefing

Location: Administrator's Office

---

**02:45 PM-03:30 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT**

Ct: Cindy Huang - 202-564-7314

Staff:

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Paul Anastas (ORD)

Dennis McLerran (R10)

Arvin Ganesan, Laura Vaught (OCIR)

Optional:

Diane Thompson (OA)

Janet Woodka (Reg. Ops)

Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda

Farrar, Tom Eagles (OAR)

Marilyn Kuray, Wendy Blake, Paul Versace (OGC)

Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)

Gerard Kraus, Gregory Fried, Sally Harmon (OECA)

Gerain Perry, George Faison (OSWER)

Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)

Heather Valdez, Andrea Schrock (R10)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

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**04:00 PM-04:30 PM HOLD: MOU Signing Ceremony with AKA and Alpha Phi Alapha**

Ct: Dru Ealons

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**05:00 PM-05:30 PM MOU Signing Ceremony with AKA**

Ct: Dru Ealons (b) (6) Personal Privacy

Location: Administrator's Office

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Friday, 9/23/2011

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**10:00 AM-12:00 PM Congressional Black Caucus Annual Legislative Conference**

Ct: Dru Ealons 202.564.7818

Location: Washington Convention Center, Room 143 - A

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**12:00 PM-01:00 PM    No Meetings**

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**02:00 PM-02:45 PM    Meeting on School Siting Guidelines**  
Ct: Khesha Reed 566-0594

Staff:

Peter Grevatt, Margot Brown (OCHP)  
Cynthia Giles (OECA)  
Scott Fulton (OGC)  
Barbara Bennett (OCFO)  
Gina McCarthy (OAR)  
Nancy Stoner (OW)  
Mathy Stanislaus (OSWER)  
Steve Owens (OCSPP)  
Malcolm Jackson (OEI)  
Paul Anastas (ORD)  
Michelle DePass (OITA)  
Michael Goo (OP)  
Arvin Ganesan (OCIR)  
Stephanie Owens (OEAE)  
Lisa Garcia (OEJ)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe (OA)  
Curt Spalding (R1)  
Susan Hedman (R5)  
Jared Blumenfeld (R9)

Location: Bullet Room

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**Saturday, 9/24/2011**

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**05:00 PM-10:00 PM    ALC Phoenix Award Dinner**

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**Sunday, 9/25/2011**

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**Monday, 9/26/2011**

**08:45 AM-09:15 AM    Daily Briefing**  
Location: Administrator's Office

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**12:00 PM-01:00 PM    No Meetings**  
Location: Administrator's Office

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**01:00 PM-02:00 PM    Senior Staff**  
Location: Bullet Room

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**03:00 PM-07:00 PM    HOLD for Travel**

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**Tuesday, 9/27/2011**

**05:00 AM-08:00 PM HOLD for Travel**

Location: New York, NY

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**08:45 AM-09:05 AM FYI Daily Briefing**

Location: Administrator's Office

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**Wednesday, 9/28/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**10:00 AM-10:30 AM One on One with Peter Grevatt**

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

---

**11:15 AM-12:00 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule**

Ct: Cindy Huang - 202-564-1850

Staff:

Dan Kanninen (OA)

Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge, Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele, Glenn Passavant, John Koupal, Mike Olechiw (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Paul Anastas (ORD)

Cynthia Giles (OECA)

Judith Enck (R2)

Shawn Garvin (R3)

Jared Blumenfeld (R9)

Arvin Ganesan, Laura Vaught (OCIR)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)

Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)

Lester Facey (OA)

Matthew Davis (OHCP)

Anne Wick, Jeff Kodish (OECA)

John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)

Larke Williams, Sarah Mazur, Tim Benner,

Gene Stroup, John Cowden, Will Boyes, Deb Luecken (ORD)

Dan Birkett (R2)

Brian Rehn (R3)

Jeffrey Buss (R9)

Peter Grevatt (OCHP)

\*Teleconferencing is required for this meeting

Location: Bullet Room

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**03:30 PM-05:00 PM Senior Policy Meeting**

Location: Bullet Room

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**Thursday, 9/29/2011**

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**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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\*\*\* END \*\*\*

01268-EPA-6924

Gina McCarthy/DC/USEPA/US  
09/15/2011 08:14 AM  
To Seth Oster  
cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Joseph Goffman, Laura Vaught, Richard Windsor, Scott Fulton  
bcc  
Subject Re: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Thanks Seth. Got it.

Seth Oster Gina -- read this as soon as you can. 09/15/2011 08:12:50 AM

---

From: Seth Oster/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 09/15/2011 08:12 AM  
Subject: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Gina -- read this as soon as you can.

I would suggest (b) (5) DP



Something like:

(b) (5) DP



Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-191

oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 09/15/2011 07:54AM -----

To: Perciasepe.Bob@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Armendariz.Al@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Brendan Gilfillan/DC/USEPA/US  
Date: 09/15/2011 06:22AM  
Subject: Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

#### Don't Blame EPA Over Luminant Woes

Loren Steffy, Houston Chronicle Business Columnist

Make no mistake, the 500 Luminant employees who will lose their jobs later this year are victims, but not of federal over-regulation.

They are pawns in the ongoing charade of Texas' deregulated electricity market, which already has left generators financially weakened and consumers worrying about blackouts.

Luminant, Texas' largest power plant operator, said it will fire the workers and close two large coal-fired power units to comply with stricter air quality standards mandated by the U.S. Environmental Protection Agency.

Dallas-based Luminant is asking a court to delay the EPA rules, issued in June, so it will have more time to comply.

Luminant joins a chorus that includes Gov. Rick Perry and that loving lapdog of polluters, the Texas Commission on Environmental Quality, in lambasting the EPA rule changes.

Meanwhile, NRG, the second-biggest generator in the state, said it expects to comply with the EPA regulations without any jobs cuts, plants closing or material financial impact.

Funny how much difference good financing and a little planning can make. After all, power generators knew that, sooner or later, stricter air standards were coming. While it does seem that six months is a short time to enact the sort of pollution controls the EPA is requiring, it's a moot point.

#### Buyout debt

It's unlikely Luminant has the cash to make the sort of investments it needs to reduce its coal-fired pollution. Its parent company, Energy Future Holdings, is struggling with mountains of high-priced debt from its ill-timed \$43 billion buyout by two private equity firms in 2007.

That deal resulted from an unintended consequence of deregulation that made coal a profit machine. Electricity rates are tied to natural gas, and for most of the past decade, coal enabled companies to generate more cheaply, fattening their margins.

That's why we have 19 coal-fired generating units already operating and nine more than have been granted permits by the Texas Commission on Environmental Quality.

Now, with an abundance of shale gas, prices have fallen below \$4 per million British thermal units, making coal a less profitable generating source.

But don't expect generators to switch fuels.

"They couldn't afford to switch," said Ed Hirs, a professor of energy economics at the University of Houston. "A coal plant is a sunk cost."

Hirs and a group of researchers affiliated with Yale University recently studied whether stricter pollution standards would cause generators to change from coal to natural gas. At most, the study found, 20 percent of the coal-generating capacity in the U.S. might convert.

"You're not going to see a big change over time," he said. "Clearly, there's an issue of inertia in the market."

That will disappoint environmentalists, and it will disappoint natural gas proponents, who have argued that gas is a cleaner, more economical generating fuel.

More of the same

In Texas, though, it means more of the same. Having created a system of misplaced incentives, deregulation has left us with higher prices, lower reliability and, now, more expensive and dirtier coal generation.

It's easy - and politically feasible - to blame the EPA, but the 500 jobs Luminant is cutting aren't being lost to higher air quality standards. They're simply the latest victims of deregulation's failed legacy.

Loren Steffy is the Chronicle's business columnist. His commentary appears Sundays, Wednesdays and Fridays. Contact him at [loren.steffy@chr](mailto:loren.steffy@chr)

01268-EPA-6925

**Laura Vaught/DC/USEPA/US** To Gina McCarthy, Seth Oster  
09/15/2011 08:52 AM cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Joseph Goffman, Richard Windsor, Scott Fulton  
bcc  
Subject Re: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Agree with Seth. And would just highlight that I think the(b) (5) DP [REDACTED]

[REDACTED] Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 09/15/2011 08:14 AM EDT  
**To:** Seth Oster  
**Cc:** Arvin Ganesan; Bob Perciasepe; Brendan Gilfillan; Joseph Goffman; Laura Vaught; Richard Windsor; Scott Fulton  
**Subject:** Re: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes  
Thanks Seth. Got it.

Seth Oster | Gina -- read this as soon as you can. | 09/15/2011 08:12:50 AM

---

From: Seth Oster/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 09/15/2011 08:12 AM  
Subject: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Gina -- read this as soon as you can.

I would suggest you (b) (5) DP [REDACTED]  
[REDACTED]  
[REDACTED]

Something like:  
[REDACTED]  
[REDACTED]  
[REDACTED]

(b) (5) DP [REDACTED]  
[REDACTED]  
[REDACTED]

(b) (5) DP



Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-191  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 09/15/2011 07:54AM -----

To: Perciasepe.Bob@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Armendariz.Al@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Brendan Gilfillan/DC/USEPA/US  
Date: 09/15/2011 06:22AM  
Subject: Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

#### Don't Blame EPA Over Luminant Woes

Loren Steffy, Houston Chronicle Business Columnist

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That deal resulted from an unintended consequence of deregulation that made coal a profit machine. Electricity rates are tied to natural gas, and for most of the past decade, coal enabled companies to generate more cheaply, fattening their margins.

That's why we have 19 coal-fired generating units already operating and nine more than have been granted permits by the Texas Commission on Environmental Quality.

Now, with an abundance of shale gas, prices have fallen below \$4 per million British thermal units, making coal a less profitable generating source.

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Hirs and a group of researchers affiliated with Yale University recently studied whether stricter pollution standards would cause generators to change from coal to natural gas. At most, the study found, 20 percent of the coal-generating capacity in the U.S. might convert.

"You're not going to see a big change over time," he said. "Clearly, there's an issue of inertia in the market."

That will disappoint environmentalists, and it will disappoint natural gas proponents, who have argued that gas is a cleaner, more economical generating fuel.

More of the same

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It's easy - and politically feasible - to blame the EPA, but the 500 jobs Luminant is cutting aren't being lost to higher air quality standards. They're simply the latest victims of deregulation's failed legacy.

Loren Steffy is the Chronicle's business columnist. His commentary appears Sundays, Wednesdays and Fridays. Contact him at [loren.steffy@chr](mailto:loren.steffy@chr)

01268-EPA-6926

**Richard  
Windsor/DC/USEPA/US**

09/15/2011 09:39 AM

To Betsaida Alcantara, Seth Oster, Bob Sussman, Bob Perciasepe, Diane Thompson, Brendan Gilfillan  
cc  
bcc  
Subject Re: E&E News: Greens, industry wait impatiently for upcoming GHG standards

Brendan - Rich Alonso just called you out! I know him. Open up a can of who's your daddy on that untruth-teller! Lol.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/15/2011 09:25 AM EDT  
**To:** Richard Windsor; Seth Oster; Bob Sussman; Bob Perciasepe; Diane Thompson; Brendan Gilfillan  
**Subject:** E&E News: Greens, industry wait impatiently for upcoming GHG standards  
Greens, industry wait impatiently for upcoming GHG standards

E&E News PM

As the month draws slowly to a close, the first-ever standards to control greenhouse gas emissions from fossil-fueled power plants have been shrouded in mystery, eluding environmentalists and industry players alike.

The New Source Performance Standards (NSPS) will dictate how many tons of greenhouse gases power plants are permitted under the Clean Air Act. They are possibly the biggest test on climate change the administration will face, said Conrad Schneider, advocacy director with the Clean Air Task Force.

"Less than 20 days from a court-ordered date, we're not where we should be," said Schneider in an interview with ClimateWire. The Office of Management and Budget has yet to see the draft of the proposed NSPS from U.S. EPA, a document that should have arrived months ago, said Schneider.

NSPS standards were first defined under the Clean Air Act extension of 1970, and refer to pollution controls of air from new and existing stationary sources, given the best available current technology to clean up the pollution. EPA agreed to create the rules for the power sector as part of a settlement from a lawsuit filed by 11 states, as well as Washington, D.C., New York City, the Natural Resources Defense Council and the Environmental Defense Fund (Greenwire, Dec. 23, 2010).

But environmental and energy players are puzzled by how these greenhouse gas emissions will be curtailed. Some believe EPA will push efficiency measures through co-firing with biomass or building clean-burning coal plants. Others guess the standards will seek to incentivize carbon capture and storage -- a promising but nascent technology to siphon carbon emissions from smokestacks to be placed underground.

"Nobody is really talking about it; it's just really a mystery," said Richard Alonso, a partner in Bracewell & Giuliani's Environmental Strategies Group, whose clients represent the power sector.

"The agency is finding themselves in a black hole," added Alonso. "There's not a lot of talk; there's not a lot of dialogue."

#### Flying blind

In June, EPA extended the deadline for the standards from July 26 to Sept. 30, saying the agency needed more time to craft the rule. A final rule is set to be released May 26, 2012.

"EPA has engaged in an extensive and open public process to gather the latest and best information prior to proposing carbon pollution standards for fossil fuel-fired power plants," wrote EPA press secretary Brendan Gilfillan in an email in June. "A wide range of stakeholders have presented the agency with important input which deserves to be fully considered as the agency works to develop smart, cost-effective and protective standards" (E&ENews PM, June 13).

Not so, said Alonso.

"[EPA] is not asking industry what they need to make the rule; they haven't contacted industry in any meaningful way," he said. Despite this, Alonso doesn't see the agency postponing its decision once more. "I don't expect another delay," he said. "I think EPA is going to issue a proposal that doesn't reflect the real-life situation ... they're flying blind."

Representatives from industry groups and companies also said they had low expectations for the rules.

"Under NSPS, they have the possibility to propose almost anything," said Luke Popovich, a spokesman for the National Mining Association, adding that efficiency improvements should form the backbone of the standards.

Spokespeople for Southern Co. and American Electric Power, two of the biggest power companies in the country, said they could not comment or speculate on the rule before its publication.

#### Expectations could be disappointed

Michael Livermore, executive director at the Institute for Policy Integrity at the New York University School of Law, says EPA's behavior is not unusual for an agency. Keeping one's cards close to the vest, as he put it, helps shutter special interests out of the rulemaking process.

But it is strange, he adds, that OMB has yet to receive the rule.

"It's a little odd," said Livermore. "It's a big rule, and I would think that OMB would need some time to work on it."

Livermore expects the rule to focus on basic efficiency standards. He will be looking to see whether the proposal will offer flexibility mechanisms to individual plants -- an allowance to trade emission credits under a statewide cap-and-trade scheme, for example -- to avoid stringent penalties.

Schneider expects the proposal numbers to hover around 1,900 to 2,000 pounds of carbon dioxide per megawatt-hour. That range is not enough to reduce total greenhouse gas emissions by 80 percent from 1990 levels by 2050.

"That would be a big disappointment," said Schneider. "We would like it to be 1,000 or

less."

That rate would be achievable if carbon capture and storage (CCS) could capture 50 to 65 percent of emissions. Come Sept. 30, Schneider will be looking for incentive programs for CCS. These include programs that promote enhanced oil recovery, the practice of pumping CO<sub>2</sub> underground to loosen stubborn oil deposits in old wells.

Highly efficient plants must be emphasized over CCS, said Popovich, because the technology is still immature. Carbon capture is not yet available on a commercial scale.

"Given the dearth of technology [despite] some of the grandiose ambitions that some greens have, they should foster efficiency," he said.

David Doniger, policy director of the Climate Center at the Natural Resources Defense Council, said his organization will seek a combination of production and end-use efficiency improvement. This would mean operating at a rate of 800 pounds of CO<sub>2</sub> per megawatt-hour for new plants, and a 15 percent reduction in emissions for existing plants.

"We've been advocating that the standard for new sources should reflect a performance from the best new plants that have been built over the past year," said Doniger, "namely, gas plants."

Natural gas plants, whose carbon emissions are lower than those of coal plants, have been steadily replacing coal-fired power. Southern Co. has seen its coal fleet drop from 70 percent to 51 percent in four years, said Stephanie Kirjian, a spokeswoman for the company.

"What EPA needs to have is a demonstrably achievable, affordable path to meet the standards," said Doniger.

01268-EPA-6928

Noah Dubin/DC/USEPA/US  
09/15/2011 05:46 PM  
To  
cc  
bcc Richard Windsor  
Subject 09/19/2011 thru 10/02/2011 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
Schedule**

09/15/2011 05:32:08 PM

**Monday, 9/19/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

**10:30 AM-10:50 AM Phone Call with NOAA Assistant Secretary Robinson**  
Ct: Allandra Washington - 202-482-6255

\*\*All parties will call into the conference line that Aaron Dickerson will open.

Topic: Follow up on the Gulf Coast Task Force Executive Session

Staff:  
John Hankinson, Bryon Griffin(GCTF)

Location: Administrator's Office

**11:00 AM-11:05 AM Depart for Region 5 Offices**  
Location: Hotel

**11:15 AM-11:45 AM EPA Region 5 Merit Awards Ceremony**  
Ct: Elissa Speizman - (b) (6) Personal Privacy

Format: Closed Press  
Location: Lake Michigan Room,  
EPA Region 5 Offices,  
77 West Jackson Blvd.  
Chicago, IL 60604

**11:45 AM-12:00 PM Depart for Ping Tom Park**  
Location: EPA Region 5 Offices

**12:00 PM-12:30 PM One on One with Mayor Emanuel**  
Ct: Clay Diette - 312-768-0938

Format: Closed Press  
Location: Ping Tom Park  
300 West 19th Street, Chicago, IL 60616

**12:30 PM-01:15 PM Announcement with Mayor Emanuel**  
Ct: Clay Diette - 312-768-0938

Format: Open press

Agenda:

Remarks will be given, followed by Q and A

Location: Ping Tom Park  
300 West 19th Street, Chicago, IL 60616

---

**01:00 PM-02:00 PM FYI Senior Staff**

Location: Bullet Room

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**01:15 PM-01:30 PM Depart for Henry Ford Academy**

Location: Ping Tom Park

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**01:50 PM-02:15 PM Informal Tour of Henry Ford Academy**

Ct: Kristin Dean - (b) (6) Personal Privacy

Format: Closed Press

Location: Henry Ford Academy,  
3415 West Arthington St, Chicago, IL

---

**02:15 PM-03:30 PM White House Business Council & Environmental Law & Policy Center Roundtable Discussion**

Ct: Kristin Dean - (b) (6) Personal Privacy

Format: Closed Press

Agenda: The Administrator will participate in a roundtable discussion coordinated by ELPC with local business owners.

Location: Henry Ford Academy,  
3415 West Arthington St, Chicago, IL

---

**03:30 PM-05:30 PM En Route to Milwaukee, WI**

Location: En Route to Milwaukee, WI

---

**08:00 PM-09:00 PM Dinner with Milwaukee CEOs**

Ct: Monica - 414-831-4615

Attendees:

- Governor Doyle +1
- Steve Roell, Johnson Controls
- Neal Verfeurth, Orion Energy
- Butch Johnson, Flambeau River Paper Biofuels
- Charles Schrock, Integrys
- Joel Quadracci, Quad Graphics
- Paul Jones, A.O. Smith

Location: Iron Horse Hotel Private Dining Room  
500 West Florida Street, Milwaukee, WI

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**Tuesday, 9/20/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**

Location: Administrator's Office

**08:50 AM-09:00 AM Depart for Milwaukee Water Council**

Location: Hotel

**09:00 AM-09:30 AM Remarks at Milwaukee Water Council Water Summit V**

Ct: Dean Amhaus - (b) (6) Personal Privacy

Format: Open Press

Agenda:

- Welcome Remarks & Intro: Rich Meeusen, Co-Chair, Milwaukee Water Council

- Keynote Address: The Administrator

Location: Discovery World Building,  
500 North Harbor Dr., Milwaukee, WI 53202

**09:45 AM-10:30 AM Clutch with Local Business Owners**

Ct: Dean Amhaus - (b) (6) Personal Privacy

Format: Closed Press

\*\*The Administrator will meet with 8 to 10 local business owners for an informal clutch

Location: Backstage hold room,  
Discovery World Building,  
500 North Harbor Dr., Milwaukee, WI 53202

**10:30 AM-11:00 AM Depart for A.O. Smith**

Location: Discovery World Building

**11:00 AM-12:00 PM Tour of A.O. Smith Facilities**

Format: Closed press

Agenda: The Administrator will be given a tour of the A.O. Smith facilities

Location: A.O. Smith  
12100 West Park Place, Milwaukee, WI 53224

**12:00 PM-12:30 PM Depart for Milwaukee Journal -Sentinel**

Location: A.O. Smith

**12:30 PM-01:30 PM EdBoard Meeting at Milwaukee Journal -Sentinel**

Location: Milwaukee Journal-Sentinel  
333 West State Street, Milwaukee, WI 53023

**01:30 PM-01:50 PM Depart for Milwaukee Airport**

Location: Milwaukee Journal-Sentinel

---

**03:31 PM-05:20 PM En Route to DC**  
Frontier Airlines flight #322

Departs Milwaukee (MKE) at 3:31 PM EDT/2:31 PM CDT

Arrives in DC (DCA) at 5:20 PM EDT

Location: En Route to DC

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Wednesday, 9/21/2011

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

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**08:55 AM-09:30 AM HOLD: Boys and Girls Club Congressional Breakfast MOU Signing**  
Ct: Dru Ealons 564-7314

Location: Senate Russell Building Caucus Room; Room 325

---

**10:00 AM-11:00 AM HOLD for HEC Prep**  
Ct: Laura Vaught - 202-564-0304

Staff:  
Arvin Ganesan and Laura Vaught (OCIR)

Location: Administrator's Office

---

**11:00 AM-11:45 AM Strategy Discussion of Vehicle and Fuel Standards (Tier 3)**  
Ct: Cindy Huang - 202-564-1850

Staff:  
Deputy Administrator (OA)  
Scott Fulton, John Hannon (OGC)  
Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)

Optional:  
Bob Sussman, Diane Thompson (OA)  
Arvin Ganesan, Laura Vaught (OCIR)

\*\*This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

---

**12:00 PM-01:00 PM No Meetings**  
Location: Administrator's Office

---

**01:00 PM-01:45 PM Meeting with Siemens Executives**  
Ct: Rich Reisig richard.reisig@siemens.com

Topic: Utilities toxic rule

Attendees:

-Randy Zwirn, CEO of Siemens Energy Americas

-Barry Nicholls Sr. VP, Marketing

-Rich Reisig, VP, Government Affairs

Staff:

Bob Perciasepe (OA)

Gina McCarthy (OAR)

Arvin Ganesan (OCIR)

Scott Fulton (OGC)

Optional:

Bob Sussman, Diane Thompson (OA)

Janet McCabe (OAR)

Location: Bullet Room

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**02:00 PM-06:00 PM HOLD: Travel to NYC to meet with Minister Teixeira**

Ct Liz Ashwell 564.1008

Location: NYC

---

**03:30 PM-04:30 PM Senior Policy Meeting**

Location: Bullet Room

---

**05:00 PM-05:10 PM Phone Call with Congressman Mike Thompson (CA)**

Ct: Katie Washburn - 202-226-7372

The Administrator will call 202-226-7372 to be connected to the Congressman.

Staff:

Larry Elworth (OA)

Laura Vaught (OCIR)

Optional:

Arvin Ganesan (OCIR)

Location: Administrator's Office

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**Thursday, 9/22/2011**

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**08:00 AM-01:00 PM HOLD for HEC**

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**08:45 AM-09:15 AM FYI Daily Briefing**

Location: Administrator's Office

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**01:00 PM-02:00 PM No Meetings**

Location: Administrator's Office

---

**02:45 PM-03:30 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT**

Ct: Cindy Huang - 202-564-7314

**Staff:**

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)  
Lisa Garcia (OEJ)  
Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)  
Scott Fulton, Avi Garbow (OGC)  
Michael Goo (OP)  
Cynthia Giles (OECA)  
Mathy Stanislaus (OSWER)  
Paul Anastas (ORD)  
Dennis McLerran (R10)  
Arvin Ganeshan, Laura Vaught (OCIR)  
Barbara Bennett (OCFO)

**Optional:**

Diane Thompson (OA)  
Janet Woodka (Reg. Ops)  
Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda  
Farrar, Tom Eagles (OAR)  
Marilyn Kuray, Wendy Blake, Paul Versace (OGC)  
Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)  
Gerard Kraus, Gregory Fried, Sally Harmon (OECA)  
Gerain Perry, George Faison (OSWER)  
Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)  
Heather Valdez, Andrea Schrock (R10)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

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**04:00 PM-04:30 PM HOLD: MOU Signing Ceremony with AKA and Alpha Phi Alapha**  
Ct: Dru Ealons

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**05:00 PM-05:30 PM MOU Signing Ceremony with AKA**  
Ct: Dru Ealons (b) (6) Personal Privacy  
Location: Administrator's Office

---

Friday, 9/23/2011

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

---

**09:00 AM-09:20 AM HOLD Meet with California Community Leaders**  
Ct: Ryan Robison - 202-564-2856

Location: White House

---

**09:30 AM-09:45 AM Depart for Washington Convention Center**  
Location: Ariel Rios

---

**09:45 AM-10:00 AM Meeting with Representative James Clyburn (SC)**  
Ct: Lindy Birch Kelly - (b) (6) Personal Privacy  
EPA Ct: Dru Ealons - 202-573-3063  
Location: Washington Convention Center, Room 143-B  
801 Mt Vernon PI NW,

Washington, DC

**10:00 AM-10:20 AM    EPA & Public Health Braintrust Panel - Hosted by Representative Emanuel Cleaver (MO)**

Ct: Latrice Powell - 202-225-4535, Latrice.Powell@mail.house.gov

EPA Ct: Dru Ealons - 202-573-3063

\*\*The Administrator will provide opening remarks to the panel

Panelists:

- Gina McCarthy, Assistant Administrator, OAR
- Peter Iwanowicz, Director, American Lung Association, Healthy Air Campaign
- Phaedra Ellis-Lamkins, CEO, Green for All
- Representative Emmanuel Cleaver, Chair, Congressional Black Caucus

Location: Washington Convention Center, Room 143 - A  
801 Mt Vernon Pl NW,  
Washington, DC

**10:20 AM-10:30 AM    Depart for Ariel Rios**

Location: Wsahington Convention Center

**11:45 AM-12:45 PM    No Meetings**

Location: Administrator's Office

**12:45 PM-01:00 PM    Depart for the Willard**

Location: Ariel Rios

**01:00 PM-01:45 PM    Texas Instruments Braintrust Luncheon - Hosted By Representative Eddie Bernice Johnson (TX)**

Ct: Marianne Maher Kolcio - 202-256-5708

EPA Ct: Dru Ealons - 202-573-3063

Agenda:

1:15 PM: Ezra Penermon, TI Dir. of Community Relations, will introduce Representative Johnson, who will then introduce the Administrator

1:25 PM - 1:35 PM: The Administrator delivers Remarks

Location: Willard Hotel - The Nest Room, Mezzanine Level  
1401 Pennsylvania Ave NW, Washington, DC

**01:45 PM-02:00 PM    Depart for Ariel Rios**

Location: The Willard

**02:15 PM-03:00 PM    Meeting on School Siting Guidelines**

Ct: Khesha Reed 566-0594

Staff:

Peter Grevatt, Margot Brown (OCHP)

Cynthia Giles (OECA)

Scott Fulton (OGC)  
Barbara Bennett (OCFO)  
Gina McCarthy (OAR)  
Nancy Stoner (OW)  
Mathy Stanislaus (OSWER)  
Steve Owens (OCSPP)  
Malcolm Jackson (OEI)  
Paul Anastas (ORD)  
Michelle DePass (OITA)  
Michael Goo (OP)  
Arvin Ganeshan (OCIR)  
Stephanie Owens (OEAE)  
Lisa Garcia (OEJ)  
Charles Imohiosen (OA)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe (OA)  
Curt Spalding (R1)  
Susan Hedman (R5)  
Jared Blumenfeld (R9)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

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Saturday, 9/24/2011

05:00 PM-06:00 PM Congressional Black Caucus Phoenix Award Dinner  
Ct:Krisa Haggins - (b) (6) Personal Privacy khaggins@cbcfin.org

EPA Ct: Stephanie Owens - 202-450-0969

Honorees:

- The Administrator
- Two-time Former World Heavyweight Boxing Champion and Entrepreneur George Foreman
- Former President of the Southern Leadership Conference Dr. Joseph Lowery
- Civil Rights Activist and United States Representative John Lewis (GA)

Location: Washington Convention Center  
801 Mt Vernon PI NW,  
Washington, DC

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Sunday, 9/25/2011

Monday, 9/26/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

**03:00 PM-07:00 PM HOLD for Travel**

**Tuesday, 9/27/2011**

**05:00 AM-08:00 PM HOLD for Travel**

Location: New York, NY

**08:45 AM-09:05 AM FYI Daily Briefing**

Location: Administrator's Office

**Wednesday, 9/28/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Peter Grevatt**

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

**11:15 AM-12:00 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule**

Ct: Cindy Huang - 202-564-1850

Staff:

Dan Kanninen (OA)

Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge,

Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele,

Glenn Passavant, John Koupal, Mike Olechiw (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Paul Anastas (ORD)

Cynthia Giles (OECA)

Judith Enck (R2)

Shawn Garvin (R3)

Jared Blumenfeld (R9)

Arvin Ganesan, Laura Vaught (OCIR)

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)

Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)

Lester Facey (OA)  
Matthew Davis (OHCP)  
Anne Wick, Jeff Kodish (OECA)  
John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)  
Larke Williams, Sarah Mazur, Tim Benner,  
Gene Stroup, John Cowden, Will Boyes, Deb Luecken (ORD)  
Dan Birkett (R2)  
Brian Rehn (R3)  
Jeffrey Buss (R9)  
Peter Grevatt (OCHP)

\*Teleconferencing is required for this meeting

Location: Bullet Room

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**02:45 PM-03:15 PM Update on Pavillion**

Ct: Shelly Dawson 202-564-2440

Staff:

Bob Sussman (OA)  
Cynthia Giles (OECA)  
Nancy Stoner (OW)  
Paul Anastas (ORD)  
Jim Martin (By Phone) (R8)

Optional:

Diane Thompson (OA)

\*\*Teleconferencing is required for this briefing

Location: Administrator's Office

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**03:30 PM-05:00 PM Senior Policy Meeting**

Location: Bullet Room

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**Thursday, 9/29/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney 564-1619

Optional: Diane Thompson

Location: Administrator's Office

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**05:00 PM-05:30 PM Meet with Elliott Laws**

Ct: Ryan Robison - 202-564-2856

O'Tilia Hunter - (b) (6) Personal Privacy

Location: Administrator's Office

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Friday, 9/30/2011

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**11:30 AM-12:00 PM RESCHEDULE Pre-Brief to Governor Scott Phone Call**

Ct: Marcus McClendon - 202-564-0452

Staff:

Bob Sussman (OA)

Sarah Pallone (OCIR)

Gwen Keyes- Fleming (R4)

Optional:

Diane Thompson (OA)

Arvin Ganesan or Laura Vaught (OCIR)

\*\*Aaron Dickerson will dial (b) (6) Personal Privacy and the receptionist will transfer to Gwen

Location: Administrator's Office

---

**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

---

**03:45 PM-04:00 PM RESCHEDULE Phone Call with Governor Rick Scott (FL)**

Ct: Sarah Finebloom - Sarah.Finebloom@eog.myflorida.com

\*\*Conference Number: (b) (6) Personal Privacy

Conference Passcode: (b) (6) Personal Privacy

\*\*Topic: Everglades Restoration

Staff:

Bob Sussman (OA)

Sarah Pallone (OCIR)

Gwen Keyes-Fleming (R4)

Optional:

Diane Thompson (OA)

Arvin Ganesan or Laura Vaught (OCIR)

Location: Administrator's Office

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Saturday, 10/1/2011

Sunday, 10/2/2011

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\*\*\* END \*\*\*

01268-EPA-6930

Noah Dubin/DC/USEPA/US                          To  
09/16/2011 05:51 PM                          cc  
                                                            bcc Richard Windsor  
Subject 09/20/2011 thru 10/03/2011 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
Schedule**

09/16/2011 05:46:14 PM

**Tuesday, 9/20/2011**

**Note: All times are shown in Eastern Daylight Time (EDT)**

**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

**08:50 AM-09:00 AM Depart for Milwaukee Water Council**  
Location: Hotel

**09:00 AM-09:30 AM Remarks at Milwaukee Water Council Water Summit V**  
Ct: Dean Amhaus - (b) (6) Personal Privacy

Format: Open Press

Agenda:

- Welcome Remarks & Intro: Rich Meeusen, Co-Chair, Milwaukee Water Council
- Keynote Address: The Administrator

Location: Discovery World Building,  
500 North Harbor Dr., Milwaukee, WI 53202

**09:45 AM-10:30 AM Clutch with Local Business Owners**  
Ct: Dean Amhaus - (b) (6) Personal Privacy

Format: Closed Press

\*\*The Administrator will meet with 8 to 10 local business owners for an informal clutch

Location: Backstage hold room,  
Discovery World Building,  
500 North Harbor Dr., Milwaukee, WI 53202

**10:30 AM-11:00 AM Depart for A.O. Smith**  
Location: Discovery World Building

**11:00 AM-12:00 PM Tour of A.O. Smith Facilities**  
Format: Closed press

Agenda: The Administrator will be given a tour of the A.O. Smith facilities

Location: A.O. Smith  
12100 West Park Place, Milwaukee, WI 53224

---

**12:00 PM-12:30 PM Depart for Milwaukee Journal -Sentinel**  
Location: A.O. Smith

---

**12:30 PM-01:30 PM EdBoard Meeting at Milwaukee Journal -Sentinel**  
Location: Milwaukee Journal-Sentinel  
333 West State Street, Milwaukee, WI 53023

---

**01:30 PM-01:50 PM Depart for Milwaukee Airport**  
Location: Milwaukee Journal-Sentinel

---

**03:31 PM-05:20 PM En Route to DC**  
Frontier Airlines flight #322

Departs Milwaukee (MKE) at 3:31 PM EDT/2:31 PM CDT

Arrives in DC (DCA) at 5:20 PM EDT

Location: En Route to DC

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**Wednesday, 9/21/2011**

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

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**09:30 AM-10:30 AM House Energy and Commerce Hearing Prep**  
Ct: Laura Vaught - 202-564-0304

Staff:  
Arvin Ganesan, Laura Vaught (OCIR)

Optional:  
Diane Thompson (OA)

Location: Administrator's Office

---

**10:30 AM-11:15 AM Meeting with Siemens Executives**  
Ct: Rich Reisig - richard.reisig@siemens.com, [b] (6) Personal Privacy

Topic: Utilities toxic rule

Attendees:

- Randy Zwirn, CEO of Siemens Energy Americas
- Barry Nicholls Sr. VP, Marketing
- Rich Reisig, VP, Government Affairs

Staff:  
Bob Perciasepe (OA)  
Gina McCarthy (OAR)

Arvin Ganesan (OCIR)  
Scott Fulton (OGC)

Optional:  
Bob Sussman, Diane Thompson (OA)  
Janet McCabe (OAR)

Location: Bullet Room

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**11:45 AM-12:15 PM Depart for DCA**  
Location: Ariel Rios

---

**01:00 PM-02:25 PM En Route to New York**  
US Airways flight #2172

Departs DC (DCA) at 1:00 PM EDT

Arrives in New York (LGA) at 2:25 PM EDT

Location: En Route to New York

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**03:30 PM-04:30 PM FYI Senior Policy Meeting**  
Location: Bullet Room

---

**05:00 PM-05:10 PM RESCHEDULE Phone Call with Congressman Mike Thompson (CA)**  
Ct: Katie Washburn - 202-226-7372

The Administrator will call 202-226-7372 to be connected to the Congressman.

Staff:  
Larry Elworth (OA)  
Laura Vaught (OCIR)

Optional:  
Arvin Ganesan (OCIR)  
Location: Administrator's Office

---

**08:00 PM-09:18 PM En Route to DC**  
US Airways flight #2189

Departs New York (LGA) at 8:00 PM EDT

Arrives in DC (DCA) at 9:18 PM EDT

Location: En Route to DC

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Thursday, 9/22/2011

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**08:00 AM-01:00 PM HOLD for HEC**

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**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

---

**01:00 PM-02:00 PM No Meetings**  
Location: Administrator's Office

-----  
**04:00 PM-04:30 PM HOLD: MOU Signing Ceremony with AKA and Alpha Phi Alapha**  
Ct: Dru Ealons

-----  
**05:00 PM-05:30 PM MOU Signing Ceremony with AKA**  
Ct: Dru Ealons (b) (6) Personal Privacy  
Location: Administrator's Office

-----  
Friday, 9/23/2011

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

-----  
**09:00 AM-09:20 AM HOLD Meet with California Community Leaders**  
Ct: Ryan Robison - 202-564-2856

Location: EEOB - South Court Auditorium

-----  
**09:30 AM-09:45 AM Depart for Washington Convention Center**  
Location: Ariel Rios

-----  
**09:45 AM-10:00 AM Meeting with Representative James Clyburn (SC)**  
Ct: Lindy Birch Kelly - (b) (6) Personal Privacy  
EPA Ct: Dru Ealons - 202-573-3063  
Location: Washington Convention Center, Room 143-B  
801 Mt Vernon Pl NW,  
Washington, DC

-----  
**10:00 AM-10:20 AM EPA & Public Health Braintrust Panel - Hosted by Representative Emanuel Cleaver (MO)**  
Ct: Latrice Powell - 202-225-4535, Latrice.Powell@mail.house.gov  
EPA Ct: Dru Ealons - 202-573-3063

\*\*The Administrator will provide opening remarks to the panel

Panelists:

- Gina McCarthy, Assistant Administrator, OAR
- Peter Iwanowicz, Director, American Lung Association, Healthy Air Campaign
- Phaedra Ellis-Lamkins, CEO, Green for All
- Representative Emmanuel Cleaver, Chair, Congressional Black Caucus

Location: Washington Convention Center, Room 143 - A  
801 Mt Vernon Pl NW,  
Washington, DC

-----  
**10:20 AM-10:30 AM Depart for Ariel Rios**  
Location: Washington Convention Center

-----  
**11:00 AM-11:45 AM Meeting on School Siting Guidelines**  
Ct: Khesha Reed 566-0594

**Staff:**

Peter Grevatt, Margot Brown (OCHP)  
Cynthia Giles (OECA)  
Scott Fulton (OGC)  
Barbara Bennett (OCFO)  
Gina McCarthy (OAR)  
Nancy Stoner (OW)  
Mathy Stanislaus (OSWER)  
Steve Owens (OCSPP)  
Malcolm Jackson (OEI)  
Paul Anastas (ORD)  
Michelle DePass (OITA)  
Michael Goo (OP)  
Arvin Ganeshan (OCIR)  
Stephanie Owens (OEAE)  
Lisa Garcia (OEJ)  
Charles Imohiosen (OA)

**Optional:**

Diane Thompson, Bob Sussman, Bob Perciasepe (OA)  
Curt Spalding (R1)  
Susan Hedman (R5)  
Jared Blumenfeld (R9)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

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**11:45 AM-12:45 PM    No Meetings**

Location: Administrator's Office

---

**12:45 PM-01:00 PM    Depart for the Willard**

Location: Ariel Rios

---

**01:00 PM-01:45 PM    Texas Instruments Braintrust Luncheon - Hosted By Representative Eddie Bernice Johnson (TX)**

Ct: Marianne Maher Kolcio - 202-256-5708

EPA Ct: Dru Ealons - 202-573-3063

Agenda:

1:15 PM: Ezra Penermon, TI Dir. of Community Relations, will introduce Representative Johnson, who will then introduce the Administrator

1:25 PM - 1:35 PM: The Administrator delivers Remarks

Location: Willard Hotel - The Nest Room, Mezzanine Level  
1401 Pennsylvania Ave NW, Washington, DC

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**01:45 PM-02:00 PM    Depart for Ariel Rios**

Location: The Willard

---

**02:30 PM-03:15 PM    Strategy Discussion of Vehicle and Fuel Standards (Tier 3)**

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)  
Scott Fulton, John Hannon (OGC)  
Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)

Optional:

Bob Sussman, Diane Thompson (OA)  
Arvin Ganesan, Laura Vaught (OCIR)

\*\*This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

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Saturday, 9/24/2011

**05:00 PM-06:00 PM Congressional Black Caucus Phoenix Award Dinner**

Ct:Krisa Haggins - (b) (6) Personal Privacy khaggins@cbcfin.org  
EPA Ct: Stephanie Owens - 202-450-0969

Honorees:

- The Administrator
- Two-time Former World Heavyweight Boxing Champion and Entrepreneur George Foreman
- Former President of the Southern Leadership Conference Dr. Joseph Lowery
- Civil Rights Activist and United States Representative John Lewis (GA)

Location: Washington Convention Center  
801 Mt Vernon PI NW,  
Washington, DC

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Sunday, 9/25/2011

Monday, 9/26/2011

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

---

**10:45 AM-11:15 AM Pre-Brief to Governor Scott Phone Call**

Ct: Marcus McClendon - 202-564-0452

Staff:

Bob Sussman (OA)  
Sarah Pallone (OCIR)  
Gwen Keyes- Fleming (R4)

Optional:

Diane Thompson (OA)  
Arvin Ganesan or Laura Vaught (OCIR)

\*\*Aaron Dickerson will dial (b) (6) Personal Privacy and the receptionist will transfer to Gwen

Location: Administrator's Office

---

**11:30 AM-11:45 AM Phone Call with Governor Rick Scott (FL)**

Ct: Sarah Finebloom - Sarah.Finebloom@eog.myflorida.com

\*\*Conference Number: (b) (6) Personal Privacy

Conference Passcode: (b) (6) Personal Privacy

\*\*Topic: Everglades Restoration

Staff:

Bob Sussman (OA)  
Sarah Pallone (OCIR)  
Gwen Keyes-Fleming (R4)

Optional:

Diane Thompson (OA)  
Arvin Ganesan or Laura Vaught (OCIR)

Location: Administrator's Office

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

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**03:00 PM-07:00 PM HOLD for Travel**

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**Tuesday, 9/27/2011**

**05:00 AM-08:00 PM HOLD for Travel**

Location: New York, NY

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**08:45 AM-09:05 AM FYI Daily Briefing**

Location: Administrator's Office

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**Wednesday, 9/28/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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**10:00 AM-10:30 AM One on One with Peter Grevatt**

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

---

**11:15 AM-12:00 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule**  
Ct: Cindy Huang - 202-564-1850

Staff:

Dan Kanninen (OA)

Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge,  
Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele,  
Glenn Passavant, John Koupal, Mike Olechiw (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Paul Anastas (ORD)

Cynthia Giles (OECA)

Judith Enck (R2)

Shawn Garvin (R3)

Jared Blumenfeld (R9)

Arvin Ganesan, Laura Vaught (OCIR)

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)

Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)

Lester Facey (OA)

Matthew Davis (OHCP)

Anne Wick, Jeff Kodish (OECA)

John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)

Larke Williams, Sarah Mazur, Tim Benner,

Gene Stroup, John Cowden, Will Boyes, Deb Luecken (ORD)

Dan Birkett (R2)

Brian Rehn (R3)

Jeffrey Buss (R9)

Peter Grevatt (OCHP)

\*Teleconferencing is required for this meeting

Location: Bullet Room

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**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**02:45 PM-03:15 PM Update on Pavillion**

Ct: Shelly Dawson 202-564-2440

Staff:

Bob Sussman (OA)

Cynthia Giles (OECA)

Nancy Stoner (OW)

Paul Anastas (ORD)

Jim Martin (By Phone) (R8)

Optional:

Diane Thompson (OA)

\*\*Teleconferencing is required for this briefing

Location: Administrator's Office

**03:30 PM-05:00 PM Senior Policy Meeting**

Location: Bullet Room

**Thursday, 9/29/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney 564-1619

Optional: Diane Thompson

Location: Administrator's Office

**11:00 AM-12:00 PM No Meetings**

Location: Administrator's Office

**12:00 PM-01:00 PM HOLD: Lunch w/ Barb Bennett**

Liz Ashwell 564.1008

**02:30 PM-03:15 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT**

Ct: Cindy Huang - 202-564-7314

Staff:

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Paul Anastas (ORD)

Dennis McLerran (R10)

Arvin Ganesan, Laura Vaught (OCIR)

Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)

Janet Woodka (Reg. Ops)

Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)

Marilyn Kuray, Wendy Blake, Paul Versace (OGC)

Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)

Gerard Kraus, Gregory Fried, Sally Harmon (OECA)

Gerain Perry, George Faison (OSWER)

Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)

Heather Valdez, Andrea Schrock (R10)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

**05:00 PM-05:30 PM Meet with Elliott Laws**

Ct: Ryan Robison - 202-564-2856

O'Tilia Hunter - (b) (6) Personal Privacy

Location: Administrator's Office

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**Friday, 9/30/2011**

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**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

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**Saturday, 10/1/2011**

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**Sunday, 10/2/2011**

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**Monday, 10/3/2011**

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**05:00 AM-08:00 PM In-house AA Day**

Location: Green Room

**05:00 AM-08:00 PM HOLD for Cabinet Meeting**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

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\*\*\* END \*\*\*

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01268-EPA-6936

Betsaida  
Alcantara/DC/USEPA/US  
09/18/2011 08:27 PM

To "Richard Windsor", "Eric Wachter", "Jeffrey Tate", [(b) (6) Personal F  
██████████]  
cc  
bcc  
Subject 9:15am B-fast with Newsweek

Administrator,  
We'll meet Michelle at 9:15am tmr for continental bfast. We'll find a spot for us to sit down. Here are some of the topics of conversation that she just sent to me:  
-expectations coming in, current political climate, relationships with biz, enviros, congress, and white house--and her editors are fascinated by how you maintain relationships even with "ideological tormentors".

Like Broder intv, we should plan to do some off and on the record. I'll be there a bit earlier to meet up with you to chat before we meet with Michelle.

01268-EPA-6937

**Richard  
Windsor/DC/USEPA/US**  
09/18/2011 08:29 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: 9:15am B-fast with Newsweek

Tx.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/18/2011 08:27 PM EDT  
**To:** Richard Windsor; Eric Wachter; Jeffrey Tate; (b) (6) Personal Privacy  
**Subject:** 9:15am B-fast with Newsweek

Administrator,

We'll meet Michelle at 9:15am tmr for continental bfast. We'll find a spot for us to sit down. Here are some of the topics of conversation that she just sent to me:

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Like Broder intv, we should plan to do some off and on the record. I'll be there a bit earlier to meet up with you to chat before we meet with Michelle.

01268-EPA-6938

Betsaida  
Alcantara/DC/USEPA/US  
09/18/2011 09:05 PM

To (b) (6) Personal Privacy Richard Windsor, Eric Wachter, Jeffrey Tate, "Elizabeth Ashwell"  
cc  
bcc  
Subject Update 9:00am- B-fast with Newsweek

We need to move this to 9am since we just realized LPJ has a call at 9:30 with NOAA.

(b) (6) Personal Privacy

----- Original Message -----

**From:** (b) (6) Personal Privacy  
**Sent:** 09/18/2011 09:00 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Eric Wachter; Jeffrey Tate  
**Subject:** Re: 9:15am B-fast with Newsweek

Thanks for the heads up Betsaida.

(b) (6) Personal Privacy

Chief, Protective Service Detail  
U.S. Environmental Protection Agency  
(O) (b) (6) Personal Privacy  
(C) (b) (6) Personal Privacy  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/18/2011 08:27 PM EDT  
**To:** Richard Windsor; Eric Wachter; Jeffrey Tate; (b) (6) Personal Privacy  
**Subject:** 9:15am B-fast with Newsweek

Administrator,

We'll meet Michelle at 9:15am tmr for continental bfast. We'll find a spot for us to sit down. Here are some of the topics of conversation that she just sent to me:

-expectations coming in, current political climate, relationships with biz, enviros, congress, and white house--and her editors are fascinated by how you maintain relationships even with "ideological tormentors".

Like Broder intv, we should plan to do some off and on the record. I'll be there a bit earlier to meet up with you to chat before we meet with Michelle.

01268-EPA-6941

**Laura Vaught/DC/USEPA/US** To "Richard Windsor"  
09/22/2011 08:22 AM cc "Seth Oster", Brendan Gilfillan, "Alex Barron", "beauvais joel"  
**bcc**  
**Subject** Fw: SMU study just out that may come up today

---

**From:** "Laura Vaught" [(b) (6) Personal Privacy]

**Sent:** 09/22/2011 07:59 AM AST

**To:** Laura Vaught

**Subject:** SMU study just out that may come up today

SMU has put out a new study – it was submitted to the Industrial Energy Consumers of America and another industry group, so while it isn't absolutely clear, I assume they paid for it. I have only seen the summary which says that manufacturing is the key to economic recovery, that CSAPR and MATS will raise the cost of electricity thereby costing up to 1 million jobs, including small businesses. The conclusion is that a better path would be to follow the EO's and consider cumulative effects of regulations on the economy.

If this comes up, I would recommend [(b) (5) DP]

[REDACTED]

[REDACTED]

#### EXECUTIVE SUMMARY

- The only potential bright spot in otherwise dismal economic news is the potential for recovery in manufacturing output and employment.
- Manufacturing operations need access to affordable and reliable electric power and stable natural gas supplies in order to recover economically and to be competitive globally. Higher energy prices slow economic growth and create substantial labor displacement according to a broad consensus of studies.
- Each 1% increase in U.S. gross domestic product necessitates a 0.3% increase in energy use.
- The Utility Maximum Achievable Control Technology (Utility MACT) rule and the Cross State Air Pollution Rule (CSAPR) result in substantial increases in electricity costs and natural gas input costs to the manufacturing sector.
- Numerous studies find that regulatory burdens of this sort imposed on energy prices and energy supply cause plant closures and maximize the potential that manufacturing jobs will move overseas.
- For each manufacturing job lost, many other dependent jobs will also exit the economy. One in eight private sector jobs rely upon our manufacturing base. For energy intensive manufacturing industries, the relationship is even higher. For example, models show each job lost in iron and steel, 12.3 jobs are lost elsewhere, pulp and paper, 9.7 jobs and refining, 36.3 jobs.
- Utility MACT and CSAPR, assuming a general manufacturing multiplier of eight, could place another one million jobs at risk before considering losses in the coal and utility sector.
- Impacts on small business related to energy costs and the rules will also delay or prevent

economic recovery.

- The better approach would be to take into account the cumulative economic impacts of overlapping regulations consistent with the President's own Executive Order.

01268-EPA-6942

Richard  
Windsor/DC/USEPA/US  
09/22/2011 08:28 AM

To Laura Vaught  
cc  
bcc

Subject Re: SMU study just out that may come up today

K

---

**From:** Laura Vaught  
**Sent:** 09/22/2011 08:22 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Brendan Gilfillan; Alex Barron; "beauvais.joel" <beauvais.joel@epa.gov>  
**Subject:** Fw: SMU study just out that may come up today

---

**From:** "Laura Vaught" [(b) (6) Personal Privacy]  
**Sent:** 09/22/2011 07:59 AM AST  
**To:** Laura Vaught  
**Subject:** SMU study just out that may come up today

SMU has put out a new study – it was submitted to the Industrial Energy Consumers of America and another industry group, so while it isn't absolutely clear, I assume they paid for it. I have only seen the summary which says that manufacturing is the key to economic recovery, that CSAPR and MATS will raise the cost of electricity thereby costing up to 1 million jobs, including small businesses. The conclusion is that a better path would be to follow the EO's and consider cumulative effects of regulations on the economy.

If this comes up, I would recommend [(b) (5) DP]

## EXECUTIVE SUMMARY

- The only potential bright spot in otherwise dismal economic news is the potential for recovery in manufacturing output and employment.
- Manufacturing operations need access to affordable and reliable electric power and stable natural gas supplies in order to recover economically and to be competitive globally. Higher energy prices slow economic growth and create substantial labor displacement according to a broad consensus of studies.
- Each 1% increase in U.S. gross domestic product necessitates a 0.3% increase in energy use.
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- Numerous studies find that regulatory burdens of this sort imposed on energy prices and energy supply cause plant closures and maximize the potential that manufacturing jobs will move overseas.

- For each manufacturing job lost, many other dependent jobs will also exit the economy. One in eight private sector jobs rely upon our manufacturing base. For energy intensive manufacturing industries, the relationship is even higher. For example, models show each job lost in iron and steel, 12.3 jobs are lost elsewhere, pulp and paper, 9.7 jobs and refining, 36.3 jobs.
- Utility MACT and CSAPR, assuming a general manufacturing multiplier of eight, could place another one million jobs at risk before considering losses in the coal and utility sector.
- Impacts on small business related to energy costs and the rules will also delay or prevent economic recovery.
- The better approach would be to take into account the cumulative economic impacts of overlapping regulations consistent with the President's own Executive Order.

01268-EPA-6945

Richard  
Windsor/DC/USEPA/US  
09/22/2011 01:29 PM

To John Hankinson  
cc  
bcc  
Subject Re: Fw: HOUma AND RELEASE OF FINAL REPORT

YES

John Hankinson I would love some help with my prioritie... 09/22/2011 11:13:41 AM

From: John Hankinson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 09/22/2011 11:13 AM  
Subject: Fw: HOUma AND RELEASE OF FINAL REPORT

I would love some help with my priorities.(b) (5) DP

[REDACTED] . Are my priorities right here?

John

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

----- Forwarded by John Hankinson/DC/USEPA/US on 09/22/2011 11:07 AM -----

From: Sidney Coffee <scoffee@americaswetland.com>  
To: John Hankinson/DC/USEPA/US@EPA  
Cc: Jody Ramsey/DC/USEPA/US@EPA, Valsin Marmillion <vam@mcopr.com>, "King Milling  
(newaddress)" <rmilling@uptownnola.net>  
Date: 09/22/2011 09:37 AM  
Subject: HOUma AND RELEASE OF FINAL REPORT

John,

We received word you would not be able to address the community forum we are holding in Houma, Louisiana, on September 28 due to need to strategize release of the report.

We urge you to reconsider as this forum is shaping up to be significant in many ways - not to mention number of participants, breadth of diversity of interests represented, and state and local leaders in attendance and making presentations. From our focus group and individual interviews, we are confident there will be interesting conclusions from this group who sits at "ground zero" of coastal land loss and vulnerability to climate changes.

It could be a powerful part of your release strategy to announce a "piece of the puzzle" at this event, building momentum for press and Gulf residents for release of the entire report only a few days later.

Please reconsidered your decision and let us know if you will be able to come. It think this could be a positive from a media perspective.

Thanks so much,

Sidney

--

Sidney Coffee  
America's WETLAND Foundation  
Senior Advisor/Climate, Energy and the Coast  
(225) 603-3698  
[www.americaswetland.com](http://www.americaswetland.com)

---

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01268-EPA-6946

**Richard  
Windsor/DC/USEPA/US**  
09/22/2011 06:17 PM

To Laura Vaught  
cc  
bcc  
Subject Re: 14 House Members write to CEG CEOs

That's actually pretty funny stuff.  
Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 09/22/2011 05:29 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Michael Goo; Arvin Ganesan  
**Subject:** Fw: 14 House Members write to CEG CEOs

FYI - Letter from 14 House members (coal state, primarily Ohio) to CEG company CEO's. Basically complaining about the CEG company view of EPA regs, saying they stand to profit at the expense of their rate payers and concluding that the CEG companies cannot possibly believe that reliability will not be a problem.

[attachment "CSAPR CEG\_letter\_9-22-11.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6947

Richard  
Windsor/DC/USEPA/US  
09/22/2011 10:18 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Fox News: Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

Am I just jaded or is that a pretty balanced piece?

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/22/2011 10:01 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Brendan Gilfillan; Diane Thompson; Arvin Ganesan; Laura Vaught; Michael Goo; Daniel Kanninen; Alisha Johnson; Andra Belknap; Stephanie Owens; Dru Ealons; Janet Woodka; Bicky Corman; Sarah Pallone; Marcus McClendon  
**Subject:** Fox News: Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

#### Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

By James Rosen

Published September 22, 2011 FoxNews.com

Across an often contentious three-hour congressional hearing Thursday, Environmental Protection Agency Administrator Lisa Jackson vigorously defended her agency's policies promoting cleaner air and water, and rejected suggestions by Republican lawmakers that the EPA is a chief factor in the country's stagnant economic recovery.

"The American people have a right to know whether the air they breathe is healthy or unhealthy," Jackson said during her appearance before a subcommittee of the House Energy and Commerce Committee.

Time and again, she dismissed the notion that stubbornly high unemployment should prompt policymakers to roll back robust environmental protections.

"It is analogous to a doctor not giving a diagnosis to a patient because the patient might not be able to afford the treatment," she said.

GOP members cast Jackson as an über-regulator, oblivious to the economic hardship her policies have created in their home districts. "We have focused on cracking down on the private sector, on the job generators," lamented Rep. Brian Bilbray, R-Calif.

Rep. Marsha Blackburn, R-Tenn., cited the example of Buckman Laboratories International, a Memphis-based chemical manufacturer with 1,500 employees worldwide and estimated annual sales of \$500 million.

According to Blackburn, the company was recently forced to change 4,000 labels on its containers, in order to comply with new EPA rules - but did not have to change the contents of the microbicides in the containers. And the firm received a new demand from the agency on Wednesday, Blackburn said, to change an additional five labels.

"Do you have any understanding of how the uncertainty that your agency is causing is affecting the businesses that are in my state?" Blackburn asked Jackson.

"I would not argue that regulations and standard-setting for safety don't have impacts on business," Jackson replied. "But remember: The pesticide laws and regulations are for the safety of the users of those pesticides."

"Ms. Jackson, we are all for clean air, clean water, and a safe environment," Blackburn shot back. "There is no argument about that. What we are looking at is the cost-benefit analysis of this."

It was Jackson's 29th turn as a congressional witness since taking office, and her ninth since Republicans assumed control of the House 10 months ago. By contrast, her predecessor under the Bush administration, Stephen Johnson, made only four such appearances in a comparable two-and-a-half-year time frame.

The hearing came three weeks after President Obama stunned environmental activists and other members of his liberal base by rejecting an EPA proposal to toughen ozone standards. Republicans seized on that decision as evidence that Jackson has overreached during her tenure as EPA administrator.

"While you may want to carry out your agenda, even the president has acknowledged that you've gone too far," said Rep. Steven Scalise, R-La.

Pressed about the president's decision, Jackson maintained that Obama remains committed to vigorous enforcement of anti-pollution measures.

At one point, Jackson invoked last year's deadly BP oil spill in the Gulf Coast to rebut Republicans' calls for the dismantlement of the nation's environmental regulatory regime.

"Not every deregulatory push works out well for the country or the environment," she told lawmakers. "In 2009, a company called another federal agency's rules an unnecessary burden. That agency wasn't EPA; it was the Minerals Management Service. And that company was Transocean; and we know what happened."

Since the Obama administration began, the EPA has announced stricter rules for the emission of mercury and other toxins from coal-burning power plants, and ordered 27 states to curb power plant emission because strong winds carry pollution from those states to others.

Jackson testified that these measures will save lives and money in the long run, and also create new jobs to handle the transition process for plants that must retrofit their facilities to meet the new standards.

Specifically, she claimed the administration's anti-pollution controls will prevent an estimated 11,000 heart attacks; 11,000 cases of acute childhood bronchitis; 12,000 emergency room visits and hospital admissions; 17,000 premature deaths; 120,000 cases of childhood asthma; and 850,000 days of work missed due to illness.

Energy industry analysts call the Obama-era EPA rules the most expensive ever imposed. A study funded by the American Coalition for Clean Coal Electricity estimated that if fully enacted, EPA's pending rules would cost the country 1.4 million jobs by decade's end, and raise retail electricity prices by an average of 12 percent by 2016.

Confronted with similarly dire assessments of the impact of her work, Jackson told lawmakers the energy industry overstated by a multiple of four the costs associated with efforts to combat "acid rain" in the 1990s.

01268-EPA-6948

**Richard  
Windsor/DC/USEPA/US**  
09/24/2011 01:56 PM

To Arvin Ganesan  
cc Seth Oster, Bob Sussman, Michael Goo, Laura Vaught  
bcc  
Subject Re: Coal Ash

If you all think it best.

**From:** Arvin Ganeshan  
**Sent:** 09/24/2011 01:11 PM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Bob Sussman; Michael Goo; Laura Vaught  
**Subject:** Coal Ash

Administrator,  
Just had a call with mathy, bob S, Michael Goo and Laura on the Coal Ash bill and the short term plans  
(b) (5) DP

Let me quickly summarize where we landed and please tell us if you're OK with this.

(b) (5) DP

Do you have any thoughts on this approach?  
thanks.

01268-EPA-6951

Richard  
Windsor/DC/USEPA/US  
09/25/2011 09:54 PM

To Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Seth Oster, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Michael Goo, Alisha Johnson, Andra Belknap, Bicky Corman, Janet Woodka

cc

bcc

Subject Re: WSJ Editorial: Inside the EPA

That is the study which the CRS discredited as unrealistic. The Murdoch dirty air rampage continues.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/25/2011 09:49 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Michael Goo; Alisha Johnson; Andra Belknap; Bicky Corman; Janet Woodka  
**Subject:** WSJ Editorial: Inside the EPA

### Inside the EPA

Memos show that even other regulators worry about its rule-making.  
September 26

The Environmental Protection Agency claims that the critics of its campaign to remake U.S. electricity are partisans, but it turns out that they include other regulators and even some in the Obama Administration. In particular, a trove of documents uncovered by Congressional investigators reveals that these internal critics think the EPA is undermining the security and reliability of the U.S. electric power supply. With its unprecedented wave of rules, the EPA is abusing traditional air-quality laws to force a large share of the coal-fired fleet to shut down. Amid these sacrifices on the antcarbon altar, Alaska Republican Lisa Murkowski and several House committees have been asking, well, what happens after as much as 8% of U.S. generating capacity is taken off the grid?

A special focus of their inquiry has been the Federal Energy Regulatory Commission, or FERC, which since 2005 has been charged with ensuring that the (compact fluorescent) lights stay on. That 8% figure comes from FERC itself in a confidential 2010 assessment of the EPA's regulatory bender—or about 81 gigawatts that FERC's Office of Electric Reliability estimated is "very likely" or "likely" to enter involuntary retirement over the next several years. FERC disclosed the estimate in August in response to Senator Murkowski's questions, along with a slew of memos and emails.

FERC Chairman Jon Wellinghoff, a Democrat, has since disavowed the study as nothing more than back-of-the-envelope scribblings that are now "irrelevant," as he told a recent House hearing. OK, but then could FERC come up with a relevant number? Since he made the study public, Mr. Wellinghoff has disowned responsibility for scrutinizing the EPA rules and now says that FERC will only protect electric reliability ex post facto once the rules are permanent, somehow.

This abdication is all the more striking because the documents show that EPA's blandishments about reliability can't be trusted. In its initial 2010 analysis—a rigorous document—FERC notes in a "next steps" section that the reliability office and industry must "assess the reliability and adequacy impacts of retirement of at risk units." In part, this was because the office believed the EPA analyses to be deficient. One undated memo specifies multiple weaknesses in EPA reliability modelling.

However much power is lost, whether 81 gigawatts or something else, the electric grid is highly local. Even subtracting a small plant could have much larger effects for regions, such as blackouts. The older and less efficient coal plants that are slated for closure are often the crucial nodes that connect the hubs and spokes of the grid. If these "sensitive" interconnections are taken out, as the memo puts it, the power system becomes less stable, harder to manage and may not be able to meet peak-load demand or withstand unexpected disturbances.

When large swaths of Arizona, New Mexico and parts of southern California including San Diego went

dark this month, preliminary reports blamed it on a Homer Simpson who flipped the wrong switch. But the incident shows that even minor mistakes or degraded systems can ramify throughout the grid. The EPA scanted these technical, regional issues when writing the rules, even though another "summary of interagency working comments" within the Administration explicitly told the EPA that reliability needed "more discussion."

And according to the FERC minutes of a 2010 meeting between its reliability office and the EPA, EPA staffers waved off those concerns. "The EPA concluded the discussion by stating that it felt the Clean Air Transport Rule and Mercury MACT rule"—two of the most destructive new regulations—"were the highest priority given that these regulations were more finalized." In other words, the agency's green political goals are more important than the real-world outcomes, never mind the danger.

For our part, we've opposed this "highest priority" because the rules are written in a way that maximizes the economic costs, with terrible effects on growth, hiring, investment and consumer prices. And well, well: More than a few people in the Administration seem to agree.

The interagency memo explains that the EPA used its "discretion" to structure one rule so that it is more "stringent" than it needs to be. The agency could achieve the same environmental benefits with "substantial" cost-savings, which "would be far more preferable to the proposed approach," says the memo. It sensibly adds that, "The current economic climate dictates a balancing of economic and environmental interests."

Under pressure from Democrats and the EPA to disavow his own agency's analysis, Mr. Wellinghoff now says that FERC favors only a "safety valve" that would give it the authority to overrule the EPA on a case-by-case basis if its regulations might lead to blackouts. But even this is a tacit admission of EPA's overkill. You don't need a safety valve if there isn't a threat to safety.

The best option would be for the EPA to write less destructive rules that don't jeopardize reliability in the first place. Failing that, we should at least know the risks before it is too late. In a letter to Mr. Wellinghoff last week, Mrs. Murkowski simply asks that FERC undertake some kind of study of the EPA's agenda in line with its statutory obligations and the warnings of its own experts. If FERC won't do it, someone else should.

01268-EPA-6957

Gina McCarthy/DC/USEPA/US

To Richard Windsor

09/27/2011 07:53 AM

cc Joseph Goffman

bcc

Subject Re: Hope you don't mind the imposition

Interesting. We will reach out and get a copy.

---

**From:** (b) (6) Personal Privacy

**Sent:** 09/27/2011 10:09 AM GMT

**To:** "Mim John" <(b) (6) Personal Privacy>

**Cc:** Gina McCarthy; Joseph Goffman; Jared Blumenfeld

**Subject:** Re: Hope you don't mind the imposition

Mim,

Please forgive the fact that I am so far behind on email. It has been a horribly busy month but that is no excuse.

EPA folks would be very interested in your report. The three main contacts are Gina McCarthy, the head of our national air and climate programs, Joe Goffman, Gina's deputy, and Jared Blumenfeld, the head of EPA's office in San Francisco.

I've cc'd them all on this message. If you get back to DC to discuss the report, I'd love to hear more as well.

Lisa

Sent from my Verizon Wireless BlackBerry

---

**From:** Miriam John <(b) (6) Personal Privacy>

**Date:** Mon, 05 Sep 2011 16:51:37 -0700

**To:** Lisa Jackson<(b) (6) Personal Privacy>

**Subject:** Hope you don't mind the imposition

Lisa -

Thanks much for your note of congratulations to Vijay and the kudos to Alon. I didn't realize that you two were classmates. And kudos to you for what the "grapevine" tells me has been your superb leadership at the agency. That, plus he stamina to keep at it for these several years.

This is not a Tulane related message, however, so I've been a bit reluctant to send it. But I also don't have the contacts in EPA to make sure the attached gets to the right people like I (and other members of this study team) have at DOE.

One of my other pro bono jobs is chairing the California Council on Science and Technology ([www.ccst.us/](http://www.ccst.us/)) , a not-for-profit established by the legislature ~30 years ago to provide independent advice to the state on technical issues - basically functioning as the state's version of the National Academies. We recently completed a major study looking at whether/how the state can meet its ambitious emissions requirements simultaneously with meeting the projected growth in energy demand. We've been careful to "do the ma h" - i.e., there's no free lunch with any single or blended technology approach (e.g., renewables must have some firming power source that does not bust the emissions budget). Bottom line is that we can meet the 2050 goals, but with some important caveats that will require considerable and courageous policy support related to efficiency, incentives, and stepping up to nuclear...and actions are needed almost immediately because of the pace at which realistic changes in the current supply portfolio

and building/vehicle turnover can be made to get there.

The study has gained some traction in the state with Mary Nichols of the CA Air Resources Board and with some members of the CA Energy Commission. The Governor has asked to schedule an evening get together to discuss it in detail. And now some of our Congressmen have stepped up to host a session with other members of the CA delegation. DOE (the Secretary and head of E-ARPA) is also getting in the loop. Members of the study team are briefing in Washington next week.

I would appreciate any pointers to your folks who might be interested.

Thanks,  
Mim

Dr. Mim John  
Chair, California Council on Science and Technology  
Vice President Emeritus  
Sandia National Laboratories  
(b) (6) Personal Privacy  
(925)852-1708

01268-EPA-6959

Richard  
Windsor/DC/USEPA/US  
09/27/2011 04:26 PM

To Betsaida Alcantara  
cc Brendan Gilfillan  
bcc  
Subject Re: Statement in response to the Daily Caller story

A sad commentary on the state of our political discourse.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/27/2011 04:22 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan  
**Subject:** Statement in response to the Daily Caller story

Administrator,

Here's what we plan to say to Politico about the Daily Caller story that has been picked up by Fox News. Media Matters and other bloggers have debunked it already. See pasted below. Statement here: "Much of what is said or written about EPA these day is entirely inaccurate - but the Daily Caller's report is comically wrong. At least one job clearly needs to be created: they're clearly in the market for a fact-checker."

## Media Matters No, EPA Is Not Hiring 230,000 Workers To Implement Climate Rules

September 27, 2011 2:18 pm ET

EPA explained in a court brief that by phasing in greenhouse gas regulations and focusing on large sources of emissions, the agency avoids a scenario in which 230,000 new workers would be required. Somehow, the Daily Caller's Matthew Boyle concluded from this that "The EPA is asking taxpayers to fund up to 230,000 new government workers." Other conservative media outlets, including Fox News, repeated Boyle's false report.

### EPA Said It Avoided Scenario In Which 230,000 New Workers Would Be Necessary

**May 2010 EPA Rule Narrowed Application Of Greenhouse Gas Regulations To Focus On Large Sources.** In May 2010, Greenwire reported that EPA issued its "tailoring" rule to specify that greenhouse gas regulations "would cover power plants, refineries and other large industrial plants while exempting smaller sources like farms, restaurants, schools and other facilities." Greenwire added:

The Clean Air Act's current thresholds for regulating "conventional pollutants" like lead, sulfur dioxide and nitrogen dioxide are 100 or 250 tons a year. But while those thresholds are appropriate for those pollutants, EPA says, they are not feasible for greenhouse gases, which are emitted in much larger quantities.

Without the tailoring rule, EPA air chief Gina McCarthy said today, about 6 million facilities could need permits when EPA's greenhouse gas standards for automobiles kick in next January, making greenhouse gases officially "subject to regulation" under the Clean Air Act.

[...]

No sources that emit less than 50,000 tons per year will be subject to permitting requirements until at least April 30, 2016, according to the rule. [Greenwire, [5/13/10](#)]

**EPA Issued "Tailoring Rule" To Avoid Having To Hire 230,000 New Workers.**

Conservative media are distorting a September 16 court filing, which explains why EPA issued the "tailoring rule" in May 2010 and asks the court to throw out an industry challenge to the rule. EPA stated in the brief that in the absence of the "tailoring rule,"

Sources needing operating permits would jump from 14,700 to 6.1 million as a result of application of Title V to greenhouse gases, a 400-fold increase. ... Hiring the 230,000 full-time employees necessary to produce the 1.4 billion work hours required to address the actual increase in permitting functions would result in an increase in the Title V administration costs of \$21 billion per year.

Based on this analysis, EPA found that applying the literal statutory thresholds (100/250 tpy [tons per year]) on January 2, 2011, would 'overwhelm[] the resources of permitting authorities and severely impair[] the functioning of the programs ...' After considerable study and receipt of public comment, EPA determined that by phasing in the statutory thresholds, it could almost immediately achieve most of the emission benefits that would result from strict adherence to the literal 100/250 tpy threshold while avoiding the permit gridlock that unquestionably would result from the immediate application of that threshold. This phase-in process would also allow EPA time to develop streamlining measures that could eventually ease administration at the statutory thresholds. Thus, EPA promulgated the Tailoring Rule to 'phase[] in the applicability of these programs to GHG sources, starting with the largest GHG emitters.'" [EPA brief, [9/16/11](#)]

**EPA Currently Employs 17,000 People.** The fact that EPA does not plan to hire 230,000 employees at a cost of \$21 billion per year should be obvious considering that the entire agency employs around 17,000 people and its fiscal year 2011 budget is only \$8.7 billion. [Environmental Protection Agency, accessed [9/27/11](#)]

**Industry Groups Are Challenging The Tailoring Rule.** A January 5 *National Journal* report explains why industry groups are challenging the "tailoring" rule even though the rule serves to

reduce the regulatory burden on businesses:

Seventeen states and dozens of industry and fossil-fuel groups have filed suit attacking EPA's legal authority to regulate carbon pollution. It's a tough case to make, however: Legal experts say that the agency is on firm ground, citing a 2007 Supreme Court ruling ordering the environmental agency to determine whether global-warming emissions pose a danger to human health. EPA's 2009 decision that they do based on a solid and growing foundation of peer-reviewed science triggered a requirement that the agency regulate the pollutant under the 40-year-old Clean Air Act.

"The legal challenges are quite weak," said David Doniger, climate-policy director of the Natural Resources Defense Council, one of several environmental groups that are fighting in court to uphold the rules. "They are a lot of work for the Justice Department and for me and my lawyer colleagues. But I'm not losing any sleep worrying that we're going to lose the court cases. The court cases are just fashion accessories to dress up the political argument. You can't go to Congress and ask them to shoulder the burden of legislating unless you've already done what you can legally."

Privately, some industry groups concede that this is true and that they don't expect to win a legal fight that would require the overturning of a Supreme Court decision. **So instead, industry lawyers are homing in on a narrow part of the EPA ruling, which, if overturned, could put the administration in an impossible position.** The problem with regulating carbon dioxide is that, unlike most pollutants, CO<sub>2</sub> is ubiquitous: An estimated 6 million stationary sources, from enormous coal-fired power plants to schools, homes, churches, and farms, emit it. **To avoid the specter of all that new government regulation, EPA issued a "tailoring" rule that would limit its regulation to the 15,000 biggest industrial polluters giant power plants, oil refineries, and factories.**

**But if industry lawyers, who will likely give oral arguments in late spring or early fall, succeed in legally undoing that tailoring rule, it will force EPA back into the politically and practically untenable position of regulating all those millions of entities, a scenario that lends itself perfectly to Republican attack ads against an overreaching, over-regulating federal government.** [National Journal , 1/6/11, via Nexis, emphasis added]

## Led By Daily Caller, Conservative Media Claim EPA Plans To Hire 230,000 Workers

**Daily Caller Completely Misreads EPA Court Filing.** Citing EPA's September 16 court brief, Matthew Boyle of the Daily Caller falsely reported that "The EPA is asking taxpayers to fund up to 230,000 new government workers to process all the extra paperwork, at an estimated cost of \$21 billion." Getting EPA's argument backwards, Boyle claimed that "If the EPA wins its court battle and fully rolls out the greenhouse gas regulations, the number of businesses forced into this regulatory regime would grow tremendously -- from approximately 14,000 now to as many

as 6.1 million." [Daily Caller, [9/26/11](#)]

**Fox Nation: "EPA: Regulations Would Require 230,000 New Employees."** Fox Nation promoted the Daily Caller post with the following headline:

POLITICS September 26, 2011

## EPA: Regulations Would Require 230,000 New Employees

Fire It Up 46 | Tweet 12 | Recommend 517 | Share +



AP File

By Matthew Boyle, The Daily Caller

[Fox Nation, [9/26/11](#)]

**Hot Air Quotes Daily Caller Post.** A Hot Air post stated:

The president has found a way to add jobs, after all -- 230,000 of 'em, all within the Environmental Protection Agency. That's the number of new bureaucrats the federal government will need to hire to implement new proposed greenhouse gas regulations, according to a [report](#) by *The Daily Caller* : [Hot Air, [9/26/11](#)]

**National Review Online: "Obamanomics: 230,000 New Bureaucrats for the EPA."** A National Review Online post quoted from the Daily Caller article, which NRO said came "Via Sen. Inhofe's office." [National Review Online, [9/26/11](#)]

**Fox News: EPA Is "Now Going To Hire 230,000 New Employees."** From the September 27 edition of *Fox & Friends* :

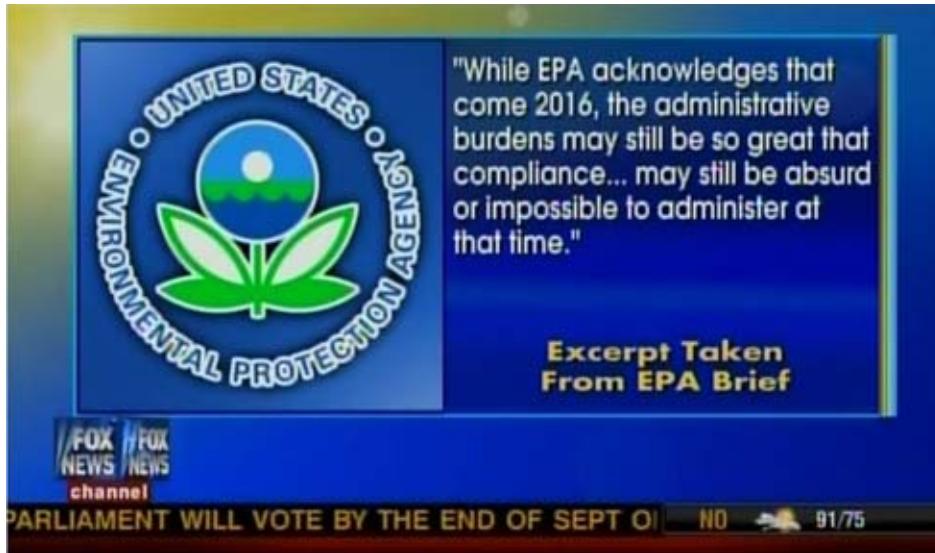
GRETCHEN CARLSON: And now, you're looking at the EPA and guess what? They're actually hiring, well some people argue that they're destroying jobs in the private sector. They're now going to hire 230,000 new employees to keep up with all the paperwork from all of these additional and new regulations.

BRIAN KILMEADE: So they kind of admit that it's so overwhelming that we're not equipped to enforce our own rules? Here's an excerpt from the EPA brief. To read that is voice-over specialist Steve Doocy.

STEVE DOOCY: Thank you very much, Mr. Kilmeade. "While EPA acknowledges that

come 2016, the administrative burdens may still be so great, the compliance may still be absurd or impossible to administer at the time." And what they're talking about is how the EPA wants to somehow go ahead and regulate greenhouse gases. So to do that, they're going to have to hire 230,000 more employees at a cost of \$21 billion. [Fox News, *Fox & Friends* , 9/27/11]

The excerpt that Doocy read and that Fox aired on-screen isn't even a full sentence:



- The placement of the ellipsis is the same in the Daily Caller article. The EPA brief actually stated: "While EPA acknowledges that come 2016, the administrative burdens may be so great that compliance **at the 100/250 tpy level** may still be absurd or impossible to administer at that time, that does not mean that the Agency is not moving toward the statutory thresholds." This statement underscores the burden of implementing greenhouse gas regulations *without* the "tailoring" rule, which allows EPA to phase in compliance, starting at the 75,000-100,000 tpy level. [EPA brief, [9/16/11](#), emphasis added]

01268-EPA-6961

Richard  
Windsor/DC/USEPA/US  
09/28/2011 05:33 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Bloomberg Businessweek: EPA Climate-Change  
Procedures Fell Short, Inspector Reports

Good  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:07 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Brendan Gilfillan; Arvin Ganesan; Gina McCarthy; Seth Oster; Stephanie Owens; Bob Perciasepe; Bob Sussman; Diane Thompson; Laura Vaught; Richard Windsor  
**Subject:** Bloomberg Businessweek: EPA Climate-Change Procedures Fell Short, Inspector Reports  
EPA Climate-Change Procedures Fell Short, Inspector Reports (1)  
2011-09-28 21:01:54.343 GMT

By Mark Drajem

Sept. 28 (Bloomberg) -- The U.S. Environmental Protection Agency failed to follow all needed procedures when deciding whether greenhouse gases pose a danger to the public, the agency's inspector general said.

An EPA employee sat on the 12-member scientific panel reviewing the technical analysis, and the committee's recommendations weren't made public, according to a report released today by the agency watchdog's office.

"It is clear that EPA did not follow all required steps for a highly influential scientific assessment," Inspector General Arthur A. Elkins Jr. said in a statement today.

The report didn't question the scientific studies behind the determination, and the White House Office of Management and Budget, which established the process, disagreed with the inspector general's conclusions.

The budget office "is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, an OMB spokeswoman, said in an e-mail.

In 2007, the Supreme Court ruled the EPA had authority to regulate greenhouse gases, such as carbon dioxide and methane, under the Clean Air Act if the agency declared them a danger to the public. The EPA issued its so-called endangerment finding in December 2009, clearing the way for the agency to control emissions linked to global climate change from power plants, factories and other sources.

Inhofe, EPA React

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Senator James Inhofe, an Oklahoma Republican who requested the inspector general's examination, said in a statement. It "undermines the credibility of the endangerment finding."

The EPA said the inspector general's findings on the process shouldn't distract from the results.

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution poses a threat to the health and welfare of the American people," the agency said in an e-mailed statement.  
"The report is focused on questions of process and procedures."

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--Editors: Judy Pasternak, Larry Liebert

To contact the reporter on this story:

Mark Drajen in Washington at +1-202-624-1964 or  
mdrajen@bloomberg.net

To contact the editor responsible for this story:

Larry Liebert at +1-202-624-1936 or  
lliebert@bloomberg.net  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 03:46 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Brendan Gilfillan; Arvin Ganesan; Gina McCarthy; Seth Oster; Stephanie Owens; Bob Perciasepe; Bob Sussman; Diane Thompson; Laura Vaught; Richard Windsor  
**Subject:** Politico: EPA downplays IG report on endangerment finding

## **EPA downplays IG report on endangerment finding**

By Alex Guillen  
9/28/11 3:41 PM EDT

Obama administration officials are defending their work on the EPA's 2009 greenhouse gas endangerment finding following [an EPA inspector general report](#) criticizing the agency's review process on some scientific data.

[The report](#) faults EPA and the Office of Management and Budget for not treating previously peer-reviewed data as a "highly influential scientific assessment," which carries stricter review rules. However, the report does not question the underlying science of the endangerment finding or global warming.

But the EPA says it went above and beyond in assessing the research while maintaining it did not reach the level of a "highly influential" assessment.

"While we will consider the specific recommendations, we disagree strongly with the inspector general's findings and followed all the appropriate guidance in preparing this finding," the EPA said in a statement. "EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide-range of peer-reviewed science."

An EPA official said that, while the agency never classified the research as highly influential, it effectively reviewed it as such in a review process with 12 federal reviewers.

The report cited one of those reviewers, who worked for the EPA, as another procedural violation, although the EPA official said a highly influential assessment review would be performed with 11 reviewers, meaning the EPA scientist was supplementary.

"Did it really take \$300,000 to determine that while we dotted all the i's and crossed all the t's, someone thinks we used the wrong font — especially when OMB says we didn't?" the EPA official said. "It boils down to whether we followed OMB guidance and sufficiently peer review the most heavily scrutinized and peer reviewed body of science in history — OMB says yes, and it's their guidance, so we'll take their word for it."

The OMB, which oversaw the process and maintains rules regarding review, also said the EPA acted according to its mandates.

"As we clearly stated in our letter to the inspector general several months ago, OMB — the author of the guidance — is confident that EPA reasonably interpreted the direction provided and is complying appropriately," OMB spokeswoman Meg Reilly said.

The OMB's letter, included in the IG report, says that OMB considers the document to be a scientific assessment, defined as "an evaluation of a body of scientific or technical knowledge," rather than a highly influential scientific assessment.

After the report came out, EPA Inspector General Arthur Elkins reiterated that, though his office believes procedure was violated, the report will have little or no consequences for the final finding.

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said in a statement.

However, Steve Brown, a vice president at petroleum refiner Tesoro, says the inspector general report could cause legal problems in challenges to the EPA's authority.

Of particular note, according to Brown, is the EPA's proposed tailoring rule, which would limit its greenhouse gas regulatory enforcement to the largest industrial emissions.

"For the purposes of litigation in federal court, it seriously starts to undermine the foundation that the agency relied on for the endangerment finding," Brown said. "And if you couple that with what I think is some pretty weak legal arguments on the tailoring side, I can start to see a scenario where sometime in the second quarter of next year the litigation starts to really work against the administration and their whole house of cards falls apart pretty quick."

Proponents of the law counter that the basic science is not in question and that the matter is a

simple procedural dispute that won't hurt the administration in court.

"That doesn't really change anything in the court cases," Sierra Club attorney Craig Segall said. "The science says what it always said, which is unanimous and based on thousands and thousands of peer reviewed studies, that greenhouse gas pollution is a serious threat to American health and welfare."

The IG and the EPA both stressed the report did not question climate science.

"We made no determination regarding the impact that EPA's information quality control systems may have had on the scientific information used to support the finding," Elkins said. "We did not test the validity of the scientific or technical information used to support the endangerment finding, nor did we evaluate the merit of EPA's conclusions or analyses."

Further research since 2009 has only strengthened the EPA's scientific position, the agency said.

Sens. Jim Inhofe and John Barrasso have called for a Senate Environment and Public Works Committee hearing on the report. EPW Chairwoman Barbara Boxer issued a statement saying the report "in no way questions the science underlying the endangerment finding" and it is time to "move on."

01268-EPA-6962

**Noah Dubin/DC/USEPA/US** To  
 09/28/2011 05:51 PM cc  
**bcc Richard Windsor**  
**Subject Thursday, September 29, 2011 Schedule for Lisa P. Jackson**

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, September 29, 2011**

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Notes:

Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

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|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

Jose Lozano  
 (b) (6) Personal Privacy

|                     |                                                                   |                                                                                                                                                              |
|---------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:00 AM - 08:30 AM | Cafe du Parc<br>1401 Pennsylvania Avenue N.W.<br>Washington, D.C. | Coffee<br>Ct: Nathan Gentry - 202-564-9084<br>Reservation is under P. Jackson                                                                                |
|                     |                                                                   | Staff:<br>Paul Anastas (ORD)                                                                                                                                 |
| 08:30 AM - 08:45 AM | Cafe du Parc                                                      | Depart for Ariel Rios                                                                                                                                        |
| 08:45 AM - 09:15 AM | Administrator's Office                                            | Daily Briefing                                                                                                                                               |
| 10:00 AM - 10:30 AM | Administrator's Office                                            | HOLD: Regional Phone Calls re: American Jobs Act<br>Ct: Brendan Gilfillan 202-564-2081 or Stephanie Owens - 202-564-6879                                     |
| 10:30 AM - 11:00 AM | Administrator's Office                                            | HOLD: Regional Phone Calls with African American Groups<br>re: the American Jobs Act<br>Ct: Brendan Gilfillan 202-564-2081 or Stephanie Owens - 202-564-6879 |
| 11:00 AM - 11:30 AM | Administrator's Office                                            | No Meetings                                                                                                                                                  |
| 11:30 AM - 11:45 AM | Ariel Rios                                                        | Depart for Central                                                                                                                                           |
| 11:45 AM - 12:45 PM | Central<br>1001 Pennsylvania Ave NW<br>Washington, DC             | Lunch with Barbara Bennett<br>Ct: Noah Dubin - 202-564-7314<br>**Reservation under P. Jackson                                                                |
| 12:45 PM - 01:00 PM | Central                                                           | Depart for Ariel Rios                                                                                                                                        |
| 01:00 PM - 02:00 PM | Administrator's                                                   | Office Time                                                                                                                                                  |

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**Office**

|                     |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02:00 PM - 02:45 PM | Bullet Room | Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT<br>Ct: Cindy Huang - 202-564-7314                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                     |             | <p>Staff:</p> <p>Bob Perciasepe, Bob Sussman (OA)<br/>Lisa Garcia (OEJ)<br/>Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)<br/>Scott Fulton, Avi Garbow (OGC)<br/>Michael Goo (OP)<br/>Cynthia Giles (OECA)<br/>Lisa Feldt (OSWER)<br/>Paul Anastas (ORD)<br/>Dennis McLellan (R10)<br/>Arvin Ganesan, Laura Vaught (OCIR)<br/>Barbara Bennett (OCFO)</p> <p>Optional:</p> <p>Diane Thompson (OA)<br/>Janet Woodka (Reg. Ops)<br/>Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)<br/>Marilyn Kuray, Wendy Blake, Paul Versace (OGC)<br/>Lesley Schaaff, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)<br/>Gerard Kraus, Gregory Fried, Sally Harmon (OECA)<br/>Gerain Perry, George Faison (OSWER)<br/>Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)<br/>Heather Valdez, Andrea Schrock (R10)</p> |
| 03:00 PM - 03:30 PM | Bullet Room | <p>**Teleconferencing is required for this briefing</p> <p>Meeting with League of United Latin American Citizens (LULAC)<br/>Ct: Elena Segura - <a href="mailto:esegura@lulac.org">esegura@lulac.org</a></p> <p>Attendees:</p> <p>-Margaret Moran - National President<br/>-Brent Wilkes - National Executive Director<br/>-Roger Rocha - National Treasurer<br/>-Manuel Escobar, Esq. - National Legal Advisor<br/>-Mike Lopez - Chief of Staff<br/>-Connie Martinez - National Secretary<br/>-Rosa Rosales - Immediate Past National President</p> <p>Staff:</p>                                                                                                                                                                                                                                                                                                                                  |

Bicky Corman, John Frece (OP)  
Raul Soto (OARM)  
Cynthia Dougherty (OW)  
Peter Grevatt (OCHP)

Optional:  
Bob Perciasepe, Diane Thompson (OA)

---

04:00 PM - 04:45 PM      Bullet Room

Mercury and Air Toxics Standards Meeting  
Ct: Noah Dubin - 202-564-7314

Staff:  
Bob Sussman, Bob Perciasepe (OA)  
Michael Goo (OP)  
Scott Fulton, Joel Beauvais, Avi Garbow, (OGC)  
Laura Vaught, Arvin Ganesan (OCIR)  
Gina McCarthy, Joe Goffman (OAR)  
Cynthia Giles (OECA)

Optional:  
Diane Thompson (OA) (By Phone)

\*\*Teleconferencing is required for this briefing

---

05:00 PM - 05:30 PM      Administrator's  
Office

Meet with Elliott Laws  
EPA Ct: Ryan Robison - 202-564-2856  
Ct: O'Tilia Hunter - <sup>(b) (6) Personal Privacy</sup> [REDACTED]

---

\*\*\* 09/28/2011 05:46:19 PM \*\*\*

01268-EPA-6963

Richard  
Windsor/DC/USEPA/US  
09/28/2011 05:53 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Reuters: EPA missed steps on climate finding

Wow.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:52 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Reuters: EPA missed steps on climate finding  
another updated story

## UPDATE Reuters: EPA missed steps on climate finding

10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By [Timothy Gardner](#)

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

In addition, it said some of the panel's findings were not released to the public, something that was also required.

But the EPA said it did not consider the finding to be classified as a "highly influential" document in part because it relied on information that had already been peer reviewed by the National Academy of Sciences.

The White House's Office of Management and Budget agreed with the EPA. "OMB -- the author of the guidance -- is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, a spokeswoman at the office said in an email.

Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

The EPA said on Wednesday it would consider the inspector general's recommendations to revise its Peer Review Handbook and establish requirements for assessing data.

But it was adamant the science it relied on, from the U.S. Climate Change Science Program, the National Research Council, and the U.N.'s Intergovernmental Panel on Climate Change, was sound.

#### SCIENCE NOT QUESTIONED

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution pose a threat to the health and welfare of the American people," an EPA source said.

Senator Inhofe said that the EPA relied heavily on the U.N.'s climate science panel to make the finding, a claim rejected by EPA administrator Lisa Jackson who has pointed out it also relied on the National Academy of Sciences, the National Research Council and others.

The EPA issued its endangerment finding after the Supreme Court ruled in 2007 the agency could regulate the emissions under the Clean Air Act. The agency had to conclude the emissions were harmful before regulating them.

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Last week the Republican-controlled House passed a bill to block the EPA rules, saying they would cost industry billions of dollars and kill jobs. But the measure faces an uphill battle in the Senate and President Barack Obama has vowed to veto it. [ID:nS1E78M1HT]

Environmentalists said the report did nothing to question the science.

"Nothing in this report questions the agency's ability to move forward with global warming emissions rules," said Francesca Grifo, the science integrity director at the Union of Concerned Scientists.

"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

01268-EPA-6964

**Richard  
Windsor/DC/USEPA/US**

09/28/2011 05:58 PM

To Betsaida Alcantara  
 cc "Seth Oster"  
 bcc  
 Subject Re: Reuters: US watchdog: EPA missed steps on climate finding

Yeah. Def better. Tx!  
 Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:57 PM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>  
**Subject:** Re: Reuters: US watchdog: EPA missed steps on climate finding  
 we made them change their old headline which used to be this: U.S. watchdog: EPA took shortcut on climate finding

|                 |             |                             |                        |
|-----------------|-------------|-----------------------------|------------------------|
| Richard Windsor | Oh. Ok. Tx. | ----- Original Message -... | 09/28/2011 05:54:26 PM |
|-----------------|-------------|-----------------------------|------------------------|

From: Richard Windsor/DC/USEPA/US  
 To: Betsaida Alcantara/DC/USEPA/US@EPA  
 Cc: "Seth Oster" <oster.seth@epa.gov>  
 Date: 09/28/2011 05:54 PM  
 Subject: Re: Reuters: US watchdog: EPA missed steps on climate finding

Oh. Ok. Tx.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:53 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Reuters: US watchdog: EPA missed steps on climate finding  
 apologies copied and pasted the headline incorrectly:

US watchdog: EPA missed steps on climate finding

Wed Sep 28, 2011 10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By Timothy Gardner

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White

House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

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Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

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"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

Betsaida Alcantara another updated story UPDATE Reu... 09/28/2011 05:52:08 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
Date: 09/28/2011 05:52 PM  
Subject: Reuters: EPA missed steps on climate finding

another updated story

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(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

01268-EPA-6965

Richard  
Windsor/DC/USEPA/US  
09/28/2011 06:11 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Media Matters: Conservative Media Join Inhofe's  
Anti-EPA Fishing Expedition

Sigh!  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 06:04 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Media Matters: Conservative Media Join Inhofe's Anti-EPA Fishing Expedition

## Conservative Media Join Inhofe's Anti-EPA Fishing Expedition

Media Matters

1 hour and 59 minutes ago —

Following the lead of Sen. James Inhofe, conservative media are distorting an Inspector General's report in an attempt to discredit EPA's finding that greenhouse gases endanger public health and welfare. But the IG report addresses obscure procedural issues, not the merits of EPA's finding or the science on which it was based, which even the Bush administration said was robust enough to require an endangerment finding.

## Echoing Inhofe, Conservative Media Misrepresent IG Report

**IG Report Was Ordered By Sen. Inhofe.** A recent Inspector General report evaluated the procedures leading to EPA's December 2009 endangerment finding, which declared that greenhouse gases are a threat to public health and welfare and paved the way for regulations of emissions. The IG report states, "This evaluation was initiated based on a request from Senator James M. Inhofe, Ranking Member, Senate Committee on Environment and Public Works." It also says "The estimated direct labor and travel costs for this report are \$297,385." [EPA Office of Inspector General report, [9/26/11](#)]

**Inhofe Now Misrepresenting IG Report.** In a press release, Inhofe falsely asserted that the IG report "confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased and flawed. It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the

endangerment finding." [Press release, [9/28/11](#)]

**Inhofe Believes Manmade Climate Change Is A "Hoax."** Inhofe, who reportedly has a book coming out called *The Hoax*, has called manmade global warming the "greatest hoax perpetrated on the American people." [NPR, [12/7/06](#)]

**Daily Caller Falsely Reported That Inspector General "Calls Greenhouse Gas Science Flawed."** In an article titled "Weird science: EPA's own Inspector General calls greenhouse gas science flawed," The Daily Caller covered an Inspector General report regarding the procedures surrounding EPA's December 2009 endangerment finding, which declared greenhouse gases a threat to public health and welfare and paved the way for regulations of emissions. The Daily Caller falsely reported that the "scientific basis" of the endangerment finding for greenhouse gases "violated the EPA's own peer review procedure." The article went on to uncritically quote Inhofe at length. [Daily Caller, [9/28/11](#)]

**Lou Dobbs Claimed EPA Finding "Didn't Live Up To Its Own Scientific Standards."** In a Facebook post, Fox's Lou Dobbs wrote, "well, looks like the EPA has some explaining to do... turns out its findings that greenhouse gases present a danger to "pubic [sic] health and welfare" didn't live up to its own scientific standards." [Facebook, [9/28/11](#)]

**National Review Online Repeated Inhofe's False Claims.** An NRO post uncritically quotes Inhofe's press release, including the baseless claim that the IG report shows the endangerment finding was "rushed, biased and flawed." [National Review Online, [9/28/11](#)]

## **IG Report Did Not Question Scientific Soundness Of EPA's Finding**

**Inspector General Evaluation Did Not Address The Merit Of EPA's Endangerment Finding.** From the IG report:

Our evaluation focused only on EPA's process for developing the endangerment finding and ensuring information quality. We did not evaluate the effectiveness of IPCC's or other organizations' information quality procedures. We did not test the validity of the scientific or technical information used by EPA to support its endangerment finding, nor did we evaluate the merit of the conclusions or analyses presented in EPA's endangerment finding. We did not make conclusions regarding the impact that EPA's information quality control systems may have had on the scientific information used to support the endangerment finding. [EPA Office of Inspector General report, [9/26/11](#)]

**EPA Relied On Peer-Reviewed Assessments Of Peer-Reviewed Science.** EPA's finding was based on peer-reviewed reports on climate change science, which in turn were based on peer-reviewed studies. The finding then "underwent a technical review by 12 federal climate change experts, internal EPA review, interagency review, and a public comment period." The recent IG report says guidelines put in place during the Bush administration require additional

peer-review measures. From EPA's endangerment finding:

This document relies most heavily on existing, and in most cases very recent, synthesis reports of climate change science and potential impacts, which have undergone their own peer-review processes, including review by the U.S. government. Box 1.1 describes this process<sup>11</sup>. The information in this document has been developed and prepared in a manner that is consistent with EPA's *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by the Environmental Protection Agency* (U.S. EPA 2002). In addition to its reliance on existing and recent synthesis reports, which have each gone through extensive peer-review procedures, this document also underwent a technical review by 12 federal climate change experts, internal EPA review, interagency review, and a public comment period.

[...]

This version of the TSD, as well as previous versions of the TSD dating back to 2007, have taken the approach of relying primarily on these assessment reports because they 1) are very recent and represent the current state of knowledge on GHG emissions, climate change science, vulnerabilities, and potential impacts; 2) have assessed numerous individual, peer-reviewed studies in order to draw general conclusions about the state of science; 3) have been reviewed and formally accepted, commissioned, or in some cases authored by U.S. government agencies and individual government scientists; and 4) they reflect and convey the consensus conclusions of expert authors. [Environmental Protection Agency, [12/7/09](#)]

## **Even Bush Admin. Acknowledged That An Endangerment Finding Was Required By The Science**

**April 2007: Supreme Court Said EPA Has The Authority To Regulate Greenhouse Gases.** The Supreme Court, in a 5-4 opinion authored by then-Justice John Paul Stevens, stated on April 2, 2007: "Because greenhouse gases fit well within the Clean Air Act's capacious definition of 'air pollutant,' we hold that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." The ruling further stated that "EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do." [*Massachusetts v. EPA* , [4/2/07](#)]

**December 2007: Bush White House Refused To Accept EPA's Draft Endangerment Finding On GHGs.** On December 5, 2007, then-EPA official Jason Burnett sent the White House a [draft endangerment finding](#), which stated: "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare." The White House [reportedly](#) refused to open the email and the document was not made public until October 2009. [Greenwire, [10/13/09](#)]

**January 2008: EPA Administrator Told Bush That The Administration Must Issue Endangerment Finding.** In a January 31, 2008, letter to the president, EPA administrator Stephen Johnson said that the *Massachusetts v. EPA* decision and "the latest science of climate change" require the EPA "to propose a positive endangerment finding, as was agreed to at the Cabinet-level meeting in November." Johnson further stated that regardless of energy legislation passed in 2007, "a finding is still required by the Supreme Court case, and the state of the latest climate change science does not permit a negative finding, nor does it permit a credible finding that we need to wait for more research." The letter was made public in February 2011. [Wall Street Journal , [2/8/11](#)]

**July 2008: Bush EPA Decided To Delay GHG Regulations Until Next Administration.** The *Los Angeles Times* reported that the Bush administration "rejected its own experts' conclusion that global warming poses a threat to the public welfare, launching a comment period that will delay action to reduce greenhouse gas emissions at least until the next president takes office." Along with this "[Advance Notice of Proposed Rulemaking](#)," the EPA administrator released "several critical comments from senior officials undercutting his staff's work." [*Los Angeles Times* , [7/12/08](#)]

**December 2009: EPA Announced GHG Endangerment Finding.** After reviewing over 380,000 public comments, the EPA issued findings "that the current and projected concentrations of the mix of six key greenhouse gases—carbon dioxide ... in the atmosphere threaten the public health and welfare of current and future generations" and that emissions of greenhouse gases "from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change." [EPA, [12/7/09](#)]

## IG Report Found EPA "Met Statutory Requirements"

**Inspector General: "EPA Met Statutory Requirements For Rulemaking."** The Inspector General opened the report with the conclusion that "EPA met statutory requirements for rulemaking and generally followed requirements and guidance related to ensuring the quality of the supporting technical information." [EPA Office of Inspector General report, [9/26/11](#)]

**Inspector General Gave "Opinion" That EPA's Finding Should Have Been Categorized Differently Under OMB Guidelines.** From the IG report:

Whether EPA's review of its endangerment finding TSD [technical support document] met Office of Management and Budget (OMB) requirements for peer review depends on whether the TSD is considered a highly influential scientific assessment. In our opinion, the TSD was a highly influential scientific assessment because EPA weighed the strength of the available science by its choices of information, data, studies, and conclusions included in and excluded from the TSD. EPA officials told us they did not consider the TSD a highly influential scientific assessment. EPA noted that the TSD consisted only of science that was previously peer reviewed, and that these reviews were deemed adequate under the Agency's policy. EPA had the TSD reviewed by a panel of 12 federal climate

change scientists. This review did not meet all OMB requirements for peer review of a highly influential scientific assessment primarily because the review results and EPA's response were not publicly reported, and because 1 of the 12 reviewers was an EPA employee. [EPA Office of Inspector General report, [9/26/11](#)]

**OMB Itself Said EPA Followed OMB Peer Review Requirements.** From the IG report:

OMB stated that it believes that EPA reasonably interpreted the OMB peer review bulletin in concluding that the TSD did not meet the bulletin's definition of a highly influential scientific assessment. OMB commented that EPA concluded that it was the separate, underlying assessments of the IPCC, USGCRP, and NRC that met OMB's definition of a scientific assessment. EPA's TSD, according to OMB, provided a condensed form of the three underlying assessments. [EPA Office of Inspector General report, [9/26/11](#)]

**Inspector General Recommended Procedural Changes For The Future.** The Inspector General did not recommend that the EPA revise its endangerment finding. The recommendations from the Inspector General were simply technical procedural changes:

We recommend that EPA (1) revise its *Peer Review Handbook* to accurately reflect OMB requirements for peer review of highly influential scientific assessments, (2) instruct program offices to state in proposed and final rules whether the action is supported by influential scientific information or a highly influential scientific assessment, and (3) revise its assessment factors guidance to establish minimum review and documentation requirements for assessing and accepting data from other organizations. EPA stated that its response to the final report will address our recommendations. [EPA Office of Inspector General report, [9/26/11](#)]

**OMB Peer Review Requirements Were Controversial When Created In 2005.** The *Boston Globe* reported in August 2005:

The controversial head of the OMB Office of Information and Regulatory Affairs (and former head of the Harvard Center for Risk Analysis), [John] Graham is responsible for the review of government regulations in the Bush White House.

Not long after coming into office, Graham seized upon the Data Quality Act and instructed federal agencies to draw up their own guidelines for implementing it by October 2002, when the law would go into effect. Then, in September 2003, claiming the Data Quality Act gave his office a newfound role in improving the quality of government science, Graham proposed using the act's thin language to justify an unprecedented government-wide "peer review" system for agency science.

As legal scholar Wendy Wagner of the University of Texas argued in a recent article entitled "The 'Bad Science' Fiction," there's little real evidence to support the notion that government agencies churn out "junk science"-a frequent industry accusation-or that their existing peer review protocols are inadequate. So it's no surprise that scientific

heavyweights like the American Public Health Association and American Association for the Advancement of Science announced their concerns over Graham's initial proposal, which would have required review of all "significant regulatory information," and an additionally laborious review process for data with "a possible impact of more than \$100 million in any year."

Most significantly, perhaps, the proposal would have blocked academic scientists from serving as reviewers if they had obtained or were seeking "substantial" research funding from the government agency in question-a condition likely to exclude leading academic experts in a field-yet showed little concern about the participation of industry scientists. Graham's office subsequently softened the proposal, and removed this most objectionable of requirements.

But the administration has still failed to adequately explain why such a "peer review" system was needed in the first place. After all, no government-wide standard for peer review existed in the past-and that may have been a good thing. Different agencies have different needs, just as different scientific disciplines employ different methodologies and standards of proof.

Furthermore, concern about onerous and unnecessary intrusions into the regulatory process remain warranted. The process for vetting "highly influential scientific assessments" under the new peer review plan remains quite burdensome, requiring the preparation of a peer review report that must be made public and a written response from the agency.

Such procedures will only further ossify an already sluggish regulatory process. And as "peer review" critic Sidney A. Shapiro, of the Wake Forest University School of Law, has observed, these procedures are required even for "routine information" that is not "complex, controversial, or novel."

Such objections notwithstanding, in December of last year Graham's office finalized the peer review plan. Its provisions for "highly influential scientific assessments" took effect on June 16. The media hardly noticed. Below the radar, as always, expansion of the Data Quality Act continues apace. [*Boston Globe* , 8/28/05, via Nexis]

01268-EPA-6966

Richard  
Windsor/DC/USEPA/US  
09/28/2011 06:13 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Greenwire: New IG Report Faults Process in EPA's  
Greenhouse Gas Assessments

Love the first sentence - political, not scientific or policy implications is sadly accurate. Tx.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 06:01 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

## New IG Report Faults Process in EPA's Greenhouse Gas Assessments

By EMILY YEHLE AND JEAN CHEMNICK of [Greenwire](#)

In a report with wide-reaching political implications, U.S. EPA's inspector general has found that the scientific assessment backing U.S. EPA's finding that greenhouse gases are dangerous did not go through sufficient peer review for a document of its importance.

The new report, released today, examines only federal requirements for EPA's "technical support document" and not the accuracy of the scientific studies included within it. But its conclusions have nevertheless reinvigorated GOP criticism of EPA's endangerment finding, which enabled the agency to regulate greenhouse gas emissions under the Clean Air Act.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Sen. James Inhofe (R-Okla.) said in a statement. "It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding."

Inhofe, the top Republican on the Environment and Public Works Committee, called for "immediate hearings" on the issue, accusing EPA of circumventing its own rules that ensure impartiality. The committee's majority office did not immediately respond to a request for comment this morning.

According to the IG report, EPA failed to follow the Office of Management and Budget's peer review procedures for a "highly influential scientific assessment," which is defined as an assessment that could have an impact of more than \$500 million in one year and is "novel, controversial, or precedent setting."

In particular, the document was reviewed by a 12-member panel that included an EPA employee, violating rules on neutrality. EPA also did not make the review results public, as required, or certify whether it complied with internal or OMB requirements.

In a statement, IG Arthur Elkins Jr. emphasized that his office "did not test the validity of the scientific or technical information used to support the endangerment finding."

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said. "We also noted that documentation of events and analyses could be improved."

But EPA and OMB officials say the document did not qualify as highly influential, since it merely compiled outside scientific assessments that had already undergone peer review. In their view, the assessment was a "reader-friendly" version of the underlying science.

IG auditors reject this stance; EPA, they write, "had to weigh the conclusions and information in those assessments in deciding which information to present."

"In our opinion, the [technical support document] met the definition of a scientific assessment in that it evaluated a body of scientific knowledge and synthesized multiple factual inputs," they wrote. "While we agree that the primary information EPA relied upon were scientific assessments, these assessments were voluminous and numerous."

Environmentalists and climate scientists said today that the IG had missed the point completely: that the technical support document was not a new scientific assessment with new findings deserving of extra layers of review, but a summary of the established scientific findings that have already been thoroughly vetted.

"The key difference here was that they didn't create new science," said Francesca Grifo, a scientist who heads the Scientific Integrity Program at the Union of Concerned Scientists. "And typically, when you call something a highly influential scientific assessment, you actually added some other data, or used grey literature, or did something that hadn't already been fully reviewed."

"And they didn't in this case. Everything they used had been multiply peer-reviewed," she added.

