

**Betsaida
Alcantara/DC/USEPA/US**

01/13/2011 11:44 AM

To Richard Windsor, Seth Oster, Bob Perciasepe, Bob Sussman, Peter Silva, Nancy Stoner, Arvin Ganesan, David McIntosh, Brendan Gilfillan, Diane Thompson, Daniel Kanninen, Paul Anastas, Mathy Stanislaus, Gina McCarthy, Cynthia Giles-AA, Scott Fulton, Avi Garbow, Stephanie Owens, Dru Ealons

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Subject Spruce announcement clips (1st round)

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New York Times

Agency Revokes Permit for Major Coal Mining Project

By JOHN M. BRODER

13 January 2010

WASHINGTON – The Environmental Protection Agency revoked the permit for one of the nation's largest mountaintop-removal coal mining projects on Thursday, saying the mine would have done unacceptable damage to rivers, wildlife and communities in West Virginia.

Arch Coal's proposed Spruce No. 1 Mine in Logan County has been the subject of controversy since the Bush administration approved its construction in 2007, issuing a permit required under the Clean Water Act. Environmentalists and local residents strongly opposed the sprawling project, and the Obama administration moved last year to rescind the permit, prompting lawsuits by the state of West Virginia and the coal company.

The agency's action on Thursday is certain to provoke an outcry from West Virginia politicians, the coal industry and other businesses that have raised objections to what they consider economically damaging regulatory overreach by the E.P.A.

The coal mining project would have involved dynamiting the tops off mountains over an area of 2,278 acres to get at the rich coal deposits beneath. The resulting rubble, known as spoil, would be dumped into nearby valleys and streams, killing fish, salamanders and other wildlife. The agency said that disposal of the mining material would also pollute the streams and endanger human health and the environment downstream.

The agency said it was using its authority under the Clean Water Act to revoke the permit, an action it has taken only 12 times in the past 40 years. The agency said in a release that it reserves this authority only for "unacceptable cases."

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," said Peter S. Silva, the agency's assistant administrator for water. "Coal and coal mining are part of our nation's energy future and E.P.A. has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

Anticipating the decision, a group of regulated industries wrote to the White House earlier this week asking that the mine be allowed to proceed, and seeking clarification on when the administration intended to use its Clean Water Act authority to block industrial and agricultural projects.

Groups including the National Realtors Association, the American Road and Transportation Builders Association and the National Cattlemen's Beef Association wrote to Nancy Sutley, the chairwoman of the White House Council on Environmental Quality, asking that the Spruce Mine permit be approved.

The groups said in their letter that if the agency revoked the coal mining permit, "every similarly valid permit held by any entity – businesses, public works agencies and individual citizens – will be in increased regulatory limbo and potentially subject to the same unilateral, after-the-fact revocation."

"The implications could be staggering," they added, "reaching all areas of the U.S. economy including but not limited to the agriculture, home building, mining, transportation and energy sectors."

Arch Coal, based in St. Louis, has said it would spend \$250 million on the project, creating 250 jobs and tens of millions of dollars in tax revenue for a struggling region. Last fall, when the environmental agency's regional administrator recommended killing the mine project, an Arch spokeswoman said the action would deal a "serious blow" to the regional economy.

"Beyond that," said Kim Link, the company spokeswoman, "every business in the nation would be put on notice that any lawfully issued permit – Clean Water Act 404 or otherwise – can be revoked at any time, according to the whims of the federal government." She was referring to the provision of federal law under which the original permit was issued, and then later revoked by Thursday's action.

An agency official said that though the current design for the Spruce No. 1 project had been rejected, the company was free to submit a new proposal, as long as it addressed the potential environmental harm.

Senator Joe Manchin, Democrat of West Virginia, who until recently was the state's governor,

issued a blistering statement opposing the agency's determination to kill the mining project.

"Today's E.P.A. decision is not just fundamentally wrong, it is an unprecedented act by the federal government that will cost our state and our nation even more jobs during the worst recession in this country's history," Mr. Manchin said. "While the E.P.A. decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every senator and every member Congress to voice their opposition."

He added, "It goes without saying, such an irresponsible regulatory step is not only a shocking display of overreach, it will have a chilling effect on investments and our economic recovery. I plan to do everything in my power to fight this decision."

Wall Street Journal

EPA Revokes Permit for Arch Coal Mine

By STEPHEN POWER And TENNILLE TRACY

13 January 2010

WASHINGTON—The Environmental Protection Agency has vetoed a controversial mountaintop-removal coal-mining project that would be one of the largest in Appalachia.

The EPA did so by pulling back a federal clean-water permit issued to Arch Coal Inc.'s Spruce No. 1 coal mine four years ago by the U.S. Army Corps of Engineers.

The EPA's decision—widely expected for months—marks a major turning point in a brewing battle between the Obama administration and the coal-mining industry over mountaintop mining, a common practice in Appalachia that involves blasting off the tops of mountains to access coal seams and dumping debris in nearby valleys. It is the first time in the agency's 40-year history that it has canceled a federal water permit for a project after it was issued.

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," EPA Assistant Administrator for Water Peter S. Silva said in a written statement. "Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

The decision immediately drew criticism from a Democratic congressman who represents the area around the mining site.

"It's an insult to integrity of the [federal permitting] process and it has a sobering effect upon the ability of industry to negotiate in good faith in order to obtain future permits," said Rep. Nick Rahall, a Democrat whose district is home to the project.

Mr. Rahall, who said he was informed of the EPA's decision early Thursday in a voice-mail message left by EPA Administrator Lisa Jackson, predicted there would be efforts in Congress to overturn the EPA's decision.

The EPA's handling of the matter has been closely watched for months by many industry groups, who fear their own federal water permits could be vulnerable to challenge if the EPA was allowed to revoke Arch's permit.

Earlier this week, nearly two dozen industry groups—including the National Realtors Association, the American Road and Transportation Builders Association, and the National Cattlemen's Beef Association—urged the White House in a joint letter to stop the EPA from yanking the Spruce mine's water permit, noting that clean-water permits such as the one issued to Arch by the Army Corps of Engineers support roughly \$220 billion in economic activity each year.

"In sharp contrast to the previous administration's policies on mountaintop removal coal mining, EPA Administrator Lisa Jackson is showing a strong commitment to the law, the science and the principles of environmental justice. She deserves enormous credit for changing policies to protect Appalachia's health, land and water," Michael Brune, executive director of the Sierra Club, said Thursday.

Arch has said canceling the permit would effectively kill the project, which it estimated would employ about 250 people.

The Spruce mine has been a flashpoint for years in the broader conflict between environmentalists and the coal industry over mountaintop mining. The Army Corps of Engineers issued a permit for the Spruce mine in 2007, and the EPA—then led by an appointee of President George W. Bush—chose not to object.

Under President Barack Obama, the EPA has taken a more critical stance on the mine, and mountaintop mining generally. The EPA proposed vetoing the mine's permit in March 2010, saying the project would bury over seven miles of headwater streams and degrade water quality in streams adjacent to the mine.

Spokesmen for Arch couldn't immediately be reached for comment. The EPA has said previously that its proposed revocation of the Spruce mine's permit was "an exceptional occurrence brought about by exceptional circumstances," specifically "harmful impacts on the environment, wildlife and water quality on an enormous scale."

Associated Press

EPA vetoes water permit for W.Va. mountaintop mine

By VICKI SMITH

13 January 2010

The Environmental Protection Agency said Thursday it is revoking a crucial water permit for West Virginia's largest mountaintop removal mine, formalizing an action it first threatened nine months ago.

Assistant Administrator for Water Peter S. Silva said Arch Coal's Spruce No. 1 mine in Logan County would use "destructive and unsustainable" mining practices that jeopardize the health of Appalachian communities and cause irreparable damage to the environment.

Arch did not immediately comment.

The nearly 2,300-acre operation would bury 7 miles of streams, and EPA has previously ruled it would likely harm downstream water quality.

EPA said it was acting within its legal authority in revoking a permit issued by the U.S. Army Corps of Engineers in 2007 and "using the best science" to protect water quality, wildlife and people.

"Coal and coal mining are part of our nation's energy future, and EPA has worked with companies to design mining operations that adequately protect our nation's waters," Silva said. "We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

Michael Brune, executive director of the Sierra Club, praised the ruling as "a strong commitment to the law, the science and the principles of environmental justice."

National Mining Association President Hal Quinn said EPA's action threatens the certainty of all similar permits that have been issued, "weakening the trust U.S. businesses and workers need to make investments and secure jobs."

Spruce No. 1 went through a "robust 10-year review" process, he said, and the project has complied with every permit requirement.

St. Louis-based Arch has long argued that killing the project would hurt West Virginia's economy and tax base, and have a chilling effect on the industry.

The EPA said this is only the 13th time it has intervened after the corps issued a permit and that it reserves that power "for only unacceptable cases."

Online: EPA's final decision on permit:
<http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/404c-index.cfm>

The Hill

EPA vetoes major mountaintop removal mining project

By Andrew Restuccia

13 January 2011

The Environmental Protection Agency vetoed on Thursday one of the Appalachian regions' largest mountaintop removal mining projects, arguing that the project pollutes nearby streams and rivers.

EPA made its decision to veto the Spruce No. 1 Mine's project after conducting a scientific review of the environmental impacts of the West Virginia project, the largest proposed mountaintop removal project in the state. The agency also said it reviewed 50,000 public comments.

“The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend,” Peter Silva, EPA assistant administrator for water, said in a statement.

It's the first time that EPA has used its veto authority under the Clean Water Act to stop a project that has already been approved. The project was approved in 2007 by the U.S. Army Corps of Engineers, but has been caught up in litigation for years. It's also the latest effort by the Obama administration to take turn a critical eye toward mountaintop removal mining.

In mountaintop removal, portions of a mountain are blown off using dynamite to expose valuable coal reserves. The rock and sediment from the mine often falls into nearby rivers, raising water quality concerns.

The mining industry is already objecting to EPA's decision. “EPA has taken this unprecedented action – never before contemplated in the nearly 40 years since the enactment of the Clean Water Act – at a time of great economic uncertainty,” National Mining Association President Hal Quinn said in a statement. NMA urges the administration to “step back from this unwarranted action and restore trust in the sanctity of lawfully granted and abided by permits and the jobs and economic activity they support.”

EPA notes it is only the 13th time it has ever exercised its veto authority.

Charleston Gazette (Coal Tattoo Blog)

Breaking news: EPA vetoes Spruce Mine permit

by Ken Ward Jr.

13 January 2011

Word is just coming down that the U.S. Environmental Protection Agency has vetoed the largest single mountaintop removal permit in West Virginia history.

The move is part of an Obama administration crackdown aimed at reducing the effects of mountaintop removal coal-mining on the environment and on coalfield communities in Appalachian – impacts that scientists are increasingly finding to be pervasive and irreversible.

The final EPA decision document is available here. EPA has also now posted some appendices to that document, including a response to comments.

EPA officials this morning were alerting West Virginia's congressional delegation to their action, and undoubtedly preparing for a huge backlash from the mining industry and its friends among coalfield political leaders.

In making its decision to veto the U.S. Army Corps of Engineers' approval of the 2,300-acre mine proposed for the Blair area of Logan County, EPA noted that it reviewed more than 50,000 public comments and held a major public hearing in West Virginia. EPA officials said their agency is “acting under the law and using the best science available to protect water quality,

wildlife and Appalachian communities who rely on clean waters for drinking, fishing and swimming.”

Peter S. Silva, EPA’s assistant administrator for water, said:

The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend. Coal and coal mining are part of our nation’s energy future, and EPA has worked with companies to design mining operations that adequately protect our nation’s water. We have responsibility under the law to protect water quality and safeguard the people who rely on clean water.

The agency also said:

EPA’s final determination on the Spruce Mine comes after discussions with the company spanning more than a year failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities. The action prevents the mine from disposing the waste into streams unless the company identifies an alternative mining design that would avoid irreversible damage to water quality and meets the requirements of the law. Despite EPA’s willingness to consider alternatives, Mingo Logan did not offer any new proposed mining configurations in response to EPA’s Recommended Determination.

In addition, EPA argued:

EPA believes that companies can design their operations to make them more sustainable and compliant with the law. Last year, EPA worked closely with a mining company in West Virginia to eliminate nearly 50 percent of their water impacts and reduce contamination while at the same time increasing their coal production. These are the kinds of success stories that can be achieved through collaboration and willingness to reduce the impact on mining pollution on our waters. Those changes helped permanently protect local waters, maximize coal recovery and reduce costs for the operators.

Readers will recall that the Obama EPA began looking more closely at the Spruce Mine in September 2009. But debate over the proposed operation dates back to the late 1990s, when then-U.S. District Judge Charles H. Haden II issued an injunction that blocked the mine, which then was proposed for more than 3,000 acres. After the Haden ruling, the company reduced the size of its proposal and the operation underwent much more intense scrutiny, in the form of a full-blown Environmental Impact Statement by the Corps of Engineers, which approved the new mining configuration in January 2007.

EPA began the veto process in October 2009 and issued in March 2010 a preliminary determination that the mine would cause unacceptable impacts. EPA held a public hearing in May 2010, and EPA Regional Administrator Shawn Garvin issued the formal recommended veto in October 2010.

In today’s announcement, EPA outlined these concerns that the proposed mining operation would have:

- Disposed of 110 million cubic yards of coal mine waste into streams.

- Buried more than six miles of high-quality streams in Logan County, West Virginia with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and

forestlands.

- Buried more than 35,000 feet of high-quality streams under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them.
- Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and streams.
- Caused downstream watershed degradation that will kill wildlife, impact birdlife, reduce habitat value, and increase susceptibility to toxic algal blooms.
- Inadequately mitigated for the mine's environmental impacts by not replacing streams being buried, and attempting to use stormwater ditches as compensation for natural stream losses.

UPDATE: It's important to clarify this from EPA:

... EPA's decision prohibits five proposed valley fills in two streams, Pigeonroost Branch, and Oldhouse Branch, and their tributaries. Mining activities at the Spruce site are underway in Seng Camp Creek as a result of a prior agreement reached in the active litigation with the Mingo Logan Coal Company. EPA's Final Determination does not affect current mining in Seng Camp Creek.

Reactions began coming almost immediately after EPA made its announcement.

Joe Lovett, director of the Appalachian Center for the Economy and the Environment, said:

It is a relief after all of these years that at least one agency has shown the will to follow the law and the science by stopping the destruction of Pigeonroost Hollow and Oldhouse Branch.

Today, the EPA has helped to save these beautiful hollows for future generations. Unfortunately, the Spruce Mine's impacts are not unique. Although we are grateful for the EPA's action today, EPA must follow through by vetoing the scores of other Corps permits that violate the Clean Water Act and that would allow mountaintop mines to lay waste to our mountains and streams.

The Ohio Valley Environmental Coalition said:

We breathe a huge sigh of relief today and we thank the EPA and the Obama Administration for enforcing the Clean Water Act. We are so pleased that this historic veto of the Spruce No. 1 Mine permit halts the destruction of Pigeon Roost Hollow.

Spruce No. 1 is the only individual permit to have undergone a full Environmental Impact Statement (EIS). The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health, and even driving entire communities to extinction. This type of steep slope coal mining is destroying our cultural heritage and our future.

We will continue our work to halt other illegal permits, both in-progress and pending. These other permits should also be subject to an EIS.

W.Va. Senator Joe Manchin said:

Today's EPA decision is not just fundamentally wrong, it is an unprecedented act by the federal government that will cost our state and our nation even more jobs during the worst recession in this country's history.

While the EPA decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every Senator and every Member of Congress to voice their opposition.

The National Mining Association said:

EPA's veto of an existing, valid permit for the Spruce No. 1 mine threatens the certainty of all Section 404 permits—weakening the trust U.S. businesses and workers need to make investments and secure jobs. The Spruce permit was issued after a robust 10-year review, including an exhaustive Environmental Impact Statement. EPA participated fully in the comprehensive permitting process, and the project has abided by every permit requirement.

EPA has taken this unprecedented action—never before contemplated in the nearly 40 years since the enactment of the Clean Water Act—at a time of great economic uncertainty. NMA urges the administration to step back from this unwarranted action and restore trust in the sanctity of lawfully granted and abided by permits and the jobs and economic activity they support.

WVNS-TV 59 (Beckley, WV)

EPA Retroactively Vetoes Spruce No. 1 Mine Permit

13 January 2010

The U.S. Environmental Protection Agency Thursday retroactively vetoed a coal mining permit for the Spruce No. 1 Mine in Logan County.

The agency awarded the Mingo Logan Coal Co. a permit for a mountaintop removal coal mine on the site in 2007 after a 10-year permitting process, according to a statement from U.S. Sen. Joe Manchin, D-W.Va. Now, the EPA has rescinded that decision.

The move is unprecedented, Manchin said.

"Today's EPA decision is not just fundamentally wrong, it is an unprecedented act by the federal government that will cost our state and our nation even more jobs during the worst recession in this country's history," Manchin said in the news release. "While the EPA decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every Senator and every Member of Congress to voice their opposition.

"It goes without saying, such an irresponsible regulatory step is not only a shocking display of overreach, it will have a chilling effect on investments and our economic recovery. I plan to do everything in my power to fight this decision."

Mingo Logan Coal has invested \$250 million in the project, Manchin said. The decision to

revoke the permit sets a dangerous precedent, he said.

"The EPA is setting a dangerous precedent with this decision," Manchin said in the news release. "According to the EPA, it doesn't matter if you did everything right, if you followed all of the rules. Why? They just change the rules. But what the EPA doesn't seem to understand is that this decision has ramifications that reach far beyond coal mining in West Virginia. The EPA is jeopardizing thousands of jobs and essentially sending a message to every business and industry that the federal government has no intention of honoring past promises and that no investment is safe. That message will destroy not only our jobs, but our way of life."

West Virginia Metro News

Permit Pulled For Spruce Mine Project

13 January 2010

The federal Environmental Protection Agency has officially withdrawn the Clean Water Act permit that had already been issued for an expansion at Arch Coal's Spruce Number One surface mine in Logan County.

Acting Governor Earl Ray Tomblin's Chief of Staff Rob Alsop says state officials received notice of the EPA's decision on Thursday morning.

It marks the first time the EPA has pulled a permit after it was already approved.

"It's just devastating news," Alsop said on Thursday's MetroNews Talkline. "Businesses, they need stability. They need to know the rules of the game and, a decision like this, it's devastating."

He says the Acting Governor is planning to take whatever steps are possible to try to have the decision reversed. There have been indications from the EPA over the past several months that the withdrawal decision was imminent.

"It's disappointing and it's devastating for the workers on this site, but it comes as no surprise. We fully expected EPA to take this action, unfortunately," said state Department of Environmental Protection Secretary Randy Huffman.

The project has been going through the regulatory process for ten years.

West Virginia Coal Association President Bill Raney says the EPA is acting like a bully. "They say, 'Let's just pull the plug on it. We don't care about West Virginia,'" Raney said.

Those with the Ohio Valley Environmental Coalition, though, applauded the decision.

"We breathe a huge sigh of relief today and we thank the EPA and the Obama Administration for enforcing the Clean Water Act," OVEC Executive Director Janet Keating said in a statement.

"The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health,

and even driving entire communities to extinction."

Huffman, though, says the project was well vetted before the permit was approved.

"It came together after a lot of study and a lot of hard work and all the people, all the environmental experts involved, put this thing together and it was okay in 2007 and, then in 2009, it wasn't," Huffman said.

EPA officials say the project would bury almost seven miles of streams, leading to pollution in other areas. Even after talks with Arch Coal, federal regulators say the environmental impact of the project is still too great to allow it to continue.

The Spruce Number One project was the largest ever proposed in Central Appalachia.

**Betsaida
Alcantara/DC/USEPA/US**

09/26/2011 09:18 AM

To Richard Windsor, Seth Oster, Bob Sussman, Bob
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Owens

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Subject Politico Pro: Obama slams Perry on climate

Obama slams Perry on climate

By Dan Berman
9/26/11 9:13 AM EDT

President Barack Obama lit into Rick Perry on Sunday night, calling out the Texas governor for — among other things — being a climate skeptic.

Obama didn't call out Perry by name, according to the White House pool report from Wall Street Journal reporter Carol E. Lee, but the president referred to several recent GOP presidential debates.

"Some of you here may be folks who actually used to be Republicans but are puzzled by what's happened to that party, are puzzled by what's happening to that party," Obama said at a San Jose, Calif., fundraiser. "I mean, has anybody been watching the debates lately?"

"You've got a governor whose state is on fire denying climate change," Obama said. "It's true. You've got audiences cheering at the prospect of somebody dying because they don't have health care and booing a service member in Iraq because they're gay.

"That's not reflective of who we are," Obama added "This is a choice about the fundamental direction of our country. 2008 was an important direction. 2012 is a more important election."

Obama also suggested that his supporters may need to put out some fires on the left — including on environmental issues. Obama said he hasn't been able to do everything he wanted on the environmental front because of the economy, the pool report states.

"And in some cases I may need you to have some arguments with our progressive friends," Obama said.

**Betsaida
Alcantara/DC/USEPA/US**

07/11/2011 12:56 PM

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

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bcc

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. Sussman will be speaking to Judith about it. We're thinking through how to respond, if any.

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.

**Betsaida
Alcantara/DC/USEPA/US**

09/15/2011 09:25 AM

To Richard Windsor, Seth Oster, Bob Sussman, Bob
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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 CO2 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 CO2 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 Kirijan, a spokeswoman for the company.

"What EPA needs to have is a demonstrably achievable, affordable path to meet the standards," said Doniger.

**Betsaida
Alcantara/DC/USEPA/US**

11/22/2010 04:10 PM

To Richard Windsor, Seth Oster, Bob Sussman, Bob Perciasepe, Peter Silva, Gina McCarthy, Brendan Gilfillan, Adora Andy, Alisha Johnson, Diane Thompson, David McIntosh, Arvin Ganesan, Daniel Kanninen

cc

bcc

Subject EPA Carbon Storage Rules Clips 11/22/10

EPA Carbon Storage Rules Clips 11/22/10

AP: EPA sets new rules for carbon dioxide storage

By MATTHEW DALY

The Associated Press

Monday, November 22, 2010; 3:45 PM

WASHINGTON -- The Obama administration is imposing new rules to protect drinking water and track the amount of carbon dioxide stored underground by "clean coal" technology.

The rules, announced Monday, cover an experimental technique to store underground the carbon dioxide emissions from coal-fired power plants and other sources. The technique, which involves injecting carbon dioxide in stable geologic formations, is designed to reduce greenhouse gases that contribute to global warming.

Bloomberg :Carbon-Storage Rules for U.S. Coal Plants Issued to Shield Drinking Water

By Simon Lomax - Nov 22, 2010

The U.S. Environmental Protection Agency issued rules to protect drinking-water supplies from future efforts to bury pollution from coal-fired power plants.

The regulation is a major step in the federal government's effort to promote a "promising technology" capturing carbon dioxide that otherwise would be emitted from smokestacks and injecting it into geologic formations such as deep-saline aquifers and depleted oil reservoirs, EPA administrator Lisa Jackson said today in an e-mailed statement.

[FULL TEXT BELOW]

AP: EPA sets new rules for carbon dioxide storage

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Lisa Jackson, administrator of the Environmental Protection Agency, said the rules clarify standards for carbon storage, so industry knows what is required as it develops the technology.

"We're taking a major step toward path-breaking innovations that will reduce greenhouse gases

and put America in the forefront of the clean energy economy," Jackson said.

The administration wants to encourage carbon storage while overcoming liability obstacles that could hinder its development.

A sudden release of large amounts of carbon dioxide can kill by asphyxiation. In 1986, 1,700 people died when a cloud of carbon dioxide escaped from a volcanic lake in Cameroon.

In a report this summer, an administration task force advised against the government taking on unlimited liability for underground storage of carbon dioxide. The task force said the government could take it on at closed sites if federal regulators certify that the carbon dioxide is safely sequestered and will remain that way indefinitely.

The Energy Department has estimated that there are hundreds to thousands of years of potential carbon storage in geologic formations in North America.

Ann Weeks, senior counsel for the Clean Air Task Force, an advocacy group, called the new rules a critical step in the battle to curb global climate change.

"The early and environmentally safe deployment of innovative technologies like carbon capture and sequestration that allow deep reductions in greenhouse gas emissions is critical to our country's ability to avoid the worst consequences of climate change," she said.

The new rule concerning greenhouse gas emissions takes effect Dec. 31. The rule on drinking water takes effect next summer.

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The drinking-water regulation governs the way carbon-dioxide injection wells are located, built, tested, monitored and closed. A task force of 14 U.S. agencies said in August that carbon-capture technology is currently too expensive to be used without financial and regulatory support from the federal government.

Rules governing the "environmental soundness of injecting and storing carbon dioxide underground" must be part of a federal plan to "facilitate widespread cost-effective deployment" of the pollution-control technology after 2020, according to the task force.

A separate EPA rule also released today deals with measuring the amount of carbon dioxide that's captured and stored.

U.S. legislation requiring power plants to pay a price for carbon dioxide they release into the air must also be passed to create a "stable framework for investment" in carbon-capture technology, the task force said. Legislation to put a price on carbon narrowly passed the House last year and

stalled in the Senate.

Carbon dioxide is among greenhouse gases that scientists have linked to climate change. President Barack Obama has said the U.S. should aim to cut greenhouse-gas emissions about 17 percent from their 2005 level by 2020.

**Betsaida
Alcantara/DC/USEPA/US**

01/25/2011 12:06 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Adora Andy, Bob Perciasepe, Bob Sussman, David McIntosh, Arvin Ganesan, Diane Thompson

cc

bcc

Subject TIME Blog: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

**Administrator,
Please see the last paragraph .**

Politics: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

Posted by Bryan Walsh Tuesday, January 25, 2011 at 11:00 am

TIME

As Politico first reported last night, Carol Browner will be stepping down from her post as White House climate and energy czar. Browner, an Environmental Protection Agency (EPA) administrator in the Clinton Administration, was a key member of the "Green Dream Team" of cabinet appointees and White House aides who accompanied President Obama into office two years ago, and a strong voice for the environment inside a West Wing that was usually dominated by centrists like former chief of staff Rahm Emanuel. From her perch in the White House, Browner helped push for climate and energy legislation in Congress—and since cap-and-trade failed, for lots of reasons, greens are worried that Browner's exit could signal the West Wing's surrender on climate. As Mike Allen and Darren Samuelsohn report:

Even so, some of Obama's allies on and off Capitol Hill who two years ago considered Browner the leader of a dream team on their issues said they were concerned about the latest shakeup on the eve of a State of the Union where the president is expected to move to the center.

"This does strike me as a quiet kill, so to speak," said a House Democratic aide who works on energy and environmental issues, including the 2009 cap-and-trade bill. "If there were a sacrificial lamb, it could have been on health care, financial issues, on a whole number of other things. But it's the climate czar that's going down.

"I don't know the exact circumstances of it, but the circumstantial evidence, I think the timing is frankly fairly frightening," the staffer added.

How big a difference will Browner's departure make? There are some clues in that quote. While the Obama Administration obviously had a bumpy first two years, leading to that shellacking in the midterm elections, the White House managed to push through both health care and financial reform legislation. Though cap-and-trade legislation passed the House in a close vote in 2009, it never came up for a vote in the Senate, where the need for 60 votes and the resistance of conservative Democrats (not to mention just about every Republican) proved an insurmountable barrier. Now with the Republicans in firm control of the House and the Democratic majority even weaker in the Senate, it's virtually impossible to imagine new climate and energy legislation going through the Congress. If anything is likely to be done, it will almost certainly come through the EPA, which has begun the controversial process of regulating greenhouse gas emissions, perhaps along with smaller initiatives from the Department of Energy (DOE). If Browner's job chiefly was to liaise with Congress on climate and energy, it's not clear she'd have much of a portfolio left.

That doesn't mean her departure is meaningless. Early on in 2009, Browner scored a victory when she presided over successful negotiations with the auto industry to vastly improve fuel efficiency requirements, and she was also front and center for the Administration's response to the BP oil spill, which was better than many critics gave it credit for. (I remember speaking to Browner in the early days of the spill, and she was able to make the clear connection between the disaster and America's oil addiction—though that relationship was lost as the spill dragged on.) Symbolism matters in the White

House—the appointment of Browner and other heavyweights like DOE Secretary Steven Chu in 2009 was viewed by greens as evidence that Obama was really going to make climate and energy a priority. (There's a reason TIME made them all Heroes of the Environment in 2009.) But even if it's possible that ambitious climate legislation was doomed from the start, it's tough to make the argument that this issue was high enough on the agenda for President Obama. Greens are already feeling left out—Browner's departure will likely only deepen that sense, especially with pro-business figures like new chief of staff William Daley on the rise in the West Wing.

Practically, though, the battle lines had already moved. The real fight for climate, energy and the environment will be between the EPA and Republicans in the House, who seem dedicated to making agency administrator Lisa Jackson's life as miserable as possible. You can expect Jackson, a New Orleans native tempered in the unfriendly fields of New Jersey state politics, to play tough. Just since the beginning of 2011, the EPA has continued with the process of greenhouse gas regulations (though they remain limited), and made a controversial decision to deny a permit for a mountaintop removal mine. The question is whether the White House and President Obama will stand behind her. (So far it looks like they will, with the Department of Justice making the defense of greenhouse gas regulations a top priority.) That should matter more to greens than whether we see another White House climate czar.

**Betsaida
Alcantara/DC/USEPA/US**

10/14/2011 12:17 PM

To Richard Windsor, Seth Oster, Diane Thompson, Brendan Gilfillan, Bob Perciasepe, Bob Sussman, Stephanie Owens, Dru Ealons, Alisha Johnson, Andra Belknap, Janet Woodka, Heidi Ellis, Gina McCarthy, Arvin Ganesan, Laura Vaught

cc

bcc

Subject Bloomberg: EPA's Jackson Says House Measures Would Gut Clean-Air Act

EPA's Jackson Says House Measures Would Gut Clean-Air Act

October 14, 2011, 10:02 AM EDT

By Mark Drajem

(Updates with comments from Jackson in second, sixth paragraphs.)

Oct. 14 (Bloomberg) -- Lisa Jackson, administrator of the Environmental Protection Agency, said efforts to limit her powers are "unprecedented" and pledged that rules aimed at coal-powered power plants won't harm electric reliability.

Proposed legislation, such as a measure being considered in the U.S. House to block pollution controls on coal ash, would result in "gutting the heart of the Clean Air Act," Jackson said today at an event sponsored by Politico in Washington. The EPA regulations have health effects "that are big, and it's not theoretical, although you wouldn't hear that from some of the rhetoric in this town."

The House of Representatives is voting on a series of measures to roll back EPA rules that lawmakers say are harming the American economy and impeding business investment.

Yesterday the House voted to block regulation of industrial boilers, used in paper mills and hospitals, and last week passed legislation to scrap rules limiting mercury emissions from cement plants.

President Barack Obama's administration has said it opposes the cement and boiler measures, and Jackson said today that her top priority is to fend off such legislation.

The EPA has proposed regulations to cut pollution from power plants, and those standards will result in some coal-fired plants closing, Jackson said.

"What will have to happen is that really old clunkers that have never had pollution-control technology installed on them" will need to be shut, Jackson said. EPA's flexibility to delay its standards, if necessary, and expanded demand for low-cost natural gas will ensure that electric reliability won't suffer, she said.

--Editors: Steve Geimann, Judy Pasternak

**Betsaida
Alcantara/DC/USEPA/US**

11/18/2011 02:44 PM

To Richard Windsor, Stephanie Owens, Seth Oster, Brendan Gilfillan

cc

bcc

Subject Carl Pope leaving Sierra Club: Energy Breaking News

LATIMES story pasted below

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 11/18/2011 02:43 PM -----

From: POLITICO Pro <politicoemail@politicopro.com>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 11/18/2011 02:41 PM
Subject: Energy Breaking News

Carl Pope, chairman of the Sierra Club since 1992, is resigning and will be replaced as chairman by Michael Brune, the Los Angeles Times [reports](#).

Sierra Club leader departs amid discontent over group's direction

Sierra Club Chairman Carl Pope, whose leadership has stirred dissent, steps down. Some believe the organization has compromised its core principals.

By Louis Sahagun, Los Angeles Times

11:28 AM PST, November 18, 2011

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nt

The leader of the Sierra Club, one of the nation's most influential environmental groups, has stepped down after 18 years amid discontent that the group founded by 19th Century wilderness evangelist John Muir has strayed from the woods and into to corporate boardrooms and has compromised its core principals.

The departure of Carl Pope, 66, chairman of the club and a member for more than 40 years, comes as the nonprofit group faces declining membership, internal dissent, well-organized opponents, a weak economy and hostile forces in Congress trying to take the teeth out of environmental regulations.

He has been replaced by Michael Brune, 40, a veteran of smaller, tightly focused activist groups, who has pledged to focus leadership on grass-roots organizing, recruiting new members and focusing on issues such as coal-fired power plants. "We have different approaches," Brune said

of his relationship with his predecessor.

Pope said he will leave his position as chairman to devote most of his time to "revitalizing the manufacturing sector" by working with organized labor and corporations. That focus during his tenure caused schisms in the club, most notably when he hammered out a million-dollar deal with household chemical manufacturer Clorox to use the club's emblem on a line of "green" products, and more recently with its unflagging support of utility-scale solar arrays in the Mojave Desert, the type of wild place the club made its reputation protecting.

"I'm a big-tent guy, " Pope said in an interview in the group's San Francisco headquarters. "We're not going to save the world if we rely only on those who agree with the Sierra Club. There aren't enough of them. My aim is getting it right for the long term. I can't get anything accomplished if people think: 'This guy is not an honest broker. He's with the Sierra Club.' "

Pope led the Sierra Club's efforts to help protect 10 million acres of wilderness, including California's Giant Sequoia National Monument, and brought litigation challenging the right of then-Vice President Dick Cheney's energy task force to secretly hash out energy policy with major oil companies. Pope also co-authored California's Prop 65, which allowed citizens to sue polluters if they failed to comply with the law. More recently, he helped block 150 proposed coal-fired power plants.

But his tenure was marked by controversial decisions that revealed the costs and political consequences behind the brand of environmental activism he practiced. Acrimony remains over the 2008 Clorox deal, which brought the club \$1.3 million over the four-year term of the contract, according to Pope.

Many of the rank and file felt Pope diminished the role of chapter experts and volunteers who have sustained the organization since Muir first championed California's Sierra Nevada and an expanding list of American wild places, favoring paid staffers and attorneys and chumming with political players such as United Steel Workers President Leo Gerard and attorney Robert F. Kennedy Jr.

The longest-serving executive director in club history, Pope pulled the group closer to large donors, and re-focused efforts toward fighting climate change, over narrowly focused campaigns to protect wild places. The group's unflagging support for utility-scale solar development, which threatens such species as the desert tortoise, captures the philosophical shift that occurred under Pope.

"If we don't save the planet, there won't be any tortoises left to save," Pope said.

The 66-year-old Harvard graduate acknowledged that big challenges await his successor, who will manage a budget of nearly \$100 million and a staff of about 600. Pope earned a salary of \$207,374 in 2010, the last year for which figures were available.

The Sierra Club leadership, which is appointed by members, sought to minimize the issue of philosophical differences between Pope and Brune, and focus on a smooth transition.

"We're fortunate that the two of them work so well together, and that Carl has done such a great job of passing the torch," said Sierra Club Board President Robin Mann, who praised Pope's "groundbreaking work," including developing alliances with labor that "put us in a whole different position in terms of influence."

Brune, who has undergraduate degrees in economics and finance, previously worked for the Rainforest Action Network and Greenpeace, groups known for scrappy and theatrical anti-corporate tactics. That background emerges in his view of the group's relationship with Clorox, a company that has had a checkered environmental past.

"We're done with Clorox," Brune said in an interview. "The contract with Clorox runs out in December, and by mutual consent it will not be renewed."

"I'm not going to bring any deals to the board that would negatively impact the Sierra Club brand," he added. "Nor will we associate with any company that has a green product line and also produces products that can damage the environment in ways they are not willing to address."

Pope had blunt words for critics of the Clorox decision: "I could predict with 90% certainty where somebody would stand on the Clorox controversy by knowing one bit of demographic data. The people in the Sierra Club who had significant concerns were between 50 and 68. They were people who cut their teeth on the counter culture-greening-of-America-anti-business stuff of the 1970s."

That assessment rankled Brune, who will have to address a decline in paid membership, from 714,000 in 2005 to 616,000 today.

"Over the next year we will be adding a million members and supporters," Brune said. "In order to get off coal, one of the biggest sources of greenhouse emissions, we'll need an army of well-trained volunteers, as well as lobbyists and lawyers. Our members will be finding new members as tenacious and devoted to finding solutions as they are. We'll be activating and inspiring everyday people who genuinely care about the environment."

That kind of talk "is refreshing," said Joan Taylor, a Sierra Club activist of 40 years.

"We desert activists felt the club had abandoned the desert in the name of ramping up utility-scale renewable energy projects," Taylor said. "We don't need the club beholden to big labor and big corporations. That's a huge error in judgment. Eventually, it can't help but affect what you can say and what you can do."

Ed Mainland, co-chair of Sierra Club California's energy-climate committee said, "I'm hopeful there will be a change of course. We shouldn't be in bed with industry and utilities. Big donors start dictating policy."

Pope agreed, to a point.

"The biggest source of legitimate unhappiness," Pope said, "has been that after 9/11 the Sierra Club and all other membership organizations started getting less and less individual donations — so we became more reliant on money that came with strings. That's the reality of the world."

The club has received hefty financial contributions over the past two decades, including more than \$100 million from clean energy investor David Gelbaum. In July, New York Mayor Michael R. Bloomberg's main charitable organization announced it would donate \$50 million over four years to the club's campaign to shut down coal-fired power plants.

Pope acknowledged that many people in the organization disagreed with his fund-raising philosophy. "But my view and the view of the board," Pope said, "was that accepting some loss of flexibility for some increase in clout was a risk worth taking."

**Betsaida
Alcantara/DC/USEPA/US**

11/03/2011 06:22 PM

To Richard Windsor

cc "Betsaida Alcantara", Bob Perciasepe, Cynthia Giles-AA,
"Brendan Gilfillan", Seth Oster, "Diane Thompson", "Lisa
Jackson"

bcc

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 Mess...	11/03/2011 05:41:31 PM
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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>
Date: 11/03/2011 05:41 PM
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."

3. 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."

4. 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.

FULL STORY:

Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review
First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

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 an 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.

The Keystone 1 leak was just five gallons of sludge, but it was enough to alarm environmentalists, many of whom were already worried that the company's initial State-approved estimate of only 2.2 leaks per decade was overly optimistic. Two weeks later, a second small leak occurred farther down the line. (At the end of a year of operation, Keystone 1 had leaked a dozen more times; this past June, regulators were forced to shut down the pipeline briefly after TransCanada failed to satisfy safety concerns.)

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.

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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.

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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."

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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.

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"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."

**Betsaida
Alcantara/DC/USEPA/US**

11/03/2011 05:39 PM

To Seth Oster

cc "Betsaida Alcantara", Cynthia Giles-AA, "Brendan Gilfillan",
"Bob Perciasepe", "Diane Thompson", "Lisa Jackson"

bcc

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:

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FULL STORY:

Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review
First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

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 an 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.

The Keystone 1 leak was just five gallons of sludge, but it was enough to alarm environmentalists, many of whom were already worried that the company's initial State-approved estimate of only 2.2 leaks per decade was overly optimistic. Two weeks later, a second small leak occurred farther down the line. (At the end of a year of operation, Keystone 1 had leaked a dozen more times; this past June, regulators were forced to shut down the pipeline briefly after TransCanada failed to satisfy safety concerns.)

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**Betsaida
Alcantara/DC/USEPA/US**

08/15/2011 09:55 AM

To Windsor.Richard, DePass.Michelle

cc Gilfillan.Brendan, Oster.Seth, "Shalini Vajjhala", "Jose Lozano", "Heidi Ellis", "Elle Beard", "Gina McCarthy"

bcc

Subject Washington Post: Obama administration encounters opposition to international climate agenda [REDACTED]

Administrator,

See Juliet Eilperin's story on Obama's intl climate agenda being derailed. We'll have tps for you on this topic in case you get asked here.

Washington Post: Obama administration encounters opposition to international climate agenda [REDACTED]

By: Juliet Eilperin

August 14

President Obama spoke of lofty intentions to help the world reduce greenhouse gases when he addressed delegates to United Nations talks in Copenhagen in 2009. We have charted our course, we have made our commitments, and we will do what we say, he said. Now, I believe that its time for the nations and people of the world to come together behind a common purpose. But the Obama administration is on track to fall more than \$200 million short on its \$1 billion pledge to help prevent the cutting and burning of tropical rainforests. Lawmakers have slashed requests on everything from promoting clean energy to helping developing nations cope with the effects of global warming. And although the United States is putting into place standards for autos and trucks that will drastically reduce emissions, its negotiators are fighting with European Union officials over their attempt to regulate U.S. airline carbon emissions.

Any clear indication on where the United States is headed in this arena will have to wait until after the 2012 election, if not later, said Robert N. Stavins, director of the Harvard Environmental Economics Program at the John F. Kennedy School of Government. In terms of explicit climate policy, the administration will not be able to deliver, at least between now and 2013, he said. The administration responds that it is pressing ahead with regulations to cut emissions from cars and light trucks dramatically by 2025. And greenhouse-gas emissions in the United States have dropped 8 percent between 2005 and 2009, according to the Environmental Protection Agency, although the economic downturn accounts for at least part of the decline.

The United States pledged during U.N. talks to reduce its greenhouse-gas emissions by 17 percent from 2005 levels by 2020. We obviously would have liked to get energy and climate legislation done last year, but no one should think this administration isnt acting, said Todd Stern, the U.S. special envoy for climate change. We are acting with landmark provisions on vehicle efficiency and \$90 billion of investments to spur efficiency, renewable energy, an electric-car industry, and a smart grid investments that make us cleaner, more competitive and less carbon-intensive. Delivering on international climate assistance has proved more challenging. The administration promised in Copenhagen to provide \$1 billion between 2010 and 2012 to prevent tropical deforestation, which accounts for about 15 percent of the worlds annual greenhouse-gas emissions. It also promised to contribute an unspecified share of a broader commitment by rich nations to provide \$30 billion in fast start financing during that time to the developing world.

What is clear is that the Obama administration has gotten much less than it wants from Congress to fund its climate initiatives. The United States provided \$1.7 billion in international climate aid in fiscal 2010, \$400 million of which came from U.S. development finance and export credit agencies. It asked for \$1.9 billion in fiscal 2011, and administration officials said they were crunching numbers but the total was likely to be lower than 2010s. The Congressional Research Service puts core climate funds for fiscal 2011 at \$946 million, but administration officials predicted other funding would raise the total significantly above that.

House Republicans are seeking even deeper reductions for fiscal 2012. The House Appropriations subcommittee on state, foreign operations and related programs cut all but \$70 million for international climate assistance, while the House Foreign Relations Committee eliminated climate funding last month as part of an authorization bill. Were in a tough fiscal environment, but if you look at all forms of U.S. support to promote clean-energy development, prevent deforestation and build resilience against extreme weather support that helps us as well as other countries were not doing badly, Stern said. Nigel Purvis, executive director of the bipartisan commission on climate and tropical forests, estimated that the United States will fall more than \$200 million, and maybe as much as \$320 million, short of its forestry pledge by the end of this fiscal year unless an independent U.S. foreign aid agency, the Millennium Challenge Corp., approves a massive grant to Indonesia. Unlike other parts of the climate issue, forest conservation is supported by liberals and conservatives, alike, because saving forests strengthens local communities, reduces societal instability and protects wildlife, Purvis said. This is an area of climate policy where the United States can and should do more. Last year, the administration funded international projects including a \$1.5 million solar energy-powered pump project in Uganda and \$3 million to enhance the low-lying Republic of Maldives ability to cope with rising sea levels and drinking water access.

But the United States has sought to block the E.U. from forcing all foreign carriers as of Jan. 1 to buy pollution allowances for flights to and from Europe if their own countries didnt regulate carbon emissions. Unilaterally including our carriers in an emissions trading system is the wrong way to achieve the right objective, Krishna R. Urs, the State Departments deputy assistant secretary for transportation affairs, testified before the House Transportation and Infrastructure Committee .

The U.S. airline industry including the Air Transport Association, United Continental Holdings and AMR Corp. is challenging the policy before the European Court of Justice, which heard arguments on it last month. If the E.U. is allowed to go forward with this and regulate in our airspace, that would change the face of international aviation, said Nancy Young, ATAs vice president for environment.

Isaac Valero-Ladron, E.U. spokesman for Climate Action Commissioner Connie Hedegaard, said in a phone interview that European officials would prefer that the Obama administration introduce a bill to reduce emissions from aviation, instead of trying to block the only legislation that is trying to address the global problem of aviation emissions. Jake Schmidt, international climate policy director for the Natural Resource Defense Council, said the airlines case could undermine Americas negotiating position when it comes to global climate policy. This is the United States telling another nation not to regulate an emission that the U.S. cant do anything about. But Heritage Foundation policy analyst Nicholas Loris, who opposes a cap on carbon as well as an international climate treaty, said the United States was better off if it was not party to a global warming pact

**Betsaida
Alcantara/DC/USEPA/US**

08/16/2011 07:47 AM

To Windsor.Richard, DePass.Michelle, Oster.Seth,
Perciasepe.Bob, Sussman.Bob, Thompson.Diane,
Vajjhala.Shalini, Gilfillan.Brendan, Beard.Elle,
Johnson.Alisha, Belknap.Andra, "Stephanie Owens", "Dru
Ealons", "Michael Moats", "Vicki Ekstrom", "Daniel Kanninen"

cc

bcc

Subject Nutter in Rio with EPA to teach, learn about green
development

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Posted: 08/16/2011 6:44 AM

By Sandy Bauers

Philadelphia Inquirer Staff Writer

Mayor Nutter and the head of the U.S. Environmental Protection Agency are in Rio de Janeiro this week to listen, learn, and lend their expertise on green development as one of the world's premier cities embarks on a \$200 billion reinvention of its infrastructure.

With Brazil set to host the 2014 World Cup, Rio picked as the site of the 2016 Olympics, and mammoth road and sewer projects in the works, officials see the meeting as a platform to push sustainability and the benefits of a green economy.

Government, industry, academic, and nonprofit officials from both countries will meet for three days - among them EPA Administrator Lisa P. Jackson, Philadelphia Water Commissioner Howard Neukrug, and Philadelphia Deputy Mayor for Transportation Rina Cutler - to exchange information and ideas.

"This is EPA working with our sister government to really explore a perfect example of environmental priorities and economic priorities coming together," Jackson said Monday in a telephone interview from Rio.

The forum was prompted by the presidents of both countries.

In March, President Obama traveled to Brazil and met with President Dilma Rousseff. They agreed on a number of measures, including a decision to work together on the issue of sustainability for urban infrastructure - the physical guts of a city, everything from roads to water pipes.

"With the significant investments in sustainable urban growth that Rio is making in the next four years, it is essential that we go there to both learn and share our expertise," Jackson said in an EPA news release Monday. "We want to be part of activities that can create new jobs for American companies and foster cleaner, greener communities for the American people."

Jackson said Nutter was selected because he was a national leader in urban redevelopment and sustainability. He is the only elected official on the trip, and the EPA is picking up the tab.

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So which beach was it? Ipanema? Copacabana? Nutter said he didn't know. "It was the beach outside my hotel."

**Betsaida
Alcantara/DC/USEPA/US**

08/17/2011 06:38 AM

To Windsor.Richard, DePass.Michelle, Oster.Seth,
Perciasepe.Bob, Sussman.Bob, Thompson.Diane, "Shalini
Vajjhala", Gilfillan.Brendan, Beard.Elle, Johnson.Alisha,
Belknap.Andra, Owens.Stephanie, Ealons.Dru, "Michael
Moats", Ekstrom.Vicki, Kanninen.Daniel

cc

bcc

Subject BNA: U.S., Brazil to Promote Urban Sustainability In Projects
Related to World Cup, Olympics

U.S., Brazil to Promote Urban Sustainability In Projects Related to World Cup, Olympics

http://news.bna.com/ieln/IELNWB/split_display.adp?fedfid=21723005&vname=inernotallissues&wsn=500086000&fn=21723005&split=0

RIO DE JANEIRO—The United States and Brazil Aug. 16 launched a joint initiative to stimulate investment in urban sustainability in connection with Brazil's hosting of the 2014 World Cup in 17 cities and the 2016 Olympics in Rio.

U.S. Environmental Protection Agency Administrator Lisa P. Jackson and Izabella Teixeira, Brazil's environment minister, made the announcement at a news conference in Rio.

"Games-related investments from 2011-2016 are expected to reach \$200 billion in infrastructure and construction projects," said an EPA statement on the Joint Initiative on Urban Sustainability (JIUS).

The initiative will encourage construction of sustainable infrastructure for the sporting events, such as buildings with energy-efficient heating, ventilation and air-conditioning, lighting, and water use. It also will promote clean energy, such as the use of environmentally friendly generators at stadiums.

After the press conference, Jackson told BNA, "We're not just talking about building sustainable stadiums and airports, but about smaller-scale projects, like installing wastewater plants in areas to be impacted by the sporting events, retrofitting existing sporting event buildings to be more energy efficient, and recovering land cleared for the events by planting trees."

Delegates from Microsoft, Alcoa, Morgan-Stanley Bank, and the Rockefeller Foundation represented the U.S. private sector at the launch. Philadelphia Mayor Michael Nutter also attended.

Initiative Will Explore Financing Possibilities

Jackson told BNA that "the Brazilian government, not the JIUS, will decide how to incorporate urban sustainability into both sporting events. The JIUS will simply facilitate such decisions by, say, exploring ways of financing sustainable projects, many of which will be undertaken by public/private sector partnerships."

The joint initiative will be overseen by a board of 24 members representing the public sector, private sector, and civil society who have experience in environmental finance, policymaking and infrastructure development, EPA said. Work groups will be created to identify public/private partnership opportunities for promoting urban sustainability.

The sustainability initiative is an outgrowth of the U.S.-Brazil Strategic Energy Dialogue, a partnership announced by U.S. President Barack Obama and Brazilian President Dilma Rousseff in March to foster the development of safe, secure, and affordable energy in an environmentally sound way, including energy from oil, natural gas, biofuels, alternative energy sources, and civilian nuclear energy.

That initiative continued Aug. 15, when U.S. Deputy Secretary of Energy Daniel Poneman said during a

visit to São Paulo that the two countries would work together to build a larger global market for biofuels. (See related story <http://news.bna.com/ieln/display/link_res.adp?fedfid=22363171&fname=a0c8u7g0d0&vname=inernotallisues>.)

EPA said the sustainability initiative will showcase some of its achievements at the U.N. Conference on Sustainable Development, dubbed Rio + 20 <<http://www.uncsd2012.org/rio20/Rio>>, in June 2012.

By Michael Kepp <<mailto:correspondents@bna.com>>

More information on the U.S.-Brazil Joint Initiative on Urban Sustainability is available, in English, at <http://www.epa.gov/international/jius.html> <<http://www.epa.gov/international/jius.html>>.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 08/16/2011 07:47 AM EDT

To: Richard Windsor; Michelle DePass; Seth Oster; Bob Perciasepe; Bob Sussman; Diane Thompson; Shalini Vajjhala; Brendan Gilfillan; Elle Beard; Alisha Johnson; Andra Belknap; Stephanie Owens; Dru Ealons; Michael Moats; Vicki Ekstrom; Daniel Kanninen

Subject: Nutter in Rio with EPA to teach, learn about green development
Nutter in Rio with EPA to teach, learn about green development

Posted: 08/16/2011 6:44 AM

By Sandy Bauers

Philadelphia Inquirer Staff Writer

Mayor Nutter and the head of the U.S. Environmental Protection Agency are in Rio de Janeiro this week to listen, learn, and lend their expertise on green development as one of the world's premier cities embarks on a \$200 billion reinvention of its infrastructure.

With Brazil set to host the 2014 World Cup, Rio picked as the site of the 2016 Olympics, and mammoth road and sewer projects in the works, officials see the meeting as a platform to push sustainability and the benefits of a green economy.

Government, industry, academic, and nonprofit officials from both countries will meet for three days - among them EPA Administrator Lisa P. Jackson, Philadelphia Water Commissioner Howard Neukrug, and Philadelphia Deputy Mayor for Transportation Rina Cutler - to exchange information and ideas.

"This is EPA working with our sister government to really explore a perfect example of environmental priorities and economic priorities coming together," Jackson said Monday in a telephone interview from Rio.

The forum was prompted by the presidents of both countries.

In March, President Obama traveled to Brazil and met with President Dilma Rousseff. They agreed on a number of measures, including a decision to work together on the issue of sustainability for urban infrastructure - the physical guts of a city, everything from roads to water pipes.

"With the significant investments in sustainable urban growth that Rio is making in the next four years, it is essential that we go there to both learn and share our expertise," Jackson said in an EPA news release Monday. "We want to be part of activities that can create new jobs for American companies and foster cleaner, greener communities for the American people."

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**Betsaida
Alcantara/DC/USEPA/US**

12/14/2011 02:57 PM

To Windsor.Richard, Ganesan.Arvin, Gilfillan.Brendan,
Owens.Stephanie, "Alisha Johnson", "Andra Belknap", "David
Bloomgren", "Laura Vaught", "Bob Perciasepe"

cc

bcc

Subject From Politico

LAWMAKERS WANT MERCURY PROTECTIONS: Forty-one Democratic congresswomen sent a letter Tuesday to the White House supporting EPA's upcoming mercury and air toxics standards for utilities, calling the planned rule "one of the most significant improvements in public health safeguards since the passage of the Clean Air Act Amendments in 1990." The letter was signed by all women, in an effort to highlight the particular impact mercury can have on women and children, and they also noted that the "standards will prevent 91 percent of the mercury in coal burned in power plants from being emitted to the air," saving 17,000 lives by 2016. The letter: <http://1.usa.gov/tsqLpJ><<http://1.usa.gov/tsqLpJ>>

**Betsaida
Alcantara/DC/USEPA/US**

06/06/2011 04:22 PM

To Windsor.Richard, Ganesan.Arvin, Perciasepe.Bob,
Sussman.Bob, Oster.Seth, "Brendan Gilfillan", Andy.Adora,
McIntosh.David, "Diane Thompson", "Daniel Kanninen",
"Alisha Johnson", "Andra Belknap", "Gina McCarthy"

cc

bcc

Subject Politico: Obama won't revise U.S. climate goals before
election

Obama won't revise U.S. climate goals before election

By Darren Samuelsohn
6/6/11 12:59 PM EDT

President Barack Obama won't update his international commitments on climate change until 2013 – if he's back for a second term.

U.S. deputy climate envoy Jonathan Pershing spelled out<
http://unfccc2.meta-fusion.com/kongresse/110606_SB34/templ/play.php?id_kongresssession=3569&the_me=unfccc> the timetable for Obama's next big update Monday in Bonn, Germany, at the start of a two-week U.N. conference on the issue.

Pershing's remarks came when asked by a reporter whether the United States planned to rethink its pledge to curb emissions 17 percent below 2005 levels by 2020 in light of a discouraging report last month by the International Energy Agency. The IEA said<http://www.iea.org/index_info.asp?id=1959> greenhouse gases are building up in the atmosphere at higher-than-expected rates and that not enough is being done globally to stop it.

"I think we're not going to make a judgment about how we'd do something differently without more information about how we are doing on the commitments we have just now undertaken," Pershing replied. "We just did this about six months ago. The notion that six months later we're throwing the whole thing over and starting again doesn't seem like the right approach.

"The right approach seems to be slightly more measured," Pershing added. "Not too measured. We've given ourselves only a couple of years. 2013 is not that far down the road to then examine how we've done and how we move forward."

Along with other major greenhouse gas emitters, U.S. officials agreed in December at U.N. talks in Cancun, Mexico, on a 2013-15 schedule for updating its commitments, Pershing said.

The United States is not budging from its existing promises even though Obama was unable to get a cap-and-trade bill through Congress, Pershing said, citing a "whole range of policies and programs" to meet its goals.

Also Monday, the top U.N. climate official acknowledged that an agreement won't be reached on how to extend the Kyoto Protocol before its current commitment period closes at the end of 2012.

"We would assume that there is no time to do that between Durban and the end of 2012," Christiana Figueres told reporters, referring to the South African city that will host the next big round of U.N. climate negotiations Nov. 28 to Dec. 9.

The United States is the only industrialized nation that has never ratified the Kyoto Protocol, so it is not directly involved in those negotiations. But the lack of action in Washington has prompted some to point a finger at Obama for the sluggish nature of the overall effort.

Pershing, however, said the United States isn't to blame considering it stands by the work it promised to

do. Instead, he said he was more concerned about developing countries that are projected to produce a much larger share of future emissions.

Many have made pledges to grow in a more sustainable way but have resisted talks on figuring out ways to monitor and police their promises.

"That remains to be part of a negotiation, but the fact it's such a difficult battle, that there's so much of an uphill discussion about it, suggests to me the problem is not the U.S. but others who are not yet ready to move forward on commitments that they've made," he said.

**Betsaida
Alcantara/DC/USEPA/US**

04/17/2012 07:52 PM

To Windsor.Richard, Gilfillan.Brendan, "Stephanie Owens",
"Diane Thompson", "Arvin Ganesan", "Bob Perciasepe",
"Alisha Johnson"

cc

bcc

Subject Politico Pro: Exclusive: Sierra Club, big green groups to
endorse Obama

Full story below...

Exclusive: Sierra Club, big green groups to endorse Obama

By Darren Samuelsohn and Darren Goode

4/17/12 7:49 PM EDT

President Barack Obama will receive endorsements Wednesday from the Sierra Club, League of Conservation Voters, Clean Water Action and Environment America, according to an environmental political operative and a House Democratic source.

Officials at the environmental groups were mum, though they did tip their hands by announcing a 9 a.m. conference call with reporters to "make a major endorsement announcement for the 2012 election."

"I can tell you that we will not be endorsing Rick Santorum," Sierra Club Executive Director Michael Brune told POLITICO on Tuesday.

For the Sierra Club, the Obama endorsement will be the earliest ever given in a presidential contest. It backed John Kerry in May 2004 but didn't get behind President Bill Clinton's reelection bid until September 1996, a late date due to unhappiness over his signing of a 1995 budget bill including logging language green groups opposed.

The Sierra Club also endorsed Clinton's initial White House run in September 1992. It made its first presidential endorsement in its nearly 100-year history for Democrat Walter Mondale in September 1984.

LCV endorsed Kerry ahead of the New Hampshire primary in January 2004 — which is still the earliest endorsement since the group was founded in 1969.

In 2008, Obama received Sierra Club's endorsement in June and LCV's in July after his primary fight against Hillary Clinton.

While it's no surprise greens will back Obama, he still had some work to do to mend fences after failing to pass a comprehensive climate bill and then punting new smog limits.

Obama has thus far rebuked Republican efforts to expedite permitting of the Keystone XL pipeline, issuing repeated veto threats and calling Democratic senators to twist arms ahead of a key vote earlier this year.

On Tuesday, Obama again said he would reject a 90-day House Republican surface transportation law extension that would authorize TransCanada's proposed 1,700-mile project carrying crude oil from Alberta oil sands to Texas refineries.

The Sierra Club's Brune said it would be "a shot straight to the gut" if Obama were to fall on his sword and sign any measure authorizing the pipeline project.

"Our members would be furious and would express themselves," Brune said. "But it's not something that we expect will happen as the president indicated today."

Jonathan Allen contributed to this report.

To read and comment online:

<https://www.politicopro.com/go/?id=10810><<https://www.politicopro.com/go/?id=10810>>

From: Betsaida Alcantara
Sent: 04/17/2012 07:24 PM EDT
To: Richard Windsor; Brendan Gilfillan; Stephanie Owens; Diane Thompson; Arvin Ganesan; Bob Perciasepe; Alisha Johnson
Subject: Energy Breaking News

FYI

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From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 04/17/2012 07:11 PM AST
To: Betsaida Alcantara
Subject: Energy Breaking News

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**Betsaida
Alcantara/DC/USEPA/US**

09/22/2011 08:39 AM

To Windsor.Richard, Oster.Seth, Ganesan.Arvin,
Perciasepe.Bob, Thompson.Diane, Vaught.Laura,
Gilfillan.Brendan, "Alisha Johnson", "Janet Woodka", "Daniel
Kanninen", "Andra Belknap", "Bob Sussman"

cc

bcc

Subject The Hill: For Jackson, it's not easy being green

For Jackson, it's not easy being green
By Ben Geman - 09/22/11 05:15 AM ET

Lisa Jackson is facing uncharted political terrain following President Obama's decision to shelve smog regulations that she had said were vital to protecting the public's health.

The Environmental Protection Agency (EPA) administrator is appearing before Congress for the first time on Thursday since Obama's Sept. 2 move to undercut her effort to toughen George W. Bush-era ozone rules. Obama has opted to punt the issue until after the 2012 election.

She is certain to face questions about the ozone standard, as well as GOP attacks on other EPA rules that Republicans call "job killers."

Her testimony also comes as the Obama and White House Chief of Staff Bill Daley are attempting to repair ties to the business community. The administration this year launched a highly publicized effort to eliminate some government regulations, irritating organized labor and environmentalists.

Daley's influence in the West Wing has sparked many questions about Jackson's clout.

House Republicans on Thursday will attempt to make Jackson squirm, seeking to divide Obama and the EPA chief.

Rep. Cliff Stearns (R-Fla.), chairman of the Energy and Commerce Oversight and Investigations subcommittee holding the hearing about EPA regulations, will zero in on the smog rule withdrawal.

"We would like to explain our point of view in why the president was right, and we would like to hear her [explain] why she thinks either her boss is wrong or why she was so strong in the first place," he said.

"I think her credibility, considering how strongly she advocated for the ozone [rule], is diminished a bit," Stearns added.

Jackson has sought to quash speculation that she's preparing to resign.

"This administration has a tremendous record on the environment and a lot more work left to do. Administrator Jackson said she's not going anywhere, and she isn't," said EPA spokeswoman Betsaida Alcantara.

Jackson signaled last week that she's not holding Obama's ozone decision against him.

"It was a tough call. The president made a tough call and I respect it," Jackson told San Francisco radio station KQED on Thursday.

The White House's rebuke of the EPA smog rule has environmentalists wondering whether Jackson can secure the White House's backing on other controversial environmental regulations.

One thing is clear: the political winds have shifted significantly over the last couple of years.

In 2009, Jackson and then-White House energy adviser Carol Browner were on offense, working to convince Congress to pass a comprehensive climate change bill.

The measure narrowly cleared the House, died in the Senate and became campaign fodder for Republicans in 2010.

Now, Browner has departed, the House is in GOP hands and the environmental movement is playing defense.

"Obviously we feel like we've been singed. I don't think anyone takes the White House support for granted," said Frank O'Donnell of the group Clean Air Watch.

Rep. Henry Waxman (Calif.), the top Democrat on the Energy and Commerce Committee, publicly warned the White House not to back down on other pending standards.

In an interview with The Hill earlier this month, a frustrated Waxman said: "I think that they could have gone forward with a regulation, based on the science, that would set an ozone standard that would protect the public health. But now that they have done it, I just hope that they understand that they are going to have to hold the line on everything else and not give anything more away on the environment."

The White House argues the ozone decision was made amid a unique set of circumstances, and the administration has been on a charm offensive with environmentalists since Obama killed the rule.

Administration officials have repeatedly said in recent weeks that they will stand up to the industry and GOP assault on rules including upcoming EPA regulations to cut mercury and other toxic emissions from power plants.

"The White House took her back and stuck a knife in it, but after the ozone decision it looks as if, by all appearances, the White House is trying to at least change the appearance of its relationship and say that it is once again supporting EPA," O'Donnell said.

That signal was loud and clear when the White House issued a strongly worded veto threat Wednesday against pending House legislation that would delay – perhaps indefinitely – air toxics standards and recently finalized EPA rules on interstate power plant pollution.

The White House statement slammed efforts to block "landmark" public health protections.

Regardless, some Democrats say talk is cheap, adding that the White House Office of Management and Budget (OMB) must follow through by greenlighting EPA rules.

The White House commitment to defend upcoming regulations nonetheless leaves room for plenty of jousting ahead between EPA and OMB on the substance of the rules.

Many environmentalists deeply distrust Cass Sunstein, who heads OMB's Office of Information and Regulatory Affairs; one former OMB staffer told The Hill Wednesday that Obama's unusual decision to personally announce that the ozone rules would be shelved is a boost to the OMB office.

Bill Snape of the Center for Biological Diversity said Jackson's challenge will now be to effectively make the case for science- and health-based protections amid GOP efforts to scale-back or block several regulations.

"I think it is pretty clear that the White House twists in the polling winds on these issues. To the extent that she can show that the American public does want these strong clean air protections, which I believe they do, that only strengthens her hand," he said.

Green groups' collective antennae were up last week when Jackson said that EPA would not meet a Sept. 30 deadline to propose greenhouse gas standards for power plants.

And, perhaps tellingly, it was Obama who received a letter Tuesday from 19 groups – including the National Wildlife Federation and the Sierra Club – expressing concern about the missed deadline and asking Obama to “reaffirm the administration’s commitment to issue strong standards that significantly reduce carbon emissions.”

EPA officials are cautioning against reading anything into the delay and say they will announce a schedule soon. Jackson told a California radio station last week that EPA will “absolutely” move ahead with the standards and said the delay wasn’t political.

“It was our decision to propose a new schedule due to the complexity of the rules,” said Alcantara, the EPA spokeswoman. “We just needed more time.”

Jackson, in her prepared remarks for Thursday’s hearing, steers clear of the ozone decision but strongly makes the case for Clean Air Act protections, and notes more broadly that “regulations can and do improve the lives of people.”

“We need these rules to hold polluters accountable and keep us safe. For more than 40 years, since the Nixon administration, the Agency has carried out its mission and established a proven track record that a healthy environment and economic growth are not mutually exclusive,” she plans to say.

Conservative Democratic Sen. Mary Landrieu (La.), who like Jackson is a New Orleans native, clashed with EPA over the ozone rule and said she was glad to see it shelved. But she disagrees with Stearns that Jackson has been politically wounded.

“I do not think it diminishes her stature,” Landrieu said. “She has got to do her job, the president has got a job to do to balance broader interests than she has, and I hope she will stay there.”

**Betsaida
Alcantara/DC/USEPA/US**

09/19/2011 02:52 PM

To Windsor.Richard

cc Oster.Seth, Perciasepe.Bob, Owens.Stephanie, Ealons.Dru,
"Diane Thompson", "Brendan Gilfillan", "Arvin Ganesan",
"Laura Vaught"

bcc

Subject Greenwire: Evangelicals press Republicans to drop EPA
mercury fight

AIR POLLUTION:

Evangelicals press Republicans to drop EPA mercury fight

Jean Chemnick, E&E reporter

Published: Monday, September 19, 2011

House opponents of U.S. EPA regulations for mercury and air toxics are getting push-back from an unusual source: pro-life Christian evangelicals, with whom they are often allied politically.

The Evangelical Environmental Network has run radio spots last week and this week in three markets, targeting a trio of Energy and Commerce Committee senior Republicans -- Reps. Fred Upton of Michigan, Ed Whitfield of Kentucky and Joe Barton of Texas.

The ads focus on the effect of mercury on the health and neurological development of unborn children.

"I expect members of Congress who claim that they are pro-life to use their power to protect life, especially the unborn," said Tracey Bianchi, a Chicago-area pastor, in the radio ads targeting Energy and Commerce Chairman Upton and Energy and Power Subcommittee head Whitfield. She adds that she "can't understand" why the congressmen are advancing legislation to disarm the so-called Utility MACT rule.

The rule is due to be finalized in November, and Whitfield and Upton plan to advance legislation to delay and tweak the rule, saying it would result in the closing of many coal-fired power plants across the country.

Advertisement

But members of the network said that advocates for the unborn had been waiting for limits on mercury for 20 years and would fight any effort to further delay its implementation.

Mitchell Hescox, president and CEO of the Evangelical Environmental Network, said that evangelicals are concerned that 1 in 6 children in the United States are being born with dangerous levels of mercury poisoning in their blood, exposing them to increased risk for developmental disabilities and neurological damage.

"We believe that children are entitled to abundant life," Hescox said, quoting a passage from Matthew's Gospel in which Jesus says, "Do nothing to hinder our children."

"And we believe that mercury offers a significant potential for hindering our children from developing a pure and wonderful life," he added.

The network has also delivered letters earlier this month to the offices of House and Senate members of the pro-life caucuses.

Hescox said his group had received a response from Whitfield's office, but the congressman's office did not immediately respond to requests for details this morning.

**Betsaida
Alcantara/DC/USEPA/US**

08/30/2011 09:40 AM

To Windsor.Richard, Oster.Seth, Perciasepe.Bob, Sussman.Bob, Thompson.Diane, McCarthy.Gina, Giles-AA.Cynthia, Ganesan.Arvin, Vaught.Laura, Owens.Steve, Stanislaus.Mathy, Goo.Michael, Corman.Bicky, Moats.Michael, Owens.Stephanie, "Dru Ealons", "Paul Anastas", "Sarah Pallone", "Janet Woodka", "Heidi Ellis"

cc

bcc

Subject Washington Post: The Republican jobs plan: stop environmental regulations

This also ran on print version today is this headline: What's the GOP plan beyond 'anti-EPA'?

The Republican jobs plan: stop environmental regulations

By Stephen Stromberg (Deputy Opinions Editor)

In the 2010 midterm elections Republicans ran on a platform of repeal and replace – cancel President Obama’s signature health-care law, and replace it with a GOP plan. After taking the House, the Republican majority passed a repeal of the health-care law, but they haven’t unified behind a proposal to replace it. The status quo before the law, critics rightly point out, is hardly an alternative. The GOP can attack what it doesn’t like, but can it govern?

Now, Republicans have outlined a jobs agenda<

http://www.washingtonpost.com/politics/house-gop-revs-up-a-repeal-reduce-and-rein-in-agenda-for-the-fall/2011/08/28/gIQAWNmolJ_story.html> <

http://www.washingtonpost.com/politics/house-gop-revs-up-a-repeal-reduce-and-rein-in-agenda-for-the-fall/2011/08/28/gIQAWNmolJ_story.html>that mainly consists of eviscerating federal regulations they don’t like, with a particular focus on rules designed to protect the environment. House Majority Leader Eric Cantor (R-Va.) released a memorandum to GOP lawmakers on Monday that targets the ten most “job-destroying” regulations in the federal register. Seven of them are rules the Environmental Protection Agency (EPA) is on track to impose.

But what’s the GOP alternative to EPA restrictions on mercury, acid gases, ozone and greenhouse emissions? Cantor’s memo only talks about delaying and weakening proposed rules, not some different approach to environmental protection. Maybe we just don’t need any more of that?

There are undoubted costs to environmental regulations. But there are also large benefits. Cantor’s document just doesn’t mention any. A recent Office of Management and Budget review<

http://www.whitehouse.gov/sites/default/files/omb/inforeg/2011_cb/2011_cba_report.pdf> <

http://www.whitehouse.gov/sites/default/files/omb/inforeg/2011_cb/2011_cba_report.pdf>found that existing EPA regulations, particularly those dealing with the air, are among the costliest to comply with – but also among the most valuable, with benefits often vastly exceeding costs, dollar for dollar. In fact, part of the reason the price of environmental regulation is known is that EPA must run rigorous cost-benefit analyses on its rules before finalizing them. That’s how it reckons that every dollar spent on some of the measures Cantor is targeting – those cutting cross-state particulate and ozone pollution – will result in \$30 in economic benefits<

http://www.washingtonpost.com/opinions/an-overblown-attack-on-epa-emissions-rules/2011/06/24/AGtjmZvH_story.html> from employees taking fewer sick days, a lower incidence of many chronic illnesses, and fewer early deaths<

http://www.washingtonpost.com/opinions/an-overblown-attack-on-epa-emissions-rules/2011/06/24/AGtjmZvH_story.html>. And let’s not even get into climate change.

Nevertheless, Republicans would do the country a service if they made a serious case that the EPA isn’t maximizing the net benefits of its regulations, or if they argued that government standard-setting is an expensive way to achieve the valuable ends of air and water protection, and then proposed an alternative that cut out the bureaucrats. The question of just how the government should intervene to protect air and water isn’t settled. But they explicitly oppose more decentralized, market-based anti-pollution measures, too.

If Republicans block putting a price on carbon emissions or other pollutants, and if they criticize federal money spent on things such as clean energy research, they leave anyone concerned with global warming

or ambient air and water quality with few choices but to press for robust executive-branch regulation already allowed under the Clean Air and Clean Water Acts. It might not be pretty, and it might not be cheap. But it's almost certainly better than doing little or nothing, which seems to be the GOP's plan. UPDATE, 5:34 p.m.: In response to a question on whether the GOP has an alternative plan for environmental protection, a Cantor spokesperson e-mails: "Regardless of the regulation, House Republicans believe they should be written in a way that will not have a negative impact on the economy or make it harder for businesses small and large to create jobs."

By Stephen Stromberg<

http://www.washingtonpost.com/stephen-stromberg/2011/02/24/ABUFa8O_page.html>

**Betsaida
Alcantara/DC/USEPA/US**

07/06/2011 12:35 PM

To Windsor.Richard, Oster.Seth, Perciasepe.Bob,
Sussman.Bob, Thompson.Diane, Stoner.Nancy,
Ganesan.Arvin, "Daniel Kanninen", "Brendan Gilfillan",
"Adora Andy", "Alisha Johnson", "Andra Belknap"

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bcc

Subject Greenwire: After illness, Inhofe jokes he was attacked by the environment

After illness, Inhofe jokes he was attacked by the environment (07/06/2011)

Sarah Abruzzese, E&E reporter

Sen. James Inhofe (R-Okla.) joked last week that he was "attacked by the environment" following an illness he believes was caused by toxic algae bloom.

The 76-year-old ranking member of the Environment and Public Works Committee, a frequent critic of environmentalists, fell ill after taking a dip near his home on Grand Lake early last week.

"That night, Monday night, I was just deathly sick," Inhofe told the Tulsa World newspaper about the respiratory illness he contracted.

Inhofe had reportedly asked his 13-year-old granddaughter to join him for a swim, but she demurred.

"She didn't want to get in that green stuff," he said.

Officials in the Sooner State have issued multiple warnings about the blooms of blue-green algae formally known as cyanobacteria. The blooms have been linked to illnesses around the world.

The algae can look "like thick pea soup, green, bluish, brownish, or reddish-green paint. When it washes up on shore, it may look like a thick green mat," according to the state's environmental office.

The Republican joked about some possible responses to his illness with the Tulsa paper saying "the environment strikes back" or "Inhofe is attacked by the environment."

Inhofe, who has famously called climate change "the greatest hoax ever perpetrated on the American people," was forced by his illness to cancel an appearance last week at the sixth Heartland Institute Conference on Climate -- a gathering of climate science skeptics in Washington.

Stephen Lacey of the blog Climate Progress highlighted the issue in a posting yesterday, saying that "irony can be so ironic."

Scientists have blamed the growth of algae blooms on climate change as well as phosphorus and nitrogen run-off. Algae blooms grow more quickly in warmer environments, and it is thought that nutrient runoff feeds the blooms.

Oklahoma is experiencing record hot weather. At the same time officials in the state said the lake is experiencing the largest bloom the state has ever seen.

Inhofe, who own a house on the northeastern Oklahoma lake with his wife, told the World that he has never seen algae like that on the lake.

The Grand River Dam Authority (GRDA), which generates hydroelectric power from a dam at the end of the lake, and the Oklahoma Department of Environmental Quality issued a warning for swimmers late last week.

"We strongly discourage any body contact with the water at this point," said GRDA corporate

communications director Justin Alberty in a news release announcing the decision. "That means no swimming or any other activities that would bring you into contact with lake water."

Not only did the GRDA warn residents not to swim in water it said that pets and livestock should not drink or swim in the water, either.

Inhofe returned to the Capitol yesterday and participated in the Senate's late afternoon voting session.

Asked last night if Inhofe's respiratory illness would affect the senator's thoughts on the host of environmental issues wrapped up with algae blooms, Inhofe's spokesman, Matt Dempsey, replied simply, "Why would it?"

**Betsaida
Alcantara/DC/USEPA/US**

06/09/2011 09:33 AM

To Windsor.Richard, Perciasepe.Bob, Owens.Stephanie,
McCarthy.Gina, Sussman.Bob, Oster.Seth, Ealons.Dru,
Thompson.Diane, "Brendan Gilfillan", Andy.Adora, "Alisha
Johnson", "Andra Belknap", "Nancy Stoner", "Cynthia
Giles-AA", "Arvin Ganesan", "David McIntosh"

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bcc

Subject Politico: MIT study: Natural gas boom needs regulation

MIT study: Natural gas boom needs regulation

By Bob King
6/9/11 5:35 AM EDT

The boom in U.S. natural gas supplies can deliver sizable benefits for the economy, the climate and national security – but also calls for the kind of environmental regulation the industry has been resisting, according to a study<<http://web.mit.edu/press/2011/alert-natural-gas.html>> the Massachusetts Institute of Technology's Energy Initiative is set to release Thursday.

For starters, increased use of existing combined-cycle natural gas power plants – instead of coal – could reduce the U.S. power sector's carbon dioxide emissions as much as 20 percent at relatively little cost, according to a summary provided to POLITICO<<https://www.politicopro.com/f/?f=3237&inb>>.

Further gains are possible by replacing coal-fired and older gas-fired boilers with newer, more efficient natural gas models, and by pairing gas plants with renewable sources such as wind for electricity generation, the study found. And continued high oil prices could allow gas to grab an increasing share of the market for fuel in vehicles.

Meanwhile, the environmental impacts of shale gas extraction are “challenging but manageable,” the authors say, but with a caveat: “Research and regulation, both state and federal, are needed to minimize the environmental consequences.”

The study also points to the kind of policies that could “maximize” the value of the nation's surging gas supply: “A CO2 emissions price for all fuels without subsidies or other preferential policy treatment.” It also calls for the U.S. to encourage the development of the global gas market and “promote sharing of know-how for strategic global expansion of unconventional gas production.”

The authors of the study are Ernest Moniz, director of the energy initiative and a former Clinton-era undersecretary of energy; Henry Jacoby, a professor at MIT's Sloan School of Management; and Tony Meggs, an MIT visiting engineer.

The university said the study also addresses questions such as:

- How much natural gas is there in the world, and how expensive is it to develop?
 - What is the role of natural gas in a carbon-restrained economy?
 - Could natural gas, in one form or another, be a viable substitute for gasoline or diesel?
 - What is the geopolitical significance of the ever-expanding role of natural gas in the global economy?
- Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 06/08/2011 10:19 PM EDT

To: Richard Windsor; Bob Perciasepe; Stephanie Owens; Gina McCarthy; Bob Sussman; Seth Oster; Dru Ealons; Diane Thompson; Brendan Gilfillan; Adora Andy; Alisha Johnson; Andra Belknap; Lisa Garcia

Subject: LA Times: Latino groups push Obama on ozone standards
Latino groups push Obama on ozone standards

June 8, 2011 | 4:23 pm

[REDACTED]

[REDACTED] On the heels of a scathing critique by former Interior Secretary Bruce Babbitt on Wednesday, President Obama faced pressure from a burgeoning environmental justice coalition demanding stronger action on ozone, a component of smog, in predominantly Latino communities.

Fourteen groups sent a letter to Obama expressing dismay at missed opportunities and delays in bringing permissible ozone levels down to between 60 and 70 parts per billion:

The EPA estimates that the strongest standard of 60 parts per billion would avoid as many as 12,000 deaths and 58,000 asthma attacks per year. Implementing a weaker standard would mean more lives lost and more asthma attacks – costs that Latinos would disproportionately bear.

The Latino community has faced many challenges over the past few years. We've seen missed opportunities, delays and more. With lives at stake, we hope that we won't see yet another burden if polluting industries succeed in blocking EPA's efforts to protect us from smog.

This is a chance to fix a costly mistake by the Bush administration, which in 2008 disregarded science and set smog standards too high to adequately protect public health. This issue is too important to have mistakes like this repeated.

EPA announced proposed ozone standards of 60-70 ppb in January 2010, but delayed implementing them and in December, said it would submit the issue to a scientific advisory panel. That panel since has endorsed the lower limits. The agency is slated to establish new standards in July.

The George W. Bush administration had lowered the limit from 85 to 75 ppb. No urban area of California meets even the 1997 federal standard of 80 ppb. If states fail to meet federal standards, the government can withhold highway funding.

The Latino groups that signed the letter, from California, Texas and other states, are part of a growing environmental movement centered around some of the nation's most polluted urban areas. Signatories included the Comite del Valle from Brawley, in California's Central Valley, and the Latino Coalition for a Healthy California.

Groups such as East Yard Communities in Los Angeles have been pushing for help with unhealthful air in their working-class neighborhoods, surrounded by freeways and large rail yards.

In San Bernardino, air pollution authorities on Wednesday announced a major study of communities around large rail facilities that serve as a main inland hub of goods shipped across the U.S. The study will examine rates of cancer and asthma in those low-income communities.

The study comes two years after the California Air Resources Board determined that diesel emissions from locomotives, big rigs and other equipment at the facility posed a significant health risk to thousands of residents living near the site, and that the facility posed the greatest cancer risk of any rail yard in California.

Related:

**Betsaida
Alcantara/DC/USEPA/US**

05/20/2011 08:22 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
McCarthy.Gina, Thompson.Diane, Kanninen.Daniel,
"Stephanie Owens", "Dru Ealons", "Arvin Ganesan", "David
McIntosh"

cc Oster.Seth, "Brendan Gilfillan", "Alisha Johnson", "Andra
Belknap"

bcc

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."

**Betsaida
Alcantara/DC/USEPA/US**

09/22/2011 10:01 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, Gilfillan.Brendan, Thompson.Diane,
Ganesan.Arvin, Vaught.Laura, Goo.Michael,
Kanninen.Daniel, Johnson.Alisha, Belknap.Andra,
Owens.Stephanie, "Dru Ealons", "Janet Woodka", "Bicky
Corman", "Sarah Pallone", "Marcus McClendon"

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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.

**Betsaida
Alcantara/DC/USEPA/US**

09/25/2011 09:49 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, Thompson.Diane, Gilfillan.Brendan,
Ganesan.Arvin, Vaught.Laura, "Michael Goo", "Alisha
Johnson", "Andra Belknap", "Bicky Corman", "Janet Woodka"

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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 anticarbon 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 florescent) 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 scribbles 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.

**Betsaida
Alcantara/DC/USEPA/US**

01/18/2011 07:58 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, "Gina McCarthy", "David McIntosh", "Diane
Thompson", "Brendan Gilfillan", "Daniel Kanninen"

cc

bcc

Subject The Hill Blog: EPA 'confident' Obama reg policy won't affect
new climate rules

EPA 'confident' Obama reg policy won't affect new climate rules

The Hill blog

The Environmental Protection Agency (EPA) is "confident" it will not have to alter current or pending environmental regulations, including upcoming climate rules, as part of the new regulatory review framework President Obama outlined Tuesday.

"EPA is confident that our recent and upcoming steps to address GHG emissions under the Clean Air Act comfortably pass muster under the sensible standards the president has laid out," an EPA official told The Hill in a statement Tuesday.

The official said this includes EPA's current rules, including tighter fuel economy standards, as well as upcoming greenhouse gas standards for power plants and refineries. Both the current and pending regulations "have all been characterized by broad public participation, extensive transparency and thorough analysis," the official said.

Under the new framework, announced by Obama on Tuesday, federal agencies must review current regulations and ensure upcoming regulations meet new standards regarding transparency, science and economic impact.

Industry and business groups cited the new framework Tuesday in calling on Obama to overturn or alter a number of the administration's regulations. The National Association of Manufacturers said Tuesday that the administration should halt upcoming climate regulations under the regulatory policy.

A senior administration official said earlier Tuesday that EPA's climate rules would be subject to additional analysis, including cost-benefit analysis and efforts to reduce the burden on affected industries.

President Obama, in a Wall Street Journal op-ed Tuesday previewing his framework, argued that the benefits of the administration's environmental regulations outweigh the costs.

EPA spokeswoman Betsaida Alcantara, in a statement, said the agency has already been following many of the protocols formalized Tuesday in Obama's framework.

OMB's announcement formalizes what we at EPA have been doing under this new administration: using common sense and transparency to review regulations while rooting them in science, the law and the mission to protect Americans' health," Alcantara said. "In fact, EPA's rules consistently yield billions in cost savings that make them among the most cost-effective in the government.

**Betsaida
Alcantara/DC/USEPA/US**

01/21/2011 08:25 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Silva.Peter, Stoner.Nancy, Oster.Seth, Gilfillan.Brendan,
Andy.Adora, "Alisha Johnson", "Diane Thompson",
"Stephanie Owens", "Dru Ealons", "Andra Belknap"

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bcc

Subject Nytimes editorial: A Clear No for the Spruce Mine

Nytimes editorial:A Clear No for the Spruce Mine

January 20, 2011

If the Obama administration stays the course, the Environmental Protection Agency's decision last week to revoke a permit for one of the nation's biggest mountaintop-removal mining projects could be the beginning of the end of a mining practice that has caused huge environmental harm across Appalachia. The decision is a tribute to the agency, which faced fierce political opposition and a victory for the West Virginians who worked long and hard to block the mine. It should also be a warning to the mining industry that the days of getting its way, no matter the cost, are over.

The Spruce No. 1 Mine, owned by Arch Coal, would have required dynamiting the tops off mountains over an area of 2,278 acres to reach subsurface coal seams. The resulting rubble, known as spoil, would then be dumped into the valleys and streams below – ruining, by the E.P.A.'s estimate, six miles of high-quality streams and causing "unacceptable" damage to the environment.

Thousands of miles of streams in Appalachia have already been poisoned in this manner in clear violation of the Clean Water Act.

The mine received a final permit from the Army Corps of Engineers in 2007. The E.P.A. has long had the power to veto such permits but has used it only once before. This decision provoked predictably outraged responses from industry and its political friends, including West Virginia's two Democratic senators, John Rockefeller IV and Joe Manchin III, a former governor.

The Clinton and Bush administrations gave the industry much of what it wanted, but President Obama's E.P.A. has raised the bar. First, it agreed to review existing permits, including the Spruce Mine; then it tightened standards for new permits by insisting on a more rigorous scientific analysis of a proposed mine's downstream impact on fish and other aquatic life.

Arch Coal has vowed a court fight, which Mr. Manchin says he will support. A far better use of their energies would be to find a less destructive way to mine coal.

**Betsaida
Alcantara/DC/USEPA/US**

12/26/2011 03:15 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Thompson.Diane, Ganesan.Arvin, Woodka.Janet,
Gilfillan.Brendan, Owens.Stephanie, Vaught.Laura,
Bloomgren.David, Goo.Michael, Johnson.Alisha,
Belknap.Andra, Lozano.Jose, Ashwell.Elizabeth,
Dubin.Noah, "Ryan Robison", "Bicky Corman", "Gina
McCarthy", "Janet McCabe", "Joseph Goffman"

cc

bcc

Subject NYTIMES: Springtime for Toxics

December 25, 2011

Springtime for Toxics

By PAUL KRUGMAN<

<http://topics.nytimes.com/top/opinion/editorialsandoped/oped/columnists/paulkrugman/index.html?inline=nyt-per>>

Here's what I wanted for Christmas: something that would make us both healthier and richer. And since I was just making a wish, why not ask that Americans get smarter, too?

Surprise: I got my wish, in the form of new Environmental Protection Agency standards on mercury and air toxics for power plants. These rules are long overdue: we were supposed to start regulating mercury more than 20 years ago. But the rules are finally here, and will deliver huge benefits at only modest cost.

So, naturally, Republicans are furious. But before I get to the politics, let's talk about what a good thing the E.P.A. just did.

As far as I can tell, even opponents of environmental regulation admit that mercury is nasty stuff. It's a potent neurotoxicant: the expression "mad as a hatter" emerged in the 19th century because hat makers of the time treated fur with mercury compounds, and often suffered nerve and mental damage as a result.

Hat makers no longer use mercury (and who wears hats these days?), but a lot of mercury gets into the atmosphere from old coal-burning power plants that lack modern pollution controls. From there it gets into the water, where microbes turn it into methylmercury, which builds up in fish. And what happens then? The E.P.A. explains: "Methylmercury exposure is a particular concern for women of childbearing age, unborn babies and young children, because studies have linked high levels of methylmercury to damage to the developing nervous system, which can impair children's ability to think and learn."

That sort of sounds like something we should regulate, doesn't it?

The new rules would also have the effect of reducing fine particle pollution, which is a known source of many health problems, from asthma to heart attacks. In fact, the benefits of reduced fine particle pollution account for most of the quantifiable gains from the new rules. The key word here is "quantifiable": E.P.A.'s cost-benefit analysis only considers one benefit of mercury regulation, the reduced loss in future wages for children whose I.Q.'s are damaged by eating fish caught by freshwater anglers. There are without doubt many other benefits to cutting mercury emissions, but at this point the agency doesn't know how to put a dollar figure on those benefits.

Even so, the payoff to the new rules is huge: up to \$90 billion a year in benefits compared with around \$10 billion a year of costs in the form of slightly higher electricity prices. This is, as David Roberts of Grist says, a very big deal.

And it's a deal Republicans very much want to kill.

With everything else that has been going on in U.S. politics recently, the G.O.P.'s radical anti-environmental turn hasn't gotten the attention it deserves. But something remarkable has happened on this front. Only a few years ago, it seemed possible to be both a Republican in good standing and a serious environmentalist; during the 2008 campaign John McCain warned of the dangers of global warming and proposed a cap-and-trade system for carbon emissions. Today, however, the party line is that we must not only avoid any new environmental regulations but roll back the protection we already have.

And I'm not exaggerating: during the fight over the debt ceiling, Republicans tried to attach riders that, as Time magazine put it, would essentially have blocked the E.P.A. and the Interior Department from doing their jobs.

Oh, by the way, you may have heard reports to the effect that Jon Huntsman is different. And he did indeed once say: "Conservation is conservative. I'm not ashamed to be a conservationist." Never mind: he, too, has been assimilated by the anti-environmental Borg, denouncing the E.P.A.'s "regulatory reign of terror," and predicting that the new rules will cause blackouts by next summer, which would be a neat trick considering that the rules won't even have taken effect yet.

More generally, whenever you hear dire predictions about the effects of pollution regulation, you should know that special interests always make such predictions, and are always wrong. For example, power companies claimed that rules on acid rain would disrupt electricity supply and lead to soaring rates; none of that happened, and the acid rain program has become a shining example of how environmentalism and economic growth can go hand in hand.

But again, never mind: mindless opposition to "job killing" regulations is now part of what it means to be a Republican. And I have to admit that this puts something of a damper on my mood: the E.P.A. has just done a very good thing, but if a Republican – any Republican – wins next year's election, he or she will surely try to undo this good work.

Still, for now at least, those who care about the health of their fellow citizens, and especially of the nation's children, have something to celebrate.

**Betsaida
Alcantara/DC/USEPA/US**

03/31/2012 10:40 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Thompson.Diane, Gilfillan.Brendan, Johnson.Alisha,
Bloomgren.David, Belknap.Andra, Ganesan.Arvin,
Vaught.Laura, "Avi Garbow", "Scott Fulton", "Cynthia
Giles-AA", "Mathy Stanislaus", "Lisa Feldt"

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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 and Russell Gold at russell.gold@wsj.com

**Betsaida
Alcantara/DC/USEPA/US**

02/28/2012 10:48 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
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Johnson", "Andra Belknap", "David Bloomgren", "Stephanie
Owens"

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Subject NYTIMES Nocera on Fracking

OP-ED COLUMNIST

How to Frack Responsibly

By JOE NOCERA

Published: February 28, 2012

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.

**Betsaida
Alcantara/DC/USEPA/US**

10/29/2011 01:44 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
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Johnson", "Andra Belknap"

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Subject National Journal: Turned Off by Obama, Young Enviro Look
to EPA for Salvation

Turned Off by Obama, Young Enviro Look to EPA for Salvation
National Journal ^ | October 29, 2011 | Olga Belogolova
Posted on Oct 29, 2011 01:11 PM by markomalley

For Arielle Klagsbrun, the Keystone XL pipeline is President Obama's last chance.

Klagsbrun went door to door to elect Obama in 2008. On her 18th birthday, she voted for him. "When President Obama was elected, I was probably one of the most excited people in the whole world," she told National Journal.

Three years later, Klagsbrun isn't so excited. "It's just not the same feeling as it was in 2008," she said.

At a fundraiser in St. Louis earlier this month, she wasn't listening to Obama anymore. She was interrupting him. Klagsbrun and a fellow student shouted at the president to stop the \$7 billion Keystone XL pipeline, a controversial 1,700-mile project to bring carbon-heavy tar-sands oil from Alberta, Canada, to refineries on the Gulf Coast of Texas.

"The Keystone XL is the moment for Obama to say, 'Yes I am the person that you voted for,'" said Klagsbrun. "Should he veto the pipeline, a whole generation will be reinspired all around."

The youth vote was critical to Obama's election. An estimated 22 million Americans under the age of 30 voted in 2008 - the third-highest showing of young voters in U.S. history, according to the Center for Information and Research on Civic Learning and Engagement. Young voters preferred Obama by a 2-1 margin.

Environmental activists oppose the pipeline project because extraction and production of tar-sands oil is much more damaging to the environment and emits more greenhouse gases than the processes for obtaining and processing conventional oil. Proponents argue that it would slash U.S. dependence on foreign oil and create thousands of U.S. jobs.

All signs point to the administration's approval of the controversial project.

"We're looking at it right now," Obama told protesters who interrupted his speech on Wednesday at the University of Colorado in Denver. "No decision has been made. And I know your deep concern about it. So we will address it."

In a tough political environment and leading up to the 2012 election in which the primary issue is jobs, experts and insiders say there's no way the president will reject the project. A combined 91 percent of National Journal's Energy and Environment Insiders said earlier this month that Obama will give it the green light, with more than 70 percent predicting it would happen before the end of the year.

The State Department, which must decide whether to approve the project because it crosses international borders, held hearings across the country and in Washington this fall and hopes to make a decision by the end of the year.

"There's going to be a huge uproar if the administration approves the pipeline," said Stewart Boss, cochairman of the Sierra Student Coalition at the University of North Carolina. Though Boss, a junior at

UNC, was too young to vote in 2008, he was certainly not short on the optimism and hope that drove his generation to the polls. Pending and past decisions such as the pipeline project, expanded drilling in the Arctic, and the Environmental Protection Agency's stalled ozone-pollution rule, Boss said, are cases in which Obama doesn't have the excuse of a divided government.

Boss and other environmentalists are putting their faith in the EPA instead of the White House. "More than any other person, [EPA Administrator] Lisa Jackson has been standing her ground on these climate and energy issues," said Boss.

Jackson said this week that the EPA is close to completing its review of the State Department's final environmental impact statement for the Keystone project. The EPA found an earlier draft "inadequate."

"This is a pipeline that cuts our country literally in half," Jackson told a meeting of young environmental activists at Howard University on Thursday.

Many of these young activists regard Jackson as a true champion of environmental issues.

"We stand behind Lisa Jackson and the EPA and we are pushing for President Obama to stand behind her," said Maura Friedman, a University of Georgia student who organized the university's Beyond Coal campaign.

"We were promised a lot of things by President Obama on environment that haven't been delivered," Friedman added. "These are things that we're going to remember when we go to the polls."

**Betsaida
Alcantara/DC/USEPA/US**

01/19/2012 08:28 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Thompson.Diane, "Brendan Gilfillan", "Cynthia Giles-AA",
"Gina McCarthy", "Arvin Ganesan", "Laura Vaught"

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Subject Politico: Lisa Jackson: EPA right to consider Keystone
climate impact/EPA won't enforce 2011 boiler rule

Two articles blw

Lisa Jackson: EPA right to consider Keystone climate impact

By Dan Berman
1/19/12 8:22 AM EST

EPA Administrator Lisa Jackson told the Canadian government in 2010 the U.S. government was correct in considering the climate impact of the proposed Keystone XL pipeline.

In a letter to Canada's U.S. Ambassador Gary Doer, Jackson explained that because climate change is a global issue, the EPA wouldn't agree to Canadian requests to drop that factor from its study of the pipeline.

"Given that the possible consequences of greenhouse gas emissions are global in nature, they include potential impacts on the United States, and we believe it is appropriate that the State Department consider these upstream greenhouse gas emissions in its evaluation," Jackson wrote in a Dec. 7, 2010, letter obtained by Postmedia News<
<http://www.canada.com/business/urged+disregard+oilsands+emissions+Keystone+decision+letters/6015341/story.html>> under Canadian open records laws.

The potential carbon dioxide emissions from the oil sands development and impact on global warming became a key factor in the push by environmentalists to block the proposal.

Jackson's letter was in response to Canadian efforts to leave the EPA's analysis of oil sands-related greenhouse gas emissions out of the record.

Postmedia News reports that a recently released secret presentation from Environment Canada states that, "the oil sands are Canada's fastest growing source" of greenhouse gas emissions.

EPA won't enforce 2011 boiler rule

By Erica Martinson
1/19/12 6:35 AM EST

The EPA will formally tell boiler owners not to fear enforcement of its March 2011 boiler MACT rule, despite a recent court ruling vacating the agency's stay of the rule.

Administrator Lisa Jackson sent a letter<<https://www.politicopro.com/f/?f=6963&inb>> to Sen. Ron Wyden (D-Ore.) on Wednesday saying the EPA is on track to finalize a revised version of the rule this spring, seeking to alleviate concerns about the impact of the court decision<
<https://www.politicopro.com/story/energy/?id=8342>>.

In the meantime, "using our enforcement discretion, the EPA will issue a no action assurance letter shortly, informing sources that EPA will not enforce any of the administrative notification requirements for

new or existing boilers and incinerators in the 2011 rules," Jackson wrote.

Citizen civil suits to require enforcement of the old rule are unlikely, EPA says, and in any case the required 60 days' notice required for a lawsuit would render the complaint relatively moot.

If the agency finds any pollution sources that face permitting or compliance challenges as a result of the stay, "the EPA will issue a 90-day stay of the rule under the Clean Air Act," the letter says. If necessary, the EPA says, it will issue a longer stay under the Administrative Procedures Act by following the court's opinion on how to do so.

"If you or any of your colleagues become aware of new facilities that feel they have compliance burdens due to the court's decision on the stay, please have them contact us," the EPA says in the letter.

Industry groups cried foul when the court struck down the EPA's efforts to delay the boiler rules, but they seem somewhat mollified by Jackson's letter.

With the letter, the "EPA has signaled its intention to provide relief for those businesses that may be impacted," American Forest & Paper Association President and CEO Donna Harman said. Still, she said, the cycle of rule revisions and court challenges leads to untenable uncertainty for businesses.

EPA says in the letter that under the Clean Air Act, the businesses will have three years to comply with the new rule. Beyond that, industry sources can petition their permitting authority – usually states – for an additional year.

There "weren't any sources that were going to have to do anything anyway," said Earthjustice attorney James Pew. "This [letter] is helpful in that it sort of walks through all the reasons why that's the case."

EPA initially issued the boiler MACT regulations in March, as required by the courts, but issued a "delay notice" in May postponing implementation while the agency reconsidered masses of comments and industry concerns.

The agency issued<<https://www.politicopro.com/story/energy/?id=7692>> revised proposed rules Dec. 2, covering boilers at both large and small sources of air toxics emissions, some solid waste incinerators and revisions to the list of nonhazardous secondary materials, which the EPA plans to finalize in the coming months. Pew said environmentalists were never planning on asking for enforcement of the prior rule.

"In my view this letter treats that concern a little more seriously than it needs to be treated anyway," he said. "Even if there were somebody that had infinite resources to waste on a suit like that ... EPA's new rule would be out long before a suit" took hold.

Sierra Club lobbyist John Coequyt said his group is satisfied as well.

"Sierra Club supports the approach described in Administrator Jackson's letter, and does not intend to challenge any aspect of that approach," he said.

In the letter to Wyden, the EPA said it expects the final rule to stand up to language included in the fiscal year 2012 spending bill passed in December, in which Congress said the proposed boiler rule "addresses substantive concerns by including additional flexibility with respect to compliance costs and a biomass exemption."

To read and comment online:

<https://www.politicopro.com/go/?id=8530><<https://www.politicopro.com/go/?id=8530>>

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03/04/2011 08:52 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Brendan Gilfillan", Andy.Adora, Oster.Seth, Anastas.Paul, Stoner.Nancy, Stanislaus.Mathy, Owens.Steve, Thompson.Diane, Ganesan.Arvin, McIntosh.David, Kanninen.Daniel

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Subject NYTIMES blog: Federal Officials Say They'll Examine Fracking Practices

Federal Officials Say They'll Examine Fracking Practices
The New York Times
JOHN COLLINS RDOLF
MARCH 3, 2011

Stephen Crowley/The New York Times Lisa P. Jackson, the administrator of the Environmental Protection Agency, at microphone, testifying before a House Appropriations subcommittee on Thursday. At her side was Barbara Bennett, the agency's chief financial officer.

Testifying before Congress on Thursday, Obama administration officials said they planned to scrutinize the waste disposal practices of natural gas producers after reports that drilling wastewater containing radioactive material was being dumped in public waters without proper monitoring or treatment.

Lisa P. Jackson, the Environmental Protection Agency administrator, appearing at a hearing of the House Appropriations Subcommittee on the Environment, said she would order testing for radioactivity at water treatment plants that receive drilling wastewater as well as intake sites for public drinking water downstream from such plants.

An investigative series in The Times has documented how wastewater from natural gas wells is commonly released into public waterways without being treated for the presence of naturally occurring radioactive isotopes.

"The E.P.A. is very interested in ensuring that we get data on radioactivity," Ms. Jackson said, responding to questions from Representative Maurice Hinchey, Democrat of New York. "I do believe additional information is due the public as a result of that series."

Mr. Hinchey further voiced concerns, also aired in the latest article in the series, that warnings from federal scientists about the safety of the drilling technique, known as hydraulic fracturing, or fracking, have been muffled by political considerations.

"What we see here are deliberate attempts to shield from the public additional concerns expressed by E.P.A. scientists," he said.

Ms. Jackson said that she would investigate the reported stifling of agency scientists' views, which she contended were "really located in Philadelphia."

"I intend to go tomorrow to our office in Pennsylvania to have those discussions," she said.

Meanwhile, at a hearing of the House Committee on Natural Resources, Interior Secretary Ken Salazar said his department was conducting its own review of the reports that radioactive material from drilling wastewater was ending up in rivers and streams.

Mr. Salazar added that his agency was weighing new regulations requiring drillers to disclose the chemicals that they use in fracking, which involves the high-pressure injection of water and chemicals underground to free up previously inaccessible gas.

"We're going to have a huge backlash from the American public if we continue to inject chemicals and fluids into ground without people knowing what it is that's being injected," Reuters quoted Mr. Salazar as

telling reporters after the hearing.

In other developments on Thursday, two House Democrats sent a letter to the E.P.A. requesting information on the scope of a major national study by the agency on the safety of fracking. The letter, from Representatives Edward J. Markey of Massachusetts and Rush Holt of New Jersey, specifically asked whether the agency had excluded plans to study radioactivity in drilling waste.

“When a technology involves potential contamination of drinking water in American homes, not completing the assignment is not an option,” Mr. Markey said in a statement.

In her testimony on Thursday, Ms. Jackson denied that the agency had excluded radioactivity from the study, however.

“We are looking at radionuclides,” she said.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 03/03/2011 07:04 PM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Adora Andy; Seth Oster; Paul Anastas; Nancy Stoner; Mathy Stanislaus; Steve Owens; Diane Thompson; Arvin Ganesan; David McIntosh; Daniel Kanninen

Subject: Politico: The GOP's secret EPA love

The GOP's secret EPA love

[REDACTED]

For all their talk about the 'job-killing' EPA, Republicans have a dirty little secret.

By ROBIN BRAVENDER | 3/3/11 5:32 PM EST

[REDACTED]

Republicans have spent a lot of time this year criticizing the EPA, so one would think that President Barack Obama's proposal to cut \$1.3 billion from its budget would be well-received.

Not quite.

For all their talk about the “job-killing” EPA, Republicans have a dirty little secret: They actually like many of the agency's efforts, particularly bread-and-butter programs aimed at cleaning up drinking water and air pollution in their districts.

It's in those areas where Obama has suggested the most budget pain, putting Republicans in the position of defending EPA and accusing the White House of playing politics.

Sen. Jim Inhofe (R-Okla.), Washington's top climate skeptic and most vocal opponent of EPA regulations, took issue with the proposal to slash nearly \$1 billion from state revolving loan funds – cash that gets doled out to local drinking water and wastewater infrastructure projects.

“You can bet these cuts will be restored, because many of my colleagues believe these are worthwhile programs,” Inhofe told EPA Administrator Lisa Jackson at a hearing Wednesday.

Inhofe also accused the administration of performing a “fiscal bait and switch” by proposing cuts to those well-liked programs instead of slashing programs “that don't deserve funding.”

Rep. Mike Simpson (R-Idaho), who chairs the House appropriations subcommittee that includes EPA, said Obama is “either playing politics with his budget or this further illustrates that the EPA is simply out of

touch.”

The White House proposed cutting state revolving funds for clean water and drinking water projects by \$950 million from fiscal 2010 levels, which still would leave the EPA with \$2.5 billion to fund state and tribal infrastructure projects. Republicans proposed to cut nearly twice as much as the Obama administration – about \$2 billion – in the continuing resolution that passed the House last month.

That Obama might seek to dare lawmakers to cut programs they like is no surprise. Previous administrations often called for cuts to water infrastructure programs – which used to be highly earmarked – with confidence Congress wouldn’t go along.

“In terms of voting records and public support, investments in water infrastructure are something that is able to rise above the traditional partisan discourse,” said John Krohn, manager of legislative affairs at the National Association of Clean Water Agencies. That’s in part because lawmakers get a lot of pressure from state regulators, local communities, conservation groups and others to keep the funds flowing home, he added.

Obama also took aim at one of Simpson’s favorite programs – calling to cut \$60 million from an initiative that seeks to reduce diesel emissions from older vehicles.

“I question the rationale for some of the 2012 proposals, most notably eliminating diesel emissions reductions grants to retrofit old diesel engines while proposing to start new programs to regulate greenhouse gases,” Simpson said at a hearing Thursday with Jackson. The diesel program had “clear, proven, quantifiable benefits” and “broad bipartisan support,” Simpson added.

Inhofe, too, had some kind words for the diesel program. “When it comes to real pollution, such as sulfur dioxide and particulate matter, EPA’s budget falls short,” he said. He added that the diesel program has broad bipartisan support and would help reduce “real” pollutants.

The White House budget would also cut the interagency Great Lakes Restoration Initiative by \$125 million to \$350 million. The program – championed by Great Lakes lawmakers – is aimed at fighting invasive species and reducing pollution in the lakes.

Another one of the EPA’s vocal critics in the House, Rep. Steve LaTourette (R-Ohio) lavished praise Thursday upon the agency’s cleanup activities in the Great Lakes.

“On the issue of the Great Lakes, I want to commend the president,” LaTourette said, going on to applaud the administration’s efforts to “put real money behind the Great Lakes cleanup initiatives” through the interagency restoration program aimed at targeting invasive species and cleaning up pollution.

Democrats haven’t embraced the cuts either, and Jackson had a tough time this week defending the proposals, telling House and Senate lawmakers the budget is a “tough, tough budget full of tough choices.”

She noted that both the water infrastructure programs and the diesel retrofit program received funding under the stimulus program that’s still being doled out.

Simpson wasn’t thrilled with her response, however, noting that Republicans came under fire for proposing to cut funding to water infrastructure programs back to the 2008 funding level – a cut of about \$2 billion – in the 2011 continuing resolution.

“We were criticized as undermining and destroying the state revolving loan funds,” he said, asking Jackson whether the EPA’s fiscal 2012 proposal – which aims to cut those funds by about \$1 billion – would “destroy” the programs.

“Half as much as you,” she joked, to general laughter in the hearing room.

"Is that your answer, so you are destroying it?" Simpson said.

"Destroying, I don't know what that word means," Jackson said, adding that the cuts were a "tough decision," but that the programs had been bolstered by the economic stimulus bill.

**Betsaida
Alcantara/DC/USEPA/US**

03/03/2011 07:04 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Brendan Gilfillan", Andy.Adora, Oster.Seth, Anastas.Paul, Stoner.Nancy, Stanislaus.Mathy, "Steve Owens", "Diane Thompson", "Arvin Ganesan", "David McIntosh", "Daniel Kanninen"

cc

bcc

Subject Politico: The GOP's secret EPA love

The GOP's secret EPA love

[REDACTED]

For all their talk about the 'job-killing' EPA, Republicans have a dirty little secret.

By ROBIN BRAVENDER | 3/3/11 5:32 PM EST

[REDACTED]

Republicans have spent a lot of time this year criticizing the EPA, so one would think that President Barack Obama's proposal to cut \$1.3 billion from its budget would be well-received.

Not quite.

For all their talk about the "job-killing" EPA, Republicans have a dirty little secret: They actually like many of the agency's efforts, particularly bread-and-butter programs aimed at cleaning up drinking water and air pollution in their districts.

It's in those areas where Obama has suggested the most budget pain, putting Republicans in the position of defending EPA and accusing the White House of playing politics.

Sen. Jim Inhofe (R-Okla.), Washington's top climate skeptic and most vocal opponent of EPA regulations, took issue with the proposal to slash nearly \$1 billion from state revolving loan funds – cash that gets doled out to local drinking water and wastewater infrastructure projects.

"You can bet these cuts will be restored, because many of my colleagues believe these are worthwhile programs," Inhofe told EPA Administrator Lisa Jackson at a hearing Wednesday.

Inhofe also accused the administration of performing a "fiscal bait and switch" by proposing cuts to those well-liked programs instead of slashing programs "that don't deserve funding."

Rep. Mike Simpson (R-Idaho), who chairs the House appropriations subcommittee that includes EPA, said Obama is "either playing politics with his budget or this further illustrates that the EPA is simply out of touch."

The White House proposed cutting state revolving funds for clean water and drinking water projects by \$950 million from fiscal 2010 levels, which still would leave the EPA with \$2.5 billion to fund state and tribal infrastructure projects. Republicans proposed to cut nearly twice as much as the Obama administration – about \$2 billion – in the continuing resolution that passed the House last month.

That Obama might seek to dare lawmakers to cut programs they like is no surprise. Previous administrations often called for cuts to water infrastructure programs – which used to be highly earmarked – with confidence Congress wouldn't go along.

"In terms of voting records and public support, investments in water infrastructure are something that is

able to rise above the traditional partisan discourse,” said John Krohn, manager of legislative affairs at the National Association of Clean Water Agencies. That’s in part because lawmakers get a lot of pressure from state regulators, local communities, conservation groups and others to keep the funds flowing home, he added.

Obama also took aim at one of Simpson’s favorite programs – calling to cut \$60 million from an initiative that seeks to reduce diesel emissions from older vehicles.

“I question the rationale for some of the 2012 proposals, most notably eliminating diesel emissions reductions grants to retrofit old diesel engines while proposing to start new programs to regulate greenhouse gases,” Simpson said at a hearing Thursday with Jackson. The diesel program had “clear, proven, quantifiable benefits” and “broad bipartisan support,” Simpson added.

Inhofe, too, had some kind words for the diesel program. “When it comes to real pollution, such as sulfur dioxide and particulate matter, EPA’s budget falls short,” he said. He added that the diesel program has broad bipartisan support and would help reduce “real” pollutants.

The White House budget would also cut the interagency Great Lakes Restoration Initiative by \$125 million to \$350 million. The program – championed by Great Lakes lawmakers – is aimed at fighting invasive species and reducing pollution in the lakes.

Another one of the EPA’s vocal critics in the House, Rep. Steve LaTourette (R-Ohio) lavished praise Thursday upon the agency’s cleanup activities in the Great Lakes.

“On the issue of the Great Lakes, I want to commend the president,” LaTourette said, going on to applaud the administration’s efforts to “put real money behind the Great Lakes cleanup initiatives” through the interagency restoration program aimed at targeting invasive species and cleaning up pollution.

Democrats haven’t embraced the cuts either, and Jackson had a tough time this week defending the proposals, telling House and Senate lawmakers the budget is a “tough, tough budget full of tough choices.”

She noted that both the water infrastructure programs and the diesel retrofit program received funding under the stimulus program that’s still being doled out.

Simpson wasn’t thrilled with her response, however, noting that Republicans came under fire for proposing to cut funding to water infrastructure programs back to the 2008 funding level – a cut of about \$2 billion – in the 2011 continuing resolution.

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**Betsaida
Alcantara/DC/USEPA/US**

05/20/2011 11:48 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Gina
McCarthy", Thompson.Diane, Kanninen.Daniel,
Owens.Stephanie, Ealons.Dru, Ganesan.Arvin,
McIntosh.David

cc "Seth Oster", "Brendan Gilfillan", "Alisha Johnson", "Andra
Belknap"

bcc

Subject Politico: Jackson defends Obama's green cred on 'Daily
Show'

Jackson defends Obama's green cred on 'Daily Show'

By Robin Bravender
POLITICO Pro
5/20/11 11:40 AM EDT

EPA Administrator Lisa Jackson thinks President Barack Obama deserves more credit for his environmental record.

Jackson said Thursday that Obama has had her agency's back amid an onslaught of criticism from industry and Capitol Hill. "And I think he doesn't get enough credit for it," she told "The Daily Show" comedian Jon Stewart in an extended interview posted online.

"This is a president in his State of the Union who said, amongst all the other big issues, 'But we're not gonna sacrifice the clean air and healthy water that is part of being American.' It's a president whose continuing resolution negotiations knocked out every one of those riders that would have stopped EPA."

The embattled EPA chief also lamented how controversial her agency has become in Washington.

"I sometimes call it the fact-free zone," Jackson said of Washington. "Outside Washington, 95 percent of the American people say they want government – they see one of the roles of government as protecting their air and their water.

"And yet, time and time again, we're having to go onto the Hill, oftentimes with people who privately tell me, 'Hey I'm for the environment.' And then they say, 'But...,' and the 'but' is a set of talking points from industry that really is short-sighted."

Obama has taken heat from the left after his administration failed to shepherd a cap-and-trade bill through a Democrat-controlled Congress and after the EPA delayed several major environmental regulations that were fiercely opposed by industry.

But Jackson insisted that the EPA's latest rule delay – a decision Monday to stall a controversial air toxics rule for boilers – didn't come at the direction of the White House.

"And I can say unequivocally that no one in that White House is saying to me, 'Don't do a boiler rule,'" Jackson said. "EPA pulled the boiler rule because when we do it, it's going to be right. It's going to withstand court challenges because we also know they're coming."

To read and comment online:

<https://www.politicopro.com/go/?id=3460><<https://www.politicopro.com/go/?id=3460>>

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 05/20/2011 11:39 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: 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."

**Betsaida
Alcantara/DC/USEPA/US**

05/20/2011 11:39 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Gina McCarthy", Thompson.Diane, Kanninen.Daniel, Owens.Stephanie, Ealons.Dru, Ganesan.Arvin, McIntosh.David

cc "Seth Oster", "Brendan Gilfillan", "Alisha Johnson", "Andra Belknap"

bcc

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"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."

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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.

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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.

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Betsaida Alcantara

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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
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"I know people are worried," Jackson added. "We will finalize that rule because it's important."

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Patrick Reis contributed to this report.

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Sent: 05/20/2011 06:43 AM EDT
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Cc: Seth Oster; Brendan Gilfillan
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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.”

**Betsaida
Alcantara/DC/USEPA/US**

12/19/2011 07:25 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
Ganesan.Arvin

cc

bcc

Subject Politico Pro: All eyes on EPA mercury rule rollout

All eyes on EPA mercury rule rollout

By Erica Martinson
12/19/11 5:33 AM EST

This week, the EPA will formally announce its finalized mercury and air toxics emissions rule for power plants in what could be a critical move for the administration in a difficult year for environmental issues.

Although the court-ordered deadline to sign the rule was Friday, EPA skipped the traditional pre-weekend news dump<

http://www.washingtonpost.com/politics/the-storied-friday-night-media-dump-now-proven-real/2011/11/10/gIQAiHYo9M_story.html> and instead plans to unveil it in an event early this week, even with a celebrity PSA<<https://www.politicopro.com/story/energy/?id=8032>> from former NFL running back Jerome Bettis.

The EPA says the air toxics rule – for the first time limiting mercury and some other toxic air pollution from power plants – will prevent 17,000 premature deaths each year, and hundreds of thousands of other illnesses, including asthma.

The rule comes as the Obama administration ends a difficult year with environmentalists, after pulling back on the smog rule<<https://www.politicopro.com/story/energy/?id=7221>>, and as EPA rules repeatedly came under fire on Capitol Hill.

The mercury rule for power plants has been in the making since the 1990 Clean Air Act amendments, and will replace a Bush-administration rule – the Clean Air Mercury Rule – that was thrown out by the courts.

"I expect them to hang tough and do something that's defensible," said Sue Tierney, former Department of Energy official and managing principal at Analysis Group.

But it seems that there is nothing that could come from the agency this week that could satisfy the rule's critics, given statutory requirements of the Clean Air Act for the rule's implementation.

The stringent new requirements to cut toxic emissions from power plants will be costly for many companies, and too costly for many older coal-fired power plants that will, as a result, shut down.

Many states, however, already have similar requirements, and their utilities will not need to make changes. And those that rely more on natural gas, hydro-power and nuclear power will have fewer difficulties than the parts of the country – particularly in the Midwest and the South – that have many coal-fired power plants.

Some of the rule's critics – power companies are split on the issue – have charged<<http://www.politico.com/news/stories/1111/68969.html>> that the EPA has not done enough to consider whether the rule, along with other upcoming regulations, could affect the ability of power plants to deliver electricity to customers, particularly during peak demand periods.

The reliability issue is tied directly to a key concern of those opposed to the rule: the timeline.

The rule that will come out this week will likely require implementation within three years. And states could provide an extra year where there are concerns about reliability. These timelines are statutory – meaning

there's little the agency could do to extend them.

According to The Washington Post<

http://www.washingtonpost.com/national/health-science/epa-finalizes-tough-new-rules-on-emissions-by-power-plants/2011/12/16/gIQAc2WTzO_story.html>, EPA and the White House agreed in eleventh hour talks to give some flexibility to power plant operators who argued they could not meet the three-year compliance deadline.

Many companies have said in earnings statements to investors that they will have no problem meeting the deadlines – that they have been planning for nearly a decade for this eventuality. But others argue it's impossible.

If a plant can't meet the deadline, companies can enter into a consent decree with the agency – a legally binding agreement that would be more costly for the company and usually involve extra fines, extra projects and time in court.

Critics of the rule argue that three years is simply not enough time.

"Billion dollar improvements – times hundreds of units – are not built in three years; the country's energy customers simply can't absorb those costs," said Jane Montgomery, utility attorney and partner at Schiff Hardin.

The work requires an extensive planning process, and "something that doesn't happen in three years," she said.

Permitting times can also be difficult, Montgomery noted. While they can move fast enough to be done within three years, the ability of permitting authorities varies. "So when you go in for a permit, you put yourself in the hands of a bureaucrat."

Times can also vary from state to state due to the state-level statutory requirements for public involvement in the permitting process.

But Montgomery admits there's not much the EPA can do when it's following the law. The "only solution is to have Congress do something differently," she said.

"I suppose in the end there are going to be a lot of consent decrees," Montgomery predicted, noting though that utilities are unlikely to enter them voluntarily – meaning EPA will have to sue companies that are not meeting the timeline requirements of the Utility MACT rule.

Consent decrees open up the possibility for substantial penalties and supplemental environmental projects, Montgomery said.

SEPs are like court-ordered community service for environmental violators: They are voluntary agreements to do related projects in lieu of some penalties. For instance, a power company may agree to install energy efficient housing materials in low-income neighborhoods to reduce energy consumption.

"They get creative," Montgomery said.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 12/17/2011 09:20 AM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan; Scott Fulton; Gina McCarthy; Arvin Ganesan

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

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

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

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

140

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

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

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

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

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

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

**Betsaida
Alcantara/DC/USEPA/US**

12/17/2011 01:06 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
Ganesan.Arvin

cc

bcc

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

Fyi this story is on the front page of WaPo
Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 12/17/2011 09:20 AM EST

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

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

**Betsaida
Alcantara/DC/USEPA/US**

12/17/2011 01:06 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
Ganesan.Arvin

cc

bcc

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

Print edition

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 12/17/2011 01:06 PM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan;
Scott Fulton; Gina McCarthy; Arvin Ganesan

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

Fyi this story is on the front page of WaPo

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 12/17/2011 09:20 AM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan;
Scott Fulton; Gina McCarthy; Arvin Ganesan

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

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

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

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

140

Comments

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The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion

in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

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

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

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

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

**Betsaida
Alcantara/DC/USEPA/US**

10/09/2011 03:20 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Sussman.Bob, Oster.Seth, Ganesan.Arvin,
Owens.Stephanie, Ealons.Dru, Vaught.Laura,
Gilfillan.Brendan, Sternberg.Shira, Belknap.Andra,
Johnson.Alisha, Bloomgren.David, Goo.Michael,
Corman.Bicky, "Nancy Stoner", "Gina McCarthy", "Cynthia
Giles-AA", "Steve Owens", "Mathy Stanislaus"

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Subject Huffington Post: War On The EPA: Republican Bills Would
Erase Decades Of Protection

Fyi- this post includes a video interview with Waxman and a clip of a press conference with Boxer. The article includes more than 6,000 comments from huffington post readers.

War On The EPA: Republican Bills Would Erase Decades Of Protection

http://www.huffingtonpost.com/2011/10/09/epa-republican-war-defund_n_1000664.html

First Posted: 10/9/11 09:38 AM ET Updated: 10/9/11 02:07 PM ET

By: Huffington post reporters

WASHINGTON -- America's environmental protections are under a sweeping, concerted assault in Congress that could effectively roll back the federal government's ability to safeguard air and water more than 100 years, Democrats and advocates say.

The headlines have not been dramatic, and the individual attacks on relatively obscure rules seldom generate much attention beyond those who are most intently focused on environmental regulation. But taken together, the separate moves -- led by House Republicans -- add up to a stunning campaign against governmental regulatory authority that is now surprisingly close to succeeding.

In just the year since the GOP took control of the House, there have been at least 159 votes held against environmental protections -- including 83 targeting the Environmental Protection Agency -- on the House floor alone, according to a list compiled by Democrats on the House Energy and Commerce Committee. "Republicans have made an assault on all environmental issues," said Rep. Henry Waxman (D-Calif.), the top Democrat on the committee. "This is, without doubt, the most anti-environmental Congress in history." Some of the efforts are broad-based, like the TRAIN Act, which would install overseers for the EPA and require cost considerations to trump health and science concerns for new rules. Another such effort is the REINS Act, which essentially requires Congress to approve all new regulations, essentially granting each chamber the ability to veto the executive branch.

Both have passed the House and are pending in the Senate. Still another proposed measure that would have all-encompassing reach is the Regulatory Accountability Act, which would make cost the top consideration for all federal regulations.

"It single-handedly amends probably more laws of the United States than any law ever introduced in Congress," said John Walke, a lawyer with the Natural Resources Defense Council.

Taken together, the measures would so hamstring regulators that they would effectively return the nation to the 1880s era of the nation's first modern-style regulator, the Interstate Commerce Commission, advocates say.

"This is a departure not just from recent political thinking but literally would be a reversal," said NRDC's David Goldston. "The last time this was a situation that prevailed was the 1890s."

"It shows just a profound disgust and disdain for the regulatory state that is unhinged from any facts or concerns for the benefits from those rules," said Walke.

The ongoing anti-regulation crusade was on display in the House this week -- and will be again next week -- with some smaller bore bills. On Thursday, the House passed a measure that will delay regulations of cement factories that were aimed at implementing court-mandated controls on mercury and other pollutants.

Next week, the House is expected to pass a similar measure to halt rules on boilers and incinerators.

While Republicans argue that both measures are merely "time-outs" to allow for deeper study on the impacts on jobs, environmental advocates note that in the case of the boiler bill there is a repeal of restrictions on burning hazardous wastes.

"What the bill does is codify a deregulatory Bush administration rule that was issued in 2001 and overturned in the courts," said Walke. "And it allows all of these nasty hazardous wastes -- oil residue, chemicals and plastics, to be burned in boilers and not subject to any control standard, monitoring or reporting."

In fact, while Republicans have argued that the Obama administration is running wild passing new regulations -- and therefore needs to be checked -- many of the measures coming up in the current Congress are aimed overturning laws first written in 1990. Many of the regulations required were delayed or rewritten by the George W. Bush White House, and then reinstated by courts, often with scathing verdicts.

The boiler rules are a prime example, where the Bush administration argued that "any" didn't mean "any," but "none" or "some."

With the wretched economy, Republicans have made the need to protect jobs their prime justification for delaying environmental and health protections. And they've made it a consistent part of their campaign push, as well.

After Democrats voted Thursday against delaying regulations of cement plants -- the third-largest source of mercury pollution, according to the EPA -- the National Republican Campaign Committee blasted out a release targeting dozens of Democrats for voting "to risk 23,000 jobs with more job-killing red tape from Washington."

"The people of America understand that the EPA is in fact killing jobs," said Rep. Morgan Griffith (R-Va.), a Tea Party freshman who sponsored the boiler measure. He added that the bill would make sure "regulations are reasonable and effective" and "make sure that we protect the jobs of the United States of America while we go forward protecting the environment as well."

While Republicans estimate the cement rule could cost 23,000 jobs, EPA scientists say it would prevent 12,500 pollution-related deaths and 7,500 heart attacks. The agency estimates the boiler bill will kill 20,000 people prematurely.

Democrats are pushing back on the GOP by highlighting numbers like this, but they also take issue with the idea that regulations harm the economy.

Sen. Barbara Boxer (D-Calif.), chairman of the Environment and Public Works Committee, released a report at a press event Thursday that she would "explode the myth that a clean environment is antithetical to a strong economy."

The report, citing Commerce Department data, says that in more than 40 years since the creation of the EPA, an estimated 1.7 million jobs and \$300 billion in revenues have been generated by industries that support environmental protection. Further, it says, clean air protections will produce an estimated \$2 trillion in annual health benefits by 2020, and for every \$1 billion invested in infrastructure to reduce water pollution and treat drinking water, up to 26,669 jobs are created.

"The Environmental Protection Agency and the nation's landmark environmental safeguards were created with overwhelming bipartisan consensus in Congress and support from Republican and Democratic presidents," the report argues. "Forty years of achievements are now threatened by partisan attacks."

For the moment, it will be difficult for many of the House's bills to get through the Senate, where Boxer plans to stop them. The White House also has promised vetoes of the measures.

Still, once anti-EPA legislation is written, it can wind up attached must-pass bills, or at least used to try and embarrass Democrats. Thursday night, Senate Minority Leader Mitch McConnell (R-Ky.) tried to attach a measure to a bill on Chinese currency manipulation that ostensibly aimed to stop the EPA from regulating farm dust. But the measure's language doesn't actually mention "farm dust" after its title. Instead, it targets soot regulation. Democrats successfully blocked it.

More troubling to environmental advocates is that they see the attempts to roll back regulations as a sustained effort that will not go away, and likely could pick up steam -- especially if Republicans take back the Senate in 2012.

"I think it certainly will continue through the 2012 election," said Goldston. "I think it's partly an attack on Obama but I think much is a broader part of a Tea Party effort to question the role of government in providing public health protections across the board and funding that."

And he predicted the range of attacks would only get broader.

"This can play out in spending; this can play out in the series of efforts to block any additional protections, not only in the clean air area, but more broadly, there are bills that have been pending in the house and

the senate ... that would change the entire structure necessary to create protections," Goldston said. The anti-EPA campaign has born some fruit already for the GOP, with President Obama delaying planned new regulations of ozone and citing economic reasons.

The political climate has left Democrats wary -- and concerned they could lose some battles -- but they also think the GOP could pay a price.

Sen. Ben Cardin (D-Md.), chairman of the Water and Wildlife Subcommittee, expressed relief that so far lawmakers had successfully blocked EPA-targeted legislation in the Senate. But, he added, environmental protections remain vulnerable.

"It's an area where the current Republican leadership sees an opportunity to express frustration with government and regulation," Cardin said. "It's consistent with their philosophy -- less government -- and that's what they're moving forward. I find it extremely disappointing because environmental issues have always been either nonpartisan or bipartisan. Some of our most amazing advancements on environment happened under Republican leadership. So I think this is very disappointing. But I think I understand their strategy, and I think it will backfire because Americans want clean water and clean air, and they think that clean water and clean air are important for our economy."

**Betsaida
Alcantara/DC/USEPA/US**

08/08/2011 09:02 AM

To Windsor.Richard, Perciasepe.Bob, "Bob Sussman",
Thompson.Diane, Oster.Seth, "Brendan Gilfillan",
Stanislaus.Mathy, Stoner.Nancy, Giles-AA.Cynthia,
McCarthy.Gina, Anastas.Paul, Owens.Steve, "Michael Goo",
Corman.Bicky, "Daniel Kanninen", "Alisha Johnson", "Andra
Belknap"

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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."

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**Betsaida
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10/26/2011 08:47 AM

To Windsor.Richard, Perciasepe.Bob, "Cynthia Giles-AA",
"Diane Thompson", "Seth Oster", "Brendan Gilfillan", "David
Bloomgren"

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Subject Reuters: U.S. may miss year-end goal for Keystone oil line

U.S. may miss year-end goal for Keystone oil line
Tue, Oct 25 19:32 PM EDT

By Arshad Mohammed

WASHINGTON (Reuters) - The State Department may miss a year-end target to approve TransCanada Corp's Canada-to-Texas Keystone oil sands pipeline, a U.S. official told Reuters on Tuesday, risking a further delay to the most important new crude oil conduit in decades.

The official, who spoke on condition of anonymity, said the State Department still hoped to make a decision by the end of this year, which has been its target, but that its highest priority was to carry out a thorough, rigorous review. The decision has already been pushed back once.

A further delay would not only be a blow to TransCanada, it could also prolong a massive gap between U.S. and global oil prices because oil traders are counting on Keystone's 700,000 barrel-per-day capacity to relieve a build-up of crude in the Midwest, which doesn't have enough pipelines to ship growing Canadian output to Gulf Coast refineries for use around the United States.

The ruling, which falls to the State Department because the line crosses national borders, is forcing President Barack Obama into a decision that effectively pits environmental safety against job creation and energy security.

"While we still hope to make a decision by the end of the year, we are first and foremost committed to a thorough, transparent and rigorous review process," said the U.S. official, who spoke on condition of anonymity.

"So we're carefully reviewing all of the information we've received, including the many comments from the public, and will make a decision only after we have weighed all of the facts," the official added.

'ALL ABOUT TIMING'

Analysts and officials said despite a potential delay, it looks like the United States will ultimately approve the project.

Kevin Book, an analyst at ClearView Energy Partners LLC in Washington, said the State Department is taking time to ensure its decision making on the \$7 billion project is meticulous and protected from lawsuits.

"Everything that we are aware of suggests the State Department is moving toward 'yes' very openly, albeit slowly," said Book. The Obama administration could face criticism ahead of next year's elections if it decided against the pipeline.

"A 'no' decision in January could be a big problem in November if oil prices are above \$100 a barrel," he said.

Canadian officials have not heard any recent change in tone from the State Department that would suggest a shift in thinking, Joe Oliver, Canada's natural resources minister, said in an interview.

Still, further delays would roil already edgy oil markets.

"It's all about timing, not about the route. The market had moved on the understanding that this thing was going to be online in the second half of 2013," said Jan Stuart, head of energy research at Credit Suisse in New York City.

"If you are suddenly mucking around with the timing ... the market has to move again."

Benchmark U.S. crude oil prices fell to a record \$28 a barrel discount versus Europe's Brent last month, but has rebounded this week to a \$18 discount on signs of tightening supplies. Analysts say the spread won't return to its historically normal \$1 or \$2 range until new pipelines are completed.

Pipeline opponents, many of whom are environmental groups, say producing liquid crude from oil sands production releases large amounts of greenhouse gases and that the fuel is potentially corrosive to pipelines. Others fear potential damage to a major U.S. fresh water aquifer.

Some 1,200 opponents were arrested in front of the White House this summer, and more protests were expected next month.

Supporters say the pipeline would create thousands of jobs and provide a secure source of energy imports from a close ally.

Approval for the pipeline has been pending since late 2008 and the project could face many legal and regulatory hurdles that could delay it.

Environmental groups sued the government in federal court on Tuesday challenging claims in the State Department's environmental report saying spills on the line were unlikely.

Opposition is crystallizing in Nebraska where the pipe would cross the aquifer and the Sand Hills region, home to whooping cranes and other endangered species.

Ryan Salmon, energy policy adviser for the National Wildlife Federation, said a delay "would demonstrate that there still are issues that haven't had careful consideration and they're now recognizing that they may need to do that work."

(Reporting by Arshad Mohammed, additional reporting by Timothy Gardner, Ayesha Rascoe, Matthew Robinson in New York, Jeffrey Jones in Calgary; Editing by Russell Blinch and Cynthia Osterman)

**Betsaida
Alcantara/DC/USEPA/US**

12/19/2011 09:07 AM

To Windsor.Richard, Sussman.Bob, Martin.Jim, Anastas.Paul, Ganesan.Arvin, Perciasepe.Bob, Thompson.Diane, Gilfillan.Brendan, Bloomgren.David, "Alisha Johnson", "Andra Belknap", "Laura Vaught", "Janet Woodka", "Stephanie Owens"

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Subject WSJ editorial: The EPA's Fracking Scare

December 19, 2011

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."

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 to:

- 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 anticarbon 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.

**Betsaida
Alcantara/DC/USEPA/US**

01/08/2012 06:31 PM

To Windsor.Richard, Sussman.Bob, Perciasepe.Bob,
Thompson.Diane, Gilfillan.Brendan, Ganesan.Arvin,
Vaught.Laura, Pallone.Sarah, Lozano.Jose, "Alisha
Johnson", "Andra Belknap", "David Bloomgren"

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Subject Politico: Romney dodges EPA question

Romney dodges EPA question

By Darren Samuelsohn
1/8/12 6:25 PM EST

Mitt Romney stepped out on a ledge of sorts Sunday, punting on a chance to take a clear shot at the EPA in the last debate before the New Hampshire primary.

Asked during the "Meet the Press" debate<
http://presspass.msnbc.msn.com/_news/2012/01/08/10049650-read-the-nbc-news-facebook-debate-transcript> about GOP-led attempts to halt EPA's Cross-State Air Pollution Rule, which clamps down on power plant pollution drifting into the Northeast, Romney first said he wasn't familiar with the specifics "as it applies to New Hampshire."

"But I do believe we have a responsibility to keep the air clean and we have to find ways to ensure that we don't have the pollution of one state overwhelming the ability of another state to have clean air," Romney said.

To curb air pollution, Romney also talked up the need to tap into natural gas reserves found in Pennsylvania, North Dakota, South Dakota and Texas.

"If we want to help people in New England have – not only homes and businesses that emit less pollutant into the air, and therefore would have cleaner air, and also have lower-cost energy ... let's build out this natural gas system so that we can take advantage of that new enormous source of American economic strength," he said.

Romney's dodge in directly answering the question about whether he would support halting the EPA regulation drew criticism from former Republican National Committee Chairman Michael Steele, who wrote on Twitter: "Dude, you're in NH and GOP has argued for eliminating EPA."

Trying to draw a contrast with Romney, former Pennsylvania Sen. Rick Santorum went on the attack during Saturday night's debate<
http://www.washingtonpost.com/blogs/election-2012/post/2012-abc-yahoo-wmur-new-hampshire-gop-primary-debate-transcript/2012/01/07/gIQAk2AAiP_blog.html> by lumping together his long-standing opposition to cap-and-trade legislation, health care and Wall Street bailouts – all areas that he said differentiate himself from the former Massachusetts governor.

"If you want someone that's a clear contrast, that has a strong record, has a vision for this country that's going to get this country growing and appeal to blue-collar workers in Pennsylvania, in Ohio, in Michigan, in Indiana and deliver that message, that we care about you, too, not just about Wall Street and bailing them out, then I'm the guy that you want to put in the – in the nomination," Santorum said.

Romney didn't bite in his response to the cap-and-trade barb – avoiding the nuance that his administration helped establish a regional program to cap greenhouse gases from power plants only to later back away from its implementation because of cost concerns.

Instead, Romney talked up expansion of U.S. trade relationships, developing domestic energy resources

and using his private-sector experience to help weed through government rules he'd eliminate.

"I know what regulations kill and which regulations help enterprise," Romney said. "And I want to use the expertise to get America working again."

For his part, Texas Rep. Ron Paul kept up his attacks on Santorum's conservative credentials Saturday night by highlighting the former lawmaker's support for earmarks and later for becoming a "high-powered lobbyist" after losing his Senate seat in 2006.

"So to say you're a conservative, I think, is a stretch," Paul said. "But you've convinced a lot of people of it, so somebody has to point out your record."

Santorum countered that he is not a lobbyist; rather, he's been a consultant working on "causes that I believe in," including health care, Iran and in opposing cap-and-trade legislation on behalf of Consol Energy.

"I asked – I said, look, I want to join you in that fight," Santorum said of the Pittsburgh-based coal and natural gas company that paid him \$142,500. "I want to work together with you. I want to help you in any way I can to make sure we defeat cap and trade. And so I engaged in that battle. And I'm very proud to have engaged in that battle."

Former Utah Gov. Jon Huntsman said he would not support funding cuts or the elimination of the Low Income Home Energy Assistance Program, a popular program in the region which relies heavily on oil for heating homes in the winter. President Barack Obama and Congress have cut the program by about 25 percent as part of overall fiscal belt tightening.

Huntsman said he favored working on a longer-term solution for the region that required breaking up a "one product distribution bias" favoring oil.

"If we're gonna do what this nation needs to be done, in terms of using a multiplicity of products that we have in such diversity and abundance, and get them to the customers, we're gonna have to break up that one product distribution monopoly," he said. "I want to do to that oil distribution monopoly what we did to broadcast communication in the early 1970s. We blew it apart."

Asked the same question about eliminating LIHEAP, Paul called for energy deregulation and an end to energy subsidies.

Newt Gingrich on Sunday broached the local energy issue by slamming the White House.

"Under Obama, 2011 was the highest price of gasoline in history," he said. "It is a direct result of his policies, which kill jobs, raise the price of heating oil and gasoline, weaken the United States, increase our dependence on foreign countries, and weaken our national security in the face of Iran trying to close the Strait of Hormuz."

Gingrich called for "opening up in a Reagan tradition and using massive development of American energy. There's 3.2 percent unemployment in North Dakota. There's a hint here."

Asked about his plans to dismantle EPA and replace it with a new "Environmental Solutions Agency," Gingrich called the agency "increasingly radical. It's increasingly imperious. It doesn't cooperate. It doesn't collaborate. And it doesn't take into account economics."

To defend his plan, Gingrich repeated GOP and industry arguments that EPA is planning to regulate farm dust as part of a proposal for stronger air pollution standards. Obama officials have repeatedly stated they have no intentions of regulating farm dust.

**Betsaida
Alcantara/DC/USEPA/US**

08/12/2011 08:34 AM

To Windsor.Richard, Sussman.Bob, Stoner.Nancy, Oster.Seth, Garvin.Shawn, KeyesFleming.Gwendolyn, Perciasepe.Bob, Gilfillan.Brendan, Thompson.Diane, Ganesan.Arvin, Vaught.Laura, Goo.Michael, Corman.Bicky, Lozano.Jose, Ellis.Heidi, Johnson.Alisha, "Andra Belknap", "Stephanie Owens", "Dru Ealons", "Daniel Kanninen", "Scott Fulton"

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bcc

Subject CNN documents mountaintop debate: Documentary Airs Sunday

All,
Administrator Jackson interviewed with CNN's Soledad O'Brien for this documentary on MTM in Appalachia. Please tune in this Sunday at 8pm on CNN for "The Battle for Blair Mountain". Article below.

CNN finds middle ground but no agreement in mountaintop debate

By Alex Guillen
8/12/11 5:44 AM EDT

A CNN special on mountaintop removal coal mining airing Sunday looks to go past the oversimplified debate of pro-coal vs. pro-environment.

But it remains to be seen if the nuances of the issue will reach the American public.

"Like the average American, I like when I flip a switch that the lights come on, so I certainly appreciate when electricity works," CNN's Soledad O'Brien, who hosts the hourlong show, told POLITICO. "At the same time, I, like most Americans, think it's terrible when water is polluted and people's health is compromised just because they live in an area where something has been done to the earth."

The documentary, "Battle for Blair Mountain," follows miners in Sharples, W.Va., leading up to the EPA's January veto<<http://www.politico.com/news/stories/0111/47557.html>> of a permit for Spruce No. 1, the largest mountaintop removal project in the state's history, and June's March on Blair Mountain, a five-day environmentalist protest.

Sen. Joe Manchin (D-W.Va.) hit back on the EPA's veto, which inspired a furor among coal supporters on the Hill.

"The EPA, basically, is supposed to be working with us, not against us. And that's all we're asking for. Be our partner. If we're doing something wrong, show us," he said in the documentary. "But you have no scientific proof for what you're doing."

But EPA Administrator Lisa Jackson countered that the agency was just doing its job.

"EPA's sole job is to protect the water. Clean water is extremely important to the future of any community, and certainly downstream communities," she said. "It's not a decision we made lightly, but I believe very strongly that it is the right decision."

The documentary is careful to show miners who lose work because of the veto, the first time the EPA had used the Clean Water Act to halt a mountaintop removal project, as well as a local resident praising the decision.

O'Brien says those two stark camps – pro-coal and anti-coal – don't accurately reflect the mosaic of local opinions.

"It starts in those two camps, for and against, but then you realize that those two camps overlap, that there are people who are actually miners who are voicing their opinions against blasting," she said. "One of the things I wanted to know is, is there room for compromise? People are so entrenched in their positions, and Blair Mountain has become this symbol."

The ongoing conflict over mountaintop removal mining carries a historical parallel with a large five-day conflict between miners and, eventually, the U.S. Army in 1921, referred to as the Battle of Blair Mountain.

Back then, the issue was unionization – but the specifics are now being distorted by activists on both sides, many with ancestors who fought in that conflict, to fit their modern-day needs.

Though no shots have been fired, the recent fights over Blair Mountain have nonetheless become supercharged. The CNN special features footage of environmentalists hiking in the March on Blair Mountain and coal miners and their families hurling invectives across the highway.

"We had to edit out some of the scatological language that you couldn't put on TV," O'Brien said. "In TV land we would say, 'Tensions ran high.'"

Of course, after all the heated words, regulatory debate and scientific inquiry, no consensus is reached.

Charting a course for the future, O'Brien says, is going to depend on growing scientific evidence and the nation's energy needs.

"I think all of those issues are not going to be resolved by the people of Sharples, W.Va. They're going to be resolved in Congress," O'Brien said. "So what happens? Does that mean more mitigation, more ways around it, if it becomes impossible to do? Do you just not produce coal? I don't think that's likely."

The CNN program already has its detractors. In a Tuesday blog post<http://switchboard.nrdc.org/blogs/mwaage/cnns_soledad_obrien_profiles_m.html>, Melissa Waage of the Natural Resources Defense Council, said that while the documentary brings an environmental issue to the national forefront, "somehow the show manages to acknowledge the facts about mountaintop removal actually killing jobs, yet still shoehorn the story into a factually unsupported 'jobs. vs. the environment' frame."

O'Brien defended the program and said it did, in fact, portray a nuanced landscape.

"I think that while both sides are really stuck in their ways and you don't see a lot of room for compromise, at the same time I think what you get the sense of is that where they are exactly of one mind is that these are the same people," she said. "These are not outsiders versus insiders. There's a lot of insiders versus insiders fighting each other, so they care about the community. They both do. They care about the jobs and the land and the water. And they also are really trying to find some kind of a solution."

"The Battle for Blair Mountain" airs at 8 p.m. Sunday on CNN.

**Betsaida
Alcantara/DC/USEPA/US**

01/24/2012 09:24 AM

To Windsor.Richard, "Bob Perciasepe", Sussman.Bob,
Thompson.Diane, "Brendan Gilfillan", Ganesan.Arvin,
Vaught.Laura, Kanninen.Daniel, McCarthy.Gina,
Goo.Michael, Corman.Bicky, Johnson.Alisha,
Bloomgren.David, Belknap.Andra, "Jose Lozano", "Stephanie
Owens", "Dru Ealons", "Heidi Ellis"

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Subject Politico Pro: Former EPA chiefs worry agency is victim of its
own success/ EPA on power plants: Not done yet

Two articles below.

Former EPA chiefs worry agency is victim of its own success

By Erica Martinson
1/24/12 9:08 AM EST

The EPA may be a victim of its own success, making it difficult to cull public support for pollution controls that are health based but more abstract, former Republican-era administrators said Monday.

When cities were shrouded in auto-fueled smog and black dust from coal-fired stoves and sewage was plainly dumped into waterways, the damage was "very apparent to the naked eye," said Nixon- and Regan-era EPA Administrator Bill Ruckelshaus in an interview with POLITICO on Monday. "That pressure doesn't exist today."

Ruckelshaus and Bill Reilly, who ran EPA from 1989-1993, both said that in that sense, the agency may be a "victim of our success." The two were part of a World Resources Institute panel Monday on the Clean Air Act.

Ruckelshaus has been outspoken on EPA's current efforts, particularly in favor of the agency's efforts to regulate mercury and other air toxics from power plants.

The EPA has been the focus of a barrage of attacks over the past year, particularly from the House GOP, which has continuously passed legislation to roll back EPA rules and regulations.

"My sense is that this erosion of trust in government in general is a big-time problem. And EPA is just another example of what can happen to the government in general when the government isn't trusted," Ruckelshaus said.

EPA's current regulations, as well, are tied to public health concerns that are not as easily apparent to many – particularly since doctors are more hesitant to tie individual symptoms to more abstract environmental drivers.

"Doctors used to be much more inclined to blame the environment if something happened. But they have been challenged by scientists who say, 'You can't say that because you cannot draw a direct connection between a particular disease and the impact from air pollution,'" Ruckelshaus said. "So doctors have kind of backed away from saying that. ... We have this phenomenon of cancer clusters ... people will often associate that with some kind of environmental factor. But if you can't isolate that to that cause, most medical doctors will not say it."

EPA on power plants: Not done yet

By Erica Martinson
1/24/12 5:32 AM EST

As environmentalists check items off their list of Obama administration victories before this year's election, one huge item still lingers: curbing greenhouse gas emissions from power plants.

The EPA plans to take one step toward that goal in the coming weeks when it proposes greenhouse gas standards for future power plants. But clear plans to require existing plants to cut their emissions have waned, despite the administration's stated intentions.

Regulating greenhouse gases from both new and existing plants is "the biggest energy and climate decision the Obama administration is going to make before the election," said Conrad Schneider, advocacy director of the nonprofit Clean Air Task Force.

"They asked Willie Sutton why he robbed banks, and he said, 'That's where the money is,'" Schneider said.

And power plants, Schneider said, are "the largest uncontrolled source of CO₂."

Environmentalists see regulating power plants as part of a larger fight against U.S. dependence on fossil fuels, while many in the coal industry see it as part of a left-wing battle against America's cheap and readily available coal supplies.

Although the EPA recently moved rules to cut mercury and other toxics from power plants, along with requirements designed to stop upwind states from polluting their downwind neighbors, the agency has hesitated to regulate greenhouse gas emissions at those same power plants.

The EPA and environmental litigants have been privately negotiating a timeline for issuing regulations since 2010. The agency agreed in December 2010 to regulate greenhouse gas emissions from fossil fuel-fired power plants (mainly coal) and petroleum refineries, which together make up about 40 percent of the nation's total greenhouse gas emissions.

The Obama administration has not entirely bailed on greenhouse gases: In late 2011 the administration brokered a deal with auto companies, environmentalists, labor unions and other groups to set long-term emissions limits for cars and some trucks.

EPA Administrator Lisa Jackson said Friday that the White House is conducting an interagency review of the standards for new power plants and hopes it will be complete around the end of January.

"We've said we want to go after the largest sources of greenhouse gas emissions first," Jackson said, meaning that petroleum refinery regulations are simmering on a back burner that's even further back.

For more than 20 years the EPA has struggled to regulate toxic emissions from many power plants – something the Obama administration would like to name as a major success, as long as the rules survive the inevitable court battles.

Recently the EPA made public <https://www.politicopro.com/story/energy/?id=8399>, in an online database <http://ghgdata.epa.gov/ghgp/main.do>, what it has known for many years: Power plants are the source of nearly three-quarters of the nation's stationary greenhouse gas emissions.

"I will say that the power plants simply dwarf all of the other sectors in terms of the amount of greenhouse gases that they emit on the stationary side," EPA air chief Gina McCarthy said. "So we think regulating greenhouse gases from power plants is a reasonable and appropriate thing to do, and one that can help, in terms of providing certainty to investments moving forward."

But it remains to be seen just how stringent the standards will be – and whether, as some in industry argue, they could be mean the demise of coal-fired power.

When it comes to curbing new sources of climate change emissions, the agency has little choice in

“whether,” thanks to litigation, but a bit more flexibility in the “how.”

Many environmental groups want EPA to require that any new coal-fired power plant capture and sequester its carbon dioxide.

Earlier this month, activists with the Clean Air Task Force pushed for such a requirement in a meeting with White House Office of Management and Budget staff, who are reviewing EPA’s proposed rule. (The task force is not involved in the lawsuit.)

When cap and trade fell off the congressional radar, the economic incentive for advances in expensive technology to capture and store carbon dioxide from coal plants withered, and many demonstration projects died on the vine. But the environmentalists argue that the technology is certainly possible, citing several current carbon capture and sequestration projects.

Environmentalists have also pointed to the oil and gas industry’s decades of experience in injecting carbon dioxide underground, and they argue that the U.S. has the pipeline infrastructure to make such requirements possible.

Not all geologic areas are fit for sequestration, so in many areas the carbon dioxide would have to be piped elsewhere. But environmentalists maintain that 95 percent of all major U.S. greenhouse gas sources are within 50 miles of a CO₂ pipeline, and that the oil industry has a huge need for carbon dioxide to recover oil.

But industry attorney Jeff Holmstead argued that requiring carbon capture would be the equivalent of banning new coal plants. Rather than endure the massive costs, most power companies would choose to build plants that can run on natural gas, or not build at all, he said.

Instead, he expects the agency to “set a rule that largely just requires what people are doing anyway,” which means requiring plants to employ maximum efficiency efforts.

EPA recently began requiring greenhouse gas emission limits as part of another permitting program – New Source Review and Title V – at power plants, refineries and cement facilities. The plants’ Clean Air Act permits impose limits for carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

“If you look at all the permits that have been issued for either coal or natural gas” that addressed greenhouse gases, Holmstead said, “they set limits ... but the limits didn’t require them to do anything that they weren’t doing anyway.” They only made those efforts legally binding.

EPA has made no indications of more drastic requirements to capture and store all carbon dioxide, he noted.

“I don’t know anyone who believes it would be feasible to put carbon capture on existing power plants,” he added. And he argued that plants already have a strong incentive to be efficient.

EPA is unlikely to finish the standards for new plants anytime soon, and perhaps not before the election. The new emissions requirements for existing plants are probably much further behind.

“It’ll go through a public process, and I at this point won’t anticipate when it’s going to be completed,” McCarthy said. “It’ll depend on the information we get in. We’re trying to do this to benefit the industry for certainty, as well as address the issues associated with climate change. We’re going to be as deliberate as we need to be in finalizing it.”

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 01/23/2012 08:39 PM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Daniel Kanninen; Gina McCarthy; Cynthia Giles-AA; Nancy Stoner; Michael Goo; Bicky Corman; Alisha Johnson; David Bloomgren; Andra Belknap

Subject: WSJ: Obama to Spotlight Energy
Obama to Spotlight Energy
State of the Union Speech Will Call for Expanding U.S. Oil and Gas Production

By DEBORAH SOLOMON And LAURA MECKLER

President Barack Obama will use his State of the Union speech on Tuesday to call for an increase in domestic energy production, said people familiar with the plans.

Mr. Obama is expected to tout the economic and energy security benefits of increased U.S. oil and gas production, a message unlikely to sit well with some of the President's environmental supporters but which could blunt industry and Republican criticism of his energy policies.

Mr. Obama's speech is expected to call for increased oil and gas production and highlight a drop in U.S. oil imports, although some of that decrease stems from reduced demand amid a weak economy.

One idea discussed and later dropped was to set a natural gas production goal, those people said. A decision was made not to include the goal in the speech, an administration official said

The president's focus on natural gas is part of a broad, but quiet, effort to hasten its production, including the use of a controversial technique known as hydraulic fracturing. The administration, while making gestures towards environmental concerns with fracking, has so far resisted overtures to impose sweeping new federal rules governing air and water quality, or to ban fracking outright.

Administration officials say the potential to tap the natural gas beneath U.S. soil is too attractive to ignore or hamper with potentially unnecessary rules, given that the practice is regulated by the states and is creating jobs. This summer the White House abandoned an air-quality rule that would have tightened standards for smog-forming ozone, a rule the oil and gas industry said would have limited natural-gas drilling.

Several administration efforts are underway to study the impact of fracking and the Environmental Protection Agency recently finalized a rule requiring more pollution controls at new wells. The EPA has intervened in some cases where residents say the drilling contaminated their water and recently issued a preliminary finding linking fracking with water contamination in a small Wyoming town.

The mention of increased energy production contrasts the controversial Keystone XL oil pipeline, which the administration rejected last week. But in some ways, the administration's hands are tied given that fracking is largely exempt from many federal laws.

Corrections & Amplifications ¶ This article has been revised to reflect the president's speech will not include setting a national target for natural-gas production. An earlier version said the speech may include such a goal.

**Betsaida
Alcantara/DC/USEPA/US**

02/27/2012 08:52 AM

To Windsor.Richard, "Bob Perciasepe", "Bob Sussman", "Diane Thompson", "Brendan Gilfillan", "Alisha Johnson"

cc

bcc

Subject NYT Friedman Column: A Good Question

OP-ED COLUMNIST

A Good Question

The New York Times

Thomas L. Friedman

By THOMAS L. FRIEDMAN

Published: February 26, 2012

AN e-mail came in the other day with a subject line that I couldn't ignore. It was from the oil economist Phil Verleger, and it read: "Should the United States join OPEC?" That I had to open.

Verleger's basic message was that the knee-jerk debate we're again having over who is responsible for higher oil prices fundamentally misses huge changes that have taken place in America's energy output, making us again a major oil and gas producer - and potential exporter - with an interest in reasonably high but stable oil prices.

From one direction, he says, we're seeing the impact of the ethanol mandate put in place by President George W. Bush, which established fixed quantities of biofuels to be used in gasoline. When this is combined with improved vehicle fuel economy - in July, the auto industry agreed to achieve fleet averages of more than 50 miles per gallon by 2025 - it will inevitably drive down demand for gasoline and create more surplus crude to export. Add to that, says Verleger, "the increase in oil production from offshore fields and unconventional sources in America," and that exportable U.S. surplus could grow even bigger. Then, add the recent discoveries of natural gas deposits all over America, which will allow us to substitute gas for coal at power plants and become a natural gas exporter as well. Put it all together, says Verleger, and you can see why America "will want to consider joining with other energy-exporting countries, like those in OPEC, to sustain high oil prices. Such an effort would support domestic oil and gas production and give the U.S. a real competitive advantage over countries forced to pay high prices for imported energy - nations such as China, European Union members, and Japan."

Indeed, Bloomberg News reported last week that "the U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency. ... Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal." As a result, "the U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011." This transformation could make the U.S. the world's top energy producer by 2020, raise more tax revenue, free us from worrying about the Middle East, and, if we're smart, build a bridge to a much cleaner energy future.

All of this is good news, but it will come true at scale only if these oil and gas resources can be extracted in an environmentally sustainable manner. This can be done right, but we need a deal between environmentalists and the oil and gas industry to lock it in - now.

Says Hal Harvey, an independent energy expert: "The oil and gas companies need to decide: Do they want to fight a bloody and painful war of attrition with local communities or take the lead in setting high environmental standards - particularly for "fracking," the process used to extract all these new natural gas deposits - "and then live up to them."

Higher environmental standards may cost more, but only incrementally, if at all, and they'll make the industry and the environment safer.

In the case of natural gas, we need the highest standards for cleanup of land that is despoiled by gas extraction and to prevent leakage of gas either into aquifers or the atmosphere. Yes, "generating a kilowatt-hour's worth of electricity with a natural gas turbine emits only about half as much CO2 as from a coal plant," says Harvey, and that's great. "But one molecule of leaked gas contributes as much to global warming as 25 molecules of burned gas. That means that if the system for the exploration, extraction, compression, piping and burning of natural gas leaks by even 2.5 percent, it is as bad as coal."

Hence, Harvey's five rules for natural gas are: Don't allow leaky systems; use gas to phase out coal; have

sound well drilling and casing standards; don't pollute the landscape with brackish or toxic water brought up by fracking; and drill only where it is sensible.

I'd add a sixth rule for crude oil. No one likes higher oil prices. But - perversely - the high price benefits America as we rapidly become a bigger oil producer and it ensures that investments will continue to flow into energy efficient cars and trucks. If we were smart, we would establish today a floor price for any barrel of crude oil or gallon of gasoline sold or imported into America - and tax anything below it. A stable, sufficiently high floor price serves the environment, our technology investments and our energy productivity. As our producers succeed, we would become increasingly energy self-sufficient, keep a lot more dollars at home for our Treasury, stimulate innovation on renewables and drive down the global oil price that is the sole source sustaining Iran and other petro-dictators.

But all of this depends on an understanding between the oil industry and the environmentalists. If President Obama could pull that off, it would be a huge contribution to America's security, economy and environment.

**Betsaida
Alcantara/DC/USEPA/US**

12/17/2011 09:20 AM

To Windsor.Richard, "Bob Perciasepe", "Diane Thompson",
Gilfillan.Brendan, "Scott Fulton", "Gina McCarthy", "Arvin
Ganesan"

cc

bcc

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

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

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

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

140

Comments

Weigh In/Corrections?

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

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

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

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

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

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

**Betsaida
Alcantara/DC/USEPA/US**

09/26/2011 08:09 PM

To Windsor.Richard, "Bob Perciasepe", "Gina McCarthy", "Seth Oster", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject AP: Perry urges Obama to halt air rules

APNewsBreak: Perry urges Obama to halt air rules

By April Castro

Associated Press / September 26, 2011

AUSTIN, Texas—Texas Gov. Rick Perry on Monday asked President Barack Obama to use his executive authority to prevent or delay implementation of stricter pollution standards, saying they will have an "immediate and devastating" effect on the state.

The standards have stirred up Texas' largest energy companies, which say they don't have adequate time to meet the deadlines without shutting down plants and jeopardizing the reliability of Texas' electric grid. Implementation of the rules starts Jan. 1.

In the letter, obtained by The Associated Press, Perry said the implementation of the Cross State Air Pollution Rules will have an "immediate and devastating effect on Texas jobs, our economy and our ability to supply the electricity our citizens, schools and employers need."

Perry released the letter as he tries to shore up support among conservatives in his bid for the Republican presidential nomination.

The White House did not immediately have a comment on the letter.

The new clean air rules are designed to significantly reduce smog and soot pollution by requiring 27 states, including Texas, to decrease smokestack emissions. The new guidelines apply to sulfur dioxide and nitrogen oxide emissions, which mostly come from coal-fired plants.

Texas has 19 coal-fired power plants -- more than any other state -- and plans to build nine more. It is one of the few states still adding coal-fired plants and releases more air pollutants than any other state. Most other states are building generation plants that use sources other than coal, particularly natural gas.

On Sept. 12, Texas' largest electricity producer, Luminant, said it would shut down two coal-fired power units and lay off hundreds of workers if the new rules were enforced, even after the EPA offered to help the company meet the tougher standards.

"Mr. President, you have recently proclaimed that your administration is committed to creating jobs," Perry wrote. "These rules do not create jobs. They are a job killer in Texas, and they must be stopped."

Texas, faced with a growing population, few new energy sources and hot summers, has been vocal in its opposition to the regulations since they were announced in July. The state has asked a federal appeals court to review the rules.

Perry has used the new rules as fodder in his long-standing accusation that the EPA under 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.<< image 4 >>

**Betsaida
Alcantara/DC/USEPA/US**

01/03/2012 09:13 AM

To Windsor.Richard, "Bob Sussman", "Bob Perciasepe", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject Politico Pro: Former EPA chief Stephen Johnson re-emerges

Former EPA chief Stephen Johnson re-emerges

By Erica Martinson
1/3/12 5:42 AM EST

Stephen Johnson is one of a handful of people who know first-hand what EPA Administrator Lisa Jackson is dealing with.

So the George W. Bush-era EPA chief does not want to criticize his successor.

"I made a conscious decision not to be the armchair critic of the current administrator or administration – that the administrator's job and the responsibility that's been placed upon EPA by the laws are challenging enough," Johnson said in a recent interview with POLITICO, after several years of shying away from the press.

"Does that mean I agree with every decision that the current administrator made? No, not at all," he said. "Do I believe that they're trying to advance health and environmental protection? I certainly do."

Johnson, of course, faced plenty of criticism during his 2005-2009 leadership of the EPA, including from former administrators who accused him of kowtowing to industry. Many career agency employees complained that politics was hijacking science in the Bush administration, and congressional Democrats<<http://www.politico.com/news/stories/0608/11079.html>> even called for Johnson's resignation<http://www.politico.com/blogs/thecrypt/0708/Democrats_call_for_EPA_administrator_to_resign.html>.

The controversies of those days included some of the same difficult decisions that Jackson and President Barack Obama have dealt with in the past year – including rules aimed at lessening ozone emissions, limiting mercury emissions from power plants and reducing air pollution that blows across state lines.

In the case of the ozone limits, Obama publicly pulled the plug this summer on Jackson's plans to announce a dramatic tightening of ozone, or smog, standards. Three years earlier, Bush had issued a similar last-minute blow to Johnson's proposed ozone standard. Jackson is now implementing the less-strict standard her predecessor issued.

Being "the administrator of EPA is a challenging position, regardless of political persuasion," Johnson said, adding that "there are very difficult decisions that obviously have environmental, health and economic implications."

Johnson, who spent 28 years with the EPA, was the first career employee to be appointed administrator. He avoided the limelight after leaving the agency, retreating to his home in Maryland, weighing his options and spending time with his five grandchildren.

Johnson's defenders praise him as "inclusive" and hard-working. Former Assistant Administrator for Water Benjamin Grumbles said Johnson had a "great love for the institution" of the EPA and read through hundreds of pages of proposed rules.

As a career employee, "I think it was kind of hard for him to be in the middle of all the political battles," said industry attorney Jeff Holmstead, who served with Johnson as a political appointee in the Bush administration. "I think he did that well, but I don't think that was really the part of the job that he was most comfortable with.

"Steve was in a tough position, not fully appreciated by either the environmental community or the Republican Party, because he was kind of much more in the middle," Holmstead said.

Meanwhile, some see recent decisions coming out of the agency – namely on fuel economy and ozone – as vindication of Johnson's juggling of competing priorities.

In the ozone decision, for instance, the 75 parts per billion standard that Johnson's EPA finally produced in March 2008 faced criticism for being weaker than what EPA's science advisers and many health experts had advocated.

But this summer, after Obama rejected Jackson's proposal to take the limit down to 70 ppb, the EPA announced that it would finally begin implementing Johnson's standard. Both are more stringent than the 84 ppb standard that has been in place since the Clinton era.

Johnson said he is still "very proud of all the work we did with the Clean Air Act – in fact, [particularly] having President Obama ... say, 'Leave the ozone standard in place that Steve said.'"

On other air pollution issues, including power plants' mercury emissions and cross-state air pollution, the Obama EPA responded to court mandates by imposing rules that were stricter than what Johnson's EPA had issued in March 2005. In fact, the same attorneys most vigilantly fighting Jackson's mercury and air toxics rule<<http://www.politico.com/news/stories/1211/70758.html>>, released in late December, wrote the Bush-era versions tossed out by the courts.

But another air issue – vehicle emissions standards – may display the stark difference at play between the Bush and Obama approaches to regulation.

In March 2008, Johnson went against EPA staff recommendations and denied California a waiver that would have let the state set greenhouse gas standards for automobiles more stringent than national requirements.

In part, he cited a national energy law signed by Bush to require better fuel economy for the first time in decades. Opponents of California's efforts worried that letting one state impose stricter requirements could lead to a difficult and costly patchwork of state regulations for an already hobbled auto industry.

California sued and appeared to have a good chance of winning. But that gave the Obama administration the opportunity for a huge victory: With the help of environmentalists and labor unions, Jackson struck a deal with the Department of Transportation, automakers and the California air board for more expansive regulations, with much greater boosts in national fuel efficiency standards over the next 20 years.

Johnson left quietly when Bush's presidency ended in early 2009. He refused interviews and didn't follow the path of Bush's first EPA chief, Christine Todd Whitman, who publicly accused the administration – and particularly Vice President Dick Cheney – of stifling EPA public health protections.

"I took time off and reflected what I wanted to do," Johnson said.

Johnson also joined the board of trustees for his alma mater, Taylor University in Upland, Ind., a conservative evangelical school where students are prohibited from using alcohol or profanity, dressing immodestly, dancing (except for a few wedding and folk-dancing related exceptions) and engaging in homosexual behavior.

Interestingly, the school is also following the lead of Johnson and other evangelicals recently involved in environmental issues. In 2010, Taylor University began building a massive addition to its science complex dedicated to sustainable energy, including two wind turbines, a green roof and solar paneling.

Johnson is also on the board of Scotts Miracle-Gro and a wastewater treatment renewable energy company. And he's a consulting board member of FlexEnergy, a renewable energy company that has

created a turbine that captures and converts methane – a greenhouse gas – into energy.

Johnson said his new position at FlexEnergy meets his “interest in technology and advancing environmental and public health protection of addressing potent greenhouse gases,” in an “economically sustainable” and “prosperous way.”

In November, FlexEnergy launched a 250 kilowatt installation – enough to power 250 homes – at Fort Benning, Ga., as part of an Obama administration Defense Department pilot program. Using landfill gas, the base is now powered with near-zero emissions.

Demonstrating Johnson’s all-inclusive style of environmental policy, Mike Levin, FlexEnergy’s director of government affairs, noted that the technology offers “something for everybody to agree on.”

“People know this is worth doing,” he said, to combat climate change caused by emission of greenhouse gases. But, he hedged, even “if you don’t believe [in climate change] ... methane is still a huge wasted source of energy.”

An EPA Region 4 official attended the ribbon cutting ceremony.

To read and comment online:

<https://www.politicopro.com/go/?id=8220><<https://www.politicopro.com/go/?id=8220>>

**Betsaida
Alcantara/DC/USEPA/US**

03/16/2012 08:20 AM

To Windsor.Richard, "Brendan Gilfillan", "Arvin Ganesan",
"Alisha Johnson", "Andra Belknap", "Laura Vaught"

cc

bcc

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.

**Betsaida
Alcantara/DC/USEPA/US**

11/08/2011 09:00 AM

To Windsor.Richard, "Seth Oster", "Bob Perciasepe", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject Politico: Bill Reilly on GOP leaders: 'Science has left the building'

Bill Reilly on GOP leaders: 'Science has left the building'

By Darren Goode
11/8/11 5:32 AM EST

Former EPA Administrator Bill Reilly will point a finger at fellow Republicans for not believing in the science underpinning EPA climate change and other rules in a speech Tuesday.

President George H.W. Bush's agency chief will also defend officials at his former stomping ground for pursuing what the GOP and some Democrats have deemed an unnecessarily aggressive agenda. He is set to give the keynote speech at a symposium hosted by Texas A&M University's George Bush School of Government and Public Service regarding the bipartisanship that went into the 1990 amendments to the Clean Air Act.

"For some of the most prominent leaders of the Republican Party, science has left the building," Reilly said in prepared remarks he will give Tuesday. "It scarcely features."

"Science doesn't feature prominently in these debates," Reilly adds. "Republicans once were the party of science where environmental policy was concerned."

He will also defend the work by current EPA Administrator Lisa Jackson and her crew.

"To some it may appear that the agency is choosing the wrong moment, with the economy hurting and millions unemployed, but most of the costly rules are not on an EPA-controlled schedule," Reilly said. While noting that the timetable is structured at least in part around settlements tied to various court challenges, Reilly said, "These rules are grounded in the best available science, and what's more, given the priority we all hold for the economy, they will result in job creation as companies acquire and install pollution controls."

Reilly will recount how Bush, Senate Majority Leader George Mitchell and others worked on the 1990 Clean Air Act amendments. The bill won landslide approval in both the House and Senate following about five months of writing by administration officials and about 16 additional months of debate in Congress.

"We did not achieve this without confronting differences within the administration," Reilly noted. "Important officials in the Bush administration had serious misgivings."

Budget Director Richard Darman, for instance, predicted a deep recession would result and White House chief of staff John Sununu chose not to attend the signing ceremony.

Vice President Dan Quayle even recommended a veto, Reilly said.

Rep. John Dingell (D-Mich.) – then chairman of the House Energy and Commerce Committee – told Reilly the day of the signing ceremony that it was a "bad bill," Reilly recounts. "This from our congressional sponsor of the bill!" according to Reilly's prepared remarks.

Reilly – while representing a Republican president at EPA – has strong ties as well to the current administration. President Barack Obama tapped him to co-lead a commission that investigated last year's Gulf of Mexico oil spill.

Other former Bush administration officials expected at the symposium at the Ronald Reagan Building and International Trade Center in D.C., include former White House Counsel C. Boyden Gray and former White House Chief of Staff and Bush School Acting Dean Andrew Card.

To read and comment online:

<https://www.politicopro.com/go/?id=7115><<https://www.politicopro.com/go/?id=7115>>

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 11/08/2011 08:11 AM EST

To: Richard Windsor; Seth Oster; Bob Perciasepe; Diane Thompson; Brendan Gilfillan

Subject: Full story-Politico: Daley to hand off some W.H. duties
Daley to hand off some W.H. duties

By: Glenn Thrush

November 8, 2011

Embattled White House Chief of Staff Bill Daley will hand off some day-to-day responsibilities to presidential confidante Pete Rouse after coming under fire from West Wing officials for his management style and ineffectual relationship with Congress, according to administration sources.

The shift, first reported by The Wall Street Journal on Monday night, comes as the White House gears up for a brutal reelection campaign and a looming fight over the bipartisan supercommittee's debt reduction proposals.

Rouse, a longtime Hill aide once known as the "101st Senator" for his stature among congressional heavyweights in both parties, will assume a far greater role in legislative affairs – easing growing tension between the White House and Senate Majority Leader Harry Reid (D-Nev.), who complained to President Barack Obama personally about Daley's performance, according to congressional sources.

The "idea Bill has turned over [all] day-to-day [management] is just wrong," a senior administration official told POLITICO in an email.

Daley "asked Pete many weeks ago to take on an expanded operations role to try to make function more smoothly – and it's working," the person added. "Bill is adding to people's responsibilities, not subtracting from anyone's, including his own."

The low-key Rouse – a rumpled Obama insider to Daley's natty outsider – served as interim chief of staff from October 2010 to January 2011, after turning down Obama's request that he take the job full-time. He currently serves as counselor to the president.

Daley's relationship with some of his West Wing colleagues has been strained, and many pined for Rouse, who served as a bridge between the volatile Rahm Emanuel, now the mayor of Chicago, and Daley, the son and brother of Chicago mayors – who assumed office just ten months ago.

Earlier this year, White House aides told POLITICO they were frustrated with Daley's top-down management style and insistence that mid-level aides be cut out of some meetings.

One senior Democratic Hill aide said that Daley has become frustrated with other senior administration officials and had told several congressional Democrats that "he wasn't being listened to."

More recently, communications staffers were infuriated when Daley sat down for a candid one-on-one with POLITICO's Roger Simon without giving them sufficient heads-up. The interview was brutally honest, and showed off many of the attributes that made the former banking executive an Obama favorite in the first place: His F-bomb candor, a dry sense of humor and a wry unflappability.

The former Clinton Commerce Secretary, known for his amiable personality and solid relationships with business leaders, took aim at Emanuel, a longtime friend with whom he maintains a cordial relationship.

"Maybe I missed it – I wasn't here the first two years – but I don't think Rahm was as beloved [as people now say.]"

Daley added of his relationship with reporters: "I'm not as aggressive leaking and stroking. ... I'm not reflecting on Rahm, but I'm not angling for something else, you know? Rahm is a lot younger [Emanuel is 51], and he knew he was going to be doing something else in two years or four years or eight years, and I'm in a different stage. I'm not going to become the leaker in chief."

Indeed, an email to Daley wasn't answered Monday night, and he refused to comment for an earlier POLITICO story that exposed deep rifts in the West Wing over Daley's style.

The in-house griping over Daley was a rarity in the No Drama Obama White House, with word of discord spilling into the Democratic gossip mills on the Hill and K Street.

Daley's brisk corporate style has soured some White House staffers who think he's pinching Obama's access to outside opinions at a time when the administration needs fresh insights.

Sources say that Daley brought new efficiencies to the West Wing, a tighter chain of command and strong working relationships with the business community and international trade partners.

But he didn't mesh as well as expected with Senior Adviser David Plouffe – and remained a relative outsider to many of the campaign veterans who make up the core of Obama's staff.

Nor did he go out of his way to endear himself, often shuttering the door to his corner West Wing office – in contrast to both Rouse and Emanuel.

"He's not a fan favorite," added a former White House staffer who said Daley's been more intent "on controlling the outflow and the inflow from the Oval" than energizing a staff besieged by bad news and the late 2010 organizational shakeup at the White House.

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 11/08/2011 08:06 AM EST
To: Richard Windsor; Seth Oster; Bob Perciasepe; Diane Thompson; Brendan Gilfillan
Subject: Politico on Bill Daley

POLITICO Breaking News

Embattled White House Chief of Staff Bill Daley has asked his deputy Pete Rouse to take over some of the day-to-day functions of the West Wing to smooth operations, a move that has been in the works for several weeks, according to senior administration officials.

Daley had come under fire internally for his management style and recent comments he made to POLITICO's Roger Simon in an interview that was granted without clearance from the White House communications staff, according to administration officials. Rouse previously served as Obama's interim chief of staff. The news of Daley's revised role was first reported by The Wall Street Journal.

**Betsaida
Alcantara/DC/USEPA/US**

03/08/2010 03:58 PM

To "Adora Andy", "Richard Windsor"

cc

bcc

Subject Bloomberg: EPA Has No Plans for Own Carbon-Trading Program, Jackson Says

EPA Has No Plans for Own Carbon-Trading Program, Jackson Says
March 08, 2010, 2:22 PM EST

March 8 (Bloomberg) -- The Obama administration has no plans to set up a "cap-and-trade" program for greenhouse gases under existing law if Congress doesn't pass legislation doing so, the head of the U.S. Environmental Protection Agency said.

Some people are "over reading" the EPA's budget request for fiscal 2011, EPA Administrator Lisa Jackson said in remarks at the National Press Club in Washington.

Cap-and-trade legislation, which is stalled in Congress, would create a market for carbon dioxide permits that lets companies buy and sell the right to pollute. The agency's Feb. 1 budget request, which is subject to congressional approval, calls for \$7.5 million to examine greenhouse gas regulations that may include "market-oriented mechanisms."

"I don't think you should read into that that we have some plan that folks don't know about to enforce a cap-and-trade regime," Jackson said. "We don't at all."

Jackson said she believes Congress will pass cap-and-trade legislation "hopefully sooner rather than later."

--Editors: Romaine Bostick, Larry Liebert.

Betsaida Alcantara

[EPA chief slams attempted delays b...](#)

03/08/2010 03:41:16 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 03/08/2010 03:41 PM
Subject: REUTERS: EPA chief slams attempted delays by lawmakers

EPA chief slams attempted delays by lawmakers

Mon Mar 8, 2010 7:49pm GMT

WASHINGTON (Reuters) - U.S. Environmental Protection Administrator Lisa Jackson fought back on Monday against Senate attempts to challenge EPA's authority to regulate emissions while lawmakers work on a climate bill, saying delaying agency action would be bad for the economy. President Barack Obama is pressing the EPA to take steps to regulate greenhouse gases as the climate bill stalls in the Senate.

Senator Lisa Murkowski is trying to stop EPA from taking steps under the Clean Air Act on climate pollution from tailpipes and smokestacks.

As well, Democratic Senator John Rockefeller introduced a bill to force a two-year delay in any EPA action. "Supposedly these efforts have been put forward to protect jobs," Jackson told a meeting at the National Press Club. "In reality, they will have serious negative economic effects." But Jackson, in line with other Obama Administration officials trying to win broader support for a climate bill, said the U.S. climate strategy should include incentives for offshore oil and natural gas drilling as long as the environment is not hurt. "The energy strategy has to be varied and should include offshore drilling when it can be done in a

way that is protective of the environment," Jackson told reporters at the National Press Club. Senators John Kerry, a Democrat, Lindsey Graham, a Republican, and Joe Lieberman, an independent, are working on a compromise climate bill that could include incentives for offshore petroleum production and nuclear power. The bill faces an uncertain future amid opposition from energy-rich states. Jackson also said the bill should include incentives for alternative forms of energy like offshore wind power and energy efficiency

**Betsaida
Alcantara/DC/USEPA/US**
03/08/2010 03:59 PM

To "Adora Andy", "Richard Windsor"
cc
bcc

Subject The Hill (blog) : EPA's Jackson cheers Avatar's haul

EPA's Jackson cheers Avatar's haul

By Ben Geman - 03/08/10 01:25 PM ET

EPA Administrator Lisa Jackson suggested Monday that the smash movie Avatar's eco-tint has something to do with its record-breaking haul.

"I ask you to remember that the movie with the environmental message made a lot of money," Jackson noted at a National Press Club appearance.

The film tells the tale of a close-to-nature alien race fighting a mining company from Earth that's seeking to ravage their planet in pursuit of mineral wealth.

Environmentalists have drawn comparisons to mountaintop removal coal mining and development of Canada's oil sands, and director James Cameron has talked up the movie's eco-themes.

Jackson had predicted Avatar would win best picture at the Oscar's but the award went to The Hurt Locker.

Betsaida Alcantara EPA Has No Plans for Own Carbon... 03/08/2010 03:58:48 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 03/08/2010 03:58 PM
Subject: Bloomberg: EPA Has No Plans for Own Carbon-Trading Program, Jackson Says

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March 08, 2010, 2:22 PM EST

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--Editors: Romaine Bostick, Larry Liebert.

Betsaida Alcantara EPA chief slams attempted delays b... 03/08/2010 03:41:16 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
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**Betsaida
Alcantara/DC/USEPA/US**

09/13/2010 10:34 AM

To "Richard Windsor"

cc

bcc

Subject 4 additional Americus, GA clips

The Americus Times-Recorder

September 11, 2010

EPA hears local agri-business concerns<

<http://americustimesrecorder.com/local/x305041585/EPA-hears-local-agri-business-concerns>>

Keven Gilbert Sat Sep 11, 2010, 08:00 PM EDT

AMERICUS – U.S. Rep. Sanford Bishop Jr. (2nd Congressional District) and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson conducted a town hall meeting Friday in Americus at South Georgia Technical College (SGTC) in the John M. Pope Industrial Technology Center. The event was scheduled as part of an Environmental Justice tour. The audience of 150 individuals, representing agricultural organizations throughout the 2nd District, provided comments and questions for Jackson and Chief Agricultural Counselor Larry Elworth concerning the impact of environmental issues on communities.

After welcoming the audience, SGTC President Sparky Reeves shared the college's plans for a new alternative energy and transportation center that will be environmentally friendly and turned the program over to Bishop who told the audience that he is an opponent of over-burdensome regulations on farming. He introduced Jackson, who was nominated by President Obama to lead the EPA on Dec. 15, 2008. In response to commentary and in answering questions, Jackson addressed hot-topic EPA issues.

A representative from the Georgia Cotton Commission urged Jackson to include farmers in the decision-making process concerning pesticide regulation. He told Jackson that the agricultural community needs a weed management plan that it can endorse. Jackson agreed, saying that farmers should have a big role in making EPA policy.

A member of the Georgia Peanut Commission expressed his organization's concern that farmers were at an economic disadvantage when crop protectants were taken off of the market without a viable alternative being available. Concerns have been raised recently about the EPA's ban list on chemicals that combat Round-Up-resistant pig weed.

The regulations on greenhouse gases were brought up several times throughout the meeting. Jackson addressed comments that farming operations will soon be mandated to use only EPA compliant equipment. Jackson said that the Obama administration has no plan to regulate greenhouse gases from farming operations. She said that addressing climate change is part of the administration's environmental philosophy, saying that "climate is changing and things that man is doing is causing it." But Jackson said that rural America was a great contributor to the climate issues.

On the topic of green house gases, Jackson said that regulation of green house gases present a "tremendous opportunity" in the market place and is just one part of the larger issue of clean energy production. She pointed to the opinion of some economists who say that getting on board now with clean energy will have its economic advantages.

With many areas of agribusiness regulations being covered, the topic of "growing the economy" surfaced. Bryan Tolar, vice president of Public Affairs for the Georgia Agribusiness Council told Jackson that while sustainability in agriculture will positively affect the environment, he perceives "sustainable agriculture as profitable agriculture."

<< image 1 >>About 150 people attended a 'Town Hall Meeting' sponsored by Congressman Sanford Bishop and the EPA Friday.

The Albany Herald- EPA chief: We're not ag's enemies
September 11, 2010
<http://www.albanyherald.com/home/headlines/102676504.html>

Updated: 12:52 AM Sep 11, 2010

EPA's administrator says it is important to maintain a dialogue with the public about their concerns and fears about environmental regulations. - Ricki Barker, staff writer

Posted: 12:15 AM Sep 11, 2010

Reporter: Ricki Barker, staff writer

Email Address: ricki.barker@albanyherald.com<[mailto:ricki.barker@albanyherald.com?subject=EPA chief: We're not ag's enemies](mailto:ricki.barker@albanyherald.com?subject=EPA%20chief:%20We're%20not%20ag's%20enemies)>

AMERICUS, Ga. – While the Environmental Protection Agency has not always seen eye to eye with farmers and other stakeholders in the agricultural industry, which boasts a \$56.7 billion impact to Georgia's economy, EPA Administrator Lisa Jackson said Friday that rural areas should not think of the EPA as the big bad wolf of government agencies.

"There is such a fear in rural areas that the EPA is coming after you," Jackson spoke bluntly at a Friday Town Hall meeting in Americus. "We are trying to get the best data we can when addressing policy and your (agribusiness's) comments and input are needed."

Jackson, the head of EPA, was in south Georgia on Friday for a town hall meeting to find out what rural Georgians have to say about the environment.

The joint EPA-Congressional Black Caucus event was part of an Environmental Justice Tour designed to highlight the impact of environmental issues on communities. The meeting in Americus gave those involved in agribusiness a chance to share concerns about pending EPA regulations that affect agriculture, as well as air and water quality issues.

During the meeting Friday at South Georgia Technical College in Americus, Jackson listened to concerns from representatives of several agribusinesses, including the Georgia Peanut Commission and the Georgia Cotton Council.

Approximately 150 individuals from around the state were present at the meeting.

Many representatives from agricultural industries expressed concerns over some of the EPA's recent regulations they say negatively impact agribusiness.

Recently the EPA announced it was considering stricter regulations for particulate matter, or dust, based on health concerns. The EPA is required under the Clean Air Act to reassess national air quality standards every five years. New regulations are scheduled to be in place by 2011. If a proposal by the EPA becomes law, the amount of allowable dust released in the air from farming and other businesses would have to be cut in half.

That spells bad news for farmers of one of Georgia's biggest crops – peanuts.

Many farmers and agricultural representatives argued that dust was a way of life in rural areas and that you cannot farm without the possibility of dust.

Jackson addressed the dust concerns by stating that the EPA will not enact regulations that would prevent farmers from growing a particular crop.

"We are making sure and taking great care that you aren't required to do something that does not allow you to grow your crop," she told the crowd.

Among the concerns farmers had were the cap-and-trade bill, regulation of bio fuels, soil fumigate plans and the regulation of greenhouse gases.

Steve Brown, assistant dean for the University of Georgia Cooperative Extension Service, said he was concerned about the EPA's regulation of pesticide drift when farmers spray their fields.

"No one wants drift," Brown told Jackson. "You want your pesticide to hit your target, but the droplet size regulation is not the answer."

Brown explained to the EPA administrator that some farmers have been using electrostatic sprayers that charge the pesticide droplets, allowing the pesticide to hit their targets specifically. He urged the EPA and Jackson to consider advances in technology before making regulations.

U.S. Rep. Sanford Bishop, D-Albany, a member of the Congressional Black Caucus, said Friday's town hall meeting is an example of what government should be.

"It's a win-win situation," Bishop said. "There was a cooperative outreach between both sides. It really showed what a government agency working for the people looks like."

He said the meeting was important because it gave Jackson a chance to hear comments from the people her agency's policies affect.

"I think now she (Jackson) can gain new insight and take that back with her," said Bishop. "This is a good first step for working towards an EPA that works for the best interest of the stakeholders and not involuntarily work against them."

<< image 2 >>From left, U.S. Rep. Sanford Bishop listens to EPA Administrator Lisa Jackson as she responds to a question during a town hall meeting Friday in Americus.

WALB-NBC-TV Channel 10, Albany, GA

<http://www.walb.com/Global/story.asp?S=13134471> (with video)

EPA Administrator comes to Americus

Posted: Sep 10, 2010 5:16 PM EDT Updated: Sep 10, 2010 5:17 PM EDT

AMERICUS, GA (WALB) - A top Obama administration official heard complaints about government regulation from south Georgia farmers Friday.

Environmental Protection Agency director Lisa Jackson came to Americus to hear the concerns of more than 100 growers, ranchers and industrialists.

She took numerous questions about new Obama Administration policies.

Many of the farmers say it seems the EPA is working against them - an image that Jackson is trying to change.

"EPA understands that the viability economically and sustainability environmentally is absolutely critical to our country. It's crucial to our security and its crucial to our nations prosperity," said Jackson.

This is the first time that a sitting EPA administrator has come to South Georgia.

Jackson says the region can have a major impact on diversifying the nation's energy supply and shaping the new environmental policy.

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<http://www.gpb.org/news/2010/09/10/epa-chief-visits-amicus>

Georgia Public Broadcasting

Fri., September 10, 2010 1:27pm (EDT)

EPA Chief Visits Americus

By Josephine Bennett

Updated: 3 days ago

AMERICUS, Ga. —

<< image 3 >>EPA Administrator Lisa Jackson (photo courtesy U.S. Environmental Protection Agency)

The head of the United States Environmental Protection Agency was in South Georgia today for a town hall meeting to find out what rural Georgians have to say about the environment.

EPA Administrator Lisa Jackson is partnering with the Congressional Black Caucus for the so-called "Environmental Justice Tour." The meeting in Americus gave rural Georgians a chance to share concerns about pending EPA regulations affecting agriculture, as well as air and water quality issues.

Jackson says income and race have historically influenced land use. She says going forward the EPA wants to make sure poor communities are not disproportionately targeted.

"The sighting of everything from plants to disposal facilities can mean, not always means that you have to be specifically on the lookout to ensure that community is not bearing more than its share of the environmental burden."

Jackson says the EPA would also like to see rural communities be able to clean up old factories and put the land back to productive use.

**Betsaida
Alcantara/DC/USEPA/US**

12/29/2011 11:36 AM

To "Richard Windsor"

cc

bcc

Subject Politico Pro: Arnold's green road back

Arnold's green road back

By Alex Guillen
12/29/11 9:31 AM EST

Arnold Schwarzenegger, hot off a seven-year run as California governor, went underground in May after it was revealed he had fathered a child with a household employee.

The White House, which worked with him on events like Solyndra's factory groundbreaking in 2009, cut off contact. A "world tour" to promote green policies was derailed. Polls showed that most of the support he had left among his former constituents was gone.

But in recent weeks, Schwarzenegger has begun to return to the spotlight, making public appearances at renewable energy and climate change events, advocating for green technology and touting his energy achievements in the Golden State.

"I promise you I will be your cheerleader and carry our message around the world. I will do everything in my power to make this happen," Schwarzenegger told <https://www.politicopro.com/story/energy/?id=7732> the American Council On Renewable Energy on Dec. 5 in Washington, D.C. "I feel as passionate about this as I did about bodybuilding, about fitness and weight training, all those things."

Having spent six months out of the spotlight, Schwarzenegger is easing back into public life.

Besides his energy-related activities, Schwarzenegger is penning a memoir and starring in a sequel to the 2010 action flick "The Expendables," as well as a Western.

Whether his shift back into the world of policy will ingratiate him again with the public is unclear.

Schwarzenegger — the star of Hollywood hits such as "The Terminator" and "Total Recall" — is both enigmatic and appealing, strategists say.

"The normal rules that you would apply to a politician just really have never applied to him because he's an iconic figure beginning with sports and then entertainment and then politics," said Chris Lehane, a Democratic strategist who worked in the White House counsel's office during President Bill Clinton's Monica Lewinsky scandal.

"He's just never been perceived — even as governor — as a politician. He was his own separate brand that transcended politics, that transcended entertainment, that was a very unique brand," Lehane added.

Schwarzenegger was well-known in politics, inside and outside of California, for his energy and environmental efforts, including: passing a cap on greenhouse gas emissions, fostering the solar industry and mandating that utilities have energy storage capacity for when the wind doesn't blow.

He even converted two of his Hummers to run on biofuel and hydrogen.

But any post-gubernatorial plans were postponed when news broke in May that he had fathered a child with an employee and kept it secret for more than a decade. Schwarzenegger's wife, Maria Shriver, left him and has filed for divorce.

A June poll found<<http://www.politico.com/news/stories/0611/57212.html>> that three-quarters of California voters said they viewed their former governor unfavorably, while 20 percent expressed support.

Now, by working to reconnect himself with renewable energy, Schwarzenegger is seeking to remind the public of his greatest policy-related achievements.

“He deserves serious policy credit because he has been involved in those issues. He did roll up his sleeves and accomplish — with the help of a lot of Democrats — but accomplish some particularly significant policy wins in California,” Lehane said.

It also shifts the conversation away from the scandal, according to Dan Schnur, director of the Jesse M. Unruh Institute of Politics at the University of Southern California.

“Scandals don’t usually go away because of the calendar. They go away because you changed the subject,” Schnur said. “So by reminding people how active he has been in the climate change debates, Schwarzenegger is making it easier for them to get past his personal matters.”

It’s true, Lehane says, just look at golfer Tiger Woods.

“You saw the degradation of one of the greatest brands in history as the result of poorly handling an issue — and Arnold has, at least in terms of the crisis response, did not make the fundamental mistakes that Tiger did,” he said. “But nonetheless Tiger is now beginning to secure back major corporate endorsements.”

Before the scandal, Schwarzenegger’s name was occasionally mentioned for a post in President Barack Obama’s administration — including by Schwarzenegger himself<<http://lat.ms/esdYVA>>.

Perhaps his biggest selling point: he’s a card-carrying Republican.

"To me, it made no difference if a Democrat had a great idea or a Republican had a great idea, or if someone from the outside had a great idea, or if someone from within the office had a great idea," Schwarzenegger said on Dec. 15 at a conference on climate change organized by current California Gov. Jerry Brown, the Sacramento Bee<<http://bit.ly/rXa9ap>> reported. "The more inclusive you are about this, and the less you villainize anybody, the better you're off."

From: POLITICO Pro [politicoemail@politicopro.com]

Sent: 12/29/2011 09:33 AM EST

To: Betsaida Alcantara

Subject: Arnold's green road back

**Betsaida
Alcantara/DC/USEPA/US**

10/13/2011 08:25 PM

To "Richard Windsor"

cc

bcc

Subject Politico: House votes to block boiler MACT

From: POLITICO Pro [politicoemail@politicopro.com]

Sent: 10/13/2011 08:09 PM AST

To: Betsaida Alcantara

Subject: House votes to block boiler MACT

House votes to block boiler MACT

By Erica Martinson

10/13/11 8:08 PM EDT

The House passed a bill Thursday, [275-142](#), requiring the EPA to rework its air toxics controls for industrial boilers in the latest in a string of Republican strikes against Obama administration rules that critics say cripple an already fragile economy.

The [boiler MACT bill](#) would require the EPA to pull back on requirements that some lawmakers charge would require billions of dollars in capital and compliance costs for hospitals, factories, colleges and other employers. The bill gives the EPA 15 months to re-propose and finalize a rule that is less onerous on employers and provides an extended compliance period.

The EPA is expected to propose updates to air toxics standards for boilers and some solid waste incinerators by the end of this month and issue final standards in April 2012, as agreed to in the U.S. Court of Appeals for the D.C. Circuit.

Democrats opposed to the bill introduced a slew of amendments meant to point to harmful effects of pollution on public health. But the House defeated all 14 attempts, beginning with five amendments on Oct. 6, including one allowing the EPA to move forward with its original rule if it is determined that mercury and other emissions harm brain development in infants and children.

And on Tuesday, the House stuck down eight amendments, including provisions to null the bill if it is found that the emissions cause respiratory and cardiovascular illness and deaths, increase risk of cancer, or if the House does not agree upon cost offsets.

Thursday, the bill's supporters shot down a final amendment that would require that the EPA take into account illness-related absences to work when deciding upon compliance deadlines for the rule.

The boiler bill is part of a barrage of EPA-related bills Republicans are offering in an effort to

point to the agency as the source of bureaucratic red tape, overzealous enforcement and unreasonable costs compared to benefits that they say hamstringing small businesses and the American economy.

Nevertheless, none of them are likely to move in the Democratic-led Senate, where Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.) vowed to hold off the bills that she says are damaging to health and the environment, including one that [passed the house](#) Sept. 23 blocking EPA rules to regulate air pollution crossing state lines and mercury and other pollutants from power plants.

The White House has issued [veto threats](#) for both the boiler MACT bill and [a similar bill](#) aimed at EPA's limits for air emissions for the cement industry, though an opposition letter to an upcoming coal ash bill stopped short of such a threat.

And Natural Resources Defense Council's Clean Air Director John Walke called the legislation the "latest installment of the tea party's unraveling of the Clean Air Act" and argued that it would allow "dirty incinerators and industrial boilers to pollute our air with more cancer-causing dioxins, arsenic, mercury and lead."

Friday, the house is expected to move on [another bill](#) barring the EPA from designating coal ash as a hazardous waste. Lawmakers are concerned that the agency will seek to strictly regulate coal ash in the wake of a 2008 spill at a Tennessee coal plant where 1.1 billion gallons of coal ash slurry broke free from ponds at the plants, covering 300 nearby acres of waterways and homes. Stricter regulations, however, could limit businesses' ability to reuse the product in concrete and other building products.

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<https://www.politicopro.com/go/?id=6545>

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**Betsaida
Alcantara/DC/USEPA/US**

03/08/2010 03:41 PM

To "Richard Windsor"

cc "Adora Andy"

bcc

Subject REUTERS: EPA chief slams attempted delays by lawmakers

EPA chief slams attempted delays by lawmakers

Mon Mar 8, 2010 7:49pm GMT

WASHINGTON (Reuters) - U.S. Environmental Protection Administrator Lisa Jackson fought back on Monday against Senate attempts to challenge EPA's authority to regulate emissions while lawmakers work on a climate bill, saying delaying agency action would be bad for the economy. President Barack Obama is pressing the EPA to take steps to regulate greenhouse gases as the climate bill stalls in the Senate.

Senator Lisa Murkowski is trying to stop EPA from taking steps under the Clean Air Act on climate pollution from tailpipes and smokestacks.

As well, Democratic Senator John Rockefeller introduced a bill to force a two-year delay in any EPA action. "Supposedly these efforts have been put forward to protect jobs," Jackson told a meeting at the National Press Club. "In reality, they will have serious negative economic effects." But Jackson, in line with other Obama Administration officials trying to win broader support for a climate bill, said the U.S. climate strategy should include incentives for offshore oil and natural gas drilling as long as the environment is not hurt. "The energy strategy has to be varied and should include offshore drilling when it can be done in a way that is protective of the environment," Jackson told reporters at the National Press Club. Senators John Kerry, a Democrat, Lindsey Graham, a Republican, and Joe Lieberman, an independent, are working on a compromise climate bill that could include incentives for offshore petroleum production and nuclear power. The bill faces an uncertain future amid opposition from energy-rich states. Jackson also said the bill should include incentives for alternative forms of energy like offshore wind power and energy efficiency.

**Betsaida
Alcantara/DC/USEPA/US**

04/01/2010 05:20 PM

To "Richard Windsor", "Adora Andy"

cc "Seth Oster"

bcc

Subject WaPo: EPA unveils new pollution limits that could curtail
'mountaintop' mining

EPA unveils new pollution limits that could curtail 'mountaintop' mining

By David A. Fahrenthold

Washington Post Staff Writer
Thursday, April 1, 2010; 4:15 PM

The Environmental Protection Agency on Thursday announced new pollution limits that could sharply curtail "mountaintop" mining, the lucrative and controversial practice that is unique to Appalachia.

The decision, announced Thursday afternoon by EPA Administrator Lisa P. Jackson, is expected to end or significantly cut the use of "valley fills." At these sites, mining companies fill valleys to the brim with rock and rubble left over when peaks are sheared off to reach coal seams inside.

"Minimizing the number of valley fills is a very, very key factor," Jackson said. "You're talking about no, or very few, valley fills that are going to meet this standard."

Both supporters and opponents of the practice said that, because large valley fills are such a common part of mountaintop mines, the move could curtail the mines in general. Mountaintop mining provides only about 10 percent of U.S. coal, but it is a much larger part of the economy in some sections of southern West Virginia and eastern Kentucky.

"It could mean the end of an era," said Luke Popovich of the National Mining Association. He said that to limit valley fills "is tantamount to saying the intent is to strictly limit coal mining in Appalachia," with serious economic consequences for regions dependent on the mines.

Joe Lovett of the Appalachian Center for the Economy and the Environment applauded the move -- saying it was in line with federal law like the Clean Water Act.

"Mountaintop mining, by its nature, destroys water," Lovett. Of this decision, he said, "I hope it means the beginning of the end."

"It could be, if implemented and enforced, the most significant enforcement to date," said Joan Mulhern, of the group Earthjustice. "The federal government has pretty much to date done nothing on this issue. . . . It's new, on mountaintop removal, that EPA is doing its job."

Jackson said the EPA would issue "guidance" to its local offices, which help review permits for new mountaintop mines. In that guidance, she said, the EPA sets an upper limit on one kind of pollution permitted downstream from valley-fill sites.

The pollutant -- odd as it sounds -- is salt. Scientists say that, when rainwater trickles through the jumbled rock inside a valley fill, it is imbued with salt and toxic chemicals that had previously been buried in rocks deep inside mountains.

The water can then poison small Appalachian streams and kill wildlife.

"The intent here is to tell people what the science is telling us, which is that it would be untrue to say that you could have numbers of valley fills, anything other than minimal valley fills, and not expect to see irreversible damage to stream health," Jackson said.

The rule would apply only to new permits, not mines currently operating. The mines would have to show that they had taken steps like storing excess rock away from streams.

]

**Betsaida
Alcantara/DC/USEPA/US**

04/25/2012 09:57 AM

To "Richard Windsor", "Bob Perciasepe", "Brendan Gilfillan",
"Alisha Johnson", "Andra Belknap"

cc

bcc

Subject Politico Pro: Obama: Climate change will be a campaign
issue

Obama: Climate change will be a campaign issue

By Dan Berman
4/25/12 9:51 AM EDT

President Barack Obama says the amount of money poured into fighting the scientific consensus on climate change will push the issue into the presidential campaign.

In an interview with Rolling Stone<

<http://www.rollingstone.com/politics/news/ready-for-the-fight-rolling-stone-interview-with-barack-obama-20120425?print=true>> published Wednesday, Obama also says he's worried about the lack of international progress to address global warming and believes that is tied to frustration with the Keystone XL pipeline.

"Part of the challenge over these past three years has been that people's number-one priority is finding a job and paying the mortgage and dealing with high gas prices," Obama said. "In that environment, it's been easy for the other side to pour millions of dollars into a campaign to debunk climate-change science.

"I suspect that over the next six months, this is going to be a debate that will become part of the campaign, and I will be very clear in voicing my belief that we're going to have to take further steps to deal with climate change in a serious way," he added.

Obama didn't mention Mitt Romney by name, but sought to contrast the GOP of today with 2008 standard-bearer John McCain, who for years sponsored cap-and-trade legislation with Sen. Joe Lieberman.

"Here's a guy who not only believed in climate change, but co-sponsored a cap-and-trade bill that got 43 votes in the Senate just a few years ago, somebody who thought banning torture was the right thing to do, somebody who co-sponsored immigration reform with Ted Kennedy," Obama said of McCain. "That's the most recent Republican candidate, and that gives you some sense of how profoundly that party has shifted."

Romney ran to the right in the Republican primary on global warming, saying in October that the causes of climate change are unknown.

"My view is that we don't know what's causing climate change on this planet," Romney said<
<http://www.politico.com/news/stories/1011/67081.html>> at a fundraiser last fall. "And the idea of spending trillions and trillions of dollars to try to reduce CO2 emissions is not the right course for us."

Rolling Stone's Jann Wenner asked Obama about NASA climate scientist James Hansen's statement that building the Keystone XL pipeline is "game over" for the planet, and while the president didn't say he disagreed with that assessment, he suggested the lack of climate action is behind the anger over Keystone.

"The reason that Keystone got so much attention is not because that particular pipeline is a make-or-break issue for climate change, but because those who have looked at the science of climate change are scared and concerned about a general lack of sufficient movement to deal with the problem," Obama said.

"Frankly, I'm deeply concerned that internationally, we have not made as much progress as we need to make," he added.

**Betsaida
Alcantara/DC/USEPA/US**

12/20/2011 07:59 AM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
Gilfillan.Brendan, "Arvin Ganesan", "Laura Vaught"

cc

bcc

Subject MATS on Politico Morning Energy

UTILITY MACT WATCH – The EPA has acknowledged that it has signed its finalized mercury and air toxics rule for power plants, but it still hasn't shown the rule or given word on when it will. The environment, public health and industry groups awaiting the rule are starting to get anxious, with spokesmen from all sides of the issue Monday saying they couldn't remember an instance in which a signed rule had lingered out of the public eye.

THEY CAN'T HOLD IT FOREVER – The consent decree EPA signed in 2010 stipulates that they will provide the rule to the Federal Register within five business days of its signing.

MORE MACT – Sen. Jim Inhofe wants EPA's inspector general to investigate why the agency won't answer his questions about the utility MACT. Martinson has the details for Pros: <http://politico.pro/tZUVRc<#story8112>>.

**Betsaida
Alcantara/DC/USEPA/US**

10/25/2011 08:18 PM

To "Richard Windsor", "Bob Perciasepe", "Seth Oster", "Brendan Gilfillan", "Arvin Ganesan"

cc

bcc

Subject Politico: Senate Dems slow to pull trigger on Keystone

Senate Dems slow to pull trigger on Keystone

By Darren Goode
10/25/11 8:13 PM EDT

Critics of the controversial Keystone XL pipeline think they've uncovered a conflict-of-interest scandal that will shake the halls of Congress.

They just can't get top Senate Democrats to help them do it.

Environmental groups opposing the \$7 billion, 1,700-mile pipeline sending crude from Alberta oil sands to Texas have uncovered evidence they say shows the State Department has already made up its mind, such as internal emails showing a cozy relationship between a TransCanada lobbyist and former Hillary Clinton campaign aide with a department official working on the project.

But while House Republicans have fanned the flames of the Solyndra affair with an unending stream of letters, hearings and subpoena threats, Senate Democrats – who have all the same arrows in their quivers – have been slow to take up arms over Keystone.

Senate Foreign Relations Committee Chairman John Kerry, long a champion of green causes, cited a busy schedule – which includes a seat on the deficit-cutting supercommittee – as his reason for not jumping on the issue, although it involves the State Department.

Energy and Natural Resources Committee Chairman Jeff Bingaman has no plans to look into the pipeline review or the project itself before the State Department makes its decision by the end of the year.

And when Senate Majority Leader Harry Reid wrote Clinton this month to question the need for the pipeline, his office kept the letter quiet. Reid's letter wasn't released by his office or even publicly cited until The Washington Post referenced it in a story two weeks after it was sent.

Another pipeline critic, Sen. Ben Nelson (D-Neb.), admitted he's not familiar with allegations that the State Department's review of the TransCanada pipeline is not on the level.

"I haven't spent any time looking at those charges," Nelson said. "I just don't think it's that newsworthy."

Other key Democratic partners with the environmental community like Senate Environment and Public Works Committee Chairwoman Barbara Boxer, Energy and Commerce Committee ranking member Henry Waxman and House Natural Resources Committee ranking member Ed Markey have written letters and otherwise raised concerns about the pipeline, focusing on environmental and safety concerns, rather than the conflict-of-interest charges.

"The environmental and economic concerns have been and will continue to be the primary one for many members," said Markey's spokesman Eben Burnham-Snyder.

Unlike other Obama administration environmental and energy efforts, such as climate change legislation, the decision on the proposed pipeline lies with President Barack Obama due to the fact it would cross the U.S.-Canada border.

Pipeline opponents have waged a public campaign against the administration, protesting at the White

House in August and again Tuesday outside Obama's hotel in San Francisco. Another major protest is scheduled for Nov. 6 at the White House. Protest organizer Bill McKibben has repeatedly stated his goal isn't to hurt the president, but opponents realize that Democratic lawmakers may not be eager to draw much attention to criticism of the administration or allege something as serious as a conflict of interest as 2012 approaches.

"To be blunt, there's a lot going on, but there's also a lot of counterpressure going on not to upset the apple cart," said Damon Moglen, director of climate and energy at Friends of the Earth.

"Democratic lawmakers in Congress are always reluctant to take on their own president," said Jeremy Symons, senior vice president for conservation and education at the National Wildlife Federation.

Labor unions – an important constituency for Obama and a lot of other Democrats – are backing the pipeline and the jobs it could bring.

The State Department in August released a final environmental impact assessment, stating that the pipeline would have minimal adverse impact. This assessment further cemented in the minds of critics that the department is well on its way to approving the pipeline.

Clinton herself raised eyebrows in October 2010 when she said the department was "inclined" to approve the pipeline since it's better to get oil from a friendly neighbor like Canada than from the Middle East.

"I think it's driving the environmental community nuts because their friends in the White House and the State Department are going to grant this permit," said Sen. Mike Johanns (R-Neb.), who along with Nelson is opposed to the proposed pathway the pipeline would take in their state.

The lack of congressional investigation has meant that the "growing influence scandal," as Friends of the Earth has dubbed it, has developed more slowly.

Friends of the Earth collected through a Freedom of Information Act request the emails between State Department officials and Paul Elliott, TransCanada's chief Washington lobbyist – and Clinton's national deputy campaign manager when she ran for president in 2008.

But congressional demands are faster than FOIA requests. The flames igniting any burgeoning scandal – as evidenced by the attention played on Solyndra – often grow brighter through subpoenas and other action by Congress, regardless of the validity of the charges being levied.

"This is not a legislative issue and, at this time when there's so many other battles competing for members' attention, it makes sense that some would focus more on those issues rather than on a decision that is still pending in the administration," said Daniel Weiss, senior fellow at the Center for American Progress Action Fund.

Weiss also suggested that more media attention would raise more eyebrows among lawmakers.

"The more that Keystone is covered, the more you see members of Congress taking a position on it," he said.

Thirty-three House Democrats led by Oregon Rep. Earl Blumenauer and three Senate Democrats this month did send separate letters to Clinton questioning the validity of the department's review by referencing a New York Times article on the department's selection of Cardno Entrix to handle the environmental review of the pipeline after reportedly listing TransCanada as a "major client."

"Hillary Clinton's mess is making it harder to ignore," Symons said.

Clinton has denied any problem with the department's review, telling The Associated Press this month that she has "no reason to believe" that the department is biased in favor of the project.

In a meeting last week with Sen. Bernie Sanders (I-Vt.), department officials also stressed a decision hasn't been made and that the environmental analysis is merely one piece of a larger, complicated review.

The announcement Monday that Broderick Johnson would be a senior adviser on Obama's reelection team after spending time working at a lobbying shop that represented TransCanada also irks some critics. "It stinks," said McKibben. Johnson registered as a lobbyist for TransCanada, though the company is denying he worked on its behalf.

Not everyone is necessarily waiting for congressional Democrats to throw more weight around. Friends of the Earth and the Center for Biological Diversity are among those that have already challenged the project in court.

"Our attention is focused entirely outside of Washington, outside of the Beltway, where the action really is on this issue," Symons said. "Washington is the problem."

Aside from the protests, the McKibben-led Tar Sands Action is also backing a print ad in The New York Times and The Washington Post, as well as on POLITICO and other news websites, slamming the State Department's connections to TransCanada and alleging the pipeline is "an environmental crime in progress."

**Betsaida
Alcantara/DC/USEPA/US**

03/18/2012 01:44 PM

To "Richard Windsor", "Brendan Gilfillan", "Bob Perciasepe",
"Diane Thompson"

cc

bcc

Subject Washington Post blog: Mitt Romney on gas prices: Fire the
'gas hike trio'

Fyi

Posted at 11:25 AM ET, 03/18/2012

Mitt Romney on gas prices: Fire the 'gas hike trio'

By Matt DeLong and Philip Rucker

Washington Post

During an interview on "Fox News Sunday," former Massachusetts governor and presidential candidate Mitt Romney said there is "no question" that President Obama is to blame for rising gas prices and called for the president to fire the "gas hike trio" of cabinet members.

"When [President Obama] ran for office, he said he wanted to see gasoline prices go up," Romney said. "He said that energy prices would skyrocket under his views, and he selected three people to help him implement that program. The secretary of energy, the secretary of interior and EPA administrator. And this gas hike trio has been doing the job over the last three-and-a-half years, and gas prices are up. The right course is they ought to be fired because the president has apparently suffered election-year conversion. He's now decided that gasoline prices should come down."

Romney went on to say that once Energy Secretary Steven Chu, Interior Secretary Ken Salazar and Environmental Protection Agency Administrator Lisa P. Jackson submit their letters of resignation, Obama should "start drilling for energy here," and pursue development of oil, natural gas, and coal resources.

Romney, who first called for their firing at a town hall meeting Saturday night in Collinsville, Ill., is talking more and more about gas prices and their impact on families across the country. He said the gas prices are pinching middle class families, who now struggle to fill up their tanks.

"I'm seeing more and more people, particularly women for instance, that say to me, 'You know, it's hard getting kids to school and to soccer practice when you don't know if you can afford to fill up the car,'" Romney said.

Romney recalled meeting a woman on a recent campaign trip to Missouri.

"I spoke with a teacher in St. Louis who was out of work and she's staying on unemployment because she said, in part, the cost of getting to and from work at a temporary teaching assignment was just so expensive, given gasoline," Romney said. "She couldn't afford to go back to work."

The Washington Post's Fact Checker has twice examined Republican claims that President Obama wanted gas prices to rise, in both cases awarding Three Pinocchios to Obama's critics.

Meanwhile, Obama campaign adviser David Axelrod fired back at Republicans during a Sunday morning appearance on CBS's "Face the Nation," singling out former House speaker Newt Gingrich's pledge to

return gas prices to \$2.50 per gallon if he wins the presidency.
"That's not oil talk, that's snake oil talk," Axelrod said. "And I think the American people know the difference."

**Betsaida
Alcantara/DC/USEPA/US**

02/17/2010 10:42 PM

To "Richard Windsor"

cc "Mr. Allyn Brooks-LaSure"

bcc

Subject The Root.com : Green Is the New Black

(From roundtable today..)

Green Is the New Black

EPA Administrator Lisa Jackson ties environmentalism to minority concerns.

The Root.com - Feb. 18

The office of Environmental Protection Agency Administrator Lisa Jackson lies halfway between Congress and the White House. The placement is appropriate; the 48-year-old New Orleans native—the first African American to run the agency tasked with protecting the air, water and health of Americans—walks a line between action and negotiation every day. She keeps a copy of Dr. Seuss's *The Lorax*—the mythical creature who “speaks for the trees”—in her office, alongside photos of herself grinning with Gen. Colin Powell; her former boss, New Jersey Gov. Jon Corzine; and President Barack Obama.

Alongside these power shots sits a framed political cartoon of a man representing the town of New Bedford, N.J., dripping with pollution and waste. His hand is outstretched, toward a shovel marked “federal stimulus”—which he will use to dig himself out of the surrounding environmental hell. His words for President Obama, seen at the edge of the cartoon, are simple: “Thanks, brother.”

The sketch epitomizes the radical changes that have accrued at the EPA since the Obama administration hired Jackson, a Princeton-trained chemical engineer and experienced political hand. Once a bastion of resistance to environmental action, the character of the EPA has been drastically altered in the last 12 months. On the first anniversary of the American Reinvestment and Recovery Act, which provided \$80 billion of investment in alternative energy and environmental cleanup, Jackson touted the EPA's impact on communities like New Bedford—hit hard by twin forces of social inequality and environmental pollution. “We're here to help,” Jackson told reporters gathered in her office. “We have protection in our name. We're not the Department of Defense, but part of our job is protecting human health.”

Jackson visited a long-suffering area of Mississippi this month, the first stop on a tour, organized with members of the Congressional Black Caucus, of sites across the country promoting the message of health, non-pollution, economic opportunity and environmental justice. Closest to her heart is the goal of awareness—“putting this agency in the minds of the American people, and not just those who consider themselves environmentalists,” she said. “I grew up in the city; I wasn't a girl scout; I didn't camp; I wasn't a skier; I wasn't an avid hiker—but the environmentalism I came to know was more about the effects of pollution in society.”

Jackson was born in Philadelphia, raised in New Orleans and most recently worked as chief of staff to Corzine in New Jersey. In addition to her 16 prior years of experience at the EPA, she has a son with asthma—a big concern for black Americans living in areas with above average pollution. Her nontraditional profile made her one of Obama's most audacious cabinet picks—but she's ideally suited to the job of overhauling the image of a green crusader in the 21st century.

“When you're in charge of protecting human health and safety, it's easy to try and do everything,” says Jackson. The EPA has multiple priorities under her leadership—improving air quality, ensuring chemical safety and transparency in labeling, cleaning up communities and protecting waters. First and foremost, she notes, is “taking action on climate change,” which she says Obama “absolutely” supports—despite his failure to sign major cap-and-trade legislation since taking office.

But even these statements present a major change from the George W. Bush years. Whereas one of Bush's top advisers on energy, James Connaughton, asked "what's that?" when asked about green jobs, Jackson keeps a copy of *The Green Collar Economy*, a manifesto on environmental opportunity written by former White House green jobs adviser Van Jones, at hand. And she is keenly interested in building economic bridges to communities typically disinterested in going green. Because the modern environmental movement gained momentum around the same time as the civil rights movement, ethnic minorities felt they had to choose, she explains. But today, "environmental rights [are] a natural extension of civil rights." And tree-hugging activists, including herself, have adapted the message. "If I can't make you understand based on the environment, then I'd talk to you about jobs; and if you don't want to talk to me about jobs, I'd like to talk to you about national security."

Green jobs—in areas like home weatherization, home energy auditing, operating pollution controlling devices or cleaning up brownfields—do seem to provide a win-win situation. But are these jobs reaching the communities where environmental justice lacks? While the Recovery Act cash in these areas was expected to create or save up to 700,000 jobs, a recent study from the Kirwan Institute for the study of Race and Ethnicity suggested that it did not act swiftly enough and in targeted fashion to promote green jobs for communities of color. Jackson aims to make these jobs attractive and available for a new generation of workers. "Careers of the future [are] in water," she says, giving one of many examples. "Because the climate is going to change, and we're going to have problems with too much or too little water, all across the country. If we can train our students early on, we'll have a steady stream of talent."

In making this cultural and political change, Jackson has powerful allies in the federal government, including White House domestic policy adviser Melody Barnes, Labor Secretary Hilda Solis and the first couple themselves. Michelle Obama's White House Kitchen Garden is a prime example of rehabilitating the connection between communities of color and the earth. When Obama announced construction of two new nuclear facilities this week, he tied energy action to economic development. "The argument has been we can't do this now because we have to do jobs," Jackson says—referring to conservative and business opposition to clean energy incentives. But "he is rightfully reemphasizing and strengthening the connection between his clean agenda and his jobs agenda."

And while Jackson is not Secretary of State Hillary Clinton or Attorney General Eric Holder, she is emerging as one of the most powerful agency heads in the new Obama era.

Jackson was with the president and his entourage at the much-ballyhooed United Nations climate negotiations in Copenhagen, Denmark, the nonbinding outcome of which she called "the best we could get." Likewise, she was there when "energy czar" and former EPA head Carol Browner unveiled her spring auto-industry coup, requiring a steep increase in tailpipe emissions standards for new cars. And it was she alone who made the historic pronouncement that the Bush administration and a host of corporate interests had tried to avoid: Greenhouse gases are hazardous to your health.

This important move began with the Supreme Court, which ruled in late 2007 that greenhouse gases counted as pollutants that could be regulated under the terms of the 1970 Clean Air Act. This meant that the federal government (specifically the EPA) could restrict emission of these pollutants if it determined that they endanger human health. The Bush administration, which had proven hostile to environmental causes, and particularly the mandate of the EPA, simply ignored the big news. Enter Jackson. Within weeks of taking office, she "dusted off the old studies" and soon issued a finding "returning science to its rightful place," she says—and giving herself unprecedented authority to intervene in emissions production in the United States.

On both sides of Jackson's office, the fight over such regulations is a heated one. The White House has signaled its support for the pro-regulatory position held by diverse senators such as Barbara Boxer, D-Calif., John Kerry, D-Mass., Lindsey Graham, R-S.C., and Joseph Lieberman, I-Conn. But many Republicans are of another mind on cap-and-trade legislation, which would put a price on the carbon emissions that cause climate change. Oil and coal companies and other major emitters are afraid that tough new standards for reducing pollution will cut into their profit margins (for oil companies, at near-record highs), and the U.S. Chamber of Commerce fears that any "tax" on energy consumption will reduce global competitiveness with countries that don't cap emissions. But still, other conservatives,

notably James Inhofe, R-Okla., deny the very scientific framework for needing to cap emissions.

Some environmentalists have talked about Jackson's decision being used as a "nuclear option" to force passage of cap-and-trade legislation. Specifically, they suggest that if the Senate won't pass a bill that matches the ambitious restrictions passed in June by the House of Representatives, then Jackson will take the lead. "We have no reason to threaten," she says, of the rumors—adding that the president would prefer bipartisan legislation. "But I've been around Washington long enough to know that you don't sell wolf tickets." And whether or not cap-and-trade passes the Senate, Jackson feels that market pressure to go green must be increased. "What you need is a price on carbon, so that entrepreneurs and banks have incentives to do the right thing."

Dayo Olopade is Washington reporter of The Root. Follow her on

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02/24/2010 09:05 PM

To "Richard Windsor"

cc "Seth Oster"

bcc

Subject Dow Jones : EPA Chief: "Working Towards"Coal-Ash
Proposal For April

EPA Chief: "Working Towards"Coal-Ash Proposal For April

By Siobhan Hughes Of DOW JONES NEWSWIRES WASHINGTON

(Dow Jones)--The U.S. Environmental Protection Agency is trying to issue a proposal to regulate the waste produced by coal-fired power plants by April, EPA Administrator Lisa Jackson said Wednesday. "Staff were looking at a potential proposal out by April and we're certainly working towards that date," Jackson told reporters during a break in testimony before a House Appropriations Committee panel. "I can;t absolutely lock it in." In October, the EPA submitted to the White House a proposal to regulate coal ash, hoping to publish the proposal in December. The proposal's release has been slowed as companies complain to the White House that business would be damaged if coal waste is labeled a hazardous material. About 40% of the waste produced by coal-fired power plants is recycled into other products, such as cement and drywall. Separately, the EPA chief said that her agency has asked Congress for permission to reprogram funds in its existing budget in order to get started on a study of hydraulic fracturing, a drilling technique that has become an increasingly popular means of accessing natural gas locked in underground rock formations known as shale. The practice involves pumping water, sand and chemicals deep underground, breaking up rock and releasing vast quantities of natural gas. Jackson told reporters that the study would cost "somewhere around \$30 million." She said the EPA was "hoping to start moving money so we can begin the study solicitation this year." The EPA last year put the brakes on an Arch Coal Inc. (ACI) operation in West Virginia, the first time in 37 years the agency has used its power to hold up a previously issued mountaintop mining permit. The EPA told the U.S. Army Corps of Engineers it was taking the unusual step to halt the largest such project ever permitted in Appalachia because of the magnitude of potential environmental damage, including the burial of more than seven miles of streams. "We have been in discussions with the company," Jackson told a reporter. "Those discussions continue but we have not made any move since then."

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09/01/2011 07:49 PM

To "Richard Windsor"

cc "Seth Oster"

bcc

Subject Fox News: Critics Say Obama EPA Moves Made With 2012
in Mind

Critics Say Obama EPA Moves Made With 2012 in Mind

By Doug McKelway

Fox News

Published September 01, 2011

While Republican foes and many in the business community accuse President Obama of pushing aggressive environmental agenda, the Obama EPA has actually been holding back on many of its key initiatives.

Critics say the go-slow approach at the Environmental Protection Agency is part of a 2012 re-election strategy for the president.

In July, the EPA announced that it would postpone, for the fourth time, new ozone standards, with a promise to reconsider them at a later date. Then in August, EPA regulators chose to ignore a promised toughening of carbon monoxide standards, angering many environmentalists. That followed a decision to postpone indefinitely rules that would have punished companies for emissions the agency says are linked to global warming.

By holding back on key initiatives, the White House has quieted concerns in swing states like Ohio, helping vulnerable Rust Belt congressional Democrats. The business world warns that the rules are still looming and that if Obama wins a second term, the consequences will be dire. Environmentalists, meanwhile, express their frustration with what they see as an overly politicized process.

"We think that's a really awful thing because we think that the decisions on clean air should be made on science not political science," said Frank O'Donnell of the environmental group, Clean Air Watch.

But conservative critics suggest that EPA's relaxation of enforcement is the exception, not the rule.

"There's absolutely no indication right now that they're pulling back on any fronts when it pertains to the EPA," said Evan Tracey of the American Coalition for Clean Coal Electricity, an industry group.

Tracey and others point to the EPA's tough new standards for increased auto mileage that begin to take effect in 2012, and still tougher regulations set for 2025 that would require cars to get 54.5 miles per gallon.

They also point to the EPA's crackdown on mountaintop coal mining, and to its new requirement for power plants to reduce pollution across state lines. That's a rule that the industry maintains will strain power grids and increase costs for electricity.

At an August town hall meeting, in response to a farmer's question about EPA over-regulation, Obama said the EPA weighs its regulatory input very carefully.

"There is not a rule or regulation that we don't do a complete cost-benefit analysis at this point and that we don't have intensive discussions with those who would potentially be affected," said Obama.

Read more:

<http://www.foxnews.com/politics/2011/09/01/critics-say-obama-epa-moves-made-with-2012-in-mind/#ixzz1WkKCBbXv>

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Alcantara/DC/USEPA/US**

10/13/2011 07:33 PM

To "Richard Windsor", "Seth Oster"

cc

bcc

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.

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11/01/2011 03:29 PM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan"

cc

bcc

Subject Charleston Gazette blog: Attacking EPA: What Lisa Jackson really said

Attacking EPA: What Lisa Jackson really said
November 1, 2011 by Ken Ward Jr.

We've written before about how quick West Virginia political leaders are these days to jump in and defend the honor of the coal industry against any slight or perceived slight. Well, it happened again, this time after some comments that EPA Administrator Lisa P. Jackson. And, of course, some West Virginia media outlets jumped in to parrot the politicians' talking points ...

First, WDTV-News reported:

Reports claim that EPA Administrator Lisa Jackson allegedly attacked the coal industry at an event Thursday, and now our lawmakers are speaking out.

Jackson reportedly said the coal industry is on life support, and she supposedly attacked Representative David McKinley's coal ash legislation.

McKinley defended his legislation in a statement. He said, "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."

We caught up with Senator Joe Manchin to get his thoughts on the issue. "I'd rather choose working and rebuilding America by using the energy we have here and try to find that balance. So I guess we just philosophically disagree," he said.

Not to be outdone, MetroNews jumped in with this story:

Rep. David McKinley, R-W.Va., blasted the top environmental officer in the Obama administration Thursday after allegedly saying the coal industry is on "life support."

According to a McKinley release issued Thursday, federal Environmental Protection Agency Administrator Lisa Jackson told students at Howard University, "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."

Calling Jackson's comments "false and offensive," McKinley blamed Jackson for many of the coal industry's problems.

McKinley apparently continued:

"The coal industry is on 'life support' for one reason only: Lisa Jackson and Barack Obama," McKinley said. "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."

OK ... now go back and look again at the way the MetroNews piece quoted Lisa Jackson:

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.

And then, look at what Administrator Jackson actually said, according to the original press account from Greenwire (subscription required):

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."

She didn't say that the "coal industry is on life support." She wasn't talking broadly about the coal industry. She was talking about aging power plants and noting, correctly, that many of them have been in service for decades and still lack the most advanced pollution controls.

**Betsaida
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06/22/2011 08:52 AM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan", "Adora
Andy"

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bcc

Subject AI Gore Attacks Obama on Climate: Energy Breaking News

From: POLITICO Pro [breakingnews@politicopro.com]

Sent: 06/22/2011 08:17 AM AST

To: Betsaida Alcantara

Subject: Energy Breaking News

AI Gore attacks President Barack Obama for failing to stand up for "bold action" on global warming in a 7,000-word Rolling Stone essay to be published Friday, the [AP](#) reports. "President Obama has never presented to the American people the magnitude of the climate crisis ... He has not defended the science against the ongoing withering and dishonest attacks. Nor has he provided a presidential venue for the scientific community ... to bring the reality of the science before the public," Gore writes.

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09/21/2011 07:24 PM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan", "Bob Perciasepe", "Diane Thompson"

cc

bcc

Subject Politico: Obama's energy losing streak

Obama's energy losing streak

By Darren Samuelsohn
9/21/11 6:08 PM EDT

President Barack Obama is racking up an impressive losing streak when it comes to energy.

Under pressure from Republicans, he embraced offshore drilling – just weeks before the BP oil spill. He offered support for nuclear power, only to watch a disaster unfold in Japan. Gas price hikes in the spring disrupted his economic message. Feeling the heat from Republicans again, he infuriated his green base by bailing out on a long-promised ozone standard.

And then came Solyndra – the California solar company startup Obama touted as a green jobs success story even as it bled money and ultimately collapsed amid political scandal.

"The guy got dealt a bad hand," said a top environmental consultant. "But he's played a bad hand very badly."

It's an emerging consensus coming from the left and the right: While Obama was once viewed as a victim of things he can't control – faulty blowout preventers, a tsunami, gas prices, the tea party – critics on both sides of the aisle say his administration has made matters worse.

"If you've got an agenda bouncing along with no vision and things happen, you look reactive, and they are," said Doug Holtz-Eakin, a former economic adviser to John McCain's 2008 presidential campaign.

With Solyndra and the lost \$535 million loan guarantee, Obama's entire renewable energy portfolio is likely to be on a permanent state of defense thanks to administration missteps in how it handed out stimulus money.

Some greens, meantime, are pining for Al Gore, or wondering what their world would have been like if Hillary Clinton had won the Democratic nomination and then the presidency back in 2008. Looking at Obama's inner circle, they see missteps resulting from not having anyone like them helping to call the shots.

Yes, Carol Browner worked for Obama until earlier this year as his top White House energy and climate adviser. And he has some top-notch experts in Energy Secretary Steven Chu, a Nobel Prize winning physicist, and EPA Administrator Lisa Jackson.

But with Browner gone, both appear to be on the outside looking in – never more so than earlier this month, when Obama overruled Jackson on the long-promised rewrite of Bush-era ozone rules.

"He dispassionately picked a set of people who technically were credentialed in their positions, but these people are not sitting in the center of the universe in that White House," said the environmental consultant, who also noted neither Obama nor Vice President Joe Biden had very deep track records on green issues while serving in the Senate.

Obama arrived in the White House embracing the green jobs mantra that previously existed mainly in California environmental policy and in congressional Democrats' talking points.

And while the president used the "clean energy" message as part of his larger campaign to help with the country's economic recovery, it's lost its luster as unemployment rates hover around 9 percent.

Now, with Solyndra's collapse, Republicans are promising to make the green jobs concept politically toxic for years to come.

"The administration is wrong to think they can turn this economy around with green jobs," said Rep. Cliff Stearns (R-Fla.), the chairman of the House Energy and Commerce Committee subpanel investigating Solyndra. "If he's focusing on developing a stimulus package for solar panels and wind mills and batteries and he thinks he's going to turn the economy simply on the stimulus for green jobs, he's mistaken."

Cap-and-trade legislation also stands out as something that's been placed on the permanent back burner in part because of how Obama handled the issue.

Once the subject of countless white papers and bipartisan compromise talks, Obama's failure to get the measure across the finish line has resulted in angry screeds from the likes of Gore, who wrote in a Rolling Stone essay this summer that the president "has never presented to the American people the magnitude of the climate crisis."

"You can't place 'global warming' and an ephemeral promise of 'future green jobs' high on the policy agenda when spurring growth and jobs now is the most important challenge," said Stuart Gottlieb, a Columbia University public affairs professor and former Senate Democratic aide. "This is why Obama actually rebuffed his own EPA's efforts to raise the costs on carbon emitters."

Industry attorney Scott Segal said Obama's woes on energy actually stem from not having enough people around him with real-world experience on energy issues – turning a critique of former President George W. Bush on its head.

"If you ask yourself who really is the top tier energy adviser in the administration, the answer doesn't readily come to mind," said Segal, who represents electric utilities and petroleum refiners at Bracewell & Giuliani. "It doesn't surprise me that major opportunities in the energy sector don't occur to them. They get missed."

As should be expected, the Obama administration pushed back hard against the idea they've been inept on energy.

Oil production has reached its highest levels since 2003, while foreign oil imports as a share of total use have fallen from 60 percent in 2006 to 52 percent in 2009. Renewable electricity will have doubled by the end of Obama's term. And the White House brokered two rounds of new fuel economy limits with auto companies and California officials that will lead to cars and light-duty trucks ultimately averaging 54.5 miles per gallon by 2025.

"I think it's sort of like the old country song, 'Looking at all the wrong places.' I think you're looking in all the wrong places," said Agriculture Secretary Tom Vilsack. "You can find isolated examples of things that didn't work. And it's easier, with all due respect to you folks, it's easier to report on that than it is to report on the multitude of things that are going right."

With Obama at his side Wednesday in New York, former President Bill Clinton made it clear that the current occupant of the White House is different than his GOP rivals on the energy issue. "He also is one of those Americans who believes climate change is real and deserves a real response," Clinton said.

Bemoaning the political obstacles tied to curbing greenhouse gases, Obama added, "It is technically difficult to figure out how we are going to deal with climate change – not impossible, but difficult."

Daniel Weiss, a senior fellow at the Center for American Progress Action Fund, said some of Obama's stumbles on energy are a byproduct of inevitable technological risks. And besides, Gore wouldn't be able to do any better.

"If Al Gore was president with 9.5 percent unemployment, I think that you'd see very similar decision making from what you see from this administration," Weiss said. "Rightly or wrongly, they're much more sensitive both in the White House and on Capitol Hill to arguments that such and such a proposal is going to cost jobs."

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02/01/2011 11:39 PM

To "Richard Windsor"

cc "Seth Oster", "David McIntosh", "Brendan Gilfillan"

bcc

Subject AP sources: House GOP readies restrictions on EPA (WED)

AP sources: House GOP readies restrictions on EPA

11:07PM

WASHINGTON – In a sharp challenge to the Obama administration, House Republicans intend to unveil legislation Wednesday to ban the Environmental Protection Agency from regulating greenhouse gases under the Clean Air Act and expect to advance the bill quickly, officials disclosed Tuesday night.

In addition, it seeks to strip the agency of its authority to use the law in any future attempts to crack down on the emissions from factories, utilities and other stationary sources.

Many scientists say that carbon dioxide and other heat-trapping pollution contribute to global warming, and attempts at regulating them is a major priority for President Barack Obama as well as environmentalists. Critics argue the evidence is thin and that new rules will drive up the cost of business and cause the loss of jobs.

The officials who described the GOP plans did so on condition of anonymity, saying they were not authorized to pre-empt the release of a draft measure prepared by the Energy and Commerce Committee, chaired by Rep. Fred Upton of Michigan.

The legislation marks yet another arena in which newly empowered House Republicans are moving quickly to challenge the administration.

Sworn into office less than a month ago, the House has already voted to repeal last year's health care law and is advancing toward a series of expected confrontations with Obama over Republican demands for deep spending cuts. In addition, Speaker John Boehner, R-Ohio, recently announced support for legislation to restrict abortions.

A vote on the greenhouse gases bill would occur first in the Energy and Commerce Committee, and is expected later this winter. The measure would then go to the House floor, where Republicans express confidence they have a strong enough majority to overcome objections by Democrats, many of whom are expected to oppose it on environmental grounds.

Republicans are attempting similar restrictions in the Senate, where the Democrats are in a majority and the political situation is more complicated. Sen. John Barrasso of Wyoming has introduced a more sweeping measure than the one House Republicans are drafting. At the same time, Sen. Jay Rockefeller, D-W.Va., has proposed a two-year moratorium on EPA attempts to regulate greenhouse gases under the Clean Air Act, a plan that already has attracted a handful of Democratic supporters.

The Supreme Court ruled in 2007 that the EPA has authority to regulate greenhouse gases under the Clean Air Act, but it wasn't until the Obama administration took office that the effort began.

Initially, the administration's principal focus in the area was on passage of legislation to impose restrictions, but that attempt failed when the Senate balked at a bill Democrats pushed through the House in 2009.

Since the Republican election gains of last fall, Obama has made several moves to accommodate the concerns of business, including an executive order to weed out proposed new regulations that would hurt job growth. Despite the order, there has been no indication to date that the White House intends to stop

plans to regulate greenhouse gases through the Clean Air Act.

In a statement posted on its website late last year, the EPA announced it is moving unilaterally to clamp down on power plant and oil refinery greenhouse emissions, announcing plans for developing new standards over the next year.

EPA administrator Lisa Jackson said the aim was to better cope with pollution contributing to climate change.

"We are following through on our commitment to proceed in a measured and careful way to reduce GHG pollution that threatens the health and welfare of Americans," Jackson said in a statement. She said emissions from power plants and oil refineries constitute about 40 percent of the greenhouse gas pollution in this country.

**Bob
Perciasepe/DC/USEPA/US**

05/18/2010 07:08 PM

To Diane Thompson, Richard Windsor, Scott Fulton

cc

bcc

Subject OMB Watch Article

Commentary: White House Misadventures in Coal Ash Rule Posted on May 18, 2010

Developments behind the scenes of a new EPA proposal to regulate coal ash undermine several core tenets of the Obama presidency, conflict with pledges to reform the way government works, and expose the flaws in a regulatory process that too often does not do enough for the public.

On May 3, the U.S. Environmental Protection Agency (EPA) released a proposed rule that would, for the first time, regulate the disposal of coal ash. Calls for regulation of coal ash, a byproduct of coal combustion that can contain arsenic, lead, chromium, and other heavy metals, began in earnest after an impoundment in Kingston, TN, failed, releasing 5.4 million cubic yards of coal ash. Reports have linked exposure to the toxic components in coal ash to cancer and other health problems.

EPA proposed two options for regulating coal ash under the Resource Conservation and Recovery Act (RCRA). The first proposal would list coal ash as a hazardous waste under subtitle C of RCRA, requiring federal monitoring and control of coal ash's handling, transportation, disposal, and any potential reuse. (Coal ash can be recycled into other products, including cement and wallboard. Subtitle C regulation would continue to allow beneficial reuse, EPA says.) The other proposal would regulate coal ash under subtitle D, which has typically been used to control solid wastes such as household garbage. Under the subtitle D option, EPA would have little authority over coal ash management.

Environmentalists see a clear choice between the two options. The subtitle D option "treats this hazardous waste as if it were not loaded with high levels of arsenic and other toxic metals," Scott Slesinger, legislative director for the Natural Resources Defense Council, said in a statement. "We expect EPA to choose the option that adequately protects the public, particularly our precious groundwater, and treats this hazardous waste as a hazardous waste."

Just days after unveiling its proposed rule, EPA released other documents showing significant changes that were made to the proposal while under review at the White House Office of Information and Regulatory Affairs (OIRA). (See sidebar at right.) EPA's original plans, prepared in 2009, did not include the subtitle D option.

One document, made available in EPA's online rulemaking docket at Regulations.gov, shows all the edits that were made during the OIRA review.

Large tracts of text were moved or deleted and hundreds of new paragraphs added. The document shows changes made at any time during the six-month review with no indication of when the edits were made or who made them.

Observers have assumed a cause-and-effect relationship: the proposal was changed while under OIRA review - OIRA must have made the changes. Of course, it is possible that EPA changed its mind in light of some new evidence or upon greater reflection, but that scenario is only plausible if EPA's original draft was flawed or haphazardly crafted. Both EPA and OIRA have kept quiet about what happened during the review, but OIRA maintains that agencies remain in control of all decisions during the review process. However, neither EPA nor OIRA has offered any new factual evidence that would have led to the inclusion of the subtitle D option.

The original draft, sent to OIRA on Oct. 16, 2009, included language asking for public comment on possible subtitle D regulation. It did not, however, go so far as to include the subtitle D option as a co-proposal and clearly showed that EPA's first preference was to regulate coal ash under subtitle C.

In the past, OIRA has said its review process - in which the office circulates throughout the executive branch drafts of agencies' proposed and final rules before they are released to the public and makes edits or suggestions it deems appropriate - improves rules. The argument in favor of OIRA review says that the additional perspectives offered by OIRA and other agencies make rules more efficient and more defensible - legally, scientifically, or otherwise. OIRA maintains the same is true with the coal ash rule.

Yet from the perspective of many in the environmental and public health community, the coal ash proposal represents all that is wrong with the rulemaking process. The proposal came out worse, meaning the draft may lead to a less protective rule even before the public comment process begins. Even if some other agency or some other corner of the White House made the changes, both OIRA and EPA need to accept responsibility. OIRA Administrator Cass Sunstein has been part of President Obama's team of officials attempting to bring more openness and accountability to government, but, for the coal ash rule, his office failed to live up to this administration's lofty expectations.

The rule was not without controversy; unquestionably, powerful corporate interests opposed the focus on regulating coal ash under subtitle C. During the pre-public OIRA review, opposition to subtitle C regulation came from far and wide within the federal government, the documents also show. The Departments of Energy, Interior, Transportation, and Agriculture (USDA) all encouraged EPA to avoid designating coal ash a hazardous waste under subtitle C. The departments fear a hazardous designation will limit the amount of coal ash that can be beneficially reused, despite EPA's attempt to carve out reuse in the proposed rule. Some, including USDA, objected to the stigma that the hazardous designation carries. The Agricultural Research Service asked, "What farmer would want to apply 'hazardous waste' to his fields?"

The White House Council on Environmental Quality (CEQ) also opposed subtitle C regulation, the document shows. Despite being an environmental office, CEQ cited economic concerns as a reason to avoid the hazardous designation.

In a truly perverse turn of events, OIRA allowed the Tennessee Valley Authority (TVA) to comment on the pre-public proposal. TVA, a government-owned corporation that was created by Congress as a public works program during the Great Depression, is the owner of the Kingston Fossil Plant responsible for the 2008 coal ash spill. Not surprisingly, TVA also opposed subtitle C regulation.

It's almost as though the process is designed to create less protective rules. An agency spends months, sometimes years, writing regulations consistent with statute and responsive to some public need, only to be second-guessed by those without the substantive or technical expertise possessed by the agency that proposed the rule. It's like replacing all the plumbing in your brand-new house after the walls are painted and the carpets installed - and your plumber is actually an electrician!

EPA's coal ash rulemaking illustrates exactly how the public can get snookered in OIRA's process. Issues were debated, alterations were made, and tones were set during a process that completely shuts out the public.

What's so wrong with edits made during an OIRA review? That's a valid question, especially in this instance, when a second regulatory option was added for the public to comment on. It's not as though EPA's original idea was supplanted by a weaker version; it was supplemented by another option. And in the face of political pressure from corporate interests, this seems like a reasonable compromise, especially since EPA still has to write the final rule.

However, the way the second option was added, and the impetus for its addition, should worry the public. In an opaque process that only Washington insiders can possibly access, changes were made, or at least encouraged, to an environmental protection rule that seem to weaken the overall regulation. Years of similar activity have left the public distrustful of its government's ability to make decisions in the public interest, and even if the Obama administration's motives in the coal ash case are pure, the controversy only feeds into a culture of mistrust born of years of decisions made in secret.

The time that elapsed during OIRA's review impacts the public as well. The coal ash proposal's review lasted more than six months. According to longstanding policy, OIRA reviews are to be completed within 90 days. If the rulemaking agency agrees, OIRA may extend the rule once by 30 days, for a total of 120 days. OIRA reviewed the coal ash rule for 200 days. By comparison, the public's opportunity to comment in the formal process is only expected to last 90 days.

Ultimately, EPA will be free to finalize a rule fully protective of public health and the environment. Nothing occurring during the OIRA review, or even the public comment process, can force EPA to choose a certain option.

The changes can, however, alter the debate. The addition of a second, weaker regulatory option tilts the proposed rule away from public and environmental protection. Advocates at groups like the Natural Resources Defense Council, Earthjustice, and Ohio Citizen Action have a steeper hill to climb in making their case that coal ash ought to be regulated as hazardous waste. Opponents of the regulation now have a decided advantage.

Moreover, since these decisions are made in a black box, without transparency, what is to stop the same interests that changed the draft proposed rule from altering the final rule?

All of these issues are symptomatic of a faulty process that has survived for decades because those who operate it see too many risks to their power to reform it. On Jan. 30, 2009, President Obama issued a memo asking the Office of Management and Budget (OMB) for recommendations on a new executive order to replace the order that currently governs the OIRA review process (E.O. 12866, signed in 1993). OMB then asked the public for its views. More than 170 groups and individuals submitted comments.

OMB Watch and others called for an end to the myopic, rule-by-rule review OIRA currently engages in and instead encouraged the office to transform itself into a facilitator and a resource for agencies. Since the public comment period ended, Obama administration officials have given no indication as to the status of the recommendations or the replacement order. OIRA and others seem content to continue to operate the same old process.

While the process has remained the same, the regulatory landscape has changed in other ways. One of the starkest changes witnessed during the Obama administration has been in personnel, specifically, agency heads. Top agency posts are no longer filled with people who come through a revolving door, regulating the same interests they had been employed by for years. Strong and dedicated leaders like EPA's Jackson have shown a willingness to make tough and sometimes unpopular choices when they believe the public's interest would be well served.

The coal ash rulemaking has been an uncharacteristic turn of events for Jackson. After moving aggressively in the face of great anti-regulatory and industry pressure on issues like climate change and smog emissions, Jackson allowed the proposed coal ash rule to be co-opted by OIRA's review process.

That begs the question of whether other officials in the White House were involved, officials with more clout than Cass Sunstein or even Lisa Jackson. Coal ash regulation is one element in a complex suite of legislative and regulatory issues the Obama administration faces in trying to reform energy policy in the United States. One of the Obama administration's top priorities, climate change legislation, is bound to be an important

consideration in any related decision making.

We may never know the answer because the OIRA review process offers little transparency. EPA is one of the few agencies to provide detailed information on the review of its rules. While disclosure of the changes made is helpful in promoting accountability, too many questions are left unanswered when OIRA and agencies fail to disclose who made what changes and for what reasons.

Determining the reasons for the changes made to EPA's coal ash proposal, and assigning motive more broadly, is nearly impossible. Was the White House overly sensitive to the reactions of industry-friendly congressional Democrats whose support is necessary on climate change legislation? Was it a philosophical shift at the urging of Cass Sunstein, or was it something else entirely?

Many have pointed to industry's potential influence on the coal ash rulemaking. While the rule was under review, OIRA and EPA met with outside stakeholders on at least 43 different occasions. 30 of those meetings were with representatives of a variety of industries opposed to or fearful of coal ash regulation. These included electric utilities, chemical companies, and many whose businesses rely on the beneficial reuse of coal ash. (The remaining meetings were with environmental groups and citizen advocates.)

Even if the changes to EPA's coal ash proposal were made completely independent of industry opposition, the appearance of impropriety can be just as damaging, both to the administration's credibility and public confidence. President Obama came into office pledging to stem the influence of special interest lobbyists and has taken steps toward that end. The coal ash rulemaking is a blemish on an otherwise positive record.

The OIRA review process clearly does not always comport with some of President Obama's stated goals and priorities. It is time for Cass Sunstein and OIRA to come to this realization and urge Obama to recommit himself to regulatory reform. In the case of coal ash, if the rule is not legally or scientifically defensible, let the public see that debate through the notice and comment period. If other agencies have additional evidence about why the original EPA draft was unacceptable to them, that evidence and feedback should be part of the public record, not provided behind closed doors in what looks to the public like some cloak-and-dagger maneuver designed to evade accountability. Instead of providing an open and accountable exchange of data and ideas that would benefit all stakeholders, the current process makes it possible for special interests to influence a rule long before the public even has an opportunity to comment.

Let's keep an eye on how the final rule is developed. If it runs counter to scientific information about the health dangers of coal ash and the substance remains unregulated under subtitle C, the public loses - and the Obama administration should be held accountable.

**Bob
Perciasepe/DC/USEPA/US**
02/06/2011 09:35 AM

To Richard Windsor, Barbara Bennett, "Diane Thompson", Seth
Oster, David McIntosh, Michael Goo, Bicky Corman, Arvin
Ganesan

cc

bcc

Subject NYT Editorials and Op Eds

In case anyone wants easy access. Lew Op Ed on budget and NYT Editorial on Clean Air

February 5, 2011

Clean Air Under Siege

Shortly after he entered the Senate in 2007, John Barrasso told his Wyoming constituents that the country's biggest need was an energy policy to deal with carbon dioxide, the main greenhouse gas.

That was then. In lockstep with other Senate Republicans, he helped kill last year's energy and climate bill. Now he has introduced a bill that would bar the Environmental Protection Agency and any other part of the federal government from regulating carbon pollution.

Congress's failure to enact a climate bill means that the E.P.A.'s authority to regulate these gases — an authority conferred by a landmark Supreme Court decision in 2007 — is, for now, the only tool available to the federal government to combat global warming.

The modest regulations the agency has already proposed, plus stronger ones it will issue later this year, should lead to the retirement of many of the nation's older, dirtier coal-fired power plants and a dramatic reduction in carbon emissions.

Mr. Barrasso's bill is not an isolated challenge. Senator James Inhofe, the Oklahoma Republican who called global warming the "greatest hoax ever perpetrated on the American people," has unveiled a somewhat narrower bill to undercut the E.P.A.'s authority to regulate carbon dioxide. Fred Upton, the Michigan Republican and new chairman of the House Energy and Commerce Committee, simultaneously introduced a companion bill.

There are a half-dozen other such measures in circulation, at least one of which would weaken the agency's long-held powers to regulate conventional ground-level pollutants like soot and mercury.

One or another of these bills has a real shot in the Republican-controlled House. Their chances are slimmer in the Senate, where the bigger danger is a proposal by Jay Rockefeller, a West Virginia Democrat, that would block any new regulations on power plants and other industrial sources for two years.

That is just obstruction by another name. It would delay modernization and ensure that more carbon is dumped into the atmosphere. History shows that regulatory delays have a way of becoming permanent.

It is tempting to blame the entire energy industry for these attacks on the E.P.A.'s authority. The oil companies are pushing hard against any new rules. The utilities are split. Some companies like General Electric — whose chief executive, Jeffrey Immelt, is now advising President Obama — signed on to the energy bill that passed the House last year, when it was still under Democratic control.

Mr. Inhofe, an outlier before the midterm elections, has a lot more company now. Even among lawmakers who accept the facts of global warming, he is getting considerable mileage with baseless charges that the E.P.A. is running amok.

The agency does have a heavy regulatory agenda. It will issue proposals not only on greenhouse gases but also ozone, sulfur dioxide, and mercury, which poisons lakes and fish. These regulations are fully consistent with the Clean Air Act. Some of them should have been completed during the Bush years; all are essential to protect the environment. The agency's administrator, Lisa Jackson, has moved cautiously, making clear that she will target only the largest polluters and not, as the Republicans claim, mom-and-pop businesses.

In his State of the Union address, President Obama promised to protect "common-sense safeguards" to the nation's environment. The rules under siege in Congress will help clean the air, reduce toxic pollution in fish and slow emissions of greenhouse gases. It is hard to imagine anything more sensible than that.

February 5, 2011

The Easy Cuts Are Behind Us

By JACOB LEW

Washington

IN a little over a week, President Obama will send Congress his budget for the 2012 fiscal year. The budget is not just a collection of numbers, but an expression of our values and aspirations. As the president said in his State of the Union address, now that the country is back from the brink of a potential economic collapse, our goal is to win the future by out-educating, out-building and out-innovating our rivals so that we can return to robust economic and job growth. But to make room for the investments we need to foster growth, we have to cut what we cannot afford. We have to reduce the burden placed on our economy by years of deficits and debt.

When I left the Office of Management and Budget in January 2001, the country [had a projected surplus of \\$5.6 trillion](#) over the next decade. When I returned last November, decisions to make two large tax cuts without offsetting them and to create a Medicare prescription drug benefit without paying for it, combined with the effects of the recession, meant that the nation faced projected deficits of \$10.4 trillion over the next decade.

We cannot win the future, expand the economy and spur job creation if we are saddled with increasingly growing deficits. That is why the president's budget is a comprehensive and responsible plan that will put us on a path toward fiscal sustainability in the next few years

— a down payment toward tackling our challenges in the long term.