Grifo noted that OMB told the IG that EPA had used its guidance correctly when deciding how much review to conduct prior to issuing the endangerment finding. The IG report, which was requested by Inhofe, amounts to "\$300,000 that was spent on bureaucratic nonsense," she said.

"There is nothing in this report that would give any reason to think that another procedure would add value or find anything different," said David Doniger, policy director at the Natural Resources Defense Council's climate center.

Like Grifo, Doniger said that the "highly influential scientific assessments" in the case were actually the thousands of scientific reports and publications the TSD relied on, not the TSD itself. And those had all been thoroughly reviewed, he said, unlike many of the dissenting scholars that Inhofe relies on.

"I would ask what peer-review procedures Senator Inhofe uses before he posts things on his website," he said. "There's an absurdity here that deserves calling out."

Climate scientist Kevin Trenberth said the IG report made "a mountain out of a molehill."

"This has nothing to do with the science that justifies the endangerment finding and everything to do with politics," Trenberth said, adding that the IG's criticisms focused only on process and not the quality of science EPA is using. "There is nothing here that undermines the EPA's way forward."

01268-EPA-6967

Richard  
Windsor/DC/USEPA/US  
09/29/2011 11:22 AM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Michael Goo, Bicky Corman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Sarah Pallone

cc

bcc

Subject: Re: Rick Perry: EPA is a 'job cemetary'

Cemetaries are filled with dead people, not jobs. This remark is a perfect example of how the current politicized climate around the Clean Air Act distracts from the importance of public health protections put in place to protect people from premature death, cancer, asthma and bronchitis. If Mr. Perry is looking for jobs, he should look at economic policy and the American Jobs Act. If he is looking for what will happen when he takes the federal environmental cop off the beat, he should go back to that cemetary.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 09/29/2011 11:15 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Michael Goo; Bicky Corman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Sarah Pallone  
**Subject:** Rick Perry: EPA is a 'job cemetary'

## Rick Perry: EPA is a 'job cemetery'

By Dan Berman

9/29/11 11:09 AM EDT

Texas Gov. Rick Perry took aim at one of his favorite targets Thursday morning: the Environmental Protection Agency.

Appearing on CNBC's "Squawk Box," Perry called the EPA "absolutely a job cemetery of an agency."

Perry was addressing a question about support for a payroll tax holiday, and transitioned into a broader attack on President Barack Obama's economic policies, arguing that temporary tax cuts aren't enough to create permanent jobs.

Here's Perry's full quote:

"Here's what the president missed. You cannot put temporary tax cuts in place and expect it to create permanent jobs. That's what he's done. We've already tried this once, it's a failure. Here's what he should have said if he wanted to create jobs.

"He should have stood up and said, 'Look, I've listened to the American people, and they do not want this health care plan that we've passed. I'm going to convene Congress and we're going to repeal Obamacare. While we're in, we're also going to pull back all the regulations that are going forward, like Dodd-Frank, that are job killers. The EPA, that is absolutely a job cemetery of an agency, and we're going to talk about how we're going to

lower the tax burden, personal and corporate. Plus, send a message clearly that those off shore dollars that are being taxed at 35 percent, we're going to allow them to come back into this country."

01268-EPA-6969

Richard  
Windsor/DC/USEPA/US  
09/29/2011 01:19 PM

To (b) (6) Personal Privacy  
cc  
bcc

Subject Fw: Must Read aritcle on the decline of coal in Appalachia  
(blog in Rolling Stone)

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:18 PM -----

From: DANIEL RYAN <(b) (6) Personal Privacy>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 09/29/2011 12:50 PM  
Subject: Must Read aritcle on the decline of coal in Appalachia (blog in Rolling Stone)

# The Coming Decline and Fall of Big Coal

POSTED: September 28, 12:47 PM ET | By Jeff Goodell

[Comment 0](#)

A large mountaintop coal mining operation in West Virginia.

MANDEL NGAN/AFP/Getty Images

AP ran [a great story](#) yesterday about the coming decline of the coal industry in Appalachia that I fear is not going to get nearly the attention it deserves. Because if you think about this story seriously for more than 30 seconds, you will come to see that it has huge implications not only for future U.S. energy policy but also for the coming presidential election.

The AP story captures, in brief, what journalists who cover the Appalachian coal industry (like Ken Ward Jr. of the *Charleston Gazette*, whose blog, [Coal Tattoo](#), is a must-read), have been saying for a long time: the coal industry as we know it today is a dead man walking. All the high-quality, easy-to-get coal is gone, and what's left is increasingly expensive and difficult to mine. In the last couple of decades, coal operators have dealt with this by shifting to cheap but highly destructive ways of getting coal out of the ground, such as blasting away the mountains above the coal with explosives (a practice known as mountaintop-removal mining). But now the remaining coal seams are so deeply buried and so thin that even that isn't working anymore. As the AP story points out, the U.S. Department of Energy projects that in a little more than three years, the amount of coal mined in Appalachia will be just half of what it was in 2008. After that, the downward spiral will continue. There is no magic remedy, no quick fix: when the coal is gone, it's gone.

The implications of this are profound and far reaching – and not only for the people who live and work in the coal fields. As the AP story points out, there were about 37,000 coal industry employees in Central Appalachia in 2008, accounting for anywhere from 1 to 40 percent of the labor force in individual counties. "We are going to see declines in labor and jobs, and it's going to happen rapidly" in West Virginia, said Rory McIlmoil, who helped draft [a recent report](#) (PDF) on the future of coal in Appalachia. West Virginia is also expected to see a decline of over \$100 million in the taxes coal operators pay to mine in the state, which means dramatic cuts in social services and education that people in the region can ill afford.

The end of coal in Appalachia doesn't mean that America is running out of coal (there's plenty left in Wyoming). But it should end the fantasy that coal can be an engine of job creation – the big open pit

mines in Wyoming employ a tiny fraction of the number of people in an underground mine in Appalachia. And for a variety of reasons – railroad congestion among them – Wyoming coal is never going to ramp up production enough to have a meaningful impact on job creation. For better or worse, the bulk of coal industry jobs are in Appalachia – and when that coal is gone, so are the jobs.

More important, the decline of Appalachian coal means it's time for every political candidate with national aspirations to stop kissing the industry's ass in important swing states like Ohio, Pennsylvania, and West Virginia. The future of these states depends on their ability to re-invent their economies, not preserving a relic of the past. The relevant questions now are: How do we move beyond coal? How do we bring new jobs to the coal fields and retrain coal miners for other work? How do we inspire entrepreneurialism and self-reliance in people whose lives have been dependent on the paternalistic coal industry?

It also means it's time to stop letting Big Coal spike every conversation about climate and energy policy. For decades, climate and energy policy has been held hostage by bullshit arguments from the coal industry that any attempts to reduce greenhouse gas pollution or shift to renewable energy will bring economic ruin to America.

Well, the decline and fall of the coal industry shows that just the opposite is true: Our future is not dependent on burning more coal, but on getting off it as quickly as possible and creating a new economy based on clean, renewable energy. It may be too late for West Virginia to save itself from the ravages of Big Coal. But it's not too late for America.

01268-EPA-6970

Richard  
Windsor/DC/USEPA/US  
09/29/2011 01:48 PM

To Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Gwendolyn Keyes Fleming, Sarah Pallone, Bob Sussman  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

Heads up - [REDACTED] (b) (5) Deliberative  
[REDACTED]  
?

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

---

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

### [APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with **EPA's** southern region administrator, **Lisa Jackson**, was rejected by **EPA** headquarters. ...

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01268-EPA-6971

**Bob Sussman/DC/USEPA/US** To: Richard Windsor  
09/29/2011 02:01 PM cc: Betsaida Alcantara, Brendan Gilfillan, Gwendolyn KeyesFleming, Sarah Pallone, Seth Oster  
**bcc**  
**Subject** Re: Fw: Google Alert - lisa jackson epa

haven't seen the letter but (b) (5) DP

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor Heads up (b) (5) DP 09/29/2011 01:48:22 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 09/29/2011 01:48 PM  
Subject: Fw: Google Alert - lisa jackson epa

Heads up -(b) (5) DP

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for lisa jackson epa

[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with EPA's southern region administrator, **Lisa Jackson**, was rejected by EPA headquarters. ...

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01268-EPA-6972

Gwendolyn  
KeyesFleming/R4/USEPA/US  
09/29/2011 03:37 PM

To Bob Sussman, Richard Windsor  
cc Betsaida Alcantara, Brendan Gilfillan, Sarah Pallone, Seth Oster  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

I haven't see the letter(b) (5) DP

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 09/29/2011 02:01 PM EDT  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Gwendolyn KeyesFleming; Sarah Pallone; Seth Oster  
**Subject:** Re: Fw: Google Alert - lisa jackson epa  
haven't seen the letter(b) (5) DP

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor Heads up - (b) (5) DP

09/29/2011 01:48:22 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 09/29/2011 01:48 PM  
Subject: Fw: Google Alert - lisa jackson epa

Heads up -(b) (5) DP

[REDACTED] ?

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**News****1 new result for lisa jackson epa**[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with **EPA's** southern region administrator, **Lisa Jackson**, was rejected by **EPA** headquarters. ...

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01268-EPA-6974

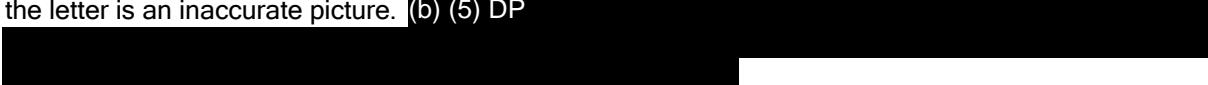
**Gwendolyn KeyesFleming/R4/USEPA/US**  
**09/29/2011 04:25 PM**

To Richard Windsor, Betsaida Alcantara  
 cc Bob Sussman, Brendan Gilfillan, Sarah Pallone, Seth Oster  
 bcc  
 Subject Re: Fw: Google Alert - lisa jackson epa

I agree. I will work to Betsaida & others to rectify & respond to reporters.  
 Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 09/29/2011 04:00 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Gwendolyn KeyesFleming; Bob Sussman; Brendan Gilfillan; Sarah Pallone; Seth Oster  
**Subject:** Re: Fw: Google Alert - lisa jackson epa  
 the letter is an inaccurate picture. (b) (5) DP



Betsaida Alcantara [Here is the letter that went to the pre...](#) 09/29/2011 03:39:56 PM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Gwendolyn KeyesFleming/R4/USEPA/US@EPA  
 Cc: Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
 Date: 09/29/2011 03:39 PM  
 Subject: Re: Fw: Google Alert - lisa jackson epa

Here is the letter that went to the president, a Kentucky reporter just reached out to us for comment.



Obama President Barack 09 27 11.pdf

Gwendolyn KeyesFleming [I haven't see the letter either...](#) 09/29/2011 03:37:02 PM

From: Gwendolyn KeyesFleming/R4/USEPA/US  
 To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
 Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
 Date: 09/29/2011 03:37 PM  
 Subject: Re: Fw: Google Alert - lisa jackson epa

I haven't see the letter either but will try to track it down. (b) (5) DP



Bob Sussman

----- Original Message -----

**From:** Bob Sussman

**Sent:** 09/29/2011 02:01 PM EDT  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Gwendolyn KeyesFleming; Sarah Pallone; Seth Oster  
**Subject:** Re: Fw: Google Alert - lisa jackson epa  
haven't seen the letter(b) (5) DP

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor Heads up - (b) (5) DP

09/29/2011 01:48:22 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 09/29/2011 01:48 PM  
Subject: Fw: Google Alert - lisa jackson epa

Heads up -(b) (5) DP

[REDACTED]

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for lisa jackson epa

[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with EPA's southern region administrator, **Lisa Jackson**, was rejected by EPA headquarters. ...

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01268-EPA-6975

**Bob  
Perciasepe/DC/USEPA/US**  
09/29/2011 07:45 PM

To: Richard Windsor, Brendan Gilfillan, Diane Thompson, Seth Oster, Betsaida Alcantara, Michael Goo, Bicky Corman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Sarah Pallone  
cc  
bcc  
Subject: Re: Rick Perry: EPA is a 'job cemetary'

I just think this is perfect

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 09/29/2011 11:22 AM EDT  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Michael Goo; Bicky Corman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Sarah Pallone  
**Subject:** Re: Rick Perry: EPA is a 'job cemetary'

Cemetaries are filled with dead people, not jobs. This remark is a perfect example of how the current politicized climate around the Clean Air Act distracts from the importance of public health protections put in place to protect people from premature death, cancer, asthma and bronchitis. If Mr. Perry is looking for jobs, he should look at economic policy and the American Jobs Act. If he is looking for what will happen when he takes the federal environmental cop off the beat, he should go back to that cemetary.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 09/29/2011 11:15 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Michael Goo; Bicky Corman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Sarah Pallone  
**Subject:** Rick Perry: EPA is a 'job cemetary'

## Rick Perry: EPA is a 'job cemetary'

By Dan Berman  
9/29/11 11:09 AM EDT

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aren't enough to create permanent jobs.

Here's Perry's full quote:

"Here's what the president missed. You cannot put temporary tax cuts in place and expect it to create permanent jobs. That's what he's done. We've already tried this once, it's a failure. Here's what he should have said if he wanted to create jobs.

"He should have stood up and said, 'Look, I've listened to the American people, and they do not want this health care plan that we've passed. I'm going to convene Congress and we're going to repeal Obamacare. While we're in, we're also going to pull back all the regulations that are going forward, like Dodd-Frank, that are job killers. The EPA, that is absolutely a job cemetery of an agency, and we're going to talk about how we're going to lower the tax burden, personal and corporate. Plus, send a message clearly that those off shore dollars that are being taxed at 35 percent, we're going to allow them to come back into this country.'"

01268-EPA-6978

Gladys  
 Stroman/DC/USEPA/US  
 09/30/2011 10:39 AM

To Richard Windsor  
 cc Elizabeth Ashwell  
 bcc  
 Subject REVISED Schedule #2 for Friday, September 30, 2011

## Revisions:

12:00 pm Call with Nancy DeParle  
 1:45 pm Boiler Mact Follow-up Discussion

**Schedule for Lisa P. Jackson EPA Administrator**  
**Friday, September 30, 2011**

---

|                            |                                                                     |                                                                                                                            |
|----------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 11:45 AM - 12:30 PM        | Ariel Rios                                                          | Depart for Dulles                                                                                                          |
| <b>12:00 PM - 12:05 PM</b> | <b>By Phone</b>                                                     | <b>Call w/Nancy Deparle</b><br><b>Laura Nancy DeParle'S asst will call the Administrator's cell</b>                        |
| 12:30 PM - 01:30 PM        | Signature FBO at<br>Dulles, 23950 Wind<br>Sock Drive, Dulles,<br>VA | Lunch at Signature FBO at Dulles                                                                                           |
| 01:30 PM - 02:15 PM        | Dulles                                                              | Depart for Ariel Rios                                                                                                      |
| <b>01:45 PM - 02:15 PM</b> | <b>By Phone/Deputy<br/>Administrator's<br/>Office</b>               | <b>Boiler MACT Follow-up Discussion</b><br><b>**Teri will call the Administrator's cell</b>                                |
| 02:30 PM - 03:00 PM        | Bullet Room                                                         | Pre-Brief to Meeting with FERC Chairman Wellinghoff                                                                        |
| 03:15 PM - 03:30 PM        | Administrator's<br>Office                                           | Phone Call with Sen. Landrieu<br>**Gladys will call the Senator on her blackberry: [b] (6) Personal Privacy                |
| 04:00 PM - 04:15 PM        | Administrator's<br>Office                                           | Phone Call with Rep. Kathy Castor (FL)<br>**Gladys will call the Congresswoman on her blackberry: [b] (6) Personal Privacy |
| 05:00 PM - 05:15 PM        | Administrator's<br>Office                                           | Phone Call with Rep. Bill Nelson (FL)<br>**Gladys will call the Senator on [b] (6) Personal Privacy                        |

---

01268-EPA-6979

Gladys  
Stroman/DC/USEPA/US  
09/30/2011 12:34 PM

To Richard Windsor  
cc Elizabeth Ashwell  
bcc  
Subject REVISED Schedule for Lisa P. Jackson for Friday,  
September 30, 2011

Revisions:

1:45 pm - Boiler MACT Follow-up Discussion  
4:30 pm - Meeting w/Gina McCarthy

**Schedule for Lisa P. Jackson EPA Administrator**  
**Friday, September 30, 2011**

---

|                            |                                                            |                                                                                                                            |
|----------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 12:30 PM - 01:30 PM        | Signature FBO at Dulles, 23950 Wind Sock Drive, Dulles, VA | Lunch at Signature FBO at Dulles<br>Ct: Jose Lozano<br><br>Lunch is from 12:30 - 1:30 on the Plane<br>Tail #N522BP         |
| 01:30 PM - 02:15 PM        | Dulles                                                     | Depart for Ariel Rios                                                                                                      |
| <b>01:45 PM - 02:15 PM</b> | <b>By Phone/Deputy Administrator's Office</b>              | <b>Boiler MACT Follow-up Discussion</b><br><b>**Teri will call the Administrator's cell</b>                                |
| 02:30 PM - 03:00 PM        | Bullet Room                                                | Pre-Brief to Meeting with FERC Chairman Wellinghoff                                                                        |
| 03:15 PM - 03:30 PM        | Administrator's Office                                     | Phone Call with Sen. Landrieu<br>**Gladys will call the Senator on her blackberry: [b] (6) Personal Privacy                |
| 04:00 PM - 04:15 PM        | Administrator's Office                                     | Phone Call with Rep. Kathy Castor (FL)<br>**Gladys will call the Congresswoman on her blackberry: [b] (6) Personal Privacy |
| <b>04:30 PM - 04:40 PM</b> | <b>Administrator's Office</b>                              | <b>Meeting w/ Gina McCarthy</b>                                                                                            |
| 05:00 PM - 05:15 PM        | Administrator's Office                                     | Phone Call with Rep. Bill Nelson (FL)<br>**Gladys will call the Senator on [b] (6) Personal Privacy                        |

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\*\*\* 09/30/2011 12:27:16 PM \*\*\*



01268-EPA-6980

**Bob  
Perciasepe/DC/USEPA/US**  
09/30/2011 01:51 PM

To Richard Windsor  
cc  
bcc  
Subject Call [b] (b) (6) Personal Privacy when ready

For boiler MACT

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

01268-EPA-6981

Jeffrey  
Corbin/CBP/USEPA/US  
10/01/2011 08:50 AM

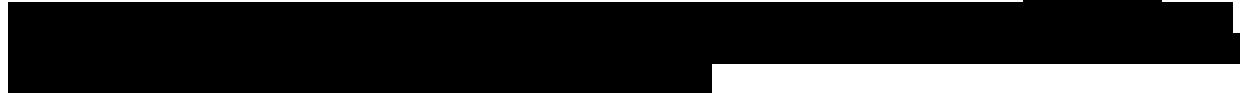
To Richard Windsor, Bob Perciasepe, Bob Sussman, Arvin Ganesan, Seth Oster, Brendan Gilfillan, Nancy Stoner, gilinsky.ellen, Shawn Garvin, Lawrence Elworth, Sarah Pallone

cc

bcc

Subject Wash Post Bay Opinion

The Commentary below is in today's on-line Post...will be in print tomorrow. Don is the President of the U of MD Center for Env Science and an advisory to O'Malley. This will likely spark some (b) (5) DP



[http://www.washingtonpost.com/opinions/on-the-chesapeake-bay-cleanup-agribusiness-tries-to-muddy-the-waters/2011/09/27/gIQAw0X3AL\\_story.html](http://www.washingtonpost.com/opinions/on-the-chesapeake-bay-cleanup-agribusiness-tries-to-muddy-the-waters/2011/09/27/gIQAw0X3AL_story.html)

jc

Jeff Corbin  
Senior Advisor to the Administrator for Chesapeake Bay and Anacostia River  
U.S. EPA  
(202)667-9304

## On the Chesapeake Bay cleanup, agribusiness tries to muddy the waters

By Donald Boesch, Published: September 30

As a scientist, I have worked over the past 40 years to identify the causes of the degradation of the Chesapeake Bay and to seek effective means to restore it. Thirty years ago, pollution by excessive amounts of nutrients was identified as the bay's systemic problem. Although the nutrient pollution originates from numerous sources, the largest source is agriculture, coming from fertilizers not taken up by crops and from animal wastes.

In 1987, the bay states and the federal government agreed to substantially reduce this pollution. Deadlines for reduction goals were set for 2000 and then 2010; both times they were missed by a great deal. After the 2010 deadline passed, by prior agreement among the states and federal government and as required by the Clean Water Act, the Environmental Protection Agency developed what is commonly called a pollution diet that each state would have to achieve and stick to. A new deadline was set — 2025 — but all parties agreed that, this time around, there would be two-year milestones to verify progress.

The pollution diets for each state, county or river watershed are determined by estimating the pollution the bay can tolerate, quantifying all relevant pollution sources, and identifying strategies to lead to the desired load reduction. This requires computer models that bring together

current scientific understanding, extensive data and choices by the states about preferred strategies. The models used by the Chesapeake Bay Program — the partnership of the Environmental Protection Agency, the District and the six states in the bay's watershed — have been developed and refined over the past 30 years and subjected to peer review.

Nonetheless, interest groups and some political leaders have questioned the reliability of the models. Most notably, [the American Farm Bureau Federation](#) and several other national agribusiness organizations filed suit to stop the EPA from implementing the pollution diet, citing among their arguments the use of “unsuitable” computer models.

Many of these groups hired an experienced consulting firm, LimnoTech, to compare the pollution load estimates from the Chesapeake Bay Program model with those from a new model developed by the U.S. Department of Agriculture to quantify the effects of conservation practices applied to cultivated cropland. Based on the differences in results, [LimnoTech called for a “timeout”](#) in implementing the pollution diet until the differences could be reconciled and a “correct” model produced. This criticism further alienated farmers from the pollution diet, and some in Congress used it to justify efforts to withhold funds for the plan’s implementation and even to eliminate the EPA’s authority to implement the Clean Water Act.

The Chesapeake Bay Program asked its [Scientific and Technical Advisory Committee](#) to review these criticisms. Released last week, [the review by a panel of independent experts](#) concluded in unusually scathing language that the LimnoTech analyses have poor scientific merit, use false criteria for judging the suitability of the Chesapeake Bay Program models for setting the diet, and commit errors in interpretation of model results.

When these errors are corrected, the two models produce much more similar results. Moreover, the two approaches fully agree that more effective and widely implemented management practices on cropland are required. In the end, the independent experts concluded that the LimnoTech report simply does not provide sufficient evidence to suspend implementation of the pollution diet.

As with climate change, the seeding of scientific doubt may be used to delay action in addressing the problem. But in this instance, we know beyond reasonable doubt the road we need to take to restore the Chesapeake Bay’s water quality. Further, we understand that arriving at this destination by the deadline requires walking at a faster pace, not only with agriculture but with the other nutrient-pollution sources: waste and stormwater discharges and fallout from air pollution. Now is not the time to take a timeout to figure out precisely — even if we could — whether the destination lies 10 miles or 11 miles ahead. We will know better when we get closer, and in 2017 there will be a recalibration of just how close we are. Meanwhile, we need not only to keep walking but to pick up the pace.

01268-EPA-6983

Richard  
Windsor/DC/USEPA/US  
10/03/2011 09:10 AM

To Mathy Stanislaus  
cc Bob Sussman, Avi Garbow, Scott Fulton, Lisa Feldt, Michael Goo  
bcc  
Subject Re: CCR

Tx Mathy. Have you spoken to (b) (5) DP  
Mathy Stanislaus

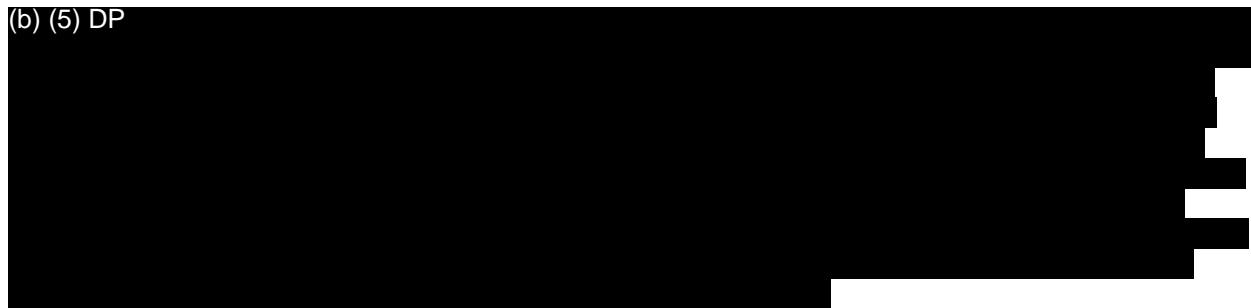
----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 10/03/2011 08:20 AM EDT  
**To:** Richard Windsor  
**Cc:** Bob Sussman; Avi Garbow; Scott Fulton; Lisa Feldt; Michael Goo  
**Subject:** CCR

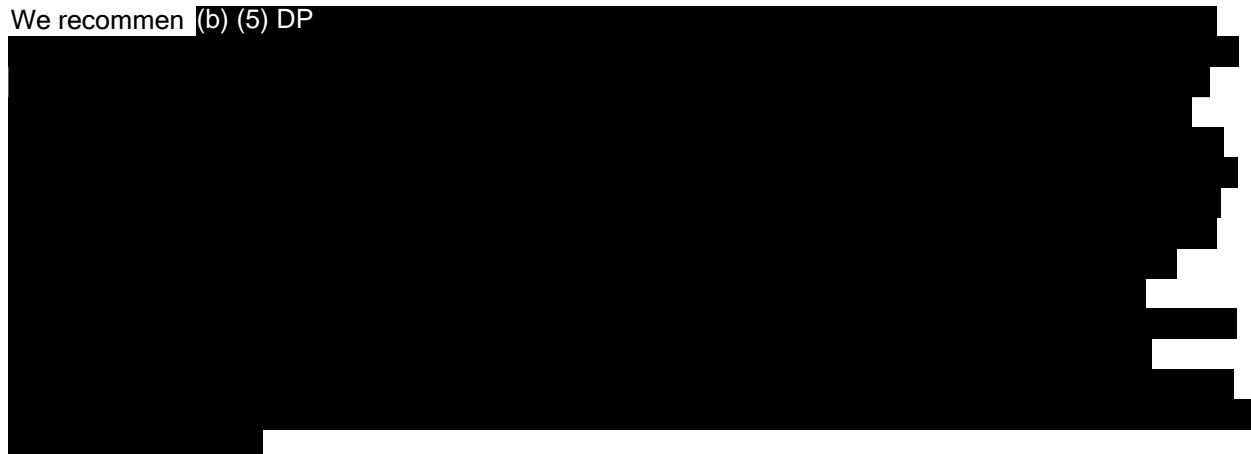
Lisa:

This is to provide my recommendation regarding the path forward on CCR beneficial use.

(b) (5) DP

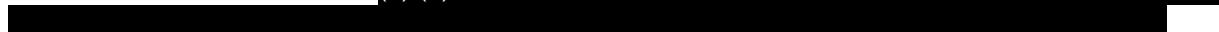


We recommen (b) (5) DP


With your approval, we will proceed expeditiously on this course.

Related to this we should soon (b) (5) DP



Mathy

01268-EPA-6985

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

10/03/2011 12:36 PM

bcc

Subject Fw: Christie a mixed bag on environment

ew

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 10/03/2011 12:36 PM -----

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 10/03/2011 11:40 AM  
Subject: Christie a mixed bag on environment

## Christie a mixed bag on environment

By Darren Goode  
10/3/11 11:38 AM EDT

New Jersey Gov. Chris Christie may bring another relatively moderate Republican voice on environmental issues if he decides to step into the mix of presidential candidates.

In particular, his view of climate change as a real threat caused by humans puts him firmly to the left of most of the Republicans vying to replace President Barack Obama. Herman Cain singled out the issue on "Fox News Sunday" this weekend as an example of why Christie is too liberal to run as a Republican for president.

"Most of the conservatives ... do not believe global warming is a crisis or a threat," Cain told Chris Wallace. "I think that that is absolutely a liability to him, if he gets in the race."

But as Christie nears the halfway point in his first term leading the Garden State, some say he has not lived up to his initial green promises on the campaign trail.

"We expected more out of him so far than what we've gotten," said David Pringle, campaign director for the New Jersey Environmental Foundation.

In 2009, the group — which is the state chapter of the national organization Clean Water Action — gave Christie its first endorsement of a New Jersey Republican gubernatorial candidate in its 30-year history.

Pringle said there are no regrets over backing Christie.

At least not yet.

"We're not prepared to give him a grade other than say there's a lot of good, there's a lot of bad, there's some ugly and a lot to be decided," Pringle said.

Expectations for Christie were never high to begin with among others in the state's environmental community, who scoffed at the endorsement by Pringle's group.

"It's like the Red Sox trading Babe Ruth to the Yankees," said Jeff Tittel, director of the New Jersey chapter of the Sierra Club. "It's a blunder that will keep affecting things for years. It gave Christie a certain amount of green cover."

For groups like Tittel's, the ugly in Christie's record is punctuated by his decision to pull the state out of the Regional Greenhouse Gas Initiative, a cap-and-trade plan for Northeastern and mid-Atlantic states.

But in doing so, Christie also made his strongest comments to date that "climate change is real and it's impacting our state" and deferred to the belief of many scientists that "humans play a contributing role."

He effectively sidled his position on the topic alongside former Utah Gov. Jon Huntsman and former Massachusetts Gov. Mitt Romney — two Republican presidential candidates whose views on climate change and the environment are starkly more moderate than those of Texas Gov. Rick Perry and Rep. Michele Bachmann.

"If you're in the desert and you see a tree, there's at least some shade there," said Clean Water Action's Jon Scott. "It's much more of a reflection of how bad the others are as it is about how good he is and how good people think he might be."

Christie's mixed bag of environmental policies has left some like Scott clamoring for more clarity.

"He's definitely the one that I would go out of my way to meet and talk to and learn more about those issues," said Scott, who is a registered independent voter in New Hampshire and could vote in that state's Republican primary. "And I'd be wasting my time with a Rick Perry, for example."

He added: "If Christie came in, that would certainly make it more interesting and it would certainly give the other candidates something different that they would need to respond to."

To some critics, Christie's previous statements on climate change indicate a change of heart that added to a growing list of examples of where his rhetoric doesn't match his actions.

"This is the typical Christie where he says one thing and does the opposite," Tittel said. "He likes to play to different audiences. That's how Christie operates."

Last year, Christie told a town hall audience in Toms River, N.J., he was skeptical that climate change is the result of human activity. He then backed off those comments at a conference of environmentalists in May and agreed to meet with climate scientists for a lesson in global warming.

At the same time, Christie is being courted to run for president by conservatives, including billionaire David Koch, the financial heart of the tea party movement. David and his brother Charles have been prominent climate change skeptics.

Christie and David Koch have insisted they never discussed the regional greenhouse gas program at their meetings.

"Koch Industries believes, and the facts bear out, that cap-and-trade programs like RGGI are bad for the economy, result in higher costs to consumers and offer little to no environmental benefit," a spokeswoman for the company said in a statement to AP last month. "David Koch did not discuss this matter with Gov. Christie. However, we believe the governor's decision to abandon RGGI was the right one."

But the claims that the Koch Brothers and Christie's overall courting by conservatives had nothing to do with his withdrawal from the program in late May ring hollow in some corners.

"He's their darling now," Dena Mottola Jaborska, executive director of the advocacy group Environment New Jersey, said of Christie.

Christie said that the RGGI was not effective and that the state was already on its way to meeting a 2020 goal for reducing greenhouse gases without the program.

The regional program was not popular either with state business leaders, who indisputably lobbied hard to Christie for the state to pull out.

"We think he has a fair and balanced environmental record," said Michael Egenton, senior vice president for government relations at the New Jersey Chamber of Commerce. "I know my organization would sorely miss him if he went on to higher office."

Christie "has been the most pro-business governor that we've had in a very long time in a very bad economy and recognizes that his number one priority ... is jobs and the economy," Egenton said. "The environmentalists should also be pleased to look at his record, although you may find with some of them if they don't get everything on their wish list they go on the attack."

In a way, Christie harkens comparisons to Obama, having both been lauded for their speaking skills and drawn criticism when their rhetoric hasn't matched their actions. Obama's environmental record has also been mixed in the view of a lot of green groups, which were particularly disheartened at his decision to punt a new ozone standard until after next year's election.

Christie has "found a way to appeal to the conservative base while keeping New Jersey in the dark about how conservative the positions he's articulating really are," Mottola Jaborska said. "He wooed them, what can I say."

Digging a little deeper into Christie's young gubernatorial record makes it difficult to paint him

in any particular corner.

He opposes offshore oil and gas drilling in federal waters off New Jersey's coastline — putting him on the same page as virtually every other prominent politician in the state in both parties on an issue they have little control over. He also vetoed a bill that would have banned the use of hydraulic fracturing in natural gas drilling in lieu of imposing a one-year moratorium in the state and calling to study the matter further.

He granted an early retirement to the Oyster Creek nuclear power plant — the oldest operating nuclear facility in the country, which has been blamed for polluting waters and killing marine life.

He made moves to expand the offshore wind industry but has also proposed to cut the state's renewable electricity production mandate from 30 percent in 2020 to 22.5 percent in 2021. He also cut state clean energy funds and other spending dedicated for clean air and water protections in an effort to close a \$2.2 billion budget deficit early in his term.

He signed into law the nation's strictest limits on fertilizers to help clean up Barnegat Bay — a key recreational area separating the state's barrier islands from the mainland.

But he has also signed controversial executive orders allowing waivers to be granted for environmental regulations “to remove unreasonable impediments to economic growth” and another that does not allow state environmental rules to exceed those of federal standards.

Pringle underscored that Christie’s record is much like the state’s political structure, in which party affiliation doesn’t necessarily put someone on one side of an issue or another.

“Nobody’s hands here are perfectly clean or perfectly dirty,” he said. “It’s not black and white. It’s many shades of gray.”

To read and comment online:

<https://www.politicopro.com/go/?id=6255>

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01268-EPA-6986

**Michael Moats/DC/USEPA/US**

10/04/2011 03:24 PM

To Richard Windsor

cc Seth Oster, Betsaida Alcantara

bcc

Subject ACTION Time piece revised

I tried to make it (b) (5) DP

A series of horizontal black redaction bars of varying lengths, indicating heavily redacted content. The bars are positioned vertically, with some white space between them. The first bar starts at the top and ends at approximately the 25% mark. The second bar starts at approximately the 25% mark and ends at approximately the 45% mark. The third bar starts at approximately the 45% mark and ends at approximately the 65% mark. The fourth bar starts at approximately the 65% mark and ends at approximately the 85% mark. The fifth bar starts at approximately the 85% mark and ends at the bottom. There is a small white square at the top left of the page, just below the subject line.

(b) (5) DP

----

Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6987

**Michael Moats/DC/USEPA/US** To Richard Windsor  
10/04/2011 03:42 PM cc Betsaida Alcantara, Seth Oster  
bcc  
Subject Re: ACTION Time piece revised

Thanks. (b) (5) DP

?

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor love it. (b) (5) DP 10/04/2011 03:37:25 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 10/04/2011 03:37 PM  
Subject: Re: ACTION Time piece revised

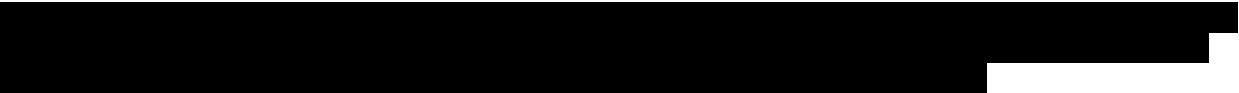
love it. (b) (5) DP

Michael Moats (b) (5) DP 10/04/2011 03:23:52 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 10/04/2011 03:23 PM  
Subject: ACTION Time piece revised

(b) (5) DP

(b) (5) DP



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-6988

Richard  
Windsor/DC/USEPA/US  
10/04/2011 03:47 PM

To Michael Moats  
cc Betsaida Alcantara, Seth Oster  
bcc  
Subject this is better

(b) (5) DP



01268-EPA-6991

**Laura Vaught/DC/USEPA/US**

10/06/2011 12:32 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth Oster, Bob Sussman, Arvin Ganesan, Janet Woodka, Michael Goo, Barbara Bennett, Lisa Garcia, Sarah Pallone, Bicky Corman, Lawrence Elworth, kanninen.dan

cc

bcc

Subject update on House action

FYI - the cement mact bill passed the House. The bill would require us to start over with the cement rule and is drafted so that it is an indefinite delay of that rule.

Vote was 262-161. 25 Dems voted it for it (improvement from earlier counts) and 2 Republicans (Smith from NJ and Jones) opposed it.

The House has now started debating the boiler bill.

01268-EPA-6992

**Richard  
Windsor/DC/USEPA/US**  
10/06/2011 01:51 PM

To Laura Vaught  
cc  
bcc  
Subject Re: update on House action

Tx

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 10/06/2011 12:32 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Seth Oster; Bob Sussman; Arvin Ganesan; Janet Woodka; Michael Goo; Barbara Bennett; Lisa Garcia; Sarah Pallone; Bicky Corman; Lawrence Elworth; kanninen.dan@epa.gov  
**Subject:** update on House action

FYI - the cement mact bill passed the House. The bill would require us to start over with the cement rule and is drafted so that it is an indefinite delay of that rule.

Vote was 262-161. 25 Dems voted it for it (improvement from earlier counts) and 2 Republicans (Smith from NJ and Jones) opposed it.

The House has now started debating the boiler bill.

01268-EPA-6994

Bob  
Perciasepe/DC/USEPA/US  
10/09/2011 10:28 AM

To: Al Armendariz, Gina McCarthy, David Bloomgren, Joseph Goffman, Sam Napolitano  
cc: Bob Sussman, Seth Oster, Brendan Gilfillan, "Richard Windsor", David Gray, "Carl Edlund", Chrissy Mann, "Suzanne Murray"  
bcc:  
Subject: Re: Corpus-Christi Caller Times Ed Board (CSAPR/Tx): "Understanding the EPA's 'easing' of cross-state rule"

Thanks Al

Truth is a beautiful thing.

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) [b] (6) Personal Privacy

----- Original Message -----

From: Al Armendariz  
Sent: 10/09/2011 09:22 AM CDT  
To: Gina McCarthy; David Bloomgren; Joseph Goffman; Sam Napolitano  
Cc: Bob Sussman; Seth Oster; Brendan Gilfillan; Bob Perciasepe; "Richard Windsor" <windsor.richard@epa.gov>; David Gray; "Carl Edlund" <edlund.carl@epa.gov>; Chrissy Mann; "Suzanne Murray" <murray.suzanne@epa.gov>  
Subject: Corpus-Christi Caller Times Ed Board (CSAPR/Tx): "Understanding the EPA's 'easing' of cross-state rule"

"Understanding the EPA's 'easing' of cross-state rule"

By Editorial Board  
Corpus Christi Caller Times  
Posted October 9, 2011 at 3 a.m.

CORPUS CHRISTI — The Environmental Protection Agency's plan to ease up on the cross-state pollution rule is good news and misleading news.

The good news is that jobs connected to coal-fired power plants are safe and the industry's ability to meet demand for electricity won't be hampered. Rolling brownouts across North Texas, where the most heavily affected plants are located, weren't a pretty prospect.

The misleading news is ... well, there's a bunch. But foremost is the tendency to interpret the EPA's move as a capitulation to political and industry pressure, which it's not.

On Wednesday, The Wall Street Journal reported that the EPA, "under pressure from some states, industry and Congress, is expected to ease an air quality rule that would require power plants in 27 states to slash emissions."

It's a hundred percent true that the EPA has been under pressure from states,

industry and Congress. Also from Gov. Rick Perry and Attorney General Greg Abbott, who sued the EPA on Texas' behalf &#8212; again.

The Journal also reported that the move "comes amid a backlash over the rule." Also true. The Journal didn't establish a cause-effect relationship between backlash and EPA revision. Readers of the Journal's and other credible, responsible reports by other publications had to make the connection, and surely did.

What the EPA did was to revise its plan based on further review of its information, which includes a lot of industry-provided information. For example, Texas power provider Luminant initially overestimated the efficiency of its scrubbers.

When the EPA found out &#8212; from Luminant &#8212; that those scrubbers couldn't scrub as much as the EPA had been led to believe, the EPA adjusted accordingly to represent what Luminant was unable to do. This sounds like suspiciously reasonable behavior for an agency that has been portrayed as a primary conspirator in a plot to wreck the Texas economy through runaway over-regulation.

Perry, in a statement Thursday, said the EPA's proposed changes "prove there are undeniable flaws with the (cross-state pollution) rule that would cause job losses and higher energy costs with no definitive environmental benefit to Texas." The governor's statement is misleading because industry, not EPA, was the source of the flaws. He can tell us how harmless nitrogen oxide and sulfur dioxide are to the environment after he has had some for breakfast.

U.S. Rep. Joe Barton, R-Arlington, also misleadingly portrayed the EPA's revision: "I am pleased to see that the EPA has admitted that they were wrong in their assumptions in the first place," according to a statement Barton issued Thursday. "Hopefully the second time around they will look at the true facts and act accordingly." They already did, Rep. Barton, immediately after industry gave them truer facts than the ones it previously submitted.

"Any changes to the Cross State standard ... would have no impact on the health benefits we expect this rule to achieve," EPA associate administrator Seth Oster wrote in response to the Journal report. Those benefits include a reduction of premature deaths by 34,000 and health and environmental costs by \$280 billion by 2014.

"The EPA is not 'easing' the standards of the Cross State Air Pollution Rule," according to Oster. "We are doing what we always do under the Clean Air Act: taking steps to gather the best data and information, and moving forward with a common sense standard based on everything we know."

Sounds reasonable.

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<http://www.caller.com/news/2011/oct/09/understanding-the-epas-easing-of-cross-state/>

01268-EPA-6995

AI Armendariz/R6/USEPA/US  
10/09/2011 10:27 AM

To McCarthy.Gina, David Bloomgren, Joseph Goffman, Sam Napolitano  
cc sussman.bob, Oster.Seth, Brendan Gilfillan, Bob Perciasepe, windsor.richard, gray.david, edlund.carl, murray.suzanne, mann.chrissy  
bcc  
Subject Dallas Morning News Business Section (CSAPR/Tx): "EFH sues four rural counties over coal plant appraisals"

Luminant's disagreements with the county appraisals began earlier this year well-before we finalized the CSAPR. Now that the appraisal disagreements have recently moved from administrative into the state courts, the rule is being linked to the appraisal dispute.

AI

---

"EFH sues four rural counties over coal plant appraisals"

By ELIZABETH SOUDER  
Staff Writer  
[esouder@dallasnews.com](mailto:esouder@dallasnews.com)  
Published: 08 October 2011 08:06 PM

Energy Future Holdings is suing four county appraisal districts, arguing that its coal plants and mines are worth substantially less than they were last year – and far less than the appraisal boards estimate.

Because wholesale electricity prices have dropped, the company says, it cannot make as much profit with those plants. Therefore, they aren't as valuable and the company shouldn't have to pay as much in taxes on the properties, EFH says. Millions of dollars in taxes are at stake in the suits.

Further, complying with new federal pollution laws next year will cost a lot of money and reduce profit even further, EFH says, adding that 2011 appraisals should account for the loss in value.

"Just as property taxes rose with power prices, we believe property taxes should decrease as power prices have, and we don't believe certain counties' assessments take this fact into account," said Allan Koenig, a spokesman for Luminant, EFH's power generating business.

If the argument stands, that's one more strike against the Environmental Protection Agency's new pollution rules. Lower plant values would take a big bite out of school tax receipts in those rural counties – Freestone, Milam, Titus and Rusk. It could also cut the amount of money the local wealthy school districts send to Austin.

County appraisers balked at the demands and shaved only a bit of the values. With no way of placing a value on what the company might do next year to comply with pollution rules, local appraisers went with their usual methods to set 2011 values.

"Some of these things that are issues for them right now might very well be issues that would have a heavy weight in considerations for 2012, but I'm not sure they have a lot of weight now," said chief appraiser Bud Black of the Freestone Central Appraisal District.

County appraisers set values based on snapshots of properties on the first day of the year.

As of Jan. 1, 2011, Freestone County appraisers say EFH's Big Brown power plant and mine were worth \$624 million. Strip out the value of pollution control equipment, which, according to state law, isn't taxed, and the taxable value is \$428 million, according to the county.

That's down from the 2010 taxable value of \$526 million.

But Luminant says that's not right, although the company hasn't given a dollar amount publicly. The appraisals it turned in to the county are confidential, and the lawsuits don't suggest amounts.

Black said he understands Luminant would like the value in Freestone County to be cut in half.

Luminant, in the lawsuit, says the appraised value of property in Freestone County "exceeds the median appraised value of a reasonable number of comparable properties" and "fails to account for all pollution control property."

Luminant didn't say in the lawsuit which equipment is at issue or how much in exemptions had been denied. A spokesman declined to give details.

The chief appraisers in three counties said Luminant had argued before the local appraisal review board that complying with new EPA pollution rules next year would reduce the value of the plants. The company urged the boards to include that expectation in the 2011 appraisals, the appraisers said.

#### Pollution regulations

Luminant has said complying with the Cross-State Air Pollution Rule will require the company to shut down two generating units and three lignite mines, including a mine at the Big Brown plant. The company also expects to spend \$280 million in 2012 to add pollution controls to power plants in Titus, Rusk and Milam counties, though such pollution controls could be eligible for tax exemption.

Titus County's chief appraiser, Ronny Babcock, said knowledge of future problems or costs can affect current appraisals. Such a property could lose value because a buyer wouldn't be willing to pay as much for it. But in this case, he said, neither Luminant nor the county could quantify the effect.

"I can see where the EPA ruling possibly could have some effect on it, but without any way of judging that effect or placing a value on that effect, we just have to go with, you know, the normal appraisal," he said.

Luminant is only suing over property appraisals for four coal plant sites that will require pollution upgrades or changes next year to comply with the new rule. The company isn't challenging appraisals for a fifth coal plant, its newest, nor for its natural gas or nuclear plants.

If Luminant is successful, it could reduce its tax burden by millions of dollars. In Freestone County alone last year, Luminant paid \$8.7 million in taxes. Total property taxes last year for Luminant were \$123 million.

That's a lot of money for a school district, but seems small compared with Energy Future Holdings' \$34 billion in debt.

## Potential tax losses

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"What it will do is cause us to take pause. Do we want to go out there and do a maintenance bond in the future?" she said.

As more aging coal plants shut down to comply with the new EPA pollution rule, counties, hospital districts and school districts across the country could see their tax receipts drop. Various government agencies and outside experts estimate the amount of coal plant capacity that could be retired due to the new EPA rules in the range of 10 gigawatts to 80 gigawatts. That's potentially dozens of power plants in dozens of counties. The Luminant closures at one plant will amount to 1,130 megawatts.

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<http://www.dallasnews.com/business/energy/20111008-efh-sues-four-rural-counties-over-coal-plant-appraisals.ece>

---

Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6996

Richard  
Windsor/DC/USEPA/US  
10/09/2011 10:29 AM

To Bob Perciasepe, Al Armendariz, Gina McCarthy  
cc Bob Sussman, Seth Oster, Brendan Gilfillan  
bcc  
Subject Re: Corpus-Christi Caller Times Ed Board (CSAPR/Tx):  
"Understanding the EPA's 'easing' of cross-state rule"

Indeed

----- Original Message -----

From: Bob Perciasepe  
Sent: 10/09/2011 10:28 AM EDT  
To: Al Armendariz; Gina McCarthy; David Bloomgren; Joseph Goffman; Sam Napolitano  
Cc: Bob Sussman; Seth Oster; Brendan Gilfillan; "Richard Windsor" <windsor.richard@epa.gov>; David Gray; "Carl Edlund" <edlund.carl@epa.gov>; Chrissy Mann; "Suzanne Murray" <murray.suzanne@epa.gov>  
Subject: Re: Corpus-Christi Caller Times Ed Board (CSAPR/Tx): "Understanding the EPA's 'easing' of cross-state rule"

Thanks Al

Truth is a beautiful thing.

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

----- Original Message -----

From: Al Armendariz  
Sent: 10/09/2011 09:22 AM CDT  
To: Gina McCarthy; David Bloomgren; Joseph Goffman; Sam Napolitano  
Cc: Bob Sussman; Seth Oster; Brendan Gilfillan; Bob Perciasepe; "Richard Windsor" <windsor.richard@epa.gov>; David Gray; "Carl Edlund" <edlund.carl@epa.gov>; Chrissy Mann; "Suzanne Murray" <murray.suzanne@epa.gov>  
Subject: Corpus-Christi Caller Times Ed Board (CSAPR/Tx): "Understanding the EPA's 'easing' of cross-state rule"

"Understanding the EPA's 'easing' of cross-state rule"

By Editorial Board  
Corpus Christi Caller Times  
Posted October 9, 2011 at 3 a.m.

CORPUS CHRISTI – The Environmental Protection Agency's plan to ease up on the cross-state pollution rule is good news and misleading news.

The good news is that jobs connected to coal-fired power plants are safe and

the industry's ability to meet demand for electricity won't be hampered. Rolling brownouts across North Texas, where the most heavily affected plants are located, weren't a pretty prospect.

The misleading news is ... well, there's a bunch. But foremost is the tendency to interpret the EPA's move as a capitulation to political and industry pressure, which it's not.

On Wednesday, The Wall Street Journal reported that the EPA, "under pressure from some states, industry and Congress, is expected to ease an air quality rule that would require power plants in 27 states to slash emissions."

It's a hundred percent true that the EPA has been under pressure from states, industry and Congress. Also from Gov. Rick Perry and Attorney General Greg Abbott, who sued the EPA on Texas' behalf &#8212; again.

The Journal also reported that the move "comes amid a backlash over the rule." Also true. The Journal didn't establish a cause-effect relationship between backlash and EPA revision. Readers of the Journal's and other credible, responsible reports by other publications had to make the connection, and surely did.

What the EPA did was to revise its plan based on further review of its information, which includes a lot of industry-provided information. For example, Texas power provider Luminant initially overestimated the efficiency of its scrubbers.

When the EPA found out &#8212; from Luminant &#8212; that those scrubbers couldn't scrub as much as the EPA had been led to believe, the EPA adjusted accordingly to represent what Luminant was unable to do. This sounds like suspiciously reasonable behavior for an agency that has been portrayed as a primary conspirator in a plot to wreck the Texas economy through runaway over-regulation.

Perry, in a statement Thursday, said the EPA's proposed changes "prove there are undeniable flaws with the (cross-state pollution) rule that would cause job losses and higher energy costs with no definitive environmental benefit to Texas." The governor's statement is misleading because industry, not EPA, was the source of the flaws. He can tell us how harmless nitrogen oxide and sulfur dioxide are to the environment after he has had some for breakfast.

U.S. Rep. Joe Barton, R-Arlington, also misleadingly portrayed the EPA's revision: "I am pleased to see that the EPA has admitted that they were wrong in their assumptions in the first place," according to a statement Barton issued Thursday. "Hopefully the second time around they will look at the true facts and act accordingly." They already did, Rep. Barton, immediately after industry gave them truer facts than the ones it previously submitted.

"Any changes to the Cross State standard ... would have no impact on the health benefits we expect this rule to achieve," EPA associate administrator Seth Oster wrote in response to the Journal report. Those benefits include a reduction of premature deaths by 34,000 and health and environmental costs by \$280 billion by 2014.

"The EPA is not 'easing' the standards of the Cross State Air Pollution Rule," according to Oster. "We are doing what we always do under the Clean Air Act: taking steps to gather the best data and information, and moving forward with a common sense standard based on everything we know."

Sounds reasonable.

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<http://www.caller.com/news/2011/oct/09/understanding-the-epas-easing-of-cross-state/>

01268-EPA-6997

Richard  
Windsor/DC/USEPA/US  
10/09/2011 10:41 AM

To Al Armendariz  
cc  
bcc  
Subject Re: Dallas Morning News Business Section (CSAPR/Tx):  
"EFH sues four rural counties over coal plant appraisals"

Tax collections are too LOW in Texas??? No way!!!

Luminant is full of something... And it aint energy.

---

**From:** Al Armendariz  
**Sent:** 10/09/2011 09:27 AM CDT  
**To:** Gina McCarthy; David Bloomgren; Joseph Goffman; Sam Napolitano  
**Cc:** sussman.bob@epa.gov; Seth Oster; Brendan Gilfillan; Bob Perciasepe; windsor.richard@epa.gov; gray.david@epa.gov; edlund.carl@epa.gov; murray.suzanne@epa.gov; mann.chrissy@epa.gov  
**Subject:** Dallas Morning News Business Section (CSAPR/Tx): "EFH sues four rural counties over coal plant appraisals"

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Al

---

"EFH sues four rural counties over coal plant appraisals"

By ELIZABETH SOUDER  
Staff Writer  
esouder@dallasnews.com  
Published: 08 October 2011 08:06 PM

Energy Future Holdings is suing four county appraisal districts, arguing that its coal plants and mines are worth substantially less than they were last year – and far less than the appraisal boards estimate.

Because wholesale electricity prices have dropped, the company says, it cannot make as much profit with those plants. Therefore, they aren't as valuable and the company shouldn't have to pay as much in taxes on the properties, EFH says. Millions of dollars in taxes are at stake in the suits.

Further, complying with new federal pollution laws next year will cost a lot of money and reduce profit even further, EFH says, adding that 2011 appraisals should account for the loss in value.

"Just as property taxes rose with power prices, we believe property taxes should decrease as power prices have, and we don't believe certain counties' assessments take this fact into account," said Allan Koenig, a spokesman for Luminant, EFH's power generating business.

If the argument stands, that's one more strike against the Environmental Protection Agency's new pollution rules. Lower plant values would take a big bite out of school tax receipts in those rural counties – Freestone, Milam, Titus and Rusk. It could also cut the amount of money the local wealthy school districts send to Austin.

County appraisers balked at the demands and shaved only a bit of the values. With no way of placing a value on what the company might do next year to comply with pollution rules, local appraisers went with their usual methods to set 2011 values.

"Some of these things that are issues for them right now might very well be issues that would have a heavy weight in considerations for 2012, but I'm not sure they have a lot of weight now," said chief appraiser Bud Black of the Freestone Central Appraisal District.

County appraisers set values based on snapshots of properties on the first day of the year.

As of Jan. 1, 2011, Freestone County appraisers say EFH's Big Brown power plant and mine were worth \$624 million. Strip out the value of pollution control equipment, which, according to state law, isn't taxed, and the taxable value is \$428 million, according to the county.

That's down from the 2010 taxable value of \$526 million.

But Luminant says that's not right, although the company hasn't given a dollar amount publicly. The appraisals it turned in to the county are confidential, and the lawsuits don't suggest amounts.

Black said he understands Luminant would like the value in Freestone County to be cut in half.

Luminant, in the lawsuit, says the appraised value of property in Freestone County "exceeds the median appraised value of a reasonable number of comparable properties" and "fails to account for all pollution control property."

Luminant didn't say in the lawsuit which equipment is at issue or how much in exemptions had been denied. A spokesman declined to give details.

The chief appraisers in three counties said Luminant had argued before the local appraisal review board that complying with new EPA pollution rules next year would reduce the value of the plants. The company urged the boards to include that expectation in the 2011 appraisals, the appraisers said.

#### Pollution regulations

Luminant has said complying with the Cross-State Air Pollution Rule will require the company to shut down two generating units and three lignite mines, including a mine at the Big Brown plant. The company also expects to spend \$280 million in 2012 to add pollution controls to power plants in Titus, Rusk and Milam counties, though such pollution controls could be eligible for tax exemption.

Titus County's chief appraiser, Ronny Babcock, said knowledge of future problems or costs can affect current appraisals. Such a property could lose value because a buyer wouldn't be willing to pay as much for it. But in this case, he said, neither Luminant nor the county could quantify the effect.

"I can see where the EPA ruling possibly could have some effect on it, but without any way of judging that effect or placing a value on that effect, we just have to go with, you know, the normal appraisal," he said.

Luminant is only suing over property appraisals for four coal plant sites that will require pollution upgrades or changes next year to comply with the new rule. The company isn't challenging appraisals for a fifth coal plant, its newest, nor for its natural gas or nuclear plants.

If Luminant is successful, it could reduce its tax burden by millions of dollars. In Freestone County alone last year, Luminant paid \$8.7 million in taxes. Total property taxes last year for Luminant were \$123 million.

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---

Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas

armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6998

**Bob  
Perciasepe/DC/USEPA/US**  
10/09/2011 10:43 AM

To : Al Armendariz, Gina McCarthy, David Bloomgren, Joseph Goffman, Sam Napolitano  
 cc : "sussman bob", Seth Oster, Brendan Gilfillan, "windsor richard", "gray david", "edlund carl", "murray suzanne", "mann chrissy"  
 bcc :  
 Subject : Re: Dallas Morning News Business Section (CSAPR/Tx): "EFH sues four rural counties over coal plant appraisals"

Hmmmmm

The usual math of appraisal is that if you make investments in a Facility so its life is extended is an increase in its value.

Think this : (b) (5) DP [REDACTED]

[REDACTED].  
 Bob Perciasepe  
 Deputy Administrator  
 (o)202 564 4711  
 (c) [REDACTED] (b) (6) Personal Privacy  
 Al Armendariz

----- Original Message -----

**From:** Al Armendariz  
**Sent:** 10/09/2011 09:29 AM CDT  
**To:** Gina McCarthy; David Bloomgren; Joseph Goffman; Sam Napolitano  
**Cc:** sussman.bob@epa.gov; Seth Oster; Brendan Gilfillan; Bob Perciasepe; windsor.richard@epa.gov; gray.david@epa.gov; edlund.carl@epa.gov; murray.suzanne@epa.gov; mann.chrissy@epa.gov  
**Subject:** Dallas Morning News Business Section (CSAPR/Tx): "EFH sues four rural counties over coal plant appraisals"  
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 Published: 08 October 2011 08:06 PM

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Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

01268-EPA-6999

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
10/11/2011 10:01 AM cc  
**bcc**  
Subject Re: Check Out This Article

Sorry to take so long responding. (b) (5) DP



---

**From:** Gina McCarthy  
**Sent:** 10/11/2011 09:01 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Check Out This Article

(b) (5) DP

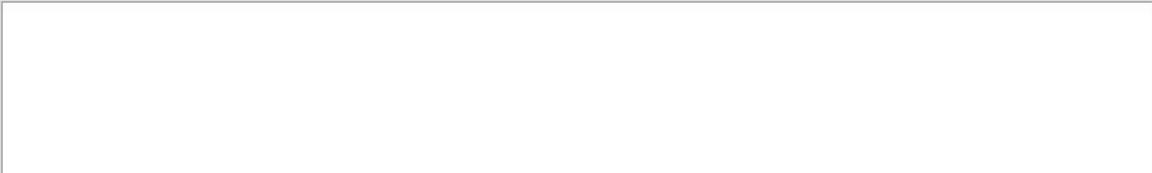
---

**From:** Richard Windsor  
**Sent:** 10/11/2011 08:25 AM EDT  
**To:** Jim Martin  
**Cc:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
**Subject:** Fw: Check Out This Article

(b) (5) ?

---

**From:** Richard Windsor  
**Sent:** 10/11/2011 08:24 AM AST  
**To:** Richard Windsor  
**Subject:** Check Out This Article



**CHECK OUT THIS ARTICLE**



Your friend, [Windsor.richard@epa.gov](mailto:Windsor.richard@epa.gov), thought you would be interested in this article from TheHill.com:

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01268-EPA-7001

**Richard  
Windsor/DC/USEPA/US**  
10/11/2011 12:25 PM

To Michael Moats  
cc Brendan Gilfillan, Betsaida Alcantara, "Bob Perciasepe",  
"Bob Sussman", "Gwendolyn KeyesFleming", "Diane  
Thompson"  
bcc  
Subject Re: ACTION oped for review

(b)(5) deliberative

Michael Moats

----- Original Message -----

**From:** Michael Moats  
**Sent:** 10/11/2011 12:18 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Betsaida Alcantara  
**Subject:** ACTION oped for review

Administrator, pasted below is a draft joint oped on the America's Great Outdoors initiative.

(b)(5) deliberative

[attachment "2011 10 06 AGO op ed BC (EPA edits).doc" deleted by Richard Windsor/DC/USEPA/US]

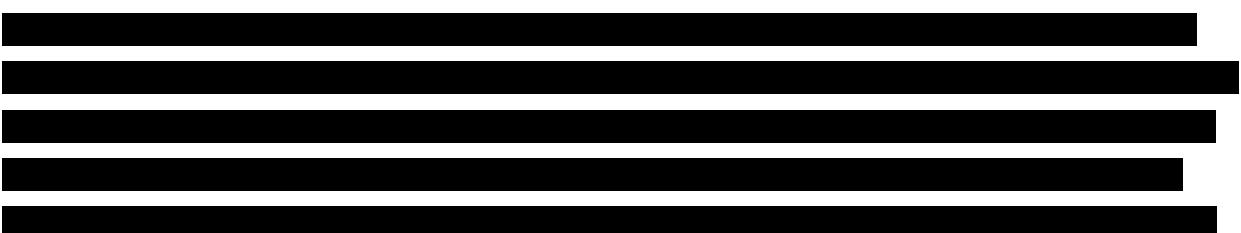
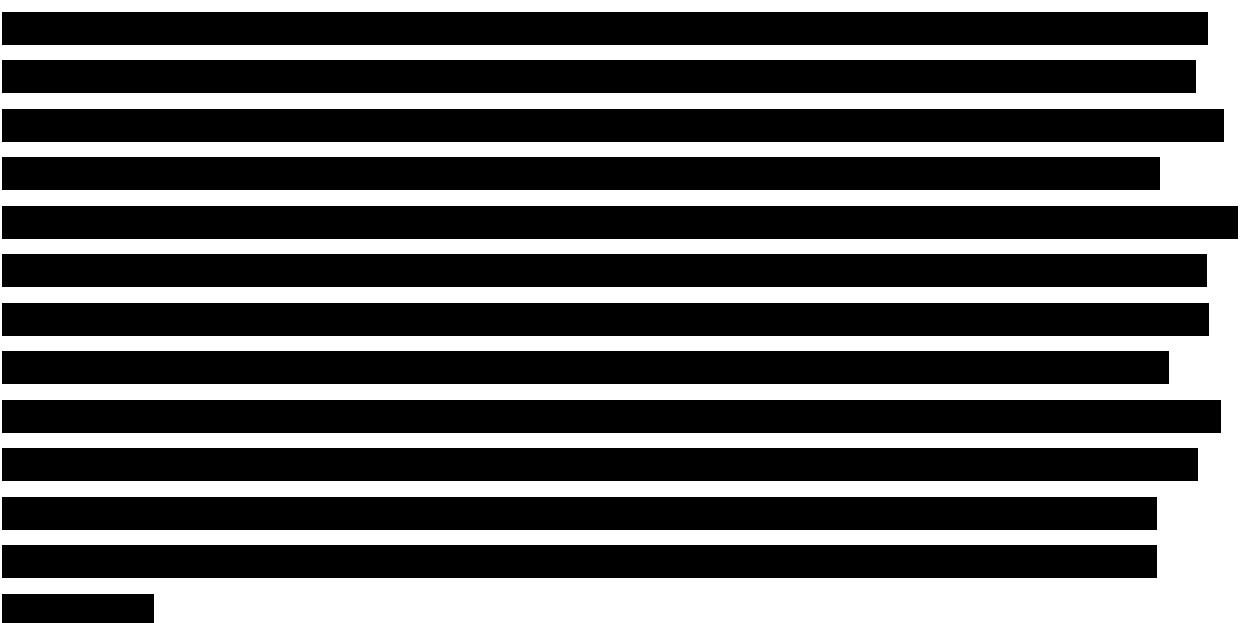
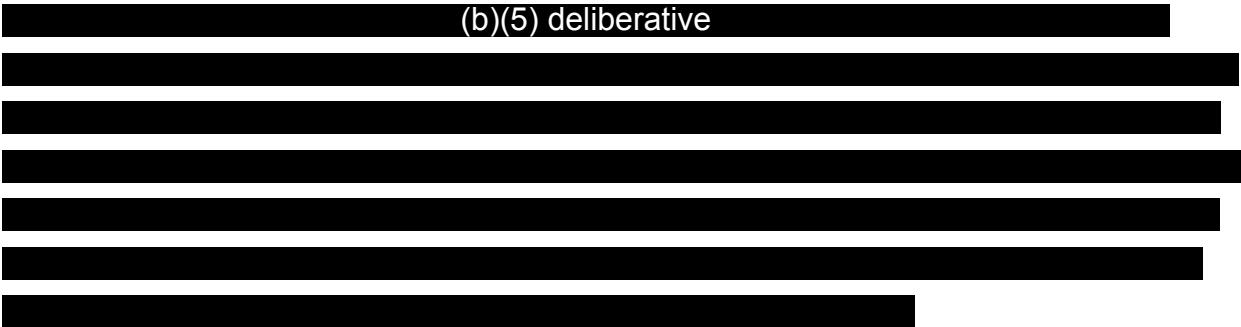
**DRAFT OP-ED**

**Word Count:**

By Secretary Salazar, Secretary Vilsack, Administrator Jackson, and Chair Sutley

(b)(5) deliberative

(b)(5) deliberative



[REDACTED] (b)(5) deliberative [REDACTED]

-----

Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7002

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Michael Moats  
10/11/2011 12:43 PM cc Brendan Gilfillan, Betsaida Alcantara, "Bob Perciasepe",  
"Bob Sussman", Gwendolyn KeyesFleming, "Diane  
Thomson"  
bcc  
Subject Re: ACTION oped for review

(b)(5) deliberative

Richard Windsor

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**From:** Richard Windsor  
**Sent:** 10/11/2011 12:25 PM EDT  
**To:** Michael Moats  
**Cc:** Brendan Gilfillan; Betsaida Alcantara; "Bob Perciasepe"  
<perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Gwendolyn  
KeyesFleming; "Diane Thompson" <thompson.diane@epa.gov>  
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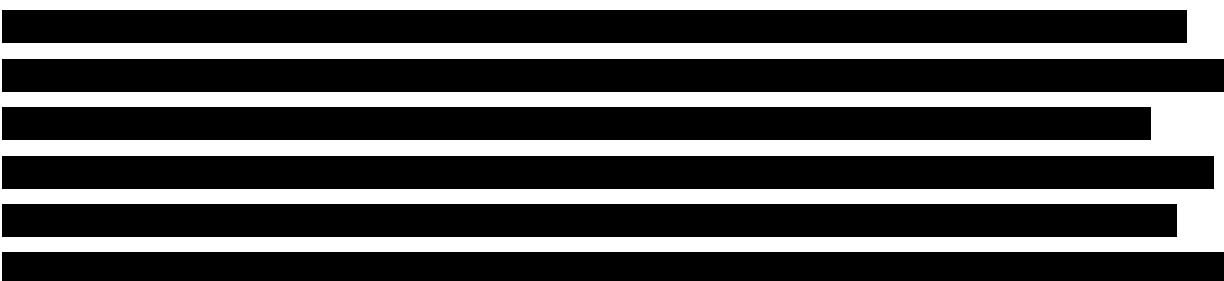
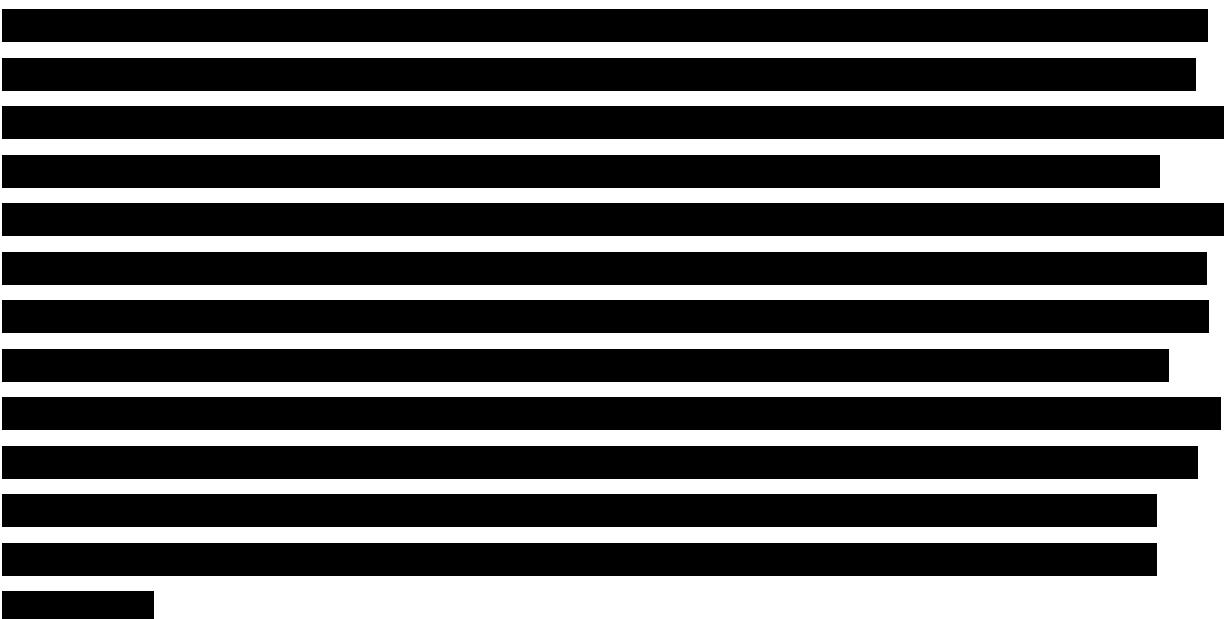
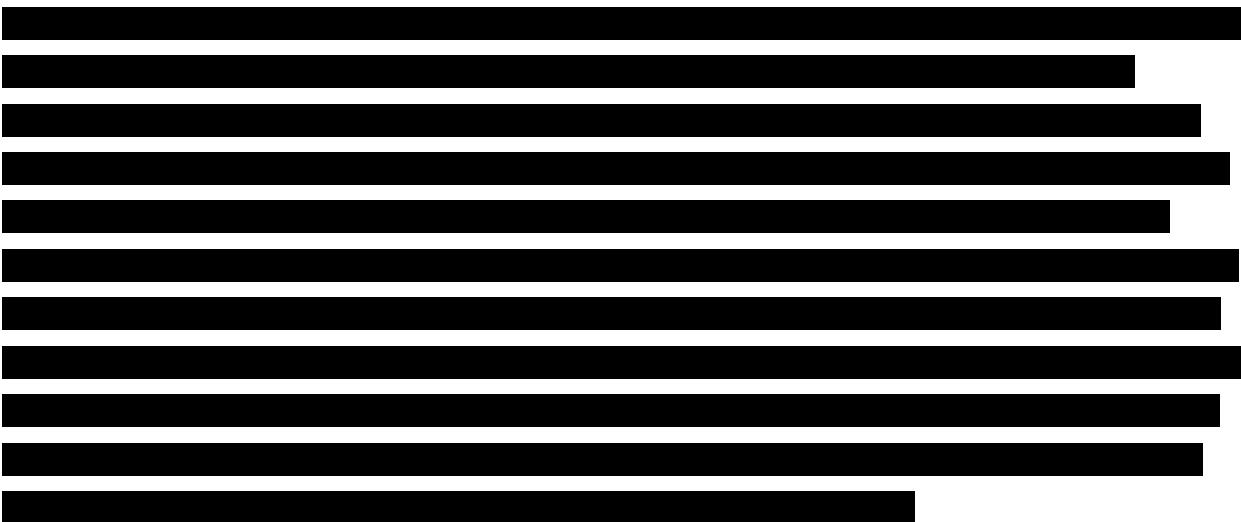
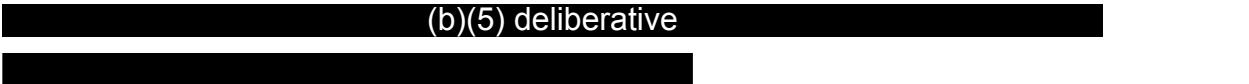
**DRAFT OP-ED**

**Word Count:**

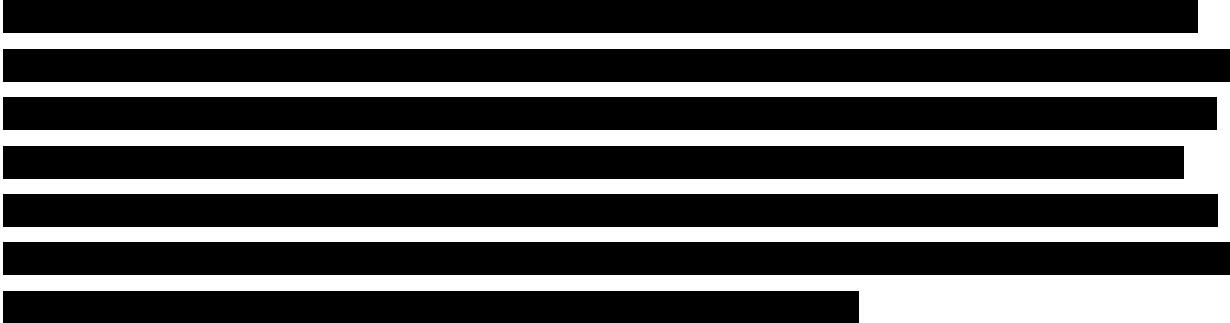
By Secretary Salazar, Secretary Vilsack, Administrator Jackson, and Chair Sutley

(b)(5) deliberative

(b)(5) deliberative



(b)(5) deliberative



-----

Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7003

Gwendolyn  
KeyesFleming/R4/USEPA/US  
10/11/2011 01:53 PM

To Richard Windsor  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats,  
perciasepe.bob, Sussman.bob, thompson.diane  
bcc  
Subject Re: ACTION oped for review

(b)(5) deliberative

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Michael Moats/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 10/11/2011 12:25PM  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Gwendolyn KeyesFleming" <KeyesFleming.Gwendolyn@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: ACTION oped for review

(b)(5) deliberative

Michael Moats

----- Original Message -----

**From:** Michael Moats  
**Sent:** 10/11/2011 12:18 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Betsaida Alcantara  
**Subject:** ACTION oped for review  
Administrator, pasted below is a draft joint oped on the America's Great Outdoors initiative.

(b)(5) deliberative

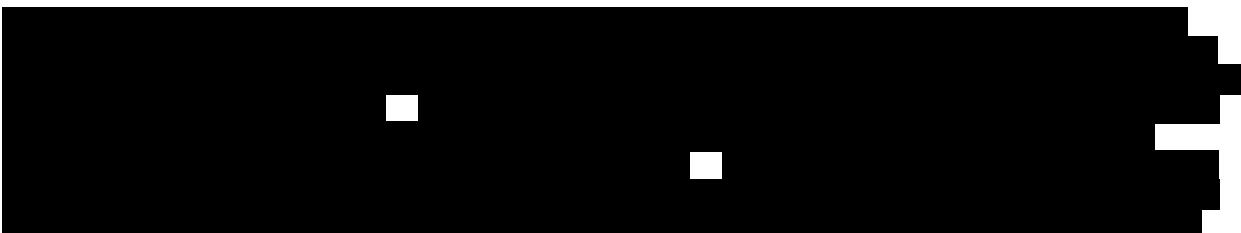
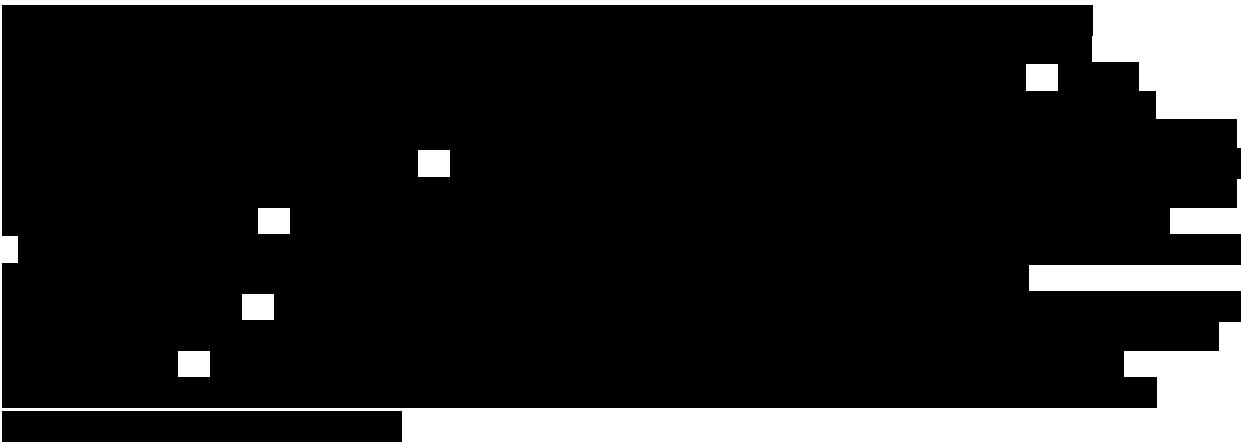
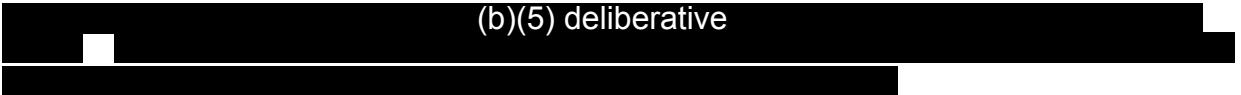
[attachment "2011 10 06 AGO op ed BC (EPA edits).doc" deleted by Richard Windsor/DC/USEPA/US]

DRAFT OP-ED  
Word Count:

By Secretary Salazar, Secretary Vilsack, Administrator Jackson, and Chair Sutley

(b)(5) deliberative

(b)(5) deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436



01268-EPA-7004

**Gwendolyn KeyesFleming/R4/USEPA/US**  
10/11/2011 02:00 PM

To Bob Sussman  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Richard Windsor, perciasepe.bob, Sussman.bob, thompson.diane  
bcc  
Subject Re: ACTION oped for review

(b)(5) deliberative

-----Bob Sussman/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
From: Bob Sussman/DC/USEPA/US  
Date: 10/11/2011 12:43PM  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: ACTION oped for review

(b)(5) deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/11/2011 12:25 PM EDT  
**To:** Michael Moats  
**Cc:** Brendan Gilfillan; Betsaida Alcantara; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Gwendolyn KeyesFleming; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: ACTION oped for review

(b)(5) deliberative

Michael Moats

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**From:** Michael Moats  
**Sent:** 10/11/2011 12:18 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Betsaida Alcantara

**Subject:** ACTION oped for review  
Administrator, pasted below is a draft joint oped on the America's Great Outdoors initiative. [REDACTED] (b)(5) deliberative

[attachment "2011 10 06 AGO op ed BC (EPA edits).doc" deleted by Richard Windsor/DC/USEPA/US]

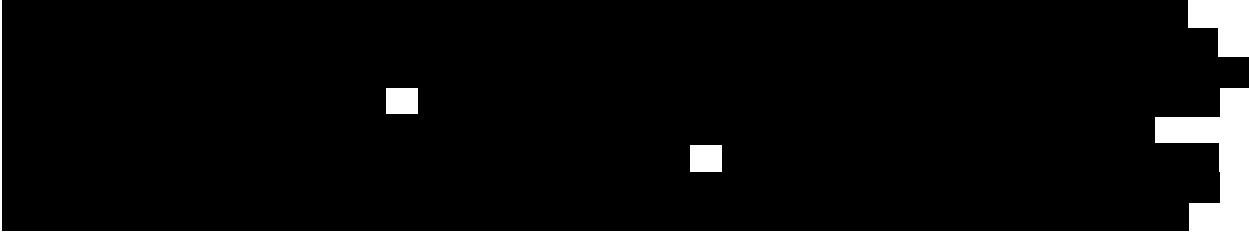
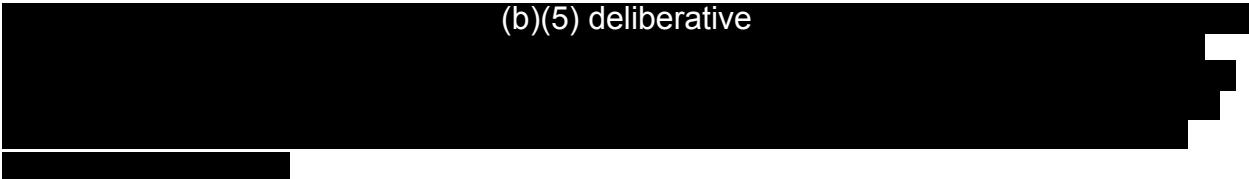
DRAFT OP-ED

### Word Count:

By Secretary Salazar, Secretary Vilsack, Administrator Jackson, and Chair Sutley

(b)(5) deliberative

(b)(5) deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7005

**Michael Moats/DC/USEPA/US**  
10/12/2011 11:13 AM  
**To:** Richard Windsor  
**cc:** Betsaida Alcantara, Brendan Gilfillan, "Gwendolyn KeyesFleming", "Bob Perciasepe", "Bob Sussman", "Diane Thompson"  
**bcc:**  
**Subject:** Re: ACTION oped for review

(b)(5) deliberative

Sorry if this is a repeat. Tried sending from bberry earlier and it's bouncing back.

Mike

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) deliberative 10/11/2011 12:25:21 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Michael Moats/DC/USEPA/US@EPA  
**Cc:** Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Gwendolyn KeyesFleming" <KeyesFleming.Gwendolyn@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
**Date:** 10/11/2011 12:25 PM  
**Subject:** Re: ACTION oped for review

(b)(5) deliberative

Michael Moats

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**From:** Michael Moats  
**Sent:** 10/11/2011 12:18 PM EDT  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Betsaida Alcantara  
**Subject:** ACTION oped for review

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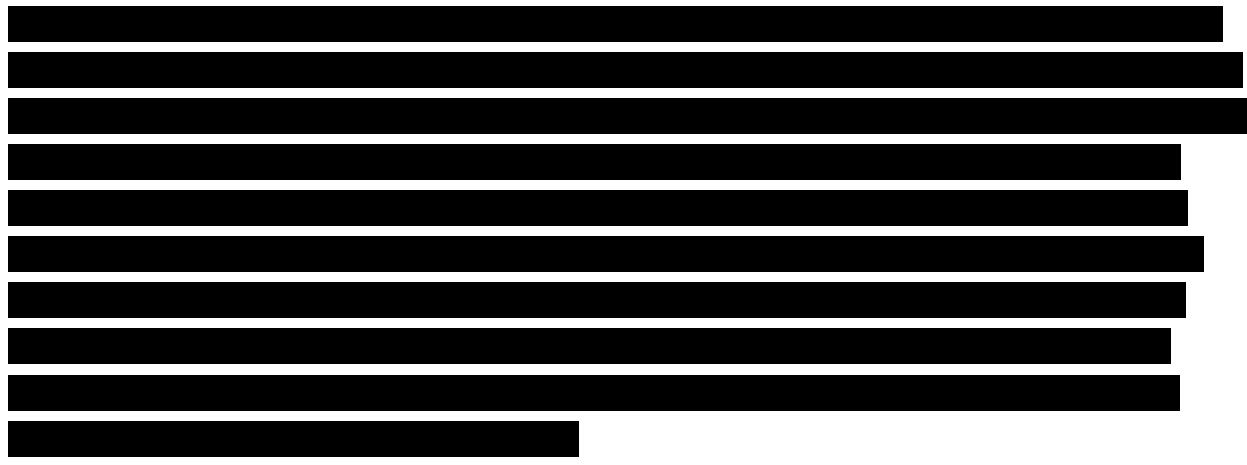
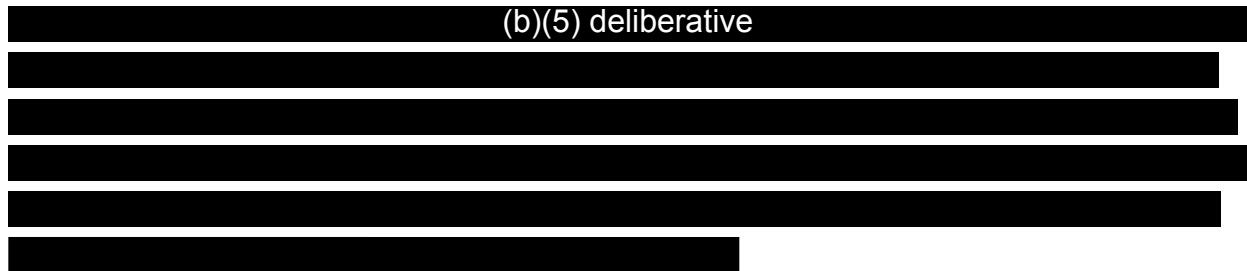
b

[attachment "2011 10 06 AGO op ed BC (EPA edits).doc" deleted by Richard Windsor/DC/USEPA/US]

**DRAFT OP-ED**  
**Word Count:**

By Secretary Salazar, Secretary Vilsack, Administrator Jackson, and Chair Sutley

(b)(5) deliberative



(b)(5) deliberative



-----

Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7006

**Richard  
Windsor/DC/USEPA/US**  
10/13/2011 08:16 AM

To Arvin Ganesan, Mathy Stanislaus, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Bob Sussman, Bob Perciasepe, Diane Thompson, Laura Vaught  
cc  
bcc  
Subject Re: great (embargoed) statement from Steelworkers on tomorrows NHSM announcement

Very good job folks.  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 10/12/2011 05:37 PM EDT  
**To:** Richard Windsor; Mathy Stanislaus; Seth Oster; Brendan Gilfillan; Betsaida Alcantara; Bob Sussman; Bob Perciasepe; Diane Thompson; Laura Vaught  
**Subject:** great (embargoed) statement from Steelworkers on tomorrows NHSM announcement

Great job, all. [REDACTED] (b)(5) deliberative

USW Pleased with EPA Progress on Waste Definition in Boiler Rules

Pittsburgh, Oct. XX, 2011 - Responding to United Steelworker (USW) concerns, the Environmental Protection Agency (EPA) has rewritten rules to allow alternative biomass fuels, including byproducts of the forest and paper industries, to be used as fuel in industrial, commercial and institutional boilers.

The EPA states that its re-proposal of significant parts of its Non-Hazardous Secondary Materials Rule (NHSM) includes redefining a variety of biofuel materials as fuel rather than waste.

The action will save thousands of jobs and protect the environment by preventing millions of tons of carbon-neutral biomass materials from being diverted to landfills or vented to the atmosphere rather than be used as alternatives to fossil fuels.

"The USW would like to commend the EPA for all the hard work it has done to be responsive to our union's concerns about this rule. We are confident that EPA's proposed changes will help preserve family-wage jobs and encourage investment in technologies to make America more energy independent," USW International President Leo W. Gerard said.

"With these changes we are hopeful a legislative remedy

will not be needed. Our concern with a legislative approach to address concerns about this rule and related EPA boiler rules has been that in the current climate, common sense is unlikely to prevail. Too many ideologues would want to add their baggage to the bill with provisions that would not protect our jobs or the environment."

The rule, originally issued on March 1, is designed to sort out which materials would be considered fuel and which would be designated as waste. Waste materials are more stringently regulated under the Clean Air Act than those designated as fuel under the NHSM rule as originally proposed by the EPA..

The NHSM rule was promulgated as part of a suite of EPA rules dealing with air emissions from industrial, commercial and institutional boilers and from waste incinerators. Application of the three air rules

was suspended in April so EPA could ensure that companies and institutions operating boilers subject to the rules would be able to comply without unduly impacting their ability to operate.

While EPA suspended the air rules earlier this year, the agency did not suspend the NHSM rule. "That's why we are pleased with EPA's current decision to re-propose sections of the NHSM rule," said International Vice President Jon Geenen, who leads the USW's paper sector. "Rule suspensions do occur, but it is not often that EPA re-proposes a rule that has already been finalized."

The re-proposed rule explicitly states that a variety of biofuel materials are in fact fuels rather than waste materials. The agency is proposing a petition process for fuels that do not meet current strict fuel legitimacy criteria.

The agency has included resinated wood in the rule text and a short list of additional materials. Resinated wood products such as board trim and sander dust can be used as boiler fuel.

"This indicates clearly that that the regulatory process can be made to work and that working in good faith with the agencies is the correct approach to ensuring regulations that benefit both workers and the environment," Gerard said.

The USW represents 850,000 members in the United States, Canada and the Caribbean, a majority of whom work in industries impacted by the EPA boiler rules.

01268-EPA-7007

Richard  
Windsor/DC/USEPA/US  
10/13/2011 12:12 PM

To Seth Oster  
cc  
bcc  
Subject Re: Lisa Jackson - Opinion piece for TIME

What's wrong w it?

---

**From:** Seth Oster  
**Sent:** 10/13/2011 10:41 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Lisa Jackson - Opinion piece for TIME

FYI -- we're working with them to get the headline changed.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 10/13/2011 10:40AM -----

To: Richard Windsor/DC/USEPA/US@EPA  
From: Seth Oster/DC/USEPA/US  
Date: 10/13/2011 10:29AM  
Subject: Fw: Lisa Jackson - Opinion piece for TIME

FYI. Your piece in Time is posted.

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 10/13/2011 10:29AM -----

To: "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats"

<Moats.Michael@epamail.epa.gov>, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Betsaida Alcantara/DC/USEPA/US  
Date: 10/13/2011 08:44AM  
Subject: Lisa Jackson - Opinion piece for TIME

This piece is live, thanks moats!

<http://ideas.time.com/>

----- Original Message -----

From: Ruth Konigsberg [ruth\_konigsberg@timemagazine.com]  
Sent: 10/13/2011 08:08 AM AST  
To: Betsaida Alcantara  
Cc: Frances Romero <frances\_romero@timemagazine.com>  
Subject: Re: Lisa Jackson - Opinion piece for TIME

Betsaida, the site is live and Lisa's piece is up. Many thanks!

<http://ideas.time.com/>

On 10/4/11 6:58 PM, "Alcantara.Betsaida@epamail.epa.gov"  
<Alcantara.Betsaida@epamail.epa.gov> wrote:

> Here's the piece and a photo. Let me know if the photo works with what  
> you were looking for. Also, please let me know when you're planning to  
> run the piece.  
>  
>  
> Betsaida Alcantara  
> Press Secretary  
> US Environmental Protection Agency  
> 202-564-1692  
> alcantara.betsaida@epa.gov  
> (See attached file: LPJatDesk crop.JPG)  
>  
>  
> Facts over Fears  
>  
> EPA Administrator Lisa P. Jackson  
>  
> When a fire erupted at a chemical plant in Texas this week, emergency  
> responders included the local fire department, city and state officials,  
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> to monitor air quality around the burning plant and make certain that  
> the nearby area -- which included an elementary school -- was safe from  
> toxic pollution. By the afternoon of the blaze, EPA monitors had  
> detected no public health threat, but remained on duty to ensure the  
> safety of the community.  
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> This is what the EPA does. Whether we are taking part in an emergency  
> response like a chemical fire, or developing long-term efforts to remove  
> mercury -- a neurotoxin that can cause serious health problems in  
> children -- from our air, our mission is to protect the health of  
> American families from pollution in our environment. Lately, however,  
> that mission has faced some serious challenges.

>

> Much of that has come in the form of misleading information. One example  
> is an assertion that the EPA is putting forward a 'train wreck' of  
> regulations that will hobble the American economy. That claim has been  
> repeated in major newspapers and on the floor of Congress. But it is  
> founded on a report detailing regulations EPA never proposed.

>

> False claims like these have real consequences. In recent months, the  
> U.S. House of Representatives has voted to roll back Clean Air Act  
> protections that would save lives, prevent asthma attacks, foster  
> innovation and new jobs, and safeguard children from harmful pollution.  
> We now face the question of whether to put in place standards that  
> prevent power plants from sending mercury and other toxics into the air  
> we breathe, or whether we leave ourselves unprotected. We have to  
> determine if we will allow aging coal plants to emit sulfur dioxide and  
> nitrogen dioxide into our skies, or whether every facility in America  
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> control.

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> time trying to weaken protections for the air we breathe. Even  
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> we should go back to the way it was before the EPA existed, when rivers  
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> The challenges we face as a nation deserve a fact-based discussion, not  
> scare tactics. We shouldn't let a lot of hot air in Washington lead to  
> dirty air in your hometown. Yet that is the direction we are heading if  
> we don't recognize that health and environmental protection are bigger  
> than politics.

>

01268-EPA-7008

**Richard  
Windsor/DC/USEPA/US**  
10/13/2011 01:12 PM

To Seth Oster, Betsaida Alcantara, Stephanie Owens  
cc  
bcc  
Subject Re: Lisa Jackson - Opinion piece for TIME

cool. assume we are now sending the link and article to the whole outreach list, tweeting and liking on FB

---

Seth Oster      The original headline -- which has now...      10/13/2011 12:43:15 PM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/13/2011 12:43 PM  
Subject: Re: Lisa Jackson - Opinion piece for TIME

---

The original headline -- which has now been replaced with "How Politics Hurts the EPA's Important Mission" -- had been you saying something like "How EPA's Mission is Comprised" which none of us liked. We submit the piece but they write the headline. This one is much better.

**Seth Oster**  
**Associate Administrator**  
**Office of External Affairs and Environmental Education**  
**Environmental Protection Agency**  
**(202) 564-1918**  
**oster.seth@epa.gov**

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To: Seth Oster/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 10/13/2011 12:12PM  
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Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
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Seth

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Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

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To: "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
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> alcantara.betsaida@epa.gov  
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> This is what the EPA does. Whether we are taking part in an emergency  
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> Much of that has come in the form of misleading information. One example  
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> than politics.  
>

01268-EPA-7009

**Richard  
Windsor/DC/USEPA/US**  
10/13/2011 01:19 PM

To Stephanie Owens  
cc  
bcc  
Subject Re: Lisa Jackson - Opinion piece for TIME

Txl

Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 10/13/2011 01:18 PM EDT  
**To:** Richard Windsor; Seth Oster; Betsaida Alcantara  
**Subject:** Re: Lisa Jackson - Opinion piece for TIME

Yes. We're sending it far and wide.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/13/2011 01:12 PM EDT  
**To:** Seth Oster; Betsaida Alcantara; Stephanie Owens  
**Subject:** Re: Lisa Jackson - Opinion piece for TIME

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---

|            |                                           |                        |
|------------|-------------------------------------------|------------------------|
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| From:      | Seth Oster/DC/USEPA/US                    |                        |
| To:        | Richard Windsor/DC/USEPA/US@EPA           |                        |
| Date:      | 10/13/2011 12:43 PM                       |                        |
| Subject:   | Re: Lisa Jackson - Opinion piece for TIME |                        |

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**Seth Oster**  
**Associate Administrator**  
**Office of External Affairs and Environmental Education**  
**Environmental Protection Agency**  
**(202) 564-1918**  
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Date: 10/13/2011 12:12PM  
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What's wrong w it?

---

**From:** Seth Oster  
**Sent:** 10/13/2011 10:41 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Lisa Jackson - Opinion piece for TIME

FYI -- we're working with them to get the headline changed.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 10/13/2011 10:40AM -----

To: Richard Windsor/DC/USEPA/US@EPA  
From: Seth Oster/DC/USEPA/US  
Date: 10/13/2011 10:29AM  
Subject: Fw: Lisa Jackson - Opinion piece for TIME

FYI. Your piece in Time is posted.

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 10/13/2011 10:29AM -----

To: "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Betsaida Alcantara/DC/USEPA/US  
Date: 10/13/2011 08:44AM

Subject: Lisa Jackson - Opinion piece for TIME

This piece is live, thanks moats!

<http://ideas.time.com/>

----- Original Message -----

From: Ruth Konigsberg [ruth\_konigsberg@timemagazine.com]  
Sent: 10/13/2011 08:08 AM AST  
To: Betsaida Alcantara  
Cc: Frances Romero <frances\_romero@timemagazine.com>  
Subject: Re: Lisa Jackson - Opinion piece for TIME

Betsaida, the site is live and Lisa's piece is up. Many thanks!

<http://ideas.time.com/>

On 10/4/11 6:58 PM, "Alcantara.Betsaida@epamail.epa.gov"  
<Alcantara.Betsaida@epamail.epa.gov> wrote:

> Here's the piece and a photo. Let me know if the photo works with what  
> you were looking for. Also, please let me know when you're planning to  
> run the piece.  
>  
>  
> Betsaida Alcantara  
> Press Secretary  
> US Environmental Protection Agency  
> 202-564-1692  
> alcantara.betsaida@epa.gov  
> (See attached file: LPJatDesk crop.JPG)  
>  
>  
> Facts over Fears  
>  
> EPA Administrator Lisa P. Jackson  
>  
> When a fire erupted at a chemical plant in Texas this week, emergency  
> responders included the local fire department, city and state officials,  
> and the U.S. Environmental Protection Agency. The EPA was on the scene  
> to monitor air quality around the burning plant and make certain that  
> the nearby area -- which included an elementary school -- was safe from  
> toxic pollution. By the afternoon of the blaze, EPA monitors had  
> detected no public health threat, but remained on duty to ensure the  
> safety of the community.  
>  
> This is what the EPA does. Whether we are taking part in an emergency  
> response like a chemical fire, or developing long-term efforts to remove  
> mercury -- a neurotoxin that can cause serious health problems in  
> children -- from our air, our mission is to protect the health of  
> American families from pollution in our environment. Lately, however,  
> that mission has faced some serious challenges.  
>  
> Much of that has come in the form of misleading information. One example  
> is an assertion that the EPA is putting forward a <sup>3</sup>train wreck<sup>2</sup> of  
> regulations that will hobble the American economy. That claim has been  
> repeated in major newspapers and on the floor of Congress. But it is

> founded on a report detailing regulations EPA never proposed.  
>  
> False claims like these have real consequences. In recent months, the  
> U.S. House of Representatives has voted to roll back Clean Air Act  
> protections that would save lives, prevent asthma attacks, foster  
> innovation and new jobs, and safeguard children from harmful pollution.  
> We now face the question of whether to put in place standards that  
> prevent power plants from sending mercury and other toxics into the air  
> we breathe, or whether we leave ourselves unprotected. We have to  
> determine if we will allow aging coal plants to emit sulfur dioxide and  
> nitrogen dioxide into our skies, or whether every facility in America  
> should meet at least the most basic standards for modern pollution  
> control.  
>  
> Rather than taking up the president's job proposals or offering  
> alternatives of their own, some members of Congress are spending their  
> time trying to weaken protections for the air we breathe. Even  
> successful initiatives like the clean cars program are under threat.  
> That effort will save drivers money, make American vehicles more  
> efficient than ever, and keep millions of tons of pollution out of the  
> air we breathe. It was crafted by auto companies, auto workers, federal  
> and state officials, and environmentalists, who ended years of divisive  
> debate and came together to find a workable solution. Last year, General  
> Motors and Chrysler announced plans to hire 1,000 new workers -- each --  
> to develop fuel-efficient vehicles. Despite the win-win outcome for our  
> economy and our environment, the program has been questioned in  
> Congress.  
>  
> No American wants dirtier air and more pollution in their water. No one  
> is calling for more childhood asthma, especially when 1 in 10  
> school-aged American children already fight the disease. No one believes  
> we should go back to the way it was before the EPA existed, when rivers  
> were coated with industrial sludge and fouled with untreated sewage.  
>  
> The challenges we face as a nation deserve a fact-based discussion, not  
> scare tactics. We shouldn't let a lot of hot air in Washington lead to  
> dirty air in your hometown. Yet that is the direction we are heading if  
> we don't recognize that health and environmental protection are bigger  
> than politics.  
>

01268-EPA-7010

**Richard  
Windsor/DC/USEPA/US**  
10/13/2011 07:50 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Tomorrow

Txl

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 10/13/2011 07:33 PM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** Tomorrow

Administrator,

Your briefing memo should already be uploaded to your ipad. The conversation tomorrow is 45 minutes long and the moderator will be reading questions from the participants around the table. The event is open press, so non Politico reporters are expected to attend, it will also be webcast live. We just received a list of folks we should expect to be seated around the table. See below.

Here's a list of the types of organizations that have RSVP'd for tomorrow:

- Associations (Renewable Fuels Association)
- Corporations (BP, Calpine Corporation, Occidental Petroleum Corporation, First Energy, GenOn Energy)
- Embassies (Canada)
- Government (Department of the Interior, Department of Energy, House Committee on Natural Resources)
- Legal (Ayres Law Group, Brownstein Hyatt Farber Schreck)
- Media (Reuters, Bloomberg, Inside Climate News)
- Public Relations/Consulting (Keystone Public Affairs, Lighthouse Consulting Group, Podesta Group)
- Think Tanks/Research (Pew Center on Global Climate Change)

Also, the CEO of American Clean Skies Foundation, the President of Dow Lohnes Government Strategies, and the President & CEO of Renewable Fuels Association have all RSVP'd.

01268-EPA-7012

**Richard  
Windsor/DC/USEPA/US**  
10/13/2011 08:28 PM

To Bob Sussman, Bob Perciasepe  
cc Michael Goo  
bcc

Subject Re: Meeting with OMB to review OAR regulatory agenda

(b)(5) deliberative

Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 10/13/2011 07:54 PM EDT  
**To:** Bob Perciasepe; Richard Windsor  
**Cc:** Michael Goo  
**Subject:** Meeting with OMB to review OAR regulatory agenda

Takeaways from today's meeting:

(b)(5) deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-7014

Richard  
Windsor/DC/USEPA/US  
10/14/2011 07:43 AM

To Betsaida Alcantara  
cc  
bcc

Subject Re: USA Today: Rick Perry to unveil far-reaching energy plan

K

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 10/14/2011 07:36 AM EDT  
**To:** Richard Windsor; Seth Oster  
**Subject:** USA Today: Rick Perry to unveil far-reaching energy plan

Administrator,

Rick Perry is unveiling his energy plan today [REDACTED]

(b)(5) deliberative [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Rick Perry to unveil far-reaching energy plan

By Susan Page, USA TODAY

Texas Gov. Rick Perry is set to unveil a far-reaching energy plan Friday that would dramatically expand oil and gas exploration – and, he may hope, also reboot his campaign for the Republican presidential nomination.

In the first major policy address since he jumped into the race in August, Perry will propose expanded energy production on federal lands and offshore, rolling back clean-air regulations, ending many incentives for development of renewable energy, and curtailing the ability of critics to mount court challenges.

The speech will focus attention on a key part of the economy familiar to the Texas governor, and on efforts to create jobs, perhaps the strongest part of his résumé.

And with that, he could move past reviews panning his performance in debates, including the most recent one in New Hampshire on Tuesday, and controversies that have cost him his lead in national polls as businessman Herman Cain has surged.

"Getting the energy industry back to work is the quickest way to spark 1.2 million good, well-paid American jobs, and at the same time reduce our dependence on energy from nations that are all too often hostile to the United States," Perry said in a telephone interview Thursday with USA TODAY previewing the speech at a Pittsburgh steel mill.

He vowed to reverse many of the energy policies pursued by President Obama, saying "the radical environmental movement" had been "sitting in the front of the train, being the engineer" during Obama's tenure.

The plan is sure to draw fire from environmental activists. "This proposal is Bush and Cheney gone wild," says Daniel Weiss of the left-leaning Center for American Progress, a reference to the industry-friendly policies of President George W. Bush and his vice president, Dick Cheney.

As president, Perry says, he would move to:

- Open federal lands to more energy exploration and production, including the Arctic National Wildlife Refuge in Alaska and lands in the Mountain West. More offshore drilling would be permitted in the Gulf of Mexico and off the southern Atlantic coast.

He would continue to bar drilling in the Florida Everglades, a fragile ecological area located in what happens to be a key primary and general-election state.

- Approve pipelines to facilitate new energy fields, including the Keystone XL Pipeline. The controversial project, which would carry crude oil from Canada to refineries as far south as Texas, is now stalled in a State Department review.
- Suspend and reconsider many of the Environmental Protection Agency's recent mandates and regulations, including rules designed to improve air quality. He would repeal the EPA's authority over CO2 and other greenhouse gases linked to climate change.
- Curb the ability of environmentalists and others to slow down projects through the courts. He would establish firm litigation deadlines to expedite lawsuits and consider establishing special federal environmental courts with expertise that presumably would allow them to reach decisions more quickly.
- End the practice of federal agencies reaching consent decrees with advocacy groups, forcing them to pursue lawsuits instead.
- Phase out subsidies and tax incentives that benefit specific kinds of energy. Some favor the oil and gas industry; others were devised to encourage development of such renewable energy sources as wind power. He would retain a research and development tax credit available to all types of energy producers. "It's leveling the playing field," Perry said. States would be free to encourage particular forms of alternative energy themselves, he said, as he did with a wind energy program in Texas.

He called the energy speech "phase one" of detailing his policy proposals, to be followed by the end of the month by a plan on taxes and federal spending.

"Eight weeks now and the fundraising side of it was exceptional," he said, saying his campaign was "on track." He reported raising \$17 million by Sept. 30. "Americans are now starting to really look at the substance ... and at the end of the day I'm confident they'll make the right decision. They'll want a president who can put America back to work."

01268-EPA-7017

Richard  
Windsor/DC/USEPA/US  
10/17/2011 03:11 PM

To Al Armendariz  
cc  
bcc  
Subject Re: Extension sought from EPA | Home | The Advocate –  
Baton Rouge, LA

Ugh!  
Al Armendariz

----- Original Message -----

**From:** Al Armendariz  
**Sent:** 10/17/2011 02:00 PM EDT  
**To:** "Windsor, Richard" <windsor.richard@epa.gov>; Bob Perciasepe; "Giles, Cynthia" <giles-AA.cynthia@epa.gov>  
**Cc:** Seth Oster; "Pallone, Sarah" <pallone.sarah@epa.gov>; Lawrence Starfield; John Blevins  
**Subject:** Extension sought from EPA | Home | The Advocate – Baton Rouge, LA  
Hello Lisa,

Thought you might like to see the story below about your home state. The story describes a situation R6 enforcement is engaged in, which could down the road result in the City of Baton Rouge relocating about 50 families who live in really bad conditions that I've seen for myself. Lots of moving pieces and lots of work still to do, but perhaps a good news story will come of this in a few months.

Best,

Al

Extension sought from EPA  
By Rebekah allen  
Advocate staff writer

Since winning a court case against providing restitution to homeowners living around the smelly, fly infested North Baton Rouge Waste Water Treatment Plant, the city-parish has done an about face and now wants to buy them out.

City-parish officials have estimated that it could cost between \$4 million and \$5 million to buy 47 properties around University Place subdivision north of Southern University.

And after a recent visit, the U.S. Environmental Protection Agency has jumped on board by pressuring the city-parish to buyout the homeowners.

But the buyout is contingent on the EPA granting a deadline extension for the city-parish's federally mandated sewer improvements program, which is expected to be the source of the funds, said interim Public Works Director William Daniel.

The extension would free up money in the short term to fund the buyouts and upgrades at the plant, Daniel said.

Greg Mitchell, a spokesperson for the homeowners seeking damages, said he and others have been in touch with the EPA since the 16-year-old lawsuit ended in December 2010, when courts ruled the city-parish did not have to buy out or pay damages to the property owners - except to one homeowner.

Assistant Parish Attorney Bob Abbott said EPA officials visited Baton Rouge in July to discuss the North

Baton Rouge Waste Water Treatment Plant with city-parish staff.

"They were talking about the odor and environmental justice," Abbott said. "They were talking to us about the (residents of University Place) and what we could do about that."

The Metro Council in April instructed city-parish staff to craft a buyout plan for the residents, even though the city-parish won the lawsuit.

Last month, the staff produced a draft of a plan that would buy 47 properties located adjacent to the treatment plant.

The exact cost of the plan is unknown until appraisals are conducted.

Abbott said the properties would be converted into a buffer zone surrounding the facility with a barrier of evergreen plants that would block and absorb the odors.

Daniel said the Sanitary Sewer Overflow program, which is funded through a half-cent sales tax and sewage user fees, has been identified as a funding source for the buyouts.

But if the EPA refuses to extend the deadline of the Sanitary Sewer Overflow program by three years, there will be no money to fund the buyout, Daniel said.

The sewer overflow program consists of \$1.8 billion worth of federally mandated projects to address Baton Rouge's crumbling sewer system.

The court-approved consent decree gives Baton Rouge until Dec. 31, 2014, to finish the sewer construction work that would keep sewage from polluting the environment and endangering the public health.

The three-year extension is something city-parish officials had asked for before the buyout program was being considered, Daniel said.

The consent decree was put in place in 2002, and work began to build an expensive, deep tunnel system beneath the current sewer system that would collect overflowing rainwater and sewage.

But in 2006, under Mayor-President Kip Holden's administration, the Public Works Department opted to change course and address sewer improvements by fixing the existing pipe system, Daniel said.

That late change has cost the parish valuable time, Daniel said.

He added that hurricanes Katrina, Rita and Gustav and the rising Mississippi River crisis earlier this year caused staff to be diverted and stalled construction work over the years, which has contributed to the need for an extension.

"It's a billion dollars of work to be done in a very short period of time," said Michael Ellis, CH2M Hill program manager who is overseeing the Sanitary Sewer Overflow project.

But even if the EPA rejects the extension, Ellis said, the city-parish will meet its deadline.

"Having the extension will give us flexibility on projects," Ellis said.