This starts with doing what families and businesses have been doing during this downturn: tightening our belts. In the budget, the president will call for a five-year freeze on discretionary spending other than for national security. This will reduce the deficit by more than \$400 billion over the next decade and bring this category of spending to the lowest share of our economy since Dwight Eisenhower was president.

Make no mistake: this will not be easy. It will require tough choices since every decision to invest in one program will necessitate a cut somewhere else. In each of the past two years, the administration has put forward about \$20 billion in savings from ending some programs and reducing funds for others. This entailed finding programs that were duplicative, outdated and ineffective. But to achieve the deeper cuts needed to support this spending freeze, we have had to look beyond the obvious and cut spending for purposes we support. We had to choose programs that, absent the fiscal situation, we would not cut.

Since they were instituted, community service block grants have helped to support community action organizations in cities and towns across the country. These are grassroots groups working in poor communities, dedicated to empowering those living there and helping them with some of life's basic necessities. These are the kinds of programs that President Obama worked with when he was a community organizer, so this cut is not easy for him.

Yet for the past 30 years, these grants have been allocated using a formula that does not consider how good a job the recipients are doing. The president is proposing to cut financing for this grant program in half, saving \$350 million, and to reform the remaining half into a competitive grant program, so that funds are spent to give communities the most effective help.

Another difficult cut is a reduction of \$125 million, or about a quarter of current financing, to the Great Lakes Restoration Initiative, which supports environmental cleanup and protection. And a third is a reduction in the Community Development Block Grant program. These flexible grants help cities and counties across the nation finance projects in areas like housing, sewers and streets, and economic development in low- and moderate-income neighborhoods.

While we know from mayors and county leaders how important these grants are for their communities, and are very aware of the financial difficulties many of them face, the sacrifices needed to begin putting our fiscal house in order must be broadly shared, and we are proposing to cut this program by 7.5 percent, or \$300 million.

These three examples alone, of course, represent only a small fraction of the scores of cuts the president had to choose, but they reflect the tough calls he had to make. And as he made them, his administration tried to make sure that there was no undue burden on any one program or area. We also asked agencies outside the freeze to do their part as well. The Department of Defense, for instance, will have its financing plan cut by \$78 billion over the next five years, bringing spending down to zero real growth after a decade of healthy increases, and we are eliminating programs like the C-17 transport plane that have broad support but that we do not need and cannot afford.

Discretionary spending not related to security represents just a little more than one-tenth of the entire federal budget, so cutting solely in this area will never be enough to address our long-term fiscal challenges. That is why President Obama made clear in the State of the

Union that he wants to work with Congress to reform and simplify our tax code. He also called for serious bipartisan cooperation to strengthen and protect Social Security as we face the retirement of the baby boom generation.

We must take care to avoid indiscriminate cuts in areas critical to long-term growth like education, innovation and infrastructure — cuts that would stifle the economy just as it begins to recover. That, in turn, would deprive us of one of the most powerful drivers of deficit reduction, a growing economy.

Next week, a debate will begin in Washington and throughout our country about the best way forward. The Obama administration will come to these discussions with a responsible, sensible and achievable plan to put the country on a fiscally sustainable path. The plan will incorporate many tough choices and deep cuts — as well as smart investments — to broaden our recovery, spur job creation and prepare the United States to win in the world economy.

Jacob Lew is the director of the White House Office of Management and Budget.

Bob
Perciasepe/DC/USEPA/US
02/12/2011 03:32 PM

To Richard Windsor, "Seth Oster", "Diane Thompson"
cc
bcc
Subject Nice Editorial from Todays Vegas Sun

The politics of attack

They don't have the facts, so House Republicans try to skewer the EPA

Saturday, Feb. 12, 2011 | 2:01 a.m.

Republicans in the House of Representatives opened an assault on the Environmental Protection Agency this week, calling for more than \$1.6 billion in budget cuts and introducing legislation to undercut the agency's authority.

On Wednesday, a House panel held a hearing on a bill that would prevent the EPA from considering rules to curtail greenhouse gases due to concerns about climate change. As The New York Times reported Thursday, EPA chief Lisa Jackson testified for more than two hours, enduring questioning that was often hostile and rude.

Republicans said the EPA was wrongly trying to regulate greenhouse gases and claimed that the science supporting climate change, which is accepted in the scientific community as fact, was essentially a hoax. In the process, they attacked Jackson, her agency and President Barack Obama's administration. Their charges were often ridiculous. For example:

- Rep. Joe Barton, R-Texas, claimed the "EPA and the Obama administration have decided that they want to put the American economy in a straitjacket costing us millions of jobs and billions of dollars a year." Barton can't really think that any president would want to intentionally hurt the economy, can he? Of course, Barton is the congressman who fawned over BP executives, apologizing to them because the president last year rightly demanded the company clean up the Gulf of Mexico oil spill.
- Rep. John Shimkus, R-Ill., wanted to know if Jackson believed in the law of supply and demand, as if she didn't have enough sense to understand basic economics. After Jackson, who has a master's degree in chemical engineering from Princeton, told him she had been trained in it, he demanded, "But do you believe that as costs go up, supply goes down?" Jackson's response was priceless: "It depends on the elasticity of the cost curve."
- Rep. Lee Terry, R-Neb., asked her if she liked puppies. When she started answering the ridiculous question that, yes, she does like puppies that are housebroken, she was rudely interrupted. Terry said he was just mocking Democrats' friendly questioning.

Seriously? This is what passes for a hearing in Congress?

Republicans need to do better than this. If they don't like the law or the way the administration is carrying it out, that's one thing. But they're only trying to make the

administration look bad to further their own agenda, and that's terrible.

The fact of the matter is that Republicans don't have facts on their side, nor do they have the public's best interest in mind. They want to erase scientific findings and roll back regulations to protect their supporters in industry who whine when government approves a regulation. The oil industry, which has a champion in Barton, says that regulation hobbles its work and creates a tremendous financial burden. Yet that hasn't stopped oil companies from making huge profits.

Slashing the EPA and then legally barring it from doing its job is dangerous, but Republicans have fought science for years whenever it crosses their ideological beliefs, as Nevadans have witnessed firsthand with Republican efforts to place a nuclear dump in Nevada despite serious scientific problems with the site. They can't just wish that science would go away, so they try to undercut it or distract people's attention from the facts by using dubious "scientific" claims trumped up by industry-backed groups.

The result is that issues get confused and bogged down in politics. The science on climate change is clear, but regardless, isn't it good to have clean air and water? Shouldn't the government be protecting both given that pollution can cause major health problems, which, in addition to the physical and emotional tolls, cost people and the economy money?

Instead of dealing with these issues honestly, Republicans' disingenuous attacks are wasting time and needlessly holding the country back from improving standards. They should be embarrassed.

Bob
Sussman/DC/USEPA/US@EP
A

To Richard Windsor

cc

bcc

08/17/2010 04:08 PM

Subject From Greenwire -- COAL: Traditional plants are on the rise in U.S.

This Greenwire story was sent to you by: sussman.bob@epa.gov

Personal message:

An E&E Publishing Service

COAL: Traditional plants are on the rise in U.S. (Tuesday, August 17, 2010)

More than 30 traditional coal plants are under construction or have been completed since 2008, marking the largest expansion in two decades, despite mounting pressure from climate change advocates, high fossil fuel prices and recent disasters.

The expansion, documented through Department of Energy records and utility information, is a sign that "clean coal" technology and renewable-energy power plants are still a long way off and signal that utilities think government action restricting emissions will fail.

"Building a coal-fired power plant today is betting that we are not going to put a serious financial cost on emitting carbon dioxide," said Severin Borenstein, the director of the Energy Institute at the University of California, Berkeley. "That may be true, but unless most of the scientists are way off the mark, that's pretty bad public policy."

Investments in new coal plants, stretching from Arizona to South Carolina to Washington, total more than \$35 billion, at least 10 times the \$3.4 billion in federal stimulus funds to "clean coal" plants that would capture and store greenhouse gases. Utilities say coal is cheaper than any alternative power source, like natural gas or nuclear power, but the price of coal is rising and consumers could see bills increase by as much as 30 percent.

Dozens more coal plants have been challenged in court by scientists and environmentalists. In fact, a few years ago federal regulators predicted there would be 151 new coal plants. Still, 16 new plants have started operating since 2008 and another 16 are being built. That will contribute about 125 million tons of greenhouse gases a year while producing 17,900 megawatts of energy, enough to power 15.6 million homes.

DOE spokesman John Grasser said the plants were a missed opportunity to restrict carbon emissions but that they would afford more opportunities as carbon-reduction technology grows (Matthew Brown, [AP/San Francisco Chronicle](#), Aug. 17). -- JP

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Bob Sussman/DC/USEPA/US

07/15/2009 11:43 AM

To Richard Windsor

cc

bcc

Subject Fw: article on CERCLA 108 b notice and mining --comments by Salazar

You may have seen this already but just in case ...

Salazar Says EPA Financial Rules Provide Urgency To Mining Reform

Interior Secretary Ken Salazar says EPA's decision to subject the hardrock mining industry to new financial assurance rules should send a message to the Senate that it should quickly reform the federal hardrock mining law in order to reduce legal uncertainty surrounding mining issues.

EPA's decision -- which the agency announced July 13 over industry objections -- was in response to a court decision prompted by an environmentalist lawsuit and should "give the Senate a greater sense of urgency" as it considers legislation that would reform the federal hardrock mining law originally passed in 1872 as a means of promoting westward expansion, he told *Inside EPA* following a July 14 Senate hearing on the legislation.

Passing the legislation would create "legal framework" for controversial mining issues and "provide certainty to communities" effected by mining," he said.

During the hearing Salazar said the Senate should act quickly to pass legislation in part because "not knowing what [Congress] is going to do with 1872 mining law reform" is creating uncertainty for companies considering mining in the U.S.

Salazar described the hardrock mining industry as part of the country's "economic engine" and said it was important that the legislation -- which would among other things establish first-time royalty fees on companies mining public lands in order to fund environmental cleanup -- "find the right balance" between not driving mining jobs overseas and providing "a fair return to taxpayers."

But Salazar expressed support for at least some legislative provisions to which industry is opposed, such as the creation of new environmental standards for hardrock mining.

"Some may say we already have enough environmental protections" from laws such as the National Environmental Policy Act, the Endangered Species Act and the Clean Air Act, Salazar said, echoing an industry argument against the creation of new environmental standards for hardrock mining. But in "reality, that is not always the case," Salazar said, adding that in the past bankrupt mining companies have left behind environmental contamination.

Concern over the bankruptcy issue was in large part what drove environmentalists to file the lawsuit that has now prompted EPA to develop financial assurance rules for the hardrock

mining industry. Environmentalists filed the lawsuit last year while legislative efforts to address the issue -- which have been ongoing for several years -- continued to falter in the Senate.

As a result of the lawsuit, EPA is now proposing to subject the hardrock mining industry to first-time Superfund financial assurance rules to prevent the creation of future abandoned waste sites despite industry claims that such rules unnecessary, are based on inappropriate data, and overlap with existing requirements in other state and federal laws ([see related story](#)).

Bob Sussman/DC/USEPA/US To Richard Windsor
09/21/2009 08:16 PM cc
bcc
Subject Fw: DMN Editorial

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 09/21/2009 08:15 PM -----

From: Lawrence Starfield/R6/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Don Zinger/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US
Date: 09/21/2009 08:14 PM
Subject: Fw: DMN Editorial

Gina and Bob,

Attached is a very favorable editorial from today's Dallas Morning News, applauding EPA's strong action on the Texas permitting SIPs.

FYI.

Larry
Sent by EPA Wireless E-Mail Services
David Gray

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

From: David Gray
Sent: 09/21/2009 07:45 PM EDT
To: Lawrence Starfield; Carl Edlund; "Myron Knudson"
<knudson.myron@epa.gov>; John Blevins; Suzanne Murray; David Gray
Subject: DMN Editorial

Editorial: EPA right to get tough with Texas

The Dallas Morning Star
04:55 PM CDT on Monday, September 21, 2009

The Texas Commission on Environmental Quality has long been a reliable protector of polluters. In the interest of fostering a pro-business climate, the commission has eased up on clean-air regulations and has made it awfully hard for the public to have a voice in the permitting process.

For most of this decade, the TCEQ's modus operandi has had the tacit approval of the Environmental Protection Agency. But with a new administration at the helm, the rules are changing.

Put simply, the new EPA actually expects Texas to abide by the Clean Air Act.

Federal officials have moved quickly to take a hard look at how our state issues air pollution permits. So far, the EPA doesn't like what it sees.

The agency rightly has raised questions about Texas' implementation of the Clean Air Act, signaling that the EPA plans to reject three of the state's permitting programs that regulate emissions.

Specifically, the federal government suggests that the state's environmental commission has allowed companies to make major changes to plants and categorize them as minor ones that are subjected to less scrutiny. And EPA Administrator Lisa Jackson has questioned the openness of the state's permitting

process.

For Texas, these shots across the bow signal the end of an era. And that's good news.

No longer will the EPA offer a wink and a nod when our regulators rubber-stamp industries' plans to pollute. The state that spews more greenhouse gases than any other now must get serious about adhering to environmental regulations.

If the TCEQ continues to pass out pollution permits without asking tough questions, the EPA could take away Texas' regulatory authority. That threat should be enough to scare the state straight when it comes to clearing the our dirty air.

But Texas officials are unmoved. Gov. Rick Perry appears defiant, deeming intensified federal enforcement an overreach. And the TCEQ remains stacked with appointees who share the governor's pro-business, let-the-environment-be-darned views. Larry Soward, the only commissioner to regularly take up the cause of environmental quality, recently retired, only to be replaced by a Perry-approved bureaucrat from within the TCEQ.

Stepping up efforts to enforce clean-air laws is in Texas' best interest - both for the sake of the environment and in the interest of retaining our authority.

This EPA expects the state to do better. But so far, it seems that Texas didn't get the memo.

Sent from Blackberry

Bob Sussman/DC/USEPA/US

05/14/2010 06:27 AM

To Richard Windsor

cc

bcc

Subject Fw: Has the Administrator seen this yet? very funny!

if you haven't seen . . .

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/14/2010 06:29 AM -----

From: Dan Weiss <dweiss@americanprogress.org>
To: David McIntosh/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/13/2010 09:30 PM
Subject: Has the Administrator seen this yet? very funny!

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 C
dweiss@americanprogress.org

dweiss@americanprogress.org recommends a page from The Onion.

The recommended page is: [EPA: Stubborn Environment Refusing To Meet Civilization Halfway](#)

You are receiving this email because your friend at dweiss@americanprogress.org sent it to you.
If you do not wish to receive emails like this, please contact your friend.

Bob Sussman/DC/USEPA/US

03/20/2009 12:35 PM

To Richard Windsor

cc Allyn Brooks-LaSure

bcc

Subject AP Story on Dow Trip -- Pretty good coverage! Will debrief you at 5:00 Today

**EPA official: Quicker pace for dioxin cleanup****By John Flesher, AP Environmental Writer | March 19, 2009**

TRAVERSE CITY, Mich. --Federal regulators will push to quicken the cleanup of a Michigan watershed contaminated plant and will keep the public informed as plans are developed, an Obama administration official said Thursday.

Robert Sussman, senior policy counsel to Environmental Protection Agency head Lisa Jackson, said the administration has been discussing the cleanup since the 1980s but that critics say it has produced few tangible results.

"There needs to be a very clear schedule, very clear timelines and milestones going forward," Sussman told The Associated Press during a two-day visit to the tainted area in Michigan's Lower Peninsula. "We absolutely will make a priority of that, and do it quickly."

The effort to devise a cleanup strategy for one of the nation's largest toxic zones -- a 50-mile-long watershed near Flint, Mich. -- has been hampered by what Sussman described as "false starts."

In January 2008, EPA pulled out of negotiations with Dow, saying the Midland-based chemical giant's proposal was too expensive. EPA's Chicago regional office, said last May she had been fired because the Bush administration considered her too liberal. New talks began in December. Jackson, newly appointed by President Obama, put them on hold this month and moved them to the region.

Led by Sussman, the EPA group met separately Wednesday and Thursday with representatives of the company, Michigan's Department of Environmental Quality, business and environmental groups, legislators and congressional offices.

"I feel we've advanced the ball," Sussman said. He said his team will consult with EPA managers and decide soon. One question is whether to stick with a decision in the final days of the Bush administration to change the regulatory framework. Previously, it operated under the federal hazardous waste law, with the Michigan DEQ as the lead agency. The "Alternative Site" approach that divided responsibilities between EPA and the DEQ. Critics, including Gade and other environmentalists, criticized the regulatory clout.

Sussman said he hadn't decided which option to support but insisted the Superfund alternative approach would be the best. "This is a mandatory process with a lot of enforcement teeth to it," he said. "We can require things to be done, and impose substantial penalties."

A third possibility, he said, was making the watershed a full-fledged Superfund site and adding it to the national list. The DEQ will cooperate with EPA regardless of what regulatory approach it chooses, spokesman Robert McCauley said. "We've been making significant progress the past couple of years and we need to keep that moving forward," he said.

Representatives of a half-dozen environmental groups remained skeptical of the new framework after a three-hour meeting. Hurd Riddick of the Saginaw-based Lone Tree Council.

"We say this still could be Dow just setting up another process to slow things down," Hurd Riddick said. "This is not a good sign."

But she said environmentalists were encouraged by Sussman's pledge of greater public involvement and more repeatedly that Dow and regulators have negotiated privately and informed concerned citizens only after decisions.

"We're going to do our level best to design a process that involves all the stakeholders," Sussman said. "This should not be a political process. It should be very transparent."

Hurd Riddick said environmentalists would watch to see if EPA follows through -- and how it defines "transparent." "We're very happy with his commitment," she said.

Dow spokeswoman Mary Draves described the company's meeting with Sussman's team as "very productive." "Dow remains ready and willing to go back to discussions with EPA when they're ready," Draves said. "We really are focusing on how to find a path forward to get the cleanup finished."

The company says the pollution hasn't harmed people or wildlife. It has spent about \$40 million on studies, sediment removal and cleanup. Dow has removed tainted soil from several toxic "hot spots" and agreed this month to another cleanup in a Saginaw River floodplain. Dow acknowledges polluting the Tittabawassee and Saginaw rivers, their floodplains, portions of the city of Midland, Mich., of the 20th century, first by dumping liquid wastes and later by incinerating them.

Editor's note -- John Flesher is the AP correspondent in Traverse City and has covered environmental issues since 1980.

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EPA in town to talk dioxin

By Tony Lascari
of the Midland Daily News
tlascari@mdn.net

Published: Wednesday, March 18, 2009 1:01 PM EDT

A U.S. Environmental Protection Agency team is in the Tri-Cities today and Thursday to listen to groups with a stake in the cleanup of dioxins and furans released by The Dow Chemical Co.

The contamination, a byproduct of manufacturing chlorine-based products, entered the Tittabawassee River through past waste disposal practices, emissions and incineration at Dow's Michigan Operations site in Midland. It then spread to the Saginaw River and Saginaw Bay.

EPA and Dow officials had been in talks to create a Superfund Alternative Approach process for the cleanup efforts, but U.S. EPA Administrator Lisa Jackson put those plans on hold.

"It's basically a listening session on behalf of the new administration," EPA spokesman Mick Hans said. "We halted the negotiations we were doing on the Superfund Alternative process. I don't know if that process is over or not. It's too early to decide on that."

Terry Miller, leader of local environmental group the Lone Tree Council, said the Superfund process sought at the end of President Bush's term is flawed.

"We hope to share with them our frustration over this process," he said of the meeting with the EPA.

Miller hopes a process that brought cleanup results to the waterways will be reinstalled, with

the Michigan Department of Environmental Quality taking the lead and the EPA speeding up the work.

“With (former EPA Region 5 Administrator Mary Gade’s) firing and the director of the Department of Environmental Quality being pulled off the job, we became very skeptical of the proposed process,” Miller said. “We were not satisfied that the EPA could justify moving to this process.”

The Lone Tree Council and several other community groups were invited to meet with the EPA’s Robert Sussman, a senior policy adviser to Jackson who had been a deputy administrator at the EPA under President Clinton. Also attending are senior staff from the EPA Region 5 office in Chicago and senior MDEQ officials.

A separate meeting is planned with local officials from the government and business sector, and a third is planned with officials from Dow.

“We want them to talk with all interested stakeholders, including residents, Dow, the chambers of commerce and people who have been active in this for a long time,” said Dow spokeswoman Mary Draves.

Dow wants the Superfund Alternative process to move forward. Draves said it is a rigorous process that would hold Dow accountable where necessary and find solutions for cleanup. She said the company wants a final solution to the cleanup work based on scientific studies.

“That Superfund Alternative Site process is the best way to get us there,” she said, noting it’s an established EPA process used nationally and would create a path to a definitive resolution.

Midland City Manager Jon Lynch said a city official will attend a meeting on Thursday.

“Our goal is to learn about their remediation strategies within the floodplain,” he said.

Hans said the EPA’s visit this week will touch on many community members’ views. A public forum was not planned with the visiting team, but the EPA expects to host future meetings on the issue for the public.

“We’re assuming they’re represented by the various stakeholders invited because there are a lot of them,” Hans said.

The discussions are likely to shape the future of the dioxin cleanup process. Hans expects the team will report on their talks to Jackson at the EPA, after which a decision would be made on how to move forward.

Draves said Dow will continue its dioxin cleanup work at Saginaw Township’s West Michigan Park and neighboring residential properties. The company submitted a work plan on Friday. Initial plans called for excavating soil and backfilling with clean soil, paving the park’s driveway and parking lot and elevating playground equipment to avoid recontamination if the area floods again.

LONE TREE COUNCIL WEBSITE

<http://www.trwnews.net/>

SAGINAW BAY WATERSHED WATCH
via Bay City Times

Enviros take to the airwaves

Posted by [Jeff Kart](#) March 18, 2009 16:00PM

Categories: [Environmental News](#), [The Green Scene](#)

The Lone Tree Council's television spot highlights the path of dioxin into the Saginaw Bay. The ad urges people to tell the U.S. Environmental Protection Agency to end closed-door meetings with Dow Chemical over dioxin contamination in the watershed.

Not to be outdone (or maybe just by coincidence) another local environmental group is airing commercials on TV.

[Earlier this month, it was Midland Cares](#), with a commercial against proposed coal plants near Bay City and in Midland.

This week, it's the Bay City-area Lone Tree Council. The ad urges people to tell the U.S. Environmental Protection Agency to end closed-door meetings with Dow Chemical over dioxin contamination in the watershed.

The ad includes the e-mail address to [Anne Rowan with EPA Region 5](#) in Chicago.

See the spot at [Charter Media's Web site](#). (You'll need Windows Media Player to view it.)

MICHIGAN MESSENGER (online)

[Michigan Messenger and 'Poison-gate' on MSNBC's Countdown](#)

By [STAFF REPORT](#) 3/12/09 8:55 AM

Michigan Messenger's recent reporting on dioxin contamination in the watershed downstream from The Dow Chemical Company made MSNBC's Countdown series, "Still Bushed," on Wednesday evening. Video can be viewed at this link:

'Still Bushed!', MSNBC's Countdown, Mar. 11, 2009

Michigan Messenger's coverage on dioxin contamination of the Tittabawassee and Saginaw Rivers can be found at [this link](#).

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Bob Sussman/DC/USEPA/US To Richard Windsor, Allyn Brooks-LaSure
 02/19/2009 05:11 PM cc
 bcc
 Subject Fw: Libby article

Robert M. Sussman
 Senior Policy Counsel to the Administrator
 Office of the Administrator
 US Environmental Protection Agency
 ----- Forwarded by Bob Sussman/DC/USEPA/US on 02/19/2009 05:11 PM -----

Mary-Kay Lynch/DC/USEPA/US To Bob Sussman/DC/USEPA/US@EPA
 02/19/2009 04:20 PM cc
 Subject Fw: Libby article

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 02/19/2009 04:20 PM -----

From: Randy Deitz/DC/USEPA/US
 To: Barry Breen/DC/USEPA/US@EPA, Renee Wynn/DC/USEPA/US@EPA
 Cc: James Woolford/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA
 Date: 02/19/2009 02:00 PM
 Subject: Libby article

I thought folks would be interested in this N.Y. Times article on the Libby criminal litigation.

February 19, 2009

Ex-Grace Officials on Trial in Asbestos Poisoning

By [KIRK JOHNSON](#)

LIBBY, Mont. — A reckoning in one of American history's worst industrial disasters, which unfolded here over seven decades as an asbestos-tainted mineral was dug from the ground and processed, begins Thursday when five former mine executives go to trial on federal criminal charges.

The case is highly unusual in that prosecutors have generally avoided criminal charges in the broad arena of asbestos law, leaving the issue to the civil courts.

But the story of the now-closed mine and its adjacent mill is different, because it involves not only miners but also their families and neighbors, many of whom became ill just living in this remote northwestern corner of Montana.

At least 200 deaths and thousands of illnesses are known to be related to the town's exposure to the mine's billowing dust clouds of vermiculite, which by dint of geological bad luck was layered millions of years ago with naturally occurring asbestos.

Prosecutors say that the mine's owner, W. R. Grace & Company, which is also a defendant, and its managers knew as far back as the 1970s that asbestos was mixed with the vermiculite and that this posed a risk to their workers, but that they conspired to continue releasing it into the air and to misrepresent the peril.

The company's own medical studies of its miners, the government says, create a paper trail that will prove the charges of wire fraud, obstruction of justice, conspiracy and violations of the [Clean Air Act](#).

"Our major problem is death from respiratory [cancer](#)," one of the executives, Henry A. Eschenbach, wrote in 1982 in response to one such study, according to the indictment, returned in 2005. "This is no surprise."

The judge in the case, for which jury selection is to begin Thursday in Missoula, has barred lawyers on both sides from commenting publicly. But Grace has said in the past that its managers acted in good faith.

The company did ban [smoking](#) at the mine in 1978 — smoking compounds the dangers of asbestos, doctors say — and also issued respirator masks to workers. But showers that the miners could have used at the end of their shifts before heading home were ruled out, because they might have overly worried people.

Grace, which bought the mine in 1963 and shut it in 1990, has been paying medical bills here for years and agreed in 2008 to spend \$250 million for environmental cleanup of the town. The company, which was driven into bankruptcy protection in 2001 by hundreds of millions of dollars in asbestos poisoning claims mostly unrelated to the Libby disaster, reached tentative civil settlements last year to pay \$3 billion to asbestos victims.

Its criminal trial in the Libby affair, originally set to begin in 2006, was delayed by prosecutors' ultimately successful appeals of judicial rulings on the admissibility of evidence.

Exposure to asbestos is known to cause cancer and a variety of other lung diseases, including [asbestosis](#), a chronic inflammatory disorder. One victim of asbestosis, Donald Munsel, who at 71 must always use an oxygen tank or inhalers, was never a miner.

Instead, as a child he innocently played, like other children, in the piles of vermiculite that were dug out of Zonolite Mountain here and sold by Grace for decades for insulation and landscaping uses.

Mr. Munsel remembers going to the mine, where his stepfather worked in the late 1940s, and sleeping under a dusty workbench, waiting for the shift change.

“I shook the dust out of his clothes when he’d come home from work,” he said from his chair in the trailer where he lives with his wife, Rosemarie.

Even far from Libby, studies are now under way at 28 sites in 22 states where vermiculite mined in the town was processed or packaged. Tens of millions of homes are believed to have some of the product in attics or walls.

And last fall the federal Agency for Toxic Substances and Disease Registry undertook a study of people who might have had other, lesser exposure to the dust. To begin with, the agency is trying to track down 6,000 or so people who graduated from Libby High School from 1950 to 2000.

The [Environmental Protection Agency](#) has spent \$165 million here so far, cleaning up homes to remove vermiculite that was offered free to Libby residents and even to the high school where it was used to build a running track. The mine’s asbestos-laced vermiculite also provided insulation for an elementary school.

Charlie Welch, 55, who worked as a guard at the mine for a time and says he too suffers from asbestosis (like the Munsels, he is a plaintiff in a civil suit against Grace), remembers the trains carrying vermiculite in open rail cars, billowing dust plumes through town as they rumbled out to the wider world.

“It blew all the way across the United States,” Mr. Welch said.

Some of Libby’s story blew through Daniel Teitelbaum’s door more than 30 years ago.

Dr. Teitelbaum, a retired toxicologist who is among the prosecution’s witnesses, says that in 1977, under a contract with Grace, a laboratory he then owned was sent hundreds of chest X-rays of Libby workers and of workers at a Grace vermiculite mine in South Carolina. The South Carolina mine’s vermiculite was not tainted with asbestos, and Dr. Teitelbaum says he saw the differences immediately.

“At end of the study, I wrote a letter saying that 30 percent of the miners in Libby have asbestosis, and nobody in South Carolina has asbestosis,” he said. “They said thank you very much and did nothing with it.”

Legal experts say that some of the prosecution’s case could be particularly hard to prove, especially the charges that Grace executives obstructed justice by obfuscating in interviews with investigators at the Environmental Protection Agency, and then conspired to cover up their knowledge of the asbestos risks.

“Companies have a right under the First Amendment, established by the [Supreme Court](#) and recently reinforced, to advocate on their own behalf,” said Lester Brickman, a professor at the Benjamin N. Cardozo School of Law in New York.

And to prove conspiracy, said Professor Brickman, who has written widely on asbestos law, the

government will have to show not just that the Grace executives considered hiding the consequences of the activity in Libby, but also that they actually pursued doing so.

The five executives being tried are Mr. Eschenbach, Jack W. Wolter, William J. McCaig, Robert J. Bettacchi and Robert C. Walsh. All are now retired, and all have remained free on their own recognizance while awaiting trial.

If convicted, they face as much as 15 years in prison on each of three counts of endangering Libby through Clean Air Act violations, and lesser time on each of the other charges, plus fines that could amount to several million dollars. Conviction of Grace could mean fines of hundreds of millions.

A spokeswoman for the court in Missoula said the judge, Donald W. Molloy, expected jury selection to be completed by Friday.

Bob Sussman/DC/USEPA/US
03/05/2009 11:37 AM

To Richard Windsor, Allyn Brooks-LaSure, David Cohen, Craig Hooks, Lisa Heinzerling, David McIntosh, Scott Fulton
cc
bcc
Subject Enviro Feedback per INSIDE EPA

Obama Delaying 'Hard Choices' On Many Of Environmentalists' Priorities

President Obama is unlikely to swiftly make “hard choices” on key energy and environmental issues favored by environmentalists, despite many groups strongly pushing the new administration to show early and strong support for their priorities.

In recent weeks, activists have pushed the new administration to embrace their positions on a wide range of topics, including reforming toxics law, aggressive climate change controls, bills to clarify the scope of the Clean Water Act, abolishing cost-benefit analysis and opposing Canadian tar sands oil development. But the administration is in a “hard core examination mode” and “moving pretty cautiously,” one environmentalist says.

An industry source says “we’ve learned a lot” from the first five weeks of the new administration -- including signals that the Obama EPA will reverse the Bush administration’s opposition to climate change regulations -- but that the “hard decisions” regarding which environmental efforts to prioritize are yet to come.

Environmentalists and industry sources agree that while the Obama administration appears to be saying “all the right things” to activist groups on some of their top priorities, the extent of Obama’s willingness to swiftly develop policies on those issues remains to be seen. Complicating matters is the state of the economy, as well as a number of other non-environmental administration priorities, primarily health care reform.

An EPA spokesman says the “remarkable” amount the agency has done in only a few weeks with a “skeletal political staff” is a testament to EPA Administrator Lisa Jackson’s “sense of urgency.” The spokesman also says transparency, science and the rule of law will guide Jackson’s decisions and that it’s important not to “prejudge” decisions to ensure a fair and impartial process. The spokesman adds that environmentalists have praised recent actions by the agency.

And other activists point to recent developments as evidence of the new administration’s clear direction on environmental issues, including the stimulus law that provides more than \$7 billion for EPA programs and even more for renewable energy projects, and the agency’s recent announcements that it will review Bush administration decisions on national air standards, and a policy blocking carbon dioxide (CO₂) limits in air permits.

Still, on a wide-ranging set of issues, environmentalists have pressed the Obama administration for further action, but to date have had little feedback from the administration on a number of key issues. Efforts include trying to win EPA support for a bill to clarify the

scope of the Clean Water Act.

However, Jackson recently told reporters, "I don't have a position" on the merits of the bill, the Clean Water Restoration Act, and in written responses to questions from Senate environment committee members following her Jan. 14 confirmation hearing said the issue was "complicated."

Environmentalists are also urging Jackson to embrace pending legislation from Sen. Frank Lautenberg (D-NJ) to reform the Toxic Substances Control Act. Jackson stopped short of endorsing the legislation during her Jan. 14 confirmation hearing. In written questions, Lautenberg asked if Jackson supports requiring chemicals to be tested for safety before coming to market -- a key component of his bill. Jackson said she would work with Congress, EPA and the White House "to determine the best approach."

In recent weeks, activists have also pushed Obama to take a strong position opposing the development of oil from Canadian tar sands and are urging EPA to use its Clean Air Act permitting authority to place new limits on oil refineries' ability to process heavy crude. EPA has said little on the issue, though Obama does appear open to finding ways to make oil from tar sands "clean" given the long-running concerns about the oil development's adverse environmental impacts, according to recent statements he made.

Meanwhile, a group of legal scholars that favor strict regulation is urging the Obama administration to drop the use of cost-benefit methods when reviewing EPA and other agencies' regulations. The likelihood that Obama will nominate Cass Sunstein -- a strong proponent of cost-benefit analysis -- already drew a "collective groan" from activists opposed to such regulatory reviews.

The scholars want the Obama administration to adopt an alternative review method known as pragmatic regulatory impact analysis that assesses rules based on their adherence to statutory risk priorities rather than economic factors, though the White House is yet to respond to their call.

"What's interesting," the first environmentalist says, "is that the Obama administration has laid out a set of markers but acted on precious few of them," adding, "that's not a criticism, it's reality." Both the environmentalist and the industry source compare the current situation to the early Clinton administration, in which the then-president signaled strongly on environmental issues but was forced to prioritize.

However, another environmentalist says, "I think anybody that is criticizing [the administration] right now is pretty silly." Indeed, major environmental groups including the Sierra Club have welcomed a number of recent announcements from the Obama EPA on climate change.

For example, Jackson has announced a review of the Bush administration's denial of California's Clean Air Act waiver that would have allowed the state to set first-time CO2 limits for automobiles. She also granted environmentalists' petition to review a policy from

former Bush EPA Administrator Stephen Johnson that blocks the consideration of CO2 limits in air permits for power plants.

The Obama administration is also asking to enter settlement talks with environmentalists and states that sued the Bush EPA over a rule changing Toxic Release Inventory reporting requirements. At the time the rule was issued, critics said the changes weakened requirements for companies to report their toxic emissions.

Jackson has also said she is open to reviewing the Bush EPA's changes to the agency's national ambient air quality standards for ozone and fine particulate matter (PM2.5). EPA must conduct a new review of the PM2.5 standard after an appellate court recently remanded it to the agency.

Environmentalists also point to recent developments in Congress as a clear signal of the Obama administration's position on energy and environmental issues that the activists say is similar to their agenda.

For example, Obama in his Feb. 24 speech to Congress asked lawmakers "to send me legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America" and reiterated his commitment to spend \$150 billion over ten years on clean energy research.

Environmentalists also welcome the economic stimulus law Obama signed Feb. 17 which provides \$7.22 billion for EPA programs and many more billions for renewable energy projects.

Another activist opposed to Canadian tar sands oil development also praises remarks Obama made following his recent visit to Canada. On the trip Obama did not address tar sands directly, but did say, "increasingly we have to take into account the issue of climate change and greenhouse gases."

Canadian Prime Minister Stephen Harper has since indicated a willingness to consider environmental and labor protections in the North American Free Trade Agreement (NAFTA) if he and Obama can avoid "opening the whole NAFTA and unraveling what is a very complex agreement."

The industry source says Obama is "saying all the right things" on "80 percent of what environmentalists want, but the other 20 percent they're pressing him on, they are so out of their minds on those even Obama won't do it." The source cites in particular environmentalists' efforts to abolish cost-benefit analysis from the regulatory process, which the source says is the "stupidest approach" to the issue.

Environmentalists and the Obama administration "can't get everything they want because the lights would literally go out -- we wouldn't have enough power," the source says, reiterating long-running claims by some industry officials that aggressive environmental regulation could harm the economy.

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

Bob Sussman/DC/USEPA/US

03/10/2009 08:48 AM

To Richard Windsor, Allyn Brooks-LaSure

cc David Cohen, David McIntosh

bcc

Subject More positive Fallout on Coal Ash Announcement

Rahall pulls coal ash waste bill following EPA announcement (03/10/2009)

Advertisement

Shockwave Flash
Object**Eric Bontrager, E&E reporter**

House Natural Resources Chairman Nick Rahall (D-W.Va.) dropped his proposal to mandate new standards for coal ash impoundment ponds yesterday following U.S. EPA's announcement that it would soon begin regulating the coal combustion waste.

The committee was set to vote tomorrow on [H.R. 493](#), which would impose mandatory design and performance standards on retaining ponds like the one at the Tennessee Valley Authority's Kingston Fossil Plant. The pond burst in December, spilling 1.1 billion gallons of ash and sludge over Roane County, Tenn.

EPA Administrator Lisa Jackson said yesterday the agency will propose regulations by the end of the year for the management of coal ash.

Rahall said he was pulling his bill from the markup because he believes EPA will finish the regulations without congressional prodding. "I am pleased that the Obama administration has acted so quickly to overcome 29 years of bureaucratic inertia at the EPA," Rahall said in a statement.

The legislation would have aligned the standards for coal ash impoundments with rules used for similar enclosures for coal mining's slurry waste. Coal slurry storage is regulated under the Surface Mining Control and Reclamation Act of 1977.

EPA plans to collect information on coal ash impoundments from electrical utilities to determine, among other things, the structural integrity for the approximately 300 coal ash impoundments across the country.

Rahall's bill was the first piece of legislation introduced in response to last year's spill that flooded more than 300 acres of land, destroying several homes while spilling waste into the Emory and Clinch rivers. TVA estimates it will cost as much as \$825 million to clean up the

waste, not including any long-term costs.

Earthjustice attorney Lisa Evans said Rahall's decision to pull the bill demonstrates the faith that lawmakers have in the agency to produce the regulations. "He understands that his bill was a catalyst for EPA to take quick action," she said. "His bill is no longer necessary."

In 2000, EPA produced a draft regulatory determination that said certain fossil fuel combustion wastes like coal ash should be regulated as a hazardous waste, but no regulations were promulgated.

Last week, two senior members from the Senate Environment and Public Works Committee introduced a resolution pushing the agency to conduct immediate reviews and inspections of all of the country's coal ash impoundments and to regulate coal combustion waste under the Resource Conservation and Recovery Act ([E&E Daily](#) , March 6).

EPA's plans "are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future," said committee Chairwoman Barbara Boxer (D-Calif.), who cosponsored the resolution with Sen. Tom Carper (D-Del.).

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

Bob Sussman/DC/USEPA/US
03/16/2009 10:42 AM

To Richard Windsor, Allyn Brooks-LaSure, David McIntosh
cc
bcc
Subject Fw: NYT Editorial - Appalachia's Agony

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 03/16/2009 10:41 AM -----

Editorial

Appalachia's Agony

Published: March 16, 2009

The longstanding disgrace of mountaintop mining is now squarely in President Obama's hands.

A recent court decision has given the green light to as many as 90 mountaintop mining projects in Appalachia's coal-rich hills, which in turn could destroy more than 200 miles of valleys and streams on top of the 1,200 miles that have already been obliterated. The right course for the administration is clear: stop the projects until the underlying regulations are revised so as to end the practice altogether.

Mountaintop mining is just what the name suggests. Enormous machines — bulldozers and draglines — scrape away mountain ridges to expose the coal seams below. The coal is then trucked away, and the leftover rock and dirt are dumped into adjacent valleys and streams.

Both John McCain and Barack Obama vowed to end the practice during the 2008 campaign — even though no recent administration, Democratic or Republican, has been willing to take on Robert Byrd, West Virginia's senior senator, or the coal companies, which insist without proof that there is no other cost-effective way to dispose of the waste.

There is a long and tortured legal history surrounding mountaintop mining, but the essential question is this: Is dumping mine waste into streams a violation of the federal Clean Water Act?

On its face the answer is yes, but various regulatory maneuvers have allowed this practice to proceed. The worst of these was a 2002 rule by the Bush administration that in effect removed mining waste from the list of the law's prohibited pollutants. The rule has made it easy for the Army Corps of Engineers to issue mining permits and hard for the courts to deny them.

A bipartisan group of 119 members of the House recently reintroduced legislation that would redefine mining waste as a pollutant. In so doing, Congress would reassert the original intent of

the Clean Water Act and end the practice of dumping waste in valleys and streams. Until that bill becomes law — if, indeed, it ever does — a great deal more damage could occur in Appalachia. Two companies that have been awaiting the court's go-ahead have now said that they will resume mining operations.

The Obama White House can prevent that damage. Under the law, the Corps of Engineers can suspend the mining permits in the public interest. This in turn would give the administration time to review the rules and issue new ones that would be more protective of the environment. But the Corps of Engineers, always reluctant to reverse itself and historically friendly to industry, will not act without orders from on high.

Mr. Obama promised to find better ways of mining coal “than simply blowing the tops off mountains.” The time to do so is now.

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Bob Sussman/DC/USEPA/US

04/15/2009 10:55 AM

To Richard Windsor, Arvin Ganesan, Allyn Brooks-LaSure

cc

bcc

Subject Good VA MTM EDITORIAL

Mountaintop removal mining (*Roanoke Times*)

The EPA's welcome crackdown delays a permit in Virginia.

Tuesday, April 14, 2009

The Obama administration continues to show real signs that the destructive practice of mountaintop removal mining will not continue to get a free pass.

The U.S. Environmental Protection Agency objected to three more permits the U.S. Army Corps of Engineers was preparing to issue authorizing mountaintop removal operations, two in West Virginia and one in Virginia.

The EPA said the mines will need individual permits under the Clean Water Act, not the streamlined "nationwide" permits that should be allowed only for projects with minimal environmental impact. Individual permits require extensive environmental impact studies.

One look at a mountaintop removal site is enough to realize that no one could seriously argue that mountaintop removal mines fit in the nationwide category.

It's amazing that a coal company ever had the gall to make the case that a nationwide permit would be appropriate. Who could say with a straight face that this process -- involving stripping a mountain of all vegetation, blowing it apart, extracting the coal and dumping the leftover dirt and rock into nearby valleys, burying hundreds of miles of streams -- has only a "minimal" environmental impact.

That government regulators would go along with such a charade demonstrates how much the industry mindset pervaded agencies that are supposed to act as watchdogs.

The EPA's action is welcome, but the real test of President Obama's position on mountaintop removal mining may come in a couple of weeks. His Justice Department will have to respond to a request by environmental groups to have the 4th U.S. Circuit Court of Appeals rehear a case. The appeals court had struck down a federal judge's ruling requiring the individual permits for all mountaintop removal mines. That response will show just how serious the new president is.

Robert M. Sussman
Senior Policy Counsel to the Administrator

Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

04/09/2009 01:56 PM

To Richard Windsor

cc Arvin Ganesan, Allyn Brooks-LaSure

bcc

Subject GREENWIRE STORY OF THREE NEW EPA ACTIONS ON
MTM -- GREAT REACTIONS FROM SIERRA CLUB

MINING: EPA puts brakes on 3 more mountaintop permits (04/09/2009)

Eric Bontrager, E&E reporter

U.S. EPA is objecting to three more federal permits for mountaintop-removal coal mining.

EPA asked the lead federal permitting agency, the Army Corps of Engineers, last week to temporarily hold up two permits for mountaintop-removal operations in West Virginia and another in Virginia.

The permits are for A&G Coal Corp.'s Ison Rock Ridge Surface Mine in Wise County, Va., a Massey Energy mine in Kanawha County, W.Va., and a Frasure Creek Mining operation in Mingo County, W.Va.

EPA expressed concern that the permits would threaten water quality, saying they failed to adequately account for the effects of dumping rock from blasted mountaintops into valley streams and rivers.

Collectively, the three permits would allow the burial of about 8 miles of streams under blasted rock, blocking downstream water supplies and damaging ecosystems.

"Even though ephemeral and intermittent streams may go dry during a portion of the year, they continue to provide habitat for macroinvertebrates and amphibians that utilize the interstitial water flows in the substance below the stream," EPA said in its letter about the Frasure Creek mine, which would fill almost 3 miles of stream. "Such aquatic resources have been significantly impacted by mining in Southern West Virginia."

The letters come in the wake of EPA's announcement last month that it would review permitting for two coal mining operations in West Virginia and Kentucky ([E&ENews PM](#), March 24).

EPA Administrator Lisa Jackson said then that her agency "will use the best science and follow the letter of the law in ensuring we are protecting our environment."

EPA's announcement followed a 4th U.S. Circuit Court of Appeals decision allowing the corps to issue mountaintop permits without requiring more extensive environmental reviews. The Richmond court's decision overturned a lower court ruling that found the Army Corps failed to require adequate environmental analyses.

The Clean Water Act requires EPA to review Army Corps permits to ensure water-quality

protection. The corps slowed its permitting as the litigation was under way, and now must tackle as many as 250 permit proposals.

EPA spokeswoman Enesta Jones said she could not rule out that more permits would soon be reviewed.

The National Mining Association's senior vice president, Carol Raulston, said additional permitting delays could affect the more than 60,000 mining jobs. "This is a continuing concern throughout Appalachia because of the potential job impacts," she said. "You have to have these permits to operate."

Nationwide permit at issue

In its letter on the A&G operation in Virginia, EPA asked the corps to revoke the permit because it was authorized under a streamlined "nationwide permit" and to instead process the application under the Clean Water Act's individual permit process.

Last month, U.S. District Court Judge Joseph Goodwin of the Southern District of West Virginia ruled that the corps had erred in letting coal mining companies dispose of wastes under the streamlined permitting process ([Greenwire](#) , April 1).

Goodwin's decision affected nationwide permits for operations in his court district.

Jones said the agency's letter for the A&G operation is unrelated to the ruling. "There is no correlation," she said. "This is part of EPA's normal enforcement of the Clean Water Act."

The Virginia mining operation was of particular concern to environmental groups, which noted that the permit would have filled 3 miles of streams and nine valleys with more than 11 million cubic yards of rock and dirt.

"The days of reckless, unchecked destruction of Appalachian mountains are numbered," said Mary Anne Hitt, deputy director of the Sierra Club's Beyond Coal Campaign, in a statement. "There is much more work to do, but President Obama's EPA has taken bold action on mountaintop removal coal mining, and we applaud their intervention."

Mark Haviland, chief spokesman for the corps' Norfolk, Va., district, which issued the A&G permit, said the corps was still reviewing EPA's request.

"Obviously our folks in regulatory are going to take a hard look at the permitting and with the regulatory process in general and make a decision then," Haviland said.

Calls to the Army Corps' Huntington, W.Va., district office, which handled the two other permits, were not returned.

[Click here](#) to read the letter for the A&G Coal operation.

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

Bob Sussman/DC/USEPA/US

01/13/2011 12:43 PM

To Richard Windsor, Bob Perciasepe

cc Betsaida Alcantara, Nancy Stoner, Pete Silva, Lisa Garcia
bccSubject Fw: NEWS: U.S. Environmental Protection Agency Vetoes
Proposed Spruce Mountaintop Removal Mine in West
Virginia

Nice enviro press release. Joan Mulhern called and asked me to pass along to you the gratitude and appreciation of the environmental community.

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 01/13/2011 12:40 PM -----

From: Joan Mulhern <jmulhern@earthjustice.org>
To: Bob Sussman/DC/USEPA/US@EPA
Date: 01/13/2011 12:24 PM
Subject: FW: NEWS: U.S. Environmental Protection Agency Vetoes Proposed Spruce Mountaintop Removal Mine in West Virginia

FOR IMMEDIATE RELEASE

January 13, 2011

Contacts:

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**U.S. Environmental Protection Agency Vetoes Proposed West Virginia Mountaintop
Removal Mine**

Final action protects Appalachian waters and local community

Washington, D.C. — Today the U.S. Environmental Protection Agency (EPA) took an historic step by vetoing the water pollution permit issued by the Army Corps of Engineers for the Spruce No. 1 Mine project in West Virginia, one of the largest mountaintop removal mines ever proposed in Appalachia. With today's action to enforce the law, EPA Administrator Lisa Jackson stopped a mountaintop mine that would have destroyed more than seven miles of vital streams and more than 2,000 mountain acres in an important part of Appalachia.

Even more significantly, this action shows that while the coal industry and past administrations have denied the impacts of mountaintop removal mining on local communities, the Obama administration and EPA Administrator Lisa Jackson are addressing the importance of environmental justice in Appalachia and taking steps to begin protecting these communities. This action completes the final stage of the EPA's process to veto the Corps' permit, which follows the law of the Clean Water Act.

This is the culmination of a fight to stop the mine that started in 1998 when a resident of Pigeonroost Hollow, one of the hollows that would be destroyed by the mine, sued the United States Army Corps of Engineers to revoke Arch Coal's Clean Water Act permit.

That lawsuit, the first ever brought by citizens to stop a mountaintop removal mine, sparked years of litigation against the Corps to stop the Spruce Mine and other illegal mountaintop removal mines. Remarkably, the Corps persists in trying to permit these mines which destroy the very streams that the Corps is supposed to protect.

"It is a relief after all of these years that at least one agency has shown the will to follow the law and the science by stopping the destruction of Pigeonroost Hollow and Oldhouse Branch," said Joe Lovett, lawyer and executive director of the Appalachian Center for the Economy & the Environment, who has been fighting this mine for more than 12 years. "Today, the EPA has helped to save these beautiful hollows for future generations. Unfortunately, the Spruce Mine's impacts are not unique. Although we are grateful for the EPA's action today, EPA must follow through by vetoing the scores of other Corps permits that violate the Clean Water Act and that would allow mountaintop mines to lay waste to our mountains and streams."

"This veto is fully justified by the enormous harm that the mine would inflict and is the culmination of a 12-year legal battle that began in 1999 when the Corps made the outrageous decision that this huge mine burying over 10 miles of streams would have only 'minimal' effects," said Jim Hecker, a lawyer at Public Justice in Washington, DC, who along with Joe Lovett litigated the first lawsuit against the Spruce mine.

"A full veto of the proposed Spruce No. 1 Mine is a true victory for the communities nearby, and for all Americans across the country who are fighting to protect our precious natural resources from industrial pollution," said Joan Mulhern, Earthjustice Senior Legislative Counsel. "While this is only one mine of many, we hope this veto will be the beginning of the end of the devastating practice of mountaintop removal mining by bringing the fundamental legal protection of the Clean Water Act to the whole Appalachian region, once and for all."

Said Ed Hopkins, Sierra Club's Environmental Quality Program Director: "In sharp contrast to the previous administration's policies on mountaintop removal coal mining, EPA Administrator Lisa Jackson is showing a strong commitment to the law, the science and the principles of environmental justice. She deserves enormous credit for changing policies to protect Appalachia's health, land and water."

Said Cindy Rank, chair of the Mining Committee of the West Virginia Highlands Conservancy: "Judge Haden had it right back in 1999 when he recognized the irreparable harm that would be done by this mine. It is unfortunate that it's taken more than a decade for our regulatory agencies to accept the multitude of legal, scientific and moral arguments against this permit, but I'm sure Judge Haden is smiling with us as we gratefully acknowledge EPA's momentous and justifiable decision at long last."

"Today's decision was the right one," said Cathie Bird, Statewide Organizing for Community eMpowerment's E3 Committee Chair. "We are pleased to see that Appalachia's land and water preservation are prioritized before dirty, cheap energy production that threatens our environmental future. This Spruce Mine decision sets an example that represents a healthier and more sustainable Appalachia."

Said Debbie Jarrell, assistant director of Coal River Mountain Watch: "While our politicians and coal companies grandstand and use fear mongering as a way to justify mountaintop removal, our most precious resource, water, is being contaminated at an alarming rate. It is a huge reassurance to see the EPA use the science that's available, and to see it take this step to protect our water and our people of the Appalachians."

"We breathe a huge sigh of relief today, and we thank the EPA and the Obama administration for enforcing the Clean Water Act. We are so pleased that this historic veto of the Spruce No. 1 Mine permit halts the destruction of Pigeonroost Hollow," said Janet Keating, executive director of the Ohio Valley Environmental Coalition. "The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health, and even driving entire communities to extinction. This type of coal mining is destroying our cultural heritage and our future. We will continue our work to halt other illegal permits, both in-progress and pending."

"We thank the EPA for standing up against big pressure from the coal industry to protect communities and people who suffer from the devastating impacts of mountain top removal," said Jane Branham, vice president of Southern Appalachian Mountain Stewards.

ADDITIONAL INFORMATION:

In late March, the EPA released a proposal to veto the Spruce No. 1 Mine permit based on scientific and legal analysis showing that the mine would not adhere to Clean Water Act standards. In September, U.S. Environmental Protection Agency's Regional III Administrator Shawn Garvin recommended that EPA veto the permit. EPA's final decision to veto the permit focused on the science showing the irreparable harm that occurs when mining companies

permanently bury and pollute natural headwater streams with mining waste.

In October 1999, the Spruce No. Mine became the subject of the first significant federal court decision on mountaintop removal mining. In this federal court decision, the late Judge Charles Haden ruled that the permits for the Spruce No. 1 Mine violated the surface mining law and the Clean Water Act. Since that decision, this permit has remained in litigation in the Southern District of West Virginia, where environmental and conservation groups, represented by the Appalachian Center for the Economy & the Environment, Public Justice, and Earthjustice, have challenged the initial decision by the Corps to issue the permit as unlawful, arbitrary, and capricious under the Clean Water Act, the National Environmental Policy Act, and the Administrative Procedure Act.

The EPA's announcement on today's action is here:

http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/404c_index.cfm

###

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Because the earth needs a good lawyer

Bob Sussman/DC/USEPA/US
09/29/2010 08:25 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David
McIntosh, Arvin Ganesan, Lisa Heinzerling
cc
bcc
Subject From INSIDE EPA -- Note New Inhoff Report

Linking EPA Rules To Job Losses

Posted: September 28, 2010

Democratic and Republican lawmakers are urging EPA to scale back a number of proposed and recently finalized air rules, warning in a letters and reports that the regulations will cause severe economic harm by putting thousands of jobs at risk.

Most recently, Republicans on the Senate Environment & Public Works Committee Sept. 28 issued a [report](#) citing potentially hundreds of direct and indirect job losses from several EPA rules: a proposed air toxics standard for commercial and industrial boilers, a pending final rule to tighten the ozone national ambient air quality standard, new emissions standards for Portland cement plants and the greenhouse gas endangerment finding and recent GHG permitting rule.

The report, "EPA's Anti-Industrial Policy: Threatening Jobs And America's Manufacturing Base," says the boiler rule would put 798,250 jobs at risk while a stricter ozone standard would lead to severe restrictions on job creation and business expansion in hundreds of counties.

The report argues that EPA's cement plant air rules would put up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct and 9,000 indirect jobs; and the GHG rules will result in higher energy costs, jobs moving overseas, severe economic impacts on the poor, the elderly, minorities and those on fixed incomes, with 6.1 million sources subject to EPA regulation.

The GOP report follows a Sept. 27 [bipartisan letter](#) from House lawmakers urging EPA not to tighten its coarse particulate matter, or dust, standards, and a Sept. 24 bipartisan letter from senators on EPA's planned regulations for industrial boilers and commercial/industrial solid waste incinerators.

The House letter, spearheaded by Agriculture Committee ranking member Frank Lucas (R-OK) and Rep. Cynthia Lummis (R-WY), warns that tightening the standard is not supported by science and puts farmers and ranchers' livelihoods at risk. The current standards have been expensive for industries in the West, including agricultural and other resource-based industries, the letter says. "The possibility of those industries having to meet a standard that is twice as stringent causes us great concern, especially when a revision is not required by science," the letter signed by 75 House representatives, including 13 Democrats.

Lucas plans to hold a forum Sept. 29 to discuss EPA regulations and initiatives "that are hindering job creation and economic expansion in rural communities," according to his office. Lucas, Rep. Sam Graves (R-MO) and Rep. Doc Hastings (R-WA) will discuss carbon dioxide, the Clean Water Act, farm dust regulations, hydraulic fracturing, among other issues.

Meanwhile, in the bipartisan [Sept. 24 Senate letter](#) to EPA, 23 Republicans and 18 Democrats raise concerns about the agency's proposed achievable control technology (MACT) rules for boilers and waste incinerators, echoing [recent warnings](#) from industry and labor groups.

"As our nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations impose onerous burdens on U.S. manufacturers, leading to the loss of potentially thousands of high-paying jobs this sector provides," the letter says. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities and federal agencies, the letter says, adding that EPA's regulatory analysis understates the significant economic impacts of the rule.

Related News: [Air On Capitol Hill](#)

2339948

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

Bob Sussman/DC/USEPA/US
09/13/2010 08:40 AM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Joseph Goffman, David McIntosh, Seth Oster, Michael Moats

cc

bcc

Subject FROM INSIDE EPA ON TOMORROW'S SPEECH

EPA May Offer Details On GHG Permit Plans At Air Act Anniversary Event

Posted: September 10, 2010

EPA's plans for a Sept. 14 birthday celebration of the 40-year-old Clean Air Act are prompting speculation that the agency could choose to announce additional details on its greenhouse gas (GHG) regulatory plans, including a schedule for moving to issue new GHG performance standards for power plant emissions.

"I would be surprised if they didn't say something" about their plans for tackling those emissions, given that permit requirements take effect in 2012, one environmentalist says. At the same time, the source denies specific knowledge of EPA's intent.

In a press release announcing a Sept. 14 event in Washington, D.C. to celebrate the statute's 40th anniversary, EPA notes that the "landmark law saves lives and provides billions of dollars in benefits." Agency officials slated to appear at the event include Administrator Lisa Jackson, who will give a lunchtime keynote address, and air chief Regina McCarthy, who will close the event with a look to the future, discussing the agency's vision for addressing air quality, energy and climate change.

The anniversary comes with EPA facing resistance to both its plans to require GHG limits in permits for the first time, and to pending regulatory proposals to further curb emissions of non-GHG pollutants. Accordingly, the celebration could help the agency defend its air act authority over GHGs – and also offer policymakers a public reminder of the immense health and economic benefits of Clean Air Act regulations for other pollutants. In what may turn out to be a convenient coincidence, the celebration also comes one day before a Sept. 15 deadline that several environmental groups have given the agency to either agree to include GHGs in an upcoming new source performance standard (NSPS) for the utility sector or renew legal battle on the issue in the U.S. Court of Appeals for the District of Columbia Circuit. [In an Aug. 20 letter to EPA on the subject](#), the Sierra Club, Natural Resources Defense Council (NRDC) and Environmental Defense Fund said they would ask the court to force EPA action on the rule, citing a remand to the agency from the same court that the agency has sat on for three years. The groups also asked EPA to coordinate with other agencies on an upcoming utility air toxics proposal, noting that the agency is slated to propose that rule, as well as the utility NSPS, in March 2011 and to announce them in November of that year ([see related story](#)).

The agency has also previously indicated plans to issue a guidance on best available control technology (BACT) for GHGs, though the precise schedule for that is unclear.

An EPA press official said, "we don't have anything to announce at this point."

One industry source says EPA likely welcomed the environmentalists' NSPS letter as pressure to go in a direction it may already be heading. The celebration of the air act will also feature presentations and question-and-answer sessions by many officials, lawmakers and others who helped craft the Clean Air Act and its 1990 amendments. These include David Hawkins, who runs the NRDC climate program and previously served as EPA assistant administrator. Hawkins will join House Energy & Commerce Committee Chairman Henry Waxman (D-CA) and former House Energy and Technology Committee Chairman Sherwood Boehlert (R-NY) in a presentation titled the "Clean Air Act -- A 40-Year History of Healthy Accomplishments," and will take audience questions.

Another session -- "The Next 40 Years: Building on the Past to Meet Clean Air, Clean Energy and Climate Challenges" -- will include former EPA Administrator Bill Reilly; Ignacia Moreno, the Justice Department's top environmental official; John Holdren, director of the White House Office of Science & Technology Policy; and Peggy Shepard, an environmental justice advocate.

Other participants include former EPA Administrator Bill Ruckelshaus, former Deputy Administrator Linda Fisher, former U.S. Senate Majority Leader Howard Baker (R-TN), former Sen. John Warner (R-VA), former Rep. Phil Sharp (D-IN) and a handful of business and non-profit executives.

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

Bob Sussman/DC/USEPA/US

02/18/2009 02:16 PM

To Richard Windsor, Craig Hooks, Allyn Brooks-LaSure

cc

bcc

Subject Greenwire Story on DOE Stimulus Efforts

DOE: Chu creates team to spread stimulus cash (02/18/2009)

Katherine Ling, E&E reporter

The Energy Department has created a "special organization" to distribute \$40 billion contained in the economic stimulus package for energy projects, Secretary Steven Chu said today.

"It's a challenge and something we take very seriously: how to spend that money wisely but also quickly," Chu told reporters after speaking at DOE's National Electricity Delivery Forum in Washington. Chu said he has assembled a team to start streamlining ways of delivering the cash. "We are looking at everything," he said.

Leading the advisory team is Matt Rogers, director at McKinsey & Co.'s San Francisco office, Chu said. Rogers consults in many fields, including electric power, oil and gas, and private equity, as well as strategic transformations for industrial companies. Rogers is also a leader of McKinsey's North American Petroleum Practice.

Other members of President Obama's Cabinet are also preparing to spend money quickly, Chu said. Carol Browner, who oversees White House efforts on energy and the environment, and leaders of the Interior and Agriculture departments, U.S. EPA and the Council on Environmental Quality have been discussing how to align federal regulatory requirements for making projects "shovel-ready," Chu said.

Several lawmakers and industry officials have expressed concern about DOE's ability to distribute the money, given its historic inefficiency and currently empty undersecretary and assistant secretary posts. Most notably, Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy and Natural Resources Committee, has lamented DOE's inability to distribute loan guarantees for advanced clean energy technology created in the 2005 energy policy law and hinted he is considering snatching the program from DOE.

In response to such criticisms, Chu said DOE's goal is to "start cutting checks" for the first loan guarantees by the end of April or beginning of May. He said he has reduced the loan-guarantee paperwork from 1,000 pages to about 50. "You don't need 1,000 pages to show this is a suitable loan," he said.

DOE is also concentrating on billions for supporting electricity transmission and distribution projects, which are a "key part of the economic recovery package," Chu said.

Several provisions of the stimulus bill signed by Obama yesterday increase funding for the electric grid, including \$6 billion in loan-guarantee authority -- which is also available for renewable energy and advanced biofuel projects, \$6.5 billion for the Bonneville Power Authority

and the Western Area Power Administration, and \$4.5 billion in matching grants for making the grid "smarter."

Many of these investments can start in a matter of months, Chu said.

There are already Bonneville Power Authority transmission projects that have complete environmental assessments and could be creating jobs soon in the Pacific Northwest, Chu said. For other projects, he said he is working with EPA and Interior on speeding up regulatory procedures for transmission projects without "undermining" environmental and other federal reviews.

Chu said he has also started speaking to state officials to prepare them for \$5 billion in weatherization funds -- although that will be distributed largely along existing formulas.

Dan Reicher, director of climate change and energy initiatives at Google Inc. and a former DOE assistant secretary, said the department is still going to need a lot of help.

"The Energy Department has a mixed track record of moving money quickly and effectively," Reicher told the forum. "We all need to help DOE. It's basically going to take this whole room to help DOE to do this well."

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

**Brendan
Gilfillan/DC/USEPA/US**
11/20/2009 01:15 PM

To Andy.Adora, "Michael Moats", McIntosh.David,
Sussman.Bob, Brooks-LaSure.Allyn, Perciasepe.Bob,
Silva.Peter, "Richard Windsor", "Diane Thompson", "Arvin
Ganesan"
cc "Michael Moats", "Stephanie Owens"

bcc

Subject WV Metro News: "They're in Denial"

"They're in Denial"

WV Metro News

Governor Joe Manchin says if EPA Administrator Lisa Jackson isn't in a cooperating mood, they'll go straight to the top to deal with new surface mining permitting process.

"If they're going to take the stand where, 'We could care less.' That's very, very obstructionist. And we're just going to keep pushing right through," Manchin told MetroNews Friday.

Congresswoman Shelley Moore Capito met with Jackson on Thursday to talk about how detrimental delaying surface mine permits is for West Virginia. While Capito says the discussion was cordial, her message didn't seem to sink in. Jackson made it clear the EPA does not have an obligation to take economic factors or jobs into account when it comes to mine permits.

Manchin balks at that attitude.

"They're in a denial. They can't live with us. They can't live without us," the governor said.

Coal is expected to be the "transition fuel" for the next 30 years to move the country away from its dependence on foreign oil to cleaner technology like hydro, wind and solar energy.

Manchin says if Jackson and the EPA aren't willing to even consider the effects tightening control on permits will have on West Virginia, then there's only one way left to go.

"We're going right to the top," he said. "And they're all going to understand. We're all in this. You can't destroy the economy for the sake of something you know is not attainable."

Manchin says West Virginia's congressional delegation is on board. And they're determined to get a sit down meeting with President Obama to raise their

**Brendan
Gillilan/DC/USEPA/US**
09/12/2011 11:20 AM

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

cc

bcc

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 NO_x reductions programs. Now, one year later, the CSAPR imposes a 47 percent SO₂ reduction and substantial NO_x 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 Sandow 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 NO_x 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 NO_x 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]

**Brendan
Gilfillan/DC/USEPA/US**
03/02/2011 06:25 PM

To: Brendan Gilfillan
cc: Adora Andy, Alisha Johnson, Arvin Ganesan, Barbara Bennett, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Seth Oster, Richard Windsor, Stephanie Owens
bcc:

Subject: The Hill: EPA administrator pokes fun at Fox News for becoming carbon-neutral

EPA administrator pokes fun at Fox News for becoming carbon-neutral

By Andrew Restuccia - 03/02/11 05:19 PM ET

Environmental Protection Agency Administrator Lisa Jackson had a little fun Wednesday with Fox News, whose parent-company [announced this week](#) that it is carbon-neutral.

Despite assertions by Republicans and many Fox News commentators that climate regulations will destroy the economy, Jackson said the effort by News Corp. to become carbon-neutral shows that reducing greenhouse gas emissions is "good for business."

"I do believe that this is good for business, good for our future," Jackson said at a Senate Environment and Public Works Committee hearing on the agency's fiscal year 2012 budget request.

To make her point, Jackson laid out News Corp.'s efforts to reduce its carbon footprint in detail.

The company is "carbon neutral across their global operations and their projects pay for themselves in less than two years on average, and there are lighting retrofits and PC shutdowns, systemic changes like moving to video conferencing and carbon footprinting," Jackson said.

Jackson came under fire from Republicans on the committee Wednesday, who argued that efforts to regulate greenhouse gas emissions will impose major burdens on industry and kill jobs. But committee Chairwoman Barbara Boxer (D-Calif.) countered that the regulations are essential for protecting human health.

Brendan Gilfillan	EPA Chief Jackson Urges U.S. Lawm...	03/02/2011 06:24:08 PM
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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, David McIntosh/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 03/02/2011 06:24 PM
Subject: Bloomberg: EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

By Kim Chipman and Jim Snyder - Mar 2, 2011 5:15 PM ET

Environmental Protection Agency Administrator Lisa Jackson urged U.S. senators not to cut her agency's budget as lawmakers prepared to offer legislation taking away the EPA's power to regulate [greenhouse gases](#).

Republicans in the [House of Representatives](#) have proposed cutting EPA funding about 30 percent, or \$3 billion, almost double a budget reduction of \$1.3 billion proposed last month by President [Barack Obama](#).

"If Congress slashed EPA's funding, concentrations of harmful pollution would increase from current levels," Jackson told the Senate Environment and Public Works Committee today. "The result would be more asthma attacks, more missed school and work days, more heart attacks, more cancer cases, more premature deaths."

The budget fight is intertwined with an effort by Republicans and some Democrats to strip the EPA of its power to regulate emissions blamed for climate change. Backers of this effort say the agency's greenhouse-gas rules for industrial polluters will cost jobs and harm the economy. Jackson has said Obama would veto any attempt to stop the regulations that took effect Jan. 2.

Legislation sponsored by House Energy and Commerce Committee Chairman [Fred Upton](#), a Michigan Republican, and Senator James Inhofe of [Oklahoma](#), will be introduced as early as tomorrow, Inhofe said during the hearing today.

"This bill puts Congress in charge of deciding our nation's [climate-change](#) policy, not EPA bureaucrats," said Inhofe, the ranking Republican on the Senate environment committee.

Vehicle Agreement

The bill would prohibit the EPA from regulating greenhouse gases emitted from buildings such as factories and power plants, while allowing a previous agreement the administration reached with automakers to cut vehicle tailpipe emissions.

Two former Democratic House committee chairmen, Representatives Collin Peterson of [Minnesota](#) and Nick Rahall of West Virginia, said they are likely to support the Upton-Inhofe measure.

"EPA is out of control, and we have to send them a message," said Peterson, who headed the Agriculture Committee until Republicans won control of the House in the November elections, in an interview today.

Rahall, former chairman of the House Natural Resources panel, said a draft of the Upton-Inhofe bill is “very favorable” and that he is “exploring very seriously” supporting the measure.

“It seems like the right message and it’s in line with legislation I’ve already supported,” Rahall said. He has backed a bill to delay EPA regulation for two years, legislation being pushed by Democratic Senator Jay Rockefeller of [West Virginia](#).

Rockefeller’s bill probably has a better chance to pass Congress, given concerns in the Senate over permanently blocking EPA regulation, Rahall said in an interview.

**Brendan
Gilfillan/DC/USEPA/US**
12/08/2010 03:33 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Avi Garbow, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Scott Fulton, Stephanie Owens
bcc:
Subject: AP and Politico on smog

[EPA delays stricter smog, mercury limits](#)

WASHINGTON (AP) — The [Environmental Protection Agency](#) is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

“It is hard to avoid the impression that EPA is running scared from the incoming Congress,” said Frank O’Donnell, president of the advocacy group Clean Air Watch.

Republicans took control of the House and gained in the Senate in the midterm elections, and many GOP lawmakers have vowed to target the EPA for what they call a series of job-killing regulations. [Environmental groups](#) and some Democrats say the administration is delaying the new rules in an attempt to placate GOP lawmakers.

O’Donnell called the seven-month delay in the smog rule “a bitter pill to swallow” and said the EPA has had nearly a year to evaluate the rule since it was first proposed last January.

An EPA spokesman denied that politics played a role and said the delays were needed to ensure the agency’s final decisions were grounded in the best science.

While delaying the smog and mercury standards, “EPA is moving forward with a number of national rules that will significantly reduce pollution and improve public health for all Americans,” said Brendan Gilfillan, an EPA spokesman

The rules include steps designed to reduce harmful emissions from cars, [power plants](#) and other industrial facilities that contribute to ozone formation, Gilfillan said, adding that the delays would not affect public health.

Sen. Tom Carper, D-Del., chairman of a Senate clean air subcommittee, said he was disappointed by the delay in the ozone rule, which would mean that strict new standards on lung-damaging smog will not take effect Jan. 1 as expected. The EPA now says the rule would take effect by the end of July.

Once in place, the new rules could mean that hundreds of communities far from congested highways and belching smokestacks could join big cities and industrial corridors in violation of [EPA](#) air pollution limits. The proposal presents a range for the allowable concentration of ground-level ozone, the main ingredient in smog, from 60 parts per billion to 70 parts, down from 75 parts per billion as set by the Bush administration.

The delay leaves millions of Americans “unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard,” Carper said. “This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow.”

Carper urged EPA Administrator Lisa Jackson to move quickly to finalize plans for new ozone air quality standards.

Gilfillan said the new smog standards would help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion in avoided health care costs. The proposed standard would replace a standard set by the Bush administration, which many [clean-air](#) advocates called inadequate.

The EPA said 5,000 deaths could be prevented each year under new rules to limit the amount of mercury and other harmful pollutants released by industrial boilers and solid waste incinerators.

The planned rules are intended to cut mercury emissions in half by requiring steep and costly cuts from companies operating some 200,000 industrial boilers, heaters and incinerators.

Industrial boilers and heaters are the second largest source of mercury emissions in the United States, after coal-fired power plants. The boilers burn coal and other fuels to generate heat or [electricity](#) and are used by petroleum refiners, chemical and manufacturing plants, paper mills, municipal utilities and even shopping malls and universities.

The EPA is under court order to issue final rules by Jan. 16, but the agency said in court papers Tuesday it is hoping to delay the rules until April 2012.

EPA punts on smog rule

Robin Bravender, Politico

December 8, 2010 02:27 PM EST

The Obama administration will delay issuing a new smog reduction plan, the second controversial air pollution rule the Environmental Protection Agency has punted in the past two days.

EPA was facing a court deadline to finalize its national air quality rule for ozone, or smog, by Dec. 31, but the agency is now planning to delay the rule until next July, spokesman Brendan Gilfillan confirmed Wednesday.

On Tuesday, EPA announced it would delay a major air toxics rule for industrial boilers, such as those used at oil refineries and paper mills, after coming under fire from myriad industry groups and lawmakers claiming it would cripple the economy.

With lawmakers on both sides of the aisle vowing to work to scale back EPA regulations in the next session, many attribute EPA's delays to political motivations. The incoming GOP majority in the House has pledged to limit many of the pending EPA rules they see as overreaching, including the smog standard and the boiler air toxics rule.

"I guess the handwriting was on the wall when the EPA announced yesterday that it was stalling a final decision on rules to clean up poisons from industrial boilers," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

This is the third time EPA has stalled its final smog standard. EPA Administrator Lisa Jackson announced in 2009 that her agency would tighten the George W. Bush administration's final standard, arguing that it fell short of protecting public health.

The Obama EPA estimated that its stricter standards would help prevent up to 12,000 premature deaths and save up to \$100 billion in health costs.

EPA needs more time to get further input from the agency's science advisers before setting the final standard, Gilfillan said. "Given this ongoing scientific review, EPA intends to set a final standard in the range recommended" by the science advisers.

Howard Feldman of the American Petroleum Institute said there is no new scientific data to justify setting

what he called an “unattainable standard” that would put virtually all states out of compliance. Feldman said he also hopes EPA will consider delaying “any other costly or unworkable proposals, such as greenhouse gases.”

Brendan Gilfillan EPA delays tougher air pollution rules... 12/08/2010 02:04:38 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, Janet Woodka/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, Daniel Kanninen/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA
Date: 12/08/2010 02:04 PM
Subject: The Hill: EPA delays tougher air pollution rules

EPA delays tougher air pollution rules

By Ben Geman - 12/08/10 01:41 PM ET

The Environmental Protection Agency is delaying completion of tough new air pollution rules that have come under attack from a range of industry groups and several senior House Republicans, including the incoming chairman of the powerful Energy and Commerce Committee.

The agency had hoped to finalize ozone pollution rules that toughen Bush-era standards months ago, but has now set a new target of the end of July, 2011.

EPA spokesman Brendan Gilfillan said the agency is seeking more input from its Clean Air Science Advisory Committee (CASAC), the body that had recommended a range of standards that are more aggressive than the Bush-era smog standards.

“[EPA] Administrator Jackson proposed that EPA select a standard in the range □ that CASAC indicated would be protective of Americans' health. As part □ of EPA's extensive review of the science, Administrator Jackson will ask □ CASAC for further interpretation of the epidemiological and clinical □ studies they used to make their recommendation,” he said in a statement.

EPA first [floated the tougher rules](#) in draft form last January. The agency is rejecting the Bush administration's 2008 standard of 0.075 parts per million (ppm), and is instead proposing a standard in the range of 0.060-0.070 ppm.

“To ensure EPA's decision is grounded in the best science, EPA will review the input □ CASAC provides before the new standard is selected. Given this ongoing □ scientific review, EPA intends to set a final standard in the range □ recommended by the CASAC by the end of July,

2011," Gilfillan added.

Tougher ozone standards will "help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion dollars in health costs," the EPA spokesman said.

He added that the agency is moving ahead with several other clean air rules. "These include rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation. Taking additional time to complete the scientific review of the ozone standard will not delay the public health benefits of these rules," he said.

Groups including the National Association of Manufacturers and the American Petroleum Institute have called the proposed range of ozone standards too aggressive. Rep. Fred Upton (R-Mich.), the incoming chairman of the House Energy and Commerce Committee, has listed the rules among the "job-killing" EPA policies that he'll seek to turn back.

The delay drew a quick attack from Sen. Tom Carper (D-Del.), who leads the subcommittee on the full Environment and Public Works Committee that oversees air pollution policy.

"The Environmental Protection Agency's decision leaves thousands of Delawareans and millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," he said in a statement. "This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow."

Frank O'Donnell, head of the environmental group Clean Air Watch, also lamented the new delay, noting its is just the latest of several times the tougher rules have been pushed back.

"This is a bitter pill to swallow. The EPA has had many months to evaluate the relevant issues, including further consultation with the agency's science advisers," he said.

"It is hard to avoid the impression that EPA is running scared from the incoming Congress," O'Donnell added.

**Brendan
Gilfillan/DC/USEPA/US**
12/08/2010 06:50 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Avi Garbow, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Scott Fulton, Stephanie Owens
bcc:
Subject: Smog clips

All -

Below is a compilation of clips from today's announcement - coverage is as expected.

- Brendan

Summaries:

EPA delays stricter smog, mercury limits

(AP) – 4 hours ago

WASHINGTON (AP) — The Environmental Protection Agency is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

EPA to delay smog standards until July 2011

Reuters/ Ayesha Rascoe

WASHINGTON, Dec 8 (Reuters) - The U.S. Environmental Protection Agency said on Wednesday it was again delaying its final rule on smog limits, with the rule now expected by the end of July 2011. This is the third time the agency has delayed the smog standards, originally slated to be finalized in August. The initial standards proposed near the start of this year would limit ground-level ozone, or smog, to between 60 and 70 parts per billion measured over eight hours.

EPA Delays Ozone Rule Again

Stephen Power/Wall Street Journal

WASHINGTON—The Obama administration is delaying a decision on whether to tighten limits on ground-level ozone, the third time in less than a year that it has put off the potentially costly environmental rule in the face of congressional and industry pressure.

EPA Delays Clean-Air Rule Until July for Review

Bloomberg News/Jim Snyder - Dec 8, 2010

The U.S. Environmental Protection Agency is delaying until late July tougher clean-air rules that are opposed by businesses led by the National Association of Manufacturers. EPA Administrator [Lisa Jackson](#) plans to seek additional information from a group of advisers to ensure the decision is “grounded in the best science,” [Brendan Gilfillan](#), an agency spokesman, said today in an e-mail.

EPA punts on smog rule

Politico/ Robin Bravender
December 8, 2010 02:27 PM EST

The Obama administration will delay issuing a new smog reduction plan, the second controversial air pollution rule the Environmental Protection Agency has punted in the past two days. EPA was facing a court deadline to finalize its national air quality rule for ozone, or smog, by Dec. 31, but the agency is now planning to delay the rule until next July, spokesman Brendan Gilfillan confirmed Wednesday.

Full stories:

EPA delays stricter smog, mercury limits

(AP) – 4 hours ago

WASHINGTON (AP) — The Environmental Protection Agency is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

"It is hard to avoid the impression that EPA is running scared from the incoming Congress," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

Republicans took control of the House and gained in the Senate in the midterm elections, and many GOP lawmakers have vowed to target the EPA for what they call a series of job-killing regulations. Lawmakers from both parties — especially in industrial states in the Northeast and Midwest — have complained about the boiler rule, which they say could place an added burden on business.

Still, environmental groups said the two delays — announced on successive days — appeared to be an attempt to placate GOP critics and stave off efforts in Congress to thwart EPA regulation.

"We're not going to let EPA regulate what they've been unable to legislate," said Rep. Fred Upton, R-Mich., the incoming chairman of the House Energy and Commerce Committee. Upton promised numerous hearings on the EPA under his watch.

O'Donnell called the seven-month delay in the smog rule "a bitter pill to swallow" and said the EPA has had nearly a year to evaluate the rule since it was proposed in January.

An EPA spokesman denied that politics played a role and said the delays were needed to ensure the agency's final decisions were grounded in the best science.

While delaying the smog and mercury standards, "EPA is moving forward with a number of national rules that will significantly reduce pollution and improve public health for all Americans," EPA spokesman Brendan Gilfillan said Wednesday.

The rules include steps designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation, Gilfillan said, adding that the delays would not affect public health.

Sen. Tom Carper, D-Del., chairman of a Senate clean air subcommittee, said he was disappointed by the delay in the ozone rule, which would mean that strict new standards on lung-damaging smog will not take effect Jan. 1 as expected. The EPA now says the rule would take effect by the end of July.

Once in place, the new rules could mean that hundreds of communities far from congested highways and belching smokestacks could join big cities and industrial corridors in violation of EPA air pollution limits. The proposal presents a range for the allowable concentration of ground-level ozone, the main ingredient in smog, from 60 parts per billion to 70 parts, down from 75 parts per billion as set by the Bush administration.

The delay leaves millions of Americans "unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," Carper said. "This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow."

Carper urged EPA Administrator Lisa Jackson to move quickly to finalize plans for new ozone air quality standards.

Gilfillan said the new smog standards would help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion in avoided health care costs. The proposed standard would replace a standard set by the Bush administration, which many clean-air advocates called inadequate.

The EPA said 5,000 deaths could be prevented each year under new rules to limit the amount of mercury and other harmful pollutants released by industrial boilers and solid waste incinerators.

The planned rules are intended to cut mercury emissions in half by requiring steep and costly cuts from companies operating some 200,000 industrial boilers, heaters and incinerators.

Industrial boilers and heaters are the second largest source of mercury emissions in the United States, after coal-fired power plants. The boilers burn coal and other fuels to generate heat or electricity and are used by petroleum refiners, chemical and manufacturing plants, paper mills, municipal utilities and even shopping malls and universities.

The EPA is under court order to issue final rules by Jan. 16, but the agency said in court papers Tuesday it is hoping to delay the rules until April 2012.

The American Petroleum Institute said it was pleased with EPA's request to delay the ozone rule.

"We also hope EPA will now reconsider other costly and unworkable proposals," such as a planned rule to regulate greenhouse gas emissions, said Howard Feldman, API's director of regulatory and scientific affairs.

EPA to delay smog standards until July 2011

Agency says needs more time for science review

Reuters/ Ayesha Rascoe

WASHINGTON, Dec 8 (Reuters) - The U.S. Environmental Protection Agency said on Wednesday it was again delaying its final rule on smog limits, with the rule now expected by the end of July 2011.

This is the third time the agency has delayed the smog standards, originally slated to be finalized in August.

The initial standards proposed near the start of this year would limit ground-level ozone, or smog, to between 60 and 70 parts per billion measured over eight hours.

The proposal was stronger than 2008 standards the Bush administration set. Environmental groups criticized those for being less stringent than government scientists recommended.

An EPA spokesman said the agency needs time to complete a scientific review. EPA head Lisa Jackson plans to ask the agency's independent team of scientists for more guidance on studies used to make their recommendations.

The proposed rules would require factories and oil, gas and power companies to cut emissions of nitrogen oxides and other chemicals called volatile organic compounds. Smog forms when those compounds react with sunlight.

Industry groups have attacked the proposed rules, arguing they have already spent billions of dollars to lower emissions.

The American Petroleum Institute, the major lobbying group for oil and gas, cheered the delay.

"We hope today's decision means EPA will simply roll this out-of-cycle proposal into the next formal ozone review, which is scheduled to begin shortly," said Howard Feldman, of API.

EPA said the proposal would cost \$19 billion to \$90 billion to implement. But it said it would save \$14 billion to \$100 billion from healthcare bills for asthma, lung damage, and other diseases as well as lost work costs.

Frank O'Donnell, of Clean Air Watch, expressed dismay at the further delay of the smog rule.

"This is a bitter pill to swallow," O'Donnell said in a statement. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

EPA Delays Ozone Rule Again

Stephen Power/Wall Street Journal

WASHINGTON—The Obama administration is delaying a decision on whether to tighten limits on ground-level ozone, the third time in less than a year that it has put off the potentially costly environmental rule in the face of congressional and industry pressure.

The Environmental Protection Agency announced Wednesday that it won't be prepared to decide until next July whether to tighten a national air-quality standard for ozone. That would be nearly a year after the agency's original self-imposed deadline for settling the matter. Ground-level ozone is a primary ingredient in smog linked to respiratory illnesses.

As recently as last Thursday, the agency said it remained committed to finalizing the new standards by the end of the year. The agency has said tightening the standard could save as many as 12,000 lives a year and save the U.S. as much as \$100 billion annually in 2020 through health benefits.

The delay on ozone marks a major retreat for Environmental Protection Agency Administrator Lisa Jackson. In January, Ms. Jackson said tightening the nation's air-quality standard for ozone was "long overdue" and proposed setting the standard at between 60 and 70 parts per billion, down from 75 ppb now.

But the agency has acknowledged that a standard of 60 ppb could cost businesses as much as \$90 billion annually in 2020. The costs would include new emissions controls that businesses would have to install; higher electricity prices as power plants switched to cleaner-burning but costlier fuels; and more frequent auto inspections.

Leading manufacturers and energy companies—such as [Exxon Mobil](#) Corp., [Dow Chemical](#) Co., and [American Electric Power](#) Co.—say the EPA hasn't proven that the 60 ppb standard would save the number of lives the agency claims. Also, they say the EPA has underestimated the amount of ozone that forms naturally or drifts into the U.S. from abroad—from factories in China, for example.

The EPA's proposal has the support of the American Lung Association and the American Medical Association, and is consistent with the recommendation of a 23-member panel of clean-air experts who advised the agency on the issue after reviewing more than 1,700 studies. But it has drawn criticism from lawmakers whose states depend heavily on coal, oil and manufacturing. Among them: Rep. Fred Upton, a Michigan Republican who on Wednesday was named chairman of the powerful House Energy and Commerce Committee.

In a written statement Wednesday, the EPA said Ms. Jackson would ask the panel of clean-air experts for "further interpretation" of the studies they relied upon in making their recommendation, so as to ensure the agency's final decision "is grounded in the best science."

The agency's announcement drew cheers from industry and dismay from some of the Obama administration's traditional allies. The American Petroleum Institute said it hoped the EPA "will now reconsider other costly and unworkable proposals," including its efforts to regulate greenhouse gases. But Sen. Thomas Carper (D., Del.) voiced disappointment, saying the delay would leave "millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard."

In a written statement the American Lung Associations said it was "exploring legal options" aimed at requiring the EPA to make a decision on the issue. Based on EPA's own estimates, the group added, a six-month delay means an estimated 2,000 to 6,000 people "will lose their lives because they must breathe air pollution that would have been cleaned up if the EPA had met its most recent deadline of December 31, 2010."

On Tuesday, the EPA decided to delay another costly, controversial proposed regulation aimed at smokestack industries, saying it needed another year to finish rules aimed at reducing pollution from boilers and solid-waste incinerators.

EPA Delays Clean-Air Rule Until July for Review

Bloomberg News/Jim Snyder - Dec 8, 2010

The U.S. Environmental Protection Agency is delaying until late July tougher clean-air rules that are opposed by businesses led by the National Association of Manufacturers.

EPA Administrator [Lisa Jackson](#) plans to seek additional information from a group of advisers to ensure the decision is "grounded in the best science," [Brendan Gilfillan](#), an agency spokesman, said today in an e-mail.

The EPA proposed in January restrictions on ground-level ozone, a key ingredient of smog, that exceeded limits adopted by the Bush administration in 2008. The agency said the rule would help prevent 12,000 premature deaths, 58,000 cases of aggravated asthma and save as much as \$100 billion in health costs. The Washington-based [National Association of Manufacturers](#) has said the rule, which was to become final this month, was too strict.

"The Environmental Protection Agency's decision leaves thousands of Delawareans and millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," said Senator [Tom Carper](#), a Delaware Democrat, in a statement expressing disappointment with the delay.

Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute in Washington, said the group welcomed the postponement. He urged the agency to delay other "costly and unworkable proposals," such as an upcoming rule to limit greenhouse-gas emissions.

'Gravely Disappointed'

The EPA proposed tightening allowable ozone levels to 60 to 70 parts per billion, from 75 parts per billion set under President George W. Bush.

The [American Lung Association](#) in Washington, which pushed for the tougher clean-air standards, is "gravely disappointed," [Janice Nolen](#), assistant vice president for national policy and advocacy, said in a telephone interview.

"We are mystified," she said. "We think that the science is very clear."

The delay is at least the third since EPA proposed the rules.

Representative [Fred Upton](#), the Michigan Republican who becomes chairman of the House Energy and

Commerce Committee next year, said in an Oct. 19 Washington Times column that the ozone standard would have a "crushing impact on jobs."

Upton has pledged as committee chairman to block regulations that will cost jobs.

The EPA yesterday asked the U.S. District Court in Washington for additional time for issuing rules to cut emissions from boilers and solid-waste incinerators, a rule that industry groups and Republicans have criticized.

[Jeff Holmstead](#), an EPA assistant administrator during the Bush administration and now a partner at Bracewell & Giuliani LLP in Washington, said agency leaders were adjusting to the economic effect the proposals may have and weren't bowing to political pressure.

"It is good news," Holmstead, who now lobbies for a several energy companies, said in an interview.

EPA punts on smog rule
Politico/ Robin Bravender
December 8, 2010 02:27 PM EST

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"I guess the handwriting was on the wall when the EPA announced yesterday that it was stalling a final decision on rules to clean up poisons from industrial boilers," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

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Brendan
Gilfillan/DC/USEPA/US
05/25/2011 04:23 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: FEL Coverage so far

Full NY Times story just posted:

New M.P.G. Stickers Include Greenhouse Gas Data

By [JOHN M. BRODER](#)

WASHINGTON — The federal government unveiled new [fuel economy window stickers](#) on Wednesday for vehicles starting with the 2013 model year that for the first time include estimated annual fuel costs and the car or truck's overall environmental impact.

The new labels, which replace a five-year-old design that provided only basic information about estimated fuel economy, represent the broadest overhaul in the sticker program's 35-year history. There will be different labels for conventional vehicles, plug-in hybrids and all-[electric vehicles](#), with cars running solely on battery power estimated to get 99 miles per gallon.

The Environmental Protection Agency and the Department of Transportation, which are jointly responsible for the window sticker program, rejected [a radically different design](#) that would have prominently displayed a letter grade from A to D comparing a given vehicle's fuel economy and air pollution against the entire fleet of new cars.

Automakers objected to that sticker as simplistic and potentially misleading. The government instead adopted a much busier label with more information and a sliding scale comparing vehicles across classes.

"These labels will provide consumers with up front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," said Ray LaHood, the transportation secretary.

The new stickers will for the first time include a greenhouse gas rating, comparing a vehicle's emissions of carbon dioxide and other heat-trapping gases with those of all other vehicles, as well as a smog rating based on emissions of other air pollutants such as nitrogen oxide and particulates.

Cars capable of running on electricity will get the highest greenhouse gas and smog ratings, but the fine print indicates that the measure does not take into account emissions from power plants generating the electricity used to charge up the vehicle. Stickers for plug-in hybrids and electric

cars will also include their charging time and estimated range running in electric-only mode.

Gloria Bergquist, vice president for public affairs at the Alliance of Automobile Manufacturers, said the government was right to leave power plant emissions out of its ratings for electric vehicles.

“Upstream emissions raise a complex mix of factors that auto manufacturers have no way of predicting or controlling, including the electric energy mix of a particular geographic region, and how much — or in what manner — vehicles are driven,” she said in a statement.

The labels will include an estimated annual fuel cost based on 15,000 miles traveled at a fuel price of \$3.70 per gallon as well as an estimate of how much more or less the vehicle will cost to operate over five years than an average new vehicle. In addition to the familiar city, highway and combined fuel economy estimates expressed in miles per gallon, the sticker will include an estimate of how much fuel the vehicle will need to travel 100 miles.

The E.P.A. said the new gallons-per-mile metric, combined with the estimated fuel costs, will provide consumers a more accurate measure of efficiency and expense than the traditional miles-per-gallon figure, which rarely reflects real-world driving conditions.

The gasoline price is based on Department of Energy surveys and calculations and will typically be updated annually, the E.P.A. said.

The label will also include a [QR Code](#) that can be scanned by a smartphone to obtain cost estimates based on a consumer’s driving habits and the price of gasoline and electricity where he or she lives, as well as comparisons with other vehicles. Such calculators will also be accessible online.

The National Automobile Dealers Association welcomed the new design and said it was relieved that the federal government had rejected the letter grade label.

“For decades, car and truck buyers have relied on miles per gallon — or m.p.g. — to compare the fuel economy of different vehicles,” the association said in a statement. “NADA applauds the Obama administration’s decision to drop the ill-advised ‘letter grade’ in favor of one that prominently displays a vehicle’s m.p.g. By doing so, car shoppers can make informed comparisons on dealers’ lots, allowing them to take advantage of new technologies, which will ultimately put more fuel efficient vehicles on the road.”

Some environmental advocates pushed hard for the letter grade system, saying it provided car buyers the clearest way to compare vehicles across classes.

Luke Tonachel of the Natural Resources Defense Council said that the letter grade would have been preferable but said he was glad that the new label provides pollution impacts and operating costs.

Dan Becker, director of the Safe Climate Campaign, who has been involved in fuel economy

issues for three decades, was far harsher in his judgment of the administration's decision and the auto industry's lobbying campaign against the letter-grade system.

“The Obama administration has dashed consumers' hopes for clear information to make educated choices about which cars are really clean,” he said. “With its \$80 billion bailout in hand, the auto industry has beaten the administration into abandoning the letter grade label.”

He said the label adopted by the agencies denied consumers clear information that would help them make informed choices. He added that he hoped the administration would move forward with strong new mileage and emissions standards for the 2017-to-2025 model years, with a mandate for a new car fleet average as high as 60 miles per gallon.

Those new rules are due this fall.

Brendan Gilfillan	CNN New fuel economy labels coming...	05/25/2011 03:27:17 PM
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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, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
 Date: 05/25/2011 03:27 PM
 Subject: FEL Coverage so far

CNN
 New fuel economy labels coming for the 2013 model year
 By Paul Courson

LA Times (Greenspace Blog)
 Federal government unveils new fuel economy labels for cars and trucks

USA TODAY
 New fuel-savings stickers for new cars unveiled
 By Chris Woodyard

Fox News
 New Fuel Economy Labels Set for Showroom Floors

CNNMoney
 New-fangled auto fuel economy labels unveiled
 By Peter Valdes-Dapena

Reuters
 New car labels feature more on fuel savings

Huffington Post: Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Wall Street Journal: EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

Wall Street Journal (Washington Wire Blog): Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

Bloomberg: U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

LA Times (Money and Company Blog): New fuel economy labels for cars and trucks unveiled by DOT, EPA
May 25, 2011 | 9:59 am

ABC News (The Note Blog): Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

Detroit Free Press
New fuel-efficiency labels announced with details on fuel costs, emissions
BY AARON KESSLER

Full Text of Stories:

CNN
New fuel economy labels coming for the 2013 model year
By Paul Courson

Washington (CNN) -- Revised fuel economy labels coming soon for new cars and trucks will show consumers how much they'll save -- or spend -- on fuel, compared to the average new vehicle.

The blue-and-white design continues to feature a large two-digit number to show the miles per gallon the vehicle gets, but the new label will also display the calculated savings -- or expenditure -- on fuel over a 5-year time span, compared to the average new vehicle.

In the fine print, the labels will include additional information that is hoped to make an apples-to-apples comparison easier among conventional, hybrid, and alternate-fuel vehicles.

In remarks prepared for delivery at a Wednesday news conference, Transportation Secretary Ray LaHood said the "labels are a win for automobile consumers and for the nation's energy independence."

The new labels, starting with the 2013 model year, are described as the most dramatic overhaul since the MPG stickers were first required 30 years ago.

LA Times (Greenspace Blog)
Federal government unveils new fuel economy labels for cars and trucks
May 25, 2011 | 7:54 am

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled new fuel economy labels for cars and trucks Wednesday. The new labels are their most significant update since 1975, when the federal government first required the EPA to provide fuel economy data about passenger cars and trucks.

Designed to provide more detailed information to consumers about vehicles' fuel efficiency, estimated annual fuel cost and environmental effects, the new labels will go into effect with 2013 model year

vehicles, though some manufacturers may voluntarily adopt the new labels for the 2012 model year.

A joint effort between the EPA and DOT, the new labels will, for the first time, allow consumers to compare energy use and cost for new-technology cars, such as plug-in electrics, versus traditional gas-powered vehicles. They will include estimates on the amount of money consumers will save or spend on fuel for the next five years compared with an average new vehicle.

They will show how one model compares to the average in terms of smog-forming emissions and other emissions contributing to climate change. And they will estimate how much fuel or electricity is required to drive 100 miles.

The labels will also include a quick response, or QR code. Using a smart phone app, consumers can get even more comparative car information online, including fuel economy, and can access more precise information about a vehicle's fuel costs based on a driver's specific commute and driving habits.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood in a statement issued Wednesday. "These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

USA TODAY

New fuel-savings stickers for new cars unveiled

By Chris Woodyard

10:31 AM

There won't be letter grades, but the Transportation Department and Environmental Protection Agency are unveiling new fuel economy labels on cars that should help consumers figure out which models will go the farthest on gallon of gas.

Instead of a letter grade, the agencies opted for a 10-point scale, like those used for rate energy efficiency of big appliances like refrigerators, to help consumers find the most efficient car.

The agencies call the labels "the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago."

They include estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact.

Starting with model year 2013, the improved fuel economy labels will be required to be affixed to all new passenger cars and trucks – both conventional gasoline powered and "next generation" cars, such as plug-in hybrids and electric vehicles.

The labels will be important since cars are expected to become a lot more fuel efficient under new, tougher regulations.

Fox News

New Fuel Economy Labels Set for Showroom Floors

Published May 25, 2011

Auto shoppers will soon be awash in factoids about the fuel efficiency of new cars, thanks to new labels the Obama administration says it will now require on vehicles.

The labels, rolled out by the Department of Transportation and Environmental Protection Agency on Wednesday, could start showing up on the showroom floor any day, if dealerships choose to use them. But starting early next year, they will be required on every model year 2013 car and truck.

Transportation Secretary Ray LaHood said in a statement that the labels will give consumers "up-front information" about fuel costs and related stats before they buy.

The labels contain a dizzying amount of information. Most prominent is the vehicle's fuel economy, broken down by average miles per gallon along with MPG ratings for city and highway driving.

Clustered around that statistic will be an array of other auto trivia. On the right-hand side, the label tells consumers how much they'll save in fuel costs over five years compared against an "average" new vehicle. Below that, the label provides the estimated annual fuel cost, as well as a numerical rating for smog and greenhouse gas emissions. The higher the number, the cleaner the car.

The labels coincide with a push to mandate better fuel efficiency in U.S. vehicles. Under the final rules unveiled last year, the federal government will require U.S. vehicles to achieve an average 35.5 miles per gallon by 2016.

The rules will cost the U.S. auto industry billions of dollars in order to comply. Though some of those costs could be passed on to consumers, the administration estimates drivers will save more in fuel costs.

According to the administration, the new rules will save 1.8 billion barrels of oil and save consumers an average of \$3,000 in fuel costs "over the life of the program."

CNNMoney

New-fangled auto fuel economy labels unveiled

By Peter Valdes-Dapena May 25, 2011

NEW YORK (CNNMoney) -- Potential car buyers will see new designs for fuel economy labels, reflecting the increased use of alternatives to gasoline such as electric and diesel.

The Department of Transportation and the Environmental Protection Agency unveiled the three types of new labels Wednesday. One type is for cars that use gasoline or diesel, or hybrids that use only self-generated electricity. A second is for gas and electric hybrids that use some plug-in electricity, and the third is for vehicles running strictly on plug-in power.

"The current fuel economy label that buyers have come to be familiar with has come to be outdated," EPA administrator Lisa Jackson said in a Washington, D.C. press conference.

The new labels will be required on new cars in auto dealer lots beginning with 2013 model year cars, the Transportation Department said. Automakers can begin using the new labels on 2012 model year vehicles if they wish. Potential designs for new labels were first unveiled almost a year ago, and the agencies have been seeking comment from the public since then.

"The new labels, which are the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago, will provide more comprehensive fuel efficiency information, including estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact," the DOT said in the announcement.

No-plug cars: The new label that will go on most vehicles sold in America -- no-plug cars -- features the combined estimated city and highway fuel economy most prominently. Also getting big play on the new label are the estimated annual fuel cost and the amount of money saved -- or spent -- in fuel costs over five years compared to the average new vehicle.

Also shown is the number of gallons burned to travel 100 miles and two charts rating the vehicle's greenhouse gas and smog emissions from 1 to 10, with 10 being the best.

Plug-only cars: For plug-in vehicles, fuel economy is rendered in miles per "gallon equivalent." That's how

far the car goes on the equivalent amount of energy contained in one gallon of gasoline. Also, there's the number of kilowatt hours used to travel 100 miles. The label also shows an estimate of how far the vehicle can drive on a single charge.

Plug-in hybrid cars: Vehicles that run on gasoline as well as on electricity taken from a plug such as General Motors' (GM, Fortune 500) Chevrolet Volt and Toyota (TM) Prius Plug-in get the most confusing new labels. For these vehicles, labels feature two boxes of numbers representing energy efficiency. One is for electric-only driving, with estimates expressed in "miles per gallon equivalent", which are the same terms used for pure-electric cars. The other box gives estimates for gasoline-only operation expressed in simple miles per gallon.

6 affordable new cars that go easy at the pump

Just as for a gasoline-only car, the plug-in hybrid label contains an overall estimate of annual fuel costs -- including both gas and electricity -- and the amount saved compared to the average car. Of course, these figures could vary widely depending on how far drivers go between plugging in.

The separate information on electric and gas-powered operation, plus a graph showing electric-only and total driving range, should allow consumers to estimate how cost-effective the vehicle will be for them.

Absent from the new labels are letter grades. Last year, the EPA unveiled several possible designs for fuel economy labels in a bid to elicit public and industry feedback. One design featured prominent letter grades. Vehicles with especially good fuel economy would have gotten A. Those with very good, but not the best fuel economy, would have gotten a B, and so on.

While carmakers didn't like the letter grades, EPA administrator Jackson said, consumers were the main reason the idea was dropped. In tests and surveys, about half of consumers were confused by the letter grades, thinking they represented an overall assessment of the vehicle, not just its fuel economy.

The new labels also include QR codes, box shaped symbols that can be read by smartphones. Taking a snapshot of the QR code box using a smartphone will link car shoppers to a website where they can get more information about the car and its fuel efficiency.

Reuters

New car labels feature more on fuel savings

9:38am EDT

WASHINGTON (Reuters) - Fuel economy labeling unveiled on Wednesday includes information on plug-in electric cars and highlights other advanced technologies aimed at reducing oil use and tailpipe emissions.

The redesigned window stickers required on all 2013 models will allow consumers in showrooms to quickly and more easily compare fuel savings of vehicles in the same or different class, whether they rely on gasoline or are powered by gas/electric hybrid systems.

"Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance," said Lisa Jackson, the administrator of the Environmental Protection Agency.

The EPA developed new labels with the Transportation Department as part of rules adopted last year requiring a 42 percent jump in average efficiency to 35.5 miles per gallon for 2012-2016 vehicles.

The agencies plan a follow-on requirement in September for 2017-2025 cars and trucks that could push efficiency goals to 60 mpg, a target automakers would probably resist if proposed.

Automakers, who supported the new labels, are overhauling their product lines to meet U.S. government and consumer demands that they offer more efficiency and reduce pollution.

U.S. passenger vehicles account for about 20 percent of the nation's carbon emissions and about 44 percent of its oil consumption, figures show.

Many cars on the road today already meet or exceed the 2016 standard. U.S. and overseas car companies are accelerating output of hybrids and are beginning to introduce vehicles that run only on electricity for everyday driving.

The EPA labels, which were required by Congress, allow consumers to compare cost advantages of different technologies and for the first time include information on electric cars.

For instance, they post estimates of how much fuel or electricity it takes to drive 100 miles, and how much time it takes to charge a plug-in vehicle, like the mainly electric Chevrolet Volt sedan made by General Motors Co or the all-electric Nissan Leaf.

The most fuel-efficient cars and trucks, however, still represent a fraction of overall U.S. vehicle sales. Less fuel-efficient and more powerful pickups and sport utilities remain enormously popular with American motorists.

Detroit Free Press

New fuel-efficiency labels announced with details on fuel costs, emissions

BY AARON KESSLER

May. 25, 2011

WASHINGTON – The U.S. Department of Transportation and the U.S. Environmental Protection Agency today officially announced the new fuel-efficiency stickers.

The new labels will provide more details, such as estimated annual fuel costs and information on the amount of greenhouse gas a vehicle emits.

Left out of the new label was a controversial letter-grade system, which would have ranked cars on a scale of A through D based on their fuel economy and environmental impact.

The labels will be required starting next year, with model year 2013 vehicles, the agencies announced, and will apply to both traditional vehicles and alternatives like plug-in electrics. Automakers can start voluntarily using them even sooner, for their 2012 model year vehicles. The Free Press had previously reported that the new labels would be made public today.

“Our new fuel economy and environmental labels are a win for automobile consumers and for the nation’s energy independence,” said U.S. Transportation Secretary Ray LaHood, in a statement. “These labels will provide consumers with up front information about a vehicle’s fuel costs and savings so that they can make informed decisions when purchasing a new car.”

Among the new information included on the revised labels:

- Methods to compare energy use between gas-powered and electric cars.
- Estimates of costs savings on fuel, emissions information.
- Charge-time and range details for electric vehicles.

The labels will also include a “QR Code,” a tool that allows consumers with smartphones to access more detailed information online about a vehicle and estimate their potential operating costs based on their personal commute or driving behavior.

EPA Administrator Lisa Jackson also praised the new labels.

“The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new

generation of innovative cars," Jackson said. "Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance. The new labels provide comprehensive information to American car buyers, helping them make a choice that will save money at the gas pump and prevent pollution in the air we breathe."

Huffington Post

Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Posted: 05/25/11 02:26 PM ET

WASHINGTON -- The Obama administration on Wednesday announced new fuel economy labels for vehicles, including new ratings for plug-in hybrids and electric cars, but nixed a plan to assign vehicles "A" through "D" grades based on efficiency.

Announced this morning by Environmental Protection Agency chief Lisa Jackson and Transportation Secretary Ray LaHood, the new labels offer consumers shopping for a new car information on expected savings over a five-year period, as well as a fuel economy comparison to other cars in the same class.

"These labels will provide consumers with upfront information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," LaHood said in a statement Wednesday. "This is one part of President Obama's plan to provide Americans with relief from high gas prices and break our dependence on foreign oil."

Vehicles are rated from one to 10, with 10 being the most desirable, across a variety of areas, including smog and green house gas emissions.

The labels feature a QR code allowing consumers at a dealership to personalize fuel cost estimates and compare vehicle models based on fuel economy. By entering information about their commutes and driving behavior, consumers can obtain a more precise estimate of fuel costs.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said Wednesday.

The elimination of letter grades, which would have discouraged consumers from purchasing inefficient vehicles, is considered a victory for automakers. The Alliance of Automobile Manufacturers, the industry's main trade group, has been an especially vocal opponent of the system.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A,'" based on greenhouse gas emissions, said Auto Alliance spokesman Wade Newton in a statement on Thursday.

But when asked in a conference call with reporters on Wednesday why the grades have been dropped, Jackson insisted they were merely unpopular with American consumers.

"When we did focus groups it was split right down the middle ... which told us at least half the people wouldn't be comfortable with a letter grade," Jackson said. "It's all about the consumer here," she added, "and letter grades were something we wanted to test, but they didn't test so high that they were something we wanted to include."

The 2010 fuel economy rule, which covers model years 2012 through 2016, will save an estimated 1.8 billion barrels of oil over the life of the program and the average consumer \$3,000 in fuel costs.

In July, the administration plans to finalize the first-ever standards for commercial trucks, vans and buses built from 2014 to 2018. The standards promote the development and use of alternative fuels and are expected to save hundreds of millions of barrels of oil over the life of these vehicles. The administration is also working on the next generation of greenhouse gas emission standards for model years 2017 to 2025

and plans to announce a proposal in September.

New passenger cars and trucks will be required to display the new labels starting with model year 2013, though automakers may voluntarily adopt the labels earlier for model year 2012 vehicles.

Wall Street Journal
EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

WASHINGTON—The familiar price-and-mileage labels affixed to new cars and trucks sold in the U.S. soon will include a five-year estimate of fuel costs compared to an average vehicle in addition to existing miles per gallon and electric-equivalent ratings.

The new labels, which are required beginning with 2013 model vehicles, will contain a car's projected annual fuel costs, its five-year fuel costs compared to the average vehicle in the same class, and a numeric, 1 through 10 rating based on fuel economy and smog pollution. Electrics and hybrids will be the only cars getting a 10.

The new 10-point scale replaces an earlier administration proposal to assign A-through-D letter grades that drew a chorus of objections from auto makers when it was unveiled last summer.

Environmental Protection Agency chief Lisa Jackson said Wednesday the letter-grade proposal created confusion during tests with consumers. While the letter grades were designed to indicate a car's fuel economy, some consumers perceived them as describing the overall quality of a vehicle, she said.

The addition of fuel costs and savings, along with the 10-point scale, represent the broadest revamp of window stickers since they first appeared on new cars three decades ago. Another added feature: A bar code that will allow consumers to download the data to a smart phone.

"They will let consumers see—both in plain print and on their smart phones—how their family budgets will benefit from purchasing more fuel-efficient cars, whether they're gasoline, electric, or hybrid powered," Transportation Secretary Ray LaHood said at a briefing in Washington, D.C. He portrayed the new stickers as part of a broader strategy to help Americans cope with high gas prices, an issue the administration has struggled with as the price of a gallon of regular has approached \$4 in recent weeks.

Consumer groups applauded the labels, which they said would make consumers more aware of a vehicle's environmental impact. Auto makers also supported the new labels.

Wall Street Journal (Washington Wire Blog)
Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

The Obama administration today rolled out new fuel economy labels for 2013 model cars, but the bigger issue for auto makers and consumers is what number the administration will choose as the fuel efficiency target auto makers must hit in model year 2025.

The administration has promised to release "corporate average fuel economy" targets for the period 2017-2025 this fall, continuing a process in which the Environmental Protection Agency, the Department of Transportation and the state of California are supposed to collaborate and agree on a common standard.

The White House hasn't tipped its hand yet on how aggressively it will push auto makers to boost what's commonly referred to as CAFE. Environmentalists and the state of California want the 2025 target set at 60 miles per gallon. Auto makers worry that will force them to push small, pricey hybrids and electric cars on a buying public that still favors larger rides.

Heather Zichal, a White House aide for energy policy, said this morning at a conference organized by

National Journal that she's "confident" the administration can once again forge a consensus among the auto makers, California regulators and the federal agencies, as the administration did when it developed the current fuel economy rules that call for auto makers' 2016 model fleets to average 35 mpg.

Asked if she thought the industry would be happy with the 2025 standards, Ms. Zichal hesitated.

"Say yes, we're going to be happy," prompted Michael Stanton, president of the Association of Global Automakers, who sat next to her during a panel discussion.

"We're confident," Ms. Zichal said.

"One national program is really important to us," Mr. Stanton said.

California and an array of environmental groups have called on the administration to set the 2025 target at 60 miles per gallon – the high end of a range outlined by the administration last year. That would be a more than 70% increase from the industry's target for 2016 of 35 miles per gallon.

California in 2009 agreed to drop its push to set its own fuel economy standards. But the state has hinted it might not sign on to a national standard for 2025 that it considers too weak.

Asked if the administration would support higher gasoline prices in order to support demand for more fuel efficient vehicles, Ms. Zichal was unequivocal: "The short answer is no."

With gasoline prices at around \$4 a gallon, auto makers are finding success selling a new crop of stylish, well-equipped compact cars. But few of them could hit a 60 mpg target. Among current models, those that exceed or come close to a 60 mpg combined mileage score (before the downward adjustments used on the window sticker labels) are electric cars such as the Nissan Leaf, and hybrids such as the Toyota Prius and the Honda Civic hybrid.

Conventional gasoline fueled subcompact-sized cars such as the Mini Cooper get mileage ratings in the 40 mpg range on the government's current tests.

Bloomberg
U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

May 25 (Bloomberg) -- U.S. cars and trucks will carry labels comparing estimated five-year fuel costs with those of the average new vehicle following industry opposition to adding fuel-economy letter grades to the window stickers.

The labels, which will include annual fuel-cost estimates, must be affixed to passenger cars and trucks sold in the U.S. starting with model year 2013, the Washington-based Environmental Protection Agency and Transportation Department said in a statement today. The new stickers will rate vehicles on a scale of 1 to 10 for smog and greenhouse-gas emissions.

"These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," Transportation Secretary Ray LaHood said in the statement.

President Barack Obama's administration is writing rules to improve fuel economy for cars and trucks that may require annual fuel-efficiency improvements of as much as 7 percent from 2017 to 2025. New vehicles have displayed stickers estimating annual fuel costs as of model year 2008. Before that model year, the labels showed how many miles per gallon a vehicle could get in a city or on a highway.

Electric Cars

According to the rule announced today, plug-in hybrids and fully electric vehicles will have labels that specify how far a car can drive when charged.

The government discarded plans for labels with letter grades after automakers, dealers and federal lawmakers said that consumers may avoid vehicles labeled with lower rankings.

The Alliance of Automobile Manufacturers, whose members include General Motors Co. and Toyota Motor Corp., said before the announcement that it would prefer abandoning the A to F letter-grade proposal.

"A large, brightly colored letter grade" may confuse consumers and "risks alienating" those who drive a vehicle that doesn't receive an A for greenhouse-gas emissions, Wade Newton, a spokesman for the Washington-based group, said in an e-mail.

Environmental groups such the Natural Resources Defense Council, which advocates for higher fuel-economy standards, had supported the letter-grade plan.

The label announced today isn't "perfect, but it was important to get something out there as soon as possible," Luke Tonachel, a senior transportation analyst with the New York-based NRDC, said in an interview. "The new label has some important improvements that will help consumers faced with high gas prices find the cleanest, most-efficient vehicles. Importantly, the vehicle you're looking at is compared with all vehicles in a model year."

LA Times (Money and Company Blog)

New fuel economy labels for cars and trucks unveiled by DOT, EPA
May 25, 2011 | 9:59 am

Federal regulators have unveiled new fuel economy labels for passenger vehicles in the program's most extensive overhaul in 30 years.

Beginning with cars and trucks from model year 2013, fuel costs and comparisons of environmental impact to other vehicles will be displayed on the decals, which were developed by the Department of Transportation and the Environmental Protection Agency.

The labels must be affixed to all new vehicles, including those that run on gasoline, diesel, electricity or a mix. Authorities ditched a proposal to use letter grades after intense opposition from automakers.

"Reducing our consumption and demand for oil is the best way to reduce upward pressure on fuel prices," said EPA Administrator Lisa P. Jackson in a conference call with reporters. "The old cars have become outdated. A new generation of cars requires a new generation of fuel economy labels."

The new decals will display a plethora of details. The estimated annual fuel cost is there. So are the standard miles-per-gallon figures for city and highway driving.

New features, however, include the amount of fuel or electricity the vehicle will need to go 100 miles, as well as the expected savings or cost of fuel over the next five years compared with the average new vehicle.

Drivers will also be able to see how vehicles stack up against others in smog, tailpipe emissions and fuel economy on a one-to-10 scale. The miles-per-gallon range for same-class vehicles is included, as is the highest fuel economy among all vehicles, including electrics.

Plug-in hybrids and electric vehicle decals will also show driving range and charging times, as well as a figure for miles-per-gallon equivalent, or MPGE.

"It's been all hands on deck in this administration letting people know that we're not just sitting around waiting for high gasoline prices to come down," said Transportation Secretary Ray LaHood. "Gasoline prices are killing family budgets."

ABC News (The Note Blog)

Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

May 25, 2011 10:04 AM

News' Devin Dwyer reports: The Obama administration today will unveil revamped fuel economy labels for new cars that it hopes will better help consumers gauge how much they'll have to spend on gas.

The new label design, as seen here and below, still prominently features a car's miles-per-gallon rating and annual estimated fuel cost. But it also highlights how much more a consumer would spend over five years compared to the average vehicle, and how much the car will pollute the environment.

The labels include a car's greenhouse gas rating and smog rating, both on scales of one to 10.

The design also features a new barcode that can be scanned by smartphones and give consumers access to additional government information on the vehicle online.

The label overhaul, the first in more than 30 years, was required by Congress in a 2007 energy law. The new design was conceived jointly by the U.S. Department of Transportation and the Environmental Protection Agency and will take effect beginning with model year 2013.

The Obama administration says the labels will reveal to consumers "the benefits of the historic, bipartisan passenger car and truck fuel economy rule adopted under this administration by the EPA and DOT in 2010."

Transportation Secretary Ray LaHood has called the labels a "win" for consumers and the auto industry.

Auto manufacturers had lobbied intensely against an earlier design of the labels that would have attached a letter grade from "A" to "D" for a car's fuel efficiency. The design spurred concerns that it would hurt sales of SUVs and other larger vehicles.

**Brendan
Gilfillan/DC/USEPA/US**
06/21/2011 03:41 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Laura Vaught, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
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

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.”

**Brendan
Gilfillan/DC/USEPA/US**
06/13/2011 12:54 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Laura Vaught, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: CAP: American Electric Power's Dirty Trick

AEP accused of doubletalk on plant shutdowns

By Robin Bravender
6/13/11 12:50 PM EDT

American Electric Power is taking some heat for blaming the Obama administration's environmental regulations for coal plant shutdowns and projected job losses when the utility was already on track to shutter some of those units.

The Ohio-based electric utility giant [warned last week](#) that pending EPA rules aimed at coal-fired power plants will force the premature retirement of 25 percent of its coal-fired generation capacity and cut hundreds of jobs at power plants.

AEP's announcement "is somewhat misleading" because the utility had already planned to close some of those coal-fired units, wrote Dan Weiss, director of climate strategy at the Center for American Progress, in a [blog post](#) last week.

Mark Durbin, a spokesman for the Akron, Ohio-based utility FirstEnergy, said the plants AEP has identified for closure are "older, unscrubbed coal-fired units. These older plants would not likely operate in the future — regardless of EPA actions."

AEP has acknowledged that some of the coal-fired units included in last week's announcement were likely to go offline over the next decade as the utility updated its fleet and complied with a major 2007 Clean Air Act settlement with EPA. But company representatives say the EPA compliance deadlines are speeding up those shutdowns in a way that will prematurely cost jobs and force up electricity rates.

Jeri Matheney, a spokeswoman for AEP subsidiary Appalachian Power, said all three West Virginia plants included in last week's announcement had been expected to shut down "within about 10 years or so."

"They didn't have another 20 or 30 years of life in them," Matheney told POLITICO. But she said shutting the plants down early to meet the EPA's new mandates makes a big difference, particularly in customer rates.

AEP also said last year that lower demand for electricity caused by the economic downturn was prompting the company to keep 10 of its smaller coal-fired units offline for much of the year,

The Associated Press reported last June. Those units included several at the Philip Sporn plant in West Virginia and another at the Muskingum River plant in Ohio, which are among the units AEP now plans to retire by 2014.

AEP spokeswoman Melissa McHenry said those units still serve as backup generation during times of peak demand, but they won't be available once AEP completes its compliance plan.

"The timelines from when we were either going to retrofit or shut down that generation is impacted by the proposed EPA rules," McHenry said.

"We've said all along, we don't have an issue with where EPA wants to go from an emissions level," she added. "We have an issue with how quickly they're trying to get there," and how much flexibility is built in for industry to comply.

Brendan Gilfillan

American Electric Power's Dirty Trick...

06/13/2011 12:48:13 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, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/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: 06/13/2011 12:48 PM
 Subject: CAP: American Electric Power's Dirty Trick

American Electric Power's Dirty Trick Company Threatens Firings to Stop Pollution Controls

Center for American Progress

On June 9, [American Electric Power](#), a major utility company that owns plants from Texas to Virginia, announced that it plans to close 21 coal-fired electricity units rather than invest in reducing their toxic air pollution to comply with the [forthcoming Environmental Protection Agency reduction requirements](#). In reality, AEP is threatening to shut down these plants to stoke congressional and public opposition to EPA's efforts to reduce toxic air pollution. So far, several [legislators](#) have risen to the bait, including Sen. Joe Manchin (D-WV) and Rep. Shelly Moore Capito (R-WV). Both have again attacked EPA for attempting to protect children and others from cancer-causing air pollution. Other utilities, however, support EPA's requirements, which are also job creators.

AEP would prefer to shutter these plants because it claims that the cost of reducing the arsenic, lead, mercury, acid gases, and other toxic pollutants is prohibitive. What AEP did *not* say is that the cost of cleanup is expensive because these units are very old and dirtier than newer plants—50 years old on average. (see [attached spreadsheet](#)) One of the units was built during World War II, and the newest one was completed during the Carter administration. Most of the other units were built in the 1950s.

AEP's threat to close these plants due to the pending EPA air toxics rules is also somewhat

misleading. Last year, it announced a plan to close five units at the Phillip Sporn Plant in New Haven, West Virginia. [Source Watch](#), a nonprofit that publishes “documented information about the corporations, industries, and people trying to sway public opinion,” reported on AEP’s 2010 retirement plans.

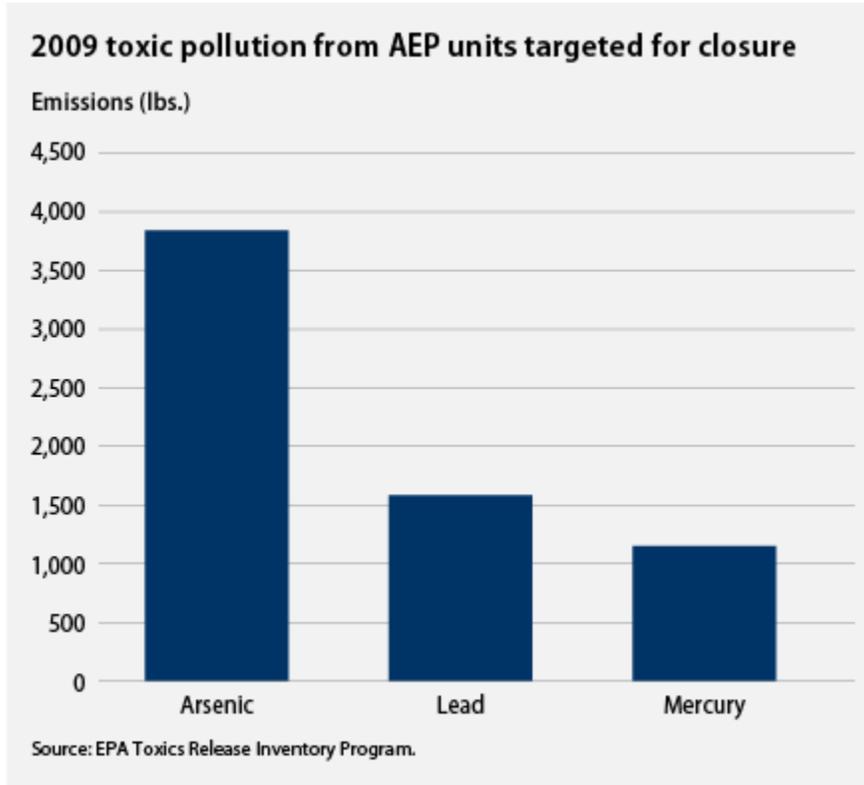
In October 2010, Ohio Power Co. filed an application with the Public Utilities Commission of Ohio for the approval of a December 2010 closure of the coal-fired Philip Sporn Power Plant unit 5...In September 2009, Appalachian Power filed an integrated resource plan (IRP) in Virginia that projected a 2010 shutdown for Sporn unit 5. The same IRP projected that Sporn units 1-4, with 580 MW of total capacity, would be retired in 2018.

In other words, AEP planned to close this plant five months *before* EPA’s March 2011 proposal to reduce toxic air pollution from coal-fired utilities. Yet AEP has included closing these units under “AEP’s current plan for compliance with the [EPA] rules as proposed includes permanently retiring the following coal-fueled power plants.”

The plants on the AEP chopping block are large emitters of toxic air pollution. For instance, in 2009, the Welsh Plant in Pittsburg, Texas emitted 462 pounds of mercury, according to the 2009 Toxic Release Inventory program run by EPA. (see [attached spreadsheet](#) for links to all TRI power plant data) This level is second only to the 53-year-old Kammer Plant in Moundsville, West Virginia, which during the same year spewed 364 pounds of mercury. This [heavy metal](#) causes severe developmental disabilities, deafness, and blindness in cases of prenatal and infant exposure. The chemical can lower fertility rates and raise chances of heart disease in adults.

AEP’s aging power plants flood the sky with a deadly list of other toxic substances as well. The Big Sandy Plant contributed more than 1,300 pounds of cancer-causing arsenic to the air over Louisa, Kentucky, in 2009.