Daniel said the short turnaround for construction also means that the city-parish has to be more aggressive about borrowing money to fund construction, and the city-parish will be paying higher interest rates as a result.

An extension, Daniel said, would also allow the city-parish to fund upgrades to the treatment plant that are not included in the Sanitary Sewer Overflow program.

He said the EPA is aware that without the extension, the city-parish cannot fund the buyouts.

"What we proposed to EPA is that if you can extend part of the consent decree, that will give us the cash flow to smooth everything out, let local contractors back into the game," Daniel said. "We can (fund the buyout) and we can move up projects improving the north plant."

The EPA has not yet responded to the extension request, which was sent July 1.

Abbott said he does not know when the EPA will respond to the request.

Ellis said Baton Rouge has presented a "legitimate case" for getting the extension.

"EPA, in my opinion, looks at where you are, and we've already had a tremendous amount of progress," Ellis said. "We already have 91 percent of the program complete, under design or in construction. They understand that we're fully committed to proving we're moving forward with the consent decree."

<http://theadvocate.com/home/1096089-125/extension-sought-from-epa.html>

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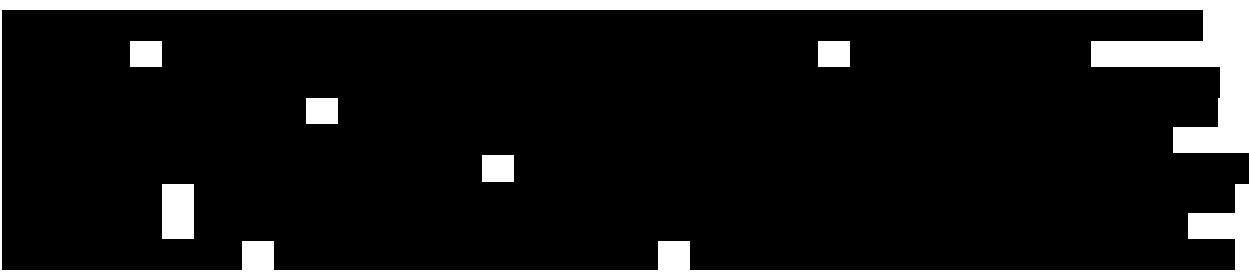
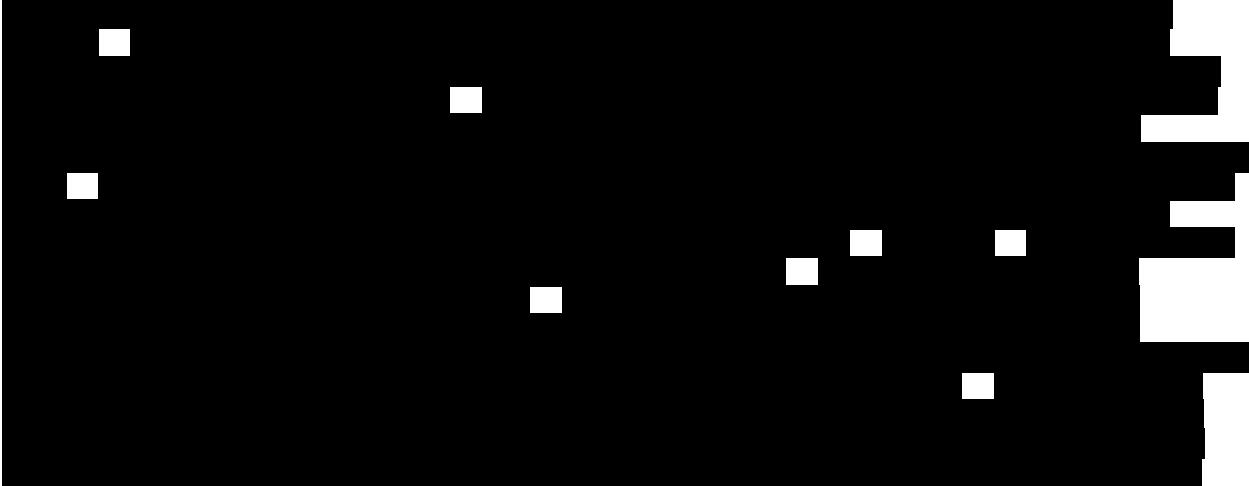
Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7019

Lisa At Home  
◀ (b) (6) Personal Privacy  
10/18/2011 08:15 AM

To Richard Windsor  
cc  
bcc  
Subject

(b)(5) deliberative



(b)(5) deliberative



01268-EPA-7021

**Richard  
Windsor/DC/USEPA/US**  
10/18/2011 08:33 AM

To Sarah Pallone  
cc  
bcc  
Subject Re: From yesterday's daily reading file

How lovely.  
Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 10/18/2011 08:31 AM EDT  
**To:** Richard Windsor  
**Subject:** From yesterday's daily reading file

This was in yesterday's daily reading file and I thought you would be interested in seeing it if you had not.

**Message Information**

Date 10/14/2011 12:38AM

From "Charles Williams" (b) (6) Privacy [REDACTED]

To LisaP Jackson/DC/USEPA/US@EPA

Subject Thank you

**Message Body**

Dear Ms. Jackson,

I recently discovered that the EPA's ninety-five million dollar grant to Johnson Control's lithium ion battery plant in Jacksonville, Florida is the reason I am employed today. This past July I was laid-off from my job at Agissar Corp. (see attached resume). My goal after I was laid-off was to

find a job at a company that was producing systems, or parts of sustainable energy systems.

I now have a temporary position as a Senior Electronics Technician in the Test Department at

Digatron Firing Circuits. They are making the test and formation equipment for Johnson Controls.

After reading your bio on the EPA website, I wanted to write this letter to thank you for the government's insightful investment in our national economy, and in the environment. I am a

parent of two young adult children, and I want them to see that working in the green sustainable

energy field is needed now. President Obama was correct when he announced that the nation

which harnesses sustainable clean energy, will be the nation that leads the world. In reality, if

this nation plans to survive the present economic meltdown, then it must immediately shift energy generation to clean sustainable (solar, wind, geothermal, and hydro) sources.

Your established priorities at the EPA on pure drinking water, clean air, job creation, and action

on greenhouse gases (causes of severe climate change) are commendable. Again, thank you

for your efforts.

Charles Williams CFW\_CV2ljull 1 .doc

**OEX Processing Information**

Processed Date:

Processed By

PO Office

Message

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
[palone.sarah@epa.gov](mailto:palone.sarah@epa.gov)

01268-EPA-7022

Richard  
Windsor/DC/USEPA/US  
10/18/2011 11:46 AM

To "Diane Thompson"  
cc  
bcc  
Subject Fw:

----- Original Message -----

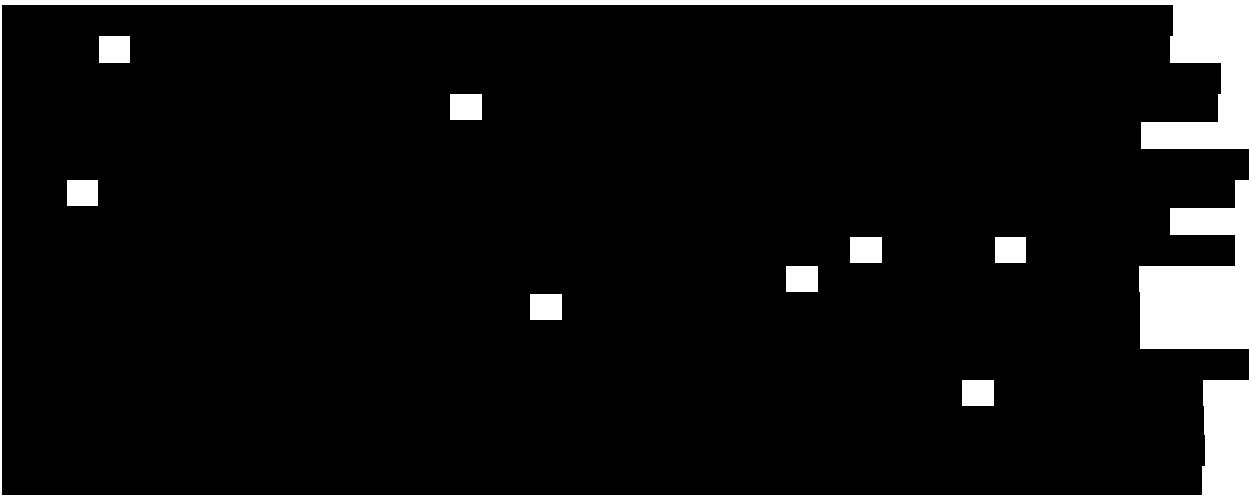
From: Richard Windsor  
Sent: 10/18/2011 08:16 AM EDT  
To: "Seth Oster" <oster.seth@epa.gov>  
Subject: Fw:

Sorry - here is a v rough set of thoughts.

----- Original Message -----

From: Lisa At Home [REDACTED] (b) (6) Personal Privacy  
Sent: 10/18/2011 08:15 AM AST  
To: Richard Windsor

[REDACTED]  
(b)(5) deliberative



(b)(5) deliberative

01268-EPA-7023

Richard  
Windsor/DC/USEPA/US  
10/18/2011 04:09 PM

To Seth Oster, Michael Moats  
cc  
bcc

Subject Re: Revised Op-ed

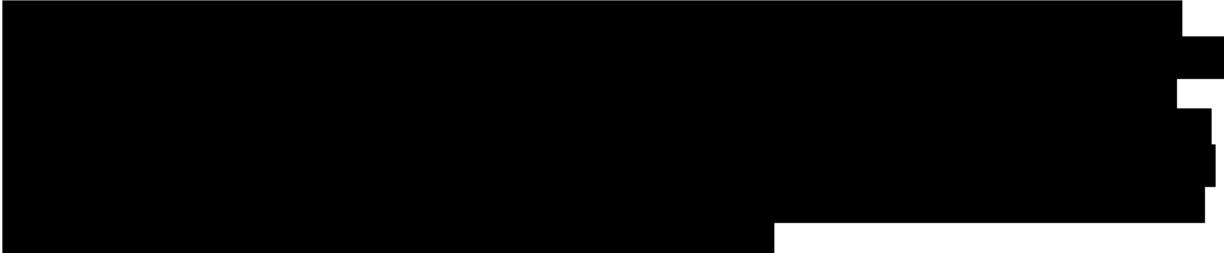
See potential changes below. Please mark up if you disagree so I can see what you think. Tx.

Seth Oster

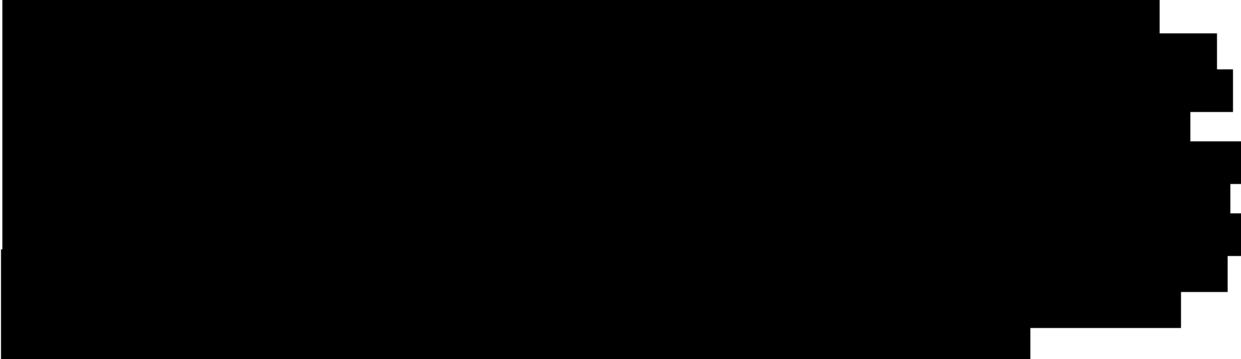
(b)(5) deliberative

10/18/2011 03:59:26 PM

(b)(5) deliberative



(b)(5) deliberative



01268-EPA-7024

Richard  
Windsor/DC/USEPA/US  
10/18/2011 05:10 PM

To Alisha Johnson  
cc Betsaida Alcantara, Michael Moats, Seth Oster  
bcc  
Subject Re: Our Planet Op-Ed

see below...

Alisha Johnson      Administrator, We would like to submit t...      10/17/2011 04:42:44 PM

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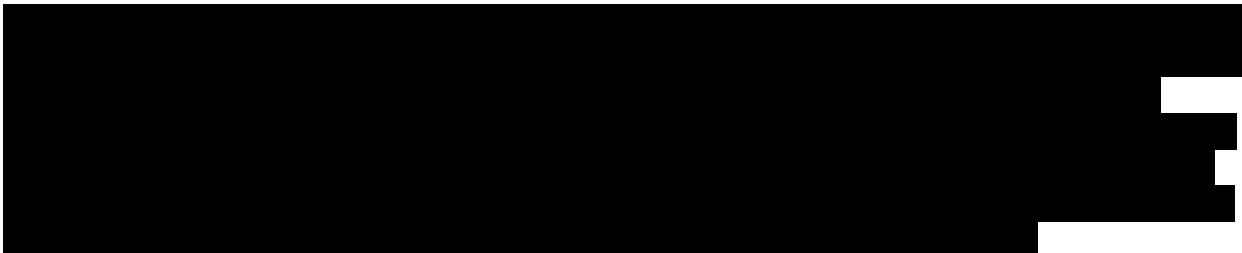
From: Alisha Johnson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 10/17/2011 04:42 PM  
Subject: Our Planet Op-Ed

Administrator,

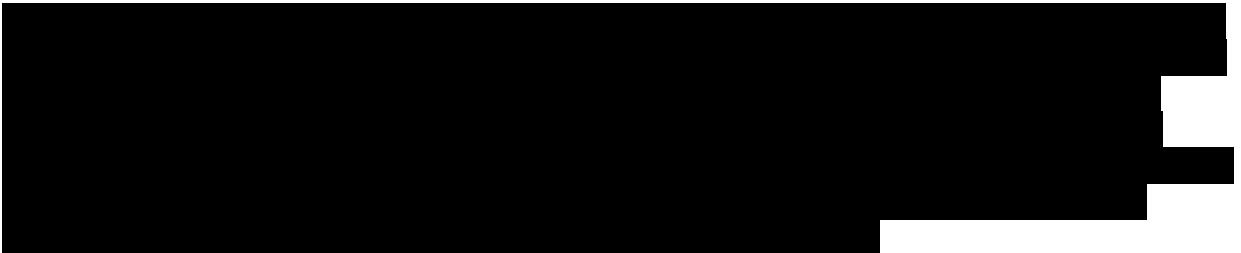
We would like to submit the op-ed below from you to Our Planet, which is published by the United Nations Environment Programme. Contributors over the past year have included Hillary Clinton and David Cameron. This would run in the December issue. Please let me know if you have any questions or changes.

Thank you,  
Alisha

(b)(5)



(b)(5) deliberative



01268-EPA-7025

Noah Dubin/DC/USEPA/US To  
10/18/2011 06:32 PM cc  
bcc Richard Windsor  
Subject 10/20/2011 thru 11/02/2011 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
Schedule**

10/18/2011 06:27:51 PM

**Thursday, 10/20/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**  
Location: Administrator's Office

**09:15 AM-11:15 AM Executive Time and Phone Calls**  
InterContinental  
111 E. 48th St, New York, NY 10017  
Location: 111 E. 48th St, New York, NY 10017

**10:45 AM-11:00 AM HOLD for Phone Call with Fred Krupp , EDF**  
Location: By Phone

**11:20 AM-11:45 AM Depart for Bank of America Tower**  
Location: Hotel

**12:00 PM-01:00 PM Remarks at Sustainability 50 Fall Summit**  
Location: Bank of America Tower, 1 Bryant Park, New York, NY, 10036

**01:15 PM-06:30 PM Executive Time and Phone Calls from hotel**  
Executive Time/Calls  
Location: 111 E. 48th St, New York, NY 10017

**06:30 PM-06:50 PM Depart for Harvard Club**  
Location: Hotel

**07:00 PM-07:30 PM Keynote Remarks: National Wildlife Federation 75th Anniversary Gala**  
Ct: Curtis Fisher 802-552-4319

Press: Closed

Run of Show:

6:45 PM: Curtis Fisher welcomes everyone and introduces Larry Schweiger, NWF CEO

6:48PM: Larry Schweiger speaks

6:50PM: Steve Allinger, NWF Board Chair, speaks

6:54PM: Heidi Cullen, Climate Central, speaks

6:58 PM: Curtis Fisher introduces Administrator Jackson

7:00PM: The Administrator delivers the keynote

7:20PM: Reception begins

Location: Harvard Club of New York, 35 West 44th Street, New York, NY 10036

---

**07:35 PM-08:00 PM Depart for LGA**

Location: Harvard Club

---

**09:00 PM-10:11 PM En Route to DC**

American Airways flight #2191

Departs New York (LGA) at 9:00 PM EDT

Arrives in DC (DCA) at 10:11 PM EDT

Location: En Route to DC

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**Friday, 10/21/2011**

**08:27 AM-01:54 PM En Route to Los Angeles, CA**

United flight #319

Departs DC (IAD) at 8:27 AM EDT

Arrives in Los Angeles (LAX) at 1:54 PM EDT/10:54 AM PDT

Location: En Route to Los Angeles, CA

---

**02:00 PM-09:00 PM HOLD for Travel**

---

**03:00 PM-03:15 PM HOLD: Taped video message**

Ct: Seth Oster 564.1918

\*Waiting for more details

Location: MOSS

---

**Saturday, 10/22/2011**

---

**Sunday, 10/23/2011**

**TBD En Route from LAX to Denver, CO**

---

**Monday, 10/24/2011**

**08:45 AM-09:15 AM FYI Daily Briefing**

Location: Administrator's Office

---

**09:00 AM-06:00 PM HOLD - Events in Denver, CO**

---

**01:00 PM-02:00 PM FYI Senior Staff**

Location: Bullet Room

**05:52 PM-09:02 PM En Route to DC**  
United flight #976

Departs Denver (DEN) at 5:52 PM EDT/3:52 PM MDT

Arrives in DC (IAD) at 9:02 PM EDT

Location: En Route to DC

---

**Tuesday, 10/25/2011**

**09:45 AM-10:15 AM One on One with Steve Owens**  
Ct: Gloria Milhouse 564-4206

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman  
Location: Administrator's Office

**10:30 AM-11:00 AM PARS with Jeffrey Corbin**  
Ct: Julie Winters 410-267-5754

Optional: Diane Thompson  
Location: Administrator's Office

**11:15 AM-11:30 AM PARS with Gladys Stroman**  
Ct: Veronica Burley 564-7084

**12:00 PM-01:00 PM No Meetings**  
Location: Administrator's Office

**02:00 PM-03:00 PM HOLD - Everglades Meeting**  
Location: Bullet Room

**03:30 PM-04:00 PM Meeting with Governor Haley Barbour (MS)**  
Ct: Sarah Pallone - 202-564-9601  
Ct: BBryant@governor.state.ms.us or 601-576-2046

Staff:  
TBD

Location: Administrator's Office

---

**Wednesday, 10/26/2011**

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

**10:15 AM-10:45 AM PARS: John Hankinson**  
Ct: Jody Ramsey - 202-564-5774

Staff:  
John Hankinson (GCTF)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

---

**11:00 AM-11:15 AM PARS with Aaron Dickerson**  
Ct: Veronica Burley 564-7084

Location: Administrator's Office

---

**12:00 PM-01:00 PM HOLD - Lunch**  
Location: Administrator's Office

---

**01:15 PM-01:45 PM One on One with Gina McCarthy**  
Ct: Cindy Huang 564-1850

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman  
Location: Administrator's Office

---

**02:00 PM-02:30 PM One on One with Cynthia Giles**  
Ct: Linda Huffman 564-3139

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman  
Location: Administrator's Office

---

**02:45 PM-03:15 PM PARS with Diane Thompson**  
Ct: Veronica Burley 564-7084  
Location: Administrator's Office

---

**03:30 PM-05:00 PM Senior Policy**  
Location: Bullet Room

---

Thursday, 10/27/2011

---

**08:45 AM-09:15 AM Daily Briefing**  
Location: Administrator's Office

---

**10:00 AM-10:30 AM PARS: Scott Fulton**  
Ct: Carla Veney - 202-564-1619

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)

Location: Administrator's Office

---

**10:00 AM-10:45 AM HOLD for Sierra Club Youth Leaders Roundtable**  
Ct: Quentin James - Quentin.James@Sierraclub.org, 864-640-7751

Location: Howard University

---

**11:00 AM-11:15 AM Meeting with Environmental Defense Fund**  
Ct: Jim Tripp - jtripp@edf.org

**Attendees:**

- Paul Harrison and Courtney Taylor, Environmental Defense Fund
- Brian Moore from the National Audubon Society
- Malia Hale, National Wildlife Federation
- Alan Front, Conservation Consultant, Mississippi Delta Restoration

**Staff:**

Bob Perciasepe (OA)  
Janet Woodka (Reg. Ops)  
John Hankinson (GCTF)

Location: Bullet Room

---

**11:30 AM-12:00 PM PARS: Bob Sussman**  
Ct: Don Maddox - 202-564-7207

**Staff:**

Bob Sussman (OA)

**Optional:**

Diane Thompson (OA)

Location: Administrator's Office

---

**12:00 PM-01:00 PM No Meetings**  
Location: Administrator's Office

---

**01:15 PM-02:00 PM Option Selection: Petroleum Refinery Sector Risk & Technology Review & NSPS Rulemaking (SAN 5532, Tier 1)**  
Ct: Cindy Huang - 202-564-1850

**Staff:**

Bob Perciasepe, Bob Sussman (OA)  
Lisa Garcia (OEJ)  
Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Steve Page, Peter Tsirigotis, Brenda Shine (OAR)  
Scott Fulton (OGC)  
Michael Goo (OP)  
Nancy Stoner (OW)  
Paul Anastas (ORD)

**Optional:**

Jan Tierney, Sue Stahle (OGC)  
Ann Johnson (OP)  
Sara Mazur (ORD)  
Ahmar Siddiqui (OW)  
Pat Foley (OECA)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

---

**02:15 PM-02:45 PM One on One with Michelle DePass**

Ct: Lakita Stewart 564-6458

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

---

**03:00 PM-04:00 PM HOLD - Bi-Weekly White House Energy Cabinet Meeting**

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**Friday, 10/28/2011**

**09:00 AM-10:00 AM HOLD for American Public Health Association WH Tour /Reception**

Ct: Dru Ealons 564.7818

Location: White House, Room TBD

---

**11:30 AM-12:00 PM PARS: Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

Larry Elworth (OA)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

---

**12:00 PM-01:00 PM No Meetings**

Location: Administrator's Office

---

**01:00 PM-01:20 PM HOLD: Celebrate 100th CARE Grant Event**

Ct: Dru Ealons 202.564.781

Location: Green Room

---

**02:00 PM-02:30 PM Meet and Greet with CEO of Alliance of Automobile Manufacturers Mitch Bainwol**

Ct: Sheila James - 202-326-5532, sjames@autoalliance.org

Attendees:

-Mitch Bainwol, President and CEO

-Julie Becker, VP for Environment Affairs

-Shane Karr, VP for Government Affairs

Staff:

Bob Perciasepe (OA)

Gina McCarthy, Margo Oge (OAR)

Optional:

Seth Oster (OEAE)

Arvin Ganesan (OCIR)

Location: Administrator's Office

---

**03:00 PM-03:30 PM PARS: Lisa Garcia**

Ct: Dorris Riddick - 202-565-0035

Staff:

Lisa Garcia (OEJ)  
Cynthia Giles (OECA)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

---

**03:45 PM-04:05 PM PARS: Cam Davis**

Ct: Cam Davis - 312-405-2249

\*\*Aaron will dial Cam in at 312-405-2249

Staff:

Cam Davis (Great Lakes)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

---

**06:00 PM-10:00 PM HOLD: Possible WH event**

Ct: Jose Lozano 564.7433

---

---

**Saturday, 10/29/2011**

**09:00 AM-06:00 PM HOLD - Personal**

---

**06:30 PM-09:00 PM FYI: WAMU 50 Anniversary Gala**

Location: National Building Museum

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---

**Sunday, 10/30/2011**

---

**Monday, 10/31/2011**

**08:45 AM-09:15 AM Daily Briefing**

Location: Administrator's Office

---

**10:00 AM-10:30 AM PARS with Craig Hooks**

Ct: Veronica Burley

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 Malcolm Jackson**

Ct: Georgia Bednar 564-9816

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

-----  
**06:00 PM-10:00 PM HOLD: Possible WH event**  
Ct: Jose Lozano 564.7433  
-----

**Tuesday, 11/1/2011**

**10:00 AM-10:30 AM One on One with Scott Fulton**  
Ct: Carla Veney 564-1619

Optional: DianeThompson  
Location: Administrator's Office

-----  
**03:00 PM-09:00 PM HOLD - Travel to Washington State**  
-----

**Wednesday, 11/2/2011**

**09:00 AM-06:00 PM HOLD - Travel to Washington State**  
-----

**03:30 PM-05:00 PM FYI Senior Policy**  
Location: Bullet Room  
-----

-----  
\*\*\* END \*\*\*

01268-EPA-7026

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe  
10/18/2011 07:39 PM cc Diane Thompson, Michael Goo, Richard Windsor, Scott Fulton  
bcc  
Subject Re: Cass

(b)(5) deliberative

Also, members of Congress on both sides of the aisle, environmental groups and industry -- who disagree about almost everything else -- all say that rulemaking is preferable to guidance. That's what we're doing.

(b)(5) deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Bob Perciasepe So .. Here is where I ended tonight.

10/18/2011 07:30:59 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 10/18/2011 07:30 PM  
Subject: Cass

So ..  
Here is where I ended tonight.

(b)(5) deliberative

(b)(5) deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-7028

**Richard  
Windsor/DC/USEPA/US**  
10/19/2011 07:39 AM

To Michael Moats  
cc  
bcc  
Subject Re: Question Nat'l Wildlife Federation

Ummmm

(b) (5) DP

[REDACTED]. Tx!

---

**From:** Michael Moats  
**Sent:** 10/19/2011 07:33 AM EDT  
**To:** Richard Windsor  
**Subject:** Question Nat'l Wildlife Federation

(b) (5) DP

[REDACTED]. Thanks.

Mike

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7036

Richard  
Windsor/DC/USEPA/US  
10/19/2011 03:46 PM

To Seth Oster, "Lisa Jackson"  
cc  
bcc  
Subject Re: Revised Oped

Love it. All new stuff makes it better. Tx.  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/19/2011 02:40 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Revised Oped

Take a look. [REDACTED] (b)(5) deliberative [REDACTED]

Otherwise,, we can pitch when you're ready.

Seth

[REDACTED] (b)(5) deliberative [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(b)(5) deliberative



01268-EPA-7037

**Richard  
Windsor/DC/USEPA/US**  
10/19/2011 04:10 PM

To "Diane Thompson"  
cc  
bcc  
Subject Fw: Revised Oped

(b)(5) deliberative

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/19/2011 02:40 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Revised Oped

Take a look.

(b)(5) deliberative

Otherwise,, we can pitch when you're ready.

Seth

(b)(5) deliberative

(b)(5) deliberative



01268-EPA-7039

**Noah Dubin/DC/USEPA/US** To  
 10/19/2011 05:38 PM cc  
**bcc Richard Windsor**  
**Subject Thursday, October 20, 2011 Schedule for Lisa P. Jackson**

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, October 20, 2011**

---

Notes:

Drivers  
 AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
 PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Shift Leaders  
 AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
 PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Staff Contact  
 Jose Lozano  
 202-236-2057

|                     |                                                                     |                                                                                                                                                                                               |
|---------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:45 AM - 09:15 AM | Administrator's Office                                              | FYI Daily Briefing                                                                                                                                                                            |
| 09:15 AM - 11:30 AM | InterContinental Hotel<br><br>111 E. 48th St, New York, NY 10017    | Executive Time and Phone Calls                                                                                                                                                                |
| 10:45 AM - 11:00 AM | By Phone                                                            | Phone Call with Fred Krupp, Environmental Defense Fund<br>Ct: Laurel Lee - 212-616-1348, llee@edf.org<br><br>**The Administrator will call Laurel at 212-616-1234 who will patch Mr. Krupp in |
| 11:10 AM - 11:20 AM | By Phone                                                            | Phone Call with Cynthia Giles<br>Ct: Linda Huffman - 202-564-3139<br><br>**The Administrator will call Cynthia at 202-564-2440                                                                |
| 11:30 AM - 11:45 AM | InterContinental Hotel                                              | Depart for Bank of America Tower                                                                                                                                                              |
| 12:00 PM - 01:00 PM | 51st Fl - Bank of America Tower, 1 Bryant Park, New York, NY, 10036 | Remarks at Sustainability 50 Fall Summit<br>Ct: Phillip Barlag - 617-462-9192<br><br>Press: Closed                                                                                            |

Attendees:

-Bjarke Ingels, Founder, BIG

-Roger Fransecky, Founder and CEO, the Apogee Group

-Joseph Stiglitz, Author, Freefall: America, Free Markets, and the Sinking of the World Economy

-Sir Ken Robinson, Author, The Element

-Dara O'Rourke, Co-founder and CEO, GoodGuide

-Elizabeth Economy, Director of Asia Studies, Council on Foreign Relations

|                     |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01:15 PM - 06:30 PM | InterContinental Hotel<br>111 E. 48th St, New York, NY 10017      | Executive Time and Phone Calls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 06:30 PM - 06:50 PM | InterContinental Hotel                                            | Depart for Harvard Club                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 07:00 PM - 07:20 PM | Harvard Club of New York, 35 West 44th Street, New York, NY 10036 | Keynote Remarks: National Wildlife Federation 75th Anniversary Gala<br>Ct: Curtis Fisher 802-552-4319<br>Press: Open<br><br>Run of Show:<br><br>6:45 PM: Curtis Fisher welcomes everyone and introduces Larry Schweiger, NWF CEO<br><br>6:48PM: Larry Schweiger speaks<br><br>6:50PM: Steve Allinger, NWF Board Chair, speaks<br><br>6:54PM: Heidi Cullen, Climate Central, speaks<br><br>6:58 PM: Curtis Fisher introduces Administrator Jackson<br><br>7:00PM: The Administrator delivers the keynote<br><br>7:20PM: Reception begins |
| 07:35 PM - 08:00 PM | Harvard Club                                                      | Depart for LGA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09:00 PM - 10:11 PM | En Route to DC                                                    | En Route to DC<br>American Airways flight #2191<br><br>Departs New York (LGA) at 9:00 PM EDT<br><br>Arrives in DC (DCA) at 10:11 PM EDT                                                                                                                                                                                                                                                                                                                                                                                                 |

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\*\*\* 10/19/2011 05:33:10 PM \*\*\*

01268-EPA-7040

**Richard  
Windsor/DC/USEPA/US**  
10/20/2011 03:19 PM

To Seth Oster, "Lisa Jackson"  
cc  
bcc  
Subject Re: Op-ed

(b)(5) deliberative

Also - (b)(5) deliberative

Otherwise fine. Tx.  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/20/2011 02:56 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Op-ed

The latest: (b)(5) deliberative

Seth  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/20/2011 02:48 PM EDT  
**To:** Seth Oster

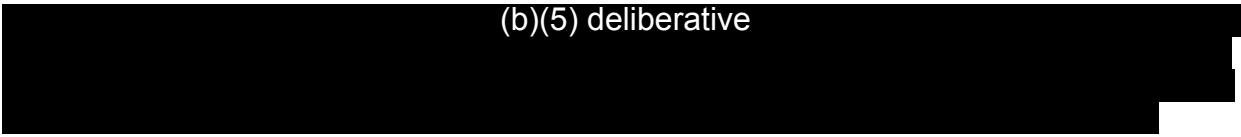
Lisa P. Jackson

(b)(5) deliberative

(b)(5) deliberative



(b)(5) deliberative



01268-EPA-7041

**Richard  
Windsor/DC/USEPA/US**  
10/20/2011 03:20 PM

To Seth Oster, "Lisa Jackson"  
cc  
bcc  
Subject Re: Op-ed

BTW [REDACTED] (b)(5) deliberative [REDACTED]

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/20/2011 02:59 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Re: Op-ed

[REDACTED] (b)(5) deliberative [REDACTED]

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/20/2011 02:56 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Op-ed

The latest: [REDACTED] (b)(5) deliberative [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Seth  
Brendan Gilfillan

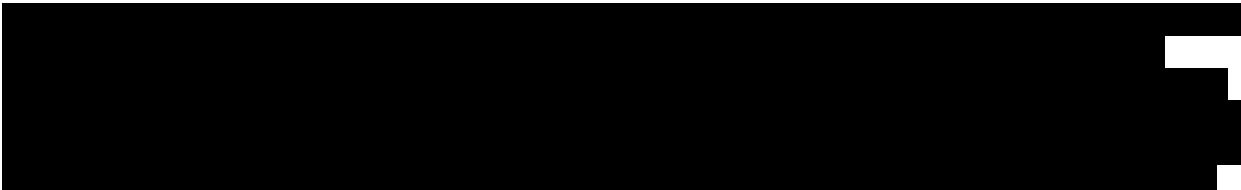
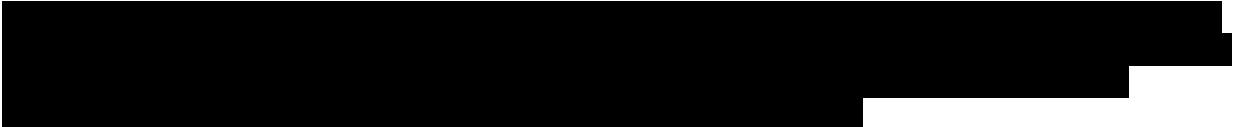
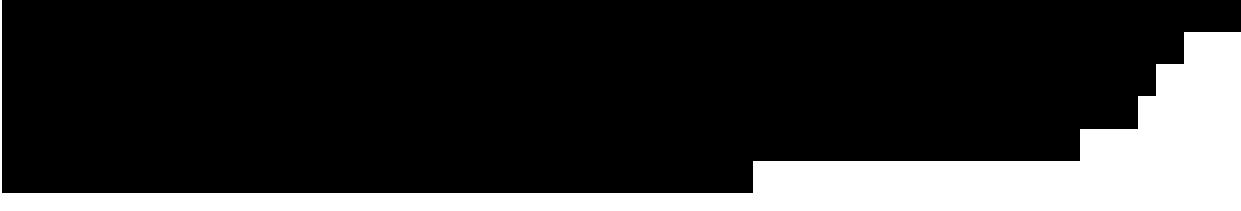
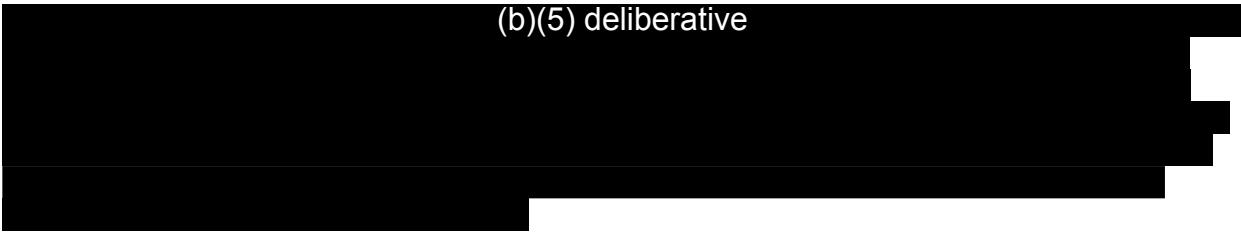
----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/20/2011 02:48 PM EDT  
**To:** Seth Oster

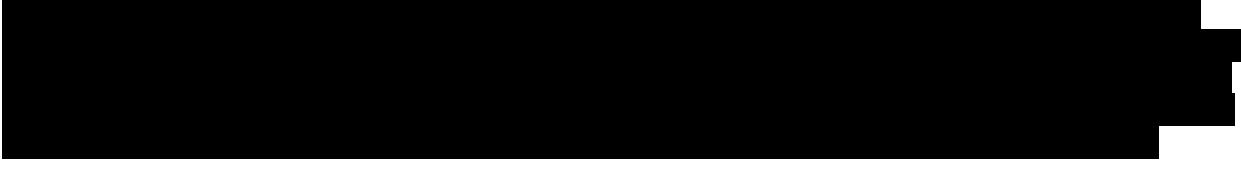
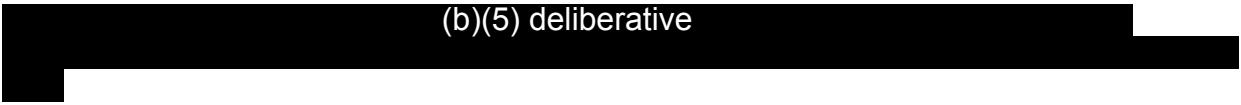
Lisa P. Jackson

[REDACTED] (b)(5) deliberative [REDACTED]  
[REDACTED]

(b)(5) deliberative



(b)(5) deliberative



01268-EPA-7042

**Richard  
Windsor/DC/USEPA/US**  
10/20/2011 03:29 PM

To Seth Oster, "Lisa Jackson"  
cc  
bcc  
Subject Re: Op-ed

Also - [REDACTED] (b)(5) deliberative  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/20/2011 03:20 PM EDT  
**To:** Seth Oster; "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Re: Op-ed

BTW - [REDACTED] (b)(5) deliberative

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/20/2011 02:59 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Re: Op-ed

[REDACTED] (b)(5) deliberative

Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 10/20/2011 02:56 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Op-ed

The latest: [REDACTED] (b)(5) deliberative [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Seth  
Brendan Gilfillan

----- Original Message -----

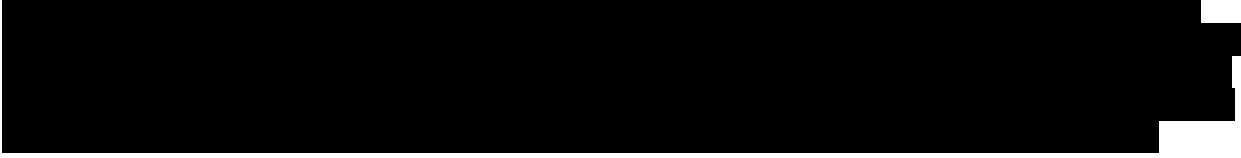
**From:** Brendan Gilfillan  
**Sent:** 10/20/2011 02:48 PM EDT

**To:** Seth Oster  
Lisa P. Jackson

(b)(5) deliberative



(b)(5) deliberative



01268-EPA-7043

Gina McCarthy/DC/USEPA/US To Richard Windsor, perciasepe.bob, oster.seth,  
10/21/2011 10:55 AM cc gilfillan.brendan  
Subject Fw: Worth a look --> Paul Krugman Oct 20 NY Times op-ed  
on jobs and pollution

(b)(5) deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 10/21/2011 10:53 AM -----

From: Jim DeMocker/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Lorie  
Schmidt/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, John  
Millett/DC/USEPA/US@EPA, Jonathan Lubetsky/DC/USEPA/US@EPA  
Date: 10/21/2011 09:51 AM  
Subject: Worth a look --> Paul Krugman Oct 20 NY Times op-ed on jobs and pollution

Nobel laureate and Princeton Professor Paul Krugman's New York Times op-ed piece on jobs and pollution... argues the GOP plan of creating jobs by weakening environmental regulation will only make us "poorer and sicker" --> [http://www.nytimes.com/2011/10/21/opinion/party-of-pollution.html?\\_r=1&hp](http://www.nytimes.com/2011/10/21/opinion/party-of-pollution.html?_r=1&hp)

He expresses skepticism about the API job analysis methods and results, and quotes a 2003 Mitt Romney statement about putting controls on a coal-fired power plant despite the risk of potential plant closure: "I will not create jobs or hold jobs that kill people."

He also cites the August American Economics Review article by Muller, Mendelsohn, and Nordhaus demonstrating that the air pollution damages inflicted by some industrial activities (especially coal-fired electricity generation) are greater than the value of the wages and profits generated.

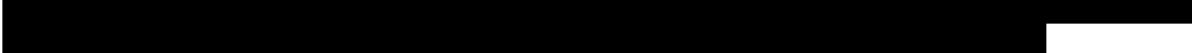
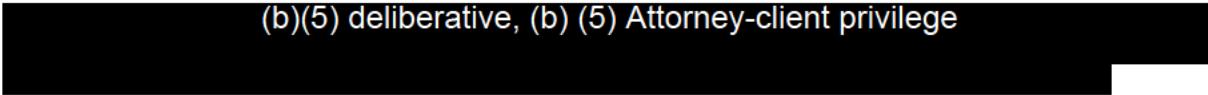
Krugman's Sep 30 NY Times blog entry (circulated earlier by Joe) gives more detail on the "MMN" study and its implications --> <http://krugman.blogs.nytimes.com/2011/09/30/markets-can-be-very-very-wrong/>

01268-EPA-7044

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe  
10/24/2011 06:48 PM cc Diane Thompson, Elizabeth Ashwell, Gina McCarthy, Michael Goo, Richard Windsor, Scott Fulton  
bcc  
Subject Re: EGU NSPS meeting

Michael F and I chatted about this after the WOUS meeting today.

(b)(5) deliberative, (b) (5) Attorney-client privilege



Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Bob Perciasepe All: (b)(5) deliberative 10/23/2011 04:39:56 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Sussman.bob@epa.gov  
Date: 10/23/2011 04:39 PM  
Subject: Re: EGU NSPS meeting

All:

(b)(5) deliberative



Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 10/23/2011 03:28PM  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>, Elizabeth Ashwell/DC/USEPA/US@EPA  
Subject: Re: EGU NSPS meeting

[REDACTED] (b)(5) deliberative, (b) (5) Attorney-client privilege [REDACTED]

[REDACTED]  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 10/23/2011 03:25 PM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Diane Thompson; Michael Goo; Richard Windsor; Scott Fulton; "Bob Sussman" <Sussman.bob@EPA.GOV>; Elizabeth Ashwell  
**Subject:** Re: EGU NSPS meeting

[REDACTED] (b)(5) deliberative [REDACTED]

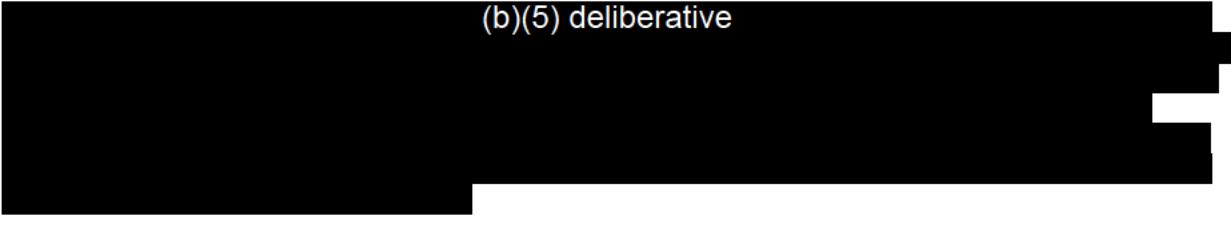
Elizabeth, can we get a call or meeting tomorrow or Tuesday?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy---10/23/2011 02:49:01 PM--- [REDACTED] (b)(5) deliberative [REDACTED]

From: Gina McCarthy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@EPA.GOV>, Diane Thompson/DC/USEPA/US@EPA  
Date: 10/23/2011 02:49 PM  
Subject: Re: EGU NSPS meeting

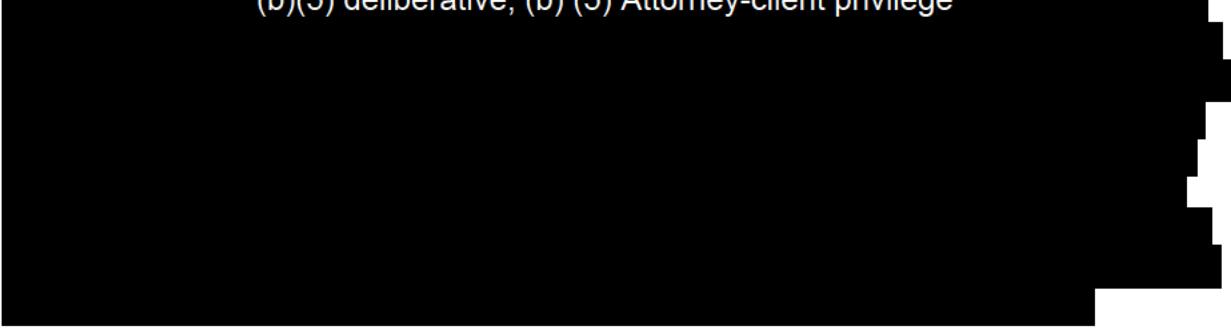
(b)(5) deliberative



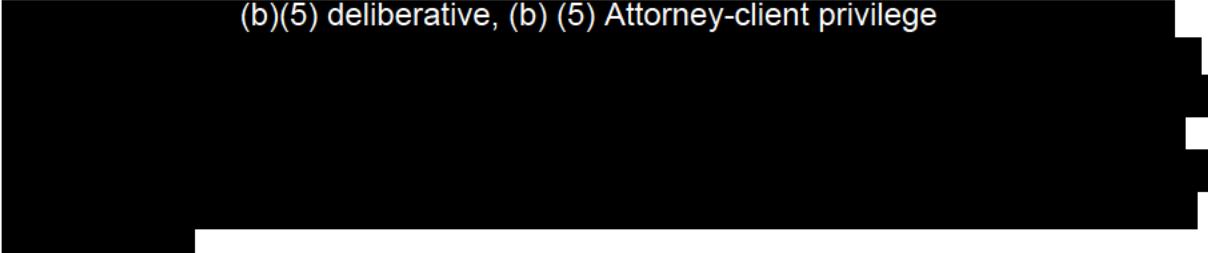
---

**From:** Scott Fulton  
**Sent:** 10/23/2011 11:02 AM EDT  
**To:** Richard Windsor  
**Cc:** Gina McCarthy; Bob Perciasepe; Michael Goo; sussman.bob@epa.gov; Diane Thompson  
**Subject:** EGU NSPS meeting

(b)(5) deliberative, (b) (5) Attorney-client privilege



(b)(5) deliberative, (b) (5) Attorney-client privilege



Scott

01268-EPA-7049

**Elizabeth  
Ashwell/DC/USEPA/US**  
10/26/2011 10:16 AM

To Richard Windsor  
cc Jose Lozano  
bcc  
Subject West Coast Trip Schedule for next week

Hi- here's the proposed trip schedule for Portland/Seattle/San Fran for next week. Pls me know when you'd like to discuss/if you have any questions. Thnx!

**Monday, Oct. 31, 2011**

|                |                                        |
|----------------|----------------------------------------|
| <b>5:46 PM</b> | <b>WHEELS UP IAD to PDX</b>            |
| <b>8:17 PM</b> | <b>WHEELS DOWN Portland, OR (PDX)</b>  |
| <b>8:30 PM</b> | <b>DEPART Airport for Benson Hotel</b> |

\*\*\*RON\*\*\*

**Tuesday, Nov. 1, 2011**

|                                    |                                                                     |
|------------------------------------|---------------------------------------------------------------------|
| <b>8:45 – 9:45 AM</b>              | <b>Meet with Oregon Tribes</b>                                      |
| <b>10:00 – 10:30 AM</b>            | <b>Address National Congress of American Indians (NCAI)</b>         |
| <b>10:45 -11:45 AM</b>             | <b>Meet with Puget Sound Tribes</b>                                 |
| <b>12:00 – 12:30 PM</b>            | <b>Dialogue with Tribal Leaders and Agency Principals (t</b>        |
| <b>12:30 – 12:45 PM</b>            | <b>Press Engagement</b>                                             |
| <b>LUNCH</b>                       |                                                                     |
| <b>2:00 PM</b>                     | <b>DEPART by car for Washington Governor's Mansion</b>              |
| <i>Travel time: approx 2 hours</i> |                                                                     |
| <b>4:00 PM</b>                     | <b>Executive Time at the Governor's Mansion</b>                     |
| <b>Location:</b> TBD Olympia, WA   |                                                                     |
| <b>6:00 PM</b>                     | <b>Private Dinner at Governor's Mansion Hosted by Gov. Gregoire</b> |
| <b>(WA)</b>                        |                                                                     |
| <b>7:30 PM</b>                     | <b>DEPART en route Seattle, WA</b>                                  |
| <i>Travel time: approx 45 mins</i> |                                                                     |
| <b>8:15 PM</b>                     | <b>ARRIVE W Hotel</b>                                               |

\*\*\*RON\*\*\*

**Wednesday, Nov. 2, 2011**

|                         |                                                                          |
|-------------------------|--------------------------------------------------------------------------|
| <b>10:00 – 10:45 AM</b> | <b>STEM Breakfast w/ WNBA Storm hosted by Pacific Science Center (t)</b> |
| <b>11:00 - 11:15 AM</b> | <b>DEPART for Duwamish</b>                                               |
| <b>11:15 - 12:00 PM</b> | <b>Duwamish River Cleanup Tour/Discussion</b>                            |
| <b>12:15- 12:45 PM</b>  | <b>Media</b>                                                             |

**OR**

|                        |                                                                                           |
|------------------------|-------------------------------------------------------------------------------------------|
| <b>12:15- 12:45 PM</b> | <b>Region 10 Brown Bag Lunch</b>                                                          |
| <b>12:45- 2:00 PM</b>  | <b>Personal time/Lunch</b>                                                                |
| <b>2:00-3:00 PM</b>    | <b>Roundtable hosted by Climate Solutions with environmental<br/>and business leaders</b> |
| <b>3:00-3:45 PM</b>    | <b>Executive/Down Time</b>                                                                |
| <b>4:00-6:00 PM</b>    | <b>DNC Event</b>                                                                          |
| <b>6:00 PM</b>         | <b>DEPART for SEA en route San Francisco</b>                                              |
| <b>6:30 PM</b>         | <b>ARRIVE at SEA</b>                                                                      |
| <b>7:25 PM</b>         | <b>WHEELS UP to SFO</b>                                                                   |
| <b>9:35 PM</b>         | <b>ARRIVE SFO</b>                                                                         |
| <b>10:05 PM</b>        | <b>ARRIVE Fairmont San Francisco</b>                                                      |

**\*\*RON\*\***

**Thursday, Nov. 3, 2011**

|                        |                                                                                  |
|------------------------|----------------------------------------------------------------------------------|
| <b>11:20 AM</b>        | <b>DEPART en route UC Berkeley</b>                                               |
| <b>11:50 AM</b>        | <b>Convene in Dean's Seminar Room</b>                                            |
| <b>Noon - 12:40 PM</b> | <b>Lunch with Berkeley Faculty and Alumni</b>                                    |
| <b>12:50 - 1:45 PM</b> | <b>Speech &amp; Reception at UC Berkeley Goldman School of Public<br/>Policy</b> |

- 12:50pm: Welcoming remarks by Professor Dan Farber, head of the Berkeley Environmental Law Center
- 12:55pm: Formal introduction by Law School Dean Christopher Edley
- 1:00pm: Speech by Administrator Lisa Jackson
- 1:15pm: Dan Farber moderates Q and A, using questions submitted in advance
- 1:40pm: Closing remarks by Dan Farber or Dean Edley
- 1:45pm: Escort back to Dean's Seminar Room (or straight to car/transportation)

|                     |                                                             |
|---------------------|-------------------------------------------------------------|
| <b>1:45 PM</b>      | <b>Depart UC Berkeley en route Mission Motors</b>           |
| <b>2:30-3:30 PM</b> | <b>Facility Tour at Mission Motors</b>                      |
| <b>3:30-4:30 PM</b> | <b>Executive/Down Time</b>                                  |
| <b>5:00-8:00 PM</b> | <b>DNC Event</b>                                            |
| <b>8:05 PM</b>      | <b>DEPART Private Event en route Fairmont San Francisco</b> |

**\*\*\*RON\*\*\***

**Friday, November 4, 2011**

|                       |                                                               |
|-----------------------|---------------------------------------------------------------|
| <b>8:45 AM</b>        | <b>DEPART Fairmont San Francisco en route Region 9 Office</b> |
| <b>9:00 – 9:45 AM</b> | <b>All Hands Meeting at Regional Office</b>                   |
| <b>9:50 AM</b>        | <b>Depart Regional Office en route SFO</b>                    |
| <b>11:18 AM</b>       | <b>WHEELS UP SFO to IAD</b>                                   |
| <b>7:14 PM</b>        | <b>WHEELS DOWN Washington, DC (IAD)</b>                       |

01268-EPA-7050

Richard  
Windsor/DC/USEPA/US  
10/26/2011 05:38 PM

To "Diane Thompson", "Michelle DePass"  
cc  
bcc  
Subject Fw: JPA - Climate Change - Associate / Senior Associate  
Opportunity - Please review

(b)(5) ?  
Eric Wachter

----- Original Message -----  
**From:** Eric Wachter  
**Sent:** 10/26/2011 04:44 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: JPA - Climate Change - Associate / Senior Associate  
Opportunity - Please review

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/26/2011 04:44 PM -----

#### Message Information

Date 10/26/2011 02:29 PM 10/26/2011 05:38:39 PM  
**From** "Paul Palazzolo" <paul@jpamri.com>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** JPA - Climate Change - Associate / Senior Associate Opportunity - Please  
review

#### Message Body

Lisa,

We hope you are enjoying the cooler weather. We are executing a search for a Climate Change - Associate / Senior Associate for a very good client company in the DC area.

It may be attractive to you or someone you know, and we would appreciate any help you can provide.

*If this position isn't for you, perhaps a friend, colleague or someone your current firm has not been able to help might benefit from the opportunity to discuss the details with us.*

Any recommendations for networking will remain in strict confidence if requested.

Thank you in advance, for your time and attention to the below position.

**Position Title:** Associate - Senior Associate / Economist - Climate Change

**Location:** Greater DC Area

**Salary Range:** Commensurate with experience

**Company Description:** Our client is seeking to hire a leader with primary responsibilities for establishing and developing a significant climate change practice for developing countries. This division conducts projects in agriculture, economic development, labor, privatization, trade and environment in developing countries. This new position will capitalize on our client's existing in-house expertise, excellent reputation, and strong experience in environmental policy. This includes long term service of working with all the major U.S. Government Agencies and other federal clients, and non-governmental organizations on the most cutting-edge environmental issues. Climate change has long been an area where they have serviced these clients and analyzed the health impacts and monetary benefits associated with policies. They have helped to reduce greenhouse gas emissions; assess the environmental consequences of using alternative fuels; and develop a new analytical framework for estimating carbon emissions intensity by industrial sector and state. In order to achieve this we are looking for a technical and management leader to drive this growth.

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Sincerely,

Paul Palazzolo

Senior Managing Partner

Jonathan Paul Associates, Inc. (JPA)

*One of the nation's leading Environmental Search Firms*

(Toll Free) 866.712.1810

[paul@jpamri.com](mailto:paul@jpamri.com)

[www.jpamri.com](http://www.jpamri.com)

Invite me to LinkedIn at:

<http://www.linkedin.com/in/paulpalazzolo>

Π

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01268-EPA-7051

Michelle  
DePass/DC/USEPA/US  
10/26/2011 05:53 PM

To Richard Windsor, "Diane Thompson"  
cc  
bcc  
Subject Re: JPA - Climate Change - Associate / Senior Associate  
Opportunity - Please review

(b)(5) deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/26/2011 05:38 PM EDT  
**To:** "Diane Thompson" <thompson.diane@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>  
**Subject:** Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5)  
Eric Wachter

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 10/26/2011 04:44 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/26/2011 04:44 PM -----

### Message Information

**Date** 10/26/2011 02:29 PM  
**From** "Paul Palazzolo" <paul@jpamri.com>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

### Message Body

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Invite me to LinkedIn at:  
<http://www.linkedin.com/in/paulpalazzolo>

Π

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**EXPERTS IN GLOBAL SEARCH**

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01268-EPA-7052

Richard  
Windsor/DC/USEPA/US  
10/26/2011 05:54 PM

To Michelle DePass  
cc  
bcc  
Subject Re: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5)

Michelle DePass

----- Original Message -----

**From:** Michelle DePass  
**Sent:** 10/26/2011 05:53 PM EDT  
**To:** Richard Windsor; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5) deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 10/26/2011 05:38 PM EDT  
**To:** "Diane Thompson" <thompson.diane@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>  
**Subject:** Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5)

Eric Wachter

----- Original Message -----

**From:** Eric Wachter  
**Sent:** 10/26/2011 04:44 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/26/2011 04:44 PM -----

### Message Information

**Date** 10/26/2011 02:29 PM 10/26/2011 05:54:42 PM  
**From** "Paul Palazzolo" <paul@jpamri.com>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

### Message Body

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Π

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**EXPERTS IN GLOBAL SEARCH**



01268-EPA-7053

Michelle  
DePass/DC/USEPA/US  
10/26/2011 05:58 PM

To Richard Windsor  
cc  
bcc  
Subject Re: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5) deliberative

-----Original Message-----

From: Richard Windsor  
To: Michelle DePass  
Subject: Re: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review  
Sent: Oct 26, 2011 5:54 PM

(b)(5)

----- Original Message -----

From: Michelle DePass  
Sent: 10/26/2011 05:53 PM EDT  
To: Richard Windsor; "Diane Thompson" <thompson.diane@epa.gov>  
Subject: Re: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5) deliberative

----- Original Message -----

From: Richard Windsor  
Sent: 10/26/2011 05:38 PM EDT  
To: "Diane Thompson" <thompson.diane@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>  
Subject: Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

(b)(5)

----- Original Message -----

From: Eric Wachter  
Sent: 10/26/2011 04:44 PM EDT  
To: Richard Windsor  
Subject: Fw: JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

----- Forwarded by Eric Wachter/DC/USEPA/US on 10/26/2011 04:44 PM -----

Date 10/26/2011 02:29 PM  
From "Paul Palazzolo" <paul@jpamri.com>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject JPA - Climate Change - Associate / Senior Associate Opportunity - Please review

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USAID, EPA and DOE experience is a plus.

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01268-EPA-7054

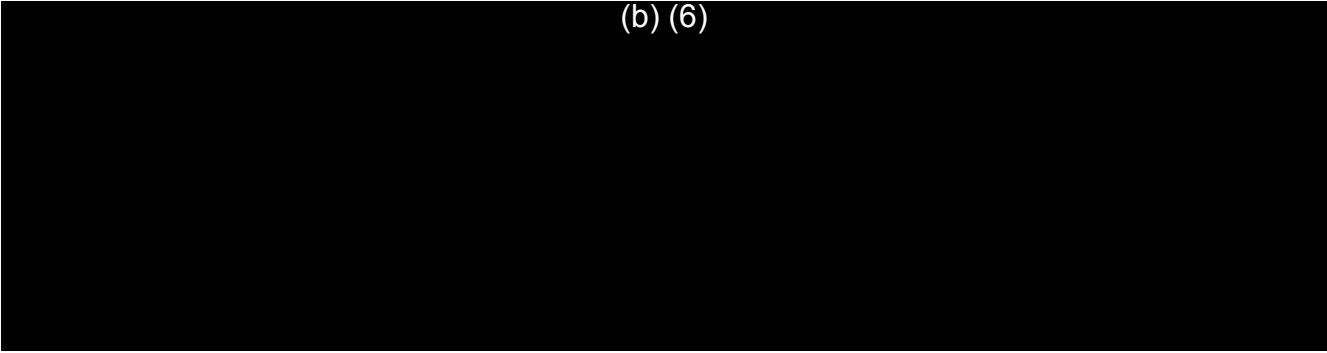
"Lisa Jackson"  
◀ (b) (6) Personal Privacy  
10/26/2011 08:59 PM

To Richard Windsor  
cc  
bcc  
Subject FW: Brown Environmental Issues In Developing Countries -  
Avis C. Robinson

**From:** Avis Robinson [mailto: (b) (6)]  
**Sent:** Friday, September 16, 2011 10:04 AM  
**To:** (b) (6) Personal Privacy  
**Subject:** Brown Environmental Issues In Developing Countries - Avis C. Robinson

Dear Lisa,

(b) (6)



The real purpose of this note is to provide you with a very brief summary about 'brown' environmental issues in Africa. Thanks to the EPA, I had the opportunity to work at the World Bank in two departments simultaneously -- the Environment Department and African Section. At that time, the World Bank directed all Departments to 'mainstream' environmental issues into all projects. My primary responsibility in the World Bank's Environment Department was to review proposed World Bank development projects and highlight potential Climate Change adaptation interventions.

In the Africa Department, I was asked to draft a World Bank document that clearly defined the meaning of 'brown' environment, discuss why the World Bank should concerned about the issue, and determine if brown environmental issues could be 'mainstreamed' into proposed World Bank reconstruction projects in trustworthy (ie. low - medium levels of corruption) countries in Africa such as Mali.

#### I. What Does Brown Environment Mean And Why is Important Today?

The phrase 'brown environment' simply describes environmental issues facing developing countries, such as sewage, waste management, land degradation, water and other natural resource and social issues. The primary reason for addressing brown environmental problems in

developing is to reduce the human exposure to disease. Many diseases are heavily conditioned by the physical ecology of a country. Rural and urban poverty exacerbates the environmental degradation of an already beleaguered ecology.

For anyone working at EPA, these issues are very straight-forward and we've manage to address them nationwide. Sadly, this was not the case ten years ago, and it not the case now in low income countries. They continue to fight a losing battle against brown environmental issues.

## **II. Brown Environment = Disease**

As you are well aware, the poor are much more susceptible to disease because of lack of access to clean water and sanitation, safe housing, medical care, information about preventative behaviors, and adequate nutrition. Diseases depend on temperature, rainfall, availability of clean water supplies, the presence of specific disease vectors such as mosquitoes (which in turn are affected by climate, accident of history, bio geography), the density of habitation (or the crowding of individuals), and exposure to environmental risks such as indoor air pollution or unsafe water, and so forth. Islands are different from mainlands, 93 temperate zones are different from tropical zones, humid regions are different from deserts, and coasts are different from hinterlands.

It is not surprising that malaria has been defeated in most temperate regions but not in large parts of the tropics; or that Africa suffers the most intensive malaria transmission, in part because it also has the most pernicious (or "competent") mosquito vector (*Anopheles gambiae*). Costs and strategies may differ markedly according to ecology, and intervention strategies must be tailored to local ecological conditions. In some regions, insecticide-impregnated bed-nets might be the best vector-control response to malaria; in other places, household spraying or larvicing of breeding sites might be more effective.

Hot environments and seasons are much more prone to bacterial-induced diarrheal diseases than cooler regions and seasons. Diarrheal disease can be addressed by widespread promotion of oral re-hydration therapy, along with improved sanitation. Such interventions have made significant inroads into the dreadful toll of this disease among children: deaths from diarrheal disease around the world has dropped from 4.6 million a year in 1980 to 3.3 million a year in 1990 to 1.5 million a year in 1999. Safe water and sanitation, backed by proper hygienic behavior such as hand washing and the use of soap, could dramatically reduce the incidence of many diarrheal and other diseases that kill millions of children each year.

Countries with high infant mortality rates have the fastest growing populations in the world, with consequent strains on the physical environment, especially to the extent that increasing populations are crowding fragile subsistence farmlands. Lowering infant mortality rates will tend to lower, not raise, population growth rate over the longer run. Disease control programs should be complemented by reproductive health and education programs to ensure that the transition to lower mortality is accompanied as rapidly as possible by the transition to lower fertility.

Even on the narrow question of health it is clear that good health and the protection against disease cannot be produced by the health sector alone. One of the most powerful contributors to

reduced child mortality, for example, is the literacy of mothers, which is itself the product of an education system that ensures widespread access to education for the poor, including girls as well as boys.

### III. Addressing Brown Environmental Issues Through The Health Infrastructure

Ecology goes hand-in-hand with a fundamental restructuring of socio-economic inequities. In order to make long-term gains in health and reduce 'brown' environmental impacts the World Bank had to create a process which incorporated the fight against disease into development strategies which helped address brown environmental issues. Economic development had to be approached via a multi-sectoral process. A process that impels governments and civil society to look across a range of policies in health, education, water and sanitation, environmental management, gender relations, and other areas. Extending the coverage of crucial health infrastructure services, including a relatively small number of specific interventions, to the world's poor could save millions of lives each year, reduce poverty, spur economic development, and promote global security.

Examples of interventions in sectors include

- Water sector through integrated water and environmental management programs at a water basin level.
- Urban development sector by addressing the entire chain of solid-waste management. And,
- Rural sector, by inclusion of soil conservation and combating land degradation in rural development projects.

The strategy for economic development had to build on a broad range of social investments as well as strategies to encourage private-sector business investment. In addition to multi-sector projects, stand-alone environmental projects can also be used to address critical issues in specific sectors of both "green" and "brown" agendas. These include projects for protected areas, fisheries and industrial pollution, such as Egypt's Pollution Abatement Project.

I hope that these ideas will be useful to you as you prepare for your trip to Brazil. Of course I'd love to be on the delegation, but wise enough to be perfectly content writing this not and having the opportunity to get to know you. If you have any questions, please do not hesitate to call me at  
[redacted] (b) (6)

Thank you so much reminding me how much I loved working at the EPA and helping people -- especially countries with large populations of low-income people.

God bless you,

Avis

--

Avis C. Robinson

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01268-EPA-7056

Richard  
Windsor/DC/USEPA/US  
10/27/2011 12:19 PM

To (b) (6) Personal Privacy  
cc  
bcc  
Subject Fw: Brown Environmental Issues In Developing Countries -  
Avis C. Robinson

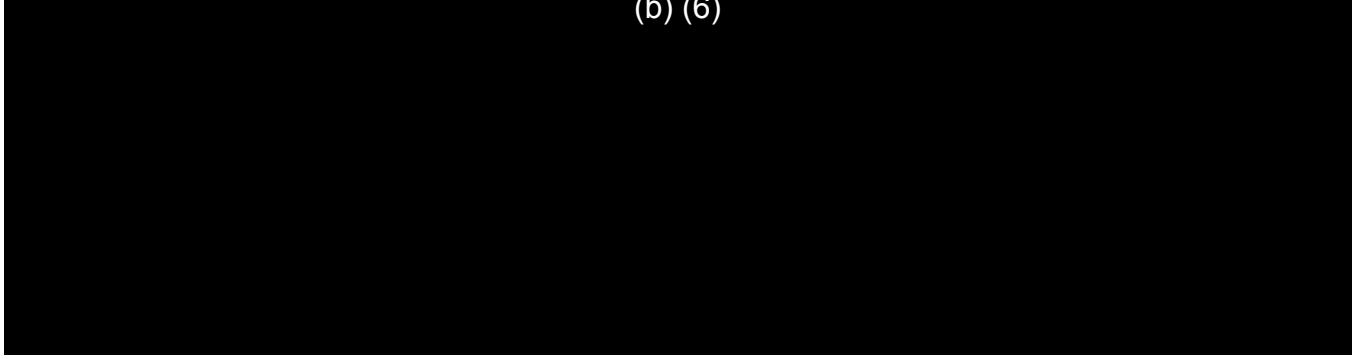
----- Forwarded by Richard Windsor/DC/USEPA/US on 10/27/2011 12:19 PM -----

From: "Lisa Jackson" <(b) (6) Personal Privacy>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/26/2011 08:57 PM  
Subject: FW: Brown Environmental Issues In Developing Countries - Avis C. Robinson

**From:** Avis Robinson [mailto:(b) (6)]  
**Sent:** Friday, September 16, 2011 10:04 AM  
**To:** (b) (6) Personal Privacy  
**Subject:** Brown Environmental Issues In Developing Countries - Avis C. Robinson

Dear Lisa,

(b) (6)



The real purpose of this note is to provide you with a very brief summary about 'brown' environmental issues in Africa. Thanks to the EPA, I had the opportunity to work at the World Bank in two departments simultaneously -- the Environment Department and African Section. At that time, the World Bank directed all Departments to 'mainstream' environmental issues into all projects. My primary responsibility in the World Bank's Environment Department was to review proposed World Bank development projects and highlight potential Climate Change adaptation interventions.

In the Africa Department, I was asked to draft a World Bank document that clearly defined the meaning of 'brown' environment, discuss why the World Bank should concerned about the issue, and determine if brown environmental issues could be 'mainstreamed' into proposed World Bank reconstruction projects in trustworthy (ie. low - medium levels of corruption) countries in Africa such as Mali.

## I. What Does Brown Environment Mean And Why is Important Today?

The phrase ‘brown environment’ simply describes environmental issues facing developing countries, such as sewage, waste management, land degradation, water and other natural resource and social issues. The primary reason for addressing brown environmental problems in developing is to reduce the human exposure to disease. Many diseases are heavily conditioned by the physical ecology of a country. Rural and urban poverty exacerbates the environmental degradation of an already beleaguered ecology.

For anyone working at EPA, these issues are very straight-forward and we've manage to address them nationwide. Sadly, this was not the case ten years ago, and it not the case now in low income countries. They continue to fight a losing battle against brown environmental issues.

## II. Brown Environment = Disease

As you are well aware, the poor are much more susceptible to disease because of lack of access to clean water and sanitation, safe housing, medical care, information about preventative behaviors, and adequate nutrition. Diseases depend on temperature, rainfall, availability of clean water supplies, the presence of specific disease vectors such as mosquitoes (which in turn are affected by climate, accident of history, bio geography), the density of habitation (or the crowding of individuals), and exposure to environmental risks such as indoor air pollution or unsafe water, and so forth. Islands are different from mainlands, 93 temperate zones are different from tropical zones, humid regions are different from deserts, and coasts are different from hinterlands.

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Avis

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Avis C. Robinson

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01268-EPA-7060

Richard  
Windsor/DC/USEPA/US  
10/28/2011 08:54 AM

To "Seth Oster"  
cc "Brendan Gilfillan"  
bcc  
Subject Fw: Google Alert - lisa jackson epa

See 1st article.

(b)(5) deliberative

A large rectangular area of the page has been completely blacked out, indicating redacted content.

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 10/28/2011 11:49 AM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

Web

2 new results for lisa jackson epa

### [Shame on you, Lisa Jackson - Congressman David McKinley](#)

David B. McKinley, P.E. (R-WV)reacted Thursday to **EPA** Administrator **Lisa Jackson** 'sfalse and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25... 6,25...](#)

### [EPA Administrator Lisa Jackson to speak about the EPA and the ...](#)

**EPA** Administrator **Lisa Jackson** to speak about the **EPA** and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa administrator lisa jackson to speak ...](#)

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01268-EPA-7061

Richard  
Windsor/DC/USEPA/US  
10/28/2011 10:58 AM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

Oh. No need. Thx for checking.  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

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Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

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Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards -- which were recently delayed a month -- would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

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But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

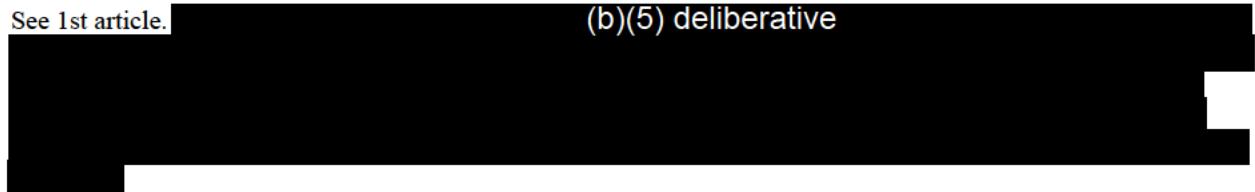
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Later today, students will visit Capitol Hill and talk with White House Liaison to Young Americans Ronnie Cho in a closed meeting.

Richard Windsor [See 1st article.](#) (b)(5) deliberative 10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

[See 1st article.](#) (b)(5) deliberative



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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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David B. McKinley, P.E. (R-WV) reacted Thursday to EPA Administrator **Lisa Jackson**'s false and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25...6.25...](#)

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EPA Administrator **Lisa Jackson** to speak about the EPA and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

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01268-EPA-7062

**Richard  
Windsor/DC/USEPA/US**  
10/28/2011 01:07 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

Tx.

(b)(5) deliberative

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 12:37 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

(b)(5) deliberative

Richard Windsor Oh. No need. Thx for checking. ----- 10/28/2011 10:58:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Oh. No need. Thx for checking.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

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Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

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"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

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But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

"That struck me as kind of a way of thinking about what's going on right now inside the beltway," she said, later adding: "So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

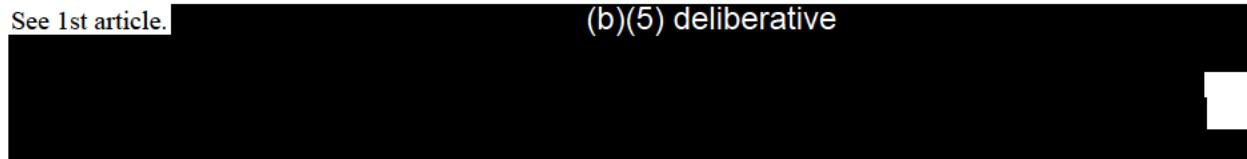
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Richard Windsor [See 1st article.](#) (b)(5) deliberative 10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

See 1st article.

(b)(5) deliberative



(b)(5)

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**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 10/28/2011 11:49 AM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

Web

2 new results for **lisa jackson epa**

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[mckinley.house.gov/index.cfm?sectionid=25...6,25...](http://mckinley.house.gov/index.cfm?sectionid=25...6,25...)

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01268-EPA-7063

Richard  
Windsor/DC/USEPA/US  
10/28/2011 01:16 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Fw: Google Alert - lisa jackson epa

Interesting but not surprising point -

The original statement in the E&E story read "In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

McKinley added the parenthetical phrase [the coal industry] and then says I indicted the coal industry... In their [the coal industry] entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

Brendan Gilfillan    [Here's his statement: McKinley: Sham...](#)    10/28/2011 01:08:47 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/28/2011 01:08 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Here's his statement:

**McKinley: Shame on you, Lisa Jackson**  
*W.Va. rep reacts to outrageous attack on coal*

**Washington, D.C.** – Rep. David B. McKinley, P.E. (R-WV) reacted Thursday to EPA Administrator Lisa Jackson's false and offensive attack on West Virginia's lifeblood, coal.

While addressing students Thursday morning at an event at Howard University, Jackson was quoted in *Energy and Environment Daily* saying, "In their [the coal industry] entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

Jackson went on to lambast McKinley's bipartisan coal ash legislation, saying, "That struck me as kind of a way of thinking about what's going on right now inside the beltway... So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Rep. McKinley issued the following statement on Jackson's comments:

"The coal industry is on 'life support' for one reason only: Lisa Jackson and Barack Obama. It takes a lot of gall to sit there in her cushy Washington office – lighted by coal, in a building

constructed with coal ash – handing down these job-killing regulations, and then turn around and claim the coal industry owes her a favor. It is now unmistakably clear to me that Lisa Jackson's regulations are not intended to simply strike a proper balance between industry and the environment; rather, the hostility conveyed in her attacks betrays a radical ideologue who believes the folks who mine coal, burn coal and recycle its ash are little better than criminals, and that the government needs to bankrupt the coal industry as the president infamously suggested as a candidate. This administration has zero credibility on jobs, or public health, for that matter.

"As an engineer I've seen first-hand how the industry, working with her predecessors, has made great strides over the last several decades in improving its environmental practices as technology has developed – and yet the president's budget slashed research and development for clean coal technology. Coal ash, when recycled, actually makes building materials and other products more affordable and environmentally-friendly – and yet the president opposes my bipartisan bill to finally create federal standards regulating coal ash. Numerous studies prove that unemployed Americans suffer from higher rates of poor health than those with jobs – and yet the president and his EPA administrator are trying to put hundreds of thousands of men and women in the coal industry out of work. Shame on them.

"Over four months ago, I invited President Obama and Administrator Jackson to visit West Virginia to meet the folks who lost their jobs at several coal-fired power plants due to EPA over-regulation. That invitation still stands; unfortunately, Lisa Jackson's speech today indicates that those job losses are exactly what they wanted."

Richard Windsor    Tx.    (b)(5) deliberative    10/28/2011 01:07:43 PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 01:07 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Tx    (b)(5) deliberative

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
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**To:** Richard Windsor  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

(b)(5) deliberative

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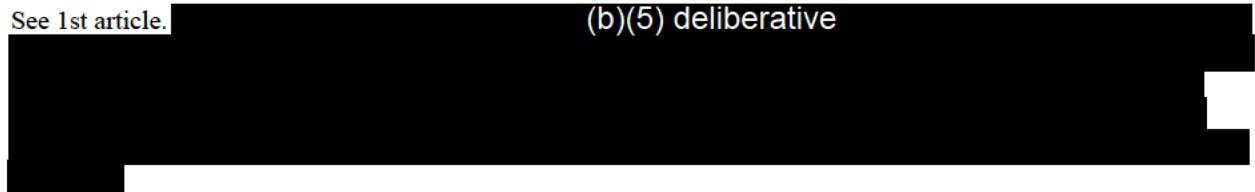
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Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

[See 1st article.](#) (b)(5) deliberative



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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

Web

2 new results for lisa jackson epa

### [Shame on you, Lisa Jackson - Congressman David McKinley](#)

David B. McKinley, P.E. (R-WV) reacted Thursday to EPA Administrator **Lisa Jackson**'s false and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25...6.25...](#)

### [EPA Administrator Lisa Jackson to speak about the EPA and the ...](#)

EPA Administrator **Lisa Jackson** to speak about the EPA and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa administrator lisa jackson to speak ...](#)

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01268-EPA-7064

Richard  
Windsor/DC/USEPA/US  
10/28/2011 01:33 PM

To: Brendan Gilfillan  
cc:  
bcc:

Subject: Re: Fw: Google Alert - lisa jackson epa

(b)(5) deliberative



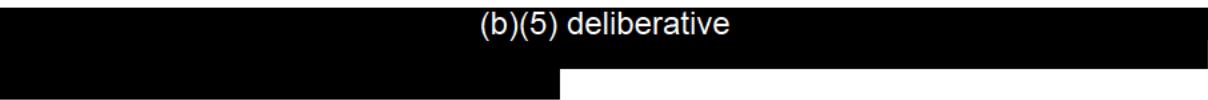
Brendan Gilfillan

(b)(5) deliberative

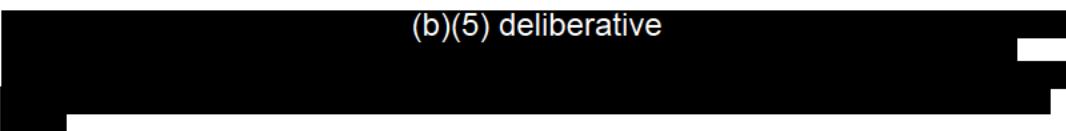
10/28/2011 12:37:04 PM

---

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/28/2011 12:37 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa



(b)(5) deliberative



(b)(5) deliberative

Richard Windsor

Oh. No need. Thx for checking.

10/28/2011 10:58:37 AM

---

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Oh. No need. Thx for checking.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 10:05 AM EDT

**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Here's the underlying story - it's actually written pretty straight. The headline's bad, and we're reaching out to them about it.

### **Jackson vows to crack down on coal, blasts GOP obstructionism**

Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

U.S. EPA Administrator Lisa Jackson today said her agency will fight to oversee the coal industry even as Republicans wage war on regulations, but she stopped short of explicitly supporting student-led efforts to shut down campus coal plants.

Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards -- which were recently delayed a month -- would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

Jackson addressed students this morning at an event hosted by the Sierra Club and Howard University and highlighted efforts to switch schools to clean energy sources. So far, according to the Sierra Club, students have succeeded in closing 17 coal-fired power plants on campuses throughout the country. Environmentalists say the effort signals a trend of clean energy on campus ([Greenwire](#) , Feb. 28).

But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

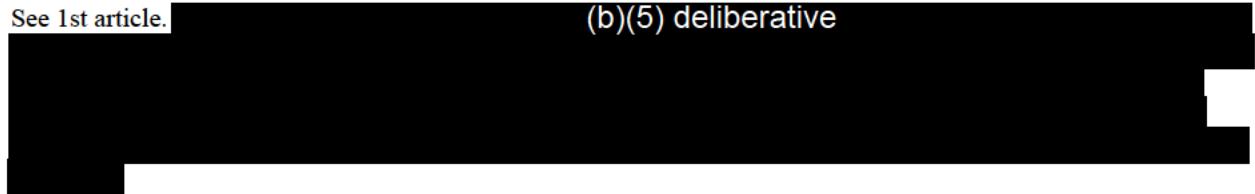
"That struck me as kind of a way of thinking about what's going on right now inside the beltway," she said, later adding: "So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Later today, students will visit Capitol Hill and talk with White House Liaison to Young Americans Ronnie Cho in a closed meeting.

Richard Windsor [See 1st article.](#) (b)(5) deliberative 10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

See 1st article. (b)(5) deliberative



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01268-EPA-7065

Richard  
Windsor/DC/USEPA/US  
10/28/2011 02:42 PM

To Brendan Gilfillan  
cc  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Great. GO.  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 02:40 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Streamlined:

"All you need to do is check the article to see that the Administrator is being purposely misquoted. Only in Washington can you put words in someone's mouth and then react to the statement you invented. This is just the latest expression of House Republicans' belief that EPA shouldn't be allowed to do its job protecting Americans from pollution. It's also another unfortunate illustration of a point Administrator Jackson raised yesterday: that these issues have become so politicized and overwhelmed by special interests that some of the American people's representatives need to be convinced to protect their constituent's health."

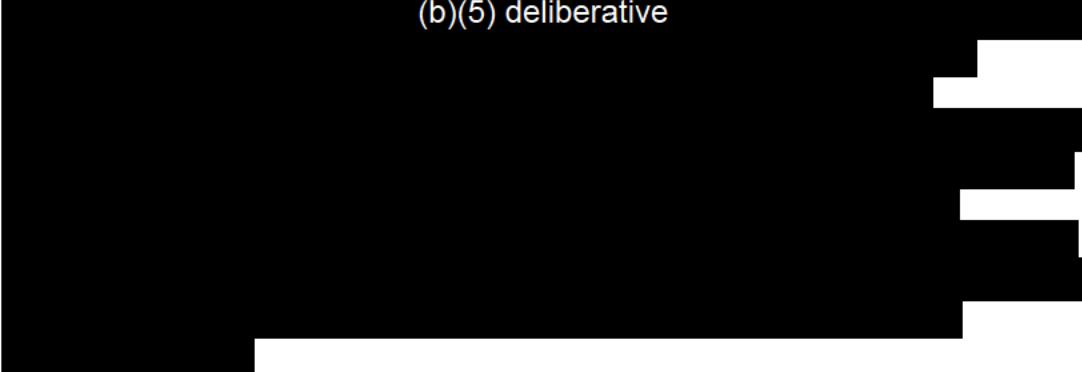
Richard Windsor

10/28/2011 01:33:45 PM

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From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 01:33 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

(b)(5) deliberative



Brendan Gilfillan

(b)(5) deliberative

10/28/2011 12:37:04 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA

Date: 10/28/2011 12:37 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

(b)(5) deliberative

(b)(5) deliberative

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Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

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Richard Windsor

[See 1st article.](#)

(b)(5) deliberative

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From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
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[See 1st article.](#)

(b)(5) deliberative



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[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak\\_...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak_...)

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01268-EPA-7067

**Richard  
Windsor/DC/USEPA/US**  
10/28/2011 07:04 PM

To Gina McCarthy  
cc  
bcc  
Subject Re: A win

Back at cha!  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 10/28/2011 06:56 PM EDT  
**To:** Richard Windsor  
**Subject:** A win

Ex.5 - Deliberative

[REDACTED] That's pretty incredible. Congrats on a step towards a big win.

01268-EPA-7070

Richard  
Windsor/DC/USEPA/US  
10/31/2011 05:52 PM

To Susan Hedman  
cc  
bcc

Subject Re: BREAKING NEWS - Bluff collapse at WE Energies Oak Creek power plant on Lake Michigan

Tx. [REDACTED] (b)(5) deliberative  
Susan Hedman

----- Original Message -----

**From:** Susan Hedman  
**Sent:** 10/31/2011 04:49 PM CDT  
**To:** Richard Windsor; thompson.diane@epa.gov; perciasepe.bob@epa.gov  
**Subject:** BREAKING NEWS - Bluff collapse at WE Energies Oak Creek power plant on Lake Michigan

I thought you might like to know about this -- even though Coast Guard is lead (because of proximity to Lake Michigan.) WDNR has asked us to attend a meeting tomorrow morning -- and we will be sending someone. [REDACTED] (b)(5) deliberative

[REDACTED] Will keep you posted.

**Authorities: No injuries in bluff collapse at We Energies plant**



WTMJ-TV

This video frame grab shows the bluff collapse at the We Energies Oak Creek Power Plant on Monday. The failure is near a new air quality control system for the plant that's under construction, the company said.

- [e-mail](#)
- [print](#)

By [Sharif Durhams](#), [Meg Jones](#) and [Don Behm](#) of the Journal Sentinel

Updated: Oct. 31, 2011 3:10 p.m. | [\(49\) Comments](#)

Today's TMJ4 Video



[Bluff collapse at We Energies](#)



[CHOPPER 4 RAW VIDEO: Bluff collapse at We Energies](#)

**Oak Creek** - A large section of bluff collapsed next to the We Energies Oak Creek Power Plant, sending dirt and mud cascading into the shoreline next to Lake Michigan and dumping several cargo trailers that are lying strewn in a parking area near the water.

No one was inside the three trailers nor a small temporary building that housed equipment; no injuries were reported following the collapse shortly after 11 a.m. Monday. The incident did not affect power output from the plant.

A U.S. Coast Guard spokesman said the contractor working at the site reported all of its personnel were safe.

"We can be fortunate that there's nobody injured in this," Lt. j.g. Brian Dykens said. "This is definitely a freak accident."

Dykens said the Coast Guard was called to the scene at 11:18 a.m. along with officials from Oak Creek and other departments.

Aerial images show several trailers used to hold construction equipment tumbled like Tonka toy trucks and were swept along with the falling bluff in a river of dirt, coming to a rest near the water. A front-end loader also fell during the collapse, Dykens said.

A section of bluff about 30 feet wide and roughly 10 to 15 feet long collapsed and slid 200 feet from a terraced area at the top of a hill down to the lake level, We Energies spokesman Brian Manthey said. The failure is near a new air quality control system now under construction. The collapse is contained to the We Energies property.

About 100 construction workers who are not We Energies employees were at the site when the collapse occurred.

Manthey said "there's no immediate danger" of a further collapse at the site, though authorities are testing the soil near the collapse for stability as well as testing soil around the air quality control building under construction.

Officials are also checking to see what kind of debris might have tumbled down the bank.

"There's no information now on whether any hazardous materials were involved," Manthey said.

Dykens said the Coast Guard will remain on the scene to monitor whether any dirt and debris polluted Lake Michigan.

Ammonia tanks now stand on high ground, just to the north of the part of the bluff that collapsed, but those tanks are empty, Manthey said. Ammonia is a chemical commonly used in scrubbing pollutants that would otherwise escape through coal plants' smokestacks.

"At this point what we're doing is assessing just what may have ended up in the lake, taking a

look at the area itself to try to determine the integrity of that soil in that area," Manthey said.

Power was generating at both the original and new coal plants. Because the pollution control equipment has not yet been hooked up to the plant, the incident didn't affect operations at either plant, Manthey said.

Oak Creek's water utility was also not affected by the bluff collapse because the community's water intake pipe is two miles north of the power plant and one mile out into Lake Michigan, Oak Creek utilities engineer Mike Sullivan said. Oak Creek supplies water to residents of its city as well as Franklin and the northern half of Caledonia.

Oak Creek water utility officials were worried that the water pipes it uses to supply water to the We Energies plant might have been severed in the bluff collapse but Sullivan said that did not happen.

The cause of the bluff collapse was unknown Monday. The National Weather Service office in Sullivan reported only 0.23 inch of rain fell at Milwaukee's airport Sunday and the only precipitation prior to that was a trace that fell on Oct. 27, meteorologist Ed Townsend said.

University of Wisconsin-Milwaukee geology professor Tom Hooyer said that based on aerial images of the site from news helicopters, seepage from a high water table is more likely the cause of the failure than erosion from the lake.

Hooyer questioned whether the retention pond near the site of the collapse had a lining. If not, it's possible seepage from that pond could have loosened the nearby soil, he said.

The air quality control system project under construction at Oak Creek is the second most expensive construction project ever undertaken by We Energies, with a price tag of \$900 million. Construction began in 2008.

The air controls would serve the original Oak Creek coal plant, which has four boilers that opened from 1959 to 1967. The original coal plant is just south of the new two-plant coal plant that opened earlier this year, at a cost of more than \$2.3 billion.

During an investor conference call last week, company Chairman and Chief Executive Gale Klappa said the project was about 90% complete and was "on time and on budget," with the new controls expected to undergo testing before completion in 2012.

The project is adding scrubbers and other pollution control equipment to reduce the emissions of sulfur dioxide and nitrogen oxide.

In a report filed last week with the state Public Service Commission, We Energies said the air emissions control construction project had gone 2.4 million hours without a lost-time injury.

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*Journal Sentinel reporters Thomas Content and Sharif Durhams contributed to this report.*

01268-EPA-7071

Richard  
Windsor/DC/USEPA/US  
10/31/2011 05:52 PM

To "Seth Oster", "Mathy Stanislaus", "Brendan Gilfillan", "Bob Sussman"

cc

bcc

Subject Fw: BREAKING NEWS - Bluff collapse at WE Energies Oak Creek power plant on Lake Michigan

Susan Hedman

----- Original Message -----

**From:** Susan Hedman  
**Sent:** 10/31/2011 04:49 PM CDT  
**To:** Richard Windsor; thompson.diane@epa.gov; perciasepe.bob@epa.gov  
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- [e-mail](#)
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By [Sharif Durhams](#), [Meg Jones](#) and [Don Behm](#) of the Journal Sentinel

Updated: Oct. 31, 2011 3:10 p.m. | [\(49\) Comments](#)

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*Journal Sentinel reporters Thomas Content and Sharif Durhams contributed to this report.*

01268-EPA-7072

Richard  
Windsor/DC/USEPA/US  
11/01/2011 09:18 AM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: From Wash Post Upton profile

Ummm... No clue what he is talking about. I don't particularly recall seeing him.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 11/01/2011 09:12 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Arvin Ganesan; Laura Vaught; Stephanie Owens  
**Subject:** From Wash Post Upton profile

This is the last graph - full story is below:

At a September [joint session](#) of Congress, EPA Administrator Lisa Jackson caught sight of Upton. "She was smiling till she saw me," he recalled with relish. Minutes later, Obama himself was walking the aisle and took a second to lock eyes with Upton. "Good luck to you, Fred," the president said.

## Capitol Hill power player Fred Upton switches ideological gears as his clout grows

By Ned Martel, Washington Post Published: October 31

Washington doesn't want [Fred Upton](#) anymore. Not the Old Fred Upton, at least.

A divided capital — and a restive GOP — is insisting that the affable, dutiful Michigander can no longer be who he has long been: the ultimate moderate. As chairman of the House Energy and Commerce Committee, this acolyte of centrist traditions is being urged to stop recognizing that the other side has a good point or two, especially points that the Republican leadership has not embraced.

In a city nudging both parties toward absolutism, centrists who once communed and voted with Upton — Republican [Mike Castle](#) of Delaware, Democrat [Bart Stupak](#) of Michigan — have been pushed out by redrawn district boundaries, strident activists and public impatience. Anyone known for getting along was told to git along.

For his quarter-century in office, Upton has embodied balance: He is a friend to House Speaker John A. Boehner (R-Ohio) and Minority Leader Steny H. Hoyer (D-Md.), he implores manufacturing chief executives and endangered-species advocates to just call him Fred. He is trustworthy and fair, and perhaps because of this, he was chosen for the secretive "supercommittee" trying to find an elixir for the country's debt problems. And yet, from the outside anyway, the committee shows more signs of sparring than swaying toward agreement.

While other moderates have been ousted, the citizens of St. Joseph and Kalamazoo (and points in between) have sent this grandson of the founder of one of the region's largest employers, Whirlpool Corp., back to Capitol Hill. And they have stuck with him because he did the strenuous across-the-aisle negotiations meant to keep air and waterways clean while keeping the factory lights on, that nudged the sick and elderly toward better health while coaxing the budget toward balance.

And yet, something's different about Fred Upton. At 58, he has been exhibiting a restless energy that suggests he knows now is his party's time to get aggressive, not conciliatory. Only as a fighting team can the Republicans capital-ize on President Obama's weaknesses; only by being disruptive can they capture disgruntled voters. Subtlety is out, zeal is in.

Upton and his best friend in Congress, Oregon Republican Greg Walden, say that the days of bipartisan harmony were actually darker than mythological history paints them.

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01268-EPA-7073

Richard  
Windsor/DC/USEPA/US  
11/01/2011 09:19 AM

To Brendan Gilfillan, Seth Oster, "Sarah Pallone"  
cc  
bcc  
Subject Re: From Wash Post Upton profile

(b)(5) deliberative

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 11/01/2011 09:12 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Arvin Ganesan; Laura Vaught; Stephanie Owens  
**Subject:** From Wash Post Upton profile

This is the last graph - full story is below:

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## Capitol Hill power player Fred Upton switches ideological gears as his clout grows

By Ned Martel, Washington Post Published: October 31

Washington doesn't want [Fred Upton](#) anymore. Not the Old Fred Upton, at least.

A divided capital — and a restive GOP — is insisting that the affable, dutiful Michigander can no longer be who he has long been: the ultimate moderate. As chairman of the House Energy and Commerce Committee, this acolyte of centrist traditions is being urged to stop recognizing that the other side has a good point or two, especially points that the Republican leadership has not embraced.

In a city nudging both parties toward absolutism, centrists who once communed and voted with Upton — Republican [Mike Castle](#) of Delaware, Democrat [Bart Stupak](#) of Michigan — have been pushed out by redrawn district boundaries, strident activists and public impatience. Anyone known for getting along was told to git along.

For his quarter-century in office, Upton has embodied balance: He is a friend to House Speaker John A. Boehner (R-Ohio) and Minority Leader Steny H. Hoyer (D-Md.), he implores manufacturing chief executives and endangered-species advocates to just call him Fred. He is trustworthy and fair, and perhaps because of this, he was chosen for the secretive "supercommittee" trying to find an elixir for the country's debt problems. And yet, from the outside anyway, the committee shows more signs of sparring than swaying toward agreement.

While other moderates have been ousted, the citizens of St. Joseph and Kalamazoo (and points in between) have sent this grandson of the founder of one of the region's largest employers, Whirlpool Corp., back to Capitol Hill. And they have stuck with him because he did the strenuous across-the-aisle negotiations meant to keep air and waterways clean while keeping the factory lights on, that nudged the sick and elderly toward better health while coaxing the budget toward balance.

And yet, something's different about Fred Upton. At 58, he has been exhibiting a restless energy that suggests he knows now is his party's time to get aggressive, not conciliatory. Only as a fighting team can the Republicans capital-ize on President Obama's weaknesses; only by being disruptive can they capture disgruntled voters. Subtlety is out, zeal is in.

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01268-EPA-7075

AI Armendariz/R6/USEPA/US  
11/01/2011 01:28 PM  
**To** "McCarthy, Gina"  
**cc** "Windsor, Richard", Bob Perciasepe, "Oster, Seth", Brendan Gilfillan, "Ganesan, Arvin", "Woodka, Janet", "Sussman, Bob", David Bloomgren, Joseph Goffman  
**bcc**  
**Subject** Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

Gina: Will you stop creating jobs like this? Texas jobs no less! You're making it hard for the rest of us to keep up.

:)

AI

#### Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program

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Fluor will supply management, supervision and craft personnel to support construction services and environmental retrofits to Luminant's current coal-fired power plant units. Fluor began providing ongoing maintenance and modification services at four of Luminant's power units in 1984 and has since grown the relationship to cover all of the company's fossil power generating units and equipment repair center.

During this time, Fluor has successfully executed multiple major capital projects including the recently completed Oak Grove Units 1 & 2 clean coal project and the balance-of-plant construction for Luminant's Sandow 5 Selective Catalytic Reduction project.

"Fluor is extremely well positioned to support our customers and partners who must retrofit their generating fleets to comply with the requirements of the cross-state air pollution rule (CSAPR) and the electric generating unit maximum achievable control technology (EGU MACT) standards," said Dave Dunning, president of Fluor's Power Group. "Fluor's scope extension of its ongoing maintenance and services contract with Luminant fits our strategy to assist a valued partner with their environmental compliance needs."

"This new work is a natural outgrowth of Fluor's more than 25 years of providing Luminant with high value maintenance and construction services throughout its power generation fleet in Texas," said Rick Graves, senior vice president of Fluor's Power Group. "Assisting power clients in providing clean energy to their customers is within our sweet spot, and we are pleased that Luminant has placed its confidence in us to deliver value-added solutions for this important environmental retrofit program."

Luminant is a competitive power generation business including mining, wholesale marketing and trading, and development operations. With a total of 15,400 megawatts of generation in Texas, 2,300 megawatts are fueled by nuclear power and 8,000 megawatts fueled by coal. The company is also the largest purchaser of wind-generated electricity in Texas and fifth largest in the United States.

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<http://www.finanzen.net/nachricht/Fluor-to-Provide-Construction-Services-for-Luminant-s-Environmental->

Retrofit-Program-1448796

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: [@al\\_armendariz](#)

01268-EPA-7076

Richard  
Windsor/DC/USEPA/US  
11/01/2011 01:51 PM

To "Laura Vaught", "Bob Perciasepe"  
cc  
bcc  
Subject Fw: Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

(b)(5)  
Al Armendariz

----- Original Message -----

**From:** Al Armendariz  
**Sent:** 11/01/2011 01:28 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Windsor, Richard" <windsor.richard@epa.gov>; Bob Perciasepe; Seth Oster; Brendan Gilfillan; Arvin Ganesan; "Woodka, Janet" <woodka.janet@epa.gov>; "Sussman, Bob" <sussman.bob@epa.gov>; David Bloomgren; Joseph Goffman  
**Subject:** Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net  
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Al Armendariz  
Regional Administrator  
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[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7077

**Laura Vaught/DC/USEPA/US** To Richard Windsor  
11/01/2011 02:00 PM cc  
bcc  
**Subject:** Re: Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

Thanks.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 11/01/2011 01:51 PM EDT  
**To:** Laura Vaught; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Fw: Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

[REDACTED]  
(b)(5)  
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During this time, Fluor has successfully executed multiple major capital projects including the recently completed Oak Grove Units 1 & 2 clean coal project and the balance-of-plant construction for Luminant's Sандow 5 Selective Catalytic Reduction project.

"Fluor is extremely well positioned to support our customers and partners who must retrofit their generating fleets to comply with the requirements of the cross-state air pollution rule (CSAPR) and the electric generating unit maximum achievable control technology (EGU MACT) standards," said Dave Dunning, president of Fluor's Power Group. "Fluor's scope extension of its ongoing maintenance and

services contract with Luminant fits our strategy to assist a valued partner with their environmental compliance needs."

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<http://www.finanzen.net/nachricht/Fluor-to-Provide-Construction-Services-for-Luminant-s-Environmental-Retrofit-Program-1448796>

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7078

**Richard  
Windsor/DC/USEPA/US**  
 11/01/2011 02:16 PM

**To:** AI Armendariz  
**cc:** Gina McCarthy  
**bcc:**  
**Subject:** Re: Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

tx for the article Al. good thing you sent it . it's performance evaluation time! Gina - you got some splainin' to do! haha

Al Armendariz    Gina: Will you stop creating jobs like thi...    11/01/2011 01:28:29 PM

**From:** AI Armendariz/R6/USEPA/US  
**To:** "McCarthy, Gina" <McCarthy.Gina@epamail.epa.gov>  
**Cc:** "Windsor, Richard" <windsor.richard@epa.gov>, Bob Perciasepe/DC/USEPA/US, "Oster, Seth" <Oster.Seth@epamail.epa.gov>, Brendan Gilfillan/DC/USEPA/US@EPA, "Ganesan, Arvin" <Ganesan.Arvin@epamail.epa.gov>, "Woodka, Janet" <woodka.janet@epa.gov>, "Sussman, Bob" <sussman.bob@epa.gov>, David Bloomgren/DC/USEPA/US, Joseph Goffman/DC/USEPA/US  
**Date:** 11/01/2011 01:28 PM  
**Subject:** Fluor to Provide Construction Services for Luminant's Environmental Retrofit Program Nov 1 2011 | Nachricht | finanzen.net

Gina: Will you stop creating jobs like this? Texas jobs no less! You're making it hard for the rest of us to keep up.

:)

AI

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U.S. EPA - Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7079

Susan Hedman/R5/USEPA/US To Richard Windsor  
cc  
11/01/2011 02:57 PM bcc  
Subject Fw: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

Susan Hedman  
Regional Administrator - Region 5  
Great Lakes National Program Manager  
U.S. Environmental Protection Agency  
77 West Jackson, 19th Floor  
Chicago, IL 60604

----- Forwarded by Susan Hedman/R5/USEPA/US on 11/01/2011 01:57 PM -----

From: Susan Hedman/R5/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, (b) (6) Personal Privacy Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 11/01/2011 01:57 PM  
Subject: Re: Fw: Fwd: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

I just had a conversation with the OSC who is on site. (She was invited to the site by WDNR -- the Coast Guard still has not requested assistance.) WDNR has taken two samples from the landside debris that appear to be largely coal ash and has given one of the samples to us. We are mobilizing a contractor to do expedited testing of this material to determine whether it contains "hazardous substances" that would trigger CERCLA. We would like to get additional samples, but are being told that the area is too unstable to do further sampling at this time. We will continue to pursue this.

The Milwaukee media has contacted us and we will be letting them know that we are testing to determine whether any hazardous material was released as a result of the landslide.

At this point, activities on the site focus on stabilizing the bluff and building a berm to prevent material from getting into the Lake. Additional boom is also being deployed (3000 feet currently in the water.) There is concern that rain that is predicted this evening could exacerbate the situation.

We will have a formal report from the OSC to circulate to headquarters later this afternoon.

Susan Hedman  
Regional Administrator - Region 5  
Great Lakes National Program Manager  
U.S. Environmental Protection Agency  
77 West Jackson, 19th Floor  
Chicago, IL 60604

Mathy Stanislaus Here's a quick summary on informatio... 11/01/2011 10:43:09 AM

From: Mathy Stanislaus/DC/USEPA/US  
To: (b) (6) Personal Privacy  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa

Date: Feldt/DC/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA  
11/01/2011 10:43 AM  
Subject: Re: Fw: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

**Here's a quick summary on information we know about the the We Energy - Oak Creek Power Plant**

**Background**

- This is a coal fired power plant located on over 400 acres of land on the shore of Lake Michigan, 20 miles south of Milwaukee.
- The ongoing construction at the plant was to upgrade the existing environmental controls to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions. This is scheduled to be completed by the end of 2012.

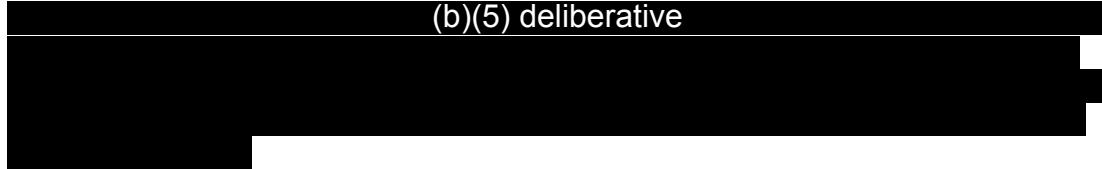
**Incident**

- On October 31, 2011, a bluff area (roughly the size of a football field and 200 feet above the level of Lake Michigan) eroded under unknown circumstances washing a large amount of mud and debris into Lake Michigan. The area that washed away was near the construction site for the new air quality controls.

**CCR Issues**

- This plant currently does not dispose of any CCRs on site.
- Since there are no CCR surface impoundments, EPA did not conduct an assessment at this facility.

- (b)(5) deliberative



Mathy Stanislaus  
USEPA Assistant Administrator

## Office of Solid Waste &amp; Emergency Response

(b) (6) Personal Privacy Can we get some information on this thi... 11/01/2011 10:39:44 AM

From: (b) (6) Personal Privacy  
To: Lisa Feldt/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA  
Date: 11/01/2011 10:39 AM  
Subject: Re: Fw: Fwd: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

Can we get some information on this this morning please? Tx.

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: Feldt.Lisa@epamail.epa.gov  
Date: Tue, 01 Nov 2011 08:24:01  
To: <(b) (6) Personal Privacy>  
Cc: <Stanislaus.Mathy@epamail.epa.gov>; <Hedman.Susan@epamail.epa.gov>  
Subject: Re: Fw: Fwd: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

Looking into it now.

Lisa Feldt  
Deputy Assistant Administrator  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0200:  
Fax: (202) 566-0207  
feldt.lisa@epa.gov

From: (b) (6) Personal Privacy  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Susan Hedman/R5/USEPA/US@EPA  
Date: 11/01/2011 08:15 AM  
Subject: Fw: Fwd: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

(b)(5) deliberative ?

Sent from my Verizon Wireless BlackBerry

From: Adam Zellner <azellner@gbdtoday.com>  
Date: Tue, 01 Nov 2011 04:54:56 -0700  
To: Lisa Jackson<(b) (6) Personal Privacy>  
Subject: Fwd: Coal Ash : Coal ash fears raised | Bluff collapse sends debris plunging into lake but misses 100 workers on site

Adam Zellner  
Greener by Design  
732-253-7717  
201-638-6754

Sent from myTouch 4G

----- Forwarded message -----

From: "Factiva" <emailednews@email.global.factiva.com>  
To: "Adam Zellner" <azellner@gbdtoday.com>  
Subject: Coal Ash : Coal ash fears raised | Bluff collapse sends debris  
plunging into lake but misses 100 workers on site  
Date: Tue, Nov 1, 2011 7:38 am

Your topic is Coal Ash

Dow Jones Factiva

-----  
Coal ash fears raised | Bluff collapse sends debris plunging into lake  
but misses 100 workers on site  
MLWK000020111101e7b100004

A News  
MEG JONES and DON BEHM, mjones@journalsentinel.com; Milwaukee Journal  
Sentinel  
Staff  
1512 Words  
1 November 2011  
The Milwaukee Journal Sentinel  
Early  
01  
English  
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Oak Creek - A large section of bluff collapsed Monday next to the We Energies Oak Creek Power Plant, sending dirt, coal ash and mud cascading into the shoreline next to Lake Michigan and dumping a pickup truck, dredging equipment, soil and other debris into the lake. There were no injuries, and the incident did not affect power output from the plant.

When the section of bluff collapsed and slid from a terraced area at the top of a hill down to the lake, Oak Creek Acting Fire Chief Tom Rosandich said, it left behind a debris field that stretched 120 yards long and 50 to 80 yards wide at the bottom.

Aerial images show trailers and storage units holding construction equipment tumbled like toy trucks and were swept along with the falling bluff in a river of dirt that ended in the water.

"This is definitely a freak accident," U.S. Coast Guard Lt. j.g. Brian Dykens said.

As a company hired by We Energies began cleanup in Lake Michigan, the utility confirmed that coal ash was part of the debris.

"Based on our land use records, it is probable that some of the material that washed into the lake is coal ash," We Energies spokesman Barry McNulty said. "We believe that was something that was used to fill the ravine area in that site during the 1950s. That's a practice that was discontinued several decades ago."

The Environmental Protection Agency is in the process of developing stricter regulations of coal ash after a 2008 Tennessee coal ash pond washout that created an environmental disaster.

No one was inside a trailer or the three box-like storage units that were sucked up in the mudslide, which also pushed a pickup truck into Lake Michigan and destroyed a temporary tool storage shed, We Energies spokesman Brian Manthey said. Some of the equipment was being used to dredge a storm-water retention pond close to the lake.

Noting that about 100 construction workers were in the area at the time of the incident just after 11 a.m. Monday, Manthey said "we're very fortunate that there were no injuries reported." The construction workers are not We Energies employees.

Rosandich said contractors were taking an inventory of what exactly was lost in the mudslide.

Fuel sheen on lake A fuel sheen covered the surface of Lake Michigan next to the plant Monday afternoon. Clean Harbors, a company hired by We Energies, will deploy 1,500 feet of linear boom on the water to contain the debris and fuel. McNulty said the weather forecast for Tuesday is favorable for cleanup of the lake.

The bluff failure was near a new air quality control system under construction. After the collapse, authorities were testing the soil for stability as well as testing soil around the air quality control building under construction. Manthey said there was no danger of a further collapse.

Just what caused part of the hill to collapse was unknown. The National Weather Service office in Sullivan reported only 0.23 inch of rain fell at Milwaukee's airport Sunday, and the only precipitation prior to that was a trace that fell on Oct. 27, meteorologist Ed Townsend said.

University of Wisconsin-Milwaukee geology professor Tom Hooyer said that based on aerial images of the site, seepage from a high water table is more likely the cause of the failure than erosion from the lake, especially considering Lake Michigan is about 200 feet below the bluff site that failed.

Hooyer questioned whether the retention pond near the site of the collapse had a lining. If not, it's possible seepage from that pond could have loosened the nearby soil, he said.