But these are just the tip of the toxic iceberg. In 2009, the 21 AEP units marked for closing pumped nearly 1,200 pounds of mercury into the air (see [attached spreadsheet](#) for links to Toxic Relief Inventory data on these pollutants from individual plants) They also emitted 3,842 of [arsenic](#), which is used for rat poison. And these plants emitted nearly 1,600 pounds of [lead](#), which causes learning disabilities in children as well as organ failure. Most shockingly, these 21 plants spewed 4.7 million pounds of acid gases. The [American Lung Association](#) reports that these gases trigger “irritation to skin, eye, nose throat, [and] breathing passages.”



AEP acknowledges that EPA's standards would add employment. It noted that "jobs would be created from the installation of emissions reduction equipment." In fact, the [Wall Street Journal](#) reports that: "AEP, whose utility operations stretch from Texas to Ohio, said high demands for labor and materials could drive the potential capital investment higher owing to a constrained time allowed to make changes required under the plan." In other words, the reduction to toxic air pollution will drive *more* capital investment in other aging power plants, which will create jobs.

This prediction is supported by a University of Massachusetts analysis for [CERES](#) of the net job impact of the EPA's air transport and utility air toxics rules. It found that there would be significant job creation—nearly 360,000—due to "construction, installation, & professional job gains over 5 years" from capital expenditures to reduce these pollutants. In addition, many of the AEP-affected states with closing plants would still experience a *net increase* in operation and maintenance jobs. (see chart below)

EPA's air toxics rules would lead to significant job creation in states with AEP plants

State	Construction, installation, and professional job gains over five years	Net change in operation and maintenance jobs
Indiana	95,193	850
Kentucky	31,477	(107)
Ohio	76,240	(407)
Virginia	123,014	856
West Virginia	32,253	92
Total	358,177	1,284

Source: CERES.

Closing aging, dirty power plants will certainly end employment for some workers. Those affected by this should receive assistance with job placement, retraining, and education. But that is no excuse for blocking or delaying reductions in cancer-causing chemicals from coal-fired power plants.

What’s more, many utilities believe that EPA’s proposed reduction in air toxics can be met without significant rate increases or a decline in electricity reliability. In fact, many coal-fired power plants are already meeting the proposed mercury reduction standard. The [Clean Energy Group](#)—an electric company coalition that has 146,000 megawatts of the United States’ total electric generating capacity—conducted an analysis that found that:

Nearly 60 percent of all coal fired boilers that submitted stack test data to EPA are currently achieving the Utility Toxics Rule's proposed mercury emissions standard... Many states already impose more stringent mercury emissions limits on coal fired power plants than have been proposed by EPA.

The Clean Energy Group also evaluated PJM Interconnection’s—a regional transmission organization—recent “future capacity auction” that ensures:

...future electric system reliability [with] PJM's forward capacity auction [that] requires power plant operators and other participating companies to offer (i.e., commit) resources, including both generating capacity and demand side resources, three years in advance of when they are needed.

This auction was an early test of whether there would continue to be adequate electricity generation to meet demand. The success of the auction proves that utilities do not anticipate any shortage of electricity in the PJM region and thus have capacity to meet the forthcoming EPA requirements:

The results of PJM's most recent Reliability Pricing Model ("RPM") forward capacity auction clearly indicate the industry can meet future electricity demand while maintaining electric system reliability in one of the most coal dependent regions of the country [the Mid-atlantic and Midwestern states].

[Tennessee Valley Authority](#) owns and operates 11 coal-fired power plants with nearly 60 electricity generation units, with some nearly 70 years old. [In April it announced plans](#) to retire:

...18 older coal generation units...as part of the federal utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020.

Its President and CEO Tom Kilgore affirmed that the EPA's standards will help TVA rejuvenate its fleet.

In the longer term, these actions reinforce our vision to keep bills low, keep our service reliability high and further improve air quality as we modernize the TVA power system.

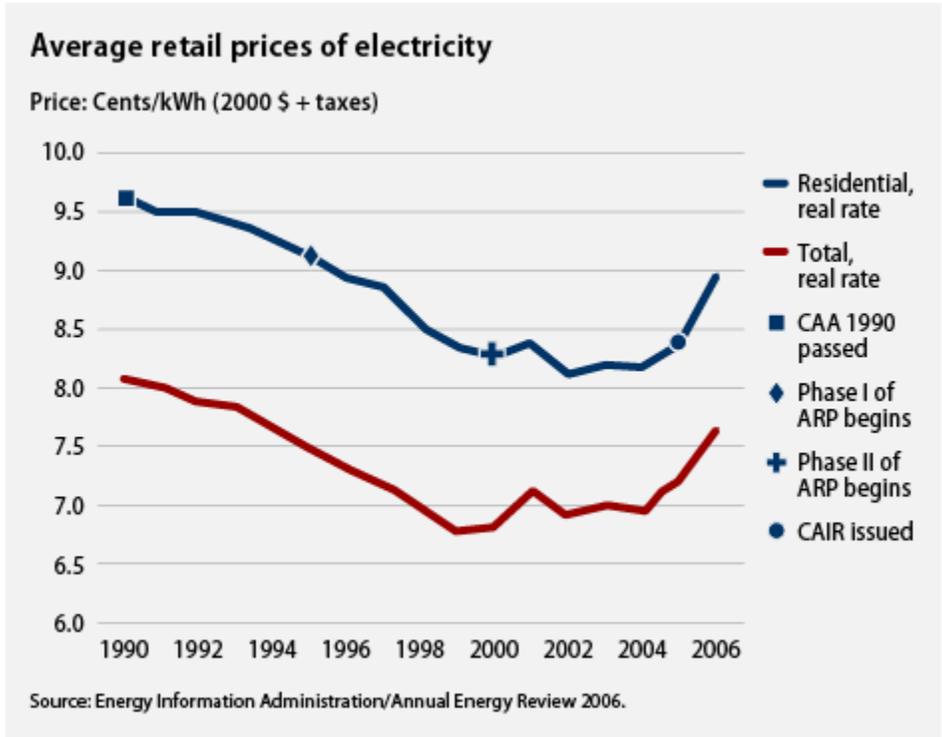
A half dozen major utilities—including Exelon, the nation's largest—also believe that the proposed air toxics reductions from coal-fired utilities are affordable and will have little impact on reliability. CEOs from Exelon, PG&E, Calpine, NextEra Energy, Public Service Enterprise Group, Constellation Energy Group, and others wrote in [The Wall Street Journal](#) that:

For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases.

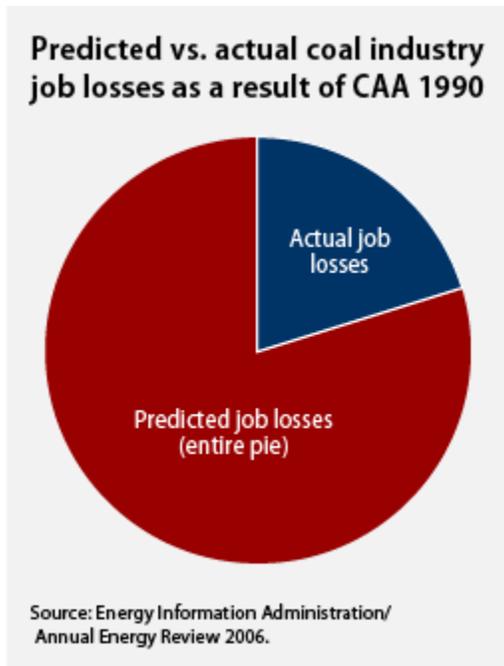
To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

EPA's proposed air toxics standards will make a real difference in Americans' lives. The [American Lung Association](#) determined that "EPA's proposed mercury and air toxics reduction rule will prevent 17,000 premature deaths and 120,000 asthma attacks each year."



AEP is making the same tired arguments polluters used over the past 40 years to frighten legislators and the public about pollution safeguards. In the 1980s the utility industry predicted that reducing acid rain pollution from coal-fired power plants would spark horrific rate increases. In fact, [utility rates were lower](#) in most states in 2006 compared to 1989. Acid rain polluters also predicted huge [job losses that didn't occur](#) either. And the cost of cutting acid rain pollution was one-quarter of EPA's prediction.



AEP's threatened job losses are little more than holding their employees hostage to allow the company to keep polluting. AEP's announcement is an economic kidnap note that reads, "Let me keep poisoning your air if you want to see these workers' jobs again." The ransom AEP demands is continued mercury, arsenic, and other cancer-causing pollution.

The president, Congress, and the media should disregard AEP's phony threats by allowing EPA to protect our children, seniors, and everyone else from deadly toxic air pollution from coal-fired power plants.

**Brendan
Gilfillan/DC/USEPA/US**
03/16/2011 06:14 PM

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, Richard Windsor, Stephanie Owens
bcc:
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

[All - Initial stories below. We're activel...](#)

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

All -

Initial stories below. We're actively pushing back on NY Times lede, some elements of WSJ and the entire premise of Reuters' story.

- 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 (SO₂) 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 SO₂, 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."

**Brendan
Gilfillan/DC/USEPA/US**
01/12/2011 04:47 PM

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, Richard Windsor, Sarah Pallone, Stephanie
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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

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

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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.

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January 12, 2011 12:19pm EST

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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
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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

 Bloomberg
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 By Jack Farthy
 Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

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Graeme Wearden
Wednesday 12 January 2011 10.48 GMT

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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 production 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."

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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 soybeans 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.

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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
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**Brendan
Gilfillan/DC/USEPA/US**

01/12/2011 01:46 PM

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, Richard Windsor, Sarah Pallone, Stephanie
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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

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[[Full Clips Below]]

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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

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By Christian Schmollinger and Aaron Clark

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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

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**Brendan
Gilfillan/DC/USEPA/US**
11/03/2010 03:17 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Daniel Kanninen, David McIntosh, Diane Thompson, Don Zinger, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Lisa Heinzerling, Seth Oster, Richard Windsor, Stephanie Owens, Michael Moats
bcc:
Subject: Re: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

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

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

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

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

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

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

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

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

Brendan Gilfillan [The Hill: Obama warns not to 'ignore'...](#) 11/03/2010 03:11:09 PM

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

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

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

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

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

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

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

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

"I think it is too early to say whether or not we can make some progress on that front. I think we can. Cap-and-trade was just one way of skinning the cat, it was not the only way, it was a means, not an end,

and I am going to be looking for other means to address this problem. And I think EPA wants help from the legislature on this. I don't think the desire is to somehow be protective of their powers here. I think what they want to do is make sure the issue is being dealt with," he said.

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

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

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

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

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

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

**Brendan
Gilfillan/DC/USEPA/US**
10/05/2011 02:25 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Diane Thompson, Dru Ealons, Gina McCarthy, Joseph Goffman, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens
bcc:
Subject: Reuters: Obama administration says not buckling to pressure

Slight factual problem with this (says we're "reducing" the pool of allowances), which we're working on:

- * Obama administration says not buckling to pressure
- * "I don't see this as a retreat at all"- environmentalist
- * EPA "not making any big changes" -Texas utility official

WASHINGTON, Oct 5 (Reuters) - U.S. environmental regulators will not be buckling to political pressure in making the minor changes expected to an air pollution rule, an Obama administration official said on Wednesday in response to a newspaper report.

The rule would require power plants in 27 states to cut emissions of smog-forming pollution.

"Folks may try to make this into something it isn't, but these kinds of changes are made all the time," an Obama administration official said in an email. "It's how the Clean Air Act works."

The Environmental Protection Agency is considering tweaking its Cross-State Air Pollution Rule which is intended to slash emissions of the chemicals from power plants. The official said the agency is talking about reducing 1 to 4 percent of the overall pool of emissions allowances in the rule, which would not reduce its health benefits.

A report in the Wall Street Journal on Tuesday said the EPA was expected to weaken the rule because of pressure from some states, industry and Congress.

The EPA does face heavy political opposition on a raft of air pollution rules from Republicans and some Democrats in states that are highly energy-dependent.

The Republican-controlled House of Representatives last month passed a wide-ranging bill that would block a raft of EPA clean air rules including the Cross-State rule and on mercury emissions.

[ID:nS1E78M1HT]

And last month the EPA did buckle to pressure when the White House directed it to drop new rules to limit smog pollution. [ID:nN1E7811GQ] The EPA also delayed plans to issue rules on greenhouse gas emissions for a second time last month.

Those changes were blasted by environmentalists.

But the EPA said a slight tweaking of the Cross State rule would be a normal technical change based on new information and environmentalists agreed.

"I don't see this as a retreat at all," said Frank O'Donnell the president of Clean Air Watch, who said the change was likely based on updated information on emissions from local governments. "Typically this wouldn't raise an eyebrow because it happens all the time."

Donna Nelson, the chairman of the Texas Public Utility Commission, said she had no indication from EPA that any changes were in the works for Texas which has sued the agency over the state's last-minute inclusion under the Cross State final rule issued in July.

"I would be thrilled if they were to change their position or to give Texas the due process they were required to do under law," Donna Nelson told Reuters on Wednesday after speaking at an industry conference in Austin.

"It looks like they are tinkering around the edges, not making big changes."

Brendan Gilfillan [Changes coming to EPA's cross-state...](#) 10/05/2011 11:41:29 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, Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 10/05/2011 11:41 AM
Subject: Politico: Changes coming to EPA's cross-state rule

Changes coming to EPA's cross-state rule

The EPA may increase emission allowances under the Cross-State Air Pollution Rule.

By [DARREN GOODE](#) | 10/5/11 9:12 AM EDT

The EPA is expected soon to announce revisions that would offer more flexibility in meeting a major air pollution rule aimed at blocking power plants' ozone and particle pollution from drifting into downwind states.

The update to the Cross-State Air Pollution Rule would include granting small increases in companies' emission allowances. But the changes may be relatively minor and will probably do little to stem opposition on Capitol Hill and in the courts from a growing list of states, industry groups and congressional Republicans.

“While we don't have anything to announce at this time, EPA often makes technical adjustments based on updated information as we flexibly work to implement Clean Air Act rules,” EPA spokesman Brendan Gilfillan said late Tuesday. “We make these adjustments because data, including data in some cases provided by industry, turns out to be incorrect, outdated or incomplete.”

An Obama administration official emphasized that the upcoming revision “is a routine technical thing,” which may hearten supporters and disappoint critics of the rule following President Barack Obama's controversial move to retreat on separate new ozone controls. “Folks may try to make this into something it isn't, but these kinds of changes are made all the time,” the official said. “It's how the Clean Air Act works.”

The revision will include “changes of 1 to 4 percent to the overall pool of allowances,” the official added.

Unlike with the ozone standard, some environmentalists may not have big objections to the changes in the cross-state rule.

“So long as any proposed changes follow the law and facts, revising the clean air standards could be acceptable,” John Walke of the Natural Resources Defense Council told The Wall Street Journal in an [article](#) published Wednesday. “But cleaning up dirty power plants remains the most

cost-effective way to reduce the terrible toll of smog and soot pollution.”

EPA Deputy Administrator Bob Perciasepe — in a Sept. 11 letter to David Campbell, CEO of Texas’s largest power company, Luminant — said the EPA “has offered to make technical adjustments, based on technical information you have recently provided, that will give Texas and Luminant thousands of additional tons of pollution allowances to reduce required emission reductions.”

There are also “alternative compliance approaches that rely on existing pollution control technology already installed at your facilities and on the powerful market-based mechanisms” in the cross-state pollution rule “that would not require you to idle any facility or shut down these mines,” he wrote.

But Luminant spokesman Allan Koenig said EPA and the company are “so far apart on the allowances” that the increase in emission allowances would have to be “quite significantly higher for us not to make major changes to the operation in order to comply.” This would be in the order of tens of thousands versus thousands of tons more in emission allowances, he said.

Luminant has joined others in legally challenging the EPA over the rule — which was finalized July 7 — arguing it would force about 500 company employees out of work, shutter two generating units and halt the mining of lignite coal at three locations in Texas. The company is asking the U.S. Court of Appeals for the District of Columbia Circuit to reject the rule as it applies to Texas and to immediately halt it to prevent job losses.

Campbell also met with EPA chief Lisa Jackson last month to discuss the rule.

The rule is aimed at helping downwind states achieve federal air quality standards by forcing power plants in 27 states to slash power plant emissions of sulfur dioxide by 73 percent and nitrogen oxides by 54 percent from 2005 levels starting in January. It's a successor to EPA's 2005 Clean Air Interstate Rule, which a federal appeals court rejected in 2008.

The EPA and its backers have touted the new rule as a major public health accomplishment.

“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,” Jackson said in announcing the rule. “By maximizing flexibility and leveraging existing technology, the Cross-State Air Pollution Rule will help ensure that American families aren’t suffering the consequences of pollution generated far from home, while allowing states to decide how best to decrease dangerous air pollution in the most cost-effective way.”

EPA estimates the final rule will result in between \$120 billion and \$280 billion annually in health and environmental benefits starting in 2014 and will result in 13,000 to 34,000 fewer premature deaths per year.

The annual cost to industry will be \$800 million starting in 2014, the EPA estimates, in addition to about \$1.6 billion per year in annual investments that companies began making under the

Bush-era CAIR.

Congressional Republicans have been attempting to upend the rule legislatively. Sen. Rand Paul (R-Ky.) is readying a strategy using the Congressional Review Act in a bid to nullify the standard, and the House voted last month to delay implementation of the rule until a cumulative assessment of the economic impact of EPA rules has been completed as part of the broader TRAIN Act.

Seven states so far — Alabama, Florida, Nebraska, Oklahoma, South Carolina, Texas and Virginia — have filed suit in the appeals court against the EPA over the rule.

“Once again the EPA has imposed costly regulations on Florida based on a flawed process and without first working cooperatively with our state,” Florida Attorney General Pam Bondi said in announcing the legal action by the states last month.

The power company coalition Utility Air Regulatory Group petitioned for review of the rule in federal court Monday, and the National Association of Manufacturers also filed notice this week to the appeals court about its plans to sue. In a separate petition, the manufacturers association asked Jackson to reconsider the rule, saying the agency didn’t consider the effects on grid reliability.

In a research note to clients Tuesday afternoon, senior policy analysts at the investment firm Robert W. Baird & Co. said they expect one or more states, three or more companies and possibly as many as three labor unions to seek review by the time the petition period closes Friday. They also expect additional petitions to stay the rule — which is a step further than petitioning for the rule to be reviewed.

The analysts — who were speculating on the potential changes in the upcoming revisions to the rule — also wrote that "potentially substantial changes even closer to the implementation deadline seems to validate, not neutralize, the criticism that states and regulated entities have insufficient time to comply.”

Brendan
Gilfillan/DC/USEPA/US
10/21/2011 06:15 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, Diane Thompson, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Moats, Richard Windsor, Scott Fulton, Seth Oster, Stephanie Owens
bcc:
Subject: Reuters: EPA delays pollution rule for coal plants to December

EPA delays pollution rule for coal plants to December

5:26pm EDT

By [Roberta Rampton](#)

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency said on Friday it will postpone its final rule aimed at slashing air pollution from coal plants for a month, but made it clear it plans to move forward on the regulations.

The EPA said it needs the extra time to review 960,000 comments it received on its draft rule, but plans to finalize it by Dec 16.

A group of 25 states has launched a court case over the rule, seeking a delay of at least a year for what they argue is an expensive measure that will shut down old coal-fired power plants.

Analysts have said American Electric Power and Duke Energy could see shutdowns because of the rule, which would require many plants to install scrubbers and other anti-pollution technology.

But the EPA, which has also been sued by environmental groups to finalize the rule, said the regulation is needed to prevent illnesses and deaths caused by air pollution.

"In a court filing today, EPA made clear its opposition to efforts to delay this historic, court ordered standard by a full year," the agency said in a statement.

EPA UNDER FIRE

Lisa Jackson, head of the EPA, has been a proponent of cracking down on pollution, but her plans have faced setbacks.

In September, the White House rolled back rules to restrict smog-forming chemicals from power plants, after businesses and some lawmakers complained complying with the rules would cost billions of dollars in a weak economy.

The ozone rule will be reconsidered in 2013.

In contrast, the one-month delay announced on Friday is "negligible," said Frank O'Donnell, president of Clean Air Watch, an environmental group.

"I do not believe it is comparable to the ozone delays," O'Donnell said.

The Environmental Defense Fund agreed to the 30-day extension of the deadline to ensure the agency "can finalize the most protective and durable limits on the toxic air pollution from coal plants," its General Counsel Vickie Patton said in a statement.

SENATE EYES COAL ASH RULE

The Republican-led House of Representatives is working to dismantle or delay several EPA rules, but is unlikely many of the initiatives would gain significant support in the Democratic-led Senate.

However, on Thursday, a bipartisan group of senators introduced a companion bill to legislation already passed by the House, seeking to overturn EPA regulations on coal ash.

Coal ash is a byproduct from coal plants used to make cement bricks and other building materials. The EPA says the ash can pollute water supplies with heavy metals and other contaminants if not properly contained.

Kent Conrad, a North Dakota Democrat, and John Hoeven, a Republican from the same state, said they want states to set up their own permit system for safe storage of coal ash.

"It ensures that Congress and the states hold the reins of environmental policy," the senators said in a statement. Two other Senate Democrats and three Republicans have signed on.

House Republicans on the Energy and Commerce Committee said they hoped the Senate initiative would mean their coal ash bill can become law.

But the White House has been critical of the House coal ash bill, noting 49 storage sites for byproduct in 12 states have a "high hazard potential" for environmental contamination, should the structures fail.

The EPA's 2010 proposal for coal ash containment and disposal rules was prompted by a massive coal ash spill in Tennessee in 2008 which the White House said could cost \$1.2 billion to clean up.

Brendan Gilfillan

[EPA delays utility MACT until mid-Dec...](#)

10/21/2011 04:32:28 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/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Joseph

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Moats/DC/USEPA/US@EPA

Date: 10/21/2011 04:32 PM

Subject: Politico: EPA delays utility MACT until mid-December

EPA delays utility MACT until mid-December

By Erica Martinson

10/21/11 4:24 PM EDT

EPA is postponing until Dec. 16 its planned mercury and toxics air standards for coal and oil-fired electric steam generating units, but is opposing efforts by utilities to delay the rule for one year.

The agency filed a [brief](#) with the U.S. District Court for the District of Columbia today, where, with agreement from environmental litigants, it delays its final issuance date one month in order to respond to comments.

“EPA has taken unprecedented steps to solicit public feedback on these vital standards. As a result, the Agency has received 960,000 comments, which EPA continues to review as we work to inform and finalize the rule,” the EPA said Friday in emailed comments to POLITICO.

And in another [brief](#) filed with the same court today, the EPA opposes utilities’ petition to delay the utility MACT rule by one year, saying “EPA is on track to meet the revised December 16, 2011, deadline ... and EPA is best positioned to determine and advise this Court whether it can meet that deadline.”

**Brendan
Gilfillan/DC/USEPA/US**
02/23/2011 02:39 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Bob Perciasepe, Dru Ealons, Gina McCarthy,
Janet McCabe, Joseph Goffman, Mathy Stanislaus, Seth
Oster, Richard Windsor
bcc:
Subject: Bloomberg: EPA Overhauls Boiler Rules After Complaints
About Cost

EPA Overhauls Boiler Rules After Complaints About Cost
Bloomberg
Kim Chipman
Feb 23, 2011

The Obama administration issued pollution rules for industrial boilers that it said are 50 percent less expensive than regulations proposed last year that drew industry opposition.

The Environmental Protection Agency's rules for boilers and incinerators will provide health benefits while reducing costs from last year's proposal, the EPA said today in a statement.

The EPA lost a bid last month to postpone the rules by 15 months when a federal judge ordered action within 30 days. Companies and business groups such as the Council of Industrial Boiler Owners in Burke, Virginia, said the previous version may cost \$20 billion and kill 300,000 jobs. EPA Administrator Lisa Jackson has said the agency will reconsider the rules issued today and make any necessary changes.

The American Petroleum Institute, the biggest U.S. lobbying group for the oil and gas industry and a critic of the 2010 proposed boiler rules, said it welcomes EPA's effort to change the regulations.

"API is committed to work with the agency during its reconsideration period to ensure that the final rule protects the environment while allowing businesses to create jobs and get Americans back to work," Howard Feldman, director of science and regulatory policy at Washington-based API, said in a statement today before release of the rules.

U.S. Agriculture Secretary Tom Vilsack praised the EPA for revising the rule to ease requirements for biomass alternative- fuel producers.

The EPA is "retaining important energy choices such as biomass that provide heat and power to rural hospitals and schools," Vilsack said in a statement.

To contact the reporter on this story: Kim Chipman in Washington at kchipman@bloomberg.net

Brendan Gilfillan [WASHINGTON \(AP\) _ Faced with stiff...](#) 02/23/2011 10:19:54 AM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/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, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA
Date: 02/23/2011 10:19 AM
Subject: Re: AP boilers - second story

WASHINGTON (AP) _ Faced with stiff opposition in Congress and a court-ordered deadline, the Environmental Protection Agency on Wednesday will make it much cheaper for companies to reduce toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost to the companies and institutions. That would save businesses \$1.8 billion and still avert thousands of heart attacks and asthma cases a year.

¶ These rules "put in place important public health safeguards...at costs substantially lower than we had estimated under our original proposal," said Gina McCarthy, EPA's top air pollution official, in a news release provided to the AP.

¶ The deep discount for polluting industries will likely send a message to Congress that public health benefits can be achieved more economically, and that the Obama administration is serious about an executive order to review regulations that are onerous for business. The EPA, in its release, says the rules are in line with the review called for by Obama earlier this year.

¶ Republicans and some Democrats have been extremely critical of EPA recently over the costs of a whole host of regulations, including the first-ever rules to control the gases blamed for global warming.

¶ In a letter sent to EPA administrator Lisa Jackson on Monday, six senators expressed concern specifically about the boiler rule, saying that municipalities, universities, and federal facilities could be vulnerable to "excessive and expensive regulatory burdens."

¶ Industrial boilers, which burn coal and other fuels to generate heat and electricity, are used by refineries, chemical plants, hospitals and even churches. They are also the second largest source of toxic mercury emissions in the United States after coal-fired power plants. Mercury is a metal that even at low levels can cause subtle but serious damage to the brain and senses.

¶ Under the new rule, the bulk of industrial boilers at small facilities would not have to meet certain pollution standards. Instead, they would have to do biannual tune ups to reduce emissions. The roughly 13,800 large industrial boilers at refineries, chemical plants and other factories would be subjected to emissions standards requiring them to install technologies to reduce pollution. Facilities already in operation also would not have to comply with the regulation for three years.

Brendan Gilfillan

WASHINGTON (AP) _ The Environm...

02/23/2011 09:12:14 AM

From: Brendan Gilfillan/DC/USEPA/US
 To: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
 Cc: Dru Ealons/DC/USEPA/US@EPA
 Date: 02/23/2011 09:12 AM
 Subject: AP boilers - first story

WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to release toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release Wednesday, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less

cost. That would save businesses \$1.8 billion and avert thousands of heart attacks and asthma cases a year.

¶ Republicans and some Democrats in Congress have criticized the EPA over the boiler rule, saying it would be too expensive for industry.

¶ A senior EPA official told the AP that cost wasn't the driving factor, but the changes made were driven in part by an executive order to review burdensome regulations.

¶

**Brendan
Gilfillan/DC/USEPA/US**
11/10/2011 03:38 PM

To: Brendan Gilfillan
cc: Betsaida Alcantara, Bob Perciasepe, Cynthia Giles-AA,
Diane Thompson, Richard Windsor, Seth Oster
bcc:
Subject: Re: POTUS Statement on Keystone

Here's State's release - calls for a supplement to the final EIS that could be completed by 1q 2013.

Keystone XL Pipeline Project Review Process: Decision to Seek Additional Information

Executive Order 13337 authorizes the Department of State to lead the review of Presidential Permit applications for transborder pipelines, granting the Department discretion in determining what factors to examine to inform a determination of whether the proposed project is in the national interest. Since 2008, the Department has been conducting a transparent, thorough and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, particularly given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs to undertake an in-depth assessment of potential alternative routes in Nebraska.

As part of the National Interest Determination process, the State Department held a public comment period, including public meetings in the six potentially affected states and Washington, D.C., to increase the opportunity for public comments. During this time, the Department also received input from state, local, and tribal officials. We received comments on a wide range of issues including the proposed project's impact on jobs, pipeline safety, health concerns, the societal impact of the project, the oil extraction in Canada, and the proposed route through the Sand Hills area of Nebraska, which was one of the most common issues raised. The comments were consistent with the information in the final Environmental Impact Statement (EIS) about the unique combination of characteristics in the Sand Hills (which includes a high concentration of wetlands of special concern, a sensitive ecosystem, and extensive areas of very shallow groundwater) and provided additional context and information about those characteristics. The concern about the proposed route's impact on the Sand Hills of Nebraska has increased significantly over time, and has resulted in the Nebraska legislature convening a special session to consider the issue.

State law primarily governs routes for interstate petroleum pipelines; however, Nebraska currently has no such law or regulatory framework authorizing state or local authorities to determine where a pipeline goes. Taken together with the national concern about the pipeline's route, the Department has determined it is necessary to examine in-depth alternative routes that would avoid the Sand Hills in Nebraska in order to move forward with a National Interest Determination for the Presidential Permit.

Based on the Department's experience with pipeline project reviews and the time typically required for environmental reviews of similar scope by other agencies, it is reasonable to expect that this process including a public comment period on a supplement to the final EIS consistent with NEPA could be completed as early as the first quarter of 2013. After obtaining the additional information, the Department would determine, in consultation with the eight other agencies identified in the Executive Order, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that would be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Brendan Gilfillan We're still trying to pull the quotes fro... 11/10/2011 03:35:35 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/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA
Date: 11/10/2011 03:35 PM
Subject: POTUS Statement on Keystone

We're still trying to pull the quotes from Carney's briefing - here's what WH just released:

Statement by the President on the State Department's Keystone XL Pipeline Announcement

I support the State Department's announcement today regarding the need to seek additional information about the Keystone XL Pipeline proposal. Because this permit decision could affect the health and safety of the American people as well as the environment, and because a number of concerns have been raised through a public process, we should take the time to ensure that all questions are properly addressed and all the potential impacts are properly understood. The final decision should be guided by an open, transparent process that is informed by the best available science and the voices of the American people. At the same time, my administration will build on the unprecedented progress we've made towards strengthening our nation's energy security, from responsibly expanding domestic oil and gas production to nearly doubling the fuel efficiency of our cars and trucks, to continued progress in the development of a clean energy economy.

**Brendan
Gilfillan/DC/USEPA/US**
02/17/2012 04:23 PM

To: Brendan Gilfillan
cc: "Paul Anastas", "Bob Perciasepe", "Mathy Stanislaus", "Bob
Sussman", "Diane Thompson", Windsor.Richard
bcc:
Subject: Re: Dioxin release is out

EPA Updates Health Risk of Dioxins

By DINA CAPIELLO Associated Press

WASHINGTON February 18, 2012 (AP)

A long-awaited federal study on the health effects of dioxins says the persistent contaminants at current exposures don't pose significant health risks.

The analysis released Friday by the Environmental Protection Agency was more than two decades in the making. It sets the first benchmark for how much dioxin a person can be exposed to over lifetime without potentially experiencing health effects other than cancer. Those include damage to the immune and reproductive systems, skin rashes and liver damage.

The figure could lead to more stringent cleanup standards for hazardous waste sites and tighter limits on the amount of dioxin allowed in water and air.

Dioxin is released by coal-fired plants, burning waste and other industrial processes. People are exposed by eating fish and other animal fats, where it accumulates.

Brendan Gilfillan

Will send clips as they hit.

02/17/2012 02:23:22 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Windsor.Richard@epamail.epa.gov, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>
Date: 02/17/2012 02:23 PM
Subject: Dioxin release is out

Will send clips as they hit.

Brendan
Gilfillan/DC/USEPA/US
02/17/2012 05:16 PM

To: Brendan Gilfillan
cc: "Paul Anastas", "Bob Perciasepe", "Mathy Stanislaus", "Bob Sussman", "Diane Thompson", Windsor.Richard
bcc:
Subject: Re: Dioxin release is out

Updated AP story with ACC quote.

EPA updates health risk of dioxins

AP

WASHINGTON – A long-awaited federal study on the health effects of dioxins released Friday says the persistent contaminants at current exposures don't pose significant health risks.

The analysis by the [Environmental Protection Agency](#) was more than two decades in the making. It sets the first benchmark for how much dioxin a person can be exposed to over lifetime without potentially experiencing health effects other than cancer. Those include damage to the immune and reproductive systems, skin rashes and liver damage.

The EPA already has a benchmark for cancer risk posed by dioxin, which is a known human carcinogen. That risk level is being re-evaluated separately.

The updated figure released Friday could lead to more stringent cleanup standards for hazardous waste sites and tighter limits on the amount of dioxin allowed in water and air.

"By releasing this important part of the scientific assessment, we can begin to develop a cohesive plan to safeguard American families from dioxin exposure," said Rep. [Ed Markey](#), D-Mass., who wrote to the EPA last month pressing the agency to release the overdue assessment. It has been in the works since the mid-1980s. Environmental groups blame industry opposition for repeated delays.

The [American Chemistry Council](#), a chemical industry trade group, said in a statement Friday that the EPA's analysis was flawed and would provide no public health benefit, since the "EPA contends that current levels of dioxin do not pose a health concern."

Dioxin is released by coal-fired plants, burning waste and other industrial processes. People are exposed by eating fish and other animal fats, where it accumulates after falling to the ground.

Since 1987, the amount of dioxide being released into the air has declined by 90 percent, according to the EPA.

Brendan Gilfillan

EPA Updates Health Risk of Dioxins B...

02/17/2012 04:23:03 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA

Cc: "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, Windsor.Richard@epamail.epa.gov
 Date: 02/17/2012 04:23 PM
 Subject: Re: Dioxin release is out

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Brendan Gilfillan

Will send clips as they hit.

02/17/2012 02:23:22 PM

From: Brendan Gilfillan/DC/USEPA/US
 To: Windsor.Richard@epamail.epa.gov, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>
 Date: 02/17/2012 02:23 PM
 Subject: Dioxin release is out

Will send clips as they hit.

**Brendan
Gilfillan/DC/USEPA/US**
12/21/2011 05:13 PM

To gilfillan.brendan
cc
bcc

Subject TALKING POINTS: Final Mercury and Air Toxics Standards

All,

Today Administrator Jackson joined medical professionals, representatives from industry, members of the faith community and a wide range of other stakeholders at the Children's Medical Center in Washington, D.C. to announce the finalized Mercury and Air Toxics Standards, the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. Below are talking points and a link to the press release.

The White House also released a video of President Obama discussing the importance of these final standards. The link to that video is also below.

- Brendan

TALKING POINTS

- The 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.
- EPA estimates that the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America's children grow up healthier – preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.
- By cutting emissions of pollutants like nickel, cyanide, arsenic and mercury - a known neurotoxin - that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health– and especially for the health of our children.

•
Press Release:

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceac8525735900400c27/bd8b3f37edf5716d8525796d005dd086!OpenDocument>

Video from President Obama:

<http://www.whitehouse.gov/blog/2011/12/21/protecting-american-families-and-environment-mercury-pollution>

**Brendan
Gilfillan/DC/USEPA/US**
11/29/2011 08:49 AM

To: Laura Vaught, Richard Windsor, Michael Goo, Bob
Perciasepe, Bob Sussman, Seth Oster
cc
bcc

Subject: Re: NYT: Will the Lights Stay On in Texas and New England?

Reached out to Matt last night - will circle back with him.
Laura Vaught

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

From: Laura Vaught
Sent: 11/29/2011 08:44 AM EST
To: Richard Windsor; Michael Goo; Bob Perciasepe; Bob Sussman; Seth Oster;
Brendan Gilfillan
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 - can we follow up? The story is factually incorrect.
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. It repeats the assertion that 316b will be the problem.
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.

**Brendan
Gillilan/DC/USEPA/US**
12/01/2011 02:53 PM

To Perciasepe.Bob, Thompson.Diane, Oster.Seth,
Alcantara.Betsaida, McCarthy.Gina, Goffman.Joseph, "Arvin
Ganesan", "Laura Vaught", "Alex Barron", "Richard Windsor"

cc

bcc

Subject Reuters and the Hill on DOE reliability

Reuters: US clean air rules will not harm power grid -DOE
By: Timothy Gardner
12/1/11

WASHINGTON, Dec 1 (Reuters) - Clean air rules the U.S. government is slated to impose on power generators over the next three years will not impair the ability of the grid to deliver electricity to consumers, the Department of Energy said in a report on Thursday.

The U.S. Environmental Protection agency is slated to finalize a rule by Dec. 16 that would slash emissions of mercury and other toxic gases from coal-fired power plants, one of a slate of air pollution measures opposed by industry and Republicans in Congress.

"Our review, combined with several other studies, demonstrate that new EPA rules ... should not create resource adequacy issues," said David Sandalow, assistant secretary for international affairs at the Energy Department.

The mercury rule, known as maximum achievable control technology, or utility MACT, would mostly make power stations that burn coal to start cutting the emissions by 2015. Under the proposal companies could also ask for an extra year to begin complying.

The EPA says the clean air rules will save more money in overall U.S. healthcare bills than they will cost heavy industry, which will have to make investments in technologies to clean up smokestack emissions.

INDUSTRY DIVIDED OVER RULES

But the rules have created a division in the power sector. Companies that boast large nuclear power and natural gas capacity mostly support the rules, while companies that burn large amounts of coal have asked the EPA for more time to adapt to the rules.

Anthony Topazi, the chief operating officer Southern Co. said environmental controls would take up to six years to perfect at the company's coal-burning plants.

"We cannot simultaneously satisfy the requirements of the proposed (mercury) rule and provide reliable service to our customers from 2015 to 2017," said Topazi.

And the North American Electric Reliability Corp, which is responsible for keeping the power grid reliable, issued a report this week that said the mercury rule when combined with other EPA clean air rules could force some power plants to shut and threaten reliability in Texas and New England.

Other reports have said problems would be minimal and Gina McCarthy, an EPA assistant administrator for air, has said agency rules have not led to power reliability problems in the 40-year history of the Clean Air Act.

The DOE said that even in a stringent test case of the EPA rules, the overall ability of the power grid to deliver would be adequate. It said only a small amount of additional new generation capacity, some of which is already under development, would be needed to maintain regional planning targets for power.

The Hill: Energy Department defends EPA rules amid power reliability concerns

By: Andrew Restuccia
12/1/11

The Energy Department said Thursday that upcoming air pollution regulations will not threaten the reliability of the country's electric grid, the latest effort by the Obama administration to counter claims by Republicans and industry officials that the rules could cause power outages.

The department released a report Thursday that analyzed the effects on the electric grid of two Environmental Protection Agency air regulations: the cross-state air-pollution rule and the mercury and air toxics standard.

The Obama administration has launched a full-court press this week to counter growing attacks by Republicans on EPA air regulations over reliability just weeks before the agency is scheduled to finalize rules requiring that power plants install technology to reduce emissions of mercury and air toxics.

The report, which modeled a scenario that DOE says is more stringent than EPA's regulations, found that "the overall supply-demand balance for electric power in each region examined would be adequate." The report notes that additional analysis is necessary to determine the effect of the rules on local reliability. But DOE says it is capable of addressing those potential issues on a case-by-case basis.

"Mechanisms exist to address such reliability concerns or other extenuating circumstances on a plant-specific or more local basis, and the Department of Energy is willing to provide technical assistance throughout this process," the report says.

On a conference call with reporters Thursday, David Sandalow, assistant secretary for policy and international affairs at the Energy Department, said the regulations will not upset the delicate balance between power generation and demand that ensures the grid continues to operate.

"Our analysis showed that the new EPA rules will not compromise resource adequacy," Sandalow said.

The report comes a day after Gina McCarthy, EPA's top clean air official, aggressively defended the agency's clean air rules, insisting they will not threaten the reliability of the grid.

"In the 40-year history of the Clean Air Act, EPA rules have not caused the lights to go out, and we won't let it happen going forward," McCarthy, assistant administrator at EPA's Office of Air and Radiation, said during a technical conference at the Federal Energy Regulatory Commission (FERC) Wednesday.

McCarthy, on the call with reporters Thursday, continued her defense of EPA's regulations, arguing that the report offers the agency "comfort" as it prepares to finalize the mercury and air toxics standards.

She said the report shows that EPA can implement its clean air regulations and "still maintain the strong, robust electricity supply system."

McCarthy stressed that "flexibility mechanisms" exist to ensure that individual power plant operators can comply with the regulations, including the option to extend the three-year compliance period by one year.

EPA finalized its cross-state air-pollution rule, which requires power plants in Eastern states to reduce air pollution that crosses state lines, in July. The agency is slated to finalize its mercury and air toxics standards, which require power plants to install technology to reduce harmful air pollution, on Dec. 16.

Republicans and electric utilities have increasingly raised concerns that the rules could burden the electric grid by forcing the closure of a large number of power plants.

A study released this week by the North American Electric Reliability Corporation (NERC), an industry group charged with developing reliability standards, lent credence to their concerns.

The NERC study said EPA's regulations "may significantly affect bulk power system reliability depending

on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability.”

McCarthy has attacked the NERC study and other reports that raise the reliability concerns, arguing they assume the regulations are more expensive than they are, include plants that will be shut down regardless of the EPA rules because they are old or inefficient and don't take into account other tools for ensuring reliability.

**Brendan
Gilfillan/DC/USEPA/US**
09/01/2011 08:03 AM

To Richard Windsor
cc
bcc
Subject AUTO: Gilfillan, Brendan is out of the office. (returning
09/03/2011)

I am out of the office until 09/03/2011.

I will be out of office from August 31 through September 2 . I will not check email during this time. For assistance, please email press@epa.gov or call 202-564-6794.

Thanks.

Note: This is an automated response to your message **"Fw: Miller: Coal is critical to America 's future"** sent on **8/10/2011 1:22:52 PM**.

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

Brendan
Gilfillan/DC/USEPA/US
03/19/2012 09:18 AM

To Richard Windsor
cc
bcc
Subject NSPS draft release

For our discussion...

CONTACT:
EPA Press Office
press@epa.gov

FOR IMMEDIATE RELEASE
March XX, 2012

EPA Proposes First Carbon Pollution Standards for New Power Plants

Achievable standards for the next generation of power plants

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today proposed the first Clean Air Act standards for carbon pollution from new power plants. Power plants are the single largest industrial source of carbon pollution in the country, representing nearly XX percent of the nation's heat-trapping emissions. EPA's proposed standards reflect the ongoing trend in the power sector toward cleaner generation taking advantage of modern technologies to limit harmful carbon pollution to help provide the critical health protections American families deserve.

"Today we're taking a commonsense step to reduce pollution in our air, protect the planet for our children, and spark the innovations that will move us into a new era of American energy. These targeted, achievable standards address the largest sources of carbon pollution in our nation, without placing a burden on small businesses or other sources," said EPA Administrator Lisa P. Jackson. "Right now there are no limits to the amount of carbon pollution that power plants can put into our skies -- and the health and economic threats of a changing climate continue to grow. We're putting in place standards that rely on the use of clean technology to tackle a challenge that we can't leave to our kids and grandkids."

There are currently no uniform national limits on the amount of carbon pollution power plants can emit. In 2009 EPA declared that greenhouse gas pollution threatens Americans' health and welfare by leading to long lasting changes in our climate that can have a range of negative effects such as more intense heat waves, droughts, and storms. Today's proposed standards are another in a series of common sense steps EPA is taking to address greenhouse gas pollution from the largest uncontrolled sources.

The standards proposed today are flexible, cost-effective and protective and would require new power plants that burn fossil fuels to use modern technology to minimize carbon pollution.

Power companies are already making investments in modern technologies to build the next generation of power plants. EPA's proposal is in line with these investments and will ensure that this progress toward a cleaner, safer and more modern power sector continues. The proposed standards can be met by a variety of facilities burning different fossil fuels, including natural gas and coal. The proposed standards also provide flexibilities for coal-fired facilities to use emerging technologies like Carbon Capture and Storage.

The proposed standards do not apply to existing power plants or to power plants that already have permits and start construction within 12 months. EPA plans on seeking additional input focused on existing plants to help guide the development of separate, common-sense standards for these facilities. By law, these standards will take into account factors such as the age of existing facilities and the cost of retrofitting such sources. These factors may allow EPA to provide flexibility not available to new sources.

Prior to developing these standards, EPA engaged in an extensive and open public process to gather the latest information to aid in developing carbon pollution standards for new power plants. The agency is seeking additional comment and information, including public hearings, and will take that input fully into account as it completes the rulemaking process. EPA's comment period will be open for 60 days following publication in the Federal Register.

More information: www.epa.gov/XXXX

Brendan
Giffilan/DC/USEPA/US
02/23/2011 09:24 AM

To Richard Windsor
cc Adora Andy, Seth Oster
bcc
Subject Final boiler release

Hey Boss -

Below is the final, final version of the boiler release. Above that is the first AP story to hit the wires.

- Brendan

WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to release toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release Wednesday, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost. That would save businesses \$1.8 billion and avert thousands of heart attacks and asthma cases a year.

¶ Republicans and some Democrats in Congress have criticized the EPA over the boiler rule, saying it would be too expensive for industry.

¶ A senior EPA official told the AP that cost wasn't the driving factor, but the changes made were driven in part by an executive order to review burdensome regulations.

FOR IMMEDIATE RELEASE
February 23, 2011

EPA Establishes Clean Air Act Standards for Boilers and Incinerators

Sensible standards provide significant public health benefits while cutting costs from initial proposal by nearly 50 percent

WASHINGTON – In response to federal court orders requiring the issuance of final standards, the U.S. Environmental Protection Agency (EPA) is issuing final Clean Air Act standards for boilers and certain incinerators that achieve significant public health protections through reductions in toxic air emissions, including mercury and soot, but cut the cost of implementation by about 50 percent from an earlier proposal issued last year.

Mercury, soot, lead and other harmful pollutants released by boilers and incinerators can lead to developmental disabilities in children, as well as cancer, heart disease, aggravated asthma and premature death in Americans. These standards will avoid between 2,600-6,600 premature deaths, prevent 4,100 heart attacks and avert 42,000 asthma attacks per year in 2014.

In response to a September 2009 court order, EPA issued the proposed rules in April 2010, prompting significant public input. The proposed rules followed a period that began in 2007, when a federal court vacated a set of industry specific standards proposed during the Bush Administration. Based on the public input received following the April 2010 proposal, EPA made extensive revisions, and in December 2010 requested additional time for review to ensure the public's input was fully addressed. The court granted EPA 30 days, resulting in today's announcement.

Based on input from key stakeholders including the public, industry, and the public health communities, today's announcement represents a dramatic cut in the cost of implementation, while maintaining maximum public health benefits. As a result, EPA estimates that for every dollar spent to cut these pollutants, the public will see between 10 to 24 dollars in health benefits, including fewer premature deaths.

The agency received more than 4,800 comments from businesses and communities across the country in response to the proposed rules. Public input included a significant amount of information that industry had not provided prior to the proposal. Based on this feedback, and in keeping with President Obama's Executive Order on regulatory review, EPA revised the draft standards based on the requested input to provide additional flexibility and cost effective techniques – achieving significant pollution reduction and important health benefits, while lowering the cost of pollution control installation and maintenance by about 50 percent, or \$1.8 billion.

"The Clean Air Act standards we are issuing today are based on the best available science and have benefitted from significant public input," said Gina McCarthy, Assistant Administrator for EPA's Office of Air and Radiation. "As a result, they put in place important public health safeguards to cut harmful toxic air emissions that affect children's development, aggravate asthma and cause heart attacks at costs substantially lower than we had estimated under our original proposal."

Because the final standards significantly differ from the proposals, EPA believes further public review is required. Therefore, EPA will reconsider the final standards under a Clean Air Act process that allows the Agency to seek additional public review and comment to ensure full transparency. EPA's reconsideration will cover the emissions standards for large and small boilers and for solid waste incinerators. EPA will release additional details on the reconsideration process in the near future to ensure the public, industry and stakeholders have an opportunity to participate.

About 200,000 boilers are located at small and large sources of air toxic emissions across the country. The final standards require many types of boilers to follow practical, cost-effective work practice standards to reduce emissions. To ensure smooth implementation, EPA is working with the Departments of Energy (DOE) and Agriculture (USDA) to provide the diverse set of facilities impacted by the standards with technical assistance that will help boilers burn cleaner and more efficiently. DOE will work with large coal and oil-burning sources to help them identify clean energy strategies that will reduce harmful emissions and make boilers run more efficiently and cost-effectively. In addition, USDA will reach out to small sources to help owners and operators understand the standards and their cost and energy saving features.

The types of boilers and incinerators covered by these updated standards include:

- Boilers at large sources of air toxics emissions: There are about 13,800 boilers located at large sources of air pollutants, including refineries, chemical plants, and other industrial facilities. These standards will reduce emissions of harmful pollutants including mercury, organic air toxics and dioxins at some of the largest pollution sources. EPA estimates that the costs of implementation have been reduced by \$1.5 billion from the proposed standard.

Health benefits to children and the public associated with reduced exposure to fine particles and ozone from these large source boilers are estimated to be \$22 billion to \$54 billion in 2014.

- Boilers located at small sources of air toxics emissions: There are about 187,000 boilers located at small sources of air pollutants, including universities, hospitals, hotels and commercial buildings that may be covered by these standards. Due to the small amount of emissions these sources are responsible for, EPA has limited the impact of the final rule making on small entities. The original standards for these have been dramatically refined and updated to ensure maximum flexibility for these sources, including revising the requirement from maximum achievable control technology to generally available control technology. The cost reduction from the proposed standard to the final is estimated to be \$209 million.

- Solid waste incinerators: There are 88 solid waste incinerators that burn waste at a commercial or an industrial facility, including cement manufacturing facilities. These standards, which facilities will need to meet by 2016 at the latest, will reduce emissions of harmful pollutants including mercury, lead, cadmium, nitrogen dioxide and particle pollution. The cost reduction from the proposed standard to the final is estimated to be \$12 million.

In separate but related actions, EPA is finalizing emission standards for sewage sludge incinerators. While there are more than 200 sewage sludge incinerators across the country, EPA expects that over 150 are already in compliance. These standards will reduce emissions of harmful pollutants including mercury, lead, cadmium, and hydrogen chloride from the remaining 50 that may need to leverage existing technologies to meet the new standards.

EPA has also identified which non-hazardous secondary materials are considered solid waste when burned in combustion units. This distinction determines which Clean Air Act standard is applied when the material is burned. The non-hazardous secondary materials that can be burned as non-waste fuel include scrap tires managed under established tire collection programs. This step simplifies the rules and provides additional clarity and direction for facilities. To determine that materials are non-hazardous secondary materials when burned under today's rule, materials must not have been discarded and must be "legitimately" used as a fuel.

The agency recognizes that secondary materials are widely used today as raw materials, as products, and as fuels in industrial processes. EPA believes that the final rule helps set protective emissions standards under the Clean Air Act.

The emissions standards for sewage sludge incinerators and the definition of solid waste are not part of today's reconsideration.

More information: <http://www.epa.gov/airquality/combustion>

Brendan
Giffilan/DC/USEPA/US
12/23/2009 10:42 AM

To Richard Windsor
cc Allyn Brooks-LaSure, Adora Andy
bcc
Subject Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10
Most important People in 2010

Link here:

<http://2010.newsweek.com/top-10/people-to-watch/steven-chu-and-lisa-jackson.html>

Steven Chu and Lisa Jackson

By Newsweek

EPA Administrator [Lisa Jackson](#) is a chemical engineer, and Energy Secretary [Steven Chu](#) is a physicist with a [Nobel Prize](#), but starting in 2010 you can think of them as bad cop and good cop. With the Copenhagen climate negotiations failing to reach a legally binding treaty, and with climate legislation stalled in the Senate, this duo will lead the charge toward reducing U.S. greenhouse emissions and moving us to renewable energy.

As of Jan. 1, any facility that emits at least 25,000 metric tons of carbon dioxide annually (or its equivalent in greenhouse gases such as methane and nitrous oxide) will have to start measuring and reporting their emissions to Jackson's [EPA](#). That includes power plants, aluminum manufacturers, refineries, paper mills, and solid-waste landfills (a big source of methane). Insiders call the requirement the most "world-changing greenhouse policy" EPA has ever undertaken, since once something is counted it can be regulated.

Then, in March, using authority the [Supreme Court confirmed in 2007](#), Jackson will issue rules requiring manufacturers to reduce greenhouse emissions from cars and trucks to a fleet average of 250 grams per mile ([it's now 422](#)) [by 2016](#). Carmakers will achieve that through more hybrids and plug-in electrics, averting a projected 950 million metric tons of carbon dioxide and other greenhouse gases over the lifetime of those low-CO₂ vehicles. Finally, as early as summer, Jackson will issue rules making "major polluters"—like those subject to the greenhouse-gas reporting rule—use top-of-the-line CO₂-control technology if they want to [build a new facility or make significant changes to an existing one](#).

The regs are significant in themselves, but Jackson's real clout will be showing industry how much can be done on greenhouse emissions even without climate legislation. "This will encourage congressional action," says [Rep. Edward Markey](#), cosponsor of the [climate bill](#) that passed the House in June. "Industry's choice is no longer between legislation and no legislation, but between legislation and regulation. Congress is a stimulus-response institution, and there is nothing more stimulating than a regulatory agency preempting powers Congress thinks it should have." We'll see if the dis is enough to move a [climate bill out of the Senate](#) in 2010.

Either way, utilities and other major greenhouse polluters could find salvation in Chu (whom *Nature* just named its [Newsmaker of the Year 2009](#)). Chu's task is nothing less than revamping the energy sector in the world's largest economy, which he is doing by encouraging high-risk/high-reward research. Besides being a "public cheerleader for clean-energy research,"

as *Nature* calls him, he's been opening the federal purse strings. He has \$400 million to award for clean-energy research—a big, fat carrot to Jackson's stick.

**Brendan
Giffilan/DC/USEPA/US**
04/05/2012 12:17 PM

To Richard Windsor, Bob Perciasepe
cc
bcc
Subject Draft blog

Last week, EPA proposed a common-sense standard to address carbon pollution from future power plants. It's disappointing – but not surprising – that the standard was immediately attacked with distortions, half-truths and blatantly inaccurate statements. An editorial in this morning's Wall Street Journal is just the latest example of this fact-free assault.

Some background: there is currently no uniform national limit on the amount of carbon pollution new power plants can emit, and the standard we proposed last week is common-sense, achievable and in line with the direction the industry has been moving for a decade.

As the Administrator and I said repeatedly when we announced this proposal last week, this standard only applies to new sources – that is, power plants that will be constructed in the future. This standard would never apply to existing power plants. And we have no plans to address existing power plants.

Despite these basic facts, the Wall Street Journal, and others, continue to misrepresent the standard and distort its impact.

For example, this morning's Wall Street Journal editorial incorrectly states that facilities that are installing pollution controls to reduce emissions of pollutants like mercury, arsenic and acid gases would have to comply with this standard as well. That is flat-out wrong. The proposed rule explicitly does not apply to facilities making such modifications. In fact, EPA did not propose a standard for any modifications.

Because EPA did not propose a standard for modifications, one cannot be finalized. As a result, there is literally no standard that can be applied to these sources under any other part of the Clean Air Act.

Second, the standard reflects a trend in the market towards cleaner power generation that has been happening for a decade – not just for the past three years, as the Journal suggests. In fact, in the past decade – primarily driven by conditions in the market – only 7% of the new electric generating capacity in the US has been coal-fired. This is a trend the Journal's own newsroom has reported on. A September 2010 article for instance, noted that "Power companies are increasingly switching to natural gas to fuel their electricity plants, driven by low prices and forecasts of vast supplies for years to come" and acknowledged that the trend began in the late nineties and had been "accelerating" – a year and a half before EPA even proposed this standard.

Still, this standard provides a path forward for new coal plants that minimize their carbon emissions. Carbon capture and sequestration is an emerging technology – one this Administration has invested in – that is currently being permitted and built at facilities. Like most emerging technologies, it is expected that CCS will become more readily available and cost effective as it is refined over time – which is why the Agency built in flexibilities to the standard so that facilities can implement CCS

years from now, not right away.

Every projection, including those the rule relies on, makes clear that coal will continue to be the largest single source of electricity in the United States. This standard will not change that.

What this standard will do is provide certainty to the industry as they continue building the next generation of cleaner, more efficient power plants – facilities that will continue to burn a range of fuels. The standard has no projected cost to industry precisely because it is in line with investments industry has already made, and continues to make, in response to realities in the marketplace.

**Brendan
Gilfillan/DC/USEPA/US**
02/23/2012 07:25 PM

To Richard Windsor, Bob Perciasepe, Dennis McLerran
cc
bcc
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 unprecedented 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."

**Brendan
Giffilan/DC/USEPA/US**
12/08/2011 12:34 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Michael Goo, Arvin Ganesan, Laura Vaught, Gina McCarthy, Joseph Goffman, Alex Barron, Joel Beauvais

cc

bcc

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.

**Brendan
Gillilan/DC/USEPA/US**
05/14/2012 02:06 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Alisha Johnson, Arvin Ganesan, Laura Vaught, Michael Goo, Janet Woodka, Jon Monger

cc

bcc

Subject Politico: Zichal: White House, industry not best friends

Zichal: White House, industry not best friends

By Talia Buford
5/14/12 1:35 PM EDT

The Obama administration's recent cooperation with the oil and gas industry isn't an election year ploy, nor is the relationship as cozy as it has been played out to be, White House energy adviser Heather Zichal said Monday.

"It's safe to say the notion that we rolled out the welcome mat or have this hunky dory relationship where we're all holding hands and singing 'Kumbaya' is not exactly where we're at today," Zichal said at a luncheon address at the American Petroleum Institute workshop on hydraulic fracturing.

"What I can say is that we were in the middle of working on a number of regulations that directly impact the oil and gas industry," she added. "There was no way for us to finalize a regulation that made sense without us actually engaging with the industry."

That working relationship helped the final form of the recent EPA air emissions standards "get to the right place" — including a January 2015 implementation deadline to allow the industry time to implement the changes — and helped inform the BLM regulations for hydraulic fracturing that were released earlier this month.

"There's no reason that can't be a model," Zichal said.

Zichal also clarified a few of the administration's viewpoints on energy production, including liquefied natural gas — "We, as a general rule of thumb, are not opposed to LNG exports," she said.

As for coal, Zichal maintained that the resource remains a part of the administration's energy policy, but with caveats.

"What you've seen from this administration is that coal currently provides a lot of electricity today," she said. "It's an important source of economic opportunity as well as energy supply, but what we have said through a variety of new safeguards that we've implemented, particularly through the Clean Air Act, the point of burning coal is that it needs to be done cleaner and in a more environmentally friendly way."

The Obama campaign has come under fire for omitting coal from a graphic on its website

detailing the president's energy policy. On Friday, the graphic was amended to include "[clean coal](#)."

**Brendan
Gilfillan/DC/USEPA/US**

04/13/2012 10:13 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin
Ganesan, Laura Vaught

cc

bcc

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](#).

Brendan
Gillilan/DC/USEPA/US
03/28/2012 11:27 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson,
Betsaida Alcantara, Bob Sussman, Nancy Stoner, Arvin
Ganesan, Laura Vaught, Scott Fulton, Avi Garbow

cc

bcc

Subject NY Times Editorial: Clean Water and the Spruce Mine

Clean Water and the Spruce Mine

The Obama administration's decision last year [to revoke a permit for a huge mine in West Virginia](#) inspired hope that mountaintop mining, which has caused immense environmental damage across Appalachia, would soon be coming to an end. Now a Federal District Court judge in the District of Columbia [has ruled](#) that the Environmental Protection Agency [exceeded its legal authority in blocking the mine](#). The administration must appeal. The Clean Water Act is on its side, as are the people of West Virginia.

Mountaintop mining is a highly efficient and hugely destructive form of strip mining that blasts apart mountain ridges to expose the coal seams underneath. The resulting rubble is then dumped into the valley and streams below. Thousands of miles of streams in Appalachian coal country have already been obliterated in this way.

The Spruce No. 1 mine project in Logan County, W.Va., would have covered 2,278 acres and ruined six more miles of high-quality streams. It received a final permit to proceed from the Army Corps of Engineers in 2007. Lawsuits followed, and, in January 2011, the E.P.A. revoked the permit on grounds that the mine would cause unacceptable environmental damage. The E.P.A. had blocked corps projects before. But this was the first time it had rescinded an approved mining permit and was part of the administration's broader campaign to limit mountaintop mining by reviewing old permits and tightening standards for new ones.

Judge Amy Berman Jackson said the agency had resorted to "magical thinking" in claiming that the Clean Water Act gives it the power to retroactively rescind a permit. But Section 404 of the law gives the agency broad authority to protect water quality, including the "withdrawal" of permits "whenever" it determines that they will have an "unacceptable adverse effect" on the environment.

The E.P.A. rightly interpreted these words to mean that it had clear authority to claw back a badly misguided decision that would do even more damage to West Virginia's streams and landscape. We trust that a higher court will read it that way as well.

Brendan
Gillilan/DC/USEPA/US
01/03/2012 09:27 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson,
Betsaida Alcantara, Michael Goo, Bicky Corman, Arvin
Ganesan, Laura Vaught, Jose Lozano, Bob Sussman

cc

bcc

Subject CNN.com: Santorum takes on EPA over mercury limits rule

[Santorum takes on EPA over mercury limits rule](#)

Cnn.com

Speaking to voters in Iowa Monday, former Sen. Rick Santorum of Pennsylvania ripped the Environmental Protection Agency's [new rule placing first-ever limits](#) on the amount of mercury that coal-fired power plants can emit into the air.

The GOP presidential contender claimed the new regulations would shut down 60 coal fired power plants in America, and he charged the EPA with basing its study on a philosophy of: "We hate carbon, we hate fossil fuels, we hate blue-collar Americans who work in those areas."

He specifically took issue with the agency's cost-benefit analysis, calling it "absolutely ridiculous" and "not based on any kind of science."

But the EPA's cost-benefit analysis cites peer-reviewed studies extensively in its 510-page "[Regulatory Impact Analysis of the Final Mercury and Air Toxics Standards](#)," which has been two decades in the making.

Santorum did not address the health dangers of mercury and other hazardous pollutants that could be limited by the new regulations. His campaign did not response to questions by CNN.

"Everyone from the EPA and the FDA (Food and Drug Administration) to the National Academy of Sciences have found mercury to be dangerously toxic - especially to children. For someone who claims to be so pro-life, Santorum's baseless statement shows he isn't pro-healthy-life," says Heather Taylor-Miesle, director of the NRDC Action Fund, which is affiliated with the National Resources Defense Council environmental group.

"He needs to get the facts because right now he just sounds like he is pandering to rich polluters."

The benefits of the new regulation include preventing up to 11,000 premature deaths and 130,000 asthma attacks every year, [according to the EPA](#).

In terms of dollars, the new rule is estimated to save as much as \$9 in health benefits for every dollar spent on installing new technologies to meet new emission limits.

There's a long list of benefits, however, both to human health and the economy that the EPA says it cannot accurately estimate, and therefore leaves outside of the official cost-benefit summary.

For example the established effects of methylmercury beyond IQ loss - such as changes in memory, behavior and the cardiovascular system - and the cancer-causing effects of some hazardous air pollutants are not included. Effects on vegetation and wildlife are also described, but not quantified.

**Brendan
Gillilan/DC/USEPA/US**
01/12/2011 11:15 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
Sussman, David McIntosh, Arvin Ganesan, Sarah Pallone,
Stephanie Owens, Dru Ealons, Mathy Stanislaus, Dana Tulis,
Janet Woodka, Daniel Kanninen
cc Seth Oster, Adora Andy

bcc

Subject Wed AM - AK Pipeline clips

Clips

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 Farhy
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 production 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 Farthy

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 soyabeans 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.

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05/03/2012 04:05 PM

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Subject AP Exclusive: Wyo. got EPA to delay frack finding

<http://www.foxnews.com/us/2012/05/03/ap-exclusive-wyo-got-epa-to-delay-frack-finding/>

Mead Gruver, AP

Published May 03, 2012

Wyoming's governor persuaded the head of the U.S. Environmental Protection Agency to postpone an announcement linking hydraulic fracturing to groundwater contamination, giving state officials — whom the EPA had privately briefed on the study — time to attempt to debunk the finding before it rocked the oil and gas industry more than a month later, an investigation by The Associated Press has found.

During the delay, state officials raised dozens of questions about the finding that the controversial procedure that has become essential to unlocking oil and gas deposits in Wyoming and beyond may have tainted groundwater near the gas patch community of Pavillion.

Gov. Matt Mead contacted EPA Director Lisa Jackson and persuaded her to hold off any announcement, according to state emails and an interview with the governor. The more than 11,000 emails made available to AP in response to a state records request show that Wyoming officials took advantage of the postponement to "take a hard line" and coordinate an "all-out press" against the EPA in the weeks leading up to the announcement Dec. 8.

Meanwhile, the chief state regulator of oil and gas development fretted over how the finding would affect state revenue.

And even as the state questioned the EPA's science, there were internal doubts about how effective those objections would be.

"It's already too late. The White House has already seen the report with conclusions," wrote Gary Strong, an engineer with the Wyoming Oil and Gas Conservation Commission, following a presentation by EPA deputy assistant regional administrator Martin Hestmark. The emails indicate that the federal agency was being pressed by the White House to release its report.

But the state's questions did set the stage for additional groundwater and household well water sampling in the Pavillion area that began a couple weeks ago.

The struggle by both Wyoming officials and the EPA for message control shows the extent to which they fretted about the findings. Wyoming depends on oil and gas for its economic

well-being while environmentalists have pushed the Obama administration to crack down on a process responsible for increasing U.S. onshore production.

The worry wasn't misplaced: Though the findings were unique to Pavillion, they ricocheted amid heightened scrutiny of fracking in other drilling regions including the Marcellus Shale states of New York, Ohio and Pennsylvania.

The emails also suggest an uneasy partnership now that the EPA and Wyoming, as well as U.S. Geological Survey and two American Indian tribes, say they are working together on further study of the Pavillion groundwater.

However, some recent re-sampling by the EPA of household well water in the Pavillion area took Mead and other state officials by surprise. They had presumed that only two monitoring wells the EPA had drilled to test for groundwater pollution would be retested this spring.

"I won't tell anybody not to test. But if you're going to test, you need to bring everyone in the process," Mead said in an interview Monday.

The EPA did not make Jackson available for an interview. EPA Region 8 Director Jim Martin said in a statement through spokesman Richard Mylott that the EPA "has been transparent and has relied on the best science" to inform Pavillion-area residents about their water.

Environmentalists including the Natural Resource Defense Council and Sierra Club have looked to the Obama administration EPA to get tougher on fracking, the practice of cracking open oil and gas deposits by pumping pressurized water, fine sand and chemicals down well holes. They maintain that fracking is a threat to clean groundwater.

The EPA study in the Pavillion area followed years of complaints from homeowners that their well water took on a chemical stink around the time that fracking picked up in their neighborhood about eight years ago. Environmentalists welcomed the draft report as validation of their concerns.

Wyoming is the third-ranked state for onshore gas production and ninth for onshore oil production. Nearly every new oil and gas well in Wyoming that isn't a coal-bed methane well is fracked.

In internal emails that followed the Nov. 4 briefing, state officials expressed support for fracking as critical to oil and gas extraction, a \$7.7 billion a year industry in Wyoming that accounts for 20 percent of the state's gross domestic product.

"The limiting of the hydraulic fracturing process will result in negative impacts to the oil and gas revenues to the state of Wyoming. A further outcome will be the questioning of the economic viability of all unconventional and tight oil and gas reservoirs in Wyoming, across the United States, and ultimately in the world," wrote Tom Doll, supervisor of the Oil and Gas Conservation Commission, in a long email that circulated among top state officials.

Wyoming's top state regulator of oil and gas development, including essentially all fracking in the state, Doll was a district manager for Tulsa, Okla.-based Williams Production Company until 2008.

The spark for Doll's missive was the closed-door meeting at Wyoming Department of Environmental Quality headquarters in Cheyenne two days earlier. EPA administrator Martin briefed Wyoming officials about what the EPA was about to announce based on its research in Pavillion. Doll took part by phone.

"Contaminants present at high concentrations in the deep monitoring wells are likely a result of hydraulic fracturing," read a "Key Findings" slide in an EPA PowerPoint shown at the meeting. Each slide was marked "Confidential--Do Not Disclose."

The public announcement more than a month later stated that the groundwater "contains compounds likely associated with gas production practices, including hydraulic fracturing."

The EPA also suggested at the private meeting that gas development likely had contaminated household well water in the Pavillion area but that current data did not definitively support such a link. The EPA has made no such claim in public to date.

Emails show that Mead sought to reach Jackson within hours. Mead confirmed that he got her to hold off on the findings report until state officials could review the data.

"When I talked to Lisa Jackson they were going to release the findings regardless. That wasn't even the question. The question was on the timing of it. We wanted a chance to see what are they basing this on," Mead told the AP.

"She said, 'Well, maybe we can hold off a couple weeks to give you guys this data.'"

The EPA released raw data on pollution in the two monitoring wells at a public meeting in Pavillion on Nov. 9, five days after the private state briefing. Among the pollutants was the carcinogen benzene as high as 50 times the EPA limit. The EPA showed a PowerPoint similar to the one shown at the private meeting but without announcing any findings. There was no "Key Findings" slide.

Releasing the data and findings outside of the purview of two "working groups" angered state regulators. The working groups made up of state and EPA officials had been examining the Pavillion pollution for the better part of a year.

Wyoming didn't take the news from the private EPA briefing sitting down.

The state could "get ahead of the curve" by assigning its own experts to review the data, suggested John Corra, the environmental quality director.

"Sort of an all out press," Corra wrote to Doll and others Nov. 7.

Doll suggested to Corra and others in a Nov. 19 email that Wyoming take "a hard line" after one EPA official told them to drop their concerns.

"EPA has not substantially defended their explanation, the data is questionable on many levels, and EPA has ignored our alternative explanations," Doll wrote.

Dozens of questions from state regulators followed. They included why the monitoring well water samples had high pH readings. The EPA report referred to the high pH and mentioned the detection of potassium hydroxide, a basic chemical used in fracking.

Pavillion residents didn't hear about the finding before the public announcement, said John Fenton, chairman of Pavillion Area Concerned Citizens.

Fenton said he was unhappy that regulators hadn't kept local residents fully apprised of the latest developments concerning their water supply. Yet he held EPA in higher regard than the state officials he said ignored Pavillion for years, prompting residents to request the EPA investigation.

"Those of us living out here, we don't trust the state," he said.

State officials actively kept the media in the dark about the upcoming EPA announcement, even as reporters questioned them about the data.

"My sense is that the reporter was searching for a conflict to write about, and I tried to head that off," Corra wrote Nov. 29 to several other state officials about one reporter's questions.

Another state regulator suggested that Wyoming officials keep in mind how they're perceived while they questioned the EPA data.

"This could go on for a long time, during which we'll likely continue to be in an adversarial discussion with EPA, the public and the press," the Department of Environmental Quality's groundwater chief, Kevin Frederick, wrote to Corra on Dec. 2. "Is there a way to shift the focus of discussion to show the State in a more positive light while the present uncertainties continue to simmer?"

The additional sampling since agreed to has extended the study of the Pavillion groundwater. Peer review of the sampling results, set to begin this spring, now is scheduled for this fall.

Brendan
Gillilan/DC/USEPA/US
12/29/2010 05:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
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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.

Brendan
Gillilan/DC/USEPA/US
02/24/2012 08:57 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina
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Subject Politico:

AEP: Costs of meeting power plant rule decline

By Erica Martinson
2/24/12 8:53 AM EST

At least one power company is finding EPA's mercury and air toxics rule cheaper to comply with than previously expected.

American Electric Power has cut its estimate for complying with EPA's mercury rule in Ohio to \$400 million from last summer's estimate of \$1.1 billion, the company told investors this month.

The estimated \$600 million to \$700 million in savings comes from changes the EPA made between the draft and final rule on how it will regulate particulate matter, company CEO Nick Akins said at a Feb. 10 analyst and investor meeting in New York City.

"That's been adjusted a little bit because we did get one positive outcome out of the EPA rules, and that was around particulate matter," Akins said. In the final rule, EPA requires removal only of "filterable particulate, as opposed to condensable and filterable. So that helped us. It took about \$600 million out of the capital plan."

Filterable fine particulate matter is a solid or liquid at stack temperature — around 250 to 320 degrees Fahrenheit — while condensable fine particulate matter is a vapor or a gas at stack temperature, according to EPA's website. AEP argued to the agency that the upgrades needed to limit condensable particulate matter would be extremely costly but result in negligible reductions to emissions.

All told, the company will spend "around \$5 billion to \$6 billion for the EPA-related investments associated with generation" between 2012 and 2020, Akins said. Of that, 75 percent is for established air rules, and 25 percent is for currently incomplete water regulations for cooling towers and coal ash. (To put that in context, AEP plan to spend around \$10 billion in total capital expenditures from 2012 to 2014, according to a recent [company presentation](#) in Tokyo.)

The change in particulate matter requirements also reduced the number of environmental retrofit projects in AEP's long-term plan to 24 from 36, Akins said.

Outside of Ohio, however, upgrade costs have not been significantly affected by changes to the rule, AEP spokeswoman Melissa McHenry said.

When the EPA released its final mercury and air toxics rule in December, Administrator Lisa

Jackson touted about \$1 billion in cuts to the costs of the proposed rule. The agency said it credits such cuts to new information on the effectiveness of control technologies, which will probably allow some plants to comply by upgrading existing controls or using “lower-cost” methods.

For example, some companies will upgrade a type of control equipment called an electrostatic precipitator rather than install a new fabric filter, EPA said. Some plants could also use less costly alternatives instead of scrubbers to meet the acid gas standard.

“This improved understanding and other factors reduced the overall costs of the rule to \$9.6 billion (at final) — down from a cost of \$10.9 billion at proposal,” the EPA said.

McHenry said the company is still reviewing changes that could limit upgrade requirements for some technologies, but they are not a large portion of the expected upgrade costs.

AEP still plans to shut down more than 5,000 megawatts of coal-fueled power generation, McHenry said. Of that, 2,600 megawatts comes from outside of Ohio, and 2,538 megawatts are on tap to be shuttered inside the state. (The “inside Ohio” numbers include several plants that are physically located outside the state but are owned by AEP in Ohio, producing power used inside the state.)

But the company will not shutter its 1,078-megawatt Big Sandy Plant in Louisa, Ky., as previously announced, because of in-state pressures to support the coal industry, McHenry said.

The Big Sandy Plant would have been rebuilt as a 650-megawatt natural gas plant by the end of 2015 under the shutdown plan. Instead, the company has asked the Kentucky Public Service Commission to approve a plan to add a scrubber to the plant.

Brendan
Gillilan/DC/USEPA/US
04/06/2012 01:42 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Laura
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Subject Ken Ward on Cecil Roberts

Coal and climate: Still searching for Cecil Roberts

April 6, 2012 by Ken Ward Jr.

I'm not sure what **MetroNews radio personality Hoppy Kercheval** would prefer — For United Mine Workers President Cecil Roberts to announce the union will work against President Obama's re-election or for Brother Cecil to keep refusing to do so, giving Hoppy endless material for the statewide radio network with all of its coal industry advertisements.

But it is clear that Cecil Roberts isn't doing a very good job of not taking Hoppy's bait. Maybe he's not trying that hard. It's interesting that the UMWA has taken its complaints about the Obama administration's environmental policies to a particular sort of media/infotainment outlet. First, there was the union president's appearance Tuesday on **Hoppy's statewide Talkline program** and then last night, a quick interview on a **CNBC program hosted by conservative commentator Lawrence Kudlow**. Could a **guest blog for Don Surber** be the next move in the UMWA's media strategy?

Of course, the thing that got the most attention from this week's Cecil Roberts media tour were his remarks about EPA Administrator Lisa Jackson. If you missed it, early in the interview with Hoppy, Cecil threw this in from really out of nowhere:

*I noticed this past week the vice president **was talking about the campaign** and he mentioned that Osama Bin Laden was dead and general motors was alive. He should have gone on to say that the coal industry is not far behind with respect to what happened to Osama Bin Laden.*

Later, as Hoppy continued to try to corner Cecil about the union's 2008 endorsement of then-candidate Obama, the radio host asserted:

This is happening by the EPA under a particular administration which you guys supported, and this administration is hanging you out to dry. Hanging you out to dry.

Cecil responded with this:

I don't know if I would put it that distinctly, but I would say this, the Navy Seals shot Osama Bin Laden in Pakistan and Lisa Jackson shot us in Washington, so there you go.

This line got picked up by a variety of beltway media outlets (see [here](#), [here](#), [here](#) and [here](#)) and was the lead-in for Cecil's appearance on CNBC last night.

What to say about this sort of rhetoric?

Well, Cecil should and I'm sure does know better, at least deep down somewhere.

Not so long ago, UMWA officials were privately complaining about the [Inspector General including a line in one of its reports](#) about a Massey Energy expert expressing concern about the union's "history of violence" during the investigation of the Upper Big Branch Mine Disaster. If the union doesn't want to be associated with violence, perhaps a first step would be for Cecil to make more of an effort to not use references about shooting people when he's engaged in a discussion about a major national public policy issue. Much as now-Sen. Joe Manchin did [with his "Taking dead aim" ad](#) about the Waxman-Markey bill, Cecil's comments perpetuates the stereotype that folks in coalfield communities think every difference of opinion amounts to something that should be resolved with gunfire. And with tempers as hot as they are over issues like mountaintop removal, responsible leaders — if we had any around — would use their bully pulpit to urge restraint, understanding and reason, not to throw around analogies about shooting people.

Seriously now, Cecil Roberts is comparing our government's assassination of the mastermind of the 9-11 terror attacks to EPA's peaceful and non-violent proposal of Clean Air Act regulations? Come on. Cecil is a very smart guy and an accomplished public speaker. He can do better than that. I kind of hoped Cecil had just let this slip out, pushed as he was by Hoppy to take a tougher stand against President Obama. But union spokesman Phil Smith told me:

I think [Cecil Roberts] thinks he used some pretty strong words. But I don't know that he necessarily regrets those words.

It sounds more like the UMWA is pleased with the media attention the remarks have gotten them, and thinks this little episode will get them somewhere with the administration. I'm not so sure about that, but time will tell.

More importantly than all of this, though, is the underlying substance of what Cecil Roberts had to say this week about coal, climate change and the Obama administration's efforts to deal with what is without a doubt one of the most significant, pressing and urgent problems confronting humankind.

Even more specifically, it's key to go back and look at what Cecil Roberts ***didn't*** say this week: He didn't say that urgently reducing greenhouse gas pollution to avoid the most serious consequences of climate change is important and must be done. Go back and [listen to the Talkline appearance](#) and see what I mean. Cecil's comments are all about what he thinks is bad about [this particular EPA regulatory proposal](#). We've written before about how Cecil Roberts, [while professing to accept the clear scientific consensus](#)

about global warming, slips into denier-talk at worst and, at best, does not explain to his members the importance of dealing with global warming and how the coal industry might play a role in that.

Go back and re-read what Cecil's friend AFL-CIO President Rich Trumka says about climate change:

Today, as we meet together, scientists tell us we are headed ever more swiftly toward irreversible climate change—with catastrophic consequences for human civilization. We must have a stable climate to feed the planet, to ensure there is drinking water for our cities but not floodwaters at our doors. A stable climate is the foundation of our global civilization, of our global economy—the prerequisite for a profitable investment environment.

And to those who say climate risk is a far off problem, I can tell you that I have hunted the same woods in Western Pennsylvania my entire life and climate change is happening now—I see it in the summer droughts that kill the trees, the warm winter nights when flowers bloom in January, the snows that fall less frequently and melt more quickly.

We're still waiting to hear words anywhere near that clear and eloquent from Cecil Roberts.

Rightly so, Cecil Roberts is focused on the coal miners he represents — and not only working miners, but thousands of retirees and widows, folks who rely on coal production fees to fund their retirement and health-care benefits. He's right to worry about and try to work to protect their interests. I'm not sure anybody quibbles with that.

But in his Talkline interview, Cecil repeatedly said his view of putting his coal miners and their families first is a **broader** view than that taken by EPA and groups like the Sierra Club. I'm not sure how he translates working for the interests of a relatively small (in global terms) number of people's economic security into a broader view than working for protection of the very climate the the rest of the world's residents rely on to live. I've repeatedly on this blog urged readers from the environmental community to try to put themselves into Cecil's shoes on these issues. But saying he had a broader view of climate change than those who are actually working to address it was a poor choice of words, especially when used in this context

There are other problems with the arguments Cecil is making on this.

He seems to advocate the United States not taking any action at all on global warming unless it's doing so as part of a global treaty with developing nations, ignoring the notion that the U.S. should be a progressive world leader. Taken to its logical conclusion, this theory would drive the U.S. to abandon mine safety laws if China didn't adopt those same worker protections.

And Cecil argues for no action by EPA on global warming unless Congress passes a

comprehensive climate change bill. But let's remember that his union refused to endorse the Waxman-Markey bill that passed the House, **despite saying publicly of that legislation:**

As it stands now, the amount of money dedicated to coal in this bill is remarkable, and the future of coal will be intact.

Phil Smith told me that the union believes, if that bill had become law, the nation would be three years further down the road toward perfecting and deploying **carbon capture and sequestration** technology for coal-fired power plants. Instead, we see projects like **AEP's Mountaineer Plant CCS installation being dropped**, largely because **without mandated emissions reductions, there's no reason for utilities to move forward.**

Just this morning, Phil Smith told me again that the UMWA — unlike the Hoppy Kerchevals and Don Surbers of our state — accepts the science on global warming. If that's true, then Cecil Roberts knows that global warming pollution levels **are worse than scientists feared they would be**, and he knows there is a **"pressing need for substantial action"** to reduce carbon dioxide emissions. And Cecil also knows that the only way to both deal with these issues and still have a coal industry is to press forward with CCS.

If that's what he knows, then why doesn't Cecil say it, instead of taking the bait from global warming deniers?

Brendan
Giffilan/DC/USEPA/US
03/01/2011 02:44 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, Cynthia Giles-AA, Nancy Stoner, Shawn Garvin, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons

cc

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Subject 2nd NYT Fracking Story: Gas Drillers Recycle Wastewater, but Risks Remain

Gas Drillers Recycle Wastewater, but Risks Remain

By [IAN URBINA](#)

As drilling for natural gas started to climb sharply about 10 years ago, energy companies faced mounting criticism over an extraction process that involves pumping millions of gallons of water into the ground for each well can leave significant amounts of hazardous contaminants in the water that comes back to the surface.

So, in a move hailed by industry as a major turning point, drilling companies started reusing and recycling the wastewater.

“Water recycling is a win-win,” one drilling company, Range Resources, says on its Web site. “It reduces fresh water demand and eliminates the need to dispose of the water.”

But the win-win comes with significant asterisks.

In Pennsylvania, for example, natural-gas companies recycled less than half of the wastewater they produced during the 18 months that ended in December, according to state records.

Nor has recycling eliminated environmental and health risks. Some methods can leave behind salts or sludge highly concentrated with radioactive material and other contaminants that can be dangerous to people and aquatic life if they get into waterways.

Some well operators are also selling their waste, rather than paying to dispose of it. Because it is so salty, they have found ready buyers in communities that spread it on roads for de-icing in the winter and for dust suppression in the summer. When ice melts or rain falls, the waste can run off roads and end up in the drinking supply.

Yet in Pennsylvania, where the number of drilling permits for gas wells has jumped markedly in the last several years, in part because the state sits on a large underground gas formation known as the Marcellus Shale, such waste remains exempt from federal and state oversight, even when turned into salts and spread on roads.

When Pennsylvania regulators tried to strengthen state oversight of how drilling wastewater is tracked, an industry coalition argued vehemently against it. Three of the top state officials at the

meeting have since left the government — for the natural-gas industry.

One executive at a drilling wastewater recycling company said that for all the benefits of recycling, it was not a cure-all.

“No one wants to admit it, but at some point, even with reuse of this water, you have to confront the disposal question,” said Brent Halldorson, chief operating officer of Aqua-Pure/Fountain Quail Water Management, adding that the wastewater has barium, strontium and radioactive elements that need to be removed.

Mr. Halldorson emphasized that he had not seen high radioactivity readings at the plant he operates in Williamsport, Pa. He said he firmly believed in the benefits of recycling — to reduce the waste produced and water used and to help promote a shift toward natural gas, which burns cleaner than coal for producing electricity.

“But there still needs to be a candid discussion, and there needs to be accountability about where even the recycled wastewater is going,” Mr. Halldorson added.

More than 90 percent of well operators in Pennsylvania use this process, known as hydrofracking, to get wells to produce. From 10 percent to 40 percent of the water injected into each well resurfaces in the first few weeks of the process.

Many states send their drilling waste to injection wells, for storage deep underground. But because of the geological formations in Pennsylvania, there are few injection wells, and other alternatives are expensive. So natural-gas well operators in the state have turned to recycling.

“The technical breakthroughs that have allowed us to lead the nation in water recycling are complemented by a carefully orchestrated water-management system, involving a combination of on-site and off-site treatment, depending on specific geography and economics,” said Kathryn Klaber, president of the Marcellus Shale Coalition, an industry trade group.

State and company records show that in the year and a half that ended in December 2010, well operators reported recycling at least 320 million gallons. But at least 260 million additional gallons of wastewater were sent to plants that discharge their treated waste into rivers, out of a total of more than 680 million gallons of wastewater produced, according to state data posted Tuesday. Those 260 million gallons would fill more than 28,800 tanker trucks, a line of which would stretch from about New York City to Richmond, Va.

While the total amount of recycling occurring in the state is nowhere near the 90 percent that the industry has been claiming over the past year, the practice has undoubtedly been on the rise in recent months. The amount reported recycled in the past six months is roughly 65 percent of the total produced, up from roughly 20 percent during the 12 months before that. At least 50 million additional gallons of wastewater is unaccounted for, according to state records.

The fate of more of the wastewater is unknown because of industry [lobbying](#). In 2009, when regulators tried to strengthen oversight of the industry’s methods for disposing of its waste, the

Marcellus Shale Coalition staunchly [opposed](#) the effort.

“There is no other industry in Pennsylvania that is required to have a manifest system for residual waste,” industry officials [argued](#), according to notes from a meeting on March 11, 2009, with state regulators and officials from the governor’s office. Under the proposed system, a manifest would have been required so that each load of wastewater was tracked from the well to its disposal, to verify that it was not dumped at the side of the road.

After initially [resisting](#), state officials [agreed](#), adding that they would try to persuade the secretary of Pennsylvania’s Department of Environmental Protection to agree, according to the notes.

In the end, the state’s proposed manifest system for tracking was not carried out.

Three of the top state officials in the meeting — K. Scott Roy, Barbara Sexton and J. Scott Roberts — have since left their posts for jobs in the natural-gas industry.

The tracking system that was put in place requires monthly or yearly reports to the state from well operators indicating where their waste was taken, but offers no way for the state to guarantee that the waste actually reached the disposal sites.

The challenges of tracking and disposing all of the industry’s drilling waste will not go away soon. At least 50,000 new Marcellus wells are supposed to be drilled in Pennsylvania over the next two decades, up from about 6,400 permitted Marcellus wells now.

Wells also create waste that is not captured by recycling, because operators typically recycle only for the first several months after a well begins producing gas.

Though the amount of wastewater decreases over time, the wells can continue to ooze for decades, long after many of them are abandoned.

“This is important because as the well ages, the fluids that come up from it become more toxic, and the state or companies are even less likely to be tracking it,” said Anthony Ingraffea, a drilling expert and professor of civil and environmental engineering at [Cornell University](#).

State regulators predict that the heaviest burdens are still to come.

“The waste that flows back slowly and continuously over the 20- to 30-year life of each gas well could produce 27 tons of salt per year,” Pennsylvania officials [wrote](#) in new rules adopted last August about salt levels in drilling wastewater being sent through sewage treatment plants. “Multiply this amount by tens of thousands of Marcellus gas wells,” they said, and the potential pollution effects are “tremendous.”

In an interview on Sunday, John Hanger, who in January stepped down as secretary of Pennsylvania’s Department of Environmental Protection, pointed to these rules as some of the strongest in the country and cited other accomplishments during his term, including increasing

inspections of drilling industry trucks, more than doubling his department's natural gas staff and improving well-design requirements.

The natural-gas industry uses a number of methods to recycle drilling waste.

Some drillers have used recycling equipment at the well site or truck the water to a dedicated recycling facility. The wastewater is filtered, [evaporated](#) and then distilled, to be used again at the well. Other companies add fresh water to the wastewater, to dilute the salts and other contaminants, before pumping it back in the ground for more hydrofracking.

Any sludge that settles from these various processes is taken to landfills, which in Pennsylvania are equipped with radiation monitors, or sent to injection disposal wells.

But drilling experts say that virtually all forms of recycling still result in liquid waste that can be [more toxic](#) than it was after the first use.

“The wastewater that comes up from the well will, without a doubt, increase to some degree in radium and other radionuclides with each new fracking,” said Radisav Vidic, an environmental engineering professor and drilling expert at the [University of Pittsburgh](#).

Industry officials said there was no reason for concern about radioactivity levels in wastewater.

“All of our reports indicate that this industry operates within the same standards set forth and observed by all water consumers in Pennsylvania,” said Matt Pitzarella, a spokesman from Range Resources-Appalachia, a part of the natural-gas company Range Resources.

Some energy companies have found more profitable options for getting rid of their drilling wastewater.

In West Virginia, for example, environmental regulators and highway officials last year announced plans for the state to start paying around five cents per gallon for gas drilling wastewater known as brine, which tends to be extremely salty, to melt ice on roads.

They planned to buy about 1.2 million gallons of the wastewater at more than 120 sites around the state and to buy more as needed.

West Virginia's water and waste management director, Scott Mandirola, has said that he recognized that the waste may have radioactive contaminants and that some of the waste would find its way to the state's waters.

But he added that it would be highly diluted by rain or snow and that de-icing the roads was important. State officials also said that only wastewater from shallow wells would be used, thereby reducing levels of radioactivity.

Pennsylvania also allows salty brine produced from the wastewater to be spread on roads for dust suppression or de-icing.

More than 155,000 gallons of this wastewater was sent by a drilling company called Ultra Resources to nine towns for dust suppression in 2009, [state records show](#). The water came from two gas wells in Tioga County and contained radium at almost 700 times the levels allowed in drinking water.

“I was told nothing about frack water or any gas-well brines or anything else,” said Deborah Kotulka, the secretary of Richmond Township, in Tioga County, whose name appears on the state record. Her township received 101,640 gallons of the water from wells with high radioactivity, [those records](#) show.

As gas producers have tried to find new ways to get rid of their waste, they have sought reassurances from state and federal regulators that the industry’s exemptions from federal laws on hazardous waste were broad enough to protect them.

In late 2009, for example, officials from an industry trade group, the Pennsylvania Oil and Gas Association, wrote to regulators to confirm that drilling waste, regardless of how it was handled, would remain exempt from the federal law governing hazardous materials. The association said it was asking in case companies sought to distill the waste into salts for de-icing roads.

“The query has monumental significance,” Steve Rhoads, then the president of the association, [wrote](#) in a September 2009 e-mail to state regulators explaining his members’ concerns about any attempt by federal officials to categorize drilling waste as hazardous material. The correspondence was obtained through open-records requests filed with the state.

If drillers were to lose the exemption from federal law that allowed their waste not to be considered hazardous, they would probably be forced, at great expense, to start more rigorously testing the waste for toxicity.

They might also have to do what most other industries do: ship any radioactive sludge or salts that is high in radioactivity to Idaho or Washington, where there are some of the only landfills in the country permitted to accept such waste.

Instead, federal regulators informed the industry that their exemption remained intact, a decision that association officials quickly passed on to their members. State regulators declined to comment on the exchange because it concerns a federal, not state, exemption. Federal officials said the salts were regulated by the states.

“In short,” Mr. Rhoads wrote his members, the [Environmental Protection Agency](#) has determined that the exemption “remains in effect once the waste is generated, regardless of how the waste is treated or managed.”

**Brendan
Gilfillan/DC/USEPA/US**
01/25/2011 04:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen

cc

bcc

Subject AP: Gingrich calls for replacing EPA

FYI - as you'll see in the story, AP has asked us for comment on this.

Gingrich calls for replacing EPA

(AP) – 2 hours ago

DES MOINES, Iowa (AP) — Former House Speaker Newt Gingrich called Tuesday for the elimination of the Environmental Protection Agency, which he wants to replace with a new organization that would work more closely with businesses and be more aggressive in using science and technology.

In an interview with The Associated Press, Gingrich said the EPA was rarely innovative and focused only on issuing regulations and litigation.

"What you have is a very expensive bureaucracy that across the board makes it harder to solve problems, slows down the development of new innovations," Gingrich said.

Gingrich, who has acknowledged that he's mulling a run for the Republican presidential nomination, was in Iowa to talk to the Iowa Renewable Fuels Association. He also met privately with Republican legislators, often a sign in Iowa that people are laying the groundwork for a campaign. The state has the nation's first presidential caucuses.

Gingrich, who has made several visits to Iowa recently, said the EPA was founded on sound ideas but has become a traditional Washington bureaucracy. Tuesday was the first time he had proposed eliminating it, Gingrich spokesman R.C. Hammond said.

"We need to have an agency that is first of all limited, but cooperates with the 50 states," Gingrich said. "The EPA is based on bureaucrats centered in Washington issuing regulations and litigation and basically opposing things."

A telephone message left for EPA spokesman Brenden Gilfillan in Washington was not immediately returned.

Gingrich denied his proposal would result in environmental damage, saying he would replace the EPA with what he called the Environmental Solution Agency.

"I think you have an agency which would get up every morning, very much like the National Institutes for Health or the National Science Foundation, and try to figure out what do we need to

do today to get a better environment that also gets us a better economy," he said.

Gingrich also said his proposed agency would pursue the development of a clean coal and rewrite regulations governing the development of small nuclear plants.

"There's a whole new emerging technology that allows you to build smaller nuclear plants, but all of our rules were designed for very complex, very expensive systems," he said.

Gingrich's anti-Washington, pro-business theme was designed to appeal to the conservatives who dominate Republican precinct caucuses, which traditionally launch the presidential nominating process. Iowa's next presidential caucus is Feb. 6, 2012.

"The level of control that Washington bureaucrats want to extend over topics they don't understand and communities they don't live in is wrong," he said. "Having an attitude of getting up every morning and trying to stop the economy is just a very destructive attitude."

**Brendan
Gillilan/DC/USEPA/US**
02/09/2011 01:53 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Michael Moats

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Subject Politico: New Power Balance After Browner?

Politico
New Power Balance After Browner?

Darren Samuelsohn
2/9/11

Carol Browner's imminent exit as President Barack Obama's energy adviser raises questions about whether the White House will return to regular order when it comes to environmental policy.

For nearly four decades, presidents have relied for green advice on the leader of the Council on Environmental Quality — a relatively obscure office that has often wielded extraordinary power behind the scenes.

But Obama leaned on Browner, rather than CEQ Chairwoman Nancy Sutley, on high-profile items, including the climate change bill and last year's BP oil spill. Now that Browner is packing her bags, observers wonder whether CEQ can snatch back its past role as a key legislative liaison and public face shaping and defending environmental policy.

"I do think you'll see a higher-profile role for Nancy," said Shelley Fidler, a CEQ chief of staff during the Clinton administration. "It's an opportunity not just for Nancy but all those great people who work there."

In 2011, those opportunities include navigating Obama's "clean energy standard" proposal through Congress, responding to Republican presidential candidates and lawmakers attacking his environmental and climate change agenda and making a decision on the nearly 1,700-mile Keystone XL oil pipeline.

Most of Sutley's efforts since early 2009 have been low key, spearheading the federal response to regional issues, such as the Asian carp invasion of the Great Lakes and restoration projects in the Gulf of Mexico, Chesapeake Bay, California Bay-Delta and the Everglades. She has held the reins implementing an executive order to reduce the federal government's greenhouse gas emissions and overseeing the environmental effects of tens of billions of economic-stimulus dollars. She has also chaired panels establishing policy on climate adaptation and oceans.

"The role and the clout that CEQ has is almost entirely dependent on the wishes of the president and, to some extent, on the president's chief of staff," said George Frampton, CEQ chairman for the final three years of the Clinton administration. "Perhaps it was inevitable, with all the focus on the climate and energy legislation and with a czar in the White House in charge of that, that CEQ would not be as empowered in the last two years."

Presidents have wide discretion when it comes to leaning on CEQ for advice. President Bill

Clinton's two CEQ leaders — Frampton and Katie McGinty — had significant sway, thanks to close ties to the Oval Office through Vice President Al Gore.

James Connaughton wielded extraordinary influence in the George W. Bush administration, sitting just behind Vice President Dick Cheney during Cabinet meetings and regularly serving as public point man on controversial policy moves. He also spearheaded international climate efforts, including the Major Economies Forum, which has since been taken over by the State Department.

"Oddly, CEQ was never more influential than under George W. Bush," said James "Gus" Speth, CEQ chairman during the Carter administration.

It's been a different story for Sutley, 48, a former EPA official who worked for Browner during the Clinton administration before moving to Los Angeles to serve as deputy mayor in charge of environment. Coming back to Washington in 2009, Sutley thrilled greens by promising an end to scientific censorship that had been a recurring theme in the Bush era. And she promised to empower agencies such as EPA, which had often seen its ideas discarded during the previous eight years.

But CEQ and its staff of 24 full-time experts have made it into the spotlight on only a few occasions — and not necessarily under the best of circumstances. In mid-2009, Fox News commentator Glenn Beck led a successful campaign to oust Sutley's green jobs adviser, Van Jones, because he had signed a petition suggesting the Sept. 11, 2001, terrorist attacks were a government conspiracy and had described congressional Republicans in anatomical terms.

The office took another hit last month when Jon Carson, Sutley's chief of staff for two years, was promoted to director of the White House Office of Public Engagement. Carson was Obama's 2008 field director and a key link with the West Wing.

"He was the most politically important person over there," said a former top Clinton administration environmental official. "He's one of the boys. ... That's a loss for CEQ."

In an interview with POLITICO last week, Sutley said Browner's prominent White House role underscores Obama's commitment to the environment, not the other way around.

"People have their perceptions," she said. "I'm not going to argue whether they have those perceptions. But I've got to tell you, I've been doing this a long time, and I've got to tell you that I don't see the mission of CEQ diminished. I see the portfolio of the environment and of energy and of sustainability expanded.

"And in recognizing that expansion, that bringing more people into the equation, someone with the history and the skills of Carol Browner is really a good thing that the president did and, again, reflects how much of a priority he places on these issues," Sutley added. "You're asking is it a zero-sum game. I don't think it's a zero-sum game. I think it's actually the pie has expanded significantly."

White House officials are still not ready to discuss publicly what will happen to Browner's portfolio, but sources inside and outside the administration tell POLITICO they expect her office to be shuttered, with its files and staff distributed to the National Economic Council, National Security Council and CEQ, among others.

Administration officials and allies on the outside insist that Sutley has been a key player driving

policy. Both Sutley and Browner have participated over the past two years in the daily White House senior staff meetings, as well as Cabinet meetings.

“In the past two years, this administration has made crucial strides in protecting the air Americans breathe and the water Americans drink,” EPA’s Jackson said in a statement to POLITICO. “The work Nancy and her team does is vital in making progress on these issues for the American people. She’s a friend, a trusted colleague and an invaluable part of this team.”

Bradley Campbell, a CEQ chief of staff in the Clinton administration, said Sutley has done a good job establishing a working relationship with the various federal agencies.

“This CEQ has established a very positive and very effective working relationship with the agencies, which was not really true in my observation in the Bush years,” Campbell said. “She’s been wise in not positioning herself as the public lead on every issue because, frankly, and you’ve seen this in both Democratic and Republican administrations, receptions to an issue are changed when it’s perceived to be a White House lead.”

Behind the scenes, CEQ leaders can play a major role in determining the environmental policy direction of an administration.

“In the Reagan administration, CEQ influenced a lot of proposals that most people weren’t even aware of — even when people thought CEQ had virtually no clout at all,” said Dinah Bear, a former CEQ general counsel whose career spanned 25 years and four administrations.

In the beginning, CEQ had three leaders nominated by the president and a staff of more than 100. President Richard M. Nixon tapped three big names in the conservation world — Russell Train, Gordon MacDonald and Robert Cahn — to churn out the first wave of rules establishing EPA and the National Oceanic and Atmospheric Administration and to implement early iterations of the Clean Air Act. While Congress gave CEQ specific authority under the National Environmental Policy Act, the council took on a much broader mandate in its beginning.

“Environmental problems occur today because we were not alert enough, informed enough or farseeing enough yesterday,” Nixon said in a 1970 statement launching the office. “The new Council on Environmental Quality will work to remedy these deficiencies and will thus contribute, in a most significant way, to the quality of American life for all our tomorrows.”

Sutley said she has many of the same responsibilities as Train and Connaughton. “Those fundamental roles have not changed over 40 years,” she said.

Brendan
Gillilan/DC/USEPA/US
12/08/2010 10:11 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman

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Subject The New Republic: Obama's Non Confrontational EPA

The New Republic: Obama's Non Confrontational EPA

by Bradford Plumer

Bradford Plumer is an assistant editor at The New Republic, where he reports on energy and environmental issues.

Here's a quick sketch of how environmental policy will get made for the next two years. Congress won't pass any new laws. The EPA will try to use the authority it already has to mop up pollution from coal plants, factories, and vehicles (and the agency has a fair bit of existing authority to do so). Industry groups, Republicans, and more than a few Democrats will moan about the costs. And the Obama administration will then have to decide just how much confrontation it can really stomach. Any bets on how this will all play out?

Yesterday brings a sneak preview: The EPA [just announced](#) that it is asking for a year-long delay in crafting new rules that would lower toxic pollution from industrial boilers and solid-waste incinerators. The D.C. District Court had given the EPA until January 16, 2011, to set new standards that would reduce mercury and soot pollution from sources like oil refineries and paper mills. This isn't just some abstract tree-hugging measure; it would arguably do more for public health than any section of Obamacare: EPA experts [found](#) that cutting toxic pollution could prevent 5,000 deaths and 36,000 asthma attacks *each year*. (All told, the rule would have cost an estimated \$6.4 billion each year while delivering between \$138 billion and \$334 billion in annual health benefits — not a bad deal.) But the affected industries all griped that the costs were way too burdensome and buried the EPA in angry comments.

Now, EPA officials say they're seeking a delay because all those comments made them realize that the air-toxics rule could be structured more carefully. That's plausible. But it's *also* true that the agency has been under excruciating political pressure of late. Nearly 100 lawmakers have complained about the boiler rules. The likely new head of the House energy committee, Fred Upton, [has bashed the standards](#) and is promising to drag EPA head Lisa Jackson in for enhanced interrogation. (Upton's concern? The Council of Industrial Boiler Owners thinks the costs will be far greater than EPA is projecting. It's worth noting that, historically, pollution rules [tend to be cheaper](#) than even the EPA expects.) And House Republicans will have a say in the agency's budget going forward, so Jackson can't just ignore them.

But this goes beyond one little pollution rule. Right now, the EPA is preparing a whole host of

new regulations under the Clean Air Act. There's a national air quality standard for ozone pollution in the works. There's a looming decision about whether to regulate coal ash as a hazardous waste. There are new smog rules that would limit sulfur-dioxide and nitrogen-oxide emissions from coal power plants. And, of course, the EPA is still trying to formulate rules to crack down on greenhouse gas emissions. That last one is pretty much the country's only shot at tackling global warming, now that Congress has no interest in passing climate legislation.

Taken together, these new regulations could have an enormous effect on America's energy mix — [up to 20 percent](#) of the country's coal plants could get retired in the coming decade, potentially replaced with cleaner natural gas or even renewable power. It's hard to overstate what a massive shift that would entail. But, for that to happen, the EPA would actually have to slog ahead in the face of vicious opposition from Congress and industry groups. And it's unclear just how hard the agency is willing to battle. True, Barack Obama has said he'd veto any bill that crippled the EPA's greenhouse-gas authority, and Lisa Jackson [is fond of dismissing](#) apocalyptic cries by industry lobbyists. But today's announcement suggests that even Jackson doesn't want to get too heavy-handed.

Incidentally, this is why *American Electric Power v. Connecticut* is a Supreme Court case worth following closely. At stake is whether states, localities, and environmental groups can get courts to declare CO₂-spewing power plants a "public nuisance" — and, in effect, get the legal system to force these plants to reduce their heat-trapping emissions. (See [here](#) for a detailed rundown.) The Second Circuit Court of Appeals ruled that, yes, such lawsuits could proceed, so long as the EPA wasn't taking its own steps to reduce greenhouse gas emissions. (So far, the agency [has only issued rules](#) governing *new* power plants, not existing ones.) We'll see what the Supreme Court says, but if these nuisance suits are allowed to go forward, that could push the EPA to speed up its climate regulations — for now, most of the pressure is coming from the opposite direction.

Brendan
Giffilan/DC/USEPA/US
06/22/2011 09:09 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Laura Vaught, Daniel Kanninen, Janet Woodka

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Subject AI Gore in Rolling Stone: Climate of Denial

Climate of Denial

Can science and the truth withstand the merchants of poison?

The first time I remember hearing the question "is it real?" was when I went as a young boy to see a traveling show put on by "professional wrestlers" one summer evening in the gym of the Forks River Elementary School in Elmwood, Tennessee.

The evidence that it was real was palpable: "They're really hurting each other! That's real blood! Look a'there! They can't fake that!" On the other hand, there was clearly a script (or in today's language, a "narrative"), with good guys to cheer and bad guys to boo.

But the most unusual and in some ways most interesting character in these dramas was the referee: Whenever the bad guy committed a gross and obvious violation of the "rules" — such as they were — like using a metal folding chair to smack the good guy in the head, the referee always seemed to be preoccupied with one of the cornermen, or looking the other way. Yet whenever the good guy — after absorbing more abuse and unfairness than any reasonable person could tolerate — committed the slightest infraction, the referee was all over him. The answer to the question "Is it real?" seemed connected to the question of whether the referee was somehow confused about his role: Was he too an entertainer?

[Photo Gallery: 11 extreme-weather signs the climate crisis is real](#)

That is pretty much the role now being played by most of the news media in refereeing the current wrestling match over whether global warming is "real," and whether it has any connection to the constant dumping of 90 million tons of heat-trapping emissions into the Earth's thin shell of atmosphere every 24 hours.

This article appears in the July 7, 2011 issue of Rolling Stone. The issue is available on newsstands and in the digital archive on June 24.

Admittedly, the contest over global warming is a challenge for the referee because it's a tag-team match, a real free-for-all. In one corner of the ring are Science and Reason. In the other corner: Poisonous Polluters and Right-wing Ideologues.

[How Obama gave up on climate change legislation](#)

The referee — in this analogy, the news media — seems confused about whether he is in the news business or the entertainment business. Is he responsible for ensuring a fair match? Or is he part of the show, selling tickets and building the audience? The referee certainly seems distracted: by Donald Trump, Charlie Sheen, the latest reality show — the list of serial obsessions is too long to enumerate here.

[Photo Gallery: 12 politicians and executives blocking progress on climate change](#)

But whatever the cause, the referee appears not to notice that the Polluters and Ideologues are trampling all over the "rules" of democratic discourse. They are financing pseudoscientists whose job is to manufacture doubt about what is true and what is false; buying elected officials wholesale with bribes that the politicians themselves have made "legal" and can now be made in secret; spending hundreds of millions of dollars each year on misleading advertisements in the mass media; hiring four anti-climate lobbyists for every member of the U.S. Senate and House of Representatives. (Question: Would Michael Jordan have been a star if he was covered by four defensive players every step he took on the basketball court?)

[How oil and gas companies have blocked progress on global warming](#)

This script, of course, is not entirely new: A half-century ago, when Science and Reason established the linkage between cigarettes and lung diseases, the tobacco industry hired actors, dressed them up as doctors, and paid them to look into television cameras and tell people that the linkage revealed in the Surgeon General's Report was not real at all. The show went on for decades, with more Americans killed each year by cigarettes than all of the U.S. soldiers killed in all of World War II.

This time, the scientific consensus is even stronger. It has been endorsed by every National Academy of science of every major country on the planet, every major professional scientific society related to the study of global warming and 98 percent of climate scientists throughout the world. In the latest and most authoritative study by 3,000 of the very best scientific experts in the world, the evidence was judged "unequivocal."

But wait! The good guys transgressed the rules of decorum, as evidenced in their private e-mails that were stolen and put on the Internet. The referee is all over it: Penalty! Go to your corner! And in their 3,000-page report, the scientists made some mistakes! Another penalty!

And if more of the audience is left confused about whether the climate crisis is real? Well, the show must go on. After all, it's entertainment. There are tickets to be sold, eyeballs to glue to the screen.

Part of the script for this show was leaked to *The New York Times* as early as 1991. In an internal document, a consortium of the largest global-warming polluters spelled out their principal strategy: "Reposition global warming as theory, rather than fact." Ever since, they have been sowing doubt even more effectively than the tobacco companies before them.

To sell their false narrative, the Polluters and Ideologues have found it essential to undermine the public's respect for Science and Reason by attacking the integrity of the climate scientists. That is why the scientists are regularly accused of falsifying evidence and exaggerating its implications in a greedy effort to win more research grants, or secretly pursuing a hidden political agenda to expand the power of government. Such slanderous insults are deeply ironic: extremist ideologues — many financed or employed by carbon polluters — accusing scientists of being greedy extremist ideologues.

After World War II, a philosopher studying the impact of organized propaganda on the quality of democratic debate wrote, "The conversion of all questions of truth into questions of power has attacked the very heart of the distinction between true and false."

Is the climate crisis real? Yes, of course it is. Pause for a moment to consider these events of just the past 12 months:

- Heat. According to NASA, 2010 was tied with 2005 as the hottest year measured since instruments were first used systematically in the 1880s. Nineteen countries set all-time high temperature records. One city in Pakistan, Mohenjo-Daro, reached 128.3 degrees Fahrenheit, the hottest temperature ever measured in an Asian city. Nine of the 10 hottest years in history have occurred in the last 13 years. The past decade was the hottest ever measured, even though half of that decade represented a "solar minimum" — the low ebb in the natural cycle of solar energy emanating from the sun.
- Floods. Megafloods displaced 20 million people in Pakistan, further destabilizing a nuclear-armed country; inundated an area of Australia larger than Germany and France combined; flooded 28 of the 32 districts that make up Colombia, where it has rained almost continuously for the past year; caused a "thousand-year" flood in my home city of Nashville; and led to all-time record flood levels in the Mississippi River Valley. Many places around the world are now experiencing larger and more frequent extreme downpours and snowstorms; last year's "Snowmagedon" in the northeastern United States is part of the same pattern, notwithstanding the guffaws of deniers.
- Drought. Historic drought and fires in Russia killed an estimated 56,000 people and caused wheat and other food crops in Russia, Ukraine and Kazakhstan to be removed from the global market, contributing to a record spike in food prices. "Practically everything is burning," Russian president Dmitry Medvedev declared. "What's happening with the planet's climate right now needs to be a wake-up call to all of us." The drought level in much of Texas has been raised from "extreme" to "exceptional," the highest category. This spring the majority of the counties in Texas were on fire, and Gov. Rick Perry requested a major disaster declaration for all but two of the state's 254 counties. Arizona is now fighting the largest fire in its history. Since 1970, the fire season throughout the American West has increased by 78 days. Extreme droughts in central China and northern France are currently drying up reservoirs and killing crops.
- Melting Ice. An enormous mass of ice, four times larger than the island of Manhattan, broke off from northern Greenland last year and slipped into the sea. The acceleration of ice loss in both

Greenland and Antarctica has caused another upward revision of global sea-level rise and the numbers of refugees expected from low-lying coastal areas. The Arctic ice cap, which reached a record low volume last year, has lost as much as 40 percent of its area during summer in just 30 years.

These extreme events are happening in real time. It is not uncommon for the nightly newscast to resemble a nature hike through the Book of Revelation. Yet most of the news media completely ignore how such events are connected to the climate crisis, or dismiss the connection as controversial; after all, there are scientists on one side of the debate and deniers on the other. A Fox News executive, in an internal e-mail to the network's reporters and editors that later became public, questioned the "veracity of climate change data" and ordered the journalists to "refrain from asserting that the planet has warmed (or cooled) in any given period without IMMEDIATELY pointing out that such theories are based upon data that critics have called into question."

But in the "real" world, the record droughts, fires, floods and mudslides continue to increase in severity and frequency. Leading climate scientists like Jim Hansen and Kevin Trenberth now say that events like these would almost certainly not be occurring without the influence of man-made global warming. And that's a shift in the way they frame these impacts. Scientists used to caution that we were increasing the probability of such extreme events by "loading the dice" — pumping more carbon into the atmosphere. Now the scientists go much further, warning that we are "painting more dots on the dice." We are not only more likely to roll 12s; we are now rolling 13s and 14s. In other words, the biggest storms are not only becoming more frequent, they are getting bigger, stronger and more destructive.

"The only plausible explanation for the rise in weather-related catastrophes is climate change," Munich Re, one of the two largest reinsurance companies in the world, recently stated. "The view that weather extremes are more frequent and intense due to global warming coincides with the current state of scientific knowledge."

Many of the extreme and destructive events are the result of the rapid increase in the amount of heat energy from the sun that is trapped in the atmosphere, which is radically disrupting the planet's water cycle. More heat energy evaporates more water into the air, and the warmer air holds a lot more moisture. This has huge consequences that we now see all around the world.

When a storm unleashes a downpour of rain or snow, the precipitation does not originate just in the part of the sky directly above where it falls. Storms reach out — sometimes as far as 2,000 miles — to suck in water vapor from large areas of the sky, including the skies above oceans, where water vapor has increased by four percent in just the last 30 years. (Scientists often compare this phenomenon to what happens in a bathtub when you open the drain; the water rushing out comes from the whole tub, not just from the part of the tub directly above the drain. And when the tub is filled with more water, more goes down the drain. In the same way, when the warmer sky is filled with a lot more water vapor, there are bigger downpours when a storm cell opens the "drain.")

In many areas, these bigger downpours also mean longer periods between storms — at the same

time that the extra heat in the air is also drying out the soil. That is part of the reason so many areas have been experiencing both record floods and deeper, longer-lasting droughts.

Moreover, the scientists have been warning us for quite some time — in increasingly urgent tones — that things will get much, much worse if we continue the reckless dumping of more and more heat-trapping pollution into the atmosphere. Drought is projected to spread across significant, highly populated areas of the globe throughout this century. Look at what the scientists say is in store for the Mediterranean nations. Should we care about the loss of Spain, France, Italy, the Balkans, Turkey, Tunisia? Look at what they say is in store for Mexico. Should we notice? Should we care?

Maybe it's just easier, psychologically, to swallow the lie that these scientists who devote their lives to their work are actually greedy deceivers and left-wing extremists — and that we should instead put our faith in the pseudoscientists financed by large carbon polluters whose business plans depend on their continued use of the atmospheric commons as a place to dump their gaseous, heat-trapping waste without limit or constraint, free of charge.

The truth is this: What we are doing is functionally insane. If we do not change this pattern, we will condemn our children and all future generations to struggle with ecological curses for several millennia to come. Twenty percent of the global-warming pollution we spew into the sky each day will still be there 20,000 years from now!

We do have another choice. Renewable energy sources are coming into their own. Both solar and wind will soon produce power at costs that are competitive with fossil fuels; indications are that twice as many solar installations were erected worldwide last year as compared to 2009. The reductions in cost and the improvements in efficiency of photovoltaic cells over the past decade appear to be following an exponential curve that resembles a less dramatic but still startling version of what happened with computer chips over the past 50 years.

Enhanced geothermal energy is potentially a nearly limitless source of competitive electricity. Increased energy efficiency is already saving businesses money and reducing emissions significantly. New generations of biomass energy — ones that do not rely on food crops, unlike the mistaken strategy of making ethanol from corn — are extremely promising. Sustainable forestry and agriculture both make economic as well as environmental sense. And all of these options would spread even more rapidly if we stopped subsidizing Big Oil and Coal and put a price on carbon that reflected the true cost of fossil energy — either through the much-maligned cap-and-trade approach, or through a revenue-neutral tax swap.

All over the world, the grassroots movement in favor of changing public policies to confront the climate crisis and build a more prosperous, sustainable future is growing rapidly. But most governments remain paralyzed, unable to take action — even after years of volatile gasoline prices, repeated wars in the Persian Gulf, one energy-related disaster after another, and a seemingly endless stream of unprecedented and lethal weather disasters.

Continuing on our current course would be suicidal for global civilization. But the key question is: How do we drive home that fact in a democratic society when questions of truth have been

converted into questions of power? When the distinction between what is true and what is false is being attacked relentlessly, and when the referee in the contest between truth and falsehood has become an entertainer selling tickets to a phony wrestling match?

The "wrestling ring" in this metaphor is the conversation of democracy. It used to be called the "public square." In ancient Athens, it was the Agora. In the Roman Republic, it was the Forum. In the Egypt of the recent Arab Spring, "Tahrir Square" was both real and metaphorical — encompassing Facebook, Twitter, Al-Jazeera and texting.

In the America of the late-18th century, the conversation that led to our own "Spring" took place in printed words: pamphlets, newsprint, books, the "Republic of Letters." It represented the fullest flower of the Enlightenment, during which the oligarchic power of the monarchies, the feudal lords and the Medieval Church was overthrown and replaced with a new sovereign: the Rule of Reason.

The public square that gave birth to the new consciousness of the Enlightenment emerged in the dozen generations following the invention of the printing press — "the Gutenberg Galaxy," the scholar Marshall McLuhan called it — a space in which the conversation of democracy was almost equally accessible to every literate person. Individuals could both find the knowledge that had previously been restricted to elites and contribute their own ideas.

Ideas that found resonance with others rose in prominence much the way Google searches do today, finding an ever larger audience and becoming a source of political power for individuals with neither wealth nor force of arms. Thomas Paine, to take one example, emigrated from England to Philadelphia with no wealth, no family connections and no power other than that which came from his ability to think and write clearly — yet his *Common Sense* became the *Harry Potter* of Revolutionary America. The "public interest" mattered, was actively discussed and pursued.

But the "public square" that gave birth to America has been transformed beyond all recognition. The conversation that matters most to the shaping of the "public mind" now takes place on television. Newspapers and magazines are in decline. The Internet, still in its early days, will one day support business models that make true journalism profitable — but up until now, the only successful news websites aggregate content from struggling print publications. Web versions of the newspapers themselves are, with few exceptions, not yet making money. They bring to mind the classic image of Wile E. Coyote running furiously in midair just beyond the edge of the cliff, before plummeting to the desert floor far beneath him.

The average American, meanwhile, is watching television an astonishing five hours a day. In the average household, at least one television set is turned on more than eight hours a day. Moreover, approximately 75 percent of those using the Internet frequently watch television at the same time that they are online.

Unlike access to the "public square" of early America, access to television requires large amounts of money. Thomas Paine could walk out of his front door in Philadelphia and find a dozen competing, low-cost print shops within blocks of his home. Today, if he traveled to the

nearest TV station, or to the headquarters of nearby Comcast — the dominant television provider in America — and tried to deliver his new ideas to the American people, he would be laughed off the premises. The public square that used to be a commons has been refeudalized, and the gatekeepers charge large rents for the privilege of communicating to the American people over the only medium that really affects their thinking. "Citizens" are now referred to more commonly as "consumers" or "the audience."

That is why up to 80 percent of the campaign budgets for candidates in both major political parties is devoted to the purchase of 30-second TV ads. Since the rates charged for these commercials increase each year, the candidates are forced to raise more and more money in each two-year campaign cycle.

Of course, the only reliable sources from which such large sums can be raised continuously are business lobbies. Organized labor, a shadow of its former self, struggles to compete, and individuals are limited by law to making small contributions. During the 2008 campaign, there was a bubble of hope that Internet-based fundraising might even the scales, but in the end, Democrats as well as Republicans relied far more on traditional sources of large contributions. Moreover, the recent deregulation of unlimited — and secret — donations by wealthy corporations has made the imbalance even worse.

In the new ecology of political discourse, special-interest contributors of the large sums of money now required for the privilege of addressing voters on a wholesale basis are not squeamish about asking for the quo they expect in return for their quid. Politicians who don't acquiesce don't get the money they need to be elected and re-elected. And the impact is doubled when special interests make clear — usually bluntly — that the money they are withholding will go instead to opponents who are more than happy to pledge the desired quo. Politicians have been racing to the bottom for some time, and are presently tunneling to new depths. It is now commonplace for congressmen and senators first elected decades ago — as I was — to comment in private that the whole process has become unbelievably crass, degrading and horribly destructive to the core values of American democracy.

Largely as a result, the concerns of the wealthiest individuals and corporations routinely trump the concerns of average Americans and small businesses. There are a ridiculously large number of examples: eliminating the inheritance tax paid by the wealthiest one percent of families is considered a much higher priority than addressing the suffering of the millions of long-term unemployed; Wall Street's interest in legalizing gambling in trillions of dollars of "derivatives" was considered way more important than protecting the integrity of the financial system and the interests of middle-income home buyers. It's a long list.

Almost every group organized to promote and protect the "public interest" has been backpedaling and on the defensive. By sharp contrast, when a coalition of powerful special interests sets out to manipulate U.S. policy, their impact can be startling — and the damage to the true national interest can be devastating.

In 2002, for example, the feverish desire to invade Iraq required convincing the American people that Saddam Hussein was somehow responsible for attacking the United States on September

11th, 2001, and that he was preparing to attack us again, perhaps with nuclear weapons. When the evidence — the "facts" — stood in the way of that effort to shape the public mind, they were ridiculed, maligned and ignored. Behind the scenes, the intelligence was manipulated and the public was intentionally deceived. Allies were pressured to adopt the same approach with their publics. A recent inquiry in the U.K. confirmed this yet again. "We knew at the time that the purpose of the dossier was precisely to make a case for war, rather than setting out the available intelligence," Maj. Gen. Michael Laurie testified. "To make the best out of sparse and inconclusive intelligence, the wording was developed with care." Why? As British intelligence put it, the overthrow of Saddam was "a prize because it could give new security to oil supplies."

That goal — the real goal — could have been debated on its own terms. But as Bush administration officials have acknowledged, a truly candid presentation would not have resulted in sufficient public support for the launching of a new war. They knew that because they had studied it and polled it. So they manipulated the debate, downplayed the real motive for the invasion, and made a different case to the public — one based on falsehoods.

And the "referee" — the news media — looked the other way. Some, like Fox News, were hyperactive cheerleaders. Others were intimidated into going along by the vitriol heaped on any who asked inconvenient questions. (They know it; many now acknowledge it, sheepishly and apologetically.)

Senators themselves fell, with a few honorable exceptions, into the same two camps. A few weeks before the United States invaded Iraq, the late Robert Byrd — God rest his soul — thundered on the Senate floor about the pitiful quality of the debate over the choice between war and peace: "Yet, this Chamber is, for the most part, silent — ominously, dreadfully silent. There is no debate, no discussion, no attempt to lay out for the nation the pros and cons of this particular war. There is nothing."

The chamber was silent, in part, because many senators were somewhere else — attending cocktail parties and receptions, largely with special-interest donors, raising money to buy TV ads for their next campaigns. Nowadays, in fact, the scheduling of many special-interest fundraisers mirrors the schedule of votes pending in the House and Senate.

By the time we invaded Iraq, polls showed, nearly three-quarters of the American people were convinced that the person responsible for the planes flying into the World Trade Center Towers was indeed Saddam Hussein. The rest is history — though, as Faulkner wrote, "The past is never dead. It's not even past." Because of that distortion of the truth in the past, we are still in Iraq; and because the bulk of our troops and intelligence assets were abruptly diverted from Afghanistan to Iraq, we are also still in Afghanistan.

In the same way, because the banks had their way with Congress when it came to gambling on unregulated derivatives and recklessly endangering credit markets with subprime mortgages, we still have almost double-digit unemployment, historic deficits, Greece and possibly other European countries teetering on the edge of default, and the threat of a double-dip recession. Even the potential default of the United States of America is now being treated by many politicians and too many in the media as yet another phony wrestling match, a political game.

Are the potential economic consequences of a U.S. default "real"? Of course they are! Have we gone completely nuts?

We haven't gone nuts — but the "conversation of democracy" has become so deeply dysfunctional that our ability to make intelligent collective decisions has been seriously impaired. Throughout American history, we relied on the vibrancy of our public square — and the quality of our democratic discourse — to make better decisions than most nations in the history of the world. But we are now routinely making really bad decisions that completely ignore the best available evidence of what is true and what is false. When the distinction between truth and falsehood is systematically attacked without shame or consequence — when a great nation makes crucially important decisions on the basis of completely false information that is no longer adequately filtered through the fact-checking function of a healthy and honest public discussion — the public interest is severely damaged.

That is exactly what is happening with U.S. decisions regarding the climate crisis. The best available evidence demonstrates beyond any reasonable doubt that the reckless spewing of global-warming pollution in obscene quantities into the atmospheric commons is having exactly the consequences long predicted by scientists who have analyzed the known facts according to the laws of physics.

The emergence of the climate crisis seems sudden only because of a relatively recent discontinuity in the relationship between human civilization and the planet's ecological system. In the past century, we have quadrupled global population while relying on the burning of carbon-based fuels — coal, oil and gas — for 85 percent of the world's energy. We are also cutting and burning forests that would otherwise help remove some of the added CO₂ from the atmosphere, and have converted agriculture to an industrial model that also runs on carbon-based fuels and strip-mines carbon-rich soils.

The cumulative result is a radically new reality — and since human nature makes us vulnerable to confusing the unprecedented with the improbable, it naturally seems difficult to accept. Moreover, since this new reality is painful to contemplate, and requires big changes in policy and behavior that are at the outer limit of our ability, it is all too easy to fall into the psychological state of denial. As with financial issues like subprime mortgages and credit default swaps, the climate crisis can seem too complex to worry about, especially when the skills for the polluters constantly claim it's all a hoax anyway. And since the early impacts of climatic disruption are distributed globally, they masquerade as an abstraction that is safe to ignore.

These vulnerabilities, rooted in our human nature, are being manipulated by the tag-team of Polluters and Ideologues who are trying to deceive us. And the referee — the news media — is once again distracted. As with the invasion of Iraq, some are hyperactive cheerleaders for the deception, while others are intimidated into complicity, timidity and silence by the astonishing vitriol heaped upon those who dare to present the best evidence in a professional manner. Just as TV networks who beat the drums of war prior to the Iraq invasion were rewarded with higher ratings, networks now seem reluctant to present the truth about the link between carbon pollution and global warming out of fear that conservative viewers will change the channel — and fear that they will receive a torrent of flame e-mails from deniers.

Many politicians, unfortunately, also fall into the same two categories: those who cheerlead for the deniers and those who cower before them. The latter group now includes several candidates for the Republican presidential nomination who have felt it necessary to abandon their previous support for action on the climate crisis; at least one has been apologizing profusely to the deniers and begging for their forgiveness.

"Intimidation" and "timidity" are connected by more than a shared word root. The first is designed to produce the second. As Yeats wrote almost a century ago, "The best lack all conviction, while the worst are full of passionate intensity."

Barack Obama's approach to the climate crisis represents a special case that requires careful analysis. His election was accompanied by intense hope that many things in need of change would change. Some things have, but others have not. Climate policy, unfortunately, is in the second category. Why?

First of all, anyone who honestly examines the incredible challenges confronting President Obama when he took office has to feel enormous empathy for him: the Great Recession, with the high unemployment and the enormous public and private indebtedness it produced; two seemingly interminable wars; an intractable political opposition whose true leaders — entertainers masquerading as pundits — openly declared that their objective was to ensure that the new president failed; a badly broken Senate that is almost completely paralyzed by the threat of filibuster and is controlled lock, stock and barrel by the oil and coal industries; a contingent of nominal supporters in Congress who are indentured servants of the same special interests that control most of the Republican Party; and a ferocious, well-financed and dishonest campaign poised to vilify anyone who dares offer leadership for the reduction of global-warming pollution.

In spite of these obstacles, President Obama included significant climate-friendly initiatives in the economic stimulus package he presented to Congress during his first month in office. With the skillful leadership of House Speaker Nancy Pelosi and committee chairmen Henry Waxman and Ed Markey, he helped secure passage of a cap-and-trade measure in the House a few months later. He implemented historic improvements in fuel-efficiency standards for automobiles, and instructed the Environmental Protection Agency to move forward on the regulation of global-warming pollution under the Clean Air Act. He appointed many excellent men and women to key positions, and they, in turn, have made hundreds of changes in environmental and energy policy that have helped move the country forward slightly on the climate issue. During his first six months, he clearly articulated the link between environmental security, economic security and national security — making the case that a national commitment to renewable energy could simultaneously reduce unemployment, dependence on foreign oil and vulnerability to the disruption of oil markets dominated by the Persian Gulf reserves. And more recently, as the issue of long-term debt has forced discussion of new revenue, he proposed the elimination of unnecessary and expensive subsidies for oil and gas.

But in spite of these and other achievements, President Obama has thus far failed to use the bully pulpit to make the case for bold action on climate change. After successfully passing his green stimulus package, he did nothing to defend it when Congress decimated its funding. After the

House passed cap and trade, he did little to make passage in the Senate a priority. Senate advocates — including one Republican — felt abandoned when the president made concessions to oil and coal companies without asking for anything in return. He has also called for a massive expansion of oil drilling in the United States, apparently in an effort to defuse criticism from those who argue speciously that "drill, baby, drill" is the answer to our growing dependence on foreign oil.

The failure to pass legislation to limit global-warming pollution ensured that the much-anticipated Copenhagen summit on a global treaty in 2009 would also end in failure. The president showed courage in attending the summit and securing a rhetorical agreement to prevent a complete collapse of the international process, but that's all it was — a rhetorical agreement. During the final years of the Bush-Cheney administration, the rest of the world was waiting for a new president who would aggressively tackle the climate crisis — and when it became clear that there would be no real change from the Bush era, the agenda at Copenhagen changed from "How do we complete this historic breakthrough?" to "How can we paper over this embarrassing disappointment?"

Some concluded from the failure in Copenhagen that it was time to give up on the entire U.N.-sponsored process for seeking an international agreement to reduce both global-warming pollution and deforestation. Ultimately, however, the only way to address the climate crisis will be with a global agreement that in one way or another puts a price on carbon. And whatever approach is eventually chosen, the U.S. simply must provide leadership by changing our own policy.

Yet without presidential leadership that focuses intensely on making the public aware of the reality we face, nothing will change. The real power of any president, as Richard Neustadt wrote, is "the power to persuade." Yet President Obama has never presented to the American people the magnitude of the climate crisis. He has simply not made the case for action. He has not defended the science against the ongoing, withering and dishonest attacks. Nor has he provided a presidential venue for the scientific community — including our own National Academy — to bring the reality of the science before the public.

Here is the core of it: we are destroying the climate balance that is essential to the survival of our civilization. This is not a distant or abstract threat; it is happening now. The United States is the only nation that can rally a global effort to save our future. And the president is the only person who can rally the United States.

Many political advisers assume that a president has to deal with the world of politics as he finds it, and that it is unwise to risk political capital on an effort to actually lead the country toward a new understanding of the real threats and real opportunities we face. Concentrate on the politics of re-election, they say. Don't take chances.

All that might be completely understandable and make perfect sense in a world where the climate crisis wasn't "real." Those of us who support and admire President Obama understand how difficult the politics of this issue are in the context of the massive opposition to doing anything at all — or even to recognizing that there is a crisis. And assuming that the Republicans

come to their senses and avoid nominating a clown, his re-election is likely to involve a hard-fought battle with high stakes for the country. All of his supporters understand that it would be self-defeating to weaken Obama and heighten the risk of another step backward. Even writing an article like this one carries risks; opponents of the president will excerpt the criticism and strip it of context.

But in this case, the President has reality on his side. The scientific consensus is far stronger today than at any time in the past. Here is the truth: The Earth is round; Saddam Hussein did not attack us on 9/11; Elvis is dead; Obama was born in the United States; and the climate crisis is real. It is time to act.

Those who profit from the unconstrained pollution that is the primary cause of climate change are determined to block our perception of this reality. They have help from many sides: from the private sector, which is now free to make unlimited and secret campaign contributions; from politicians who have conflated their tenures in office with the pursuit of the people's best interests; and — tragically — from the press itself, which treats deception and falsehood on the same plane as scientific fact, and calls it objective reporting of alternative opinions.

All things are not equally true. It is time to face reality. We ignored reality in the marketplace and nearly destroyed the world economic system. We are likewise ignoring reality in the environment, and the consequences could be several orders of magnitude worse. Determining what is real can be a challenge in our culture, but in order to make wise choices in the presence of such grave risks, we must use common sense and the rule of reason in coming to an agreement on what is true.

So how can we make it happen? How can we as individuals make a difference? In five basic ways:

First, become a committed advocate for solving the crisis. You can start with something simple: Speak up whenever the subject of climate arises. When a friend or acquaintance expresses doubt that the crisis is real, or that it's some sort of hoax, don't let the opportunity pass to put down your personal marker. The civil rights revolution may have been driven by activists who put their lives on the line, but it was partly won by average Americans who began to challenge racist comments in everyday conversations.

Second, deepen your commitment by making consumer choices that reduce energy use and reduce your impact on the environment. The demand by individuals for change in the marketplace has already led many businesses to take truly significant steps to reduce their global-warming pollution. Some of the corporate changes are more symbolic than real — "green-washing," as it's called — but a surprising amount of real progress is taking place. Walmart, to pick one example, is moving aggressively to cut its carbon footprint by 20 million metric tons, in part by pressuring its suppliers to cut down on wasteful packaging and use lower-carbon transportation alternatives. Reward those companies that are providing leadership.

Third, join an organization committed to action on this issue. The Alliance for Climate Protection (climateprotect.org), which I chair, has grassroots action plans for the summer and fall

that spell out lots of ways to fight effectively for the policy changes we need. We can also enable you to host a slide show in your community on solutions to the climate crisis — presented by one of the 4,000 volunteers we have trained. Invite your friends and neighbors to come and then enlist them to join the cause.

Fourth, contact your local newspapers and television stations when they put out claptrap on climate — and let them know you're fed up with their stubborn and cowardly resistance to reporting the facts of this issue. One of the main reasons they are so wimpy and irresponsible about global warming is that they're frightened of the reaction they get from the deniers when they report the science objectively. So let them know that deniers are not the only ones in town with game. Stay on them! Don't let up! It's true that some media outlets are getting instructions from their owners on this issue, and that others are influenced by big advertisers, but many of them are surprisingly responsive to a genuine outpouring of opinion from their viewers and readers. It is way past time for the ref to do his job.

Finally, and above all, don't give up on the political system. Even though it is rigged by special interests, it is not so far gone that candidates and elected officials don't have to pay attention to persistent, engaged and committed individuals. President Franklin Roosevelt once told civil rights leaders who were pressing him for change that he agreed with them about the need for greater equality for black Americans. Then, as the story goes, he added with a wry smile, "Now go out and make me do it."

To make our elected leaders take action to solve the climate crisis, we must forcefully communicate the following message: "I care a lot about global warming; I am paying very careful attention to the way you vote and what you say about it; if you are on the wrong side, I am not only going to vote against you, I will work hard to defeat you — regardless of party. If you are on the right side, I will work hard to elect you."

Why do you think President Obama and Congress changed their game on "don't ask, don't tell?" It happened because enough Americans delivered exactly that tough message to candidates who wanted their votes. When enough people care passionately enough to drive that message home on the climate crisis, politicians will look at their hole cards, and enough of them will change their game to make all the difference we need.

This is not naive; trust me on this. It may take more individual voters to beat the Polluters and Ideologues now than it once did — when special-interest money was less dominant. But when enough people speak this way to candidates, and convince them that they are dead serious about it, change will happen — both in Congress and in the White House. As the great abolitionist leader Frederick Douglass once observed, "Power concedes nothing without a demand. It never did, and it never will."

What is now at risk in the climate debate is nothing less than our ability to communicate with one another according to a protocol that binds all participants to seek reason and evaluate facts honestly. The ability to perceive reality is a prerequisite for self-governance. Wishful thinking and denial lead to dead ends. When it works, the democratic process helps clear the way toward reality, by exposing false argumentation to the best available evidence. That is why the

Constitution affords such unique protection to freedom of the press and of speech.

The climate crisis, in reality, is a struggle for the soul of America. It is about whether or not we are still capable — given the ill health of our democracy and the current dominance of wealth over reason — of perceiving important and complex realities clearly enough to promote and protect the sustainable well-being of the many. What hangs in the balance is the future of civilization as we know it.

**Brendan
Gilfillan/DC/USEPA/US**
01/21/2011 12:29 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David
McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons,
Shira Sternberg

cc

bcc

Subject CBD: Environmental Report Card: Obama Gets "C-" for First
Half of Term

For Immediate Release, January 21, 2011

Contact: Kierán Suckling, (520) 275-5960

Environmental Report Card: Obama Gets "C-" for First Half of Term

TUCSON, *Ariz.* — In a report card released today, the Center for Biological Diversity gave President Obama a grade of C- for his two-year environmental record. The [report card](#) chronicles positive and negative policies on endangered species, climate, energy, public lands and

“Barak Obama is no George Bush, but he’s no Theodore Roosevelt either,” said Kierán Suckling, executive director of the Center. “His environmental record is pretty dismal, considering all the promised hope and change.”

Among Obama’s bright spots were a declaration under the Clean Air Act that greenhouse gases endanger public health and welfare, the designation of 120 million acres of protected “critical habitat” for polar bears and the reinstatement of protection for millions of acres of rangelands. Negatives include a continuation of damaging Bush-era policies on polar bears and offshore oil drilling, stripping of federal protection from killing of endangered wolves, and his failure to lead either Congress or other nations toward strong global warming policies.

“Obama’s record on endangered species is particularly bad, and entirely predictable, given his appointment of Ken Salazar as Secretary of the Interior,” said Suckling. Obama has protected just eight species under the Endangered Species Act in the conterminous United States, relegating 254 — including the wolverine — to the unprotected “candidate” list. His protection rate is slightly better than that of George W. Bush, but much worse than those of Bill Clinton and George Bush Sr.

The administration also failed to follow the lead of Canada and several northeastern states in banning lead ammunition and fishing tackle. Hundreds of thousands of pounds of lead needlessly enter the environment every year from these sources, poisoning and killing millions of birds and mammals.

To see the Center’s entire report card for Obama’s first two years in office, go [here](#).

Brendan
Giffilan/DC/USEPA/US
03/02/2011 06:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Alisha Johnson, David McIntosh, Arvin Ganesan, Barbara Bennett, Stephanie Owens, Dru Ealons

cc

bcc

Subject Bloomberg: EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

By Kim Chipman and Jim Snyder - Mar 2, 2011 5:15 PM ET

Environmental Protection Agency Administrator Lisa Jackson urged U.S. senators not to cut her agency's budget as lawmakers prepared to offer legislation taking away the EPA's power to regulate [greenhouse gases](#).

Republicans in the [House of Representatives](#) have proposed cutting EPA funding about 30 percent, or \$3 billion, almost double a budget reduction of \$1.3 billion proposed last month by President [Barack Obama](#).

"If Congress slashed EPA's funding, concentrations of harmful pollution would increase from current levels," Jackson told the Senate Environment and Public Works Committee today. "The result would be more asthma attacks, more missed school and work days, more heart attacks, more cancer cases, more premature deaths."

The budget fight is intertwined with an effort by Republicans and some Democrats to strip the EPA of its power to regulate emissions blamed for climate change. Backers of this effort say the agency's greenhouse-gas rules for industrial polluters will cost jobs and harm the economy. Jackson has said Obama would veto any attempt to stop the regulations that took effect Jan. 2.

Legislation sponsored by House Energy and Commerce Committee Chairman [Fred Upton](#), a Michigan Republican, and Senator James Inhofe of [Oklahoma](#), will be introduced as early as tomorrow, Inhofe said during the hearing today.

"This bill puts Congress in charge of deciding our nation's [climate-change](#) policy, not EPA bureaucrats," said Inhofe, the ranking Republican on the Senate environment committee.

Vehicle Agreement

The bill would prohibit the EPA from regulating greenhouse gases emitted from buildings such as factories and power plants, while allowing a previous agreement the administration reached with automakers to cut vehicle tailpipe emissions.

Two former Democratic House committee chairmen, Representatives Collin Peterson of [Minnesota](#) and Nick Rahall of West Virginia, said they are likely to support the Upton-Inhofe measure.

“EPA is out of control, and we have to send them a message,” said Peterson, who headed the Agriculture Committee until Republicans won control of the House in the November elections, in an interview today.

Rahall, former chairman of the House Natural Resources panel, said a draft of the Upton-Inhofe bill is “very favorable” and that he is “exploring very seriously” supporting the measure.

“It seems like the right message and it’s in line with legislation I’ve already supported,” Rahall said. He has backed a bill to delay EPA regulation for two years, legislation being pushed by Democratic Senator Jay Rockefeller of [West Virginia](#).

Rockefeller’s bill probably has a better chance to pass Congress, given concerns in the Senate over permanently blocking EPA regulation, Rahall said in an interview.

**Brendan
Giffilan/DC/USEPA/US**
03/01/2011 06:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Gina McCarthy, Joseph Goffman, Janet McCabe, Stephanie Owens, Dru Ealons

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bcc

Subject Dow Jones: EPA Extends Greenhouse-Gas Reporting
Deadline

EPA Extends Greenhouse-Gas Reporting Deadline

By [RYAN TRACY](#) And [STEPHEN POWER](#)

WASHINGTON—Businesses that emit greenhouse gases will have more time to report their emissions after the Environmental Protection Agency extended a reporting deadline Tuesday.

The EPA said that it would change the deadline, originally March 31, saying it would take more time to test the online system it will use to collect data. The agency said it expected reporting to begin in late summer, but didn't immediately set a new deadline.

The move was a nod to business groups who had said the deadline was too early. It came as the agency weathered attacks from House Republicans and EPA Administrator Lisa Jackson met with Senate Democrats at the Capitol.

"Taking a little extra time to get this program right makes more sense than rushing to meet an artificial and inflexible deadline," Charles T. Drevna, president of the National Petrochemical and Refiners Association, said in a statement.

The Obama administration is moving forward with limits on carbon dioxide and other greenhouse-gas emissions from power plants, manufacturers, and other sources despite intense opposition from Republicans and industry groups.

The reporting rules delayed on Tuesday would require large emitters and fuel suppliers to submit emissions data as part of the program.

House Republicans are seeking a bill that would explicitly bar the agency from using the Clean Air Act to regulate greenhouse gases.

Republicans have chosen to move the bill slowly, however, while they hold a series of hearings and gather evidence, including a hearing Tuesday featuring coal- and auto-industry representatives opposed to the rules.

Republicans could also attach a provision to a spending resolution that would bar the EPA from funding the program.

The EPA released a study Tuesday that it said underscored the economic benefits of other Clean Air Act regulations. Meanwhile, the administration is watching to see whether the EPA will have support among moderate and conservative Democrats in the Senate, where Democrats hold the majority.

In an interview Tuesday, Sen. Sherrod Brown (D., Ohio) said he hoped the administration would re-evaluate the idea of letting the EPA regulate greenhouse-gas emissions.

He said he saw an important distinction between allowing the EPA to combat air-pollution problems specific to certain regions or cities—such as mercury and smog—and greenhouse gases, which "affect the whole planet."

**Brendan
Gilfillan/DC/USEPA/US**
06/20/2011 10:37 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, 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
cc
bcc
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.

Brendan
Giffilan/DC/USEPA/US
06/13/2011 12:48 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe

cc

bcc

Subject CAP: American Electric Power's Dirty Trick

American Electric Power's Dirty Trick Company Threatens Firings to Stop Pollution Controls

Center for American Progress

On June 9, [American Electric Power](#), a major utility company that owns plants from Texas to Virginia, announced that it plans to close 21 coal-fired electricity units rather than invest in reducing their toxic air pollution to comply with the [forthcoming Environmental Protection Agency reduction requirements](#). In reality, AEP is threatening to shut down these plants to stoke congressional and public opposition to EPA's efforts to reduce toxic air pollution. So far, several [legislators](#) have risen to the bait, including Sen. Joe Manchin (D-WV) and Rep. Shelly Moore Capito (R-WV). Both have again attacked EPA for attempting to protect children and others from cancer-causing air pollution. Other utilities, however, support EPA's requirements, which are also job creators.

AEP would prefer to shutter these plants because it claims that the cost of reducing the arsenic, lead, mercury, acid gases, and other toxic pollutants is prohibitive. What AEP did *not* say is that the cost of cleanup is expensive because these units are very old and dirtier than newer plants—50 years old on average. (see [attached spreadsheet](#)) One of the units was built during World War II, and the newest one was completed during the Carter administration. Most of the other units were built in the 1950s.

AEP's threat to close these plants due to the pending EPA air toxics rules is also somewhat misleading. Last year, it announced a plan to close five units at the Phillip Sporn Plant in New Haven, West Virginia. [Source Watch](#), a nonprofit that publishes "documented information about the corporations, industries, and people trying to sway public opinion," reported on AEP's 2010 retirement plans.

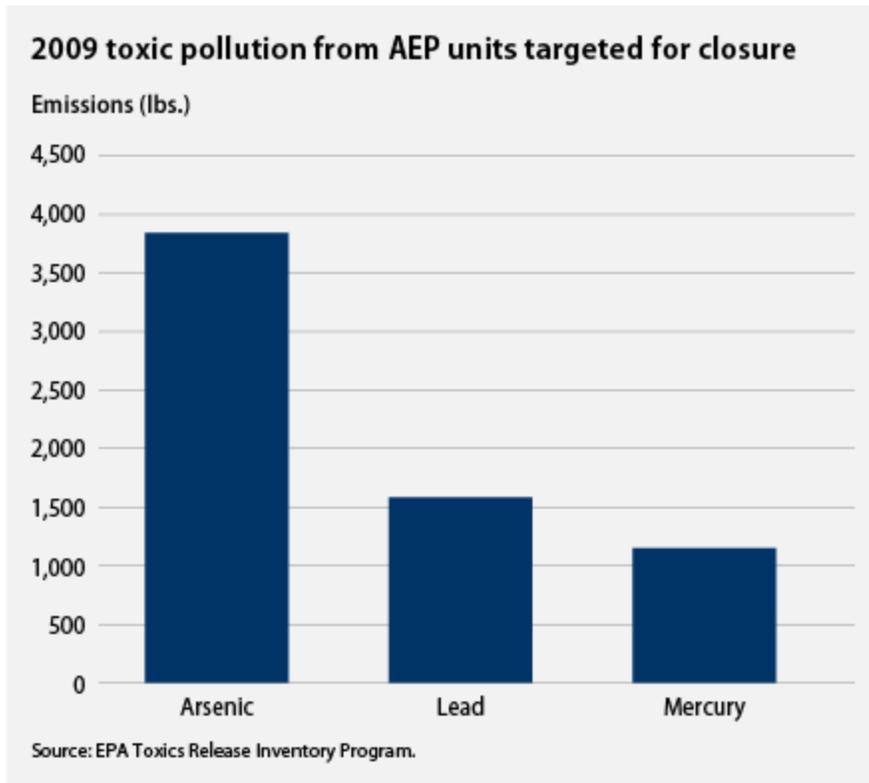
In October 2010, Ohio Power Co. filed an application with the Public Utilities Commission of Ohio for the approval of a December 2010 closure of the coal-fired Philip Sporn Power Plant unit 5...In September 2009, Appalachian Power filed an integrated resource plan (IRP) in Virginia that projected a 2010 shutdown for Sporn unit 5. The same IRP projected that Sporn units 1-4, with 580 MW of total capacity, would be retired in 2018.

In other words, AEP planned to close this plant five months *before* EPA's March 2011 proposal to reduce toxic air pollution from coal-fired utilities. Yet AEP has included closing these units under "AEP's current plan for compliance with the [EPA] rules as proposed includes permanently retiring the following coal-fueled power plants."

The plants on the AEP chopping block are large emitters of toxic air pollution. For instance, in 2009, the Welsh Plant in Pittsburg, Texas emitted 462 pounds of mercury, according to the 2009 Toxic Release Inventory program run by EPA. (see [attached spreadsheet](#) for links to all TRI power plant data) This level is second only to the 53-year-old Kammer Plant in Moundsville, West Virginia, which during the same year spewed 364 pounds of mercury. This [heavy metal](#) causes severe developmental disabilities, deafness, and blindness in cases of prenatal and infant exposure. The chemical can lower fertility rates and raise chances of heart disease in adults.

AEP’s aging power plants flood the sky with a deadly list of other toxic substances as well. The Big Sandy Plant contributed more than 1,300 pounds of cancer-causing arsenic to the air over Louisa, Kentucky, in 2009.

But these are just the tip of the toxic iceberg. In 2009, the 21 AEP units marked for closing pumped nearly 1,200 pounds of mercury into the air (see [attached spreadsheet](#) for links to Toxic Relief Inventory data on these pollutants from individual plants) They also emitted 3,842 of [arsenic](#), which is used for rat poison. And these plants emitted nearly 1,600 pounds of [lead](#), which causes learning disabilities in children as well as organ failure. Most shockingly, these 21 plants spewed 4.7 million pounds of acid gases. The [American Lung Association](#) reports that these gases trigger “irritation to skin, eye, nose throat, [and] breathing passages.”



AEP acknowledges that EPA’s standards would add employment. It noted that “jobs would be created from the installation of emissions reduction equipment.” In fact, the [Wall Street Journal](#) reports that: “AEP, whose utility operations stretch from Texas to Ohio, said high demands for

labor and materials could drive the potential capital investment higher owing to a constrained time allowed to make changes required under the plan.” In other words, the reduction to toxic air pollution will drive *more* capital investment in other aging power plants, which will create jobs.

This prediction is supported by a University of Massachusetts analysis for [CERES](#) of the net job impact of the EPA’s air transport and utility air toxics rules. It found that there would be significant job creation—nearly 360,000—due to “construction, installation, & professional job gains over 5 years” from capital expenditures to reduce these pollutants. In addition, many of the AEP-affected states with closing plants would still experience a *net increase* in operation and maintenance jobs. (see chart below)

EPA's air toxics rules would lead to significant job creation in states with AEP plants

State	Construction, installation, and professional job gains over five years	Net change in operation and maintenance jobs
Indiana	95,193	850
Kentucky	31,477	(107)
Ohio	76,240	(407)
Virginia	123,014	856
West Virginia	32,253	92
Total	358,177	1,284

Source: CERES.

Closing aging, dirty power plants will certainly end employment for some workers. Those affected by this should receive assistance with job placement, retraining, and education. But that is no excuse for blocking or delaying reductions in cancer-causing chemicals from coal-fired power plants.

What’s more, many utilities believe that EPA’s proposed reduction in air toxics can be met without significant rate increases or a decline in electricity reliability. In fact, many coal-fired power plants are already meeting the proposed mercury reduction standard. The [Clean Energy Group](#)—an electric company coalition that has 146,000 megawatts of the United States’ total electric generating capacity—conducted an analysis that found that:

Nearly 60 percent of all coal fired boilers that submitted stack test data to EPA are currently achieving the Utility Toxics Rule's proposed mercury emissions standard... Many states already impose more stringent mercury emissions limits on coal fired power plants than have been proposed by EPA.

The Clean Energy Group also evaluated PJM Interconnection’s—a regional transmission organization—recent “future capacity auction” that ensures:

...future electric system reliability [with] PJM's forward capacity auction [that] requires power plant operators and other participating companies to offer (i.e., commit) resources, including both generating capacity and demand side resources, three years in advance of when they are needed.

This auction was an early test of whether there would continue to be adequate electricity generation to meet demand. The success of the auction proves that utilities do not anticipate any shortage of electricity in the PJM region and thus have capacity to meet the forthcoming EPA requirements:

The results of PJM's most recent Reliability Pricing Model ("RPM") forward capacity auction clearly indicate the industry can meet future electricity demand while maintaining electric system reliability in one of the most coal dependent regions of the country [the Mid-atlantic and Midwestern states].

[Tennessee Valley Authority](#) owns and operates 11 coal-fired power plants with nearly 60 electricity generation units, with some nearly 70 years old. [In April it announced plans](#) to retire:

...18 older coal generation units...as part of the federal utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020.

Its President and CEO Tom Kilgore affirmed that the EPA's standards will help TVA rejuvenate its fleet.

In the longer term, these actions reinforce our vision to keep bills low, keep our service reliability high and further improve air quality as we modernize the TVA power system.

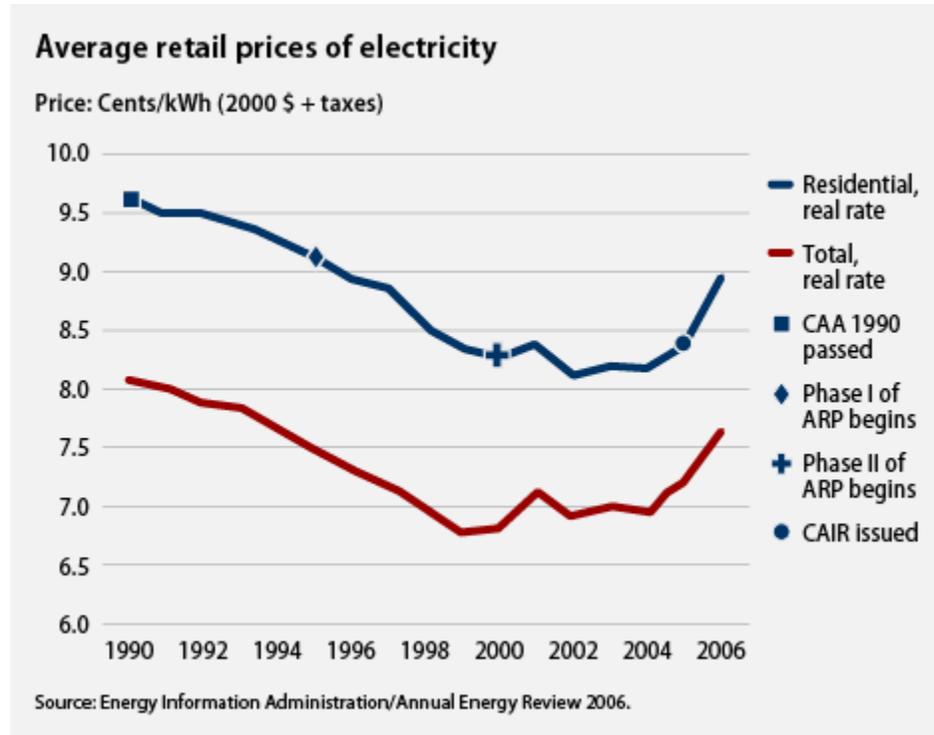
A half dozen major utilities—including Exelon, the nation's largest—also believe that the proposed air toxics reductions from coal-fired utilities are affordable and will have little impact on reliability. CEOs from Exelon, PG&E, Calpine, NextEra Energy, Public Service Enterprise Group, Constellation Energy Group, and others wrote in [The Wall Street Journal](#) that:

For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases.

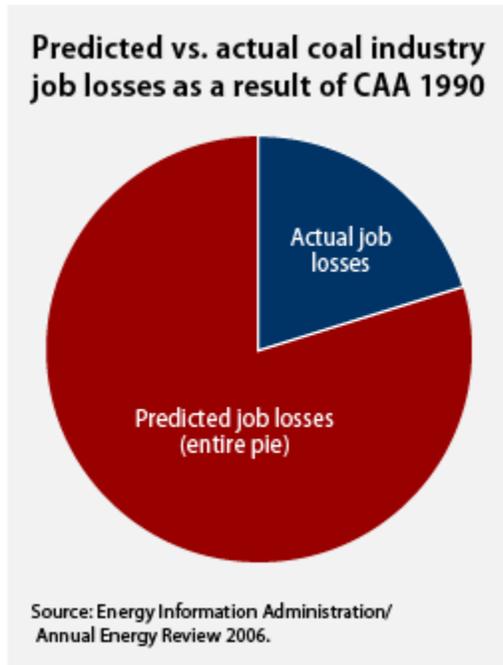
To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

EPA’s proposed air toxics standards will make a real difference in Americans’ lives. The [American Lung Association](#) determined that “EPA’s proposed mercury and air toxics reduction rule will prevent 17,000 premature deaths and 120,000 asthma attacks each year.”



AEP is making the same tired arguments polluters used over the past 40 years to frighten legislators and the public about pollution safeguards. In the 1980s the utility industry predicted that reducing acid rain pollution from coal-fired power plants would spark horrific rate increases. In fact, [utility rates were lower](#) in most states in 2006 compared to 1989. Acid rain polluters also predicted huge [job losses that didn't occur](#) either. And the cost of cutting acid rain pollution was one-quarter of EPA’s prediction.



AEP's threatened job losses are little more than holding their employees hostage to allow the company to keep polluting. AEP's announcement is an economic kidnap note that reads, "Let me keep poisoning your air if you want to see these workers' jobs again." The ransom AEP demands is continued mercury, arsenic, and other cancer-causing pollution.

The president, Congress, and the media should disregard AEP's phony threats by allowing EPA to protect our children, seniors, and everyone else from deadly toxic air pollution from coal-fired power plants.

**Brendan
Giffilan/DC/USEPA/US**
06/14/2011 12:40 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe, Daniel Kanninen

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bcc

Subject NRDC Blog: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

Topper is old - but make sure to read the whole thing.

Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

You decide.

In choosing whether to enforce current law to dramatically reduce mercury, arsenic, lead and nearly one hundred other toxic air pollutants from power plants — or instead to retreat from these health safeguards —it comes down to this.

Do you believe doctors at the American Lung Association and American Academy of Pediatrics, EPA scientists, and dozens of peer-reviewed studies that power plants' air pollution is very harmful and cleaning it up will deliver significant health benefits to all Americans, especially children?

Or do you believe the nation's most heavily polluting utility company, Washington utility lobbyists and the "hypothesis" of a conservative Congressman that this pollution does not pose significant health risks and controlling the pollution will not deliver real benefits?

Incredibly, that's how industry and political opponents of EPA's mercury and air toxics standards are framing the health choice facing the country. That's how they are framing the question of whether to carry out or kill legal standards that EPA projects will [avoid \[pdf\]](#) the following harms every year:

- Up to 17,000 premature deaths,
- 4,500 cases of chronic bronchitis,
- 11,000 nonfatal heart attacks,
- 12,200 hospital and emergency room visits,
- 11,000 cases of acute bronchitis,
- 220,000 cases of respiratory symptoms,
- 850,000 days when people miss work,
- 120,000 cases of aggravated asthma, and
- 5.1 million days when people must restrict their activities.

Now contrast these enormous benefits with the following three prominent examples of pollution denialism.

(1) Congressman Joe Barton (R-TX) [announced](#) at an April 15th [Congressional hearing](#) his “hypothesis” that exposure to air pollution from power plants such as particulate matter is not linked to premature death. Barton then asserted that EPA findings that reducing such pollution will avoid thousands of premature death every year “are pulled out of thin air.” Barton went so far as to dispute any “medical negatives” from air pollution such as mercury, sulfur dioxide and particulate matter.

Doctors from respected health associations such as the American Academy of Pediatrics, the American Lung Association and the American Public Health Association immediately [wrote](#) [pdf] Barton to strongly reject his contentions. Indeed, Barton’s hypothesis and claims are so thoroughly wrong that the doctors’ letter began by openly declaring their “shock” over Barton’s statements. Their letter noted that:

The health impacts of short-term exposure (over hours to days) of particulate matter [have been] found to include: death from respiratory and cardiovascular causes, including strokes; increased risk of cardiovascular harm, including acute myocardial infarction (heart attacks) and congestive heart failure, especially among the elderly and in people with cardiovascular disease; inflammation of lung tissue in young, healthy adults; increased hospitalization for cardiovascular disease, including strokes; hospitalization for asthma among children; and aggravated asthma attacks in children.

The doctors’ letter concluded by listing 30 peer-reviewed studies establishing “a clear link between air pollution and a range of serious adverse human health effects.” Not surprisingly, Barton's office has failed to respond to the doctors.

(2) Utility industry lobbyists representing the Southern Company and the utility coalition, the Electric Reliability Coordinating Council, have stated that there are “[no incremental health benefits associated with \[EPA’s mercury and air toxics standards\]](#).” These lobbyists have denied further that reducing power plants’ hazardous air pollution, including mercury, “[actually does anything to protect public health](#).” The lobbyists even went so far as to [dispute](#) the association between premature deaths and particulate matter pollution.

Numerous medical organizations [reject](#) [pdf] these preposterous claims, including the American Lung Association, American Thoracic Society, American Public Health Association, the Asthma and Allergy Foundation of America, American Academy of Pediatrics and Physicians for Social Responsibility.

Moreover, the lobbyists’ bald contentions conflict with a substantial body of [peer-reviewed scientific studies](#) [pdf] that serve as the foundation for EPA’s [extensive findings](#) [pdf, chapters 5 & 6] of health hazards attributed to air pollution from power plants, especially deadly particulate matter.

The lobbyists' claims are not backed by peer-reviewed studies and amount to scattershot rhetoric that is counter-factual and scientifically unsound, but rests on the tired hope of deniers that the claims will sow doubt that will grow with increasing applications of verbal fertilizer.

But falling into the "you-can't-make-this-stuff-up" category, there is one fact that makes these lobbyists' claims even more surreal. One of the two utility industry lobbyists in question is the former political appointee that headed the Bush EPA's air office, Jeff Holmstead. In that capacity, Holmstead delivered testimony before Congress at odds with his current denials on behalf of utility clients.

The left column of the following table quotes statements by Holmstead at a recent [videotaped debate](#) sponsored by the Environmental Law Institute. The right column quotes testimony by Holmstead and related EPA statements, both during his tenure as political head of the agency's air office.

2011 Statements by Holmstead, Representing Utility Companies

"I don't believe that there are thousands of people who are dying because of exposure to these small [particles]," i.e. particulate matter.

"It is pretty hard to say that [mercury from coal-fired power plants] is a significant public health issue."

Statements by Holmstead or EPA When Holmstead Headed EPA

Reducing power plants' air pollution would result in "14,100 fewer "significant health benefits," "by dramatically reducing fine particle emissions." *May 2005 Congressional testimony by Mr. Holmstead.*

EPA estimates that reducing power plants' SO2 and NOx emissions "particulate matter-related annual benefits" that include 13,000-17,000 lives per year. *2005 Clean Air Interstate Rule Overseen by Mr. Holmstead.*

"Mercury is a potent toxin that causes permanent damage to the brain of developing fetuses, depending on the level of ingestion. Most exposures come from contaminated fish. Currently 42 states have advisories warning people not to eat recreationally caught fish due to mercury contamination. Even so, a significant number of women are exposed to mercury levels in excess of the reference dose year to mothers whose blood mercury levels exceed the reference dose by a margin of safety. Recent actions to reduce mercury emissions from municipal waste combustors are significantly reducing emissions of mercury and compliance with medical waste incinerator and municipal waste combustor rules are significant mercury emission reductions from these important sources. The largest uncontrolled source of mercury emissions, contributing approximately 40% of anthropogenic mercury emissions in this country." *May 2002 Congressional testimony by Mr. Holmstead.*

(3) Finally, there are the following absurd statements on the [website](#) for the American Electric Power Company, one of the heaviest polluting utility companies in the country:

[S]ignificant bodies of scientific work, including previous conclusions by the EPA, indicate that particulate emissions from power plants are not a significant risk to public health. We believe that particulates generated from the transportation sector are a greater risk to public health.

The first quoted statement is sheer nonsense. There is no such significant body of scientific work, and for good reason the AEP claim is unaccompanied by any source citation.

Moreover, there are no "previous conclusions by the EPA" that support the AEP claim; EPA conclusions about the severe risks from power plants' particulate matter directly contradict the AEP claims. And when I asked several EPA officials what AEP possibly could be talking about in making this startling claim about "previous conclusions by EPA," the agency officials had no idea. (It's also noteworthy that the AEP claim is contradicted by the Bush EPA's consistent [findings](#) [pdf, chapters 1 & 4] that power plant air pollution is deadly and responsible for a litany of health hazards.)

When I questioned a group of AEP officials about the basis for the first statement above, one of the officials responded with the name of a *single* study. *And it turns out that study does not even support the claim on the AEP website; indeed, the study authors have corrected and chastised utility industry lobbyists previously for distorting the study's conclusions* :

Scientists involved in a major Atlanta-area study on the health effects of fine particulate matter (PM2.5) pollution say the utility group funding the research is "inappropriately" interpreting its initial data as evidence that power plant emissions have a negligible impact on cardiovascular health, when compared to other PM2.5 sources such as mobile source emissions.

A second scientist, who was involved in an independent review of [the study], adds, "The problem is not so much the study, as how it is being misinterpreted by utility [representatives] as saying that utility pollution is not bad for your health. I and the ARIES study scientists I've spoken to don't believe that is an appropriate interpretation of the results.

[Scientists Accuse Industry of Manipulating Major PM2.5 Study Findings](#), InsideEPA, Jan. 7, 2005 (subscription required).

So why are we now hearing these outlandish denials that mercury, particulate matter and other toxic air pollution are harmful to Americans' health? Why all the disavowals that cleaning up this pollution will deliver tremendous health benefits – saving lives, avoiding heart attacks and asthma attacks, and avoiding brain poisoning and developmental damages to the unborn?

Barton actually supplied the answer to those questions at the [April 15th hearing](#) [pdf]:

[T]he entire premise for going forward with these standards is that you get such a tremendous ratio of benefits to cost because they claim, according to Mr. Walke's testimony, which he is an honest man and he has got it from somewhere, is \$140 billion annually. But if you really don't have the benefit because you are not having the medical negative, but you really have the cost – and if you don't think the costs are real, just look at how many factories are closing and going to Mexico and China.

Barton recognizes the benefits of EPA's mercury and air toxics standards are so overwhelming that the only way for polluting utility companies to avoid their responsibility for cleaning up that pollution is to pretend the benefits don't exist. To pretend that power plants' air pollution is not harmful. To deny that cleaning up that air pollution will deliver significant, cost-effective health benefits to Americans.

Opponents of EPA's mercury and air toxics standards understand that Americans are sensible and moral people. Americans realize air pollution is harmful and agree that polluters have a legal and moral responsibility to clean it up. The American people support enforcing the law to deliver the resulting clean air benefits to all of us.

All too often, the losing side in political debates in Washington resort to obfuscation and worse, flatly denying the facts when facts are not on their side — to the point of rejecting substantial bodies of peer-reviewed science.

The debate over EPA's mercury and air toxics standards is no different.

So it comes down to this. Do you believe doctors, scientific facts and common sense, or the desperate purveyors of denial?

**Brendan
Gillilan/DC/USEPA/US**
06/16/2011 04:16 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Janet Woodka, Michael Goo, Bicky Corman, Gina McCarthy, Janet McCabe, Joseph Goffman

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bcc

Subject Politico: Bill Daley: Obama won't sign anti-EPA bills

Bill Daley: Obama won't sign anti-EPA bills

By Robin Bravender
6/16/11 4:12 PM EDT

There's no way a bill to stymie EPA climate rules is getting past the White House, President Barack Obama's top aide said Thursday.

"No, we're not going to allow any legislation that impedes the need to improve our health and safety," Obama's chief of staff Bill Daley said Thursday when asked whether the White House would consider legislation to block or delay EPA climate regulations.

Daley spoke to reporters after defending the administration's regulatory policies to industry representatives at a National Association of Manufacturers meeting.

The White House and congressional Democrats have thus far fended off congressional efforts to hamstring the EPA's controversial climate regulations, but some supporters of the EPA's rules fear that the administration could give in to pressure to delay climate rules as the 2012 election draws closer.

Daley said that many of the "overwhelming" number of rules and regulations from federal agencies lately -- EPA in particular -- are a result of litigation against the George W. Bush administration, while touting the Obama administration's efforts to ease burdens on industry.

"There is a lot of scientific evidence that in our opinion was ignored," he said. "We can debate scientific evidence but a lot of it may have been ignored over a certain period. That's at the heart of a lot of these rules."

But after hearing complaints about the effects of federal rules on business, the former JPMorgan Chase executive assured the manufacturers that the White House is listening.

"I hear the message, and on regulations overall, as I mentioned, the president has been very strong," Daley said.

"There's an enormous number of rules and regs that are kind of in the pipeline to come out and we're trying to bring some rationality to them, especially at a time of economic crisis and the

impact that they could have on those.”

Brendan
Gillilan/DC/USEPA/US
11/29/2010 05:01 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons, Bob Sussman, Lisa Heinzerling, Daniel Kanninen, Gina McCarthy

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Subject Newsweek Q and A; 'The EPA is Not the Villain'

'The EPA is Not the Villain'

Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response? I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

House Republicans have said they're going to subpoena you every week. What will be your defense? I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

Would there be room for a compromise to push all these regulations back one or two years? I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations. They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do? It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging? I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

How much support have you gotten from the president? It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

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**Brendan
Giffilan/DC/USEPA/US**

11/30/2010 10:46 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons, Bob Sussman, Lisa Heinzerling, Daniel Kanninen, Gina McCarthy, Alisha Johnson, Andra Belknap, Paul Anastas, Cynthia Giles-AA, Peter Silva, Nancy Stoner, Steve Owens, Mathy Stanislaus

cc

bcc

Subject Clips

All -

Below are a few noteworthy clips from yesterday. We'll also circulate additional clips from this week's 40th events late each day.

Thanks.

- Brendan

[**The EPA and Lisa Jackson: What Stands Between You and Polluters
Peter Lehner**](#)

Executive Director, Natural Resources Defense Council

Huffington Post, November 29, 2010 03:23 PM

I met with Lisa Jackson last week, and I was once again struck by how forcefully she fights to protect the health of American families. As the head of the Environmental Protection Agency, she is helping make our air safer to breathe and getting toxins out of everyday products.

Still, it has become commonplace these days to bash the government and to question the service of public officials--particularly Jackson.

Yet attacking Jackson is like attacking our doctors and pediatricians. Congress charged the EPA with protecting our health, and like medical professionals, Jackson and her colleagues study the science and determine affordable ways to keep people healthy--instead of treating them after they get sick.

And let's face it: If the EPA doesn't stand up for our health and set limits on the pollution that causes asthma, heart disease, and cancer, who will? Do you think BP is protecting you? Do you think the American Petroleum Institute is protecting you?

Oil companies are looking out for their own interests--that's fine, that's what businesses do. But our interests need to be represented as well.

Imagine if an oil refinery or a power plant was pumping toxic pollutants into your body--and you are left paying the medical bills and taking your child to the ER when she has an asthma attack.

It is extremely difficult for an individual to demand that a major polluter clean up its act. But Congress gave the EPA the authority to do just that. And Jackson uses this authority on behalf of you and me and our children.

Jackson first got into environmental protection because she saw it as a form of people protection. She

grew up in New Orleans, the daughter of a postman, and studied chemical engineering at Tulane. During her graduate work, she realized that her training as an engineer could be used to clean up hazardous waste--or better yet, stop it from occurring in the first place.

But Jackson isn't only an engineer or a public official; she is also the mother of two sons. She wants to keep her children safe from illness just like I do and just like every other parent does.

That's why Jackson tells industry: you can conduct your business, but you have to do it without giving our kids asthma or giving our parents respiratory disease.

Some lawmakers think that makes Jackson an example of government overreach. I think that means she is doing the job Congress gave her. And the job we need her to do - because no one else can or will do it.

Agency's success presents new challenges -- Jackson (11/29/2010)

Gabriel Nelson, E&E reporter

With U.S. EPA taking intense criticism from Republicans and businesses, Administrator Lisa Jackson said today her 40-year-old agency is battling a new problem: Americans are taking a healthy environment for granted.

When EPA was created in 1970, Cleveland's Cuyahoga River was so polluted that it caught fire. Pittsburgh and Los Angeles were choking on smog on a daily basis. And the widespread use of DDT and other toxic chemicals was killing off bald eagles -- the very symbol of the United States.

The nation's rivers aren't burning anymore, Jackson said. The air is clean enough that many people don't notice it. Struggling species have rebounded. But because younger people have no memories of those days, they might not realize why the agency was created in the first place, she said.

Critics say EPA has already picked all the low-hanging fruit in the Clean Air Act and other statutes. But Jackson said there are still ways for the agency to address public health and the environment -- especially by imposing more rules on electric utilities.

"We've made enormous progress," she said. "We've gotten to the point now where we don't see the pollution as often as we did, and in some ways, that makes our job a little bit harder. It's pollution that's less easy to photograph and less easy to get people riled up about."

The talk today at the Washington, D.C., headquarters of the Aspen Institute, a think tank, kicked off a week of events commemorating EPA's creation on Dec. 2, 1970. Jackson is scheduled to tout the agency's focus on children's health tomorrow at a charter school in Atlanta and to speak Friday during a symposium on U.S. environmental policy at Harvard University.

During the series of appearances, Jackson will be playing defense as well as reflecting on the agency's past. When they take control of the House next year, the Republicans intend to increase oversight of the agency's programs and try to rein in rules they consider excessive.

They say the cost of new regulations is pushing existing jobs overseas and preventing companies from investing in costly new facilities.

The agency's regulations were challenged again today by incoming House Oversight Committee Chairman Darrell Issa (R-Calif.) and Rep. Fred Upton (R-Mich.), who is competing for the gavel of the Energy and Commerce Committee. Regulations such as the upcoming revision to the national smog standard "may devastate our economy and send us into a prolonged recession," the lawmakers said.

"Now that Republicans have recaptured the House, we think it is time for a fundamentally different approach in the defense of liberty," they wrote in a *Washington Times* op-ed. "Committees with significant

oversight duties must work together to block agencies from freely passing regulations that have no regard or concern for the potential damage to job growth and the economy."

Regs won't hurt economy -- Jackson

Jackson said she is "absolutely adamant" that the government can provide a cleaner environment to Americans without stopping economic growth, especially after a quarter in which American businesses made record profits. She acknowledged that EPA's programs are less fruitful now than they were in the beginning, but the numbers still show more benefits than costs.

According to annual figures compiled by the White House Office of Management and Budget, EPA regulations produced between \$82 billion and \$533 billion in benefits between 1999 and 2009, compared with between \$26 billion and \$29 billion in costs.

Though the agency produced 30 or 40 times more benefits than costs in its earlier years, the equation still favors the programs, Jackson said.

"I don't think that this should ever be framed to people as, 'OK, it's time to choose: Do you want a job, or do you want a clean environment?'" Jackson said. "We are not there. We are nowhere near that line, and we can have both."

'The EPA is Not the Villain'

Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response? I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

House Republicans have said they're going to subpoena you every week. What will be your defense? I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

Would there be room for a compromise to push all these regulations back one or two years? I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations. They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

Considering the global impact of greenhouse gases, doesn't it also matter what developing

economies do? It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging? I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

How much support have you gotten from the president? It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

Brendan
Giffilan/DC/USEPA/US
02/14/2011 06:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Barbara Bennett, Gina McCarthy, Steve Owens, Mathy Stanislaus, Scott Fulton, Cynthia Giles-AA, Paul Anastas

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Subject Budget coverage

Budget Spares Energy Research, Despite Hits to Other Programs

[JOHN M. BRODER,](#)

NY Times

WASHINGTON — [President Obama](#)'s budget, released Monday, essentially treads water on energy and the environment, trying to maintain momentum for alternative energy research even as it cuts deeply into some environmental protection programs. The president once again asks Congress to do away with billions in tax breaks for fossil fuel interests, over the outcries of the [oil](#) and gas industry.

The request deals with policies that involve some of the sharpest disagreements between the administration and Congress, which will debate it line by line.

Spending at the Department of Interior would remain at roughly the same level as past years, but with a major increase, to \$358 million, for environmental and safety enforcement for offshore oil and gas drilling, to be offset largely with royalties and fees from oil companies. The budget request represents an increase of \$119 million, or 50 percent, from 2010 and is intended to address weaknesses revealed after last year's BP spill in the Gulf of Mexico. The additional funds would be used to hire new oil and gas inspectors, to more vigorously oversee drilling activities and to more efficiently process drilling permit applications.

The Department of Energy budget proposal includes more than \$8 billion for research and development of alternative energy sources, including solar, wind, [biofuels](#) and [geothermal](#) energy, and provides hefty loan guarantees for the construction of nuclear power plants. The plan also includes \$453 million for fossil fuel programs, with a heavy emphasis on developing ways to capture and store carbon dioxide emissions from power plants and refineries.

The plan provides funding to establish three Department of Energy innovation centers in addition to the three already opened. It also devotes \$550 million to cutting-edge energy programs supported by the Advanced Research Projects Agency-Energy, a new agency at the department that received its first infusion of money from the 2009 economic [stimulus package](#).

Cuts at the department include major reductions in the programs for fossil fuels and fuel cells, as well as cutting spending on hydrogen power technology nearly in half. The agency would also eliminate two research programs at national laboratories, saving more than \$45 million in 2012.

The department's nuclear weapons program would get a boost of nearly \$2 billion, to \$11.8 billion, to replace aging facilities, extend the life of existing weapons and assure the safe storage of decommissioned warheads and materials.

The agency's proposed budget would also eliminate \$3.6 billion in tax breaks and other subsidies for oil, natural gas and coal to help fund the president's other priorities. Mr. Obama has asked to eliminate these subsidies in his previous two budgets; Congress has refused to go along. The oil and gas industry has already declared its opposition to the measure and will employ its clout on Capitol Hill to keep the tax

preferences alive.

The [Environmental Protection Agency](#), under heavy fire from Republicans in Congress for its plans to regulate greenhouse gases and other air pollutants, would suffer a \$1.3 billion reduction in overall spending from 2010 levels, to \$9 billion. Among the programs hardest hit would be the Great Lakes restoration initiative, grants for clean diesel engine development and funds sent directly to states for drinking water and environmental clean-up projects.

The budget document repeats the president's pledge to try to reduce emissions of climate-altering gases by 17 percent below 2005 levels by 2020, but does not provide a detailed accounting of how to achieve it.

The E.P.A. budget provides continued financing for the agency's vehicle emissions and fuel economy programs, both in the near term and for the years 2017 and beyond.

The agency sets aside some money for restoration of the Gulf Coast after the Deepwater Horizon oil spill, but says that most of the funds will come from civil penalties assessed against BP and its drilling partners.

Politics: Obama's Budget Giveth and Taketh from Energy and the Environment

Bryan Walsh
Time.com

It's Budget Day in Washington, when policy wonks break out the calculators that have the "trillions" button and decide whether we'll have six more weeks of winter, or six decades more of crippling budget deficits. Actually, today is the day President Obama released his proposed budget for fiscal year 2012, which you can explore in all its eye-glazing glory [over here](#). Boring or not, though, it's worth going through Obama's proposals for the Environmental Protection Agency (EPA) and the Department of Energy (DOE), if only to see the areas the President really wants to save as he works to [win the future](#).

First the EPA—download a PDF of the budget [here](#). Overall the EPA faces a 12.6% cut, with \$9 billion allocated for fiscal 2012, down from the \$10.3 billion that had been allocated for fiscal 2010, which represented the agency's biggest ever budget. That means the White House is accepting some tough cuts, while allowing a few programs—including money for greenhouse gas monitoring and regulation—to rise. A quick [rundown](#):

- \$350 million for ecological restoration in the Great Lakes region, down \$125 million from fiscal 2010 levels. (That's good news for the invasive [Asian carp](#), and bad news for everything else that lives in the Great Lakes.)
- \$1.2 billion for the [Superfund program](#), which supports cleanup at the most hazardous industrial waste sites in the country—including [Brooklyn's Gowanus Canal](#), just a few blocks away from my old neighborhood. That's down \$70 million from fiscal 2010 levels.
- \$16.1 million more to address chemical risks in the environment and speed the process of chemical hazard assessments—something that has been [criminally slow](#).
- \$46 million for regulatory efforts to reduce greenhouse gas pollution under the Clean Air Act, a process [currently under attack](#) by Republicans and some Democrats in Congress. That will include \$25 million for states and \$5 million for the EPA to cover the cost of permitting under the program. That \$25 million is the same amount Obama proposed for fiscal 2011.

EPA Administrator Lisa Jackson—who has [had a tough time](#) of it lately—put the best spin possible on her shrunken budget, arguing that while the cuts would hurt, the EPA could still do its job. "We'll play our role

to cut spending and reduce the deficit," Jackson told reporters this afternoon. "But the President says we can't make cuts in a way that undermines our ability to win the future. This budget is a plan to live within our means and invest in the future."

The DOE, meanwhile, would get a 12% increase over fiscal 2010 levels, with a proposed budget of \$29.5 billion. Some of the [highlights](#):

- \$36 billion in loan guarantees for nuclear power plants, which the government says is enough to support 6 to 8 nuclear power projects, and 9 to 13 new reactors.
- \$550 million for the Advanced Research Projects Agency-Energy (ARPA-E), which supports potentially game-changing early stage clean energy projects, up from \$398 million.
- A 40% cut in the hydrogen technology research program
- Cancellation of the Tevatron, a particle accelerator at the Fermi National Laboratory, which would save the DOE \$23 million.
- The repeal of a "number of subsidies and tax preferences" for fossil fuels, which would save the department \$3.6 billion.

As DOE Secretary Steven Chu wrote in his blog [on February 11](#):

All of these steps --- funding basic research, science and innovation, making tough budget cuts, and implementing strong management reform --- will help us win the future by out-innovating, out-educating and out-building the rest of the world. Together we will lay the groundwork for the nation's future prosperity and security, create jobs, and lead the world in a clean energy economy.

Indeed, throughout his proposed budget, Obama has made sure money remains available for climate change and for clean energy research. That includes millions for permitting new solar, wind and geothermal projects, \$588 million for advanced vehicles research and \$200 million in incentives for electric vehicle infrastructure. But what isn't clear—as POLITICO [pointed out](#) in a story today—is whether the White House's office of Energy and Climate Change, until recently occupied by the [now-departed Carol Browner](#), will be kept around. The office isn't listed in the 2012 budget, though it wasn't listed in Obama's earlier budgets either.

Here's the problem though—Obama's budget may not be worth the paper it is printed (or the bandwidth it's been downloaded with, in win the future terms). As Ryan Avent of the *Economist* noted in a [trenchant post](#) today, this year's Budget Day feels unusually pointless:

While the president proposes budgets, Congress passes budget resolutions and appropriations, and the Republican party controls the House of Representative. That means that many of the specific line items in the budget aren't worth the paper they're printed on. Taxation of carried interest? Forget about it. An end to fossil fuel subsidies? Just like last year, it's dead on arrival. Perhaps saddest of all is the president's proposal to reauthorize the nation's transportation funding law, to be paid for with "bipartisan financing for Transportation Trust Fund". The bipartisan financing plan would raise \$140 billion through 2016, if it weren't less likely to be found than a yeti riding a unicorn.

Precisely—and Republicans want to treat energy and environmental programs like they would an Amazonian rainforest: [slash and burn](#). House Republicans have already proposed stripping the EPA's ability to regulate greenhouse gases, and want to slash funding for other climate change programs. The GOP's [budget proposal](#) also aims to cut the EPA's budget by \$3 billion. Something—quite possibly the government, maybe just the planet—is going to have to give.

EPA: Budget proposal focuses on air and climate rules, cuts water grants (02/14/2011)

Gabriel Nelson and Jean Chemnick

E&E news

U.S. EPA would take a 12.6 percent funding cut under President Obama's budget request for fiscal 2012, which would shrink the amount of grants for state and local water projects while keeping money flowing toward enforcement and the new air pollution regulations that House Republicans are trying to starve of funding.

The president's budget would include \$9 billion for EPA, down from the fiscal 2010 funding level of \$10.3 billion that has remained in place for the first five months of fiscal 2011. The proposal, which is seeking \$1 billion less than Obama requested for the agency in fiscal 2011, shows the wide divide between the White House and Republicans, who are hoping to slash EPA's budget by \$3 billion and defund the agency's climate program.

House Appropriations Chairman Hal Rogers (R-Ky.) unveiled a proposal late Friday to slash the agency's 2011 budget to about \$7.5 billion, part of a Republican plan to return spending to 2008 levels. EPA, which has been a target of intense criticism from conservatives under President Obama, bore the brunt of the proposed Republican replacement for the stopgap spending bill that will expire on March 4.

Though the Republicans want to pull funding from EPA's own operations, seeking to slow down the agency's work on regulations that industry groups have labeled as harmful to the economy, Obama's request focuses on cuts to grant programs, some of which were bolstered by stimulus funding over the past two years.

EPA's own operations have historically gotten about a third of the agency's budget with most of the remaining two-thirds going to state and local agencies that implement the federal rules. Of the \$1.3 billion in funding cuts in the president's proposal, about \$117 million would come from federal operations and the rest would mainly come from grants.

Two revolving funds that provide money for state water projects would see a \$947 million cut from fiscal 2010 levels. An \$80 million grant program for clean diesel projects would be eliminated. And as the White House had promised in a recent op-ed, the president's Great Lakes Restoration Initiative would lose \$125 million from current funding levels.

The budget also scraps \$167 million in water infrastructure funding, \$157 million of which had been earmarked by members of Congress.

Meanwhile, the White House is seeking \$24 million more in funding for federal enforcement than in the fiscal 2011 request. Those efforts would get \$621 million, a 2.5 percent decrease from fiscal 2010 levels.

The biggest increase is an \$85 million boost for categorical grants that state, local and tribal governments use to fund their own operations. State and local air quality agencies would receive \$79.5 million more than they are getting at the fiscal 2010 funding level.

The total package of \$306 million for those programs in fiscal 2012 would be "well above historical levels due to additional responsibilities associated with achieving more stringent air quality standards," the budget says.

State agencies have been bracing for cuts to the State Revolving Funds for clean water and drinking water projects, which were given a boost by the American Recovery and Reinvestment Act, said R. Steven Brown, executive director of the Environmental Council of the States. The \$550 million cut to clean water grants and the \$397 million cut to drinking water grants could cause some of those projects to be delayed by a year or two, but the increase in funding for agency air quality programs is good news, he said.

"The state budgets are so bad right now, and the president's proposal would really help," Brown said.

In the past, when EPA was asked to cut its budget, the agency would sometimes take all the money from state and local governments. Though states will still bear the heaviest load, today's request shows EPA is serious about tightening the belt on the federal side, Brown said.

"This time, the EPA would take 15 percent of the cuts," Brown said. "We don't get joy from that, but it does show that the agency understands there's going to have to be some shared pain."

Climate, air and water

Today's budget is short on details about EPA's climate and air rules, which are at the center of a political war on Capitol Hill.

The EPA budget request downplays the agency's efforts to curb greenhouse gas emissions, lumping in the climate program with other air quality programs for a combined ask of \$471 million for fiscal 2012. That would be a 3.6 percent decrease compared with what the agency received for air quality programs in the first part of fiscal 2011.

On top of that, the agency's science and technology office would get \$247 million for air and climate programs, up from \$244 million in fiscal 2010. An undisclosed share of that money would go toward a new Air, Climate and Energy program that would "identify benefits for air and water quality associated with climate mitigation and adaptation choices to inform national and regional climate decisions."

EPA's water programs would be slashed 16 percent from estimated spending levels under the CR for fiscal 2011, down from \$4.1 billion to \$3.4 billion. When compared to the 2010 budget, the cut would be a more modest 3 percent drop from \$3.5 billion. Spending on "healthy communities and ecosystems" would drop 15.5 percent, from an estimated \$271 million in 2011 to \$229 million.

In last year's budget request, EPA provided separate line items for its greenhouse gas rules, including \$56 million for EPA to run the new programs and support state permitting operations. But the fiscal 2012 budget offered few breakout numbers related to climate change.

An unspecified sum would go to programs that would curb heat-trapping emissions linked to global warming through "cost-effective, non-regulatory programs while also pursuing regulatory options," the request says.

EPA recently started requiring large pollution sources to use the Best Available Control Technology for greenhouse gases and plans to draft additional rules in the next two years to limit emissions from power plants and refineries. The budget seeks \$25 million to help states cover the cost of permitting under that program.

In fiscal 2012, the administration will also begin implementing a new program to cut emissions from cars and trucks.

While the climate rules have made the most headlines, states are also scrambling to follow new federal rules for conventional air pollution, such as the recently tightened air quality standards for nitrogen oxides and sulfur dioxide. Across the country, state budget woes have forced agencies to rely more heavily on the federal funding awarded through the categorical grants program.

That program would get \$1.2 billion under the president's request. The Republican proposal for the rest of fiscal 2011 set down a marker by cutting \$25 million for greenhouse gas permitting, but it would also cut \$220 million from unspecified programs under the categorical grants program, said Bill Becker, executive director of the National Association of Clean Air Agencies.

Cutbacks that large could cripple the state agencies that are tasked with following federal rules, he said.

"If those cuts hit the air program any more, it's going to have huge and horrific repercussions on the abilities of states and localities," Becker said. "That's not only the ability to address greenhouse gas issues but also to clean up toxic air pollution, to write rules for our state implementation plans and to carry out the day-to-day responsibilities that Congress insists that we do under the Clean Air Act."

Today's budget request was Obama's first since Republicans gained control of the House, bringing with them a promise not only to cut spending but head off climate rules under the Clean Air Act. Tomorrow, the House is expected to vote on a fiscal 2011 spending bill that would do just that.

The continuing resolution, or CR, would fund the federal government through Oct. 1 with the stipulation that none of the funds can be used to craft or implement any climate regulations except the tailpipe emissions rules. The White House has suggested it might veto such a bill if it arrived at the president's desk, though the Democratic leadership of the Senate will be another obstacle for House Republicans.

Republican appropriators also proposed substantial cuts to EPA's budget for the remainder of the fiscal year, including a \$107 million cut for a variety of programs related to carbon dioxide mitigation.

While the president's budget and the House CR set the stage for a months-long battle over federal funding for climate regulations, Obama's budget document says he hopes that lawmakers can find common ground on "forward-looking energy legislation that would spur U.S. development of advanced, clean energy technologies to reduce the Nation's dependence on oil, strengthen energy and national security, create new jobs and restore America's position as a global leader in efforts to mitigate climate change and address its consequences."

It says the president stands behind his 2009 commitment to cut U.S. greenhouse gas emissions 17 percent by 2020.

Budget 2012: Environmental Protection Agency

Darryl D. Fears

Washington Post

President Obama's proposed budget provides \$9 billion for the Environmental Protection Agency, noting that amount represents a \$1.3 billion decrease from the previous budget year. But that's unlikely to satisfy Republicans in the House who are sharpening their knives to cut even more from an agency that plans to pressure big polluters to reduce greenhouse gas emissions.

The EPA vowed to restore air and water quality with strict new rules, earning praise from liberal groups but making enemies of manufacturers and their politically conservative supporters who say the rules will add to business costs and eliminate jobs. The administration backpedaled slightly on funding the Great Lakes Restoration Initiative, cutting its budget by \$125 million.

Locally, funding for restoration of the Chesapeake Bay was increased, buffering an EPA effort to reduce pollution from sediment, phosphorous and nitrogen that flows into the bay each time it rains. That effort is being challenged by farmers who claim in a federal lawsuit that EPA's research regarding the pollution is flawed, and that the agency should not be allowed to enforce measures that will be costly to Bay area farmers.

Obama Seeks 13% Cut in Environmental Agency's Budget

Kim Chipman

Bloomberg

President Barack Obama proposed cutting the Environmental Protection Agency's budget 13 percent to \$8.97 billion as the agency faces Republican demands to limit its funding and authority.

The fiscal 2012 budget proposed today is a \$1.3 billion reduction from 2010, the last time federal agencies had an enacted budget. It calls for cutting aid to states for water quality by 27 percent to \$2.54 billion and reducing funds to restore the Great Lakes by 26 percent to \$350 million.

Obama's budget counters a proposal from Republican lawmakers in the House to slash EPA funding by \$3 billion and block the agency from regulating greenhouse gases from industrial polluters such as power plants. The president's budget calls for \$25 million to help states implement the EPA's rules aimed at curbing emissions blamed for climate change.

"On energy budget items, the White House and House Republicans are miles apart in terms of priorities," Whitney Stanco, an analyst at MF Global Inc.'s Washington Research Group, said today in a research note to clients.

A delay of EPA's greenhouse-gas rules has "greater likelihood" of becoming law than many other proposals from both the administration and Republican lawmakers, according to Stanco.

Peabody, Progress Energy

Peabody Energy Corp. of St. Louis, the largest U.S. coal producer, and the U.S. Chamber of Commerce, the nation's biggest business lobby, are among those fighting the new rules, saying they will increase energy costs and destroy jobs.

The EPA is moving too quickly with new rules, including the carbon regulations, said the chief executive officer of Progress Energy Inc. of Raleigh, North Carolina, which supports action to curb U.S. emissions.

"I'm particularly concerned about the impact on low-income people," Bill Johnson, whose company is being acquired by Duke Energy Corp. to form the largest U.S. utility, said today at a conference in Washington.

The EPA budget repeats Obama's call for Congress to pass legislation that would help combat global warming, promote clean-energy technologies and reduce U.S. reliance on oil. Obama continues to support U.S. greenhouse-gas cuts of about 17 percent by 2020 and 83 percent by 2050, according to the EPA budget proposal, which doesn't say how those goals would be reached.

The administration decided to press ahead with the EPA's greenhouse-gas rules, which began Jan. 2, after Congress's failure to limit emissions through a cap-and-trade system, favored by Obama, that would let companies buy and sell the right to pollute.

The EPA budget also proposed ending a clean-diesel grant program from \$80 million in fiscal 2010 to zero. The current clean-diesel spending plan was signed into law in January and pays local governments to retrofit buses, trucks and construction equipment.

EPA's Jackson declines to address impact of House GOP spending bill

Andrew Restuccia

The Hill

Environmental Protection Agency Administrator Lisa Jackson declined Monday to directly address a bill proposed by House Republicans that would block funding for the agency's pending climate rules through September.

Asked by reporters about the potential effect of the proposal, included in legislation to fund the government through the end of the year, Jackson would only speak in broad terms.

"We want to make sure that we don't undermine our ability to protect public health and the environment," Jackson said on a conference call Monday.

"We can't make cuts in a way that would undermine our ability to win the future," she said.

While the administration has been reluctant to address the spending bill in public, administration sources are circulating a "preliminary analysis" that says the bill would have wide-ranging effects on the agency's ability to protect human health.

The legislation would create wide-spread industry uncertainty, delay the construction of new projects and result in job losses, says the analysis, which was obtained by The Hill Saturday.

The House GOP spending bill, which cuts EPA's budget by \$3 billion, sets up a major fight in Congress. Senate Democrats have said the legislation has no chance in the upper chamber. Still, austerity is the name of the game in Washington and President Obama's fiscal year 2012 budget, which was sent to Congress Monday, underscores that.

Obama's budget request makes major cuts to across multiple agencies including EPA, which saw its budget slashed by \$1.3 billion. But Jackson stressed that the cuts "will allow EPA to carry out its core mission."

But, in an indication that regulating greenhouse gas emissions remains a major priority for the administration, EPA's budget increases funding for its climate program by \$43 million.

Overall, Jackson said, EPA's climate program has a budget of about \$190 million, including \$25 million for the implementation of state programs.

Brendan
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02/08/2011 02:41 PM

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Subject Boston Globe: Boston investor-environmentalist group Ceres says clean air regulations good for economy

[Boston investor-environmentalist group Ceres says clean air regulations good for economy](#)

By Theo Emery, Globe Staff

For some Republicans, clean air regulations are “job-killers” that stifle economic growth and stunt job growth. Not so, according to a liberal investment group.

Ceres, a Boston-based consortium of investors and environmentalists, released a report Tuesday that claims just the opposite: clean air regulations are good for the economy.

The report that the University of Massachusetts’ Political Economy Research Institute prepared for Ceres claims that new federal curbs on pollution will create almost 300,000 jobs a year for the next five years.

The report looked at how air quality regulations expected this year from the U.S. Environmental Protection Agency – one regulating sulfur dioxide and nitrogen oxide emissions, the other aimed at air pollutants such as mercury, arsenic and lead – would affect 36 states in the eastern U.S.

The job growth would come from construction of new power plants, the retirements of coal-burning plants, and the installation of new pollution controls, all of which would require engineers, electricians, boilermakers, pipe fitters and other skilled, high-paid workers.

Ceres President Mindy S. Lubber said the report showed that regulation “is not about a false choice between public health and our economy and jobs.”

“New air pollution rules proposed for the power sector will provide long-term economic benefits, in the form of highly skilled, good paying jobs,” she said, as well as other dividends, such as new infrastructure and investment.

The report was released in a friendly setting: a “green jobs” conference sponsored by an environmental group called the Blue/Green Alliance. EPA Administrator Lisa P. Jackson spoke to the gathering Tuesday morning, touting the benefits of environmental regulation.

The conference came on the eve of a Wednesday subcommittee hearing in the House Energy and Commerce Committee on legislation from Chairman Fred Upton, R-Mich, that would halt EPA

authority to regulate greenhouse gases under the Clean Air Act.

Jackson will likely have a less convivial reception in the committee, as Upton is no fan of environmental regulation. He said last month that that the current EPA “has a track record of regulating too much too fast while ignoring potentially devastating economic consequences.”

**Brendan
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Subject The Hill: Durbin: No whip counts yet on block-EPA effort

Durbin: No whip counts yet on block-EPA effort
The Hill
Ben Geman
February 15, 2011

The Senate's top vote-counter said Tuesday he hasn't yet determined whether a spending bill that thwarts Environmental Protection Agency (EPA) climate change rules would clear the upper chamber.

The House is voting this week on a continuing resolution that includes a provision to block funding for EPA's greenhouse gas regulations through September, the end of fiscal year 2011.

But Senate Majority Whip Richard Durbin (D-Ill.) said he's not yet certain how Senate votes would line up on the EPA provision.

"We have not and I can't tell you because there are alternatives being considered by Senator Rockefeller and others, and we have not whipped that issue, so I can't tell you where it stands," Durbin told reporters in the Capitol when asked whether he'd whipped the measure.

Sen. Jay Rockefeller (D-W.Va.) is seeking to suspend regulation of stationary facilities for two years.

While the House GOP's spending bill would stymie EPA temporarily, Republicans in the House and Senate are also pushing more aggressive plans that would outright nullify EPA's power to regulate heat-trapping gases from power plants, refineries and other sources.

Brendan
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02/07/2011 07:34 PM

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Subject Salon: Proof Obama is not caving on regulation: The EPA

Proof Obama is not caving on regulation: The EPA

Andrew Leonard, Salon.com

Never mind healthcare or bank reform. The prospect that President Obama might gut environmental protection while eliminating unnecessary "burdensome" regulations is where some liberals get most nervous. The president put very little effort into getting any climate legislation passed, leading environmentalists to wonder: Does he actually care?

On the surface, the concern is justified. House Republicans have made the crusade to cripple the EPA's ability to enforce limits on greenhouse gas emissions [a top priority](#). Last week, Rep. Fred Upton, D-Mi., the chair of the House Energy and Commerce Committee, and Sen. James Inhofe, D-OK, announced plans to [introduce legislation](#) that would [explicitly prohibit the EPA](#) from considering "greenhouse gases" a pollutant under the terms of the Clean Air Act. Sen. Jay Rockefeller, a West Virginian Democrat, recently reintroduced a bill that would delay any EPA greenhouse gas limit enforcement for two years.

In response, the White House has been quiet. The president did not mention the words "climate change" in either his State of the Union speech or his address to the Chamber of Commerce. Quite the opposite: His only reference to the EPA at the Chamber was to cite a decision by the agency to *delay*, for three years, the setting of any limits for greenhouse gases generated from the burning of biomass, as an example of how accommodating his administration was willing to be on the regulatory front.

I'm guessing Obama included that line because he or his advisers thought it would go over well with Chamber [conservatives](#). But by pointing out an instance of EPA inaction, the president carefully avoided dwelling on the fact that the agency has *already* taken the much more significant step of [beginning the process](#) of regulating greenhouse gas emissions at power plants, oil refineries, and other *major* sources of greenhouse gas emissions. As of January 2, [the EPA is requiring](#) that the operators of new, or substantially modified, facilities must get permits that [will limit their future greenhouse gas emissions](#) and require upgraded technology.

In other words, *it's already happening*. The pace is excruciatingly slow, and there are legal challenges that must be parried every every step of the way, and both states and plant operators have a lot of leeway in how to deal with the proposed changes, but the machinery of greenhouse gas regulation is proceeding. And this is entirely due to the fact that the current occupant of the

White House is a Democrat who appointed a strong director -- Lisa Jackson -- to run the EPA.

Bush's EPA refused to regulate greenhouse gases, dragging its feet even after the Supreme Court ruled, by a tight 5-4 margin (with Anthony Kennedy the deciding vote between liberal and conservative justices), that under the terms of the Clean Air Act, greenhouse gases [qualified as pollutants](#). The Court not only found that the EPA had the authority to regulate greenhouse gas emissions, but would be *required* to do so if the agency determined that there was scientific evidence that greenhouse gases posed a threat to public health. In November 2009, the EPA determined that greenhouse gases did pose such a threat, and the [wheels went into motion](#).

It's worth noting how entirely contingent this entire chain of events is on raw political power. A 5-4 Supreme Court majority is a slender thread -- one more George W. Bush appointee, and the decision would undoubtedly have gone the other way. Similarly, a Republican EPA would have been most unlikely to determine that greenhouse gases are a threat to public health, since the current prevailing wisdom the Republican party is that the world is not warming because of greenhouse gas emissions.

The Republican drive to rewrite the Clean Air Act so as to make the Supreme Court's ruling irrelevant and shackle the EPA is just the latest skirmish in this primal battle, but all the hollering about job-killing regulations should not obscure the fact that the EPA is proceeding according to plan. The steady rollout of guidelines and standards will not be easy to stop. So far, the courts have generally upheld the EPA's authority -- [Texas is 0-3 in legal challenges](#) -- and even if Republicans do manage to get some EPA-killing legislation through the Senate, they'd still face the likelihood of a presidential veto.

Slate's tireless political reporter/blogger David Weigel had [the same impression of Obama's speech](#) to the Chamber that I did earlier today -- the president made no concessions and signaled no real shift in policy. He defended his signature legislation, which the Chamber opposed, and even as he made rhetorical gestures on regulatory policy, his EPA is hard at work enforcing limits on greenhouse gas emissions. Environmentalists who want the EPA to continue doing so should be thinking hard about how to re-elect Obama, because if a Republican moves into the White House, it will all come to a screeching halt, again.

Brendan
Gillilan/DC/USEPA/US
06/15/2011 12:09 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Michael Moats, Daniel Kanninen, Michael Goo, Bicky Corman

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Subject WSJ Editorial: The Obama Hiatus

The Obama Hiatus

The Administration takes a two-year holiday from its own agenda.

President Obama's re-election machine is already running full bore, but has his entire Administration also decamped for the campaign trail? We ask because the towering ambitions of Mr. Obama's first two years have suddenly gone into abeyance in his third, apparently to be deferred until years five through eight. The White House is more or less conceding that it doesn't have a chance of winning a second term unless his major policies go on hiatus.

This holiday from committing liberal history began in December with the White House-GOP deal that extended the Bush tax rates through the 2012 election and added a payroll tax cut on employees to 4.2% from 6.2%. These proposals came from the same Democrats who only months earlier had increased payroll taxes to finance their health-care bill and routinely claim that tax rates don't matter to the private economy. But then, 9.1% joblessness and 1.8% growth have a way of concentrating the political mind.

Next came the much-ballyhooed White House scrub for "excessive" regulation, even as hundreds of new rules mandated by the legislation of the first two years continue to be written and to slow business investment. But at least the rule review persuaded the Environmental Protection Agency to stop treating dairy farm milk spills as if they were Gulf oil leaks. That should help next year in Wisconsin.

Picking up the vacation pace, this week the EPA delayed by two months the carbon regulations that it wants to impose, even as it resists bipartisan attempts on Capitol Hill to kill them altogether. Next up may be a delay in pending regulations meant to harm coal-fired power, before opponents gather enough votes to kill them. The EPA has already yanked an entire rule that would have forced thousands of businesses to install new industrial boilers.

Maybe the White House should short-circuit all this by dispatching EPA administrator Lisa Jackson to an undisclosed location through November 2012.

Also this week, The Commodity Futures Trading Commission voted—five to zero—to delay by six months the derivatives swap rules that were due this month under the Dodd-Frank financial re-regulation. The alphabet soup of financial regulators will eventually add tens of thousands of

pages to the Federal Register, but for now they are conceding that the derivatives market isn't the calamity they claimed it was in the rush to pass the bill.

Then there's health care. Over the last year, the Health and Human Services Department has granted at least 1,372 temporary waivers to ObamaCare mandates, most notably for price controls on private insurance companies. Many have gone to Democratic allies like unions, but many more went to ordinary businesses and even states. HHS has already given a pass to Nevada, New Hampshire and Maine, and another dozen or so have applied or are expected to ask for exemptions.

This is less political favoritism than a panicked, ad hoc bid to minimize pre-election insurance disruptions that can be attributed to a law that is still widely reviled. If the law isn't enforced, maybe voters will forget it passed. In its New Hampshire reprieve, HHS admitted that ObamaCare would "destabilize the individual market," though it neglected to mention that this is what ObamaCare is meant to do. Just not yet.

By the way, this waiver process isn't in the law's statutory language. HHS has simply created it via regulation. In other words, the health bureaucracy knew the rules they were writing would be destructive and have created a political safety valve. They have even found a way to override ObamaCare's cuts to the Medicare Advantage program that were counted as "savings" to make the health bill look less spendthrift. Medicare Advantage offers insurance choices to one in four seniors and is popular in, well, Florida, so seniors also get a two-year reprieve.

Why aren't liberals deploring this betrayal of their programs? Perhaps because even they can't ignore reality forever. Mr. Obama's epic fiscal binge, waves of new industrial policy and the political allocation of credit haven't created the boom they promised. If business can now be persuaded that the government assault is over and start to invest again so the economy improves enough for Mr. Obama to win a second term, then a two-year delay in fulfilling their dreams is well worth it.

Liberals figure that as long as Mr. Obama can be re-elected next year on another hope-and-change platform, it will be too late to hope to change anything and he can then return to his legacy project of building a tax and entitlement state on the European model. The economy may benefit from Mr. Obama's temporary amnesty, but the real lesson of this hiatus from liberalism is that it should be shut down permanently.

**Brendan
Giffilan/DC/USEPA/US**
06/27/2011 01:17 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Bob Sussman

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Subject Bloomberg Businessweek:Exelon Asks Obama for EPA Regulation as AEP Seeks Delay

Exelon Asks Obama for EPA Regulation as AEP Seeks Delay (1)
2011-06-27 15:16:54.29 GMT

By Kim Chipman, Bloomberg Businessweek

June 27 (Bloomberg) -- Exelon Corp. Chief Executive Officer John Rowe had a message for White House Chief of Staff William Daley on power-plant pollution limits being weighed by the Environmental Protection Agency: Go for it.

Rowe, who is also chairman, and his counterparts Mayo Shattuck of Constellation Energy Group Inc. and Lew Hay of NextEra Energy Inc. made their case for government regulation in a White House meeting on March 8, eight days before the EPA proposed the first U.S. limits on air toxics such as mercury, arsenic and lead from coal- and oil-fired electricity plants.

The agency has become the flashpoint in debate over regulation by the Obama administration, with business groups and Republicans joined in seeking to block or delay its rules to curb carbon emissions and pollution from boilers. The air-toxics rule is an exception, with utilities divided on calls to stop or postpone it.

"The CEOs at that White House meeting talked about wanting an effective rule on time and about how the markets are already anticipating it," Michael Bradley, executive director of the Clean Energy Group's clean air policy initiative, said in an interview with Bloomberg Government.

Exelon, NextEra and Constellation, all part of Bradley's coalition aimed at cutting pollution, emphasized the need for the EPA to stick to its 2015 compliance deadline, Bradley said.

The Concord, Massachusetts-based group, founded in 1997, told EPA Administrator Lisa Jackson in a June 15 letter that a delay would "undermine" companies already preparing and making investments based on the 2015 deadline.

American Electric

Spokesmen for Chicago-based Exelon, the biggest U.S. power producer, NextEra, owner of Florida's largest utility, and Constellation, a Baltimore-based electricity producer, declined to comment on the White House meeting and referred questions to Bradley.

On the other side of the rift are utilities including American Electric Power Co. and MidAmerican Energy Holdings Co., a unit of Warren Buffett's Berkshire Hathaway Inc. AEP, which produces 80 percent of its electricity from coal, says the 2015 deadline is one reason it will have to cut about 600 jobs, close five coal-fueled power plants and spend as much as \$8 billion through the end of the decade.

A 2020 deadline "is realistic, 2015 is not," AEP President Nicholas Akins said in an interview. The Columbus,

Ohio-based company wants Congress to pass legislation extending the deadline by five years, and Representative Ed Whitfield, a Kentucky Republican, has said he plans to introduce legislation in August forcing a delay.

Buffett Unit

Companies that don't rely heavily on coal for their power generation may support the rules because "they would benefit from retirements" of coal-fired plants by rivals, Akins said.

MidAmerican Energy said EPA rules including the proposed air toxics standard will cost customers at its two utilities more than \$5 billion by 2023.

"MidAmerican, like many utilities, is concerned about the costs and timetables for the implementation of these EPA rules," Cathy Woollums, chief environmental counsel for the Des Moines, Iowa-based company, told the Senate Environment and Public Works Committee this month. "These compliance costs will increase rates to our customers."

Companies have had time to prepare, and the public can't wait to reduce toxic air emissions that hurt children's brain development and cause asthma, heart attacks and premature deaths, according to Carol Browner, a former EPA administrator who was Obama's energy and climate adviser until earlier this year.

Companies Knew

"These companies have known for a very long time, I would suggest maybe as long as 10 years, that something was going to happen on mercury," Browner said during a June 21 panel discussion in Washington.

Duke Energy Corp. Chairman and CEO Jim Rogers told investors on a May 3 earnings call that "anticipation of more stringent environmental rules has long been part of our business plan."

"Over the past 10 years, we have spent \$5 billion retrofitting existing units with updated emissions controls," Rogers said.

NextEra, the No. 1 U.S. wind-energy producer, generated about 90 percent of its electricity last year from "clean" fuels such as nuclear and natural gas, while Exelon sold off most of the company's coal-fired plants to become the largest U.S. nuclear-power provider.

Constellation, which generates about 24 percent of its power from coal, spent almost \$1 billion to install scrubber technology at a Maryland coal-fired power generator.

Digging Heels In

"Despite the fact that many coal-fired plants across the nation have installed the pollution-control equipment to reduce their mercury pollution, some utilities are still digging their heels in the fight to block or delay the proposed EPA rules," Dan Weiss, director of climate strategy at the Washington-based Center for American Progress, a policy group that advises Democrats, said in a June 21 report.

EPA Deputy Administrator Bob Perciasepe said delaying the air-toxics rules doesn't make sense.

"It is absolutely cost-effective and economical for

companies to retrofit coal-fired power plants with the technology to meet this rule, and many have and many more will," he said.

The EPA, under court order to act after former President George W. Bush's planned mercury standard was declared unlawful, has said the law gives companies as many as four years to comply and estimates it would cost companies \$10.9 billion.

Among Most Expensive

The Electric Reliability Coordinating Council, a Washington-based coalition of companies such as Atlanta-based Southern Co., has said the proposed rule is one of the most expensive in EPA history, and it may cost industry \$100 billion to comply.

Southern's CEO and Chairman Thomas Fanning told lawmakers on April 15 that the EPA's timeline for regulation "can't be done" and that the rule may reduce power reliability and increase electricity bills. Fanning said the rule is among pending EPA regulations that would cost the power industry as much as \$300 billion during the next five years.

The EPA estimates the rule would increase electricity rates an average of 3.7 percent in 2015, an amount that Perciasepe said is in line with normal price fluctuations. Costs to industry and electricity users also will be offset by as much as \$140 billion a year in health and economic benefits, according to the EPA.

Comment Period Extended

The EPA has said it has no plans to postpone issuing a final air toxics rule in November. The agency did extend the period for public comments on the proposal from 60 to 90 days after 27 House Democrats led by Representative John Dingell of Michigan asked for more time.

The EPA's response to that demand may not auger well for the rule, according to Frank O'Donnell, who supports the pollution limits.

"It will undoubtedly increase pressure on EPA to delay the final standards, perhaps into election year," O'Donnell, president of the Washington-based environmental group Clean Air Watch, said in an interview. "That would be very bad."

Brendan
Gillilan/DC/USEPA/US
02/09/2011 02:32 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Daniel Kanninen, Michael Moats, Bob Sussman

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Subject White House Blog: So What Does the Clean Air Act Do?

[The White House Blog](#)

So What Does the Clean Air Act Do?

Posted by Heather Zichal on February 09, 2011 at 02:18 PM EST

Today, EPA Administrator Lisa Jackson testified before the House Energy and Commerce Committee. In her [testimony](#) the Administrator highlighted the agency's ongoing efforts to develop sensible standards that update the Clean Air Act, while ensuring that the landmark law continues to provide Americans the protections from dangerous pollution that they deserve. These reasonable steps will ensure that the air our children breathe and the water they drink is safe, while also providing certainty to American businesses.

Despite these pragmatic steps to implement long overdue updates, big polluters are trying to gut the Clean Air Act by asking Congress to carve out special loopholes from air pollution standards.

The Clean Air Act gives the Environmental Protection Agency the necessary tools to protect our families from mercury, arsenic, smog, particulates and carbon dioxide that can cause asthma and lung disease – especially in children. Weakening these standards would allow more pollution in the air we breathe and threaten our children's health. We thought it might be helpful to refresh everyone on how this landmark law affects our country and protects our health.

- **160,000 Lives Saved Last Year**

In the year 2010 alone, clean air regulations are estimated to have saved over [160,000 lives](#).

- **More than 100,000 Hospital Visits Avoided Last Year**

In 2010, clean air standards prevented [millions of cases of respiratory problems](#), including bronchitis and asthma. It enhanced productivity by preventing millions of lost workdays, and kept kids healthy and in school, avoiding millions of lost school days due to respiratory illness and other diseases caused or exacerbated by air pollution.

- **60% Less Pollution in Our Air, Strong Economic Growth and Lower Electricity Prices**

Since 1970, the Clean Air Act has reduced key air pollutants that cause smog and particulate pollution by [more than 60%](#). At the same time the economy more than tripled. And since the Clean Air Act Amendments in 1990, electricity production is up and prices are down. In 2009, electric utilities delivered [33 percent](#) more electricity to U.S. households and businesses than in 1990, while nationwide electricity prices were [10](#)

[percent lower.](#)

- **Benefits Far Out Weigh Costs**

Over its forty-year span, the benefits of the Clean Air Act – in the form of longer lives, healthier kids, greater workforce productivity, and ecosystem protections – outweigh the costs by [more than 30 to 1](#).

Heather Zichal is Deputy Assistant to the President for Energy and Climate Change

**Brendan
Gilfillan/DC/USEPA/US**
05/16/2011 07:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy,
Janet McCabe, Joseph Goffman, David McIntosh, Arvin
Ganesan, Stephanie Owens, Dru Ealons

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Subject Boiler coverage

All -

First round of stories is below. Many of these have not been updated with some of our responses, but will be. We'll circulate another batch tomorrow with the full stories.

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 inShare1More

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 manufactures 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.

**Brendan
Giffilan/DC/USEPA/US**
05/25/2011 03:27 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Janet Woodka

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Subject FEL Coverage so far

CNN
New fuel economy labels coming for the 2013 model year
By Paul Courson

LA Times (Greenspace Blog)
Federal government unveils new fuel economy labels for cars and trucks

USA TODAY
New fuel-savings stickers for new cars unveiled
By Chris Woodyard

Fox News
New Fuel Economy Labels Set for Showroom Floors

CNNMoney
New-fangled auto fuel economy labels unveiled
By Peter Valdes-Dapena

Reuters
New car labels feature more on fuel savings

Huffington Post: Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Wall Street Journal: EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

Wall Street Journal (Washington Wire Blog): Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

Bloomberg: U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

LA Times (Money and Company Blog): New fuel economy labels for cars and trucks unveiled by DOT, EPA
May 25, 2011 | 9:59 am

ABC News (The Note Blog): Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

Detroit Free Press
New fuel-efficiency labels announced with details on fuel costs, emissions
BY AARON KESSLER

Full Text of Stories:

CNN

New fuel economy labels coming for the 2013 model year

By Paul Courson

Washington (CNN) -- Revised fuel economy labels coming soon for new cars and trucks will show consumers how much they'll save -- or spend -- on fuel, compared to the average new vehicle.

The blue-and-white design continues to feature a large two-digit number to show the miles per gallon the vehicle gets, but the new label will also display the calculated savings -- or expenditure -- on fuel over a 5-year time span, compared to the average new vehicle.

In the fine print, the labels will include additional information that is hoped to make an apples-to-apples comparison easier among conventional, hybrid, and alternate-fuel vehicles.

In remarks prepared for delivery at a Wednesday news conference, Transportation Secretary Ray LaHood said the "labels are a win for automobile consumers and for the nation's energy independence."

The new labels, starting with the 2013 model year, are described as the most dramatic overhaul since the MPG stickers were first required 30 years ago.

LA Times (Greenspace Blog)

Federal government unveils new fuel economy labels for cars and trucks

May 25, 2011 | 7:54 am

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled new fuel economy labels for cars and trucks Wednesday. The new labels are their most significant update since 1975, when the federal government first required the EPA to provide fuel economy data about passenger cars and trucks.

Designed to provide more detailed information to consumers about vehicles' fuel efficiency, estimated annual fuel cost and environmental effects, the new labels will go into effect with 2013 model year vehicles, though some manufacturers may voluntarily adopt the new labels for the 2012 model year.

A joint effort between the EPA and DOT, the new labels will, for the first time, allow consumers to compare energy use and cost for new-technology cars, such as plug-in electrics, versus traditional gas-powered vehicles. They will include estimates on the amount of money consumers will save or spend on fuel for the next five years compared with an average new vehicle.

They will show how one model compares to the average in terms of smog-forming emissions and other emissions contributing to climate change. And they will estimate how much fuel or electricity is required to drive 100 miles.

The labels will also include a quick response, or QR code. Using a smart phone app, consumers can get even more comparative car information online, including fuel economy, and can access more precise information about a vehicle's fuel costs based on a driver's specific commute and driving habits.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood in a statement issued Wednesday. "These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

USA TODAY

New fuel-savings stickers for new cars unveiled
By Chris Woodyard
10:31 AM

There won't be letter grades, but the Transportation Department and Environmental Protection Agency are unveiling new fuel economy labels on cars that should help consumers figure out which models will go the farthest on gallon of gas.

Instead of a letter grade, the agencies opted for a 10-point scale, like those used for rate energy efficiency of big appliances like refrigerators, to help consumers find the most efficient car.

The agencies call the labels "the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago."

They include estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact.

Starting with model year 2013, the improved fuel economy labels will be required to be affixed to all new passenger cars and trucks – both conventional gasoline powered and "next generation" cars, such as plug-in hybrids and electric vehicles.

The labels will be important since cars are expected to become a lot more fuel efficient under new, tougher regulations.

Fox News
New Fuel Economy Labels Set for Showroom Floors
Published May 25, 2011

Auto shoppers will soon be awash in factoids about the fuel efficiency of new cars, thanks to new labels the Obama administration says it will now require on vehicles.

The labels, rolled out by the Department of Transportation and Environmental Protection Agency on Wednesday, could start showing up on the showroom floor any day, if dealerships choose to use them. But starting early next year, they will be required on every model year 2013 car and truck.

Transportation Secretary Ray LaHood said in a statement that the labels will give consumers "up-front information" about fuel costs and related stats before they buy.

The labels contain a dizzying amount of information. Most prominent is the vehicle's fuel economy, broken down by average miles per gallon along with MPG ratings for city and highway driving.

Clustered around that statistic will be an array of other auto trivia. On the right-hand side, the label tells consumers how much they'll save in fuel costs over five years compared against an "average" new vehicle. Below that, the label provides the estimated annual fuel cost, as well as a numerical rating for smog and greenhouse gas emissions. The higher the number, the cleaner the car.

The labels coincide with a push to mandate better fuel efficiency in U.S. vehicles. Under the final rules unveiled last year, the federal government will require U.S. vehicles to achieve an average 35.5 miles per gallon by 2016.

The rules will cost the U.S. auto industry billions of dollars in order to comply. Though some of those costs could be passed on to consumers, the administration estimates drivers will save more in fuel costs.

According to the administration, the new rules will save 1.8 billion barrels of oil and save consumers an average of \$3,000 in fuel costs "over the life of the program."

CNNMoney

New-fangled auto fuel economy labels unveiled

By Peter Valdes-Dapena May 25, 2011

NEW YORK (CNNMoney) -- Potential car buyers will see new designs for fuel economy labels, reflecting the increased use of alternatives to gasoline such as electric and diesel.

The Department of Transportation and the Environmental Protection Agency unveiled the three types of new labels Wednesday. One type is for cars that use gasoline or diesel, or hybrids that use only self-generated electricity. A second is for gas and electric hybrids that use some plug-in electricity, and the third is for vehicles running strictly on plug-in power.

"The current fuel economy label that buyers have come to be familiar with has come to be outdated," EPA administrator Lisa Jackson said in a Washington, D.C. press conference.

The new labels will be required on new cars in auto dealer lots beginning with 2013 model year cars, the Transportation Department said. Automakers can begin using the new labels on 2012 model year vehicles if they wish. Potential designs for new labels were first unveiled almost a year ago, and the agencies have been seeking comment from the public since then.

"The new labels, which are the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago, will provide more comprehensive fuel efficiency information, including estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact," the DOT said in the announcement.

No-plug cars: The new label that will go on most vehicles sold in America -- no-plug cars -- features the combined estimated city and highway fuel economy most prominently. Also getting big play on the new label are the estimated annual fuel cost and the amount of money saved -- or spent -- in fuel costs over five years compared to the average new vehicle.

Also shown is the number of gallons burned to travel 100 miles and two charts rating the vehicle's greenhouse gas and smog emissions from 1 to 10, with 10 being the best.

Plug-only cars: For plug-in vehicles, fuel economy is rendered in miles per "gallon equivalent." That's how far the car goes on the equivalent amount of energy contained in one gallon of gasoline. Also, there's the number of kilowatt hours used to travel 100 miles. The label also shows an estimate of how far the vehicle can drive on a single charge.

Plug-in hybrid cars: Vehicles that run on gasoline as well as on electricity taken from a plug such as General Motors' (GM, Fortune 500) Chevrolet Volt and Toyota (TM) Prius Plug-in get the most confusing new labels. For these vehicles, labels feature two boxes of numbers representing energy efficiency. One is for electric-only driving, with estimates expressed in "miles per gallon equivalent", which are the same terms used for pure-electric cars. The other box gives estimates for gasoline-only operation expressed in simple miles per gallon.

6 affordable new cars that go easy at the pump

Just as for a gasoline-only car, the plug-in hybrid label contains an overall estimate of annual fuel costs -- including both gas and electricity -- and the amount saved compared to the average car. Of course, these figures could vary widely depending on how far drivers go between plugging in.

The separate information on electric and gas-powered operation, plus a graph showing electric-only and total driving range, should allow consumers to estimate how cost-effective the vehicle will be for them.

Absent from the new labels are letter grades. Last year, the EPA unveiled several possible designs for fuel economy labels in a bid to elicit public and industry feedback. One design featured prominent letter

grades. Vehicles with especially good fuel economy would have gotten A. Those with very good, but not the best fuel economy, would have gotten a B, and so on.

While carmakers didn't like the letter grades, EPA administrator Jackson said, consumers were the main reason the idea was dropped. In tests and surveys, about half of consumers were confused by the letter grades, thinking they represented an overall assessment of the vehicle, not just its fuel economy.

The new labels also include QR codes, box shaped symbols that can be read by smartphones. Taking a snapshot of the QR code box using a smartphone will link car shoppers to a website where they can get more information about the car and its fuel efficiency.

Reuters

New car labels feature more on fuel savings

9:38am EDT

WASHINGTON (Reuters) - Fuel economy labeling unveiled on Wednesday includes information on plug-in electric cars and highlights other advanced technologies aimed at reducing oil use and tailpipe emissions.

The redesigned window stickers required on all 2013 models will allow consumers in showrooms to quickly and more easily compare fuel savings of vehicles in the same or different class, whether they rely on gasoline or are powered by gas/electric hybrid systems.

"Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance," said Lisa Jackson, the administrator of the Environmental Protection Agency.

The EPA developed new labels with the Transportation Department as part of rules adopted last year requiring a 42 percent jump in average efficiency to 35.5 miles per gallon for 2012-2016 vehicles.

The agencies plan a follow-on requirement in September for 2017-2025 cars and trucks that could push efficiency goals to 60 mpg, a target automakers would probably resist if proposed.

Automakers, who supported the new labels, are overhauling their product lines to meet U.S. government and consumer demands that they offer more efficiency and reduce pollution.

U.S. passenger vehicles account for about 20 percent of the nation's carbon emissions and about 44 percent of its oil consumption, figures show.

Many cars on the road today already meet or exceed the 2016 standard. U.S. and overseas car companies are accelerating output of hybrids and are beginning to introduce vehicles that run only on electricity for everyday driving.

The EPA labels, which were required by Congress, allow consumers to compare cost advantages of different technologies and for the first time include information on electric cars.

For instance, they post estimates of how much fuel or electricity it takes to drive 100 miles, and how much time it takes to charge a plug-in vehicle, like the mainly electric Chevrolet Volt sedan made by General Motors Co or the all-electric Nissan Leaf.

The most fuel-efficient cars and trucks, however, still represent a fraction of overall U.S. vehicle sales. Less fuel-efficient and more powerful pickups and sport utilities remain enormously popular with American motorists.

Detroit Free Press

New fuel-efficiency labels announced with details on fuel costs, emissions

BY AARON KESSLER

May. 25, 2011

WASHINGTON – The U.S. Department of Transportation and the U.S. Environmental Protection Agency today officially announced the new fuel-efficiency stickers.

The new labels will provide more details, such as estimated annual fuel costs and information on the amount of greenhouse gas a vehicle emits.

Left out of the new label was a controversial letter-grade system, which would have ranked cars on a scale of A through D based on their fuel economy and environmental impact.

The labels will be required starting next year, with model year 2013 vehicles, the agencies announced, and will apply to both traditional vehicles and alternatives like plug-in electrics. Automakers can start voluntarily using them even sooner, for their 2012 model year vehicles. The Free Press had previously reported that the new labels would be made public today.

“Our new fuel economy and environmental labels are a win for automobile consumers and for the nation’s energy independence,” said U.S. Transportation Secretary Ray LaHood, in a statement. “These labels will provide consumers with up front information about a vehicle’s fuel costs and savings so that they can make informed decisions when purchasing a new car.”

Among the new information included on the revised labels:

- Methods to compare energy use between gas-powered and electric cars.
- Estimates of costs savings on fuel, emissions information.
- Charge-time and range details for electric vehicles.

The labels will also include a “QR Code,” a tool that allows consumers with smartphones to access more detailed information online about a vehicle and estimate their potential operating costs based on their personal commute or driving behavior.

EPA Administrator Lisa Jackson also praised the new labels.

“The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars,” Jackson said. “Today’s car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance. The new labels provide comprehensive information to American car buyers, helping them make a choice that will save money at the gas pump and prevent pollution in the air we breathe.”

Huffington Post

Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Posted: 05/25/11 02:26 PM ET

WASHINGTON -- The Obama administration on Wednesday announced new fuel economy labels for vehicles, including new ratings for plug-in hybrids and electric cars, but nixed a plan to assign vehicles "A" through "D" grades based on efficiency.

Announced this morning by Environmental Protection Agency chief Lisa Jackson and Transportation Secretary Ray LaHood, the new labels offer consumers shopping for a new car information on expected savings over a five-year period, as well as a fuel economy comparison to other cars in the same class.

"These labels will provide consumers with upfront information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," LaHood said in a statement Wednesday. "This is one part of President Obama's plan to provide Americans with relief from high gas prices and break our dependence on foreign oil."

Vehicles are rated from one to 10, with 10 being the most desirable, across a variety of areas, including smog and green house gas emissions.

The labels feature a QR code allowing consumers at a dealership to personalize fuel cost estimates and compare vehicle models based on fuel economy. By entering information about their commutes and driving behavior, consumers can obtain a more precise estimate of fuel costs.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said Wednesday.

The elimination of letter grades, which would have discouraged consumers from purchasing inefficient vehicles, is considered a victory for automakers. The Alliance of Automobile Manufacturers, the industry's main trade group, has been an especially vocal opponent of the system.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A,'" based on greenhouse gas emissions, said Auto Alliance spokesman Wade Newton in a statement on Thursday.

But when asked in a conference call with reporters on Wednesday why the grades have been dropped, Jackson insisted they were merely unpopular with American consumers.

"When we did focus groups it was split right down the middle ... which told us at least half the people wouldn't be comfortable with a letter grade," Jackson said. "It's all about the consumer here," she added, "and letter grades were something we wanted to test, but they didn't test so high that they were something we wanted to include."

The 2010 fuel economy rule, which covers model years 2012 through 2016, will save an estimated 1.8 billion barrels of oil over the life of the program and the average consumer \$3,000 in fuel costs.

In July, the administration plans to finalize the first-ever standards for commercial trucks, vans and buses built from 2014 to 2018. The standards promote the development and use of alternative fuels and are expected to save hundreds of millions of barrels of oil over the life of these vehicles. The administration is also working on the next generation of greenhouse gas emission standards for model years 2017 to 2025 and plans to announce a proposal in September.

New passenger cars and trucks will be required to display the new labels starting with model year 2013, though automakers may voluntarily adopt the labels earlier for model year 2012 vehicles.

Wall Street Journal
EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

WASHINGTON—The familiar price-and-mileage labels affixed to new cars and trucks sold in the U.S. soon will include a five-year estimate of fuel costs compared to an average vehicle in addition to existing miles per gallon and electric-equivalent ratings.

The new labels, which are required beginning with 2013 model vehicles, will contain a car's projected annual fuel costs, its five-year fuel costs compared to the average vehicle in the same class, and a numeric, 1 through 10 rating based on fuel economy and smog pollution. Electrics and hybrids will be the only cars getting a 10.

The new 10-point scale replaces an earlier administration proposal to assign A-through-D letter grades that drew a chorus of objections from auto makers when it was unveiled last summer.

Environmental Protection Agency chief Lisa Jackson said Wednesday the letter-grade proposal created

confusion during tests with consumers. While the letter grades were designed to indicate a car's fuel economy, some consumers perceived them as describing the overall quality of a vehicle, she said.

The addition of fuel costs and savings, along with the 10-point scale, represent the broadest revamp of window stickers since they first appeared on new cars three decades ago. Another added feature: A bar code that will allow consumers to download the data to a smart phone.

"They will let consumers see—both in plain print and on their smart phones —how their family budgets will benefit from purchasing more fuel-efficient cars, whether they're gasoline, electric, or hybrid powered," Transportation Secretary Ray LaHood said at a briefing in Washington, D.C. He portrayed the new stickers as part of a broader strategy to help Americans cope with high gas prices, an issue the administration has struggled with as the price of a gallon of regular has approached \$4 in recent weeks.

Consumer groups applauded the labels, which they said would make consumers more aware of a vehicle's environmental impact. Auto makers also supported the new labels.

Wall Street Journal (Washington Wire Blog)
Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

The Obama administration today rolled out new fuel economy labels for 2013 model cars, but the bigger issue for auto makers and consumers is what number the administration will choose as the fuel efficiency target auto makers must hit in model year 2025.

The administration has promised to release "corporate average fuel economy" targets for the period 2017-2025 this fall, continuing a process in which the Environmental Protection Agency, the Department of Transportation and the state of California are supposed to collaborate and agree on a common standard.

The White House hasn't tipped its hand yet on how aggressively it will push auto makers to boost what's commonly referred to as CAFE. Environmentalists and the state of California want the 2025 target set at 60 miles per gallon. Auto makers worry that will force them to push small, pricey hybrids and electric cars on a buying public that still favors larger rides.

Heather Zichal, a White House aide for energy policy, said this morning at a conference organized by National Journal that she's "confident" the administration can once again forge a consensus among the auto makers, California regulators and the federal agencies, as the administration did when it developed the current fuel economy rules that call for auto makers' 2016 model fleets to average 35 mpg.

Asked if she thought the industry would be happy with the 2025 standards, Ms. Zichal hesitated.

"Say yes, we're going to be happy," prompted Michael Stanton, president of the Association of Global Automakers, who sat next to her during a panel discussion.

"We're confident," Ms. Zichal said.

"One national program is really important to us," Mr. Stanton said.

California and an array of environmental groups have called on the administration to set the 2025 target at 60 miles per gallon – the high end of a range outlined by the administration last year. That would be a more than 70% increase from the industry's target for 2016 of 35 miles per gallon.

California in 2009 agreed to drop its push to set its own fuel economy standards. But the state has hinted it might not sign on to a national standard for 2025 that it considers too weak.

Asked if the administration would support higher gasoline prices in order to support demand for more fuel

efficient vehicles, Ms. Zichal was unequivocal: "The short answer is no."

With gasoline prices at around \$4 a gallon, auto makers are finding success selling a new crop of stylish, well-equipped compact cars. But few of them could hit a 60 mpg target. Among current models, those that exceed or come close to a 60 mpg combined mileage score (before the downward adjustments used on the window sticker labels) are electric cars such as the Nissan Leaf, and hybrids such as the Toyota Prius and the Honda Civic hybrid.

Conventional gasoline fueled subcompact-sized cars such as the Mini Cooper get mileage ratings in the 40 mpg range on the government's current tests.

Bloomberg
U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

May 25 (Bloomberg) -- U.S. cars and trucks will carry labels comparing estimated five-year fuel costs with those of the average new vehicle following industry opposition to adding fuel-economy letter grades to the window stickers.

The labels, which will include annual fuel-cost estimates, must be affixed to passenger cars and trucks sold in the U.S. starting with model year 2013, the Washington-based Environmental Protection Agency and Transportation Department said in a statement today. The new stickers will rate vehicles on a scale of 1 to 10 for smog and greenhouse-gas emissions.

"These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," Transportation Secretary Ray LaHood said in the statement.

President Barack Obama's administration is writing rules to improve fuel economy for cars and trucks that may require annual fuel-efficiency improvements of as much as 7 percent from 2017 to 2025. New vehicles have displayed stickers estimating annual fuel costs as of model year 2008. Before that model year, the labels showed how many miles per gallon a vehicle could get in a city or on a highway.

Electric Cars

According to the rule announced today, plug-in hybrids and fully electric vehicles will have labels that specify how far a car can drive when charged.

The government discarded plans for labels with letter grades after automakers, dealers and federal lawmakers said that consumers may avoid vehicles labeled with lower rankings.

The Alliance of Automobile Manufacturers, whose members include General Motors Co. and Toyota Motor Corp., said before the announcement that it would prefer abandoning the A to F letter-grade proposal.

"A large, brightly colored letter grade" may confuse consumers and "risks alienating" those who drive a vehicle that doesn't receive an A for greenhouse-gas emissions, Wade Newton, a spokesman for the Washington-based group, said in an e-mail.

Environmental groups such the Natural Resources Defense Council, which advocates for higher fuel-economy standards, had supported the letter-grade plan.

The label announced today isn't "perfect, but it was important to get something out there as soon as possible," Luke Tonachel, a senior transportation analyst with the New York-based NRDC, said in an interview. "The new label has some important improvements that will help consumers faced with high gas prices find the cleanest, most-efficient vehicles. Importantly, the vehicle you're looking at is compared

with all vehicles in a model year."

LA Times (Money and Company Blog)

New fuel economy labels for cars and trucks unveiled by DOT, EPA

May 25, 2011 | 9:59 am

Federal regulators have unveiled new fuel economy labels for passenger vehicles in the program's most extensive overhaul in 30 years.

Beginning with cars and trucks from model year 2013, fuel costs and comparisons of environmental impact to other vehicles will be displayed on the decals, which were developed by the Department of Transportation and the Environmental Protection Agency.

The labels must be affixed to all new vehicles, including those that run on gasoline, diesel, electricity or a mix. Authorities ditched a proposal to use letter grades after intense opposition from automakers.

"Reducing our consumption and demand for oil is the best way to reduce upward pressure on fuel prices," said EPA Administrator Lisa P. Jackson in a conference call with reporters. "The old cars have become outdated. A new generation of cars requires a new generation of fuel economy labels."

The new decals will display a plethora of details. The estimated annual fuel cost is there. So are the standard miles-per-gallon figures for city and highway driving.

New features, however, include the amount of fuel or electricity the vehicle will need to go 100 miles, as well as the expected savings or cost of fuel over the next five years compared with the average new vehicle.

Drivers will also be able to see how vehicles stack up against others in smog, tailpipe emissions and fuel economy on a one-to-10 scale. The miles-per-gallon range for same-class vehicles is included, as is the highest fuel economy among all vehicles, including electrics.

Plug-in hybrids and electric vehicle decals will also show driving range and charging times, as well as a figure for miles-per-gallon equivalent, or MPGE.

"It's been all hands on deck in this administration letting people know that we're not just sitting around waiting for high gasoline prices to come down," said Transportation Secretary Ray LaHood. "Gasoline prices are killing family budgets."

ABC News (The Note Blog)

Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

May 25, 2011 10:04 AM

News' Devin Dwyer reports: The Obama administration today will unveil revamped fuel economy labels for new cars that it hopes will better help consumers gauge how much they'll have to spend on gas.

The new label design, as seen here and below, still prominently features a car's miles-per-gallon rating and annual estimated fuel cost. But it also highlights how much more a consumer would spend over five years compared to the average vehicle, and how much the car will pollute the environment.

The labels include a car's greenhouse gas rating and smog rating, both on scales of one to 10.

The design also features a new barcode that can be scanned by smartphones and give consumers access to additional government information on the vehicle online.

The label overhaul, the first in more than 30 years, was required by Congress in a 2007 energy law. The new design was conceived jointly by the U.S. Department of Transportation and the Environmental Protection Agency and will take effect beginning with model year 2013.

The Obama administration says the labels will reveal to consumers "the benefits of the historic, bipartisan passenger car and truck fuel economy rule adopted under this administration by the EPA and DOT in 2010."

Transportation Secretary Ray LaHood has called the labels a "win" for consumers and the auto industry.

Auto manufacturers had lobbied intensely against an earlier design of the labels that would have attached a letter grade from "A" to "D" for a car's fuel efficiency. The design spurred concerns that it would hurt sales of SUVs and other larger vehicles.

Brendan
Giffilan/DC/USEPA/US
03/25/2011 06:52 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Janet Woodka, Daniel Kanninen

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Subject NY Times: Lung Association Faults Commerce Chairman in Ads

Lung Association Faults Commerce Chairman in Ads John Collins Rudolf, NY Times



The American Lung Association has [opened](#) a billboard campaign against Fred Upton, the Republican chairman of the House Commerce and Energy Committee, taking him to task for his legislative attacks on the Environmental Protection Agency and clean air regulations.

The billboards, which feature a young girl wearing an oxygen mask, ask the congressman to defend the Clean Air Act and “protect our kids’ health.” They have gone up across Mr. Upton’s southwest Michigan district, with one billboard situated directly across from his district office.

“We’d like to see Chairman Upton support public health and the Clean Air Act,” said Paul Billings, the group’s vice president of national policy and advocacy. “What we’re seeing now is riders and legislation to roll back that law, and we find that unacceptable.”

The campaign is largely directed at Mr. Upton’s sponsorship of a bill to strip the Environmental Protection Agency of the ability to regulate climate-warming gases like carbon dioxide, which the agency declared a threat to public health and safety in 2009. The bill is expected to pass the Republican-dominated Congress but faces uncertain prospects in the Democratic-controlled Senate.

Reining in carbon dioxide emissions is expected to have a substantial knock-on effect of reducing emissions of other toxic pollutants with a more direct impact on human health. But Republican leaders including Mr. Upton have harshly criticized the regulations, calling them a threat to the economy and questioning their effectiveness in reducing global warming.

“Today, America finds itself in an economic hole dug deeper and deeper amid excessive federal spending and costly regulations,” Mr. Upton said before a vote on the bill.

“If we allow the Environmental Protection Agency to ignore the will of Congress and move forward with its global warming regulatory agenda, I believe this economic hole will only crater further,” he said.

The climate bill is just one of several moves the Commerce chairman has made to roll back clean air regulations. In February, he voted in favor of amendments to a spending bill that would hamper the E.P.A.’s ability to enforce air quality controls on cement plants and develop pollution standards for soot.

He has also suggested that he might seek to modify or overturn long-delayed pollution standards for industrial boilers, which the E.P.A. released in February in compliance with a federal court order.

“At a time when we are enduring 21 consecutive months of 9 percent or higher unemployment, we cannot afford to rush sweeping regulations that have the potential to do more harm than good,” Mr. Upton [said](#) of the boiler rules at the time.

It will take more than a few billboards to dent Mr. Upton’s popularity in Michigan, however: on election night last year, he [trounced](#) his Democratic opponent by nearly 30 points.

**Brendan
Giffilan/DC/USEPA/US**
02/24/2011 04:04 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons

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bcc

Subject ABC World News Tonight: Deadly Chemical and Dismal Safety Records Put Millions Living Near Refineries at Risk

Deadly Chemical and Dismal Safety Records Put Millions Living Near Refineries at Risk

ABC World News Tonight

Oil industry documents filed with the federal government reveal that an accidental release of a lethal chemical used in 50 aging refineries across the country could prove devastating, with 16 million Americans living within range of toxic plumes that could spread for miles. Los Angeles, Philadelphia, Minneapolis, New Orleans, and the stretch of Texas coastline known as "Refinery Row" are among the at-risk areas cited in the documents. Citing homeland security concerns, the government keeps the industry filings under close guard in Washington, D.C. They were reviewed as part of a joint investigation by ABC News and the Center for Public Integrity that airs tonight on World News with Diane Sawyer and Nightline.

There are safer alternatives for the chemical hydrofluoric acid, which is used to make high-grade gasoline, but the industry has resisted calls to stop using it. An industry spokesman told ABC News it would not be feasible to retrofit the refineries to use the safer approach. Federal officials tell ABC News, however, that the real impediment may be money-- estimating it would cost about \$50 million for the companies to upgrade each plant.

According to the industry's worst-case scenario documents, a release of the chemical could endanger entire communities.

"Hydrofluoric acid is extremely toxic," said Sen. Patty Murray, D-Washington. "It can be deadly immediately to workers around them, it can affect an entire community."

Murray called the plants "a ticking time bomb."

Even though one-third of the oil refineries in the United States are using the chemical, Murray told ABC News that the industry has long avoided demands from safety advocates and from the union that represents refinery workers that it explore safer options.

"For three hours of revenue an oil company can change the use of hydrofluoric acid to make it safer for the workers and the community," Murray said. "Certainly that kind of investment assures people are safe when they go to work and the communities, the people who live around those refineries, are protected. It's worth it."

Accident at Philadelphia Sunoco Refinery

Industry officials downplayed the risk of a large-scale chemical release as remote. Charles Drevna, president of the National Petrochemical and Refinery Association, told ABC News that over the 70 years the chemical has been in use, "there hasn't been any [hydrofluoric acid] released that has impacted the communities. We've controlled them."

Drevna spoke at length with ABC News, and repeatedly emphasized the industry's commitment to safety. "I think our safety record could be improved," Drevna said. "But it's not a bad safety record."

Officials at the U.S. Chemical Safety Board, however, have warned that while the refinery industry has been painting a rosy picture of the conditions at their facilities, it has compiled a disconcerting track record. As the nation's 150 refineries have aged, there have been an increasing number of fatal, or near-fatal, incidents. In the last two years alone, there have been 29 fires and explosions at refineries that use the deadly chemical, including at least three potentially dangerous releases of hydrofluoric acid. And 32 refineries that use hydrofluoric acid have amassed more than 1,000 willful, serious or repeat safety violations in the last five years.

In 2009, an accident at the Sunoco refinery in Philadelphia caused a hydrofluoric acid release. James Jamison, an ironworker who was working on the acid unit at the time, described to ABC News how he became engulfed in a cloud of the noxious chemical. "It seemed like a rain cloud, and the smell was so intense I could feel it through my eyes, my nose, it was like a heat wave came over me."

Sunoco disputes Jamison's claim that he suffered permanent lung and heart damage in the accident, and the two parties are now in court. Federal investigators found that the company had failed to address leaks in the acid storage unit that had been a recurring problem for decades. In a statement to ABC News, Sunoco said it has since invested \$200 million in improving the safety and reliability of the equipment involved in the use and storage of hydrofluoric acid, "state-of-the-art technology" that it says will help avoid another accident. Corpus Christi Citgo Oil Refinery Explosion

In most places where refineries are running, the surrounding communities are unaware of the risks associated with hydrofluoric acid. But in Corpus Christi, Texas, the fears are as palpable as the warning sirens that come at all times of the day and night.

Citgo says it tests alarms daily, and encourages employees to sound the alarm if they think something has gone awry. "While this approach can result in false alarms, CITGO would rather sound the alarm and not need it, than not sound it if we need to," the company said in a statement.

Few have forgotten what happened the last time, less than two years ago, when something significant did go awry. An explosion at the Citgo refinery released a cloud of hydrofluoric acid that just missed the neighborhood. Citgo said in a statement that the fire and gas leak were contained, and never reached the surrounding community. But a subsequent investigation by the U.S. Chemical Safety Board found that water systems meant to contain a leak didn't entirely succeed.

Residents of Corpus Christi have tried to learn to live with the risk – some packing bags of clothes by their beds so they can make a quick escape if the plant erupts.

Janie Mumphord, who lives just a few blocks from the refinery, said she fears the worst. "You never know when you go to bed if you're gonna live through the night, or if you have to run through the night," she said.

Brendan
Giffilan/DC/USEPA/US
06/13/2011 10:15 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Michael Goo, Bicky Corman, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons

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bcc

Subject Huff Post: Cass Sunstein: The Obama Administration's Ambivalent Regulator

Cass Sunstein: The Obama Administration's Ambivalent Regulator

Dan Froomkin, Huffington Post

When President Barack Obama let it be known in January 2009 that he had selected Harvard law professor Cass Sunstein to be his regulatory czar, it was an early example of how some of his staffing decisions would undercut his lofty campaign promises.

The 56-year-old is an old friend of Obama from the days when they both taught constitutional law at the University of Chicago, a pre-eminent egghead, [the country's most cited law professor](#) and an expert in behavioral economics.

But he's hardly an activist regulator, something the [Wall Street Journal](#) editorial board immediately recognized when it called his selection "a promising sign" -- while the [OpenLeft blog](#) labeled Sunstein a "[concern troll](#)."

Many consumer advocates, environmentalists and even other Obama-appointed regulators expected to see the administration take bold new steps to protect citizens and the planet. But with Sunstein in charge, it hasn't happened.

Sunstein runs the [Office of Information and Regulatory Affairs](#) (OIRA, pronounced "Oh, Ira"), a deceptively innocuous-sounding part of the White House Office of Management and Budget that Washington insiders recognize as one of the presidency's most powerful offices.

Regulatory rulemaking involves determining exactly how the federal government will enforce laws affecting such things as worker, consumer and food safety and the environment -- and OIRA, charged with reviewing all rulemakings and information-collection requests from the executive branch agencies, sits smack in the center of that process. OIRA analysts are supposed to rigorously examine proposed regulations and reject or revise them as necessary, based on interagency concerns and whether the costs of policy proposals outweigh their benefits.

The OIRA administrator can also spur and accelerate regulations in areas found to be lacking. But [congressional](#) and [academic researchers](#) have found that, practically speaking, OIRA's primary function throughout its history has been to rein in agency proposals to suit White House policy -- and, of course, politics.

During the eight years of the Bush administration in particular, OIRA was one of the most

important tools vice president Dick Cheney and other officials employed to build a broad legacy of regulatory retreat and wink-and-a-nod enforcement.

Some things have certainly changed in the Obama era. Sunstein has allowed, and sometimes even encouraged, several major environmental regulations. In an interview with The Huffington Post, Sunstein expresses satisfaction with OIRA's accomplishments thus far. "I think the administration has issued a number of smart, effective rules that are protecting safety, health, welfare and our environment."

"What we've done is different from the Bush administration," he says. "But it's been very conscious to proceed in a way that doesn't hurt people in an economic downturn."

He cites a long list of achievements. Among them:

- Last summer, the [FDA finalized a new standard](#) to reduce salmonella contamination in eggs.
- The [EPA and the National Highway Traffic Safety Administration](#) were given approval in 2010 to set new standards to limit greenhouse gas emissions from cars and mandate improvements in fuel economy.
- Last year, OIRA established a baseline for the "[social cost of carbon](#)" so that agencies can incorporate the social benefits of reducing CO2 emissions into cost-benefit analyses of regulatory actions.

OIRA's most recent [annual report to Congress](#) lists 66 major rules issued in fiscal year 2010, and assesses the net benefit of rules finalized during Obama's first two fiscal years in office at about \$35 billion -- compared to \$2.3 billion for George W. Bush's first two years, and \$10.6 billion for Bill Clinton's.

But environmentalists, consumer advocates, labor unions and others who support assertive government regulation say many other significant proposed rules -- including regulations regarding coal ash, boiler emissions, toxic chemicals and worker safety -- have either been delayed by OIRA, micromanaged beyond recognition or scrapped entirely.

And as the White House increasingly focuses on raising [vast amounts of money](#) for the 2012 reelection campaign, critics are seeing a disturbing new trend: After two years of relative inaction, Sunstein (and his boss) now appear to be actively using the regulatory process to ingratiate themselves with deep-pocketed corporate interests.

In the last five months, Obama and Sunstein have issued highly-publicized orders to government regulators to look not forward, but backward -- requiring them to review existing regulations with an eye to making sure they aren't too onerous for business.

In case this exercise's target audience wasn't clear already, Sunstein chose to [go public](#) in late May with the initial results of the effort in a [speech](#) at the ferociously anti-regulation American Enterprise Institute and in an [op-ed](#) in the *Wall Street Journal* .