Manthey said a storm-water retention pond uphill from the mudslide is not lined. We Energies pumped water from the pond later Monday. Power continued generating at both the original and new coal plants. Because the pollution control equipment was not yet hooked up to the plant, the incident didn't affect operations at either plant, Manthey said.

Oak Creek's water utility was also not affected because the community's water intake pipe is two miles north of the power plant and one mile out into Lake Michigan, Oak Creek utilities engineer Mike Sullivan said. Oak

Creek supplies water to residents of its city as well as Franklin and the northern half of Caledonia.

Oak Creek water utility officials were worried that the water pipes it uses to supply water to the We Energies plant might have been severed in the bluff collapse, but Sullivan said that did not happen. Debris flows south Maureen Wolff lives in Caledonia about a mile from the power plant and can see the plant's smokestacks from her home. She walked to the lakefront shortly after the incident and was dismayed to see lots of debris and wood floating south toward Racine. Because of the dark color of the debris, Wolff wondered if coal ash ended up in the lake.

"All this is going along the coastline, and they're telling people all it is just a few trailers and possibly some tools. No one is saying what exactly is in it," said Wolff, a Caledonia resident for more than 50 years.

Later Monday afternoon, We Energies confirmed that coal ash was likely in the debris. A local environmental group leader said coal ash was disposed in multiple locations over the years, when environmental rules were much more lenient.

"We definitely want the environmental agencies and We Energies to study how much of that coal ash, if any, went into Lake Michigan because it does pose such a threat to human health and the environment," said Cheryl Nenn, riverkeeper with the group Milwaukee Riverkeeper.

Wisconsin has more stringent coal ash disposal rules than many states, Nenn said, but there are still concerns given the historic practices of ash disposal before the 1970s brought new environmental regulations such as the Clean Air Act and the Clean Water Act.

"The (Tennessee) disaster in 2008 highlighted the need to have consistent regulations nationwide and more regulation as to where these things are stored, how they're monitored, and how closely they're put next to drinking water sources," Nenn said, noting Lake Michigan's role as a source for drinking water for more than 40 million people. The air quality control system project under construction at Oak Creek is the second most expensive construction project ever undertaken by We Energies, with a price tag of \$900 million. Construction began in 2008.

The project is adding scrubbers and other pollution control equipment to reduce the emissions of sulfur dioxide and nitrogen oxide.

The air controls will serve the original Oak Creek coal plant, which has four boilers that opened from 1959 to 1967. The original coal plant is just south of the new two-plant coal operation that opened earlier this year, at a cost of more than \$2.3 billion.

During an investor conference call last week, company Chairman and chief executive Gale Klappa said the project was about 90% complete and was on time and on budget, with the new controls expected to undergo testing before completion in 2012.

In a report filed last week with the state Public Service Commission, We Energies said the air emissions control construction project had gone 2.4 million hours without a lost-time injury.

In 2008, We Energies hired the Washington Division of San Francisco-based URS Corp. to perform the engineering, management,

procurement, construction and commissioning for the project.

Known as Washington Group until it was sold to URS, the contractor did a similar pollution-control project on the We Energies coal-fired power plant in Pleasant Prairie several years ago.

URS Washington also built the new natural gas-fired power plant in Port Washington for We Energies, and a coalfired power plant near Wausau for Wisconsin Public Service Corp.

Thomas Content and Sharif Durhams of the Journal Sentinel staff contributed to this report.

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MARK HOFFMAN / MHOFFMAN@JOURNALSENTINEL.COM MARK HOFFMAN / MHOFFMAN@JOURNALSENTINEL.COM The bluff failure is near a new air quality control system under construction at We Energies' Oak Creek power plant.; WE ENERGIES PHOTO The entire bluff is seen at the construction site before the collapse of one section. The section that collapsed is to the left, near a storm-water pond.

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<http://global.factiva.com/redir/default.aspx?p=vf&view=a&fid=300884012&aid=9ZZZ046200&nss=65&ft=g&ep=AE&OD=V2AUbjNaqd6b6yKMegonfnoUAZrTDW4K5jnAwC70GVmxNgFHvQHJ%2bYpg%3d%3d%7c2>

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01268-EPA-7081

Gina McCarthy/DC/USEPA/US  
11/01/2011 04:31 PM  
To AI Armendariz  
cc Bob Perciasepe, Brendan Gilfillan, David Bloomgren,  
"Ganesan, Arvin", Joseph Goffman, "Oster, Seth", "Sussman,  
Bob", "Windsor, Richard", "Woodka, Janet"  
bcc  
Subject Re: Fluor to Provide Construction Services for Luminant's  
Environmental Retrofit Program Nov 1 2011 | Nachricht |  
finanzen.net

Try not to spread this job creating propaganda - EPA's rep is at stake!

From: AI Armendariz/R6/USEPA/US  
To: "McCarthy, Gina" <McCarthy.Gina@epamail.epa.gov>  
Cc: "Windsor, Richard" <windsor.richard@epa.gov>, Bob Perciasepe/DC/USEPA/US, "Oster, Seth"  
<Oster.Seth@epamail.epa.gov>, Brendan Gilfillan/DC/USEPA/US@EPA, "Ganesan, Arvin" <Ganesan.Arvin@epamail.epa.gov>, "Woodka, Janet" <woodka.janet@epa.gov>, "Sussman, Bob" <sussman.bob@epa.gov>, David Bloomgren/DC/USEPA/US, Joseph Goffman/DC/USEPA/US  
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<http://www.finanzen.net/nachricht/Fluor-to-Provide-Construction-Services-for-Luminant-s-Environmental-Retrofit-Program-1448796>

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7084

Richard  
Windsor/DC/USEPA/US  
11/02/2011 08:10 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Tx.

(b)(5) deliberative

---

**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 08:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

Just spoke to Seth abt this - we're gng to throw up a blog first thing tomorrow to set the record straight.

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:06 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/02/2011 11:58 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

### EPA chief's toxic emissions

Washington Times

By Steve Milloy It is time for **Lisa P. Jackson** to resign. Last Friday at Howard University, the administrator of the **Environmental Protection Agency (EPA)** railed against the coal industry, saying, "In [the coal industry's] entire history - 50, 60, ...  
[See all stories on this topic »](#)

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Tip: Use a minus sign (-) in front of terms in your query that you want to exclude.  
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[Create](#) another alert.  
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01268-EPA-7085

**Richard  
Windsor/DC/USEPA/US**  
11/02/2011 09:23 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

(b)(5) deliberative

---

**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 09:19 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

(b)(5) deliberative

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:10 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Re: Google Alert - lisa jackson epa

Tx. (b)(5) deliberative

---

**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 08:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

Just spoke to Seth abt this - we're gng to throw up a blog first thing tomorrow to set the record straight.

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:06 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/02/2011 11:58 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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Washington Times

By Steve Milloy It is time for **Lisa P. Jackson** to resign. Last Friday at Howard University, the administrator of the **Environmental Protection Agency (EPA)** railed against the coal industry, saying, “In [the coal industry's] entire history - 50, 60, ...  
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01268-EPA-7086

**Richard  
Windsor/DC/USEPA/US**  
11/03/2011 05:41 PM

To : Betsaida Alcantara, Seth Oster  
 cc : "Betsaida Alcantara", Cynthia Giles-AA, "Brendan Gilfillan", Bob Perciasepe, "Diane Thompson", "Lisa Jackson"  
 bcc :  
 Subject : Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

All good. Right?  
 Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 11/03/2011 05:39 PM EDT  
**To:** Seth Oster  
**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Cynthia Giles-AA; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

Long investigative piece below but copying a pasting here the parts that mention EPA:

1. EPA told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.

2. Two weeks later, the EPA published the most damning assessment yet, deeming the analysis of the Keystone XL's necessity "unduly narrow" and asserting that the environmental impacts had not been "fully analyzed." EPA also charged that the State Department had not fully considered the impacts of a potential oil spill along the pipeline or proposed sufficient alternative routes. "As with all projects that have not addressed potentially significant impacts, this proposal is a potential candidate for referral to [CEQ]," the report concluded. The EPA's final grade for the draft EIS: "Inadequate."

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#### FULL STORY:

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 First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

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Earlier this year, top officials with the Environmental Protection Agency, the Department of Energy and the Department of Justice hauled a handful of senior State Department officials into a White House

meeting.

The gathering was the governmental equivalent of being called into the principal's office. The energy regulators wanted to know why State -- which had the power to approve a controversial oil pipeline project called Keystone XL -- hadn't demanded the completion of an important task: the evaluation of alternative pipeline routes between Canada and the Gulf Coast that would avoid the Nebraska sand hills, a hotbed of environmental concern and local outrage.

A Canadian company, TransCanada, planned to use Keystone to deliver "tar sands" crude through the American heartland and -- as with nearly every major interstate infrastructure project -- the pipeline's approval hinged on its ability to pass an environmental review. Because this pipeline crossed an international border, oversight for that process fell to State.

Environmental groups and other government agencies had already panned the first draft environmental impact statement (EIS) that the State Department had produced, nearly a year earlier. Now State, under fire for its handling of Keystone XL, hoped to mollify the pipeline's critics by issuing a rare supplemental draft of the review.

But as word of the new study spread to the other agencies, according to a person familiar with the White House meeting, it became apparent that the review wouldn't propose any serious alternative routes for the pipeline. Gathered at the offices of the White House's Council on Environmental Quality, the energy regulators attempted to strong-arm State into ordering such a study, despite the fact that it would likely cost several million dollars and delay the project another year.

State listened politely to the regulators' concerns and just as politely went about its business. The study never happened.

Hillary Clinton's State Department has now spent more than three years considering whether to greenlight Keystone, far longer than any previous similar projects. From the start, the process has been driven more by haste than cautious study, numerous government officials who participated in the process say. Officials there took far too long to recognize that Keystone XL would become a touchstone for so much controversy, choosing to focus on diplomatic reasons why the pipeline was 'in the national interest,' while overlooking environmental reasons why it might not be. Indeed, the department initially passed responsibility for the environmental review, now the focus of most of the uproar, into the hands of a single, inexperienced staffer and a contractor with ties to the energy industry, while -- as the meeting at CEQ showed -- disregarding other, more experienced agencies.

"They were in this mode of rubber-stamping these projects, just assuming they're great for energy security, they're great for Canadian relations," says a congressional staffer who was involved in Keystone XL and who requested anonymity because of the extraordinarily sensitive nature of the project. "By the time we got involved, they were all about getting it approved and not wanting to slow it down. It seemed to have been their mindset all along. The fact that this was going to be controversial? They had no idea."

In the meantime -- spurred on, no doubt, by the election season -- Keystone XL has grown into one of the most hotly contested energy projects in recent memory and has become a proxy for many of the essential decisions now facing the country about its energy future.

The department's early failure to pursue a more rigorous study of Keystone has left it exposed to criticism that it panders to the oil industry or is simply derelict in carrying out its regulatory responsibilities, however complex those duties might be. Environmental groups in particular have taken this tack, pointing to recently released emails that show an apparently cozy relationship between officials at State and representatives of TransCanada.

Familiar emails between a former Clinton campaign staffer named Paul Elliott, who went on to become a lobbyist for TransCanada and a diplomat at the U.S. Embassy in Ottawa have drawn particular scrutiny. Elliott, whose job on the campaign was less significant than some environmental groups initially made it out to be, did not respond to requests for comment.

Nevertheless, the controversy over State's impartiality has been intense -- especially after Clinton declared last October that she was "inclined" to approve the project, despite the lack of a completed environmental review.

On Tuesday, President Obama announced for the first time that he would personally make the final decision, using State's report as guidance.

State Department officials defend their approach to Keystone.

"As we have always said, the State Department is committed to a transparent, thorough and rigorous process," Principal Deputy Assistant Secretary Daniel Clune, who has been directly in charge of the project since early last year, told The Huffington Post.

The debate over Keystone comes at a pivotal moment for the world's energy and climate future. With revolution sweeping the Middle East, bountiful and dependable oil supplies from the Persian Gulf are less certain, even though America's demand for oil remains strong.

While the United States consumes a quarter of the world's oil, it only possesses a mere three percent of the total conventional reserves. And so the nation faces a difficult choice: either find a new, more efficient way to function, or rely on oil from harder-to-reach and more polluting sources, like shale oil deposits in North Dakota and Montana or the "tar sands" of Alberta.

State has pointed out that its primary charge is to decide if the project is broadly "in the national interest" and says the drawn-out process, and all of the criticism directed at it, are evidence of the seriousness with which it takes this responsibility. Environmentalists say that in subordinating environmental considerations to political and diplomatic ones, the department has done a disservice to the country, and not just environmentally. The stakes, they say, couldn't be higher.

#### 'INTERNAL CHAOS'

If State Department officials were initially unaware of the trouble that Keystone XL would bring, they couldn't ignore the outcry by early summer of 2010. In mid-April of that year, Clune's division completed its preliminary review into the environmental impact of the pipeline, opening a standard 45-day period for public review and comment.

The draft review noted a number of potentially serious concerns, including risks to groundwater and wetlands, wildlife impacts and even greenhouse gas emissions, but ultimately concluded that "the proposed Keystone XL Project would result in limited adverse environmental impacts during both construction and operation."

From there, the process was expected to be pro forma. The State Department does not often oversee environmental reviews; had the pipeline proposal not crossed an international border, no federal review would have been required at all. By and large, the review of interstate energy projects -- natural gas pipelines, transmission cables -- falls to the Federal Energy Regulatory Commission.

But recent projects for which State has done a environmental review -- a TransCanada project called Keystone 1, approved in 2008, and the Alberta Clipper, a conduit between the tar sands and Wisconsin -- have faced relatively little public notice.

Keystone XL, however, has been anything but a quiet affair, and State's review of the project's environmental impact could not have come at a worse time.

Four days before its release, an explosion on a BP oil rig in the Gulf of Mexico set off one of the largest environmental disasters in the nation's history, renewing debate about the wisdom of piping oil through America's backyard. Then a few weeks later, TransCanada began moving oil through Keystone 1 to Illinois and Oklahoma, and within days the pipeline sprung a leak.

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The early problems with Keystone 1 were an embarrassing setback for TransCanada, but also for officials at the State Department, whose environmental review of the Keystone XL proposal was starting to show its own cracks.

On July 1, the Department of the Interior posted a 33-page evaluation of the State report that faulted, among other things, its "minimal" discussion of important protections for endangered species. The next day, the Energy Department released its appraisal, which challenged some of the study's fundamental economic assumptions.

Two weeks later, the EPA published the most damning assessment yet, deeming the analysis of the Keystone XL's necessity "unduly narrow" and asserting that the environmental impacts had not been "fully analyzed." EPA also charged that the State Department had not fully considered the impacts of a potential oil spill along the pipeline or proposed sufficient alternative routes.

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By that point, with oil still flooding into the Gulf of Mexico, the State Department had already extended the public comment period twice, to 75 days. Officials briefly considered asking TransCanada to delay the pipeline by two years, though they just as quickly abandoned the idea. But the moves made little difference. By the end of July, when a State Department official at the U.S. Embassy in Ottawa emailed an old friend -- now a lobbyist for TransCanada -- her agency, she reported, was in a state of "internal chaos."

## KEYSTONE'S KOPS

The State Department's Bureau of Oceans and International Environmental and Scientific Affairs (OES), where the presidential permitting process takes place, has never been a highly sought-after posting. For the most part, OES staff are responsible for negotiating international treaties that involve natural resources, generally involving uncomplicated projects far from high-level eyes: a fiber optic cable in Tijuana, a bridge over the Rio Grande. Diplomats and political appointees often arrive there with no clue that the permitting responsibility falls to them.

And unlike the half-dozen other federal agencies that conduct environmental surveys, OES doesn't have any professional scientists on staff. That's atypical: When FERC recently evaluated a proposed natural gas pipeline that would run through Manhattan into New Jersey, a team of eight experts from its compliance division contributed to the draft environmental impact statement, including a geologist, a chemical engineer, an anthropologist, even a rocket scientist, plus input from an outside consulting firm.

By contrast, the environmental reviews by State -- including all the drafts for Keystone XL -- rely solely on the expertise of a contractor with ties to TransCanada. The firm, CardnoEntrix, also worked on the State Department's review of Keystone 1 and ran the EIS process for Alberta Clipper.

But where some have seen signs of complicity or conflicts of interest, others say the problem was simply that without comparable expertise, the State Department was ill-equipped to adjudicate technical disagreements between the contractor and other government agencies.

"It's not the business they're in, quite frankly," a federal environmental compliance official from another

agency that consulted on Keystone XL said of the State Department.

"The people I worked with at State were good, honest people, and they were very inexperienced and naive about environmental laws," said the official. "They did not have a senior expert on their environmental impact study, and I've never seen that before."

Indeed, for the first stages of Keystone XL -- as well as the entirety of Alberta Clipper and Keystone 1 -- the vast majority of responsibility for coordinating the environmental review fell to Elizabeth "Betsy" Orlando, a young member of the foreign service with no scientific background and little institutional support.

A lawyer by training, Orlando was technically a diplomatic courier, a job that normally entails shuttling classified materials around the globe, not delving into policy matters.

But according to several people familiar with the matter, Orlando -- whose name appears on just about every technical document associated with the Keystone 1, Alberta Clipper and Keystone XL projects -- was initially assigned to be the sole individual working full-time on the pipeline reviews at State. At a public hearing in Oklahoma during summer 2010, Kimberly Demuth, a vice president at CardnoEntrix, described the State Department's capacity as "a staff of one person, Betsy Orlando, who's in charge of this project."

In October 2010, when her tour was over, Orlando was posted to the U.S. Embassy in Nigeria. Reached by email, she declined to comment and referred questions to the State Department.

A senior State Department official, authorized to speak only on background, acknowledged the paucity of scientific minds at OES but disputed the notion that the department lacked expertise.

"We feel we're very qualified to do this," he said in a recent phone interview, citing in-house experts on "energy markets and economic issues" at the Economic and Energy Bureau and legal advisers on National Environmental Protection Act case law, as well as numerous interagency consultations.

"We realized that we need to work with others to bring in all the expertise that's required, which is why we reach out beyond the State Department to other agencies within the U.S. government, and bring in contractor expertise when necessary," he said. "So the expertise is there. I guess the trick for us as managers was just bringing all that team together and getting them to focus on this, because of course everybody's already very busy."

Still, a review of publicly available documents and conversations with numerous government officials who interacted with State on Keystone XL suggest that the agency was often too busy or uninvolved to take other input.

Fish and Wildlife Service officials were particularly concerned that their warnings went unheeded, especially regarding the pipeline's possible effects on migratory birds and the habitats of a rare American beetle. For months after the draft EIS came out, emails obtained via a Freedom of Information Act request show officials from FWS and other agencies trying to make their case to officials with CardnoEntrix -- often even with the contractor's consultant, Trow Engineering. (The FOIA request, filed by the National Wildlife Federation, resulted in the emails being posted to a public portion of the FWS website.)

At one point this past January, a Nebraska field supervisor got fed up. "I have a real concern that the Department of State (DOS) is not engaged in the discussions and negotiation of the Keystone XL Pipeline Project," he wrote in an email that was made public on a government website in response to an earlier FOIA request. "I feel pretty strongly that meetings here on out need a DOS decision maker involved and engaged."

This spring, when an Interior Department NEPA compliance manager named Lisa Treichel realized she had missed a phone call offering her a "brief window" of time to offer comments on the supplemental draft, she wrote to one of her superiors, "I requested an extension but received no input back which to me

equals 'denied.'" (Spokesmen for Interior and Fish and Wildlife declined to comment on the interactions. An EPA spokesman told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.)

Larry Svoboda, a retired EPA official who helped oversee his agency's NEPA compliance review for Keystone 1 from a field office in Colorado, said he thinks one reason the State Department had been taken aback by the uproar over KXL was because the EPA had altered its approach under the Obama administration.

"There was a huge policy shift to look intensively at the climate change issues," Svoboda said. "I don't blame State for being astounded. They didn't change, we did."

For their part, State Department officials say they have changed, at least in the past year or so. After the feedback on the draft EIS, they drew up a list of 57 safety conditions -- with help from the Department of Transportation -- that TransCanada would agree to follow. The Natural Resource Defense Council, however, has dismissed all but a few of the 57 points as symbolic.

State has also ordered a pair of new studies: one, by a firm called ICF International, to look into EPA concerns about greenhouse gases; the other, by Department of Energy contractor Ensys, to investigate whether the pipeline is truly necessary. And inside the department, officials say, more staffers have been assigned to work on Keystone XL and consultations have expanded, growing to include a weekly Friday staff meeting with top officials and relevant experts.

"The most important thing, for us, is to do a comprehensive, transparent and thorough review, and make the best decision that we can," the senior State Department official said. "We think we're still on track to do that by the end of the year, but the most important thing for us is to do the thorough review and make sure that we've covered all the bases, and that the decision is the best one for the country."

01268-EPA-7087

**Richard  
Windsor/DC/USEPA/US**  
11/03/2011 06:51 PM

To Betsaida Alcantara  
cc  
bcc  
**Subject: Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review**

Last time I checked its a free country.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 11/03/2011 06:22 PM EDT  
**To:** Richard Windsor  
**Cc:** "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>; Bob Perciasepe; Cynthia Giles-AA; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Seth Oster; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review  
Yes. Overall no major flags for EPA. The only new thing here for us is this former EPA employee's comments.

Richard Windsor All good. Right? ----- Original Messa... 11/03/2011 05:41:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Cc: "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>  
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By contrast, the environmental reviews by State -- including all the drafts for Keystone XL -- rely solely on the expertise of a contractor with ties to TransCanada. The firm, CardnoEntrix, also worked on the State Department's review of Keystone 1 and ran the EIS process for Alberta Clipper.

But where some have seen signs of complicity or conflicts of interest, others say the problem was simply that without comparable expertise, the State Department was ill-equipped to adjudicate technical disagreements between the contractor and other government agencies.

"It's not the business they're in, quite frankly," a federal environmental compliance official from another agency that consulted on Keystone XL said of the State Department.

"The people I worked with at State were good, honest people, and they were very inexperienced and naive about environmental laws," said the official. "They did not have a senior expert on their environmental impact study, and I've never seen that before."

Indeed, for the first stages of Keystone XL -- as well as the entirety of Alberta Clipper and Keystone 1 -- the vast majority of responsibility for coordinating the environmental review fell to Elizabeth "Betsy" Orlando, a young member of the foreign service with no scientific background and little institutional support.

A lawyer by training, Orlando was technically a diplomatic courier, a job that normally entails shuttling classified materials around the globe, not delving into policy matters.

But according to several people familiar with the matter, Orlando -- whose name appears on just about every technical document associated with the Keystone 1, Alberta Clipper and Keystone XL projects -- was initially assigned to be the sole individual working full-time on the pipeline reviews at State. At a public hearing in Oklahoma during summer 2010, Kimberly Demuth, a vice president at CardnoEntrix, described the State Department's capacity as "a staff of one person, Betsy Orlando, who's in charge of this project."

In October 2010, when her tour was over, Orlando was posted to the U.S. Embassy in Nigeria. Reached by email, she declined to comment and referred questions to the State Department.

A senior State Department official, authorized to speak only on background, acknowledged the paucity of scientific minds at OES but disputed the notion that the department lacked expertise.

"We feel we're very qualified to do this," he said in a recent phone interview, citing in-house experts on "energy markets and economic issues" at the Economic and Energy Bureau and legal advisers on

National Environmental Protection Act case law, as well as numerous interagency consultations.

"We realized that we need to work with others to bring in all the expertise that's required, which is why we reach out beyond the State Department to other agencies within the U.S. government, and bring in contractor expertise when necessary," he said. "So the expertise is there. I guess the trick for us as managers was just bringing all that team together and getting them to focus on this, because of course everybody's already very busy."

Still, a review of publicly available documents and conversations with numerous government officials who interacted with State on Keystone XL suggest that the agency was often too busy or uninvolved to take other input.

Fish and Wildlife Service officials were particularly concerned that their warnings went unheeded, especially regarding the pipeline's possible effects on migratory birds and the habitats of a rare American beetle. For months after the draft EIS came out, emails obtained via a Freedom of Information Act request show officials from FWS and other agencies trying to make their case to officials with CardnoEntrix -- often even with the contractor's consultant, Trow Engineering. (The FOIA request, filed by the National Wildlife Federation, resulted in the emails being posted to a public portion of the FWS website.)

At one point this past January, a Nebraska field supervisor got fed up. "I have a real concern that the Department of State (DOS) is not engaged in the discussions and negotiation of the Keystone XL Pipeline Project," he wrote in an email that was made public on a government website in response to an earlier FOIA request. "I feel pretty strongly that meetings here on out need a DOS decision maker involved and engaged."

This spring, when an Interior Department NEPA compliance manager named Lisa Treichel realized she had missed a phone call offering her a "brief window" of time to offer comments on the supplemental draft, she wrote to one of her superiors, "I requested an extension but received no input back which to me equals 'denied.'" (Spokesmen for Interior and Fish and Wildlife declined to comment on the interactions. An EPA spokesman told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.)

Larry Svoboda, a retired EPA official who helped oversee his agency's NEPA compliance review for Keystone 1 from a field office in Colorado, said he thinks one reason the State Department had been taken aback by the uproar over KXL was because the EPA had altered its approach under the Obama administration.

"There was a huge policy shift to look intensively at the climate change issues," Svoboda said. "I don't blame State for being astounded. They didn't change, we did."

For their part, State Department officials say they have changed, at least in the past year or so. After the feedback on the draft EIS, they drew up a list of 57 safety conditions -- with help from the Department of Transportation -- that TransCanada would agree to follow. The Natural Resource Defense Council, however, has dismissed all but a few of the 57 points as symbolic.

State has also ordered a pair of new studies: one, by a firm called ICF International, to look into EPA concerns about greenhouse gases; the other, by Department of Energy contractor Ensys, to investigate whether the pipeline is truly necessary. And inside the department, officials say, more staffers have been assigned to work on Keystone XL and consultations have expanded, growing to include a weekly Friday staff meeting with top officials and relevant experts.

"The most important thing, for us, is to do a comprehensive, transparent and thorough review, and make the best decision that we can," the senior State Department official said. "We think we're still on track to do that by the end of the year, but the most important thing for us is to do the thorough review and make sure that we've covered all the bases, and that the decision is the best one for the country."



01268-EPA-7088

Richard  
Windsor/DC/USEPA/US  
11/04/2011 05:57 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Greenwire stories

(b)(5)

democracy

Lisa  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 11/04/2011 05:47 PM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster  
**Subject:** Greenwire stories

Original and correction - the speech has also been posted here:  
<http://www.youtube.com/watch?v=xcNeR6-EEGc>

EPA chief decries attacks on agency by 'jack-booted thugs'

Debra Kahn, E&E reporter

Published: Friday, November 4, 2011

BERKELEY, Calif. -- U.S. EPA Administrator Lisa Jackson took on congressional Republicans for trying to blame a sour economy on environmental regulations yesterday in a speech at the University of California, Berkeley, School of Law.

Jackson accused House and Senate Republicans of deliberately misusing EPA's assertion that it would need 230,000 people to enforce greenhouse gas regulations. The number, she said, was drawn from an agency document arguing for "tailoring" the regulations to exempt small businesses.

"Those jack-booted thugs knew that," she said of the Republicans.

The EPA chief has been on an offensive lately against Republican charges that environmental regulations are threatening the U.S. economy. Yesterday, she reprised the assertion she made in a Los Angeles Times op-ed last month that Republicans consider coal-fired power plants, industrial boilers and other polluting facilities "too dirty to fail."

Jackson defended President Obama's decision to shelf a proposed toughening of the air pollution standards for ozone in the face of industry and Republican assertions that the rule would cost American jobs.

EPA had proposed a standard for ground-level ozone within the 60 to 70 parts per billion range -- tougher than the 75 ppb standard chosen in 2008 by the George W. Bush administration and in line with the recommendation of EPA's science advisers. But Obama told EPA to wait until the next review of the standard wraps up in 2013.

"The president made a tough call," Jackson said. "He said [the ozone standards] would be re-evaluated anyway under their normal cycle. Given all that's going on, let's wait for the latest science."

Moving to a major concern for environmentalists about the administration's handling of the proposed Keystone XL pipeline, which would link Canada's oil-sands region to the Gulf Coast, Jackson tried to assure the audience here that the State Department, EPA and President Obama himself would handle the matter carefully.

Jackson elaborated on Obama's statement Tuesday that the president would himself do a thorough review of the State Department's "recommendation" on the \$7 billion pipeline (E&E Daily<  
<http://www.eenews.net/EEDaily/2011/11/02/archive/2>>, Nov. 2).

"I think what he conveyed is an acknowledgement that communities across this country and many students have made it clear this is a decision that's extremely important to them," Jackson said. "The president didn't want anyone to walk away thinking he is not aware of those concerns or his administration is not looking at this together. It's not going to be State versus EPA looking at it."

EPA, she said, would weigh in with more comments on State's environmental impact statement, which predicts limited environmental effects from the pipeline (Greenwire<  
<http://www.eenews.net/Greenwire/2011/08/26/archive/1>>, Aug 26).

"We have another set of comments to go," she said.

Correction: EPA Administrator Lisa Jackson's use of "jack-booted thugs" referred to how her agency's critics characterized new employees that EPA would need to enforce greenhouse gas regulations without a "tailoring rule" to limit the number of regulated businesses. She was not referring to congressional Republicans.

EPA chief decries attacks by congressional Republicans

Debra Kahn, E&E reporter

Correction appended.

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Jackson accused House and Senate Republicans of deliberately misusing EPA's assertion that it would need 230,000 people to enforce greenhouse gas regulations. The number, she said, was drawn from an agency document arguing for "tailoring" the regulations to exempt small businesses.

"A massive expansion was never a possibility and the people who cited the 230,000 new 'EPA jack-booted thugs' knew that," Jackson said.

The EPA chief has been on an offensive lately against Republican charges that environmental regulations are threatening the U.S. economy. Yesterday, she reprised the assertion she made in a Los Angeles Times op-ed last month that Republicans consider coal-fired power plants, industrial boilers and other polluting facilities "too dirty to fail."

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01268-EPA-7093

Richard  
Windsor/DC/USEPA/US  
11/17/2011 07:04 AM

To "Curt Spalding"  
cc "Lisa Garcia", "Sarah Pallone"  
bcc  
Subject Fw: Google Alert - lisa jackson epa

Hi Curt,

See the 2nd story below. As far as I know, I haven't gotten anything on this from the Governor.

Lisa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/17/2011 06:14 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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2 new results for **lisa jackson epa**

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01268-EPA-7094

**Richard  
Windsor/DC/USEPA/US**  
11/17/2011 08:19 AM

To Curt Spalding, "Curt Spalding"  
cc Lisa Garcia, "Sarah Pallone"  
bcc  
Subject Re: Google Alert - lisa jackson epa

Tx.

(b)(5) deliberative

[REDACTED] LPJ  
Curt Spalding

----- Original Message -----

**From:** Curt Spalding  
**Sent:** 11/17/2011 08:06 AM EST  
**To:** Richard Windsor; "Curt Spalding" <spalding.curt@epa.gov>  
**Cc:** Lisa Garcia; "Sarah Pallone" <pallone.sarah@epa.gov>  
**Subject:** RE: Google Alert - lisa jackson epa

(b)(5) deliberative

[REDACTED]

[REDACTED]

[REDACTED]

As the old adage goes - it is always something.

- Curt

---  
Curt Spalding  
Regional Administrator  
US EPA New England  
(617) 918-1012

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : "Curt Spalding" <spalding.curt@epa.gov>  
Cc : "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, "Sarah Pallone" <pallone.sarah@epa.gov>  
Sent on : 11/17/2011 07:04:13 AM  
Subject : Fw: Google Alert - lisa jackson epa

Hi Curt,

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Lisa

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/17/2011 06:14 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**News** 2 new results for **lisa jackson epa**

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01268-EPA-7095

Lisa Garcia/DC/USEPA/US

11/17/2011 08:35 AM

To Richard Windsor, Curt Spalding, "Curt Spalding"

cc "Sarah Pallone"

bcc

Subject Re: Google Alert - lisa jackson epa

It is a good story. Curt, Let me know if you need help. Thanks, lisa g  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 11/17/2011 08:19 AM EST

**To:** Curt Spalding; "Curt Spalding" <spalding.curt@epa.gov>

**Cc:** Lisa Garcia; "Sarah Pallone" <pallone.sarah@epa.gov>

**Subject:** Re: Google Alert - lisa jackson epa

Tx

(b)(5) deliberative



Its a great story. LPJ  
Curt Spalding

----- Original Message -----

**From:** Curt Spalding

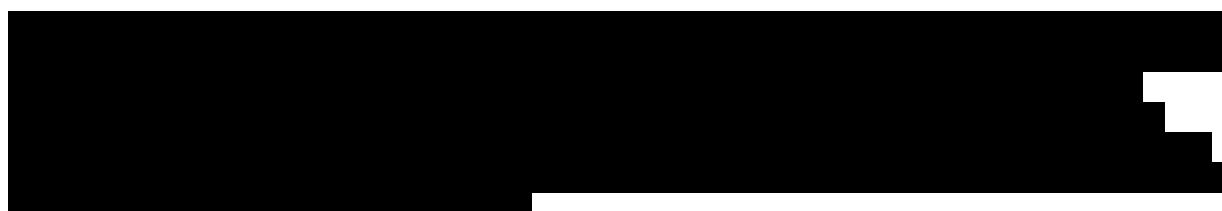
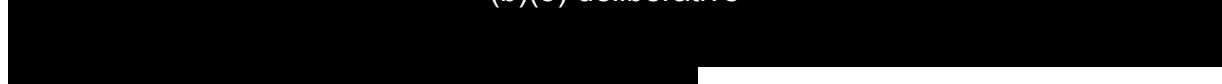
**Sent:** 11/17/2011 08:06 AM EST

**To:** Richard Windsor; "Curt Spalding" <spalding.curt@epa.gov>

**Cc:** Lisa Garcia; "Sarah Pallone" <pallone.sarah@epa.gov>

**Subject:** RE: Google Alert - lisa jackson epa

(b)(5) deliberative



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- Curt

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Curt Spalding  
Regional Administrator  
US EPA New England  
(617) 918-1012

----- Original Message -----

From : Richard Windsor/DC/USEPA/US  
To : "Curt Spalding" <spalding.curt@epa.gov>  
Cc : "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, "Sarah Pallone" <pallone.sarah@epa.gov>  
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01268-EPA-7096

(b) (6) Personal Privacy

11/19/2011 07:39 PM

To Gina McCarthy, Richard Windsor

cc

bcc

Subject airport scanners

# U.S. Government Glossed Over Cancer Concerns As It Rolled Out Airport X-Ray Scanners

[Scientists Cast Doubt on TSA Tests of Full-Body Scanners](#)

by Michael Grabell, ProPublica, May 16

One after another, the experts convened by the Food and Drug Administration raised questions about the machine because it violated a longstanding principle in radiation safety — that humans shouldn't be X-rayed unless there is a medical benefit.

"I think this is really a slippery slope," said Jill Lipoti, who was the director of New Jersey's radiation protection program. The device was already deployed in prisons; what was next, she and others asked — courthouses, schools, airports? "I am concerned ... with expanding this type of product for the traveling public," said another panelist, Stanley Savic, the vice president for safety at a large electronics company. "I think that would take this thing to an entirely different level of public health risk."

The machine's inventor, Steven W. Smith, assured the panelists that it was highly unlikely that the device would see widespread use in the near future. At the time, only 20 machines were in operation in the entire country.

"The places I think you are not going to see these in the next five years is lower-security facilities, particularly power plants, embassies, courthouses, airports and governments," Smith said. "I would be extremely surprised in the next five to 10 years if the Secure 1000 is sold to any of these."

Today, the United States has begun marching millions of airline passengers through the X-ray body scanners, parting ways with countries in Europe and elsewhere that have concluded that such widespread use of even low-level radiation poses an unacceptable health risk. The government is rolling out the X-ray scanners despite having a safer alternative that the Transportation Security Administration says is also highly effective.

A ProPublica/PBS NewsHour investigation of how this decision was made shows that in post-9/11 America, security issues can trump even long-established medical conventions. The final call to deploy the X-ray machines was made not by the FDA, which regulates drugs and medical devices, but by the TSA, an agency whose primary mission is to prevent terrorist attacks.

Research suggests that anywhere from six to 100 U.S. airline passengers each year could get cancer from the machines. Still, the TSA has repeatedly defined the scanners as "safe," glossing over the accepted scientific view that even low doses of ionizing radiation — the kind beamed directly at the body by the X-ray scanners — increase the risk of cancer.

"Even though it's a very small risk, when you expose that number of people, there's a potential for some of them to get cancer," said Kathleen Kaufman, the former radiation management director in Los Angeles County, who brought the prison X-rays to the FDA panel's attention.

About 250 X-ray scanners are currently in U.S. airports, along with 264 body scanners that use a different technology, a form of low-energy radio waves known as millimeter waves.

Robin Kane, the TSA's assistant administrator for security technology, said that no one would get cancer because the amount of radiation the X-ray scanners emit is minute. Having both technologies is important to create competition, he added.

"It's a really, really small amount relative to the security benefit you're going to get," Kane said. "Keeping multiple technologies in play is very worthwhile for the U.S. in getting that cost-effective solution — and being able to increase the capabilities of technology because you keep everyone trying to get the better mousetrap."

Determined to fill a critical hole in its ability to detect explosives, the TSA plans to have one or the other operating at nearly every security lane in America by 2014. The TSA has designated the scanners for "primary" screening: Officers will direct every passenger, including children, to go through either a metal detector or a body scanner, and the passenger's only alternative will be to request a physical pat-down.

How did the United States swing from considering such X-rays taboo to deeming them safe enough to scan millions of people a year?

A new wave of terrorist attacks using explosives concealed on the body, coupled with the scanners' low dose of radiation, certainly convinced many radiation experts that the risk was justified.

But other factors helped the machines gain acceptance.

Because of a regulatory Catch-22, the airport X-ray scanners have escaped the oversight required for X-ray machines used in doctors' offices and hospitals. The reason is that the scanners do not have a medical purpose, so the FDA cannot subject them to the rigorous evaluation it applies to medical devices.

Still, the FDA has limited authority to oversee some non-medical products and can set mandatory safety regulations. But the agency let the scanners fall under voluntary standards set by a nonprofit group heavily influenced by industry.

As for the TSA, it skipped a public comment period required before deploying the scanners. Then, in defending them, it relied on a small body of unpublished research to insist the machines were safe, and ignored contrary opinions from U.S. and European authorities that recommended precautions, especially for pregnant women. Finally, the manufacturer, Rapiscan Systems, unleashed an intense and sophisticated lobbying campaign, ultimately winning large contracts.

Both the FDA and TSA say due diligence has been done to assure the scanners' safety. Rapiscan says it won the contract because its technology is superior at detecting threats. While the TSA says X-ray and millimeter-wave scanners are both effective, Germany decided earlier this year not to roll out millimeter-wave machines after finding they produced too many false positives.

Most of the news coverage on body scanners has focused on privacy, because the machines can produce images showing breasts and buttocks. But the TSA has since installed software to make the images less graphic. While some accounts have raised the specter of radiation, this is the first report to trace the history of the scanners and document the gaps in regulation that allowed them to avoid rigorous safety evaluation.

### **Little research on cancer risk of body scanners**

Humans are constantly exposed to ionizing radiation, a form of energy that has been shown to strip electrons from atoms, damage DNA and mutate genes, potentially leading to cancer. Most radiation comes from radon, a gas produced from naturally decaying elements in the ground. Another major source is cosmic radiation from outer space. Many common items, such as smoke detectors, contain tiny amounts of radioactive material, as do exit signs in schools and office buildings.

As a result, the cancer risk from any one source of radiation is often small. Outside of nuclear accidents, such as that at Japan's Fukushima plant, and medical errors, the health risk comes from cumulative exposure.

In Rapiscan's Secure 1000 scanner, which uses ionizing radiation, a passenger stands between two large blue boxes and is scanned with a pencil X-ray beam that rapidly moves left to right and up and down the body. In the other machine, ProVision, made by defense contractor L-3 Communications, a passenger enters a chamber that looks like a round phone booth and is scanned with millimeter waves, a form of low-energy radio waves, which have not been shown to strip electrons from atoms or cause cancer.

Only a decade ago, many states prohibited X-raying a person for anything other than a medical exam. Even after 9/11, such non-medical X-raying remains taboo in most of the industrialized world. In July, the European Parliament passed a resolution that security "scanners using ionizing radiation should be prohibited" because of health risks. Although the United Kingdom uses the X-ray machine for limited purposes, such as when passengers trigger the metal detector, most developed countries have decided to forgo body scanners altogether or use only the millimeter-wave machines.

While the research on medical X-rays could fill many bookcases, the studies that have been done on the airport X-ray scanners, known as backscatters, fill a file no more than a few inches thick. None of the main studies cited by the TSA has been published in a peer-reviewed journal, the gold standard for scientific research.

Those tests show that the Secure 1000 delivers an extremely low dose of radiation, less than 10 microrems. The dose is roughly one-thousandth of a chest X-ray and equivalent to the cosmic radiation received in a few minutes of flying at typical cruising altitude. The TSA has used those measurements to say the machines are "safe."

Most of what researchers know about the long-term health effects of low levels of radiation comes from studies of atomic bomb survivors in Hiroshima and Nagasaki. By charting exposure levels and cancer cases, researchers established a linear link that shows the higher the exposure, the greater risk of cancer.

Some scientists argue the danger is exaggerated. They claim low levels stimulate the repair mechanism in cells, meaning that a little radiation might actually be good for the body.

But in the authoritative report on low doses of ionizing radiation, published in 2006, the National Academy of Sciences reviewed the research and concluded that the preponderance of research supported the linear link. It found "no compelling evidence" that there is any level of radiation at which the risk of cancer is zero.

Radiation experts say the dose from the backscatter is negligible when compared to naturally occurring background radiation. Speaking to the 1998 FDA panel, Smith, the inventor, compared the increased risk to choosing to visit Denver instead of San Diego or the decision to wear a sweater versus a sport coat.

Using the linear model, even such trivial amounts increase the number of cancer cases. Rebecca Smith-Bindman, a radiologist at the University of California, San Francisco, estimated that the

backscatters would lead to only six cancers over the course of a lifetime among the approximately 100 million people who fly every year. David Brenner, director of Columbia University's Center for Radiological Research, reached a higher number — potentially 100 additional cancers every year.

"Why would we want to put ourselves in this uncertain situation where potentially we're going to have some cancer cases?" Brenner asked. "It makes me think, really, why don't we use millimeter waves when we don't have so much uncertainty?"

But even without the machines, Smith-Bindman said, the same 100 million people would develop 40 million cancers over the course of their lifetimes. In this sea of cancer cases, it would be impossible to identify the patients whose cancer is linked to the backscatter machines.

### **How the scanners avoided strict oversight**

Although they deliberately expose humans to radiation, the airport X-ray scanners are not medical devices, so they are not subject to the stringent regulations required for diagnostic X-ray machines.

If they were, the manufacturer would have to submit clinical data showing safety and effectiveness and be approved through a rigorous process by the FDA. If the machines contained radioactive material, they would have to report to the Nuclear Regulatory Commission.

But because it didn't fit into either category, the Secure 1000 was classified as an electronic product. The FDA does not review or approve the safety of such products. However, manufacturers must provide a brief radiation safety report explaining the dose and notify the agency if any overexposure is discovered. According to the FDA, no such incidents have been reported.

Under its limited oversight of electronic products, the FDA could issue mandatory safety regulations. But it didn't do so, a decision that flows from its history of supervising electronics.

Regulation of electronic products in the United States began after a series of scandals. From the 1930s to the 1950s, it was common for a child to go to a shoe store and stand underneath an X-ray machine known as a fluoroscope to check whether a shoe was the right fit. But after cases arose of a shoe model's leg being amputated and store clerks developing dermatitis from putting their hands in the beam to adjust the shoe, the practice ended.

In 1967, General Electric recalled 90,000 color televisions that had been sold without the proper shielding, potentially exposing viewers to dangerous levels of radiation. The scandal prompted the creation of the federal Bureau of Radiological Health.

"That ultimately led to a lot more aggressive program," said John Villforth, who was the director of the bureau. Over the next decade, the bureau created federal safety standards for televisions, medical X-rays, microwaves, tanning beds, even laser light shows.

But in 1982, the FDA merged the radiological health bureau into its medical-device unit.

"I was concerned that if they were to combine the two centers into one, it would probably mean the ending of the radiation program because the demands for medical-device regulation were becoming increasingly great," said Villforth, who was put in charge of the new Center for Devices and Radiological Health. "As I sort of guessed, the radiation program took a big hit."

The new unit became stretched for scarce resources as it tried to deal with everything from tongue depressors to industrial lasers. The government used to have 500 people examining the safety of electronic products emitting radiation. It now has about 20 people. In fact, the FDA has not set a mandatory safety standard for an electronic product since 1985.

As a result, there is an FDA safety regulation for X-rays scanning baggage — but none for X-rays

scanning people at airports.

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Yet, even this limited application of X-ray scanning for security dismayed radiation safety experts. In 1999, the Conference of Radiation Control Program Directors, a nongovernmental organization, passed a resolution recommending that such screening be stopped immediately.

The backscatter machines had also caught the attention of the 1998 FDA advisory panel, which recommended that the FDA establish government safety regulations for people scanners. Instead, the FDA decided to go with a voluntary standard set by a trade group largely comprising manufacturers and government agencies that wanted to use the machines.

"Establishing a mandatory standard takes an enormous amount of resources and could take a decade to publish," said Dan Kassiday, a longtime radiation safety engineer at the FDA.

In addition, since the mid-1990s, Congress has directed federal safety agencies to use industry standards wherever possible instead of creating their own.

The FDA delegated the task of establishing the voluntary standards to the American National Standards Institute. A private nonprofit that sets standards for many industries, ANSI convened a committee of the Health Physics Society, a trade group of radiation safety specialists. It was made up of 15 people, including six representatives of manufacturers of X-ray body scanners and five from U.S. Customs and the California prison system. There were few government regulators and no independent scientists.

In contrast, the FDA advisory panel was also made up of 15 people — five representatives from government regulatory agencies, four outside medical experts, one labor representative and five experts from the electronic products industry, but none from the scanner manufacturers themselves.

"I am more comfortable with having a regulatory agency — either federal or the states — develop the standards and enforce them," Kaufman said. Such regulators, she added, "have only one priority, and that's public health."

A representative of the Health Physics Society committee said that was its main priority as well. Most of the committee's evaluation was completed before 9/11. The standard was published in 2002 and updated with minor changes in 2009.

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## Are Inspections Independent?

While the TSA doesn't regulate the machines, it must seek public input before making major changes to security procedures. In July, a federal appeals court ruled that the agency failed to follow rule-making procedures and solicit public comment before installing body scanners at airports across the country. TSA spokesman Michael McCarthy said the agency couldn't comment on ongoing litigation.

The TSA asserts there is no need to take additional precautions for sensitive populations, even pregnant women, following the guidance of the congressionally chartered National Council on Radiation Protection & Measurements.

But other authorities have come to the opposite conclusion. A report by France's radiation safety agency specifically warned against screening pregnant women with the X-ray devices. In addition, the Federal Aviation Administration's medical institute has advised pregnant pilots and flight attendants that the machine, coupled with their time in the air, could put them over their occupational limit for radiation exposure and that they might want to adjust their work schedules accordingly.

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That email also suggests that Segraves considered the Army inspectors a valuable public-relations asset: "They are our radiation myth busters," she wrote to a local security director.

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In addition, it opened a new North Carolina plant in Price's district and expanded its operations in Ocean Springs, Miss., and at its headquarters in Torrance, Calif., in Harman's district.

"Less than a month after U.S. Senator Trent Lott and other local leaders helped officially open Rapiscan Systems' new Ocean Springs factory," Lott's office announced in a news release in late 2006, "the company has won a \$9.1 million Department of Defense contract."

But Rapiscan still hadn't landed a major contract to roll out its X-ray body scanners in commercial airports. Indeed, in 2007, with new privacy filters in place, the TSA began a trial of millimeter-wave and backscatter machines at several major airports, after which the agency opted to go with the millimeter-wave machines. The agency said health concerns weren't a factor.

But with the 2009 federal stimulus package, which provided \$300 million for checkpoint security machines, the TSA began deploying backscatters as well. Rapiscan won a \$173 million, multiyear contract for the backscatters, with an initial \$25 million order for 150 systems to be made in Mississippi.

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"There's a lot of misinformation about the technology; there's a lot of questions about how various inspection technologies work," he said. "And we needed a way to be able to provide that information and explain the technology and how it works, and that's what lobbying is."

The lawmakers either declined to comment or said the lobbying, campaign contributions and local connections had nothing to do with the TSA's decision to purchase Rapiscan machines. The TSA said the contract was bid competitively and that the winning machines had to undergo comprehensive research and testing phases before being deployed.

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That changed on Christmas Day 2009, when a Nigerian man flying to Detroit tried to ignite a pouch of explosives hidden in his underwear.

Following the foiled "Great Balls of Fire" suicide bombing, as the New York Post dubbed it, Homeland Security Secretary Janet Napolitano ramped up plans to roll out body scanners nationwide. Members of Congress and aviation security experts also pushed heavily for the TSA to install more machines that could detect explosives on passengers.

Harman sent a letter to Napolitano, noting that Rapiscan was in her district.

"I urge you to expedite installation of scanning machines in key airports," Harman wrote in the letter, which was first reported by the website CounterPunch. "If you need additional funds, I am ready to help."

Michael Chertoff, who had supported body scanners while secretary of Homeland Security, appeared frequently on TV advocating their use. In one interview, he disclosed that his consulting firm, Chertoff Group, had done work for Rapiscan, sparking accusations that he was trying to profit from his time as a government servant.

Despite the criticism, little has been revealed about the relationship. Rapiscan dismissed it, asserting that the consulting work had to do with international cargo and port security issues — not aviation.

"There was nothing that was not above board," Kant said. "His comments about passenger screening and these machines were simply his own and was nothing that we had engaged the Chertoff Group for."

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In a statement, the Chertoff Group said it "played no role in the sale of whole body imaging technology to TSA" and that Chertoff "was in no way compensated for his public statements."

A public records request by ProPublica turned up empty: The Department of Homeland Security said it could not find any correspondence to or from Chertoff related to body scanners. DHS also said Chertoff did not use email.

The TSA plans to deploy 1,275 backscatter and millimeter-wave scanners covering more than half its security lanes by the end of 2012 and 1,800 covering nearly all the lanes by 2014.

According to annual reports filed with the Securities and Exchange Commission, OSI Systems, the parent company of Rapiscan, has seen revenue from its security division more than double since 2006 to nearly \$300 million in fiscal year 2011.

*Miles O'Brien and Kate Tobin of PBS NewsHour contributed to this report.*

**Correction (11/1):** An earlier version of this story said that an email [in which the TSA health and safety director said inspectors were "radiation myth busters"](#) [4] incorrectly identified them as Rapiscan's inspectors. The story should have said they were inspectors from the Army Public Health Command.

01268-EPA-7097

Richard  
Windsor/DC/USEPA/US  
11/19/2011 08:26 PM

To (b) (6)

cc

bcc

Subject Re: airport scanners

Just great!

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**From:** [REDACTED]  
**Sent:** 11/19/2011 07:39 PM EST  
**To:** Gina McCarthy; Richard Windsor  
**Subject:** airport scanners

## U.S. Government Glossed Over Cancer Concerns As It Rolled Out Airport X-Ray Scanners

[Scientists Cast Doubt on TSA Tests of Full-Body Scanners](#)

by Michael Grabell, ProPublica, May 16

One after another, the experts convened by the Food and Drug Administration raised questions about the machine because it violated a longstanding principle in radiation safety — that humans shouldn't be X-rayed unless there is a medical benefit.

"I think this is really a slippery slope," said Jill Lipoti, who was the director of New Jersey's radiation protection program. The device was already deployed in prisons; what was next, she and others asked — courthouses, schools, airports? "I am concerned ... with expanding this type of product for the traveling public," said another panelist, Stanley Savic, the vice president for safety at a large electronics company. "I think that would take this thing to an entirely different level of public health risk."

The machine's inventor, Steven W. Smith, assured the panelists that it was highly unlikely that the device would see widespread use in the near future. At the time, only 20 machines were in operation in the entire country.

"The places I think you are not going to see these in the next five years is lower-security facilities, particularly power plants, embassies, courthouses, airports and governments," Smith said. "I would be extremely surprised in the next five to 10 years if the Secure 1000 is sold to any of these."

Today, the United States has begun marching millions of airline passengers through the X-ray body scanners, parting ways with countries in Europe and elsewhere that have concluded that such widespread use of even low-level radiation poses an unacceptable health risk. The government is rolling out the X-ray scanners despite having a safer alternative that the Transportation Security Administration says is also highly effective.

A ProPublica/PBS NewsHour investigation of how this decision was made shows that in post-9/11 America, security issues can trump even long-established medical conventions. The final call to deploy

the X-ray machines was made not by the FDA, which regulates drugs and medical devices, but by the TSA, an agency whose primary mission is to prevent terrorist attacks.

Research suggests that anywhere from six to 100 U.S. airline passengers each year could get cancer from the machines. Still, the TSA has repeatedly defined the scanners as "safe," glossing over the accepted scientific view that even low doses of ionizing radiation — the kind beamed directly at the body by the X-ray scanners — increase the risk of cancer.

"Even though it's a very small risk, when you expose that number of people, there's a potential for some of them to get cancer," said Kathleen Kaufman, the former radiation management director in Los Angeles County, who brought the prison X-rays to the FDA panel's attention.

About 250 X-ray scanners are currently in U.S. airports, along with 264 body scanners that use a different technology, a form of low-energy radio waves known as millimeter waves.

Robin Kane, the TSA's assistant administrator for security technology, said that no one would get cancer because the amount of radiation the X-ray scanners emit is minute. Having both technologies is important to create competition, he added.

"It's a really, really small amount relative to the security benefit you're going to get," Kane said. "Keeping multiple technologies in play is very worthwhile for the U.S. in getting that cost-effective solution — and being able to increase the capabilities of technology because you keep everyone trying to get the better mousetrap."

Determined to fill a critical hole in its ability to detect explosives, the TSA plans to have one or the other operating at nearly every security lane in America by 2014. The TSA has designated the scanners for "primary" screening: Officers will direct every passenger, including children, to go through either a metal detector or a body scanner, and the passenger's only alternative will be to request a physical pat-down.

How did the United States swing from considering such X-rays taboo to deeming them safe enough to scan millions of people a year?

A new wave of terrorist attacks using explosives concealed on the body, coupled with the scanners' low dose of radiation, certainly convinced many radiation experts that the risk was justified.

But other factors helped the machines gain acceptance.

Because of a regulatory Catch-22, the airport X-ray scanners have escaped the oversight required for X-ray machines used in doctors' offices and hospitals. The reason is that the scanners do not have a medical purpose, so the FDA cannot subject them to the rigorous evaluation it applies to medical devices.

Still, the FDA has limited authority to oversee some non-medical products and can set mandatory safety regulations. But the agency let the scanners fall under voluntary standards set by a nonprofit group heavily influenced by industry.

As for the TSA, it skipped a public comment period required before deploying the scanners. Then, in defending them, it relied on a small body of unpublished research to insist the machines were safe, and ignored contrary opinions from U.S. and European authorities that recommended precautions, especially for pregnant women. Finally, the manufacturer, Rapiscan Systems, unleashed an intense and sophisticated lobbying campaign, ultimately winning large contracts.

Both the FDA and TSA say due diligence has been done to assure the scanners' safety. Rapiscan says it won the contract because its technology is superior at detecting threats. While the TSA says X-ray and millimeter-wave scanners are both effective, Germany decided earlier this year not to roll out millimeter-wave machines after finding they produced too many false positives.

Most of the news coverage on body scanners has focused on privacy, because the machines can produce images showing breasts and buttocks. But the TSA has since installed software to make the images less graphic. While some accounts have raised the specter of radiation, this is the first report to trace the history of the scanners and document the gaps in regulation that allowed them to avoid rigorous safety evaluation.

### **Little research on cancer risk of body scanners**

Humans are constantly exposed to ionizing radiation, a form of energy that has been shown to strip electrons from atoms, damage DNA and mutate genes, potentially leading to cancer. Most radiation comes from radon, a gas produced from naturally decaying elements in the ground. Another major source is cosmic radiation from outer space. Many common items, such as smoke detectors, contain tiny amounts of radioactive material, as do exit signs in schools and office buildings.

As a result, the cancer risk from any one source of radiation is often small. Outside of nuclear accidents, such as that at Japan's Fukushima plant, and medical errors, the health risk comes from cumulative exposure.

In Rapiscan's Secure 1000 scanner, which uses ionizing radiation, a passenger stands between two large blue boxes and is scanned with a pencil X-ray beam that rapidly moves left to right and up and down the body. In the other machine, ProVision, made by defense contractor L-3 Communications, a passenger enters a chamber that looks like a round phone booth and is scanned with millimeter waves, a form of low-energy radio waves, which have not been shown to strip electrons from atoms or cause cancer.

Only a decade ago, many states prohibited X-raying a person for anything other than a medical exam. Even after 9/11, such non-medical X-raying remains taboo in most of the industrialized world. In July, the European Parliament passed a resolution that security "scanners using ionizing radiation should be prohibited" because of health risks. Although the United Kingdom uses the X-ray machine for limited purposes, such as when passengers trigger the metal detector, most developed countries have decided to forgo body scanners altogether or use only the millimeter-wave machines.

While the research on medical X-rays could fill many bookcases, the studies that have been done on the airport X-ray scanners, known as backscatters, fill a file no more than a few inches thick. None of the main studies cited by the TSA has been published in a peer-reviewed journal, the gold standard for scientific research.

Those tests show that the Secure 1000 delivers an extremely low dose of radiation, less than 10 microrems. The dose is roughly one-thousandth of a chest X-ray and equivalent to the cosmic radiation received in a few minutes of flying at typical cruising altitude. The TSA has used those measurements to say the machines are "safe."

Most of what researchers know about the long-term health effects of low levels of radiation comes from studies of atomic bomb survivors in Hiroshima and Nagasaki. By charting exposure levels and cancer cases, researchers established a linear link that shows the higher the exposure, the greater risk of cancer.

Some scientists argue the danger is exaggerated. They claim low levels stimulate the repair mechanism in cells, meaning that a little radiation might actually be good for the body.

But in the authoritative report on low doses of ionizing radiation, published in 2006, the National Academy of Sciences reviewed the research and concluded that the preponderance of research supported the linear link. It found "no compelling evidence" that there is any level of radiation at which the risk of cancer is zero.

Radiation experts say the dose from the backscatter is negligible when compared to naturally occurring background radiation. Speaking to the 1998 FDA panel, Smith, the inventor, compared the increased risk to choosing to visit Denver instead of San Diego or the decision to wear a sweater versus a sport coat.

Using the linear model, even such trivial amounts increase the number of cancer cases. Rebecca Smith-Bindman, a radiologist at the University of California, San Francisco, estimated that the backscatters would lead to only six cancers over the course of a lifetime among the approximately 100 million people who fly every year. David Brenner, director of Columbia University's Center for Radiological Research, reached a higher number — potentially 100 additional cancers every year.

"Why would we want to put ourselves in this uncertain situation where potentially we're going to have some cancer cases?" Brenner asked. "It makes me think, really, why don't we use millimeter waves when we don't have so much uncertainty?"

But even without the machines, Smith-Bindman said, the same 100 million people would develop 40 million cancers over the course of their lifetimes. In this sea of cancer cases, it would be impossible to identify the patients whose cancer is linked to the backscatter machines.

### **How the scanners avoided strict oversight**

Although they deliberately expose humans to radiation, the airport X-ray scanners are not medical devices, so they are not subject to the stringent regulations required for diagnostic X-ray machines.

If they were, the manufacturer would have to submit clinical data showing safety and effectiveness and be approved through a rigorous process by the FDA. If the machines contained radioactive material, they would have to report to the Nuclear Regulatory Commission.

But because it didn't fit into either category, the Secure 1000 was classified as an electronic product. The FDA does not review or approve the safety of such products. However, manufacturers must provide a brief radiation safety report explaining the dose and notify the agency if any overexposure is discovered. According to the FDA, no such incidents have been reported.

Under its limited oversight of electronic products, the FDA could issue mandatory safety regulations. But it didn't do so, a decision that flows from its history of supervising electronics.

Regulation of electronic products in the United States began after a series of scandals. From the 1930s to the 1950s, it was common for a child to go to a shoe store and stand underneath an X-ray machine known as a fluoroscope to check whether a shoe was the right fit. But after cases arose of a shoe model's leg being amputated and store clerks developing dermatitis from putting their hands in the beam to adjust the shoe, the practice ended.

In 1967, General Electric recalled 90,000 color televisions that had been sold without the proper shielding, potentially exposing viewers to dangerous levels of radiation. The scandal prompted the creation of the federal Bureau of Radiological Health.

"That ultimately led to a lot more aggressive program," said John Villforth, who was the director of the bureau. Over the next decade, the bureau created federal safety standards for televisions, medical X-rays, microwaves, tanning beds, even laser light shows.

But in 1982, the FDA merged the radiological health bureau into its medical-device unit.

"I was concerned that if they were to combine the two centers into one, it would probably mean the ending of the radiation program because the demands for medical-device regulation were becoming increasingly great," said Villforth, who was put in charge of the new Center for Devices and Radiological Health. "As I sort of guessed, the radiation program took a big hit."

The new unit became stretched for scarce resources as it tried to deal with everything from tongue depressors to industrial lasers. The government used to have 500 people examining the safety of electronic products emitting radiation. It now has about 20 people. In fact, the FDA has not set a mandatory safety standard for an electronic product since 1985.

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Despite the criticism, little has been revealed about the relationship. Rapiscan dismissed it, asserting that the consulting work had to do with international cargo and port security issues — not aviation.

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*Miles O'Brien and Kate Tobin of PBS NewsHour contributed to this report.*

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01268-EPA-7098

(b) (6) Personal Privacy  
11/20/2011 09:47 AMTo Richard Windsor  
cc  
bcc  
Subject Re: airport scanners

(b) (5) Deliberative

In a message dated 11/19/2011 8:26:14 P.M. Eastern Standard Time,  
Windsor.Richard@epamail.epa.gov writes:

Just great!

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From: (b)  
Sent: 11/19/2011 07:39 PM EST  
To: Gina McCarthy; Richard Windsor  
Subject: airport scanners

## U.S. Government Glossed Over Cancer Concerns As It Rolled Out Airport X-Ray Scanners

[Scientists Cast Doubt on TSA Tests of Full-Body Scanners](#)

by Michael Grabell, ProPublica, May 16

One after another, the experts convened by the Food and Drug Administration raised questions about the machine because it violated a longstanding principle in radiation safety — that humans shouldn't be X-rayed unless there is a medical benefit.

"I think this is really a slippery slope," said Jill Lipoti, who was the director of New Jersey's radiation protection program. The device was already deployed in prisons; what was next, she and others asked — courthouses, schools, airports? "I am concerned ... with expanding this type of product for the traveling public," said another panelist, Stanley Savic, the vice president for safety at a large electronics company. "I think that would take this thing to an entirely different level of public health risk."

The machine's inventor, Steven W. Smith, assured the panelists that it was highly unlikely that the device would see widespread use in the near future. At the time, only 20 machines were in operation in the entire country.

"The places I think you are not going to see these in the next five years is lower-security facilities, particularly power plants, embassies, courthouses, airports and governments," Smith said. "I would be

extremely surprised in the next five to 10 years if the Secure 1000 is sold to any of these."

Today, the United States has begun marching millions of airline passengers through the X-ray body scanners, parting ways with countries in Europe and elsewhere that have concluded that such widespread use of even low-level radiation poses an unacceptable health risk. The government is rolling out the X-ray scanners despite having a safer alternative that the Transportation Security Administration says is also highly effective.

A ProPublica/PBS NewsHour investigation of how this decision was made shows that in post-9/11 America, security issues can trump even long-established medical conventions. The final call to deploy the X-ray machines was made not by the FDA, which regulates drugs and medical devices, but by the TSA, an agency whose primary mission is to prevent terrorist attacks.

Research suggests that anywhere from six to 100 U.S. airline passengers each year could get cancer from the machines. Still, the TSA has repeatedly defined the scanners as "safe," glossing over the accepted scientific view that even low doses of ionizing radiation — the kind beamed directly at the body by the X-ray scanners — increase the risk of cancer.

"Even though it's a very small risk, when you expose that number of people, there's a potential for some of them to get cancer," said Kathleen Kaufman, the former radiation management director in Los Angeles County, who brought the prison X-rays to the FDA panel's attention.

About 250 X-ray scanners are currently in U.S. airports, along with 264 body scanners that use a different technology, a form of low-energy radio waves known as millimeter waves.

Robin Kane, the TSA's assistant administrator for security technology, said that no one would get cancer because the amount of radiation the X-ray scanners emit is minute. Having both technologies is important to create competition, he added.

"It's a really, really small amount relative to the security benefit you're going to get," Kane said. "Keeping multiple technologies in play is very worthwhile for the U.S. in getting that cost-effective solution — and being able to increase the capabilities of technology because you keep everyone trying to get the better mousetrap."

Determined to fill a critical hole in its ability to detect explosives, the TSA plans to have one or the other operating at nearly every security lane in America by 2014. The TSA has designated the scanners for "primary" screening: Officers will direct every passenger, including children, to go through either a metal detector or a body scanner, and the passenger's only alternative will be to request a physical pat-down.

How did the United States swing from considering such X-rays taboo to deeming them safe enough to scan millions of people a year?

A new wave of terrorist attacks using explosives concealed on the body, coupled with the scanners' low dose of radiation, certainly convinced many radiation experts that the risk was justified.

But other factors helped the machines gain acceptance.

Because of a regulatory Catch-22, the airport X-ray scanners have escaped the oversight required for X-ray machines used in doctors' offices and hospitals. The reason is that the scanners do not have a medical purpose, so the FDA cannot subject them to the rigorous evaluation it applies to medical devices.

Still, the FDA has limited authority to oversee some non-medical products and can set mandatory safety regulations. But the agency let the scanners fall under voluntary standards set by a nonprofit group heavily influenced by industry.

As for the TSA, it skipped a public comment period required before deploying the scanners. Then, in defending them, it relied on a small body of unpublished research to insist the machines were safe, and ignored contrary opinions from U.S. and European authorities that recommended precautions, especially for pregnant women. Finally, the manufacturer, Rapiscan Systems, unleashed an intense and sophisticated lobbying campaign, ultimately winning large contracts.

Both the FDA and TSA say due diligence has been done to assure the scanners' safety. Rapiscan says it won the contract because its technology is superior at detecting threats. While the TSA says X-ray and millimeter-wave scanners are both effective, Germany decided earlier this year not to roll out millimeter-wave machines after finding they produced too many false positives.

Most of the news coverage on body scanners has focused on privacy, because the machines can produce images showing breasts and buttocks. But the TSA has since installed software to make the images less graphic. While some accounts have raised the specter of radiation, this is the first report to trace the history of the scanners and document the gaps in regulation that allowed them to avoid rigorous safety evaluation.

### **Little research on cancer risk of body scanners**

Humans are constantly exposed to ionizing radiation, a form of energy that has been shown to strip electrons from atoms, damage DNA and mutate genes, potentially leading to cancer. Most radiation comes from radon, a gas produced from naturally decaying elements in the ground. Another major source is cosmic radiation from outer space. Many common items, such as smoke detectors, contain tiny amounts of radioactive material, as do exit signs in schools and office buildings.

As a result, the cancer risk from any one source of radiation is often small. Outside of nuclear accidents, such as that at Japan's Fukushima plant, and medical errors, the health risk comes from cumulative exposure.

In Rapiscan's Secure 1000 scanner, which uses ionizing radiation, a passenger stands between two large blue boxes and is scanned with a pencil X-ray beam that rapidly moves left to right and up and down the body. In the other machine, ProVision, made by defense contractor L-3 Communications, a passenger enters a chamber that looks like a round phone booth and is scanned with millimeter waves, a form of low-energy radio waves, which have not been shown to strip electrons from atoms or cause cancer.

Only a decade ago, many states prohibited X-raying a person for anything other than a medical exam. Even after 9/11, such non-medical X-raying remains taboo in most of the industrialized world. In July, the European Parliament passed a resolution that security "scanners using ionizing radiation should be prohibited" because of health risks. Although the United Kingdom uses the X-ray machine for limited purposes, such as when passengers trigger the metal detector, most developed countries have decided to forgo body scanners altogether or use only the millimeter-wave machines.

While the research on medical X-rays could fill many bookcases, the studies that have been done on the airport X-ray scanners, known as backscatters, fill a file no more than a few inches thick. None of the main studies cited by the TSA has been published in a peer-reviewed journal, the gold standard for scientific research.

Those tests show that the Secure 1000 delivers an extremely low dose of radiation, less than 10 microrems. The dose is roughly one-thousandth of a chest X-ray and equivalent to the cosmic radiation received in a few minutes of flying at typical cruising altitude. The TSA has used those measurements to say the machines are "safe."

Most of what researchers know about the long-term health effects of low levels of radiation comes from studies of atomic bomb survivors in Hiroshima and Nagasaki. By charting exposure levels and cancer

cases, researchers established a linear link that shows the higher the exposure, the greater risk of cancer.

Some scientists argue the danger is exaggerated. They claim low levels stimulate the repair mechanism in cells, meaning that a little radiation might actually be good for the body.

But in the authoritative report on low doses of ionizing radiation, published in 2006, the National Academy of Sciences reviewed the research and concluded that the preponderance of research supported the linear link. It found "no compelling evidence" that there is any level of radiation at which the risk of cancer is zero.

Radiation experts say the dose from the backscatter is negligible when compared to naturally occurring background radiation. Speaking to the 1998 FDA panel, Smith, the inventor, compared the increased risk to choosing to visit Denver instead of San Diego or the decision to wear a sweater versus a sport coat.

Using the linear model, even such trivial amounts increase the number of cancer cases. Rebecca Smith-Bindman, a radiologist at the University of California, San Francisco, estimated that the backscatters would lead to only six cancers over the course of a lifetime among the approximately 100 million people who fly every year. David Brenner, director of Columbia University's Center for Radiological Research, reached a higher number — potentially 100 additional cancers every year.

"Why would we want to put ourselves in this uncertain situation where potentially we're going to have some cancer cases?" Brenner asked. "It makes me think, really, why don't we use millimeter waves when we don't have so much uncertainty?"

But even without the machines, Smith-Bindman said, the same 100 million people would develop 40 million cancers over the course of their lifetimes. In this sea of cancer cases, it would be impossible to identify the patients whose cancer is linked to the backscatter machines.

### **How the scanners avoided strict oversight**

Although they deliberately expose humans to radiation, the airport X-ray scanners are not medical devices, so they are not subject to the stringent regulations required for diagnostic X-ray machines.

If they were, the manufacturer would have to submit clinical data showing safety and effectiveness and be approved through a rigorous process by the FDA. If the machines contained radioactive material, they would have to report to the Nuclear Regulatory Commission.

But because it didn't fit into either category, the Secure 1000 was classified as an electronic product. The FDA does not review or approve the safety of such products. However, manufacturers must provide a brief radiation safety report explaining the dose and notify the agency if any overexposure is discovered. According to the FDA, no such incidents have been reported.

Under its limited oversight of electronic products, the FDA could issue mandatory safety regulations. But it didn't do so, a decision that flows from its history of supervising electronics.

Regulation of electronic products in the United States began after a series of scandals. From the 1930s to the 1950s, it was common for a child to go to a shoe store and stand underneath an X-ray machine known as a fluoroscope to check whether a shoe was the right fit. But after cases arose of a shoe model's leg being amputated and store clerks developing dermatitis from putting their hands in the beam to adjust the shoe, the practice ended.

In 1967, General Electric recalled 90,000 color televisions that had been sold without the proper shielding, potentially exposing viewers to dangerous levels of radiation. The scandal prompted the creation of the federal Bureau of Radiological Health.

"That ultimately led to a lot more aggressive program," said John Villforth, who was the director of the bureau. Over the next decade, the bureau created federal safety standards for televisions, medical X-rays, microwaves, tanning beds, even laser light shows.

But in 1982, the FDA merged the radiological health bureau into its medical-device unit.

"I was concerned that if they were to combine the two centers into one, it would probably mean the ending of the radiation program because the demands for medical-device regulation were becoming increasingly great," said Villforth, who was put in charge of the new Center for Devices and Radiological Health. "As I sort of guessed, the radiation program took a big hit."

The new unit became stretched for scarce resources as it tried to deal with everything from tongue depressors to industrial lasers. The government used to have 500 people examining the safety of electronic products emitting radiation. It now has about 20 people. In fact, the FDA has not set a mandatory safety standard for an electronic product since 1985.

As a result, there is an FDA safety regulation for X-rays scanning baggage — but none for X-rays scanning people at airports.

Meanwhile, scientists began developing backscatter X-rays, in which the waves are reflected off an object to a detector, for the security industry.

The Secure 1000 people scanner was invented by Smith in 1991 and later sold to Rapiscan, then a small security firm based in southern California. The first major customer was the California prison system, which began scanning visitors to prevent drugs and weapons from getting in. But the state pulled the devices in 2001 after a group of inmates' wives filed a class-action lawsuit accusing the prisons of violating their civil liberties.

The U.S. Customs Service deployed backscatter machines for several years but in limited fashion and with strict supervision. Travelers suspected of carrying contraband had to sign a consent form, and Customs policy prohibited the scanning of pregnant women. The agency abandoned them in 2006, not for safety reasons but because smugglers had learned where the machines were installed and adapted their methods to avoid them, said Rick Whitman, the radiation safety officer for Customs until 2008.

Yet, even this limited application of X-ray scanning for security dismayed radiation safety experts. In 1999, the Conference of Radiation Control Program Directors, a nongovernmental organization, passed a resolution recommending that such screening be stopped immediately.

The backscatter machines had also caught the attention of the 1998 FDA advisory panel, which recommended that the FDA establish government safety regulations for people scanners. Instead, the FDA decided to go with a voluntary standard set by a trade group largely comprising manufacturers and government agencies that wanted to use the machines.

"Establishing a mandatory standard takes an enormous amount of resources and could take a decade to publish," said Dan Kassiday, a longtime radiation safety engineer at the FDA.

In addition, since the mid-1990s, Congress has directed federal safety agencies to use industry standards wherever possible instead of creating their own.

The FDA delegated the task of establishing the voluntary standards to the American National Standards Institute. A private nonprofit that sets standards for many industries, ANSI convened a committee of the Health Physics Society, a trade group of radiation safety specialists. It was made up of 15 people, including six representatives of manufacturers of X-ray body scanners and five from U.S. Customs and the California prison system. There were few government regulators and no independent scientists.

In contrast, the FDA advisory panel was also made up of 15 people — five representatives from government regulatory agencies, four outside medical experts, one labor representative and five experts from the electronic products industry, but none from the scanner manufacturers themselves.

"I am more comfortable with having a regulatory agency — either federal or the states — develop the standards and enforce them," Kaufman said. Such regulators, she added, "have only one priority, and that's public health."

A representative of the Health Physics Society committee said that was its main priority as well. Most of the committee's evaluation was completed before 9/11. The standard was published in 2002 and updated with minor changes in 2009.

Ed Bailey, chief of California's radiological health branch at the time, said he was the lone voice opposing the use of the machines. But after 9/11, his views changed about what was acceptable in pursuit of security.

"The whole climate of their use has changed," Bailey said. "The consequence of something being smuggled on an airplane is far more serious than somebody getting drugs into a prison."

### **Are Inspections Independent?**

While the TSA doesn't regulate the machines, it must seek public input before making major changes to security procedures. In July, a federal appeals court ruled that the agency failed to follow rule-making procedures and solicit public comment before installing body scanners at airports across the country. TSA spokesman Michael McCarthy said the agency couldn't comment on ongoing litigation.

The TSA asserts there is no need to take additional precautions for sensitive populations, even pregnant women, following the guidance of the congressionally chartered National Council on Radiation Protection & Measurements.

But other authorities have come to the opposite conclusion. A report by France's radiation safety agency specifically warned against screening pregnant women with the X-ray devices. In addition, the Federal Aviation Administration's medical institute has advised pregnant pilots and flight attendants that the machine, coupled with their time in the air, could put them over their occupational limit for radiation exposure and that they might want to adjust their work schedules accordingly.

No similar warning has been issued for pregnant frequent fliers.

Even as people scanners became more widespread, government oversight actually weakened in some cases.

Inspections of X-ray equipment in hospitals and industry are the responsibility of state regulators — and before 9/11, many states also had the authority to randomly inspect machines in airports. But that ended when the TSA took over security checkpoints from the airlines.

Instead, annual inspections are done by Rapiscan, the scanners' manufacturer.

"As a regulator, I think there's a conflict of interest in having the manufacturer and the facility inspect themselves," Kaufman said.

Last year, in reaction to public anger from members of Congress, passengers and advocates, the TSA contracted with the Army Public Health Command to do independent radiation surveys. But email messages obtained in a lawsuit brought by the Electronic Privacy Information Center, a civil liberties group, raise questions about the independence of the Army surveys.

One email sent by TSA health and safety director Jill Segraves shows that local TSA officials were given advance notice and allowed to "pick and choose" which systems the Army could check.

[3]

That email also suggests that Segraves considered the Army inspectors a valuable public-relations asset: "They are our radiation myth busters," she wrote to a local security director.

Some TSA screeners are concerned about their own radiation exposure from the backscatters, but the TSA has not allowed them to wear badges that could measure it, said Milly Rodriguez, health and safety specialist for the American Federation of Government Employees, which represents TSA officers.

"We have heard from members that sometimes the technicians tell them that the machines are emitting more radiation than is allowed," she said.

McCarthy, the TSA spokesman, said the machines are physically incapable of producing radiation above the industry standard. On the email, he said, the inspections allow screeners to ask questions about radiation and address concerns about specific machines.

### **The company's lobbying campaign**

While the TSA maintains that the body scanners are essential to preventing attacks on airplanes, it only began rolling them out nine years after 9/11.

After the attempted shoe-bombing in December 2001, the federal government conducted a trial of a Rapiscan backscatter at the Orlando International Airport. But the revealing images drew protests that the machines amounted to a virtual strip search.

The TSA considered the scanners again after two Chechen women blew up Russian airliners in 2004. Facing a continued outcry over privacy, the TSA instead moved forward with a machine known as a "puffer" because it released several bursts of air on the passengers' clothes and analyzed the dislodged particles for explosives. But after discovering the machines were ineffective in the field and difficult to maintain, the TSA canceled the program in 2006.

Around that time, Rapiscan began to beef up its lobbying on Capitol Hill. It opened a Washington, D.C., office and, according to required disclosures, more than tripled its lobbying expenditures in two years, from less than \$130,000 in 2006 to nearly \$420,000 in 2008. It hired former legislative aides to Rep. David Price, D-N.C., then chairman of the homeland security appropriations subcommittee, and to Sen. Trent Lott, R-Miss.

It started a political action committee and began contributing heavily to Price; Rep. Bennie Thompson, D-Miss., then head of the homeland security committee; Rep. Jane Harman, D-Calif., also on that committee; and Sen. Thad Cochran, R-Miss., the top Republican on the Senate appropriations committee.

In addition, it opened a new North Carolina plant in Price's district and expanded its operations in Ocean Springs, Miss., and at its headquarters in Torrance, Calif., in Harman's district.

"Less than a month after U.S. Senator Trent Lott and other local leaders helped officially open Rapiscan Systems' new Ocean Springs factory," Lott's office announced in a news release in late 2006, "the company has won a \$9.1 million Department of Defense contract."

But Rapiscan still hadn't landed a major contract to roll out its X-ray body scanners in commercial airports. Indeed, in 2007, with new privacy filters in place, the TSA began a trial of millimeter-wave and backscatter machines at several major airports, after which the agency opted to go with the

millimeter-wave machines. The agency said health concerns weren't a factor.

But with the 2009 federal stimulus package, which provided \$300 million for checkpoint security machines, the TSA began deploying backscatters as well. Rapiscan won a \$173 million, multiyear contract for the backscatters, with an initial \$25 million order for 150 systems to be made in Mississippi.

Three other companies — American Science & Engineering, Tek84 Engineering Group and Valley Forge Composite Technologies — make X-ray scanners, but none are used by the TSA. Peter Kant, executive vice president for Rapiscan, said the company expanded its lobbying because its business was increasingly affected by the government.

"There's a lot of misinformation about the technology; there's a lot of questions about how various inspection technologies work," he said. "And we needed a way to be able to provide that information and explain the technology and how it works, and that's what lobbying is."

The lawmakers either declined to comment or said the lobbying, campaign contributions and local connections had nothing to do with the TSA's decision to purchase Rapiscan machines. The TSA said the contract was bid competitively and that the winning machines had to undergo comprehensive research and testing phases before being deployed.

While the scanners were appearing in more and more airports, few passengers went through them, because they were used mostly for random screening or to resolve alarms from the metal detector.

That changed on Christmas Day 2009, when a Nigerian man flying to Detroit tried to ignite a pouch of explosives hidden in his underwear.

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As a result, the cancer risk from any one source of radiation is often small. Outside of nuclear accidents, such as that at Japan's Fukushima plant, and medical errors, the health risk comes from cumulative exposure.

In Rapiscan's Secure 1000 scanner, which uses ionizing radiation, a passenger stands between two large blue boxes and is scanned with a pencil X-ray beam that rapidly moves left to right and up and down the body. In the other machine, ProVision, made by defense contractor L-3 Communications, a passenger enters a chamber that looks like a round phone booth and is scanned with millimeter waves, a form of low-energy radio waves, which have not been shown to strip electrons from atoms or cause cancer.

Only a decade ago, many states prohibited X-raying a person for anything other than a medical exam. Even after 9/11, such non-medical X-raying remains taboo in most of the industrialized world. In July, the European Parliament passed a resolution that security "scanners using ionizing radiation should be prohibited" because of health risks. Although the United Kingdom uses the X-ray machine for limited purposes, such as when passengers trigger the metal detector, most developed countries have decided to forgo body scanners altogether or use only the millimeter-wave machines.

While the research on medical X-rays could fill many bookcases, the studies that have been done on the airport X-ray scanners, known as backscatters, fill a file no more than a few inches thick. None of the main studies cited by the TSA has been published in a peer-reviewed journal, the gold standard for scientific research.

Those tests show that the Secure 1000 delivers an extremely low dose of radiation, less than 10 microrems. The dose is roughly one-thousandth of a chest X-ray and equivalent to the cosmic radiation received in a few minutes of flying at typical cruising altitude. The TSA has used those measurements to say the machines are "safe."

Most of what researchers know about the long-term health effects of low levels of radiation comes from studies of atomic bomb survivors in Hiroshima and Nagasaki. By charting exposure levels and cancer cases, researchers established a linear link that shows the higher the exposure, the greater risk of cancer.

Some scientists argue the danger is exaggerated. They claim low levels stimulate the repair mechanism in cells, meaning that a little radiation might actually be good for the body.

But in the authoritative report on low doses of ionizing radiation, published in 2006, the National Academy of Sciences reviewed the research and concluded that the preponderance of research supported the linear link. It found "no compelling evidence" that there is any level of radiation at which the risk of cancer is zero.

Radiation experts say the dose from the backscatter is negligible when compared to naturally occurring background radiation. Speaking to the 1998 FDA panel, Smith, the inventor, compared the increased risk to choosing to visit Denver instead of San Diego or the decision to wear a sweater versus a sport coat.

Using the linear model, even such trivial amounts increase the number of cancer cases. Rebecca Smith-Bindman, a radiologist at the University of California, San Francisco, estimated that the backscatters would lead to only six cancers over the course of a lifetime among the approximately 100 million people who fly every year. David Brenner, director of Columbia University's Center for Radiological Research, reached a higher number — potentially 100 additional cancers every year.

"Why would we want to put ourselves in this uncertain situation where potentially we're going to have some cancer cases?" Brenner asked. "It makes me think, really, why don't we use millimeter waves when we don't have so much uncertainty?"

But even without the machines, Smith-Bindman said, the same 100 million people would develop 40 million cancers over the course of their lifetimes. In this sea of cancer cases, it would be impossible to identify the patients whose cancer is linked to the backscatter machines.

### **How the scanners avoided strict oversight**

Although they deliberately expose humans to radiation, the airport X-ray scanners are not medical devices, so they are not subject to the stringent regulations required for diagnostic X-ray machines.

If they were, the manufacturer would have to submit clinical data showing safety and effectiveness and be approved through a rigorous process by the FDA. If the machines contained radioactive material, they would have to report to the Nuclear Regulatory Commission.

But because it didn't fit into either category, the Secure 1000 was classified as an electronic product. The FDA does not review or approve the safety of such products. However, manufacturers must provide a brief radiation safety report explaining the dose and notify the agency if any overexposure is discovered. According to the FDA, no such incidents have been reported.

Under its limited oversight of electronic products, the FDA could issue mandatory safety regulations. But it didn't do so, a decision that flows from its history of supervising electronics.

Regulation of electronic products in the United States began after a series of scandals. From the 1930s to the 1950s, it was common for a child to go to a shoe store and stand underneath an X-ray machine known as a fluoroscope to check whether a shoe was the right fit. But after cases arose of a shoe model's leg being amputated and store clerks developing dermatitis from putting their hands in the beam to adjust the shoe, the practice ended.

In 1967, General Electric recalled 90,000 color televisions that had been sold without the proper shielding, potentially exposing viewers to dangerous levels of radiation. The scandal prompted the creation of the federal Bureau of Radiological Health.

"That ultimately led to a lot more aggressive program," said John Villforth, who was the director of the bureau. Over the next decade, the bureau created federal safety standards for televisions, medical X-rays, microwaves, tanning beds, even laser light shows.

But in 1982, the FDA merged the radiological health bureau into its medical-device unit.

"I was concerned that if they were to combine the two centers into one, it would probably mean the ending of the radiation program because the demands for medical-device regulation were becoming increasingly great," said Villforth, who was put in charge of the new Center for Devices and Radiological Health. "As I sort of guessed, the radiation program took a big hit."

The new unit became stretched for scarce resources as it tried to deal with everything from tongue depressors to industrial lasers. The government used to have 500 people examining the safety of electronic products emitting radiation. It now has about 20 people. In fact, the FDA has not set a mandatory safety standard for an electronic product since 1985.

As a result, there is an FDA safety regulation for X-rays scanning baggage — but none for X-rays scanning people at airports.

Meanwhile, scientists began developing backscatter X-rays, in which the waves are reflected off an object to a detector, for the security industry.

The Secure 1000 people scanner was invented by Smith in 1991 and later sold to Rapiscan, then a small security firm based in southern California. The first major customer was the California prison system, which began scanning visitors to prevent drugs and weapons from getting in. But the state pulled the devices in 2001 after a group of inmates' wives filed a class-action lawsuit accusing the prisons of violating their civil liberties.

The U.S. Customs Service deployed backscatter machines for several years but in limited fashion and with strict supervision. Travelers suspected of carrying contraband had to sign a consent form, and Customs policy prohibited the scanning of pregnant women. The agency abandoned them in 2006, not for safety reasons but because smugglers had learned where the machines were installed and adapted their methods to avoid them, said Rick Whitman, the radiation safety officer for Customs until 2008.

Yet, even this limited application of X-ray scanning for security dismayed radiation safety experts. In 1999, the Conference of Radiation Control Program Directors, a nongovernmental organization, passed a resolution recommending that such screening be stopped immediately.

The backscatter machines had also caught the attention of the 1998 FDA advisory panel, which recommended that the FDA establish government safety regulations for people scanners. Instead, the FDA decided to go with a voluntary standard set by a trade group largely comprising manufacturers and government agencies that wanted to use the machines.

"Establishing a mandatory standard takes an enormous amount of resources and could take a decade to publish," said Dan Kassiday, a longtime radiation safety engineer at the FDA.

In addition, since the mid-1990s, Congress has directed federal safety agencies to use industry standards wherever possible instead of creating their own.

The FDA delegated the task of establishing the voluntary standards to the American National Standards Institute. A private nonprofit that sets standards for many industries, ANSI convened a committee of the Health Physics Society, a trade group of radiation safety specialists. It was made up of 15 people, including six representatives of manufacturers of X-ray body scanners and five from U.S. Customs and the California prison system. There were few government regulators and no independent scientists.

In contrast, the FDA advisory panel was also made up of 15 people — five representatives from government regulatory agencies, four outside medical experts, one labor representative and five experts from the electronic products industry, but none from the scanner manufacturers themselves.

"I am more comfortable with having a regulatory agency — either federal or the states — develop the standards and enforce them," Kaufman said. Such regulators, she added, "have only one priority, and that's public health."

A representative of the Health Physics Society committee said that was its main priority as well. Most of the committee's evaluation was completed before 9/11. The standard was published in 2002 and updated with minor changes in 2009.

Ed Bailey, chief of California's radiological health branch at the time, said he was the lone voice opposing the use of the machines. But after 9/11, his views changed about what was acceptable in pursuit of security.

"The whole climate of their use has changed," Bailey said. "The consequence of something being smuggled on an airplane is far more serious than somebody getting drugs into a prison."

### **Are Inspections Independent?**

While the TSA doesn't regulate the machines, it must seek public input before making major changes to security procedures. In July, a federal appeals court ruled that the agency failed to follow rule-making procedures and solicit public comment before installing body scanners at airports across the country. TSA spokesman Michael McCarthy said the agency couldn't comment on ongoing litigation.

The TSA asserts there is no need to take additional precautions for sensitive populations, even pregnant women, following the guidance of the congressionally chartered National Council on Radiation Protection & Measurements.

But other authorities have come to the opposite conclusion. A report by France's radiation safety agency specifically warned against screening pregnant women with the X-ray devices. In addition, the Federal Aviation Administration's medical institute has advised pregnant pilots and flight attendants that the machine, coupled with their time in the air, could put them over their occupational limit for radiation exposure and that they might want to adjust their work schedules accordingly.

No similar warning has been issued for pregnant frequent fliers.

Even as people scanners became more widespread, government oversight actually weakened in some cases.

Inspections of X-ray equipment in hospitals and industry are the responsibility of state regulators — and before 9/11, many states also had the authority to randomly inspect machines in airports. But that ended when the TSA took over security checkpoints from the airlines.

Instead, annual inspections are done by Rapiscan, the scanners' manufacturer.

"As a regulator, I think there's a conflict of interest in having the manufacturer and the facility inspect themselves," Kaufman said.

Last year, in reaction to public anger from members of Congress, passengers and advocates, the TSA contracted with the Army Public Health Command to do independent radiation surveys. But email messages obtained in a lawsuit brought by the Electronic Privacy Information Center, a civil liberties group, raise questions about the independence of the Army surveys.

One email sent by TSA health and safety director Jill Segraves shows that local TSA officials were given advance notice and allowed to "pick and choose" which systems the Army could check.

[3]

That email also suggests that Segraves considered the Army inspectors a valuable public-relations asset: "They are our radiation myth busters," she wrote to a local security director.

Some TSA screeners are concerned about their own radiation exposure from the backscatters, but the TSA has not allowed them to wear badges that could measure it, said Milly Rodriguez, health and safety specialist for the American Federation of Government Employees, which represents TSA officers.

"We have heard from members that sometimes the technicians tell them that the machines are emitting more radiation than is allowed," she said.

McCarthy, the TSA spokesman, said the machines are physically incapable of producing radiation above the industry standard. On the email, he said, the inspections allow screeners to ask questions about radiation and address concerns about specific machines.

### **The company's lobbying campaign**

While the TSA maintains that the body scanners are essential to preventing attacks on airplanes, it only began rolling them out nine years after 9/11.

After the attempted shoe-bombing in December 2001, the federal government conducted a trial of a Rapiscan backscatter at the Orlando International Airport. But the revealing images drew protests that the machines amounted to a virtual strip search.

The TSA considered the scanners again after two Chechen women blew up Russian airliners in 2004. Facing a continued outcry over privacy, the TSA instead moved forward with a machine known as a "puffer" because it released several bursts of air on the passengers' clothes and analyzed the dislodged particles for explosives. But after discovering the machines were ineffective in the field and difficult to maintain, the TSA canceled the program in 2006.

Around that time, Rapiscan began to beef up its lobbying on Capitol Hill. It opened a Washington, D.C., office and, according to required disclosures, more than tripled its lobbying expenditures in two years, from less than \$130,000 in 2006 to nearly \$420,000 in 2008. It hired former legislative aides to Rep. David Price, D-N.C., then chairman of the homeland security appropriations subcommittee, and to Sen. Trent Lott, R-Miss.

It started a political action committee and began contributing heavily to Price; Rep. Bennie Thompson, D-Miss., then head of the homeland security committee; Rep. Jane Harman, D-Calif., also on that committee; and Sen. Thad Cochran, R-Miss., the top Republican on the Senate appropriations committee.

In addition, it opened a new North Carolina plant in Price's district and expanded its operations in Ocean Springs, Miss., and at its headquarters in Torrance, Calif., in Harman's district.

"Less than a month after U.S. Senator Trent Lott and other local leaders helped officially open Rapiscan Systems' new Ocean Springs factory," Lott's office announced in a news release in late 2006, "the company has won a \$9.1 million Department of Defense contract."

But Rapiscan still hadn't landed a major contract to roll out its X-ray body scanners in commercial airports. Indeed, in 2007, with new privacy filters in place, the TSA began a trial of millimeter-wave and backscatter machines at several major airports, after which the agency opted to go with the millimeter-wave machines. The agency said health concerns weren't a factor.

But with the 2009 federal stimulus package, which provided \$300 million for checkpoint security machines, the TSA began deploying backscatters as well. Rapiscan won a \$173 million, multiyear contract for the backscatters, with an initial \$25 million order for 150 systems to be made in Mississippi.

Three other companies — American Science & Engineering, Tek84 Engineering Group and Valley Forge Composite Technologies — make X-ray scanners, but none are used by the TSA. Peter Kant, executive vice president for Rapiscan, said the company expanded its lobbying because its business was increasingly affected by the government.

"There's a lot of misinformation about the technology; there's a lot of questions about how various

inspection technologies work," he said. "And we needed a way to be able to provide that information and explain the technology and how it works, and that's what lobbying is."

The lawmakers either declined to comment or said the lobbying, campaign contributions and local connections had nothing to do with the TSA's decision to purchase Rapiscan machines. The TSA said the contract was bid competitively and that the winning machines had to undergo comprehensive research and testing phases before being deployed.

While the scanners were appearing in more and more airports, few passengers went through them, because they were used mostly for random screening or to resolve alarms from the metal detector.

That changed on Christmas Day 2009, when a Nigerian man flying to Detroit tried to ignite a pouch of explosives hidden in his underwear.

Following the foiled "Great Balls of Fire" suicide bombing, as the New York Post dubbed it, Homeland Security Secretary Janet Napolitano ramped up plans to roll out body scanners nationwide. Members of Congress and aviation security experts also pushed heavily for the TSA to install more machines that could detect explosives on passengers.

Harman sent a letter to Napolitano, noting that Rapiscan was in her district.

"I urge you to expedite installation of scanning machines in key airports," Harman wrote in the letter, which was first reported by the website CounterPunch. "If you need additional funds, I am ready to help."

Michael Chertoff, who had supported body scanners while secretary of Homeland Security, appeared frequently on TV advocating their use. In one interview, he disclosed that his consulting firm, Chertoff Group, had done work for Rapiscan, sparking accusations that he was trying to profit from his time as a government servant.

Despite the criticism, little has been revealed about the relationship. Rapiscan dismissed it, asserting that the consulting work had to do with international cargo and port security issues — not aviation.

"There was nothing that was not above board," Kant said. "His comments about passenger screening and these machines were simply his own and was nothing that we had engaged the Chertoff Group for."

[3]

In a statement, the Chertoff Group said it "played no role in the sale of whole body imaging technology to TSA" and that Chertoff "was in no way compensated for his public statements."

A public records request by ProPublica turned up empty: The Department of Homeland Security said it could not find any correspondence to or from Chertoff related to body scanners. DHS also said Chertoff did not use email.

The TSA plans to deploy 1,275 backscatter and millimeter-wave scanners covering more than half its security lanes by the end of 2012 and 1,800 covering nearly all the lanes by 2014.

According to annual reports filed with the Securities and Exchange Commission, OSI Systems, the parent company of Rapiscan, has seen revenue from its security division more than double since 2006 to nearly \$300 million in fiscal year 2011.

*Miles O'Brien and Kate Tobin of PBS NewsHour contributed to this report.*

**Correction (11/1):** An earlier version of this story said that an email [in which the TSA health and safety director said inspectors were "radiation myth busters"](#) [4] incorrectly identified them as Rapiscan's inspectors. The story should have said they were inspectors from the Army Public Health Command.



01268-EPA-7102

Richard  
Windsor/DC/USEPA/US  
11/23/2011 12:06 PM

To Andra Belknap  
cc Betsaida Alcantara, Brendan Gilfillan  
bcc  
Subject Re: Ghubar Magazine Responses

Yep. Tx!  
Andra Belknap

----- Original Message -----

**From:** Andra Belknap  
**Sent:** 11/23/2011 12:04 PM EST  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Brendan Gilfillan  
**Subject:** Re: Ghubar Magazine Responses

Following up on this -- are these ok to send?

**Andra Belknap**  
Assistant Press Secretary  
U.S. Environmental Protection Agency  
202.564.0369  
belknap.andra@epa.gov

Andra Belknap      Administrator, Below are our responses...      11/16/2011 03:48:05 PM

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From: Andra Belknap/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 11/16/2011 03:48 PM  
Subject: Ghubar Magazine Responses

Administrator,

Below are our responses to Ghubar Magazine. I am planning to send today if that is ok with you.

**How long do you think it will take on a global scale to implement a feasible and sustainable recycle program?**

I think our work on electronic waste is a great example of our work on an international recycling issue. I recently helped release the Obama Administration's "National Strategy for Electronics Stewardship" – a strategy for responsible electronic design, purchasing, management and recycling that will promote the burgeoning electronics recycling market and protect people's health.

Though I announced this national strategy just a few months ago, I'm well aware that E-waste is a global concern. During a recent trip to Ethiopia, I toured a local e-waste facility. Here at EPA, we support innovation in the management of electronic waste both in the United States and abroad and look forward to working with other countries on this issue.

**What are some global environmental issues that are of specific concern to you?**

Last year I issued the EPA's first set of international priorities. I'm focused on building strong environmental institutions and legal structures; combating climate change; improving urban air quality; expanding access to clean water; reducing exposure to toxic chemicals; and cleaning up electronic waste in communities all over the world.

EPA also recognizes that as the world becomes more urbanized, we need to focus on building healthy, prosperous and sustainable communities. In August, I travelled to Brazil to establish the United States-Brazil Joint Initiative on Urban Sustainability. By partnering with other countries like Brazil, organizations and the private sector, we are working to promote investment in urban sustainability here in the US and around the world.

**As our world becomes convergent and truly web 2.0 do you see the use of new media replacing old forms of media? And if so, do you think this will positively affect the environment as we all switch from print to ipads and ipods?**

While reduced paper usage is always important, we cannot forget that used electronics and electronic waste also has an impact on our environment. E-waste can have serious health, environmental and economic consequences. Some electronics have nearly the whole periodic table of elements in them, and improper disposal can leave entire communities at risk of exposure.

**Here in France we have integrated a public bike transportation that serves as an option for sustainable transport, do you believe this is something that will be implemented throughout the US and more importantly globally?**

We applaud France for creating such a robust system. Bike sharing and public bike transportation has begun to catch-on in the United States and I hope that it will continue to grow. Over the past three years, several cities across the United States have implemented bike-sharing systems using technology similar to the system in Paris. Places as diverse as Denver, Colorado; Des Moines, Iowa; and Boston, Massachusetts, all have bike sharing systems in place. Bike sharing is one of a suite of sustainable transportation options we're encouraging communities to develop.

**Since many of our readers are global, from a global perspective what can we all do to keep our world "green"?**

We have reached a point in history where the impact of everyday human activities is affecting the health of our entire planet. Our commerce and trade, our population growth, and our social behavior are having profound effects on our environment. As EPA Administrator, I've been proud to work with other nations on our shared environmental issues.

That said, protecting the planet starts at home. Energy efficiency, water conservation, the purchase and use of greener products, and widespread recycling are places to start and great ways for one person or one family to make positive changes that will benefit 7 billion people around the world.

**In relation to fashion as large brand names such as H&M and the GAP begin to adopt organic clothing lines do you think this trend will become popular with other large brands and companies in the market?**

These kinds of changes are happening across the economy. Recent years have seen a growing grassroots environmentalism that is directly tied to our economy. Informed

consumers are demanding more of their products. Business leaders are recognizing cost-savings potential of energy efficiency and sustainability – and they are putting serious money behind innovation. This is a grassroots environmental movement that votes with its dollars and I think that's a great thing.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**

01268-EPA-7103

Richard  
Windsor/DC/USEPA/US  
11/25/2011 12:12 PM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Michael Goo, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Daniel Kanninen

cc

bcc

Subject: Re: AP: Companies give GOP, regulators, different messages

Fact free zone...

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 11/25/2011 12:01 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Arvin Ganesan; Laura Vaught; Michael Goo; Stephanie Owens; Dru Ealons; Gina McCarthy; Joseph Goffman; Daniel Kanninen  
**Subject:** AP: Companies give GOP, regulators, different messages

## Companies give GOP, regulators, different messages

Associated Press

WASHINGTON — Large and small companies have told Republican-led congressional committees what the party wants to hear: dire predictions of plant closings and layoffs if the Obama administration succeeds with plans to further curb air and water pollution.

But their message to financial regulators and investors conveys less gloom and certainty.

The administration itself has clouded the picture by withdrawing or postponing some of the environmental initiatives that industry labeled as being among the most onerous.

Still, Republicans plan to make what they say is regulatory overreach a 2012 campaign issue, taking aim at President Barack Obama, congressional Democrats and an aggressive Environmental Protection Agency.

"Republicans will be talking to voters this campaign season about how to keep Washington out of the way, so that job creators can feel confident again to create jobs for Americans," said Joanna Burgos, a spokeswoman for the House Republican campaign organization.

The Associated Press compared the companies' congressional testimony to company reports submitted to the Securities and Exchange Commission. The reports to the SEC consistently said the impact of environmental proposals is unknown or would not cause serious financial harm to a firm's finances.

Companies can legitimately argue that their less gloomy SEC filings are correct, since most of

the tougher anti-pollution proposals have not been finalized. And their officials' testimony before congressional committees was sometimes on behalf of — and written by — trade associations, a perspective that can differ from an individual company's view.

But the disparity in the messages shows that in a political environment, business has no misgivings about describing potential economic horror stories to lawmakers.

"As an industry, we have said this before, we face a potential regulatory train wreck," Anthony Earley Jr., then the executive chairman of DTE Energy in Michigan, told a House committee on April 15. "Without the right policy, we could be headed for disaster."

The severe economic consequences, he said, would be devastating to the electric utility's customers, especially Detroit residents who "simply cannot afford" higher rates.

Earley, who is now chairman and CEO of Pacific Gas & Electric Corp., said if the EPA had its way, coal-fired plants would be replaced with natural gas — leading to a spike in gas prices. He said he was testifying for the electric industry, not just his company.

But in its quarterly report to the SEC, Detroit-based DTE, which serves 3 million utility customers in Michigan, said that it was "reviewing potential impacts of the proposed and recently finalized rules, but is not able to quantify the financial impact ... at this time."

Skiles Boyd, a DTE vice president for environmental issues, said in an interview that the testimony was meant to convey the potential economic hardship on ratepayers — while the SEC report focused on the company's financial condition.

"It's two different subjects," he said.

Another congressional witness, Jim Pearce of chemical company FMC Corp., told a House hearing last Feb. 9: "The current U.S. approach to regulating greenhouse gases ... will lead U.S. natural soda ash producers to lose significant business to our offshore rivals...." Soda ash is used to produce glass, and is a major component of the company's business.

But in its annual report covering 2010 and submitted to the SEC 13 days after the testimony, the company said it was "premature to make any estimate of the costs of complying with un-enacted federal climate change legislation, or as yet un-implemented federal regulations in the United States." The Philadelphia-based company did not respond to a request for comment.

California Rep. Henry Waxman, the senior Democrat on the House Energy and Commerce Committee, said the SEC filings "show that the anti-regulation rhetoric in Washington is political hot air with little or no connection to reality."

House Republicans have conducted dozens of hearings, and passed more than a dozen bills to stop proposed environmental rules. So far, all the GOP bills have gone nowhere in the Democratic-run Senate.

"I will see to it, to the best of my ability, to try to stop everything," California Sen . Barbara Boxer, the Democratic chairman of the Senate's environment committee, vowed in reference to GOP legislation aimed at reining in the EPA. She predicted Republicans "will lose seats over this."

The Obama administration has reconsidered some of the environmental proposals in response to the drumbeat from business groups. In September, the president scrubbed a clean-air regulation that aimed to reduce health-threatening smog. Last May, EPA delayed indefinitely regulations to reduce toxic pollution from boilers and incinerators.

James Rubright, CEO of Rock-Tenn Co., a Norcross, Ga.-based producer of corrugated-and-consumer packaging, told a House panel in September that a variety of EPA, job safety and chemical security regulations would require "significant capital investment" — money that "otherwise go to growth in manufacturing capacity and the attendant production of jobs."

Rubright conveyed a consulting firm's conclusion that EPA's original boiler proposal before the Obama administration withdrew it in May would have cost the forest products industry about \$7 billion, and the packaging industry \$6.8 billion.

Another industry study, he said, warned that original boiler rule would have placed 36 mills at risk and would have jeopardized more than 20,000 jobs in the pulp and paper industries — about 18 percent of the work force.

But a month before his testimony— and three months after EPA withdrew its boiler proposal — Rock-Tenn told the SEC that "future compliance with these environmental laws and regulations will not have a material adverse effect on our results or operations, financial condition or cash flows." The company did not respond to a request for comment.

01268-EPA-7104

**Michael Goo/DC/USEPA/US**  
11/29/2011 08:22 AM  
**To:** "Richard Windsor", "Bob Perciasepe", "Bob Sussman", "Seth Oster", "Laura Vaught"  
**cc:**  
**bcc:**  
**Subject:** Fw: NYT: Will the Lights Stay On in Texas and New England?

In case folks have not seen this is the NYT story on the NERC report. (b)(5) Deliberative [REDACTED]

[REDACTED]  
Sandy Germann

----- Original Message -----

**From:** Sandy Germann  
**Sent:** 11/29/2011 07:57 AM EST  
**To:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland; Alexander Cristofaro; Robin Kime  
**Subject:** NYT: Will the Lights Stay On in Texas and New England?  
North American Electric Reliability Corporation report released yesterday...

### **Will the Lights Stay On in Texas and New England?**

**Outlet Full Name:** New York Times - Online, The

**News Text:** Texas and New England may soon run short of the generating capacity they need to reliably meet peak loads, largely because old plants will be retired rather than retrofitted to meet new pollution rules, the North American Electric Reliability Corporation reported on Monday.

The reliability corporation, assigned by the federal government to enforce rules on the power grid, issued a 10-year forecast that conveys a greater level of uncertainty than previous predictions. One problem is that about 600 large plants are likely to be shut for several months for the installation of pollution controls, executives said, and coordinating the shutdowns to avoid local electricity shortages will be a formidable task. The 600 are a substantial fraction of the grid's generating resources; although there are about 15,000 plants on the grid, more than half of them are quite small.

"Over all, the North American grid and bulk power supply continue to be adequate, and sufficient plans are in place," said Gerry Cauley, president and chief executive. But two areas require extra attention, he said: the bulk of Texas, which is served by a grid isolated from the rest of the United States, and New England. "There's some uncertainty in their resources at this point," he said.

The Electric Reliability Council of Texas, the name for the grid that covers most of the state, could run short by 2013, the report said; New England could run short by 2015.

The organization, which also surveys Canada, found that Sask Power, the provincial utility of the province of Saskatchewan, which borders North Dakota and Montana, could run short next year.

Running short does not mean that the lights are certain to go out. But given the typical incidence of mechanical failures, the amount of spare capacity on hand is

small enough that blackouts would be more likely, the report said.

The problem in Texas is old coal plants and natural gas plants that lack environmental controls, and the state's relative isolation. (The rest of North America east of the Rockies is within one grid, while the region west of the Rockies is on another, with some ability for neighboring areas to help each other at peak times. Texas, however, has taken a go-it-alone approach.)

In New England, which is far better connected to neighboring areas, the problem is old natural gas plants, the group said.

Environmentalists are building a case that there is no reason to proceed slowly in enforcing the new rules because most companies are prepared for them. Michael J. Bradley, a former head of the Northeast States for Coordinated Regional Air Management, a regional organization, and Susan F. Tierney, a former energy official in Massachusetts who worked for the Energy Department during the Clinton Administration, are among the authors of a recent report that contends that reserve margins are still ample and that many new power plants are in development.

In addition, they note, "demand-side resources," meaning agreements with customers to cut their load on peak days in exchange for cash, can be activated quickly.

Part of the uncertainty is that no one is sure how strictly the Environmental Protection Agency will enforce its rules or exactly what the rules will be. The agency is supposed to publish a new rule on mercury and air toxics on Dec. 16, for example.