The first triumph Sunstein cited in his op-ed was that the Occupational Safety and Health Administration (OSHA) is cutting redundant reporting burdens on employers. "Businesses will no longer be saddled with the obligation to fill out unnecessary government forms, giving their employees more time to be productive and do real work," he wrote.

But the proposals that emerged from the review turned out to be a grab-bag of new and rehashed ideas that didn't impress the business lobby much at all -- and only served to further alienate the reform community that has been such an important part of Obama's electoral base.

"The problem is that they're wasting time trying to make the political move to the center to placate industry -- talking about the 'terrible cost of regulation' and the 'burdens of regulation' -- and in the meantime they've got important regulations waiting to go out, and they're pulling back on them," says Amy Sinden, a Temple University law professor and member of the [Center for Progressive Reform](#), a network of pro-regulation academics that is funded by reform-minded foundations.

Even more infuriating, say regulatory activists, is that Sunstein, as the nation's chief rule-writer, hasn't been calling attention to the extraordinary regulatory and enforcement deficit the country is facing. The only alarm bell he's rung is the Republican one.

"The White House's leading guy on regulatory policy thinks the main problem is excessive regulation," marvels Rena Steinzor, a law professor at the University of Maryland and president of the Center for Progressive Reform. "He's acting as if it was George W. Bush's administration."

"What am I going to do about this big mess" is what Sunstein should be asking himself, Steinzor says. "But instead, he's playing whack-a-mole with the agencies: They come out with one little rule and -- bam!"

The agency officials Sunstein is said to be clobbering won't badmouth the White House publicly.

"It's certainly no secret that we sometimes run into headwinds," Environmental Protection Agency Administrator Lisa P. Jackson tells HuffPost. "But that is not about the White House or in the person of Cass -- rather, it's the way OIRA operates. OIRA does lots and lots of meetings with lots and lots of stakeholders, so they're definitely hearing their share of complaints from the regulated community."

Jackson says that the EPA and OIRA generally "work really well" with each other.

"They are another step in the process, though," she says, "and they can be a time-consuming one."

Sunstein says delays are inevitable in a complex bureaucracy, especially when several agencies need to be involved. "If there's a rule from any agency, and there are other parts of the government that would have relevant expertise, sometimes it takes very little time -- the

interagency process -- and sometimes it takes longer."

Regardless, he says, "EPA and OIRA have an excellent working relationship, and it is wonderful to be working with Lisa Jackson, in particular."

THE WRONG NARRATIVE

Ever since January, when President Obama issued an [executive order](#) launching a regulatory review intended to eliminate unjustified costs on business, the language that he and Sunstein, who is leading the effort, have used to describe the role of government rulemaking has been decidedly corporate.

Progressives see the White House as trying to cozy up to the U.S. Chamber of Commerce, the hugely powerful lobbying group for corporate interests. The Chamber [proclaims](#) that over-regulation is "the single biggest challenge to jobs, global competitiveness, and the future of American enterprise."

That's a viewpoint that the White House's critics see as far-fetched and, in fact, damaging.

"What has happened is, the administration has [embraced](#) far too much of the Chamber of Commerce rhetoric," says Robert Weissman, president of Public Citizen, a consumer group primarily funded by contributions from its 80,000 members. "The effect is to ratify the narrative -- which is untrue -- from the Chamber and the big-business lobby. And it fuels them."

In a [recent review](#) of regulatory studies, the Economic Policy Institute, a left-leaning think tank, found that real-world evidence doesn't support the Chamber's argument -- and that the overall benefits of regulations consistently and significantly exceed their costs. It also found some evidence that regulations can even have some small, positive employment effects.

The White House obviously doesn't see itself as pandering to corporate America, Weissman says. "From their point of view, they're showing their reasonableness. But it puts them in a defensive posture."

"The administration overall is giving too much credence to the business opposition to rules," says Peg Seminario, health and safety director for the AFL-CIO. "It is frustrating to see them responding to issues which really have no legitimacy."

Indeed, far from arguing with the foes of regulation, Sunstein is more likely to try to appease them. At a [House hearing in January](#), for instance, Sunstein's response to being constantly hectorated by Republicans was to fall all over himself agreeing with them.

When one suggested that regulations might kill jobs, Sunstein replied: "Oh, we very much -- you're exactly right, congressman. That is our focus. That's the focus of this executive order -- to make sure that regulations are helpful to economic growth."

Reformers, meanwhile, think about all the effort that's been put into the review as time poorly

spent.

"I've no doubt that the individuals who were forced to put this look-back review together could have been spending their time on much more important activities," says Celeste Monforton, a former Labor Department official who now teaches public health at George Washington University. "Talk about a paperwork exercise."

"They should be figuring out ways to [streamline the rulemaking process](#) so it doesn't take five or 10 years to get a worker safety rule out," Monforton adds. "That's what they should be spending their brain power on, rather than trying to appease the business community."

Sunstein dismisses out of hand the notion that the review -- which spanned four months and produced 30 reports totaling over 500 pages -- took time away from more important things.

"I can't think of anything that's not been done because of the review," he says. Asked repeatedly how that could be, he gives that same answer, time and again.

He also seems unfazed by the charge that his language has emboldened the administration's enemies.

"I would think that to say 'regulations cost jobs' or 'regulations create jobs' is too simple, and we need to look at the regulation," he says.

With Sunstein refusing to take sides, it is left to a White House spokeswoman, Meg Reilly, who is sitting in on HuffPost's interview with Sunstein, to clarify the administration's position on the Chamber's view that regulations stifle jobs. "I think it's safe to say that the administration fundamentally does not agree with that premise," she says.

Sunstein then restates his view that OIRA places a value on "balance, rather than for a one-sided extreme approach to regulation."

Reilly again weighs in: "The notion that more regulation is bad for business and less regulation is good for business... is just wrong."

THE MAN BEHIND THE PLAN

Sunstein is half of one of Washington's wonkiest [power couples](#). His wife, Samantha Power, is a longtime human rights crusader who is now a senior National Security Council adviser to the president. She is considered [central](#) to Obama's thinking about intervention in Libya.

Sunstein is probably [best known](#) for co-authoring the best-selling book "[Nudge](#)" with Richard Thaler, which argues that the government can and should nudge -- rather than force -- people into making better decisions.

Some of Sunstein's academic writing has a decidedly liberal bent, and the notion of a master regulator using the levers of power to manipulate the populace has fed some hysterical criticism

of him. Glenn Beck has described Sunstein as "the [most evil man](#), the most dangerous man in America," a [latter-day Goebbels](#) ready to "control your every move."

But in real life, Sunstein is far from a wild-eyed socialist puppetmaster. Indeed, a considerable chunk of his extensive academic writing is devoted to the [rigors of cost-benefit analysis](#), a method of assessing policy that weighs outcomes against the price of achieving them -- a methodology that [has often been criticized](#) for [undercounting intangible societal benefits](#) of certain policies or actions.

Sunstein, for instance, has written that "[\[o\]rdinary people have difficulty calculating probabilities](#)," and that they tend to overreact to dangers caused by such things as toxic chemicals in their drinking water. Cost-benefit analysis, he wrote, is "a natural corrective" to the "intense emotional reactions" those ordinary people have, allowing regulators to reach a reasoned, appropriate conclusion.

At any other time -- during, say, an era when the financial system didn't almost implode and millions of gallons of oil hadn't seeped into the Gulf of Mexico -- Sunstein might not have had so many critics.

But disastrous regulatory failures have scarred the first few years of the Obama administration. In addition to the [financial crisis](#) and the [BP oil spill](#), the country has endured the Upper Big Branch [mine explosion](#), along with a bevy of [food-](#) and [toy-](#)related health scares and [other](#) dangers. Now [climate change](#) is increasingly threatening the environment.

There arguably hasn't been such a dire need for wide-ranging new federal rules in a century, since [Upton Sinclair](#), [Ida Tarbell](#) and their fellow muckrakers exposed the predations of unrestrained capitalism and helped usher in an era of regulatory reform and enhanced corporate oversight.

Yet the Obama-Sunstein team hasn't embraced that challenge.

On the legislative side, even with a Democratic Congress, Obama [bungled his shot](#) at a climate bill, accepted a [watered-down version](#) of financial reform and [whiffed on mine safety](#). And now, of course, the Republican Party controls the House.

Regulatory rulemaking is [one of the few things](#) presidents can do unilaterally. But even in that domain, Obama and Sunstein have responded haltingly.

"I get the impression that there's not a lot of support for doing things that could become flashpoints of opposition," says Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a whistleblower group funded primarily by pro-reform foundations. Health, safety and environmental issues "are distractions and are to be used, when you can, as bargaining chips."

Sunstein, meanwhile, shows no sign of going anywhere soon. Unlike other administration academics -- such as White House economic advisers Christina Roemer and Austan Goolsbee --

who quit their jobs rather than lose tenure at their universities, Sunstein isn't watching the clock.

"I have lost tenure," he says.

SIGNS OF BACKWARD MOVEMENT

The thing that seems to delight Sunstein the most these days is not passing regulations, but stopping them in their tracks.

Back in February, in a White House blog post titled "[Smarter Regulation](#)," Sunstein bragged about having blocked five incipient regulations in the name of reducing the regulatory burden on small business.

One of them was a minor, milquetoast proposal from OSHA to add a column in injury and illness reporting forms for ergonomic-related injuries. Literally, all it called for was a little check box -- a check box that, in fact, used to be on that very form before the Bush administration eliminated it.

OIRA [held up](#) the proposed rule for more than six months, then had it pulled. OSHA's [news release](#) said that was in order to allow for "greater input from small businesses on the impact of the proposal."

That's what passes for a victory in Sunstein's OIRA.

What else was Sunstein so pleased about blocking? There was also a rule on noise standards, which, like the checkbox, was an OSHA proposal. Both had been targets of the Chamber of Commerce, National Association of Manufacturers and other industry lobbyists, [according to Monforton](#).

Three other changes involved rollbacks or exemptions to provisions on the books at the Food and Drug Administration, the EPA and the Department of Health and Human Services.

"Taken together in such a short amount of time," says Gary Bass, director of [OMB Watch](#), a group that holds the White House accountable, "there is a potential perception that this administration is catering to the business interests around the same time that they're gearing up for the 2012 election."

Despite all their efforts, however, nothing Sunstein or anyone else in the Obama administration has done has mollified the Chamber of Commerce or the GOP leadership in Congress, who have launched a [full-scale attack](#) on the very notion of regulation.

One bill Republicans have pushed is the [Regulations from the Executive in Need of Scrutiny \(REINS\) Act](#), which would require congressional approval of all new rules with an economic impact of \$100 million or more annually. That would hobble, if not entirely paralyze, the rulemaking process across the executive branch.

Sens. Olympia Snowe (R-Maine) and Tom Coburn (R-Okla.) have [proposed another bill](#) that would require federal agencies to reassess the impact on small businesses of every significant regulation on their books. That would empower a minor Small Business Administration official to [nullify any rule](#) he or she decides has not been adequately assessed.

That proposal made it to the Senate floor on June 9 in the form of an amendment to an unrelated bill -- and [won 53 votes](#), with six Democrats joining a united and garrulous Republican block. But it needed 60 votes to pass a Democratic filibuster.

Even if Democrats can still block bills like that from becoming law, the GOP is actively pursuing another goal: defunding the regulatory agencies -- so even if there are rules, the agencies won't have the ability to enforce them.

Sunstein has long had good relations with the city's [think-tank deregulators](#), who early on realized that his philosophy and theirs [weren't that far apart](#). But for the ferocious GOP partisans and their corporate sponsors, there's a war on -- and Sunstein's on the other side.

After Sunstein announced the initial results of the look-back, Bill Kovacs, who oversees regulatory affairs for the Chamber of Commerce, wrote in a [blog post](#) that the output of the regulatory review was "not nearly enough." What's needed instead, he wrote, "is a plan to make our flawed regulatory system smarter, less intrusive, and more accountable."

A [June 2 memo](#) from Chamber president Tom Donohue to his board of directors, sent after the regulatory review's results were announced, was as strident as ever. "As the nation struggles fitfully to emerge from a financial crisis and deep recession, the explosion of new regulatory activity, combined with the existing regulatory burden, has emerged as the biggest single challenge facing businesses, job creation, and the future of our free enterprise system," he wrote.

"They want to soften opposition from the business community," says Weissman, from Public Citizen. "Do they want corporate contributions? Yes they do."

But after all that, says Steinzor, "they're not going to get a single contribution that they wouldn't have gotten already."

"Obama is trying to have this love affair with industry," says Sinden, "and industry is yawning."

ABOVE THE FRAY

Sunstein is unfailingly courteous. Almost every question he gets asked in public, no matter how unwelcome, is always a "great question," as Sunstein often puts it.

But lately, he has also been a bit of a scold.

In his AEI speech, he tut-tutted what he called "a national debate over regulation that, in recent years in particular, has become far too polarized and stylized in a way that hasn't been helpful to

progress."

Here's how he described one group, which consists of the administration's natural allies: "In recent months, some people have stressed with passion the crucial importance of regulatory safeguards including rules that reduce deaths on the highways, prevent fraud and abuse, keep our air and water clean and ensure that the food supply is safe."

Here's how he described another group, which consists of the administration's die-hard enemies: "In the recent period, perhaps particularly in the last month, other people have objected with equal passion to expensive regulations and burdensome mandates that impair competitiveness undermine innovation, weaken growth and that ultimately cost jobs."

Both groups, he suggested, are equally misguided. "In the abstract, these two passionately held positions make legitimate points." But, he said, "in important ways the polar positions are just stuck, and outmoded and in decreasingly helpful debates from decades passed."

Does Sunstein really see an equivalency between both sides in the regulatory debate? "The view that the regulations are necessary to protect public welfare is in many cases correct; the view that regulation can impose unjustified costs is also in some case correct," he tells HuffPost.

Isn't one more urgent than the other right now? "I don't really have a lot to say about that," Sunstein says.

For progressives, Exhibit A in the Sunstein critique is the fate of the Obama administration's proposed [coal ash regulations](#).

Coal ash, or fly ash, is what's left over after coal is burned for energy. It's the country's second-largest industrial waste stream, after municipal garbage. It's stored in about [1,300 landfills and slurry ponds](#) across the nation -- including one pond that in December 2008 burst through its retaining walls and [spilled a billion gallons](#) of dangerous sludge onto 300 acres of rural Tennessee. (The BP oil spill, by comparison, released [170 million gallons](#).)

Coal ash is [incredibly toxic](#) -- it includes heavy metals known to cause cancer and neurological problems -- and poses a threat to drinking water and the environment. Yet its storage and re-use -- [in everything from concrete to cosmetics](#) -- remains unregulated by the federal government.

Back in the fall of 2009, the EPA proposed a strong rule ordering that coal ash be treated as hazardous waste. A little over six months later, however, the proposal that emerged from the OIRA process was nearly unrecognizable. It actually offered two options, one of which would label the ash nonhazardous and leave enforcement to the states.

Environmentalists were devastated. And there's little hope now that a final rule will [emerge anytime soon](#).

Sunstein denies responsibility for the coal-ash turnaround. "It was a highly collegial process involving many people working collaboratively, including those at EPA and OIRA," he says. At

the end of the process, "everyone at the policymaking level thought that it was the right way to go."

Steinzor isn't satisfied with Sunstein's explanation. "You can see the documents that went in the door, and you can see the documents that came out the door," she says, pointing to [a red-line version](#) that the EPA actually posted to the [rulemaking docket](#) on Sunstein's own regulations.gov web site. For Sunstein to blame other agencies, Steinzor says, is "like the sheriff blaming his posse."

DASHED HOPES

In the opening weeks and months of the Obama presidency, the White House and the cabinet agencies were full of optimism and lofty goals. In many agencies, new political appointees -- and many career employees -- described a tremendous sense of urgency. There were so many things that either hadn't happened at all during the eight years of the Bush administration, or that needed to be fixed.

Just [10 days into his presidency](#), Obama scrapped [Bush-era changes](#) to the regulatory review process that had, among other things, placed politically-appointed regulatory commissars in each agency and required agencies to identify "the specific market failure" that justified government intervention.

Then, an [April 2009 memo](#) from Obama gave agencies 100 days to develop a new approach to federal regulatory review. He also solicited public comments.

Nothing emerged for nearly two years, however, until Jan. 18 of this year, when the White House finally issued a [limp executive order](#) that basically reaffirmed the principles that had been guiding the office for years -- and called for that retroactive review, to boot. Sunstein had punted.

"I think a lot of people thought his big brain would create massive reform in the rulemaking process," says Bass, from OMB Watch. "Instead, the brain has been applied to the review of the specific rules that come in from all the agencies."

"Nothing has changed in terms of the process," he adds. "We do see a huge change in the way the agencies are operating, but we haven't seen much change in the way OIRA operates. It's the same process."

Bass is reconciled to the reason why: "Every president wants to have a sledgehammer to carry out his or her own policies," he says. "OIRA is that sledgehammer."

Sinden says that before Sunstein was given the job, she had hoped for an OIRA director who would advocate on behalf of the regulatory agencies with Congress and help identify national priorities. "But instead it's kind of same old, same old," she says. "We still get the impression that OIRA is still a funnel for industry lobbying."

"One thing that would have been nice to see is a more systematic approach towards identifying areas of under-regulation and under-enforcement," says Nina Mendelson, a University of Michigan Law School professor who has written extensively about the rulemaking process.

OIRA could, for instance, help agencies identify areas that are under-regulated with what is called a "prompt letter." But Sunstein hasn't issued a [single one](#).

What Sunstein has done, however, is make sure he sticks his finger in every pie. Mendelson says she looked through the data from 2010. "I couldn't find a single economically significant rule that was reported as approved without change, out of the over 130 economically significant rules that went through regulatory review."

Even under Bush, OIRA left about 15 percent of the rules it looked at alone, according to Mendelson's calculations.

For his part, Sunstein says the way he runs OIRA isn't so much about him. It's about Obama. "The president supports centralized OIRA review," Sunstein tells HuffPost. "He made that very clear on January 18" -- the day he issued his executive order.

AN OFFICE WITH A HISTORY

OIRA is actually a regulatory bottleneck by design: All significant executive-branch regulations must get the office's approval before they are formally proposed or finalized. As a result, special interests get the equivalent of two free kicks -- two more chances to appeal directly to the White House to kill any rule they dislike.

The independent regulatory institutions, like the Securities and Exchange Commission and the Federal Communications Commission, don't go through OIRA, but all the other agencies do. For them, OIRA is unavoidable, inserted into decision-making at a host of levels. The office's primary mandate, in fact, is to oversee the omnipresent [Paperwork Reduction Act](#). ("If you want to ask [more than nine people](#) a question about anything, it has to be cleared by OIRA," explains Monforton.)

Since Ronald Reagan opened the OIRA office in 1981, Republicans have used it to particular advantage to pursue an anti-regulatory agenda, defanging environmental rules on things like water runoff and climate change -- even blocking attempts to collect information that might lead to regulations.

"OIRA was inaugurated by Reagan and it came out of the box extremely political," explains OMB Watch's Bass. The office's first director hearkened from the American Enterprise Institute, and "all the thinking of the AEI got translated right to OIRA."

When the first President Bush put Vice President Dan Quayle in charge of a Council on Competitiveness, OIRA was his enforcer. "They were just a conduit for campaign contributors, very powerful special interests," Bass says.

The office arguably reached the peak, or nadir, of its power under George W. Bush and Dick Cheney. When it came to proposed rules emerging from the bureaucracy, Bass says, Bush political appointees in the agencies "turned off the flow; OIRA dealt with any of the leaks."

Under the second Bush, OIRA changed the methodology of its cost-benefit analyses to "serve the interests of the regulated community," Bass explains. "So the game was rigged."

These days, about 50 analysts staff Sunstein's OIRA office. Based on what HuffPost could determine about their start dates, most of them appear to have been hired in Republican administrations, especially the most recent one. They serve nearly anonymously -- there is no public staff list -- and wielding great influence.

And while regulatory agencies like the EPA and the Consumer Product Safety Commission are repositories of experts in their fields -- people who in some cases have spent decades studying the issues for which they are responsible -- OIRA's desk jockeys have different backgrounds.

"The one thing they know is cost-benefit analysis -- and only from an economist's point of view," Steinzor says. "Not from a risk assessor's point of view, or an engineer's point of view or a scientist's point of view."

What they may be best at, in fact, is saying "no."

"I would say that OIRA has always been a brake on regulation," says the AFL-CIO's Seminario. "That's who they are. That's the culture: slow down, delay, block."

According to the [executive order](#) that governs it, OIRA has 90 days to review a proposal and can get one 30-day extension. But according to OIRA's own [regulatory dashboard](#), 31 out of 144 pending requests -- or more than 1 in 5 -- have been waiting 90 days or longer.

Among them are 10 rules the EPA submitted in 2010, the oldest being a [May 2010 proposal](#) to add several types of chemicals, including [phthalates](#), to a warning list for dangerous industrial chemicals that increasingly pervade our air, soil, water, foods and products. But [industry opposition](#) appears to have kept the proposal stuck in OIRA review.

Sunstein defends OIRA against charges of foot-dragging. Individual rules can be thousands of pages long, he tells HuffPost. "And the review time is often a product not of OIRA's own interest and concerns, but of interagency interests and concerns."

In theory, Sunstein substitutes nudging for sweeping reform. But in practice, much of what OIRA does is more like niggling

For example, OSHA recently launched a [survey](#) that is the first step toward a major update of safety and health standards for workers. The goal is to require employers to establish programs in which employers and employees work together to identify and address workplace hazards. It's considered to be one of OSHA administrator David Michaels' signature initiatives, and would

therefore be expected to be a fairly high priority at the White House.

But it took more than four months to get the survey through OIRA's review process. The office ended up making no significant changes -- but with a huge [lobbying battle on tap](#), those four months [may have stalled](#) the proposal long enough that it won't go anywhere unless Obama wins re-election.

A REFLECTION OF OBAMA

What has happened at OIRA is important in its own right, but it also reflects how Obama has chosen to employ the power of his presidency. OIRA, after all, is a place where the president and his appointees can act unilaterally; where they have complete control. Those who are scared of Obama find that terrifying -- almost regardless of what he is actually doing.

Those who expected more and better from him feel let down.

"They've done some very good things, but the overall picture is disappointing at best," says Public Citizen's Weissman.

Obama and his team should be more aggressive in attacking arguments they know are unfounded and pushing back against demands they know are ridiculous, Weissman says. "For decades we've been fighting over cost-benefit analysis," he says. "Now they just want cost analysis. If you don't fundamentally challenge that framework, you're ceding too much.

"All signs are that they are imposing additional constraints on themselves in the one area where they have the most freedom to operate," Weissman adds. "The result is we're going to have less protection for health and safety for consumers and workers, the environment is going to be more poisoned, people are going to be less economically secure -- all because of a reluctance to offend the big money interests that dominate Washington politics."

**Brendan
Gillilan/DC/USEPA/US**
05/04/2011 01:26 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Scott Fulton, David
McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons

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Subject Press release: Youth Sue the Government to Preserve the
Future And Halt Climate Change

FYI, Administrator, you are named in this suit in addition to the President, Secs. Salazar, Vilsack, Chu, Gates and Locke; they've also petitioned all 50 states for immediate GHG reductions.

**Youth Sue the Government to Preserve the Future
And Halt Climate Change**
**Lawsuits and administrative actions filed against the federal government and
all 50 States to ensure reduction of carbon emissions and prevent climate
catastrophe**

“These unprecedented cases are being prosecuted by some of the most prominent trial attorneys in the country.” – Pete McCloskey, former U.S. Republican Congressman and Purple Heart Winner

San Francisco, CA — Youth filed legal and administrative actions today against all 50 states and the federal government to force action on climate change. “This is something new – no climate litigation in the past has ever gone back to the first principle that the government must protect the public trust,” said former Republican congressman Pete McCloskey. “The large body of litigation brought under environmental statutes is too narrow for the crisis at hand. Science, not politics, defines the fiduciary obligation that trustees must fulfill – it’s the most common sense, fundamental legal footing for the protection of our planet.”

The team of top legal experts, including McCloskey’s firm Cotchett, Pitre & McCarthy, has been assembled by Our Children’s Trust to represent the youth, who alongside their parents, are taking legal action out of fear of hitting a tipping point wherein global climate change cannot be stopped.

“Young people will be affected most by climate change and by our government’s inaction. We can’t vote, and we don’t have money to compete with lobbyists,” said Alec Looorz, the 16-year-old founder of iMatter, who has been tirelessly working on the issue of climate change and global sustainability for the past three years. “We do, however, have the moral authority and the legal right to insist that our future be protected.”

The legal actions rely on the long established legal principle of the Public Trust Doctrine that requires the government to protect and maintain certain shared resources fundamental for human health and survival.

“The public trust law in our country and around the world says that common resources like water and air are held in trust by the government for the people and for future generations,” said Julia Olson, Our Children’s Trust executive director. “Lawyers around the nation are providing legal assistance to young people to help them protect their future, since the government has abdicated that responsibility.”

The goal of the legal and administrative actions is to force reductions in carbon dioxide emissions and implementation of reforestation programs that will counter the negative impacts of climate change. The youth plaintiffs in the cases are receiving legal support from Our Children's Trust, an organization dedicated to protecting the Earth for current and future generations.

"I am a father and a grandfather and am working with lawyers around the country and the world to hold our government to its job — protecting those resources that are essential for our youth and future generations," said Tom Beers, an attorney from Montana. "Our children deserve a livable world, like the one we have enjoyed. Alec Looz inspires me to act on behalf of my own children and children everywhere."

The announcement of the lawsuits and administrative actions come just days before young people take to the streets in over a hundred planned marches around the globe, including over 70 cities across the United States, to demand the government act to halt climate change.

Fed-up with inaction to curb climate change, youth leaders led by Alec have announced plans for the iMatter March, the largest-ever mobilization of youth against climate change. Youth leaders across the globe are preparing to march in the streets May 7 - 14. Many of the same youth have joined as plaintiffs and petitioners in the legal and administrative actions that were filed today.

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children--and their children's children.

<http://www.ourchildrenstrust.org/>

iMatter is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters.

<http://www.imattermarch.org/> <
<http://www.imattermarch.org/>>

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**Brendan
Gillilan/DC/USEPA/US**

02/14/2011 11:52 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Stephanie Owens, Dru Ealons, Barbara Bennett

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Subject Bloomberg: Obama Seeks 13% Cut in Environmental Protection Agency's Budget

Bloomberg: Obama Seeks 13% Cut in Environmental Protection Agency's Budget

By Kim Chipman
Feb 14, 2011

President Barack Obama proposed cutting the Environmental Protection Agency's budget 13 percent to \$8.97 billion as the agency faces Republican demands to limit its funding and authority.

The fiscal 2012 budget proposed today is a \$1.3 billion reduction from 2010, the last time federal agencies had an enacted budget. It calls for cutting aid to states for water quality by 27 percent to \$2.54 billion and reducing funds to restore the Great Lakes by 26 percent to \$350 million.

Obama's budget counters a proposal from House Republican lawmakers to slash EPA funding by \$3 billion and block the agency from regulating greenhouse gases from industrial polluters such as power plants. The president's budget calls for \$25 million to help states implement the new EPA rules aimed at curbing emissions blamed for climate change.

The budget repeats Obama's call for Congress to pass legislation that would address global warming, promote clean- energy technologies and reduce U.S. reliance on oil. Obama continues to support U.S. greenhouse-gas cuts of about 17 percent by 2020 and 83 percent by 2050, according to the EPA budget proposal, which doesn't say how those goals would be reached.

The administration decided to press ahead with the EPA's greenhouse-gas rules, which began Jan. 2, after Congress's failure to limit emissions through a cap-and-trade system, favored by Obama, that would let companies buy and sell the right to pollute.

**Brendan
Gillilan/DC/USEPA/US**
11/22/2010 08:32 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Bob Sussman, Cynthia Giles-AA, Mathy Stanislaus, Michelle DePass, Lisa Garcia, Stephanie Owens, Dru Ealons, David McIntosh, Arvin Ganesan, Daniel Kanninen

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Subject Wash Post: Environmental justice issues take center stage

Environmental justice issues take center stage

By Juliet Eilperin
Washington Post Staff Writer
Sunday, November 21, 2010; 8:23 PM

CROOM, MD. - The winding Mataponi Creek looks clear in the sunlight, with marsh grasses lining its banks. But some of the coal ash waste from a nearby power plant is also coursing through its waters, and residents are worried it is contaminating their well water.

The area around the Brandywine ash storage site - where waste from Mirant Mid-Atlantic's Chalk Point plant containing carcinogens and heavy metals ends up - is a fairly rural community, with residents who are far from politically active and have little leverage with elected officials who might act on the matter.

"Why is this not in some other county? Why is it not in the Potomac?" asked Fred Tutman, who heads the environmental advocacy group Patuxent Riverkeeper, as he navigated his motorboat on the Mataponi Creek. "It's about power, economic power, political power, resource power."

The controversy over toxic [coal ash waste](#) in this corner of Prince George's County - and fights for greater coal ash regulation from Alabama to Puerto Rico - highlights an issue that has been around for decades and is again in the spotlight: environmental justice.

Obama administration officials are looking at hazardous waste storage, toxic air emissions and an array of other contaminants to try to determine whether low-income and minority communities are disproportionately exposed to them.

The Environmental Protection Agency's administrator, [Lisa P. Jackson](#), has made the issue one of her top policy priorities, alarming manufacturing and business interests.

"I really think of this as the biggest chunk of unfinished business when you think about the environmental landscape," Jackson said in an interview.

Maryland's Department of the Environment filed a lawsuit in January against [Mirant](#) over its discharges from coal combustion, which include pollutants such as arsenic and lead. For years utilities have had considerable leeway in how they handle this concentrated waste, but state officials allege that Mirant's storage site is discharging pollutants into groundwater without a permit.

In a written statement, Mirant spokeswoman Misty Allen said the company "does not comment on litigation matters. Mirant believes it has and continues to operate the Brandywine Fly Ash facility, purchased by the company in 2000, in accordance with all state and federal law and permits." She added that Chalk Point, the state's largest power plant, employs more than 250 workers and boasts an annual payroll of more than \$30 million.

But 45 untested private wells are within a half-mile of the landfill, with a state wildlife refuge also nearby.

"Communities have a right to know whether the polluting facilities in their neighborhood are complying with the law," said [Environmental Integrity Project](#) staff attorney Jennifer Peterson, whose group is a party to the lawsuit.

In addition to looking at coal ash storage, EPA officials are reevaluating how the government defines solid waste and measures short-term exposure to smog-forming pollutants. They have forced a variety of emitters, including container-glass plants, cement plants and oil refineries, to install pollution controls in poor areas struggling with bad air quality.

"The intensity and focus on this issue in this administration, the integration of it into the bowels of the agency, has been so aggressive, those of us who do this work cannot keep up with what the administration is doing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities.

Among the EPA's moves: reviving an interagency environmental justice task force that had been dormant for a dozen years; issuing a formal guidance to regional offices instructing them to seek the input of disadvantaged groups when making decisions; and drafting a plan to integrate the concept of environmental justice into the agency's everyday decision-making.

This flurry of activity worries industry officials such as Keith McCoy, vice president for energy and resources policy at the National Association of Manufacturers, who warned that it could hurt business operations across the country.

"Basically, EPA is saying to regional offices, engage with the environmental justice community and don't meet with anyone else on the issue," McCoy said, referring the draft guidance. "They've turned this more into a confrontational issue."

Jackson calls those kinds of objections "nonsense," saying her agency is simply reaching out to neglected communities that remain "hot spots of emissions, hot spots of contamination." People living in those neighborhoods, she said, don't want to lower their living standards in exchange for work.

"Find me the person who says, 'I'll take the pollution if you give me the job,'â□□" she said.

But for years, certain urban and rural areas have served as magnets for industrial facilities and waste sites, sometimes because they generate economic opportunities. Chemical plants, an

incinerator, a power plant and other facilities in three Baltimore neighborhoods - Brooklyn, Curtis Bay and Hawkins Point - released more than 20.4 million pounds of hazardous air pollutants in 2008 alone, and there are now plans underway to locate both a waste-to-energy incinerator and an ash landfill in the area.

Andy Galli, Maryland program coordinator for [Clean Water Action](#), said one of the problems with the current permitting process for those facilities is that "there's nothing that requires cumulative effects on these communities."

People began talking about the issue of environmental justice four decades ago. During the first [Earth Day](#) in 1970, Chicano activist Arturo Sandoval led a march from an Albuquerque park to the city's barrio, where protesters waved signs with messages such as "Keep Your Pollution, Give Us Life."

The term entered the national lexicon in 1987 when the United Church of Christ Commission for Racial Justice published a report on the issue, sparked by North Carolina's decision to place a toxic waste facility in a poor, predominantly African American community in Warren County.

Nearly a quarter of a century later, activists like Robert D. Bullard, who directs the [Environmental Justice Resource Center](#) in Atlanta, are still scheduling meetings with EPA regional officials, for example, to question the deposit of waste from the BP oil spill in the majority-black town of Campbellton, Fla., and the shipment of toxic coal ash from the 2008 Tennessee Valley Authority spill in mostly-white Roane County, Tenn., to a site in mostly-black Perry County, Ala.

"We're not just talking about something that happened 30 years ago, legacy stuff," said Bullard, who attributes those decisions to regional EPA officials rather than headquarters staff.

Bullard and others are pressing EPA to adopt a more stringent rule regarding the handling of coal ash: Right now the agency is deciding whether to require federal oversight of its transport and disposal, or to establish guidelines that the states could choose whether to enforce. Industry advocates argue that stricter rules will drive up costs and make it more difficult to reuse the coal combustion waste.

The issue is a source of contention as far away as Puerto Rico, where a subsidiary of the Virginia-based energy giant AES built a coal-fired plant in 2002 without establishing a landfill. For a few years the company shipped the waste to the Dominican Republic, but when that nation sued over the environmental impact and refused to accept any more, AES - which declined comment - started selling it as cheap landfill in Puerto Rico.

Now housing developments such as Parque Gabriela II in Salinas, one of the island's poorest regions, have piles of coal ash elevating their homes above the flood plain and lining a storm water retention pond whose contents could end up in the city's sole source of drinking water.

"All of this is getting leached into the aquifer," said Osvaldo Rosario, an environmental chemistry professor at the University of Puerto Rico's Rio Piedras campus. Rosario has sampled

ash from the site, and an analysis showed radioactive material at more than twice the recommended limit under EPA guidelines.

Ruth Santiago, a lawyer representing several environmental groups in Puerto Rico, has appealed to EPA to step in and control the coal waste's disposal. "We've been asking for many years for attention to this issue," she said. The agency's proposed rules are "a step in the right direction. . . . As it is now, they can call it beneficial use, and have anybody dump it anywhere."

**Brendan
Giffilan/DC/USEPA/US**
09/29/2010 03:25 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Bob Sussman, Lisa Heinzerling, David
McIntosh, Arvin Ganesan, Daniel Kanninen, Eric Wachter
cc Betsaida Alcantara, Alisha Johnson

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

FORTUNE: Brainstorm Green

EPA's Jackson: The new face of tough regulation

http://money.cnn.com/2010/09/29/news/companies/EPA_Lisa_Jackson_fracking.fortune/

By Shelley DuBois

September 29, 2010: 11:56 AM ET

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

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

Recently, the EPA has been front and center in the northeast because it's stepping in to a controversy about natural gas drilling hearings across the country where locals could voice their concerns about a fracking to a panel of four EPA members. The EPA's Jackson seems keen to do that across the EPA's entire mandate. She's tech-savvy and transparent compared to other people in the agency. She follows her through all kinds of social media, and many of the EPA's activities posted on the webpage call for public participation. She appeared on the Daily Show with Jon Stewart. According to the EPA webpage, she's given 125 official speeches and public addresses since Stephen Johnson made under 90 during his entire four-year term.

0:00 /3:23'Fracking' threatens local water supply

Jackson's credentials have probably prepped her to be more media savvy. Like Johnson, Jackson worked for the EPA before and also been in the political game-she worked as chief of staff for New Jersey Senator John Corzine, and served as commissioner of Environmental Protection.

She has a science background, which is actually surprisingly new for the administration. The first professional scientist ever made his mark with his work against legislative efforts to curb greenhouse gas emissions. Before him, Michael Leavitt was governor of Utah for a while, and worked as the CEO of an insurance company. He replaced Christine Todd Whitman, who was the former Vice President Dick Cheney's push to exempt companies from the pollution standards of the Clean Air Act.

Compared to her predecessors, Jackson has been a strong voice for policy to address climate change-although she's had some success in the legislative climate. Probably her biggest has been the carbon cap-and-trade bill that Democratic leaders in the Senate threw out. The bill would have been a big win for Jackson and the EPA, which would have been tapping into its ability to regulate greenhouse gas. The agency has to figure out how to cut emissions while keeping the industry happy, and re-think its strategy for navigating the industry. The stumble illustrates what may be the downside of being an accessible, even likable EPA leader. Jackson has positioned herself in the heat from environmentalists when the agency falters, and faces resistance from industries to regulation that could actually pervaded the entire Obama administration's tenure, as progressive goals repeatedly run into the political realities of doing business. Yet with all eyes on Lisa Jackson, she could give the EPA some muscle that it's never had before. Or, if the administration could give her a signature environmental agenda through Congress, she could end up, even in the eyes of environmentalists who lives through an unfair role of scapegoat. ■

**Brendan
Giffilan/DC/USEPA/US**

11/03/2010 03:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Bob Sussman, Lisa Heinzerling, Gina McCarthy, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Joseph Goffman, Don Zinger, Janet McCabe

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

The Hill:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brendan
Giffilan/DC/USEPA/US
02/03/2011 05:02 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Bob Sussman, Paul Anastas, Steve
Owens, Arvin Ganesan, Dru Ealons, Judith Enck

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bcc

Subject NY Times: Parents Seek More Action on PCBs in Schools

Parents Seek More Action on PCBs in Schools

By MIREYA NAVARRO
Published: February 3, 2011

As the father of an 8-year-old attending Public School 36 on Staten Island, Richard P. Ghiraldi was alarmed to learn that students were being exposed to a known carcinogen in the classrooms.

Last month, Mr. Ghiraldi and hundreds of other parents kept their children home from school for four days after tests showed that lighting ballasts — the devices that convert current into electricity for fluorescent lights— were leaking the highly toxic chemical compounds known as [PCBs](#) onto the light fixtures and floor tiles.

“I was surprised they still had these old ballasts in schools,” Mr. Ghiraldi, a 40-year-old paralegal, said. “You’d think the custodians and the teachers would think it’d be a danger.”

Yet as he and other worried parents in New York City press doctors and government officials on the specific risks that their children face from toiling beneath the aging classroom fixtures, which remain in some 800 of 1,200 city school buildings, the answers have been frustratingly vague.

There is no immediate health risk from PCBs lingering in schools, all are told, yet with one important caveat: the longer the exposure, the higher the risk.

“Everything is so obscure,” said Mr. Ghiraldi, who noted that his son Stephen, a third-grader, has attended P.S. 36 since kindergarten. “I do worry that it may have some impact on him in the future — a cancer, some kind of illness.”

Widely used in electrical products and construction materials like caulk before a federal ban took effect in the late 1970s, PCBs, or polychlorinated biphenyls, have been linked to cancer, impairment of immune and reproductive functions, and other illnesses, as well as lower I.Q.

levels.

The challenge, as with exposures to many other contaminants, medical researchers say, is that linking the health problems to a specific type and length of PCB exposure with certainty is difficult if not impossible. Some toxicologists note that the risk depends on variables like intensity and duration of exposure.

And just because a light ballast is leaking, they say, it does not mean that PCBs have gotten into the air and that children are being exposed to them.

“It does tell you about the potential, and that’s why you want the ballasts out of there,” said Dr. Bruce Kelman, a toxicologist whose company, [Veritox](#), in Seattle, provides assessments of exposure to contamination in schools, workplaces and homes. “One ameliorating factor is that the kids don’t live in the school, and each room won’t have the same levels of PCBs.”

Adding to the parental stress in a strained budget year, the [Bloomberg administration](#) has [disputed the urgency](#) of replacing all of the aged T-12-style fluorescent lighting, estimating it would cost about \$1 billion. Its negotiations with the [Environmental Protection Agency](#) continue.

Anxiety about the dangers posed by PCBs began rising last summer after the city undertook a pilot testing program with the E.P.A. that revealed levels of air contamination exceeding federal guidelines for safety. It soared after the agency, effectively overruling the Bloomberg administration, said further tests could not wait until summer 2011 and began its own spot inspections to identify leaking ballasts last month.

So far, the E.P.A. inspections, which test PCBs in the light fixtures but not in samples of indoor air, have revealed PCB levels above federal regulatory limits in all [three buildings tested](#): P.S. 11 in Brooklyn; P.S. 53 on Staten Island and a building housing both P.S. 13 and P.S. 358 in Brooklyn. (The furor at P.S. 36 on Staten Island arose after a teacher called attention to brownish stains under a light fixture and the city performed tests.)

In December, testing financed by two environmental advocacy groups also found high levels of

PCBs in caulk at P.S. 56 in Brooklyn.

“You don’t send your children to school thinking, ‘My kid is going to be exposed to a chemical that’s toxic enough that they ban it in building materials,’ ” said Celia Green, whose 10-year-old son attends P.S. 56.

The E.P.A. issued [national guidelines](#) last December urging schools across the country to replace all of the old light fixtures as soon as possible after New York’s pilot testing found levels of contamination above the health benchmarks in air samples from three other schools, P.S. 199 in Manhattan, P.S. 309 in Brooklyn and P.S. 178 in the Bronx.

The agency’s exposure limits for schools — levels at which PCB concentrations in the indoor air of school buildings are considered unlikely to cause any harm — are based on background PCB levels for the general population.

E.P.A. officials say most people have low levels of PCBs in their bodies, mostly from exposure through foods like fish and dairy products but also from air, indoor dust and outside soils.

But even when those safety benchmarks take into account a person’s age and days of exposure, agency officials say that they cannot predict the likelihood of illness. The thresholds are mostly used as markers that flag the need to bring PCB levels down.

The agency and toxicologists like Dr. Kelman say that the exposure limits are conservative and that even when the air samples from the city’s schools have surpassed them, excess risks are still low.

But the health risks to children of such exposure have not yet been subjected to rigorous study yet, researchers say. And the body of evidence linking PCBs to health and developmental problems is growing.

A [1996 study](#) published in The [New England Journal of Medicine](#) found that children exposed to elevated concentrations of PCBs in utero from mothers who had eaten contaminated fish had impaired intellectual function and memory and attention problems by age 11. [A study](#) published in 2008 found I.Q. scores diminished by at least three points in 9-year-olds who had been

exposed in utero.

Dr. Robert F. Herrick, a senior lecturer and expert on environmental issues in the workplace at the Harvard School of Public Health who has researched PCBs in buildings, said other studies had shown elevated PCB levels in the blood of occupants of buildings with building materials containing the chemicals.

“The evidence of the toxic effects of PCBs is accumulating rapidly,” he said. “The studies all seem to point in the same direction — that PCBs are very potent developmental toxins.”

E.P.A. officials say that while elevated levels of PCBs in the air of school buildings “should not represent an immediate threat,” they could pose health concerns if they persist over a period of years. Federal officials say that light ballasts are likely to leak as they age and that they release PCBs into the air faster and at higher levels than other sources like caulk.

Aging fluorescent light fixtures leaking PCBs have also been detected in school districts in Massachusetts, North Dakota and Oregon. But so far the E.P.A. has conducted spot inspections solely in New York, the largest school system in the country with about 1.1 million students.

City officials are replacing ballasts in schools where they are found to be leaking and asking custodians to visually inspect light fixtures and report any sign of leakage, pending the negotiations with the E.P.A. on the timing of any citywide replacement plan

In a letter last December, Judith Enck, the agency’s regional administrator in New York, asked the city to undertake a program to replace PCB-containing light fixtures in all schools “in an expedited time frame.”

But the city’s deputy mayor for education, [Dennis M. Walcott](#), replied that the risk did not justify a “wholesale” approach that could cost the city up to \$1 billion in a tough economic climate. “This is about protecting the city’s educational system from an unnecessary loss of its critical resources,” he wrote.

City officials say any discussion must also include the need for federal assistance.

Although the schools are facing shrinking budgets and possible teacher layoffs, many parents, teachers and school advocates say they are not convinced that the city cannot afford prompt action. In a report released this week, New York Lawyers for the Public Interest noted that a switch to more efficient modern lighting has been a priority of the Bloomberg administration's own environmental agenda, known as [PlaNYC](#).

Other municipal agencies like [New York City Transit](#), the report says, have said the upgrades resulted in savings of more than 26 percent in energy costs over time.

"It's a completely out-of-date technology," said Miranda K. S. Massie, director of litigation and training for New York Lawyers for the Public Interest, which has represented parents in a lawsuit against the city over PCB contamination from caulk in schools and says it is considering more legal action over the light fixtures. "It's hideous to continue to subject kids to this."

On Staten Island, Mr. Ghiraldi said that when he called his son's pediatrician to ask if a blood test was advisable, he was told not to bother. Even if the test detected high PCB levels, he was told, it would be difficult to pinpoint the source of the contamination, given that Stephen could have been exposed through foods and other sources in the environment.

He and his wife, Laura, discussed transferring Stephen to a newer public school where the original construction materials were PCB-free. But they decided to keep him where he was after the city replaced the old light fixtures at P.S. 36.

**Brendan
Gillilan/DC/USEPA/US**
02/08/2011 04:58 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, David McIntosh, Adora Andy, Betsaida
Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman,
Arvin Ganesan, Stephanie Owens, Dru Ealons

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bcc

Subject WSJ: Letter Shows Bush EPA Chief Supported Regulating
Greenhouse Gas Emissions

WSJ: Letter Shows Bush EPA Chief Supported Regulating Greenhouse Gas Emissions

Dow Jones International News Service via Dow Jones

By Stephen Power

OF THE WALL STREET JOURNAL

WASHINGTON (Dow Jones)--A former Environmental Protection Agency administrator

under President George W. Bush told Mr. Bush in 2008 that his administration was obligated to declare that emissions of heat-trapping greenhouse gases linked to climate change endanger public health or welfare.

Stephen Johnson, the EPA's administrator from 2005 until 2009, also suggested in a Jan. 31, 2008, letter that the agency propose regulations to limit greenhouse gas-emissions from automobiles and from other human sources--a stance

that the Obama administration has taken.

(This story and related background material will be available on The Wall

Street Journal website, WSJ.com.)

The letter was made public Wednesday by the senior Democrat on the House Energy and Commerce Committee, Rep. Henry Waxman of California, a day before

Republicans on the panel are to hold a hearing on legislation that would overturn a December 2009 finding by the EPA's current administrator, Lisa Jackson, that greenhouse gas emissions endanger public health and welfare, the legal prerequisite to regulating them under the Clean Air Act.

"As Administrator Johnson's letter makes clear, both Republican and Democratic administrations have had the same view of the science: carbon emissions are a serious threat to our nation's welfare," Mr. Waxman wrote in a letter Tuesday to the panel's chairman, Rep. Fred Upton (R., Mich.). "I urge you to leave the science to scientists and drop your effort to use legislation to overturn EPA's endangerment finding."

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2010 06:02 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, David McIntosh, Arvin Ganesan, Lisa Heinzerling
cc
bcc
Subject Politico: EPA policy chief steps down (updated with comment)

EPA policy chief steps down

By: [Robin Bravender](#)

November 4, 2010 02:49 PM EDT

One of the Obama administration's most aggressive officials on global warming regulations is stepping down from her post at the Environmental Protection Agency.

Lisa Heinzerling, the head of EPA's policy office, will return to her position as a Georgetown University law professor at the end of the year, said EPA spokesman Brendan Gilfillan.

Within EPA, Heinzerling is one of the more dogmatic proponents of regulating greenhouse gases to the maximum extent possible under the Clean Air Act.

There are two camps within the agency on climate, said an environmental advocate who spoke on background. The Heinzerling camp, with the mind-set that, "we have the law on our side; let's go get them." In the other camp are Administrator Lisa Jackson and EPA air chief Gina McCarthy, who are trying to maintain the support of the White House and Congress.

Heinzerling gained fame in the environmental community for her role in helping to win a landmark 2007 U.S. Supreme Court case that gave EPA the authority to regulate greenhouse gas emissions under the Clean Air Act. At EPA, she's played a leading role in crafting the agency's controversial climate policies as Jackson's senior climate policy attorney and then as the associate administrator of EPA's Office of Policy.

"I think she's probably the farthest left and most committed of anyone on the team, with the exception of Carol Browner," on climate change, said an industry attorney familiar with the agency, referring to the former agency administrator and President Barack Obama's energy and climate adviser.

Gilfillan rejected the idea of any policy division among senior agency officials. "We understand that good gossip makes for good copy, but POLITICO is flat out wrong, as are the anonymous sources they quote – there are no 'camps' at EPA on these issues," he said in an e-mail.

Although Jackson and EPA regulations have become popular targets for Republicans and industry groups, many environmentalists say the agency has watered down its

climate rules in an effort to deflect political opposition.

Obama defended the agency Wednesday, citing the *Massachusetts v. EPA* Supreme Court ruling and saying he's not backing down on climate change.

"The EPA is under a court order that says greenhouse gases are a pollutant that fall under their jurisdiction, and I think one of the things that's very important to me is not to have us ignore the science," Obama said.

Heinzerling's position is not Senate-confirmed. She took a two-year leave of absence from Georgetown when she left in 2009.

**Brendan
Gillilan/DC/USEPA/US**
12/17/2010 05:18 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe

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bcc

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.

Brendan
Gillilan/DC/USEPA/US
11/10/2010 03:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Gina McCarthy, Joseph Goffman, Janet McCabe, Don Zinger, David McIntosh, Arvin Ganesan, Lawrence Elworth, Daniel Kanninen, Stephanie Owens, Dru Ealons, Lisa Heinzerling

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Subject BACT Stories so far

E.P.A. Issues Guidance on New Emissions Rules

By [JOHN M. BRODER](#)
NY Times

Seeking to reassure major power plant and factory owners that impending regulation of climate-altering gases will not be too burdensome, the Environmental Protection Agency emphasized on Wednesday that future permitting decisions would take cost and technical feasibility into account.

Under the Obama administration, the E.P.A. declared that gases that contribute to global warming are a danger to human health and the environment and thus must be regulated under the Clean Air Act. The agency is starting with the largest sources of such emissions — coal-burning power plants, cement factories, steel mills and oil refineries — and then will extend the regulations to smaller facilities.

Utilities, manufacturers and oil companies have challenged the new rules, saying that the E.P.A. arbitrarily chose the plants it will regulate and that the Clean Air Act never envisioned limitations on carbon dioxide, a ubiquitous substance that is not in itself toxic or hazardous to health. The state of Texas has said it will not abide by the greenhouse gas regulations no matter how the E.P.A. decides to define or enforce them.

Gina McCarthy, the head of the E.P.A. office of air and radiation, said on Wednesday that the agency was simply following the law by beginning the process of regulating greenhouse gases, and that the facilities that will need to obtain permits starting in January are already complying with clean air rules for other pollutants.

She said the agency was taking a moderate approach to the regulation, allowing states and other bodies that grant air pollution permits to consider cost and available technology as factors to be considered when requiring modifications of plant operations.

Industry groups have argued that meeting the new requirements will be so costly and time-consuming that they constitute a de facto moratorium on construction of new plants or major expansions of existing ones.

Ms. McCarthy said that such fears were overblown.

“We are fully prepared to issue permits,” she said at a news conference. “Make no mistake about it: this does not present an opportunity for any construction moratorium. E.P.A. and the states are fully prepared to take this on.”

She also stressed that today’s guidance was not a new regulation, but merely a set of steps that regulators will take in deciding how and when to grant new permits. She said that many facilities would be able to meet the law by adopting more efficient means of producing energy, thus reducing overall emissions. Many such modifications will pay for themselves, she said.

The new guidance allows for the substitution of biomass – wood waste, switchgrass or other agricultural products – for fossil fuels as a way to meet the new air quality rules. Agriculture Secretary Tom Vilsack said that would generate new income opportunities for American farmers and forestry companies while reducing global warming emissions.

Environmental advocates generally praised the new guidance because it allows companies and states flexibility in meeting the new greenhouse gas standards.

“Energy efficiency is one of the best ways to reduce pollution and save money, particularly in the manufacturing sector,” said [Mark MacLeod](#), director of special projects at Environmental Defense Fund. “Today’s guidance will prepare companies for the permitting process and help them find ways to cut pollution while saving money for themselves and their customers.”

William Becker, executive director of the [National Association of Clean Air Agencies](#), a collection of state air pollution regulators, said in a statement: “E.P.A.’s guidance will provide industry greater certainty, quicker permitting decisions and a smoother path toward greenhouse gas implementation. This should put to rest the exaggerated claims of some stakeholders that greenhouse gas permitting will have disastrous economic consequences.”

EPA to Give States Greenhouse-Gas Discretion

Wall Street Journal

WASHINGTON—The Environmental Protection Agency is moving to give states broad discretion in what they require businesses to do to limit emissions of heat-trapping gases from factories, refineries and other industrial facilities.

A group that represents state regulators said Wednesday that the EPA's approach should allay businesses' fears of a heavy-handed, Washington-dominated approach to greenhouse-gas regulation.

But business groups say that by leaving decisions to states, the agency could prolong uncertainty over what companies have to do to comply with greenhouse-gas limits. Business groups have opposed the EPA's effort to regulate emissions of carbon dioxide and other greenhouse gases, on

the grounds that it will lead to costly permit requirements, litigation and delays in construction.

People familiar with the matter said the agency would announce Wednesday afternoon how it expects states to control emissions of greenhouse gases from buildings, under a new regulation that takes effect in January.

A "fact sheet" circulated by the agency Wednesday morning among industry and environmental groups suggests the agency intends to defer heavily to state regulators but that it will encourage them to allow energy-efficiency measures to qualify as constituting compliance. Examples could include upgrading a factory's boiler to produce more heat with less energy.

The document—titled "Clean Air Act Permitting for Greenhouse Gases: Guidance and Technical Information"—says decisions on what constitutes compliance "will continue to be a state, and project specific decision" and that the agency's guidance "does not prescribe" the kinds of technologies that companies will be expected to use.

Under President Obama, the EPA has declared emissions of greenhouse gases, including carbon dioxide, to be a danger to human health, the legal prerequisite to regulating them. But the agency hasn't spelled out precisely how it expects states to limit emissions from power plants, refineries, cement plants and other big facilities that emit such gases. The EPA relies on states and local agencies to administer air-quality permits.

Earlier this year, the agency told states they would have to account for greenhouse-gas emissions when issuing air-quality permits to large facilities by next January. Business groups—led by the American Petroleum Institute and the U.S. Chamber of Commerce—and the state of Texas have challenged the legal underpinnings of the regulations.

In an August letter, Texas's attorney general, Greg Abbott, and the chairman of the Texas Commission on Environmental Quality, Bryan Shaw, accused the EPA of trying to "usurp state enforcement authority" and assert "centralized control of industrial development," and said that Texas "has neither the authority nor the intention of interpreting, ignoring, or amending its laws" to regulate greenhouse gases.

William Becker, executive director of the Washington-based National Association of Clean Air Agencies, which represents state and local environmental regulators, said the EPA's guidance showed flexibility and should allay businesses' fears about the financial impact of new regulations.

But business advocates expressed concern that the EPA's guidance could prolong companies' uncertainty.

"People will obviously need to review the guidance more carefully, but it really just looks like a long list of options," said Jeff Holmstead, a Washington attorney whose clients include major coal-burning electric utilities.

EPA Issues Carbon Guidance to Help States Enforce Rules

Bloomberg News

States will decide what pollution-cutting technology must be used at power plants and other industrial sources of greenhouse gases under guidelines released today by the U.S. Environmental Protection Agency.

The guidance lets states determine on case-by-case basis the “best available control technology” that polluters should use to regulate carbon-dioxide pollution that contributes to climate change. Energy efficiency probably will emerge as the most cost-effective approach, the agency said in an e-mailed statement.

“EPA is showing that dealing with greenhouse-gas emissions is not the bogeyman portrayed by opponents of clean-air controls,” said [Frank O’Donnell](#), president of the Washington-based environmental group [Clean Air Watch](#).

States such as Texas and U.S. lawmakers including Senator [Jay Rockefeller](#), a West Virginia Democrat, have said the EPA’s efforts to limit carbon emissions will hurt the economy. Texas wants to abolish the rules, while Rockefeller has called for a two-year delay. The Chamber of Commerce, the largest U.S. business lobbying group, has said EPA guidelines should promote energy efficiency.

The EPA said it’s not likely that companies will have to install expensive technologies aimed at capturing and storing carbon-dioxide emissions, a greenhouse gas blamed for climate change, according to agency documents.

The new carbon regulations are set to begin Jan. 2 and will apply to new or modified industrial sources of pollution.

EPA pushes efficiency as climate fix Politico

The Obama administration will release a long-anticipated plan Wednesday detailing how power plants and oil refiners should be forced to slash their greenhouse gas emissions.

[The Environmental Protection Agency](#) won’t explicitly require any specific control technologies for large stationary sources, according to a copy obtained by POLITICO, but the guidance encourages states and other permitting authorities to boost energy efficiency to slash their greenhouse gas emissions.

Wednesday’s announcement comes as Republicans and some coal-state Democrats are plotting to block EPA’s authority to regulate heat-trapping emissions.

Under EPA’s climate rules slated to kick in on Jan. 2, regulated sources will be required

to install pollution controls to win permits from state and local regulators.

And while EPA's guidance emphasizes efficiency improvements, the agency notes that the final decisions will be made on a case-by-case basis by state and local agencies, leaving the door open for more controversial requirements like fuel switching or carbon capture and storage.

EPA notes that carbon capture and sequestration is a promising technology that should be considered, although it is still expensive and is unlikely to be required in most cases.

Industry groups have expressed concerns that EPA's climate rules will have a devastating economic impact and could force plant shutdowns.

"People will obviously need to review the guidance more carefully, but it really just looks like a long list of options," said Jeff Holmstead, an industry attorney who served as EPA air chief during the George W. Bush administration. "As a practical matter, no one is going to be able to get through EPA's new permitting process for a long time. Even EPA staff admits that there will be a moratorium on construction for a couple of years."

State and local air regulators applauded the document.

"EPA's guidance will provide industry greater certainty, quicker permitting decisions and a smoother path toward greenhouse gas implementation," said Bill Becker, executive director of the National Association of Clean Air Agencies. "This should put to rest the exaggerated claims of some stakeholders that greenhouse gas permitting will have disastrous economic consequences."

EPA will brief reporters and Hill staffers on the new guidance Wednesday afternoon.

Brendan
Gillilan/DC/USEPA/US
03/23/2011 07:12 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Gina McCarthy, Steve Page, Dana Tulis
cc
bcc
Subject Greenwire: EPA Watchdog Sinks Teeth Into Nuclear Crisis,
Hill Budget Brawl

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EPA Watchdog Sinks Teeth Into Nuclear Crisis, Hill Budget Brawl

By JOHN MCARDLE of [Greenwire](#)

As the triple disaster in Japan turns a spotlight on the U.S. capacity to respond to a similar crisis at home, U.S. EPA Inspector General Arthur Elkins is contemplating taking another look at parts of his agency's emergency response preparations that have raised red flags in the past.

For example, with a Japanese nuclear reactor spewing radioactive particles into the atmosphere, the White House and EPA have relied heavily on the national Radiation Ambient Monitoring System -- which continuously checks U.S. air for radiation -- to determine if exposure in the United States should warrant concern. But an EPA IG report from January 2009 found that the full implementation of the RadNet system was behind schedule and that further delays were possible to allow time to modify some monitors.

"As a result, the agency may have less information about the levels of radiation should a national radiological or nuclear emergency occur," the report stated.

And then there is a January 2008 IG report on EPA's national emergency response planning efforts: "While EPA has a proven track record of responding effectively to serious environmental situations, those situations are limited in scope and severity when compared to suggested incidents of national significance," such as, say, a major earthquake.

The IG found EPA's emergency response plan, which was developed by the agency's Emergency Management Office in 2006, was "too limited and unstructured" to prepare EPA to roll out an effective national disaster response while also maintaining its day-to-day functions.

"I suspect it's time to look at that again," said Elkins, who has been on the job for about nine months and recently sat down for an interview at EPA headquarters.

Elkins said there are plenty of other issues stemming from the Japan disaster that could be worthy of the office's special brand of environmental protection, but that even with the broad level of independence granted to his office, he still has to bow to budget restraints.

"In a perfect world where ... money is no object, there's lots of things that we can do," Elkins said. "But we don't live in that world. We live in a different world right now."

It is a world where the IG's investigative dollars are already being stretched.

Two days before the Obama administration's budget was released in February, Elkins sent a letter to the Office of Management and Budget in which he expressed concern that the White House had submitted a fiscal 2012 request for his office that was more than \$5 million below what he had requested.

Elkins is currently trying to stem a rising tide of cyberattacks at the agency, and it is an expensive project that requires specialized skills and machinery ([E&ENews PM](#), March 2). Between that effort and many other projects competing for resources in his office, Elkins said in his letter that the approximately \$46 million that the president proposed for his office is simply not enough.

Obama's proposal is more than the office got under the George W. Bush administration, when the IG's budget ticked up from about \$34 million to around \$40 million over eight years.

But as the budgeting process plays out on Capitol Hill, Elkins said last week that he is trying to make sure his staff remains focused on doing the best it can with what it has by investigating the biggest and most substantive issues facing the agency.

One of those issues, he said, is EPA's ongoing failure to ensure that its approximately 18,500 employees are being put to the best use.

Human resource management has been an ongoing problem that is on display when -- as the IG's office found numerous examples of in recent years -- staff members are assigned to certain projects without thought as to whether they have the proper skills to do the job ([Greenwire](#), Feb. 24).

But Elkins said it is a problem that could come back to haunt EPA if the worst happens and a disaster on the scale of the Japanese crisis hits the United States.

EPA must ensure "that the human resources are in place to be able to respond effectively ... whether or not it's a national catastrophic event or whether it's a localized event," he said.

Congress as customer

Elkins, 61, is the first Senate-confirmed IG at EPA since Nikki Tinsley stepped down in 2006.

Before his appointment, Elkins was an associate general counsel at EPA where he served in the Office of General Counsel's Information Law Practice, Employment Law Practice and Intellectual Property Law Practice. He also spent about five years working as counsel to the inspector general at the National Science Foundation.

When he took over the EPA IG post last summer, the office was still finding its footing after both a prolonged vacancy in its top post and an effort under the Bush administration to sideline the EPA watchdog.

In the summer of 2008 the then-chief of staff in EPA's enforcement and compliance office sent what amounted to a gag order to top agency officials directing them to instruct their staffs not to speak with the inspector general's office or congressional investigators without first checking with public affairs officials. The incident prompted an outcry on and off Capitol Hill.

Now-EPA Administrator Lisa Jackson added her voice to that criticism during her confirmation hearing and, not long after taking over the agency, issued a memorandum instructing all staff to comply with auditors. Jackson said EPA staff are not required to obtain permission before speaking to OIG representatives during reviews and managers should not question employees about their interactions with OIG in the context of reviews ([Greenwire](#) , Aug. 10, 2009).

Those efforts have gone a long way toward ensuring the crucial independence his office needs to do its job effectively, Elkins said.

But, he added, the office has to remain vigilant to guard against any effort that would impede its efforts to bring issues to light.

"Our mission is the same mission the agency has," Elkins said. "Our focus is on protecting human health and the environment."

Elkins and his staff of about 350 accomplish that goal by using their independence within EPA to "ask the tough questions" to bring incidents of waste to light and ensure the agency is running in the most efficient way possible.

While his law background has seen him serve as a public defender, prosecutor and chief legal officer in previous local and federal postings, Elkins analogized his current job to that of a newspaper reporter.

"We investigate, we report on what we find, we have our sources. ... We want to make sure the story is right," he said.

What Elkins is not is a political animal.

When asked about the impact his investigations and audits have on the hot-button debates on Capitol Hill over EPA operational or policy decisions, Elkins immediately retreats back to the definition of his job under the guidelines laid out in the 1978 Inspector General Act.

But while he tries to shun the politics, that does not mean Elkins also shuns politicians.

Elkins views Congress as one of his most important customers, and early in his tenure he made an effort to reach out to politicians on both sides of the aisle.

Those efforts may be part of the reason that seven lawmakers have already reached out to him for help in conducting their oversight and investigation efforts.

The requests have included a review of how the agency handles Freedom of Information Act inquiries at the behest of Rep. Darrell Issa (R-Calif.) and Sen. Charles Grassley (R-Iowa) and an effort to gather information on a lead-contaminated Superfund site in Omaha for Sen. Mike Johanns (R-Neb.).

Sen. James Inhofe (R-Okla.), the ranking member of the Senate Environment and Public Works Committee, recently requested Elkins' help in preserving documents in the agency's ongoing dispute with the state of Texas over gas-drilling permits. Inhofe had already approached Elkins last fall for a request involving mountaintop-removal coal mining permits in Appalachia.

Gulf spill investigations

At a time when EPA and its allies are trying to hold the line against deep budget cuts proposed by House Republicans, Elkins' reports can sometimes have unintended consequences.

For example, Elkins' recent report on the agency's failures to manage the human resources it already has isn't likely to help agency brass make the case that certain proposed Republican cuts go too far.

Meanwhile, the IG's office is in the process of putting out a couple other reports that are sure to find their way into political discussions.

The agency is conducting an audit of the decisionmaking behind the use of dispersants during the cleanup effort on last year's massive oil spill in the Gulf of Mexico.

Environmental and public-health groups have long aired concerns that the soup of toxic chemicals from gushing crude and oil dispersants could cause long-term health problems for Gulf cleanup workers.

The IG report, which is set to come out in the next few months, won't focus on the health effects of using those chemicals but will provide information on who made the decisions to use the dispersants and what scientific data they had on hand when they made that decision.

Another evaluation is looking into the recovery of costs that EPA incurred as a result of the spill and a third study is looking into EPA's role in managing the waste left over from the spill to ensure that it was properly disposed of or recycled.

With the one year anniversary of the spill coming up next month and finger-pointing continuing over the disaster, those reports could become fodder for a group whose agenda may be something other than simply minimizing waste, fraud and abuse.

Elkins said that is not something he worries about.

"We publish our reports in the public domain," Elkins said. "Anybody can take those reports and do with them as they will. Our purpose is to educate, to inform. What folks do with the reports after they leave our office, there's not much I personally can do about that."

**Brendan
Giffilan/DC/USEPA/US**
05/18/2011 01:36 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Janet Woodka

cc

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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.

Brendan
Gillilan/DC/USEPA/US
10/29/2010 10:01 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Lisa Heinzerling, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen

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Subject AP: Companies Fight to Keep Global Warming Data Secret

Companies Fight to Keep Global Warming Data Secret

AP

Some of the country's largest emitters of heat-trapping gases, including businesses that publicly support efforts to curb global warming, don't want the public knowing exactly how much they pollute.

Oil producers and refiners, along with manufacturers of steel, aluminum and even home appliances, are fighting a proposal by the Environmental Protection Agency that would make the amount of greenhouse gas emissions that companies release — and the underlying data businesses use to calculate the amounts — available online.

While gross estimates exist for such emissions from transportation and electricity production and manufacturing as a whole, the EPA is requiring companies for the first time to submit information for each individual facility.

The companies say that disclosing details beyond a facility's total emissions to the public would reveal company secrets by letting competitors know what happens inside their factories. More importantly, they argue, when it comes to understanding global warming, the public doesn't need to know anything more than what goes into the air. "There is no need for the public to have information beyond what is entering the atmosphere," Steven H. Bernhardt, global director for regulatory affairs for Honeywell International Inc., said in comments filed with the agency earlier this year. The Morristown, N.J.-based company is a leading manufacturer of hydrofluorocarbons, a potent greenhouse gas used in a variety of consumer products. Honeywell wants the EPA to reconsider its proposal, which the company said would damage its business.

Other companies are pressing the agency to require a third party to verify the data, so they don't have to submit it at all, or to allow them to argue on a case-by-case basis to keep some of it confidential, a suggestion the EPA warned would delay public release.

The EPA says it's necessary to make the data public in order for the companies' calculations to be checked. "It is important for outside groups and the public to have access to this information so they can essentially see and check EPA's and the company's math — giving the public greater confidence in the quality of data," the agency said in a statement.

As the EPA prepares to regulate greenhouse gases, the data companies are being required to

submit will help determine what limits eventually are put in place and whether they are working.

The EPA required companies responsible for large amounts of heat-trapping pollution to begin this year collecting 1,500 pieces of information. The data, which is due to be reported by March, will be used in the first-ever inventory of greenhouse gases, a massive database that will reveal most sources of greenhouse gases in the United States.

Suppliers of fossil fuels, which when burned release greenhouse gases, plus manufacturers of engines and vehicles, and facilities that release 25,000 tons or more of any of six heat-trapping gases, all must comply with the regulation, the first by the government on pollution blamed for global warming.

Most companies don't have a problem telling the government or the public how much they pollute; they already do it for other types of pollution, such as toxic chemicals and sulfur dioxide, the gas that forms acid rain. What they oppose — almost unanimously — is the public disclosure of the underlying data necessary to calculate the annual amount of greenhouse gases.

The EPA wouldn't need that information if companies actually measured greenhouse gas pollution at its source. But that equipment is expensive and for many companies would cost millions of dollars.

Even the Federal Trade Commission has weighed in, and asked the EPA to treat data used in emissions equations as confidential since it could lead to collusion among companies and raise prices for consumers.

Aluminum smelters want 11 of the 15 data fields the EPA intends to make public kept confidential, according to comments filed by the Aluminum Association. Koch Nitrogen Co. LLC, a fertilizer producer, questions the EPA's desire to make unit-specific or facility-specific emissions available, calling it "misguided" since a change in pollution from a single factory is unlikely to influence policy on a global problem.

For DuPont, a founder of the U.S. Climate Action Partnership — a group of businesses that support controls on global warming pollution — the proposal has caused heartburn, according to Michael Parr, senior manager of government affairs. Many of the company's plants, including a titanium dioxide factory in New Johnsonville, Tenn., release greenhouse gases when generating power.

"We actually lobbied for this reporting bill because we think it is a very good idea," Parr said in an interview. "What we are trying to get across is that if you take that information about how the plant runs and you make that available to the public it does not make the public any better informed about what is coming out of my plant. It exposes the fruits of all my innovation." If there is one polluting sector that is supportive of EPA's plans for full disclosure, it's electricity producers, which make public much of the data already.

Companies that sell information to investors and businesses want even more disclosure. They argue it is necessary to know how efficient a facility is, which is the amount of greenhouse gases

released per unit of production. Bloomberg LP, which has provided greenhouse gas data to the financial community since 2005, is asking the EPA to make public production volume data even if it is not used to calculate emissions.

In the company's comments it says, "Greenhouse gas emissions are not meaningful in isolation.

**Brendan
Gillilan/DC/USEPA/US**
10/28/2010 02:41 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Bob Sussman, Lisa Heinzerling, Gina McCarthy, Janet
McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan,
Stephanie Owens, Dru Ealons, Daniel Kanninen
cc Alisha Johnson

bcc

Subject Greenwire: All states but Texas on track to issue GHG
permits -- report

All states but Texas on track to issue GHG permits -- report (10/28/2010)

Gabriel Nelson, E&E reporter

With state regulators required to start issuing Clean Air Act permits next year for large stationary sources of greenhouse gas emissions, the Lone Star State will be the lone holdout, according to a report released today by an association of state and local air agencies.

The states are scrambling to align their own rules with U.S. EPA's new regulations, which are set to take effect on Jan. 2, 2011.

Thirty-six states have already gotten federal approval to begin issuing greenhouse gas permits. Of the remaining states, which have been required to explain their plans to EPA, Texas is the only one that won't revise its rules or accept a federal implementation plan, according to the [analysis](#) by the National Association of Clean Air Agencies (NACAA).

Air officials in seven of those 14 states say their rules will be changed by Jan. 2 or "very shortly thereafter," the report says. Another six states have told EPA they are willing to adopt the federal program, but some of them would like to issue the permits themselves.

The permits will require large facilities to install the best available control technology (BACT) for greenhouse gases. EPA still hasn't given the states guidance on those standards, and business groups have raised concerns that a delay in the federal approval of state permitting programs would hold up the pre-construction permits needed to move forward with projects.

Bill Becker, executive director of NACAA, said he doesn't anticipate many delays. Even if the states don't have programs in place for weeks or months after Jan. 2, there won't be many permit applications because businesses that expect to need a permit next year are rushing to submit their applications before the new greenhouse gas emissions rules take effect, he told reporters today.

"The rhetoric and the exaggerations that opponents of this program are spewing are getting out of hand," Becker said. "They would lead you to believe that state and local permitting programs will be paralyzed, that individual sources will not be able to obtain permits in a timely fashion, and that state and local authorities simply won't have authority to act on the large number of permit applications starting Jan. 2. That simply isn't the case."

"I'm not saying this is going to be a totally perfect implementation schedule over the first couple

of months," Becker added, "but it will not be unlike any other major program that is being implemented for the first time."

Texas, which has filed several legal challenges to EPA's climate program, has refused to change its permitting program. EPA is moving too quickly and forcing states to comply with a "scheme that short-circuits the statutory process for regulating major stationary sources," the Texas Commission on Environmental Quality wrote in a letter to EPA earlier this month.

Brendan
Gillilan/DC/USEPA/US
10/27/2010 04:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Mathy Stanislaus, Daniel Kanninen, David McIntosh, Arvin Ganesan, Lisa Heinzerling, Stephanie Owens, Dru Ealons
cc Alisha Johnson
bcc
Subject Desmog blog/Huffington Post: Coal Lobbyists Wooed White House Staff To Influence Coal Ash Regulations Long Before Public Hearings

Coal Lobbyists Wooed White House Staff To Influence Coal Ash Regulations Long Before Public Hearings

Desmog Blog/Crossposted on Huffington Post

While the final EPA hearing is happening today in [Tennessee](#) to solicit public input on federal proposals to regulate toxic coal ash, a [new report \[PDF\] from DeSmogBlog](#) and [PolluterWatch](#) shows that coal industry lobbyists held [dozens of secretive meetings](#) with the White House to peddle their influence long before the Obama administration opened the process to the public.

The coal industry's influence on the process was largely peddled behind the scenes, beginning over a year ago, when lobbyists representing coal ash producers and users started [swarming the White House](#) to protect the coal industry from full responsibility for the potential health and water threats posed by coal ash waste.

The lobbyists' ability to quickly and easily gain access and influence over the White House's review of this critical environmental regulation calls into serious question President Obama's campaign pledge to limit the role of lobbyists in federal decision-making.

Between October 2009 and April 2010, coal industry representatives held [at least 33 meetings](#) with White House staff on the coal ash issue, almost three times as many meetings as environmentalists and university scientists were granted on the subject.

At the time the lobbying spree began last fall, the industry was facing a fast-tracked effort by the Environmental Protection Agency to finally classify coal ash as hazardous waste, a much-needed designation since the ash - laden with heavy metals like arsenic, lead, mercury, cadmium and a host of other radioactive and dangerous substances – [threatens water supplies](#) and [human health](#) in communities nationwide.

The Obama White House seems to have been more than happy to accommodate the massive lobbying blitz, which achieved in short order exactly what the industry wanted by delaying federal regulation of coal ash waste indefinitely.

The result was that EPA was forced to issue two proposals for public comment – one much more favorable to the industry - undercutting EPA's authority to regulate coal ash based on solid science alone. □□Despite overwhelming evidence that existing state regulations are failing to protect the public, polluter politics has once again prevailed, revealing the Obama White House

to be as easily manipulated by industry lobbyists as any prior administration.

EPA Administrator Lisa Jackson's original proposal drew instant criticism from the coal industry, and polluter lobbyists quickly began booking meetings with the White House to raise objections. They focused their attention on the [Office of Information and Regulatory Affairs \(OIRA\)](#), an arm of the White House Office of Management and Budget that reviews draft agency rules.

Overseen by President Obama's regulatory czar, Cass Sunstein, OIRA is a favorite industry target to gum up the federal regulatory process because it is charged with reviewing proposed environmental rules based on multiple economic and political considerations, not strictly science. OIRA is known to regularly solicit industry input in its review process. The power of the OIRA was well demonstrated during the Bush administration when [former OIRA head John Graham derailed dozens of environmental regulations](#) at the behest of polluting industries.

In the case of coal ash, White House staff held at least 33 meetings with coal ash lobbyists in the past year, calling into question the [coal industry's "undue influence"](#) over the government's deliberative process.

Read the [full report \[PDF\]](#) detailing the coal industry lobbying blitz, and check out Greenpeace's new [spreadsheet of coal ash threats \[PDF\]](#) sorted by company.

Brendan
Gillilan/DC/USEPA/US
10/26/2010 01:29 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Janet Woodka, Gina McCarthy, Peter Silva, Janet Woodka
cc Adora Andy, Betsaida Alcantara

bcc

Subject Pro Publica/PBS Frontline: Furious Growth and Cost Cuts Led To BP Accidents Past and Present

All -

The below story is the result of a 6-month investigation by Pro Publica and PBS Frontline. An hour-long documentary component of the investigation will air on Frontline tonight. [More information - including a review of the documentary - can be found here:](#)

<http://www.pbs.org/wgbh/pages/frontline/the-spill/>

<http://tv.nytimes.com/2010/10/26/arts/television/26spill.html?hpw>

Furious Growth and Cost Cuts Led To BP Accidents Past and Present

ProPublica/PBS Frontline

Jeanne Pascal turned on her TV April 21 to see a towering spindle of black smoke slithering into the sky from an oil platform on the oceanic expanse of the Gulf of Mexico. For hours she sat, transfixed on an overstuffed couch in her Seattle home, her feelings shifting from shock to anger.

Pascal, a career Environmental Protection Agency attorney only seven weeks into her retirement, knew as much as anyone in the federal government about BP, the company that owned the well. She understood in an instant what it would take others months to grasp: In BP's 15-year quest to compete with the world's biggest oil companies, its managers had become deaf to risk and systematically gambled with safety at hundreds of facilities and with thousands of employees' lives. "God, they just don't learn," she remembers thinking.

Just weeks before the explosion, President Obama had announced a historic expansion of deep-water drilling in the Gulf, where BP held the majority of the drilling leases. The administration considered the environmental record of drilling companies in the Gulf to be excellent. It didn't ask questions about BP, and it didn't consider that the company's long record of safety violations and environmental accidents might be important, according to Carol Browner, the White House environmental adviser.

They could have asked Jeanne Pascal. For 12 years, Pascal had wrestled with whether BP's pattern of misconduct should disqualify it from receiving billions of dollars in government contracts and other benefits. Federal law empowers government officials to "debar"—ban from

government business—companies that commit fraud or break the law too many times. Pascal was a senior EPA debarment attorney for the Northwest, and her job was to act as a sort of behind-the-scenes babysitter for companies facing debarment. She worked with their top management, reviewed records and made sure they were good corporate citizens entitled to government contracts.

At first, Pascal thought BP would be another routine assignment. Over the years she'd persuaded hundreds of troubled energy, mining and waste-disposal companies to quickly change their behavior. But BP was in its own league. On her watch she would see BP charged with four federal crimes—more than any other oil company in her experience—and demonstrate what she described as a pattern of disregard for regulations and for the EPA. By late 2009 she was warning the government and BP executives themselves that the company's approach to safety and environmental issues made another disaster likely.

A close look by ProPublica and PBS FRONTLINE at BP's explosive growth corroborated and expanded on Pascal's concerns. The investigation found that as BP transformed itself into the world's third largest private oil company it methodically emphasized a culture of austerity in pursuit of corporate efficiency, lean budgets and shareholder profits. It acquired large companies that it could not integrate smoothly. Current and former workers and executives said the company repeatedly cut corners, let alarm and safety systems languish and skipped essential maintenance that could have prevented a number of explosions and spills. Internal BP documents support these claims.

A ProPublica analysis of state and federal records revealed that BP has fared far worse in the United States than the rest of the industry in terms of spills and serious safety violations.

In Alaska, home to one of BP's longest-standing and most important business units, the company produced nearly twice as much oil as ConocoPhillips, the other major company operating there, but since 2000 it has also recorded nearly four times as many large spills of oil, chemicals or waste. In the Gulf of Mexico, BP had more spills than Shell between 2000 and 2009, even though Shell produced more oil there.

BP's workers also appear to be more at risk. In Alaska, it has had 52 worker-safety violations since 1990, compared with ConocoPhillips' seven. Nationally, according to an extensive analysis of data from the Occupational Safety and Health Administration, BP had 518 safety violations over the last two decades, compared with 240 for Chevron and even fewer for its other competitors. Since those statistics were compiled, in 2009, OSHA has announced 745 more violations at two BP refineries, one near Toledo, Ohio, and the other in Texas City, Texas, where 15 people were killed and 170 injured in a 2005 explosion. "They just weren't getting it," Jordan Barab, OSHA's deputy assistant secretary of labor, told ProPublica and FRONTLINE. In the last decade, OSHA records show that BP has been levied 300 times more in fines for refinery violations than any other oil company.

"BP's cost-cutting measures had really cut into their plant maintenance, into their training, into their investment in new and safer equipment," Barab said. "When you start finding the same problems over and over again, I think you are pretty safe in saying they've got a systematic

problem.”

According to documents obtained exclusively by ProPublica and FRONTLINE, some of the inspectors BP was using to monitor its pipelines in Alaska, where two serious spills occurred in 2006, weren't properly certified or trained. Even today, four years after former CEO Tony Hayward pledged to keep a “laser-like” focus on safety, maintenance on the massive turbines that run the company's Alaska plants has been deferred. Many of these facilities operate without fire and gas detectors, because theirs are outdated and are expensive to replace. Workers in Alaska told ProPublica they fear another deadly BP accident could happen at any moment.

The pattern extended to BP's Gulf of Mexico operations. BP's flagship \$1 billion Thunder Horse drilling platform nearly sank in 2005 after engineers installed ballast valves backward. And a federal lawsuit over safety concerns on another BP rig, Atlantis, was making its way through the courts even as the Deepwater Horizon exploded.

BP declined repeated requests for comment and for an interview with its new CEO, Robert Dudley. When sent a list of more than 30 questions, it replied with a three-paragraph statement saying that BP will establish a new safety division reporting directly to the CEO. Monday, in a press conference in London, Dudley said that he did not believe that BP is an unsafe company, and warned that the ProPublica and FRONTLINE report would be unflattering. For Pascal, the explosion in the Gulf heightened the frustration she'd felt in the last months of her job. BP's Prudhoe Bay and Texas City units had been automatically blocked from government work on her watch—that's the minimum debarment action after a prominent air or water pollution crime in the United States—but she'd never been able get the company to change. She'd used all the normal tools to bring BP into what the government calls “compliance.”

The only thing she hadn't done was bring down the big hammer: the EPA's power to ban an entire company from doing business with the federal government.

Many companies have been debarred, but never has one as large as BP, or as important to the U.S. economy and security. Debarment would have severed BP's contracts with the American military and jeopardized the company's long-term access to reserves that generated nearly \$16 billion in revenue for the company last year. BP's stock price would likely have gone into a tailspin.

Now, with the Deepwater Horizon disaster unfolding on her TV screen, Pascal believed such a move was finally warranted.

Curious for more news, she called her old office in downtown Seattle. But the EPA was already in lockdown. Just weeks out of a 26-year EPA career, she was told she couldn't talk to her old team. She'd have to call the public affairs office if she wanted information.

Pascal then dialed another number, for Scott West, a retired EPA criminal investigator who had also worked the BP case. He, too, was enraged by what he saw happening in the Gulf, and reporters were pressing both of them for information. Together they decided they had an obligation to tell people what they knew about the company at the core of this unfolding tragedy.

If the public had known sooner, Pascal thought, perhaps the Deepwater Horizon disaster might have been prevented.

BP's Historic Ambition

BP's ascent to the top tiers of the oil industry hit full stride in 1995, when John Browne became CEO. The company was founded as the Anglo Persian Oil Company in 1909 but languished after Middle Eastern countries nationalized their oil in the 1970s. By the time Browne took over, it was so far behind Exxon and Shell, the world's largest independent oil companies, that it could hardly feel their tailwind.

Browne was an engineer who had practically been raised in BP's business. But with a passion for art and the London Opera, he was hardly a typical oilman. He did, however, have a vision for a bigger, sleeker BP.

In 1998 he put together what was at the time the largest merger in corporate history—the \$61 billion buyout of Amoco Corporation. By mid-2001 he had also bought ARCO and four other companies. “We’ll be the largest producer of oil in the non-OPEC world,” Browne said when he announced the ARCO merger.

On paper, the company quadrupled in value and became a huge global competitor overnight. Browne was hailed in Britain as the “Sun King,” and in 1999 BP's stock soared to what was then an all-time high.

BP's next challenge was not only to integrate its thousands of new employees and numerous industrial facilities, but to do it without increasing the company's already-significant debt.

Fadel Gheit, a managing director at the investment bank Oppenheimer, said that during the time of the mergers BP's debt ratio was at least 10 percentage points higher than was normal for the company.

"BP has historically maintained higher debt levels and debt ratios than its peers," he said. "It believed that debt is the cheapest source of capital." In contrast, he said, "U.S. majors Exxon and Chevron believe in low debt, or even no debt, and investors seem to like that."

Browne, with little wiggle room, brought the companies into the fold by slashing jobs and cutting costs. He squeezed out \$2 billion in savings from the Amoco merger alone.

At the same time he steamed ahead with extracurricular projects that Tony Hayward would later describe as distractions. Browne delivered speeches on climate change. He rebranded the company from British Petroleum to BP and added the “Beyond Petroleum” tagline to put it in a more cosmopolitan, ecological light.

But Browne and other senior managers weren't deeply engaged in the day-to-day operations of their facilities, and the disparate corporations they acquired were never fully integrated. More than a decade later, employees still identified themselves as ARCO, or Amoco, or wherever else

they came from. And each of those cultures approached safety and maintenance differently.

“Growth creates challenges to management,” said Ronald Freeman, a former managing director for Salomon Smith Barney. “BP in this case just grows beyond its management ability to watch everything they need to watch when they need to watch it.”

While Browne reveled in the spotlight—he was even knighted by Queen Elizabeth—cracks began to appear in his burgeoning company, cracks that Jeanne Pascal would be among the first to spot.

The Government Was Warned

Pascal was assigned to BP in 1998, when the company’s Alaska division was settling a criminal case involving a contractor who had illegally dumped hundreds of gallons of toxic waste back into a well hole. It was the company’s first federal felony, Pascal’s first assignment to BP and the first dot in a crude portrait of what would shape up to look like a repeat offender.

Pascal was 49 at the time. An affable woman, with carefully coiffed hair and residual southern charm, she grew up in Tennessee and got a law degree from University of Memphis. After graduation she landed a job as a prosecutor in a small town north of Seattle and married a sheriff’s deputy.

But Pascal wanted to “make a difference,” and she decided to move into environmental law. She set her sights on getting a job with the EPA, and after sending her resume to the agency every month for a year, she was finally hired in 1984.

“I actually put the memo of hiring into a scrapbook,” she said.

By the time she was assigned to the BP case, Pascal had handled at least 600 EPA cases against large and small companies, usually juggling 25 to 50 at a time.

Almost any time a company is convicted of a crime it faces the possibility of a ban on federal contracts, or debarment. When debarment kicks in—or in some cases to avoid it in the first place—companies reach a settlement with the EPA that establishes benchmarks they must meet, so the government can eventually lift the sanctions.

In Pascal’s experience, most companies settled quickly and in good faith, and at first BP seemed to be following that path. After pleading guilty to felony charges, it avoided debarment by signing a settlement agreeing to five years of probation and promising to institute a “revised corporate attitude.” It pledged not to punish employees who reported environmental concerns and said it would spend \$15 million on an environmental management program for its operations in Alaska, Texas and the Gulf.

As part of the agreement, BP Exploration, the company’s Alaska division, also agreed that its Health, Safety and Environment director would report directly to the division president, so top executives couldn’t avoid hearing about serious safety concerns. The EPA identified this as one

of the most important things BP could do to reform its safety culture in Alaska.

For several years, BP appeared to be complying with the agreement.

The monthly reports it sent to Pascal detailed the success of its maintenance and safety programs. Senior managers assured her personally of the company's progress when they met in the conference room of Seattle's Fairmont Hotel. There were a couple of accidents, but executives blamed irresponsible employees or assured her the problems had been fixed.

Then, in early 2004, Pascal was sitting at her desk at the EPA when she got a phone call from a BP mechanic who was a member of the United Steelworkers Union on Alaska's North Slope.

"There are awful things happening on this oilfield," Marc Kovac told her.

Kovac was referring to the facilities where he was working near the shore of the Arctic Ocean.

He described serious corrosion in some sections of pipeline and said BP was manipulating environmental inspection reports to show that the pipelines were fine. He told her that workers who complained about the problems had been fired. And he said that a leak—or worse, an explosion—could happen any day.

"I'm scared for my life," Pascal recalls Kovac telling her. "If you have a case against BP Alaska you don't want to let them go."

Pascal's phone kept ringing, and workers began sending her documents and internal company e-mails to support their claims. Among them were documents from the mid 1990s describing BP's decision to put off or cancel corrosion maintenance in order to save money and meet John Browne's budget targets. Other documents showed that BP had delayed replacing the gas detectors that warn of a potential explosion. Pascal learned that a BP oil worker, Don Shugak, had been severely burned in 2002 after a well exploded in his face—and that BP had misled investigators about the cause of the accident. And she discovered that in 2003 the company had failed to report a small oil spill until after it had begun cleaning it up.

The BP case was turning into a case unlike any other she had handled. "I'd had whistleblowers come forth before, like one or two, maybe three," she said. "I've never had 35 to 40 people come before me."

Pascal was furious. It appeared that BP had deliberately misled her and had violated its compliance agreement, but she needed an investigation to find out for sure.

"I tend to take people at face value," she said. "One of the hardest moments of my life with BP was in the first six months of 2004 when I realized that I had been managed, and that I had been so easily manageable. They lied. I had swallowed their line hook, line and sinker."

Losing trust in BP was a hard lesson for Pascal, and the events of 2004 changed the way she approached the company in the six years that followed. For the first time she thought she might

have to actually debar this company.

Pascal demanded that BP investigate the workers' claims. In a meeting in Seattle in late 2004, the company's lawyers from the firm Vinson & Elkins showed the EPA an internal investigation that—while critical of BP in some aspects—dismissed many of the concerns.

“We did not find any evidence that the allegations regarding data fraud in the CIC program had merit,” the report stated, referring to the corrosion maintenance program.

Pascal remained convinced that an accident was inevitable. She shared her fears with the EPA's Criminal Investigation Division but said she was told that until an accident occurred, there was nothing to investigate.

Pascal then took her material to the Department of Justice.

“I said I had documents which showed the pipelines were in bad shape and that sooner or later there was going to be some kind of a failure,” she said.

An agent from the Federal Bureau of Investigation traveled to the North Slope to poke around but found nothing that could be knitted into a prosecution. The federal government, Pascal was again told, didn't have jurisdiction to interfere with oil and gas infrastructure unless a crime had been committed or an accident had already happened. In the meantime BP's five-year probation period had run out, taking most of Pascal's leverage with it.

“I explored that with all kinds of people and I couldn't find a jurisdictional way in, other than to let it happen,” she said. “So we had to wait.”

A Deadly Disaster in Texas

It didn't take long for the disaster to happen—it just happened 4,600 miles from Prudhoe Bay.

On March 23, 2005 a tower used to boil hydrocarbons at BP's sprawling 1,200-acre Texas City refinery was overfilled as the system was being restarted. Fumes, and then volatile liquid, filled an antiquated “blow down drum” meant to catch the overflow and spewed from the top like a geyser. When the fumes reached the engine of a truck idling nearby, the place blew up.

The blast obliterated a nearby office trailer. Fifteen people died.

That night, in her quiet country home outside Seattle, Jeanne Pascal broke down in tears. This accident could have been avoided, she told her husband, Dallas Swank.

“She was fairly certain that when the dust settled that they were going to find out that this was due to lack of maintenance and all the same things happening in Alaska,” he said.

Pascal was right.

Though Texas City was a refinery, not a production field, the circumstances were nearly identical. The BP executive responsible for refining at the time, John Manzoni, was managing maintenance issues in Alaska in the 1990s, when some of the cost cutting described in the e-mails that workers had sent to Pascal took place.

Texas City had been operating under budget cuts since BP took it over from Amoco in 1999. Workers—including the plant’s manager—had explicitly warned top corporate executives that they didn’t have the equipment or the resources to prevent a deadly explosion.

An internal BP safety report completed just months before the explosion said executives were “not in control of management of major hazards. The cost cutting has gotten to an extremely critical stage ... there is not any slack in the system.” It continued: “There is an exceptional degree of fear of catastrophic incidents.”

Manzoni, now the chief executive of Talisman Energy, based in Calgary, Alberta, declined to comment. BP also declined to answer questions.

Investigators later found that Texas City’s isomerization unit—the refining tower that ignited—was relying on what is called a “blow-down drum,” a piece of equipment that was considered state of the art in the 1950s, to catch overflowing fuel. Amoco had been told to replace the drums as far back as 1977 but hadn’t acted. BP considered switching them out in 2002 but held off because of the \$150,000 cost.

“Capital expenditure is very tight,” said an internal BP e-mail from management about the decision at the time. “Bank \$150k in savings now.”

The Texas City blast was the largest industrial disaster in the United States in decades. Former Secretary of State James Baker, who led an investigation into the accident on BP’s behalf, said: “BP has not adequately established process safety as a core value.”

The explosion knocked BP, and John Browne, off their meteoric trajectory.

“BP gets it, and I get it too,” Browne would later say. “This has happened on my watch, and as chief executive I have a responsibility to learn from what has occurred. I recognize the need for improvement.”

The Largest Spill Ever on Alaska’s North Slope

BP was still coming to terms with what had happened in Texas when disaster struck again, this time in Alaska.

At 5:58 a.m. on March 2, 2006, an Alaskan field operator radioed in an emergency “code black.” He had discovered an oil leak—a melted pool in a drift of pure white snow—near the central pipeline that gathers oil from the western half of the Prudhoe Bay oil field. Some 212,000 gallons—the largest spill ever on the North Slope—had leaked from a dime-sized hole in the line

over three days. The pipeline's spill-detection alarm system had malfunctioned, failing to alert BP.

BP revealed that it had not "pigged" the line—the standard maintenance process, in which a bullet-shaped robot is run through the pipe to clean it and measure corrosion—in eight years, in part to save money.

Congressional investigators turned up a set of e-mails—including some of the same documents Pascal had taken to the Justice Department—explaining that BP had also stopped using chemical corrosion inhibitors on the pipelines, even though it knew that would increase the chance of a spill.

"Due to budget constraints, the decision has been made to discontinue the PW inhibitor," a manager with BP's corrosion program wrote in 1999. "The GC2 bulk tank should run out within the next two days and it will not be refilled."

Three days later, a colleague responded, "I thought the PW lines were the ones in least control and therefore the ones we are most worried about."

In an April 2005 exchange, BP's corrosion management team discussed three ways to meet budget cuts: stop pigging, stop using chemicals to control corrosion or cut back inspections.

"We have huge infrastructure that is hanging on with no margin for error," wrote Kip Sprague, a corrosion manager. "Bitch, bitch, bitch ... I will try to wrestle down some middle ground between the reality of the situation and some feel-good placeholders." Sprague declined to comment on his e-mail.

Experienced oil workers said the Alaska spill was years in the making. Conditions in the 330-square mile drilling field are unusually harsh. Drilling operations are based in the town of Deadhorse, an industrial hashmark scratched out of the barren permafrost. It has an airport and thousands of temporary workers, but almost no year-round residents. In the winter, the sun never rises; in the summer, it never sets.

In the last miles before the shoreline of the Arctic Ocean, roughly 8 percent of America's oil supply flows through an extraordinary network of oil wells and pipelines and dozens of factory-sized facilities, down through the TransAlaska Pipeline, south to the port of Valdez. From there, it is shipped to California and beyond.

The drilling rigs and pipelines on the North Slope were built in the 1970s, when it was expected the field would last maybe 15 years. But the oil deposits were much larger than expected, and BP has reaped unforeseen profits by pushing existing equipment to handle production for decades longer than was ever intended.

Marc Kovac, one of the mechanics who first complained to Pascal, told ProPublica that the company follows what he called a policy of "run to failure"—minimizing maintenance as it tries to squeeze the maximum possible production from each link in its chain of facilities. Now that

the output of the North Slope has peaked, Kovac said BP managers see little incentive to upgrade equipment that will eventually be sold or abandoned.

The March 2006 spill jolted BP into crisis mode. In August Browne flew to Alaska to do damage control, touring the field with reporters and showing them how BP was attending to the mess.

But just two days later, a second smaller leak was discovered in the field's major eastern oil artery. That pipe hadn't been pigged since 1991, and an investigation found that 16 miles of it were severely corroded and could leak at any time.

As a precaution, the company cut off the entire flow of oil from the North Slope overnight, sinking BP's stock and sending oil prices skyward.

"Shutting down the whole oilfield seemed a little extreme," Browne wrote in *Beyond Business*, his memoir. "I knew the repercussions would be massive. ... I did not think things could get much worse."

Pascal was horrified—but not surprised—by what was unfolding. She also saw the opportunity she had been waiting for to help the North Slope whistleblowers.

"If a catastrophe has to occur to get others to belly up to the plate, it's regretful, but it may be necessary before real change will take place," she had written to Marc Kovac a year earlier. "I think this is win-able—the issue is at what cost."

Now that a spill had occurred in Alaska, the EPA could formally begin a criminal investigation of the workers' complaints. With Pascal's help, Scott West and the EPA's criminal investigation division quietly began work. Texas City was outside Pascal's jurisdiction at the time, but a separate criminal investigation had begun there, too.

Bob Malone, the newly appointed president of BP's American operations, told Congress there were "similarities" between the spills in Alaska and the Baker report on the explosion in Texas City. He acknowledged that the Prudhoe Bay spills were the result of "extreme" budget pressures and cost cutting that had discouraged preventative maintenance. He promised to create an independent ombudsman office so workers throughout the nation could communicate anonymously with management about safety concerns.

By the beginning of 2007, however, BP's board was growing impatient with Browne's now-numerous blunders. The scathing Baker report about the Texas City explosion came out just a week after BP learned that Browne had been having an affair with a man. According to news accounts and Browne's memoir, the company had already decided to replace him the following summer with Tony Hayward, a longtime BP executive who had worked closely with Browne for years. But before the switch could be made, news broke that Browne had lied under oath about meeting his partner through London's premier male escort service. He resigned the next day.

Years later, Browne wrote in his book that he still couldn't understand how the Alaskan oil transit lines had deteriorated so badly: "We had inspected the line regularly, so why had the

corrosion accelerated so rapidly?"

BP's Inspectors May Not Have Been Qualified

One answer to Browne's question might lie in information that BP hadn't shared with Pascal, the public or congressional panels in 2006 and 2007: The inspection program the company relied on to check its pipelines was in disarray.

E-mails and letters obtained by ProPublica show that the main contractor BP was using to check its facilities, Acuren, employed inspectors who weren't certified to perform their jobs and may not have been properly trained. The certification issues affected at least 19 inspectors responsible for more than 13,000 locations along the line and were serious enough that they were reported to BP's board of directors in London.

Concerns about the inspectors were raised in early 2007 by Acuren's training supervisor, Marty Anderson, according to an e-mail last year from BP's deputy ombudsman. Acuren had hired Anderson after the 2006 spill, first to oversee the inspection program and later to audit the program's overall effectiveness.

"He revealed a significant quality control breakdown in everything from the company's procedures ... to inadequate record keeping ... to having actually unqualified inspectors in the field performing inspections," Billie Garde, BP's deputy ombudsman, wrote to BP's general counsel. "The concerns were serious, and although people try to downplay the significance of the issues, they reveal a complete breakdown."

Anderson, who has more than 20 years' experience and has worked with companies including Shell and Chevron, couldn't tell ProPublica about his findings because he signed a confidentiality agreement with Acuren. But he confirmed that the company had, indeed, employed uncertified inspectors, and he explained in general terms why this was significant.

"The worst problem is to be certified but not qualified, because that means the person did not meet the qualification standard but yet someone testified that they did," Anderson said. "To me, that's fraud and could be a criminal offense."

BP and Acuren didn't respond to Anderson's complaints until he contacted the ombudsman's office.

"The procedure did not move quickly enough or with enough rigor at the beginning both on our side and on Acuren's side," said an internal BP memo.

Pascal also learned of Anderson's complaint. But since the ombudsman's office had already taken on the issue, she decided to sit back to observe how BP would respond.

In October 2007—14 months after the shutdown and seven months after Anderson first reported his findings—Doug Suttles, BP Alaska's president at the time and now the executive responsible for drilling in the Gulf of Mexico, began to act. BP hired an independent auditor and launched a

three-part review of Acuren's inspection program that confirmed Anderson's claims. Acuren re-inspected more than 10,000 locations along the line. It also transferred two senior executives.

BP declined to answer questions about the inspection program, but BP later assured members of Congress that its inspectors were properly certified. Acuren did not respond to calls for comment.

Garde, the BP deputy ombudsman, said Acuren inspectors weren't responsible for the exact sections of the line that leaked in 2006 and that most of them were competent to perform their jobs. But she was troubled that BP hadn't uncovered the problems that Anderson found when it vetted the Acuren contract.

"BP has oversight responsibility of all of its contractors, and it should have identified these issues without the need for a worker to come forward and speak about them," Garde said. "It would be a rare occasion to have another Marty Anderson in other contracts, and you can't rely upon that."

Garde was also concerned about how Anderson was treated after he reported the problem. Instead of being praised for his vigilance, he suddenly had trouble finding another job.

"Marty became the subject of both overt and subtle retaliation by Acuren and BPXA personnel," Garde wrote in a letter to BP's general counsel. "There is no question that there remains a high degree of hostility toward Marty by Acuren for 'getting them in trouble.'"

BP was "Too Top Down, Too Directive, and Not Good at Listening"

By late 2007, BP's internal problems were no secret. They had helped push the company's celebrity CEO out of his job, and Browne's replacement, Tony Hayward, minced few words about why.

"We diagnosed ... a company that was too top down, too directive, and not good at listening," he said in a speech to business students at Stanford.

"We failed to recognize we're an operating company. We had too many people that were working to save the world," he continued, in a clear jab at Browne's speeches on climate change.

Most famously, Hayward promised to turn the company around and to maintain a "laser-like focus" on safety. But it was unclear how he planned to do that.

In fact, soon after Hayward became CEO, BP's Alaska division made a bold change that deemphasized safety and was a direct affront to Jeanne Pascal and the EPA: It removed the division's Health, Safety and Environment director from a vice presidential position and dropped it several tiers down in the management hierarchy.

In Pascal's first settlement with BP Alaska back in 1999, the company had agreed that the HSE

director would report directly to the division president. But now HSE was being put into what the company calls a “technical directorate”—a group tasked with corrosion management and balancing maintenance with budget priorities.

“When you have environment and health and safety reporting to a business unit, what do you think gets the first attention?” Pascal said recently. “Business.”

Several former BP executives and managers say the move created a conflict because it meant that the person responsible for raising profits was also responsible for deciding how much to invest in safety. It also sent a clear message to employees that, in practice, safety was less important.

“Symbolism's important. The big stick's gone,” said a former BP executive. Like other executives and managers interviewed for this story he declined to be named because he did not want to be seen as working against BP.

A spokesman for BP Alaska told ProPublica that the reorganization was meant to clarify leadership authority at the top of the organization, improve efficiency and emphasize safety rather than diminish it.

“For someone to look at a line on an org chart and determine that we had devalued the importance of HSE—that would just be wrongheaded,” said the spokesman, Steve Rinehart. “I don't think that anybody could spend much time working around BP Alaska and not see pretty clearly how focused that organization is on safety and HSE.”

In an October 2008 letter to BP's attorneys, Pascal and Carson Hodges, her junior co-counsel on the BP case, demanded that the HSE group be placed back under the president. They also wanted a specific BP staff member selected as their liaison in ensuring that the company complied with an eventual debarment agreement—a guarantee to Pascal that she wouldn't be duped again.

BP rebuffed the government's demands.

“BP was very recalcitrant,” Pascal said. “It was turning into a major impasse.”

The HSE issue was critical because the communication gap between BP's senior executives and its operational managers had caused problems for the company before.

“Good news traveled instantly and bad news didn't travel at all,” Tony Hayward joked in that critical speech at Stanford.

When Bob Malone, the president of BP America, testified before Congress in late 2006, he swore that cost-cutting measures in Alaska hadn't been a factor in the pipeline spill. He looked sheepish six months later when he testified again and had to admit that he hadn't been aware of the extent of the cost-cutting program and that budget pressures had indeed compromised the pipeline.

After the Texas City explosion, BP's head of worldwide refining, John Manzoni, gave a sworn statement that he, too, had been unaware of the cost-cutting pressures on the Texas City refinery and that he hadn't been informed of the risks.

Pascal was beginning to wonder whether BP could be trusted to do business not just in Alaska but anywhere in the United States. A nationwide debarment had always been a possibility, but now it seemed it might actually be warranted. Such a move would cancel the billions of dollars in fuel contracts BP gets from the Department of Defense and prohibit BP from taking out new leases to drill on federal lands or waters. Since 39 percent of BP's oil and gas production comes from U.S. territory, a nationwide debarment would have a critical impact on the company.

But Pascal wrestled with the implications. BP paid the federal government more than \$674 million in royalties in 2009 for its government leases, and it provides nearly 12 percent of the U.S. military's fuel supply.

"The question is does the environmental damage outweigh the government's need for and reliance on BP's oil and gas?" she said.

BP Focused on Safety but Didn't Make Things Safe

On the surface, BP appeared to be getting safer in the years leading up to the Deepwater Horizon disaster.

Signs went up warning workers to hang onto handrails. Employees were forbidden to run in icy conditions. Meetings started with safety sermons. And each time a BP employee parked a pickup truck, he had to place a small yellow raft under the drive train in case a drop of oil fell from the gear box.

The number of recordable safety incidents dropped. Even as its profits increased, BP managed to achieve an exceptional safety record in terms of lost man-hours, said Robert Bea, an industry veteran and engineering professor at the University of California, Berkeley, who is independently investigating the Gulf spill.

But something was missing.

In Alaska, many of the same system-wide maintenance issues the company had been criticized for ignoring in 2001 remained unfixed. The conditions of the pipelines were as much a concern to workers as they were before the Prudhoe Bay spill.

"Everything was around lost work days, or recordables," said one former senior executive. "That was what the board wanted."

While BP was focusing on slips, trips and falls it wasn't paying enough attention to "low-probability, high-consequence systems failures lurking in the background," Bea said.

Texas City was a good example, said Don Holmstrom, who headed an investigation into the refinery blast for the Chemical Safety Board, a government agency that investigates industrial accidents. In the months before the disaster there—just as on the Deepwater Horizon rig—BP had achieved an excellent safety record as measured by recordable injuries and lost man-hours. But after the blast—and after “safety” became the company’s staple refrain—the dangers persisted at Texas City. Four more workers have died in accidents there since 2005.

“Citing personal safety statistics as an indicator,” Holmstrom said, does “not necessarily speak to how well one is doing.”

If the safety stats touted in annual reports were mostly window dressing, then the maintenance and reinvestment in the performance of BP’s facilities—in what the company calls “operational performance”—were the structural studs holding up the business, and they were neglected.

Former BP executives say the company’s top management made too many maintenance decisions while peering into a spreadsheet and that it was difficult for them to justify to their bosses making long-term, preventative investments.

“It’s been a struggle,” said a former BP executive who asked not to be identified because he still works in the industry. “I’m not going to make more money this quarter, but I have to increase spending in order to have a long-term viable business. That’s hard. I was just always explaining or trying to explain what we were trying to do in a language that is not purely financial.”

Nowhere were the risks created by underinvestment as palpable as at the company’s Prudhoe Bay operations.

In September, 2008, Karl Massera was walking along a high-pressure gas pipeline when it suddenly blew apart. There was no fire, but a 28-foot-long section of steel vaulted through the air, landing with a thud on the Alaskan tundra a fifth of a mile away. Massera hit the ground, expecting to die, as the 10-ton steel pipeline whipped through the air like a wild snake. Shouting over the roar of the leaking gas, he radioed the control center to warn them not to shut down the field’s electricity, because if they did, a spark could kill him. An electrical spark had once ignited an explosion in a similar incident and burned several nearby facilities to the ground.

Just 30 minutes after Massera radioed for help, another unrelated leak occurred on a separate line a couple of miles away.

A little more than a year later, a staging valve stuck closed at a large central compressor plant in Prudhoe Bay. Gas backed up, enveloping the facility in flammable fumes. Although flares had been installed to prevent a disaster like the one in Texas City, they weren’t lit and didn’t function. So the gas built up and spread around the plant. Sleeping barracks were nearby, and just a spark of static electricity in the bone-dry arctic air could have ignited an explosion that could kill hundreds of workers and shut down Alaskan oil production for years. That it never happened was just sheer luck.

Then, in November 2009, ice built up in a 25-year-old pipeline to the Alaska division's Lisburne Production Center—a facility so large that it dominates the horizon at the edge of the Arctic Ocean. The frozen line eventually split open, dumping nearly 46,000 gallons of crude oil, toxic wastewater and natural gas onto the frozen ground. BP had been warned by workers months before the spill that numerous problems at Lisburne were increasing the risk of such an accident.

The incidents enflamed Pascal's distrust, and she began to ratchet up her demands that BP agree to a set of rigid checks in order to fend off debarment. BP's progress reports on its maintenance projects were no longer good enough. Now she demanded receipts.

"I was no longer willing to accept their word," she said. "Show me, what did you maintain? I want to see what you paid, who you paid. What did you replace? I wanted the details."

"They did not like that at all," she added.

ProPublica gave BP a detailed list of questions about each of these incidents and asked for examples of how the company had strengthened operational safety in Alaska since 2001. But BP's response did not address the incidents or the Alaska safety issues.

The End of the Line

By the end of the decade Pascal again began to think that the only way to make the company improve was to debar the entire corporation. "There comes a point where the events conspire to basically show federal regulators that a particular company, for whatever reason, has no intent of complying with U.S. law and regulations," she said.

The company now had three criminal convictions—in Endicott Bay, Texas City and Prudhoe Bay—and a deferred criminal conviction in a price-fixing scandal. It also had a record of ongoing problems and employee harassment.

Pascal began carrying the completed debarment papers tucked under her arm as she made her way into work. Yet she still held to one last hope that a compromised compliance agreement could be reached.

By 2009 her demands included extra regulations and oversight of BP operations not just in Texas and Alaska, but also in the Gulf. It included moving the HSE group back up in the company command.

Pascal, at this point, was on the verge of retirement—she had promised herself she would leave at the age of 60. But she postponed her departure several times in order to see the BP case through. She said company executives acted confident—"arrogant"—as if they believed BP was so important that the U.S. government would never dare to debar it. "BP told me multiple times that they had direct access to the White House and they would go there."

In a last-ditch effort, she decided to call the company's bluff. If BP thought the Defense

Department needed it so badly it would never allow debarment, Pascal would show them they were wrong.

In the spring of 2009 she called a meeting with BP's new general counsel, Jack Lynch, at the Fairmont in Seattle to show him an e-mail her office had received from the Defense Department. In it, an official with the Defense Logistics Agency, the division responsible for BP's fuel contracts, offered unconditional support for debarment.

"You could do anything you wanted to BP and we could deal with it," the official, Normand Lussier, wrote, adding that he didn't think defense concerns should play into Pascal's judgment.

The message was clear. The government was united in its concern about BP. Now the company needed to act.

Pascal thought she had reached a turning point with BP. Lynch was new to his job, and she said he seemed genuinely intent on reaching a resolution.

But months passed, and still the agreement wasn't signed. Pascal began to suspect that BP was waiting her out.

Her concern grew when she learned that Marty Anderson, the inspection supervisor who had raised the alarm about BP's pipeline inspection program in Alaska, was accusing the company of blacklisting him. Here she was, working out a final agreement that pivoted around open safety communication between workers and their managers, and the company appeared to be punishing the man who had raised a flag about one of its worst spills in a decade.

"It appears that BP, regardless of its code of conduct and statements to the government, will do whatever is necessary to cover up the improper actions of its senior managers," she and Hodges, her junior co-counsel, wrote in an e-mail to Lynch and BP Alaska's new president, John Minge, on January 19, 2010. "This promotes intimidation, retaliation, blackballing and unethical behavior in the management ranks, and a culture of fear and lack of ethics in the employee ranks."

"Nothing has been done in TWO YEARS," the letter continued. "This is a current graphic example of why EPA does not trust BP."

When she wrote that letter, Pascal had all but made up her mind. If BP didn't sign the settlement agreement soon, she would double back on her case, make sure the documents behind her claims were rock solid and send the debarment papers up the flagpole for a final signature from the EPA's suspension and debarment official.

Two days later, Pascal was walking into the elevator at the EPA's downtown Seattle offices when her foot caught on an uneven lip at the door. She fell, hard, and was taken to a hospital, her face bruised, her rotator cuff so badly torn that her doctor said it was one of the worst shoulder injuries he'd seen.

For a few weeks, she tried to work from home. But she needed surgery and faced a six-month recovery period before she would be able to resume her full workload. She couldn't type. She couldn't drive. She couldn't even raise her arm to put a dish in the microwave.

On March 1, Jeanne Pascal submitted her retirement papers, leaving the BP case she had worked on for nearly 12 years unresolved.

The decision about whether or not to finally debar BP now falls to Carson Hodges, Pascal's former junior co-counsel. The EPA confirmed to ProPublica that it suspended its settlement negotiations with BP after the Gulf disaster and that it will add whatever findings result from the Gulf investigations to any future settlement. Neither Hodges or the EPA would comment for this story.

Pascal, for what it's worth, has finally reached her decision.

"I have to conclude that BP has a corrupt culture, and had I arrived at that conclusion while I was handling the case I would have immediately debarred them," she said last week. "I would have just let the chips fall where they may."

Brendan
Gillilan/DC/USEPA/US
10/20/2010 03:00 PM

To Richard Windsor, 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 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.

Brendan
Giffilan/DC/USEPA/US
11/01/2011 09:12 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Arvin Ganesan, Laura Vaught, Stephanie Owens
cc
bcc
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 capi-tal-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.

In the late 1980s and early '90s, Republicans felt as though they would never in their careers regain a majority. As Walden explained, "There was an attitude that you didn't want to stir things up with the majority, because then you wouldn't get anything."

Now this ascending group of House Republicans appears to be clear on one thing: They have a chance to reject the sitting president's agenda and possibly unseat him in a year's time. And Upton, ever a competitor, is determinedly part of that mission.

That makes onetime Democratic allies wonder what became of their friend Fred, who once pushed for mandates that all light bulbs be more energy-efficient but who now upbraids the Environmental Protection Agency for protecting the environment.

In his job as [Energy and Commerce Committee chairman](#), Upton has ruled more forcefully than anyone expected. "I chose everybody's spot on our side. I interviewed all of them," he said of his subcommittee lieutenants. His handpicked freshman-class reformers got coveted seats on his committee, he said, and "we're better for it."

In fact, Upton keeps signaling to his collaborators in progressive politics that they should expect no declarations of independence from Fred Upton. "We're going to have to work very closely with the leadership," he said. "No surprises. And we're going to work in sync."

For environmental lobbyists who found Upton to be available, if not reliable, over the years, the chairman's door appears closed. "The radicalization of Fred Upton is a perfect example of what's wrong with our country," said [Heather Taylor-Miesle](#), the director of the Natural Resources Defense Council Action Fund, who had counted him among the most fearless in the GOP. "I had real hope for Fred Upton, and actually I still do."

'Old Fred'

On a recent morning (he often arrives at dawn), Upton ambled into the Rayburn House Office Building. Bowlegged, rosy-cheeked and mostly sunny, he offered greetings to security guards and assistance to a staffer who works in a neighboring office. He allows a long-serving aide to bring her two dogs to the office, where they cavort with his own Sammy — and he later tears up at the memory of another dog who had visited often but has since died. The chairman showed off his balcony overlooking the Botanical Garden, a stone ledge soon to be the site of charcoal grills and bonhomie among his committee's friends and family. "We're going to do ribs," he said with a huge grin.

Upton had just written, respectfully, to a disgruntled woman in his district on the occasion of her 70th complaint to him. He tends personally to constituents, whether getting a veteran his long-denied Purple Heart or finding road funds for highways near Muhammad Ali's farm. In his two dozen years in Congress, he has missed 33 out of 15,000 votes, and he can offer pained explanations for each absence, like a veteran pointing out battle scars.

But Upton's love-thy-enemy alliances nearly cost him exactly what he was working toward. To lead the Energy and Commerce Committee, he had to vanquish Joe Barton, a more senior contender from Texas. One demerit was Upton's partnership with John Dingell, the Democrat who commanded the panel for decades and defended Michigan's mighty manufacturing sector. As a House GOP steering committee mulled the options, Upton called for backup all over town. "Fred Barnes is my neighbor," he offered as one example of a D.C. pasha and right-wing commentator whose writing assured Beltway hard-liners that they could trust Upton.

And Dingell, who is helping Upton on a bipartisan pipeline bill, understands that with power comes partisanship, that no one with a gavel can be a goody-goody. "Fred does not have the freedom he would have had previous to his time as chairman," Dingell explained. Upton still partners with Dingell on smaller issues such as tort reform and pipeline safety. He takes pains to host some make-nice events, like inviting to his Alexandria house Michigan's 15 House members, two senators and even the governor — with every potluck dish prepared by an elected official or spouse. ("It was just like the old days," recalled Debbie Dingell.) To usher in his Energy and Commerce reign, Upton treated Dingell and all the other previous chairs, and their wives, to dinner at Carmine's in Penn Quarter.

Those are the vestiges of Old Fred, who could freely back cash-for-clunkers legislation with fellow Michiganders when the GOP message-shapers decried it as a mega-giveaway for the Motor City.

New Fred insistently plays down the outreach he gets from the White House, even when innocuous. One number that pops up on his phone belongs to Transportation Secretary [Ray LaHood](#), himself a former GOP House member. "You know, your cellphone goes A to Z, and I'm the last person," Upton jokingly explained as he tried to pass off the incoming call as a mistake. "When he put it into his holder, it scrolls. What do you call it? Butt-dial."

The two go way back, know each other's wives, brought their families to centrist retreats and learned much at the knee of Bob Michel, the storied embodiment of Capitol Hill's bipartisan past, when all was bitter retorts by day and sweet vermouth by night. "This is not folklore. I experienced it," LaHood said.

'New Fred'

As political discourse has sharpened, Upton is keeping up with the times. In a subcommittee session last year, he grabbed the gavel from his friend Jay Inslee, a Washington state Democrat filling in as chair, and spun it around in his hand. He compared Obama's proposal for cap-and-trade legislation to an early Clintonian enthusiasm for a BTU tax on energy. "You know

what we called BTU?" Upton asked Inslee, who knew that the acronym stands for British thermal unit. "Big Time Unemployment."

Inslee probably didn't think it was funny. After voting for Clinton's 1993 stimulus effort, Inslee was ousted, though he fought his way back and now represents a more urban district. "A year from now," Upton said to his colleague, "you're going to look back and say by not working with us, you just lost this gavel. Even though you had an 86-vote margin."

Upton's once-cozy dealings with the White House, which courted him in the earliest months of the Obama era, have turned bristly.

Recently, White House Chief of Staff William M. Daley phoned Upton to ask where things stand with the supercommittee. In recounting the chat, Upton boasted, "I didn't spill the beans of what we're doing, but he understands clearly the need to succeed." In fact, Upton says he gave Daley a piece of his mind: "I gave him a little pushback on what the president said and how I reminded him that I was on my feet when he talked about the need to deal with entitlements."

Daley's version: "He did express — not pushed back — his opinion on the need for entitlement cuts, and we had a discussion on the need for revenue for a balanced package." Upton, Daley said, was "rather guarded in talking about the details, which I knew from other conversations."

Back in Michigan, a New Fred backlash has begun. Eco-activists in the district grumble that they're "Fed Upton." Former representative Howard Wolpe, a Kalamazoo Democrat who helped Upton defeat a conservative GOP incumbent in his first race, issued a [scathing open letter to his old friend](#) in the local papers.

"I have always known you to be honest, moderate, reasonable, and conscientious," wrote Wolpe. "But I can not tell you how painfully disappointed I have been to see you morph into a right-wing extremist."

Upton called Wolpe after the letter's publication, but in an interview, Wolpe would not describe the conversation except to say that "it reemphasized for me my interpretation of what was happening." Wolpe died of a heart condition a few days later.

Upton said he will be nicer to Democrats than they were to the GOP in recent years. "If you have an amendment that you think is worthwhile, go find a Democrat," Upton said he told his fellow Republicans. Bipartisan ideas, he claims, now get top priority.

But that's more for the small stuff; after all, plenty of the GOP leadership's priorities have received early and swift consideration without Democrats on board. Already Upton has pushed through his committee a repeal of Obama's health-care law, a favorite target of the GOP.

Recently, the House Democrats' second-in-command, Hoyer, rang him. (Upton noted Hoyer's excellence in playing hearts: "Oh, man, it's great to stick him with the queen!") But this conversation was centered on the supercommittee. "I can't really talk to you now because I'm in the middle of my fantasy football pick and our computers are down," Upton told him.

Still, he heard Hoyer out: The dealmaking should go big, closer to \$4 trillion, putting everything on the table, and with a final vote of 8 to 4 or higher, instead of a mere eked-out agreement.

“I have no idea how Fred is going to vote,” Hoyer said in an interview. “He is not an ideological hard-liner. He’s principled. He’s honest. But I think he can play a very constructive role.”

The supercommittee is a time-suck and an energy drain. Upton says strangers in airports have offered prayers.

“As I’m home literally every week, people just know that we’re in this rut,” Upton says, with tears brimming. And yet, almost in the same breath, he boasts that he promoted some freshman to his panel, that he pushed the president to jettison some tough ozone-reduction plans.

Upton also just passed a bill to ease emissions rules for cement manufacturers, and he noted that Democrats are starting to abandon the White House on such measures.

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.

Brendan
Giffilan/DC/USEPA/US
09/09/2011 05:00 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster
cc Betsaida Alcantara
bcc
Subject Greenwire: Greens Urge Lisa Jackson Not to Quit EPA Over
Obama's Ozone Stand

Greens Urge Lisa Jackson Not to Quit EPA Over Obama's Ozone Stand

By GABRIEL NELSON of [Greenwire](#)

There's no evidence U.S. EPA Administrator Lisa Jackson plans to leave the agency anytime soon, but a group of environmentalists has started a new campaign urging her to stay put despite last week's rebuke from the White House on smog.

A new website, [americanedslisajackson.com](#), was launched yesterday by the Earth Day Network in an effort to quiet what has become a noisy rumor inside the Beltway since President Obama announced that he was ordering Jackson to scrap her two-year-old plan to tighten the national limit on ozone in the air.

There is rampant speculation among the "chattering classes" on Capitol Hill, the website says, referencing a recent *Politico* article that questioned whether Jackson would stay. In that article, an anonymous White House official says Obama expects Jackson to remain with the administration, while some greens said they suspected she was on the way out.

Kathleen Rogers, president of Earth Day Network, said Jackson is needed at EPA because no one else with her environmental science background has President Obama's ear. Rogers said in an interview that the calls for Jackson's resignation have been distracting.

"The chatterers began to talk about it, and that's one of those things that can take on a life of its own," Rogers said.

Jackson has not publicly addressed the rumors, but "she's aware of this groundswell of support, and it's something she appreciates," a source close to the administrator told *Greenwire* when asked about the new campaign, which includes a petition drive.

And considering the amount of gridlock in the Senate to confirm even routine nominees, Jackson would be near-impossible to replace.

Republicans have made the EPA a symbol of their opposition to new regulations and blacklisted most officials with ties to green groups -- President Obama's Commerce Secretary nominee John Bryson, who co-founded the Natural Resources Defense Council before becoming CEO of the utility Edison International and serving on the boards of Boeing and Disney, has been awaiting a vote for months since Sen. James Inhofe (R-Okla.) put a hold on his nomination.

But that has not dissuaded environmentalists such as Thomas McGarity, a law professor at the University of Texas and a scholar at the environment-focused Center for Progressive Reform, who wrote a widely circulated article arguing that Jackson should take a stand.

"Realistically, it is not very likely that Jackson will violate a direct order of the president to put the standard aside until after the election," McGarity wrote. "If not, she should therefore do the honorable thing and resign."

McGarity said doing otherwise would be breaking the law because the Clean Air Act says air quality standards must be set at a level that protects even the most vulnerable Americans. Agency scientists found that current limits are not good enough, saying a stricter standard would prevent as many as 2,200 heart attacks and 4,300 deaths per year, as well as tens of thousands of asthma attacks.

President Obama, who issued an executive order earlier this year telling agencies to be more mindful of the burdens of their regulations, raised those sorts of concerns when he told EPA to wait for the next ozone review deadline in 2013. But in last night's jobs speech to Congress, he signaled he won't back away from other pollution rules assailed by Republicans and business groups.

Jackson was sitting in the audience next to White House chief of staff Bill Daley when Obama mentioned the need to limit mercury.

The agency has recently targeted mercury in new rules for boilers and cement kilns and plans to clamp down on the largest mercury source -- coal-fired power plants -- in rules that are scheduled to be finalized later this year.

"We were heartened that he recognized the awkward position he's put scientists in general, and maybe Lisa Jackson especially, in with the ozone rule, by stating that among the thousands of regulations he was talking about, that one wasn't going anywhere," Rogers said.

Brendan
Giffilan/DC/USEPA/US
11/25/2011 12:01 PM

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

cc

bcc

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.

Brendan
Giffilan/DC/USEPA/US
10/25/2011 12:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Stephanie Owens, Daniel Kanninen, Michael Goo

cc

bcc

Subject Daily Caller: Romney silent as his 'green quarterback' pushes coal regulations inside Obama's EPA

[Romney silent as his 'green quarterback' pushes coal regulations inside Obama's EPA](#)

Matthew Boyle, Daily Caller

Republican presidential candidate and former Massachusetts Gov. Mitt Romney remains silent as Gina [McCarthy](#), his “green [quarterback](#)” during his days in the Massachusetts Governor’s Mansion, [steers](#) President Barack Obama’s Environmental Protection Agency toward new regulations on energy.

McCarthy, Romney’s former environmental adviser, now ranks high within Obama’s EPA and is advocating for the agency to move forward with new regulations, including Utility Maximum Achievable Control Technology, or MACT, mandates. As The Daily Caller [has previously reported](#), the Utility MACT regulations, if finalized and implemented, would force coal-fired power plants to install giant scrubber-like [appliances](#) inside smokestacks to capture and cleanse carbon particles before their atmospheric release.

The upgrade costs would fall on company employees and coal miners, possibly in the form of layoffs, as well as on businesses, which could expect to pay more for energy.

The EPA has apparently ignored the Obama administration’s own Small Business Administration, which has [argued](#) to EPA administrator Lisa Jackson that her agency “may have significantly understated” the economic “burden this rulemaking would impose on small entities.”

The Obama administration recently announced plans to delay implementing the Utility MACT regulations because, McCarthy says, the EPA has been drowned in a “backlog” of other regulatory matters. Fuel Fix, a news website anchored by energy reporters from the Houston Chronicle and other Hearst [newspapers](#), [reports](#) that McCarthy, speaking on behalf of the Obama administration, said the EPA was supposed to deal with the Utility MACT regulations decades ago. She added that the EPA plans to continue moving forward as soon as it can.

“We are in the final stretches of rules that are significantly important for public health,” McCarthy said. “We must continue, and we will.”

McCarthy served in Romney’s administration as undersecretary for policy at the Executive

Office for Environmental Affairs. In addition to exercising oversight of Massachusetts farmlands, open spaces and forests, McCarthy created the state's first "climate protection action plan." National Journal [labeled](#) her Romney's "green quarterback" in September.

Romney's campaign wouldn't comment on McCarthy's EPA involvement. Instead, a campaign official pointed to criticisms of EPA in Romney's jobs plan, and a comment he made in New Hampshire about EPA regulations back in July.

"We have made a mistake is what I believe, in saying that the EPA should regulate carbon emissions," Romney said in response to a voter question about the EPA's decision to regulate coal plant pollution under [the Clean](#) Air Act. "I don't think that was the intent of the original legislation, and I don't think carbon is a pollutant in the sense of harming our bodies."

Romney also lambasted EPA overreach in his "Believe in America" jobs plan. "The EPA has issued a 946-page 'hazardous air pollutants' rule mandating 'maximum achievable control technology' under the Clean Air Act," Romney wrote. "While President Obama has repeatedly touted a 'green' economy as a key to job creation, the reality is that investment in renewable energy does not create jobs. To the contrary, an increase in 'green' jobs produces a much larger decrease in other jobs."

Read more:

<http://dailycaller.com/2011/10/25/romney-silent-as-his-green-quarterback-pushes-coal-regulations-inside-obamas-epa/#ixzz1boIUZLxV>

**Brendan
Gillilan/DC/USEPA/US**
11/28/2011 07:46 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Michael Goo, Alex Barron, Joel Beauvais, Gina McCarthy, Joseph Goffman

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Subject Politico: EPA, NERC spar over regulations and potential outages

EPA, NERC spar over regulations and potential outages

By Darius Dixon and Erica Martinson
11/28/11 7:36 PM EST

New England and large swaths of Texas are at risk of electric power shortages in 10 years in part because of power plant retirements and retrofits needed to meet EPA regulations, according to [a new report](#) the North American Electric Reliability Corp. released Monday.

Existing and proposed EPA rules “may significantly affect bulk power system reliability depending on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability,” the report states.

The EPA says NERC has it all wrong. In [a letter](#) last week, the EPA charged that a draft version of the NERC study, like NERC’s 2010 review, “did not accurately portray the EPA’s regulations or the likely outcomes for the electric grid.”

NERC expects that 36 gigawatts will be retired or retrofitted in 2018 due to the cumulative impact of four EPA regulations, the report states: the proposed Coal Combustion Residuals, utility MACT and cooling water intake structure rules, as well as the final Cross-State Air Pollution rule.

By 2021, New England will barely have enough electric generating capacity in reserve to meet accepted standards while ERCOT, which oversees roughly 85 percent of the Texas grid, will actually fall below.

NERC’s report estimates that the EPA rules will collectively trigger the retirement of nearly 7,500 megawatts to more than 17,844 megawatts by 2015 — with roughly an additional 2,800 megawatts to 5,000 megawatts in capacity lost due to retrofits. But by 2018, with the implementation of the proposed cooling water intake rule, EPA regulations could sink between 32,500 megawatts and nearly 54,000 of power capacity, according to the NERC report.

The report comes as congressional Republicans have suggested EPA power plant regulations — particularly the Mercury and Air Toxics Rule and EPA’s final Cross-State Air Pollution Rule — will cause the lights to go out. In its response to NERC, EPA Deputy Director Bob Perciasepe said the report rehashes incorrect assumptions about then-unproposed rules from a 2010 analysis, and ignores EPA history and available regulatory tools to ensure grid operators have the power

they need.

"NERC's draft report describes an extreme outcome that arises from a scenario where the most stringent and costly rules imaginable took effect, and no one at the federal, state or local level took any steps to ensure the continued reliability of the grid," the letter says.

"Our analyses indicate that these rules do not threaten the capacity reserve margin targets either nationally or regionally," Perciasepe wrote, noting that the Bipartisan Policy Center has advanced a similar viewpoint.

NERC's analysis looks at companies with "uncontrolled coal units" and assumes they will all adopt the "most expensive controls possible to comply with the standards ([Flue-gas desulfurization] and fabric filters), rather than selecting the most cost-effective technology that works for their facility," the letter says.

But meanwhile, most facility retirements in NERC's analysis come from the agency's EPA's 316(b) cooling water intake rule, due to be finalized this summer. But the assumptions in the analysis, the EPA says, repeat assumptions from a 2010 analysis about the cooling water rule that are "far more stringent and costly than the rule the EPA has actually proposed," the letter says.

The cooling water rule has, in fact, been a disappointment to many environmentalists who were hoping for more stringent and encompassing regulations.

The EPA has completed analysis on both the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards and "will conduct similar analyses prior to finalizing any other rule that may impact the power sector," the letter says.

**Brendan
Giffilan/DC/USEPA/US**
11/03/2011 02:01 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Cynthia Giles-AA, Arvin Ganesan,
Laura Vaught, Stephanie Owens, Jose Lozano

cc

bcc

Subject Politico: Carol Browner criticizes Keystone XL pipeline

Carol Browner criticizes Keystone XL pipeline

By Darius Dixon
11/3/11 1:59 PM EDT

Opponents to the Keystone XL pipeline got a boost Thursday from the Obama administration's former energy and climate chief.

"It would be, my hope is that, this pipeline did not go forward," Carol Browner said, speaking at a Washington Post Live event in downtown Washington.

"There's been a lot of analysis about the jobs ... but, you know, I think there's enough debate there about really how many jobs, what are the duration of those jobs, that, again, I believe we have an obligation to start to address it," she said.

"First of all, there are very clear criteria in which the State Department has to make this decision and they will have to speak to those criteria because, obviously, whatever decision they make there will probably be litigation," Browner said.

On Tuesday, President Barack Obama [said](#) the State Department will deliver recommendations to the White House on the proposal. White House spokesmen have emphasized that the State Department is in charge of the review.

Browner also suggested the debate over the Keystone pipeline would be a non-issue if Congress and the administration enacted climate change legislation.

"I am, for one, obviously disappointed that we don't have a climate policy. I think it's unfortunate," Browner said. "I think it would've, I think, been the morally and ethically right thing to do to reduce greenhouse gases."

If we had a climate policy, Browner said, "we'd be having a different conversation right now about this pipeline."

Meanwhile, former National Security Adviser Gen. Jim Jones, speaking at the same event, said the Keystone XL project should go forward.

"I think it's a good project recognizing that, economically, it makes sense," Jones said. "It's certainly going to create a lot of jobs and as long as we can get around the other issues — is it the right thing to do? I think it is."

**Brendan
Giffilan/DC/USEPA/US**
10/21/2011 04:32 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Gina McCarthy, Arvin Ganesan,
Laura Vaught, Stephanie Owens, Scott Fulton, Joseph
Goffman, Daniel Kanninen, Michael Moats

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bcc

Subject Politico: EPA delays utility MACT until mid-December

EPA delays utility MACT until mid-December

By Erica Martinson
10/21/11 4:24 PM EDT

EPA is postponing until Dec. 16 its planned mercury and toxics air standards for coal and oil-fired electric steam generating units, but is opposing efforts by utilities to delay the rule for one year.

The agency filed a [brief](#) with the U.S. District Court for the District of Columbia today, where, with agreement from environmental litigants, it delays its final issuance date one month in order to respond to comments.

“EPA has taken unprecedented steps to solicit public feedback on these vital standards. As a result, the Agency has received 960,000 comments, which EPA continues to review as we work to inform and finalize the rule,” the EPA said Friday in emailed comments to POLITICO.

And in another [brief](#) filed with the same court today, the EPA opposes utilities’ petition to delay the utility MACT rule by one year, saying “EPA is on track to meet the revised December 16, 2011, deadline ... and EPA is best positioned to determine and advise this Court whether it can meet that deadline.”

**Brendan
Giffilan/DC/USEPA/US**

12/07/2011 12:50 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Joseph Goffman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons

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bcc

Subject Frank O'Donnell email

Frank O'donnell just sent the below email to his list - claiming OMB is pushing us to weaken the mercury standard from 1.2 to 1.42 - this is gaining traction very fast. Reporters - including WSJ and Wash Post, soon to be followed by others - are writing.

Here's the email:

We have promised to keep our ear to the ground on the fierce lobbying on the EPA mercury/air toxic rule for power plants. There is an excellent story in today's National Journal, but here is the very latest:

We are informed reliably that the White House Office of Management and Budget, at the behest of the coal-burning electric power industry, is now pushing the EPA to weaken its mercury pollution control requirements in its upcoming toxic pollution rule for power plants. Power companies could emit almost 20% more mercury under the dirty power industry scheme being promoted by OMB bean counters.

This is nothing short of outrageous. The White House should immediately disavow this latest attempt by OMB staffers to front for dirty industry. (You will recall the recent excellent report by the Center for Progressive Reform on the topic of OMB, its meetings with industry, and its impact on EPA.

http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf)

In this case, the real culprit is the dirty power industry, which continues to push not only for delays and loopholes, but for the right to spew out more toxic mercury.

http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html

The push for weaker standards initially came from the so-called Utility Air Regulatory Group, which called last August in its official comments to EPA for a weakening of the proposed mercury standard from 1.2 lb/TBtu to 1.42 – or going roughly from a 91% mercury control requirement to about 75%. This change would mean thousands of additional pounds of toxic mercury being spewed into the environment each year.

The current push is being driven principally by Southern Company and American Electric Power Company because they apparently believe a weaker standard would cost them less.

Some trade off: more brain poisons so a couple of big companies could save a few bucks.

**Brendan
Gilfillan/DC/USEPA/US**
12/02/2011 11:46 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Gina McCarthy, Mathy Stanislaus,
Lisa Feldt, Arvin Ganesan, Laura Vaught, Stephanie Owens,
Dru Ealons

cc

bcc

Subject AP: New proposal eases some requirements on boilers, but
preserves health benefits

New proposal eases some requirements on boilers, but preserves health benefits

WASHINGTON — Facing criticism from industry and lawmakers, the Obama administration is easing rules aimed at reducing toxic air pollution from industrial boilers and incinerators.

But administration officials maintain the health benefits of the regulation won't change.

In a proposal released Friday, the [Environmental](#) Protection Agency said it would place emissions limits on the largest and most polluting boilers. Smaller ones could meet the rule through routine tune-ups.

The Republican-controlled House passed a bill in October delaying the boiler regulation. A bipartisan bill pending in the Senate would give the EPA additional time to rewrite the rule, and for industry to comply.

Industrial boilers burn coal and other fuels to generate steam and hot water for heat and electricity. They're the second-largest source of toxic mercury emissions, after coal-fired power plants.

**Brendan
Gilfillan/DC/USEPA/US**
12/02/2011 03:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Mathy Stanislaus, Lisa Feldt, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Daniel Kanninen, Bob Sussman

cc

bcc

Subject Boilers coverage so far

EPA eases boiler rule; health benefits unchanged

By DINA CAPPIELLO, Associated Press – 1 hour ago

WASHINGTON (AP) — Facing criticism from industry and lawmakers, the Obama administration on Friday proposed easing rules aimed at reducing toxic air pollution from industrial boilers and incinerators.

But administration officials maintained that the health benefits of the regulation wouldn't be compromised.

"We have found a way to get better protections, lower emissions and lower costs as well," said the Environmental Protection Agency's top air pollution official, Gina McCarthy. In a conference call with reporters, McCarthy said the agency had found the "sweet spot" since issuing the final rule under a court-ordered deadline in March.

That "spot is affordable, practical regulations that provide the vital and long overdue health benefits that Americans demand and deserve," she said.

The changes would require pollution controls at the 5,500 largest and most polluting boilers nationwide, such as those at refineries and chemical plants. Another 195,000 smaller boilers would be able to meet the rule through routine tune-ups.

The bulk of boilers nationwide — about 1.3 million — would not be covered by the rule, since they are too small and emit too little pollution to warrant controls.

The tweaks are the latest for a rule that has undergone numerous revisions, and has been among the most criticized by industry and lawmakers for its cost and its scope. Sen. Lamar Alexander, R-Tenn., has said the boiler rule has "come from another planet", even as he has defended the agency in the face of other Republican rollbacks.

The agency had already found ways to cut the cost of compliance in half, by about \$1.8 billion, when it announced the final rule in March, promising future revisions.

On Friday, industry groups still were not satisfied.

Jay Timmons, president and CEO of the National Association of Manufacturers, said in a statement that the boiler rules would still do significant harm to job growth.

"We will continue to urge the EPA to extend the compliance time frame and consider a more reasonable approach to setting the emission standards to ensure additional jobs are not put at risk," he said.

The American Chemistry Council, which represents chemical companies, pressed for legislation to delay the rules while acknowledging improvements had been made.

The Republican-controlled House passed a bill in October seeking to delay the boiler regulation and lower the threshold that boiler operators would have to meet from "maximum achievable" pollution control to the "least burdensome." A bipartisan bill pending in the Senate would give the EPA additional time to rewrite the rule and for industry to comply.

Industrial boilers burn coal and other fuels to generate steam and hot water for heat and electricity. They're the nation's second-largest source of mercury emissions, a potent neurotoxin, after coal-fired power plants. But boilers are among a handful of pollution sources that still have no standards for toxic emissions.

New Pollution Rules for Boilers and Incinerators

By [JOHN M. BRODER](#)

The Environmental Protection Agency on Friday released its much-delayed and oft-revised [air quality regulations for industrial boilers and incinerators](#). The proposal is a modest refashioning of boiler rules introduced earlier this year, which were themselves a major revision of a 2010 plan by the agency that drew heavy political and industry opposition.

The E.P.A. has been recalibrating its approach to pollution regulation in recent months after President Obama made it clear that he was going to give close scrutiny to rules that impose heavy compliance costs on businesses and local governments. In September, he rejected a major E.P.A. proposal on smog-causing pollutants, saying the cost was too high in a fragile economy.

Gina McCarthy, head of the E.P.A.'s office of air and radiation, said Friday that the new rules for boilers and incinerators were written to minimize costs and maximize benefits. She noted that the costs of putting the rules into effect would be 50 percent lower than the original plan that was issued last year and then pulled back after a broad bipartisan outcry.

She said that 99 percent of the 1.5 million boilers in the United States would be exempt from the new rules or could meet them simply by performing routine maintenance and tune-ups. Only a fraction of the 14,000 boilers that are major sources of mercury, soot and other pollutants will be required to install abatement equipment, she said.

The E.P.A. had previously estimated the cost of compliance at about \$2 billion a year, with health and other benefits of \$27 billion to \$67 billion.

“With this action, E.P.A. is applying the right standards to the right boilers,” Ms. McCarthy said in a press release. “Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve.”

She said the new standards would prevent as many as 8,100 premature deaths, 5,100 heart attacks and 52,000 asthma attacks a year by 2015.

The American Lung Association encouraged the E.P.A. to move forward with the proposal as written, with no further delay or dilution. “It is past time to move forward with these lifesaving standards,” the association said in a statement. “For the past two decades, the cleanup of toxic air pollution from boilers has been delayed, allowing these industries to pollute communities across the nation.”

The American Lung Association encourages the E.P.A. to uphold its responsibility as required by the Clean Air Act and clean up toxic air pollution from these boilers to protect public health from mercury and other dangerous air toxics,” it said.

The agency will take public comment on the proposed rule for 60 days and expects to finalize the regulation in April 2012.

U.S. proposes less costly pollution rule on boilers

Reuters

WASHINGTON | Fri Dec 2, 2011 1:52pm EST

WASHINGTON (Reuters) - The U.S. environmental regulator said on Friday it slashed the cost of proposed pollution rules on industrial boilers by \$1.5 billion year by allowing some plants to fine tune existing equipment or burn cleaner fuels.

The Environmental Protection Agency, under pressure from Republicans and industrial groups who accuse it of pushing for clean air rules that will cost companies with billions of dollars, has been looking for ways to ease costs and increase flexibility.

The EPA on Friday proposed rules it says are more flexible than ones the agency introduced in 2010. The rules allow some plants to do maintenance on equipment, avoiding costs from adding new controls or replacing boilers.

More than 99 percent of the country's boilers, from heavy industry to small businesses and universities, are either clean enough and not subject to the new rules, or will only need to do tune ups and maintenance to comply.

The agency said health benefits from reduced pollution would be maintained.

"Gathering the latest and best technical information and real-world data has helped us find ... the sweet spot that's affordable, practical regulations that provide the vital and long overdue health benefits Americans demand and deserve," Gina McCarthy, the EPA assistant administrator for air, told reporters in a teleconference.

The EPA said the rules would cost industry about \$2.3 billion a year, not the \$3.8 billion in a previous proposal made last year.

The boiler rule would set limits on mercury and other toxic emissions on about 5,500 boilers at refineries, chemical plants, and heavy industry plants, the EPA said.

About 196,000 boilers would need to do annual tune ups and take other steps to minimize toxic emissions.

The agency estimates that for every dollar spent to cut the pollutants, the public will save some \$12 to \$30 in health costs.

Babcock and Wilcox Co and other boiler makers could benefit from the rules, while some big chemical and heavy industry companies could see extra costs.

Boilers burn fuel including coal, fuel oil and biomass to produce steam to make electricity.

A health group cheered the proposed rules. "This is an important step forward by the EPA," the American Lung Association said.

It encouraged the agency to "uphold its responsibility as required by the Clean Air Act" to prevent cancer, heart attacks, and other health problems resulting from particulates and other pollution from boilers and incinerators.

The EPA will hold a 60-day comment period on the rules and expects to finalize them by spring 2012.

EPA unveils revised air pollution rules for industrial boilers

By Andrew Restuccia, The Hill - 12/02/11 10:53 AM ET

The Environmental Protection Agency proposed revised air pollution regulations for industrial boilers and incinerators Friday that offer industry more flexibility, a response to critics who mounted an opposition campaign to the original rules.

The agency said Friday that the [revised regulations](#), which would require facilities to install technology to reduce harmful air pollutants like mercury and soot, would only apply to about 1 percent of the country's boilers.

The so-called "maximum achievable control technology" standards will offer major public health benefits, according to EPA, including preventing 8,100 premature deaths and 5,100 heart attacks a year starting in 2015.

And they will impose a minimal cost on the industry, agency officials said. The revised regulations are 50 percent less costly than rules proposed in 2010 that industry has blasted as overly burdensome, according to EPA.

"With this action, EPA is applying the right standards to the right boilers," Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation, said in a statement. "Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve."

The agency said Friday that it made a number of changes to the rules in an effort to respond to industry concerns.

From EPA's statement: "EPA is proposing to create additional subcategories and revise emissions limits. EPA is also proposing to provide more flexible compliance options for meeting the particle pollution and carbon monoxide limits, replace numeric emissions limits with work practice standards for certain pollutants, allow more flexibility for units burning clean gases to qualify for work practice standards and reduce some monitoring requirements."

EPA issued revised final regulations for boilers and solid waste incinerators in February under a court-ordered deadline. The final rules were more lenient than draft standards issued by the agency last year, which industry groups had called unworkable. EPA then opened up a reconsideration process on the revised final standards.

The regulations had come under fire from industry groups, Republicans and some centrist Democrats, who argue that the rules will impose a massive burden on the economy. The House voted in October to delay the implementation of the rules.

Clean air and public health groups praised the regulations Friday.

"It is past time to move forward with these lifesaving standards," the American Lung Association said in a statement. "Research has shown that toxic air pollution from industrial boilers harm human health, targeting the circulatory, respiratory, nervous, endocrine, and other essential life systems."

The American Chemistry Council, an industry group, offered reserved praise for the standards.

"We appreciate EPA's thoughtful consideration of these rules and willingness to make sensible changes," ACC President Cal Dooley said in a statement. "While we need to review the rules for technical details, it appears that improvements have been made."

Brendan
Giffilan/DC/USEPA/US
09/28/2011 05:42 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Stephanie Owens, Dru Ealons, Arvin Ganesan, Laura Vaught, Daniel Kanninen

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bcc

Subject Washington Post/Greg Sargent: The Daily Caller reveals the larger truths

The Daily Caller reveals the larger truths

By [Greg Sargent](#)

Not sure I've ever seen anything quite like this before.

As you may have heard, the Daily Caller took a terrible hit yesterday after falsely [reporting](#) that the Environmental Protection Agency is looking to hire 230,000 new “bureaucrats” — at a cost of \$21 billion! — to implement new climate rules. The tale [quickly went viral on the right](#) as the latest example of Obama overreach and government run amok, and the fact that the tale was comically absurd on its face didn't seem to slow the frenzy.

But now the Daily Caller is doubling down on the story, and the argument it's making in its own defense is really something to behold.

To back up: As Kate Sheppard noted yesterday in [her post debunking the original Daily Caller story](#), there are only 17,000 employees at the EPA, which alone makes the Daily Caller's claim ridiculous. Not only that, but the legal brief that formed the basis for the Daily Caller story was actually pointing to the 230,000 new employees as *a theoretical outcome to be avoided*. That is, EPA was arguing that the high number of new employees *would* be necessary if the agency didn't have a so-called “tailoring rule.” This rule, which actually *restricts* the EPA's regulatory powers to limiting emissions from the largest greenhouse gas producers, is being challenged in court, and EPA is trying to defend it.

Case closed, right? Well, no, of course not.

Today, in response to the criticism, Daily Caller executive editor David Martosko [said the publication is standing by the story](#):

“The EPA is well-known for expanding its reach, especially regarding greenhouse gas emissions. What's ‘comically wrong’ is the idea that half of Washington won't admit it. The EPA's own court filing speaks volumes,” Martosko said in an email.

“What's more likely: that the Obama administration's EPA wants to limit its own power, or that it's interested in dramatically increasing its reach and budget? Anyone who has spent more than a few months in Washington knows the answer,” he added.

This truly is low comedy. The Daily Caller is now claiming that the original tall tale is true, simply because, well, the government regulatory apparatus *by definition* wants to expand

rapaciously in reach and power. Once it has been established that government regulation is inherently onerous and bad and relentlessly expansionary, literally any fact at all can be pressed into service to support that unshakable overarching truth — even facts that directly contradict it. Nothing else could possibly be true, and therefore, it isn't.

This isn't meant in a glib way. Recognizing the absolute irrelevance of the facts at hand is central to understanding what's really going on in situations such as these. This is an old story, but you almost never see examples in which the cynicism is quite this brazen. In this sense, the Daily Caller *really has* revealed a larger truth, albeit not the one it intended.

UPDATE: Daily Caller executive editor Martosko sends over a longer statement defending the story:

Our story about the EPA was spot-on and accurate. It's true that the agency's court filing outlined a "tailoring rule" as a more gradual approach to hiring 230,000 people at a cost of \$21 billion. But the EPA was clear that "the Tailoring Rule is calculated to move toward eventual full compliance with the statutory threshold" -- meaning it's not a question of if the EPA wants to triple its budget, but when. This whole kerfuffle illustrates how easy it is for left-wing agitators to manipulate reporters.

Brendan
Gilfillan/DC/USEPA/US
11/28/2011 10:47 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Michael Goo, Bicky Corman, Arvin
Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Bob
Sussman

cc

bcc

Subject NPR: Obama Office Alters More Federal Rules Than Bush

Obama Office Alters More Federal Rules Than Bush

by [Ari Shapiro](#)

NPR

Tucked away in a corner of the White House's Old Executive Office Building, an office that most people have never heard of affects millions of Americans' lives. It's the last hurdle that every proposed regulation must surmount before seeing the light of day. And a new study of this obscure part of the government suggests that President Obama is altering more of those regulations than President George W. Bush did.

Health and safety regulations are not born fully formed. They have to run a long marathon first. Once an agency devises a rule proposal, whether to regulate air pollution or food safety, scientists and lawyers study the impact and cost of the rule. Agencies gather public comments. After a process that may take years, the regulation goes through one last gantlet in a place called OIRA (pronounced "oh-EYE-ra").

OIRA stands for the Office of Information and Regulatory Affairs. It's part of the White House office that manages the entire federal budget. Michael Fitzpatrick has worked there for three years, in an office taller than it is wide. His window looks out over the White House's West Wing.

"In all of our lives we have others review our work and make sure we're doing it as well as possible. And that's the way I view OIRA's role," he said in an interview with NPR.

He compares his role to that of an editor — looking at every proposed rule and asking, "Are you achieving this regulatory objective in the smartest most effective most efficient way possible?"

A 'Killing Ground' For Protective Rules?

The outcome, according to a [new study](#) by the Center for Progressive Reform, is that the office "has served as a killing ground for protective rules."

"We studied the records of 1,080 meetings that have been held at OIRA over the last ten years," said Rena Steinzor, CPR's president. "And we found that OIRA has changed 84 percent of

environmental regulations, and 65 percent of other agencies' regulations, and the change rate is worse than it was under George W. Bush."

In other words, her group argues, this president is watering down or undoing a greater percentage of proposed regulations than his predecessor did.

Fitzpatrick, who sits at the center of this debate, argues that his office is improving regulations, not gutting them.

"When you are dealing with the most complex questions of policy, it's to be expected that there are going to be questions raised and insights gleaned that cause an agency to say, 'You know what? We should make a change here or there. We can do this in an even better way.'"

While the rest of the public might not know about OIRA, lobbyists have the office on speed dial. Industry groups visit OIRA largely for one purpose: to reduce regulation. Steinzor's analysis found that industry representatives outnumber public health and safety advocates by almost four to one at OIRA meetings.

Jim Tozzi helped create OIRA and worked on regulations under five presidents. He says the tilt towards industry is to be expected.

Regulations, he says, "increase the cost of industry. So they have more direct skin in the game." In contrast, he says, environmental groups' members "don't have skin in the game, because they just say 'they'll cough their lungs out' or something like that."

Besides, Tozzi says, "If they meet with you more, it doesn't mean they're going to agree with you." OIRA has an open-door policy of never turning down a meeting with anyone.

Despite these figures suggesting that the Obama White House is altering more regulations than Bush and meeting with industry far more than with public safety advocates, Republicans accuse President Obama of choking the economy with a glut of "job-killing regulations." Some of that complaint has to do with health care and financial reform — two big laws that include a lot of regulations.

Striking A Balance

Obama always emphasizes the need to strike a balance, saying rules that don't make sense should die, while others are important.

"I reject the argument that says for the economy to grow we have to roll back protections that ban hidden fees by credit card companies or rules that keep our kids from being exposed to mercury. Or laws that prevent the health care industry from short-changing patients," he said in a September speech to Congress.

People who have spent their careers in this field are not surprised to learn that the Obama White House is changing more draft rules than the Bush White House did.

John Graham ran the regulatory oversight office under George W. Bush. In his experience, Republican presidents tend to put people in charge of agencies who don't like new rules. So those agencies don't send a lot of regulations to a Republican-led White House for review.

In fact, "we had to devise an entirely new device called the prompt letter," Graham recalls. "It says, 'you really ought to strengthen the food label by putting the trans-fat content of foods on the label.' But I think what you'll find in the Obama administration is that there are no shortages of ideas of new regulations to be adopted coming out of the agencies."

While OIRA staffers try to evaluate those ideas based on the merits of each proposal, many people who've worked there in the past say sometimes raw politics comes into play.

Susan Dudley, who worked at OIRA in the Reagan administration and came back to run the office at the end of the George W. Bush administration, recalls a former office head telling her, "Sometimes you have to kiss a pig." That is to say, "Sometimes politics wins the day."

Therefore, the person who runs OIRA is tremendously important. If he or she has the president's ear, OIRA can win arguments at the White House. Otherwise the office can easily be bulldozed by other senior advisers.

The man who runs OIRA today is a legal superstar named Cass Sunstein. He is close friends with President Obama. They taught at the University of Chicago law school together. People say half-jokingly that Sunstein could have had any job in the federal government, and he chose to run OIRA.

Sunstein's deputy, Mike Fitzpatrick, acknowledges that senior White House officials sometimes have their say. But he cautions that politics is not always a dirty word.

"I know that there have been times through all administrations of both parties that at the end of the day, in a particularly complex tough situation, the president or his senior advisers have said, 'You know what? I don't want to do this right now.' And frankly, that's why we have national elections."

Ultimately, one of OIRA's main jobs is to put a dollar value on things that nobody wants to price. The office must ask how much money the country is willing to spend to save an endangered species, or what cost the country is willing to inflict on companies in order to provide veterans in wheelchairs access to restrooms. These are questions that nobody is comfortable asking. So perhaps it should be no surprise that few people are happy with OIRA's answers.

**Brendan
Gilfillan/DC/USEPA/US**
12/14/2011 08:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Stephanie Owens, Dru Ealons
cc
bcc

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

**Brendan
Gillilan/DC/USEPA/US**
12/14/2011 08:09 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Stephanie Owens, Dru Ealons, Arvin Ganesan, Laura Vaught, Daniel Kanninen, Janet Woodka, Bob Sussman, Michael Goo, Bicky Corman

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Subject Politico: Does politics trump science in the Obama W.H.?

Does politics trump science in the Obama W.H.?

By Carrie Budoff Brown and Darren Goode
12/14/11 8:02 PM EST

President Barack Obama turned it into a campaign-trail talking point: He would end the Bush administration's "war on science."

But four years later, as the White House shifts into reelection mode, Obama is facing the same attacks he leveled against his Republican predecessor: He is putting politics ahead of science.

The complaints about Obama's record come after a pair of controversial administration actions in recent months — and some of the president's most ardent supporters are bracing for more disappointment.

First, the White House shocked the environmental community by overruling the EPA and halting implementation of tough new smog standards until after the presidential election.

Then Obama endorsed his health secretary's unprecedented decision to overrule scientists at the FDA and block over-the-counter sales of emergency contraceptives to minors — a move that prompted 14 senators this week to send a strongly worded letter to the administration demanding to know its "specific rationale and the scientific data" for the denial.

"I feel like I am in a time warp," said Francesca Grifo, senior scientist and director of the Scientific Integrity Program at the Union of Concerned Scientists. "These were both issues that the previous administration wrestled with and came down largely where this one has. So what is all this stuff about scientific integrity about? When the rubber meets the road on two crucial issues, science isn't driving these decisions."

The administration, following a personal review by Obama, will soon decide whether to expand an exemption for religious institutions from new rules that require health plans to offer free contraceptive coverage.

And environmentalists are preparing for a long-awaited ruling from the EPA on controls on coal ash from power plants, worried it will be driven by politics rather than science.

The White House says each decision is based on the merits and that science did inform the administration's actions on the emergency contraceptives known as Plan B and the smog rules.

“Since his first day in office, President Obama has made clear that science should guide administration policies,” Nick Papas, a White House spokesman, said in a statement. “Not only has the administration taken historic steps to make sure that politics not trump science, we have put in place scientific integrity guidelines that agencies across the administration must comply with. Every policy decision has a wide range of criteria that must be considered, and the administration continues to ensure that the best available science and evidence is central to the decision-making process.”

Yet the string of controversial actions, as well as the delay of a decision regarding the Keystone XL pipeline until after the election, has only fueled worry that Obama’s team is more concerned about maneuvering ahead of a tough reelection battle — placating his base on some decisions, appealing to independents with others, and trying to neutralize his Republican opponents whenever possible.

“The White House, as they approach general elections, [tries] to reduce the number of problems and distractions they are facing,” said William Galston, a policy adviser in the Clinton White House and a senior fellow at the Brookings Institution. “I see this as a very systematic effort to reduce the number of problems and distractions.”

The administration bucked up its support in the business community and aggravated environmentalists by delaying the smog rules, but Obama delighted environmentalists and angered business by pushing back a decision on the Keystone pipeline until 2013. Obama infuriated liberals on the Plan B decision but avoided a potentially bigger sideshow in his bid for reelection: a renewed culture war with conservatives.

In the coming weeks, Obama will have an opportunity to side with women’s health advocates on the contraceptive mandate. Catholic bishops are pushing the White House to broaden the exemption to include many universities, hospitals and schools associated with religious institutions, but health advocates want Obama to uphold the more narrow exemption endorsed by HHS Secretary Kathleen Sebelius.

It’s a decision heavy with political pitfalls. If he doesn’t expand the exemption, he risks angering the Catholic vote in swing states across the Rust Belt and the Southwest. If he does, he will further agitate a core constituency willing to challenge him, as the letter on Plan B from 14 senators underscored this week.

“We feel strongly that FDA regulations should be based on science,” the senators wrote. “We ask that you share with us your specific rationale and the scientific data you relied on for the decision to overrule the FDA recommendation. On behalf of the millions of women we represent, we want to be assured that this and future decisions affecting women’s health will be based on medical and scientific evidence.”

After the Plan B ruling, an unfavorable decision on contraceptive coverage will “make it harder” to draw a clear contrast for voters between Obama and the Republican nominee, warned Nancy Keenan, president of NARAL Pro-Choice America.

“It is a family dispute at the wrong time,” she said in an interview.

The focus on the administration’s fealty to science stems, in part, from the president’s own rhetoric during the last campaign.

Obama pledged to do things differently than President George W. Bush, whose administration was accused of devaluing the role of science in government decision making, promoting weak evidence to link abortions to breast cancer and silencing climate scientists.

“We need to end the Bush administration’s war on science, where ideology trumps scientific inquiry and politics replaces expert opinion,” the Obama campaign stated in a 2008 policy paper. “As president, Barack Obama will lead a new era of scientific innovation in America by restoring integrity to U.S. science policy to ensure that decisions that can be informed by science are made on the basis of the strongest possible evidence.”

During his Inauguration address, Obama declared: “We will restore science to its rightful place.” And two months later, he held an East Room ceremony to sign a memorandum on scientific integrity.

The Obama administration has received mostly favorable reviews — until recently.

“On the issue of scientific integrity in this administration, I would have said it was pretty good until the last couple of months,” Grifo said.

The first sign of trouble came in September, when the White House undercut the EPA’s efforts to tighten national standards on smog. Major business groups appealed directly to the most senior presidential advisers, warning that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy. It would damage Obama’s reelection bid, the groups argued.

“I don’t think there’s any question that politics trumped science there,” said David Baron, a senior attorney at Earthjustice, a nonprofit environmental law firm. “EPA science advisers and EPA itself said it needed to be strengthened. And the president told them not to do that.”

Looking ahead, environmentalists fear the timing and potential details of long-awaited final EPA controls on coal ash from power plants will be more political than scientific.

EPA Administrator Lisa Jackson submitted a rule to the Office of Management and Budget in October 2009 to regulate coal ash as a hazardous waste in response to a 2008 spill at a Tennessee Valley Authority power plant in Kingston, Tenn. In June 2010, a proposed rule was published that included some key changes from the version Jackson submitted. It added the option of not regulating coal ash as a hazardous substance.

“There obviously was an incredible amount of pressure on the White House on this issue,” said Scott Slesinger, legislative director at the Natural Resources Defense Council.

The EPA at one time sought to finalize the rule — which is not governed by any statutory or legal deadlines — by next summer. But Jackson last week indicated that the EPA has pushed the timeline to late next year, perhaps after the election.

One Republican veteran of the 2008 campaign said the Plan B and smog decisions “represent a reversal” for a president who hammered Bush for allowing politics to trump science.

“He did make a big deal out of this in the campaign,” said Douglas Holtz-Eakin, a senior adviser to Sen. John McCain’s presidential campaign. “The statements were very sweeping. ‘Republicans are anti-science. I got my lab coat; they are cavemen.’”

Brendan
Gilfillan/DC/USEPA/US
10/05/2011 11:41 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
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Subject Politico: Changes coming to EPA's cross-state rule

Changes coming to EPA's cross-state rule

The EPA may increase emission allowances under the Cross-State Air Pollution Rule.

By [DARREN GOODE](#) | 10/5/11 9:12 AM EDT

The EPA is expected soon to announce revisions that would offer more flexibility in meeting a major air pollution rule aimed at blocking power plants' ozone and particle pollution from drifting into downwind states.

The update to the Cross-State Air Pollution Rule would include granting small increases in companies' emission allowances. But the changes may be relatively minor and will probably do little to stem opposition on Capitol Hill and in the courts from a growing list of states, industry groups and congressional Republicans.

“While we don't have anything to announce at this time, EPA often makes technical adjustments based on updated information as we flexibly work to implement Clean Air Act rules,” EPA spokesman Brendan Gilfillan said late Tuesday. “We make these adjustments because data, including data in some cases provided by industry, turns out to be incorrect, outdated or incomplete.”

An Obama administration official emphasized that the upcoming revision “is a routine technical thing,” which may hearten supporters and disappoint critics of the rule following President Barack Obama's controversial move to retreat on separate new ozone controls. “Folks may try to make this into something it isn't, but these kinds of changes are made all the time,” the official said. “It's how the Clean Air Act works.”

The revision will include “changes of 1 to 4 percent to the overall pool of allowances,” the official added.

Unlike with the ozone standard, some environmentalists may not have big objections to the changes in the cross-state rule.

“So long as any proposed changes follow the law and facts, revising the clean air standards could be acceptable,” John Walke of the Natural Resources Defense Council told The Wall Street Journal in an [article](#) published Wednesday. “But cleaning up dirty power plants remains the most cost-effective way to reduce the terrible toll of smog and soot pollution.”

EPA Deputy Administrator Bob Perciasepe — in a Sept. 11 letter to David Campbell, CEO of Texas's largest power company, Luminant — said the EPA “has offered to make technical adjustments, based on technical information you have recently provided, that will give Texas and Luminant thousands of additional tons of pollution allowances to reduce required emission reductions.”

There are also “alternative compliance approaches that rely on existing pollution control technology already installed at your facilities and on the powerful market-based mechanisms” in the cross-state pollution rule “that would not require you to idle any facility or shut down these mines,” he wrote.

But Luminant spokesman Allan Koenig said EPA and the company are “so far apart on the allowances” that the increase in emission allowances would have to be “quite significantly higher for us not to make major changes to the operation in order to comply.” This would be in the order of tens of thousands versus thousands of tons more in emission allowances, he said.

Luminant has joined others in legally challenging the EPA over the rule — which was finalized July 7 — arguing it would force about 500 company employees out of work, shutter two generating units and halt the mining of lignite coal at three locations in Texas. The company is asking the U.S. Court of Appeals for the District of Columbia Circuit to reject the rule as it applies to Texas and to immediately halt it to prevent job losses.

Campbell also met with EPA chief Lisa Jackson last month to discuss the rule.

The rule is aimed at helping downwind states achieve federal air quality standards by forcing power plants in 27 states to slash power plant emissions of sulfur dioxide by 73 percent and nitrogen oxides by 54 percent from 2005 levels starting in January. It's a successor to EPA's 2005 Clean Air Interstate Rule, which a federal appeals court rejected in 2008.

The EPA and its backers have touted the new rule as a major public health accomplishment.

“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,” Jackson said in announcing the rule. “By maximizing flexibility and leveraging existing technology, the Cross-State Air Pollution Rule will help ensure that American families aren't suffering the consequences of pollution generated far from home, while allowing states to decide how best to decrease dangerous air pollution in the most cost-effective way.”

EPA estimates the final rule will result in between \$120 billion and \$280 billion annually in health and environmental benefits starting in 2014 and will result in 13,000 to 34,000 fewer premature deaths per year.

The annual cost to industry will be \$800 million starting in 2014, the EPA estimates, in addition to about \$1.6 billion per year in annual investments that companies began making under the Bush-era CAIR.

Congressional Republicans have been attempting to upend the rule legislatively. Sen. Rand Paul (R-Ky.) is readying a strategy using the Congressional Review Act in a bid to nullify the standard, and the House voted last month to delay implementation of the rule until a cumulative assessment of the economic impact of EPA rules has been completed as part of the broader TRAIN Act.

Seven states so far — Alabama, Florida, Nebraska, Oklahoma, South Carolina, Texas and Virginia — have filed suit in the appeals court against the EPA over the rule.

“Once again the EPA has imposed costly regulations on Florida based on a flawed process and without first working cooperatively with our state,” Florida Attorney General Pam Bondi said in announcing the legal action by the states last month.

The power company coalition Utility Air Regulatory Group petitioned for review of the rule in federal court Monday, and the National Association of Manufacturers also filed notice this week to the appeals court about its plans to sue. In a separate petition, the manufacturers association asked Jackson to reconsider the rule, saying the agency didn’t consider the effects on grid reliability.

In a research note to clients Tuesday afternoon, senior policy analysts at the investment firm Robert W. Baird & Co. said they expect one or more states, three or more companies and possibly as many as three labor unions to seek review by the time the petition period closes Friday. They also expect additional petitions to stay the rule — which is a step further than petitioning for the rule to be reviewed.

The analysts — who were speculating on the potential changes in the upcoming revisions to the rule — also wrote that "potentially substantial changes even closer to the implementation deadline seems to validate, not neutralize, the criticism that states and regulated entities have insufficient time to comply.”

Brendan
Gilfillan/DC/USEPA/US
03/18/2010 05:28 PM

To Richard Windsor, Bob Sussman, Seth Oster, Allyn
Brooks-LaSure, Adora Andy, Arvin Ganesan
cc
bcc
Subject FYI: HF study stories

Here are a few of the stories that have run on our hydro-fracking announcement today - generally positive reactions from the Hill and others:

EPA Launches Hydraulic Fracturing Study on Water Supplies

Dow Jones Newswire

The Environmental Protection Agency Thursday launched a study to determine whether a key oil and natural gas production technique called hydraulic fracturing is contaminating water supplies.

While environmentalists are concerned that the process may be causing groundwater contamination and are calling for federal oversight, the industry says there is no proof and it is already adequately regulated.

At issue are new natural-gas reservoirs deep below the earth's surface that companies such as [Chesapeake Energy](#) Corp. and [XTO Energy](#) Inc. say could multiply the available domestic reserves of a resource that has a fraction of the greenhouse-gas emissions of its fossil fuel cousins, coal and oil.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," said Paul Anastas, assistant administrator for EPA's Office of Research and Development. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input," he said in a statement.

Reps. Diana DeGette, (D., Colo.), and Maurice Hinchey, (D., N.Y.), cosponsors of legislation to bring hydraulic fracturing under EPA regulation, said the study would be a significant step in ensuring drinking water is protected.

The American Petroleum Institute said in a statement, "We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas."

Lee Fuller, head of the petroleum-industry group EnergyInDepth, said that if the review "is based on objective, scientific analysis, it will serve as an opportunity to highlight the

host of steps taken at every wellsite that make certain groundwater is properly protected."

Facing increasing pressure from some Democratic lawmakers and environmentalists, the EPA said in its proposed budget earlier this year it planned to conduct a study of the process.

Previous studies by the EPA—including one review of the process for coalbed methane extraction at much shallower levels—haven't found hydraulic fracturing carries a risk of water contamination.

Although the states regulate the actual process of hydraulic fracturing—known as fracking—the EPA already regulates the waste-water systems that either re-inject it into reservoirs or send it to waste-treatment facilities.

Last month, Steve Heare, director of the EPA's Drinking Water Protection Division, said at a conference he hadn't seen any documented cases that the fracking process was contaminating water supplies.

Bill Kappel, a U.S. Geological Survey official, said at the same conference that contamination of water supplies is more likely to happen as companies process the waste water from hydrofracking. In some instances, municipal water systems that treat the water have reported higher levels of heavy metals and radioactivity.

"Treatment of the [waste] water hasn't caught up with the hydrofracking technology," Mr. Kappel said.

Although legislation in the House and Senate to bring greater federal oversight of the hydrofracking process hasn't gained momentum, Mr. Heare said even if such proposals are approved, it wouldn't likely have a dramatic effect on regulation. States would still have the right under the Safe Drinking Water Act to use their own regulatory standards.

Environmental Protection Agency to study controversial gas drilling method

The Hill

By Ben Geman - 03/18/10 01:07 PM ET

The U.S. EPA on Thursday spelled out plans to study the water quality and health effects of "hydraulic fracturing," a controversial method of tapping natural gas supplies that some Democrats want more tightly regulated.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," said Dr. Paul T. Anastas, assistant administrator for EPA's Office of Research and Development, in a prepared statement. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input."

The agency plans to use \$1.9 million in current-year funding and is seeking further funding in the fiscal year 2011 budget. The issue is playing an increasingly prominent role in energy debates. The gas drilling method, dubbed “fracking,” involves high-pressure injections of chemicals, water and sand to break apart rock formations to access gas trapped inside.

The increasing viability of tapping gas from these shale rock formations has helped [boost proved U.S. gas reserves to their highest level in over 30 years](#), according to the federal Energy Information Administration.

That’s especially important because lawmakers increasingly see natural gas – which emits far less carbon dioxide when burned than coal or oil – as a key part of efforts to curb U.S. greenhouse gas emissions.

But at the same time, the increasing use of fracking has prompted concern among environmentalists that it will contaminate groundwater supplies and endanger human health in communities adjacent to drilling sites.

Several Democrats led by Rep. Diana DeGette (D-Colo.) are pushing legislation to close what’s been dubbed the “Halliburton loophole” after the drilling services company. The bill would overturn a provision in a major 2005 energy law that exempts the practice from key Safe Drinking Water Act regulations. House Energy and Commerce Committee Chairman Henry Waxman (D-Calif.) [recently launched an investigation into industry fracking practices](#) as well.

Rep. Maurice Hinchey (D-N.Y.), who authored language in fiscal year 2010 spending legislation that urged EPA to do the study, applauded EPA’s action Thursday.

“This is an important step toward ensuring that natural gas drilling is done in a way that protects our environment, vital natural resources and public health. It is also a necessary step since the EPA’s 2004 study on the matter was marred by biased data influenced by senior officials in the previous administration,” said Hinchey, a co-sponsor of DeGette’s measure.

Industry groups are strongly opposing new federal regulation, arguing that it would impose new costs that make some gas production uneconomical. They contend that fracking – which has been around for decades – has a proven safety record and that state laws provide adequate protection.

“We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas,” said the American Petroleum Institute in response to the EPA announcement. “We hope the agency will provide ample opportunity for stakeholder comment and participation during the course of its study. Our members are experts on well construction and development and on safe and effective hydraulic fracturing operations.”

An EPA announcement of the study says the agency is in the early stages of designing its research program and is seeking input from its Science Advisory Board.

EPA Begins Study of Fracturing's Effects on Water Supplies

By KATIE HOWELL of [Greenwire](#)

U.S. EPA announced the start today of a study examining the effects of a controversial oil and gas production technique known as hydraulic fracturing on water supplies.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," EPA Assistant Administrator Paul Anastas said in a statement. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input."

Hydraulic fracturing is a decades-old technology used by the petroleum industry to improve production at aging wells by blasting water, chemicals and sand or plastic beads into a wellbore at high pressure. The technique has grabbed public attention as the industry has used it to tap vast stores of domestic natural gas, and drillers have poured into Pennsylvania and New York to tap the potentially vast Marcellus Shale formation.

"Understanding the risks that hydraulic fracturing poses to drinking water supplies is critical to guiding future policies and regulations that will safeguard the public," Rep. Maurice Hinchey (D-N.Y.) said in a statement heralding the study's launch.

Hinchey pushed for the congressionally authorized EPA study and has also been a key player on a bill ([H.R. 2766](#) (pdf)) that would mandate federal regulation of fracturing under the Safe Drinking Water Act.

The new study is being praised by environmentalists who criticized a 2004 EPA probe whose results were skewed, they say, by data collected selectively from sources with a vested interest in the oil and gas industry.

"Independent, unbiased scientific inquiry into hydraulic fracturing is critical," said Amy Mall, a senior policy analyst for the Natural Resources Defense Council. "We are very pleased that the EPA is responding to families across the country who are concerned that oil and gas development is contaminating their drinking water."

Industry also welcomed the new study, saying it would prove claims that fracturing technology is safe.

"Assuming the study's methodology is technically sound, its evaluations are science-based, and its conclusions are peer-reviewed, there's really only one credible outcome this project can produce," said Chris Tucker, a spokesman for the industry-backed group Energy in Depth. "And -- spoiler alert -- it's not the one that

opponents of responsible shale gas exploration are clamoring for."

The American Petroleum Institute and America's Natural Gas Alliance likewise expressed confidence the study would pacify critics of fracturing.

"We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas," API said in a statement.

The trade group added, "While the technology has been used for more than a half century, its continued use is crucial. It is enabling access to massive new supplies of natural gas trapped in shale formations across the United States."

EPA's new study will get a start with \$1.9 million in funding and will be designed by the agency's Office of Research and Development and guided by the EPA science advisory board.

House Energy and Commerce Committee Democrats are continuing with their probe into chemicals used by hydraulic fracturing companies. Meanwhile, H.R. 2766 and Senate companion legislation ([S. 1215](#) (pdf)) that would require federal regulation of fracturing are languishing.

"While we eagerly await the results [of the EPA study], we also think there is sufficient information for Congress to move ahead to protect drinking water by closing the Halliburton loophole and ensuring that hydraulic fracturing is regulated under the Safe Drinking Water Act," NRDC's Mall said.

Hydraulic Fracturing for Natural Gas to Be Studied by U.S. EPA

Bloomberg News

March 18 (Bloomberg) -- Risks to water quality and public health from using hydraulic fracturing to obtain natural gas will be studied by the U.S. Environmental Protection Agency, the regulator said.

The EPA is in "the very early stages" of designing a research program and will spend \$1.9 million this year to begin the work, according to a statement by the agency today.

Energy companies are expanding their use of fracturing, injecting water and chemicals into rock to free gas deposits from shale formations. Organizations such as the Washington-based Environmental Working Group say hydraulic fracturing can taint drinking-water supplies.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," Paul T. Anastas, assistant administrator for EPA's Office of Research and Development, said in the statement. "The study will be conducted through a transparent, peer-reviewed process."

The House of Representatives, in fiscal 2010 budget legislation, urged the agency to study the potential risks that fracturing poses to drinking water.

Gas locked in shale rock formations is expected to account for 50 percent of U.S. supply by 2035, up from 20 percent today, according to a study released last week by IHS Cambridge Energy Research Associates Inc.

Fracturing is "enabling access to massive new supplies of natural gas trapped in shale formations across the United States," the American Petroleum Institute said in an e-mailed statement today.

Committee Inquiry

"We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas," said the Washington-based trade group, which represents oil and natural-gas companies.

Halliburton Co. and Schlumberger Ltd., both Houston-based, were among eight companies asked last month by Representative Henry Waxman, a California Democrat and chairman of the House Energy and Commerce Committee, for data on chemicals used in fracturing.

"Hydraulic fracturing could help us unlock vast domestic natural gas reserves once thought unattainable," Waxman said in a Feb. 18 statement. "As we use this technology

in more parts of the country on a much larger scale, we must ensure that we are not creating new environmental and public health problems.”

Exxon Mobil Corp., based in Irving, Texas, included a clause terminating its planned acquisition of Fort Worth, Texas- based XTO Energy Inc. should U.S. policies make using hydraulic fracturing commercially impracticable. The acquisition was announced in December.

**Brendan
Giffilan/DC/USEPA/US**
10/30/2009 11:21 AM

To Richard Windsor, Diane Thompson, Bob Sussman, Bob Perciasepe, Seth Oster, Allyn Brooks-LaSure, Adora Andy, Betsaida Alcantara

cc

bcc

Subject AP: Mountaintop removal mining protests going national

Mountaintop removal mining protests going national

By VICKI SMITH (AP) – 14 minutes ago

MORGANTOWN, [W.Va.](#) — Activists with Mountain Justice, Rainforest Action Network and other groups planned protests at Environmental Protection Agency headquarters and across the country Friday to demand the end of mountaintop removal mining in Appalachia.

An online map showed more than two dozen planned events from California to Maine, including demonstrations at a regional EPA office in Philadelphia and a New Jersey office of JPMorgan & Chase Co., a bank environmentalists say is the biggest financier of the destructive form of strip mining.

It was the third attempt at a national protest since June, and evidence the environmentalists believe the tide is turning in their favor under the Obama administration.

"The end of mountaintop removal is almost here," declares the Rainforest Action Network on its Web site. "Political and financial decision-makers in New York, Washington D.C. and across the country continue to hear our message."

Chris Hamilton, vice president of the West Virginia Coal Association, was out of the office Friday and did not immediately return a cell phone message.

Mountaintop removal is a form of strip mining that blasts apart ridge tops to expose multiple coal seams. Operators level off the peaks, then dump rock and debris into valleys, sometimes covering intermittent streams and changing the contour of the land.

Coal operators say it's often the most efficient and sometimes the only way to get to reserves, but many people who live near the mines say they suffer unacceptable damage to the environment and their homes.

West Virginians Bo Webb and Chuck Nelson were in Washington, D.C., with at least two dozen other protesters, hoping to deliver a letter to EPA Administrator Lisa Jackson.

"I do think it's turning in our direction. They're starting to look at scientific evidence showing what filling in the streams and valleys does to our headwaters, to the whole ecosystem," said Nelson, a disabled underground coal miner from Glen Daniel. "But we need to stress to the EPA that they need to make a decision soon because the longer this goes on, the more danger they're putting us in."

The EPA recently revoked a permit for what could have been West Virginia's largest mountaintop removal operation, citing "very serious concerns" about possible Clean Water Act violations. It was the first time since 1972 the agency had used its authority to review a previously permitted project.

Two weeks ago, unruly crowds took over what were intended to be public hearings in Kentucky and West Virginia on an Army Corps of Engineers proposal to suspend or end a streamlined permitting process for mountaintop removal mines. They shouted down and intimidated the few environmentalists who showed up to support individual reviews of operations.

"As long as there's that uncertainty, not knowing what's going to happen, it's going to keep causing tension in the communities and in the industry," Nelson said. "The threats are becoming more intense because they're uncertain what the future holds for them."

EPA administrators "need to make a quick decision about what is and what is not going to be allowed."

**Brendan
Gillilan/DC/USEPA/US**
11/01/2011 09:55 AM

To Richard Windsor, Diane Thompson
cc Seth Oster
bcc
Subject NJ126 coverage

We think Star-Ledger and potentially the Record will editorialize as well.

Pennsylvania coal power plant blamed for polluting N.J. air must better control its emissions, federal authorities rule

Star Ledger/Bergen Record

A Pennsylvania coal power plant long blamed for belching toxic pollution into Warren, Sussex, Morris and Hunterdon counties must clean up its act within three years, the U.S. Environmental Protection Agency ruled yesterday, handing a major victory to New Jersey officials.

The state has battled the Portland Generating Station, situated across the Delaware River from Warren County, for at least a decade to try to choke off the sulfur dioxide that spews from its smokestacks and endangers the health of residents in the northwestern part of the state.

"The EPA made clear that harmful emissions from a Pennsylvania coal-fired power plant will not be tolerated," Gov. Chris Christie said in a statement. "This is a major step toward our continuing commitment to improving air quality for all residents of New Jersey."

Under the environmental agency's decision, the plant must install equipment to reduce its sulfur dioxide emissions by 81 percent. The pollutant aggravates asthma and contributes to other respiratory problems, and also forms soot that collects on cars, homes and businesses.

Ken Varhola, a spokesman for GenOn Energy, which owns the Portland plant, said in a statement that the company was reviewing the decision.

The plant is among the 44 percent of coal-fired generating stations in the nation that don't have advanced technology to control pollution, the environmental agency said. In 2009, the Portland plant emitted more than twice the total amount of sulfur dioxide from all of New Jersey's plants combined, according to the state Department of Environmental Protection.

"As someone who lived and worked in New Jersey, I know that communities have struggled for years with pollution crossing state lines, fouling the air they breathe and threatening their health," the head of the environmental agency, Lisa Jackson, said in a statement.

Jackson, the former chief of the state DEP, sued the plant in 2007 and admonished the EPA for not taking action during the Bush administration.

Republicans and Democrats alike in New Jersey — including Christie — have long battled plants like the one in Portland, whose pollution blows into the state. About one-third of air pollution in New Jersey, which does not meet federal standards for healthy air, comes from other states.

But in a national court battle over a new rule issued by EPA intended to alleviate the problem, New Jersey is still on the sidelines, and environmentalists, power companies and industry groups are waiting to see what Christie will do as the Nov. 6 filing deadline approaches.

"This is a clear message to Gov. Christie that you can't play it both ways," said Jeff Tittel, head of the New Jersey Sierra Club. "You can't tell people you care about out-of-state pollution and not sign on to the

lawsuit to defend the EPA.”

Under the rule, 27 states, including New Jersey, must install better pollution control equipment. The EPA says this is the only way those states can meet the federal Clean Air Act, though opponents say it could increase electricity prices and cause layoffs.

New York, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware and Maryland — all led by Democratic or independent governors — recently joined the suit to defend the EPA against challenges from cities, states and power companies in the South and the Midwest, where coal plants reign.

Environmentalists in New Jersey are concerned that Christie, whose influence among Republicans is growing, will not defend the federal agency in court to avoid angering those in the party who have criticized it.

EPA grants NJ request to cut GenOn coal emissions

Reuters

EPA grants first single-source petition by another state

HOUSTON Oct 31 (Reuters) - The U.S. Environmental Protection Agency on Monday said it granted New Jersey's request to force a Pennsylvania coal-plant to cut emissions that it determined are worsening air quality in at least three New Jersey counties.

The EPA said the petition -- the first single-source petition the agency has granted -- will require GenOn Energy's Portland Generating Station in Northampton County, Pennsylvania, to significantly pare emissions of sulfur dioxide (SO₂) within three years.

"In granting today's petition, we're taking a common-sense approach that gives the facility flexibility to find the most cost-effective methods for cutting pollution and for helping communities in New Jersey meet the Clean Air Act standards for sulfur dioxide," EPA Administrator Lisa Jackson said in a statement.

U.S. power producers and state regulators are taking sides in the federal push to reduce emissions from coal-fired plants which supply about 45 percent of the nation's electricity.

The EPA said cutting dangerous emissions of SO₂, nitrogen oxide and mercury from the 44 percent of U.S. coal plants that lack advanced pollution controls will produce health benefits and reduce premature deaths.

A number of utilities, state regulators and power grid operators are challenging the EPA action, saying stricter limits will force retirement of 30,000 MW or more of coal generation, raise electricity prices and threaten reliability of the grid.

GenOn spokesman Mark Baird said the Houston-based company was reviewing the order and had no further comment.

The agency said its ruling covers Portland Units 1 and 2 which are about 50 years old and can produce 400 megawatts of electricity.

The Sierra Club of New Jersey praised the EPA action.

"This is an important victory in improving New Jersey's air quality," said Jeff Tittel, director of New Jersey's Sierra Club. "This plant is the largest source of pollution in northwest New Jersey and now they are going to have to clean it up or close it."

Under the Clean Air Act, a state can petition EPA to request a source or group of sources in another state reduce emissions that worsen the complaining state's air quality.

If the EPA finds emissions in one state hurt air quality in another state, the agency can set emissions limits.

In September 2010, New Jersey asked EPA to find that emissions from the Portland power plant worsen New Jersey's air quality and require the facility to reduce its SO2 emissions.

An EPA analysis showed the SO2 level in New Jersey exceeded air-quality standards and the Portland plant was the main source of emissions, the agency said. Monitoring data in Warren County supported the modeling results.

Since the 1970s, the EPA has received less than 10 petitions under the single-source provision, the agency said. Only two petitions were reviewed, neither was granted. The EPA has not acted on a second petition filed last year by New Jersey, the agency said.

Upper Mount Bethel plant must cut pollution, EPA says

Allentown Morning Call

The U.S. Environmental Protection Agency has approved drastic emission cuts at an Upper Mount Bethel Township power plant, assuring sharp reductions in pollution but raising fears the employer will shut down.

In a 95-page final response released Monday, federal officials ordered the Portland Generating Station to cut sulfur dioxide levels by 81 percent within three years, or nearly 20,000 tons. Sulfur dioxide, a troublesome pollutant that can travel hundreds of miles on the winds and aggravates asthma, has plagued New Jersey counties along the Delaware River for years, with Garden State officials pointing to Pennsylvania for blame.

It was a good day for New Jersey Sierra Club Director Jeff Tittel, who has fought for well over a decade to force the Portland Generating Station to install scrubbers.

"This was definitely a treat, not a trick," he said. "It's a great victory for clean air and the lungs of the people of New Jersey."

Not for Robert Nelson, a township supervisor at Upper Mount Bethel, which hosts the 70-employee plant. For him, the EPA's decision has raised a new host of anxieties: the possibility of an empty industrial site, laid-off employees and the loss of \$30 million the plant funnels to the local economy every year.

"I hoped there could have been a compromise without them having to take a desperate step," he said. "The power plant is not only an asset to us, it's an asset to the whole state."

New Jersey officials say the plant has fouled the air in four counties, raising asthma rates and exacerbating breathing problems. The 53-year-old power station on the Delaware produces more sulfur dioxide pollution than all of the coal-fired power plants in New Jersey combined, they've said.

Parent company GenOn Energy, based in Houston, agrees that the plant emits sulfur dioxide and concedes that it lacks any meaningful pollution controls. But it has stayed within Pennsylvania's air quality standards, and company officials say the cost of installing scrubbers could force the plant to shut down altogether.

By the EPA ruling, Portland Generating Station must reduce emissions by 60 percent within one year. In six months, it'll have to submit a plan on how it will comply.

GenOn officials could not be reached for comment. They have 60 days to file an appeal, EPA officials said.

New Jersey first filed its petition to the EPA in 2010, calling on the federal government to force Portland to take action. According to previously released EPA statistics, the plant emitted a combined 22,000 tons of sulfur dioxide in 2010.

In a 2011 hearing, the plant defended its record, saying it's been a valuable partner in the community and hasn't violated Pennsylvania law. Garden State activists and officials retorted that maintaining a clean record in Pennsylvania is easy when all the pollution is blown across the Delaware into New Jersey.

Emissions from Pennsylvania have kept at least one New Jersey county from meeting federal air standards, state officials say.

As Congress debates deauthorizing recent air regulations and presidential candidates attack the EPA, clean-air advocates say the ruling was a rare victory — and one hard-fought.

"Many, many folks suggested we could not win this battle," said Larry Ragonese, a spokesman at the New Jersey Department of Environmental Protection. "We were really pleased that EPA took a good hard look at it and considered the impact of air crossing the border."

EPA rules Portland Generating Station must drastically reduce emissions within 3 years

[The Express-Times](#)

The [Environmental Protection Agency](#) ruled an [Upper Mount Bethel Township](#) power plant must drastically reduce emissions within three years, ending a yearlong process sparked by New Jersey complaints of pollution.

In a [95-page decision released this afternoon](#), the EPA ruled the [Portland Generating Station](#) must lower its permitted sulfur dioxide emissions by 81 percent within three years. 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. Though the plant, which is owned by [GenOn Energy](#), 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.

The New Jersey DEP filed a complaint against the station in September 2010, requesting the EPA take action to bring the plant into compliance with New Jersey standards. New Jersey proposed a 51 percent drop in one year and an 81 percent drop over three years. Instead, the EPA ruled the plant must make improvements more quickly, demanding a 60 percent drop in the first year. The decision marked the first time the EPA has issued a rule against a single polluter.

"In granting today's petition, we're taking a common-sense approach that gives the facility flexibility to find the most cost-effective methods for cutting pollution and for helping communities in New Jersey meet the Clean Air Act standards for sulfur dioxide," said EPA Administrator Lisa Jackson in a news release. Jackson is the former head of the New Jersey DEP.

Ken Vorhola, a GenOn spokesman, declined to comment, saying the company was still going through the decision. Vorhola and Stephen Davies, the company's vice president of asset management, said the company hoped to progress more slowly, [suggesting only a 25 percent drop in emissions the first year](#).

"We're in the process of reviewing the rule, what it means and what the implications will be," Vorhola said.

New Jersey officials praised the decision, saying it would improve the air quality for thousands of people.

"This is a major step towards our continuing commitment to improving air quality for all residents of New Jersey," said Gov. Chris Christie in a news release. "The EPA made clear that harmful emissions from a

Pennsylvania coal-fired power plant will not be tolerated. By giving our request serious consideration and partnering with us to act, we are providing real solutions to a matter that has long been a public health concern for so many of our residents.”

The ruling did provide some relief to the Portland Generating Station. Under the proposed rule, the station had only 90 days to decide if it would commit to meeting the new regulations or shuttering it. Under the final rule, GenOn has six months to determine how it will meet the new limitations and a full year to provide a demonstration.

Even if GenOn chooses to comply with the sulfur dioxide ruling, it may not be able to meet future federal regulations at the plant. The EPA is considering a national regulation limiting the amount of toxic materials produced at power plants. If it's adopted as written, it would require the Portland Generating Station to slash its mercury emissions by 91 percent by 2015. Davies has previously said the plant would either need to shut down or switch to a natural gas fuel to meet those requirements.

Brendan
Gillilan/DC/USEPA/US
10/31/2011 02:17 PM

To Richard Windsor, Diane Thompson, Seth Oster
cc
bcc
Subject Star Ledger: Pennsylvania coal power plant blamed for
polluting N.J. air must better control its emissions, federal
authorities rule

Quick web story - it'll get longer:

Pennsylvania coal power plant blamed for polluting N.J. air must better control its emissions, federal authorities rule

Star-Ledger

TRENTON — A Pennsylvania coal power plant long blamed for polluting Warren, Sussex, Morris and Hunterdon counties must clean up its act within three years, federal authorities ruled today, handing a victory to New Jersey environmental officials.

The state Department of Environmental Protection last year petitioned the U.S. Environmental Protection Agency to force the power plant, located across the Delaware River from Warren County, to better control its emissions of sulfur dioxide.

Sulfur dioxide can aggravate asthma, cause other respiratory problems and contribute to other, more harmful types of air pollution, the EPA said in a news release.

State officials on both sides of the political aisle — including Gov. Chris Christie — have fought for at least a decade to force the plant to install upgrades because it contributes to New Jersey's air pollution, which does not meet federal clean air standards.

Under the EPA's decision, the Portland Generating Station must install the latest technology to capture pollution before sending it from its smokestacks into the air. The power plant is among the 44 percent of coal-fired plants in the country that do have advanced pollution controls, according to the EPA.

The state Department of Environmental Protection petitioned the EPA to force the plant to clean up in September last year. The EPA earlier this year proposed granting the petition, which was finalized in its ruling today, the EPA said.

**Brendan
Gilfillan/DC/USEPA/US**
03/14/2011 06:30 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject Social Media Recap

Social Media Recap: March 14, 2011

Facebook:

1:00 p.m.: Today EPA released a list of the 25 U.S. cities with the most Energy Star certified buildings. Each year the growing number of Energy Star buildings prevents emissions of carbon pollution equal to those of 1.3 million homes, protecting the health of Americans while saving \$1.9 billion in energy costs at the same time. [LINK](#)

3:00 p.m.: Here's an important piece from Politifact setting the record straight on EPA's efforts to protect Americans from unchecked carbon pollution and reduce our oil dependence. The steps EPA and DOT have taken to encourage development of the next generation of clean cars will actually reduce oil dependence and save consumers money at the pump. [LINK](#)

4:00 p.m.: The largest U.S. producer of coal from underground mines agreed to pay a \$5.5 million civil penalty for violating the Clean Water Act at 6 of its mines in W. Va. The company will also invest \$200 million to reduce discharges of harmful mining wastewater into Appalachian streams and rivers. Keeping these waters clean is a crucial part of EPA's work to protect people's health. [LINK](#)

Twitter:

1:00 p.m.: Today EPA released a list of the 25 U.S. cities with the most Energy Star certified buildings - learn more here [LINK](#)

3:00 p.m.: setting the record straight on EPA's efforts to reduce unchecked carbon pollution and our oil dependence [LINK](#)

4:00 p.m.: Consol Energy agreed to pay a \$5.5 million penalty for Clean Water Act violations at 6 of its mines in W. Va. [LINK](#)

Brendan
Gillilan/DC/USEPA/US
01/21/2010 04:37 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject Statement re: Murkowski

Administrator -

Here's the final statement we're giving to press re: the Murkowski resolution:

STATEMENT FROM EPA ADMINISTRATOR LISA P. JACKSON ON SENATOR MURKOWSKI'S RESOLUTION

"The Murkowski resolution asks each Senator to deny the overwhelming science that greenhouse gas pollution is a real and serious threat to the health and welfare of our citizens. It disregards the Supreme Court decision that directed us to act and ignores the evidence before our own eyes. Supporting such a resolution would be to reject, without basis, the exhaustive and sound scientific work of 13 federal departments and scientific experts from around the globe. And it would be a reversal of the formal recognition that both the Senate and the House have already made of the harmful effects of greenhouse gas pollution.

"On a day when over 80 U.S. business leaders have called on Congress to advance legislation for a new national energy and climate policy, this resolution would instead delay and waste more precious time. This resolution, at its core, is not about preventing or postponing regulation, but about denying the established scientific fact that greenhouses threaten the health of our people. It puts politics over science, and it should be rejected."

**Brendan
Gilfillan/DC/USEPA/US**
10/31/2011 02:46 PM

To Richard Windsor
cc Seth Oster
bcc

Subject Fw: Star Ledger: Pennsylvania coal power plant blamed for
polluting N.J. air must better control its emissions, federal
authorities rule

Have also flagged for Moran - they've editorialized on this in the past.

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 10/31/2011 02:46 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth
Oster/DC/USEPA/US@EPA
Date: 10/31/2011 02:17 PM
Subject: Star Ledger: Pennsylvania coal power plant blamed for polluting N.J. air must better control its
emissions, federal authorities rule

Quick web story - it'll get longer:

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Star-Ledger

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The state Department of Environmental Protection petitioned the EPA to force the plant to clean up in September last year. The EPA earlier this year proposed granting the petition, which was finalized in its ruling today, the EPA said.

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2011 10:23 AM

To Richard Windsor
cc Seth Oster
bcc

Subject Star Ledger CSAPR/126 editorial

Star Ledger Editorial: Gov. Chris Christie must support EPA-ordered coal plant cleanup, not partisan politics

New Jersey governors, both Democratic and Republican, have long pressed for a cleanup of coal plants in other states that are spewing toxins into our air.

Until now. Gov. Chris Christie broke that streak yesterday. He said the Environmental Protection Agency is already doing too much. He said the federal government has too much power. He said he was "inclined" to reject calls to support the coal plant cleanup ordered by the EPA.

This is a day to fly the flags at half-staff. Because hundreds of people in New Jersey will die prematurely every year if Christie gets his way. Many more will suffer from heart attacks and asthma.

That's not melodrama, unfortunately. The EPA has ordered a cleanup of power plants in 27 states, most of them to our west and south. The order will cost New Jersey almost nothing because our power plants are already much cleaner than most.

But the benefits will be huge. The EPA estimates this rule will save up to 1,200 lives a year when the cleanup is complete. That's because more than one-third of our air pollution wafts in from other states, most of it from coal plants in Pennsylvania, Ohio, West Virginia and other states that allow their plants to operate without modern pollution controls.

Christie understands this. The great irony is that he won an important battle earlier this week to force a cleanup of the Portland Generation Station, an old and filthy coal plant that sits on the bank of the Delaware River in Pennsylvania.

Precisely the same principle is at work. An out-of-state plant was spewing pollution our way, making it impossible for New Jersey to clean its air. So Bob Martin, commissioner of the Department of Environmental Protection, asked the federal government for help.

New Jersey won that case because the science was irrefutable. You can draw a direct line between that coal plant and our pollution. You can see the smoke waft across the river. People who live nearby in Warren County have to wipe coal smudge off their cars and windows in the morning. Their kids have much higher rates of asthma, according to testimony before the EPA.

This same pattern occurs on a much larger scale every day. But when pollution floats to New Jersey from Ohio, it's impossible to draw a direct line to an individual plant. We know only that toxins we breathe come from coal plants in the region to our west and south. That's why the EPA ordered a broad cleanup under what's known as the cross-state rule.

Most of the other states that are downwind from these plants have joined in defending the EPA against a lawsuit filed by the dirty power companies, and the cities and states in which they operate. In similar fights in the past, New Jersey has joined them.

But not this time. And with a Nov. 6 deadline approaching, the governor yesterday gave us the thoughtless talking points that have become so familiar as the Republican Party continues its assault on environmental regulations.

What has happened to the species of moderate Republicans, such as former Govs. Tom Kean and

Christie Whitman, who both supported sensible EPA actions against these coal plants?

The drift rightward has hit Washington, as well as Trenton. Until this year, New Jersey Republicans in Congress frequently crossed the aisle in defense of the environment. Not anymore. The entire GOP delegation has joined the assault on the EPA, and this cross-state rule in particular. They voted in favor of the TRAIN Act, which would block the EPA's authority to impose these rules, perhaps indefinitely.

Christie still has a few days to shift directions. He has taken some positive steps on air pollution, such as limiting diesel fumes, emissions from dry cleaners and sulfur content of home heating oil. So there is still a shred of hope.

It would take courage in today's climate. It might even wreck his chances of being selected as a vice presidential candidate. But it would save lives and protect the health of vulnerable New Jerseyans.

**Brendan
Gillilan/DC/USEPA/US**
08/28/2011 07:12 PM

To Richard Windsor, "Scott Fulton", "Gina (Sheila) McCarthy",
"Bob Perciasepe", "Seth Oster", Janet McCabe, Laura
Vaught, "Michael Goo"

cc

bcc

Subject Re: Google Alert - lisa jackson epa

Full piece:

An EPA Moratorium

Since everyone has a suggestion or three about what President Obama can do to get the economy cooking again, here's one of ours: Immediately suspend the Environmental Protection Agency's bid to reorganize the U.S. electricity industry, and impose a moratorium on EPA rules at least until hiring and investment rebound for an extended period.

The EPA is currently pushing an unprecedented rewrite of air-pollution rules in an attempt to shut down a large portion of the coal-fired power fleet. Though these regulations are among the most expensive in the agency's history, none were demanded by the late Pelosi Congress. They're all the result of purely bureaucratic discretion under the Clean Air Act, last revised in 1990.

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" for two years, or even longer using rolling two-year periods. All he has to declare is "that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so."

Both criteria are easily met. Most important, the EPA's regulatory cascade is a clear and present danger to the reliability and stability of the U.S. power system and grid. The spree affects plants that provide 40% of U.S. baseload capacity in the U.S., and almost half of U.S. net generation. The Federal Energy Regulatory Commission, or FERC, which is charged with ensuring the integrity of the power supply, reported this month in a letter to the Senate that 81 gigawatts of generating capacity is "very likely" or "likely" to be subtracted by 2018 amid coal plant retirements and downgrades.

That's about 8% of all U.S. generating capacity. Merely losing 56 gigawatts—a midrange scenario in line with FERC and industry estimates—is the equivalent of wiping out all power generation for Florida and Mississippi.

Getty Images

In practice, this will mean blackouts and rolling brownouts, as well as spiking rates for consumers. If a foreign power or terrorists wiped out 8% of U.S. capacity, such as through a cyber attack, it would rightly be considered an act of war. The EPA is in effect undermining the national security concept of "critical infrastructure"—assets essential to the functioning of society and the economy that Mr. Obama has an obligation to protect.

He would also be well within the law to declare that the EPA's rules are technologically infeasible. Later this year, for example, the EPA will release regulations requiring utilities to further limit mercury and other hazardous pollutants. Full compliance will be required by 2015, merely 36 months after the final rule is public, and plants that can't be upgraded in time will be required to shut down.

Yet this is nearly impossible to achieve. Duke Energy commented to the EPA that its average lead time for retrofitting scrubbers was 52 months, including the design, purchase and installation of equipment and the vagaries of the environmental permitting process. For Southern Co., another big utility, it was 54 months, over 16 scrubber systems. Filter systems usually take anywhere from 34 to 48 months end to end.

The environmental regulatory system is so rigid that once a rule is in motion it is almost impossible to stop or roll

back in a way that can withstand scrutiny in the courts. Mr. Obama allowed Ms. Jackson to begin the process, but we rehearse these details to show that he has the legal authority to minimize her damage. An executive order would not make these rules more rational or change them in any way. All it would do is delay them, giving businesses more time to prepare and to amortize the costs over a longer time.

The larger issue is whether the Administration's green campaign is more important than economic growth. The EPA's own lowball cost estimate for the mercury rule is \$11 billion annually, though the capital expenditures to meet the increasingly strict burden will be far higher. That investment could be put to more productive uses than mothballing coal assets and replacing them with more expensive sources like natural gas. With nearly a tenth of America out of work, \$11 billion year after year adds up.

We don't expect Mr. Obama to take our advice and tell his regulators to cool it, but no one should believe the excuse that his hands are tied. Whatever he decides will speak volumes about his real economic priorities.

From: Richard Windsor

Sent: 08/28/2011 06:47 PM EDT

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; Janet McCabe; Laura Vaught; "Michael Goo" <goo.michael@epa.gov>

Subject: Fw: Google Alert - lisa jackson epa

**Brendan
Gilfillan/DC/USEPA/US**

09/12/2011 09:48 AM

To Richard Windsor, "Seth Oster"

cc

bcc

Subject Re: Articles

White House Regulation Shift Is a Political Bet
SEPTEMBER 12, 2011
WSJ
By LAURA MECKLER And CAROL E. LEE

Cass Sunstein, the White House regulatory chief, had long argued for restraint in the growth of federal rules. As 2011 opened, he found a powerful, new ally inside the White House.

Bill Daley, a veteran of the top circles in business and politics, had been hired by President Barack Obama as chief of staff after the Democrats' disastrous midterm elections. In the months that followed, Messrs. Daley and Sunstein helped reshape the administration's regulatory posture.

Regulation czar Cass Sunstein (pictured) and chief of staff Bill Daley are leading the regulatory rethink. The most prominent result came Sept. 2, when Mr. Obama surprised environmental activists by scrapping a rule that would have toughened air-quality standards, and which business groups had said would cost jobs. But the push to give business arguments greater consideration has been seen in other regulatory moves.

Republicans and some business groups say Mr. Obama must jettison a host of other proposed regulations to reverse what they argue is an antibusiness perspective. Brad Dayspring, a spokesman for House Majority Leader Eric Cantor (R., Va.), said Sunday that Republicans welcomed the decision on air-quality standards but can't yet say that administration posture has fundamentally changed. "It's a welcome sign but there's still more to go if there's really a change," he said. "If he could do a few others like that, that would set us in the right direction."

Still, the U.S. Chamber of Commerce, a lobby group for business, has noted a change at the White House. Bill Kovacs, a senior vice president at the Chamber, said Mr. Sunstein is far more visible than during the first two years of the administration. And he said Mr. Daley had "changed the climate" at the White House.

"For the first two years, when there was a concern raised about regulation, the sense was they're just moving forward," he said. "Now, at least they're listening."

Political imperatives have influenced the new approach. Mr. Obama's political team helped spur the change, aiming to reposition the president in the political center and win back independent voters who deserted Democrats in 2010.

The political bet is that the White House can strike a balance that defuses GOP attacks while keeping core supporters in the fold. The risk is that the president fails to satisfy business groups, while alienating his liberal base.

Mr. Sunstein, who has been friends with Mr. Obama since their days on the University of Chicago law-school faculty, has long written about the need to weigh costs more prominently in determining whether regulations are worthwhile. As an academic, he spoke of the risks of over-regulation. Liberals were concerned about his selection to head the White House Office of Information and Regulatory Affairs, which reviews regulations proposed by federal agencies.

"Unless the law requires otherwise, we are going to give very serious consideration to costs and benefits and choose the least burdensome approach," Mr. Sunstein said in an interview.

He has gotten backing from Mr. Daley, the former J.P. Morgan Chase executive who was brought into the White House partly to improve frayed relations with the business community. Before taking the job, Mr. Daley was co-chairman of a Chamber of Commerce committee on financial regulation, arguing against consumer protections that became part of the final Dodd-Frank law. In June, he told a meeting of the National Association of Manufacturers that some regulatory hurdles are "hard to defend."

Soon after Mr. Daley came on board, the president issued an executive order that had been debated internally for months and which directed cabinet agencies to avoid excessive regulations. Based on that directive, Mr. Sunstein launched a review of existing rules and ultimately proposed killing hundreds of them. In July, Mr. Daley directed cabinet secretaries to consider the impact on jobs when proposing new regulations.

On Aug. 16, Mr. Daley met with environmental, public-health and other groups to discuss the Environmental Protection Agency rule that would tighten air-quality standards. At one point he lamented that the issue couldn't be worked out by consensus with industry, as the White House did with the auto industry on fuel-economy rules.

When the American Lung Association mentioned a poll showing public support for EPA standards, Mr. Daley appeared uninterested, according to one person in the room. "He literally cut the person off and said 'I don't give a [expletive] about the poll,'" this person said. A senior White House official said Mr. Daley wanted to hear arguments about the substance of the regulation and its impact, not political arguments, and he was uninterested in all polls on this topic.

The same day, Mr. Daley met with industry groups, who gave the White House a map showing counties that would be out of compliance with the Clean Air Act if the stricter standards were put in place. The map showed that the rule would affect areas in the politically important 2012 election states of Florida, Pennsylvania, Virginia and Ohio.

The White House is pressing forward on other regulations, including a disputed rule on mercury emissions from power plants, as well as rules implementing the Obama-backed health-care and financial-regulatory laws. The White House considered but ultimately rejected suggestions for a partial moratorium on new regulations.

Mr. Obama explained his effort at balance in his address to Congress on Thursday. Some rules put an "unnecessary burden" on businesses and are unjustified, he said. "But what we can't do, what I will not do, is let this economic crisis be used as an excuse to wipe out" rules that he called "basic protections" for Americans.

Forbes

Why Environmental Policies Don't Kill Jobs

Mindy Lubber

President Obama unveiled his jobs proposal last night and among many strong points, he rebuffed the naysayers who disparage the key role that clean technology jobs have in America's revival.

"If we provide the right incentives and support," he said, "we can be the ones to build everything from fuel-efficient cars to advanced biofuels to semiconductors that are sold all over the world."

And he really came out swinging on the need for environmental policies.

"I reject the argument that says for the economy to grow we have to roll back [regulations]. We shouldn't be in a race to the bottom, where we try to offer the cheapest labor and the worst pollution standards."

Obama is right on both fronts. Clean policies not only offer necessary protections, they stimulate jobs.

Quite simply, the naysayers are wrong on clean tech potential—and here's why:

From Scotland to Shanghai to Sao Paolo, the world is moving decisively toward a clean technology conversion and the jobs that come with it for urgent environmental, security and competitiveness reasons.

It's all about market share: Do we wish to trade our dependence on imported and dirty energy for a new dependence on non-domestic clean technologies? Or would we rather innovate 21st century technologies ourselves and sell them to the world?

Unbiased research is clear:

- A Deutsche Bank report in July found that "countries with more 'TLC' - transparency, longevity and certainty - in their climate policy frameworks will attract more investment and build new, clean industries, technologies and jobs faster than their policy-lagging counterparts." The United States was singled out as a laggard.
- A report by the University of Massachusetts' Political Economy Research Institute showed that EPA-mandated clean tech upgrades to America's Eisenhower-era power plant fleet will generate about 290,000 net new domestic jobs a year in each of the next five years.
- Two Citi Investment Research reports showed that boosting automobile fuel economy standards will boost automakers' variable profits and sales - especially for the Detroit 3 - and also boost US-based suppliers of fuel-savings technologies. In fact, GM is already pushing to export Michigan-made Chevrolet Volt plug-in hybrids to China, the world's largest auto market, later this year.
- Several recent news accounts (see here and here) point to a lack of clear policy in the U.S. - and its presence elsewhere - as a central reason other countries' clean tech industries are swiftly eclipsing U.S. firms' market share. And when American Electric Power this summer abandoned its pioneering effort to capture carbon dioxide from an existing coal-burning power plant, the New York Times reported: "The technology had been heralded as the quickest solution to help the coal industry weather tougher federal limits on greenhouse gas emissions. But Congressional inaction on climate change diminished the incentives that had spurred A.E.P. to take the leap."

So on these and other clean tech fronts America languishes while other countries sprint ahead. These countries get it: smart policy = business certainty = investment = jobs.

The naysayers' analysis of clean tech's potential is consistently and woefully incomplete because it's often a variation of an inadequate costs-only analysis - some version of, 'We can't buy this solar panel because the cost of the coal-fired power it replaces is cheaper.' That of course ignores the total societal cost of the fossil fuel in question, strong market trends, and the myriad other health, economic and security benefits of going from dirty energy to clean energy. Such incomplete analysis wouldn't pass muster in a first-year economics class.

Opponents of new environmental technologies and policies have repeatedly been wildly inaccurate in their cost claims. As one of many examples, in 1981 the Business Roundtable estimated that compliance with the Clean Air Act would cost \$66 billion annually over six years. In 1990, they estimated further compliance costs at \$55 billion annually. Yet in 1997, EPA reported the actual cost of the CAA compliance over its first 20 years at just \$26 billion a year. And that doesn't count the vastly-larger health and environmental gains.

So let's stop fiddling while the rest of the world sprints ahead in a competition that will only grow. As any VC will tell you, priming the pump for cutting-edge industries always has its share of failures and busts - let's not single them out to score political points.

The 21st Century global economy will inevitably be powered by clean tech, and the millions of jobs it spawns elsewhere if not here. It's past time to get moving on the policies we need to nurture it.

Richard Windsor

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

From: Richard Windsor

Sent: 09/12/2011 09:30 AM EDT

To: "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan

Subject: Articles

Can you send me the text of the WSJ article on regs featuring Sunstein? Didn't see it in the clips.

Also - the Luber article in Forbes. Thx!

**Brendan
Gillilan/DC/USEPA/US**
10/19/2010 09:45 PM

To Windsor.Richard, Perciasepe.Bob, 221FC614,
Thompson.Diane, Sussman.Bob, Heinzerling.Lisa,
McIntosh.David, "Arvin Ganesan", "Lawrence Elworth", "Gina
McCarthy", "Daniel Kanninen"
cc "Adora Andy", "Betsaida Alcantara"

bcc

Subject Politico: EPA in the cross hairs

EPA in the cross hairs

By Robin Bravender | 10/19/10 @ 7:09 PM EST

Congressional Republicans planning an assault on the Obama administration's environmental record aim to turn Lisa Jackson into public enemy No. 1.

On the campaign trail, Republicans have adopted the Environmental Protection Agency as a favorite symbol of the White House's regulatory overreach. And behind the scenes in Washington, GOP staffers and K Street lobbyists who say they've been dissed by the EPA administrator are looking forward to getting some revenge.

Like other senior administration officials, Jackson can expect to be chained to a witness chair on Capitol Hill if Republicans win either chamber. There, they hope to make her defend policies the GOP contends are unpopular and anti-business.

"I think she'll be very much in demand on the Hill, at times not of her choosing," said a former staffer on the House Energy and Commerce Committee. "It will diminish her free time, shall we say."

With Democrats holding the reins in Congress, and White House energy and climate adviser Carol Browner taking many of the arrows from the GOP, Jackson has had enough of a political buffer zone to issue some of the strictest environmental rules in history. Republicans have decried the EPA at each step along the way but have been unable to do much about it.

Some of the animosity is personal: Republicans in both chambers and K Street attorneys say Jackson and her staff are too dismissive of opposing views and other stakeholders.

"When we write a letter to them, we'll get a form letter back," said a Republican aide. "We have seen no real indication that they hear or understand our concerns. She's loyal to the White House, and beyond that, they're just totally in sync with the view that we need a lot more regulations."

Rep. Joe Barton (R-Texas), ranking member of the energy committee, said Jackson isn't "rude or uncivil" but appears to be "on some sort of a mission, come heck or high water."

"Mrs. Jackson does not appear to be overly concerned about a cooperative relationship with the Congress or, at least, with the minority members of the Energy and Commerce Committee," Barton told POLITICO.

Rep. Shelley Moore Capito (R-W.Va.) complained earlier this year after a contentious meeting with Jackson over coal mining. Jackson told her that "the EPA is not required, and they do not consider, jobs or economic impact when evaluating permits," Capito told the Charleston Daily Mail.

"We had a good give and take. It wasn't adversarial," Capito said. "But there was no door opening where she said she might consider something. There was no door opening for me to say, 'Are you open to some change? Maybe you could come down to the coal fields.' I kept trying to, but there wasn't that possibility."

The showdown on Capitol Hill could be reminiscent of 1995, when Republicans reclaimed both chambers

of Congress in the middle of President Bill Clinton's first term.

"The impact on EPA was significant," said a former agency official who worked under then-Administrator Browner. "There was more oversight, and it was more intense."

Republicans will try to use hearings to discredit the administration and the EPA, that person said. "It can have its nastier side."

Rep. Fred Upton (R-Mich.), the favorite to chair the Energy and Commerce Committee if Democrats lose the House, hopes to investigate the Obama administration's "poisonous regulations" and the role of policy "czars" in the White House, including energy adviser Browner.

"If we have the gavel, I can assure you that the oversight subcommittee will be very busy," Upton told POLITICO, adding that Browner can also expect frequent invitations to testify. "We'll have a seat reserved for her," he said.

Energy and Commerce won't be the only panel on Jackson's dance card: Rep. Darrell Issa (R-Calif.) said he wants to use the Oversight and Government Reform Committee to lead a probe into the science underpinning the EPA's climate regulations. And Rep. Jim Sensenbrenner (R-Wis.) hopes to keep the Select Committee on Energy Independence and Global Warming alive so he can examine the administration's climate and energy policies.

Jackson, 48, is no shrinking violet. New Orleans raised, she earned her chops as an enforcer at both the EPA and New Jersey's Department of Environmental Protection before becoming the state's top environmental official. She has declared she has no plans to leave her post anytime soon.

Under her watch, the EPA has pushed through the nation's first-ever climate rules aimed at curbing emissions from large industries and automobiles. The agency has also come under fire for its efforts to limit toxic coal ash, ozone and soot and smog emissions from power plants.

One industry attorney complained that Jackson sees everything as a "mythic struggle between right and wrong," rather than looking to compromise.

"It's definitely anti-lobbyist rhetoric," Jackson told POLITICO earlier this month. "It's definitely meant to reflect the fact that when I go around the country, people want clean air. They are as passionate about clean air and clean water as [about] any of a number of issues; they want protection for their families and their children.

"I do very much believe that it's time for us to get past this tired dance, where folks inside this Beltway get paid a lot of money to say things that aren't true about public health initiatives that this agency is charged by law with undertaking," she added.

Democratic staffers, meanwhile, are quick to praise the agency. Eben Burnham-Snyder, a spokesman for House energy bill author Rep. Ed Markey (D-Mass.), said the EPA "has been very helpful, especially during the process of passing the energy bill through the committee," in providing reports and analyses.

EPA spokesman Brendan Gilfillan said Jackson's "commitment to openness compares particularly well to the lack of transparency during the previous administration.

"EPA is not always legally able to answer every question a member of Congress might ask," he added. "But we have responded - or are in the process of responding - to every letter sent to us, regardless of the merits of the arguments made in the letters themselves."

And Jackson's supporters say she won't relent under pressure. "She's up to whatever comes," said Dan Becker, director of the Safe Climate Campaign.

Becker warned that Republicans would pay a price for dragging officials to hearings to score political

points. "Merely subpoenaing people and hauling them up to answer the same questions ... will get them nowhere," he said. "The American people don't want nothing to happen; they want the right things to happen."

But not every hearing will produce fireworks, suggested former Rep. Thomas Bliley Jr. (R-Va.), who led the renamed House Commerce Committee from 1995 to 2001.

Bliley said the White House could find creative ways to avoid some GOP attacks. When reluctant officials do appear, he said, "they come in and generally read a long statement; announce in advance that they have another meeting they have to attend, ... and so they won't be there very long.

**Brendan
Gilfillan/DC/USEPA/US**
09/15/2010 10:36 AM

To Windsor.Richard, Perciasepe.Bob
cc Oster.Seth, Andy.Adora
bcc
Subject Re: Climate leaders today

Here's the release:

EPA to Transition Climate Leaders Program

WASHINGTON - The U.S. Environmental Protection Agency (EPA) announced that it will phase down services the agency offers under its Climate Leaders program over the coming year and encourage participating companies to transition to state or non-governmental programs. Factoring into the agency's plans for the program are the many new developments in regulatory and voluntary programs that address greenhouse gas (GHG) emissions, including the first-ever mandatory greenhouse gas reporting rule that took effect on January 1, 2010. In addition, several states and non-governmental organizations (NGOs) now offer climate programs that are now robust enough to serve companies in the Climate Leaders program.

As EPA phases down services the agency provides under the program - including technical assistance and setting greenhouse gas reduction goals - the agency will also take steps to assist the transition of the partners into non-federal programs that will allow them to go above and beyond mandatory reporting requirements to meet their goals. The agency will work with these programs to continue to stay involved in important initiatives related to corporate greenhouse gas accounting and to support companies' actions to reduce their GHG emissions, in particular through other EPA programs such as Energy Star and the Green Power Partnership. The agency will also seek new ways to promote, support and recognize climate leadership.

EPA is confident that this transition will allow the agency to realign resources to better assist companies in learning from the emissions data collected under the Greenhouse Gas Reporting Program. This data will facilitate the exchange and application of best practices and innovative technologies across a wide range of industries. EPA's other voluntary programs will remain in place and continue to work with partner organizations to reduce emissions and increase sustainability.

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 09/15/2010 07:27 AM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Seth Oster; Adora Andy
Subject: Climate leaders today

Just a heads up that the climate leader letter to partners announcing the program changes will go out this morning - we'll put out a short news release early afternoon, once we can be confident a majority of partners have received the communication. The letter will also be posted on the program's webpage.

We're still going back and forth on the release but will send the final version around before it goes out.

Thanks

- Brendan

**Brendan
Gillilan/DC/USEPA/US**
10/20/2010 10:31 PM

To Windsor.Richard, Perciasepe.Bob, Oster.Seth, Andy.Adora,
Thompson.Diane, "Cynthia Giles-AA", "Matt Bogoshian",
"Bob Sussman", "David McIntosh", "Arvin Ganesan"

cc

bcc

Subject Inside EPA: Facing Staff Concerns, EPA Plans Overhaul In
Criminal Enforcement Office

Facing Staff Concerns, EPA Plans Overhaul In Criminal Enforcement Office
Posted: October 20, 2010

EPA enforcement chief Cynthia Giles is implementing sweeping leadership changes in the agency's criminal enforcement division to address retirements along with a host of personnel and resource concerns that several recent reports found may be hampering prosecutions and undermining staff morale.

In an Oct. 19 memo to criminal enforcement staff with the Office of Enforcement & Compliance Assurance (OECA), Giles announces a leadership shuffle to fill slots left by retiring officials within Office of Criminal Enforcement, Forensics & Training (OCEFT). Giles says Howard Cantor, director of the National Enforcement Investigations Center within OCEFT, is being immediately elevated to serve as acting deputy OCEFT director to replace Ellen Stough who retired earlier this year, and then he will becoming the office's acting director once director Fred Burnside retires in December.

She also announces that Becky Barnes, the current director of OCEFT's Criminal Investigation Division (CID), "has decided . . . to pursue new challenges within the criminal enforcement program."

The CID appears to have been the venue for some of the most disputed personnel issues due to concerns over the division's management, according to Giles' memo. A "lack of shared information about the reasons for some personnel decisions has [led] to the spread of rumors, creating in some places a climate of distrust about disciplinary matters," Giles writes.

In the memo, Giles notes that Cantor will seek broad input to determine "an appropriate and effective avenue for agents to communicate their concerns regarding personnel issues, and an appropriate and timely way for management to address those concerns." Giles adds that will consult with EPA's Office of General Counsel and Office of Human Resources to ensure that OCEFT's current personnel practices are consistent with federal policy.

Giles notes that the leadership changes contribute to the challenges facing the criminal office in the wake of two independent reviews -- including one by the federal Office of Personnel Management (OPM) and a second by two former EPA executives -- that had identified a series of problems within the CID and other criminal enforcement offices that she says will now be addressed.

"One of the purposes of this memo is to inform you of the actions we are taking both to improve communication and management processes

within CID, and to ensure that during this transition we maintain our focus on bringing environmental criminals to justice," Giles writes.

The new leadership changes are the latest indication that officials are seeking to strengthen the agency's criminal enforcement efforts. Last month, Giles promised to hire a slew of additional criminal investigators as part of a mandatory legislative requirement and the agency recently adopted a first-time performance measure for criminal enforcement under its five-year strategic plan.

Enforcement Staff Morale Undermined

Giles' memo comes in response to a report from former EPA officials Tom Voltaggio and Bill Finister that found that personnel policies in the criminal enforcement office had undermined staff morale.

The former officials' Sept. 7 report -- commissioned by Giles -- found, for example, that "Implementation of OCEFT's elaborate performance standards and code of conduct allows for a zero tolerance environment which results in a near certainty that anyone can be shown to have performed poorly or has violated some provision at any time, no matter how insignificantly. Many employees fear that they can be disciplined severely for actions out of proportion to the actual violation, thus creating, at a minimum, paranoia, and, at its worst, perceptions of potential unequal implementation."

The June 1 OPM survey also showed widespread employee dissatisfaction with management practices, for example, 45 percent said disciplinary actions are not applied fairly.

According to Giles' memo, this has prompted "personnel actions" in CID, "which will be reviewed to ensure that they are being handled in accordance with the applicable regulations and policies."

EPA released Giles' memo, along with a statement that praises the importance of criminal investigators, to InsideEPA in advance of a survey of EPA criminal investigators to be released Oct. 21 by Public Employees for Environmental Responsibility (PEER) showing "deteriorating pollution enforcement due to lack of resources and competent leadership."

PEER finds that 58 percent of agents responding to the survey believe CID is weaker than it was under the Bush administration and 65 percent believe the division is headed in the wrong direction. It also finds that 71 percent had concern over job retaliation by management and 73 percent expressed concern over micromanagement.

"Polluters go free if these investigators cannot do their jobs. Complex corporate criminal cases require support from managers who understand what it takes to make charges stick," PEER says in a statement accompanying the report.

An EPA spokesman says that criminal investigators "remain the backbone" of the agency's criminal enforcement program and that the agency is "committed to supporting and encouraging its public servants who do this important, and sometimes dangerous, work to protect human health and the environment." The spokesman adds that Giles was made

aware of concerns that criminal investigators had shortly after her confirmation, prompting her to commission the independent reviews to make recommendations for changes.

"While EPA does not agree with all of the reviewers' conclusions and believes certain conclusions are a result of a misunderstanding of the unique nature of law enforcement work, there are a number of recommendations that Assistant Administrator Giles is committed to making -- some right away and others that the program can implement moving forward," the spokesman says.

Giles Praises Retiring Enforcement Official

In her memo, Giles also praised the retiring Burnside as "an outstanding leader and public servant," and cited as an example a program he initiated to integrate a more strategic case selection and targeting method for investigations that can have the largest and more important deterrent impact.

Additionally, Burnside in an Oct. 18 memo to OCEFT staff announcing his retirement, having reached the mandatory age for a special agent says, he is "extremely proud of the progress and achievements of the EPA criminal program during my 23 years of service with CID and OCEFT." Burnside adds that the OCEFT, which he headed since 2008, "has been through numerous transitions of leadership at national and local levels and one fact always remains true -- the line agents, field supervisors, scientists, technicians, attorneys and administrative professionals are the ones who provide the continuity and stability to move forward and remain successful in our mission.

**Brendan
Gilfillan/DC/USEPA/US**
01/24/2012 08:58 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Alcantara.Betsaida, "Stephanie Owens", Kanninen.Daniel,
Moats.Michael, Goo.Michael, Ganesan.Arvin, Sussman.Bob,
"Jose Lozano", Fulton.Scott, Bennett.Barbara,
Elworth.Lawrence, Corman.Bicky, "Lisa Garcia", "Eric
Wachter", "Elizabeth Ashwell", "Laura Vaught"

cc

bcc

Subject Fw: EMBARGOED: President Barack Obama's State of the
Union Address -- As Prepared for Delivery

Final speech below.

From: White House Press Office [noreply@messages.whitehouse.gov]
Sent: 01/24/2012 07:47 PM CST
To: Brendan Gilfillan
Subject: EMBARGOED: President Barack Obama's State of the Union Address -- As Prepared for Delivery

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY

January 24, 2012

Remarks of President Barack Obama - As Prepared for Delivery
State of the Union Address
"An America Built to Last"
Tuesday, January 24th, 2012
Washington, DC

As Prepared for Delivery -

Mr. Speaker, Mr. Vice President, members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought - and several thousand gave their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in nine years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and teamwork of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: A country that leads the world in educating its people. An America that attracts a new generation of high-tech manufacturing and high-paying jobs. A future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world. An economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can, because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth.

The two of them shared the optimism of a Nation that had triumphed over a depression and fascism. They understood they were part of something larger; that they were contributing to a story of success that every American had a chance to share - the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. Folks at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hard-working Americans holding the bag. In the six months before I took office, we lost nearly four million jobs. And we lost another four million before our policies were in full effect. Those are the facts. But so are these. In the last 22 months, businesses have created

more than three million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable, so a crisis like that never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place. No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last – an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, General Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland and Pittsburgh and Raleigh. We can't bring back every job that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in fifteen years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: Ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it.

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by

moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax. And every penny should go towards lowering taxes for companies that choose to stay here and hire here.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

My message is simple. It's time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America. Send me these tax reforms, and I'll sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal of doubling U.S. exports over five years. With the bipartisan trade agreements I signed into law, we are on track to meet that goal – ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia, and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, and Toledo, and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration – and it's made a difference. Over a thousand Americans are working today because we stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music, and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized.

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair trade practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing finance or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you – America will always win.

I also hear from many business leaders who want to hire in the United States but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who can do the job. Think about that – openings at a time when millions of Americans are looking for work.

That's inexcusable. And we know how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte, and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in a national commitment to train two million Americans with skills that will

lead directly to a job. My Administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando, and Louisville are up and running. Now you need to give more community colleges the resources they need to become community career centers – places that teach people skills that local businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs, so that from now on, people like Jackie have one program, one website, and one place to go for all the information and help they need. It's time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier.

For less than one percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning – the first time that's happened in a generation.

But challenges remain. And we know how to solve them.

At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly, with modest pay, sometimes digging into their own pocket for school supplies – just to make a difference.

Teachers matter. So instead of bashing them, or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job, and reward the best ones. In return, grant schools flexibility: To teach with creativity and passion; to stop teaching to the test; and to replace teachers who just aren't helping kids learn. We also know that when students aren't allowed to walk away from their education, more of them walk the stage to get their diploma. So tonight, I call on every State to require that all students stay in high school until they graduate or turn eighteen.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves middle-class families thousands of dollars. And give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next five years.

Of course, it's not enough for us to increase student aid. We can't just keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part, by making higher education a higher priority in their budgets. And colleges and universities have to do their part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools re-design courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: If you can't stop tuition

from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury – it's an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge: The fact that they aren't yet American citizens. Many were brought here as small children, are American through and through, yet they live every day with the threat of deportation. Others came more recently, to study business and science and engineering, but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else.

That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my Administration has put more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office.

The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work. It means we should support everyone who's willing to work; and every risk-taker and entrepreneur who aspires to become the next Steve Jobs.

After all, innovation is what America has always been about. Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed.

Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill, and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking place in our federally-financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched. New lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet; to new American jobs and new American industries.

Nowhere is the promise of innovation greater than in American-made energy. Over the last three years, we've opened millions of new acres for oil and gas exploration, and tonight, I'm directing my Administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in eight years. That's right – eight years. Not only that – last year, we relied less on foreign oil than in any of the past sixteen years.

But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American

energy – a strategy that’s cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly one hundred years, and my Administration will take every possible action to safely develop this energy.

Experts believe this will support more than 600,000 jobs by the end of the decade. And I’m requiring all companies that drill for gas on public lands to disclose the chemicals they use. America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don’t have to choose between our environment and our economy. And by the way, it was public research dollars, over the course of thirty years, that helped develop the technologies to extract all this natural gas out of shale rock – reminding us that Government support is critical in helping businesses get new energy ideas off the ground.

What’s true for natural gas is true for clean energy. In three years, our partnership with the private sector has already positioned America to be the world’s leading manufacturer of high-tech batteries. Because of federal investments, renewable energy use has nearly doubled. And thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55, no one would give him a second chance. But he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today, it’s hiring workers like Bryan, who said, “I’m proud to be working in the industry of the future.”

Our experience with shale gas shows us that the payoffs on these public investments don’t always come right away. Some technologies don’t pan out; some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That’s long enough. It’s time to end the taxpayer giveaways to an industry that’s rarely been more profitable, and double-down on a clean energy industry that’s never been more promising. Pass clean energy tax credits and create these jobs.

We can also spur energy innovation with new incentives. The differences in this chamber may be too deep right now to pass a comprehensive plan to fight climate change. But there’s no reason why Congress shouldn’t at least set a clean energy standard that creates a market for innovation. So far, you haven’t acted. Well tonight, I will. I’m directing my Administration to allow the development of clean energy on enough public land to power three million homes. And I’m proud to announce that the Department of Defense, the world’s largest consumer of energy, will make one of the largest commitments to clean energy in history – with the Navy purchasing enough

capacity to power a quarter of a million homes a year.

Of course, the easiest way to save money is to waste less energy. So here's another proposal: Help manufacturers eliminate energy waste in their factories and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges. A power grid that wastes too much energy. An incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an Executive Order clearing away the red tape that slows down too many construction projects. But you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones hurt. So were millions of innocent Americans who've seen their home values decline. And while Government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

That's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage, by refinancing at historically low interest rates. No more red tape. No more runaround from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit, and will give banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a Government and a financial system that do the same. It's time to apply the same rules from top to bottom: No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

We've all paid the price for lenders who sold mortgages to people who couldn't afford them, and buyers who knew they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to prevent financial fraud, or toxic dumping, or faulty medical devices, don't destroy the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his. I've ordered every federal agency to eliminate rules that don't make sense. We've already announced over 500 reforms, and just a fraction of them will save business and citizens more than \$10 billion over the next five years. We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill - because milk was somehow classified as an oil. With a rule like that, I guess it was worth crying over spilled milk.

I'm confident a farmer can contain a milk spill without a federal agency looking over his shoulder. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the Gulf two years ago. I will not back down from protecting our kids from mercury pollution, or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny you coverage, or charge women differently from men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: Getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home, start a business, or send a kid to college.

So if you're a big bank or financial institution, you are no longer allowed to make risky bets with your customers' deposits. You're required to write out a "living will" that details exactly how you'll pay the bills if you fail - because the rest of us aren't bailing you out ever again. And if you're a mortgage lender or a payday lender or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices are over. Today, American consumers finally have a watchdog in Richard Cordray with one job: To look out for them.

We will also establish a Financial Crimes Unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major anti-fraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I am asking my Attorney General to create a special unit of federal prosecutors and leading state attorneys general to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

A return to the American values of fair play and shared responsibility will help us protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: No side issues. No drama. Pass the payroll tax cut without delay.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else – like education and medical research; a strong military and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms that rein in the long term costs of Medicare and Medicaid, and strengthen Social Security, so long as those programs remain a guarantee of security for seniors.

But in return, we need to change our tax code so that people like me, and an awful lot of Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule: If you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend Tom Coburn is right: Washington should stop subsidizing millionaires. In fact, if you're earning a million dollars a year, you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stagnant wages. You're the ones who

need relief.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get tax breaks I don't need and the country can't afford, it either adds to the deficit, or somebody else has to make up the difference - like a senior on a fixed income; or a student trying to get through school; or a family trying to make ends meet. That's not right. Americans know it's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other, and to their country's future, and they know our way of life will only endure if we feel that same sense of shared responsibility. That's how we'll reduce our deficit. That's an America built to last.

I recognize that people watching tonight have differing views about taxes and debt; energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right now: Nothing will get done this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street. But the divide between this city and the rest of the country is at least as bad - and it seems to get worse every year.

Some of this has to do with the corrosive influence of money in politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow. Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress, and vice versa - an idea that has bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get anything - even routine business - passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a rule that all judicial and public service nominations receive a simple up or down vote within 90 days.

The executive branch also needs to change. Too often, it's inefficient, outdated and remote. That's why I've asked this Congress to grant me the authority to consolidate the federal bureaucracy so that our Government is leaner, quicker, and more responsive to the needs of the American people.

Finally, none of these reforms can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction; that politics is about clinging to rigid ideologies instead of building consensus around common sense ideas.

I'm a Democrat. But I believe what Republican Abraham Lincoln believed: That Government should do for people only what they cannot do better by themselves, and no more. That's why my education reform offers more competition, and more control for schools and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a Government program.

On the other hand, even my Republican friends who complain the most about Government spending have supported federally-financed roads, and clean energy projects, and federal offices for the folks back home.

The point is, we should all want a smarter, more effective Government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress. With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help. Because when we act together, there is nothing the United States of America can't achieve.

That is the lesson we've learned from our actions abroad over the last few years.

Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

From this position of strength, we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home. Twenty-three thousand more will leave by the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan, so that it is never again a source of attacks against America.

As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo; from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest-serving dictators - a murderer with American blood on his

hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change can't be reversed, and that human dignity can't be denied.

How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it is ultimately up to the people of the region to decide their fate, we will advocate for those values that have served our own country so well. We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings – men and women; Christians, Muslims, and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests. Look at Iran. Through the power of our diplomacy, a world that was once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before; its leaders are faced with crippling sanctions, and as long as they shirk their responsibilities, this pressure will not relent. Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible, and far better, and if Iran changes course and meets its obligations, it can rejoin the community of nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our iron-clad commitment to Israel's security has meant the closest military cooperation between our two countries in history. We've made it clear that America is a Pacific power, and a new beginning in Burma has lit a new hope. From the coalitions we've built to secure nuclear materials, to the missions we've led against hunger and disease; from the blows we've dealt to our enemies; to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned, doesn't know what they're talking about. That's not the message we get from leaders around the world, all of whom are eager to work with us. That's not how people feel from Tokyo to Berlin; from Cape Town to Rio; where opinions of America are higher than they've been in years. Yes, the world is changing; no, we can't control every event. But America remains the one indispensable nation in world affairs – and as long as I'm President, I intend to keep it that way.

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world, while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing danger of

cyber-threats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as they served us. That includes giving them the care and benefits they have earned – which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters, so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white; Asian or Latino; conservative or liberal; rich or poor; gay or straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

One of my proudest possessions is the flag that the SEAL Team took with them on the mission to get bin Laden. On it are each of their names. Some may be Democrats. Some may be Republicans. But that doesn't matter. Just like it didn't matter that day in the Situation Room, when I sat next to Bob Gates – a man who was George Bush's defense secretary; and Hillary Clinton, a woman who ran against me for president.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job – the pilot who landed the helicopter that spun out of control; the translator who kept others from entering the compound; the troops who separated the women and children from the fight; the SEALs who charged up the stairs. More than that, the mission only succeeded because every member of that unit trusted each other – because you can't charge up those stairs, into darkness and danger, unless you know that there's someone behind you, watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those fifty stars and those thirteen stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we get each other's backs. And if we hold fast to that truth, in this moment of trial, there is no challenge too great; no mission too hard. As long as we're joined in common purpose, as long as we

maintain our common resolve, our journey moves forward, our future is hopeful, and the state of our Union will always be strong.

Thank you, God bless you, and may God bless the United States of America.

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**Brendan
Gilfillan/DC/USEPA/US**
04/30/2012 02:57 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Ganesan.Arvin, Woodka.Janet, Lozano.Jose
cc
bcc
Subject Re: Coverage

NYT

Al Armendariz, the Environmental Protection Agency official who stirred controversy last week after a video circulated in which he declared that that the agency should “crucify” polluters as a deterrent, has resigned, saying he regrets his comments and does not want them to distract from the E.P.A.’s work. E.P.A. Al Armendariz

Lisa P. Jackson, the E.P.A. administrator, immediately accepted Dr. Armendariz’s resignation.

“I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency,” Ms. Jackson said in a statement. “We are all grateful for Dr. Armendariz’s service to E.P.A. and to our nation.”

In his resignation letter, Dr. Armendariz, the Dallas-based administrator for the E.P.A.’s Region 6, said: “As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator. As importantly, they do not represent the work you have overseen as E.P.A. administrator.”

Region 6 encompasses New Mexico, Oklahoma, Texas, Arkansas, Louisiana and 66 tribal nations. In the video<<http://www.youtube.com/watch?v=WH9ctBMZLxc>>, posted on YouTube, Dr. Armendariz discussed his approach to enforcement of environmental laws.

“It is kind of like how the Romans used to conquer villages in the Mediterranean - they’d go into a little Turkish town somewhere and they’d find the first five guys they saw and they’d crucify them,” he says on the tape. “Then that little town was really easy to manage for the next few years.”

He goes on: “And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit them as hard as you can and you make examples out of them. There’s 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.”

Senator James Inhofe, Republican Oklahoma, called attention to the videotape last week, asserting that it showed that the Obama administration’s agenda was to restrict oil and gas development through zealous enforcement of environmental laws. Republicans said they planned to demand that Dr. Armendariz appear before a Senate committee.

On Monday, he welcomed Dr. Armendariz’s resignation but that “it in no way solves the problem of President Obama and his E.P.A.’s crucifixion philosophy.”

“Armendariz was just being honest: his choice of words revealed the truth about the war that EPA has been waging on American energy producers under President Obama,” Mr. Inhofe said.

Senior E.P.A. officials moved quickly last week to distance themselves from Dr. Armendariz’s comments. Cynthia J. Giles, the E.P.A. assistant administrator for enforcement and compliance, characterized his remarks as “unfortunate and inaccurate.” She added: “We, and the official involved, regret the statement, for which he has apologized. It does not reflect our record over the last three years.”

Ms. Jackson pointedly did not rise to Dr. Armendariz’s defense and spent little time weighing whether to accept his resignation, which agency officials said was voluntary.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:23 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

Top EPA official resigns over 'crucify' comment

DINA CAPPIELLO, Associated Press

Monday, April 30, 2012

WASHINGTON (AP) – The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe how he would go after companies violating environmental laws.

In a letter to Environmental Protection Agency Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana. Armendariz, who holds a doctorate in environmental engineering, apologized for his remarks last week. A senior administration official, speaking on condition of anonymity because of the sensitivity of the subject, told The Associated Press that he has since received death threats. His resignation was effective Monday, when he informed his senior staff.

"I have come to the conclusion that my continued service will distract you and the agency from its important work," Armendariz wrote in the letter, which was obtained by The Associated Press.

Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

At a town hall meeting in Washington on Friday, Jackson had said only that she would continue to review the case, calling Armendariz' words "inflammatory" and "wrong". President Obama appointed Armendariz in November 2009, at the urging of Texas-based environmental groups. He is one of a few Latinos in senior leadership at the EPA.

The regional administrator's words "don't comport with either this administration's policy on energy, our policy at EPA on environmental enforcement, nor do they comport with our record as well," Jackson said.

The EPA, perhaps more than any other agency, has found itself in the GOP's crosshairs over its regulation of the gases blamed for global warming, steps it has taken to limit air pollution from coal-fired power plants, and its increased regulation of fracking, which is responsible for a gas drilling boom. Republicans, including presidential contender Mitt Romney – who has called for Jackson herself to be fired – have blamed the agency for high gasoline prices and clamping down on American energy.

Armendariz, who was based in Texas, frequently found himself at odds with the state government and the oil and gas industry.

Several disputed contamination cases in Texas in which Armendariz was involved have helped stoke environmental concerns over fracking, a technique in which oil and gas producers inject water, chemicals and sand underground at high pressures to fracture rock so gas can come out.

Armendariz' speech was made in Dish, a small town northwest of Dallas, where residents' concerns over the environmental impacts of hydraulic fracturing helped put the issue on the national stage.

Testing, which was urged by the EPA, showed some groundwater contamination and elevated toxic air pollution after operators began using a new method – a combination of hydraulic fracturing, or fracking, and horizontal drilling – to extract once out-of-reach gas.

Referring to how Romans conquered villages in the Mediterranean in the Middle Ages, Armendariz said, "They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them."

"And so you make examples out of people who are in this case not complying with the law," he said. "Find people who are not complying with the law and you hit them as hard as you can and make examples of them."

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:21 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

ABC and CNN. AP coming next:

ABC News

EPA Regional Administrator Resigns after Outcry over 'Crucify' Comments

By Jake Tapper

April 30, 2012

Over the weekend, Environmental Protection Agency Region VI Administrator Al Armendariz resigned, following a conservative outcry after remarks he made in 2010 came to light, ones suggesting government officials should take lessons from ancient Romans and "crucify" people not complying with environmental laws.

"As I have expressed publically, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator," Armendariz wrote in a letter to EPA Administrator Lisa Jackson. "As importantly, they do not represent the work you have overseen as EPA administrator. While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work. Therefore, I am offering my resignation, effective Monday, April 30, 2012."

Jackson said in a statement that "Dr. Armendariz offered his resignation, which I accepted. I respect the difficult decision he made and his wish to avoid distracting from the important work of the Agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

The 2010 video, publicized by frequent EPA foe Senator James Inhofe, R-Okla., showed Armendariz saying that he gave the following analogy to his staff about his "philosophy of enforcement," which he acknowledged being crude and perhaps inappropriate, but shared anyway: "It is kind of like how the Romans used to conquer villages in the Mediterranean - they'd go into a little Turkish town somewhere and they'd find the first five guys they saw, they'd crucify 'em, and that little town was really easy to manage for the next few years."

Armendariz continued: "And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit 'em as hard as you can and you make examples out of them, there's 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."

Last Thursday White House press secretary Jay Carney noted that Armendariz had "apologized and made clear that those comments are an inaccurate way to characterize the work EPA does."

EPA Region VI covers Arkansas, Louisiana, New Mexico, Oklahoma, Texas and dozens of tribal nations, and Oklahoma's Inhofe was not convinced.

"With an election on the horizon," Inhofe said in a press release, "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 E.P.A. 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."

CNN

EPA official resigns over 'crucify' remark

By Lesa Jansen and Todd Sperry

April 30, 2012

Washington (CNN) -- The head of the Environmental Protection Agency's office in Dallas has resigned over comments he made in 2010 that became the focus of political condemnation last week. EPA Administrator Lisa Jackson said Monday that she accepted a letter of resignation from Al Armendariz.

"I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency," Jackson said in a written statement.

In the letter dated Sunday, Armendariz said he regrets his comments, adding that they did not reflect on his work or the work of the EPA.

The controversy erupted last week when a video surfaced showing Armendariz saying in 2010 that his methods for dealing with non-compliant oil and gas companies were "like when the Romans conquered the villages in the Mediterranean. They'd go into little villages in Turkish towns and they'd find the first five guys they saw and crucify them."

Sen. James Inhofe's office told CNN it uncovered the video while preparing for a blistering half-hour Senate floor speech that Inhofe delivered Wednesday. In the speech, the Republican from Oklahoma criticized the Obama administration's energy policies and cited Armendariz in particular.

"His comments give us a rare glimpse into the Obama administration's true agenda," Inhofe said. After the video went viral, Armendariz quickly issued an apology. But Inhofe rejected the apology, and the White House and EPA dissociated themselves from the administrator's remarks.

"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," Inhofe said.

"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," Inhofe added.

White House Press Secretary Jay Carney told reporters Thursday that "the official's comments are inaccurate as a representation or characterization of the way the EPA has operated under President Obama."

In a statement posted on its website, the EPA said it was "deeply unfortunate that in a 2010 video an EPA official inaccurately suggested we are seeking to 'make examples' out of certain companies in the oil and gas industry."

Armendariz was on a leave of absence from his job as a professor at Southern Methodist University while he served with the EPA. He was appointed by Obama in 2009.

The remarks surfaced at a critical time for Obama's re-election campaign. The administration's energy policies have been targeted by critics, including Republican presidential candidate Mitt Romney, who blame the president's policies for higher oil and gas prices.

On Friday, a letter signed by the House Energy and Commerce Committee's Republican members requested clarification of Armendariz's enforcement strategies and policies while leading the agency's Region 6 office.

The committee said it "will use all authorities at its disposal to ensure Armendariz's attendance" at an

upcoming hearing.
Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 04/30/2012 12:51 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano
Subject: Re: Coverage
EPA official under fire for 'crucify' quote quits

By Dan Berman and Erica Martinson
4/30/12 12:48 PM EDT

The EPA regional administrator who suggested the agency was out to “crucify” lawbreaking oil and gas companies has resigned. Al Armendariz said he regrets his comments and doesn’t wish to be a distraction for the agency, he wrote in a letter to EPA Administrator Lisa Jackson on Sunday.

Armendariz headed EPA’s Region 6, which covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Last Wednesday, Sen. Jim Inhofe (R-Okla.) unveiled a 2010 video of the regional administrator making controversial comments about EPA enforcement against oil and gas companies.

Armendariz said his policy is analogous to Romans overtaking villages, noting that they would “crucify” the first five men they saw as an example. The EPA would do the same to law breakers, he said.

In his letter to Jackson, Armendariz apologized again for the comments. “As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as a regional administrator. As importantly, they do not represent the work you have overseen as EPA administrator,” Armendariz said in the letter<<https://www.politicopro.com/f/?f=9040&inb>>.

Armendariz spoke of his pride in “having built a career built on integrity and hard work.” But, “While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work,” he wrote.

Jackson issued a statement acknowledging his “difficult decision.”

“Over the weekend Dr. Armendariz offered his resignation, which I accepted,” Jackson said. “I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency. We are all grateful for Dr. Armendariz’s service to EPA and to our nation.”

On Friday, Jackson criticized the “crucify” statement. “They were inflammatory, but they were also wrong,” Jackson told reporters.

In a separate letter to supporters, Armendariz said the decision was his alone.

“This was not something that was asked of me by Administrator Jackson or the White House. It is a decision I made myself,” Armendariz wrote, as reported by the Dallas Morning News<<http://thescoopblog.dallasnews.com/archives/2012/04/days-after-damaging-video-surf.html>>. “I had become too much of a distraction, and no one person is more important than the incredible work being done by the rest of the team at EPA.”

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 04/30/2012 12:13 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Coverage

Dina's first:

WASHINGTON (AP) _ The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe his approach to enforcement.

¶ In a letter to EPA Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana.

¶ Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

¶ Several disputed contamination cases in Texas have helped stoke environmental concerns over fracking.

**Brendan
Gillilan/DC/USEPA/US**
04/12/2011 02:46 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Giles-AA.Cynthia, Stoner.Nancy, Sussman.Bob, Oster.Seth,
Andy.Adora, "David McIntosh", "Arvin Ganesan", "Stephanie
Owens", "Dru Ealons", "Janet Woodka"

cc

bcc

Subject Greenwire: Fracking with diesel violated law, EPA says

NATURAL GAS: Fracking with diesel violated law, EPA says
Environmental and Energy daily
Mike Soraghan, E&E reporter
04/12/2011

Oil and gas drillers who injected diesel fuel during hydraulic fracturing without a permit broke the law, a U.S. EPA official said today.

The assertion by Deputy Administrator Bob Perciasepe means some companies that have acknowledged injecting diesel could be subject to sanctions under the Safe Drinking Water Act.