Mark G. Lauby, vice president of the reliability corporation, said that because the air toxics standards rule will be on a short schedule, some companies could face a choice of closing some units or running them and violating pollution standards. The logical solution, he said, would be to provide more time for compliance.

But the most troublesome of the new rules for the power plants may be related not to air pollution but to water, as the E.P.A. seeks to have power plants install cooling towers, rather than draw vast amounts of water from rivers and return it a few degrees hotter, which can kill many fish or fish eggs. Texas may also face problems because of its severe drought, the group said.

Texas has added a lot of capacity recently, but much of that is wind power, which generally does not churn out much electricity on the hot days when peak demand occurs. Acting partly out of an awareness that added capacity contributes little to reliability, Texas recently raised its target level of capacity surplus to 13.75 percent from 12.5 percent.

01268-EPA-7105

Richard  
Windsor/DC/USEPA/US  
11/29/2011 08:29 AM

To Michael Goo, Bob Perciasepe, Bob Sussman, Seth Oster,  
Laura Vaught  
cc  
bcc

Subject Re: NYT: Will the Lights Stay On in Texas and New England?

Brendan -(b)(5) Deliberative  
Michael Goo

----- Original Message -----

**From:** Michael Goo  
**Sent:** 11/29/2011 08:22 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Laura Vaught  
**Subject:** Fw: NYT: Will the Lights Stay On in Texas and New England?

In case folks have not seen this is the NYT story on the NERC report. (b)(5) Deliberative

[REDACTED]  
Sandy Germann

----- Original Message -----

**From:** Sandy Germann  
**Sent:** 11/29/2011 07:57 AM EST  
**To:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland; Alexander Cristofaro; Robin Kime  
**Subject:** NYT: Will the Lights Stay On in Texas and New England?  
North American Electric Reliability Corporation report released yesterday...

### **Will the Lights Stay On in Texas and New England?**

**Outlet Full Name:** New York Times - Online, The

**News Text:** Texas and New England may soon run short of the generating capacity they need to reliably meet peak loads, largely because old plants will be retired rather than retrofitted to meet new pollution rules, the North American Electric Reliability Corporation reported on Monday.

The reliability corporation, assigned by the federal government to enforce rules on the power grid, issued a 10-year forecast that conveys a greater level of uncertainty than previous predictions. One problem is that about 600 large plants are likely to be shut for several months for the installation of pollution controls, executives said, and coordinating the shutdowns to avoid local electricity shortages will be a formidable task. The 600 are a substantial fraction of the grid's generating resources; although there are about 15,000 plants on the grid, more than half of them are quite small.

"Over all, the North American grid and bulk power supply continue to be adequate, and sufficient plans are in place," said Gerry Cauley, president and chief executive. But two areas require extra attention, he said: the bulk of Texas, which is served by a grid isolated from the rest of the United States, and New England. "There's some uncertainty in their resources at this point," he said.

The Electric Reliability Council of Texas, the name for the grid that covers most of the state, could run short by 2013, the report said; New England could run short by 2015.

The organization, which also surveys Canada, found that Sask Power, the provincial utility of the province of Saskatchewan, which borders North Dakota and Montana, could run short next year.

Running short does not mean that the lights are certain to go out. But given the typical incidence of mechanical failures, the amount of spare capacity on hand is small enough that blackouts would be more likely, the report said.

The problem in Texas is old coal plants and natural gas plants that lack environmental controls, and the state's relative isolation. (The rest of North America east of the Rockies is within one grid, while the region west of the Rockies is on another, with some ability for neighboring areas to help each other at peak times. Texas, however, has taken a go-it-alone approach.)

In New England, which is far better connected to neighboring areas, the problem is old natural gas plants, the group said.

Environmentalists are building a case that there is no reason to proceed slowly in enforcing the new rules because most companies are prepared for them. Michael J. Bradley, a former head of the Northeast States for Coordinated Regional Air Management, a regional organization, and Susan F. Tierney, a former energy official in Massachusetts who worked for the Energy Department during the Clinton Administration, are among the authors of a recent report that contends that reserve margins are still ample and that many new power plants are in development.

In addition, they note, "demand-side resources," meaning agreements with customers to cut their load on peak days in exchange for cash, can be activated quickly.

Part of the uncertainty is that no one is sure how strictly the Environmental Protection Agency will enforce its rules or exactly what the rules will be. The agency is supposed to publish a new rule on mercury and air toxics on Dec. 16, for example.

Mark G. Lauby, vice president of the reliability corporation, said that because the air toxics standards rule will be on a short schedule, some companies could face a choice of closing some units or running them and violating pollution standards. The logical solution, he said, would be to provide more time for compliance.

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01268-EPA-7106

Laura Vaught/DC/USEPA/US  
11/29/2011 08:44 AM

To Richard Windsor, Michael Goo, Bob Perciasepe, Bob Sussman, Seth Oster, Brendan Gilfillan  
cc  
bcc

Subject Re: NYT: Will the Lights Stay On in Texas and New England?

+ Brendan  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 11/29/2011 08:29 AM EST  
**To:** Michael Goo; Bob Perciasepe; Bob Sussman; Seth Oster; Laura Vaught  
**Subject:** Re: NYT: Will the Lights Stay On in Texas and New England?

Brendan -(b)(5) Deliberative  
Michael Goo

----- Original Message -----

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**Sent:** 11/29/2011 08:22 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Laura Vaught  
**Subject:** Fw: NYT: Will the Lights Stay On in Texas and New England?

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[REDACTED]  
Sandy Germann

----- Original Message -----

**From:** Sandy Germann  
**Sent:** 11/29/2011 07:57 AM EST  
**To:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland; Alexander Cristofaro; Robin Kime  
**Subject:** NYT: Will the Lights Stay On in Texas and New England?  
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01268-EPA-7107

**Noah Dubin/DC/USEPA/US** To  
 11/29/2011 05:15 PM cc  
**bcc** Richard Windsor  
**Subject** Wednesday, November 30, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Wednesday, November 30, 2011**

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Notes:

Drivers

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Shift Leaders

|    |                          |                          |
|----|--------------------------|--------------------------|
| AM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |
| PM | (b) (6) Personal Privacy | (b) (6) Personal Privacy |

Staff Contact

|              |
|--------------|
| Jose Lozano  |
| 202-236-2057 |

Lunch Hours - Gonzaga High School FYI Gonzaga Swim and Dive Bakesale

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08:45 AM - 09:15 AM Administrator's Office Daily Briefing

---

09:50 AM - 10:00 AM Administrator's Office Meet with Cynthia Giles  
 Ct: Linda Huffman - 202-564-3139

Staff:  
 Cynthia Giles (OECA)

Topic:  
 Deep Water

---

10:00 AM - 10:10 AM Administrator's Office Phone Call with Congressman Ron Kind (WI)  
 Ct: Shannon Glynn - shannon.glynn@mail.house.gov

\*\*The Administrator will call the Congressman at 202-258-5071

Staff:  
 Laura Vaught (OCIR)

---

10:30 AM - 10:35 AM ARN 3530 EPA Orientation for Administrator's Office New Employees from FY2011  
 Ct: Chris Reed - 202-566-0606

\*\*The Administrator will drop by for 5 minutes

Run of Show:

9:00 AM: Welcome, Introductions, and Icebreaker

9:15 AM: Office of the Administrator – What We Do, How We Are Organized, and Who's Who in OA

10:00 AM: Major Agency Initiatives and Sources of Support

10:30 AM: Welcome to the Office of the Administrator – Building Your Career at EPA - The Administrator greets the new employees

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10:45 AM - 11:15 AM | Administrator's Office | PARS: Jared Blumenfeld<br>Ct: Abigail Guadario - 415-947-4238 (R9 RA Ofc)<br><br>Staff:<br>Jared Blumenfeld (R9 RA)<br><br>Optional:<br>Diane Thompson, Bob Perciasepe, Bob Sussman (OA)                                                                                                                                                                                                                                                                                                                  |
| 11:30 AM - 12:00 PM | Administrator's Office | One on One with Cameron Davis<br>Ct: Veronica Burley 202-564-7084 (OA)<br><br>Staff:<br>Cameron Davis (Sr. Advisor - Great Lakes)<br><br>Optional:<br>Diane Thompson, Bob Perciasepe, Bob Sussman (OA)                                                                                                                                                                                                                                                                                                    |
| 12:00 PM - 01:00 PM | Administrator's Office | No Meetings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01:00 PM - 02:00 PM | Administrator's Office | Senior Staff Offsite Prep<br>Ct: Dan Kanninen - 202-564-0471<br><br>Staff:<br>Bob Perciasepe, Diane Thompson, Jose Lozano, Dan Kanninen (OA)                                                                                                                                                                                                                                                                                                                                                              |
| 02:15 PM - 03:00 PM | Bullet Room            | Meeting with Local Elected Officials<br>Ct: Sarah Pallone - 202-564-7178<br><br>Topic: Utility MACT<br><br>Attendees:<br><br>-Eula McNeill, Mayor Pro Tem, Red Springs, NC<br><br>-Clarence Ramsey, Council Member, Monroeville, PA<br><br>-William Callaham, Council Member, East Lansdown, PA<br><br>-Sharon Steel, Vice Mayor, St. Paul, VA<br><br>-Pam Snyder, Commissioner, Greene County, PA<br><br>-Scott Finney, Trustee, Sleepy Hollow, IL<br><br>-Pete Hennard, Commissioner, Ogemaw County, MI |

-Mark Sweeney, Commissioner, Anaconda-Deer Lodge County, MT

-Katrina Ross, Commissioner, Mint Hill, NC

-Tom Roberts, Council Member, St. Peters, MO

-David Agnew, White House Intergovernmental Affairs

## Staff:

Sarah Pallone (OCIR)

Gina McCarthy, Janet McCabe (OAR)

Laura Vaught (OCIR)

David Agnew (WH Leg)

Optional:

Janet Woodka (OA)

Stephanie Owens (OEAE) ( )

|                     |                                                              |                                                           |
|---------------------|--------------------------------------------------------------|-----------------------------------------------------------|
| 03:00 PM - 03:30 PM | 3233 EPA East                                                | FYI: Bryon Griffith's Retirement Party                    |
| 03:30 PM - 04:30 PM | Bullet Room                                                  | Senior Policy                                             |
| 04:30 PM - 05:30 PM | Green Room                                                   | All Hands Meeting<br>Ct: Sharnett Willis - 202-564-7866   |
| 05:30 PM - 05:45 PM | Ariel Rios                                                   | Depart for M&S Grill                                      |
| 05:45 PM - 07:00 PM | M & S Grill<br>600 13th Street NW,<br>Washington DC<br>20005 | Happy Hour with RAs<br>Ct: Sharnett Willis - 202-564-7866 |

\*\*\* 11/29/2011 05:12:25 PM \*\*\*

01268-EPA-7108

Richard  
Windsor/DC/USEPA/US  
11/29/2011 10:13 PM

To Bob Perciasepe  
cc  
bcc  
Subject Re: NYT Op-ed: Keep the Clean Water Act Strong

I haven't. But will. Tx.

---

**From:** Bob Perciasepe  
**Sent:** 11/29/2011 10:12 PM EST  
**To:** Richard Windsor  
**Cc:** Diane Thompson; Seth Oster  
**Subject:** NYT Op-ed: Keep the Clean Water Act Strong

Lisa:

Should we send a note to Bill R?  
You might have already

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

## The New York Times

November 28, 2011

# Keep the Clean Water Act Strong

By WILLIAM K. REILLY

San Francisco

NEXT year will mark the 40th anniversary of the Clean Water Act, a milestone for a series of landmark environmental laws that began with the creation of the Environmental Protection Agency in 1970. Those actions set our nation on a course to restore our damaged natural resources, but today, because of political pressures and court rulings, the extent and durability of some of those key protections are at risk.

Since its enactment in 1972, the Clean Water Act has encountered resistance from powerful business interests that have tried to fill wetlands, drain marshes, develop shorelines and allow pollution to flow off their property. One approach these developers have used to weaken the law has been to try to limit its jurisdiction, to say it shouldn't apply to this or that water body. The rationale has always been to argue that the water on the particular property in dispute didn't connect with interstate bodies of water and therefore should be exempt from federal regulation.

When the act became law, two-thirds of our nation's lakes, rivers and coastal waters were unsafe for fishing or swimming, and untreated sewage and industrial waste was routinely dumped into our waters. The law was partly a response to the shock the nation experienced when the filthy Cuyahoga River in Cleveland erupted in flames. Since then, industrial pollution has declined significantly. Fish have returned to countless water bodies that were once all but lifeless. Progress has come in fits and starts — despite more litigation filed than the law's proponents expected or wanted — but it is real and evident. Still, there are reasons for concern.

One is the ambiguity introduced by two Supreme Court decisions — Solid Waste Agency of Northern Cook County v. Army Corps of Engineers in 2001 and Rapanos v. United States in 2006 — over which American waters fall under the law. The law was intended to protect “all the waters of the United States.” But the decisions can be taken to suggest that the law does not protect certain waterways — those that are within one state or that sometimes run dry, for example, and lakes unconnected to larger water systems. As a result, fewer waters are protected, and those who wish to build on land that requires dredging and the depositing of the fill elsewhere face confusion, uncertainty and delay as federal regulators try to determine which water bodies fall under the law.

The Environmental Protection Agency estimates that about a third of the nation’s waters are still unhealthy. About 117 million Americans — more than a third of the population — get some or all of their drinking water from sources now lacking protection. Given the deep antipathy to regulation on Capitol Hill — the House actually approved a measure in July to strip the E.P.A. of some of its authority to enforce the Clean Water Act — Congress has been unable or unwilling to clarify the law so that progress can continue in restoring and protecting these waters.

That has left it to the E.P.A. and the United States Army Corps of Engineers to draft new rules to make clear which waterways are protected. This guidance would keep safe the streams and wetlands that affect the quality of the water used for drinking, swimming, fishing, farming, manufacturing, tourism and other activities. The new rules would also bring clarity to the issue. Routine agricultural, ranching and forestry practices will not require permits under the Clean Water Act. Formal rulemaking will follow, though that will take time and will most likely be contentious.

The American economy has performed well over the past four decades: real per capita income has doubled since 1970 and pollution is down even with 50 percent more people. The choice between a healthy environment and a healthy economy is a false one. They stand, or fall, together. We’ve been blessed in the United States with abundant water resources. But we also face daunting challenges that are putting new demands on those resources — continuing growth; the need for water for food, energy production and manufacturing; the push for biofuel crops; the threat of new contaminants; climate change and just maintaining and restoring our natural systems.

If we narrow our vision of the Clean Water Act, if we buy into the misguided notion that reducing protection of our waters will somehow ignite the economy, we will shortchange our health, environment and economy.

*William K. Reilly was the administrator of the Environmental Protection Agency from 1989 to 1993 and was the co-chairman of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.*

01268-EPA-7109

Richard  
Windsor/DC/USEPA/US  
12/02/2011 02:33 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: AFPA statement

Proof that this is all politics and no substance.

Arvin Ganesan AF&PA Statement on EPA's Release of... 12/02/2011 02:21:27 PM

---

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:21 PM  
Subject: AFPA statement

# AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Materials Rules

**Release Date: 12-02-2011**

WASHINGTON – American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Environmental Protection Agency's (EPA) release of their most recent proposed Boiler MACT, Incinerator (CISWI), and Non-Hazardous Secondary Materials (NHSMS) rules.

"The Boiler MACT rules are among the most complex MACT standards developed. We are committed to thoroughly reviewing the changes put forth by EPA today to assess the affordability and achievability of the proposal. We appreciate EPA undertaking the reconsideration process for these rules."

"EPA's reconsideration is an important step toward writing a more reasonable set of regulations after being forced by the courts to finalize rules in March, which the agency itself recognized as flawed. Our nation's economy needs regulations that protect the environment while sustaining American manufacturing jobs."

"Unfortunately, these rules remain open to challenge in the courts, which has prolonged the process by years already; this creates an atmosphere of uncertainty that prevents investment and thwarts American manufacturing competitiveness."

"We support legislation passed by the House of Representatives in October and legislation currently pending in the Senate that would help to ensure that businesses, hospitals and universities have adequate time to implement new final rules that are affordable and achievable."

01268-EPA-7110

Richard  
Windsor/DC/USEPA/US  
12/02/2011 02:42 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: AFPA statement

wow. and the President

Arvin Ganesan    [Yup. And no one will have the conviction to stand up to them. Except maybe Olympia Snowe...](#)    12/02/2011 02:35:13 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:35 PM  
Subject: Re: AFPA statement

Yup. And no one will have the conviction to stand up to them. Except maybe Olympia Snowe...

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 12/02/2011 02:34PM  
Subject: Re: AFPA statement

Proof that this is all politics and no substance.

Arvin Ganesan---12/02/2011 02:21:27 PM---AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Ma

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:21 PM  
Subject: AFPA statement

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"We support legislation passed by the House of Representatives in October and legislation currently pending in the Senate that would help to ensure that businesses, hospitals and universities have adequate time to implement new final rules that are affordable and achievable."

01268-EPA-7114

**Elizabeth  
Ashwell/DC/USEPA/US**  
12/06/2011 05:47 PM

To Richard Windsor  
cc  
bcc  
Subject NRDC

Hi-

For tomorrow's meeting at 4:15 w/ internal folks, Zichal, Krupp, Brune, and Beinecke...NRDC's Beinecke can only join via phone and therefore is asking if we're okay if they send John Walke, an Assoc Director of NRDC's Climate & Clean Air Program to attend the mtg in person as well.

(b)(5) Deliberative

01268-EPA-7116

Richard  
Windsor/DC/USEPA/US  
12/08/2011 09:47 AM

To Alisha Johnson, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, Michael Moats, Stephanie Owens, Dru Ealons, Elizabeth Ashwell, Jose Lozano, Heidi Ellis  
cc  
bcc  
Subject Re: NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

(b)(5)

Alisha Johnson

----- Original Message -----

**From:** Alisha Johnson  
**Sent:** 12/08/2011 09:35 AM EST  
**To:** Richard Windsor; Seth Oster; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Michael Moats; Stephanie Owens; Dru Ealons; Elizabeth Ashwell; Jose Lozano; Heidi Ellis  
**Subject:** NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

### **Eliminating uncertainty in the regulatory climate**

News & Observer  
December 8, 2011  
BY LEW EBERT

RALEIGH -- Environmental Protection Agency Administrator Lisa P. Jackson visited North Carolina this week to speak at Duke University about recent EPA policies. Her visit was very timely, as improving the regulatory climate was a top priority in North Carolina this year.

North Carolina recently earned the top rank for regulatory environment on Forbes magazine's "Best States for Business" list. Moving from No. 3 to the top rank in regulatory climate is an example of how North Carolina can grow and become an even better place for business. It is also a testament to significant environmental and regulatory reforms made this past legislative session.

The General Assembly proactively enacted common sense reforms to costly and wasteful regulations. Measures such as the Regulatory Reform Act of 2011 increase regulatory efficiency to balance job creation and environmental protection by creating a more streamlined and transparent rulemaking process in North Carolina.

Additionally, Gov. Beverly Perdue and the state Department of Environment and Natural Resources were influential in the delay of new EPA ozone standards this fall, voicing concerns with the compliance timeline and standard. Our state leaders have remained stewards of the environment while enhancing regulatory certainty and reforms necessary for companies to spend capital and create jobs.

Most everyone would agree that regulations are important to promoting the health and safety of citizens and maintaining certain quality of life standards in our state and nation. However, there also need to be checks and balances on the regulatory system itself.

The North Carolina business community widely recognizes the strong correlation between economic certainty and job creation. Government-induced uncertainty created by the recent and unprecedented upsurge of EPA rulemaking and regulatory activity harms businesses' ability to invest and grow.

The EPA is currently considering hundreds of costly rules, such as the Utility MACT (Maximum Achievable Control Technology) standard with an over \$10 billion compliance price tag. The administration's recent decisions to scale back on new ozone standards and the industrial boiler rule are a

step in the right direction and a clear sign that the associated costs were unbearable for manufacturers and other affected businesses vital to the economy.

Unfortunately, this only puts a dent in the cumulative costs and overlapping time frames of EPA regulations detrimental to economic growth, business development and innovation in our state. For example, it is estimated that North Carolina will lose a staggering 47,000 jobs due the combined cost of the proposed Utility MACT standard and the Cross-State Air Pollution Rule.

As companies rebound from the recession, a predictable regulatory climate is imperative to spur job creation. A sound economy that encourages growth and development is not mutually exclusive of sound environmental protections.

According to the EPA, from 1990-2008, aggregate U.S. emissions were down 41 percent and GDP was up 64 percent.

During this time of slow economic recovery and high unemployment, it is important to streamline the regulatory process to lift unnecessary and costly burdens to job creators and reduce waste and duplicity in government - working towards the ultimate goal of a clean environment and economic growth.

The North Carolina Chamber welcomed Administrator Jackson to our state, and we hope she took back positive messages of North Carolina's nonpartisan efforts to promote certainty for job creators and put our citizens back to work.

Lew Ebert is president and CEO of the North Carolina Chamber, the statewide business organization.

Read more:

<http://www.newsobserver.com/2011/12/08/1696152/eliminating-uncertainty-in-the.html#ixzz1fxAVzZk1>

01268-EPA-7117

Richard  
Windsor/DC/USEPA/US  
12/08/2011 09:52 AM

To Alisha Johnson, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
cc "Gina (Sheila) McCarthy", "Janet McCabe", "Gwendolyn KeyesFleming"  
bcc  
Subject Re: NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

Gwen and Gina -

(b)(5) Deliberative

Lisa

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/08/2011 09:47 AM EST  
**To:** Alisha Johnson; Seth Oster; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Michael Moats; Stephanie Owens; Dru Ealons; Elizabeth Ashwell; Jose Lozano; Heidi Ellis  
**Subject:** Re: NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

(b)(5)  
Alisha Johnson

----- Original Message -----

**From:** Alisha Johnson  
**Sent:** 12/08/2011 09:35 AM EST  
**To:** Richard Windsor; Seth Oster; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Michael Moats; Stephanie Owens; Dru Ealons; Elizabeth Ashwell; Jose Lozano; Heidi Ellis  
**Subject:** NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

### **Eliminating uncertainty in the regulatory climate**

News & Observer  
December 8, 2011  
BY LEW EBERT

RALEIGH -- Environmental Protection Agency Administrator Lisa P. Jackson visited North Carolina this week to speak at Duke University about recent EPA policies. Her visit was very timely, as improving the regulatory climate was a top priority in North Carolina this year.

North Carolina recently earned the top rank for regulatory environment on Forbes magazine's "Best States for Business" list. Moving from No. 3 to the top rank in regulatory climate is an example of how North Carolina can grow and become an even better place for business. It is also a testament to significant environmental and regulatory reforms made this past legislative session.

The General Assembly proactively enacted common sense reforms to costly and wasteful regulations. Measures such as the Regulatory Reform Act of 2011 increase regulatory efficiency to balance job creation and environmental protection by creating a more streamlined and transparent rulemaking process in North Carolina.

Additionally, Gov. Beverly Perdue and the state Department of Environment and Natural Resources were

influential in the delay of new EPA ozone standards this fall, voicing concerns with the compliance timeline and standard. Our state leaders have remained stewards of the environment while enhancing regulatory certainty and reforms necessary for companies to spend capital and create jobs.

Most everyone would agree that regulations are important to promoting the health and safety of citizens and maintaining certain quality of life standards in our state and nation. However, there also need to be checks and balances on the regulatory system itself.

The North Carolina business community widely recognizes the strong correlation between economic certainty and job creation. Government-induced uncertainty created by the recent and unprecedented upsurge of EPA rulemaking and regulatory activity harms businesses' ability to invest and grow.

The EPA is currently considering hundreds of costly rules, such as the Utility MACT (Maximum Achievable Control Technology) standard with an over \$10 billion compliance price tag. The administration's recent decisions to scale back on new ozone standards and the industrial boiler rule are a step in the right direction and a clear sign that the associated costs were unbearable for manufacturers and other affected businesses vital to the economy.

Unfortunately, this only puts a dent in the cumulative costs and overlapping time frames of EPA regulations detrimental to economic growth, business development and innovation in our state. For example, it is estimated that North Carolina will lose a staggering 47,000 jobs due the combined cost of the proposed Utility MACT standard and the Cross-State Air Pollution Rule.

As companies rebound from the recession, a predictable regulatory climate is imperative to spur job creation. A sound economy that encourages growth and development is not mutually exclusive of sound environmental protections.

According to the EPA, from 1990-2008, aggregate U.S. emissions were down 41 percent and GDP was up 64 percent.

During this time of slow economic recovery and high unemployment, it is important to streamline the regulatory process to lift unnecessary and costly burdens to job creators and reduce waste and duplicity in government - working towards the ultimate goal of a clean environment and economic growth.

The North Carolina Chamber welcomed Administrator Jackson to our state, and we hope she took back positive messages of North Carolina's nonpartisan efforts to promote certainty for job creators and put our citizens back to work.

Lew Ebert is president and CEO of the North Carolina Chamber, the statewide business organization.

Read more:

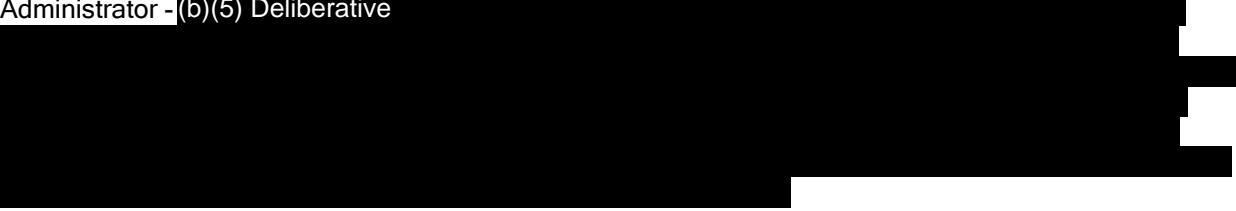
<http://www.newsobserver.com/2011/12/08/1696152/eliminating-uncertainty-in-the.html#ixzz1fxAVzZk1>

01268-EPA-7118

**Lawrence  
Elworth/DC/USEPA/US**  
12/08/2011 09:59 AM

To Richard Windsor  
cc  
bcc  
Subject for our 11:00 AM call

Administrator -(b)(5) Deliberative



Lawrence Elworth  
Agricultural Counselor to the Administrator  
U. S. Environmental Protection Agency  
2415 Ariel Rios North  
202 564-1530

01268-EPA-7119

Richard  
Windsor/DC/USEPA/US  
12/08/2011 10:51 AM

To Betsaida Alcantara, Arvin Ganesan, Bob Sussman  
cc Brendan Gilfillan  
bcc  
Subject Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

(b)(5) Deliberative

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 10:48 AM EST  
**To:** Richard Windsor; Arvin Ganesan; Bob Sussman  
**Cc:** Brendan Gilfillan  
**Subject:** Fw: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

See below. (b)(5) Deliberative

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 12/08/2011 10:47 AM -----

From: Mike Soraghan <[msoraghan@eenews.net](mailto:msoraghan@eenews.net)>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/08/2011 10:44 AM  
Subject: FW: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Uhh ...

**From:** matt\_dempsey@epw.senate.gov [mailto:[matt\\_dempsey@epw.senate.gov](mailto:matt_dempsey@epw.senate.gov)]  
**Sent:** Thursday, December 08, 2011 10:43 AM  
**To:** Mike Soraghan  
**Subject:** Inhofe Statement on EPA Announcement on Hydraulic Fracturing

## Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Thursday, December 8, 2011

Contacts:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202) 224-9797

Katie Brown [Katie\\_Brown@epw.senate.gov](mailto:Katie_Brown@epw.senate.gov) (202) 224-2160

## Inhofe Statement on EPA Announcement on Hydraulic Fracturing

[Link to Press Release](#)

[Link to Greenwire: EPA chief's comments on fracking 'contradictory' -- Inhofe](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented after speaking with Environmental Protection Agency (EPA) Administrator Lisa Jackson about EPA's announcement today that hydraulic fracturing is the cause of water contamination in Pavillion, Wyoming.

[\*\*Link to Video: Inhofe Blasts EPA Announcement on Hydraulic Fracturing, Calls it Irresponsible\*\*](#)

**"EPA's conclusions are not based on sound science but rather on political science. Its findings are premature, given that the Agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology," Senator Inhofe said.**

**"This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production. Unfortunately for Americans, his agenda destroys good paying jobs in one of the few industries that is thriving, and increases our dependence on foreign oil.**

**"As recently as November 9, 2011 EPA Regional Administrator James Martin said that the results of the latest round of testing in Pavillion were not significantly different from the first two rounds of testing, which showed no link between hydraulic fracturing and contamination. Yet only a few weeks later, EPA has decided the opposite. EPA is clearly not prepared to be making conclusions.**

**"There is a pattern emerging here. Just a few months ago, the EPA Inspector General found that EPA cut corners on the endangerment finding to come to what appears to be a predetermined conclusion to regulate greenhouse gases. This most recent study on hydraulic fracturing is apparently more of the same in the Obama Administration's ongoing war on affordable energy.**

**"It is irresponsible for EPA to release such an explosive announcement without objective peer review. Given the serious flaws in EPA's process, I have asked EPA Administrator Lisa Jackson to release all the data, methodologies and protocols that have been used, and she has made a commitment to do so. Also, because this study is a new scientific inquiry and these methods will be used nationwide, I strongly believe that it should be considered a Highly Influential Scientific Study (HISA) and undergo the required objective peer review process. I hope Administrator Jackson will agree to this, and, as Ranking Member of the Senate Committee on Environment and Public Works, I will continue to ensure that there is rigorous oversight over EPA's process."**

[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at

(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-7120

Richard  
Windsor/DC/USEPA/US  
12/08/2011 10:54 AM

To Betsaida Alcantara  
cc  
bcc

Subject Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Cool. Tx.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 10:53 AM EST  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan; Bob Sussman; Brendan Gilfillan  
**Subject:** Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

(b)(5) Deliberative

Richard Windsor (b)(5) Deliberative

12/08/2011 10:51:55 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Betsaida Alcantara/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Brendan Gilfillan/DC/USEPA/US@EPA  
**Date:** 12/08/2011 10:51 AM  
**Subject:** Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

(b)(5) Deliberative

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 10:48 AM EST  
**To:** Richard Windsor; Arvin Ganesan; Bob Sussman  
**Cc:** Brendan Gilfillan  
**Subject:** Fw: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

See below (b)(5) Deliberative

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 12/08/2011 10:47 AM -----

**From:** Mike Soraghan <msoraghan@eenews.net>  
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Contacts:

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[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

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image001.jpg  
which may be a computer program. This attached computer program  
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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-7121

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
12/08/2011 11:12 AM cc Alisha Johnson, Betsaida Alcantara, Brendan Gilfillan,  
**bcc** "Gwendolyn KeyesFleming", "Janet McCabe", "Gina (Sheila)  
McCarthy", Michael Moats, Seth Oster  
**Subject** Re: NEWS & OBSERVER: Eliminating uncertainty in the  
regulatory climate

Happy to work with Gwen and her team to pull together the info Mike needs.

Richard Windsor **Gwen and Gina (b)(5) Deliberative** 12/08/2011 09:52:15 AM

---

From: Richard Windsor/DC/USEPA/US  
To: Alisha Johnson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan  
Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Michael  
Moats/DC/USEPA/US@EPA  
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe"  
<McCabe.Janet@epamail.epa.gov>, "Gwendolyn KeyesFleming"  
<KeyesFleming.Gwendolyn@epamail.epa.gov>  
Date: 12/08/2011 09:52 AM  
Subject: Re: NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

Gwen and Gina -

(b)(5) Deliberative



Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/08/2011 09:47 AM EST  
**To:** Alisha Johnson; Seth Oster; Brendan Gilfillan; Betsaida Alcantara;  
Andra Belknap; Michael Moats; Stephanie Owens; Dru Ealons; Elizabeth Ashwell;  
Jose Lozano; Heidi Ellis  
**Subject:** Re: NEWS & OBSERVER: Eliminating uncertainty in the regulatory  
climate

(b)(5)

Alisha Johnson

----- Original Message -----

**From:** Alisha Johnson  
**Sent:** 12/08/2011 09:35 AM EST  
**To:** Richard Windsor; Seth Oster; Brendan Gilfillan; Betsaida Alcantara;  
Andra Belknap; Michael Moats; Stephanie Owens; Dru Ealons; Elizabeth Ashwell;  
Jose Lozano; Heidi Ellis  
**Subject:** NEWS & OBSERVER: Eliminating uncertainty in the regulatory  
climate

**Eliminating uncertainty in the regulatory climate**

News & Observer  
December 8, 2011  
BY LEW EBERT

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Read more:

<http://www.newsobserver.com/2011/12/08/1696152/eliminating-uncertainty-in-the.html#ixzz1fxAVzZk1>

01268-EPA-7122

Richard  
Windsor/DC/USEPA/US  
12/08/2011 12:39 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Politico: DOE to look at grid reliability in light of EPA rules

How unexpected!  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/08/2011 12:34 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson  
<thompson.diane@epa.gov>; Seth Oster; Betsaida Alcantara; Michael Goo; Arvin Ganesan; Laura Vaught; Gina McCarthy; Joseph Goffman; Alex Barron; Joel Beauvais  
**Subject:** Politico: DOE to look at grid reliability in light of EPA rules

## **DOE to look at grid reliability in light of EPA rules**

By Darius Dixon  
12/8/11 12:25 PM EST

The Energy Department is building a team to coordinate with utilities and regional planners to ensure electric reliability in the face of new and pending EPA air regulations.

At his nomination hearing Thursday for DOE's undersecretary of Energy post, Arun Majumdar, director of the department's Advanced Research Projects Agency- Energy, told the Senate Energy and Natural Resources Committee that he's committed to standing up effort to manage the impacts of EPA rules.

"What we will do at DOE, if confirmed, is to put together, I'll commit to you, to put together a team — that we are actually putting together right now — to help the utilities, all the [public utility commissions] and the stakeholders to make sure that the grid remains reliable, and that is the role of the Department of Energy," Majumdar said in response to concerns by Sen. John Barrasso (R-Wyo.) about the EPA rules.

Last week, DOE [released](#) the findings of its independent "stress test" of EPA's proposed Cross-State Air Pollution Rule and utility MACT rule, concluding that enough electric power generation exists to manage the regulations.

Still, the report didn't delve into the economic impacts of the rules, nor did it provide the detailed reliability analyses that regional planning authorities will ultimately need to conduct. DOE also indicated that retirements of reliability-critical power plants could pose local challenges for the grid, although it suggested that those issues can be managed using "flexibility mechanisms" in the Clean Air Act.

Majumdar said the DOE study "looked at whether we have the adequate resources to be able, on

a macroscopic gross scale," to ensure electric reliability. "And the answer is, yes, we possibly have those resources," he said.

Majumdar took on the role of acting undersecretary in March after Cathy Zoi left the Energy Department to work for the clean-tech fund Silver Lake Kraftwerk. President Barack Obama [nominated](#) Majumdar early last week.

Committee Chairman Jeff Bingaman (D-N.M.) told reporters that he hopes to get Majumdar's nomination approved by the Senate before Congress breaks for the December recess.

01268-EPA-7123

Michael Goo/DC/USEPA/US  
12/09/2011 08:17 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",  
"Laura Vaught"  
cc  
bcc  
Subject Ralph Izzo article below

(b)(5) Deliberative [REDACTED]

[<http://www.nationaljournal.com/member/energy/epa-mercury-rule-ruffles-utility-group-20111208>](http://www.nationaljournal.com/member/energy/epa-mercury-rule-ruffles-utility-group-20111208)  
[>](http://www.nationaljournal.com/member/energy/epa-mercury-rule-ruffles-utility-group-20111208)

#### EPA Mercury Rule Ruffles Utility Group

By Amy Harder<<http://www.nationaljournal.com/reporters/bio/31>>

Updated: December 8, 2011 | 7:33 p.m.  
December 8, 2011 | 6:30 p.m.

Internal rifts within the nation's largest utility trade group keep popping up as the Obama administration's new rules for mercury emissions loom.

An executive of a major power company told National Journal he is pulling away from the formal position the Edison Electric Institute has taken in objecting to the Environmental Protection Agency's mercury standard for power plants, which EPA plans to finalize on Dec. 16.

Ralph Izzo, chairman and CEO of Public Service Enterprise Group, a New Jersey-based utility, said in an interview on Thursday that his company was willing to compromise on delays to the rule, but when EEI started discussing increasing by 20 percent the amount of mercury pollution allowable under the rule, that was the last straw. His company pulled out of the internal negotiations and consensus position two weeks ago.

It remains unclear whether EEI, which chose not to comment for this story, ultimately ended up pitching the higher allowable pollution level to the White House or EPA. The rule is currently going through regulatory review at the White House's Office of Management and Budget.

"The cumulative weight of the concessions finally came crashing down when the mercury standard began entering into debate," Izzo said. PSEG's power generation mostly comes from natural gas and nuclear power—energy sources not affected by EPA's mercury rule—and about 18 percent from coal, the dirtiest form of electricity, which will be affected the most by EPA's mercury rule. Coal is also the cheapest and most prevalent, providing nearly half of the nation's electricity.

Current law requires companies to comply with the rule by 2015.

Izzo said that his company was originally part of a group of EEI member companies that had agreed to EEI's consensus position despite not being wholeheartedly on board with some of those provisions. Those provisions include a one-year blanket delay for all power companies to comply and the possibility of invoking a presidential exemption that would allow for two or more years to comply if national security was at risk. If a power plant that generates electricity for a military base is shut down because of an EPA

rule and grid reliability is jeopardized, the reasoning goes, that could present a national-security concern.

"We weren't fond of the one-year delay and we weren't fond of the presidential exemption," Izzo said. "But in the interest of compromise and getting a rule we could all live with and not spend the rest of eternity battling in the courts ... we were willing to compromise on several of those provisions."

Izzo, who has been with PSEG in various executive positions since 1992, said he has never known a time when his company departed from EEI's consensus position before.

"EEI does a lot of very good things that we're supportive of," Izzo said. "This disagreement would not push me to leave the organization."

Internal divisions within a trade group as diverse as EEI are not uncommon and should not be surprising despite the media attention such rifts generate. Unity is critical when trying to convince the White House and EPA to delay or change the rule in any significant way, such as whether companies should have blanket extensions to comply or whether mercury pollution levels should be weakened.

While coal utilities like Southern Company and American Electric Power have been the most vocal about asking for more time, even some clean-burning utilities that will be able to comply within three years are fully on board with EEI's request for more time, further complicating the internal dynamics of the group.

"It's hard to get anybody's assurances that they will get the flexibility they need the way the draft rule proposal has been written," Lewis Hay, chairman and CEO of NextEra Energy, said in a phone interview last week. "That's why I strongly support the one-year blanket extension." NextEra Energy is the largest generator of wind and solar power in the country.

Amy Harder

Energy and environment reporter

National Journal Daily

01268-EPA-7124

Richard  
Windsor/DC/USEPA/US  
12/09/2011 09:09 AM

To Betsaida Alcantara  
cc Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Jim Martin, Paul Anastas, Seth Oster  
bcc  
Subject Re: Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Very good story. I'm impressed at the caliber of the reporting.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/09/2011 09:01 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Governor and encana are quoted here..

Does EPA's Wyoming study blow a hole in fracking's safety record?

By Talia Buford  
12/9/11 5:36 AM EST

A draft EPA report<<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> released Thursday may finally offer the ammunition that environmentalists need to torpedo the natural gas industry's oft-repeated statement that hydraulic fracturing has never contaminated underground drinking water.

That assertion – repeated everywhere from the Hill to industry reports and speeches – had already suffered a blow this summer with the discovery<<https://www.politicopro.com/story/energy/?id=5077>> of a 1987 EPA report tying hydraulic fracturing to a tainted drinking-water well in West Virginia.

Now Thursday's EPA report points to evidence of fracking contamination of groundwater in Pavillion, Wyo.

"This definitely puts to sleep the idea that fracking is completely safe and there's nothing to worry about," said Amy Mall, a senior analyst for the Natural Resources Defense Council. "But more than that, it opens up a model for scientific inquiries so we can actually get a better understanding of what the risks are and how we can prevent them."

Dusty Horwitt, senior public lands analyst for the Environmental Working Group, said the new report "feels like a case of déjà vu."

"Almost a quarter-century ago, EPA concluded that hydraulic fracturing can contaminate groundwater," Horwitt said. "The new finding points to the need for broader testing to determine how fracking endangers groundwater and what steps can be taken to prevent toxic pollution by gas drilling."

Still, the EPA report contains a number of caveats. And agency officials said the results apply only to Pavillion – and should not be extrapolated to other regions of the country where hydraulic fracturing is occurring under different circumstances.

Industry representatives were quick to point out the uncertainties.

"I think we certainly first of all believe it's not a conclusion," said Douglas Hock, spokesman for Encana Corp., the Canadian company that drilled the gas wells in Pavillion. "What they've come out with here is a probability, and we'd say it's a very poor one based on the facts."

The report uses words such as "likely," "may" and "possible" when linking fracking to the contamination, industry representatives pointed out. Another issue, said Chris Tucker, spokesman for the industry publication Energy In Depth, is that the EPA monitoring wells were drilled into a natural gas reservoir and don't indicate conditions in the wells from which people actually drink.

"Unfortunately, in the funhouse mirror world of anti-fracturing advocacy, some will attempt to use this as a justification to shut down an entire industry, even if the issues out there have nothing to do with it," Tucker said.

The EPA tested two deep water monitoring wells, as well as sampled water in Pavillion drinking water wells. The draft report found<<https://www.politicopro.com/story/energy/?id=7832>> that groundwater in the community had traces of compounds associated with fracking chemicals.

The EPA report said the evidence "best supports an explanation that inorganic and organic constituents associated with hydraulic fracturing have contaminated ground water at and below the depth used for domestic water supply." But it said further investigation is needed to tell whether fracturing chemicals actually wound up in people's water wells.

Also bolstering industry argument are previous statements from EPA that no documented cases had shown drinking water contamination caused by fracking.

EPA Administrator Lisa Jackson raised the possibility of contamination by fracking for the first time<[http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article\\_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html](http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html)> last month, in response to the results from the Wyoming wells, which were released to the public at that time.

"They've got a lot of disparate facts that don't add up," said Hock of Encana. "No, we don't think this indicates there's a problem with hydraulic fracturing. This is a naturally poor aquifer ... it's been poor and it was poor before we ever arrived on the scene. The natural gas components they found in these monitoring wells were put there by nature and not by Encana."

Wyoming Gov. Matt Mead also said the results' widespread impact should be tempered until more data are collected.

"We believe that the draft study could have a critical impact on the energy industry and on the country, so it is imperative that we not make conclusions based on only four data points," Mead said. "Those familiar with the scientific method recognize that it would not be appropriate to make a judgment without verifying all of the testing that has been done."

That uncertainty, industry officials said, points to the need for more information.

"Environmental protection is critical to our industry," said Kathryn Klaber, president of the Marcellus Shale Coalition. "And we are confident that as the critical peer-review process moves forward, scientists and engineers on the ground in Wyoming will be able to secure more facts. However, it is entirely too early in this process, given the lack of peer-reviewed data, to arrive at any kind of absolute conclusions."

The EPA report likewise calls for more information, as well the implementation of recent recommendations from an Energy Department advisory panel for greater data collection on hydraulic fracturing operations and more public disclosure of the chemicals used. "Implementation of these recommendations would decrease the likelihood of impact to ground water and increase public confidence in the technology," the EPA report said.

The NRDC's Mall said she doesn't expect the industry to stop making its arguments that fracking has a proven safety record.

"The industry will bring it up, but the fact is nobody believes them," Mall said. "They can say that all they want and fewer people believe that every day. They're not gaining any supporters by using that line. They're losing them."

The EPA report will be open for public comment for 45 days, and will also undergo a 30-day peer-review process by independent scientists.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 06:05 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Reuters and Bloomberg stories

Reuters: EPA says fracking likely polluted Wyoming water

By: Timothy Gardner

12/8/11

Reuters: EPA says fracking likely polluted Wyoming water

WASHINGTON, Dec 8 (Reuters) - Fluids from a company employing a drilling technique known as "fracking" likely polluted an aquifer in Wyoming, the U.S. Environmental Protection Agency said in a draft report that countered industry claims the technique has never led to water contamination.

The EPA said "the best explanation" for the pollution seen in the deep monitoring wells in Pavillion, Wyoming, is a release of hydraulic fracturing, or fracking, fluids into the aquifer above the production zone. The pollution includes benzene, alcohols and glycols, the report said.

EnCana Corp (ECA.TO: Quote), an energy company that owns the field did not immediately comment on the report, saying it had only just seen it.

In fracking, energy drillers blast large amounts of water, chemicals and sand deep underground to crack rock and release natural gas and oil. The technique has been around for decades but recent improvements have led energy companies to promote the technique as a way of greatly reducing the country's oil and gas imports.

Industry groups have said in the decades that fracking has been developed it has never polluted water supplies, because the drilling occurs far below the water sources.

Environmentalists worry the process will pollute water with dangerous chemicals and air with emissions from fracking sites.

The EPA is issuing the draft report to seek peer review of the research. (Additional reporting by Edward McAllister in New York; editing by Bob Burgdorfer and Marguerita Choy)

Bloomberg: Gas-Fracking Chemicals Detected in Wyoming Aquifer, EPA Says

By: Jim Efstathiou Jr.

12/8/11

Dec. 8 (Bloomberg) -- The U.S. Environmental Protection Agency said for the first time it found chemicals used in extracting natural gas through hydraulic fracturing in a drinking-water aquifer in west-central Wyoming.

Samples taken from two deep water-monitoring wells near a gas field in Pavillion, Wyoming, showed synthetic chemicals such as glycols and alcohols "consistent with gas production and hydraulic-fracturing fluids," the agency said today in an e-mailed statement.

The U.S. gets about one-third of its gas from fracturing, or fracking, in which millions of gallons of

chemically treated water and sand are forced underground to break rock and let gas flow. Industry representatives such as Aubrey McClendon, chairman and chief executive officer of Chesapeake Energy Corp., the most active U.S. oil and natural-gas driller among well operators, have said there haven't been proven cases of fracking fluids contaminating drinking water.

"There have been some issues" with wells, McClendon said April 8 at the Society of American Business Editors and Writers conference at Southern Methodist University in Dallas. "They don't come from fracking."

Following complaints from residents of Pavillion, about 230 miles (370 kilometers) northeast of Salt Lake City, the EPA began investigating private drinking water wells about three years ago. Calgary-based Encana Corp., Canada's largest natural-gas producer, is the primary gas operator in the area. Carol Howes, a spokeswoman for Encana, had no immediate comment.

#### Deep Monitoring

In 2010, the U.S. Department of Health and Human Services recommended that Pavillion residents use alternate sources of water for drinking and cooking. While testing detected petroleum hydrocarbons in wells and in groundwater, the agency at the time said it couldn't pinpoint the source of the contamination. The EPA dug two deep monitoring wells into the aquifer and found "compounds likely associated with gas-production practices, including hydraulic fracturing," according to today's statement. Levels of the chemicals in the deep wells are "well above" acceptable standards under the Safe Drinking Water Act, the agency said.

"Given the area's complex geology and the proximity of drinking water wells to ground water contamination, EPA is concerned about the movement of contaminants within the aquifer and the safety of drinking-water wells over time," the agency said.

Today's draft findings are specific to Pavillion, where fracking is occurring "in and below the drinking-water aquifer" and close to water wells, the agency said. The findings will be submitted to an independent scientific review panel.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 05:52 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Msbn.com: EPA: 'Fracking' likely polluted town's water

EPA: 'Fracking' likely polluted town's water

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens released this photo saying it shows a hydraulic fracturing drill site in the Pavillion/Muddy Ridge gas field. The group said it was taken from the porch of its chairman, John Fenton. By msnbc.com staff and news services

A controversial method of drilling for oil and natural gas appears to be the cause of groundwater pollution in a central Wyoming town, the U.S. Environmental Protection Agency said Thursday.

The EPA last month said it had found compounds associated with chemicals used in the drilling process known as hydraulic fracturing, or fracking, in the groundwater beneath Pavillion. Many residents say their well water has reeked of chemicals since the drilling began there and first complained to the EPA in 2008. But until Thursday, the EPA said it could not speculate on where the contaminants came from.

In the draft report (.pdf) released Thursday<

[http://www.epa.gov/region8/superfund/wy/pavillion/EPA\\_ReportOnPavillion\\_Dec-8-2011.pdf](http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf)>, the EPA said that "the explanation best fitting the data ... is that constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer."

Health officials had earlier advised residents not to drink their water after the EPA said it had found benzene <<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>>and other hydrocarbons in wells it tested.

The process pumps pressurized water, sand and chemicals underground to open fissures in the rock shale and improve the flow of oil or gas.

The EPA emphasized that the findings are specific to the Pavillion area, noting that the specific type of fracking used there differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that anybody would use.

The EPA is separately working on a national study of fracking.

Doug Hock, a spokesman for EnCana Corp., which owns rights to the Pavillion-area field, slammed the draft report. "The synthetic chemicals could just have easily come from contamination when the EPA did their sampling, or from how they constructed their monitoring wells."

Pavillion residents who organized to seek the tests welcomed the report.

"We are grateful to the EPA for listening to our concerns and acting on them," said John Fenton, chair of Pavillion Area Concerned Citizens.

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens provided this photo of the home of John and Katherine Fenton. It said the haze was from fracking fluids vaporized in the drilling process and that it lasted for about 10 minutes. Similar releases happened a dozen times over 3 days, it added.

"This investigation proves the importance of having a federal agency that can protect people and the environment," added Fenton, whose home is across from one drill site. "We hope that answers to our on-going health problems and other impacts can now be addressed and that the responsible parties will finally be required to remediate the damages."

The industry contends that fracking is safe and its supporters were quick to blast the EPA.

"EPA's conclusions are not based on sound science but rather on political science," Sen. James Inhofe, R-Okla, said in a statement<

[http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord\\_id=1e3f7689-802a-23ad-483b-b50728332529](http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=1e3f7689-802a-23ad-483b-b50728332529)>. "Its findings are premature, given that the agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology."

This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production," added Inhofe, the senior Republican on the Senate Committee on Environment and Public Works.

Fracking has opened up areas that were previously considered too costly to drill. The most promising include the Marcellus Shale formation in the Northeast.

Development of the new shale deposits over the last few years has provided the United States with a century's worth of natural gas supply.

Pa. town near fracking fights to get bottled water back<

[http://usnews.msnbc.msn.com/\\_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas](http://usnews.msnbc.msn.com/_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas)>

In Pennsylvania, production from the Marcellus has led to an energy boom that New York Gov. Andrew Cuomo is keen to replicate by lifting an existing moratorium on using the fracking process.

But hearings on that proposal have been contentious.

At the last hearing last month, protesters gathered in downtown Manhattan to express concern about the safety of water supplies, holding signs saying "Governor Cuomo, don't frack it up" and "Don't frack with New York."

"We have to be literally insane to contemplate fracking," state Sen. Tony Avella told reporters outside the hearings. "Wake up Governor Cuomo, this is not going to provide jobs or revenue, but what it will do is poison the water supply for 17 million New Yorkers."

This article includes reporting by msnbc.com's Miguel Llanos, The Associated Press and Reuters.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 04:21 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Updated AP story: AP: EPA theorizes fracking-pollution link updated AP story. (b)(5) Deliberative

**AP: EPA theorizes fracking-pollution link**

By: Mead Gruver  
12/8/11

CHEYENNE, Wyo. (AP) – The U.S. Environmental Protection Agency announced Thursday for the first time that fracking – a controversial method of improving the productivity of oil and gas wells – may be to blame for causing groundwater pollution.

The draft finding could have significant implications while states try to determine how to regulate the process. Environmentalists characterized the report as a significant development though it met immediate criticism from the oil and gas industry and a U.S. senator.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas to the surface.

The EPA's found that compounds likely associated with fracking chemicals had been detected in the groundwater beneath Pavillion, a small community in central Wyoming where residents say their well water reeks of chemicals. Health officials last year advised them not to drink their water after the EPA found low levels hydrocarbons in their wells.

The EPA announcement could add to the controversy over fracking, which has played a large role in opening up many gas reserves, including the Marcellus Shale in the eastern U.S. in recent years.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

The EPA said its announcement is the first step in a process of opening up its findings for review by the public and other scientists.

"EPA's highest priority remains ensuring that Pavillion residents have access to safe drinking water," said Jim Martin, EPA regional administrator in Denver. "We look forward to having these findings in the draft report informed by a transparent and public review process."

The EPA also emphasized that the findings are specific to the Pavillion area. The agency said the fracking that occurred in Pavillion differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that would normally be used.

Environmentalists welcomed the news of the EPA report, calling it an important turning point in the fracking debate.

"This is an important first indication there are potential problems with fracking that can impact domestic water wells. It's I think a clarion call to industry to make sure they take a great deal of care in their drilling practices," said Steve Jones with the Wyoming Outdoor Council.

Pavillion resident John Fenton, chairman of the group Pavillion Area Concerned Citizens, applauded the EPA for listening to the homeowners with contaminated water.

"Those of us who suffer the impacts from the unchecked development in our community are extremely happy the contamination source is being identified," Fenton said.

Calgary, Alberta-based Encana owns the Pavillion gas field. An announced \$45 million sale to Midland, Texas-based Legacy Reserves fell through last month amid what Encana said were Legacy's concerns about the EPA investigation.

Encana spokesman Doug Hock said there was much to question about the draft study.

The compounds EPA said could be associated with fracking, he said, could have had other origins not related to gas development.

"Those could just have likely been brought about by contamination in their sampling process or construction of their well," Hock said.

The low levels of hydrocarbons found in local water wells likewise haven't been linked to gas development and substances such as methane itself are naturally occurring in the area.

"There are still a lot of questions that need to be answered. This is a probability and it is one we believe is incorrect," Hock said.

Sen. James Inhofe said the study was "not based on sound science but rather on political science."

"Its findings are premature, given that the Agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology," the Oklahoma Republican said in a statement.

Wyoming last year became one of the first states to require oil and gas companies to publicly disclose the chemicals used in fracking. Colorado regulators are considering doing the same.

The public and industry representatives packed an 11-hour hearing on the issue in Denver on Monday. They all generally supported the proposal but the sticking point is whether trade secrets would have to be disclosed and how quickly the information would have to be turned over.

And while the EPA emphasized the Wyoming findings were highly localized, the report is likely to reverberate.

The issue has been highly contentious in New York, where some upstate residents and politicians argue that the gas industry will bring desperately needed jobs while others demand a ban on fracking to protect water supplies. New York regulators haven't issued permits for gas drilling with high-volume hydraulic fracturing in the Marcellus Shale since they began an extensive environmental review in 2008.

Kate Sinding, an attorney with the Natural Resources Defense Council in New York City, said in an e-mail Thursday that the EPA in Wyoming is now recognizing what other experts and families in fracking communities have known for some time: "Fracking poses serious threats to safe drinking water."

Betsaida Alcantara (b)(5) Deliberative

12/08/2011 01:32:56 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA  
Date: 12/08/2011 01:32 PM  
Subject: AP: EPA implicates hydraulic fracturing in groundwater pollution at Wyoming gas field

(b)(5) Deliberative



## EPA implicates hydraulic fracturing in

# groundwater pollution at Wyoming gas field

By Associated Press, Updated: Thursday, December 8, 1:10 PM

CHEYENNE, Wyo. — The U.S. Environmental Protection Agency for the first time has implicated fracking — a controversial method of improving the productivity of oil and gas wells — for causing groundwater pollution.

The finding could have a chilling effect in states trying to determine how to regulate the controversial process.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas.

The EPA announced Thursday that it found compounds likely associated with fracking chemicals in the groundwater beneath a Wyoming community where residents say their well water reeks of chemicals.

Health officials advised them not to drink their water after the EPA found hydrocarbons in their wells.

The EPA announcement has major implications for a vast increase in gas drilling in the U.S. in recent years. Fracking has played a large role in opening up many reserves.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

01268-EPA-7125

**Paul Anastas/DC/USEPA/US**  
12/09/2011 10:39 AM  
**To:** Richard Windsor, Betsaida Alcantara  
**cc:** Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Jim Martin, Seth Oster  
**bcc:**  
**Subject:** Re: Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Agreed. (b)(5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/09/2011 09:09 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Seth Oster  
**Subject:** Re: Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Very good story. I'm impressed at the caliber of the reporting.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/09/2011 09:01 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Governor and encana are quoted here..

Does EPA's Wyoming study blow a hole in fracking's safety record?

By Talia Buford  
12/9/11 5:36 AM EST

A draft EPA report<<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> released Thursday may finally offer the ammunition that environmentalists need to torpedo the natural gas industry's oft-repeated statement that hydraulic fracturing has never contaminated underground drinking water.

That assertion – repeated everywhere from the Hill to industry reports and speeches – had already suffered a blow this summer with the discovery<<https://www.politicopro.com/story/energy/?id=5077>> of a 1987 EPA report tying hydraulic fracturing to a tainted drinking-water well in West Virginia.

Now Thursday's EPA report points to evidence of fracking contamination of groundwater in Pavillion, Wyo.

"This definitely puts to sleep the idea that fracking is completely safe and there's nothing to worry about," said Amy Mall, a senior analyst for the Natural Resources Defense Council. "But more than that, it opens up a model for scientific inquiries so we can actually get a better understanding of what the risks are and how we can prevent them."

Dusty Horwitt, senior public lands analyst for the Environmental Working Group, said the new report "feels like a case of déjà vu."

"Almost a quarter-century ago, EPA concluded that hydraulic fracturing can contaminate groundwater," Horwitt said. "The new finding points to the need for broader testing to determine how fracking endangers groundwater and what steps can be taken to prevent toxic pollution by gas drilling."

Still, the EPA report contains a number of caveats. And agency officials said the results apply only to Pavillion – and should not be extrapolated to other regions of the country where hydraulic fracturing is occurring under different circumstances.

Industry representatives were quick to point out the uncertainties.

"I think we certainly first of all believe it's not a conclusion," said Douglas Hock, spokesman for Encana Corp., the Canadian company that drilled the gas wells in Pavillion. "What they've come out with here is a probability, and we'd say it's a very poor one based on the facts."

The report uses words such as "likely," "may" and "possible" when linking fracking to the contamination, industry representatives pointed out. Another issue, said Chris Tucker, spokesman for the industry publication Energy In Depth, is that the EPA monitoring wells were drilled into a natural gas reservoir and don't indicate conditions in the wells from which people actually drink.

"Unfortunately, in the funhouse mirror world of anti-fracturing advocacy, some will attempt to use this as a justification to shut down an entire industry, even if the issues out there have nothing to do with it," Tucker said.

The EPA tested two deep water monitoring wells, as well as sampled water in Pavillion drinking water wells. The draft report found<<https://www.politicopro.com/story/energy/?id=7832>> that groundwater in the community had traces of compounds associated with fracking chemicals.

The EPA report said the evidence "best supports an explanation that inorganic and organic constituents associated with hydraulic fracturing have contaminated ground water at and below the depth used for domestic water supply." But it said further investigation is needed to tell whether fracturing chemicals actually wound up in people's water wells.

Also bolstering industry argument are previous statements from EPA that no documented cases had shown drinking water contamination caused by fracking.

EPA Administrator Lisa Jackson raised the possibility of contamination by fracking for the first time<[http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article\\_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html](http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html)> last month, in response to the results from the Wyoming wells, which were released to the public at that time.

"They've got a lot of disparate facts that don't add up," said Hock of Encana. "No, we don't think this indicates there's a problem with hydraulic fracturing. This is a naturally poor aquifer ... it's been poor and it was poor before we ever arrived on the scene. The natural gas components they found in these monitoring wells were put there by nature and not by Encana."

Wyoming Gov. Matt Mead also said the results' widespread impact should be tempered until more data are collected.

"We believe that the draft study could have a critical impact on the energy industry and on the country, so it is imperative that we not make conclusions based on only four data points," Mead said. "Those familiar with the scientific method recognize that it would not be appropriate to make a judgment without verifying all of the testing that has been done."

That uncertainty, industry officials said, points to the need for more information.

"Environmental protection is critical to our industry," said Kathryn Klaber, president of the Marcellus Shale Coalition. "And we are confident that as the critical peer-review process moves forward, scientists and engineers on the ground in Wyoming will be able to secure more facts. However, it is entirely too early in this process, given the lack of peer-reviewed data, to arrive at any kind of absolute conclusions."

The EPA report likewise calls for more information, as well the implementation of recent recommendations from an Energy Department advisory panel for greater data collection on hydraulic fracturing operations and more public disclosure of the chemicals used. "Implementation of these recommendations would decrease the likelihood of impact to ground water and increase public confidence in the technology," the EPA report said.

The NRDC's Mall said she doesn't expect the industry to stop making its arguments that fracking has a proven safety record.

"The industry will bring it up, but the fact is nobody believes them," Mall said. "They can say that all they want and fewer people believe that every day. They're not gaining any supporters by using that line. They're losing them."

The EPA report will be open for public comment for 45 days, and will also undergo a 30-day peer-review process by independent scientists.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 06:05 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Reuters and Bloomberg stories

Reuters: EPA says fracking likely polluted Wyoming water

By: Timothy Gardner

12/8/11

Reuters: EPA says fracking likely polluted Wyoming water

WASHINGTON, Dec 8 (Reuters) - Fluids from a company employing a drilling technique known as "fracking" likely polluted an aquifer in Wyoming, the U.S. Environmental Protection Agency said in a draft report that countered industry claims the technique has never led to water contamination.

The EPA said "the best explanation" for the pollution seen in the deep monitoring wells in Pavillion, Wyoming, is a release of hydraulic fracturing, or fracking, fluids into the aquifer above the production zone. The pollution includes benzene, alcohols and glycols, the report said.

EnCana Corp (ECA.TO: Quote), an energy company that owns the field did not immediately comment on the report, saying it had only just seen it.

In fracking, energy drillers blast large amounts of water, chemicals and sand deep underground to crack rock and release natural gas and oil. The technique has been around for decades but recent improvements have led energy companies to promote the technique as a way of greatly reducing the country's oil and gas imports.

Industry groups have said in the decades that fracking has been developed it has never polluted water supplies, because the drilling occurs far below the water sources.

Environmentalists worry the process will pollute water with dangerous chemicals and air with emissions from fracking sites.

The EPA is issuing the draft report to seek peer review of the research. (Additional reporting by Edward McAllister in New York; editing by Bob Burgdorfer and Marguerita Choy)

Bloomberg: Gas-Fracking Chemicals Detected in Wyoming Aquifer, EPA Says

By: Jim Efstathiou Jr.  
12/8/11

Dec. 8 (Bloomberg) -- The U.S. Environmental Protection Agency said for the first time it found chemicals used in extracting natural gas through hydraulic fracturing in a drinking-water aquifer in west-central Wyoming.

Samples taken from two deep water-monitoring wells near a gas field in Pavillion, Wyoming, showed synthetic chemicals such as glycols and alcohols "consistent with gas production and hydraulic-fracturing fluids," the agency said today in an e-mailed statement.

The U.S. gets about one-third of its gas from fracturing, or fracking, in which millions of gallons of chemically treated water and sand are forced underground to break rock and let gas flow. Industry representatives such as Aubrey McClendon, chairman and chief executive officer of Chesapeake Energy Corp., the most active U.S. oil and natural-gas driller among well operators, have said there haven't been proven cases of fracking fluids contaminating drinking water.

"There have been some issues" with wells, McClendon said April 8 at the Society of American Business Editors and Writers conference at Southern Methodist University in Dallas. "They don't come from fracking."

Following complaints from residents of Pavillion, about 230 miles (370 kilometers) northeast of Salt Lake City, the EPA began investigating private drinking water wells about three years ago. Calgary-based Encana Corp., Canada's largest natural-gas producer, is the primary gas operator in the area.

Carol Howes, a spokeswoman for Encana, had no immediate comment.

#### Deep Monitoring

In 2010, the U.S. Department of Health and Human Services recommended that Pavillion residents use alternate sources of water for drinking and cooking. While testing detected petroleum hydrocarbons in wells and in groundwater, the agency at the time said it couldn't pinpoint the source of the contamination. The EPA dug two deep monitoring wells into the aquifer and found "compounds likely associated with gas-production practices, including hydraulic fracturing," according to today's statement. Levels of the chemicals in the deep wells are "well above" acceptable standards under the Safe Drinking Water Act, the agency said.

"Given the area's complex geology and the proximity of drinking water wells to ground water contamination, EPA is concerned about the movement of contaminants within the aquifer and the safety of drinking-water wells over time," the agency said.

Today's draft findings are specific to Pavillion, where fracking is occurring "in and below the drinking-water aquifer" and close to water wells, the agency said. The findings will be submitted to an independent scientific review panel.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 05:52 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Msbn.com: EPA: 'Fracking' likely polluted town's water

EPA: 'Fracking' likely polluted town's water

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens released this photo saying it shows a hydraulic fracturing drill site in the Pavillion/Muddy Ridge gas field. The group said it was taken from the porch of its chairman, John Fenton. By msnbc.com staff and news services

A controversial method of drilling for oil and natural gas appears to be the cause of groundwater pollution in a central Wyoming town, the U.S. Environmental Protection Agency said Thursday.

The EPA last month said it had found compounds associated with chemicals used in the drilling process known as hydraulic fracturing, or fracking, in the groundwater beneath Pavillion. Many residents say their well water has reeked of chemicals since the drilling began there and first complained to the EPA in 2008. But until Thursday, the EPA said it could not speculate on where the contaminants came from.

In the draft report (.pdf) released Thursday<

[http://www.epa.gov/region8/superfund/wy/pavillion/EPA\\_ReportOnPavillion\\_Dec-8-2011.pdf](http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf), the EPA said that "the explanation best fitting the data ... is that constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer."

Health officials had earlier advised residents not to drink their water after the EPA said it had found benzene <<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> and other hydrocarbons in wells it tested.

The process pumps pressurized water, sand and chemicals underground to open fissures in the rock shale and improve the flow of oil or gas.

The EPA emphasized that the findings are specific to the Pavillion area, noting that the specific type of fracking used there differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that anybody would use.

The EPA is separately working on a national study of fracking.

Doug Hock, a spokesman for EnCana Corp., which owns rights to the Pavillion-area field, slammed the draft report. "The synthetic chemicals could just have easily come from contamination when the EPA did their sampling, or from how they constructed their monitoring wells."

Pavillion residents who organized to seek the tests welcomed the report.

"We are grateful to the EPA for listening to our concerns and acting on them," said John Fenton, chair of Pavillion Area Concerned Citizens.

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens provided this photo of the home of John and Katherine Fenton. It said the haze was from fracking fluids vaporized in the drilling process and that it lasted for about 10 minutes. Similar releases happened a dozen times over 3 days, it added.

"This investigation proves the importance of having a federal agency that can protect people and the environment," added Fenton, whose home is across from one drill site. "We hope that answers to our on-going health problems and other impacts can now be addressed and that the responsible parties will finally be required to remediate the damages."

The industry contends that fracking is safe and its supporters were quick to blast the EPA.

"EPA's conclusions are not based on sound science but rather on political science," Sen. James Inhofe, R-Okla, said in a statement<

[http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord\\_id=1e3f7689-802a-23ad-483b-b50728332529](http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=1e3f7689-802a-23ad-483b-b50728332529)>. "Its findings are premature, given that the agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology."

This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production," added Inhofe, the senior Republican on the Senate Committee on Environment and Public Works.

Fracking has opened up areas that were previously considered too costly to drill. The most promising include the Marcellus Shale formation in the Northeast.

Development of the new shale deposits over the last few years has provided the United States with a century's worth of natural gas supply.

Pa. town near fracking fights to get bottled water back<

[http://usnews.msnbc.msn.com/\\_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas](http://usnews.msnbc.msn.com/_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas)>

In Pennsylvania, production from the Marcellus has led to an energy boom that New York Gov. Andrew Cuomo is keen to replicate by lifting an existing moratorium on using the fracking process.

But hearings on that proposal have been contentious.

At the last hearing last month, protesters gathered in downtown Manhattan to express concern about the safety of water supplies, holding signs saying "Governor Cuomo, don't frack it up" and "Don't frack with New York."

"We have to be literally insane to contemplate fracking," state Sen. Tony Avella told reporters outside the hearings. "Wake up Governor Cuomo, this is not going to provide jobs or revenue, but what it will do is poison the water supply for 17 million New Yorkers."

This article includes reporting by msnbc.com's Miguel Llanos, The Associated Press and Reuters.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 04:21 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Updated AP story: AP: EPA theorizes fracking-pollution link updated AP story. (b)(5) Deliberative

AP: EPA theorizes fracking-pollution link

By: Mead Gruver

12/8/11

CHEYENNE, Wyo. (AP) – The U.S. Environmental Protection Agency announced Thursday for the first time that fracking – a controversial method of improving the productivity of oil and gas wells – may be to blame for causing groundwater pollution.

The draft finding could have significant implications while states try to determine how to regulate the process. Environmentalists characterized the report as a significant development though it met immediate criticism from the oil and gas industry and a U.S. senator.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas to the surface.

The EPA's found that compounds likely associated with fracking chemicals had been detected in the groundwater beneath Pavillion, a small community in central Wyoming where residents say their well water reeks of chemicals. Health officials last year advised them not to drink their water after the EPA found low levels hydrocarbons in their wells.

The EPA announcement could add to the controversy over fracking, which has played a large role in opening up many gas reserves, including the Marcellus Shale in the eastern U.S. in recent years.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

The EPA said its announcement is the first step in a process of opening up its findings for review by the public and other scientists.

"EPA's highest priority remains ensuring that Pavillion residents have access to safe drinking water," said Jim Martin, EPA regional administrator in Denver. "We look forward to having these findings in the draft report informed by a transparent and public review process."

The EPA also emphasized that the findings are specific to the Pavillion area. The agency said the fracking that occurred in Pavillion differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that would normally be used.

Environmentalists welcomed the news of the EPA report, calling it an important turning point in the fracking debate.

"This is an important first indication there are potential problems with fracking that can impact domestic water wells. It's I think a clarion call to industry to make sure they take a great deal of care in their drilling practices," said Steve Jones with the Wyoming Outdoor Council.

Pavillion resident John Fenton, chairman of the group Pavillion Area Concerned Citizens, applauded the EPA for listening to the homeowners with contaminated water.

"Those of us who suffer the impacts from the unchecked development in our community are extremely happy the contamination source is being identified," Fenton said.

Calgary, Alberta-based Encana owns the Pavillion gas field. An announced \$45 million sale to Midland, Texas-based Legacy Reserves fell through last month amid what Encana said were Legacy's concerns about the EPA investigation.

Encana spokesman Doug Hock said there was much to question about the draft study.

The compounds EPA said could be associated with fracking, he said, could have had other origins not related to gas development.

"Those could just have likely been brought about by contamination in their sampling process or construction of their well," Hock said.

The low levels of hydrocarbons found in local water wells likewise haven't been linked to gas development and substances such as methane itself are naturally occurring in the area.

"There are still a lot of questions that need to be answered. This is a probability and it is one we believe is incorrect," Hock said.

Sen. James Inhofe said the study was "not based on sound science but rather on political science."

"Its findings are premature, given that the Agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology," the Oklahoma Republican said in a statement.

Wyoming last year became one of the first states to require oil and gas companies to publicly disclose the chemicals used in fracking. Colorado regulators are considering doing the same.

The public and industry representatives packed an 11-hour hearing on the issue in Denver on Monday. They all generally supported the proposal but the sticking point is whether trade secrets would have to be disclosed and how quickly the information would have to be turned over.

And while the EPA emphasized the Wyoming findings were highly localized, the report is likely to reverberate.

The issue has been highly contentious in New York, where some upstate residents and politicians argue that the gas industry will bring desperately needed jobs while others demand a ban on fracking to protect water supplies. New York regulators haven't issued permits for gas drilling with high-volume hydraulic fracturing in the Marcellus Shale since they began an extensive environmental review in 2008.

Kate Sinding, an attorney with the Natural Resources Defense Council in New York City, said in an e-mail Thursday that the EPA in Wyoming is now recognizing what other experts and families in fracking communities have known for some time: "Fracking poses serious threats to safe drinking water."

Betsaida Alcantara    This is the AP's short piece out of th...    12/08/2011 01:32:56 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA  
Date: 12/08/2011 01:32 PM  
Subject: AP: EPA implicates hydraulic fracturing in groundwater pollution at Wyoming gas field

(b)(5) Deliberative



# EPA implicates hydraulic fracturing in groundwater pollution at Wyoming gas field

By Associated Press, Updated: Thursday, December 8, 1:10 PM

CHEYENNE, Wyo. — The U.S. Environmental Protection Agency for the first time has implicated fracking — a controversial method of improving the productivity of oil and gas wells — for causing groundwater pollution.

The finding could have a chilling effect in states trying to determine how to regulate the controversial process.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas.

The EPA announced Thursday that it found compounds likely associated with fracking chemicals in the groundwater beneath a Wyoming community where residents say their well water reeks of chemicals.

Health officials advised them not to drink their water after the EPA found hydrocarbons in their wells.

The EPA announcement has major implications for a vast increase in gas drilling in the U.S. in recent years. Fracking has played a large role in opening up many reserves.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

01268-EPA-7126

Richard  
Windsor/DC/USEPA/US  
12/09/2011 05:08 PM

To Arvin Ganesan  
cc  
bcc

Subject Re: Boxer Calls on House Republicans to Stand with American People, Not Polluters

(b)(5) Deliberative  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 12/09/2011 04:17 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Boxer Calls on House Republicans to Stand with American People, Not Polluters

(b)(5) Deliberative

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 12/09/2011 04:17 PM -----

From: "Collier, Pat (DPCC)" <Pat\_Collier@DPCC.SENATE.GOV>  
To: DPC-ENVIRONMENTENERGY@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV  
Date: 12/09/2011 03:19 PM  
Subject: FW: Boxer Calls on House Republicans to Stand with American People, Not Polluters

On behalf of the EPW Committee...

For Immediate Release  
December 9, 2011

Contact: Mary Kerr or Kate Gilman: 202-224-8832  
[mary\\_kerr@epw.senate.gov](mailto:mary_kerr@epw.senate.gov) or [kate\\_gilman@epw.senate.gov](mailto:kate_gilman@epw.senate.gov)

## U.S. Senate Committee on Environment and Public Works

### Boxer Calls on House Republicans to Stand with American People, Not Polluters

*Calls for dropping dangerous riders from must-pass legislation*

**Washington, D.C.** – Senator Barbara Boxer (D-CA), Chairman of the Environment and Public Works Committee, is calling on House Republicans to drop dangerous provisions from their payroll tax cut legislation that would stop a clean air rule that protects the American people from toxic mercury and arsenic pollution. The proposal also includes a provision to immediately

move forward on the tar sands XL pipeline without proper consideration of public health and safety.

Senator Boxer said: "**Why on earth would the Republicans give a payroll tax cut with one hand, and with the other hand, increase the likelihood of premature deaths, heart attacks, cancer, and developmental disabilities in children?**

**We know that this boiler MACT rule that Republicans are rushing to repeal will prevent up to 8,100 premature deaths per year, 52,000 asthma cases per year, 5,100 hearts attacks per year, and 400,000 lost work days per year.**

**There is no reason to do this other than to protect the largest polluters in the nation who should be cleaning up their act.**

**I also call on House Republicans to drop their provisions approving the controversial tar sands XL pipeline provision. As President Obama has said, this needs further study on the project's implications for public health and safety. In fact, questions have been raised about the health and safety reviews to date and their connection to the polluter.**

**If there is one thing all Americans are united on it is their negative feelings about attaching unrelated matters to must-pass legislation that is needed to protect the economy -- especially when these provisions haven't even had a vote. The House Republicans need to acknowledge that they should be serving the people, not the polluters."**

###

01268-EPA-7127

Richard  
Windsor/DC/USEPA/US  
12/12/2011 12:35 PM

To Shalini Vajjhala  
cc  
bcc  
Subject Fw: Brown Environmental Issues In Developing Countries -  
Avis C. Robinson

Hey. See below -(b)(5) Deliberative

Let's discuss. Lisa

**From:** Avis Robinson [mailto:(b) (6) Privacy]  
**Sent:** Friday, September 16, 2011 10:04 AM  
**To:** (b) (6) Personal Privacy  
**Subject:** Brown Environmental Issues In Developing Countries - Avis C. Robinson

Dear Lisa,

The real purpose of this note is to provide you with a very brief summary about 'brown' environmental issues in Africa. Thanks to the EPA, I had the opportunity to work at the World Bank in two departments simultaneously -- the Environment Department and African Section. At that time, the World Bank directed all Departments to 'mainstream' environmental issues into all projects. My primary responsibility in the World Bank's Environment Department was to review proposed World Bank development projects and highlight potential Climate Change adaptation interventions.

In the Africa Department, I was asked to draft a World Bank document that clearly defined the meaning of 'brown' environment, discuss why the World Bank should concerned about the issue, and determine if brown environmental issues could be 'mainstreamed' into proposed World Bank reconstruction projects in trustworthy (ie. low - medium levels of corruption) countries in Africa such as Mali.

## I. What Does Brown Environment Mean And Why is Important Today?

The phrase 'brown environment' simply describes environmental issues facing developing countries, such as sewage, waste management, land degradation, water and other natural resource and social issues. The primary reason for addressing brown environmental problems in developing is to reduce the human exposure to disease. Many diseases are heavily conditioned by the physical ecology of a country. Rural and urban poverty exacerbates the environmental degradation of an already beleaguered ecology.

For anyone working at EPA, these issues are very straight-forward and we've manage to address them nationwide. Sadly, this was not the case ten years ago, and it not the case now in low income countries. They continue to fight a losing battle against brown environmental issues.

## II. Brown Environment = Disease

As you are well aware, the poor are much more susceptible to disease because of lack of access to clean water and sanitation, safe housing, medical care, information about preventative behaviors, and adequate nutrition. Diseases depend on temperature, rainfall, availability of clean water supplies, the presence of specific disease vectors such as mosquitoes (which in turn are affected by climate, accident of history, bio geography), the density of habitation (or the crowding of individuals), and exposure to environmental risks such as indoor air pollution or unsafe water, and so forth. Islands are different from mainlands, 93 temperate zones are different from tropical zones, humid regions are different from deserts, and coasts are different from hinterlands.

It is not surprising that malaria has been defeated in most temperate regions but not in large parts of the tropics; or that Africa suffers the most intensive malaria transmission, in part because it also has the most pernicious (or “competent”) mosquito vector (*Anopheles gambiae*). Costs and strategies may differ markedly according to ecology, and intervention strategies must be tailored to local ecological conditions. In some regions, insecticide-impregnated bed-nets might be the best vector-control response to malaria; in other places, household spraying or larvicing of breeding sites might be more effective.

Hot environments and seasons are much more prone to bacterial-induced diarrheal diseases than cooler regions and seasons. Diarrheal disease can be addressed by widespread promotion of oral re-hydration therapy, along with improved sanitation. Such interventions have made significant inroads into the dreadful toll of this disease among children: deaths from diarrheal disease around the world has dropped from 4.6 million a year in 1980 to 3.3 million a year in 1990 to 1.5 million a year in 1999. Safe water and sanitation, backed by proper hygienic behavior such as hand washing and the use of soap, could dramatically reduce the incidence of many diarrheal and other diseases that kill millions of children each year.

Countries with high infant mortality rates have the fastest growing populations in the world, with consequent strains on the physical environment, especially to the extent that increasing populations are crowding fragile subsistence farmlands. Lowering infant mortality rates will tend to lower, not raise, population growth rate over the longer run. Disease control programs should be complemented by reproductive health and education programs to ensure that the transition to lower mortality is accompanied as rapidly as possible by the transition to lower fertility.

Even on the narrow question of health it is clear that good health and the protection against disease cannot be produced by the health sector alone. One of the most powerful contributors to reduced child mortality, for example, is the literacy of mothers, which is itself the product of an education system that ensures widespread access to education for the poor, including girls as well as boys.

### III. Addressing Brown Environmental Issues Through The Health Infrastructure

Ecology goes hand-in-hand with a fundamental restructuring of socio-economic inequities. In order to make long-term gains in health and reduce ‘brown’ environmental impacts the World

Bank a had to create a process which incorporated the fight against disease into development strategies which helped address brown environmental issues. Economic development had to be approached via a multi-sectoral process. A process that impels governments and civil society to look across a range of policies in health, education, water and sanitation, environmental management, gender relations, and other areas. Extending the coverage of crucial health infrastructure services, including a relatively small number of specific interventions, to the world's poor could save millions of lives each year, reduce poverty, spur economic development, and promote global security.

Examples of interventions in sectors include

- Water sector through integrated water and environmental management programs at a water basin level.
- Urban development sector by addressing the entire chain of solid-waste management. And,
- Rural sector, by inclusion of soil conservation and combating land degradation in rural development projects.

The strategy for economic development had to build on a broad range of social investments as well as strategies to encourage private-sector business investment. In addition to multi-sector projects, stand-alone environmental projects can also be used to address critical issues in specific sectors of both "green" and "brown" agendas. These include projects for protected areas, fisheries and industrial pollution, such as Egypt's Pollution Abatement Project.

I hope that these ideas will be useful to you as you prepare for your trip to Brazil. Of course I'd love to be on the delegation, but wise enough to be perfectly content writing this not and having the opportunity to get know you. If you have any questions, please do not hesitate to call me at 703-534-9471.

Thank you so much reminding me how much I loved working at the EPA and helping people -- especially countries with large populations of low-income people.

God bless you,

Avis

--  
Avis C. Robinson

This E-mail, including any attachment, is being sent solely for use by the intended recipient and may contain confidential or proprietary information. Any review, use, disclosure, or further distribution is prohibited without the express written consent of the Eugene and Avis Robinson

01268-EPA-7128

**Sarah Pallone/DC/USEPA/US**  
12/12/2011 02:06 PM  
**To:** Richard Windsor  
**cc:** Brendan Gilfillan, Elizabeth Ashwell, Jose Lozano, Stephanie Owens  
**bcc:**  
**Subject:** Re: Fw: Would you be interested in joining me - very worthwhile event

Wonderful!

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

(b) (6) Personal Privacy Sent from my Verizon Wireless BlackBerry... 12/12/2011 01:53:36 PM

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From: **To:** Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA  
**Date:** 12/12/2011 01:53 PM  
**Subject:** Fw: Would you be interested in joining me - very worthwhile event

Sent from my Verizon Wireless BlackBerry

---

**From:** (b) (6) Personal Privacy  
**Date:** Mon, 12 Dec 2011 18:50:26 +0000  
**To:** Frances Beinecke<fbeinecke@nrdc.org>  
**ReplyTo:** (b) (6) Personal Privacy  
**Subject:** Re: Would you be interested in joining me - very worthwhile event  
Hi Frances. Thanks for reaching out and happy holidays to you and your family.

I will let my staff know that I'm very interested in the conference. For my part, I will look to expand any west coast trip to include some early community focused Earth Day events. Lisa  
Sent from my Verizon Wireless BlackBerry

---

**From:** "Beinecke, Frances" <fbeinecke@nrdc.org>  
**Date:** Mon, 12 Dec 2011 11:16:47 -0500  
**To:**  
**Subject:** Would you be interested in joining me - very worthwhile event

Dear Lisa,

I hope this finds you and your family well and looking forward to a joyous holiday season.

I'm writing to ask whether you'd consider joining me in a panel discussion at the Brainstorm Green conference Fortune magazine will host in Laguna Niguel, Calif., April 16-18 of next year. I understand that Fortune has reached out directly to you on this, but I wanted to follow up to

express my hope that we might together highlight the progress the Obama Administration has made on the environmental agenda to date and some of the challenges and opportunities that lie ahead.

I've attended a number of these sessions since Fortune began hosting them in 2001, and they tend to foster a constructive dialogue at the executive level. I understand that among those confirmed to participate this year are Alan Mulally, CEO of the Ford Motor Co., Jim Rogers of Duke Energy, John Faraci of the International Paper Co., and Rob Walton, chairman of Wal-Mart.

My hope is that you and I might bring our perspectives to bear on a discussion about the critical policy choices our nation faces in confronting global climate change, reducing toxic chemicals and soot from the air we breathe and protecting our waters from the hazards of coal ash. I would like, also, to delve into the manifest opportunities we have to move toward cleaner, safer, more sustainable sources of energy, and the ways this can help make our economy stronger, our country more secure and our children healthier. Finally, I would hope this forum provides an opportunity for us to speak directly to corporate leaders, and to hear directly from them, as together we work to develop solutions that make sense for everyone.

Thank you, Lisa, for your time and consideration. I look forward to discussing this with you at your earliest convenience.

Sincerely,  
Frances

01268-EPA-7129

**Richard  
Windsor/DC/USEPA/US**  
12/12/2011 03:45 PM

To Stephanie Owens  
cc "Elizabeth Ashwell"  
bcc  
Subject Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss  
Need

(b) (6) Privacy

Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 12/12/2011 03:30 PM EST  
**To:** Richard Windsor; Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Dru Ealons; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

We can make that happen!

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/12/2011 03:04 PM EST  
**To:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Dru Ealons; Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

V cool. The BUS ! Would love to met him!

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/12/2011 02:54 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; Michael Moats; Dru Ealons; Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Fw: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need  
nice

----- Original Message -----

From: Emma Post <epost@sloanepr.com>  
To: epost@sloanepr.com  
At: 12/12 14:07:55

#### MEDIA ADVISORY

NFL Legend Jerome Bettis, Clean Air Council and Former Assistant Energy Secretary Sue Tierney to Discuss Need for Timely Implementation of EPA's Utility MACT Rule

WHO: Jerome "The Bus" Bettis, Former NFL All-Pro Player, Asthma Sufferer and Activist

Katie Feeney, Policy Analyst, Clean Air Council

Dr. Sue Tierney, Managing Principal, Analysis Group and former Assistant Secretary for Policy at the

## U.S. Department of Energy

WHAT: Bettis, Feeney and Tierney will discuss the need for timely implementation of the Utility MACT Rule, and the life-saving effects the rule will have - especially for those who suffer from asthma and other respiratory diseases by reducing hazardous emissions from power plants.

WHY: EPA is expected to sign the final Utility MACT rule on December 16th. The rule has faced criticism from some in the utility industry and Republican members of Congress. Bettis and Feeney are in Washington, D.C. to educate Members about the staggering health benefits that will come from the rule, including the prevention of 17,000 premature deaths and 120,000 cases of aggravated asthma annually, according to EPA. Dr. Tierney will speak to how the utility industry can comply with the rule.

WHERE:

Cannon House Office Building, Room 122

WHEN:

1 PM EST

Thursday, December 15, 2011

RSVP:

Please confirm attendance

Emma Post, 212 446 1878

## About Jerome Bettis

The former Pittsburgh Steelers Running Back is one of the greatest running backs in the NFL history (5th overall in rushing). Diagnosed with asthma at age 14, Bettis is a tireless advocate for asthma awareness. Bettis also established "The Bus Stops Here Foundation" in 1996 to help improve the quality of life for disadvantaged and underprivileged children. In 2001, Jerome Bettis was the recipient of the Walter Payton Man of the Year Award.

## About Clean Air Council

Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.

# # #

Emma Post  
Sloane & Company  
P: 212-446-1878  
E: EPost@SloanePR.com<mailto:EPost@SloanePR.com>[attachment "alt\_body.html" deleted by Betsaida Alcantara/DC/USEPA/US]

01268-EPA-7130

**Stephanie  
Owens/DC/USEPA/US**  
12/12/2011 05:17 PM

To Richard Windsor  
cc Elizabeth Ashwell  
bcc  
Subject Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss  
Need

It's done.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/12/2011 03:45 PM EST  
**To:** Stephanie Owens  
**Cc:** Elizabeth Ashwell  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

(b) (6) Privacy

Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 12/12/2011 03:30 PM EST  
**To:** Richard Windsor; Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Dru Ealons; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

We can make that happen!

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/12/2011 03:04 PM EST  
**To:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Dru Ealons; Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

V cool. The BUS ! Would love to met him!

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/12/2011 02:54 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; Michael Moats; Dru Ealons; Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Fw: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need  
nice

----- Original Message -----

From: Emma Post <epost@sloanepr.com>  
To: epost@sloanepr.com  
At: 12/12 14:07:55

MEDIA ADVISORY

NFL Legend Jerome Bettis, Clean Air Council and Former Assistant Energy

Secretary Sue Tierney to Discuss Need for Timely Implementation of EPA's Utility MACT Rule

WHO: Jerome "The Bus" Bettis, Former NFL All-Pro Player, Asthma Sufferer and Activist

Katie Feeney, Policy Analyst, Clean Air Council

Dr. Sue Tierney, Managing Principal, Analysis Group and former Assistant Secretary for Policy at the U.S. Department of Energy

WHAT: Bettis, Feeney and Tierney will discuss the need for timely implementation of the Utility MACT Rule, and the life-saving effects the rule will have - especially for those who suffer from asthma and other respiratory diseases by reducing hazardous emissions from power plants.

WHY: EPA is expected to sign the final Utility MACT rule on December 16th. The rule has faced criticism from some in the utility industry and Republican members of Congress. Bettis and Feeney are in Washington, D.C. to educate Members about the staggering health benefits that will come from the rule, including the prevention of 17,000 premature deaths and 120,000 cases of aggravated asthma annually, according to EPA. Dr. Tierney will speak to how the utility industry can comply with the rule.

WHERE: Cannon House Office Building, Room 122

WHEN: Thursday, December 15, 2011  
1 PM EST

RSVP: Please confirm attendance

Emma Post, 212 446 1878

#### About Jerome Bettis

The former Pittsburgh Steelers Running Back is one of the greatest running backs in the NFL history (5th overall in rushing). Diagnosed with asthma at age 14, Bettis is a tireless advocate for asthma awareness. Bettis also established "The Bus Stops Here Foundation" in 1996 to help improve the quality of life for disadvantaged and underprivileged children. In 2001, Jerome Bettis was the recipient of the Walter Payton Man of the Year Award.

#### About Clean Air Council

Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.

# # #

Emma Post  
Sloane & Company  
P: 212-446-1878  
E: EPost@SloanePR.com<mailto:EPost@SloanePR.com>[attachment "alt\_body.html" deleted by Betsaida Alcantara/DC/USEPA/US]



01268-EPA-7131

(b) (6) Personal Privacy

12/13/2011 08:21 AM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: EPA To Unveil New Rules For Power Plants

Sent from my Verizon Wireless BlackBerry

---

**From:** Dan Ryan <(b) (6) Personal Privacy

**Date:** Tue, 13 Dec 2011 06:48:31 -0500

**To:** Lisa Jackson<(b) (6) Personal Privacy|Eric Wachter|(b) (6) Privacy

**Subject:** EPA To Unveil New Rules For Power Plants

Great piece on MATS. Thanks for getting this done Lisa.

<http://www.npr.org/2011/12/13/143592187/epa-to-unveil-new-rules-for-power-plants?sc=17&f=1001>

EPA To Unveil New Rules For Power Plants

by Elizabeth Shogren

- December 13, 2011

More than 20 years ago, Congress ordered the Environmental Protection Agency to regulate toxic air pollution. It's done that for most industries, but not the biggest polluters — coal and oil-burning power plants.

The EPA now plans to change that later this week, by setting new rules to limit mercury and other harmful pollution from power plants.

When Congress first told the EPA to regulate toxic air pollution in 1990, pediatrician Lynn Goldman was investigating the impact of mercury from mining operations on Native American families living near a contaminated lake.

"We had children that had levels that were many times higher than levels that are considered to be safe," Goldman says.

Their families caught and ate a lot of local fish, and Goldman says she had to advise them to stop. The fish had too much mercury.

From The Plant To Plate

Goldman, now dean of George Washington University's school of public health, says mercury

damages children's developing brains, impairing their verbal ability.

Mercury from mine tailings, medical waste and especially air pollution adds up. It accumulates in the food chain, mostly in fish; pregnant mothers pass it to their children. Studies suggest hundreds of thousands of babies each year are born with high mercury levels.

"Children who live closest to the plants are most affected by them," Goldman says.

Goldman headed the EPA's toxics office during the Clinton administration and worked on limiting mercury. It wasn't easy, and she says the power industry and its supporters resisted.

"I think from day one everybody knew that regulating mercury from especially power plants wasn't going to be easy," she says. "I don't think anybody thought that today, 21 years later, we would still be in a position where this had been controlled."

### New Rules

When President George W. Bush took office, the power industry persuaded his EPA to adopt soft limits on mercury, but federal courts said that regulation was too weak, so it never went into effect.

Now, the court has set a deadline of Friday for the EPA to issue a new rule. The language the EPA wants would require quick action, stating that within three years, power plants that burn coal would have to cut more than 90 percent of the mercury from their exhaust.

They'd also have to slash arsenic, acid gases and other pollutants that cause premature deaths, asthma attacks and cancer. But even now, some power companies have been furiously fighting the EPA's rule — especially its deadlines.

"It's physically impossible to build the controls, the generation, the transmission and the pipelines needed in three years," says Anthony Topazi, chief operating officer for Southern Company, which provides electricity to nearly 4 million homes and hundreds of thousands of businesses in the Southeast.

Topazi says electricity rates will go up, putting marginal companies out of business. He says unless his company gets six years, it will not be able to keep the lights on.

"We will experience rolling blackouts or rationing power if we don't have simply the time to comply," Topazi says.

Paul Allen, senior vice president of Constellation Energy, says that's not his company experience. Constellation installed controls for mercury and other pollutants on its big power plant outside Baltimore, and he says it took a little more than two years. At the peak of construction, it put 1,300 people to work as well.

"We don't believe jobs will be destroyed, and we do think that it's time to get on with this work,"

Allen says.

Allen says the power industry had plenty of warning that this was coming.

About a dozen states — Massachusetts for example — have already required power plants to clean up mercury.

Ken Kimmell, the commissioner of the Massachusetts Department of Environmental Protection, says though power plants in his state have slashed mercury pollution, his department still has to advise people not to eat fish caught in streams and lakes.

"The mercury levels in the fish are still too high for it to be safe to eat and that's because we're still receiving an awful lot of mercury from upwind power plants," Kimmell says.

Those upwind power plants are in other states, and Kimmell says that's why it's so important for the EPA this time to adopt strong nationwide rules with tough deadlines, despite all the political pressure its under not to do so. [Copyright 2011 National Public Radio]

To learn more about the NPR iPhone app, go to <http://iphone.npr.org/recommendnprnews>

Sent from my iPod

01268-EPA-7132

Richard  
Windsor/DC/USEPA/US  
12/13/2011 08:53 AM

To Gina McCarthy, Janet McCabe  
cc  
bcc  
Subject FYI

(b)(5) Deliberative [REDACTED] ?

**News Headline:** Canceled coal plant doesn't impact Cobb EMC-backed project | 



**Outlet Full Name:** Atlanta Journal-Constitution - Online

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An energy company's decision Monday to cancel plans to build a coal-fired power plant in south Georgia could reignite pressure against two other proposed coal plants partly backed by Cobb EMC.

New Jersey-based LS Power said it was pulling the plug on the \$2 billion, 1,200-megawatt pulverized coal plant, a project announced nearly 10 years ago.

The demise of plans for the Longleaf Energy Station in Blakley is the result of a legal fight between LS Power and the Sierra Club that focused on a power station in Texas. As part of the settlement, LS Power agreed not to build the Longleaf plant and reduce the amount of emissions that the Texas coal plant would produce.

"This should be the writing on the wall for Plant Washington that coal is not the future of energy in Georgia," said Colleen Kiernan, director of the Sierra Club's Georgia chapter.

Economic and environmental reasons also played into that decision, said Michael Vogt, LS Power vice president.

"As difficult as it was to agree to cancel the Longleaf project after spending 10 years and millions of dollars, our view is the economic conditions right now just don't support continuing development," Vogt said.

The Longleaf decision has not dampened plans by POWER4Georgians, a conglomerate of six Georgia electric co-ops — including Cobb EMC — to move forward with its plans to build the \$2.1 billion Plant Washington coal facility near Sandersville, said group spokesman Dean Alford.

Environmental groups also have challenged Plant Washington for its possible high pollution output.

"We're in a different position because we have responded to some of the latest and greatest [clean energy] technologies," Alford said. "We think the law is on our side."

That Washington County plant, scheduled to come online in 2016 or 2017, would provide power to up to 850,000 households, according to the group.

The coal plant has also faced criticism from some members of Cobb EMC — one of the main players in the POWER4Georgians conglomerate — because of the development costs involved to support the plan, as well as environmental concerns.

A group of customers who sued the Marietta-based EMC have requested costs related to Plant Washington be included in a forensic audit of the co-op. And newly elected Cobb EMC board members have questioned whether the co-op should change its mission to begin producing energy.

The Longleaf decision was expected to be discussed at a Cobb EMC board meeting on Tuesday.

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POWER4Georgians is also proposing building a coal plant in Ben Hill County. That facility is still in the planning stages.

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**Outlet Full Name:** Sacramento Bee - Online, The

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Environmental and public health groups say the rule, which would require significant reductions of emissions, is long overdue and should be implemented ASAP. And the industry says the rule is onerous and that it needs more time.

Mercury, which is emitted when coal is burned, is a neurotoxin that hampers the development of young children and fetuses. Scrubbers to limit mercury also would limit other air toxins that can cause asthma attacks, heart attacks, strokes and premature death.

When the EPA first proposed its new rule, the agency estimated it would avoid between 6,800 and 17,000 premature deaths each year, and would result in annual savings of \$48 to \$140 billion in health care costs, lost productivity due to sick days, etc.

The American Lung Association has released television ads in Pennsylvania urging the EPA to protect public health.

"The advertisement serves as an important reminder of those who suffer most from dirty air and poor air quality created by power plant emissions," said Deborah Brown, President and CEO of the American Lung Association in Pennsylvania, in a press release. "Children rely on adults to protect them and it is our responsibility to ensure they have healthy air to breathe. This is especially important for over 250,000 children and teens with asthma in Pennsylvania."

The focus on Pennsylvania is apt - it has more than 30 coal-fired power plants. Some have already cleaned their emissions, but overall, they contribute much to air pollution.

Yesterday, a national nonprofit, the Environmental Integrity Project, released its analysis of mercury and toxic emissions from the nation's power plants. Using data from 2010, it ranked the dirtiest dozen in the U.S., "in terms of sheer pounds of emissions of four highly toxic heavy metals - arsenic, chromium, lead, and mercury." They included three in Pennsylvania.

Ilan Levin, associate director of the EIP, said in a press release: "The only thing more shocking than the large amounts of toxic chemicals released into the air each year by coal- and oil-fired power plants, is the fact that these emissions have been allowed for so many years. For decades, the electric power industry has delayed cleanup and lobbied against public health rules designed to reduce pollution. But, the technology and pollution control equipment necessary to clean up toxic emissions are widely available and are working at some power plants across the country. There is no reason for Americans to continue to live with unnecessary risks to their health and to the environment."

01268-EPA-7133

Gina McCarthy/DC/USEPA/US                  To Richard Windsor  
12/13/2011 09:09 AM                  cc  
                                                    bcc  
Subject Re: FYI

(b)(5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/13/2011 08:53 AM EST  
**To:** Gina McCarthy; Janet McCabe  
**Subject:** FYI

(b)(5) Deliberative [REDACTED] ?

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That Washington County plant, scheduled to come online in 2016 or 2017, would provide power to up to 850,000 households, according to the group.

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01268-EPA-7135

Richard  
Windsor/DC/USEPA/US  
12/13/2011 05:37 PM

To Betsaida Alcantara  
cc Brendan Gilfillan, Alisha Johnson  
bcc  
Subject Re: Bloomberg story

Its fine. (b)(5) Deliberative, (b) (6) Privacy

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/13/2011 05:15 PM EST  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Alisha Johnson  
**Subject:** Bloomberg story

Administrator,

Bloomberg reporter is getting closer to finalizing their profile of you/EPA. (b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement

"Under the Clean Air Act, EPA takes sensible steps to cut dangerous pollution including mercury, lead, and arsenic which can cause premature deaths and asthma attacks and adversely impact the developing brains of children. These are protections the American people expect and deserve. Many of standards that we've proposed in this administration have been a long time coming, in some cases 20 years of public health protections delayed or thrown out by courts in the previous administration with a mandate to re-write them to be consistent with the

law.

Our actions are informed by extensive outreach to stakeholders, including industry and the public, and they employ the flexibility of the Clean Air Act to ensure that standards protecting the health of our families follow common sense and have no significant impact on energy reliability and jobs. We also have one of the best records in ensuring that the benefits of our standards far outweigh the costs, in the Clean Air Act's history we've had 30 dollars in benefit to the American people for every dollar spent.

As the Congressional Research Service report concluded -- and as many energy industry experts have echoed -- most of the changes needed from our standards will be on plants that are 40 years old or older, which have not installed the widely available and widely deployed pollution controls that other power plants have. These outdated facilities have created an uneven playing field in the industry, and according to scientific data, a persistent threat to the health of the American people."

01268-EPA-7136

Gina McCarthy/DC/USEPA/US

To Richard Windsor

12/13/2011 05:42 PM

cc Janet McCabe, gilfillan.brendan

bcc

Subject Re: FYI

(b)(5) Deliberative

Richard Windsor

Was Longleaf on your radar?

12/13/2011 08:53:30 AM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 12/13/2011 08:53 AM  
Subject: FYI

(b)(5) Deliberative

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01268-EPA-7137

Richard  
Windsor/DC/USEPA/US  
12/13/2011 06:02 PM

To Gina McCarthy  
cc  
bcc  
Subject Re: FYI

Tx

Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 12/13/2011 05:42 PM EST  
**To:** Richard Windsor  
**Cc:** Janet McCabe; gilfillan.brendan@epa.gov  
**Subject:** Re: FYI

(b)(5) Deliberative

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**News Text:** As the U.S. Environmental Protection Agency nears its Dec. 16 date with coal-fired power plants - that's when the agency plans to finalize its mercury and air toxics rule - the lobbyists must surely be working overtime.

Environmental and public health groups say the rule, which would require significant reductions of emissions, is long overdue and should be implemented ASAP. And the industry says the rule is onerous and that it needs more time.

Mercury, which is emitted when coal is burned, is a neurotoxin that hampers the development of young children and fetuses. Scrubbers to limit mercury also would limit other air toxins that can cause asthma attacks, heart attacks, strokes and premature death.

When the EPA first proposed its new rule, the agency estimated it would avoid between 6,800 and 17,000 premature deaths each year, and would result in annual savings of \$48 to \$140 billion in health care costs, lost productivity due to sick days, etc.

The American Lung Association has released television ads in Pennsylvania urging the EPA to protect public health.

"The advertisement serves as an important reminder of those who suffer most from dirty air and poor air quality created by power plant emissions," said Deborah Brown, President and CEO of the American Lung Association in Pennsylvania, in a press release. "Children rely on adults to protect them and it is our responsibility to ensure they have healthy air to breathe. This is especially important for over 250,000 children and teens with asthma in Pennsylvania."

The focus on Pennsylvania is apt - it has more than 30 coal-fired power plants. Some have already cleaned their emissions, but overall, they contribute much to air pollution.

Yesterday, a national nonprofit, the Environmental Integrity Project, released its analysis of mercury and toxic emissions from the nation's power plants. Using data from 2010, it ranked the dirtiest dozen in the U.S., "in terms of sheer pounds of emissions of four highly toxic heavy metals - arsenic, chromium, lead, and mercury." They included three in Pennsylvania.

Ilhan Levin, associate director of the EIP, said in a press release: "The only thing more shocking than the large amounts of toxic chemicals released into the air each year by coal- and oil-fired power plants, is the fact that these emissions have been allowed for so many years. For decades, the electric power industry has delayed cleanup and lobbied against public health rules designed to reduce pollution. But, the technology and pollution control equipment necessary to clean up toxic emissions are widely available and are working at some power plants across the country. There is no reason for Americans to continue to live with unnecessary risks to their health and to the environment."

01268-EPA-7138

**Richard**  
Windsor/DC/USEPA/US  
12/13/2011 06:02 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Bloomberg story

Tx

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/13/2011 05:40 PM EST  
**To:** Richard Windsor  
**Cc:** Alisha Johnson; Brendan Gilfillan  
**Subject:** Re: Bloomberg story

(b)(5) Deliberative I'll keep you posted.

Richard Windsor Its fine. (b)(5) Deliberative, (b) (6) 12/13/2011 05:37:43 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA  
Date: 12/13/2011 05:37 PM  
Subject: Re: Bloomberg story

Its fine. (b)(5) Deliberative, (b) (6) Privacy

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/13/2011 05:15 PM EST  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Alisha Johnson  
**Subject:** Bloomberg story

## **Administrator**

Bloomberg reporter is getting closer to finalizing their profile of you/EPA. (b)(5) Deliberative

(b)(5) Deliberative



### Statement

"Under the Clean Air Act, EPA takes sensible steps to cut dangerous pollution including mercury, lead, and arsenic which can cause premature deaths and asthma attacks and adversely impact the developing brains of children. These are protections the American people expect and deserve. Many of standards that we've proposed in this administration have been a long time coming, in some cases 20 years of public health protections delayed or thrown out by courts in the previous administration with a mandate to re-write them to be consistent with the law.

Our actions are informed by extensive outreach to stakeholders, including industry and the public, and they employ the flexibility of the Clean Air Act to ensure that standards protecting the health of our families follow common sense and have no significant impact on energy reliability and jobs. We also have one of the best records in ensuring that the benefits of our standards far outweigh the costs, in the Clean Air Act's history we've had 30 dollars in benefit to the American people for every dollar spent.

As the Congressional Research Service report concluded -- and as many energy industry experts have echoed -- most of the changes needed from our standards will be on plants that are 40 years old or older, which have not installed the widely available and widely deployed pollution controls that other power plants have. These outdated facilities have created an uneven playing field in the industry, and according to scientific data, a persistent threat to the health of the American people."

01268-EPA-7139

**Richard  
Windsor/DC/USEPA/US**  
12/13/2011 07:50 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Internal FERC emails show rift with EPA over utility  
MACT

Give me a buzz if you'd like to discuss. Tx.

---

**From:** Brendan Gilfillan  
**Sent:** 12/13/2011 07:39 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Arvin Ganesan; Laura Vaught; Michael Goo; Daniel Kanninen; Alex Barron; Joel Beauvais; Stephanie Owens; Dru Ealons; Gina McCarthy; Joseph Goffman  
**Subject:** Fw: Internal FERC emails show rift with EPA over utility MACT

Please see the below story. (b)(5) Deliberative [REDACTED]

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**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>

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01268-EPA-7141

**Laura Vaught/DC/USEPA/US**

12/13/2011 09:08 PM

To Richard Windsor

cc "goo michael"

bcc

Subject Partial draft letter

(b)(5) Deliberative



01268-EPA-7142

**Richard  
Windsor/DC/USEPA/US**  
12/13/2011 09:22 PM

To Laura Vaught  
cc "Michael Goo"  
bcc  
Subject Re: Partial draft letter

(b)(5) Deliberative  
Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 12/13/2011 09:08 PM EST  
**To:** Richard Windsor  
**Cc:** "goo michael" <goo.michael@epa.gov>  
**Subject:** Partial draft letter

(b)(5) Deliberative



01268-EPA-7143

**Laura Vaught/DC/USEPA/US** To Richard Windsor  
12/13/2011 09:44 PM cc "goo michael"  
bcc  
Subject Re: Partial draft letter

(b)(5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/13/2011 09:22 PM EST  
**To:** Laura Vaught  
**Cc:** "Michael Goo" <goo.michael@epa.gov>  
**Subject:** Re: Partial draft letter

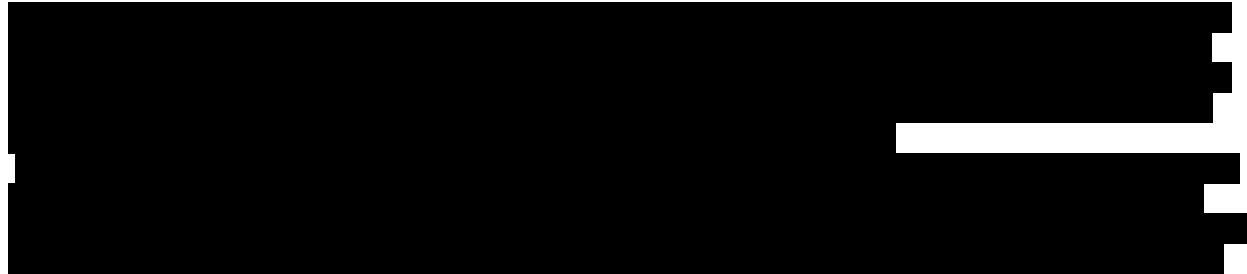
(b)(5) Deliberative

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 12/13/2011 09:08 PM EST  
**To:** Richard Windsor  
**Cc:** "goo michael" <goo.michael@epa.gov>  
**Subject:** Partial draft letter

(b)(5) Deliberative



01268-EPA-7144

**Richard  
Windsor/DC/USEPA/US**  
12/13/2011 09:46 PM

To Laura Vaught  
cc  
bcc  
Subject Re: Partial draft letter

Tx

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 12/13/2011 09:44 PM EST  
**To:** Richard Windsor  
**Cc:** "goo michael" <goo.michael@epa.gov>  
**Subject:** Re: Partial draft letter

(b)(5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/13/2011 09:22 PM EST  
**To:** Laura Vaught  
**Cc:** "Michael Goo" <goo.michael@epa.gov>  
**Subject:** Re: Partial draft letter

(b)(5) Deliberative

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 12/13/2011 09:08 PM EST  
**To:** Richard Windsor  
**Cc:** "goo michael" <goo.michael@epa.gov>  
**Subject:** Partial draft letter

(b)(5) Deliberative





01268-EPA-7145

Richard  
Windsor/DC/USEPA/US  
12/14/2011 07:40 AM

To Arvin Ganesan  
cc "Betsaida Alcantara"  
bcc  
Subject Re: Boiler MACT language not converting Senate Dems to payroll tax bill

Wow - another really good article. Very balanced and very informative. Go Politico!

---

**From:** Arvin Ganesan  
**Sent:** 12/14/2011 07:24 AM EST  
**To:** Richard Windsor  
**Subject:** Fw: Boiler MACT language not converting Senate Dems to payroll tax bill

Fyi

Sent from my Blackberry Wireless Device

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 12/14/2011 05:38 AM EST  
**To:** Arvin Ganesan  
**Subject:** Boiler MACT language not converting Senate Dems to payroll tax bill

## **Boiler MACT language not converting Senate Dems to payroll tax bill**

By Erica Martinson  
12/14/11 5:37 AM EST

The House on Tuesday voted to extend payroll tax benefits for 100 million Americans, but not nearly as many people will notice one of the Republican riders halting environmental regulations for approximately 0.4 percent of industrial boilers.

And while at least 10 Senate Democrats have supported legislation to block EPA's boiler MACT rules, the effort isn't drawing them to support the GOP payroll tax measure.

Sen. Barbara Boxer (D-Calif.) made it abundantly clear how she felt about the bill Tuesday morning. "So they have attached a poison pill, colleagues, literally — because it will kill 8,100 more people than otherwise would have been killed from pollution, and they've attached that to the payroll tax cut. So how's that for a Christmas gift?"

"Hi, I'm your senator," she mocked. "Here's a tax cut for you of about a thousand dollars. Sorry, but you might die from breathing in too much poison in the form of mercury, lead and arsenic."

House Republicans have been going after EPA regulations all year, from the continuing

resolution fights in February and April, followed by a series of stand-alone bills over the last few months. In fact, the House in October passed a bill from Rep. Morgan Griffith (R-Va.) that would force EPA to hold off on finalizing its new regulations for emissions of mercury and other air toxics from industrial boilers for 15 months. Instead of 3 years to comply, as is standard under the Clean Air Act, the boiler owners would get five years.

EPA this week is expected to finalize another regulation to limit mercury and other air toxics emissions from power plants, one of many mercury regulations, but the only one expected to limit mercury more than the boiler MACT, said the Sierra Club's John Coequyt.

"It certainly got in the House side because there was the assumption that of the mercury rules, this was the one that was under more political pressure, because it regulates more industries and factories," Coequyt said.

Opponents of the legislation argue that it rewrites the Clean Air Act, requiring EPA to re-do just-released regulations with an eye towards limiting costs, not pollution, which will land EPA in court for years to come.

Oftentimes, riders such as the boiler MACT language are added to buy off votes, but that may be more difficult now, after EPA introduced the rule early this month in a way that met some of the industry concerns raised by Democratic senators.

A never-moved Senate measure blocking boiler MACT has 40 co-sponsors, 10 of them Democrats: Kay Hagan of North Carolina, Herb Kohl of Wisconsin, Mary Landrieu of Louisiana, Joe Manchin of West Virginia, Claire McCaskill of Missouri, Barbara Mikulski of Maryland, Ben Nelson of Nebraska, Bill Nelson of Florida, Mark Pryor of Arkansas, Jim Webb of Virginia and Ron Wyden of Oregon.

But Wyden has vocally withdrawn his support for the bill.

He and some others got what they wanted, as EPA headed the Senate off at the pass in October by agreeing to revise how it regulates biomass.

Sen. Tom Carper (D-Del.) said he didn't think the Democrats who supported the Wyden-Collins boiler MACT bill would equate to potential yes votes on the House-passed payroll tax extension.

"I think some folks who might be inclined to vote with Sens. Collins and Wyden on boiler MACT may not be inclined to vote the same way on the pipeline. I don't know that they marry exactly," Carper said.

In the EPA proposal earlier this month, 86 percent of boilers are exempt from the rule, and 0.4 percent — or 5,500 of 1.3 million-- will face strict new requirements. Those affected by EPA's boiler MACT rule are largely manufacturers: chemical manufacturers, food processing, petroleum refineries.

That said, manufacturers often don't have 1 or 2 boilers — they have 15 or 25. Replacing them

will cost well into the millions of dollars, the National Association of Manufacturers says.

Most of the major work will be required from Major Source Boilers, though only 12 percent of those will have to do much more than periodic tune-ups. The rule is designed to differentiate between types of fuel used, to adjust for, say, biomass and natural gas, versus coal. It includes emissions limits for particulate matter, carbon monoxide, metals and other hazardous air pollutants.

*Darren Samuelsohn contributed to this report.*

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<https://www.politicopro.com/go/?id=7958>

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01268-EPA-7146

**Richard  
Windsor/DC/USEPA/US**  
12/14/2011 08:31 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Time's People that Mattered 2011

Awww. And after I mentioned that women were underrepresented...  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/14/2011 08:22 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Stephanie Owens; Dru Ealons  
**Subject:** Time's People that Mattered 2011

Lisa Jackson  
by Bryan Walsh

The head of the Environmental Protection Agency (EPA) is never going to be a popular person, except perhaps with environmentalists — and even that's not certain. That's because the EPA spends most of its time telling business what it can't do, as it tries to protect the environment and public health. And in 2011 Jackson came in for all kinds of criticism from the business community and from Republicans in Congress, who called her in to testify so often she should have gotten a free overnight stay in Capitol Hill. But Jackson is nothing if not dogged, and even if the face of some waffling from President Obama — who watered down proposed tougher standards on ground-level ozone — the EPA Administrator managed to crack down on air pollution from coal plants and other sources. She'll face an even tougher fight in 2012 as the EPA looks to implement regulations on greenhouse gases, but I suspect Jackson — a New Orleans native and long-time New Jerseyan — is up to the challenge.

Read more:

[http://www.time.com/time/specials/packages/article/0,28804,2101745\\_2102309\\_2102328,00.html#ixzz1gYuJUfpB](http://www.time.com/time/specials/packages/article/0,28804,2101745_2102309_2102328,00.html#ixzz1gYuJUfpB)

01268-EPA-7147

Perciasepe  
↳(b) (6) Personal Privacy  
12/14/2011 10:23 PM

To Richard Windsor, Brendan Gilfillan  
cc  
bcc  
Subject Huffington Post: The Mercury Moment

What a cool post from the NY Mayor. Worth a note to him.

**The Mercury Moment**

Coal-fired power plants and the pollution they produce are the number one threat to our public health and the environment. This is not an issue of jobs versus the environment. It's an issue of the American people's public health versus a narrow special interest.

01268-EPA-7149

**Bob Sussman/DC/USEPA/US**

12/19/2011 08:40 AM

To Bob Perciasepe

cc Paul Anastas, Richard Windsor

bcc

Subject Re: WSJ Opinion on Pavillion

Not that bad . . .

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Bob Perciasepe    [The EPA's Fracking Scare](#) The shale g...    12/19/2011 08:35:29 AM

From: Bob Perciasepe/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Paul  
Anastas/DC/USEPA/US@EPA  
Date: 12/19/2011 08:35 AM  
Subject: WSJ Opinion on Pavillion

## The EPA's Fracking Scare

The shale gas boom has been a rare bright spot in the U.S. economy, so much of the country let out a shudder two weeks ago when the Environmental Protection Agency issued a "draft" report that the drilling process of hydraulic fracturing may have contaminated ground water in Pavillion, Wyoming. The good news is that the study is neither definitive nor applicable to the rest of the country.

"When considered together with other lines of evidence, the data indicates likely impact to ground water that can be explained by hydraulic fracking," said the EPA report, referring to the drilling process that blasts water and chemicals into shale rock to release oil and natural gas. The news caused elation among environmentalists and many in the media who want to shut down fracking.

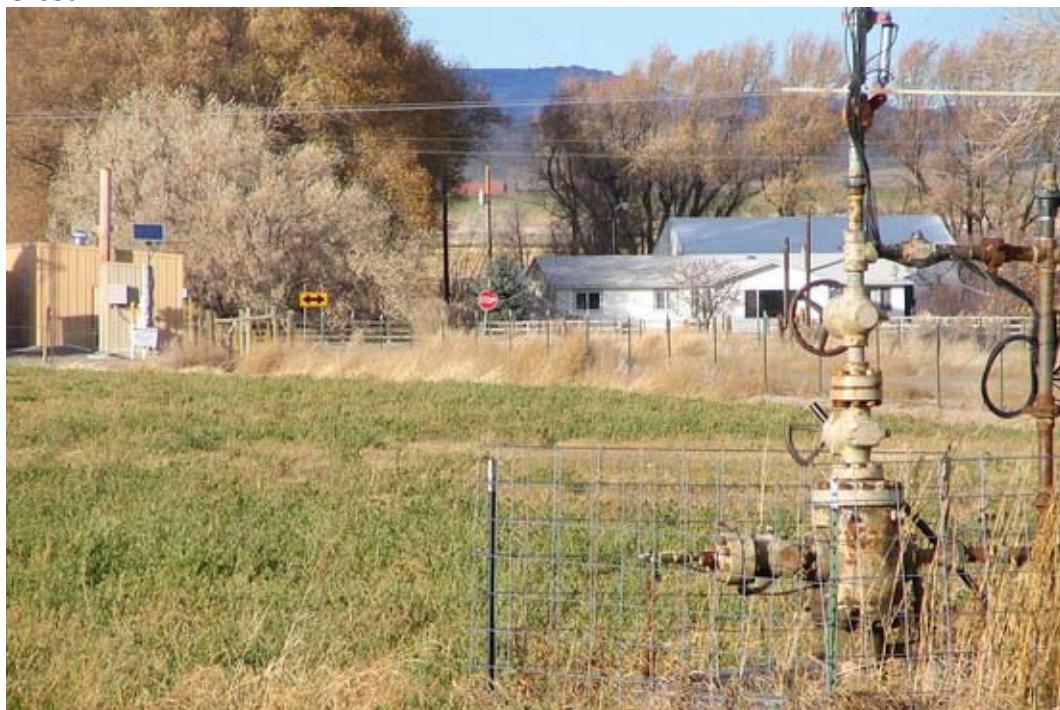
More than one-third of all natural gas drilling now uses fracking, and that percentage is rising. If the EPA Wyoming study holds up under scrutiny, an industry that employs tens of thousands could be in peril.

But does it stand up? This is the first major study to have detected linkage between fracking and ground-water pollution, and the EPA draft hasn't been peer reviewed by independent scientific analysts. Critics are already picking apart the study, which Wyoming Governor Matt Mead called "scientifically questionable."

[Enlarge Image](#)



Close



Associated Press

Natural gas wellheads and other production facilities are shown around the rural community of Pavillion, Wyoming in 2007.

The EPA says it launched the study in response to complaints "regarding objectionable taste and odor problems in well water." What it doesn't say is that the U.S. Geological Survey has detected organic chemicals in the well water in Pavillion (population 175) for at least 50 years—long before fracking was employed. There are other problems with the study that either the EPA failed to disclose or the press has given little attention too.

- The EPA study concedes that "detections in drinking water wells are generally below [i.e., in compliance with] established health and safety standards." The dangerous compound EPA says it found in the drinking wells was 2-butoxyethyl phosphate. The Petroleum Association of Wyoming says that 2-BE isn't an oil and gas chemical but is a common fire retardant used in association with plastics and plastic components used in drinking wells.

- The pollution detected by the EPA and alleged to be linked to fracking was found in deep-water "monitoring wells"—not the shallower drinking wells. It's far from certain that pollution in these deeper wells caused the pollution in drinking wells. The deep-water wells that EPA drilled are located near a natural gas reservoir. Encana Corp., which owns more than 100 wells around Pavillion, says it didn't "put the natural gas at the bottom of the EPA's deep monitoring wells. Nature did."
- To the extent that drilling chemicals have been detected in monitoring wells, the EPA admits this may result from "legacy pits," which are old wells that were drilled many years before fracking was employed. The EPA also concedes that the inferior design of Pavillion's old wells allows seepage into the water supply. Safer well construction of the kind normally practiced today might have prevented any contaminants from leaking into the water supply.
- The fracking in Pavillion takes place in unusually shallow wells of fewer than 1,000 to 1,500 feet deep. Most fracking today occurs 10,000 feet deep or more, far below drinking water wells, which are normally less than 500 feet. Even the EPA report acknowledges that Pavillion's drilling conditions are far different from other areas of the country, such as the Marcellus shale in Pennsylvania. This calls into question the relevance of the Wyoming finding to newer and more sophisticated fracking operations in more than 20 states.

\*\*\*

The safety of America's drinking water needs to be protected, as the fracking industry itself well knows. Nothing would shut down drilling faster, and destroy billions of dollars of investment, than media interviews with mothers afraid to let their kids brush their teeth with polluted water. So the EPA study needs to be carefully reviewed.

But the EPA's credibility is also open to review. The agency is dominated by antcarbon true believers, and the Obama Administration has waged a campaign to raise the price and limit the production of fossil fuels.

Natural gas carries a smaller carbon footprint than coal or oil, and greens once endorsed it as an alternative to coal and nuclear power. But as the shale gas revolution has advanced, greens are worried that plentiful natural gas will price wind and solar even further out of the market. This could mean many more of the White House's subsidized investments will go belly up like Solyndra.

The other big issue is regulatory control. Hydraulic fracturing isn't regulated by the EPA, and in 2005 Congress reaffirmed that it did not want the EPA to do so under the Safe Drinking Water Act. The states regulate gas drilling, and by and large they have done the job well. Texas and Florida adopted rules last week that followed other states in requiring companies to disclose their fracking chemicals.

But the EPA wants to muscle in, and its Wyoming study will help in that campaign. The agency is already preparing to promulgate new rules regulating fracking next year. North Dakota

Governor Jack Dalrymple says that new EPA rules restricting fracking "would have a huge economic impact on our state's energy development. We believe strongly this should be regulated by the states." Some 3,000 wells in the vast Bakken shale in North Dakota use fracking.

By all means take threats to drinking water seriously. But we also need to be sure that regulators aren't spreading needless fears so they can enhance their own power while pursuing an ideological agenda.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-7150

Richard  
Windsor/DC/USEPA/US  
12/19/2011 12:07 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: AP: EPA rules threaten older power plants

(b)(5) Deliberative  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/19/2011 12:04 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Stephanie Owens; Dru Ealons; Arvin Ganesan; Laura Vaught; Gina McCarthy; Joseph Goffman; Bob Sussman; Joel Beauvais; Alex Barron  
**Subject:** AP: EPA rules threaten older power plants

FYI (b)(5) Deliberative



## EPA rules threaten older power plants

By The Associated Press  
12/19/11 11:45 AM EST

WASHINGTON — More than 32 mostly coal-fired power plants in a dozen states will be forced to shut down and an additional 36 might have to close because of new federal air pollution regulations, according to an Associated Press survey.

Together, those plants — some of the oldest and dirtiest in the country — produce enough electricity for more than 22 million households, the AP survey found. But their demise probably won't cause homes to go dark.

The fallout will be most acute for the towns where power plant smokestacks have long cast a shadow. Tax revenues and jobs will be lost, and investments in new power plants and pollution controls probably will raise electric bills.

The survey, based on interviews with 55 power plant operators and on the EPA's own prediction of power plant retirements, rebuts claims by critics of the regulations and some electric power producers.

They have predicted the EPA rules will kill coal as a power source and force blackouts, basing their argument on estimates from energy analysts, congressional offices, government regulators, unions and interest groups.

Many of those studies inflate the number of plants retiring by counting those shutting down for reasons other than the two EPA rules.

The AP surveyed electricity-generating companies about what they plan to do and the effects on power supply and jobs. It was the first survey of its kind.

The estimate also was based in part on EPA computer models that predict which fossil-fuel generating units are likely to be retired early to comply with the rules and which were likely to be retired anyway.

The agency has estimated that 14.7 gigawatts, enough power for more than 11 million households, will be retired from the power grid in the 2014-15 period when the two new rules take effect.

The first rule curbs air pollution in states downwind from dirty power plants. The second, expected to be announced Monday, would set the first standards for mercury and other toxic pollutants from power plant smokestacks.

Combined, the rules could do away with more than 8 percent of the coal-fired power generated nationwide, the AP found. The average age of the plants that could be sacrificed is 51 years.

These plants have been allowed to run for decades without modern pollution controls because it was thought that they were on the verge of being shuttered by the utilities that own them. But that didn't happen.

Other rules in the works, dealing with cooling water intakes at power plants and coal ash disposal, could cause the retirement of additional generating plants. Those rules weren't included in the AP survey.

While the new rule heralds an incremental shift away from coal as a power source, it's unlikely to break coal's grip as the dominant domestic electricity source. Most of the lost power generation will be replaced, and the coal-fired plants that remain will have to be cleaner.

"In the industry we retire units. That is part of our business," said John Moura, manager of reliability assessment at the North American Electric Reliability Corp. NERC represents the nation's electrical grid operators, whose job is to weigh the effect a proposed retirement will have on reliability.

With so many retirements expected, that process could get rushed. "We are getting a little hammered here, because we see multiple requests," Moura said.

NERC, along with some power plant operators, is pressing the Obama administration to give companies more time to comply with the rules to avoid too many plants shutting down at once.

In addition to anticipated retirements, about 500 or more units will need to be idled temporarily

in the next few years to install pollution controls. Some of those units are at critical junctions on the grid and are essential to restarting the electrical network in case of a blackout, or making sure voltage doesn't drain completely from electrical lines, like a hose that's lost its water pressure.

"We can't say there isn't going to be an issue. We know there will be some challenges," Moura said. "But we don't think the lights are going to turn off because of this issue."

That hasn't stopped some critics from sounding alarms.

Rep. Darrell Issa (R-Calif.) said in a letter to the White House this month that the EPA mercury rule could "unintentionally jeopardize the reliability of our electric grid." At a speech in New Hampshire in November, GOP presidential candidate and former Utah Gov. Jon Huntsman predicted summer blackouts. A recent U.S. Chamber of Commerce ad said a single EPA regulation "could threaten America's energy supply."

Particularly at the older, less efficient plants most at risk, coal already was at a disadvantage because of low natural gas prices, demand from China and elsewhere that was driving up coal's price and weaker demand for electricity.

For many plant operators, the new regulations were the final blow. For others, the rules will speed retirements already planned to comply with state laws or to settle earlier enforcement cases with the EPA. In the AP's survey, not a single plant operator said the EPA rules were solely to blame for a closure, although some said it left them with no other choice.

"The EPA regulation became a game changer and a deal changer for some of these units," said Ryan Stensland, a spokesman for Alliant Energy, which has three units in Iowa and one in Minnesota that will be retired, and four in Iowa that are at risk of shutting down, depending on how the final rules look. "Absent the EPA regulations, I don't think we would be seeing the transition that we are seeing today. It became a situation where EPA broke the back of coal."

Some believe the change is long overdue. The two rules will cut toxic mercury emissions from power plants by 90 percent, smog-forming nitrogen oxide pollution by half and soot-forming sulfur dioxide by more than 70 percent.

"Many of them are super old. They've either got to be brought up to code, fixed with the best available technology or close them down," said Sen. Barbara Boxer (D-Calif.), who heads the Senate Environment and Public Works Committee. "You can't keep on going."

The impact is greatest in the Midwest and in the coal belt — Kentucky, West Virginia and Virginia — where dozens of units probably will be retired.

Coal "is the fuel that is local to this area," said Leonard Hopkins, the fuel and compliance manager for the Southern Illinois Power Cooperative, which serves rural electric customers in 25 counties in the state. "We are scrambling to find ways to comply."

His options: switch to a lower sulfur coal, install additional pollution controls or retire the oldest

boiler and buy cheaper power from elsewhere.

For many of the country's oldest coal-fired plants, retirement is the cheapest option.

"It is more expensive to retrofit these plants than retire them and build new generation," said Chris Whelan, spokeswoman for Kentucky Utilities, which announced in September that it was retiring three coal-fired power plants in the state. The plants, which came on line in 1947, 1962 and 1950, employ 204 people.

Whelan said the company is "going to do everything we can to reallocate the work" by shifting employees to a new gas-fired power plant.

In some places, a job at the power plant is the best thing going.

Thirty people work at the Central Electric Power Cooperative plant in Chamois, Mo., where EPA regulations have put the plant in danger of shutting down. Some employees are looking to see if there are other power plants where they could find work.

"We always knew there was a chance we could get shut down," said Robert Skaggs, who has worked at the 50-year-old power plant for 10 years and is also an alderman in the town of 400. "It's pretty obvious. Our plant is an old plant."

Chamois Mayor Jim Wright saw the sewing factory leave and doesn't understand why coal has to do the same.

"Coal's coal. If you are going to dig and ship it to China, you might as well burn it here," he said.

Electricity bills are also a concern.

Kentucky Utilities expects its customers to see as much as a 14 percent rate increase to make up for the \$800 million it is spending to replace what will be retired, and the \$1.1 billion it plans to spend on anti-pollution upgrades. Other power companies have applied to recoup the cost of retrofits or of building new gas-fired power plants. The EPA estimates that industry will spend \$11 billion complying with the two rules by 2016.

For others, the biggest issue with plant retirements is the loss of property taxes. As plants wind down and close, their assessed value drops, reducing what they pay to local governments.

In Salem, Mass., Dominion plans to retire two units at the Salem Harbor Station later this year, a move that could halve the plant's workforce in a town famous for its 17th-century witch trials and where the major business is tourism.

The loss of its 50-year-old power plant poses two dilemmas: how to replace its biggest taxpayer and what to do with the 60 acres of waterfront property when the plant is gone.

"It's not like losing a Dunkin' Donuts," said Mayor Kim Driscoll, noting that attractions such as Baltimore's Inner Harbor took decades to redevelop from abandoned industrial property.

For the next five years, Salem will make up for Dominion's dwindling \$4.75 million tax bill with state money, but after that the future is unclear.

"It's a big chunk of change when you're looking at we still have the same number of kids in school, we still have the same number of calls for police and fire, we have the same number of parks and resources that need to be maintained and kept up," Driscoll said. "That's not to say there aren't folks locally that are happy with the fact that a coal-based plant won't be here forever. There are certainly folks here that see it as a way for Salem to flourish in other ways."

01268-EPA-7151

Richard  
Windsor/DC/USEPA/US  
12/19/2011 09:08 PM

To "Brendan Gilfillan"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

I am honored by the award as long as air emissions for mercury smog soot and other toxics come along with my lump of coal. That way, the award will not harm our kids.

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 12/20/2011 02:03 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

Blogs

1 new result for lisa jackson epa

[AEA Awards EPA Administrator Lisa Jackson with 2011 “Lump of ...](#)

By IER

But in the shadowy enclaves of the behemoth national headquarters of the *Environmental Protection Agency*, Administrator *Lisa Jackson* has prepared an old fashioned, Whoville-killing, Grinch-style regulation to increase the cost of electricity ...

American Energy Alliance

---

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01268-EPA-7152

**Richard  
Windsor/DC/USEPA/US**  
12/19/2011 09:30 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Perfect!

---

**From:** Brendan Gilfillan  
**Sent:** 12/19/2011 09:27 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

That shld be our statement: Administrator Jackson will be happy to accept this award now that the MATS are finalized and 91pct of the mercury in that lump of coal will not be released into the air.

---

**From:** Richard Windsor  
**Sent:** 12/19/2011 09:08 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

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[American Energy Alliance](#)

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01268-EPA-7155

**Michael Moats/DC/USEPA/US**

12/20/2011 02:52 PM

To Richard Windsor

cc Aaron Dickerson, Brendan Gilfillan, Jose Lozano, Gina McCarthy

bcc

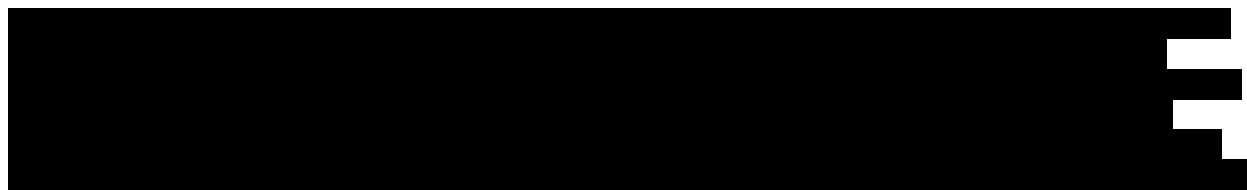
Subject Re: ACTION draft blog post for MATS

Once more with feeling, and edits from OAR.

-----

**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative ... 12/20/2011 11:42:56 AM

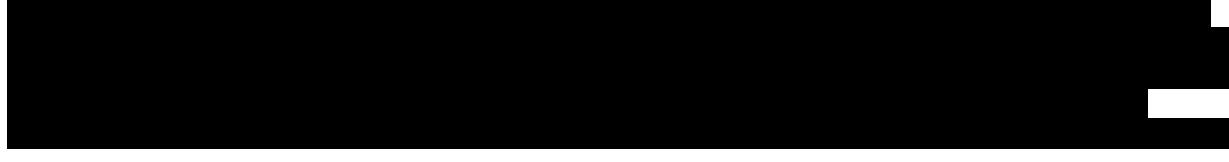
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Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 11:42 AM  
Subject: Re: ACTION draft blog post for MATS

(b)(5) Deliberative ...Looping in Gina McCarthy as well. Thanks. Lisa

(b)(5) Deliberative



(b)(5) Deliberative



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Michael Moats      [Administrator -- pasted below and attac...](#)      12/20/2011 11:19:23 AM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/20/2011 11:19 AM  
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For you review...

[attachment "20111221 MATS Blog post.docx" deleted by Richard Windsor/DC/USEPA/US]

----

**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



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Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7157

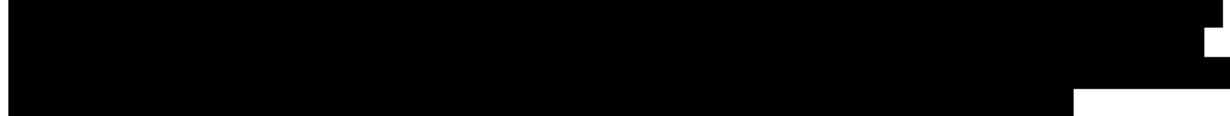
**Michael Moats/DC/USEPA/US** To Richard Windsor  
12/20/2011 03:15 PM cc Aaron Dickerson, Brendan Gilfillan, Jose Lozano, Gina McCarthy  
bcc  
Subject Re: ACTION draft blog post for MATS

No problem.

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative, (b)(6) 12/20/2011 03:08:28 PM  
From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 03:08 PM  
Subject: Re: ACTION draft blog post for MATS

(b)(5) Deliberative, (b) (6) Privacy



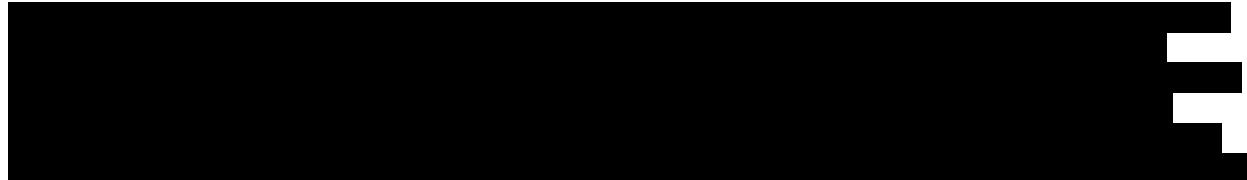
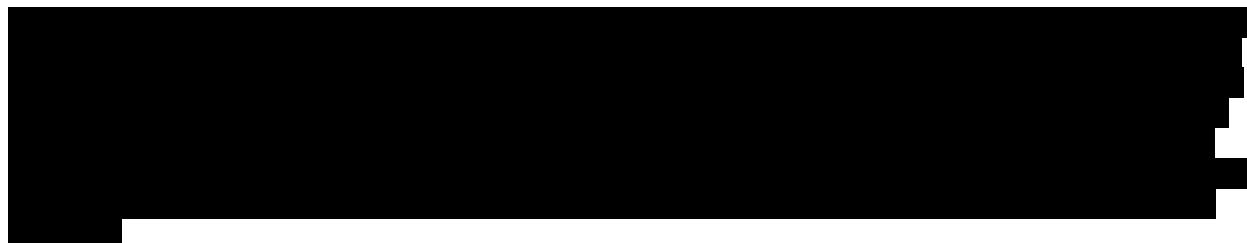
Michael Moats Once more with feeling, and edits from... 12/20/2011 02:52:09 PM  
From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 02:52 PM  
Subject: Re: ACTION draft blog post for MATS

Once more with feeling, and edits from OAR.

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**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



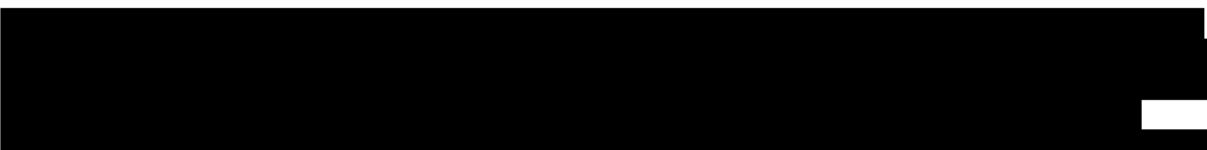
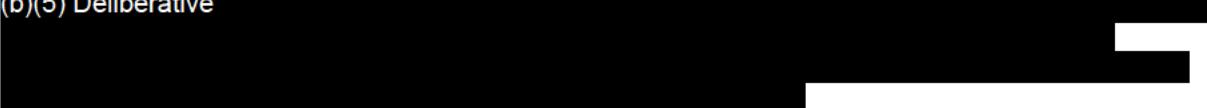
----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative

12/20/2011 11:42:56 AM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 11:42 AM  
Subject: Re: ACTION draft blog post for MATS

(b)(5) Deliberative ...Looping in Gina McCarthy as well. Thanks. Lisa



(b)(5) Deliberative



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Michael Moats      Administrator -- pasted below and attac...      12/20/2011 11:19:23 AM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
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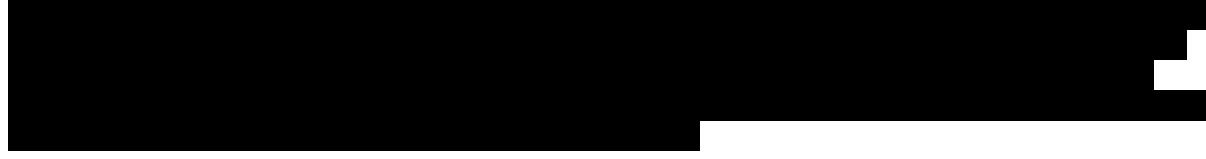
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**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7161

**Michael Moats/DC/USEPA/US**

12/20/2011 05:45 PM

To Richard Windsor

cc Brendan Gilfillan, Gina McCarthy

bcc

Subject REVISED ACTION draft blog post for MATS

(b)(5) Deliberative

A large rectangular area of the page is completely blacked out, indicating redacted content.

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor

(b)(5) Deliberative, (b)(6)

12/20/2011 03:08:28 PM

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From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 03:08 PM  
Subject: Re: ACTION draft blog post for MATS

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(b)(5) Deliberative, (b) (6) Privacy

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Michael Moats

Once more with feeling, and edits from...

12/20/2011 02:52:09 PM

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From: Michael Moats/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA

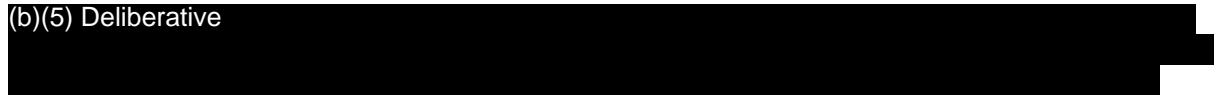
Date: 12/20/2011 02:52 PM  
Subject: Re: ACTION draft blog post for MATS

Once more with feeling, and edits from OAR.

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**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative

12/20/2011 11:42:56 AM

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Date: 12/20/2011 11:42 AM  
Subject: Re: ACTION draft blog post for MATS

(b)(5) Deliberative ...Looping in Gina McCarthy as well. Thanks. Lisa

(b)(5) Deliberative



(b)(5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**DRAFT**

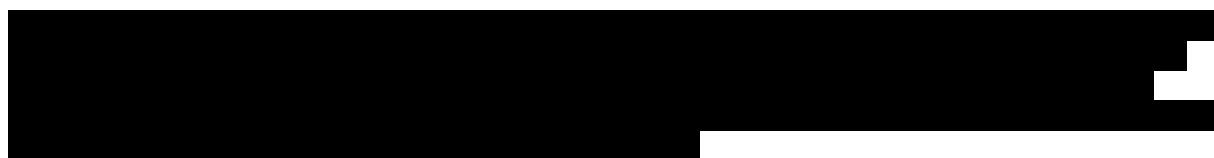
(b)(5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)(5) Deliberative



<<EMBED "WELCOME MATS" VIDEO>>

----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7162

Richard  
Windsor/DC/USEPA/US  
12/20/2011 05:54 PM

To Michael Moats  
cc  
bcc

Subject Re: REVISED ACTION draft blog post for MATS

perfect. tx.

Michael Moats (b)(5) Deliberative ... 12/20/2011 05:45:08 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 12/20/2011 05:45 PM  
Subject: REVISED ACTION draft blog post for MATS

(b)(5) Deliberative

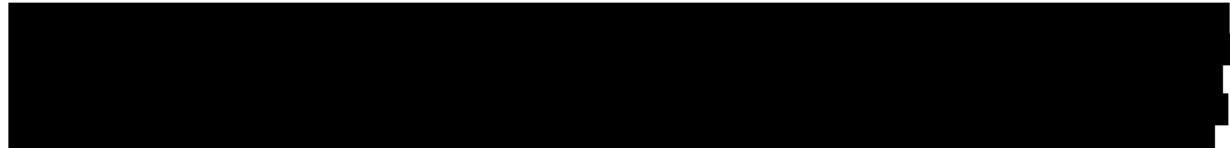
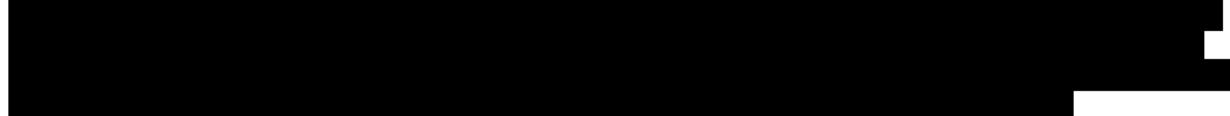


-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative, (b)(6) 12/20/2011 03:08:28 PM

From: Richard Windsor/DC/USEPA/US  
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Date: 12/20/2011 03:08 PM  
Subject: Re: ACTION draft blog post for MATS

(b)(5) Deliberative, (b) (6) Privacy



(b)(5) Deliberative



Michael Moats Once more with feeling, and edits from... 12/20/2011 02:52:09 PM

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To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
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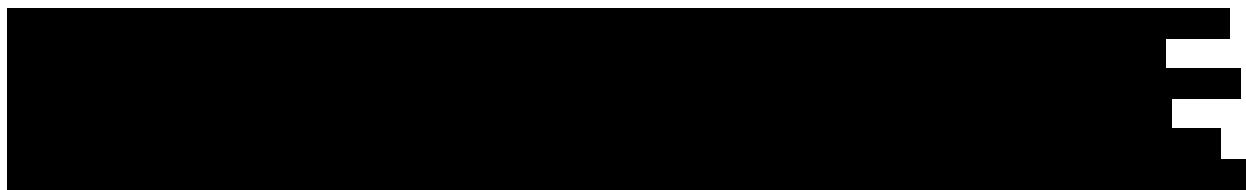
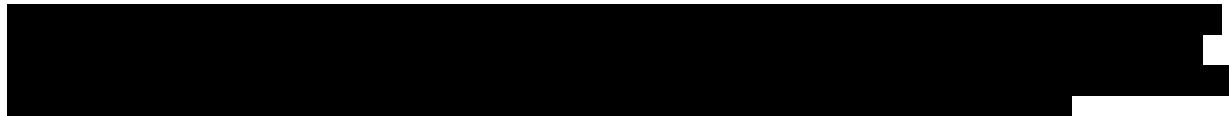
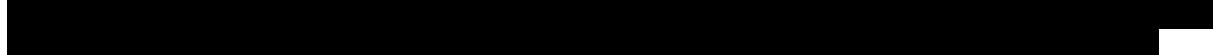
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Once more with feeling, and edits from OAR.

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**DRAFT**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

Richard Windsor (b)(5) Deliberative ... 12/20/2011 11:42:56 AM

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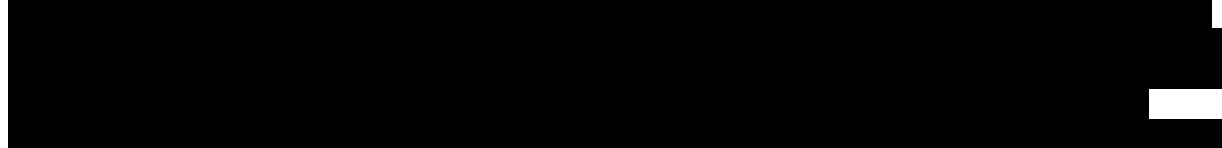
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(b)(5) Deliberative



(b)(5) Deliberative



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Cc: Aaron Dickerson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
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[attachment "20111221 MATS Blog post.docx" deleted by Richard Windsor/DC/USEPA/US]

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DRAFT

(b)(5) Deliberative



(b)(5) Deliberative



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Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7163

**Michael Moats/DC/USEPA/US**

12/20/2011 06:46 PM

To Richard Windsor

cc Brendan Gilfillan, Dru Ealons

bcc

Subject ACTION draft MATS post for Moms blog

Administrator, pasted below is a draft blog post on MATS for the Mom's Rising page. For your review and edits.

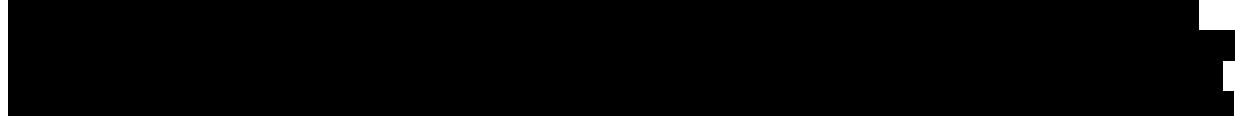
Mike

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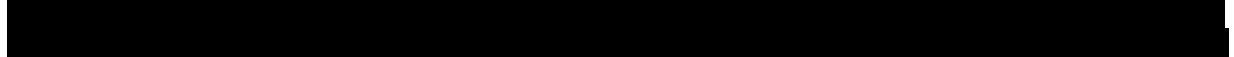
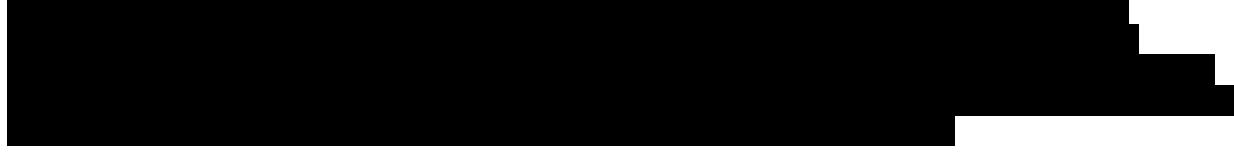
**DRAFT**

**Administrator Lisa P. Jackson  
MATS blog for Mom's Rising  
December 21, 2011**

(b)(5) Deliberative



(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7164

**Richard  
Windsor/DC/USEPA/US**  
12/20/2011 06:56 PM

To Michael Moats  
cc Brendan Gilfillan, Dru Ealons  
bcc  
Subject Re: ACTION draft MATS post for Moms blog

Good except for typo in 2nd to last paragraph. Tx!  
Michael Moats

----- Original Message -----

**From:** Michael Moats  
**Sent:** 12/20/2011 06:46 PM EST  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Dru Ealons  
**Subject:** ACTION draft MATS post for Moms blog

Administrator, pasted below is a draft blog post on MATS for the Mom's Rising page. For your review and edits.

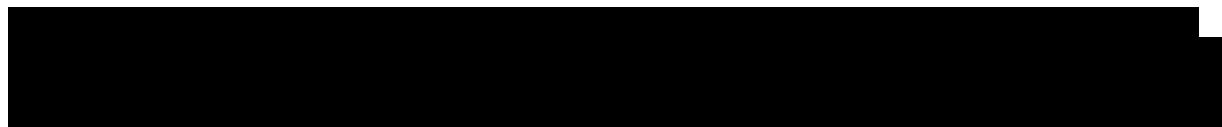
Mike

-----

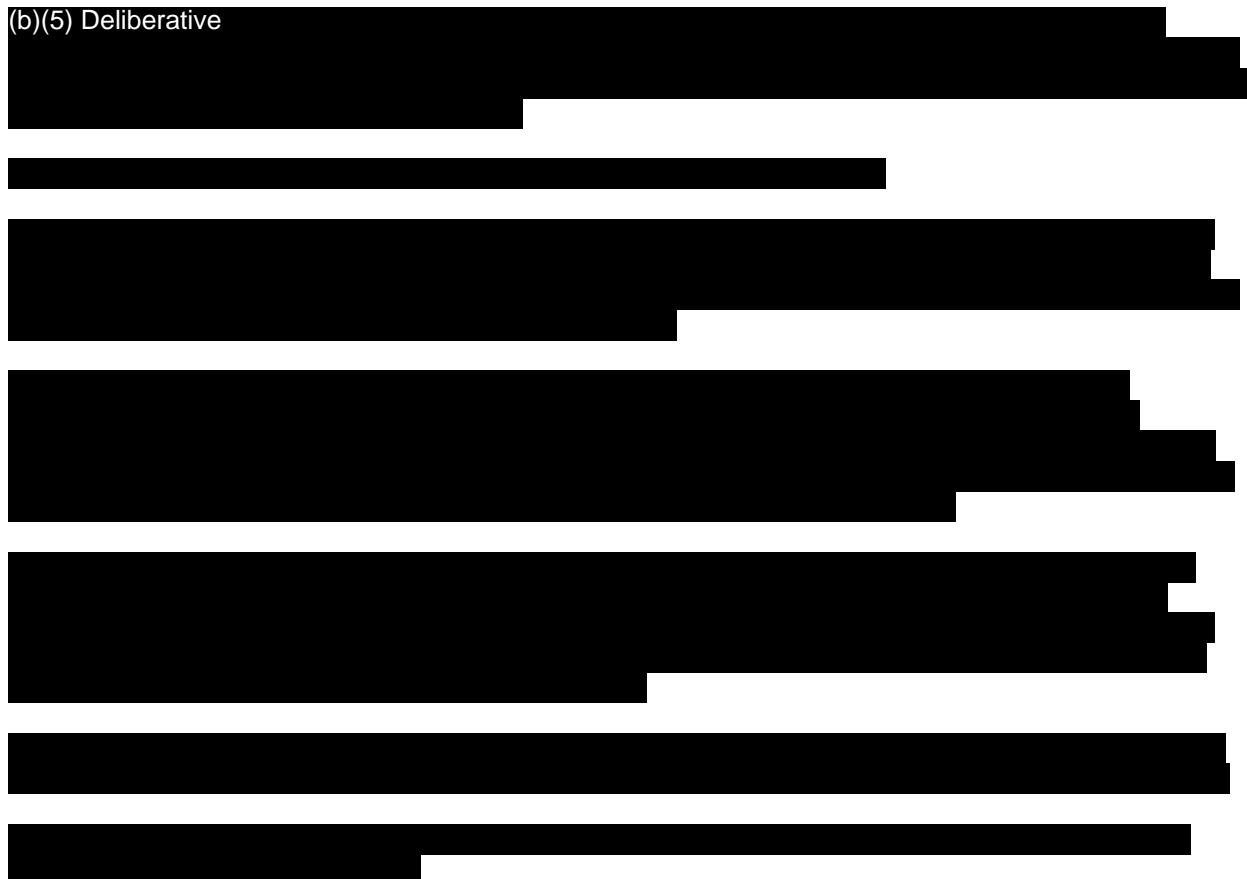
**DRAFT**

**Administrator Lisa P. Jackson**  
**MATS blog for Mom's Rising**  
**December 21, 2011**

(b)(5) Deliberative



(b)(5) Deliberative



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Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7165

**Michael Moats/DC/USEPA/US**

12/20/2011 08:20 PM

To Richard Windsor

cc Brendan Gilfillan, Dru Ealons

bcc

Subject Re: ACTION draft MATS post for Moms blog

If that's the only typo it's a Christmas miracle. Thx boss.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 12/20/2011 06:56 PM EST

**To:** Michael Moats

**Cc:** Brendan Gilfillan; Dru Ealons

**Subject:** Re: ACTION draft MATS post for Moms blog

Good except for typo in 2nd to last paragraph. Tx!

Michael Moats

----- Original Message -----

**From:** Michael Moats

**Sent:** 12/20/2011 06:46 PM EST

**To:** Richard Windsor

**Cc:** Brendan Gilfillan; Dru Ealons

**Subject:** ACTION draft MATS post for Moms blog

Administrator, pasted below is a draft blog post on MATS for the Mom's Rising page. For your review and edits.

Mike

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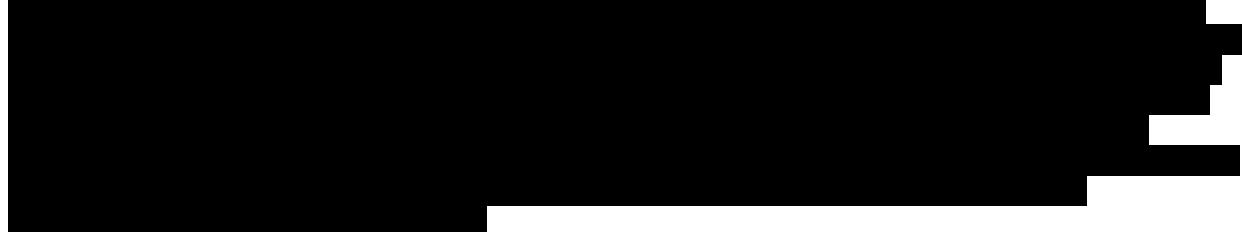
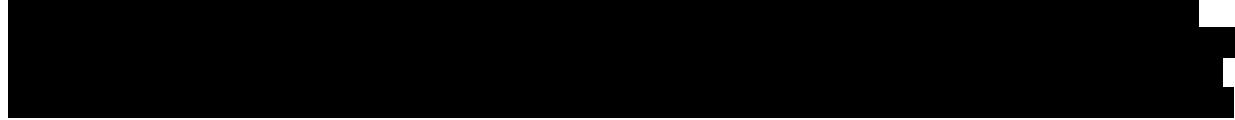
## DRAFT

Administrator Lisa P. Jackson

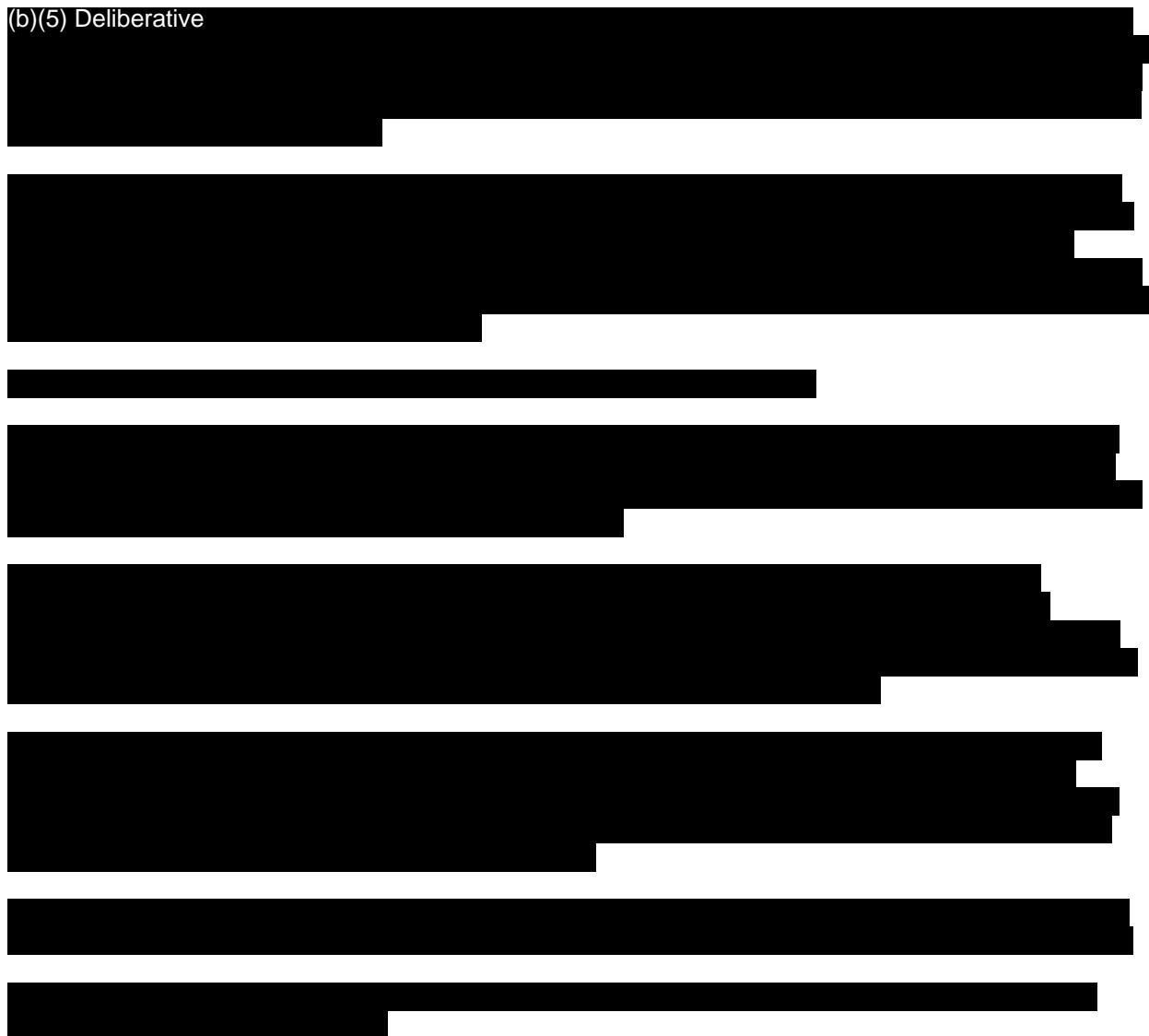
MATS blog for Mom's Rising

December 21, 2011

(b)(5) Deliberative



(b)(5) Deliberative



-----

Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7167

David Cohen/DC/USEPA/US  
12/21/2011 04:28 PM  
To Richard Windsor  
cc  
bcc

Subject Re: Best Shot

outstanding point about bob p. my mind is suddenly connecting a lot of those dots -- and now you're the last and key one among them.

in that vein, i got this note from reilly earlier today. this is not a small statement coming from him:

"A long time coming but with great promise to modernize energy production and move us toward gas and cleaner coal-fired power."

Richard Windsor Hey. Thx. It hit me today. For me, it wa... 12/21/2011 04:22:37 PM

From: Richard Windsor/DC/USEPA/US  
To: David Cohen/DC/USEPA/US@EPA  
Date: 12/21/2011 04:22 PM  
Subject: Re: Best Shot

Hey. Thx. It hit me today. For me, it was especially cool that Bob Perciasepe, the hero who first beat back industry to list mercury as an air toxic for power plants was there to see the fruits of his labors. Lisa

David Cohen

----- Original Message -----

**From:** David Cohen  
**Sent:** 12/21/2011 02:16 PM EST  
**To:** Richard Windsor  
**Subject:** Best Shot

It's been a long, long battle from obtaining the 1990 CAA amendments to this moment, and a lot of previous administrators deserve great credit for bringing mercury -- a notoriously slippery substance -- into the agency's gun sights. But I'm especially pleased that when the time finally came, it was your finger on the trigger.

Dave

01268-EPA-7168

**Richard  
Windsor/DC/USEPA/US**  
12/21/2011 04:32 PM

To David Cohen  
cc  
bcc  
Subject Re: Best Shot

Will thank him for being part of the chain!  
David Cohen

----- Original Message -----

**From:** David Cohen  
**Sent:** 12/21/2011 04:28 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Best Shot

outstanding point about bob p. my mind is suddenly connecting a lot of those dots -- and now you're the last and key one among them.

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Dave

01268-EPA-7169

Richard  
Windsor/DC/USEPA/US  
12/21/2011 08:54 PM

To Stephanie Owens  
cc  
bcc  
Subject Re: Release

Thx. Phaedra has a blog on HuffPo as well.

---

**From:** Stephanie Owens  
**Sent:** 12/21/2011 08:44 PM EST  
**To:** Richard Windsor  
**Cc:** Dru Ealons; Brendan Gilfillan  
**Subject:** Fw: Release

Administrator Jackson,

(b)(5) Deliberative



**Mercury and Air Toxics Standard Stakeholder Comments  
As of 8:30 PM 12-21-11**

**1. Benjamin Todd Jealous, NAACP:**

"This rule is a smart, sensible and overdue step to limit the dangerous effects of these toxins and address the racially disparate impact of air pollution. The standards will save millions of dollars in medical expenses by helping to prevent new cases of asthma attacks and other respiratory diseases that often strike families that can least afford it, while advancing a healthier quality of life for families across the nation."

**2. Albert A. Rizzo, MD, American Lung Association:**

Since toxic air pollution from power plants can make people sick and cut lives short, the new Mercury and Air Toxics Standards are a huge victory for public health. The Lung Association expects all oil and coal-fired power plants to act now to protect all Americans, especially our children, from the health risks imposed by these dangerous air pollutants."

**3. American Businesses for Clean Energy, American Sustainable Business Council, Ceres, Environmental Entrepreneurs, Main Street Alliance and the Small Business Majority:**

"Our experience has shown that the Clean Air Act yields substantial benefits to the economy and to businesses, and that these benefits consistently outweigh the costs of pollution reductions. We believe the finalization of MATS [Mercury and Air Toxics Standards] is a meaningful step towards economic recovery and growth."

**4. 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."

**5. Massachusetts Governor Patrick:**

"Massachusetts has dramatically reduced toxic mercury and other harmful emissions from local power plants through our strict pollution controls. Nevertheless, we have been impacted by mercury emissions from facilities in upwind states that have not imposed similar controls," said Governor Patrick. "I congratulate the Obama Administration for adopting new nationwide rules that address this inequity, leveling the playing field and ensuring that the Commonwealth will reap the benefits of our own strict clean air regulations."

**6. Washington Governor Gregoire:**

"I applaud EPA for taking strong action to curb harmful, toxic emissions from coal-fired power plants. In Washington, we're fortunate that we have been out front in protecting our people and our environment from such risks.

**7. Howard Learner, Environmental Law & Policy Center:**

"These standards mean power plants will invest in modern pollution controls, and that investment will create jobs, cleaner air and better public health. Illinois adopted mercury pollution reduction standards in 2006 and modern control equipment has been installed at almost all coal plants in the state. The technology works, the lights have stayed on, mercury pollution has been reduced and children's health is better protected. It's time for the holdout utilities to stop crying wolf, stop stalling and clean up their pollution to protect children's health and our rivers and lakes."

**8. 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."

**9. Alan Baker, American Public Health Association:**

"The dangerous health risks associated with coal-burning power plants is no longer an elusive, distant threat. Exposure to air pollution and toxic chemicals can cause asthma and heart attacks, harm those suffering from respiratory illness and in some cases lead to death. Implementing these critically needed standards could mean the difference between a chronic debilitating, expensive illness or healthy life for hundreds of thousands of American children and adults."

**10. The Rev. Fletcher Harper, GreenFaith:**

"The EPA's new rule is a vital step forward morally and religiously. The great religious traditions to which so many US citizens belong – from Judaism, Christianity and Islam to Hinduism, Buddhism and more - are overwhelmingly clear that protecting life and the environment represent a moral responsibility, and that we are called to steward and protect an earth which, ultimately, does not belong to us. By saving thousands of lives – many of them from our nation's most vulnerable communities – and by preventing toxic emissions, this rule will help ensure that future generations inherit a healthier, cleaner planet."

**11. Shannon Baker-Branstetter, Consumers Union:**

"The health risks that mercury exposure poses are serious, especially since those most at risk are children and other vulnerable populations. Mercury from large industrial sources contaminates the air we breathe and common foods that many Americans eat. Regulating mercury emissions is just a common sense way to protect consumers from these health hazards and today's announcement is a critical step towards that goal."

**12. U.S. Commerce Secretary John Bryson:**

"For business leaders, there are few challenges greater than uncertainty, and by issuing today's ruling, this Administration has answered definitively a question that has hung over the U.S. energy industry for nearly 20 years. These new standards have benefits that far exceed costs, and the flexibility built into their adoption will help guarantee that implementation will proceed in a thoughtful, common-sense way that limits negative impacts on businesses."

**13. Rev. Canon Sally G. Bingham, President of Interfaith Power & Light President:**

"This is good news for the religious community across America. The finalization of the Mercury and Air Toxics Standards shows us that the 40-year old Clean Air Act is still an invaluable tool to carry out our call to be stewards of God's Creation and to serve the least among us."

**14. Lauren Randall, Environment America:**

"Today President Obama stood up to the polluters and protected kids' health. This landmark achievement reflects what every parent knows, which is that powering our homes should not poison kids."

**15. Roberto Carmona, Voces Verdes:**

"Voces Verdes applauds the Obama Administration's important new standard to control and curb mercury and other toxic air pollution from power plants. This historic rule will benefit our nation as a whole and Latino families everywhere preventing the harmful effects of these pollutants, such as respiratory diseases, developmental problems and heart attacks in our communities. This rule protects our health while also creating thousands of jobs from the manufacturing, engineering, installation and maintenance of pollution controls to meet these standards, potentially including 46,000 short-term construction jobs and 8,000 long-term utility jobs. This is an important move to protect the public health while ensuring a brighter future for our communities."

**16. Robert D. Brook, M.D., University of Michigan and American Heart Association:**

"This historic action taken today by the EPA will mean that all of us now and in the future can expect to suffer fewer cardiovascular problems caused by breathing harmful air pollutants from power plants, and also see a reduction in other health issues related to mercury and fine particulate matter. Though much progress has been made in cleaning our nation's air over the past few decades, these added safeguards should help to further reduce cardiovascular disease, the No. 1 killer in the United States. With these standards in place, generations of Americans will now be able to breathe even cleaner air, a fact we should all be proud of as a nation."

**17. Rabbi David Saperstein, Religious Action Center of Reform Judaism:**

"As heirs to a tradition of stewardship that teaches us to be partners in the ongoing pursuit of tikkun olam, or repairing the world, it is our sacred duty as Jews to care for the environment that sustains us. As such, we welcome the EPA's Mercury and Air Toxic Standards."

**18. Katie Huffling, Alliance of Nurses for Healthy Environments:**

"As nurses, we applaud, President Obama and the EPA for their defense of the public's health as they release their new regulations on mercury and other toxic air emissions from power plants. Day in and day out we care for those who suffer from cancer, heart disease, neurological damage, birth defects, and asthma. These serious ailments affect whole families and communities. The Alliance of Nurses for Healthy Environments recognizes the monumental decision that is being made to reduce power plant emissions and how this will contribute to improving the health of our most vulnerable populations - the very young and the very old, especially. On behalf of the patients and communities we serve, we are incredibly grateful for this important environmental health regulation."

**19. Nsedu Witherspoon, Children's Environmental Health Network:**

"We know that mercury can permanently damage a child's sensitive nervous system. If we

want our children to reach their full potential, we need to get mercury out of their environment. This proposal is a practical, cost-effective and vital step toward this goal."

**20. Bishop Stephen E. Blaire, Chairman of the Committee on Domestic Justice and Human Development of the U.S. Conference of Catholic Bishops (USCCB):**

"The U.S. Catholic bishops welcome this important move by the Administration to adopt long-awaited standards to reduce mercury and toxic air pollution from power plants and to protect children's health," said Bishop Blaire. "In the end it just makes good sense to want to have clean air for our children and families to breathe and for future generations."

**21. Richard Cizik, President of the New Evangelical Partnership:**

"We want to applaud Administrator Lisa Jackson for her courage and determination in protecting not just the unborn in the womb, one out of six who are impacted by mercury, but also adult Americans who need protection from the impacts of mercury."

**22. Lisa Bardwell, President/CEO of Earth Force:**

"I want to register Earth Force's support of EPA's finalization of the Mercury and Air Toxics rule. We work with young people to address environmental issues facing their communities. We challenge them to be leaders today, to listen to diverse perspectives, and to think about the long-term implications of their actions. I hope we, as adults, can set an example for them - one that looks beyond the false dichotomies between economy and environment and that does not sacrifice their health for short-term gain."

**23. The Evangelical Environmental Network:**

[Excerpt from report] Mercury from power plants can be harmful to developing fetuses. In an unusual alliance that has the potential to shift pollution politics, Catholics and evangelical Christians opposed to abortion are joining forces with child health advocates to lobby for stricter limits on mercury pollution.

**24. A.J. Nino Amato, President of the Coalition of Wisconsin Aging Groups:**

"As people age, their bodies are less able to compensate for the effects of environmental air pollution. Based on medical research, air pollution can aggravate heart disease and stroke, lung diseases such as chronic obstructive pulmonary disease, asthma, and diabetes. This leads to increased medication use, visits to health care providers, admissions to emergency rooms and hospitals, and even death. All of which leads to substantial increases in health care costs, that can be prevented, if and only if we enact the new EPA Air Quality Standards.

**25. Ralph B. Everett, President/CEO of the Joint Center:**

[In reference to the New Joint Center Report that finds benefits of EPA rules outweigh costs and would provide significant health and environmental benefits to low income and minority individuals]"This report demonstrates that not only do the EPA rules, such as the air toxics rule, make good economic sense, but they will noticeably impact the health and environment of African American populations and relieve burdens that have been disproportionately borne by this community", said Ralph B. Everett, Joint Center's President and CEO. "Given that low-income communities of color are disproportionately sited in close proximity to industrial facilities, power plants, and heavily traveled roads, it's clear that these rules will be of enormous benefit to residents in vulnerable communities.

**26. Catherine Thomasson, M.D., incoming Executive Director of Physicians for Social Responsibility:**

"PSR applauds the EPA's strong new rule on mercury and air toxics from power plants. This one is a real win for the public's health, especially children, babies and the unborn,"

**27.**

**Jeff Levi, PhD, Executive Director of Trust for America's Health (TFAH):**

"This new standard, over twenty years in the making, is a critical addition to the Clean Air Act to protect the public's health," said Jeff Levi, PhD, Executive Director of TFAH.

**28. Alan Baker, interim Executive Director of APHA:**

"The dangerous health risks associated with coal-burning power plants is no longer an elusive, distant threat. Exposure to air pollution and toxic chemicals can cause asthma and heart attacks, harm those suffering from respiratory illness and in some cases lead to death," said Alan Baker, interim executive director of APHA. "Implementing these critically needed standards could mean the difference between a chronic debilitating, expensive illness or healthy life for hundreds of thousands of American children and adults."

**29. Fred Krupp, President of EDF:**

"Every decade or so, the United States takes a giant step forward on the road to cleaner, healthier air. Getting the lead out of gasoline was one. Reducing acid rain was another. Now, [according to the Washington Post](#), the Administration is set to announce a new giant step that directs power plants to cut their emissions of mercury and other air toxins. Though we don't yet have all the details, this much is clear: After 21 years of debate, mercury has at long last been added to the list of public health enemies that have no place in our children's air, water and food."

**30. John Suttles, senior attorney at the Southern Environmental Law Center:**

"As the largest unregulated sources of mercury and dozens of other highly toxic air pollutants, coal-fired power plants endanger the health and well-being of children and pregnant women every day," said John Suttles, senior attorney at the Southern Environmental Law Center. "The national standards EPA announced today establish sensible, achievable health protections for all Americans. These standards are a huge victory for families and children as they will slash levels of mercury and other toxic air pollution that disproportionately harm kids."

**31. Kevin Kennedy, U.S. Climate Director, World Resources Institute:**

"Just in time for the holidays, the EPA has taken a big step toward protecting people and the environment with the release of new mercury standards for power plants. This announcement demonstrates a balanced and responsible approach by the EPA, which has developed these standards through a lengthy, deliberate process involving many stakeholders.

"In fact, these standards have been in development for [over 20 years](#). Many plants are already meeting the standards, and 11 of the 15 largest coal utilities have already [informed](#) their shareholders that they are well positioned to comply with them." "Furthermore, these standards are achievable using current technology and provide sufficient flexibility to protect [electric system reliability](#). While some older coal plants may be pushed toward retirement, this will help expedite a shift to newer and more efficient plants, or other alternate energy sources.

"EPA has taken a significant step toward cleaner air, and we hope to see more progress to protect public health from air pollutants, including greenhouse gases, in the coming year."

**32. Nicholas S. Hill, MD, president of the American Thoracic Society:**

"As a physician who treats many patients with severe lung disease, I know that clean air is critically important to my patients' health and helps to keep them out of emergency departments and hospitals," said Nicholas S. Hill, MD, president of the American Thoracic Society. "Even though there is an expense to controlling toxic emissions, it is far less than the cost of excess illness and death attributable to these toxins."

**33. Rev. Mitchell C. Hescox, President of EEN:**

"My organization, along with those we work with in the faith community including the National Association of Evangelicals and the United States Conference of Catholic Bishops, are thankful for recently finalized National Mercury and Air Toxics Standards and their life-saving benefits from mercury, particulates, and acid gases.

**34. Heather Sage, Vice President of PennFuture:**

"This is a great holiday present for the children of the nation and their families," said Heather Sage, vice president of PennFuture. "Thanks to this action by the EPA, our children's futures and their brain development will no longer be sacrificed on the altar of the power industry. This rule

guarantees that the old coal-fired power plants must stop spewing toxic mercury and clean up, switch to cleaner fuel, or shut down. The power industry's free ride is finally over.

**35. Trip Van Noppen, President, Earthjustice:**

"We're celebrating today after a long fight for cleaner air. Earthjustice has stuck with this fight through thick and thin for more than a decade, and we're pleased after that long effort to see President Obama deliver this positive result. We'll remain vigilant against the inevitable attacks of these public health protections in Congress and in the courts, but for now, this is an incredible achievement that makes this holiday season a lot happier and healthier. We commend President Obama for this important life-saving result."

**36. James Pew, attorney, Earthjustice:**

"America is getting the gift of clean air this holiday season. We applaud the President for issuing these vital clean air protections that will save up to 11,000 lives each year by ensuring that the dirtiest power plants in the nation install the available technology that will cut mercury, arsenic, and other dangerous pollutants that make people sick."

**37. Gary Cohen, President of Health Care Without Harm:**

"This is a major step forward for mercury elimination in the environment," stated Gary Cohen, president of Health Care Without Harm. "Considering the setbacks this year for protections to our health, we congratulate the EPA for moving forward on this important, live-saving standard."

Stephanie Owens  
Deputy Associate Administrator  
Office of External Affairs and Environmental Education  
U.S. EPA  
Phone: 202.564.6879  
Fax: 202.501.1789

-----Forwarded by Stephanie Owens/DC/USEPA/US on 12/21/2011 08:29PM -----

To: Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
From: Andra Belknap/DC/USEPA/US  
Date: 12/21/2011 05:25PM  
Subject: Fw: Release

Final release attached.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**

----- Forwarded by Andra Belknap/DC/USEPA/US on 12/21/2011 05:26 PM -----

From: Brendan Gilfillan/DC/USEPA/US  
To: Enesta Jones/DC/USEPA/US@EPA  
Cc: Andra Belknap/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/21/2011 05:21 PM  
Subject: Release

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(b)(5) Deliberative

Thanks

*(See attached file: Here's What They're Saying -- MATS (2).doc)*

01268-EPA-7170

Richard  
Windsor/DC/USEPA/US  
12/21/2011 08:57 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: WSJ Editorial: Lisa Jackson's Power Play

A badge of honor! So proud.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/21/2011 08:51 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** WSJ Editorial: Lisa Jackson's Power Play  
Outdoing themselves everytime...

DECEMBER 22, 2011

Lisa Jackson's Power Play

Harming the economy, degrading the U.S. grid: another day at the EPA.

At an unusual gala ceremony on the release of a major new Environmental Protection Agency rule yesterday, chief Lisa Jackson called it "historic" and "a great victory." And she's right: The rule may be the most expensive the agency has ever issued, and it represents the triumph of the Obama Administration's green agenda over economic growth and job creation. Congratulations.

The so-called utility rule requires power plants to install "maximum achievable control technology" to reduce mercury emissions and other trace gases. But the true goal of the rule's 1,117 pages is to harm coal-fired power plants and force large parts of the fleet—the U.S. power system workhorse—to shut down in the name of climate change. The EPA figures the rule will cost \$9.6 billion, which is a gross, deliberate underestimate.

In return Ms. Jackson says the public will get billions of dollars of health benefits like less asthma if not a cure for cancer. Those credulous enough to believe her should understand that the total benefits of mercury reduction amount to all of \$6 million. That's total present value, not benefits per year—oh, and that's an -illion with an "m," which is not normally how things work out in President Obama's Washington.

The rest of the purported benefits—to be precise, 99.99%—come by double-counting pollution reductions like soot that the EPA regulates through separate programs and therefore most will happen anyway. Using such "co-benefits" is an abuse of the cost-benefit process and shows that Cass Sunstein's team at the White House regulatory office—many of whom opposed the rule—got steamrolled.

As baseload coal power is retired or idled, the reliability of the electrical grid will be compromised, as every neutral analyst expects. Some utilities like Calpine Corp. and PSEG have claimed in these pages that the reliability concerns are overblown, but the Alfred E. Newman crowd has a vested interest in profiting from the higher wholesale electricity clearing prices that the EPA wants to cause.

Meanwhile, the Federal Energy Regulatory Commission, which is charged with protecting reliability, abnegated its statutory responsibilities as the rule was being written.

One FERC economist wrote in a March email that "I don't think there is any value in continuing to engage EPA on the issues. EPA has indicated that these are their assumptions and have made it clear that are not changed [sic] anything on reliability . . . [EPA] does not directly answer anything associated with local reliability." The EPA repeatedly told Congress that it had "very frequent substantive contact and consultation with FERC."

The EPA also took the extraordinary step of issuing a pre-emptive "enforcement memorandum," which is typically issued only after the EPA determines its rules are being broken. The memo tells utilities that they must admit to violating clean air laws if they can't retrofit their plants within the EPA's timeframe at any cost or if shutting down a plant will lead to regional blackouts. Such legal admissions force companies into a de facto EPA receivership and expose them to lawsuits and other liabilities.

The economic harm here is vast, and the utility rule saga—from the EPA's reckless endangerment to the White House's failure to temper Ms. Jackson—has been a disgrace.

01268-EPA-7171

Richard  
Windsor/DC/USEPA/US  
12/21/2011 08:57 PM

To Brendan Gilfillan  
cc  
bcc

Subject Re: WSJ Editorial: Lisa Jackson's Power Play

Well I don't know. I consider it a badge of honor when they put my name in the headline.  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/21/2011 08:54 PM EST  
**To:** Betsaida Alcantara; Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Frankly, even the WSJ editorial page seems a little bit pro forma and half-hearted this time.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/21/2011 08:51 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** WSJ Editorial: Lisa Jackson's Power Play  
Outdoing themselves everytime...

DECEMBER 22, 2011

Lisa Jackson's Power Play

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Meanwhile, the Federal Energy Regulatory Commission, which is charged with protecting reliability, abnegated its statutory responsibilities as the rule was being written.

One FERC economist wrote in a March email that "I don't think there is any value in continuing to engage EPA on the issues. EPA has indicated that these are their assumptions and have made it clear that are not changed [sic] anything on reliability . . . [EPA] does not directly answer anything associated with local reliability." The EPA repeatedly told Congress that it had "very frequent substantive contact and consultation with FERC."

The EPA also took the extraordinary step of issuing a pre-emptive "enforcement memorandum," which is typically issued only after the EPA determines its rules are being broken. The memo tells utilities that they must admit to violating clean air laws if they can't retrofit their plants within the EPA's timeframe at any cost or if shutting down a plant will lead to regional blackouts. Such legal admissions force companies into a de facto EPA receivership and expose them to lawsuits and other liabilities.

The economic harm here is vast, and the utility rule saga—from the EPA's reckless endangerment to the White House's failure to temper Ms. Jackson—has been a disgrace.

01268-EPA-7172

**Richard  
Windsor/DC/USEPA/US**  
12/21/2011 09:08 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: WSJ Editorial: Lisa Jackson's Power Play

Lol. Thanks. I need to get it so I can keep using it.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/21/2011 09:07 PM EST  
**To:** Richard Windsor  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

True. Incidentally, I have to say that even though you probably broke scott fulton's heart, the "spending less on lobbyists and lawyers and more on scientists and engineers" line was right up there with "It depends on the elasticity of the cost curve" as one of the greatest smack-downs of recent DC history.

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/21/2011 08:57 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Well I don't know. I consider it a badge of honor when they put my name in the headline.

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 12/21/2011 08:54 PM EST  
**To:** Betsaida Alcantara; Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Frankly, even the WSJ editorial page seems a little bit pro forma and half-hearted this time.

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 12/21/2011 08:51 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** WSJ Editorial: Lisa Jackson's Power Play

Outdoing themselves everytime...

DECEMBER 22, 2011

Lisa Jackson's Power Play

Harming the economy, degrading the U.S. grid: another day at the EPA.

At an unusual gala ceremony on the release of a major new Environmental Protection Agency rule

yesterday, chief Lisa Jackson called it "historic" and "a great victory." And she's right: The rule may be the most expensive the agency has ever issued, and it represents the triumph of the Obama Administration's green agenda over economic growth and job creation. Congratulations.

The so-called utility rule requires power plants to install "maximum achievable control technology" to reduce mercury emissions and other trace gases. But the true goal of the rule's 1,117 pages is to harm coal-fired power plants and force large parts of the fleet—the U.S. power system workhorse—to shut down in the name of climate change. The EPA figures the rule will cost \$9.6 billion, which is a gross, deliberate underestimate.

In return Ms. Jackson says the public will get billions of dollars of health benefits like less asthma if not a cure for cancer. Those credulous enough to believe her should understand that the total benefits of mercury reduction amount to all of \$6 million. That's total present value, not benefits per year—oh, and that's an -illion with an "m," which is not normally how things work out in President Obama's Washington.

The rest of the purported benefits—to be precise, 99.99%—come by double-counting pollution reductions like soot that the EPA regulates through separate programs and therefore most will happen anyway. Using such "co-benefits" is an abuse of the cost-benefit process and shows that Cass Sunstein's team at the White House regulatory office—many of whom opposed the rule—got steamrolled.

As baseload coal power is retired or idled, the reliability of the electrical grid will be compromised, as every neutral analyst expects. Some utilities like Calpine Corp. and PSEG have claimed in these pages that the reliability concerns are overblown, but the Alfred E. Newman crowd has a vested interest in profiting from the higher wholesale electricity clearing prices that the EPA wants to cause.

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The economic harm here is vast, and the utility rule saga—from the EPA's reckless endangerment to the White House's failure to temper Ms. Jackson—has been a disgrace.

01268-EPA-7173

(b) (6) Personal Privacy

12/21/2011 09:36 PM

To Richard Windsor

cc

bcc

Subject Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

---

fyi

From: feedback@lcv.org

To: (b) (6) Personal Privacy

Sent: 12/21/2011 3:07:55 P.M. Eastern Standard Time

Subj: BREAKING: Obama Sets New Mercury Pollution Limits

**Thank you, President Obama, for setting strong standards to limit mercury and other toxic air pollution.**

Judith – I just left Children's Hospital in Washington, D.C., where I watched EPA Administrator Lisa Jackson make one of the most important public health announcements in the history of EPA.

The Obama administration has set the first-ever national standards for mercury and other toxic air pollution for power plants. These historic new health standards will save lives, prevent illnesses like asthma and bronchitis, avoid hospitalizations and missed days at work, and create jobs in pollution control technology.

Our children have waited long enough to breathe clean air without the threat of inhaling toxic air pollution from coal-fired power plants. The Obama administration's new standards will help protect us from many airborne toxins, including mercury, arsenic, lead, dioxins, acid gases and other harmful pollutants.

**[Click here to send a message to President Obama thanking him for setting the first-ever limits on mercury and other toxic air pollution from power plants.](#)**

LCV members submitted more than 50,000 public comments, attended public hearings and rallied in support of these new standards when they were first proposed earlier this year. **In fact, more than 900,000 Americans submitted comments to the EPA – the most comments ever received on an EPA rule**. And the overwhelmingly majority of those comments were in support of the rule. This massive display grassroots support demonstrates that together we can affect meaningful change.

The significance of these new standards cannot be understated. The negative health impacts of toxic air pollution are well-known and documented – and the EPA is estimating that these new standards will save thousands of lives, prevent up to 120,000 cases of childhood asthma and avert 11,000 cases of acute childhood bronchitis every year starting in 2015.

**[Click here to send a message to President Obama thanking him for setting the first-ever limits on mercury and other toxic air pollution from power plants.](#)**

With the support of LCV members like you, we will continue working with the Obama administration in the new year to take meaningful steps to reduce harmful air pollution, protect our waterways and advance cleaner energy sources.

Thank you for fighting for a safer, healthier environment.

Sincerely,

Gene Karpinski  
President  
League of Conservation Voters

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1920 L Street, NW Suite 800  
Washington, DC 20036  
202-785-8683

[nonprofit software](#)

01268-EPA-7174

Richard  
Windsor/DC/USEPA/US  
12/21/2011 09:45 PM

To [REDACTED]  
cc  
bcc

Subject Re: Fwd: BREAKING: Obama Sets New Mercury Pollution  
Limits

Cool. Tx.

---

**From:** [REDACTED] (b) (6) Personal  
**Sent:** 12/21/2011 09:36 PM EST  
**To:** Richard Windsor  
**Subject:** Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

fyi

---

From: feedback@lcv.org  
To: [REDACTED] (b) (6) Personal Privacy  
Sent: 12/21/2011 3:07:55 P.M. Eastern Standard Time  
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Washington, DC 20036  
202-785-8683

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01268-EPA-7175

Richard  
Windsor/DC/USEPA/US  
12/21/2011 09:46 PM

To "Stephanie Owens"  
cc  
bcc  
Subject Fw: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

(b)(5) Deliberative

**From:** (b) (6) Person  
**Sent:** 12/21/2011 09:36 PM EST  
**To:** Richard Windsor  
**Subject:** Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

fyi

From: feedback@lcv.org  
To: (b) (6) Personal Privacy  
Sent: 12/21/2011 3:07:55 P.M. Eastern Standard Time  
Subj: BREAKING: Obama Sets New Mercury Pollution Limits

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Washington, DC 20036  
202-785-8683

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01268-EPA-7176

**Richard  
Windsor/DC/USEPA/US**  
12/22/2011 04:02 PM

To Arvin Ganesan  
cc  
bcc  
Subject Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

Should I do notes to the electeds?

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/22/2011 04:00 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 12/22/2011 03:56 PM  
Subject: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

---

FYI

Arnita Hannon

----- Original Message -----

**From:** Arnita Hannon  
**Sent:** 12/22/2011 03:36 PM EST  
**To:** Sarah Pallone  
**Cc:** Rebecca Cook; Dru Ealons; John Larmett  
**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM  
FYI - See a note from Council member MacNeillie of Millbourne, PA and how they have long-standing support for the Standards and laud EPA's latest action!

M. Arnita Hannon  
Intergovernmental Liaison  
US Environmental Protection Agency  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: 202-564-3704  
Fax: 202-501-1545  
Mobile: 202.302.9109  
Cell: 240.602.7118

----- Forwarded by Arnita Hannon/DC/USEPA/US on 12/22/2011 03:34 PM -----

From: Jeanette MacNeillie <jeanette@eclipseservices.com>  
To: Arnita Hannon/DC/USEPA/US@EPA  
Date: 12/22/2011 03:16 PM  
Subject: Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

---

Ms. Hannon,

Millbourne Borough, one of the smallest Borough's in PA, passed a resolution in support of these standards about a year ago. Anyone who is closely familiar with the health effects of mercury contamination and air pollution can only

cheer.

Please tell Ms. Jackson "thank you" from all our residents and elected officials.

Best,

Jeanette MacNeill  
President, Millbourne Borough Council  
9 Park Avenue  
Millbourne, PA 19082  
Cell 610-755-1445

On Dec 22, 2011, at 2:35 PM, Arnita Hannon wrote:

>  
> CONTACT:  
> press@epa.gov  
>  
> FOR IMMEDIATE RELEASE  
> December 22, 2011  
>  
> They're Still Talking About Historic Mercury and Air Toxics Standards  
>  
> WASHINGTON - Yesterday the U.S. Environmental Protection Agency (EPA) announced the  
> first national standards to protect American families from power plant emissions of  
> mercury and air toxics like arsenic, acid gas, nickel, selenium, and cyanide. These new  
> Mercury and Air Toxics Standards will slash emissions of these dangerous pollutants by  
> relying on widely available, proven pollution controls that are already in use at more  
> than half of the nation's coal-fired power plants.  
>  
> Today, leaders from across the country are still talking about these historic  
> standards. Here's what they're saying about Mercury and Air Toxics Standards:  
>  
> Larry Schweiger, National Wildlife Federation:  
> "Our children and grandchildren will inherit a safer world thanks to the leadership of  
> President Obama and Administrator Jackson. At long last, these prudent and overdue  
> limits on unchecked mercury and toxic air pollution will ensure our fish will be safe  
> to eat, and our children can breathe easier."  
>  
> Gene Karpinski, League of Conservation Voters:  
> "Today is a historic day for the health and safety of our children. We strongly applaud  
> the Obama administration for setting new limits on mercury and other toxic air  
> pollution from power plants - limits that will save lives, prevent illnesses like  
> asthma and bronchitis and create jobs in pollution control technology."  
>

> PJM:  
> "PJM and four other RTO/ISOs proposed in comments to the EPA a process to ensure that  
> reliability in our respective regions can be maintained as the final Mercury and Toxics  
> Standards (MATS) Rule is implemented. The final MATS rule will have different degrees  
> of impact in various parts of the country. We at PJM are pleased that the EPA  
> Administrator has included the key elements of our proposed process to preserve  
> reliability into documents accompanying the Final Rule. We at PJM intend to work with  
> EPA, FERC, the states and others to ensure that process can be effectively utilized to  
> address particular reliability challenges and ensure that the reliability of the  
> electric grid is maintained during this critical period."

>  
> 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."

>

> Frances Beinecke, Natural Resources Defense Council:

> "The magnitude of these health benefits could make this rule one of the  
biggest  
> environmental accomplishments of the Obama administration. I applaud the  
> administration's continued leadership in making our air cleaner and safer to  
breathe."

>

> U.S. Commerce Secretary John Bryson:

> "For business leaders, there are few challenges greater than uncertainty,  
and by  
> issuing today's ruling, this Administration has answered definitively a  
question that  
> has hung over the U.S. energy industry for nearly 20 years," Bryson said.  
"These new  
> standards have benefits that far exceed costs, and the flexibility built  
into their  
> adoption will help guarantee that implementation will proceed in a  
thoughtful,  
> common-sense way that limits negative impacts on businesses."

>

> U.S. Agriculture Secretary Tom Vilsack:

> "By reducing emissions of highly toxic pollutants such as mercury, we are  
ensuring that  
> our air and water are cleaner and American families are safer. Folks in  
rural America  
> have a great appreciation for the land and work hard to preserve our  
environment for  
> future generations. These standards support their efforts by improving  
millions of  
> acres of polluted ecosystems that will create better habitat for fish and  
wildlife and

> provide more recreational opportunities for all Americans to enjoy."

>

> Energy Action Coalition:

> "Young voters are thrilled that EPA Administrator Lisa Jackson and the Obama  
> Administration are standing up to big polluters to protect our generation's  
health and

> spur job creation in the clean energy economy. This decision shows the Obama  
> Administration's commitment to stand up to Big Coal and Oil to protect the  
air we

> breathe. We hope the Administration will continue to stand up for the health  
and safety

> of Americans and the environment in the coming year."

>

> 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."

>

> Business Council for Sustainable Energy:

> "Uncontrolled toxic air emissions are real and sizeable threats, both to public health  
> and to the economy. Families, companies and investors need certainty on air emissions  
> policy for healthier living and for economic growth. The finalization of the Mercury  
> and Air Toxics Standards provides more certainty on emissions policy and will drive  
> investment in innovative technologies and America's energy infrastructure. American  
> businesses can keep the lights on and grow the economy while protecting public health.  
> Shifting to lower emissions technologies and resources while upgrading our nation's  
> electric generation infrastructure will help drive economic growth and create jobs."

>

> 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."

>

> 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."

>

> U.S. Health and Human Services Secretary Kathleen Sebelius:

> "When the Environmental Protection Agency announced achievable new standards

> today for

> mercury and other toxic pollutants from power plants, it took a critical

> step forward

> in promoting a safe and healthy environment where all families can raise

> their children

> free from dangerous chemical exposure. At the Department of Health and Human

> Services,

> we know that people's health is not just determined by what happens in the

> doctor's

> office. It depends on where we live and work, what we eat and the air we

> breathe."

>

> R367

>

>

>

>

>

>

>

>

> M. Arnita Hannon

> Intergovernmental Liaison

> US Environmental Protection Agency

> Office of Congressional and Intergovernmental Relations

> 1200 Pennsylvania Avenue, NW

> Washington, D.C. 20460

> Phone: 202-564-3704

> Fax: 202-501-1545

> Mobile: 202.302.9109

> Cell: 240.602.7118

01268-EPA-7177

**Richard  
Windsor/DC/USEPA/US**  
12/22/2011 04:07 PM

To Arvin Ganesan  
cc  
bcc  
**Subject: Re: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA**  
12/22/2011 02:29 PM

Perfect.  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 12/22/2011 04:06 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM  
That would be a nice touch.

We've thanked the Congressional offices at the staff level, but if you have some down time, I can give you text as well as a list of names for notes.

Richard Windsor Should I do notes to the electeds? ----- 12/22/2011 04:02:49 PM

From: Richard Windsor/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 12/22/2011 04:02 PM  
Subject: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

Should I do notes to the electeds?

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/22/2011 04:00 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 12/22/2011 03:56 PM  
Subject: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

FYI  
Arnita Hannon

----- Original Message -----

**From:** Arnita Hannon  
**Sent:** 12/22/2011 03:36 PM EST  
**To:** Sarah Pallone  
**Cc:** Rebecca Cook; Dru Ealons; John Larmett  
**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM  
FYI - See a note from Council member MacNeillie of Millbourne, PA and how they have long-standing support for the Standards and laud EPA's latest action!

M. Arnita Hannon  
Intergovernmental Liaison  
US Environmental Protection Agency  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: 202-564-3704  
Fax: 202-501-1545  
Mobile: 202.302.9109  
Cell: 240.602.7118

----- Forwarded by Arnita Hannon/DC/USEPA/US on 12/22/2011 03:34 PM -----

From: Jeanette MacNeill <jeanette@eclipseservices.com>  
To: Arnita Hannon/DC/USEPA/US@EPA  
Date: 12/22/2011 03:16 PM  
Subject: Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

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Ms. Hannon,

Millbourne Borough, one of the smallest Borough's in PA, passed a resolution in support of these standards about a year ago. Anyone who is closely familiar with the health effects of mercury contamination and air pollution can only cheer.

Please tell Ms. Jackson "thank you" from all our residents and elected officials.

Best,

Jeanette MacNeill  
President, Millbourne Borough Council  
9 Park Avenue  
Millbourne, PA 19082  
Cell 610-755-1445

On Dec 22, 2011, at 2:35 PM, Arnita Hannon wrote:

>  
> CONTACT:  
> press@epa.gov  
>  
> FOR IMMEDIATE RELEASE  
> December 22, 2011  
>  
> They're Still Talking About Historic Mercury and Air Toxics Standards  
>  
> WASHINGTON - Yesterday the U.S. Environmental Protection Agency (EPA) announced the  
> first national standards to protect American families from power plant emissions of  
> mercury and air toxics like arsenic, acid gas, nickel, selenium, and cyanide. These new  
> Mercury and Air Toxics Standards will slash emissions of these dangerous pollutants by  
> relying on widely available, proven pollution controls that are already in use at more

> than half of the nation's coal-fired power plants.

>

> Today, leaders from across the country are still talking about these historic

> standards. Here's what they're saying about Mercury and Air Toxics Standards:

>

> Larry Schweiger, National Wildlife Federation:

> "Our children and grandchildren will inherit a safer world thanks to the leadership of

> President Obama and Administrator Jackson. At long last, these prudent and overdue

> limits on unchecked mercury and toxic air pollution will ensure our fish will be safe

> to eat, and our children can breathe easier."

>

> Gene Karpinski, League of Conservation Voters:

> "Today is a historic day for the health and safety of our children. We strongly applaud

> the Obama administration for setting new limits on mercury and other toxic air

> pollution from power plants - limits that will save lives, prevent illnesses like

> asthma and bronchitis and create jobs in pollution control technology."

>

> PJM:

> "PJM and four other RTO/ISOs proposed in comments to the EPA a process to ensure that

> reliability in our respective regions can be maintained as the final Mercury and Toxics

> Standards (MATS) Rule is implemented. The final MATS rule will have different degrees

> of impact in various parts of the country. We at PJM are pleased that the EPA

> Administrator has included the key elements of our proposed process to preserve

> reliability into documents accompanying the Final Rule. We at PJM intend to work with

> EPA, FERC, the states and others to ensure that process can be effectively utilized to

> address particular reliability challenges and ensure that the reliability of the

> electric grid is maintained during this critical period."

>

> 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."

>

> Frances Beinecke, Natural Resources Defense Council:

> "The magnitude of these health benefits could make this rule one of the biggest

> environmental accomplishments of the Obama administration. I applaud the administration's continued leadership in making our air cleaner and safer to breathe."

>  
> U.S. Commerce Secretary John Bryson:  
> "For business leaders, there are few challenges greater than uncertainty,  
and by  
> issuing today's ruling, this Administration has answered definitively a  
question that  
> has hung over the U.S. energy industry for nearly 20 years," Bryson said.  
"These new  
> standards have benefits that far exceed costs, and the flexibility built  
into their  
> adoption will help guarantee that implementation will proceed in a  
thoughtful,  
> common-sense way that limits negative impacts on businesses."  
>  
> U.S. Agriculture Secretary Tom Vilsack:  
> "By reducing emissions of highly toxic pollutants such as mercury, we are  
ensuring that  
> our air and water are cleaner and American families are safer. Folks in  
rural America  
> have a great appreciation for the land and work hard to preserve our  
environment for  
> future generations. These standards support their efforts by improving  
millions of  
> acres of polluted ecosystems that will create better habitat for fish and  
wildlife and  
> provide more recreational opportunities for all Americans to enjoy."  
>  
> Energy Action Coalition:  
> "Young voters are thrilled that EPA Administrator Lisa Jackson and the Obama  
Administration are standing up to big polluters to protect our generation's  
health and  
> spur job creation in the clean energy economy. This decision shows the Obama  
Administration's commitment to stand up to Big Coal and Oil to protect the  
air we  
> breathe. We hope the Administration will continue to stand up for the health  
and safety  
> of Americans and the environment in the coming year."  
>  
> 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."  
>  
> Business Council for Sustainable Energy:  
> "Uncontrolled toxic air emissions are real and sizeable threats, both to  
public health  
> and to the economy. Families, companies and investors need certainty on air  
emissions  
> policy for healthier living and for economic growth. The finalization of the  
Mercury  
> and Air Toxics Standards provides more certainty on emissions policy and  
will drive  
> investment in innovative technologies and America's energy infrastructure.  
American  
> businesses can keep the lights on and grow the economy while protecting  
public health.  
> Shifting to lower emissions technologies and resources while upgrading our  
nation's  
> electric generation infrastructure will help drive economic growth and  
create jobs."  
>  
> 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."

>

> 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."

>

> U.S. Health and Human Services Secretary Kathleen Sebelius:

> "When the Environmental Protection Agency announced achievable new standards  
today for  
> mercury and other toxic pollutants from power plants, it took a critical  
step forward  
> in promoting a safe and healthy environment where all families can raise  
their children  
> free from dangerous chemical exposure. At the Department of Health and Human  
Services,  
> we know that people's health is not just determined by what happens in the  
doctor's  
> office. It depends on where we live and work, what we eat and the air we  
breathe."

>

> R367

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>

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>

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>

>

>

> M. Arnita Hannon

> Intergovernmental Liaison

> US Environmental Protection Agency

> Office of Congressional and Intergovernmental Relations

> 1200 Pennsylvania Avenue, NW

> Washington, D.C. 20460

> Phone: 202-564-3704

> Fax: 202-501-1545

> Mobile: 202.302.9109

> Cell: 240.602.7118



01268-EPA-7179

**Richard  
Windsor/DC/USEPA/US**  
01/05/2012 05:12 PM

To Shalini Vajjhala  
cc Michael Moats  
bcc  
Subject Re: JIUS OP-ED Draft

(b)(5) Deliberative [REDACTED]

Shalini Vajjhala

----- Original Message -----

**From:** Shalini Vajjhala  
**Sent:** 01/05/2012 03:57 PM EST  
**To:** Richard Windsor  
**Cc:** Michael Moats  
**Subject:** JIUS OP-ED Draft

Administrator,

(b)(5) Deliberative [REDACTED]

[REDACTED] Thanks  
much-

Best,  
Shalini

-----  
DRAFT

(b)(5) Deliberative [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

(b)(5) Deliberative



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-7180

**Richard  
Windsor/DC/USEPA/US**  
01/05/2012 05:12 PM

To Shalini Vajjhala  
cc Michael Moats  
bcc  
Subject Re: JIUS OP-ED Draft

(b)(5) Deliberative  
Shalini Vajjhala

----- Original Message -----

**From:** Shalini Vajjhala  
**Sent:** 01/05/2012 03:57 PM EST  
**To:** Richard Windsor  
**Cc:** Michael Moats  
**Subject:** JIUS OP-ED Draft

Administrator,

(b)(5) Deliberative

much-

Thanks

Best,  
Shalini

-----  
DRAFT

(b)(5) Deliberative

(b)(5) Deliberative



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-7192

**Michael Moats/DC/USEPA/US** To **Richard Windsor**

01/11/2012 10:37 AM

To Richard Windsor

cc Brendan Gilfillan

bcc

Subject ACTION draft mailer on the POTUS visit

Administrator, below is a draft mailer we would like to send this morning regarding the POTUS visit. For your review.

DRAFT

(b)(5)

| Term       | Percentage |
|------------|------------|
| GMOs       | ~85%       |
| Organic    | ~75%       |
| Natural    | ~70%       |
| Artificial | ~65%       |
| Organic    | ~60%       |
| Natural    | ~55%       |
| Artificial | ~50%       |
| Organic    | ~45%       |
| Natural    | ~40%       |
| Artificial | ~35%       |

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

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7200

**Richard  
Windsor/DC/USEPA/US**

01/22/2012 01:15 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: I see Politico Pro...

Txl

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 01/22/2012 12:34 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>  
**Subject:** Re: I see Politico Pro...  
Full article below. (b)(5) Deliberative

Environmental woes can heighten terror risks

By Erica Martinson  
1/20/12 4:32 PM EST

Environmental ills such as pollution and climate change can help foster anti-Americanism and terrorism in underdeveloped nations, EPA Administrator Lisa Jackson and other Obama administration officials said Friday.

"Factors like poverty and resource shortages can lead to instability," Jackson said at the National Council for Science and the Environment's National Conference on Environment and Security. She noted that commerce, transportation and recreation now affect the rapidly filling planet, which has limited natural resources.

As a result, she said, the U.S. faces "both an opportunity and a responsibility to ensure that economic and environmental progress reaches into the most economically challenged and environmentally polluted communities around the globe."

International cooperation on environmental issues is important to "soothe some of that tension that may develop ... anti-Americanism or developed-country anger," Jackson said.

But she said such work is better framed in terms of public health.

While climate change in particular plays a huge role in environmental woes that can exacerbate political instability, that can be difficult to explain to vulnerable populations, Jackson told the assembled scientists and policymakers. "But it is really easy to explain to someone the health impacts to their children of black carbon or from other environmental pollutants."

"For millions of children around the world, simply being with their mother while she is cooking a meal means a huge increase in their risk for developing pneumonia or respiratory problems because of soot and smoke coming off of cook stoves," Jackson said.

USAID Administrator Rajiv Shah agreed, noting that the Horn of Africa demonstrates those issues with clear environmental degradation and huge problems with domestic food production.

In particular, because of droughts "that frankly we know will get more frequent, not less frequent, and as

growing conditions get hotter and drier, communities will become more vulnerable – not less vulnerable – if we do nothing,” Shah said.

The consequences can be dire, he said, when you combine political unrest with environmental vulnerability.

“The reason 50,000 children died there in Somalia and not in Ethiopia and Kenya, [which] had environmental conditions that were just as bad if not worse, was because you had a terrorist group in charge of part of Somalia,” he said. “So you can take this tour around the world, and there are dozens of examples where the integration of environmental risk factors, human insecurity and weak governance lead to direct national security consequences for our country and the whole world.”

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 01/22/2012 08:20 AM EST  
**To:** Brendan Gilfillan; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>  
**Subject:** I see Politico Pro...

(b)(5) Deliberative



01268-EPA-7201

Aaron  
Dickerson/DC/USEPA/US  
01/22/2012 08:51 PM

To Richard Windsor  
cc  
bcc  
Subject Re: thank you notes to electeds

Ok.  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 01/22/2012 08:49 PM EST  
**To:** "Aaron Dickerson" <dickerson.aaron@epa.gov>  
**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.

Dear {Name}:

I wanted to take a moment to thank you for recent statement supporting EPA's efforts to reduce mercury and other toxics emissions from power plants. Your leadership on this - and many other public health issues - is appreciated and I look forward to continuing to work with you.

All the best in the New Year.

Lisa Jackson.

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-7202

Richard  
Windsor/DC/USEPA/US  
01/22/2012 09:54 PM

To "Michael Moats", "Arvin Ganesan", "Laura Vaught"  
cc  
bcc  
Subject Fw: Coal plants dominate list of Chicago's biggest polluters

(b)(5) Deliberative [REDACTED]

----- Original Message -----

From: Susan Hedman  
Sent: 01/22/2012 01:39 PM EST  
To: Richard Windsor; "Gina McCarthy" <mccarthy.gina@epa.gov>; "Janet McCabe" <mccabe.janet@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman  
Subject: Fw: Coal plants dominate list of Chicago's biggest polluters

Outstanding article in today's Trib. Gina is quoted and there are excellent graphics ranking the largest GHG emitters in the Chicago area.

(b)(5) Deliberative [REDACTED]



----- Original Message -----

From: susan.hedman  
Sent: 01/22/2012 10:19 AM PST  
To: Susan Hedman  
Subject: Coal plants dominate list of Chicago's biggest polluters

This story was sent to you by: Susan

-----  
Coal plants dominate list of Chicago's biggest polluters  
-----

2 plants in Pilsen, Little Village constitute the largest source of local greenhouse gas emissions, U.S. says

By Michael Hawthorne, Chicago Tribune reporter

January 22 2012

Fed by a steady stream of coal barges, the aging power plants that loom over Chicago's Little Village and Pilsen neighborhoods are by far the city's

largest industrial sources of climate change pollution.

The complete article can be viewed at:

<http://www.chicagotribune.com/news/local/ct-met-greenhouse-gases-20120122,0,6304228.story>

Visit chicagotribune.com at <http://www.chicagotribune.com>

01268-EPA-7204

Bob  
Perciasepe/DC/USEPA/US  
01/24/2012 05:36 AM

To Stephanie Owens, Richard Windsor  
cc Brendan Gilfillan  
bcc  
Subject RE: Embargoed: Sportsmen Ad - Clean Air Act

Hi Stephanie  
(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

----- Original Message -----

From : Stephanie Owens/DC/USEPA/US  
To : Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc : Brendan Gilfillan/DC/USEPA/US@EPA  
Sent on : 01/23/2012 08:34:04 PM  
Subject : Fw: Embargoed: Sportsmen Ad - Clean Air Act

(b)(5) Deliberative

Stephanie Owens  
Deputy Associate Administrator  
Office of External Affairs and Environmental Education  
U.S. EPA  
Phone: 202.564.6879

-----Forwarded by Stephanie Owens/DC/USEPA/US on 01/23/2012 08:26PM -----  
(See attached file: *Sportsmen Politico Ad 1-19-12.pdf*)

---

Embargoed till the 25<sup>th</sup>.

**From:** Joe Mendelson [<mailto:mendelsonj@nwf.org>]  
**Sent:** Monday, January 23, 2012 12:17 PM  
**To:** Patel, Rohan; Carson, Jon; Zichal, Heather R.  
**Subject:** Embargoed: Sportsmen Ad

Jon, Heather and Rohan,

I wanted to let you know that the attached ad will be running in Politico on January 25<sup>th</sup>.

My best,

Joe

Joseph Mendelson III

Director of Policy

Climate and Energy Program

National Wildlife Federation

901 E Street NW, Suite 400

Washington, DC 20004

ph. 202.797.6898 | cell 703.244.1724

[www.nwf.org](http://www.nwf.org)

Description:

[http://sharepoint.nwf.org/sites/oc/brand/NWF%20Logo%20Files%20and%20Guidelines/NWF%20Logo%20Files/EMAIL/NWF\\_Logo\\_HORIZONTAL-Green\\_168x50-EMAIL.jpg](http://sharepoint.nwf.org/sites/oc/brand/NWF%20Logo%20Files%20and%20Guidelines/NWF%20Logo%20Files/EMAIL/NWF_Logo_HORIZONTAL-Green_168x50-EMAIL.jpg)

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network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced  
into the EPA network. EPA is deleting all computer program attachments  
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extension and resend the Email with the renamed attachment. After  
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For further information, please contact the EPA Call Center at  
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*



- Image.image001.jpg@01CCD9C8.D1600800.PLAIN

01268-EPA-7205

Richard  
Windsor/DC/USEPA/US  
01/24/2012 10:43 AM

To Michael Moats, Brendan Gilfillan, Betsaida Alcantara,  
Johnson.Alisha  
cc  
bcc  
Subject Fw: Coal plants dominate list of Chicago's biggest polluters

(b)(5) Deliberative [REDACTED]

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/24/2012 10:42 AM -----

From: Susan Hedman/R5/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, "Gina McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <mccabe.janet@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Bob Sussman/DC/USEPA/US@EPA  
Date: 01/22/2012 01:39 PM  
Subject: Fw: Coal plants dominate list of Chicago's biggest polluters

Outstanding article in today's Trib. Gina is quoted and there are excellent graphics ranking the largest GHG emitters in the Chicago area.

(b)(5) Deliberative [REDACTED]

----- Original Message -----

From: susan.hedman  
Sent: 01/22/2012 10:19 AM PST  
To: Susan Hedman  
Subject: Coal plants dominate list of Chicago's biggest polluters

This story was sent to you by: Susan

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By Michael Hawthorne, Chicago Tribune reporter

January 22 2012

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Chicago's Little Village and Pilsen neighborhoods are by far the city's largest industrial sources of climate change pollution.

The complete article can be viewed at:

<http://www.chicagotribune.com/news/local/ct-met-greenhouse-gases-20120122,0,6304228.story>

Visit chicagotribune.com at <http://www.chicagotribune.com>

01268-EPA-7207

**Richard  
Windsor/DC/USEPA/US**  
01/25/2012 02:32 PM

To Bob Perciasepe  
cc Diane Thompson, Jose Lozano  
bcc  
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:

(b)(5) Deliberative

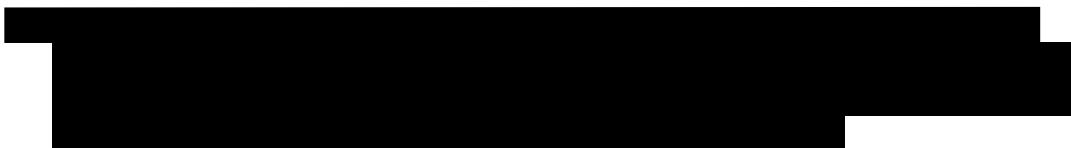


Thanks

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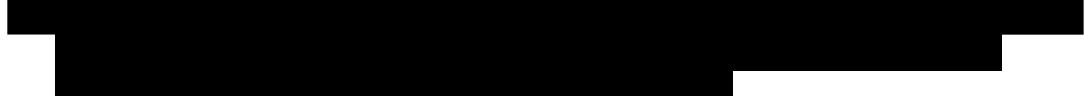
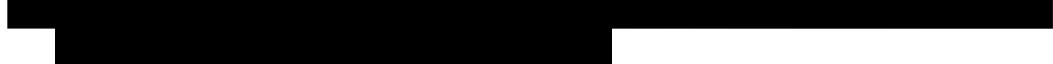
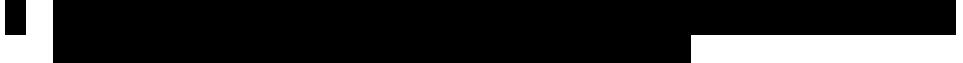
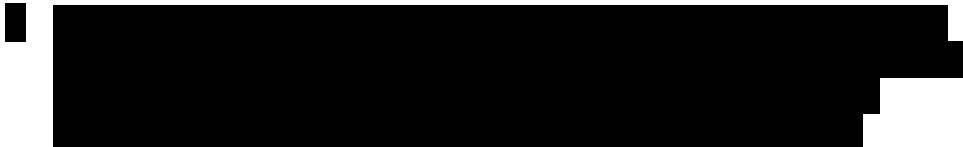
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(b)(5) Deliberative



(b)(5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

01268-EPA-7210

**Richard  
Windsor/DC/USEPA/US**  
01/26/2012 11:06 AM

To Brendan Gilfillan, Laura Vaught, Bob Perciasepe, Michael Goo, Bob Sussman  
cc  
bcc  
Subject Re: FirstEnergy will Retire Six Coal-Fired Power Plants

(b) (5) Deliberative

Tx.

---

**From:** Brendan Gilfillan  
**Sent:** 01/26/2012 10:48 AM EST  
**To:** Laura Vaught; Bob Perciasepe; Richard Windsor; Michael Goo; Bob Sussman  
**Subject:** Re: FirstEnergy will Retire Six Coal-Fired Power Plants

(b) (5) Deliberative

---

**From:** Laura Vaught  
**Sent:** 01/26/2012 10:47 AM EST  
**To:** Bob Perciasepe; Richard Windsor; Brendan Gilfillan; Michael Goo; Bob Sussman  
**Subject:** Fw: FirstEnergy will Retire Six Coal-Fired Power Plants

First Energy just put out this announcement - which they tie directly to MATS.

---

**From:** [beth.viola@hklaw.com]  
**Sent:** 01/26/2012 03:39 PM GMT  
**To:** Laura Vaught  
**Cc:** <agrealy@alleghenypower.com>  
**Subject:** FirstEnergy will Retire Six Coal-Fired Power Plants

Laura:

I'm sure you've already heard but wanted to make sure you had this press release. Please don't hesitate to give Anne or myself a call if you have additional questions

Thanks,

Beth

**Beth A. Viola | Holland & Knight**  
Senior Policy Advisor  
2099 Pennsylvania Avenue, N.W.| Suite 100  
Washington DC 20006  
Phone 202.457.7030 | Mobile 202.270.5970  
[beth.viola@hklaw.com](mailto:beth.viola@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

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01268-EPA-7211

Richard  
Windsor/DC/USEPA/US  
01/27/2012 10:55 AM

To Arvin Ganesan, Diane Thompson, Bob Perciasepe  
cc  
bcc  
Subject Re: from national journal

Talk to brendan. Silliness.  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 01/27/2012 10:52 AM EST  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe  
**Subject:** from national journal

The enviro community is a flutter with this blurb from national journal. (b) (5) Deliberative

[REDACTED] ?

Thanks

arvin

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 01/27/2012 10:45 AM -----

---

From: Nathan Willcox <nathan@environmentamerica.org>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/27/2012 10:43 AM  
Subject: Fwd: RE: EPA call tomorrow

**EPA CLIMATE RULES EXPECTED [NEXT FRIDAY](#).** The Environmental Protection Agency is likely to issue a proposed new rule [next Friday](#) that would attempt to counter climate change by regulating greenhouse gas emissions from power plants, sources familiar with EPA's deliberations tell *National Journal* . But the rules are likely to apply only to new power plants, sparing the nation's existing plants from regulations. That's a move which will anger environmentalists -- who are still urging the administration to rein in pollution from existing plants. But it may defuse industry criticism of the regulation -- and postpone possible power bill increases until long after the November election.

01268-EPA-7212

**Laura Vaught/DC/USEPA/US** To Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton"  
01/30/2012 09:47 PM cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Thx.

(b) (5) Deliberative

Will let you know.

---

**From:** Richard Windsor  
**Sent:** 01/30/2012 08:59 PM EST  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Laura Vaught  
**Subject:** Fw: Google Alert - lisa jackson epa

Fyi

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 01/31/2012 01:57 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

[News](#)1 new result for **lisa jackson epa**

[Xcel emission plan gets support from St. Paul congresswoman](#)  
Pioneer Press  
Betty McCollum is supporting Xcel Energy in its bid to get the US **Environmental Protection Agency** to change a new rule designed to reduce emissions at coal-fired power plants. McCollum, D-St. Paul, said in a letter to **EPA** chief **Lisa Jackson** that the  
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01268-EPA-7213

**Gina McCarthy/DC/USEPA/US** To Laura Vaught, Richard Windsor, "Gina (Sheila) McCarthy", "Scott Fulton"  
01/30/2012 09:49 PM cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Getting the scoop on the request.

---

**From:** Laura Vaught  
**Sent:** 01/30/2012 09:47 PM EST  
**To:** Richard Windsor; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>  
**Subject:** Re: Google Alert - lisa jackson epa

Thx. [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED] Will let you know.

---

**From:** Richard Windsor  
**Sent:** 01/30/2012 08:59 PM EST  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Laura Vaught  
**Subject:** Fw: Google Alert - lisa jackson epa

Fyi

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 01/31/2012 01:57 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

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01268-EPA-7214

**Gina McCarthy/DC/USEPA/US** To "Laura Vaught"  
01/30/2012 11:59 PM cc Richard Windsor, "Scott Fulton"  
**bcc**  
**Subject:** Fw: Google Alert - lisa jackson epa

See Joe's email below.

(b) (5) Deliberative



---

**From:** Joseph Goffman  
**Sent:** 01/30/2012 10:27 PM EST  
**To:** Gina McCarthy  
**Subject:** Re: Google Alert - lisa jackson epa

(b) (5) Deliberative



---

**From:** Gina McCarthy  
**Sent:** 01/30/2012 09:45 PM EST  
**To:** Joseph Goffman  
**Subject:** Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative?

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**From:** Richard Windsor  
**Sent:** 01/30/2012 08:59 PM EST  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>; Laura Vaught  
**Subject:** Fw: Google Alert - lisa jackson epa

Fyi

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 01/31/2012 01:57 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

[Xcel emission plan gets support from St. Paul congresswoman](#)

Pioneer Press

Betty McCollum is supporting Xcel Energy in its bid to get the US **Environmental Protection Agency** to change a new rule designed to reduce emissions at coal-fired power plants. McCollum, D-St. Paul, said in a letter to **EPA** chief **Lisa Jackson** that the

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01268-EPA-7215

Richard  
Windsor/DC/USEPA/US  
01/31/2012 10:11 AM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: TNR: The Experiment: How Steven Chu lost his battle with Washington.

Um. Weird.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 01/31/2012 10:04 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan  
**Subject:** TNR: The Experiment: How Steven Chu lost his battle with Washington.

## The Experiment

### How Steven Chu lost his battle with Washington.

Charles Homans  
January 25, 2012 | 1:48 pm

Investigations into Solyndra's conduct are still ongoing—including an inquiry by the FBI—and the documents released so far have provided a litany of embarrassments, not to mention a durable Republican line of attack. (The conservative organization Americans for Prosperity has spent more than \$8 million on Solyndra-themed anti-Obama television ads since November.) Even so, in their fixation with catching Chu red-handed, lawmakers appear to have overplayed their hand. Even Chu's opponents found the crusade disappointing. "I think the Hill did a very poor job of going after him," one lobbyist and Chu critic told me. "Everyone was like, 'Fuck, they're just going after a hide.' They didn't do the research they should've done. Everything that I know about [Chu] is that he is not a corrupt guy. He would not have done what they said he did." A Republican Senate staffer who was familiar with the loan program agreed. "I don't think it was necessarily a political thing," she says of the Solyndra deal. "I think this was their first big demonstration of this idea, and they didn't want it to flop."

There was also the fact that Congress had appropriated a \$2.4 billion risk reserve for the program, explicitly authorizing the Energy Department to lose nearly five times what Solyndra had lost. And even Republicans who had voted against the program's 2009 expansion had clamored for more federal funds to support wind farms, solar arrays, and nuclear plants in their own districts. If anything, Chu's department should have been faulted for its caution: A Bloomberg Government report released in December found that 87 percent of the \$16 billion worth of projects underwritten by the program were of minimal risk, not the transformative loans the department was supposed to be making.

If the Solyndra investigation didn't produce a scalp, however, it did make one thing clear: The

federal government's foray into venture capitalism was over. The loan guarantee program expired in September, at the height of the Solyndra controversy; virtually nobody I talked to in Washington or Silicon Valley believed it would be revived. Brookings Institution scholar Mark Muro, an authority on renewable energy policy, points to an array of programs due to sunset in the next year that are unlikely to be renewed, some launched through the stimulus and others dating back to the Bush-era Republican Congress. They include not just the loan guarantees but also Treasury Department grants, IRS-administered bonds for clean energy projects, and tax credits for energy efficient appliances and new homes.

Some of the high-tech research programs, particularly Chu's own arpa-e, will probably survive. But absent unlikely congressional action, Muro estimates that as much as 70 percent of the current federal funding for clean energy could vanish by 2014. "I think we are going to exit the clean-tech finance business as a nation," he says.

THE BULK OF THE wall-to-wall coverage of the Solyndra bankruptcy last fall overlooked one salient detail: Washington's second great experiment with clean energy, for all its hiccups, seems to be working. Bloomberg New Energy Finance reported in November that global investment in renewable power plants had for the first time surpassed investment in fossil-fuel-powered facilities. Clean energy technology has proved to be a largely recession-proof, if still small, engine of economic growth in the United States.

Energy Department initiatives have also given U.S. companies a foothold in the manufacturing of advanced batteries, a critical component in electric cars that is projected to grow into a \$100 billion industry by 2030. "A lot of them got their start with money from arpa-e, and they're chasing brilliant advances," says Mike Danaher, a partner at the law firm Wilson Sonsini Goodrich & Rosati who specializes in clean energy technology and works with half a dozen such companies. "The ferment that's going to come out of this is like nothing anyone could imagine." If clean energy's best days lie in the past, it will say less about the flaws of federal policies than it will about the government poised to pull the plug on them.

"I think Steve made a pretty good try," one of Chu's former deputies told me. "But this is hard. Subsidies, economics, regulations have to play together with the technology. I think we all understand that much better now." Signs of retrenchment, meanwhile, have begun to crop up in the fine print of the department's work. In September, the department published the results of its quadrennial technology review. The report speaks mostly of bolstering America's energy security and competitiveness; climate change is mentioned on barely a half dozen of its 152 pages.

This fall, the department shifted the emphasis of its efforts to promote carbon capture and storage—originally intended to reduce emissions from coal-fired power plants—toward using the technology to extract more petroleum from aging oilfields. "Steve's a fairly realistic guy—he has adapted his thinking to the policy scene," the former deputy says. "I think he's responded to advice from many to focus on what *can* get done."

During our interview, I asked Chu if he intended to stay for a second Obama term. "That we will leave up to—" he said, trailing off, before finishing: "We'll see what happens." I asked if it

bothered him that Obama—a president who had once declared energy his top domestic priority—had instead invested his political capital in health care reform. “Would I have loved to have a big, global comprehensive energy bill?” Chu replied. “You bet. But I still think there are so many things that I can do in my position here and that we are doing. So I’m not going to wring my hands over coulda, woulda, shoulda.”

But I found myself thinking of something Chu had said a year and a half earlier, as the ambitious first act of Obama’s presidency was drawing to a close, in a commencement speech at Washington University in St. Louis. As he had in Las Vegas in 2008, Chu ended his remarks by invoking a famous photograph of the Earth, this time a digital image taken by the *Voyager 1* probe just before it exited the solar system for deep space in 1990. If the *Apollo 8* photograph offsets the precariousness of human life with the warmth of a planet that is recognizably our own, the *Voyager* image conveys only Earth’s isolation, the astronomically long odds of a second chance for its inhabitants. The planet is a tiny blue pinpoint, barely a tenth of a pixel in width, set against the immense indifference of space.

The late astronomer Carl Sagan was so moved by the photograph that he dedicated a book to it, and Chu invoked his words to the graduating students. “Our posturing, our imagined self-importance are challenged by this point of pale light,” he told them. “Our planet is a lonely speck. In all this vastness, there is no hint that help will come from elsewhere to save us from ourselves.”

01268-EPA-7224

Richard  
Windsor/DC/USEPA/US  
02/09/2012 12:14 PM

To Brendan Gilfillan, Betsaida Alcantara, Gina McCarthy  
cc  
bcc  
Subject Fw: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

what's really happening on the ground is very different from the doomsday scenarios they are still putting forth. amazing.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/09/2012 12:13 PM -----

---

From: articles@cnpapers.com  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 02/09/2012 12:01 PM  
Subject: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

windsor.richard@ea.gov sent you this article

-----  
February 8, 2012

**3 W.Va. plants latest to close under utility restructuring**

By [Ken Ward Jr.](#)  
The Charleston Gazette

P>"When the older coal-fired plants are retired and removed from FirstEnergy's competitive and regulated generating fleet, nearly 100 percent of the power provided will come from resources that are non- or low-emitting, including nuclear, hydro, pumped-st ...

[Read more](#)

-----

01268-EPA-7225

Gina McCarthy/DC/USEPA/US

To Richard Windsor

02/09/2012 12:38 PM

cc

bcc

Subject Re: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

(b) (5) Deliberative

Maybe next week? I can pull together some ideas to make the mtg productive.  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 02/09/2012 12:14 PM EST  
**To:** Brendan Gilfillan; Betsaida Alcantara; Gina McCarthy  
**Subject:** Fw: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring  
what's really happening on the ground is very different from the doomsday scenarios they are still putting forth. amazing.

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windsor.richard@ea.gov sent you this article

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February 8, 2012

### **3 W.Va. plants latest to close under utility restructuring**

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The Charleston Gazette

P>"When the older coal-fired plants are retired and removed from FirstEnergy's competitive and regulated generating fleet, nearly 100 percent of the power provided will come from resources that are non- or low-emitting, including nuclear, hydro, pumped-st ...

[Read more](#)

-----

01268-EPA-7226

Richard  
Windsor/DC/USEPA/US  
02/09/2012 01:57 PM

To Andra Belknap  
cc  
bcc  
Subject Re: Canada Free Press: Inhofe Blasts Evangelical Environmental Network's Claim that EPA's Agenda is "Pro-life"

That paper is nuts. Inhofe's personal propaganda machine!  
Andra Belknap

----- Original Message -----

**From:** Andra Belknap  
**Sent:** 02/09/2012 01:53 PM EST  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara  
**Subject:** Canada Free Press: Inhofe Blasts Evangelical Environmental Network's Claim that EPA's Agenda is "Pro-life"

## Inhofe Blasts Evangelical Environmental Network's Claim that EPA's Agenda is "Pro-life"

- EPW Blog Wednesday, February 8, 2012  
(0) Comments | Print friendly | Email Us

4

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[Link to Press Release](#)

[Link to Cornwall Alliance Press Release: Pro-Life Leaders Call for End to Misleading Environmentalist Campaign](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, blasted the Evangelical Environmental Network's claim that the Environmental Protection Agency's (EPA) Utility Maximum Achievable Control [Technology](#) (MACT) rule is somehow "pro-life." Rev. Mitchell Hescox, President and CEO of the Evangelical Environmental Network, testified today on this subject before the House Energy and Commerce Committee.

"I find it extremely ironic that Rev. Mitchell Hescox and the Evangelical Environmental Network think that the pro-life agenda is best aligned with a movement that believes there are too many people in the world, actively promotes population control, and sees humans principally as polluters," Senator Inhofe said. "To claim that EPA's devastating, job-killing regime is somehow 'pro-life' is absurd.

"Democrats already tried this tactic when they brought in Rev. Cizik, an avid global warming alarmist - who was featured on the cover of a 2006 issue of *Vanity Fair* walking on water - to testify on the 'morality' of cap-and-trade legislation. Well, in a May 2006 speech to the World Bank Cizik said, 'We need to confront population control and we can - we're not Roman Catholics after all - but it's too hot to handle now.' Not exactly a pro-life viewpoint.

"While I appreciate anyone who stands up for life, the Evangelical Environmental Network is simply wrong to align the pro-life movement with EPA's Utility MACT rule. I applaud the more than 30 pro-life leaders, including Cal Beisner, who have come forward to oppose this campaign. As they rightly said in a statement, they reject the Evangelical Environmental Network's claim because 'that portrayal is disingenuous and dangerous to our efforts to protect the lives of unborn children.' I stand with them.

"Of course, we all support clean air for our children - I have twenty kids and grandkids. But unfortunately, Utility MACT is not about public health. When the Obama EPA puts forth a rule that is unaffordable and largely unachievable; will cost \$11 billion with a projected \$6 million in direct benefits, the only conclusion is that this is just another part of President Obama's ongoing war on affordable energy and American energy jobs.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
202.564.0369  
[belknap.andra@epa.gov](mailto:belknap.andra@epa.gov)

01268-EPA-7227

Richard  
Windsor/DC/USEPA/US  
02/09/2012 02:04 PM

To Gina McCarthy  
cc  
bcc  
Subject Re: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

Sure  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 02/09/2012 12:38 PM EST  
**To:** Richard Windsor  
**Subject:** Re: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

(b) (5) Deliberative

Maybe next week? I can pull together some ideas to make the mtg productive.  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 02/09/2012 12:14 PM EST  
**To:** Brendan Gilfillan; Betsaida Alcantara; Gina McCarthy  
**Subject:** Fw: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring  
what's really happening on the ground is very different from the doomsday scenarios they are still putting forth. amazing.

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February 8, 2012

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By [Ken Ward Jr.](#)  
The Charleston Gazette

P>"When the older coal-fired plants are retired and removed from FirstEnergy's competitive and regulated generating fleet, nearly 100 percent of the power provided will come from resources that are non- or low-emitting, including nuclear, hydro, pumped-st ...

[Read more](#)

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01268-EPA-7228

Noah Dubin/DC/USEPA/US  
 02/10/2012 05:44 PM  
 To  
 cc  
 bcc Richard Windsor  
 Subject Monday, February 13, 2012 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

### **Schedule for Lisa P. Jackson EPA Administrator Monday, February 13, 2012**

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Notes:

| Drivers                                                                                                      | Shift Leaders                                                                                                | Staff Contact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | AM (b) (6) Personal Privacy (b) (6) Personal Privacy<br>PM (b) (6) Personal Privacy (b) (6) Personal Privacy | Elizabeth Ashwell<br>202-999-8116                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08:45 AM - 09:15 AM                                                                                          | Administrator's Office                                                                                       | Daily Briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 09:30 AM - 09:45 AM                                                                                          | Administrator's Office                                                                                       | Pre-Brief on American Lung Association Tele-Town Hall<br>Ct: Ryan Robison - 202-564-2856                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                                              |                                                                                                              | Staff:<br>Brendan Gilfillan, Andra Belknap (OEAE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                              |                                                                                                              | Optional:<br>Jose Lozano (OA)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10:00 AM - 10:45 AM                                                                                          | Bullet Room                                                                                                  | Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)<br>Ct: Nelly Torres: 202-564-5767                                                                                                                                                                                                                                                                                                                                                                                 |
|                                                                                                              |                                                                                                              | **Teleconferencing is required for this briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                              |                                                                                                              | Staff:<br>Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)<br>Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark<br>Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)<br>Nancy Stoner (OW)<br>Malcolm Jackson (OEI)<br>Gina McCarthy (OAR)<br>Cynthia Giles (OECA)<br>Paul Anastas (ORD)<br>Jim Jones (OCSPP)<br>Scott Fulton (OGC)<br>Michael Goo (OP)<br>Shawn Garvin (R3)<br>Gwen Keyes Fleming (R4)<br>Susan Hedman (R5)<br>Karl Brooks (R7)<br>James Martin (R8)<br>Jared Blumenfeld (R9) |

Optional:  
Diane Thompson, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

|                     |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11:00 AM - 11:30 AM | Administrator's Office    | Meeting on Ramazzini Testing Facility<br>Ct: Don Maddox - 202-564-7207                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                     |                           | Staff:<br>Bob Sussman, Bob Perciasepe (OA)<br>Arvin Ganesan (OCIR)<br>Brendan Gilfillan (OEAEE)<br>Paul Anastas (ORD)                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11:30 AM - 11:45 AM | Ariel Rios                | Depart for Elisir                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11:45 AM - 12:45 PM | Elisir,<br>427 11th St NW | Lunch<br>Ct: Bicky Corman - 202-564-2202<br><br>**Reservation under Bicky Corman                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12:45 PM - 01:00 PM | Elisir                    | Depart for Ariel Rios                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 01:00 PM - 01:45 PM | Bullet Room               | Senior Staff<br>**Early dismissal at 1:45<br>**AAs should remain in the Bullet Room following Senior Staff meeting for pre-brief                                                                                                                                                                                                                                                                                                                                                                                       |
| 01:45 PM - 02:00 PM | Administrator's Office    | Prep for Budget Press<br>Ct: Dru Ealons - 202-564-7818                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02:00 PM - 02:45 PM | Bullet Room               | Budget Press Call<br>Ct: Dru Ealons - 202-564-7818<br><br>Run of Show:<br><br>2:00 PM: Brendan Gilfillan opens call with reporters<br><br>2:03 PM: Administrator gives opening remarks<br><br>2:08 PM: Operator opens reporter lines for Q/A; the Administrator, Bob Perciasepe, Barb Bennett and Assistant Administrators (AAs) provide responses to budget questions<br><br>2:30 PM: Brendan calls "last question"<br><br>2:35 PM: Operator concludes call; Administrator, AAs organize to go to stakeholder meeting |
| 02:45 PM - 03:20 PM | Green Room                | Stakeholder and Constituent Briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Ct: Dru Ealons - 202-564-7818

Run of Show:

2:35 PM: Press Conference Call ends & Webcast begins, Stephanie Owens provides opening remarks

2:50 PM: LPJ, AAs arrive at briefing; Stephanie Owens introduces Administrator; AAs introduce themselves

2:55 PM: Administrator delivers greetings to stakeholders

3:05 PM: Administrator answers 2-3 questions

3:20 PM: Administrator departs stakeholder meeting, AAs remain at stakeholder meeting to answer questions

---

03:30 PM - 04:00 PM      Administrator's Office      Meeting on Florida Nutrients  
Ct: Donald Maddox - 202-564-7207

\*\*Teleconferencing is required for this briefing

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Scott Fulton, Avi Garbow (OGC)  
Nancy Stoner, Ellen Gilinsky (OW)  
Arvin Ganesan (OCIR)  
Brendan Gilfillan (OEAE)  
Gwen Keyes-Fleming (R4)

Optional:

Diane Thompson (OA)  
Betsaida Alcantara (OEAE)  
Laura Vaught (OCIR)

---

04:15 PM - 04:45 PM      Administrator's Office      Follow-Up to Everglades Meeting (Legal)  
Don Maddox - 202-564-7207

\*\*Teleconferencing is required for this briefing

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Scott Fulton, Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg (R4)

Optional:

Bob Perciasepe, Diane Thompson (OA)  
Jim Giattina, Gail Mitchell, Phil Mancusi-Ungaro, (R4)  
Michael Goo (OP)

---

07:00 PM - 08:00 PM      Via Phone      American Lung Association Tele-Town Hall  
Ct: Brendan Gilfillan - 202-564-2081

\*\*Details in briefing book

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\*\*\* 02/10/2012 05:41:31 PM \*\*\*

01268-EPA-7229

Richard  
Windsor/DC/USEPA/US  
02/11/2012 02:57 PM

To Janet McCabe  
cc  
bcc  
Subject Re: Re: Call w Gov Markell

Tx!

---

**From:** Janet McCabe  
**Sent:** 02/11/2012 02:46 PM EST  
**To:** Richard Windsor  
**Cc:** Gina McCarthy; Sarah Pallone  
**Subject:** Re: Re: Call w Gov Markell

Administrator, here is some background on the rule:

This rule will limit emissions of air toxics from polyvinyl chloride and copolymer production (PVC production) facilities. PVC production includes the manufacture of resins that are used to make a large number of commercial and industrial products at other manufacturing facilities (e.g., latex paints and rigid plastics). The final rule would replace the PVC production rule that EPA issued in July 2002. That rule was vacated by the D.C. Circuit Court as a result of a petition from environmental groups. EPA will also issue a final rule that amends the existing air toxics rule for area source PVC production facilities that was issued in 2007.

Like other rules, this is data driven--the standards are based on data from existing sources. Industry was quite concerned with the limits we proposed, but provided significant additional information and data during the comment period. We have made significant changes to the proposed rule based on this additional information --for all but one facility, which is in Louisiana, it does not appear that significant control equipment will need to be installed. For

(b) (5) Deliberative

I hope that's helpful--let me know if you have other specific questions and I will run down answers....

Janet McCabe  
Principal Deputy Assistant Administrator  
Office of Air and Radiation, USEPA  
Room 5426K, 1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-3206  
mccabe.janet@epa.gov

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/11/2012 01:53PM  
Subject: Re: Call w Gov Markell

Sure. I'd like to speak to him by 3 pm please. Tx.

----- Original Message -----

From: Janet McCabe  
Sent: 02/11/2012 01:39 PM EST  
To: Sarah Pallone; Richard Windsor; Gina McCarthy  
Subject: Re: Call w Gov Markell

Administrator- [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

----- Original Message -----

From: Sarah Pallone  
Sent: 02/11/2012 01:23 PM EST  
To: Janet McCabe  
Subject: Fw: Call w Gov Markell

----- Original Message -----

From: Richard Windsor  
Sent: 02/11/2012 01:20 PM EST  
To: Sarah Pallone  
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
Subject: Re: Call w Gov Markell

I will call him. Gina - [REDACTED] (b) (5) Deliberative [REDACTED]?

----- Original Message -----

From: Sarah Pallone  
Sent: 02/11/2012 12:13 PM EST  
To: Richard Windsor  
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

----- Original Message -----

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 04:09 PM GMT  
To: Sarah Pallone  
Subject: Re: Call w Gov Markell

Fyi- his cell doesn't have service at his home, so she should try the home line first. Thanks!

----- Original Message -----

From: Wier Missy (Governor)  
To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>  
Sent: Sat Feb 11 11:07:13 2012  
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: (b) (6) Privacy or on his cell: (b) (6) Privacy . Thank you so much.

----- Original Message -----

From: Sarah Pallone <Pallone.Sarah@epamail.epa.gov>  
To: Wier Missy (Governor)  
Sent: Sat Feb 11 10:54:07 2012  
Subject: Re: Call w Gov Markell

Missy,

I am waiting to hear back from Adm Jackson on her availability over the weekend. I know she would be happy to speak with the Gov. In the mean time, it would be best to get a number where she could call, as she will be likely doing it from home.

Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

----- Original Message -----

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 02:22 PM GMT  
To: Sarah Pallone  
Subject: RE: Call w Gov Markell

Hi Sarah- Thanks for getting back to me. He would like to talk to her before the PVC MACT standards are finalized. I heard that is Monday, but let me know if it's later in the week. The reason is because we have a company in DE that has raised some very serious concerns with him about the impact that this could have on their DE plant, which would result in job losses. It would be very helpful if he could chat with her before that. Feel free to call my cell at any point this weekend if it would help to chat- (b) (6) Privacy . Thanks so much for your help.

Missy

---

From: Sarah Pallone [Pallone.Sarah@epamail.epa.gov]  
Sent: Friday, February 10, 2012 11:17 PM  
To: Wier Missy (Governor)  
Subject: Re: Call w Gov Markell

Hi Missy,

I'm sorry, just seeing this now. Is this an urgent request, or can the call be scheduled next week?

----- Original Message -----

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/10/2012 09:04 PM GMT  
To: Sarah Pallone  
Subject: Call w Gov Markell

Hi Sarah- hope you are well. Can you give me a call on my cell at your earliest convenience to discuss a time sensitive matter for Gov Markell? Thank you so much. My cell is (b) (6) Privacy

01268-EPA-7233

**Bob  
Perciasepe/DC/USEPA/US**  
02/16/2012 08:47 AM

To Brendan Gilfillan, Richard Windsor  
cc  
bcc  
Subject Coal

Just a note.

Last evening while waiting for my plane, the airport TV was playing CNN.  
In 30 minutes I saw Coal's anti EPA advertisement 3 times. This was prime time CNN.  
Message was EPA causing job loss (they alluded to large numbers) and electric rate increases ( ad said over 30%).

Clearly playing this to a national stage.

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

01268-EPA-7234

**Aaron  
Dickerson/DC/USEPA/US**  
02/16/2012 12:09 PM

To Richard Windsor  
cc Gladys Stroman, Elizabeth Ashwell  
bcc  
Subject REVISED Schedule for Thursday, Feb. 16, 2012

Revision:  
4:00pm Briefing on Portland Cement

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, February 16, 2012**

---

|                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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<br/>State Ct: Jeff Miotke - 202-294-2545<br/>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<br/>EPA Ct: Jane Nishida - 202-564-1531<br/>Canada: <a href="mailto:stephanie.johnson@ec.gc.ca">stephanie.johnson@ec.gc.ca</a><br/>Mexico: Alejandro Posadas, <a href="mailto:alejandro.posadas@semarnat.gob.mx">alejandro.posadas@semarnat.gob.mx</a></p> <p>Attendees from Canada:</p> <ul style="list-style-type: none"><li>-Minister Peter Kent</li></ul>                                                                                                                                         |

-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 Attaché

-Laura Aguilar Loredo, Director, Information and Social Communications  
Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attaché/Foreign Affairs

Attendees from CEC Secretariat:

-Nathalie Daoust, Council Secretary

-Evan Lloyd, Executive Director

Staff:

Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)  
Tseming Yan (OGC)

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 Attaché

-Laura Aguilar Loredo, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attaché/Foreign Affairs

Staff:

Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)  
Eric Vance (OEAE)  
Tseming Yang (OGC)

Optional:

Diane Thompson (OA)

---

**04:00 PM - 04:30 PM**

**Administrator's Office**

**Briefing to discuss Portland Cement  
ct: Carla Veney 564-1619**

**\* Teleconferencing required**

Staff:

**Diane Thompson, Bob Sussman\* (OA)**  
**Scott Fulton (OGC)**  
**Mathy Stanislaus, Lisa Feldt (OSWER)**  
**Gina McCarthy (OAR)**  
**Arvin Ganesan (OCIR)**  
**Michael Goo (OP)**

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\*\*\* 02/16/2012 12:07:35 PM \*\*\*

01268-EPA-7235

Richard  
Windsor/DC/USEPA/US  
02/16/2012 12:27 PM

To Aaron Dickerson  
cc Gladys Stroman, Elizabeth Ashwell  
bcc  
Subject Re: REVISED Schedule for Thursday, Feb. 16, 2012

Will do from car. Tx!  
Aaron Dickerson

----- Original Message -----

**From:** Aaron Dickerson  
**Sent:** 02/16/2012 12:09 PM EST  
**To:** Richard Windsor  
**Cc:** Gladys Stroman; Elizabeth Ashwell  
**Subject:** REVISED Schedule for Thursday, Feb. 16, 2012

Revision:  
4:00pm Briefing on Portland Cement

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, February 16, 2012**

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|                                                 |                        |                                                                                                                                                |
|-------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 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<br>State Ct: Jeff Miotke - 202-294-2545<br>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 Attaché  
  
-Laura Aguilar Loredo, Director, Information and Social Communications Unit  
  
-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs  
  
-Gerardo Tamayo, Economics Attaché/Foreign Affairs

Attendees from CEC Secretariat:

-Nathalie Daoust, Council Secretary  
  
-Evan Lloyd, Executive Director

**Staff:**

Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)  
Tseming Yan (OGC)

**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 Attaché

-Laura Aguilar Loredo, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attaché/Foreign Affairs

**Staff:**

Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)  
Eric Vance (OEAE)  
Tseming Yang (OGC)

**Optional:**

Diane Thompson (OA)

---

**04:00 PM - 04:30 Administrator's Briefing to discuss Portland Cement  
PM Office ct: Carla Veney 564-1619**

**\* Teleconferencing required**

**Staff:**

**Diane Thompson, Bob Sussman\* (OA)**

**Scott Fulton (OGC)**  
**Mathy Stanislaus, Lisa Feldt (OSWER)**  
**Gina McCarthy (OAR)**  
**Arvin Ganesan (OCIR)**  
**Michael Goo (OP)**

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\*\*\* 02/16/2012 12:07:35 PM \*\*\*

01268-EPA-7236

Richard  
Windsor/DC/USEPA/US  
02/16/2012 12:41 PM

To Jim Martin  
cc  
bcc  
Subject Re: Fw: EDF online ad campaign

thx! cool!

---

Jim Martin I am sure you have seen this, but just in... 02/16/2012 10:51:13 AM

From: Jim Martin/R8/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 02/16/2012 10:51 AM  
Subject: Fw: EDF online ad campaign

---

I am sure you have seen this, but just in case.

James Martin  
Regional Administrator  
Region 8  
U.S. Environmental Protection Agency  
----- Forwarded by Jim Martin/R8/USEPA/US on 02/16/2012 08:50 AM -----

---

From: "Vickie Patton" <vpatton@edactionfund.org>  
To: "Vickie Patton" <vpatton@edf.org>  
Date: 02/16/2012 05:15 AM  
Subject: EDF online ad campaign

---

EDF is running online ads to thank the Obama Administration for a series of positive environmental decisions. The campaign will start February 14<sup>th</sup> and run through March 25<sup>th</sup>. The ads will run in CO, FL, OH, PA, VA, NE, NH, NM, NV, MI, and SC. They will appear on Huffington Post, Maddow Blog, MSNBC, Think Progress, Daily Kos, Yahoo content, and many local sites.

Ads:

[http://www.edf.org/sites/default/files/climate/FLAG\\_Banner\\_300x250\\_01.gif](http://www.edf.org/sites/default/files/climate/FLAG_Banner_300x250_01.gif)

[http://www.edf.org/sites/default/files/climate/FLAG\\_Banner\\_728x90\\_01.gif](http://www.edf.org/sites/default/files/climate/FLAG_Banner_728x90_01.gif)

[http://www.edf.org/sites/default/files/climate/MPG\\_Banner\\_300x250\\_02A.gif](http://www.edf.org/sites/default/files/climate/MPG_Banner_300x250_02A.gif)

[http://www.edf.org/sites/default/files/climate/MPG\\_Banner\\_300x250\\_02B.gif](http://www.edf.org/sites/default/files/climate/MPG_Banner_300x250_02B.gif)

[http://www.edf.org/sites/default/files/climate/MPG\\_Banner\\_728x90\\_02.gif](http://www.edf.org/sites/default/files/climate/MPG_Banner_728x90_02.gif)

[http://www.edf.org/sites/default/files/climate/KEYSTONE\\_Banner\\_300x250\\_03A.gif](http://www.edf.org/sites/default/files/climate/KEYSTONE_Banner_300x250_03A.gif)

[http://www.edf.org/sites/default/files/climate/KEYSTONE\\_Banner\\_300x250\\_03B.gif](http://www.edf.org/sites/default/files/climate/KEYSTONE_Banner_300x250_03B.gif)

[http://www.edf.org/sites/default/files/climate/KEYSTONE\\_Banner\\_728x90\\_05.gif](http://www.edf.org/sites/default/files/climate/KEYSTONE_Banner_728x90_05.gif)

01268-EPA-7237

**Richard  
Windsor/DC/USEPA/US**  
02/16/2012 03:40 PM

To "Jose Lozano", "Michelle DePass", "Gina (Sheila) McCarthy",  
"Elizabeth Ashwell"  
cc "Diane Thompson"  
bcc  
Subject Short Lived Climate Pollution Ministerial

Is in Stockholm, April 23 and 24th. I think it would be good for me to go. Thoughts?

01268-EPA-7238

Gina McCarthy/DC/USEPA/US  
02/16/2012 04:44 PM  
To Richard Windsor  
cc "Elizabeth Ashwell", "Michelle DePass", "Jose Lozano", "Gina (Sheila) McCarthy", "Diane Thompson"  
bcc  
Subject Re: Short Lived Climate Pollution Ministerial

Absolutely.

Richard Windsor Is in Stockholm, April 23 and 24th. I thi... 02/16/2012 03:40:23 PM

From: Richard Windsor/DC/USEPA/US  
To: "Jose Lozano" <lozano.jose@epa.gov>, "Michelle DePass" <depass.michelle@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Elizabeth Ashwell" <Ashwell.Elizabeth@epamail.epa.gov>  
Cc: "Diane Thompson" <thompson.diane@epa.gov>  
Date: 02/16/2012 03:40 PM  
Subject: Short Lived Climate Pollution Ministerial

Is in Stockholm, April 23 and 24th. I think it would be good for me to go. Thoughts?

01268-EPA-7240

Bob  
Perciasepe/DC/USEPA/US  
02/21/2012 06:23 AM

To "Richard Windsor", "Arvin Ganesan"  
cc  
bcc  
Subject Fw: Unions - MATS

Adding Arvin.

(b) (5) Deliberative  
Might need additional coord

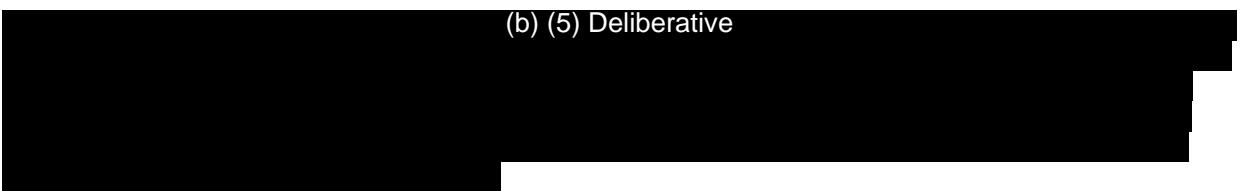
Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 02/20/2012 11:34 PM EST  
**To:** Richard Windsor  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Subject:** Unions - MATS

Administrator - As part of OAR's outreach effort on MATS I have been meeting one-on-one with the senior staffs from the building and construction trades unions. We are at a difficult moment but I think we are making some headway, especially with the boilermakers.

(b) (5) Deliberative



01268-EPA-7241

Richard  
Windsor/DC/USEPA/US  
02/21/2012 09:43 AM

To Bob Perciasepe  
cc "Arvin Ganesan"  
bcc  
Subject Re: Fw: Unions - MATS

Let's discuss when vis a vis upcoming rulemaking.

Bob Perciasepe Adding Arvin. I believe Union outreach... 02/21/2012 06:23:33 AM

From: Bob Perciasepe/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>  
Date: 02/21/2012 06:23 AM  
Subject: Fw: Unions - MATS

Adding Arvin.

(b) (5) Deliberative  
Might need additional coord

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy  
Gina McCarthy

----- Original Message -----

**From:** Gina McCarthy  
**Sent:** 02/20/2012 11:34 PM EST  
**To:** Richard Windsor  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>  
**Subject:** Unions - MATS

Administrator - As part of OAR's outreach effort on MATS I have been meeting one-on-one with the senior staffs from the building and construction trades unions. We are at a difficult moment but I think we are making some headway, especially with the boilermakers.

(b) (5) Deliberative



01268-EPA-7242

Richard  
Windsor/DC/USEPA/US  
02/21/2012 09:43 AM

To Gina McCarthy  
cc "Brendan Gilfillan", "Bob Perciasepe", "Bob Sussman"  
bcc  
Subject Re: Unions - MATS

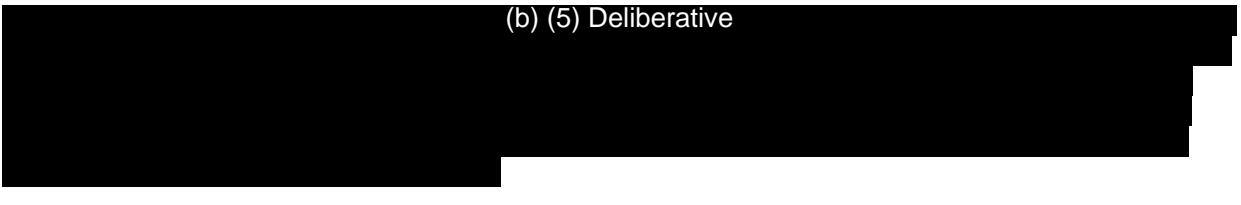
(b) (5) Deliberative

Gina McCarthy Administrator - As part of OAR's outreach... 02/20/2012 11:34:20 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Date: 02/20/2012 11:34 PM  
Subject: Unions - MATS

Administrator - As part of OAR's outreach effort on MATS I have been meeting one-on-one with the senior staffs from the building and construction trades unions. We are at a difficult moment but I think we are making some headway, especially with the boilermakers.

(b) (5) Deliberative



01268-EPA-7243

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
02/21/2012 10:23 AM cc "Brendan Gilfillan", "Bob Perciasepe", "Bob Sussman"  
bcc  
Subject Re: Unions - MATS

I am happy to send along some messages that you might want to convey and some potential timing issues for you to consider.

Richard Windsor [REDACTED] (b) (5) Deliberative 02/21/2012 09:43:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Date: 02/21/2012 09:43 AM  
Subject: Re: Unions - MATS

(b) (5) Deliberative

Gina McCarthy Administrator - As part of OAR's outreach... 02/20/2012 11:34:20 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Bob Sussman" <Sussman.bob@EPA.GOV>  
Date: 02/20/2012 11:34 PM  
Subject: Unions - MATS

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(b) (5) Deliberative

01268-EPA-7244

Richard  
Windsor/DC/USEPA/US  
02/21/2012 12:20 PM

To Judith Enck  
cc  
bcc  
Subject Re: NJ op-ed by commissioner martin

(b) (5) Deliberative ?

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 02/21/2012 11:34 AM EST  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Lisa Plevin  
**Subject:** NJ op-ed by commissioner martin

Fyi

Sent by EPA Wireless E-Mail Services  
Beth Soltani

----- Original Message -----

**From:** Beth Soltani  
**Sent:** 02/21/2012 11:31 AM EST  
**To:** Judith Enck  
**Subject:** A more efficient path to cleaner water

### A more efficient path to cleaner water

02/16/2012  
Star-Ledger

By Bob Martin

Bipartisan legislation on water quality management plans, signed into law by Gov. Chris Christie last month already is paying dividends for New Jersey. All of the state's 21 counties are expediting efforts to submit long-stalled plans that will improve New Jersey's ability to protect some of the state's most environmentally sensitive lands and better safeguard the state's water quality.

The new legislation makes it possible for the Department of Environmental Protection to protect at least 250,000 acres of environmentally sensitive lands across the state. It allows for removal of those important properties from existing -- and, in some instances, obsolete -- sewer service area designations.

In addition, the DEP can now move ahead with a long-stalled process that has left vulnerable lands unprotected and counties in a no-win bureaucratic bind. Most important, it will benefit the state's water quality.

This is all part of the Christie administration's continued commitment to a vigorous water quality planning process that protects the environment, offers better protections than nearby states do and, despite EPA Administrator Lisa Jackson's

opinion, meets our federal Clean Water Act obligations.

Unfortunately, there has been a lot of misleading commentary on this important issue.

The new legislation does not delay wastewater planning for two years, as critics allege, but expedites the process. It creates a 180-day, simplified and rational process to bring counties into compliance by permitting a phased submission of information.

It does not change the DEP's approach to implementing water quality management planning rules adopted in 2008. Environmentally sensitive wetlands, stream corridors, steep slopes and habitat for endangered plants and animals will be removed from existing sewer service areas, many of which are based upon decades-old, outdated maps.

Water quality management plans are, essentially, maps that define areas where sewer service should be located. Finalizing those plans to remove sensitive lands from sewer service areas is crucial to protecting our environment and limiting development sprawl.

The new legislation fixes broken rules that made it virtually impossible for counties to complete that task and allows them to more efficiently get maps done.

We have accelerated this process. Under new rules, all 21 counties must provide at least sewer service area plans to the DEP within 180 days, and we anticipate having all plans by July and adopting those plans by the fall.

The Corzine administration put unworkable rules in place in 2008 that made it difficult for counties to succeed in this effort. The old rules would have harmed the state's economy by requiring a halt to all development if plans could not be finalized.

The new law allows DEP to accept modernized sewer service area maps without waiting for the remaining portion of planning work, municipal zoning changes and ordinance adoption to be accomplished by local governments.

This will result in real improvements to water quality within a reasonable time frame.

The Christie administration continues to focus on improving water quality in New Jersey. The governor has demonstrated his commitment to better water quality through a series of initiatives, from the Barnegat Bay Restoration Plan to continued land preservation to protecting water quality, and decisions such as his veto of liquefied natural gas facilities off our shores.

Implementing a workable water quality management plan will allow us to continue forward with that commitment to enhancing New Jersey's water quality.

Bob Martin is commissioner of the New Jersey Department of Environmental Protection. Have an opinion? Visit [njvoices.com](http://njvoices.com).

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01268-EPA-7245

Judith Enck/R2/USEPA/US  
02/21/2012 12:36 PM

To Richard Windsor  
cc  
bcc

Subject Re: NJ op-ed by commissioner martin

(b) (5) Deliberative

?

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

Richard Windsor (b) (5) Deliberative ? ----- 02/21/2012 12:20:24 PM

From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA  
Date: 02/21/2012 12:20 PM  
Subject: Re: NJ op-ed by commissioner martin

(b) (5) Deliberative ?

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 02/21/2012 11:34 AM EST  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Lisa Plevin  
**Subject:** NJ op-ed by commissioner martin

Fyi

Sent by EPA Wireless E-Mail Services  
Beth Soltani

----- Original Message -----

**From:** Beth Soltani  
**Sent:** 02/21/2012 11:31 AM EST  
**To:** Judith Enck  
**Subject:** A more efficient path to cleaner water

**A more efficient path to cleaner water**

02/16/2012  
Star-Ledger

By Bob Martin

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Bob Martin is commissioner of the New Jersey Department of Environmental Protection. Have an opinion? Visit [njvoices.com](http://njvoices.com).

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01268-EPA-7246

**Richard  
Windsor/DC/USEPA/US**  
02/21/2012 12:44 PM

To Judith Enck  
cc  
bcc  
Subject Re: NJ op-ed by commissioner martin

(b) (5) Deliberative

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 02/21/2012 12:36 PM EST  
**To:** Richard Windsor  
**Subject:** Re: NJ op-ed by commissioner martin

(b) (5) Deliberative

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

Richard Windsor Why is he invoking my name? ----- 02/21/2012 12:20:24 PM

---

From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA  
Date: 02/21/2012 12:20 PM  
Subject: Re: NJ op-ed by commissioner martin

(b) (5) Deliberative ?

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 02/21/2012 11:34 AM EST  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Lisa Plevin  
**Subject:** NJ op-ed by commissioner martin

Fyi

Sent by EPA Wireless E-Mail Services  
Beth Soltani

----- Original Message -----

**From:** Beth Soltani  
**Sent:** 02/21/2012 11:31 AM EST  
**To:** Judith Enck  
**Subject:** A more efficient path to cleaner water

**A more efficient path to cleaner water**

02/16/2012  
Star-Ledger

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Bob Martin is commissioner of the New Jersey Department of Environmental Protection. Have an opinion? Visit [njvoices.com](http://njvoices.com).

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01268-EPA-7247

**Judith Enck/R2/USEPA/US****To Richard Windsor**

02/21/2012 12:49 PM

**cc****bcc****Subject Re: NJ op-ed by commissioner martin**

(b) (5) Deliberative

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

Richard Windsor

(b) (5) Deliberative

02/21/2012 12:44:57 PM

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From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA  
Date: 02/21/2012 12:44 PM  
Subject: Re: NJ op-ed by commissioner martin

(b) (5) Deliberative .

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 02/21/2012 12:36 PM EST  
**To:** Richard Windsor  
**Subject:** Re: NJ op-ed by commissioner martin

(b) (5) Deliberative ?

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

Richard Windsor

(b) (5) Deliberative

02/21/2012 12:20:24 PM

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From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA  
Date: 02/21/2012 12:20 PM  
Subject: Re: NJ op-ed by commissioner martin

(b) (5) Deliberative ?

Judith Enck

----- Original Message -----

**From:** Judith Enck

**Sent:** 02/21/2012 11:34 AM EST  
**To:** Richard Windsor; Brendan Gilfillan  
**Cc:** Lisa Plevin  
**Subject:** NJ op-ed by commissioner martin

Fyi

Sent by EPA Wireless E-Mail Services

Beth Soltani

----- Original Message -----

**From:** Beth Soltani  
**Sent:** 02/21/2012 11:31 AM EST  
**To:** Judith Enck  
**Subject:** A more efficient path to cleaner water

**A more efficient path to cleaner water**

02/16/2012

Star-Ledger

By Bob Martin

Bipartisan legislation on water quality management plans, signed into law by Gov. Chris Christie last month already is paying dividends for New Jersey. All of the state's 21 counties are expediting efforts to submit long-stalled plans that will improve New Jersey's ability to protect some of the state's most environmentally sensitive lands and better safeguard the state's water quality.

The new legislation makes it possible for the Department of Environmental Protection to protect at least 250,000 acres of environmentally sensitive lands across the state. It allows for removal of those important properties from existing -- and, in some instances, obsolete -- sewer service area designations.

In addition, the DEP can now move ahead with a long-stalled process that has left vulnerable lands unprotected and counties in a no-win bureaucratic bind. Most important, it will benefit the state's water quality.

This is all part of the Christie administration's continued commitment to a vigorous water quality planning process that protects the environment, offers better protections than nearby states do and, despite EPA Administrator Lisa Jackson's opinion, meets our federal Clean Water Act obligations.

Unfortunately, there has been a lot of misleading commentary on this important issue.

The new legislation does not delay wastewater planning for two years, as critics allege, but expedites the process. It creates a 180-day, simplified and rational process to bring counties into compliance by permitting a phased submission of information.

It does not change the DEP's approach to implementing water quality management planning rules adopted in 2008. Environmentally sensitive wetlands, stream corridors, steep slopes and habitat for endangered plants and animals will be removed from existing sewer service areas, many of which are based upon decades-old, outdated maps.

Water quality management plans are, essentially, maps that define areas where sewer service should be located. Finalizing those plans to remove sensitive lands from sewer service areas is crucial to protecting our environment and limiting development sprawl.

The new legislation fixes broken rules that made it virtually impossible for counties to complete that task and allows them to more efficiently get maps done.

We have accelerated this process. Under new rules, all 21 counties must provide at least sewer service area plans to the DEP within 180 days, and we anticipate having all plans by July and adopting those plans by the fall.

The Corzine administration put unworkable rules in place in 2008 that made it difficult for counties to succeed in this effort. The old rules would have harmed the state's economy by requiring a halt to all development if plans could not be finalized.

The new law allows DEP to accept modernized sewer service area maps without waiting for the remaining portion of planning work, municipal zoning changes and ordinance adoption to be accomplished by local governments.

This will result in real improvements to water quality within a reasonable time frame.

The Christie administration continues to focus on improving water quality in New Jersey. The governor has demonstrated his commitment to better water quality through a series of initiatives, from the Barnegat Bay Restoration Plan to continued land preservation to protecting water quality, and decisions such as his veto of liquefied natural gas facilities off our shores.

Implementing a workable water quality management plan will allow us to continue forward with that commitment to enhancing New Jersey's water quality.

Bob Martin is commissioner of the New Jersey Department of Environmental Protection. Have an opinion? Visit njvoices.com.

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01268-EPA-7248

Richard  
Windsor/DC/USEPA/US  
02/22/2012 12:11 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: washington times piece

And he I.

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**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
**To:** Richard Windsor  
**Subject:** washington times piece

Wow. You should expect a harder edged Inhofe.

---

March 2 should be a date that lives in infamy for the Obama Environmental Protection Agency. That day will most likely be the last opportunity for congressional Republicans to apply meaningful pressure on EPA Administrator Lisa P. Jackson as she testifies before the Senate Environment and Public Works Committee on the agency's 2013 budget. Over the past three years, the Obama EPA has conducted a scorched earth campaign against fossil fuel producers and users, especially the coal-fired power industry, with multibillion-dollar rules that provide no meaningful environmental or public-health benefits, like the Cross-State Air Pollution Rule and the Mercury Air Toxics Standard (MATS).

The EPA will soon propose its greenhouse gas emission standards for power plants - rules that will attempt to make it financially impossible to construct new coal-fired power plants in the United States.

It seems that President Obama was deadly serious when he told the San Francisco Chronicle in January 2008, "So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted."

And while nothing short of a change of administration will change the fate of coal-fired power in the United States, Senate Republicans should use the March 2 Senate hearing as an opportunity to put Ms. Jackson on the hot seat.

To stoke their blood pressure, Republican committee members should remember that Ms. Jackson has delivered numerous speeches and written newspaper Op-Eds over the past year denouncing Republicans as trying to sicken and kill hundreds of thousands of Americans.

Last October, for example, Ms. Jackson wrote in the Los Angeles Times, "Since the beginning of this year, Republicans in the House have averaged roughly a vote every day the chamber has been in session to undermine the EPA and our nation's environmental laws. ... How we respond to this assault on our environmental and public health protections will mean the difference between sickness and health - in some cases, life and death - for hundreds of thousands of citizens."

Ms. Jackson has taken the gloves off, and it's time for Sen. Jim Inhofe, Oklahoma Republican, the ranking minority member on the Senate Environment and Public Works Committee, to whip his team into shape and to do the same for this final showdown before the election.

GOP committee members will first need to inoculate themselves against Ms. Jackson's charms. They may like her personally, but her agency's junk science-fueled regulatory war against American jobs, families, businesses and the economy as a whole ought to transcend any warm and cuddly feelings. There is nothing to be gained from the one-way respect and collegiality that allows her to lie, temporize and filibuster her way out of answering tough questions.

Next, GOP committee members need to internalize the reality that American air is already clean and safe, and was so before the Frankenstein that is the Obama EPA came to life. There is no one being harmed by ambient air quality in America and the EPA cannot produce anyone that has been harmed.

JunkScience.com, for example, obtained through the Freedom of Information Act emergency hospital admissions data for 2010-11 from the large Department of Veterans Affairs hospital in West Los Angeles. The data show no correlation between hospital admissions for asthma and air quality measurements for ground-level ozone (smog) and fine particulate matter (soot) in Los Angeles, which supposedly has some of the "worst" air quality in America.

Finally, committee members need to be aware of the massive scientific conflict-of-interest going on in the EPA air office. The EPA not only commissions research that fits its agenda, it then pays the reviewers who rubber-stamp the quality of that research. The EPA also allows its researchers to deny outside scientists access to key data that would allow confirmation of claimed results.

The dubiousness of this process and EPA air quality science in general is best exposed and debunked by a recent study published in the U.S. government journal Environmental Health Perspectives. That study shockingly reported that air quality in the Chinese city of Xi'an, one of the dirtiest cities in the world, is safer than the air in U.S. cities. Either air pollution is not as harmful as the EPA asserts or the agency's self-funded multitude of statistical analyses on air quality are suspect - or both.

No doubt Ms. Jackson will try to deflect questions about the probity of EPA science by saying that scores of "independent" researchers can't possibly be wrong, or worse, part of a conspiracy. But bought-and-paid-for statistics based on secret data really ought to raise a Republican eyebrow.

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Inhofe should get the video for his team

01268-EPA-7249

**Richard  
Windsor/DC/USEPA/US**  
02/22/2012 07:43 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: washington times piece

We will need a few good pieces of ammo. It could be Barasso if anyone does it.

---

**From:** Arvin Ganesan  
**Sent:** 02/22/2012 07:37 AM EST  
**To:** Richard Windsor  
**Subject:** Re: washington times piece

Love it.

Sent from my Blackberry Wireless Device

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**From:** Richard Windsor  
**Sent:** 02/22/2012 12:11 AM EST  
**To:** Arvin Ganesan  
**Subject:** Re: washington times piece

And he I.

---

**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
**To:** Richard Windsor  
**Subject:** washington times piece

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01268-EPA-7250

Richard  
Windsor/DC/USEPA/US  
02/22/2012 02:07 PM

To "Stephanie Owens"  
cc  
bcc  
Subject Fw: washington times piece

Asking for a call to discuss please.

---

**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
**To:** Richard Windsor  
**Subject:** washington times piece

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Inhofe should get the video for his team

01268-EPA-7251

**Richard  
Windsor/DC/USEPA/US**  
02/22/2012 02:08 PM

To "Brendan Gilfillan", "Arvin Ganesan"  
cc "Aaron Dickerson"  
bcc  
Subject Fw: washington times piece

I'd like to discuss this. Aaron - Can you set up a call for this afternoon?

---

**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
**To:** Richard Windsor  
**Subject:** washington times piece

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01268-EPA-7252

**Richard  
Windsor/DC/USEPA/US**  
02/22/2012 03:02 PM

To Stephanie Owens  
cc "Stephanie Owens", "Aaron Dickerson"  
bcc  
Subject Re: Fw: washington times piece

You arvin and Brendan today. Aaron - please loop Stephanie in. Tx. Lisa  
Stephanie Owens

----- Original Message -----

**From:** Stephanie Owens  
**Sent:** 02/22/2012 03:01 PM EST  
**To:** Richard Windsor  
**Cc:** "Stephanie Owens" <Owens.Stephanie@epa.gov>  
**Subject:** Re: Fw: washington times piece

A call with?

Stephanie Owens  
Deputy Associate Administrator  
Office of External Affairs and Environmental Education  
U.S. EPA  
Phone: 202.564.6879  
Fax: 202.501.1789

Richard Windsor Asking for a call to discuss please. Fr... 02/22/2012 02:07:29 PM

From: Richard Windsor/DC/USEPA/US  
To: "Stephanie Owens" <Owens.Stephanie@epa.gov>  
Date: 02/22/2012 02:07 PM  
Subject: Fw: washington times piece

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**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
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01268-EPA-7253

Brendan  
Gilfillan/DC/USEPA/US  
02/23/2012 04:01 PM

To: Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin Ganesan, Gina McCarthy, Laura Vaught

cc

bcc

Subject: Re: EPA response to the GHG letter to OMB from the Energy and Power Subcommittee?

(b) (5) Deliberative

Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 02/23/2012 02:58 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Gina McCarthy; Laura Vaught  
**Subject:** Fw: EPA response to the GHG letter to OMB from the Energy and Power Subcommittee?

FYI - congressional letter has dropped. It's addressed to OMB.

(b) (5) Deliberative

**From:** Schiermeyer, Corry [mailto:Corry.Schiermeyer@mail.house.gov]  
**Sent:** Thursday, February 23, 2012 2:38 PM  
**To:** Schiermeyer, Corry  
**Subject:** RELEASE: Bi-Partisan Majority of the House of Representatives ask OMB to block Costly EPA Greenhouse Gas Regulation



**Congress of the United States  
House of Representatives  
Washington, DC 20515**

**FOR IMMEDIATE RELEASE**  
Thursday, February 23, 2012

**CONTACT:** Corry Schiermeyer (Whitfield)  
(202) 225-3115  
Peyton Bell (Barrow)  
(202) 225-2823

## **Bi-Partisan Majority of the House of Representatives ask OMB to block Costly EPA Greenhouse Gas Regulation**

WASHINGTON, D.C. – U.S. Rep. Ed Whitfield, (R-KY-01), Chairman of the House Subcommittee on Energy and Power, and U.S. Rep. John Barrow (D-GA-12), Member of the Energy and Commerce Committee, along with 221 colleagues in the House, sent a letter to President Obama's acting director of the Office of Management and Budget (OMB) requesting him to stop the Environmental Protection Agency's greenhouse gas (GHG) rulemaking.

These costly new standards would dramatically increase electricity rates in the United States, stop new coal plants from being built, and phase out or potentially eliminate existing coal-fired electricity, which currently accounts for nearly half of our nation's electricity supply.

"Affordable, reliable electricity is critical to keeping and growing jobs in the United States and such a standard will likely drive up energy prices and threaten domestic jobs," Representatives Whitfield and Barrow said. "Forcing a transition to commercially unproven technologies could send thousands of U.S. jobs overseas and raise electricity rates on families and seniors at a time when the nation can least afford it."

EPA's efforts to regulate greenhouse gases could increase the cost of everything from gasoline to household utilities to groceries. During a hearing in the House Energy and Commerce Committee on Feb. 9, 2011, Dr. Margo Thorning, Senior Vice President and Chief Economist at American Council for Capital Formation, testified that the first wave of EPA's greenhouse gas regulations could result in as many as 1.4 million job losses.

Last year, the House of Representatives passed the Energy Tax Prevention Act to stop the EPA from implementing these regulations. The Senate has failed to act on this important legislation that would permanently remove the threat of these regulations. The legislation passed in the House will:

- **Prohibit EPA from targeting greenhouse gases as related to climate change under the Clean Air Act.** EPA would not be permitted to unilaterally regulate greenhouse gases, chiefly carbon dioxide emissions from using fossil fuels – the coal, oil, and natural gas that provides America with 85 percent of its energy.
- **Prevent the American economy from being placed at a competitive disadvantage.** U.S. energy prices, including electricity prices, and production

costs will rise across numerous industries as a result of EPA's permitting requirements (by forcing the switch to more expensive fuels and/or changes in technologies and production processes). As a consequence, business investments will move overseas to developing countries whose industries produce more GHGs than the U.S.

The text of the letter is attached.

###

Corry Schiermeyer  
Press Secretary  
Rep. Ed Whitfield (KY-01)  
202-225-3115  
[corry.schiermeyer@mail.house.gov](mailto:corry.schiermeyer@mail.house.gov)

Φολλοω Ρεπ. Ωητφιελδ ον της ωεβ:



Χλιγκ ηερε το σιγν υπ φορ Ρεπ. Εδ Ωητφιελδεσ ε-νεωσλεττερ.

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For more information please visit <http://www.symanteccloud.com>

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[attachment "GHG Whitfield Barrow letter.pdf" deleted by Brendan Gilfillan/DC/USEPA/US]

01268-EPA-7254

Dennis  
McLerran/R10/USEPA/US  
02/23/2012 09:21 PM

To Brendan Gilfillan, Richard Windsor, Bob Perciasepe  
cc "Gina McCarthy", "Janet McCabe"  
bcc  
Subject Re: MSNBC.com: Actress Lucy Lawless boards ship to protest Arctic oil drilling

Brendan:

This is getting interesting. When POTUS was in Seattle last Friday there were some protests here and some of the environmental groups took media on a water tour to show them the Kulluk which is being refitted in Seattle's harbor. Shell's original plan was to bring the Discoverer to Seattle for some work before heading to the arctic. That may still be their plan.

(b) (5) Deliberative

Dennis  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 02/23/2012 07:25 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Dennis McLerran  
**Subject:** MSNBC.com: Actress Lucy Lawless boards ship to protest Arctic oil drilling

This just got a little interesting...

## Actress Lucy Lawless boards ship to protest Arctic oil drilling

By Becky Bratu, msnbc.com

Actress Lucy Lawless and six other Greenpeace activists boarded an Arctic-bound Shell oil-drilling ship in Port Taranaki, New Zealand, on Friday morning, causing authorities to close the port.

The group scaled a 53-meter derrick on the Liberian-flagged Noble Discoverer around 7 a.m. local time.

Lawless told msnbc.com that her heart was pounding and she was "a little shell-shocked" as they boarded, but that she now felt safe.

"We don't need to trash the Arctic to get three more years' worth of oil," she said in a telephone interview from the ship.

Even as police warned them that they were breaking the law, protesters remained aboard.

Greenpeace and Lawless tweeted the occupation.

"I'm on one of the oldest drill rigs on the planet and it's heading to the Arctic. Tell Shell to stop," Lawless tweeted.

James Turner, a spokesperson for Greenpeace, told msnbc.com the occupation was the organization's last resort to stop Shell from drilling in the Arctic.

"We simply don't believe Shell's reassurances that this is safe," Turner said.

He said the Arctic is the home of many unique species, and an oil spill would be virtually impossible to contain, given the area's remoteness. Turner also accused Shell of having a "poor record" regarding oil spills.

Shell says it was "disappointed" with Greenpeace's actions, 3 News reported.

"Actions such as this jeopardize the safety of everyone involved," the company said in a statement. "While we respect the right of individuals to express their point of view, the priority should be the safety of Noble Discoverer's personnel and that of the protesters."

"Shell has undertaken unprecedeted steps to pursue safe, environmentally responsible exploration in shallow water off the coast of Alaska," the statement said.

The ship was due to depart on a 6,800-mile journey to the Chukchi Sea off the coast of Alaska, New Zealand's 3 News reported.

Turner said that Shell has a limited drilling window, given the Arctic's extreme weather conditions. Drilling can only take place when the sea ice in Alaska melts, usually between July and early fall, he said. During the rest of the year, thick ice makes drilling impossible.

Turner said the occupiers have supplies for several days. "We're there to stop the tanker from leaving," he said.

But Lawless, 43, said she wasn't sure how long they'd last aboard.

"Our main aim is that this be a peaceful protest, but the law will do what the law has to do," [Lawless told 3 News](#). "We do what we feel we have to do." She told msnbc.com that she and the other protesters have respect for the police.

One person was arrested at the port gate, 3 News said.

The police commander for New Plymouth, Inspector Blair Telford, [told the New Zealand Herald](#) that his office's role was to ensure any protest was lawful and that owners and crew of the ship

were allowed to go about their lawful business.

"The protesters are clearly breaking the law by trespassing on the ship and we are currently liaising with the Port of Taranaki and the harbormaster to decide the most appropriate course of action. Public safety is paramount."

Lawless is best known for her television title role as "Xena: Warrior Princess" and currently stars in Starz's "Spartacus" as Lucretia.

She told msnbc.com she hopes her children will live in a better world. "Climate change profiteers should not be allowed to destroy our children's future," she said.

"Companies are addicted to oil; they're begging an intervention," Lawless said. "Shell has the technology to be one of the world leaders in a clean energy economy."

01268-EPA-7260

Richard  
Windsor/DC/USEPA/US  
02/27/2012 09:43 PM

To Bob Perciasepe  
cc  
bcc  
Subject Re: ESA Thoughts

(b) (5) Deliberative

Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 02/27/2012 09:40 PM EST  
**To:** Richard Windsor  
**Subject:** ESA Thoughts

Lisa

The last time the "god squad" was used was in the Bush one Administration. It was for timber sales in the north west in spotted owl habitat. Here is the back ground:

The 1978 amendment to the ESA "attempts to retain the basic integrity of the ESA, while introducing some flexibility which will permit exemptions from the Act's stringent requirements." The amendment clarified the ESA of 1973 in many ways including clearly defining the term critical habitat, clearly defining penalties for non-compliance and determining the future appropriation of funds. The most important change that was brought about by the 1978 amendment was the creation of the Endangered Species Committee, known as the "God Squad" because of the substantial impact of its decisions on the natural world.

The God Squad is a committee composed of seven Cabinet-level members: The administrator of the Environmental Protection Agency, the administrator of National Oceanic and Atmospheric Administration, the chairman of the Council of Economic Advisers, a representative from the state in question, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior. This committee has the authority to allow the extinction by exempting a federal agency from Section 7 requirements. To exempt a species (which means allow it to be threatened with extinction), five of the seven members must vote in favor of the exemption.

In the early 1990's when the vote was taken EPA (Reilly) and NOAA voted against but all the others voted for. So it was 5 to 2 for extinction pressure.

Clinton was elected and the decision was reversed and the north west forest plan was developed.

(b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

01268-EPA-7261

Bob  
Perciasepe/DC/USEPA/US  
02/28/2012 11:10 AM

To Richard Windsor, Brendan Gilfillan, Bob Sussman  
cc  
bcc  
Subject Fracking and EPA

Joe Nocera has a Fracking column today in the NYT. Mostly talking about Fred Krupp and EDF. Ignores work EPA is doing (in fact indicates feds are dysfunctional), ignores water issues, ignores conventional pollution issues such as smog formation and interstate issues.

(b) (5) Deliberative



others may have ideas, we are meeting with CEOs later this month.

February 27, 2012

## How to Frack Responsibly

By JOE NOCERA

Fracking isn't going away.

To put it another way, the technique of hydraulic fracturing, used to extract [natural gas](#) from once-impossible-to-get-at reservoirs like the Marcellus Shale that lies beneath New York and Pennsylvania, has more than proved its value. At this point, [shale gas](#), as it's called, makes up more than 30 percent of the country's natural gas supply, up from 2 percent in 2001 — a figure that is sure to keep rising. Fracking's enemies can stamp their feet all they want, but that gas is too important to leave it in the ground.

[Fred Krupp](#), the president of the [Environmental Defense Fund](#), understands this as well as anyone. Last summer, he was a member of a small federal advisory panel that was charged by Steven Chu, the secretary of energy, with assessing the problems associated with fracking. The group came up with a long list of environmental issues. But [it also concluded](#) that "the U.S. shale gas resource has enormous potential to provide economic and environmental benefits for the country."

One thing I've always liked about the Environmental Defense Fund is its hardheaded approach. Founded by scientists, it believes in data, not hysteria. It promotes market incentives to change behavior and isn't afraid to work with industry. Utterly nonpartisan, it is oriented toward practical policy solutions.

And that has been its approach to fracking. When I spoke to him recently, Krupp didn't back away from the idea that domestic natural gas could be the "bridge fuel" that helps bring us toward a renewable energy future. Unlike others in the environmental movement, he and his colleagues at the Environmental Defense Fund don't want to shut down fracking; rather, their goal is to work with the states where most of the shale gas lies and help devise smart regulations that would make fracking environmentally safer.

Let's take one example: the problem of methane leaks. Every natural gas well leaks methane — methane is natural gas, after all — and while the natural gas that winds up being burned as fuel is, indeed, relatively clean, methane that escapes into the air is potent. Though it eventually disintegrates, for several decades methane can add significantly to greenhouse gas emissions.

Question No. 1: How much methane leaks into the air as a result of fracking? Incredibly, nobody

knows. The Environmental Protection Agency has estimated the leak rate at a little more than 2 percent, but a [recent study](#) suggested it might be twice that. And a controversial Cornell University [study last year said](#) it was closer to 6 percent. Clearly, it is critical to know the answer, which is why the Environmental Defenses Fund is currently participating in a study that is expected to provide one.

Question No. 2: How big a difference will it make to the environment if industry can minimize methane leaks? A lot. To illustrate the point, [Steven Hamburg](#), the group's chief scientist, showed me a model he had devised. It allowed me to see the effect on greenhouse gas emissions as methane leaks were reduced. Suppose, for instance, the current leak rate turns out to be 4 percent. Suppose we then reduce it in half. That would mean an immediate reduction in overall U.S. greenhouse gases by — are you sitting down for this? — 9 percent. If the leaks are reduced to 1 percent, the decrease in greenhouse gases jumps to 14 percent. (That number eventually gets smaller as the potency of the methane wears off.) Meanwhile, failing to reduce methane leaks largely eliminates the environmental advantage of natural gas over coal. You can plug in different estimates and get different results, but the point is this: There is no denying the huge difference it can make to the environment to reduce methane gas leaks.

Nor is this some kind of impossible dream. "There are cost-effective ways to reduce methane leaks," says [Michael Levi](#), an energy expert at the Council on Foreign Relations. In fact, a number of the better producers, like Shell, are already employing technology to minimize leaks and taking other steps to drill for natural gas in a responsible fashion. Nor is there much doubt that the outcry by environmentalists over fracking helped awaken the industry to the problems.

But, of course, not all drillers can be counted on to drill responsibly, which is why regulation is so critical. "Wouldn't it be better," I asked Krupp, "for fracking to be regulated by the federal government rather than by the states? Wouldn't that mean better, more uniform regulation and tougher enforcement?"

Krupp frowned. "Given the dysfunction in D.C., a state-by-state approach will be more effective," he said. "We need to focus on getting the rules right, and complied with, in the 14 states which have 85 percent of the onshore gas reserves."

Here's hoping that the anti-frackers someday join him.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [b] (6) Personal Privacy

01268-EPA-7262

Sarah Pallone/DC/USEPA/US  
02/29/2012 09:14 AM  
To "Richard Windsor", "Laura Vaught"  
cc  
bcc  
Subject Fw: Portland Power Plant to close (Section 126 Petition) in 2015

Lisa Plevin

----- Original Message -----

**From:** Lisa Plevin  
**Sent:** 02/29/2012 09:11 AM EST  
**To:** Judith Enck; George Pavlou; Janet Woodka; Sarah Pallone; John Filippelli; Gina McCarthy; Bonnie Bellow; Raymond Werner  
**Subject:** Portland Power Plant to close (Section 126 Petition) in 2015  
Guess who they blame.

Lisa J. Plevin  
Chief of Staff  
US EPA Region 2  
(212) 637-5000

[lehighvalleylive.com](http://lehighvalleylive.com)

## Portland Generating Station, Glen Garner electric station to be deactivated by GenOn in 2015

Published: Wednesday, February 29, 2012, 8:22 AM Updated: Wednesday, February 29, 2012, 8:55 AM



By **Tony Rhodin** | The Express-Times The Express-Times

The 53-year-old coal-fired Portland Generating Station in Upper Mount Bethel Township pollutes New Jersey, environmental officials have charged.

**GenOn Energy** Inc. in 2015 will close electric generating stations in **Upper Mount Bethel Township** and **Glen Gardner** due the cost of upcoming environmental regulations, according to a news release sent this morning to politicians in affected communities.

The **Portland Generation Station**, which employs 80 people in Upper Mount Bethel, will go offline in January 2015 and the Glen Gardner station will shut in May 2015, according to the news release. In all, eight stations will closed between June of this year and May 2015 in Pennsylvania and New Jersey, the company reports.

"**This deactivation is being driven by the costs of complying with upcoming environmental regulations, including the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS),**" the company said in a related

email. The company said in the news release the closures and time frames "**are subject to further review cased on market conditions.**"

Bangor Borough Councilman Dave Houser said this morning the closure will have an impact on the Bangor Area School District's bottom line as well as on the families of workers.

**"If they're going to close it, they're going to close it,"** he said with a tone of resignation. **"It will have a major impact on the school district. It will have an impact tax-wise and in disrupting families."**

He said it will also affect the landfill, which takes coal ash from the plant.

In late October, the EPA issued a 95-page ruling that the Upper Mount Bethel power plant had three years to reduce its permitted sulfur dioxide emissions by 81 percent. Studies by the EPA and the New Jersey Department of Environmental Protection found the 53-year-old coal-burning plant was responsible for most of the sulfur dioxide pollution over northern New Jersey.

Although the plant was following all Pennsylvania Department of Environmental Protection regulations, crosswinds carried the pollutants into New Jersey, where they did not meet more stringent state requirements.

GenOn in January appealed the EPA's ruling.

In June, 2011, U.S. Sens. **Pat Toomey**, R-Pa., and **Bob Casey**, D-Pa., and U.S. Rep. **Charlie Dent**, R-Lehigh Valley, in a letter to EPA administrator Lisa Jackson, asked the EPA to consider easing the time restraints of the proposed rule . The legislators said existing laws would require all other power plants in Pennsylvania to meet the same emissions standards, but over a longer period of time.

**"We are concerned that prematurely binding GenOn's decisions on how to comply with identified requirements will not result in the best solution and may come at a cost of lost jobs, reduced reliability and higher electric costs. Accordingly, we encourage EPA to provide GenOn with flexibility in the timing of the submission of the compliance plan to meet required emission limits,"** the lawmakers wrote.

GenOn has said would have cost \$300 million to \$500 million to upgrade the Portland plant and achieve the requirements set by the EPA to cut sulfur dioxide emissions by 81 percent.

The EPA estimates its rules will save up to 34,000 lives, prevent 15,000 heart attacks and stave off 400,000 asthma attacks each year, easing health treatment costs by \$120 billion to \$280 billion across the nation.

Houston-based GenOn Energy owns, contracts or operates 47 generating stations in 12 states, including 18 in Pennsylvania and three in New Jersey, including one in Glen Gardner, Hunterdon County, according to its corporate website. GenOn was formed in December 2010 by a merger between Mirant Corp. and RRI Energy.

GenOn today is announcing an adjusted \$132 million loss for continuing operations in 2011 as compared to adjust income of \$163 million in 2010, according to the news release. Its net loss was \$189 million, compared to \$233 million in 2010.

Mark Baird, GenOn's director of external affairs, did not immediately return a phone call for comment.

*Archives Editor KJ Frantz contributed to this report.*

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01268-EPA-7264

"Lisa Jackson"  
◀ (b) (6) Personal Privacy  
02/29/2012 09:41 PM

To Richard Windsor  
cc  
bcc  
Subject

## Rogers rips EPA chief over coal permits

By Erik Wasson - 02/29/12 02:29 PM ET

The powerful Republican head of the House Appropriations Committee got rough with President Obama's environmental chief over the Environmental Protection Agency's coal mine permitting process on Wednesday.

The wood-paneled committee hearing room suddenly seemed like a small-town courtroom as Chairman Hal Rogers (R-Ky.) turned prosecutorial on EPA Administrator Lisa Jackson.

At one point, after Jackson fumbled when trying to name any Appalachian mines she had permitted during her tenure, Rogers declared "I rest my case!"

At issue is an October Federal Court ruling in the case of *National Mining Association vs. Jackson*. Rogers said that the ruling makes clear that the EPA must quickly finish processing the coal permits before it, which the EPA reviews under the Clean Water Act.

"I've got people with pink slips all over the landscape because you will not process these permits on a timely basis as the court ordered you to do," he said. "I find it contemptible that a public servant would utilize the practice, as you have, to by not deciding to make a decision."

Rogers said that EPA has admitted that 130 permits are stuck in the process. Jackson said there are 37 under review.

"Do you know when the last one was approved?" Rogers asked.

Jackson said she did not know.

"Name me one permit you have approved since you have been director," Rogers boomed.

Jackson named a January 2010 permit for the Hobet 45 mine.

"What's that?" Rogers said, demanding Jackson spell it.

Jackson meekly said that rather than giving a faulty list, she would be happy to give one at a later date.

"No, I want to know now!" Rogers said.

Jackson said she could not give a list.

"I know you can't because there has not been any," Rogers insisted.

"I can't understand how you would sit there and not know details of this magnitude to a

whole section of this country," he said.

Jackson retorted that Appalachia residents deserve clean water.

"I live in these hills, what you call navigable streams is a mountain gulley that has water in it once in eight years. For you to call that a navigable stream under your jurisdiction is absolutely ridiculous," the chairman said.

Rogers signaled afterwards that while the EPA authorizing bill is the best place to resolve the issue, he might use his role as spending chief to deal with the coal mine issue through a rider in the 2013 department of Interior appropriations bill.

"I reserve the right to look at the appropriations process to try to resolve this issue," Rogers told The Hill. Last year's appropriations bill had dozens of environmental riders, including several regarding the Clean Water Act, but these were stripped in negotiation with the Democratic-controlled Senate before a catch-all spending bill was passed in December.

Later, after Rogers left the room, Jackson's staff produced the names of six mines she had approved.

EPA spokesperson Betsaida Alcantara said after the hearing that 110 individual and general mining permits have been issued by the Corps of Engineers since the Obama administration began under section 404 of the Clean Water Act. EPA has reviewed and commented on 38, she said.

She also said that the NMA vs. Jackson case does not address the speed with which EPA must address permits at all.

"The District Court decision does not affect EPA's Clean Water Act authority to protect communities in Appalachia from the public health and environmental impacts caused by poor coal mining practices," she said. "While the court's decision does not address the issue of "timeliness" of permit decisions, EPA and the Corps are working closely with the states to expeditiously approve permits for environmentally sound mining projects.

An aide to Rogers said Wednesday that no permits have been issued in Rogers' district, which is overseen by the Louisville Corps of Engineers, since 2009.

01268-EPA-7265

**Richard  
Windsor/DC/USEPA/US**  
03/01/2012 02:12 PM

To Brendan Gilfillan  
cc Bob Perciasepe, Betsaida Alcantara  
bcc  
Subject Re: GHG NSPS Topline messages

Looks great...  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 03/01/2012 01:40 PM EST  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; Betsaida Alcantara  
**Subject:** GHG NSPS Topline messages

Administrator -

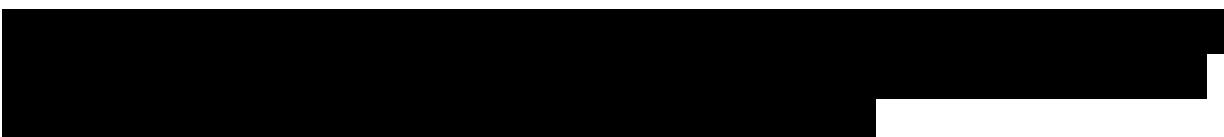
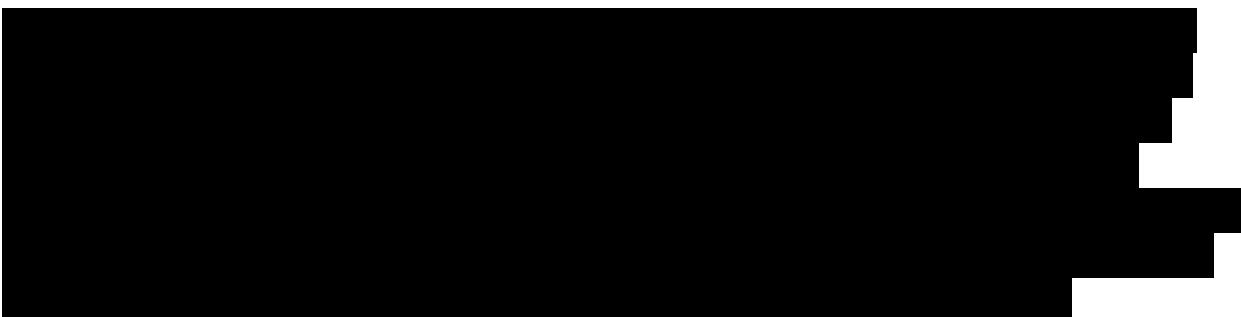
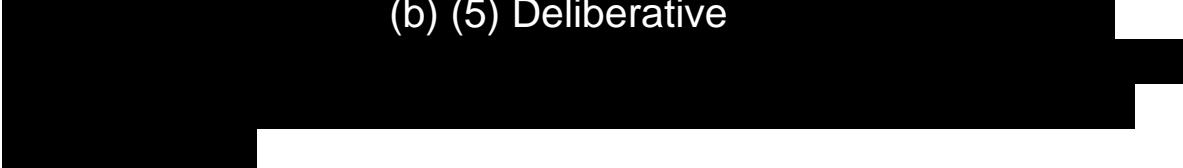
Below are a set of topline messages that Bob (P and S), Gina and OP have signed off on.

Please let us know what you think - if you're good with these we'll build them into the release and other materials currently under development.

Thanks.

- Brendan

(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-7267

**Bob  
Perciasepe/DC/USEPA/US**  
03/05/2012 05:55 AM

To Arvin Ganesan, Richard Windsor  
cc  
bcc  
Subject Re: Wyden exchange

I have a few edit thoughts on [REDACTED]

(b) (5) Deliberative

[REDACTED] ?

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

---

**From:** Arvin Ganesan  
**Sent:** 03/04/2012 07:33 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Wyden exchange

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Let me know if you have issues. If not, Administrator, this will be ready for your signature in the am.  
Thanks.

01268-EPA-7268

**Richard  
Windsor/DC/USEPA/US**  
03/05/2012 08:05 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Wyden exchange

Yes

---

**From:** Arvin Ganesan  
**Sent:** 03/05/2012 07:22 AM EST  
**To:** Richard Windsor  
**Subject:** Fw: Wyden exchange

[REDACTED] (b) (5) Deliberative [REDACTED].

Sent from my Blackberry Wireless Device

---

**From:** Arvin Ganesan  
**Sent:** 03/05/2012 07:02 AM EST  
**To:** Bob Perciasepe; Richard Windsor  
**Subject:** Re: Wyden exchange

[REDACTED] (b) (5) Deliberative [REDACTED]

Sent from my Blackberry Wireless Device

---

**From:** Bob Perciasepe  
**Sent:** 03/05/2012 05:55 AM EST  
**To:** Arvin Ganesan; Richard Windsor  
**Subject:** Re: Wyden exchange

I have a few edit thoughts on [REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED] ?

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) [REDACTED] (b) (6) Personal Privacy

---

**From:** Arvin Ganesan  
**Sent:** 03/04/2012 07:33 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Wyden exchange

[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Let me know if you have issues. If not, Administrator, this will be ready for your signature in the am.  
Thanks.

01268-EPA-7269

**Richard  
Windsor/DC/USEPA/US**  
03/05/2012 08:08 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Wyden exchange

Good work.

---

**From:** Arvin Ganesan  
**Sent:** 03/05/2012 08:07 AM EST  
**To:** Richard Windsor  
**Subject:** Re: Wyden exchange

Thank you!

Sent from my Blackberry Wireless Device

---

**From:** Richard Windsor  
**Sent:** 03/05/2012 08:05 AM EST  
**To:** Arvin Ganesan  
**Subject:** Re: Wyden exchange

Yes

---

**From:** Arvin Ganesan  
**Sent:** 03/05/2012 07:22 AM EST  
**To:** Richard Windsor  
**Subject:** Fw: Wyden exchange

(b) (5) Deliberative

Sent from my Blackberry Wireless Device

---

**From:** Arvin Ganesan  
**Sent:** 03/05/2012 07:02 AM EST  
**To:** Bob Perciasepe; Richard Windsor  
**Subject:** Re: Wyden exchange

(b) (5) Deliberative

Sent from my Blackberry Wireless Device

---

**From:** Bob Perciasepe  
**Sent:** 03/05/2012 05:55 AM EST  
**To:** Arvin Ganesan; Richard Windsor  
**Subject:** Re: Wyden exchange

I have a few edit thoughts on [REDACTED] (b) (5) Deliberative

[REDACTED] ?

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) [REDACTED] (b) (6) Personal Privacy

---

**From:** Arvin Ganesan  
**Sent:** 03/04/2012 07:33 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Wyden exchange

[REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

[REDACTED] Let me know if you have issues. If not, Administrator, this will be ready for your signature in the am.  
Thanks.

01268-EPA-7270

Richard  
Windsor/DC/USEPA/US  
03/05/2012 07:58 PM

To Bicky Corman  
cc "Diane Thompson"  
bcc  
Subject Re: follow-up

(b) (5) Deliberative

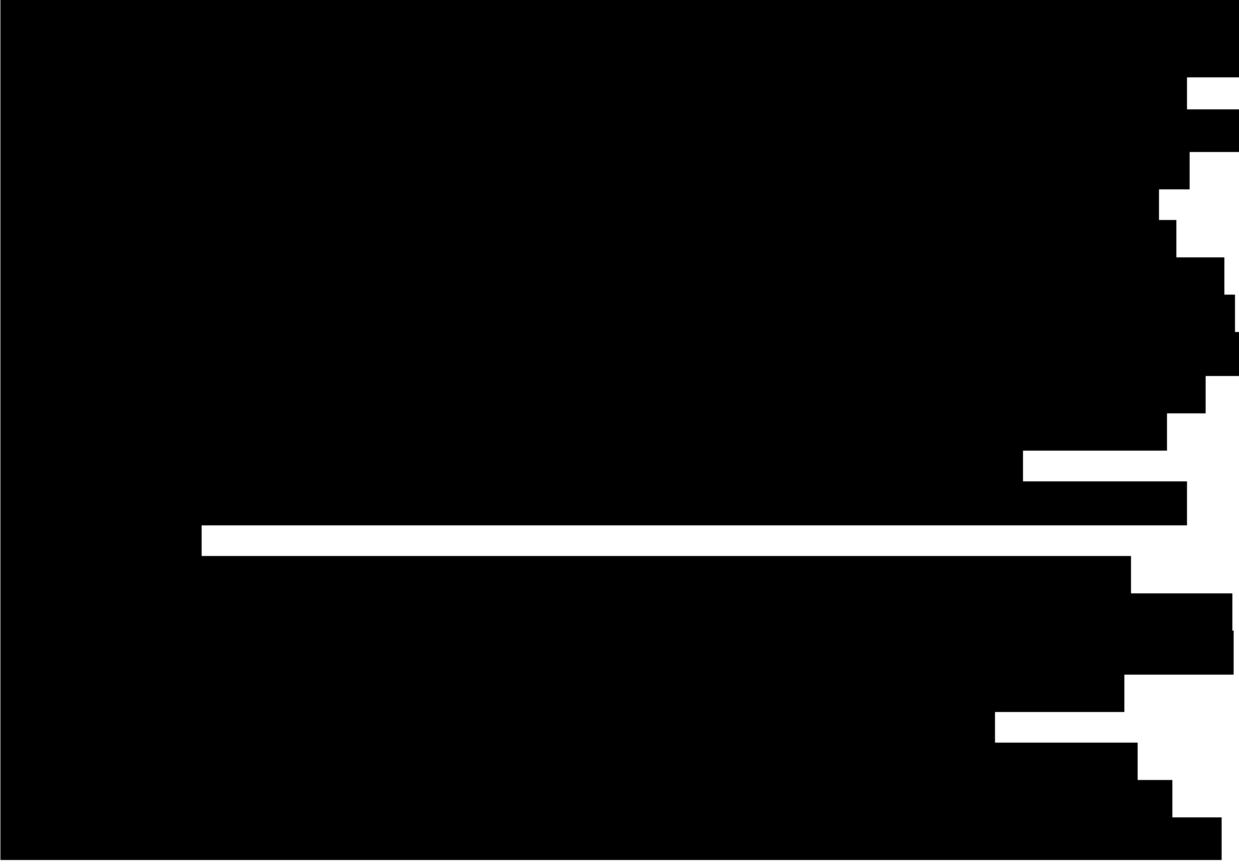
? Tx. Lisa

Bicky Corman

----- Original Message -----

**From:** Bicky Corman  
**Sent:** 03/05/2012 07:39 PM EST  
**To:** Richard Windsor  
**Subject:** follow-up

Hello. I am following up on our discussion on Saturday, in which you mentioned that you were going to hold a meeting with ORD folks and me on sustainability. (b) (5) Deliberative



Thanks!

PLEASE NOTE: If you are sending me an e-mail or an attachment you wish for me to read immediately, and/or that is material for a forthcoming meeting, please send the e-mail as well to Verna Irving (irving.verna@epa.gov) and Janet Means-Thomas (means-thomas.janet@epa.gov). Please indicate the relevant date that you wish me to complete review, and/or the meeting to which the material pertains. If your e-mail pertains to travel or any meeting, please send the request to Janet Means-Thomas.

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.](mailto:Corman.Bicky@epamail.epa.gov)

01268-EPA-7278

**Laura Vaught/DC/USEPA/US** To Richard Windsor  
03/08/2012 07:11 PM cc  
bcc  
Subject Fw: W.H. should have a top energy adviser, EEI chief says

Per conversation. Thanks for drinks!

---

**From:** POLITICO Pro [politicoemail@politicopro.com]

**Sent:** 03/08/2012 01:32 PM EST

**To:** Laura Vaught

**Subject:** W.H. should have a top energy adviser, EEI chief says

## **W.H. should have a top energy adviser, EEI chief says**

By Darren Goode

3/8/12 1:29 PM EST

HOUSTON — The White House needs a new top-level energy adviser, Edison Electric Institute Chairman Thomas Farrell says.

Farrell is proposing the creation of a national energy adviser to the president to help coordinate the energy dialogue after this year's elections.

That person would coordinate with the national security adviser and the chief economic adviser, Farrell explained in a speech Thursday at CERAWeek.

"If there is a small office, perhaps right off the Oval Office — some place the president has to pass by on his way to work every day — that would be good," said Farrell, who is also chairman, president and CEO of Virginia-based Dominion Resources.

Meanwhile, he said, dysfunction on the topic reigns on Capitol Hill.

"Congress, quite simply, has failed to get the job done — over and over and over — whoever is in charge," Farrell said. "And the intensely partisan atmosphere on Capitol Hill does not bode well for the future. So it falls to the next president to lead the way in rallying the national will to confront difficult energy choices."

One big problem is that "almost every federal agency in Washington deals with its own energy policy issues," he said. "There's no rhyme or reason to it. There's no overall theme across the federal government, let alone all the states."

He noted that 16 Senate committees and 14 House committees have jurisdiction over energy programs, as do myriad federal agencies.

That plethora is symbolically underscored by the emblem of the Energy Department, he said.

"Unlike many other federal departments whose emblems feature a single unifying symbol — the tree of knowledge for Education, an American bison for Interior, a bald eagle for Defense — the emblem for Energy has six different elements scattered across a green shield under an eagle's head — an eagle that does not look very happy, by the way," Farrell said.

"This may seem like a minor details, but it serves to demonstrate my point: Every president and every administration is forced to confront a tangled energy regulatory web — a snare in every sense — and does what it can to either sort through it or maneuver around it," he said.

The Obama White House has a position of deputy assistant to the president on energy and climate, a role now filled by Heather Zichal. While she "does a very good job," Farrell said, "I think you need to go a level two or three above that and make it something where it is a true national priority."

In the first two years of President Barack Obama's term, former EPA Administrator Carol Browner served as director of the White House Office of Energy and Climate Change Policy. Republicans derisively labeled her a "czar," and her position essentially ended once cap-and-trade legislation died.

Beyond the current stalemate on Capitol Hill, "Congress has already passed enough laws I think. Maybe more than enough," Farrell told POLITICO. "And the executive branch should be trying to rationalize them. It's hard, it's a very difficult thing to do. And it may never be done, but I think we've got to try."

Farrell cited the patchwork of state renewable electricity standards — some voluntary, some mandatory, with differing mixes of electricity sources that are covered. Some advocates say a solution to that problem would be a federal clean energy standard, like one that Obama has advocated.

"That's a perfectly reasonable argument to make," Farrell said.

To read and comment online:

<https://www.politicopro.com/go/?id=9836>

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01268-EPA-7279

Richard  
Windsor/DC/USEPA/US  
03/08/2012 07:14 PM

To Laura Vaught  
cc  
bcc  
Subject Re: W.H. should have a top energy adviser, EEI chief says

Interesting. Tx.

---

**From:** Laura Vaught  
**Sent:** 03/08/2012 07:11 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: W.H. should have a top energy adviser, EEI chief says

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3/8/12 1:29 PM EST

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To read and comment online:

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01268-EPA-7281

Richard  
Windsor/DC/USEPA/US  
03/09/2012 05:31 PM

To Jim Martin  
cc  
bcc  
Subject Re: Press releases on Colorado Regional Haze SIP

Nice.  
Jim Martin

----- Original Message -----

**From:** Jim Martin  
**Sent:** 03/09/2012 03:13 PM MST  
**To:** Richard Windsor; Gina McCarthy; Janet McCabe; Bob Perciasepe  
**Subject:** Press releases on Colorado Regional Haze SIP



## FOR IMMEDIATE RELEASE

Office of Gov. John Hickenlooper

Mark Salley, 303-692-2013 v  
[Mark.Salley@state.co.us](mailto:Mark.Salley@state.co.us)

Tisha Conoly Schuller, 303-861-0362 v  
[tisha.schuller@coga.org](mailto:tisha.schuller@coga.org)

Sharyn Stein, 202-572-3396 v  
[sstein@edf.org](mailto:sstein@edf.org)

Michelle Aguayo, 303-294-2300 v  
[michelle.aguayo@xcelenergy.com](mailto:michelle.aguayo@xcelenergy.com)

# Colorado's air quality plan receives initial approval from U.S. Environment Protection Agency

**DENVER — Friday, March 9, 2012 —** Gov. John Hickenlooper announced today that Colorado's State Implementation Plan for Regional Haze, a comprehensive package of pollutant emissions reduction strategies designed to provide sweeping public health and environmental protections, has received preliminary approval from the U.S.

Environmental Protection Agency.

"The EPA's proposal to approve the Regional Haze Plan is a ringing endorsement of a comprehensive and collaborative effort to address this issue," Hickenlooper said. "This plan is a major step in the state's efforts to comply with the federal Regional Haze rule, a congressionally-established air quality goal that seeks to improve visibility in national parks and wilderness areas across the country, while also providing public health benefits."

A key component of the overall plan is the 2010 Clean Air-Clean Jobs Act passed by the Colorado General Assembly that will reduce harmful pollution through emissions controls; retire old, inefficient coal-fired power plants; and convert certain electric generating units from coal to cleaner-burning natural gas.

By 2018, the plan will result in more than 70,000 tons of pollutant reductions annually, including 35,000 tons of nitrogen oxides, which leads to ground-level ozone formation. In total, the plan covers 30 units at 16 facilities throughout Colorado, including coal-fired power plants and cement kilns.

"Our plan will lead to less haze and improved visibility in some of Colorado's most treasured and scenic areas, including Rocky Mountain National Park, Mesa Verde, Maroon Bells and the Great Sand Dunes," said Dr. Christopher E. Urbina, Executive Director and Chief Medical Officer of the Colorado Department of Public Health and Environment. "Colorado has long recognized the importance of protecting air quality in national parks and wilderness areas, and has taken a leadership role in developing a plan that reduces emissions of pollutants that adversely impact visibility. The tremendous pollution reductions will also have significant public health benefits."

"EPA's proposal to approve Colorado's plan works for both the environment and our customers," **said David Eves, president and CEO of Public Service Co. of Colorado**, an Xcel Energy company. "EPA has now joined the Public Utilities Commission, the Department of Public Health and Environment, the Colorado legislature and other stakeholders in endorsing our plan under the Clean Air-Clean Jobs Act. EPA's action helps assure we can significantly reduce emissions while keeping electricity affordable."

"This approval is an important endorsement of Colorado's state-led collaboration," **said Tisha Conoly Schuller, President & CEO of the Colorado Oil & Gas Association**. "The Clean Air-Clean Jobs Act will support job creation in Colorado's natural gas sector while measurably reducing air pollutant emissions,"

"Colorado's bipartisan clean air plan will provide healthier air for our children and help clear the brown cloud over Denver while strengthening our economy," **said Pamela Campos, an attorney in the Environmental Defense Fund's Colorado office**. "EPA

has shown strong leadership by proposing approval, clearing the way for historic pollution reductions from the single largest emitters in Colorado so that we can all breathe easier."

"In the eyes of the American Lung Association, policies such as this that clean up our air will help prevent disease, save lives, reduce hospitalizations and improve our overall health, which also has measurable benefits in terms of health-care costs," said **Curt Huber, Executive Director for the American Lung Association in Colorado**. "Each year, the total benefits of EPA's air pollution regulations outweigh the costs by as much as 40 to 1,"

EPA will take public comment on its proposed approval and intends to finalize its decision no later than Sept. 10, 2012. The plan, as approved by the Colorado Air Quality Control Commission and submitted to the EPA, can be viewed at <http://www.cdphe.state.co.us/ap/regionalhaze.html>.

###

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## UNITED STATES CONGRESS

**FOR IMMEDIATE RELEASE**

Friday, March 9, 2012

**CONTACT:** Adam Bozzi (Bennet) – 202-228-5905

Tara Trujillo (Udall) – 202-224-4334

Juliet Johnson (DeGette) – 202-225-4431

Catherine Mortensen (Lamborn) – 202-841-2653

Leslie Oliver (Perlmutter) – 303-810-6326

Joe Megyesy (Coffman) – 202-744-0288

Chris Fitzgerald (Polis) – 202-225-2161

Rachel Boxer (Gardner) – 970-221-7153

Josh Green (Tipton) – 202-225-4761

## EPA Gives Initial Approval to Colorado's Plan - Backed by Delegation - to Reduce Regional Haze Pollution

**Washington, DC** - The Colorado Congressional delegation today applauded the U.S. Environmental Protection Agency's (EPA) preliminary approval of Colorado's State Implementation Plan (SIP) to reduce regional haze pollution in Colorado's national parks and wilderness areas. The EPA's proposal to adopt the plan would approve the Colorado strategy through 2018.

The SIP is designed to significantly reduce harmful emissions of sulfur dioxide, nitrogen oxide and other pollutants in Class I areas in Colorado, which are national parks and wilderness areas protected under the Regional Haze Program. The SIP was reviewed and endorsed by a broad, bipartisan coalition of stakeholder groups and elected officials in Colorado before Governor John Hickenlooper submitted it to the EPA.

"EPA's announcement marks a significant endorsement of Colorado's plan aimed at improving public health, increasing visibility and reducing haze pollution in our great national parks and wilderness areas, which drive so much of Colorado's tourism and recreation economy," **said Senator Michael Bennet**. "I am pleased that the EPA has recognized the broad support for this plan in Colorado from conservation groups to electric utilities to both houses of the state legislature."

"Air pollution in Colorado's iconic national parks and wilderness areas puts at risk not only the health and enjoyment of our state's special places - but also the people who depend on recreation and tourism for their livelihoods," **Senator Mark Udall said**. "I'm extremely thankful for the work of the broad, bipartisan group of Coloradans who worked hard to develop the SIP. And I applaud EPA's decision to advance the plan to final approval and implementation."

"Today's decision by the EPA will help ensure Colorado's air is cleaner and our families' health is protected," **said Representative Diana DeGette**. "As someone who's worked tirelessly to protect our natural heritage, I'm extremely pleased that the plan will address visibility concerns in our parks and wilderness areas. The exemplary local process to

craft the SIP brought together diverse and bipartisan stakeholders like the state's electric utilities, conservation organizations, state legislature, the governor, and others, and the result is a decision today that will help us all breathe easier."

"Colorado's plan to meet regional haze requirements under the Clean Air Act is a carefully designed approach that is the result of a wide ranging public process that included numerous state agencies, environmental groups, industry and the Colorado legislature," **said Representative Doug Lamborn**. "The plan is consistent with Colorado's efforts to develop a balanced electricity portfolio that includes well-controlled coal, natural gas and renewable energy and I am pleased to see the EPA indicate it is proposing approving the Colorado plan."

"Every year pollution costs Coloradans millions of dollars in healthcare costs," **said Representative Ed Perlmutter**. "I am pleased to work with the EPA to find innovative ways to reduce pollution in our state."

"Our national parks and wilderness areas are some of our state's greatest treasures and I am pleased the EPA is going to allow Colorado to proceed with our own plan to reduce air pollution and improve public health in those areas," **Representative Mike Coffman said.**

"Colorado is known for its special places and crisp Rocky Mountain air," **said Representative Jared Polis**. "The EPA's approval of Colorado's plan is a testament to stakeholder collaboration and the shared understanding that keeping our state's celebrated landscapes pristine means protecting Colorado's health, culture and economy."

"Colorado's Regional Haze SIP has had broad, bi-partisan support and will enhance visibility through the reduction in various emissions across Colorado," **said Representative Cory Gardner**. "I am thrilled that EPA has decided to accept the Colorado plan and look forward to the benefits Coloradoans and their visitors will experience as a result of this decision."

In December, the delegation sent a [letter to EPA Administrator Lisa P. Jackson](#) in support of Colorado's State Implementation Plan to reduce regional haze pollution.

# # #

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March 9, 2012  
Contact: Daniel Whitten  
Phone: [\(202\) 789-8490](tel:(202)789-8490)  
E-Mail: dwhitten@anga.us

### **ANGA Statement on Colorado's State Implementation Plan for Regional Haze**

***Background:*** Following is a statement by Daniel Whitten, Vice President for Strategic Communications at America's Natural Gas Alliance, on today's announcement that the Environmental Protection Agency gave preliminary approval to Colorado's State Implementation Plan for Regional Haze.

"ANGA commends the Environmental Protection Agency on its initial approval of Colorado's State Implementation Plan for Regional Haze."

"Through the efforts of two governors and two general assemblies and with input from a diverse set of stakeholders –including Colorado's natural gas producers – the state has developed and is implementing the bipartisan Clean Air Clean Jobs Act. This is a responsible and innovative Colorado-based solution, which will lead to more domestic production of clean-burning natural gas, strong job growth, and cleaner air.

Today's development is another important step toward greater use of natural gas and toward reduction of emissions of mercury and smog-forming compounds such as NOX and SOX. Natural gas power plants produce virtually no emissions of mercury or SOX, and this plan will reduce NOX emissions at metro-area power plants along the state's Front Range by 70 to 80 percent by 2018.

"Natural gas is substantially cleaner than dominant alternatives for power generation and transportation, and its increased use will lead to better air quality and more jobs. We're proud of the contributions the natural gas community is making today to provide a clean, abundant, American source of fuel that can help protect Colorado's majestic outdoors, which are central to Colorado's tourism industry and advance the state's economy."

###

**America's Natural Gas Alliance (ANGA)** represents 30 of the nation's leading independent natural gas exploration and production companies. ANGA members are dedicated to increasing the appreciation of the environmental, economic and national security benefits of clean, abundant, American natural gas. Learn more about ANGA at [www.anga.us](http://www.anga.us)

James Martin  
Regional Administrator  
Region 8  
U.S. Environmental Protection Agency

01268-EPA-7283

**Michael Moats/DC/USEPA/US**

03/14/2012 08:09 PM

To Richard Windsor

cc Brendan Gilfillan, Andra Belknap

bcc

Subject ACTION draft Energy Star blog post

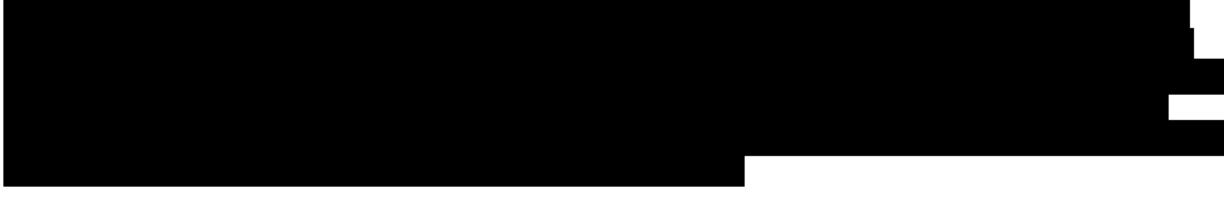
Administrator, pasted below is a draft blog post for Energy Star's 20th anniversary. Huffington Post has expressed interest in running this tomorrow or as soon as we have a final approved version.

For your review, thanks.

-----

**DRAFT**

(b) (5) Deliberative



-----  
Michael Moats  
Chief Speechwriter

US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7284

**Richard  
Windsor/DC/USEPA/US**  
03/15/2012 12:29 PM

To Brendan Gilfillan, Michael Moats  
cc Andra Belknap  
bcc  
Subject Re: ACTION draft Energy Star blog post

Looks great. Tx!  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 03/15/2012 12:27 PM EDT  
**To:** Michael Moats  
**Cc:** Andra Belknap; Richard Windsor  
**Subject:** Re: ACTION draft Energy Star blog post

Hey boss - just bumping this up in your inbox. Pls let us know if you have any thoughts/concerns - we're hoping to get to Huff Po today. Thanks!

Michael Moats      [Administrator, pasted below is a draft bl...](#)      03/14/2012 08:09:03 PM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA  
Date: 03/14/2012 08:09 PM  
Subject: ACTION draft Energy Star blog post

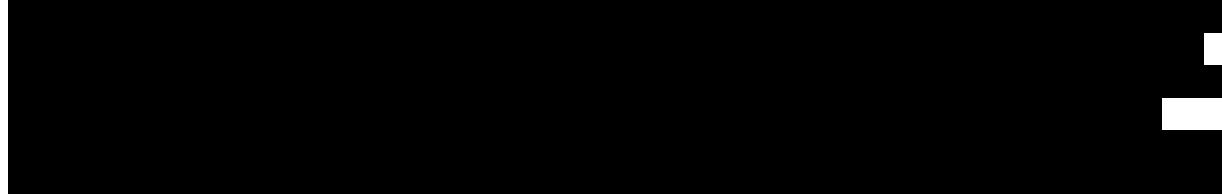
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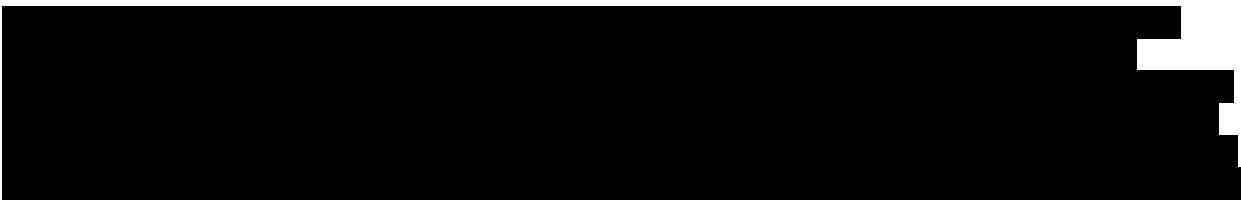
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**DRAFT**

(b) (5) Deliberative



(b) (5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7285

Richard  
Windsor/DC/USEPA/US  
03/15/2012 12:29 PM

To Brendan Gilfillan  
cc Michael Moats, Andra Belknap  
bcc  
Subject Re: ACTION draft Energy Star blog post

Looks great. Tx.

Brendan Gilfillan | Hey boss - just bumping this up in your... 03/15/2012 12:27:12|PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA  
Cc: Andra Belknap/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Date: 03/15/2012 12:27 PM  
Subject: Re: ACTION draft Energy Star blog post

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Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA  
Date: 03/14/2012 08:09 PM  
Subject: ACTION draft Energy Star blog post

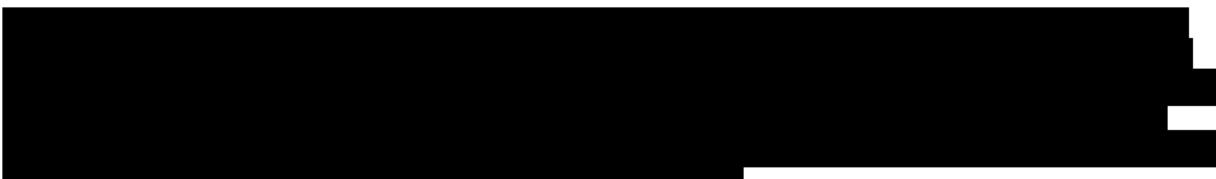
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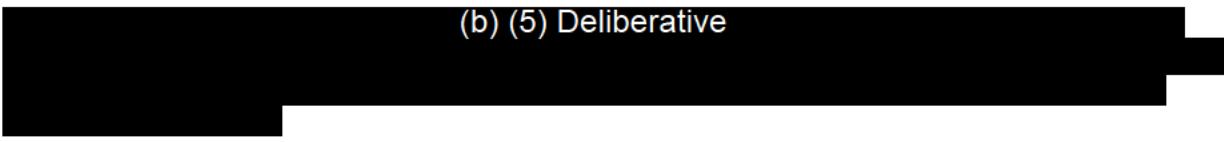
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DRAFT

(b) (5) Deliberative



(b) (5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-7286

Richard  
Windsor/DC/USEPA/US  
03/16/2012 08:24 AM

To Betsaida Alcantara, Brendan Gilfillan, Arvin Ganesan, Alisha Johnson, Andra Belknap, Laura Vaught  
cc  
bcc  
Subject Re: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

Om goodness.  
Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara  
**Sent:** 03/16/2012 08:20 AM EDT  
**To:** Richard Windsor; Brendan Gilfillan; Arvin Ganesan; Alisha Johnson; Andra Belknap; Laura Vaught  
**Subject:** The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'  
Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

by Ben Geman  
03/16/12

Conservative Sen. James Inhofe (R-Okla.) offered high praise Thursday night for a trio of ideological foes, including MSNBC host Rachel Maddow.

"By the way, you and Lisa Jackson and Barbara Boxer are my three favorite liberals, because I enjoy watching you very much," Inhofe told Maddow during an interview about global warming.

EPA Administrator Lisa Jackson and Sen. Barbara Boxer (D-Calif.), the chairwoman of the Senate Environment and Public Works Committee, are frequent sparring partners for Inhofe, the panel's top Republican.

However, Inhofe frequently points out that he has a friendly relationship with them.

"Lisa, she even has a picture of my 20 kids and grandkids hanging on her wall. She and I get along fine," Inhofe said on MSNBC. (An EPA spokeswoman confirmed his comment about the picture.)

Inhofe has long battled EPA and Democratic efforts to curb greenhouse gas emissions through cap-and-trade legislation, which collapsed in 2010, or regulations.

He's Capitol Hill's most outspoken opponent of mainstream climate science. "You say something over and over again and sooner or later, people, particularly your audience, there's a liberal audience, they want to believe it," Inhofe told Maddow.

The overwhelming majority of climate scientists say the planet is warming and that human activities - including the burning of fossil fuels - are a major cause.

A small minority of scientists argue that data on warming trends and the human contribution is inaccurate or inconclusive.

01268-EPA-7288

**Richard  
Windsor/DC/USEPA/US**  
03/16/2012 11:14 AM

To Laura Vaught  
cc  
bcc  
Subject Re: Southern EPA Compliance Cost and Timeline Update

Laura Vaught

(b) (5) Deliberative [REDACTED] ?

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 03/16/2012 11:03 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Michael Goo; Gina McCarthy; Arvin Ganesan; Brendan Gilfillan; Scott Fulton  
**Subject:** Fw: Southern EPA Compliance Cost and Timeline Update

FYI - see below

(b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[attachment "BAML - Southern 3.15.12.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-7289

**Laura Vaught/DC/USEPA/US**

03/16/2012 12:04 PM

To Richard Windsor

cc

bcc

Subject Re: Southern EPA Compliance Cost and Timeline Update

(b) (5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor

**Sent:** 03/16/2012 11:14 AM EDT

**To:** Laura Vaught

**Subject:** Re: Southern EPA Compliance Cost and Timeline Update

(b) (5) Deliberative

?

Laura Vaught

----- Original Message -----

**From:** Laura Vaught

**Sent:** 03/16/2012 11:03 AM EDT

**To:** Richard Windsor; Bob Perciasepe; Michael Goo; Gina McCarthy; Arvin Ganesan; Brendan Gilfillan; Scott Fulton

**Subject:** Fw: Southern EPA Compliance Cost and Timeline Update

FYI - see below

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[attachment "BAML - Southern 3.15.12.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-7290

**Richard  
Windsor/DC/USEPA/US**  
03/16/2012 12:05 PM

To Laura Vaught  
cc  
bcc

Subject Re: Southern EPA Compliance Cost and Timeline Update

(b) (5) Deliberative

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 03/16/2012 12:04 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Southern EPA Compliance Cost and Timeline Update

(b) (5) Deliberative

Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 03/16/2012 11:14 AM EDT  
**To:** Laura Vaught  
**Subject:** Re: Southern EPA Compliance Cost and Timeline Update

(b) (5) Deliberative

?

Laura Vaught

----- Original Message -----

**From:** Laura Vaught  
**Sent:** 03/16/2012 11:03 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Michael Goo; Gina McCarthy; Arvin Ganesan; Brendan Gilfillan; Scott Fulton  
**Subject:** Fw: Southern EPA Compliance Cost and Timeline Update

FYI - see below

(b) (5) Deliberative

[REDACTED]

[attachment "BAML - Southern 3.15.12.pdf" deleted by Richard Windsor/DC/USEPA/US]



01268-EPA-7292

**Bob Sussman/DC/USEPA/US** To Richard Windsor, Bob Perciasepe  
03/16/2012 06:26 PM cc  
bcc  
**Subject** Fw: Water Defense Cries Foul on EPA Region 3's Dimock Statement

FYI

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
(202) 564-7397

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/16/2012 06:24 PM -----

Betsaida Alcantara See below ----- Forwarded by Terri-... 03/16/2012 04:05:43 PM

---

Any response?

Michael Rubinkam | Northeastern Pa. correspondent



Work: 610-530-5791  
Email: mrubinkam@ap.org  
Twitter: michaelrubinkam

**From:** Water Defense <[atinsly@gmail.com](mailto:atinsly@gmail.com)>  
**Date:** Fri, 16 Mar 2012 15:25:30 -0400  
**To:** <undisclosed-recipients:;>>  
**Subject:** Water Defense Cries Foul on EPA Region 3's Dimock Statement

For Immediate Release: March 16, 2012  
Contact: Ana Tinsly, Water Defense, 646-331-4765

## Water Defense Cries Foul on EPA Region 3's

## Dimock Statement

Statement from Claire Sandberg, Executive Director of Water Defense:

"In the middle of an investigation into water contamination caused by natural gas drilling, with only partial results from less than 20percent of households under investigation, the EPA's Region 3 office issued a press release last night implying that Dimock, PA's water has been given a clean bill of health. In the same statement to the press, EPA admitted thatseveral families still have arsenic and methane in their water, but the news headlines are already proclaiming that the water in Dimock is safe.

We are deeply troubled that EPA Region 3 has allowed its investigation to be employed in the service of the gas industry spin machine before testing is even complete. We call on EPA Region 3 Administrator Shawn Garvin to immediately release the agency's test results publicly, so that independent scientists, the public, and the Dimock residents themselves can evaluate the findings thus far. We also would like answers to the followingquestions:

Why is EPA Region 3's handling of the Dimock case so different from the way other EPA regional offices have handled similar cases in Texas and Wyoming? When similar contamination was reported in Pavillion, EPA Region 8 refused to release any results until after a year's worth of testing was complete. When EPA finally released results showing that the gas industry had poisoned Pavillion's water, the EPA let the data speak for itself instead of editorializing. We would expect the same kind of balanced approach in Dimock.

In Texas, EPA Region 6 ordered Range Resources to provide replacement water to families after their water was found to be contaminated with explosive levels of methane, which the EPA found posed an "imminent endangerment to the health of persons using those private drinking wells." In contrast, EPA Region 3 acknowledges that the Dimock residents' water is chock full of explosive levels of methane, but says the methane is not a health or safety problem. What accounts for this difference?

In terms of chemicals present in the Dimock residents' water, how is EPA establishing a standard of safety? Previous testing of Dimock water has found high levels of contaminants for which safe levels have not yet been established by EPA or DEP, but which are known to present possible health risks, including: naphthalene, phenanthrene, butyl benzyl phthalate, 1-methylnaphthalene, 2-methylnaphthalene, diethylene glycol, triethylene glycol, 2-methoxyethanol, Bis (2-Ethylhexyl) adipate, Bis (2-Ethylhexyl) phthalate, methylene blue active substances, gas range organics, acetone and ammonia. Although not presently regulated by the Environmental Protection Agency or the Pennsylvania Department of Environmental Protection and thus no MCLs exist, these chemicals are not safe for ingestion, in either the short or long term.

In light of these serious unanswered questions, it is hard not to conclude that EPA Region 3 is putting political expedience before the science and Dimock residents' health. We hope that is not the case, and call on Region 3 Administrator Shawn Garvin to immediately release all available testing results, and affirm his commitment to a transparent and unbiased investigation."

--  
Ana Tinsly  
Communications Director  
Water Defense  
(646) 331-4765 c  
@anatinsly

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1898 and delete this email. Thank you.

[IP\_US\_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

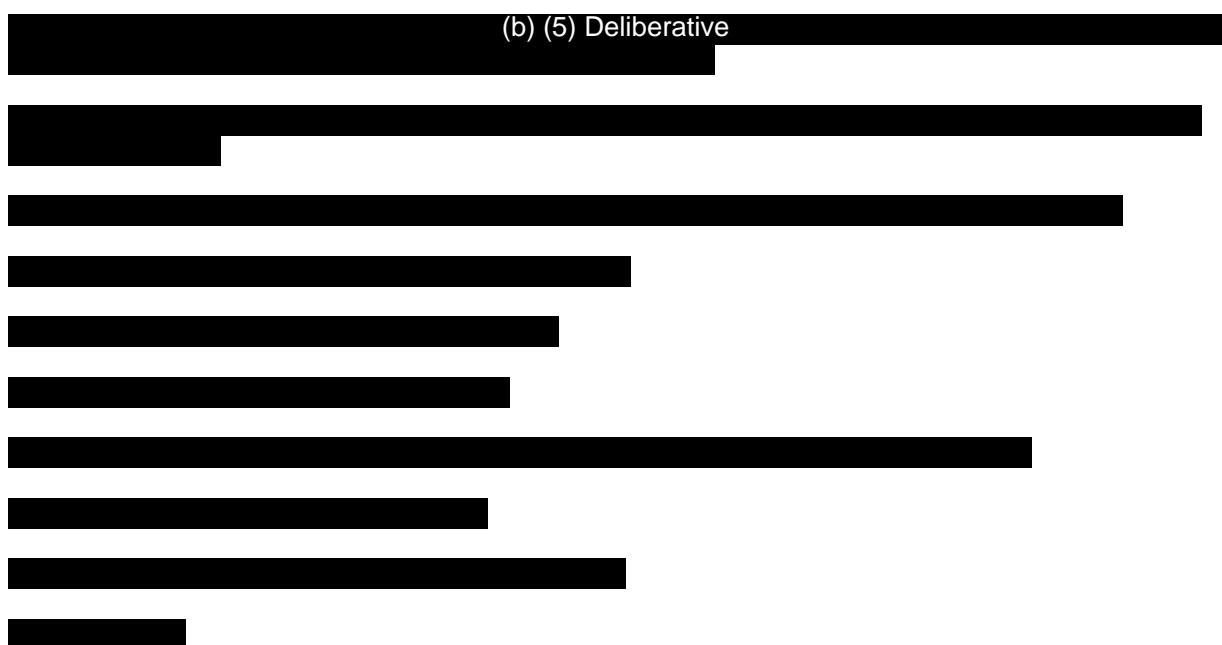
01268-EPA-7294

Richard  
Windsor/DC/USEPA/US  
03/21/2012 05:16 PM

To Bob Perciasepe, Diane Thompson, Bob Sussman, Nancy  
Stoner, Gina McCarthy, Scott Fulton, Michael Goo  
cc  
bcc  
Subject A Few Updates Needed -

Folks,

(b) (5) Deliberative



Thanks folks. Please keep these brief. Lisa

01268-EPA-7295

Bob Sussman/DC/USEPA/US  
03/21/2012 05:28 PM  
**To:** Richard Windsor  
**cc:** Bob Perciasepe, Diane Thompson, Gina McCarthy, Michael Goo, Nancy Stoner, Scott Fulton  
**bcc:**  
**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

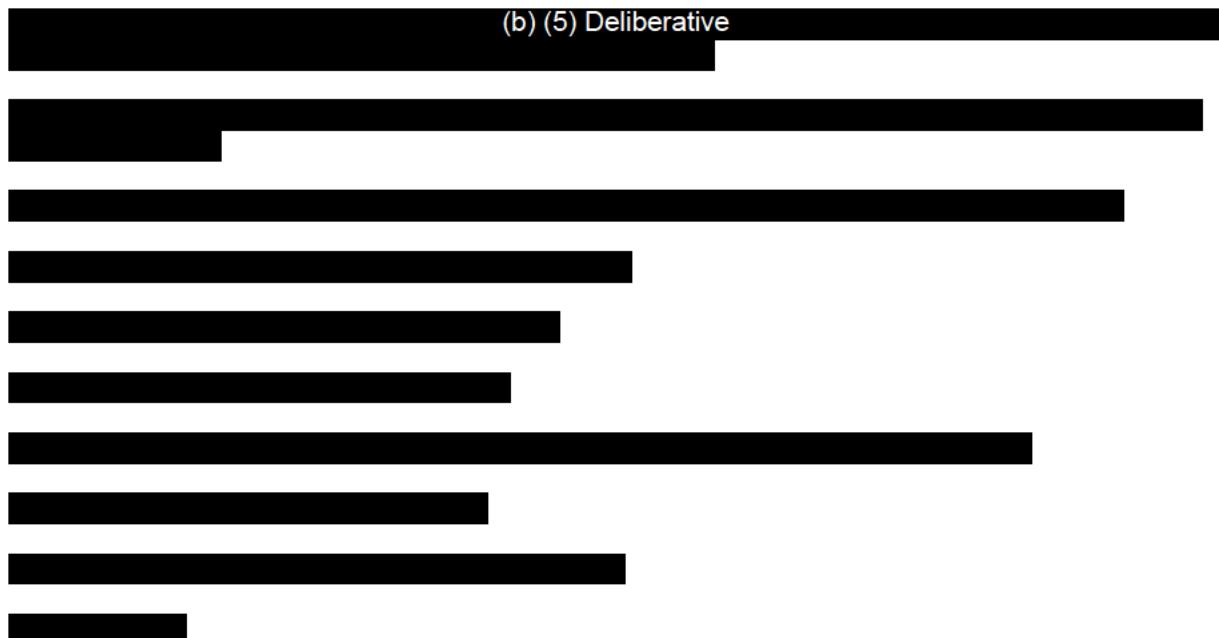
Richard Windsor Folks, (b) (5) Deliberative 03/21/2012 05:16:52 PM

---

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



Thanks folks. Please keep these brief. Lisa



01268-EPA-7302

**Bob Sussman/DC/USEPA/US** To Bob Perciasepe  
03/21/2012 07:56 PM cc Nancy Stoner, Richard Windsor  
bcc  
Subject Re: A Few Updates Needed -

Yes -- but [REDACTED] (b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Bob Perciasepe [REDACTED] (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 -

[REDACTED] (b) (5) Deliberative [REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 [REDACTED] (b) (6) Personal Privacy

Nancy Stoner [REDACTED] Here is info on my items. (b) (5) Deliberative 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.

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].  
(b) (5) Deliberative

Hope this is helpful. Bob S is very familiar with both matters, so he should feel free to add anything important I may have omitted.

Good luck tomorrow!

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, [REDACTED] (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,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(b) (5) Deliberative



Thanks folks. Please keep these brief. Lisa

01268-EPA-7309

(b) (6) Personal Privacy

03/26/2012 11:02 AM

Please respond to

(b) (6) Personal Privacy

To Richard Windsor

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

Sent from my Verizon Wireless BlackBerry

---

**From:** Google Alerts <googlealerts-noreply@google.com>

**Date:** Mon, 26 Mar 2012 06:47:12 +0000

**To:** <(b) (6) Personal Privacy

**Subject:** Google Alert - EPA Lisa jackson

News

2 new results for **EPA Lisa jackson**

[\*\*EPA veto of West Virginia mine permit overreached\*\*](#)

SteelGuru

Gov Earl Ray Tomblin who urged **EPA** Administrator **Lisa Jackson** to admit that they have gone too far said that "This is a huge victory for West Virginia and our coal miners." He said that "Issue our permits so that we can put our people back to work and

...

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[\*\*A Lot of Gas\*\*](#)

New Yorker (blog)

... whether anybody likes it or not, called on President Barack Obama to fire three of his Cabinet members: the Energy Secretary, Steven Chu; the Interior Secretary, Ken Salazar; and the head of the **Environmental Protection Agency**, **Lisa Jackson**.

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[New  
Yorker  
\(blog\)](#)

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01268-EPA-7310

**Richard  
Windsor/DC/USEPA/US**  
03/26/2012 09:49 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: FYI - WaPo story

Um. Ok

---

**From:** Brendan Gilfillan  
**Sent:** 03/26/2012 09:45 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Arvin Ganesan; Michael Goo; Bob Sussman; Gina McCarthy; Joseph Goffman  
**Subject:** Re: FYI - WaPo story

AP story:

EPA to reduce new power plants' carbon pollution

By DINA CAPPIELLO, Associated Press

WASHINGTON (AP) — The Obama administration is pressing ahead with the first-ever limits on heat-trapping pollution from new power plants.

Administration officials told The Associated Press that the long-delayed proposal will be released Tuesday.

The regulation is likely to draw fire from Republicans, who have claimed it will increase electricity prices and clamp down on domestic energy resources.

But it also will fall short of environmentalists' hopes because it goes easier than it could have on coal-fired power generation. Coal-burning plants are already struggling to compete with cheap natural gas.

The proposed rule will not apply to existing power plants or new ones built in the next year. It will also give future coal-fired power plants years to meet the standard, which will eventually require carbon pollution to be captured and stored underground.

---

**From:** Brendan Gilfillan  
**Sent:** 03/26/2012 08:13 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Arvin Ganesan; Michael Goo; Bob Sussman; Gina McCarthy; Joseph Goffman  
**Subject:** FYI - WaPo story

Below

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**From:** Brendan Gilfillan [(b) (6) Personal Privacy]  
**Sent:** 03/26/2012 08:07 PM AST  
**To:** Brendan Gilfillan

**EPA to impose first greenhouse gas limits on power plants**  
**By Juliet Eilperin, Monday, March 26, 7:24 PM**

The [Environmental Protection Agency](#) will issue the first limits on [greenhouse gas emissions](#) from new power plants as early as Tuesday, according to several people briefed on the proposal. The move could end the construction of new conventional coal-fired facilities in the United States.

The proposed rule — years in the making and approved by the White House after months of review — will require any new power plant to emit no more than 1,000 pounds of carbon dioxide per megawatt of electricity produced. The average U.S. natural gas plant, which emits between 800 and 850 pounds of CO<sub>2</sub> per megawatt, meets that standard; coal plants emit an average of 1,768 pounds of carbon dioxide per megawatt.

Industry officials and environmentalists said in interviews that the rule, which comes on the heels of tough new requirements that the Obama administration imposed on [mercury emissions](#) and [cross-state pollution](#) from utilities within the past year, dooms any proposal to build a new coal-fired plant that does not have costly carbon controls.

"This standard effectively bans new coal plants," said Joseph Stanko, who heads government relations at the law firm Hunton and Williams and represents several utility companies. "So I don't see how that is an 'all-of-the-above' energy policy."

The rule provides an exception for coal plants that are already permitted and beginning construction within a year. There are about 20 coal plants now pursuing permits; two of them are federally subsidized and would meet the new standard with advanced pollution controls.

The White House declined to comment. President Obama does not mention coal as a key component of the nation's energy supply in speeches about his commitment to exploiting oil and gas reserves and renewable sources.

The proposal does not cover existing plants, although utility companies have announced that they plan to shut down more than 100 boilers, representing more than 40 gigawatts of capacity — nearly 13 percent of the nation's coal-fired electricity — rather than upgrade them with pollution-control technology.

Michael Brune, executive director of the Sierra Club, said the new rule "captures the end of an era" during which coal provided most of the nation's electricity. It currently generates about 40 percent of U.S. electricity.

The power sector accounts for 40 percent of the nation's greenhouse gas emissions, and Brune said it is "the only place where we're making significant progress" at curbing greenhouse gas emissions linked to climate change, adding "at the same time, it's not sufficient."

Cheap [natural gas](#) is also contributing to the closure of aging coal-fired plants, as many utilities switch over to gas plants, which have about half the carbon emissions.

"Gas is contributing to the closure of these plants," Dominion Resources chief executive Thomas F. Farrell II said in an interview last week. But Farrell, who also chairs the Edison Electric Institute, the utility trade association, added, "It's not all EPA. It's a combination of low gas prices and EPA working at the same time."

Still, National Mining Association spokesman Luke Popovich said the proposal shows that Obama is following through on his pledge to reduce greenhouse gas emissions through means other than legislation.

"After Congress refused to pass carbon caps, the administration insisted there were other ways to skin the cat and this is another way — by setting a standard deliberately calculated to drive affordable coal out of the electricity market," Popovich said.

Conrad Schneider, advocacy director for the Clean Air Task Force, said the proposed rule will ensure a cut in the nation's carbon output even if gas prices spike. He cited four planned coal plants that would capture part of their carbon emissions and store them, largely by injecting them into depleted wells to enhance oil recovery. "We need regulatory signals and economic incentives" to make these projects economical, Schneider said.

The EPA rule, called the New Source Performance Standard, will be subject to public comment for at least a month before being finalized, but its backers said they were confident that the White House will usher it into law before Obama's first term ends.

"The Obama administration is committed to moving forward with this," said Nathan Willcox, federal global warming program director for the advocacy group Environment America. "They're committed to doing it this, and we're committed to helping them do it."

01268-EPA-7311

**Michael Goo/DC/USEPA/US**  
03/26/2012 10:48 PM

To Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Betsaida Alcantara, Arvin Ganesan, Bob Sussman, Gina McCarthy, Joseph Goffman

cc

bcc

Subject Re: FYI Bloomberg story with Brune quote

<http://mobile.bloomberg.com/news/2012-03-26/epa-said-to-be-close-to-tightening-u-s-greenhouse-gas-limits.html>

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**From:** Brendan Gilfillan  
**Sent:** 03/26/2012 09:45 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Arvin Ganesan; Michael Goo; Bob Sussman; Gina McCarthy; Joseph Goffman  
**Subject:** Re: FYI - WaPo story

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**Sent:** 03/26/2012 08:13 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Arvin Ganesan; Michael Goo; Bob Sussman; Gina McCarthy; Joseph Goffman  
**Subject:** FYI - WaPo story

Below

---

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**Sent:** 03/26/2012 08:07 PM AST

**To:** Brendan Gilfillan

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"The Obama administration is committed to moving forward with this," said Nathan Willcox, federal global warming program director for the advocacy group Environment America. "They're committed to doing it this, and we're committed to helping them do it."

01268-EPA-7317

Richard  
Windsor/DC/USEPA/US  
03/27/2012 04:21 PM

To Sarah Pallone  
cc  
bcc  
Subject Re: Esty Comment on EPA Rule

Cool  
Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 03/27/2012 04:17 PM EDT  
**To:** Richard Windsor; Brendan Gilfillan; Gina McCarthy; Laura Vaught; Arvin Ganesan  
**Subject:** Fw: Esty Comment on EPA Rule  
Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

**From:** Schain, Dennis  
**Sent:** Tuesday, March 27, 2012 3:03 PM  
**Subject:** Esty Comment on EPA Rule

Contact: Dennis Schain  
860 – 424-3110  
[Dennis.schain@ct.gov](mailto:Dennis.schain@ct.gov)

March 27, 2012

## Statement of DEEP Commissioner Daniel C. Esty on EPA's Proposed Carbon Pollution Standards

*Commissioner Daniel C. Esty of the Connecticut Department of Energy and Environmental Protection (DEEP) today issued the following statement concerning the Environmental Protection Agency (EPA) release of first-ever national standards to cover greenhouse gas (GHG) emissions from new fossil fuel fired power plants (also known as New Source Performance Standard)s:*

“EPA took an important step forward today in proposing standards for new fossil fuel power plants that will control greenhouse gas (GHG) emissions linked to climate change. While Connecticut already participates in a program to limit these emissions, I am confident EPA’s requirements for new power plants can successfully co-exist with our program – the Regional Greenhouse Gas Initiative.”

"EPA's proposed standards are both reasonable and achievable. These standards will help move Connecticut and the entire nation to a cleaner, cheaper and more reliable energy future."

"Until such time that Congress adopts comprehensive climate legislation, it is critical for Connecticut and other states – with the support of EPA – to play a strong role in addressing climate change. Our approach must be guided by common sense, so that we can achieve the critical goals of protecting our environment, promoting affordable renewable energy and growing our economy."

Dennis Schain  
Communications Director  
Conn. Dept. of Energy & Environmental Protection  
Phone: 860-424-3110  
Cell: 860-462-3468  
Fax: 860-424-4053  
[dennis.schain@ct.gov](mailto:dennis.schain@ct.gov)

[attachment "eparule03-27-12.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-7318

**Bob Sussman/DC/USEPA/US**

03/31/2012 02:21 PM

To Betsaida Alcantara, Richard Windsor, Bob Perciasepe, Diane Thompson, Brendan Gilfillan, Alisha Johnson, David Bloomgren, Andra Belknap, Arvin Ganesan, Laura Vaught, Avi Garbow, Scott Fulton, Cynthia Giles-AA, Mathy Stanislaus, Lisa Feldt

cc

bcc

Subject Re: WSJ: EPA Backpedals on Fracking Contamination

(b) (5) Deliberative

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara**Sent:** 03/31/2012 10:40 AM EDT**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Alisha Johnson; David Bloomgren; Andra Belknap; Arvin Ganesan; Laura Vaught; Avi Garbow; Scott Fulton; Cynthia Giles-AA; Mathy Stanislaus; Lisa Feldt**Subject:** WSJ: EPA Backpedals on Fracking Contamination

EPA Backpedals on Fracking Contamination

Texas Water-Pollution Suit Dropped; Third Recent Setback on Drilling for Agency

By DANIEL GILBERT And RUSSELL GOLD

The Environmental Protection Agency has dropped its claim that an energy company contaminated drinking water in Texas, the third time in recent months that the agency has backtracked on high-profile local allegations linking natural-gas drilling and water pollution.

On Friday, the agency told a federal judge it withdrew an administrative order that alleged Range Resources Corp. had polluted water wells in a rural Texas county west of Fort Worth. Under an agreement filed in U.S. court in Dallas, the EPA will also drop the lawsuit it filed in January 2011 against Range, and Range will end its appeal of the administrative order.

In addition to dropping the case in Texas, the EPA has agreed to substantial retesting of water in Wyoming after its methods were questioned. And in Pennsylvania, it has angered state officials by conducting its own analysis of well water—only to confirm the state's finding that water once tainted by gas was safe.

Taken together, some experts say, these misfires could hurt the agency's credibility at a time when federal and state regulators seek ways to ensure that natural-gas drilling is done safely.

A growing number of industry, academic and environmental experts say that while drilling can cause water contamination, that can be avoided by proper use of cement seals and other safety measures.

By year's end, the EPA is set to release initial results of a study on the impact on water of hydrofracturing, or fracking, which involves using a high-pressure mixture of water, sand and chemicals to break apart energy-rich rocks. State officials contend they are in a better position to evaluate drilling procedures and safety in their areas, but they have been accused of laxity by environmentalists and local governments officials.

EPA officials declined to comment on their broader efforts to regulate gas drilling. But in a statement, the agency said that settling with Range "allows EPA to shift the agency's focus in this particular case away

from litigation and toward a joint effort on the science and safety of energy extraction." The agency said it and Range would continue to monitor water wells and share data.

Range is pleased the EPA has not found that its drilling was responsible for gas in water wells, said Matt Pitzarella, a Range spokesman.

Michael Webber, an energy and environment professor at the University of Texas in Austin, said the EPA's retreat in the Range case would give critics more ammunition and complicate the process of proposing rules for fracking.

"This is damaging to the EPA," he said, though he thinks the agency will move ahead with regulations.

On Dec. 7, 2010, the EPA publicly accused Range of causing natural gas to seep into water wells near some of its gas wells in north Texas. The agency largely based its decision on an analysis that compared the chemical makeup of the gas in Range's production wells and the gas found in private water wells, concluding they matched.

The EPA bypassed the Texas Railroad Commission, which it said failed to address an "imminent and substantial endangerment" to public health. It ordered Range to supply water to the affected residents, identify how gas was migrating into the aquifer, stop the flow and clean up the water.

After the EPA sued Range for not complying with its order, Range appealed, arguing that the agency's analysis was inconclusive. It pointed to nearby water wells that were known to contain high concentrations of gas long before it began drilling.

The railroad agency, which regulates oil and gas, concluded last year that gas most likely seeped into the aquifer from a shallow pocket of gas nearby, not the Barnett Shale, thousands of feet underground, from which Range was producing gas.

On Friday, the commission accused the EPA of "fear mongering, gross negligence and severe mishandling" of the case, calling for the firing of Al Armendariz, administrator of the region that covers Texas. The EPA would not make Mr. Armendariz available for an interview, and he did not respond to an e-mailed request for comment.

Kate Sinding, a senior attorney with the Natural Resources Defense Council, said the EPA's decision not to pursue a case against Range showed how important it is to test water quality before drilling begins. "This points out why it is so critically important to get a regulatory structure in place where companies are required to do thorough, publicly available baseline testing before they get in ground," she said.

In Pennsylvania, state regulators fined Cabot Oil & Gas Corp., COG +3.04% a Houston company that was found responsible for gas escaping into an aquifer in Dimock and that agreed to take remedial steps to clean up the water. After residents complained the efforts weren't good enough, the EPA in January said it would test drinking water at about 60 homes.

Earlier this month, the EPA released results from well water testing at 11 homes in Dimock and said the results "did not show levels of contamination that could present a health concern." This finding has been criticized by environmental groups, which argue that tests have found unsafe levels of gas and arsenic.

The EPA is also facing scrutiny from the gas industry and Wyoming's governor over an investigation of possible water contamination related to fracking near Pavillion, Wyo.

In December, the EPA released draft findings that groundwater there contained unsafe levels of benzene, a carcinogen, and other chemicals "consistent with gas production and hydraulic fracturing fluids."

But state officials and others disputed the findings, and the EPA has agreed to take more water samples and postpone a peer review of the findings. This process could take several more months, according to a spokesman for Republican Gov. Matt Mead.

Write to Daniel Gilbert at [daniel.gilbert @wsj.com](mailto:daniel.gilbert@wsj.com) and Russell Gold at [russell.gold@wsj.com](mailto:russell.gold@wsj.com)

01268-EPA-7319

**Lisa At Home**  
◀ (b) (6) Personal Privacy  
04/01/2012 12:06 AM

To Richard Windsor  
cc  
bcc  
Subject Georgia power plant and a small town's fears

Hey, check this out from CNN:  
Georgia power plant and a small town's fears  
<http://www.cnn.com/2012/03/31/us/georgia-coal-power/index.html>

Sent from my iPad

01268-EPA-7320

Richard  
Windsor/DC/USEPA/US  
04/05/2012 01:50 PM

To Brendan Gilfillan  
cc Bob Perciasepe  
bcc  
Subject Re: Draft blog

great. tx to you and Gina.

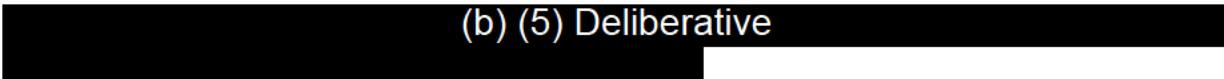
Brendan Gilfillan | Last week, EPA proposed a common-s... 04/05/2012 12:17:02|PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 04/05/2012 12:17 PM  
Subject: Draft blog

(b) (5) Deliberative



(b) (5) Deliberative



01268-EPA-7323

**Richard  
Windsor/DC/USEPA/US**  
04/05/2012 03:58 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: FYI

Yep. He's contradicting his own big natural gas/fracking push too.  
Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 04/05/2012 03:57 PM EDT  
**To:** Richard Windsor  
**Cc:** Laura Vaught  
**Subject:** Re: FYI

Yeah, pretty great, especially when compared to other statements made by other Members of the WV delegation. For instance:

"As today's announcement shows, this EPA is fully engaging in a war on coal, even though this country will continue to rely on coal as an affordable, stable and abundant energy source for decades to come," Senator Manchin said. "This approach relies totally on cheap natural gas and we've seen that bubble burst before. It might sound good now, but what happens if those prices go up? Your average hardworking families and manufacturers will be left holding the bag of uncertainty – either in the prices they pay or in the reliability of our electrical system. Either way, they'll face enormous disruptions in their ability to do business and go about their everyday lives.

"This is what happens when this country doesn't have a true all-of-the-above energy approach. Instead of trying to completely eliminate coal in the long-term, the EPA should be trying to work with industry. The EPA should have learned from the federal court decision last week on Spruce Mine that they're overreaching their authority. But this ill-advised proposal to prevent new coal-fueled generation will move this country away from using all our domestic resources, and I will fight it every step of the way."

Richard Windsor [http://blogs.wvgazette.com/coaltattoo/...](http://blogs.wvgazette.com/coaltattoo/) 04/05/2012 03:53:04 PM

---

From: Richard Windsor/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 04/05/2012 03:53 PM  
Subject: FYI

<http://blogs.wvgazette.com/coaltattoo/2012/03/28/sen-rockefeller-on-epa-greenhouse-gas-proposal-we-needed-to-grab-hold-of-our-own-future/>

01268-EPA-7324

Bob  
Perciasepe/DC/USEPA/US  
04/08/2012 01:41 PM

To Richard Windsor, Diane Thompson  
cc  
bcc  
Subject Another Crazy Blog

Here is a draft to think about. Aimed at a direct response. Sussman has not yet vetted.

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(b) (5) Deliberative



(b) (5) Deliberative



Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (6) Personal Privacy

01268-EPA-7326

Gina McCarthy/DC/USEPA/US  
04/11/2012 02:01 PM  
To: Richard Windsor, perciasepe.bob, gilfillan.brendan,  
Ganesan.Arvin, Thompson.Diane  
cc  
bcc  
Subject: Fw: Issa inquiry

Everyone - (b) (5) Deliberative  
? (b) (5) Deliberative [REDACTED] would appreciate your sage advice.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 04/11/2012 01:58 PM -----

From: Sarah Dunham/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US  
Cc: "Lorie Schmidt" <schmidt.lorie@epa.gov>, "Paul Gunning" <gunning.paul@epa.gov>, Rona Birnbaum/DC/USEPA/US@EPA  
Date: 04/11/2012 01:53 PM  
Subject: Issa inquiry

Gina-

Lorie wanted to make sure we flagged this incoming Issa letter for you (she might have already flagged this). I understand that following the recent GSA IG report, the Committee is asking for information on USG funded conferences attended by more than 50 USG employees. Unfortunately the Coalbed Methane Outreach Program (CMOP) conference is referenced in the letter, but it is not the focus of the inquiry nor relevant to the request. It appears that the Committee learned about the CMOP conference as a result of contacting the Las Vegas Convention and Visitors Authority and were told that it was an EPA event that would have 150 attendees. We expect only 2-3 EPA employees will attend.

We will provide the further information below to help respond to the inquiry.

Sarah

What is the CMOP conference?

The US Coal Mine Methane Conference is hosted by EPA's Coalbed Methane Outreach Program (CMOP) on an annual basis (since 2007). CMOP is one of EPA's voluntary programs that works in cooperation with industry to reduce methane emissions from US coal mining. The conference is a technology transfer event focused on advancing technology and practices that recover and beneficially use methane as a clean energy source. This year's conference is scheduled to be a one-day event.

Who attends the conference?

Participation in the conference includes 100 - 150 people, mostly the coal mining community and related coalbed methane industry sectors --both US and international attendees. Only two or three US EPA employees (CMOP staff) participate in the event - running event logistics, giving presentations and moderating technical sessions.

How is location determined and why is this year's event in Las Vegas?

Each year the location is determined to maximize participation from the coal mining community. Past locations have included St. Louis, Pittsburgh, Boulder, Birmingham, and Park City. This year's conference has been scheduled to occur concurrently and in the same location with the National Mining Association's MINExpo 2012, which is held every four years in Las Vegas. NMA is the largest mining

trade association and this MinExpo event attracts tens of thousands of mining company and related industry representatives. NMA invited EPA-CMOP to participate in MINExpo.

What does the conference cost?

This year's conference will cost an estimated \$76 K

01268-EPA-7329

**Richard  
Windsor/DC/USEPA/US**  
04/12/2012 11:32 AM

To Janet Woodka, Bob Perciasepe, Brendan Gilfillan, "Gina (Sheila) McCarthy"  
cc  
bcc

Subject Re: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

[REDACTED] (b) (5) Deliberative [REDACTED] ? Tx.  
Janet Woodka

----- Original Message -----

**From:** Janet Woodka  
**Sent:** 04/12/2012 11:30 AM EDT  
**To:** Bob Perciasepe; Richard Windsor; Brendan Gilfillan  
**Subject:** Fw: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector  
Gina was on this but wanted to make sure that you had it.

Janet

**From:** Khary Cauthen  
**Sent:** Thursday, April 12, 2012 9:31 AM  
**To:** jackson.lisa@epa.gov  
**Cc:** thompson.diane@epa.gov; sussman.bob@epa.gov; mccarthy.gina@epa.gov; Cindy Huang; Heidi Ellis; Amy Dewey  
**Subject:** Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

Administrator: Jack wanted to share with you the following thoughts on the Oil and Gas Sector NSPS Rule.



**Jack N. Gerard**  
President and Chief Executive Officer  
1220 L Street, NW  
Washington, DC 20005-4070  
USA  
Telephone (202) 682-8500  
Fax (202) 682-8110  
Email gerardj@api.org  
www.api.org

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April 12 , 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW

Washington, DC 20460

Re: New Source Performance Standards for the Oil and Gas Sector

Dear Administrator Jackson:

API and its member companies have urged EPA to improve the final rule to ensure it is both achievable and environmentally beneficial. API does not oppose the rule if changes can be made to ensure it can be reasonably implemented to avoid negative impacts to domestic oil and gas production and job creation. Now that EPA has obtained a short extension of the deadline for completing this rule, we would like to reiterate two important points.

**I. NSPS requires consideration of cost in the selection of control measures.**

In our comments on the proposed rule, we explained that, when the VOC content of gas is low, control measures (such as reduced emissions completions, or RECs) achieve very little VOC emissions reduction and are extraordinarily expensive (i.e., not cost-effective). Therefore, imposing control measures on low-VOC gas is not practicable and cannot be justified under the Clean Air Act.

EPA's cost analysis for the proposed rule assumed a fixed gas VOC content of about 18% by weight, which clearly is substantially higher than the VOC content of gas from many of the shale gas formations currently under development around the country. Our analysis shows that the estimated cost of control measures that EPA developed in support of the proposed rule was unrealistically low. For example, EPA's cost estimate for RECs did not take into account the time needed to transport needed equipment to a site and to set up the equipment once it arrives on site.

As a result of high VOC content and low equipment cost assumptions, EPA concluded that control measures, such as RECs, could be cost-effectively implemented at all affected facilities when, in fact, they can not. When applying the cost-effectiveness criteria EPA has routinely used in prior NSPS rules, control measures are not cost-effective unless the VOC content of the gas is 10% or higher.

In addition, even assuming EPA's cost estimates are correct, RECs still would not be cost-effective for a vast number of oil and gas production sites. For example, we explained in our comments that the average VOC content of gas from coal bed methane wells is close to zero. Using EPA's own REC cost estimates, assumptions about the VOC reductions achieved, and the value of methane that would be captured, the net cost effectiveness of VOC control would still be hundreds of thousands of dollars per ton of VOC reduced. This is plainly not cost-effective.

EPA does not have unlimited authority under § 111. EPA may regulate only to the extent that its rule can be justified under the prescribed statutory factors. A rule that applies without regard to VOC content is beyond EPA's authority.

**II. A phase-in period for reduced emissions completions is needed.**

In our comments on the proposed rule, we explained that a phase-in period will be needed to assure successful implementation of the new REC requirement where it will apply. We pointed out that about 25,000 new wells are completed each year and that there are approximately 300 REC sets

currently in use in the industry. Assuming each REC set can be used to complete 25 wells per year, this means that about 1000 new REC sets will be needed to ensure that the rule can be implemented without unreasonably delaying new well development. In addition, many existing REC sets likely will need to be retrofitted to meet the new standards. This means that all 300 existing sets will not be immediately available upon the effective date of the rule. For these reasons, the REC requirement should become effective two years after the rule is issued.

If EPA requires immediate compliance with the REC requirement, the rule will cause substantial delays in most oil and gas development projects. Not only is this bad energy and economic policy, such an outcome is not supported by the law (e.g., a standard that cannot be met by most affected sources plainly cannot be shown to be achievable). This situation can and should be avoided by providing a two-year phase-in period for the REC requirement.

While this letter focuses on the REC requirements, similar situations apply to storage vessels and pneumatic controllers. A VOC applicability limit and phase-in period should be included for these two affected sources as well.

\* \* \* \* \*

Thank you for the opportunity to submit these supplemental comments. Please feel free to contact me if you have questions or need additional information.

Sincerely,



Jack Gerard  
President and CEO  
American Petroleum Institute

[attachment "O&GAdministratorLtr.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-7330

Richard  
Windsor/DC/USEPA/US  
04/13/2012 10:43 AM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: Politico: American Crossroads hits Obama in coal country

Umm. [REDACTED] (b) (5) Deliberative [REDACTED]?  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 04/13/2012 10:13 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Laura Vaught  
**Subject:** Politico: American Crossroads hits Obama in coal country  
The conservative super PAC American Crossroads is going up today with a 60-second [radio ad](#) that features United Mine Workers President Cecil Roberts [complaining](#) about EPA regulations targeting coal. "I would say this: The Navy SEALS shot Osama bin Laden in Pakistan, and Lisa Jackson shot us in Washington," Roberts says. The \$175,000 buy will put the ad on the air in western Pennsylvania, southeastern/eastern Ohio and West Virginia, POLITICO's Morning Score [reports](#).

01268-EPA-7331

Bob  
Perciasepe/DC/USEPA/US  
04/15/2012 09:41 AM

To Karl Brooks, Al Armendariz, "Elworth, Larry", Gina McCarthy,  
"Windsor, Richard", "Sussman, Bob"

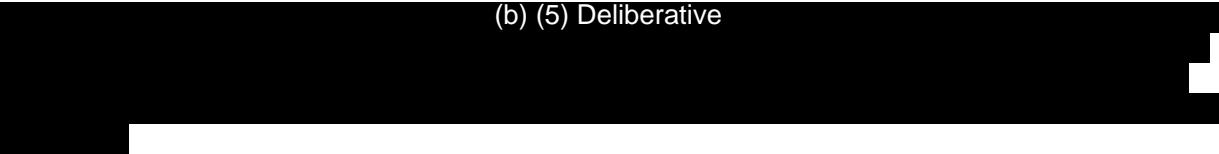
cc

bcc

Subject RE: Very thoughtful piece about climate change and ag: --  
American Corn Growers Association - June bugs in March  
give this farmer pause:

I also agree that this is thoughtful.

(b) (5) Deliberative



Thanks for sharing Al.

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6) Personal Privacy

----- Original Message -----

From : Karl Brooks/R7/USEPA/US  
To : Al Armendariz/R6/USEPA/US@EPA, "Elworth, Larry" <elworth.lawrence@epa.gov>, Gina McCarthy/DC/USEPA/US@EPA, "Windsor, Richard" <windsor.richard@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, "Sussman, Bob" <sussman.bob@epa.gov>  
Cc :  
Sent on : 04/15/2012 09:08:44 AM  
Subject : Re: Very thoughtful piece about climate change and ag: -- American Corn Growers Association - June bugs in March give this farmer pause:

Agreed on the authors open minded approach. Tx for fwdg. I'll let u all kno if we encounter more such in r7.

Cheers  
Karl  
Al Armendariz

----- Original Message -----

**From:** Al Armendariz  
**Sent:** 04/14/2012 11:49 AM EDT  
**To:** "Elworth, Larry" <elworth.lawrence@epa.gov>; Gina McCarthy; "Windsor, Richard" <windsor.richard@epa.gov>; Bob Perciasepe; "Sussman, Bob" <sussman.bob@epa.gov>; Karl Brooks  
**Subject:** Very thoughtful piece about climate change and ag: -- American Corn Growers Association - June bugs in March give this farmer pause:  
Fyi.  
Al

Recent reports urge adaptation to a new environment

Tilden, Neb., April 6, 2012.

Keith Dittrich is a corn and soybean farmer in Tilden, Neb. He is a co-chairman of the board of the American Corn Growers Institute for Public Policy.

On the last day of March, I sat on our patio after another spectacularly warm day, enjoying all the flowering trees. Towards evening, I heard the buzz, and a cat scrambled to catch the June bug that crash landed on the floor. June bugs in March in Nebraska? Next day, on a trail ride across the scenic--though dry--grasslands near Ashfall Fossil Beds north of our farm, I saw grasshoppers flying on the first of April (my birthday). Was this April fool baby just seeing things?

The ride was in remembrance of my twin sister, Denise Dittrich, taken almost a year ago by a cruel cancer. She worked in our nation's capital, where she pressed for regulatory changes to avert the impending banking crisis years before it happened. She was very wise, able to think clearly about the long-term effects of short-term actions, and to accurately predict when short-term gain or unwillingness to face facts resulted in longterm pain.

From a farmer's perspective, what causes me anxiety is that we have been fooled into complacency about risks to our economy and environment. What happens if the climate change naysayers are wrong, and even those who warn of risks have underestimated the seriousness of the situation?

The old timers say they have never seen a winter and spring like they have this year. I am no scientist, and neither are the old-timers with whom I have spoken. But I do have an open mind and I do read what the experts say about our earth's climate. In my business, I use experts all the time to assist me in making good choices about what to plant, how to fertilize and when to market. Why not use the experts for longer term weather risks? Typically farmers laugh at weather forecasters since we live the weather and know the forecasts certainly don't always come true. And how can forecasters predict accurately if historic patterns are mutating?

But recent news on climate change comes from unimpeachable sources such as the International Energy Agency and the United Nations. The IEA says that our earth could warm by 3.5 degrees Celsius/6.3 degrees Fahrenheit by 2035. The UN is encouraging countries to prepare to adapt to rapidly changing weather patterns--an expected increase in heat waves, more intense rains and floods, and a probable rise in the intensity of droughts. According to a recent article, reports that current weather is highly likely caused by increased CO<sub>2</sub> levels in the atmosphere [accessed March 30, 2012 <http://readersupportednews.org/news-section2/312-16/10620-earth-sends-climate-warning-by-busting-world-heat-records>].

On this farm we have moved from asking why this is happening, why doesn't everyone agree, and why the weathermen can't get it right. Today we're asking how. How are we going to deal with the effects of a changing climate on our farm, how early do we plant, how do we manage our risks and market our crops? How are we going to help the rest of our world survive in a changing environment and mitigate the changes that are taking place long-term? Cumulatively, how are we going to protect our farms, our livestock, our productive capacity, and our families in the decades to come?

Farmers' endless optimism sometimes gets in the way. Years of struggle, ups and downs, and we start to believe that things have a way of working out. But ask the folks near the Missouri or Mississippi Rivers, who dealt with the 300 year floods last year, their thoughts now. Ask the rhinos buried at Ashfall Fossil Beds under 11 feet of ash eons ago how it worked out for them.

Keith Dittrich is a corn and soybean farmer in Tilden, Neb. He is a co-chairman of the board of the American Corn Growers Institute for Public Policy.

[http://www.acga.org/index.php?option=com\\_content&task=view&id=175&Itemid=42](http://www.acga.org/index.php?option=com_content&task=view&id=175&Itemid=42)

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
[armendariz.al@epa.gov](mailto:armendariz.al@epa.gov)  
214-665-2100  
twitter: @al\_armendariz

01268-EPA-7334

Richard  
Windsor/DC/USEPA/US  
04/19/2012 09:39 AM

To Brendan Gilfillan  
cc  
bcc  
Subject Re: USA Today

Tx

----- Original Message -----

From: Brendan Gilfillan  
Sent: 04/19/2012 06:58 AM EDT  
To: Richard Windsor  
Cc: Alisha Johnson  
Subject: Fw: USA Today

Hey boss -

If this comes up in any of your events today, here's what our day 1 reaction is:

USA Today's story on lead pollution provides valuable insight into the problem of historical lead contamination across the United States. While EPA and its state and local partners have made progress cleaning up lead pollution and reducing lead emissions over the past 40 years, it is clear that much more work needs to be done, and that the Agency, states and local partners work on abandoned lead smelters is not finished. EPA is currently reviewing USA Today's sampling data and case studies and has already begun evaluating a number of the sites on the list to determine if they pose a risk to the surrounding communities - we will continue to work with states and local partners to evaluate those sites (to localize: including X site in Y region) to determine their status.

----- Original Message -----

From: Brendan Gilfillan  
Sent: 04/19/2012 06:46 AM EDT  
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Betsaida Alcantara; David Bloomgren; Mathy Stanislaus; Lisa Feldt; Arvin Ganesan; Laura Vaught; Sarah Pallone; Janet Woodka  
Subject: Fw: USA Today

----- Original Message -----

From: David Bloomgren  
Sent: 04/19/2012 06:05 AM EDT  
To: Brendan Gilfillan; Betsaida Alcantara; Larry Jackson; Stacy Kika  
Subject: USA Today

Here it is:

<http://www.usatoday.com/news/nation/story/2012-04-19/smelting-lead-contamination-government-failure/54399578/1>

By Alison Young, USA TODAY

Published: 4/18/2012 9:39:36 PM

Ken Shefton is furious about what the government knew eight years ago and never told him — that the neighborhood where his five sons have been playing is contaminated with lead.

Their Cleveland home is a few blocks from a long-forgotten factory that spewed toxic lead dust for about 30 years.

The Environmental Protection Agency and state regulators clearly knew of the danger. They tested soil throughout the neighborhood and documented hazardous levels of contamination. They never did a cleanup. They didn't warn people living nearby that the tainted soil endangers their children.

"I needed to know that," Shefton said. "I've got a couple of kids that don't like to do nothing but roll around in the dirt."

More than a decade ago, government regulators received specific warnings that the soil in hundreds of U.S. neighborhoods might be contaminated with dangerous levels of lead from factories operating in the 1930s to 1960s, including the smelter near Shefton's house, Tyroler Metals, which closed around 1957.

Despite warnings, federal and state officials repeatedly failed to find out just how bad the problems were. A 14-month USA TODAY investigation has found that the EPA and state regulators left thousands of families and children in harm's way, doing little to assess the danger around many of the more than 400 potential lead smelter locations on a list compiled by a researcher from old industry directories and given to the EPA in 2001.

In some cases, government officials failed to order cleanups when inspectors detected hazardous amounts of lead in local neighborhoods. People who live nearby — sometimes directly on top of — old smelters were not warned, left unaware in many cases of the factories' existence and the dangers that remain. Instead, they bought and sold homes and let their children play in contaminated yards.

The USA TODAY investigation shows widespread government failures taking several forms:

- A failure to look. At dozens of sites, government officials performed cursory inquiries at best. In Minnesota, Indiana and Washington, state regulators told the EPA they could find no evidence that some smelters ever existed.

Yet in those states and others, reporters found the factories clearly documented in old insurance maps, town council minutes, city directories and telephone books — even in historical photos posted on the Web.

- A failure to act. In Pennsylvania, Maryland and Wisconsin, the EPA sent investigators to scores of sites from 2004 to 2006 after verifying a lead smelter once operated. The investigators recommended soil tests in the neighborhoods. Most of the tests were not done.

•A failure to protect. Even when state and federal regulators tested soil and found high levels of lead, as they did around sites in Philadelphia, Cleveland, Chicago and Portland, Ore., they failed for years to alert neighbors or order cleanups. Some kids who played in yards with heavily contaminated soil have dangerous levels of lead in their bodies, according to medical records obtained by USA TODAY.

In response to the investigation and USA TODAY's soil tests in 21 neighborhoods, government officials are taking action at old smelter sites in 14 states, ranging from reopening flawed investigations to testing soil to cleaning up contaminated property. In March, New York City officials closed four ball fields in a Brooklyn park after learning from USA TODAY that the area was a former smelter site with elevated levels of lead.

"EPA and our state and local partners have overseen thousands of cleanups, through a variety of programs," said Mathy Stanislaus, an EPA assistant administrator. "Unfortunately, some of the sites USA TODAY identified have not yet been addressed or investigated by EPA. EPA will review USA TODAY's information to determine what steps can be taken to ensure Americans are not being exposed to dangerous levels of lead."

The EPA says it has worked with states to assess most of the sites on the 2001 list but that record-keeping is "incomplete" for many. Eighteen sites received some kind of cleanup but most weren't considered dangerous enough to qualify for federal action.

"I am convinced we have addressed the highest-risk sites," said Elizabeth Southerland, director of assessment and remediation for the EPA's Superfund program. "Absolutely and positively, we are open to reassessing sites that we now feel, based on your information, need another look."

EPA staff members said additional site reviews are underway, including checks of 48 sites the agency determined were never assessed. And the EPA said it will work with Ohio environmental regulators to re-examine the Cleveland neighborhood near Shefton's home to see whether a cleanup evaluation there is appropriate.

Ken Shefton and his family aren't waiting for the government to do a cleanup. His 6-year-old son, Jonathan, was diagnosed this spring with having an elevated level of lead in his body, Shefton said: "That was the last straw." He's in the process of selling his home. The family moved to another neighborhood last week. "Somebody needs to take care of this problem, or inform the people in this neighborhood," he said.

Concerns surfaced a decade ago

Most of the nation's lead factories – some huge manufacturing complexes and others tiny storefront melting shops – had been largely shuttered by the 1970s and 1980s. Often known as smelters, they emitted thousands of pounds of lead and other toxic metal particles into the air as they melted down batteries and other products containing lead.

The particles would land on nearby properties, potentially mixing with lead dust from automobile exhaust or paint chips – significant sources, says the government – to create a hazard. Children who play in lead-contaminated soil, sticking dust-covered hands or toys in their mouths, over time can suffer lost intelligence and other irreversible health problems.

In April 2001, environmental scientist William Eckel published a research article in the American Journal of Public Health warning about the dangers of

old smelting factories. While working on his Ph.D. dissertation, Eckel had identified a historical smelting site unknown to federal and state regulators and wondered how many other sites had been forgotten over time, their buildings demolished or absorbed by other businesses.

Eckel used old industry directories, which he cross-referenced with EPA databases, to come up with a list of more than 400 potential lead-smelting sites that appeared to be unknown to federal regulators.

Eckel confirmed that 20 of the sites' addresses were factories – and not just business offices – using Sanborn fire insurance maps, which detail the historical uses of individual pieces of property. An additional 86 sites were specifically listed in directories as "plant" locations. He paid to have soil samples tested from three sites in Baltimore and five in Philadelphia. All but one of the samples exceeded the EPA's residential hazard level for lead in areas where children play.

Eckel's article warned that the findings "should create some sense of urgency for the investigation of the other sites identified here because they may represent a significant source of exposure to lead in their local environments." The research indicates "a significant fraction" of the forgotten sites will require cleanups – likely at state and federal expense – because most of the companies went out of business long ago.

#### Buried by bureaucracy?

Eckel's research caught the attention of the EPA, which in 2001 asked him for a copy of his unpublished list, then shared it with EPA regional offices.

Records obtained under the Freedom of Information Act offer few details of the exact instructions the EPA gave to those receiving the list. Southerland, the EPA Superfund official, said the agency didn't provide regional offices any additional money or people to evaluate the old smelter locations. It asked only that the sites be put in their queues for possible assessment.

"We only have about 80 people and \$20 million each year to do our site assessment program," Southerland said. About half of that money is sent by the EPA to state agencies.

Cleaning up contamination left by a smelter can be expensive. In Omaha, the EPA has cleaned up 10,000 residential yards and spent nearly \$250 million addressing a former smelter there that wasn't on Eckel's list because it was already known to the agency. Many of the factories on Eckel's list were smaller operations.

With limited resources and many contaminated sites, state and federal environmental officials have to prioritize assessing sites they consider of greatest risk, Southerland said, and drinking-water contamination tends to trump soil contamination.

In addition, Southerland said, the EPA is authorized to clean up contamination only if it can show it came from an industrial release. That can be tricky to determine in some urban areas, where the agency says it's not uncommon to find high levels of lead contamination in soil, "particularly in large cities ... due to historic gasoline emissions from vehicles, aerial deposition from industrial facilities, and lead paint," the EPA said in a statement.

The government's efforts to investigate the sites on Eckel's list varied widely, records show. Dozens were never investigated. Others received a cursory records review or a "windshield survey" – a drive-by type of visit.

Soil was tested at some sites, but the testing in some cases was limited to the former smelter's property boundaries and ignored where the wind might have carried airborne contamination; in other cases, testing was also done in nearby neighborhoods.

By 2005, concerned the list of 464 sites had been too large of a workload for the regions, officials at EPA headquarters launched their own assessment effort, Southerland said. The focus was on having regions examine a sampling of 31 sites from Eckel's list. They concluded many lacked evidence that they were ever smelters, according to a 2007 report obtained under FOIA marked "For Internal EPA Use Only." The report said only one of the sites determined to have been factories, Loewenthal Metals in Chicago, might qualify for a federal cleanup and the rest were being addressed by state regulators. Southerland said a North Carolina site ultimately received a federal cleanup.

Only six of EPA's 10 regional offices had undertaken some sort of smelter discovery initiative, according to the 2007 internal EPA report. Two of those initiatives – one by federal officials in Pennsylvania and Maryland, the other by EPA Region 5 and Michigan state officials – focused on sites from Eckel's list, the report said.

Michigan regulators took actions at some Detroit smelters after the Detroit Free Press in 2003 did historical research into 16 Detroit sites on Eckel's list and found smelting or foundry work at most of them. Only one site was being cleaned up at the time of the report. In 2006-07, cleanups occurred in two more neighborhoods, according to a state contractor's report.

But in scores of other cases, USA TODAY found government agencies didn't do much to protect families and children – even when their own tests showed dangerous levels of lead where people live.

#### Reporters scour 464 sites

The USA TODAY investigation set out to determine which sites remained unaddressed and to examine the depth and quality of any government assessments.

Reporters researched all 464 sites in 31 states that were on Eckel's list to determine how many were factories, rather than just business offices – and what, if anything, had been done to clean up those hazardous enough to threaten people living nearby.

Reporters spent weeks in the basement of the Library of Congress, researching its extensive collection of Sanborn maps. Maps showing smelting or factories were located for more than 160 sites – including many that regulators never looked for because they lacked exact street addresses. Reporters researched old phone books and city directories, archival photograph collections, old business directories, property records and corporation filings. They filed more than 140 federal, state and local public records requests with environmental, health and other government agencies to determine what, if any, assessments had been done of the sites and the risks posed to people nearby.

As a result, the investigation found evidence of smelting, foundries or lead manufacturing at more than 230 sites in 25 states on the list of forgotten factories.

#### The failure to protect

Ken Shefton, his wife and five boys lived until last week in a Cleveland neighborhood a few blocks northeast of the former site of the Tyrolean Metals

smelter. The area's two-story wood homes, mainly built around 1900, are flanked by factories, both operating and abandoned.

A smelter operated at the Tyroler site from about 1927 through 1957, according to the state's report. Smelting no longer occurs at the site, which is now a scrap yard with a different owner.

In 2002 and 2003, state regulators from the Ohio Environmental Protection Agency— working at the request of the federal EPA — tested 12 samples of soil around the old site and in the nearby neighborhood. All but one showed lead contamination above the EPA's residential hazard level of 400 parts per million (ppm) of lead in bare soil where children play. Nine of the samples had lead levels ranging from twice to five times the hazard level, according to the state's report.

The results indicated a possible "airborne depositional pattern or plume towards the northeast," the report said. In layman's terms: a fallout zone.

The state's research also identified that other smelters had been on adjacent properties dating to 1912, as well as a currently operating lead-manufacturing plant nearby. "A problem interfering with future investigation is attribution of lead contamination, due to multiple sources," the state's report said.

No matter the source, regulators never warned residents about what they found, and no cleanup occurred.

State regulators at the Ohio EPA said that without a specific polluter to blame — and force to pay for cleanup costs — there was nothing more they could do. "There are no Ohio EPA monies set aside and dedicated for this type of cleanup," the agency said in written responses to questions. "Our enforcement program focuses on responsible parties with the authority to legally compel them to fund cleanup."

Still, state regulators said that more than seven years ago they "recognized there could be potential for a health concern based on the sampling results." They said they fulfilled their duty by putting their findings about the neighborhood in a report and sending it to the EPA's regional office in Chicago. The state says it sent the report about Tyroler Metals, along with reports on eight other historical Cleveland smelter sites, to the director of the Cleveland Department of Public Health in June 2004.

Either agency could have followed up, the state said. Neither did.

Officials at the EPA regional office said that because the site didn't meet criteria for federal Superfund action, it was the state's responsibility. Federal and state officials now plan to review the site to see whether a cleanup evaluation is appropriate, the EPA said in a written statement.

Current and former Cleveland health department officials — including Matt Carroll, who at the time was health director, and Wayne Slota, who at the time was in charge of the lead poisoning prevention division — said they don't remember receiving the state's letter and reports about Tyroler Metals.

The only smelter issue they remember involved a different site on Eckel's list: Atlas Metals, where a city park had been built atop the old smelter site and state investigators had observed children playing in dirt that tests showed was significantly contaminated.

Of the 17 Ohio sites on Eckel's list — in Cleveland, Cincinnati, Columbus and Toledo — Atlas Metals was the only one records indicate received a cleanup.

### A neighborhood suffers

"I'm concerned. I really don't know what to do," said McKinley Woodby, as he held his then-15-month-old son, Damien, on his lap. "I'm just a renter. I'm on a fixed income, so it ain't like I can dig the front yard up and bring in new dirt."

"I'm not going to let (Damien) back in the yard, I know that," he said, sitting on the front steps of their home about four blocks from the Tyroler Metals site.

When USA TODAY tested soil in the family's yard where Damien played, the results showed potentially dangerous contamination in four of five samples, ranging from 577 to 1,035 ppm. Although the EPA uses 400 ppm as its residential hazard level, California's environmental health agency has set 80 ppm as the level it says will protect children who regularly play in the dirt from losing up to 1 IQ point over time.

Damien's blood was checked a few weeks before USA TODAY tested the yard. Health department records show he had a blood-lead level of 4. That's below the federal action level – set in 1991 – but current science indicates children with levels below 5 are at risk of having decreased academic achievement.

Blood test results filed with the Ohio Department of Health show that during 2007 through mid-2011 in the smelter's ZIP code about 350 kids under age 6 had reported blood-lead levels of 5 or higher. About the same number had blood-lead levels of 2 to 4. There is not a definitive way to know how prevalent lead poisoning is in the area because not all children are screened and some tests are less accurate than others.

How much the lead in the dirt is contributing to the children's blood-lead levels is unclear. But experts say that soil is an important component, along with deteriorating lead-based paint in older homes and contaminated house dust.

Bruce Lanphear, a leading expert on childhood lead poisoning, said his research has estimated that for the average child about 30% of the lead in the body comes from contaminated soil, about 30% from contaminated house dust – which includes particles of flaking paint – and about 20% from water.

"Those were the major sources, so they're all fairly important," said Lanphear, a professor of children's environmental health at Simon Fraser University in British Columbia.

A child's lead exposure can be very individualized, he said, depending on geography. For some children, it might be all about paint. "If you were to look at a community that's adjacent to a smelter, it might be that it's 80% soil, or 90% soil."

'Oh, my gosh, no, I didn't know'

In Chicago, officials have known for years about a neighborhood where contamination could pose a danger and have done little to address it. Walsh Elementary School in Pilsen is just down the block from the former site of Loewenthal Metals.

Delinda Collier said she had no idea the site used to be a lead smelter and was contaminated. There were no warning signs on the property. "Oh, my gosh,

no, I didn't know," said Collier, 38, who rents an apartment across the street and lets her dog play on the vacant lot. "I'll bet nobody else does either."

Federal and state regulators knew.

Tests by the state in 2006 found the former smelter's vacant lot contaminated with up to 5,900 ppm of lead — more than 14 times the amount the EPA considers potentially hazardous in areas where children play.

"Since this site is in a residential area, the possibility of exposure is high," according to the report state officials sent to the EPA, which commissioned the work. But the site wasn't bad enough to qualify for its Superfund list, and the report was archived.

State regulators at the Illinois EPA said Loewenthal Metals was one of about 50 old smelter sites in Chicago they reviewed to varying degrees at the request of the U.S. EPA. The Loewenthal site had even been highlighted in the 2007 EPA headquarters report as the only site examined under its smelter initiative that might need a Superfund removal action.

Still, it fell through the cracks.

"We never got any follow-up instructions from them on what additional things to do with the reports we sent up to them," said Gary King, who was manager of the state agency's division of remediation management until he retired in December.

"Nonetheless, as a result, frankly, of the (open records) request that came in from USA TODAY and going back in and looking at this information ... we concluded that it would be best to send in what we call a 'removal action' referral," King said. That means the state is now formally asking the EPA to remove the contamination from the property.

The state also is formally asking the EPA to clean up a second Chicago site, Lake Calumet Smelting, where its tests in 2004 found high levels of lead — up to 768,000 ppm — on the former factory's property. The nearest homes are about a half-mile away, records show.

The failure to act

Even when officials did identify factory sites and nearby neighborhoods that could be contaminated, they failed to follow through.

The EPA's Philadelphia regional office developed one of the agency's most comprehensive smelter initiatives in response to Eckel's report. Officials there sent contractors in 2005-06 to visit most of the 71 factory sites listed in Pennsylvania, Maryland and Virginia.

The assessments confirmed dozens of the sites had had smelters, reports show, with 34 of them in troubling proximity to homes, parks and schools. As a result, EPA contractors recommended soils nearby be tested. Despite the passage of years, testing has been done at 10 sites, fewer than a third, records show.

The EPA now says the site assessment process is ongoing and the agency must prioritize its use of resources. In some cases, the EPA may not agree with its contractor's recommendations. Still, the EPA said it plans an additional assessment at several sites in late 2012 or early 2013. The "lead smelter sites at this time do not seem to pose the same threats we are encountering at other sites in the region," the EPA said.

The threat seemed serious to others in 2004.

At that time, state and federal health officials distributed a health alert to doctors with a map of the Pennsylvania locations on Eckel's list. The alert by the Pennsylvania Department of Health and the federal Agency for Toxic Substances and Disease Registry recommended doctors consider doing blood tests on children living near the sites to look for lead poisoning.

The EPA's Philadelphia regional office, however, says it sees no need to put out general warnings to neighbors of old smelter sites. "This type of approach would unnecessarily alarm residents and community members," it said. The office also said it saw no need to tell Maryland's state environmental agency about the 11 smelter sites in its state on Eckel's list. Nor did the EPA region alert the state agency that federal contractors had recommended soil testing around five of them.

USA TODAY provided Maryland officials the locations of the sites – and copies of the EPA's reports.

The EPA's failure to share such information is unusual, said Art O'Connell, chief of the Maryland Department of the Environment's state Superfund program. "I don't know what happened in this particular case, but it's certainly not the norm," he said.

As a result of the information provided by the newspaper, O'Connell said, the state recently examined the sites and determined that two former factories in Baltimore warrant further investigation: Industrial Metal Melting and Dixie Metal Co. The state has asked the EPA for funding to do soil testing and other investigation at the sites this year.

As for the three other factory sites where EPA's contractors recommended tests, O'Connell said his department believes they were small operations and had little impact on soil.

The failure to look very hard

Philadelphia-based officials started investigations; other EPA regions did far less.

Of the 120 sites on Eckel's list in New York and New Jersey, the EPA office responsible for those states sent inspectors to 14 locations. (USA TODAY found historical fire insurance maps and other documents showing evidence of smelting at 53 sites in those states.)

And even though the entire focus of Eckel's list involved smelters that had closed long ago, the EPA in 2002-03 inexplicably sent inspectors looking for active smelters at only nine of the locations.

"On each occasion, upon reaching the site where the smelter was supposedly operating, the inspector found the smelter had been closed down long ago," said Philip Flax, an EPA senior enforcement team leader, in a letter to USA TODAY that accompanied copies of some inspection reports.

In 2005-06, the EPA visited four more sites in New York and one in New Jersey.

The New Jersey Department of Environmental Protection had files on only five of the 31 sites listed in its state, according to the department's responses to 31 separate open records requests it required USA TODAY to file. Only two of the files showed evidence the sites were smelters or lead factories. Yet

USA TODAY later found evidence that 12 additional sites were factories. The state is now working with EPA to investigate, DEP spokesman Lawrence Hajna said. He also now says the department has located case files on some sites it told USA TODAY it didn't have.

In 2002 and 2003, the New York Department of Environmental Conservation did an "informal investigation" at some of the 89 sites listed in the state, spokeswoman Emily DeSantis said.

Four sites were known to the department and undergoing cleanups. At the remaining sites, the department concluded there was "no evidence" of environmental impacts or "no apparent impact," according to information provided by DeSantis.

Yet the department provided records documenting staff visits to just 13 of those sites. Others were assessed by the department's regional offices, DeSantis said, but the department had no record of those evaluations. There was no soil testing at any of the sites, she said, but USA TODAY's findings will be reviewed for possible follow-up.

In other states, USA TODAY repeatedly located smelters that regulators said their extensive research found no evidence had existed.

The Indiana Department of Environmental Management told the EPA in 2002 they could not find the site of the former Chas. Braman & Sons factory in the north-central Indiana town of Plymouth. The list provided to them by the EPA had only a post office box as an address. "Numerous historical industrial directories, as well as Sanborn maps, were consulted without finding any reference to the site," the state said in a 2002 report sent to the EPA.

The newspaper found a street address for the plant listed in a 1959 edition of Plymouth's telephone directory. A call to Plymouth's City Hall produced council minutes beginning in 1954 showing that emissions from the plant were a source of citizen complaints. According to a 1956 article from a local newspaper that Plymouth's city attorney found in the town's history museum, the Chas. Braman & Sons "smelting plant manufactured granular aluminum, solder and lead."

In response to USA TODAY's findings, state regulators sent staff to Plymouth and took 24 off-site soil samples from various locations near the former facility. Another six samples were taken on the factory site, which is now a granular aluminum company.

All the state's tests showed lead levels below federal guidelines; many did not detect any lead. "We did not see anything we were concerned about," said Mark Jaworski, a project manager in the state's site investigations section. The current owner of the aluminum company on the property, John Oliver Sr., said there has been no lead smelting since the Bramans' sold their factory around 1965.

Minnesota regulators told the EPA in a 2002 memo they were unable to confirm whether any of the seven sites in their state had been smelters. USA TODAY found evidence of historical smelting at two of them.

A state employee checked corporation records and did a drive-by of the former Hiawatha Avenue location of Northwestern Smelting & Refining in Minneapolis and noted a construction company and a bus line were among current businesses there. "No information available as to the operation of a smelter at this location," wrote Gary Krueger in his 2002 assessment.

The newspaper found photographs from the 1940s of the smelter in operation posted on the Minnesota Historical Society's website. A reporter located a historical Sanborn fire insurance map at the Library of Congress showing three smelters there at one time.

Krueger told the EPA in 2002 he couldn't find evidence of a National Lead smelter, which had been listed in St. Paul without a street address in old industry directories. "Additional use of state resources cannot be justified based solely on name of potential facility somewhere in St. Paul," says the state's report.

A reporter located the factory by searching through old indexes to Sanborn fire insurance maps. The map shows the National Lead plant was in a warehouse district near the Mississippi River and what is now Harriet Island Regional Park and describes it as a manufacturer of lead pipe, babbitt, solder and printers' metals; it also shows melting kettles.

After being given the photos and maps found by USA TODAY, Krueger recently visited the St. Paul site and made a second visit to the Minneapolis site. Krueger, a project manager in the state's Superfund program, noted the areas have undergone redevelopment.

"Quite honestly, it really doesn't change anything," he said. Without more proof of a danger, Krueger said, his department can't justify doing any soil sampling.

USA TODAY tested soil near the former National Lead site in St. Paul and found elevated levels in street-side public rights-of-way ranging up to 539 ppm. None of the three samples taken inside the park — which is in the river's flood plain — showed lead levels above 400 ppm, the EPA's hazard level for children's play areas. Near the Minneapolis smelter site, USA TODAY's tests found varying levels of lead.

- COMING NEXT: More tests, more contamination

David E. Bloomgren  
U.S. Environmental Protection Agency  
Direct: 202.564.0639  
Mobile: 202.604.5926

01268-EPA-7335

**Richard  
Windsor/DC/USEPA/US**  
04/19/2012 11:05 AM

To Sarah Pallone  
cc  
bcc  
Subject Re: From Politicker

Already thanked him. Nice huh?  
Sarah Pallone

----- Original Message -----

**From:** Sarah Pallone  
**Sent:** 04/19/2012 09:53 AM EDT  
**To:** Richard Windsor  
**Cc:** Jose Lozano  
**Subject:** From Politicker

Please note highlighted quote from Jeff Tittel:

## Sierra Club endorses President Barack Obama for leadership on environmental issues

By Minhaj Hassan | April 18th, 2012 - 11:48am

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TRENTON - The Sierra Club, one of the largest environmental groups in the country, said on Wednesday it will endorse President Barack Obama in the Nov. 6 election.

Of all the presidential candidates, Obama, the club said, is the best on environmental issues, having proposed “landmark rules” and having appointed Lisa Jackson to head the federal Environmental Protection Agency.

“With the election that is coming up the choice is clear between President Obama who has a proven record protecting the environment to those who want to dismantle 40 years of environmental protection,” Jeff Tittel, director of the New Jersey Sierra Club, said in a statement. “We need a president that will stand up to protect our public lands and against dirty coal versus those that would give away our public land and are in the pocket of the coal companies.

“Never has there been a clearer choice or a more important time to endorse President Obama who will protect our public health and safety, and our environment.”

The club pointed out some of the policies Obama has unveiled recently, such as a proposal to limit the amount of greenhouse gas emissions, particularly carbon dioxide, from new power plants, and a goal to improve gas mileage to 54.5 miles per gallon by 2025.

Tittel particularly complimented Jackson for her leadership on proposing regulations to reduce air pollution.

"As head of the EPA Lisa Jackson has been protecting our health and the environment by going after polluters and mountain top miners. We want Lisa Jackson to stay in the EPA because not only is she a friend in New Jersey, but an environmental hero," Tittel said.

The new gas mileage standards will help save 4 billion barrels of oil over the lives of the vehicles sold in the nine years of standards, the club said.

It added that the policies will help improve the quality of life for all residents.

"The Sierra Club and our 1.4 million members and supporters share the same vision for America as the President for a prosperous and innovative economy that protects the air we breathe, the water we drink, and the health of our families," Sierra Club Executive Director Michael Brune said.

"Together, we can build upon the historic successes of the last four years, including landmark fuel efficiency standards and the first-ever protections against toxic mercury pollution, to build a clean energy economy that creates thousands of new jobs and works for every American."

Sarah Hspodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
[pallone.sarah@epa.gov](mailto:pallone.sarah@epa.gov)

01268-EPA-7338

Richard  
Windsor/DC/USEPA/US  
04/23/2012 05:23 PM

To Barbara Bennett  
cc  
bcc  
Subject Re: FYI

(b) (5) Deliberative?

Barbara Bennett

----- Original Message -----

**From:** Barbara Bennett  
**Sent:** 04/23/2012 03:01 PM EDT  
**To:** Richard Windsor  
**Cc:** "Barbara Bennett" <Bennett.Barbara@epa.gov>; "Bicky Corman" <corman.bicky@epa.gov>; "Glenn Paulson" <gpinwy@wyoming.com>; "Jose Lozano" <lozano.jose@epa.gov>; "Stephanie Owens" <Owens.Stephanie@epa.gov>  
**Subject:** Re: FYI

(b) (5) Deliberative

Barbara J. Bennett  
Chief Financial Officer  
U.S. EPA  
202-564-1151

Richard Windsor climate adaptation efforts (BusinessGr... 04/23/2012 11:02:51 AM

From: Richard Windsor/DC/USEPA/US  
To: "Bicky Corman" <corman.bicky@epa.gov>, "Glenn Paulson" <gpinwy@wyoming.com>, "Barbara Bennett" <Bennett.Barbara@epa.gov>, "Stephanie Owens" <Owens.Stephanie@epa.gov>, "Jose Lozano" <lozano.jose@epa.gov>  
Date: 04/23/2012 11:02 AM  
Subject: FYI

climate adaptation efforts (BusinessGreen)

GE, Ford, and Intel are among the top US companies leading the way in clean tech innovation and so-called "climate management", according to new league table released today.

01268-EPA-7340

Richard  
Windsor/DC/USEPA/US  
04/23/2012 08:40 PM

To Barbara Bennett  
cc  
bcc  
Subject Re: FYI

Cool  
Barbara Bennett

----- Original Message -----

**From:** Barbara Bennett  
**Sent:** 04/23/2012 05:56 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: FYI

(b) (5) Deliberative

Barbara J. Bennett  
Chief Financial Officer  
U.S. EPA  
202-564-1151

Richard Windsor (b) (5) Deliberative? ----- Original Message... 04/23/2012 05:23:41 PM

From: Richard Windsor/DC/USEPA/US  
To: Barbara Bennett/DC/USEPA/US@EPA  
Date: 04/23/2012 05:23 PM  
Subject: Re: FYI

(b) (5) Deliberative?

Barbara Bennett

----- Original Message -----

**From:** Barbara Bennett  
**Sent:** 04/23/2012 03:01 PM EDT  
**To:** Richard Windsor  
**Cc:** "Barbara Bennett" <Bennett.Barbara@epa.gov>; "Bicky Corman" <corman.bicky@epa.gov>; "Glenn Paulson" <gpinwy@wyoming.com>; "Jose Lozano" <lozano.jose@epa.gov>; "Stephanie Owens" <Owens.Stephanie@epa.gov>  
**Subject:** Re: FYI

(b) (5) Deliberative

Barbara J. Bennett  
Chief Financial Officer  
U.S. EPA  
202-564-1151

Richard Windsor climate adaptation efforts (BusinessGr... 04/23/2012 11:02:51 AM

From: Richard Windsor/DC/USEPA/US  
To: "Bicky Corman" <corman.bicky@epa.gov>, "Glenn Paulson" <gpinwy@wyoming.com>, "Barbara

Bennett" <Bennett.Barbara@epa.gov>, "Stephanie Owens" <Owens.Stephanie@epa.gov>, "Jose Lozano" <lozano.jose@epa.gov>

Date: 04/23/2012 11:02 AM  
Subject: FYI

---

climate adaptation efforts (BusinessGreen)

GE, Ford, and Intel are among the top US companies leading the way in clean tech innovation and so-called "climate management", according to new league table released today.

01268-EPA-7341

**Richard  
Windsor/DC/USEPA/US**  
04/24/2012 01:50 PM

To Elizabeth Ashwell  
cc  
bcc

Subject Re: Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

Elizabeth Ashwell

----- Original Message -----

**From:** Elizabeth Ashwell  
**Sent:** 04/24/2012 01:47 PM EDT  
**To:** Richard Windsor  
**Subject:** Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

1 attachment



ETF opening dinner invitation\_L Jackson\_23apr12.pdf

Shalini Vajjhala/DC/USEPA/US wrote on 04/23/2012 10:15:32 PM:

> From: Shalini Vajjhala/DC/USEPA/US  
> To: Elizabeth Ashwell/DC/USEPA/US@EPA, "Jose Lozano"  
> <Lozano.Jose@epamail.epa.gov>  
> Date: 04/23/2012 10:15 PM  
> Subject: Fw: Invitation for Lisa Jackson to GMF Energy Transition  
> Forum dinner, May 13th  
  
>  
> From: "Cathleen Kelly" [CKelly@gmfus.org]  
> Sent: 04/23/2012 04:51 PM AST  
> To: Shalini Vajjhala  
> Subject: RE: Invitation for Lisa Jackson to GMF Energy Transition  
> Forum dinner, May 13th  
>  
> Dear Shalini,  
> I've attached the formal invitation to Administrator Jackson for  
> GMF's Energy Transition Forum on May 13th. I'd be grateful if you  
> could forward this up through the appropriate channels, or for any  
> advice on who I should send this to in Lisa Jackson's office to make  
> sure its considered.  
> All the best,  
> Cathleen  
>  
> Cathleen Kelly  
> Director, Climate & Energy Program  
> The German Marshall Fund of the United States  
> 1744 R Street NW

> Washington DC 20009  
>  
> T 202 683 2650  
> D 202 683 2631  
> E ckelly@gmfus.org

01268-EPA-7343

Noah Dubin/DC/USEPA/US  
04/25/2012 06:12 PM  
To  
cc  
bcc Richard Windsor  
Subject Thursday, April 26, 2012 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, April 26, 2012**

---

Notes:

Drivers

AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Shift Leaders

AM (b) (6) Personal Privacy (b) (6) Personal Privacy  
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Staff Contact

Jose Lozano  
202-236-2057

|                     |                                                                                  |                                                                                                                                                    |
|---------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 08:15 AM - 08:25 AM | Hotel                                                                            | Depart for Millennium UN Plaza Hotel                                                                                                               |
| 08:30 AM - 09:15 AM | Millennium UN Plaza<br>Hotel,<br>1 United Nations<br>Plaza,<br>New York City, NY | Climate and Energy Funders Annual Meeting                                                                                                          |
| 08:45 AM - 09:30 AM | Administrator's<br>Office                                                        | FYI: Daily Briefing                                                                                                                                |
| 09:25 AM - 09:45 AM | Millennium UN Plaza<br>Hotel                                                     | Depart for LGA - LaGuardia                                                                                                                         |
| 11:00 AM - 12:11 PM | En Route to Boston                                                               | En Route to Boston<br>Delta Flight 1380<br><br>Departs New York (LGA): 11:00 AM EDT<br><br>Arrives Boston, MA (BOS): 12:11 PM EDT                  |
| 02:00 PM - 02:30 PM | Westin Boston<br>Waterfront Hotel,<br>425 Summer Street,<br>Boston, MA           | Remarks at Ceres Conference 2012                                                                                                                   |
| 02:45 PM - 03:00 PM | Westin Waterfront                                                                | Depart for BOS - Boston Logan                                                                                                                      |
| 04:00 PM - 05:28 PM | En Route to<br>Washington, DC                                                    | En Route to Washington, DC<br>US Airways Flight 2041<br><br>Departs Boston, MA (BOS): 4:00 PM EDT<br><br>Arrives Washington, DC (DCA): 5:28 PM EDT |

\*\*\* 04/25/2012 06:09:06 PM \*\*\*

01268-EPA-7344

Richard  
Windsor/DC/USEPA/US  
04/26/2012 11:56 AM

To Arvin Ganesan, Brendan Gilfillan, Bob Perciasepe, Diane Thompson  
cc  
bcc

Subject Re: Inhofe: EPA Apologized for Crucify Words Not Actions

(b) (5) Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 04/26/2012 11:24 AM EDT  
**To:** Richard Windsor; Brendan Gilfillan; Bob Perciasepe; Diane Thompson  
**Subject:** Fw: Inhofe: EPA Apologized for Crucify Words Not Actions

FYI.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 04/26/2012 11:23 AM -----

From: <matt\_dempsey@epw.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 04/26/2012 10:37 AM  
Subject: Inhofe: EPA Apologized for Crucify Words Not Actions

Inhofe: EPA Apologized for Crucify Words Not Actions  
Thursday, April 26, 2012

Contact:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202) 224-9797  
Katie Brown [Katie\\_Brown@epw.senate.gov](mailto>Katie_Brown@epw.senate.gov) (202) 224-2160

## Inhofe: EPA Apologized for "Crucify" Words Not Actions

[Link to Video: Inhofe Responds to EPA Apology for Using the Word "Crucify" on Fox and Friends](#)

[Link to Washington Times Editorial: Obama crucifies business](#)

[Link to Daily Caller Article: Inhofe on EPA official's apology for 'crucify' comments: 'Meaningless,' 'Get real'](#)

[Link to Press Release](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, today responded to Environmental Protection Agency (EPA) Region VI Administrator Al Armendariz's apology for his comments revealed in a [2010 video](#) where he admits that EPA's "general philosophy" is to "crucify" and "make examples" out of oil and gas companies. Senator Inhofe said today that Administrator Armendariz apologized for his words, but not for EPA's actions.

**"Administrator Armendariz apologized yesterday for his 'poor choice of words' when he admitted that EPA's 'general philosophy' is to 'crucify' and 'make examples' of oil and gas companies, but he did not apologize for EPA's actions towards its apparent crucifixion victims," Senator Inhofe said. "Remember not long after Administrator Armendariz made this stunning admission, EPA targeted natural gas producers in Pennsylvania, Texas and Wyoming, making headline-grabbing allegations that American energy producers were causing water contamination; but in each case, their comments were contrived, and despite their determination, they were unable to find any definitive evidence to back up their alarmist claims. When EPA's investigations did not turn out the way they had hoped, the agency quietly released several late-night statements admitting they were wrong, but by then, the damage was already done.**

**"This is not just an attack on a few American energy companies: this is an all-out war on affordable energy - an effort to stop domestic development of coal, oil and natural gas. What most Americans don't realize is that the recent energy boom in this country - which has spurred job creation, new government revenues, increased energy security, and revitalized manufacturing - would not be possible without hydraulic fracturing. With an election on the horizon, President Obama is pretending to be a friend of oil and natural gas, claiming he's for an 'all-of-the-above' approach, but Administrator Armendariz's comments reveal the true story: while President Obama has photo ops in front of pipelines in Oklahoma, his EPA is working aggressively to 'crucify' oil and gas producers so they can end hydraulic fracturing, knowing full well that if you stop hydraulic fracturing, you kill domestic oil and gas production.**

**"Take the word 'crucify' out of Administrator Armendariz's statement and nothing has changed: you still have a rogue agency following through on President Obama's**

**'general philosophy' to increase the price of gas and electricity - intimidating and levying huge fines on citizens and industry without sufficient justification or affording them due process. If EPA is truly serious about this apology, the agency will fully comply with my investigation and they can begin by quickly and thoroughly answering all the questions I asked in the letter that I sent to EPA Administrator Lisa Jackson yesterday. I look forward to hearing from them very soon and will continue to monitor their actions closely."**

**R6 Regional Administrator Al Armendariz's Statement of Apology:**

*"I apologize to those I have offended and regret my poor choice of words. It was an offensive and inaccurate way to portray our efforts to address potential violations of our nation's environmental laws. I am and have always been committed to fair and vigorous enforcement of those laws."*

**Statement by Assistant Administrator for Enforcement and Compliance Assurance Cynthia Giles:**

*"Strong, fair and effective enforcement of the environmental laws passed by Congress is critical to protecting public health and ensuring that all companies, regardless of industry, are playing by the same rules. Enforcement is essential to the effectiveness of our environmental laws, ensuring that public health is protected and that companies that play by the rules are not at a disadvantage. The same holds true for companies involved in responsible and safe development of our nation's domestic energy resources."*

**Background**

In a video from 2010, Administrator Armendariz is caught on tape admitting,

*"But as I said, oil and gas is an enforcement priority [...] I was in a meeting once and I gave an analogy to my staff about my philosophy of enforcement, and I think it was probably a little crude and maybe not appropriate for the meeting but I'll go ahead and tell you what I said. It was kind of like how the Romans used to conquer little villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years [...] So, that's our general philosophy." [Link to Armendariz Video](#)*

[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

01268-EPA-7345

Richard  
Windsor/DC/USEPA/US  
04/30/2012 10:39 PM

To Brendan Gilfillan  
cc  
bcc  
Subject Re:

Scathing  
Brendan Gilfillan

----- Original Message -----

**From:** Brendan Gilfillan  
**Sent:** 04/30/2012 06:36 PM EDT  
**To:** Richard Windsor

<http://dallasmorningviewsblog.dallasnews.com/archives/2012/04/oh-well-epa-off.html>

Oh, well: EPA official quits before we can demand it

By Mike Hashimoto/ Editorial Writer

[mhashimoto@dallasnews.com](mailto:mhashimoto@dallasnews.com) | Bio

4:35 PM on Mon., Apr. 30, 2012 | Permalink

Another example of the best-laid plans of mice, men and editorial writers going awry:

Your local editorial board was all set, based on a vigorous discussion in our morning meeting, to call for the resignation or removal of EPA Region 6 administrator Al Armendariz, after his colossal "crucify them" blunder came to light last week.

If you missed it, the former SMU professor and noted environmental activist was entertaining some folks in the little town of Dish, north of Fort Worth, when he let slip his personal view of how best to enforce environmental regulations in Texas, Oklahoma, Louisiana, Arkansas and New Mexico:

"The Romans used to conquer little villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years."

"And so you make examples out of people who are in this case not compliant with the law. Find people who are not compliant with the law, and you hit them as hard as you can and you make examples out of them, and there is a deterrent effect there. And, companies that are smart see that, they don't want to play that game, and they decide at that point that it's time to clean up."

"And, that won't happen unless you have somebody out there making examples of people."

Remember, your local editorial board has marched right along with Armendariz on pretty much every environmental issue, even taking the EPA's side when any number of Texas officials bucked the agency's perceived heavy-handedness.

So I thought it was a fairly gutsy position to call for an ally to step down, mostly because he had permanently compromised his credibility in any future enforcement actions. Armendariz, however, up and quit on us before we could get that editorial in the newspaper.

So it goes. Can't control the weather.

Here's the editorial we ended up writing for Tuesday's newspaper, which, remember is the collective sense of your local editorial board (not any individual writer like, oh, me):

For EPA's sake, regional chief had to go

Suffice it to say that the EPA's approval rating isn't particularly high in Texas, especially among some state officials and the energy-producing companies it regulates.

This is unfortunate and counterproductive. The Environmental Protection Agency plays an important role in Texas, which has been slow to strike the right balance between public health and energy-related jobs. Texas often seems more interested in fighting regulators than getting in line. This newspaper has largely supported the EPA's mission, as should anyone who wants clean air and water today and for future generations.

And this makes it all the more important that Al Armendariz resigned Sunday as administrator for EPA Region 6, which covers Texas, Oklahoma, Arkansas, Louisiana, New Mexico and 66 tribal nations. Whatever good the former Southern Methodist University professor did since his November 2009 appointment, he brought it all crashing down with one staggeringly inappropriate analogy.

Armendariz shared his enforcement philosophy at a May 2010 public meeting in the North Texas town of Dish, in video that surfaced last week. Armendariz acknowledges the tale may seem "crude" but tells it anyway. In the Middle Ages, he said, the Romans would enter a troublesome village, "take the first five guys they saw and crucify them." Then the town would be "really easy to manage for the next few years."

His point was to take energy companies thought to be breaking the law and make cautionary tales of them. Unfortunately, what Armendariz did was hand every oil and gas driller in five states a built-in defense against any future enforcement action by the EPA, which identifies violators and assesses penalties.

Armendariz's "crucify" blunder forever undercut his credibility as an independent arbiter. Instead of viewing the EPA as an impartial protector of public health, suspicious oil and gas producers, guilty or not, would have screamed that the agency had targeted them for head-on-a-spoke justice.

Given this window into Armendariz's thinking, every future Region 6 enforcement action would have been tainted. It certainly casts new light on the EPA's 2010 efforts to sanction Fort Worth-based Range Resources for water contamination allegedly caused by its hydraulic fracturing in Parker County. Range and the Texas Railroad Commission, which regulates oil and gas drilling, studied the EPA's claims and found no evidence. Finally, after 18 months, the EPA withdrew its emergency order, and a federal court dismissed its case.

In his resignation announcement, Armendariz wrote that neither EPA Administrator Lisa Jackson nor anyone else in the Obama administration had asked him to step aside, that he decided himself that he "had become too much of a distraction."

The point isn't whether you share Armendariz's views as an environmental advocate. It's whether you believe a federal regulator can be fair and even-handed in enforcing the law. By his own words, Armendariz indicated he could not.

Remember, this story broke last week, when Sen. Jim Inhofe's office unearthed that YouTube video. Forbes' Christopher Helman had the money column on Armendariz before he quit.

Today, I also heard from Steve Everley, spokesman for Energy in Depth, an Independent Petroleum Association of America research, education and public outreach campaign focused on getting the facts out about the promise and potential of responsibly developing America's onshore energy resource base:

"There's a role for activists and there's a role for regulators. When one becomes the other, that's when you can run into problems. The bigger story here was always that his comments weren't just made in isolation - they were made just before his agency did exactly what he described in this video, grabbing the first company he saw and issuing a groundless endangerment order, which would later be proven as such. We're hopeful that the next administrator's decisions will be based more on actual science than the

political stuff."

01268-EPA-7346

**Elizabeth  
Ashwell/DC/USEPA/US**  
05/01/2012 01:04 PM

To Richard Windsor  
cc Jose Lozano  
bcc

Subject Re: Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

[REDACTED]

[REDACTED]?

Richard Windsor

(b) (5) Deliberative

04/24/2012 01:50:32 PM

From: Richard Windsor/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 04/24/2012 01:50 PM  
Subject: Re: Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

Elizabeth Ashwell

----- Original Message -----

**From:** Elizabeth Ashwell  
**Sent:** 04/24/2012 01:47 PM EDT  
**To:** Richard Windsor  
**Subject:** Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

1 attachment



ETF opening dinner invitation\_L Jackson\_23apr12.pdf

Shalini Vajjhala/DC/USEPA/US wrote on 04/23/2012 10:15:32 PM:

> From: Shalini Vajjhala/DC/USEPA/US  
> To: Elizabeth Ashwell/DC/USEPA/US@EPA, "Jose Lozano"  
> <Lozano.Jose@epamail.epa.gov>  
> Date: 04/23/2012 10:15 PM  
> Subject: Fw: Invitation for Lisa Jackson to GMF Energy Transition  
> Forum dinner, May 13th  
>

> From: "Cathleen Kelly" [CKelly@gmfus.org]  
> Sent: 04/23/2012 04:51 PM AST  
> To: Shalini Vajjhala  
> Subject: RE: Invitation for Lisa Jackson to GMF Energy Transition  
> Forum dinner, May 13th  
>  
> Dear Shalini,  
> I've attached the formal invitation to Administrator Jackson for  
> GMF's Energy Transition Forum on May 13th. I'd be grateful if you  
> could forward this up through the appropriate channels, or for any  
> advice on who I should send this to in Lisa Jackson's office to make  
> sure its considered.  
> All the best,  
> Cathleen  
>  
> Cathleen Kelly  
> Director, Climate & Energy Program  
> The German Marshall Fund of the United States  
> 1744 R Street NW  
> Washington DC 20009  
>  
> T 202 683 2650  
> D 202 683 2631  
> E ckelly@gmfus.org

01268-EPA-7347

Richard  
Windsor/DC/USEPA/US  
05/01/2012 01:05 PM

To Elizabeth Ashwell  
cc Jose Lozano  
bcc  
Subject Re: Energy Transition Forum dinner, May 13th

(b) (5) Deliberative  
Elizabeth Ashwell

----- Original Message -----

**From:** Elizabeth Ashwell  
**Sent:** 05/01/2012 01:04 PM EDT  
**To:** Richard Windsor  
**Cc:** Jose Lozano  
**Subject:** Re: Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

[REDACTED]

[REDACTED]?

Richard Windsor

(b) (5) Deliberative

04/24/2012 01:50:32 PM

From: Richard Windsor/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 04/24/2012 01:50 PM  
Subject: Re: Energy Transition Forum dinner, May 13th

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Elizabeth Ashwell

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**Sent:** 04/24/2012 01:47 PM EDT  
**To:** Richard Windsor  
**Subject:** Energy Transition Forum dinner, May 13th

(b) (5) Deliberative

1 attachment



ETF opening dinner invitation\_L Jackson\_23apr12.pdf

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> Director, Climate & Energy Program  
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> 1744 R Street NW  
> Washington DC 20009  
>  
> T 202 683 2650  
> D 202 683 2631  
> E ckelly@gmfus.org

01268-EPA-7359

(b) (6) Personal Privacy

05/22/2012 11:39 AM

Please respond to

(b) (6) Personal Privacy

To: Shawn Garvin, Cynthia Giles-AA, Nancy Stoner, Bicky Corman, Bob Perciasepe, Bob Sussman, Ellen Gilinsky, Janet Woodka

cc: Richard Windsor, Elizabeth Ashwell

bcc:

Subject: Fw: Neal Peirce on Philly GI

All,

(b) (5) Deliberative

discuss.

Lisa

Sent from my Verizon Wireless BlackBerry

---

**From:** (b) (6) Personal Privacy

**Date:** Mon, 21 May 2012 20:40:40 +0000

**To:** Lisa Jackson<(b) (6) Personal Privacy>

**ReplyTo:** (b) (6) Personal Privacy

**Subject:** Fw: Neal Peirce on Philly GI

Per your request.

Sent from my Verizon Wireless BlackBerry

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**From:** Philip Metzger <(b) (6) Personal Privacy>

**Date:** Sun, 20 May 2012 20:01:02 -0400

**To:** Perciasepe Bob<(b) (6) Personal Privacy> Imohiosen Charles<(b) (6) Personal Privacy>

**Subject:** Neal Peirce on Philly GI

Water Plan for the Century: Philadelphia's Breakthrough

NEAL PEIRCE / MAY 19 2012

For Release Sunday, May 20, 2012

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WASHINGTON — Could it be serious — a major American city makes water conservation the

linchpin of its 21st-century planning, the ticket to a future that's both "green" and economically vibrant?

Answer: yes. And that grand old city is Philadelphia. Two centuries past the time it led America in population and power, a quarter-century past a wave of crippling industrial losses, Philadelphia is consciously making water conservation a centerpiece of its economic and environmental strategy — its goal to be the country's "greenest" city.

Elements of the plan, first conceived in the city's Office of Watersheds, sound radically less ambitious. The focus is on stopping storm water from flooding drainage systems and sending untreated sewage and debris flowing into local rivers and streams. (Yearly, the Environmental Protection Agency estimates, more than 10 trillion gallons of untreated urban runoff flow into the nation's surface waters.)

To stem its discharges, Philadelphia is intent on filtering out, block by block, the fast, storm-induced runoff of pollutants — litter, oil, antifreeze, pesticides, bacteria from pet waste — that accumulate on concrete and asphalt surfaces, then wash into and pollute streams and rivers.

All this matters in dollars. Federal Clean Water Act rules could have obligated Philadelphia to spend as much as \$10 billion for a system of massive tanks and tunnels to hold overflows — the "big engineering" solution many cities are following. By contrast, the cost of Philadelphia's new water-conserving, storm-mitigating green infrastructure may be as little as \$2 billion.

But the benefit may go beyond budget savings, argues Howard Neukrug. He's the civil servant who started espousing the new conservation strategy in Philadelphia's Office of Watersheds 14 years ago. Now promoted to water commissioner by Mayor Michael Nutter, Neukrug explains why a smart and conserving water policy can make a crucial difference for his city's future.

First, it's a route to environmental and social justice. Poor areas have more than their share, he argues, of streams laden with pollutants, plus buried or neglected waterways that are hard to reach and not very attractive when one does.

So a city assist to "green" and improve those areas, making them accessible, safe and natural, with buried streams revived and more community open space created, is key, Neukrug insists, not just to the city's environmental sustainability, but to real equity issues: improved safety and physical attractiveness. Such steps, he argues, don't just create more greenery, save energy and cool the region in an era of global climate change. He contends they will also enable Philadelphia to draw a larger share of residents able to pay their bills — undergirding the city's economic and environmental sustainability.

Given those goals, Philadelphia has a panoply of strategies to reduce water runoff and improve the landscape. There's "rainwater harvesting" — barrels homeowners can attach to water downspouts and use later for garden watering. Companion strategies include pushing urban gardening, advocating green roofs and creating nature-friendly master plans for former industrial riverfronts.

Streets are being rebuilt so that storm water typically gets diverted into gravel beds under the rights-of-way and sidewalks, the old inlets and sewer connections preserved to accommodate just the very heaviest downpours.

A start's been made to install porous street surfaces that absorb water directly; Nutter showed up at one location, remarking later: "I poured a gallon of water on the street and it just disappeared."

Some 15 parks have been made over with new trees or underground basins to absorb runoff; in alliance with the Trust for Public Land, efforts have begun to transform 500 acres of public land into green play spaces by 2015. Separately, the public schools are being engaged to redeem ugly asphalt-paved schoolyards with greenery — no small matter, notes Neukrug, because removing just 2.5 acres of asphalt and concrete saves 3 million gallons of storm water runoff a year.

Some businesses have objected to Philadelphia's plan since they're now being charged for the runoff costs of their paved areas, not just the amounts of fresh water they consume.

But the city's "Green City, Clean Waters" initiative received approval from Pennsylvania regulators last June, and from the federal Environmental Protection Agency this April. Both agencies were initially suspicious of Philadelphia's unconventional approach to retrofit nearly 10,000 acres for on-site management rather than a "big pipe" solution.

And in a major report last fall, the Natural Resources Defense Council rated Philadelphia's green infrastructure solution for storm water the United States' most comprehensive. (Runners-up included Washington, D.C., Milwaukee, New York and Portland, Ore.)

Next month, Nutter becomes president of the U.S. Conference of Mayors — unquestionably championing his Greenworks program in the process.

Yet as central as mayoral leadership is, it's heartening to note that a once-obscure city bureaucrat crafted an initiative likely to serve one of America's great historical cities well through this century.

---

Neal Peirce's e-mail is [npeirce@citistates.com](mailto:npeirce@citistates.com).

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[Welcome to Citiwire net — May 20, 2012 »](#)

**2 Comments**

[ANN BREEN](#)

Posted May 20, 2012 at 8:47 am | [Permalink](#)

Hi Neal: Great to see this story getting more and more coverage.  
If you want more cases as you track this check out the Quad Cities in IA and IL. River Action started  
a water initiative a long time ago. Example of smaller community and citizens taking initiative.

#### TOM E BOWERS

Posted May 20, 2012 at 5:40 pm | [Permalink](#)

WOW! Thanks for encouraging others to look to nature over expensive man-made solutions.

**Post a Comment**

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Name \*

Email \*

Website

Comment

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Sent from my iPhone

01268-EPA-7360

**Richard  
Windsor/DC/USEPA/US**  
05/22/2012 11:56 AM

To "Cynthia Giles-AA"  
cc  
bcc  
Subject Fw: Neal Peirce on Philly GI

---

**From:** (b) (6) Personal Privacy  
**Sent:** 05/22/2012 03:39 PM GMT  
**To:** Shawn Garvin; Cynthia Giles-AA; Nancy Stoner; Bicky Corman; Bob Perciasepe; Bob Sussman; Ellen Gilinsky; Janet Woodka  
**Cc:** Richard Windsor; Elizabeth Ashwell  
**Subject:** Fw: Neal Peirce on Philly GI

All,

(b) (5) Deliberative [REDACTED]. Let's discuss.

Lisa  
Sent from my Verizon Wireless BlackBerry

---

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**Date:** Mon, 21 May 2012 20:40:40 +0000  
**To:** Lisa Jackson<(b) (6) Personal Privacy  
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01268-EPA-7361

**Richard  
Windsor/DC/USEPA/US**  
05/22/2012 11:56 AM

To "Cynthia Giles-AA"  
cc  
bcc  
Subject Fw: Neal Peirce on Philly GI

---

**From:** [REDACTED] (b) (5) Personal Privacy  
**Sent:** 05/22/2012 03:39 PM GMT  
**To:** Shawn Garvin; Cynthia Giles-AA; Nancy Stoner; Bicky Corman; Bob Perciasepe; Bob Sussman; Ellen Gilinsky; Janet Woodka  
**Cc:** Richard Windsor; Elizabeth Ashwell  
**Subject:** Fw: Neal Peirce on Philly GI

All,

[REDACTED] (b) (5) Deliberative [REDACTED]. Let's discuss.

Lisa  
Sent from my Verizon Wireless BlackBerry

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**From:** (b) (6) Personal Privacy  
**Date:** Mon, 21 May 2012 20:40:40 +0000  
**To:** Lisa Jackson<(b) (6) Personal Privacy  
**ReplyTo:** (b) (6) Personal Privacy  
**Subject:** Fw: Neal Peirce on Philly GI

Per your request.  
Sent from my Verizon Wireless BlackBerry

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**From:** Philip Metzger <(b) (6) Personal Privacy  
**Date:** Sun, 20 May 2012 20:01:02 -0400  
**To:** Perciasepe Bob<(b) (6) Personal Privacy Imohiosen Charles<(b) (6) Personal Privacy  
**Subject:** Neal Peirce on Philly GI

Water Plan for the Century: Philadelphia's Breakthrough

NEAL PEIRCE / MAY 19 2012

For Release Sunday, May 20, 2012

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WASHINGTON — Could it be serious — a major American city makes water conservation the linchpin of its 21st-century planning, the ticket to a future that's both “green” and economically vibrant?

Answer: yes. And that grand old city is Philadelphia. Two centuries past the time it led America in population and power, a quarter-century past a wave of crippling industrial losses, Philadelphia is consciously making water conservation a centerpiece of its economic and environmental strategy — its goal to be the country’s “greenest” city.

Elements of the plan, first conceived in the city’s Office of Watersheds, sound radically less ambitious. The focus is on stopping storm water from flooding drainage systems and sending untreated sewage and debris flowing into local rivers and streams. (Yearly, the Environmental Protection Agency estimates, more than 10 trillion gallons of untreated urban runoff flow into the nation’s surface waters.)

To stem its discharges, Philadelphia is intent on filtering out, block by block, the fast, storm-induced runoff of pollutants — litter, oil, antifreeze, pesticides, bacteria from pet waste — that accumulate on concrete and asphalt surfaces, then wash into and pollute streams and rivers.

All this matters in dollars. Federal Clean Water Act rules could have obligated Philadelphia to spend as much as \$10 billion for a system of massive tanks and tunnels to hold overflows — the “big engineering” solution many cities are following. By contrast, the cost of Philadelphia’s new water-conserving, storm-mitigating green infrastructure may be as little as \$2 billion.

But the benefit may go beyond budget savings, argues Howard Neukrug. He’s the civil servant who started espousing the new conservation strategy in Philadelphia’s Office of Watersheds 14 years ago. Now promoted to water commissioner by Mayor Michael Nutter, Neukrug explains why a smart and conserving water policy can make a crucial difference for his city’s future.

First, it’s a route to environmental and social justice. Poor areas have more than their share, he argues, of streams laden with pollutants, plus buried or neglected waterways that are hard to reach and not very attractive when one does.

So a city assist to “green” and improve those areas, making them accessible, safe and natural, with buried streams revived and more community open space created, is key, Neukrug insists, not just to the city’s environmental sustainability, but to real equity issues: improved safety and

physical attractiveness. Such steps, he argues, don't just create more greenery, save energy and cool the region in an era of global climate change. He contends they will also enable Philadelphia to draw a larger share of residents able to pay their bills — undergirding the city's economic and environmental sustainability.

Given those goals, Philadelphia has a panoply of strategies to reduce water runoff and improve the landscape. There's "rainwater harvesting" — barrels homeowners can attach to water downspouts and use later for garden watering. Companion strategies include pushing urban gardening, advocating green roofs and creating nature-friendly master plans for former industrial riverfronts.

Streets are being rebuilt so that storm water typically gets diverted into gravel beds under the rights-of-way and sidewalks, the old inlets and sewer connections preserved to accommodate just the very heaviest downpours.

A start's been made to install porous street surfaces that absorb water directly; Nutter showed up at one location, remarking later: "I poured a gallon of water on the street and it just disappeared."

Some 15 parks have been made over with new trees or underground basins to absorb runoff; in alliance with the Trust for Public Land, efforts have begun to transform 500 acres of public land into green play spaces by 2015. Separately, the public schools are being engaged to redeem ugly asphalt-paved schoolyards with greenery — no small matter, notes Neukrug, because removing just 2.5 acres of asphalt and concrete saves 3 million gallons of storm water runoff a year.

Some businesses have objected to Philadelphia's plan since they're now being charged for the runoff costs of their paved areas, not just the amounts of fresh water they consume.

But the city's "Green City, Clean Waters" initiative received approval from Pennsylvania regulators last June, and from the federal Environmental Protection Agency this April. Both agencies were initially suspicious of Philadelphia's unconventional approach to retrofit nearly 10,000 acres for on-site management rather than a "big pipe" solution.

And in a major report last fall, the Natural Resources Defense Council rated Philadelphia's green infrastructure solution for storm water the United States' most comprehensive. (Runners-up included Washington, D.C., Milwaukee, New York and Portland, Ore.)

Next month, Nutter becomes president of the U.S. Conference of Mayors — unquestionably championing his Greenworks program in the process.

Yet as central as mayoral leadership is, it's heartening to note that a once-obscure city bureaucrat crafted an initiative likely to serve one of America's great historical cities well through this century.

*For reprints of Neal Peirce's column, please contact Washington Post Permissions, c/o PARS International Corp., [WPPermissions@parsintl.com](mailto:WPPermissions@parsintl.com), fax [212-221-9195](tel:212-221-9195). For newspaper syndication sales, Washington Post Writers Group, [202-334-5375](tel:202-334-5375), [wpwgsales@washpost.com](mailto:wpwgsales@washpost.com).*

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## 2 Comments

### [ANN BREEN](#)

Posted May 20, 2012 at 8:47 am | [Permalink](#)

Hi Neal: Great to see this story getting more and more coverage.  
If you want more cases as you track this check out the Quad Cities in IA and IL. River Action started a water initiative a long time ago. Example of smaller community and citizens taking initiative.

### TOM E BOWERS

Posted May 20, 2012 at 5:40 pm | [Permalink](#)

WOW! Thanks for encouraging others to look to nature over expensive man-made solutions.

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01268-EPA-7362

Richard  
Windsor/DC/USEPA/US  
05/25/2012 10:06 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Rahall: Transportation bill more important than coal ash

K

----- Original Message -----

From: Arvin Ganesan  
Sent: 05/25/2012 09:16 AM EDT  
To: Richard Windsor; Bob Sussman; Bob Perciasepe  
Subject: Fw: Rahall: Transportation bill more important than coal ash

(b) (5) Deliberative



This may warrant a quick conversation early next week.

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 05/25/2012 09:11AM -----

=====  
To: Arvin Ganesan/DC/USEPA/US@EPA  
From: POLITICO Pro <politicoemail@politicopro.com>  
Date: 05/25/2012 05:41AM  
Subject: Rahall: Transportation bill more important than coal ash  
=====

Rahall: Transportation bill more  
important than coal ash

By Erica Martinson

5/25/12 5:31 AM EDT

BECKLEY, W.Va. — Rep. Nick Rahall wants to stop the EPA's "war" on coal ash but not enough to stall the transportation bill.

The West Virginia Democrat is a sponsor of a coal ash amendment in the transportation legislation, but he said Thursday that he would rather see the bill pass soon. He also supports the Keystone XL pipeline but doesn't want that issue to sidetrack the transportation bill either.

"Those amendments that were tacked on by the House of Representatives — Keystone, coal ash, whatever — if we cannot get it done in this bill, we should not hold up this bill to get it done," Rahall told POLITICO. "We've limped along for far too long."

Rahall said he'd just spoken to transportation conference Chairwoman Barbara Boxer (D-Calif.) before coming to a state-sponsored forum in his district

about "EPA's war on coal."

But stopping the agency from promulgating a regulation that it doesn't seem excited to move on isn't the priority, Rahall said.

Rahall and Rep. David McKinley (R-W.Va.) co-sponsored the coal ash amendment, which had the support of 37 House Democrats in October and was added to the House transportation extension bill last month. The language would give states oversight of coal ash residue from power plants and block the EPA from regulating it as a hazardous waste.

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01268-EPA-7364

**Bob Sussman/DC/USEPA/US** To Arvin Ganesan  
05/25/2012 04:28 PM cc Bob Perciasepe, Richard Windsor  
**bcc**  
**Subject** Re: Fw: Rahall: Transportation bill more important than coal ash

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Arvin Ganesan (b) (5) Deliberative 05/25/2012 09:16:19 AM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 05/25/2012 09:16 AM  
Subject: Fw: Rahall: Transportation bill more important than coal ash

(b) (5) Deliberative

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