It is a technical but politically charged question in the ongoing debate about regulation of the fracturing process.

While Congress in 2005 exempted fracturing from the need to get permits under the Safe Drinking Water Act, it is not exempt when diesel is used. But companies have acknowledged using diesel in some instances. At a subcommittee hearing today, Sen. Tom Udall (D-N.M.) questioned Perciasepe on that. "If they didn't get a permit, they were in violation of the law?" Udall asked.

"Yes," Perciasepe said.

Perciasepe, the No. 2 official at EPA, also gingerly pointed out a shortcoming in state regulation of oil and gas drilling, noting that Pennsylvania rules have not covered all the chemicals in drilling wastewater. Unlike other states, Pennsylvania has allowed the wastewater that comes out of drilling wells to be disposed of at regular wastewater treatment plants, despite the presence of radioactive material and dangerous chemicals not common to sewage.

"The state permit did not contain limits on some of the contaminants that were involved there," Perciasepe said.

Josh Fox, who made the anti-drilling documentary "Gasland," sat in the audience at the hearing of the Environment and Public Works Subcommittee on Water and Wildlife. He was a row behind representatives of the Independent Petroleum Association of America, the trade group most ardently opposing federal regulation of fracturing.

Sen. Bob Casey (D-Pa.), sponsor of legislation that would impose that regulation under the Safe Drinking Water Act, testified, although the hearing was not billed as a hearing on his bill. The legislation is called the "FRAC Act," for Fracturing Responsibility and Awareness of Chemicals.

"Our state went through most of the 19th century and half of the 20th century not getting it right, in this case with coal," Casey said. "Today, we have to get it right."

Drilling service companies have acknowledged to Congress that they injected at least 32 million gallons of diesel fuel underground during fracturing. The congressional report said an agency official told congressional investigators that EPA had assumed that the use of diesel had stopped seven years ago. Of the total figure, 10 million gallons was "straight diesel fuel," the investigation found, while another 22 million gallons was products containing at least 30 percent diesel.

EPA took no action to regulate the use of diesel until last year. In early 2010, a report from the nonprofit Environmental Working Group found confusion among state officials about the diesel exemption. The report charged that many wells were being fractured with diesel without anyone getting a permit.

A few months later, EPA posted rules about fracturing with diesel on its website without notice (E&ENews PM<<http://www.eenews.net/eenewspm/2011/01/20/archive/3>>, Jan. 20).

IPAA is now challenging that change in federal court. Industry representatives said EPA never clarified to them whether they could be penalized for that past use.

**Brendan
Gilfillan/DC/USEPA/US**
12/13/2011 07:39 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Alcantara.Betsaida, Ganesan.Arvin,
Vaught.Laura, Goo.Michael, Kanninen.Daniel, Barron.Alex,
"Joel Beauvais", "Stephanie Owens", "Dru Ealons", "Gina
McCarthy", "Joseph Goffman"
cc
bcc
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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**Brendan
Gillilan/DC/USEPA/US**
11/04/2011 06:16 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Alcantara.Betsaida, Ganesan.Arvin, "Laura
Vaught", "Stephanie Owens", "Daniel Kanninen", "Jose
Lozano", "Alisha Johnson", "Janet Woodka"

cc

bcc

Subject Politico: 'Thugs' misquote of EPA's Jackson sparks GOP
uproar

'Thugs' misquote of EPA's Jackson sparks GOP uproar

By Patrick Reis
11/4/11 5:57 PM EDT

Republicans are in an Internet uproar over an erroneous media report quoting EPA Administrator Lisa Jackson as calling them "jack-booted thugs" during a speech at the University of California at Berkeley.

Trouble is, Jackson didn't level the term at Republicans. Instead, she used it to refer to her own employees, jokingly borrowing language that the EPA's critics have used to describe the agency's workers.

According to video of the event<<http://www.youtube.com/watch?v=xcNeR6-EEGc>> Thursday and a transcript of the speech provided by the EPA, Jackson spent part of her speech debunking earlier inaccurate media reports that claimed the agency intended<<https://www.politicopro.com/story/energy/?id=6157>> to "triple its budget and add 230,000 new regulators to cut greenhouse gas emissions from sources like – be prepared – backyard grills and cows."

In fact, she noted, the EPA had proposed a "tailoring rule" meant to limit the permitting requirements to the biggest industrial emitters.

"A massive expansion was never a possibility – and the people who cited the 230,000 new EPA jack-booted thugs knew that," she said. "That number comes from an administration document explaining why you needed a Tailoring Rule."

But in an account of the event that E&E News published Friday, a reporter described Jackson as accusing House and Senate Republicans of deliberately misleading the public with the 230,000-employee figure – then quoted her as saying, "Those jack-booted thugs knew that."

E&E has since republished its account with a correction, but the conservative site RedState<<http://www.redstate.com/aglanon/2011/11/04/epa-chief-lisa-jackson-calls-republicans-jack-booted-thugs/>> picked up the original version, setting Twitter and other sites ablaze with conservative criticism of Jackson.

Jackson's "bureacratic [sic.] speak aside, it was apparently enraging for Jackson that Republicans claimed the EPA wanted to hire 230,000 employees based on a document saying they'd need to hire 230,000 employees to enforce their absurd regulations," wrote RedState's Ben Howe. "So enraging that it caused her to lash out in what I'm sure would've been called 'violent, fascist, police-state, authoritarian, terrorist speak' had it been said while George W. Bush was president."

RedState representatives did not respond immediately to inquiries on whether they'll update their post.

JunkScience.com, a blog for critics of climate science, also posted on the story<<http://junkscience.com/2011/11/04/epa-chief-congressional-gop-are-jack-booted-thugs/>>, accusing Jackson of taking "trash-talking to a new level for a senior government official."

And FOX Nation ran a post<

<http://nation.foxnews.com/epa/2011/11/04/epa-chief-calls-republicans-jack-booted-thugs>> on its front page with the headline "EPA Chief Calls Republicans 'Jack-Booted Thugs,'" which ultimately traced back to the RedState post.

**Brendan
Giffilan/DC/USEPA/US**
05/19/2011 09:29 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Alcantara.Betsaida, "Gina McCarthy", "David
McIntosh", "Arvin Ganesan", "Stephanie Owens"

cc

bcc

Subject Wsj: U.S. Scraps Letter Grades for Cars

U.S. Scraps Letter Grades for Cars

By JOSH MITCHELL<

<http://online.wsj.com/search/term.html?KEYWORDS=JOSH+MITCHELL&bylinesearch=true>> And
STEPHEN POWER<

<http://online.wsj.com/search/term.html?KEYWORDS=STEPHEN+POWER&bylinesearch=true>>

WASHINGTON—The Obama administration has scrapped a proposal to assign new passenger cars a letter grade from A to D based on their fuel efficiency, according to people familiar with the matter.

The administration was considering the letter grades as part of a revamp of the familiar price-and-mileage labels affixed to new cars.

Instead, the updated labels, expected to be unveiled by Obama officials next week, will include more information designed to help consumers judge a car's projected gasoline costs and its emissions. But they won't include letter grades assigned by regulators, people familiar with the proposal said.

Under the administration's proposal, released last August, the only cars that would receive an A-plus, A or A-minus would be electrics and plug-in hybrids, and that prompted concerns among U.S. auto makers that specialize in bigger cars and sport-utility vehicles.

The auto industry argued the letter grade proposal would put the government in the position of making value judgments about vehicles. The industry's top lobbyist at the time likened the proposal to elementary school, and members of Congress wrote to the administration opposing the idea.

A spokesman for the Alliance of Automobile Manufacturers, the industry's main trade group, said Thursday that the group hadn't seen the final proposal, but that it welcomed the idea of more-traditional labels without letter grades.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A' based on greenhouse gas emissions, said Wade Newton, an Auto Alliance spokesman.

The Washington-based Safe Climate Campaign, one of a number of environmental groups that lobbied for the letter grades, criticized the administration's decision to drop the idea.

"It is deeply disappointing that the Obama administration abandoned" the idea of assigning letter grades, said Dan Becker, the campaign's director. "It's appalling that the car makers, some of whom we bailed out, bludgeoned the administration into submission."

Mr. Becker said the administration's decision means his group will push harder for ambitious fuel economy targets in the rule-making to cover 2017-2025 model-year vehicles. The administration has already required all cars sold in the U.S. to average 35.5 miles per gallon by 2016. It is currently in negotiations with California, the auto industry and environmental groups on standards for the subsequent years, and that proposal could come out in September.

The Transportation Department and the Environmental Protection Agency, which are jointly releasing the new labels, declined to comment. The proposal is undergoing a final review by the White House Office of Management and Budget, according to that agency's Web site.

A person familiar with the administration's internal deliberations on the new labels said the agencies struggled with how to account for the upstream emissions of electric vehicles in states that rely heavily on coal-fired electricity. If the government were to give such vehicles A's, the person said, "is everyone going to go out and buy electric vehicles that actually pollute the environment?"

"Even within agencies, there were differences of opinion" on whether to grade vehicles, the person said, adding that administration officials ultimately concluded that letter grades would be "very subjective."

**Brendan
Gillilan/DC/USEPA/US**
06/19/2011 09:36 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Andy.Adora, Alcantara.Betsaida, McIntosh.David,
"Arvin Ganesan", "Laura Vaught", "Bob Sussman",
owens.stephanie, ealons.dru, "Joseph Goffman", "Gina
McCarthy"

cc

bcc

Subject NYT Editorial: A.E.P. Protests Too Much

A.E.P. Protests Too Much

NY Times editorial

American Electric Power, one of the nation's largest utilities, warned last week that new air quality rules could force it to "prematurely" shut down about two dozen big coal-fired units and fire hundreds of workers. This is a deceptive and particularly cynical claim. The utility is making a business decision that has little to do with the rules.

Here is what A.E.P. is not saying: These units are, on average, 55 years old. Some are running at only 5 percent of capacity. Many had long been slated for retirement, in part to comply with a 2007 settlement with the George W. Bush administration in which the company agreed to settle violations of the Clean Air Act by spending \$4.7 billion to retire or retrofit aging units.

Blaming the rules is a transparent scare tactic designed to weaken the administration's resolve while playing to industry supporters on Capitol Hill. Fortunately, Lisa Jackson, head of the Environmental Protection Agency, which proposed the rules, refuses to be bullied.

Ms. Jackson called the A.E.P. charges "misleading at best" and made clear she would not retreat from her statutory duty to protect public health. She said she would stick to her timetable and make the rules final this year. We hope that the White House is equally determined.

Two rules are at issue. One, proposed last year, would require utilities to sharply reduce emissions of already-regulated soot and smog-forming pollutants like sulfur dioxide. The other, for the first time, would mandate reductions in toxic pollutants like mercury. Coal-fired plants, which generate the vast bulk of A.E.P.'s power, are by far the biggest producers of all these pollutants. Companies will have to begin complying with the soot and smog rules next year and the air toxics rule by 2015.

A.E.P. says this timeline is "unrealistic" and asks for a delay of up to five years; otherwise, it says, it will have to shut down one-fourth of its coal-fired capacity and lay off up to 600 workers. Yet in a June 1 meeting with investors, Michael Morris, the utility's chairman, who last week warned about the impact of the proposed regulations on "our customers and local economies," told investors that the closings were "the appropriate way to go" for customers and shareholders.

As for the utility's claims of undue haste, they don't stand up to even minimal review. Both rules have been in the works since the Clinton administration, and companies that have made their plants more efficient or invested in cleaner-burning fuels or up-to-date pollution control technologies are by now well prepared to deal with them.

A.E.P., by contrast, has always seemed much more interested in fighting the Clean Air Act than in finding sensible ways to meet its requirements. It fought the statute after it passed in 1970 and resisted efforts to strengthen the law under President George H. W. Bush. Even now it is shopping a bill around Capitol Hill that would block or delay the proposed new standards.

The bill does not so far have a sponsor, though it will likely have plenty of sympathizers among Republicans and some Rust Belt Democrats. It does not reflect the interests or wishes of the vast majority of Americans, for whom cleaner air is rightly a higher priority than any company's bottom line.

**Brendan
Gilfillan/DC/USEPA/US**

12/11/2010 04:32 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Andy.Adora, Sussman.Bob, McCarthy.Gina,
Goffman.Joseph, McCabe.Janet, "David McIntosh", "Arvin
Ganesan", "Stephanie Owens", "Dru Ealons", "Betsaida
Alcantara", "Daniel Kanninen"

cc

bcc

Subject Politico: Obama EPA delays cause heartburn

Obama EPA delays cause heartburn
By: Robin Bravender
December 11, 2010 03:27 PM EST

Greens and public health advocates fear the White House is losing its backbone when it comes to defending its environmental policies - at the worst possible time.

The Environmental Protection Agency this week delayed two major clean air regulations aimed at curbing ozone and toxic air pollution from industrial boilers. The Obama administration denies that politics are in play, but that appearance is hard to avoid as House Republicans prepare to use their majority to try and rollback EPA standards.

The delays have garnered national attention, including a front page story of Friday's New York Times - and sent shockwaves through the environmental and public health communities. Now, activists who heralded Obama's aggressive environmental policies are preparing to circle their wagons around other rules they say may be vulnerable.

"Given the events of this week, environmental regulators are on high alert for signs of future attempts to delay or interfere with the roll-out of important regulatory health protections," said Bill Becker, executive director of the National Association of Clean Air Agencies.

Next up are measures to slash soot, smog and mercury from power plants and a national air quality standard for fine particle pollution.

The delayed air rules "should be a clarion call to arms that we're going to need to step up or we're just going to get rolled," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

Obama administration officials said the delays are based on technical issues, not politics.

"These announcements have nothing to do with each other or with the other rules we've announced in the past, or will announce in the future, to protect Americans' health," said EPA spokesman Brendan Gilfillan. "No one should read anything more into this than the fact that we're doing what we've said we'd do all along: following the best science and the law."

The agency wants to re-propose the boiler rule for legal reasons, he said, and has delayed the ozone rule to get additional input from science advisers.

But Eric Schaeffer, director of the nonprofit Environmental Integrity Project, said the administration is understandably wary after the midterm election. "They lost a ton of seats in the heartland. They took a beating," he said.

"Somewhere in the White House I'm sure they're thinking they need to trim back on some of this stuff, but I just don't think in Ohio people are wandering around thinking the ozone standards are too strict," added Schaeffer, EPA's enforcement chief under the George W. Bush administration until he resigned in 2002.

EPA regulations became an easy mark for lawmakers on both sides of the aisle this year, especially

during the midterm elections. And top Republicans have fallen over themselves pledging to grill EPA Administrator Lisa Jackson to Capitol Hill over standards ranging from air toxics rules to greenhouse gas regulations.

Rep. Fred Upton (R-Mich.), the incoming chairman of the House Energy and Commerce Committee, has pledged to use his new post to lead probes into a spate of EPA rulemakings he has dubbed "job-killing regulations." He listed several of his prime targets in a recent Washington Times op-ed, including the now-delayed ozone rule and air toxics standard for industrial boilers, a controversial coal ash rule and a cooling water intake rule for power plants.

White House spokesman Clark Stevens said the administration is ready for the fight.

"The administration is committed to building on and defending our efforts to transition to a clean energy economy and increase environmental protection," Stevens told POLITICO in a statement. "We will continue to take steps to develop science based, common sense regulations that protect the health of Americans while also focusing on creating jobs, reducing dependence on foreign oil, and cutting pollution."

Paul Billings, vice president of national policy and advocacy at the American Lung Association, said he hopes the delays are not an emerging pattern or a policy decision. "We need EPA to move forward with these rulemakings and the other rules that are in the queue because there are very real consequences for not doing so."

EPA estimates that the proposed ozone standard would help prevent up to 12,000 premature deaths and save up to \$100 billion dollars in health costs, while the air toxics rule for boilers could prevent 5,000 premature deaths and yield up to \$44 billion in health benefits per year.

If EPA weakens or delays a draft air toxics rule for power plants due out in March, "it will be a huge breaking point," Becker said. "If ever a case can be made for additional regulation, it's forcing dirty power plants to take mercury and other poisons out of coal in order to protect children and pregnant women."

Considering the pressure EPA will face from Capitol Hill, some say the extra time could actually help the agency.

"EPA is clearly in for a sustained period of aggressive and even hostile oversight," said Jason Grumet, President of the Bipartisan Policy Center. "It will save the agency time in the long run to ensure that its analysis, explanation and outreach are buttoned up tight."

In an effort to redo many of the Bush administration's policies - including the ozone and boilers regulations, the Obama EPA has "rushed through some major, major rules," said Jeff Holmstead, an industry attorney who served as EPA air chief during the George W. Bush administration. "Not only the air quality standards, but things that ordinarily just kind of cook a much longer time."

This was the third time the Obama administration delayed its final revision of the George W. Bush EPA's ozone standard. Sen. Tom Carper (D-Del.) said he hopes it will be "the last delay we will see on this issue."

**Brendan
Gillilan/DC/USEPA/US**
12/01/2010 10:20 PM

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Subject Wash Post Profile: EPA head Lisa Jackson is prepared for
battle

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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."

**Brendan
Gilfillan/DC/USEPA/US**
12/07/2010 01:26 PM

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Oster.Seth, Andy.Adora, "Betsaida Alcantara",
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Subject Greenwire: EPA seeks to delay controversial boiler rules

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AIR POLLUTION: EPA seeks to delay controversial boiler rules (12/07/2010)

Gabriel Nelson, E&E reporter

In the face of heavy criticism from industry groups and members of Congress, U.S. EPA is asking to go back to the drawing board with a set of regulations that would limit toxic air pollution from industrial boilers.

The final regulations are due next month, but EPA today asked a federal judge to push back the deadline by more than a year so the agency can issue a new proposal and take more comments. The proposed limits on mercury and other dangerous chemicals have drawn heavy fire from industry groups, which said the standards were so strict that they would force the closure of paper mills, chemical plants and other industrial facilities that get their power from boilers.

EPA recently signaled that it was having second thoughts about the rules, which were proposed in April. Gina McCarthy, EPA's top air official, told Greenwire last week that the agency now believes the draft rules "were simply too tight to be able to be achievable" (Greenwire, Dec. 2).

"After receiving additional data through the extensive public comment period, EPA is requesting more time to develop these important rules," McCarthy said in a statement today. "We want to ensure these rules are practical to implement and protect all Americans from dangerous pollutants such as mercury and soot, which affect kids' development, aggravate asthma and cause heart attacks."

The agency's proposal, which is also known as the "Boiler MACT" rule, has faced widespread criticism on Capitol Hill and become a cause celebre for critics of the Obama administration's environmental agenda. Reps. Joe Barton (R-Texas) and Fred Upton (R-Mich.), the two front-runners to become chairman of the House Energy and Commerce Committee, have both criticized the agency's proposal, and each has cited it as an example of the regulations that will face greater scrutiny if he becomes chairman of the panel next year.

More than 115 House members and 40 senators have signed letters urging EPA to make the final rules less expensive for American businesses. Among them are dozens of Democrats, many of them from states that rely on the forestry industry.

"The proposal they originally put out, by their own admission, lacked data," said Donna Harman, president and CEO of the American Forest and Paper Association, in an interview today. "They now have that, and they have to take the time to get it right."

Enviros criticize EPA

Frank O'Donnell, president of Clean Air Watch, said he was worried by EPA's plan to delay one of the Obama administration's most ambitious steps to address air pollution.

He said the decision could portend more delays for the agency's update to the nationwide standards for smog, which were due this summer but were twice pushed back by EPA. The agency has said it plans to

finalize a rule this month.

"There is an unfortunate appearance here that political pressure from Congress is affecting the situation," O'Donnell said in a statement. "That EPA is running scared."

Though today's request needs to be approved by Judge Paul Friedman of the U.S. District Court for the District of Columbia, it would be the latest in a series of delays for the boiler standards.

Under the Clean Air Act, the agency was initially required to issue standards by 2000. The rules arrived late, and they were delayed again when a federal court ruled that the Bush administration had handled boilers in an illegal way.

Jim Pew, an attorney at Earthjustice who worked on the court case, said it makes no sense for the court to give EPA another year to come out with a final rule. After winning their lawsuit against EPA, the advocacy groups had agreed to give EPA from 2007 until January 2011 -- already longer than the two-year time frame in the Clean Air Act, he said.

EPA told the court that it wants to scrap this year's proposal and issue new draft rules next year, opening them up to another public comment period. It is an "achievable, but very aggressive" schedule, the court filing says.

Pew said the environmental groups will respond to EPA's request in court.

"This schedule is just completely out of touch with Congress' intent," he said

**Brendan
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12/09/2010 09:52 PM

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McCarthy", "Janet McCabe", "Joseph Goffman", "Stephanie
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Subject NY Times: E.P.A. Delays Tougher Rules On Emissions

E.P.A. Delays Tougher Rules On Emissions
John Broder/NY Times

The Obama administration is retreating on long-delayed environmental regulations - new rules governing smog and toxic emissions from industrial boilers - as it adjusts to a changed political dynamic in Washington with a more muscular Republican opposition.

The move to delay the rules, announced this week by the Environmental Protection Agency, will leave in place policies set by President George W. Bush. President Obama ran for office promising tougher standards, and the new rules were set to take effect over the next several weeks.

Now, the agency says, it needs until July 2011 to further analyze scientific and health studies of the smog rules and until April 2012 on the boiler regulation. Mr. Obama, having just cut a painful deal with Republicans intended to stimulate the economy, can ill afford to be seen as simultaneously throttling the fragile recovery by imposing a sheaf of expensive new environmental regulations that critics say will cost jobs.

The delays represent a marked departure from the first two years of the Obama presidency, when the E.P.A. moved quickly to reverse one Bush environmental policy after another. Administration officials now face the question of whether in their zeal to undo the Bush agenda they reached too far and provoked an unmanageable political backlash.

Environmental advocates are furious. They fear a similar delay on the approaching start of one of the most far-reaching regulatory programs in American environmental history, the effort to curb emissions of carbon dioxide and other greenhouse gases.

But in a striking turnabout, the National Association of Manufacturers and the American Petroleum Institute - which have been anything but friendly to Mr. Obama - are praising his administration.

"Clearly, the agency has heard the calls from manufacturers," said Keith McCoy, vice president for energy and natural resources at the manufacturers' group. "We hope this week's announcements signal that the E.P.A. is slowing down on overly burdensome and unnecessary rules that will crush economic growth and job creation."

White House officials said that no plan was under way to retreat from the president's aggressive environmental agenda. And some Democratic policy analysts said the environmental agency was simply exercising its usual caution, albeit in a new political climate.

"The E.P.A. always operates under the caricature of environmental zealots, and the reality is that economic concerns and the ability for business to continue operating is always a significant consideration," said Joshua Freed, director of the clean energy program at Third Way, a centrist Democratic group. "The administration's number one goal over the next two years is going to be expanding economic growth. The environmental regulatory process has always played out in that context, and that's not going to change."

The delays come as the president is reaching out to a newly empowered Republican Party on tax policy,

a move that is angering his own Democratic base. He must now decide whether to make similar efforts on environmental issues.

"Obama has already signaled that in his quest for re-election he's more than willing to turn against his base in order to make a compromise with his adversaries," Frank O'Donnell, president of Clean Air Watch, an advocacy group, said in an e-mail, responding to the rules delay.

Mr. O'Donnell said the administration was clearly "running scared" from the incoming Congress and said he suspected that it was willing to moderate its stand on a variety of environmental regulations, including pending greenhouse gas rules aimed at reducing the pollutants that contribute to global warming.

The E.P.A. has said that it will begin regulating carbon emissions from power plants and other major stationary sources on Jan. 2, as a prelude to broader regulation of carbon dioxide in future years. Delaying that program would undercut much of what officials are trying to do in international negotiations like the United Nations climate talks now under way in Cancún, Mexico.

"Look, in January there will be appropriations battles and a whole lot of other tough fights," said Jeffrey Holmstead, head of the E.P.A.'s air quality office in the recent Bush administration and now a lobbyist for industry. "The administration is going to be feeling a lot of pressure, and they would be better off to do some sort of a deal acceptable to the Republicans to delay this rather than having to threaten a veto."

The delayed smog rule would lower the allowable concentration of airborne ozone to 60 to 70 parts per billion from the current level of 75 parts per billion, putting several hundred cities in violation of air pollution standards. The agency says that the new rule would save thousands of lives per year but cost businesses and municipalities as much as \$90 billion annually.

The boiler rule would affect 200,000 industrial boilers, heaters and solid waste incinerators and is intended to cut emissions of mercury and other dangerous pollutants in half.

Lisa P. Jackson, the E.P.A. administrator, described the rules delay as a technical and tactical decision. She said she was delaying them for a matter of months merely to get "further interpretation" of scientific and health studies of their effects. An agency official said the delays were not a response to Congressional threats to curb the agency's power or cut its budget.

Still, the threats are looming. Representative Fred Upton, the Michigan Republican who is in line to become the new chairman of the House Energy and Commerce Committee, has made limiting E.P.A. authority one of his main objectives and has promised a steady round of hearings questioning the basis of agency actions.

Mr. Upton suggested recently that Ms. Jackson should be given her own parking place on Capitol Hill because she would be testifying so frequently in the coming year.

In a statement on Wednesday, Mr. Upton called for the environmental agency to "stand down altogether" from the rules, which he said would "send a devastating economic shockwave coast to coast."

Mr. Upton and Senator James Inhofe of Oklahoma, the highest-ranking Republican on the Senate panel that oversees the E.P.A., followed up Thursday evening with a letter to Ms. Jackson in which they said they were "gravely concerned" about the direction the agency is taking. They vowed to conduct a thorough oversight investigation of the new rules.

**Brendan
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10/17/2010 09:19 AM

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Oster.Seth, McCarthy.Gina, Heinzerling.Lisa, "Bob
Sussman", "David McIntosh", "Arvin Ganesan"
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Subject Boston Globe story on Acid Rain Program

This is the lead story in today's Boston Globe:

A clear water revival

20 years ago, Congress and the president took on acid rain with stunning success. Could such a thing happen today?

By Michael Kranish, Globe Staff | October 17, 2010

WILMINGTON, Vt. — James H. Kellogg hoists a canoe on his shoulders and hikes up a rough trail to Haystack Pond, cradled beneath a mountain peak. The Vermont biologist, snug in a life jacket labeled "acid lakes," is on a mission to learn whether the harm humans do to the earth can be healed.

Twenty years after Congress ordered huge cuts in pollution from Midwestern power plants that had long rained acidic particles on the lakes, streams, and forests of New England — one of the most controversial environmental laws in the nation's history — Kellogg can jubilantly report that the answer is yes.

Pollution has been halved, and at far less expense than expected. Haystack Pond's waters are markedly less acidic, although it may still be years before fish return.

"It makes me ecstatic," Kellogg said.

Yet even as scientists confirm the extraordinary success of the 1990 acid rain legislation, some say its lessons are being ignored. Politicians failed this year to pass legislation on the wider threat of global warming in large part because of Republican ridicule of the bill's "cap-and-trade" approach — capping emissions and letting companies trade credits earned by cutting pollution. Yet it was a similar strategy, devised by a Republican president, that solved the acid rain puzzle.

To understand why the acid rain program succeeded, and what the implications could be for the global warming debate, the Globe retraced a journey taken 20 years ago, when it published a series of stories about the impact of clean air legislation. That meant a return to the Ohio power plant that was considered the single largest cause of acid rain, and to a Vermont pond that had been devastated by the pollution.

Through this lens — of the power plant and the pond — the story that emerges is one of unexpected victories, unintended consequences, and crucial lessons.

Former President George H.W. Bush, who considers the Clean Air Act legislation one of his proudest accomplishments, said that as Washington policymakers clash over how to deal with climate change, it is essential to understand the bipartisan approach that he took on acid rain.

"Public servants have an obligation to try to leave the earth better than we found it," the 86-year-old Bush said in an interview conducted via e-mail. Noting that a friend once suggested he view "the environment as 'creation,'" he said, "It gives you a new appreciation for this issue and why it matters to Republicans and Democrats alike."

A power plant moves in

The village of Cheshire, Ohio, is nestled on a riverbank across from West Virginia. For decades, a few hundred residents lived there quietly, attending the red-brick church, skating at the local rink, and chatting at the small post office. Then, in the 1970s, American Electric Power opened a massive power plant. For many residents, it was a sign of progress and a source of civic pride.

The plant's 1,103-foot-high smokestack could be seen for miles. Taller than Boston's Hancock Tower by more than 300 feet, it was designed to release pollutants so they would drift far away from town. And so they did: picked up by northeasterly winds, thousands of tons of sulfur and nitrogen particles were carried to New England where they mixed with atmospheric moisture and fell to the earth.

This phenomenon became known as "acid rain," and it dominated environmental discussion at the time the way global warming does today.

No plant in the country spewed more acid rain emissions than American Electric's facility in Cheshire, making it a symbol of the fight.

Seven hundred miles northeast of the Cheshire plant, Haystack Pond was one of its downwind victims. At one point, rainfall in the area was found to be more acidic than vinegar, Kellogg said. It was one of

hundreds of ponds and streams in New England rendered essentially dead, with no fish and little plant life.

Efforts to attack the acid rain crisis went nowhere until August 1988, when Vice President Bush, the Republican presidential nominee, declared he would sign legislation to curtail emissions. "I am an environmentalist," Bush said.

Bush's announcement was widely seen as an effort to undercut the Democratic nominee, Governor Michael S. Dukakis of Massachusetts. Democrats had tried for years to require that "scrubbers" be installed on the dirtiest power plants, a costly technology that could remove about 95 percent of the two pollutants that cause acid rain: sulfur dioxide and nitrogen oxide.

Bush offered a game-changing idea. He said it was a mistake to try to implement what he called a "command and control" program that forced power companies to spend billions of dollars on government-mandated technology. Instead, he envisioned a free-market plan in which pollution credits would be traded to spark innovation and bring down costs.

The goal was to cut sulfur emissions in half, then cap them at that level. Power companies could reduce emissions in whatever way was cheapest, with new technology or by burning lower-sulfur coal or natural gas. Companies continuing to burn the dirtiest high-sulfur coal could buy pollution credits from companies that surpassed federal requirements.

It was the beginning of the effort to "cap" pollution and "trade" credits.

Some Democrats were concerned this would be a giveaway to power and coal companies. But Democratic Senate Majority Leader George Mitchell of Maine and others signed on, and Dukakis now congratulates Bush on the strategy. "When he announced that he was going to be the 'environmental president,' I think a lot of us were very skeptical, but I must say he did what he said he would do," Dukakis said in an interview. "It's been a great success and Bush deserves credit for it."

The legislation passed, 401 to 25 in the House and 89 to 11 in the Senate, a strong bipartisan result achieved even as many power companies denounced the plan in apocalyptic terms. An American Electric Power official told the Globe the legislation could lead to "the potential destruction of the Midwest economy."

Such fears proved wildly overblown. The \$2 billion annual cost of the acid rain controls is about one-fourth the initial estimate, due in part to the lower-than-expected cost of controlling pollution. Competition sprang up to produce highly efficient, lower-cost scrubbers, and rail lines competed to bring lower-sulfur coal from Western states to the Midwest.

"We learned that markets are a better solution than command and control," Bush said. "Markets can figure out, through price signals and trading, who can cut pollution at the lowest cost."

The cap-and-trade plan not only cut emissions, it also saved far more lives than expected. The cut in sulfur dioxide emissions reduced a type of tiny particulate matter that causes respiratory problems, an effect that is better understood today than when the legislation was passed.

Nearly 17,000 deaths a year were prevented in the United States and respiratory illnesses were lessened in hundreds of thousands of people, according to a 2005 study commissioned by the federal government. All told, the study found, the acid rain program is saving \$108 billion annually in health costs.

At first, however, the new approach was a disaster for the townspeople of Cheshire.

The blue menacing cloud

American Electric Power, having failed to defeat the legislation, installed scrubbers at its Cheshire plant in hopes of making its emissions so clean it would earn extra credits in the cap-and-trade program.

Then came the menacing cloud.

Many of the 200 or so residents started noticing that emissions hovered over the town in an ominous shade of blue. Some residents reported a burning sensation on their skin. The company discovered that a byproduct of its scrubbers was emissions containing a form of sulfuric acid. The citizens of Cheshire hired a Washington lawyer. The company responded by buying much of the town.

American Electric, which eventually fixed the blue cloud problem, paid nearly \$20 million to buy 78 homes, most of which the company tore down. Today, much of the residential part of Cheshire is a vast lawn around the plant.

James R. Rife, 70, who refused to be bought out by American Electric, lives with his family in the shadow of the giant smokestacks. "There used to be houses right here, right next door," Rife said. But he said the power company has been a good neighbor. "AEP has cleaned their air up real well."

The company's property now is lined with nearly \$1 billion worth of scrubbing machines, interwoven pipes, and other equipment required by the Clean Air Act. The result is that the company removes 95 percent of sulfur dioxide and 91 percent of nitrogen oxide.

But the Clean Air Act had no requirement to eliminate carbon dioxide, the heat-trapping gas generally believed to cause global warming. At the Cheshire plant, carbon emissions have increased in the last decade by 25 percent to 20.1 million tons a year, partly because it takes extra power to run the equipment that scrubs away the acid rain emissions.

Once one of the loudest complainers about government environmental regulation, AEP is now out to prove that a market approach can also work to limit carbon dioxide emissions.

"AEP was one of the big believers that 'just say no' was the right attitude to take" about acid rain, Mike Morris, the company's chief executive, said in an interview. But the concept of trading emission credits "turned out to be a beautiful idea" because it lowered the cost of the program, he said.

Now, he said, the company wants to lead the way on climate change.

Striking evidence of the culture shift at AEP can be seen at a power plant it owns in New Haven, W.V., where a complex of pipes trap some of carbon emissions. A year ago, the company began what it called an unprecedented experiment to determine whether carbon gases emitted by a power plant could be trapped and stored one or two miles underground. The test has proven successful and the company will soon begin work on a larger project, half-funded by a \$334 million federal grant.

Morris said his company craves certainty about the shape of new carbon regulations. Also key is that power companies can recoup the cost of new antipollution technology. As for the environment, he said: "If we can make things better, why wouldn't we?"

AEP has some powerful company in this view. The Edison Electric Institute, which represents many utility companies that fought acid rain controls 20 years ago, endorsed the House version of climate change legislation, which included a cap-and-trade plan.

Initially, the chief Democratic sponsors of the House legislation, Representative Edward J. Markey of Malden and Representative Henry A. Waxman of California, thought such endorsements would win over Republicans. But most GOP House members opposed the measure.

"In 1990, we had industry opposed but we had Republicans willing to work with us," Waxman said. "This time around we had much of industry working hard to get the law passed but we couldn't get the Republicans engaged in this process."

However, some energy interests, such as the National Mining Association, opposed the legislation. GOP leaders have raised questions about the science behind global warming and expressed concerns about the impact that controlling carbon emissions would have on the economy. Senate Minority Leader Mitch McConnell of Kentucky, who supported the clean air legislation 20 years ago, frequently branded the climate change version of cap and trade as a "national energy tax." (McConnell declined comment.)

Republicans say the Obama administration should have taken a lesson from the way Bush pushed the acid rain bill.

Bush staked out a clear position, filing a bill that called for halving emissions, and using it as a basis for negotiations with Congress. "A president has to lead – and at times be firm," Bush said in the interview.

"Once we achieved our key objectives, we were more open to compromise to get a final bill passed."

Obama, by contrast, did not send a climate-change bill to Congress. Instead, he laid out key concepts and urged legislators to work out their differences. His budget at first called for selling the carbon emissions credits, collecting \$646 billion over 10 years. There was talk of using the windfall to reduce the deficit or hand out tax cuts to the middle-class. By contrast, Bush's bill gave away acid rain credits, with the understanding that the number of allowances would shrink as emissions were halved.

Opponents labeled Obama's plan "cap and tax." It didn't matter that the idea floated in Obama's initial budget never made it into legislation or that the plan passed by the House allocated most of the credits to help industries adjust to new carbon rules and to offset consumer rate increases. The "tax" label stuck.

The House narrowly passed the legislation, 219 to 212. But it stalled in the Senate, where Senator John F. Kerry of Massachusetts, a co-sponsor, gained the support of at least 55 Democrats but no Republicans, leaving him five short of the number needed to overcome a Republican filibuster.

C. Boyden Gray, who played a key role in the acid rain program as President Bush's White House counsel, said Democrats spoiled the chances for cap and trade by trying to sell the permits. "If they had simply dropped the tax aspects of it, they could have gotten it through," Gray said. "They sort of went over the cliff with it. I don't know if it can be resurrected."

Kerry, who worked on the acid rain provisions in 1990, dismissed assertions that his climate bill was doomed because he wanted to sell about 15 percent of the carbon permits. Instead, he said in an interview, the bill was caught up in a partisan atmosphere during a recession and opposition from some Republicans who doubt global-warming science.

"People were scared by the successful demagoguery of 'cap and tax,'" Kerry said.

As Kerry considers a strategy for bringing up climate change legislation next year, he said he may consider whether to give away nearly all the permits.

"We would have to see what the market will bear – politically," Kerry said.

Backers have leverage

Democrats do have some leverage for trying to pass the bill next year: the threat that the Environmental Protection Agency might regulate global warming gases without congressional action.

The agency has the authority to do so, the Supreme Court ruled in 2007. But it could be just the sort of "command and control" approach that Bush showed 20 years ago could be successfully avoided – to the benefit of industry and of the environment.

Back at Haystack Pond, Kellogg pushes his canoe from the shoreline. The 27-acre pond is in a nearly perfect bowl, seemingly insulated from the outside world. Haystack Mountain rises to the west, and smaller peaks complete the curtain. A breeze rustles the golden leaves from a stand of white birch trees on the eastern shore, and then brushes across the pond, sending thousands of ripples across the water like so many wings.

It seems a place of unstained natural beauty, but as Kellogg rows toward the deepest water, he finds that it isn't – at least not yet. The pond is stunningly – and unnaturally – clear; he can see 30 feet to the bottom. Most of the native aquatic plants, not to mention fish, still cannot survive the remaining acidity.

But while the progress may not be discernible to the naked eye, it is clear to Kellogg. Since the Clean Air Act legislation was adopted in 1990, acidity in Haystack Pond has dropped tenfold, Kellogg said.

"The fish and the bugs will come when the chemistry is less acidic," he said.

Kellogg is an aquatic biologist, not a politician, so the machinations in Washington are a world away. But to him, the improvement at Haystack Pond and lakes throughout New England are proof that government can work, and that environmental harm can be repaired. After a few more years of improvement, the state might determine that fish could survive at Haystack and stock it with brook trout. Or fish might arrive the natural way, via a stream.

Yet, he still worries.

"What it says to a bi

**Brendan
Gilfillan/DC/USEPA/US**
09/28/2011 07:05 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Sussman.Bob, "Gina McCarthy", "Arvin
Ganesan", "Laura Vaught", "Stephanie Owens", "Betsaida
Alcantara"

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Subject Morning Energy on IG

EPA IG REPORT GIVES AMMUNITION TO CLIMATE CRITICS: A report to be released today by the EPA inspector general concludes that the agency did not properly review a technical support document used to complete its 2009 endangerment finding on greenhouse gases. The finding concluded that greenhouse gases are probably a danger to public health and allowed the agency to move ahead with regulations under the Clean Air Act. Many Republicans have decried the finding, and the EPA IG report was requested by Sen. Jim Inhofe (R-Okla.).

While the IG said it "did not assess whether the scientific information and data supported the endangerment finding," it did fault the EPA for treating the document as a summary of previously peer-reviewed research rather than as a "highly influential scientific assessment," which requires stricter independent review. The report recommends that the EPA revise its assessment protocols to better identify review requirements. But Inhofe said in a statement that the report "calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding." He plans to call for an Environment and Public Works Committee hearing into the matter. The report: <http://politico.pro/oialRt><<http://politico.pro/oialRt>>

**Brendan
Gillilan/DC/USEPA/US**

07/02/2011 09:08 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Adora Andy", "Betsaida Alcantara",
ganesan.arvin, vaught.laura, owens.stephanie, ealons.gov,
"Gina McCarthy", "Joseph Goffman", mccabe.janet, "Daniel
Kanninen"

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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 gas 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.

**Brendan
Gillilan/DC/USEPA/US**
06/10/2011 10:05 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Adora Andy", "Betsaida Alcantara", "David
McIntosh", "Arvin Ganesan", "Laura Vaught"

cc

bcc

Subject LA Times Upton profile

GOP agenda turns a longtime Republican away from pro-environmental stances

The rise of the 'tea party' movement has pushed Rep. Fred Upton (R-Mich.) to reinvent himself since taking over chairmanship of the House Energy and Commerce Committee.

By Neela Banerjee, Washington Bureau

5:31 PM PDT, June 10, 2011

Reporting from Kalamazoo, Mich.

For years, some conservatives called 13-term Rep. Fred Upton "Red Fred."

The Michigan Republican voted for amendments strengthening the Clean Air Act. He cosponsored a bill to phase out incandescent light bulbs. His website said that "climate change is a serious problem that necessitates serious solutions." So conservatives fumed late last year when Upton took the gavel of the influential panel that oversees environmental regulation, the House Energy and Commerce Committee.

But the rise of the "tea party" movement, with its attacks on the Environmental Protection Agency and climate science, has pushed Upton to reinvent himself. Once a moderate, Upton emerged from an unusually close primary against a tea party candidate and a tough fight for the panel chairmanship as the standard-bearer for the Republican push to block the Obama administration's major environmental initiatives.

Upton's about-face illustrates how the tea party and its wealthy supporters, among them the Koch brothers, have stymied environmental agendas for improving air quality and public health both in his district and nationwide. Under pressure from Upton, other Republicans and industry lobbyists, the administration has delayed or weakened several critical environmental regulations in recent months.

Though Upton remains unfailingly polite, he has gone on the attack, shepherding through the House a bill to strip the EPA of its authority to regulate greenhouse gases. Meanwhile, he has removed the climate change language from his website, and plans to hold hearings reexamining the light bulb standard he had championed three years ago.

"From what I've seen, the old Upton who five, six, eight years ago would have been more moderate on votes and parted company with his party, that old Upton is gone," said Bill Ballenger, editor of the newsletter Inside Michigan Politics, who served in the Ford administration. "He's got to prove to these people that he can walk the walk and not just talk the talk."

The grandson of the cofounder of the Whirlpool appliance corporation, the trim, boyish 58-year-old Upton grew up in the southwest Michigan district he now represents.

He worked for former Rep. David Stockman (R-Mich.) as a congressional aide and later, when Stockman became President Reagan's budget guru, in the Office of Management and Budget. At age 33 he ousted a Christian conservative in the Republican primary and was elected in the overwhelmingly white and white-collar 6th District, in the southwestern corner of the state.

Although a bastion of Republicanism, the district's problems with pollution made the environment an issue. A patchwork of fruit farms, forests and rivers in rural areas, it also has an industrial legacy that is

emblematic of the environmental problems facing the country as a whole.

The Kalamazoo River is laced with toxic residue from the paper mills that lined its banks, making it one of the biggest Superfund cleanup sites in the country. Like much of the rest of Michigan, the district has also suffered serious air pollution. The state is implementing a rule that would force power plants, factories and cement kilns to install equipment limiting mercury from their smokestacks. Yet Upton has fought a similar EPA rule at the national level.

"His district is the poster child for why we need EPA," said Jeff Spoelstra, coordinator of the Kalamazoo River Watershed Council, an environmental group. "And here we are looking at dismantling and weakening EPA's capabilities?"

Upton's staff declined to make him available for an interview. But Spencer Abraham, a former U.S. senator from Michigan and President George W. Bush's first energy secretary, said that in the nearly 30 years he has known Upton, the representative has changed little. "He's always done what he believes is right," Abraham said. "I don't see any inconsistency between who he was then and who he is now."

Retired Rep. Sherwood Boehlert (R-N.Y.), a former colleague of Upton's and a strong environmentalist, spoke sympathetically of his predicament.

"I can appreciate the great difficulty he is facing," Boehlert said. "It's very difficult because of the undue influence on our present that is the tea party movement, and they have determined that EPA is the enemy and regulation is sinful."

As late as 2008, Upton fell in the middle of the League of Conservation Voters environmental policy scorecard, because he "supported clean energy tax credits, green building standards, public transportation grants and public lands protections, among other key environmental priorities," said Navin Nayak, the league's senior vice president for campaigns.

Upton's retreat from his old positions began in 2009, according to the league, and accelerated last year when he faced the most serious primary challenge in his career from a tea party candidate. After the midterm election in November, tea party groups and conservatives such as political commentator Rush Limbaugh revolted against his candidacy for Energy and Commerce Committee chairman. His own committee members ran against him.

But Upton quietly built a base that would testify to his conservative priorities.

"A lot of people were against his chairmanship basically because of his older record that showed a moderate line of voting, but he reached out to some leaders in the movement in late November and early December to say, 'I just want to make sure that we are in tune and I want to make sure to know what you people are thinking,'" said Gene Clem, president of the Southwest Michigan Tea Party Patriots in Kalamazoo. "We wanted to communicate because then we would have input because he heads a very powerful committee. Overall we're very pleased with what he has done so far."

Upon becoming chairman, Upton reassured conservatives by hiring key staffers from the energy industry and libertarian think tanks and focusing the committee on halting EPA rules that would cost coal-burning utilities, refineries and the oil and gas industry billions of dollars in new antipollution equipment.

That agenda has won praise from industry, especially as the Obama administration for now pares back its environmental goals.

"There's a growing consensus in the House and Senate that there is regulatory overreach," said Karen Harbert, president of the energy institute at the U.S. Chamber of Commerce, a critic of the EPA's agenda. "The Energy and Commerce Committee's work has been a very welcome sign by industry that they are taking their mandate seriously."

But it has also drawn criticism from old allies in Upton's district.

"One of my disappointments and frustrations is that Fred can really be a strong leader for how we do business and approach the environment," said Rob Sisson, the former mayor of Sturgis, Mich., and president of Republicans for Environmental Protection. "Fred isn't acting now, but he is carrying the torch for what the majority in his caucus wants."

**Brendan
Giffilan/DC/USEPA/US**
07/06/2011 09:49 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Adora Andy", "Betsaida Alcantara", "Stephanie
Owens", ealons.dru, ganesan.arvin, "Gina McCarthy",
"Joseph Goffman"

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Subject USA Today: Tough new clean-air rules will target drifting
pollution

Tough new clean-air rules will target drifting pollution

By Elizabeth Weise, USA TODAY

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.

**Brendan
Gillilan/DC/USEPA/US**
05/18/2011 08:09 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Betsaida Alcantara", "David McIntosh", "Arvin
Ganesan", "Stephanie Owens", "Dru Ealons"

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bcc

Subject Politico Pro: Reid, greens spar behind the scenes

Reid, greens spar behind the scenes

By Darren Samuelsohn
POLITICO Pro
5/18/11 7:56 PM EDT

Senate Majority Leader Harry Reid and environmental groups are at odds over how far greens should go in spanking Democrats who don't vote their way on key issues like the EPA's climate change powers and oil industry tax breaks.

Reid and several of his top lieutenants emerged from a meeting Wednesday night with top green group CEOs pledging to protect the Clean Air Act against further assaults from Republicans and even some moderate Democrats.

But behind the scenes, the majority leader and the environmentalists don't all see eye to eye on whether in-cycle Democrats deserve to be the target of ad campaigns when they also help make up Reid's razor-thin majority.

Driving the debate is a League of Women Voters commercial that slammed Sen. Claire McCaskill (D-Mo.) after she voted last month to freeze the EPA's rules for two years.

Sierra Club CEO Michael Brune dragged the issue into the public spotlight Wednesday when he posted on Twitter the premise of the green group's closed-door meeting with the Democratic leaders.

"What do u think about holding D's accountable for votes to gut CI Air Act/keep oil subsidies?" he tweeted, referring to the EPA votes last month and Tuesday's roll call on legislation to repeal \$21 billion in oil industry tax breaks.

Democrats Mary Landrieu of Louisiana, Mark Begich of Alaska and Ben Nelson of Nebraska voted with Republicans to keep the industry incentives in place.

In a conference call with Nevada reporters, Reid sounded none too happy about Brune's posting.

"I think whoever this is in the Sierra Club had better get his facts right," the majority leader said, according to <http://www.lasvegassun.com/news/2011/may/18/sierra-club-tweet-rankles-harry-reid/> the Las Vegas Sun. "I don't buy the illogic of the tweet."

Brune declined comment as he left the majority leader's office, while Reid spokesman Jon Summers insisted that the talks were typical fare with a key constituent group.

"Standard meeting," he said. "They discussed priorities and talked about how best to work together to protect public health and the environment from bad legislation like the bill Republicans tried to pass today."

Majority Whip Dick Durbin was equally tight-lipped, telling reporters only that the meeting centered around this year's Clean Air Act debates.

"I think we all agreed in the room what a high priority it is for public health," Durbin said. "We think we've

achieved quite a bit so far this year but we know there'll be further attacks from the House Republicans."

Asked if the environmental group's attack ads had come up during the talks, Durbin replied, "We had a wide range of discussions. That's all I have."

Also spotted entering the meeting: Democratic Senatorial Campaign Committee Chairman Patty Murray, Environment and Public Works Committee Chairman Barbara Boxer, League of Conservation Voters President Gene Karpinski, NRDC Executive Director Peter Lehner, Center for American Progress President John Podesta, Environment America Executive Director Margie Alt and National Wildlife Federation President Larry Schweiger.

Several of the environmentalists opted to stay silent about their sit down with Reid and the Senate Democrats. "Good meeting," Lehner replied via email before declining to answer any questions.

**Brendan
Gillilan/DC/USEPA/US**
12/30/2010 10:15 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Bob Sussman", mcintosh.david, mccarthy.gina,
"Joseph Goffman", "Janet McCabe", "Stephanie Owens",
ealons.dru, "Betsaida Alcantara", "Daniel Kanninen"

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Subject NY Times: E.P.A. Limit on Gases to Pose Risk to Obama and
Congress

E.P.A. Limit on Gases to Pose Risk to Obama and Congress

With the federal government set to regulate climate-altering gases from factories and power plants for the first time, the Obama administration and the new Congress are headed for a clash that carries substantial risks for both sides.

While only the first phase of regulation takes effect on Sunday, the administration is on notice that if it moves too far and too fast in trying to curtail the ubiquitous gases that are heating the planet it risks a Congressional backlash that could set back the effort for years.

But the newly muscular Republicans in Congress could also stumble by moving too aggressively to handcuff the Environmental Protection Agency, provoking a popular outcry that they are endangering public health in the service of their well-heeled patrons in industry.

"These are hand grenades, and the pins have been pulled," said William K. Reilly, administrator of the environmental agency under the first President George Bush.

He said that the agency was wedged between a hostile Congress and the mandates of the law, with little room to maneuver. But he also said that anti-E.P.A. zealots in Congress should realize that the agency was acting on laws that Congress itself passed, many of them by overwhelming bipartisan margins.

President Obama vowed as a candidate that he would put the United States on a path to addressing climate change by reducing emissions of carbon dioxide and other greenhouse gas pollutants. He offered Congress wide latitude to pass climate change legislation, but held in reserve the threat of E.P.A. regulation if it failed to act. The deeply polarized Senate's refusal to enact climate change legislation essentially called his bluff.

With Mr. Obama's hand forced by the mandates of the Clean Air Act and a 2007 Supreme Court decision, his E.P.A. will impose the first regulation of major stationary sources of greenhouse gases starting Jan. 2.

For now, administration officials are treading lightly, fearful of inflaming an already charged atmosphere on the issue and mindful that its stated priorities are job creation and economic recovery. Officials are not seeking a major confrontation over carbon regulation, which offers formidable challenges even in a less stressed economic and political climate.

"If the administration gets it wrong, we're looking at years of litigation, legislation and public and business outcry," said a senior administration official who asked not to be identified so as not to provide an easy target for the incoming Republicans. "If we get it right, we're facing the same thing."

"Can we get it right?" this official continued. "Or is this just too big a challenge, too complex a legal, scientific, political and regulatory puzzle?"

The immediate effect on utilities, refiners and major manufacturers will be small, with the new rules applying only to those planning to build large new facilities or make major modifications to existing plants. The environmental agency estimates that only 400 such facilities will be affected in each of the first few years of the program. Over the next decade, however, the agency plans to regulate virtually all sources of greenhouse gases, imposing efficiency and emissions requirements on nearly every industry and every

region.

Lisa P. Jackson, administrator of the E.P.A., has promised to pursue a measured and moderate course. The agency announced last week that it would not even begin issuing standards for compliance until the middle of 2011, and when it did so the rules would not impose unreasonable costs on industry.

But the reaction in Congress and industry has been outsized, with some likening the E.P.A. to terrorists and others vowing to choke off the agency's financing for all air-quality regulation. A dozen states have filed suit to halt the new greenhouse gas rules, with one, Texas, flatly refusing to comply with any new orders from Washington.

Two federal courts, including one this week in Texas, have refused to issue restraining orders halting the implementation of the new rules. But both left open the possibility of finding the new rules unsupported by federal law.

Representative Fred Upton, the Michigan Republican who is set to become chairman of the powerful House Energy and Commerce Committee, said he was not convinced that greenhouse gases needed to be controlled or that the E.P.A. had the authority to do so.

"This move represents an unconstitutional power grab that will kill millions of jobs - unless Congress steps in," Mr. Upton wrote this week in a Wall Street Journal opinion essay.

His co-author was Tim Phillips, president of Americans for Prosperity, a conservative group financed by Koch Industries and other oil companies that has spread skepticism about global warming and supported many of the Tea Party candidates who will join the new Congress.

Mr. Upton has proposed a moratorium on all global warming regulation until the courts have ruled definitively on the legality of federal action on the issue, decisions that are probably years away.

Others in Congress, including Senator John D. Rockefeller IV and Representative Nick J. Rahall II, both Democrats from West Virginia, have proposed a two-year delay in regulation by the E.P.A. while Congress comes up with its own rules. Virtually no one expects action on climate change legislation in the next Congressional session.

White House officials have said that they will recommend that Mr. Obama veto any measure that restricts the administration's power to enforce clean air laws.

So the stalemate continues.

Greenhouse gas emissions in the United States are already falling faster than any current legislative or regulatory proposal envisions, because of the recession-driven drop in demand for electricity. Carbon dioxide emissions from the energy sector, by far the largest source of total emissions, fell to about 5,400 metric tons in 2009, down from 5,800 metric tons the year before, and they are likely to fall even further this year. Demand for electricity in 2009 fell by the largest amount in six decades and is almost certain to slip further in 2010.

When demand for power begins to rebound with the economy, emissions are expected to rise more slowly than in the past, in part because utilities are using fuel more efficiently and switching to cleaner-burning natural gas for part of their electricity generation. But such moves will not take the place of the across-the-board reductions in emissions that will be required to meet the administration's target of a 17 percent reduction in emissions over 2005 levels by 2020.

And it is that broader mandate that has set off such intense opposition from industry and its allies in Congress.

"Early next year we're going to have a very serious debate on whether the E.P.A. should be allowed to unilaterally go forward and restructure the American economy," Jack Gerard, the president of the

American Petroleum Institute, said in an interview.

"As the president looks to 2012, his message has to be job creation, and this kind of regulation is inconsistent with that," he said. "The public has a long memory. Anything viewed as hurting the opportunity to create jobs will not be well received."

**Brendan
Gilfillan/DC/USEPA/US**
04/19/2012 06:46 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Sussman.Bob, Alcantara.Betsaida, Bloomgren.David,
Stanislaus.Mathy, "Lisa Feldt", "Arvin Ganesan", "Laura
Vaught", "Sarah Pallone", "Janet Woodka"

cc

bcc

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-contaminati-on-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 Tyroler 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
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**Brendan
Giffilan/DC/USEPA/US**
04/30/2012 01:23 PM

To Windsor.Richard, Perciasepe.Bob, "Diane Thompson",
Ganesan.Arvin, "Janet Woodka", Lozano.Jose
cc
bcc
Subject Re: Coverage

Top EPA official resigns over 'crucify' comment
DINA CAPPIELLO, Associated Press
Monday, April 30, 2012

WASHINGTON (AP) – The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe how he would go after companies violating environmental laws.

In a letter to Environmental Protection Agency Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana. Armendariz, who holds a doctorate in environmental engineering, apologized for his remarks last week. A senior administration official, speaking on condition of anonymity because of the sensitivity of the subject, told The Associated Press that he has since received death threats. His resignation was effective Monday, when he informed his senior staff.

"I have come to the conclusion that my continued service will distract you and the agency from its important work," Armendariz wrote in the letter, which was obtained by The Associated Press.

Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

At a town hall meeting in Washington on Friday, Jackson had said only that she would continue to review the case, calling Armendariz' words "inflammatory" and "wrong". President Obama appointed Armendariz in November 2009, at the urging of Texas-based environmental groups. He is one of a few Latinos in senior leadership at the EPA.

The regional administrator's words "don't comport with either this administration's policy on energy, our policy at EPA on environmental enforcement, nor do they comport with our record as well," Jackson said.

The EPA, perhaps more than any other agency, has found itself in the GOP's crosshairs over its regulation of the gases blamed for global warming, steps it has taken to limit air pollution from coal-fired power plants, and its increased regulation of fracking, which is responsible for a gas drilling boom. Republicans, including presidential contender Mitt Romney – who has called for Jackson herself to be fired – have blamed the agency for high gasoline prices and clamping down on American energy.

Armendariz, who was based in Texas, frequently found himself at odds with the state government and the oil and gas industry.

Several disputed contamination cases in Texas in which Armendariz was involved have helped stoke environmental concerns over fracking, a technique in which oil and gas producers inject water, chemicals and sand underground at high pressures to fracture rock so gas can come out.

Armendariz' speech was made in Dish, a small town northwest of Dallas, where residents' concerns over the environmental impacts of hydraulic fracturing helped put the issue on the national stage.

Testing, which was urged by the EPA, showed some groundwater contamination and elevated toxic air pollution after operators began using a new method – a combination of hydraulic fracturing, or fracking, and horizontal drilling – to extract once out-of-reach gas.

Referring to how Romans conquered villages in the Mediterranean in the Middle Ages, Armendariz said, "They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them."

"And so you make examples out of people who are in this case not complying with the law," he said. "Find people who are not complying with the law and you hit them as hard as you can and make examples of them."

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:21 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage
ABC and CNN. AP coming next:

ABC News
EPA Regional Administrator Resigns after Outcry over 'Crucify' Comments
By Jake Tapper
April 30, 2012

Over the weekend, Environmental Protection Agency Region VI Administrator Al Armendariz resigned, following a conservative outcry after remarks he made in 2010 came to light, ones suggesting government officials should take lessons from ancient Romans and "crucify" people not complying with environmental laws.

"As I have expressed publically, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator," Armendariz wrote in a letter to EPA Administrator Lisa Jackson. "As importantly, they do not represent the work you have overseen as EPA administrator. While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work. Therefore, I am offering my resignation, effective Monday, April 30, 2012."

Jackson said in a statement that "Dr. Armendariz offered his resignation, which I accepted. I respect the difficult decision he made and his wish to avoid distracting from the important work of the Agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

The 2010 video, publicized by frequent EPA foe Senator James Inhofe, R-Okla., showed Armendariz saying that he gave the following analogy to his staff about his "philosophy of enforcement," which he acknowledged being crude and perhaps inappropriate, but shared anyway: "It is kind of like how the Romans used to conquer villages in the Mediterranean - they'd go into a little Turkish town somewhere and they'd find the first five guys they saw, they'd crucify 'em, and that little town was really easy to manage for the next few years."

Armendariz continued: "And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit 'em as hard as you can and you make examples out of them, there's 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."

Last Thursday White House press secretary Jay Carney noted that Armendariz had "apologized and made clear that those comments are an inaccurate way to characterize the work EPA does."

EPA Region VI covers Arkansas, Louisiana, New Mexico, Oklahoma, Texas and dozens of tribal nations,

and Oklahoma's Inhofe was not convinced.

"With an election on the horizon," Inhofe said in a press release, "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 E.P.A. 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."

CNN

EPA official resigns over 'crucify' remark

By Lesa Jansen and Todd Sperry

April 30, 2012

Washington (CNN) -- The head of the Environmental Protection Agency's office in Dallas has resigned over comments he made in 2010 that became the focus of political condemnation last week. EPA Administrator Lisa Jackson said Monday that she accepted a letter of resignation from Al Armendariz.

"I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency," Jackson said in a written statement.

In the letter dated Sunday, Armendariz said he regrets his comments, adding that they did not reflect on his work or the work of the EPA.

The controversy erupted last week when a video surfaced showing Armendariz saying in 2010 that his methods for dealing with non-compliant oil and gas companies were "like when the Romans conquered the villages in the Mediterranean. They'd go into little villages in Turkish towns and they'd find the first five guys they saw and crucify them."

Sen. James Inhofe's office told CNN it uncovered the video while preparing for a blistering half-hour Senate floor speech that Inhofe delivered Wednesday. In the speech, the Republican from Oklahoma criticized the Obama administration's energy policies and cited Armendariz in particular.

"His comments give us a rare glimpse into the Obama administration's true agenda," Inhofe said. After the video went viral, Armendariz quickly issued an apology. But Inhofe rejected the apology, and the White House and EPA dissociated themselves from the administrator's remarks.

"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," Inhofe said.

"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," Inhofe added.

White House Press Secretary Jay Carney told reporters Thursday that "the official's comments are inaccurate as a representation or characterization of the way the EPA has operated under President Obama."

In a statement posted on its website, the EPA said it was "deeply unfortunate that in a 2010 video an EPA official inaccurately suggested we are seeking to 'make examples' out of certain companies in the oil and gas industry."

Armendariz was on a leave of absence from his job as a professor at Southern Methodist University while he served with the EPA. He was appointed by Obama in 2009.

The remarks surfaced at a critical time for Obama's re-election campaign. The administration's energy policies have been targeted by critics, including Republican presidential candidate Mitt Romney, who blame the president's policies for higher oil and gas prices.

On Friday, a letter signed by the House Energy and Commerce Committee's Republican members requested clarification of Armendariz's enforcement strategies and policies while leading the agency's Region 6 office.

The committee said it "will use all authorities at its disposal to ensure Armendariz's attendance" at an upcoming hearing.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 12:51 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

EPA official under fire for 'crucify' quote quits

By Dan Berman and Erica Martinson

4/30/12 12:48 PM EDT

The EPA regional administrator who suggested the agency was out to "crucify" lawbreaking oil and gas companies has resigned. Al Armendariz said he regrets his comments and doesn't wish to be a distraction for the agency, he wrote in a letter to EPA Administrator Lisa Jackson on Sunday.

Armendariz headed EPA's Region 6, which covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Last Wednesday, Sen. Jim Inhofe (R-Okla.) unveiled a 2010 video of the regional administrator making controversial comments about EPA enforcement against oil and gas companies.

Armendariz said his policy is analogous to Romans overtaking villages, noting that they would "crucify" the first five men they saw as an example. The EPA would do the same to law breakers, he said.

In his letter to Jackson, Armendariz apologized again for the comments. "As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as a regional administrator. As importantly, they do not represent the work you have overseen as EPA administrator," Armendariz said in the letter<<https://www.politicopro.com/f/?f=9040&inb>>.

Armendariz spoke of his pride in "having built a career built on integrity and hard work." But, "While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work," he wrote.

Jackson issued a statement acknowledging his "difficult decision."

"Over the weekend Dr. Armendariz offered his resignation, which I accepted," Jackson said. "I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

On Friday, Jackson criticized the "crucify" statement. "They were inflammatory, but they were also wrong," Jackson told reporters.

In a separate letter to supporters, Armendariz said the decision was his alone.

"This was not something that was asked of me by Administrator Jackson or the White House. It is a decision I made myself," Armendariz wrote, as reported by the Dallas Morning News<<http://thescoopblog.dallasnews.com/archives/2012/04/days-after-damaging-video-surf.html>>. "I had

become too much of a distraction, and no one person is more important than the incredible work being done by the rest of the team at EPA.”

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 12:13 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Coverage

Dina's first:

WASHINGTON (AP) _ The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe his approach to enforcement.

¶ In a letter to EPA Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana.

¶ Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

¶ Several disputed contamination cases in Texas have helped stoke environmental concerns over fracking.

**Brendan
Gilfillan/DC/USEPA/US**

06/20/2011 10:28 PM

To Windsor.Richard, perciasepe.bob, oster.seth, andy.adora,
alcantara.betsaida, Bennett.Barbara

cc

bcc

Subject Re: Wash Post budget story

EPA budget cuts put states in bind

By Juliet Eilperin<http://www.washingtonpost.com/juliet-eilperin/2011/03/02/ABZpz6M_page.html>,
Published: June 20

When congressional Republicans cut the Environmental Protection Agency's budget 16 percent as part of a deal with President Obama in April to keep the government running, they hailed it as a blow to a federal bureaucracy that had overreached in its size and ambition.

But now that the agency has detailed how it is making the \$1.6 billion cut for fiscal 2011, the reality is somewhat different. Because the EPA passes the vast majority of its money through to the states, it has meant that these governments – not Washington – are getting the biggest hits. Already constrained financially at home, state officials have millions of dollars less to enforce the nation's air- and water-quality laws, fund critical capital improvements and help communities comply with new, more stringent pollution controls imposed by the federal government.

Indian Head, Md., won't get the nearly \$1 million it has requested to improve sewer lines and rehabilitate manhole covers. Wyandotte County, Kan., has suspended its hazardous-waste public awareness programs. And Virginia will scale back the studies it is conducting to evaluate nitrogen runoff into the Chesapeake Bay.

"The federal government and state grants are both shrinking while our demands are increasing exponentially," said Andrew Ginsburg<<http://www.deq.state.or.us/aq/climate/>>, air quality division administrator at Oregon's Department of Environmental Quality. "We're definitely feeling the crunch here."

The EPA was a central target for Republicans during the spring budget battle, as they tried to curtail its authority to curb greenhouse gases, mercury and other pollutants. Although lawmakers failed to secure those provisions, they limited the agency's activities through budget cuts.

But as lawmakers and local officials assess the impact of those cuts, few seem pleased with the outcome.

"We made some tough choices in there," said EPA deputy administrator Robert Perciasepe<<http://projects.washingtonpost.com/2009/federal-appointments/person/robert-perciasepe/>> in an interview. "We're very close to the edge where you start to erode the capacity of the agency."

S. William Becker<

<http://www.washingtonpost.com/wp-dyn/content/article/2007/12/19/AR2007121902012.html>>, executive director of the National Association of Clean Air Agencies, said lawmakers didn't realize that targeting EPA's budget meant "that they're cutting jobs at the state and local level. If they knew that, maybe Congress might have acted differently."

Key Republicans say the cuts have failed to reshape the agency the way they had envisioned.

"By stepping into the process in the middle of the year, we weren't able to provide the kind of details you can when you're doing an appropriations bill from the outset," said Rep. Bob Goodlatte (R-Va.), vice chairman of the House Agriculture Committee and a frequent EPA critic. "The EPA made a lot more decisions in how they made the cut, and I certainly don't agree with how they made the cut or spent the money."

In fact, many of the funding decisions the EPA made this year were based on a mandatory formula, since \$1 billion of the overall reduction affected just two programs helping underwrite clean-water and drinking-water projects.

"This is one of the problems with cutting EPA's budget. You look at a lot of their programs and they are pass-through programs," said House Interior and Environment Appropriations Subcommittee chairman Mike Simpson <http://www.whorunsgov.com/Profiles/Michael_K_Simpson> (R-Idaho), referring to programs whose funds flow directly from the agency to the states. "When you're reducing the budget, those programs are going to go down substantially."

Agency officials were able to protect some of the administration's top priorities, such as providing more funds to clean up the Chesapeake Bay <<http://www.washingtonpost.com/wp-dyn/content/article/2010/12/29/AR2010122904663.html>>. It provided an additional \$4.3 million to the Chesapeake Bay program while cutting every other regional cleanup, including in the Great Lakes and Puget Sound. It allotted nearly \$4.6 million for research into endocrine disrupters, chemicals that have entered American waterways and pose a potential public health threat.

"We're using the funds to proceed on some of the key things we're trying to do," Perciasepe said, adding that the EPA has identified 2011 as a critical year for finalizing Chesapeake Bay cleanup plans.

But Republicans succeeded in blocking more than \$8.5 million the EPA would have provided to help states cope with new rules limiting greenhouse gas emissions from power plants and refineries.

Simpson said he and other Republicans are going to look at whether they can target reductions at EPA headquarters for the next fiscal year, perhaps by limiting the number of full-time-equivalent positions at the agency. By doing so, he said, it might curb EPA's efforts to impose mandatory limits on greenhouse gases and other forms of pollution: "Many of us believe the EPA has gone beyond what Congress has wanted or authorized it to do," he said.

In the meantime, state and local officials who oversee the nation's air and water quality – most of whom were already dealing with smaller state budgets – are struggling to cope with the sudden dip in federal funds.

Walter Gills, program manager for Virginia's clean-water revolving loan fund, said the state learned so late it was losing \$10 million for low-interest loans that it had to find money elsewhere and will cut the program much deeper next year.

"We just couldn't pull the plug," Gills said. He added that since EPA's budget will probably shrink again in the next appropriations cycle, "it could actually be a double whammy next year."

In Oregon, Ginsburg said, his agency has postponed hiring an environmental engineer and is reducing its pollution monitoring work. Just as his agency is being asked by the federal government to enforce new smog, soot and greenhouse gas rules, it is facing a cut in federal assistance to execute this task.

"We're just a microcosm of what's going on around the country. The same thing is going on in every state," Ginsburg said. "It's just adding up to a crisis mode."

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 06/20/2011 07:20 PM EDT
To: Richard Windsor; perciasepe.bob@epa.gov; oster.seth@epa.gov; andy.adora@epa.gov; alcantara.betsaida@epa.gov; Barbara Bennett
Subject: Wash Post budget story

All -

The long-awaited Washington Post budget story will run on A3 tomorrow.

The focus is on how budget cuts targeted at EPA will actually impact state environmental programs.

- Brendan

Brendan
Giffilan/DC/USEPA/US
10/20/2011 10:19 PM

To "Richard Windsor"
cc
bcc
Subject Op-ed

'Too dirty to fail'?

House Republicans' assault on our environmental laws must be stopped.

By Lisa P. Jackson

October 21, 2011

Americans must once again stand up for their right to clean air and clean water.

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 Environmental Protection Agency and our nation's environmental laws. They have picked up the pace recently – just last week they voted to stop the EPA's efforts to limit mercury and other hazardous pollutants from cement plants, boilers and incinerators – and it appears their campaign will continue for the foreseeable future.

Using the economy as cover, and repeating unfounded claims that "regulations kill jobs," they have pushed through an unprecedented rollback of the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws, all of which have successfully protected our families for decades. We all remember "too big to fail"; this pseudo jobs plan to protect polluters might well be called "too dirty to fail."

The House has voted on provisions that, if they became law, would give big polluters a pass in complying with the standards that more than half of the power plants across the country already meet. The measures would indefinitely delay sensible upgrades to reduce air pollution from industrial boilers located in highly populated areas. And they would remove vital federal water protections, exposing treasured resources such as the Gulf of Mexico, Lake Erie, the Chesapeake Bay and the Los Angeles River to pollution.

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.

This is not hyperbole. The link between health issues and pollution is irrefutable. Mercury is a neurotoxin that affects brain development in unborn children and young people. Lead has similar effects in our bodies. Soot, composed of particles smaller across than a human hair, is formed when fuels are burned and is a direct cause of premature death. Nitrogen oxides and volatile organic compounds contribute to the ozone alert days when seniors, asthmatics and others with respiratory problems are at serious risk if they do nothing more dangerous than step outside and breathe the air.

"Too dirty to fail" tries to convince Americans that they must choose between their health and the economy, a choice that's been proved wrong for the four decades that the EPA has been in existence. No credible economist links our current economic crisis – or any economic crisis – to tough clean-air and clean-water standards.

A better approach is the president's call for federal agencies to ensure that regulations don't overburden American businesses. The EPA has already put that into effect by repealing or revising several unnecessary rules, while ensuring that essential health protections remain intact.

We can put Americans to work retrofitting outdated, dirty plants with updated pollution control technology.

There are about 1,100 coal-fired units at about 500 power plants in this country. About half of these units are more than 40 years old, and about three-quarters of them are more than 30 years old. Of these 1,100 units, 44% do not use pollution controls such as scrubbers or catalysts to limit emissions, and they pour unlimited amounts of mercury, lead, arsenic and acid gases into our air. Despite requirements in the bipartisan 1990 Clean Air Act amendments, these facilities have largely refused to control their emissions – creating an uneven playing field for companies who play by the rules and gaming the system at the expense of our health.

If these plants continue to operate without pollution limits, as a legislative wish list from House Majority Leader Eric Cantor (R-Va.) would allow, there will be more cases of asthma, respiratory illness and premature deaths – with no clear path to new jobs.

By contrast, the nation's first-ever standards for mercury and other air toxic pollutants which the EPA will finalize this fall – and which the Republican leadership aims to block – are estimated to create 31,000 short-term construction jobs and 9,000 long-term jobs in the utility sector through modernizing power plants. And the savings in health benefits are estimated to be up to \$140 billion per year by 2016.

Contrary to industry lobbying, this overhaul can be accomplished without affecting the reliability of our power grid.

Our country has a long tradition of treating environmental and public health protections as nonpartisan matters. It was the case when President Nixon created the EPA and signed into law the historic Clean Air Act, when President Ford signed into law the Safe Drinking Water Act and when President George H.W. Bush oversaw important improvements to the Clean Air Act and enacted the trading program that dramatically reduced acid rain pollution.

Our environment affects red states and blue states alike. It is time for House Republicans to stop politicizing our air and water. Let's end "too dirty to fail."

Brendan
Giffilan/DC/USEPA/US
04/30/2012 06:36 PM

To "Richard Windsor"
cc
bcc
Subject

<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 | 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-spike 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."

**Brendan
Gilfillan/DC/USEPA/US**
02/12/2011 08:03 PM

To "Richard Windsor", Perciasepe.Bob, Thompson.Diane,
Bennett.Barbara, Oster.Seth, andy.adora, "Betsaida
Alcantara", "David McIntosh", "Arvin Ganesan",
owens.stephanie, Ealons.Dru

cc

bcc

Subject Re: CR one pager

Administration rails against GOP plan to block funding for climate regulations

By Andrew Restuccia - 02/12/11 06:54 PM ET
The Hill

A government spending bill authored by House Republicans that would block funding for the Environmental Protection Agency's pending climate rules is "irresponsible and reckless," a "preliminary analysis" of the legislation being circulated by the administration says.

"The impacts of some language would be far wider than they intend," the analysis, obtained by The Hill from a source in the administration, says.

The analysis represents an initial effort by the administration to push back against the legislation, which would cut spending by \$100 billion when compared to President Obama's 2011 budget request. The bill would also cut the EPA's budget by \$3 billion. If passed, the bill would fund the government through the end of the fiscal year.

The legislation would create wide-spread industry uncertainty, delay the construction of new projects and result in job losses, the analysis says.

"[T]he [government spending bill] would undo all of the reasonable, common-sense steps EPA has taken to give certainty to American business re: carbon pollution permitting - and would compromise the plans of any company anywhere in the United States to build a new factory or expand an existing one," the analysis says.

The government spending bill would expose the EPA to litigation because the agency would not be able to issue greenhouse gas permits for new facilities.

"Therefore, remarkably, the result of this rider would be to throw all attempted large, job-creating construction projects across the country into great uncertainty - a completely irresponsible and counter-productive step given the nation's economic situation," the analysis says.

The analysis also addresses other key provisions in the government spending bill. A provision in the bill blocking the EPA from retroactively vetoing Clean Water Act permits would also have wide-ranging effects, the analysis says.

The provision was added into the government spending bill after the EPA vetoed a permit for a major mountaintop removal mine project in West Virginia. The move infuriated Republicans, who argue that such efforts create industry uncertainty.

But the analysis says the effort threatens public health.

"More than 1/3 of the population - 117 million Americans - gets their drinking water from sources fed by waters that may lack protection under the CWA - the [government spending bill] would make it impossible for EPA to protect those waters and the health of Americans who rely on them," the analysis says. The government spending bill would also prevent the administration from implementing the Energy Star program, which deals with appliance efficiency, and a major biofuels program, the analysis says.

Brendan Gilfillan

Brendan
Giffilan/DC/USEPA/US
03/31/2012 02:19 PM

To "Richard Windsor"
cc "Bob Perciasepe"
bcc
Subject BNA story

Long story...

Draft Version of Oil, Gas Industry Rule
Would Cost Less Than Proposed Version
BNA Snapshot

Key Development: A draft final rule being prepared by EPA for White House review in late February would cost less than the proposed rule and cut fewer emissions from the oil and gas industry.
What's Next: EPA must sign the final rule by April 3.

By Jessica Coomes

A draft final rule expanding air pollution rules for oil and gas operations that the Environmental Protection Agency was preparing for White House review would cost significantly less than the proposed rule and reduce less pollution, agency documents show.

The documents indicate the version of the final rule EPA was readying for the Office of Management and Budget in late February would cost \$348 million per year, about half the cost of the proposal. The final rule would cut emissions of volatile organic compounds by 300,000 tons per year, slightly more than half the emission reductions outlined in the proposed rule.

Methane emissions would be reduced by 1.7 million tons annually under the draft final rule, versus 3.4 million tons under the proposed rule.

EPA is under a court deadline to sign the final rule by April 3, and it was unclear if the version the agency was working on in late February has undergone any changes since then. The draft final rule was sent to OMB on March 2 and is still under review.

The description of the draft rule was contained in a Feb. 23 memorandum from Gina McCarthy, EPA assistant administrator for air and radiation, to Administrator Lisa Jackson.

The memo and other documents related to the oil and gas rule was placed in the online rulemaking docket March 29 but removed March 30.
It was unclear what accounted for the changes, and EPA did not provide clarification March 30.

"This is an old, out-of-date draft document that is not representative of any final decision," EPA spokesman David Bloomgren told BNA March 30. "EPA is still working through the interagency review process to complete these standards."

Standards Proposed in 2011

In July 2011, the agency proposed new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAP) for the oil and natural gas sector (76 Fed. Reg. 52,738; 146 DEN A-2, 7/29/11).

The new source performance standards would cover new and modified oil and gas production, processing, transmission, and storage. The air toxics standards would affect oil and gas production facilities and gas transmission and storage facilities.

The existing NSPS addresses only VOC leak detection and repair at new and modified natural gas

processing plants, which means significant sources of emissions are not subject to national regulation, according to EPA.

The new standards would cover processes or equipment in oil and gas production that have not been covered by federal rules. Those include well completions at new hydraulically fractured gas wells and existing wells that are fractured or refractured, EPA said.

The proposed version of the rule would affect 25,000 fractured wells as well as storage tanks and other equipment, according to the agency.

Rule Required Under Consent Agreement

EPA must sign the rule by April 3 under terms of a consent decree with WildEarth Guardians (WildEarth Guardians v. Jackson, D.D.C., No. 09-00089, 10/28/11).

"Whatever EPA does is going to be a good step forward," Jeremy Nichols, director of climate and energy programs for WildEarth Guardians, told BNA March 30. "It's the EPA's first foray into getting a handle on oil and gas production, so it's not going to be perfect. There's going to be progress even after this rule comes out, and our group and others are going to be pushing for progress to be made."

Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute, said, "Hopefully, the rule is getting more reasonable, and that has been something that we have been asking for. We have met several times with EPA and with OMB, and we hope that those meetings have been effective about conveying our concerns with the proposal."

The McCarthy memo said EPA expected industry to support "changes that reduce compliance burden" but to oppose the expansion of coverage under the NSPS to cover a number of previously unregulated emission sources and to oppose the agency's broad review of the existing NESHAP.

Support From Environmental Groups

EPA expected environmental groups generally to support the final rule but to be concerned that the rule does not directly regulate methane emissions and does not regulate existing sources, according to the memo.

"Environmental groups may also express concern that we did not make changes to attain greater reductions of more pollutants in the final rule and further expand controls for unregulated sources" of hazardous air pollutants, it said.

A Feb. 21 communications strategy document, also posted in the rulemaking docket, expected state and local environmental agencies to support the proposed rule but energy agencies to have mixed reaction. EPA said it received 156,000 comments on the proposed rule.

For More Information

The memo from McCarthy to Jackson is available at <http://op.bna.com/fcr.nsf/r?Open=jcos-8svs7x>.

The communications strategy is available at <http://op.bna.com/fcr.nsf/r?Open=jcos-8svse9>.

The full docket, EPA-HQ-OAR-2010-0505, is available at <http://www.regulations.gov>

**Brendan
Giffilan/DC/USEPA/US**

04/27/2012 08:01 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
"Arvin Ganesan", "Janet Woodka"

cc

bcc

Subject Politico: 'Apolitical' ex-professor at center of 'crucify' storm

'Apolitical' ex-professor at center of 'crucify' storm

By Erica Martinson and Darren Samuelsohn
4/27/12 7:50 PM EDT

Al Armendariz hasn't posted on Twitter since Wednesday.

The EPA Region 6 administrator is usually a prolific tweeter, sending out regular updates on topics like environmental science, natural gas prices and sea levels – all tied to his pet issues of climate change and holding polluters accountable. But now Armendariz is lying low, while furor rages on and off the Hill about his 2010 videotaped comments about “crucifying” <<https://www.politicopro.com/story/energy/?id=11056>> oil and gas polluters.

The fuss has some in Washington wondering: Who is this mild-seeming bureaucrat and former academic, and how did he morph into a right-wing symbol of oppressive, energy-hostile government?

To some extent, the controversy should come as no surprise: EPA Region 6 covers Arkansas, New Mexico, 66 American Indian tribal nations and the oil- and gas-heavy states of Oklahoma, Texas and Louisiana.

That's a tough crowd – especially for anyone committed to environmental enforcement.

Texas Monthly included Armendariz in its February 2011 list <<http://www.texasmonthly.com/preview/2011-02-01/feature>> of the 25 most powerful people in the state, alongside Gov. Rick Perry and Houston homebuilder and GOP mega-donor Bob Perry.

“He's the only environmentalist who gives Rick Perry fits,” the magazine wrote, noting that the EPA regional chief in his short time in the post had “made himself a lightning rod in Perry's self-declared war on Washington.”

“There's certainly tension at the political level” between state and federal regulators regarding enforcement in Texas, Armendariz told the San Antonio Current <<http://sacurrent.com/news/epa-regional-administrator-al-armendariz-on-environmental-justice-texas-and-t-he-gop-s-war-against-his-agency-and-the-recent-environmental-summit-in-corpus-christi-1.1235597>> in November.

“There's, I think, some unfortunate rhetoric that comes from the heads of some of the agencies in the state of Texas and by people in the governor's office,” he said. “But at the staff level we still have very good working relationships with people of [the Texas Commission on Environmental Quality], people with the Railroad Commission, the General Land Office, and we still do get a lot done collectively.”

Houston environmentalist Matthew Tejada said, “It's been a fraught relationship, of course, and probably more fraught than it needs to be.”

But Texas is a perfect microcosm of the “national reaction to EPA,” Tejada said, adding that “Region 6 and EPA as a whole for the past three years have been trying to make up for 20 years” of work left by prior administrations.

“I think people like TCEQ and the public in general had probably gotten used to an EPA that didn't do a

whole lot," Tejada said.

Environmentalists aren't jumping for joy, though – they're still suing over EPA decisions that they find to be too lenient.

Meanwhile, industry insiders say he's always had it out for the oil and gas industry.

Before his appointment at EPA, Armendariz spent eight years in the department of environmental and civil engineering at Southern Methodist University in Dallas. Before that he worked as a chemical engineer, and as a research assistant at MIT's Center for Global Change Science.

He earned a doctorate in environmental engineering at the University of North Carolina at Chapel Hill's School of Public Health, an M.E. in environmental engineering at the University of Florida, and an undergraduate degree in chemical engineering from MIT.

Not long before he came to EPA, though, Armendariz dipped into the now-controversial issue of hydraulic fracturing when the Environmental Defense Fund tapped him to help study air pollution from hydraulic fracturing operations in the Dallas-Fort Worth area.

His research, released in February 2009, concluded that volatile organic emissions were a significant and uncounted source of air pollution in the North Texas region. The report also proposed several new technologies that would cut emissions and perhaps reduce costs for oil and gas operators.

Industry groups attacked his findings.

"But at that point, it was just another report from just another professor," said Tom "Smitty" Smith, state director of the Texas chapter of Public Citizen. "He was not somebody who had any authority over their operations."

In the early months of the Obama administration, Texas greens and Rep. Silvestre Reyes (D-Texas) floated Armendariz's name for the regional EPA job.

Still, Smith said he was surprised when Obama appointed Armendariz in November 2009.

"We didn't think he had a chance because he was not politically connected to anybody in the Obama administration or in the traditional political circles," Smith said.

Jim Marston, regional director for the Environmental Defense Fund in Austin, said he gave Armendariz a positive review to the Obama officials doing the background work, though he expressed some reservations too.

"I said good things about him, but frankly I was worried he didn't have a lot of political experience and some of the legislators, both state and federal legislators in Texas and Oklahoma, are unfair and vicious and might make his life miserable," Marston said. "I was anxious he was not going to be political enough. I knew it'd be a tough job for someone who's not a political animal."

"I don't know if anybody can ever be politically ready for this position," said Tejada, executive director of environmental group Air Alliance Houston.

"I think Al was really well suited to try to understand all of the technical issues" and to be sensitive to the human impacts of pollution, Tejada said. And "Region 6 has more of those issues and has more of those [environmental justice] communities than anywhere else in the country, bar none," he said.

But "he's not a politician. I think he speaks from the heart a lot," Tejada said. "I hope he doesn't lose his position."

As a professor, Armendariz is no stranger to trying to break down complicated topics in

easy-to-understand ways. "One of the things that's delightful about Al is he reads history and he has a range of analogies that he uses to explain issues," Smith said.

In likening EPA enforcement strategy to the Roman Empire's crucifixion of prisoners, "he chose the wrong analogy, the wrong metaphor, out of his stack," Smith said. "It's unfortunate."

Smith called the howls from Armendariz's critics "the height of hypocrisy."

"For tough-on-lawbreaker Republicans to go after an environmental regulator that is actually following the law and enforcing the law is about as hypocritical as they come," Smith said, adding that the same people would cheer a Drug Enforcement Administration leader who went after lawbreakers. "They can't have it both ways. Either you are tough on enforcement or not."

But others called Armendariz's analogy a sign that he lacks the necessary balance or professionalism.

"Nowhere in the EPA's mission does it call for use of baseless accusations, scare tactics, fear-mongering to pursue its charge. Sadly, all three have become commonplace at the EPA," said Debbie Hastings, executive vice president of the Texas Oil & Gas Association.

Hastings charged that the EPA's recent withdrawal of an emergency order against the oil and gas company Range Resources "is just the latest in this EPA trend of attacking without facts, followed by a forced retreat."

Armendariz caught the attention of Texas environmentalists in 2005 when the SMU professor landed a job with Downwinders at Risk monitoring air emissions from the cement industry.

"You look at his résumé, and God – graduated from MIT, he's got all the credentials," Jim Schermbeck, chairman of the local environmental advocacy group, told the Dallas Observer in a March 2011 profile<<http://www.dallasobserver.com/content/printVersion/2118975/>> of Armendariz. "The problem was he had never been involved with anything like this before."

Asked if he thought environmentalists in Texas would be upset if Obama fired Armendariz, EDF's Marston replied, "I think the White House has to make judgments about whether this is a distraction that prevents policy from being implemented. They've got to make that political call. That's not something that I can do."

**Brendan
Giffilan/DC/USEPA/US**

12/03/2011 05:47 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
"Seth Oster", "Betsaida Alcantara"

cc

bcc

Subject Tom Friedman's Sunday column

This is a Big Deal

Thomas Friedman

IN many ways, President Obama has been a disappointment on energy and the environment. He has been completely missing in action on the climate debate. His decision to block his own Environmental Protection Agency from setting new rules to cut smog levels was disappointing. And, while I believe in using the balance sheet of the U.S. government to spur clean-tech research and start-ups, Solyndra was a case of embarrassing excess - precisely what happens when you rely too much on government push not consumer pull, spurred by price and regulatory signals.

But, for me, all is forgiven - because Obama came through big-time last month.

He backed his great E.P.A. administrator, Lisa Jackson, and Department of Transportation secretary, Ray LaHood, in producing a deal with all the top U.S.-based automakers that will go into effect in 2017 and require annual mileage improvements of 5 percent for cars, and a little less for light trucks and S.U.V.'s, until 2025 - when U.S. automakers will have to reach a total fleet average of 54.5 miles per gallon. The current average is 27.5 m.p.g.

This deal will help America's cars and trucks approach the mileage levels of Europe and Japan and spur innovation in power trains, aerodynamics, batteries, electric cars and steel and aluminum that will make cars lighter and safer.

The E.P.A. and the Transportation Department estimate that these new innovations will gradually add about \$2,000 to the cost of an average vehicle by 2025 and will save more than \$6,000 in gasoline purchases over the life of that car - savings that will go into the rest of the economy. And all that assumes that gasoline prices will only moderately increase and there are no innovation breakthroughs beyond what we anticipate. If gasoline prices soar higher and innovation goes faster - both highly likely - the savings would be even more.

The new vehicles sold over the life of the program - including its first phase between 2012 and 2016 - are expected to save a total of four billion barrels of oil and prevent two billion metric tons of greenhouse gas pollution.

This is a big deal - a legacy deal for Obama that will make a significant, long-term contribution to America's energy, environmental, health and national security agendas.

The compromise was worked out between the E.P.A. and the Transportation Department with General Motors, Ford, Chrysler, Toyota, Honda, Nissan, BMW and six other major car companies. It was announced Nov. 16 and came about largely because once the Supreme Court ruled that carbon dioxide was a pollutant - and once California made clear that it and several other states were going to impose their own improved auto emissions standards, if the federal government didn't - the major auto companies saw the handwriting on the wall and entered into talks with the Obama administration on a deal that will transform the industry.

The Global Automakers trade association - which endorsed the deal because it gives the industry long-term regulatory certainty to do research and invest - called the Obama plan a "comprehensive and harmonized national approach to reducing greenhouse gas emissions and improve fuel economy ... while providing manufacturers the needed flexibility and lead time to design and build advanced technology vehicles."

Dan Becker, director of the Safe Climate Campaign of the Center for Auto Safety, said the mileage deal "is the biggest single step that any nation has taken to cut global warming pollution," but he cautioned that, like any Washington compromise, it does contain loopholes that "give the auto companies opportunities to behave irresponsibly - if they choose." If the companies' total fleet mix of cars and trucks stays roughly as projected, they would hit the 54.5 m.p.g. target by 2025. But, because the deal allows for a weaker mileage standard for trucks than cars, Becker added, "if the industry as a whole decides to make many more trucks than now projected, we will not achieve the 54.5 m.p.g. target, although average mileage would still improve significantly from today's levels." Naturally, the E.P.A.-haters hate the deal. They focus on the increase in vehicle costs that will phase in over 13 years - and ignore the net savings to consumers, plus the national security, innovation, jobs, climate and health benefits. These critics are the same "conservatives for OPEC" who, after Congress agreed in 1975 on a 10-year program to raise the fleet average mileage of American cars from 15 m.p.g. to 27.5 m.p.g., got together not only to

halt mileage improvements in American vehicles during the Reagan administration, but to roll them back. This helped to drastically slow U.S. auto mileage innovation and ultimately helped to bankrupt the American auto industry and make sure the United States remained addicted to oil.

Of course, today's G.O.P., whose energy policy was best described by Lisa Jackson as "too dirty to fail" - i.e., we can't close any polluting power plants or impose cleaner air rules because it might cost jobs - is fighting a last-ditch effort to scuttle the deal. Representative Darrell Issa, a California Republican and chairman of the House oversight committee, is leading the charge to kill it. What a thing to be proud of.

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From: Google Alerts [googlealerts-noreply@google.com]

Sent: 12/03/2011 10:16 PM GMT

To: Brendan Gilfillan

Subject: Google Alert - President and "Environmental Protection Agency

Brendan
Gillilan/DC/USEPA/US
08/30/2011 02:48 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
Subject Final blog

Telling the truth about the environment and our economy.
Lisa P. Jackson

Here are some claims you might have heard about the U.S. Environmental Protection Agency: The EPA is setting air pollution standards that will lead to the closure of multiple power plants. The EPA is regulating spilled milk at dairy farms as if it were equivalent to spilled oil. The agency is pushing "a train wreck" of regulations on the energy industry.

These charges above have appeared in mainstream newspapers, lobbyist talking points, and inside-the-beltway speeches -- and not one of them is true.

Closing a plant is a business decision, made by companies based on market factors unrelated to EPA standards -- a point that industry leaders have acknowledged. The Chairman and CEO of Exelon Corporation said, "These regulations will not kill coal...up to 50% of retirements are due to the current economics of the plant due to natural gas and coal prices." The CEO of American Electric Power said in April, "We've been quite clear that we fully intend to retire to the 5,480 megawatts of our overall coal fleet because they are less efficient and have not been retrofitted in any particular way."

Regarding spilled milk, EPA's has worked closely with dairy farmers to exempt them from an oil spill prevention law that was written so broadly as to include spilled dairy products.

And the so-called "train wreck" of regulations has been urged along by utilities and state regulators and characterized as "a golden opportunity to look for synergies between different compliance options."

All of these are part of the debate over EPA's effect on the economy. It is an important debate, especially at a time when job creation is our nation's top priority. But things have taken a turn for the absurd when EPA is being attacked for measures we're not taking and our most fundamental responsibilities to protect the health and environment for all Americans are targeted as job killers.

Recent EPA actions have been met with a robotic response that they are too costly and too burdensome. Calls have intensified to weaken safeguards and gut laws designed to protect our families from pollution that causes asthma, cancer and other illnesses, especially in children. Special interests have sought loopholes that will allow big polluters to use our air and water as dumping grounds.

It's time to have a real conversation about protecting our health and the environment while growing our economy. It's time to recognize that EPA's forty years of environmental and health protection prove our ability to create jobs while we clean our air, water and land.

It's time to make clear that when big polluters distort EPA's proposals as a drag on our economy, they ignore the fact that clean air, clear water and healthy workers are all essential to American businesses. They overlook the innovations in clean technology that are creating new jobs right now.

It's time to recognize that delays and reversals of long expected health standards leave companies uncertain about investing in clean infrastructure, environmental retrofits, and the new workers needed to do those jobs. Even those who accept the idea that EPA actions are costly should know that those costs often represent investments in new technology and newly hired workers. Pledges to weaken or slow proposed standards, many of which have been developed over years and with industry input, prevent businesses from making those investments.

To counterbalance misleading accusations with good common sense, we need to hear from American business owners, like the CEO of Michigan's Clean Light Green Light, who recently said, "EPA has opened the doors to innovation and new economic opportunities. By spurring entrepreneurs who have good ideas and the drive to work hard, the EPA has helped give rise to countless small businesses in clean energy, advanced lighting, pollution control and more, which in turn are creating jobs." We need reasonable assessments from people on both sides of the aisle, like the senior EPA appointee from the George W. Bush administration who recently wrote, "Abolishing the EPA will not cause a revival of America's economy, but it will certainly result in a major decline in public health and our quality of life." And we need the input of objective sources, like the Congressional Research Service, which just released a report confirming that the benefits of EPA's protections far outweigh the costs.

This is more than just being smart about our economy and our environment -- it's about respecting the priorities of the American people. More than 70 percent of Americans want EPA to continue to do its job effectively. Those same Americans want to see a robust economic recovery. We have the capacity to do both things, but it will require a better job creation strategy than misleading attacks on commonsense safeguards for our health and the environment.

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2011 06:03 PM

To "Richard Windsor"
cc "Seth Oster"
bcc

Subject Fw: 'Thugs' misquote of EPA's Jackson sparks GOP uproar

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 11/04/2011 05:59 PM AST
To: Brendan Gilfillan
Subject: 'Thugs' misquote of EPA's Jackson sparks GOP uproar

'Thugs' misquote of EPA's Jackson sparks GOP uproar

By Patrick Reis
11/4/11 5:57 PM EDT

Republicans are in an Internet uproar over an erroneous media report quoting EPA Administrator Lisa Jackson as calling them “jack-booted thugs” during a speech at the University of California at Berkeley.

Trouble is, Jackson didn't level the term at Republicans. Instead, she used it to refer to her own employees, jokingly borrowing language that the EPA's critics have used to describe the agency's workers.

According to [video of the event](#) Thursday and a transcript of the speech provided by the EPA, Jackson spent part of her speech debunking earlier inaccurate media reports that claimed [the agency intended](#) to “triple its budget and add 230,000 new regulators to cut greenhouse gas emissions from sources like — be prepared — backyard grills and cows.”

In fact, she noted, the EPA had proposed a “tailoring rule” meant to limit the permitting requirements to the biggest industrial emitters.

“A massive expansion was never a possibility — and the people who cited the 230,000 new EPA jack-booted thugs knew that,” she said. “That number comes from an administration document explaining why you needed a Tailoring Rule.”

But in an account of the event that E&E News published Friday, a reporter described Jackson as accusing House and Senate Republicans of deliberately misleading the public with the 230,000-employee figure — then quoted her as saying, “Those jack-booted thugs knew that.”

E&E has since republished its account with a correction, but the conservative site [RedState](#) picked up the original version, setting Twitter and other sites ablaze with conservative criticism of Jackson.

Jackson’s “bureacratc [sic.] speak aside, it was apparently enraging for Jackson that Republicans claimed the EPA wanted to hire 230,000 employees based on a document saying they’d need to hire 230,000 employees to enforce their absurd regulations,” wrote RedState’s Ben Howe. “So enraging that it caused her to lash out in what I’m sure would’ve been called ‘violent, fascist, police-state, authoritarian, terrorist speak’ had it been said while George W. Bush was president.”

RedState representatives did not respond immediately to inquiries on whether they’ll update their post.

JunkScience.com, a blog for critics of climate science, also [posted on the story](#), accusing Jackson of taking “trash-talking to a new level for a senior government official.”

And FOX Nation ran [a post](#) on its front page with the headline “EPA Chief Calls Republicans ‘Jack-Booted Thugs,’” which ultimately traced back to the RedState post.

To read and comment online:
<https://www.politicopro.com/go/?id=7081>

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To change your alerts or unsubscribe:
<https://www.politicopro.com/member/?webaction=viewAlerts>

Brendan
Gilfillan/DC/USEPA/US
11/04/2011 05:47 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
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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"We have another set of comments to go," she said.

Brendan
Gillilan/DC/USEPA/US
06/20/2011 06:19 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
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

EPA Extends Public Comment on Mercury and Air Toxics Standards

Extension will have no impact on timeline for finalizing standards

Washington, DC -- At the request of members of Congress, EPA Administrator Lisa Jackson today announced that the agency will extend the public comment period for the proposed Mercury and Air Toxics Standards by 30 days, but that this extension will not alter the timeline for issuing the final standards. The target date to finalize these new standards - which will prevent tens of thousands of premature deaths and heart attacks a year - remains November 2011.

"EPA will put these long-overdue standards in effect in November, as planned. In our effort to be responsive to Congress and to ensure that there is additional opportunity for public comment, we will extend the timeline for public input by 30 days. But the timeline for issuing the final standards will not be impacted or delayed," said Administrator Jackson. "These standards are critically important to the health of the American people and rely on technology already in use at over half of the nation's coal and oil-fired power plants to slash emissions of mercury and other hazardous pollutants. When these new standards are finalized, they will assist in preventing hundreds of thousands of asthma and heart attacks, 17,000 premature deaths, 120,000 cases of childhood asthma symptoms and approximately 11,000 fewer cases of acute bronchitis among children each year. Hospital visits will be reduced and nearly 850,000 fewer days of work missed due to illness."

EPA proposed the first ever national Mercury and Air Toxics Standards in March. The standards will be phased in over three years, and states have the ability to give facilities a fourth year to comply. Currently, 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. Once final in November, these standards will ensure the remaining coal-fired plants, roughly 44 percent, take similar steps to decrease dangerous pollutants.

Bryon
Griffith/GMPO/USEPA/US
12/11/2011 08:24 PM

To Richard Windsor
cc John Hankinson
bcc

Subject Fw: Lead Story in today's Corpus Christi Caller Times

Fyi....

The press has been very, very good following your announcement on Monday. I think you two will love the characterizations in this article...

i.e., **"The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.**

"He said some of the top federal leaders are moving to the Gulf coast to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth."

Congratulations!

----- Forwarded by Bryon Griffith/GMPO/USEPA/US on 12/11/2011 08:19 PM -----

From: "McKinney, Larry" <Larry.McKinney@tamucc.edu>
To: Chris Harte <cmh@swr.us.com>, "Elizabeth \"Biddy\" Owens" <bidness59@comcast.net>, Julia Widdowson <juliawiddowson@mac.com>, "Alejandra Manzur (Clariond-Admin)" <alejandra.manzur@cuprum.com>, Alejandro Junco de la Vega <ajunco@elnorte.com.mx>, "Andrew \"Andy\" Sansom" <andrewsansom@txstate.edu>, "Anna Tischer (Fitzsimons-Admin)" <atischer@ufjlaw.com>, "Bert Ragsdale (UoA-Admin)" <bragsdale@uasystem.ua.edu>, "Betty Aridjis (Aridjis-Admin)" <bettyaridjis@yahoo.com>, Bryon Griffith/GMPO/USEPA/US@EPA, Catherine Nixon Cooke <catherinencooke@hotmail.com>, Chula Ross Sanchez <chula@ddc.net>, "Donna Basso (Mote-Admin)" <donna@mote.org>, "Eric W. Gustafson" <ericwgustafson@gmail.com>, Eugenio Clariond Reyes <ecr@cuprum.com>, Eva Fernandez <eva.fernandez@femsa.com.mx>, Guillermo Garcia Montero <guillermog@acuaronacional.cu>, Guillermo Garcia Montero <guilleg2005@gmail.com>, Homero Aridjis <grupo100@laneta.apc.org>, John Ogden <jogden@marine.usf.edu>, Joseph Fitzsimons <jfitzsimons@ufjlaw.com>, Katherine Armstrong <katarminc@earthlink.net>, Kumar Mahadevan <kumar@mote.org>, Lu-Ann Kleibacker/DC/USEPA/US@EPA, Mark Watson <mewjr@swbell.net>, "Pam Rogers (Plant-Admin)" <pjrogers@hpo.com>, Pat Murray <pdmurray@joincca.org>, Phil Plant <phil@hpo.com>, Raul Rodriguez <rdzr@hotmail.com>, Ray Hayes <crhayes@uasystem.ua.edu>, "Sarah Wardlow (Sansom-Admin)" <sw46@txstate.edu>, Sylvia Earle <saearle@aol.com>, "William B. Baker" <William.BakerJr@genon.com>, "Gibeaut, James" <James.Gibeaut@tamucc.edu>, "Knight, Allison" <Allison.Knight@tamucc.edu>, "McKinney, Larry" <Larry.McKinney@tamucc.edu>, "McLaughlin, Richard" <Richard.McLaughlin@tamucc.edu>, "Montagna, Paul" <Paul.Montagna@tamucc.edu>, "Nelson, Jodie" <Jodie.Nelson@tamucc.edu>, "Shirley, Thomas" <Thomas.Shirley@tamucc.edu>, "Stunz, Greg" <Greg.Stunz@tamucc.edu>, "Sutton, Gail"

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Date: 12/11/2011 05:50 PM

Subject: Lead Story in today's Corpus Christi Caller Times

Very complimentary story in today's paper. Thanks to all of you and especially the Harte family. We would have had the opportunity without it.

Best regards

Larry

Front page of Caller Times – lead story

Harte Research Institute for Gulf of Mexico Studies at the summit of Gulf restoration plans

Research group presents plans of action

By [Rick Spruill](#)

Corpus Christi Caller Times

December 11, 2011 at 2:54 a.m.

CORPUS CHRISTI — A wide grin unfurls across Larry McKinney's ruddy face anytime the subject of "those guys" comes up.

"Those guys," the now well-known group of endowed chairs who lead the Harte Research Institute for Gulf of Mexico Studies were, for a few days last week, rock stars in comfort shoes and sensible ties. They are the nucleus of a scientific community that heads of state are looking to for help charting a course to bring the Gulf of Mexico back from a decades-long slide.

"I'm no rock star," McKinney said between sessions at last week's second annual Gulf of Mexico Summit, a four-day meeting in Houston of the best minds in the Gulf science business. "But some of my guys are. I'm so proud of the institute and to be a part of it."

McKinney, the institute's executive director, said the institute, which focused in the months following the 2010 Deepwater Horizon oil spill on sound science and research, is on the verge of taking the science and "doing something with it," a catchphrase used often by the late Ed Harte, the institute's largest benefactor.

Paul Montagna, endowed chair for ecosystems studies and modeling, and James Gibeaut, endowed chair for geospatial sciences, are working on oil spill analysis with the help of \$8 million in related grants, he said. Gibeaut's work in particular will be important in linking the mountains of data collected related to the spill.

The institute is hiring high-level research and data development positions and is

growing so fast it is running out of space in its \$18 million, 57,000-square-foot facility on the Texas A&M University-Corpus Christi campus. Harte gave almost \$50 million in 2000 to the institute with one string attached: Do excellent science and research, and then put it to good use.

The vision took a step forward at the summit, McKinney said. On Wednesday he and Wes Tunnell, a Gulf marine science and research guru who also is associate director of biodiversity and conservation for the institute, unveiled their vision for a Gulf of Mexico report card — a science-based, easy-to-digest progress report on Gulf issues. The report card, developed by McKinney, Tunnell and teams from Harwell Gentile & Associates, an ecological risk modeling firm, and three scientists from the University of Maryland's Center for Environmental Science, is buoyed by thousands of hours of research conducted since the Deepwater Horizon disaster in 2010.

The report card, once developed, will be used to regularly hold agencies and academics and scientists accountable for the way they spend a tsunami of money — estimates range as high as \$23 billion — paid by BP and other responsible parties to help restore the Gulf's complex ecosystems.

For Corpus Christi and other South Texas coastal communities, the Deepwater Horizon is a warning siren, McKinney said. "For Corpus, where oil and gas plays such a big role in the local economy, all the new finds are in the deep waters of the western Gulf, so the greatest risk for future spills is going to be in our backyard," he said. "We need to deal with the problems now, learn how to minimize impact now, and have a Gulf response plan in hand. Our future is right there. The next one could be off our coastline, and we weren't ready at Macando (Gulf well site)."

"The institute is playing a very important role in Gulf restoration initiatives," said Chris Dorsett, director of the Ocean Conservancy's Gulf restoration program and summit participant. "They've played a great role in developing the restoration vision." Dorsett said the summit was an opportunity for a meeting of a diverse group that shares a love of the Gulf and a desire to see it protected. "It was a good opportunity for people who don't eat and breathe this stuff every day to understand what restoration means and all the working parts," he said. "It helps us understand the collective effort needed for restoration in the Gulf of Mexico."

The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.

Ray Allen, executive director of the Coastal Bend Bays & Estuaries Program, attended the summit. He said although the Macando spill brought to the forefront the need for better Gulf resources management, it means little without action.

"The data and research and planning — it all eventually must lead to on-the-ground efforts," he said. "Habitat restoration and water quality improvement projects are greatly helped by the supporting information behind it." He said there have been earlier Gulf restoration plans. "But the fact is they

require money to implement," he said. "These are challenging times. I'm optimistic something can come out of this, but I'm anxious that we actually see some of the penalty dollars are applied to on-the-ground activities, including estuaries."

Allen said some of the \$50 million will be put into the San Antonio Bay area — the northern area of the bays and estuaries program boundary — but did not know whether any will make its way to the program. Allen, like Dorsett, said the institute's role as moderator in Gulf dialogue is an important one. McKinney's involvement is vital, Dorsett said. "With Larry involved I can see many more of these happening," he said.

McKinney said the "art of herding cats — taking a bunch of independent-thinking, brilliant scientists and moving them in one direction," is his strength. "You get everyone moving together and then get out of the way," he said. He said the timing of the summit was coincidental with the federal task force announcement, and acknowledged that it is normal for people to question the role of government in pursuit of such an enormous goal.

"It's like an onion, not a silo — the top officials work closely together and then you go to the lower levels in the field and see good cooperation — it's the middle management empire builders where you see the loggerheads," he said.

He said some of the top federal leaders are moving to the Gulf coast to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth.

"Last year we all were in a dark time, focused on the spill and gathering the data and doing the science," McKinney said. "Now we are moving beyond the science and addressing the issues such as overfishing, dead zones, freshwater inflows, climate change. ... Now the plan is in place, and we are ready to build a sustainable effort for the whole Gulf.

"We finally are on the brink of no longer talking but doing. It is finally becoming what Mr. Harte envisioned — taking science and doing something with it."

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Seth Oster/DC/USEPA/US
Sent by: Candace White

07/21/2011 04:58 PM

To Adrian Collins, Al Armendariz, Alex Barron, Alexandria Carter, AO OEAE EVERYONE, Arthur Elkins, Arvin Ganesan, Avi Garbow, Barbara Bennett, Beth Craig, Beth Zelenski, Bicky Corman, Bob Perciasepe, Bob Sussman, Cameron Davis, Catherine McCabe, Charles Imohiosen, Charlie Bartsch, Christopher Busch, Comm Directors and Alternates, Craig Hooks, Curt Spalding, Cynthia Giles-AA, Daniel Kanninen, Daniel Ryan, Darlene Yuhus, David McIntosh, Debbie Dietrich, Dennis McLerran, Diane Thompson, Don Zinger, Elle Beard, Eric Wachter, Erica Canzler, Erica Jeffries, Gilberto Irizarry, Gina McCarthy, Gloria Swanson, Heidi Ellis, James Jones, James Martin, Janet McCabe, Janet Woodka, Jared Blumenfeld, Joel Beauvais, Joel Sonkin, John Hankinson, John Reeder, Jose Lozano, Joseph Goffman, Juan Reyes, Judith Enck, Justin Cohen, Karen Higginbotham, Karl Brooks, Kevin Teichman, Laura Vaught, Lawrence Elworth, Layla Mansuri, Lisa Feldt, Lisa Garcia, Lisa Heinzerling, Lisa Plevin, Malcolm Jackson, Marcus McClendon, Margo Oge, Marygrace Galston, Mathy Stanislaus, Matt Bogoshian, Michael Goo, Michelle DePass, Michelle Moore, Nancy Stoner, Noah Dubin, Paul Anastas, PADs and Alternates, Peter Grevatt, Peter Silva, Rachael Schultz, Raul Soto, Richard Windsor, Ryan Robison, Sarah Dale, Sarah Dunham, Sarah Pallone, Scott Fulton, Shalini Vajjhala, Shawn Garvin, Stan Meiburg, Steve Owens, Taylor Fiscus, Tseming Yang

cc

bcc

Subject TALKING POINTS: Final Guidance to Protect Water Quality in Appalachia

All -

Today, EPA finalized guidance designed to protect water quality in Appalachia from the impacts of mountaintop mining.

- Seth

- The people of Appalachia should not have to choose between jobs and the economy or their health and a clean environment – we can achieve both.
- The final guidance is designed to ensure more consistent, effective, and timely review of surface coal mining permits.
- The final guidance provides additional clarity and flexibility on the use of Clean Water Act tools in protecting Appalachian waters and residents from the impacts of mining activity.
- EPA's final guidance reflects significantly enhanced science, extensive public comment and experience working with federal and state agencies and mining companies.

Press Release

<http://yosemite.epa.gov/opa/admpress.nsf/1e5ab1124055f3b28525781f0042ed40/1dabfc17944974d4852578d400561a13!OpenDocument>

July 21, 2011

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02/09/2011 06:36 PM

bcc Richard Windsor

Subject TALKING POINTS: Administrator Testified on the Energy Tax
Prevention Act of 2011

I wanted to share with you the Administrator's testimony from today hearing's of the House Energy and Commerce Committee's Subcommittee on Energy and Power. The focus of the hearing was to discuss the legislation introduced by Congressman Upton that would strip EPA of certain authorities under the Clean Air Act.

Below are talking points, the link to the Administrator's opening statement and a story about the hearing from the NY Times.

Talking points

- The bill appears to be part of a broader effort in this Congress to delay, weaken, or eliminate Clean Air Act provisions.
- EPA's implementation of the Clean Air Act saves millions of American children and adults from the debilitating health effects that occur when smokestacks and tailpipes release unrestricted amounts of harmful pollution into the air we breathe.
- EPA's implementation of the Act also has contributed to dynamic growth in the U.S. environmental technology industry. In 2008, that industry generated nearly 300 billion dollars in revenues and 44 billion dollars in exports.

Administrator Lisa P. Jackson, Opening Statement Before the House Energy and Commerce Committee's Energy and Power

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/53c1ebf66cfd05ce8525783200>

Republicans Assail E.P.A. Chief on Emission Limits

The New York Times

JOHN M. BRODER

February 9, 2011

WASHINGTON — Congressional Republicans opened a formal assault on Wednesday on the authority of the Environmental Protection Agency to regulate greenhouse gases, raising doubts about the legal, scientific and economic basis of rules proposed by the agency.

The forum was a hearing convened by the energy and power subcommittee of the House Energy and Commerce Committee to review the economic impact of pending limits on carbon dioxide and other heat-trapping gases. But much of the discussion focused instead on whether climate science supports the agency's finding that greenhouse gases are a threat to human health and the environment; that finding is what makes the gases subject to regulation under the Clean Air Act.

Lisa P. Jackson, the E.P.A. administrator, was subjected to more than two hours of questioning, some of it hostile and disrespectful, about proposed limits on emissions from factories,

refineries, power plants and vehicles.

Republican lawmakers asserted that the science underpinning the regulatory effort was a hoax, questioned the agency's interpretation of a Supreme Court decision giving it power to regulate carbon dioxide, and accused the Obama administration of sacrificing American jobs in its misplaced zeal to address climate change.

"The E.P.A. and the Obama administration have decided that they want to put the American economy in a straitjacket, costing us millions of jobs and billions of dollars a year," Representative Joe Barton, Republican of Texas, said in his opening remarks. "They couldn't get it through the legislative process, so they've tried to do it by a regulatory approach. It's not going to work."

He later told Ms. Jackson he was delighted she could appear before the committee and said that she should plan to be there frequently over the next two years.

Another Republican, John Shimkus of Illinois, asked Ms. Jackson whether she believed in the law of supply and demand. Ms. Jackson, who holds a graduate degree in chemical engineering from Princeton University, replied, "I was trained in it."

"But do you believe that as costs go up, supply goes down?" Mr. Shimkus demanded.

"It depends on the elasticity of the cost curve," Ms. Jackson responded.

Ms. Jackson repeated her now-familiar defense of greenhouse gas regulation, saying that cleaning up the environment will not only improve health but also create jobs.

She said the Supreme Court, in *Massachusetts v. Environmental Protection Agency*, obliged the agency to determine whether carbon dioxide emissions endangered human health and welfare. She said that both the George W. Bush administration and the Obama administration had concluded that the emissions do so.

And she strenuously objected to a bill introduced last week by two top Republicans on the committee, Fred Upton of Michigan and Ed Whitfield of Kentucky, seeking to overturn that court decision and thwart the agency's efforts to carry it out.

"Chairman Upton's bill is part of an effort to delay, weaken or eliminate Clean Air Act protections of the American public," Ms. Jackson said in her opening statement. "Chairman Upton's bill would, in its own words, 'repeal' the scientific finding regarding greenhouse gas emissions. Politicians overruling scientists on a scientific question — that would become part of this committee's legacy."

Mr. Upton said that his bill, dubbed the Energy Tax Prevention Act of 2011, was narrowly drawn to restrict agency regulation only of carbon dioxide and other greenhouse gases, not the other air pollutants that have been shown to have more direct effects on health.

He said that regulating carbon dioxide emissions would make the most abundant fuels prohibitively expensive to use, and would put American manufacturers at a disadvantage compared with industries in countries that have no such rules.

“Needless to say,” Mr. Upton said, “the Chinese government and other competitors have no intention of burdening and raising the cost of doing business for their manufacturers and energy producers the way E.P.A. plans to do here in America. Our goal should be to export goods, not jobs.”

February 9, 2011

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03/16/2011 05:04 PM

bcc Richard Windsor

Subject TALKING POINTS: EPA Proposed First National Standards
for Mercury Pollution from Power Plants

All,

As you all know this morning the Administrator announced the first national standards for mercury pollution from power plants at a press conference in the green room with the president of the American Lung Association, Charles Connor as well as public health professionals. Below is a link to the press release, talking points and the AP story of the announcement.

TALKING POINTS

- 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.
- The proposed rules would for the first time regulate emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.
- The American Lung Association applauds the release of this sensible public health measure. When it becomes final, the cleanup rule that the EPA is putting forward today will save lives, protect the health of millions of Americans and finally bring about an action that is 20 years overdue.
- There are currently no limits on how much mercury or other pollutants can be released from a power plant's smoke stacks. The EPA said the new regulations – which would go into effect by 2014 – would reduce mercury emissions from these power plants by 91 percent.
- This rule will provide employment for thousands, by supporting 31,000 short-term construction jobs and 9,000 long term utility jobs.

PRESS RELEASE

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceeac8525735900400c27/55615df6595fbfa3852578550050942f!OpenDocument>

AP STORY

EPA proposes regulating mercury from coal plants
Associate Press
March 15, 2011

HOUSTON — The U.S. Environmental Protection Agency proposed rules on Wednesday that would for the first time regulate 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.

There are currently no limits on how much mercury or other pollutants can be released from a power plant's smoke stacks. The EPA said the new regulations — which would go into effect by 2014 — would reduce mercury emissions from these power plants by 91 percent.

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, D.C. where she signed the proposal. She said the proposal could become law by late 2011 or early 2012.

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 17 coal-fired plants and about a dozen more in various stages of the permitting process.

The new rules require power plants to install technologies that would limit the emissions. Industry has argued that installing the technologies would be expensive and could significantly increase electricity rates paid by consumers.

Jackson said the EPA's models found installing the technologies would increase rates 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.

March 16, 2011

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Sent by: Candace White

07/13/2011 07:09 PM

To

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Subject TALKING POINTS: Clean Water Act Editorials and Statement & Points on Secondary Air Standards for Nitrogen and Sulfur Oxides

All,

Today the House of Representatives has debated and is expected to vote on the Mica Bill, which would de-federalize the Clean Water Act. This is obviously legislation we are following closely and we wanted to share with you several related items for your information, including a few recent newspaper editorials and the "Statement of Administration Policy" issued yesterday by the White House that articulates their opposition to this bill and the advice of presidential advisors to veto it, should it ever reach the president's desk.

Also today, we opened public comment on secondary air standards for nitrogen and sulfur oxides. Below the information on the Mica bill you will also find talking points and a link to the press release.

-Seth

WHITE HOUSE STATEMENT

Executive Office of the President: Statement of Administration Policy (Mica Bill H.R. 2018)

The Administration strongly opposes H.R. 2018 because it would significantly undermine the Clean Water Act (CWA) and could adversely affect public health, the economy, and the environment.

Under the CWA, one of the Nation's most successful and effective environmental laws, the Federal Government acts to ensure safe levels of water quality across the country through the Environmental Protection Agency (EPA). Since the enactment of the CWA in 1972, the Federal Government has protected the waterways our citizens depend on by using its checks and balances authority to review and adjust key State water pollution control decisions, where necessary, to assure that they reflect up to date science, comply with the law, and protect downstream water users in other States. H.R. 2018 would roll back the key provisions of the CWA that have been the underpinning of 40 years of progress in making the Nation's waters fishable, swimmable, and drinkable.

H.R. 2018 could limit efforts to safeguard communities by removing the Federal Government's authority to take action when State water quality standards are not protective of public health. In addition, it would restrict EPA's authority to take action when it finds that a State's CWA permit or permit program is inadequate and would shorten EPA's review and collaboration with

the Army Corps of Engineers on permits for dredged or fill material. All of these changes could result in adverse impacts to human health, the economy, and the environment through increased pollution and degradation of water bodies that serve as venues for recreation and tourism, and that provide drinking water sources and habitat for fish and wildlife.

H.R. 2018 would disrupt the carefully constructed complementary CWA roles for EPA, the Army Corps of Engineers, and States in protecting water quality. It also could eliminate EPA's ability to protect water quality and public health in downstream States from actions in upstream States, and could increase the number of lawsuits challenging State permits. In sum, H.R. 2018 would upset the CWA's balanced approach to improve water quality across the Nation, risking the public health and economic benefits of cleaner waters.

If the President is presented with this legislation, his senior advisors would recommend that he veto the bill.

MIAMI HERALD EDITORIAL

House attempt to gut EPA's enforcement of clean-water rules is dangerous

The following editorial appeared in the Miami Herald on Tuesday, July 12:

When you go swimming at the beach, do you mind if there's a little sewage in the water?

Going fishing? Would you mind a few industry contaminants in your favorite river or lake, maybe a little mercury, with that fish fry?

Clean water is not a jobs killer - certainly not in Florida, which counts on its beaches and natural assets to lure millions of tourists and billions of dollars. Yet U.S. Reps. John Mica, an Orlando-area Republican, and Nick Rahall, a West Virginia Democrat, have sponsored a bill that seeks to gut the Environmental Protection Agency's ability to regulate water quality, wetlands protection and the removal of mountain tops in coal mining.

Why? It's all in the name of states' rights. And they blame the Obama administration for toughening enforcement and hurting jobs creation in the states.

Whoa, fellas. Clean water doesn't have state boundaries. The reason the EPA was created and the Clean Water Act was strengthened in 1972 was the confusing patchwork of state-by-state water rules that allowed governors and legislatures to curry favor with big industries in their states and permitted uses with disastrous consequences. Those short-cuts don't just have consequences for a state that allows an industry to dump poisonous chemicals into a stream - but for its neighbors, too.

Consider that the Gulf of Mexico suffered huge dead zones because contaminated water from

septic tanks and factories that dumped into the Mississippi River carried such high levels of nitrogen and phosphorus into the Gulf that marine life couldn't survive.

Ohio's Cuyahoga River was so polluted it caught fire back before there were national standards to protect water quality.

Consider, too, closer to home, that the dredging at the Port of Miami needs strict rules to ensure Biscayne Bay's water quality and that islands such as Key Biscayne surrounded by the bay are protected from irresponsible dumpers.

The legislation, HB 2018, is being hailed as a "state-federal partnership" that will help states create jobs. This is laughable if it weren't so frightening.

Fast-tracked through the House Transportation and Infrastructure Committee, the panel passed the bill without even holding a hearing. Now it's scheduled to come before the full House as early as Wednesday.

Make no mistake. This legislation would hamstring the EPA from overruling any state's vague water-quality limits or ensuring dredge permits are feasible even when there is evidence of contamination. Under HB 2018, the misnamed Clean Water Cooperative Federalism Act, the EPA could not veto a state's assessment of a project unless the state agrees. In effect, outdated state rules on water-quality standards, requirements for dumping waste or trash would no longer have to answer to federal oversight. Even if states failed to meet clean water standards, the EPA would have no hammer to stop them from getting federal funding.

This latest assault on the EPA comes after it nixed a West Virginia mine's attempt to dump mountaintop coal waste into waterways. Downstream North Carolina might have something to worry about.

The GOP-led House, apparently embracing tea-party hysteria about federal overreach, needs a reality check. Surely South Florida House Republican members Ileana Ros-Lehtinen, Mario Diaz-Balart and David Rivera - who have fought for a cleaner Miami River and Biscayne Bay - aren't so clueless as to gut the EPA. Are they?

TAMPA TRIBUNE EDITORIAL
Don't pollute Clean Water Act

Published: July 08, 2011

The Clean Water Act ranks as one of the most effective laws Congress has ever passed, forcing the cleanup of contaminated water bodies throughout the nation, including Tampa Bay.

Before its adoption, industries and municipalities treated rivers and bays as toxic dumping grounds. The Cuyahoga River in Ohio actually caught fire in 1969.

But the Clean Water Act, adopted in 1972, stopped all that. It returned scores of water bodies to usable conditions, eliminated serious health threats and bolstered local economies. It also spared taxpayers burdensome cleanup costs.

Now Rep. John Mica, a Jacksonville Republican, wants to gut the act. He would allow each state to determine water-quality standards, just as they did prior to the act.

The bill would restrict the U.S. Environmental Protection Agency's authority to veto dredge-and-fill permits, where federal authorities have provided a valuable check on state regulators eager to please influential interests.

This wholesale attack on water quality standards surely stems from the EPA's proposed nutrient-pollution standards for Florida, which business interests claim would cripple the state economy.

Advocates of the cleanup rules say opponents are exaggerating, using the most expensive cleanup methods possible, such as reverse osmosis, to calculate costs. But many businesses express reasonable fears about increased costs.

Whatever the case, the conflict does not justify eviscerating an essential federal law.

Indeed, the issue shows that the EPA has hardly been overly aggressive in enforcing the law.

Though it was intended to return waterways to fishable and swimmable conditions by 1983 and stop the discharges of all pollutants by 1985, the EPA has come nowhere close to meeting those lofty goals.

It devised the hotly contested "numeric nutrient criteria" for Florida only after environmental groups forced the issue. The EPA directed the state to develop nutrient standards in 1998 but did nothing when the state did not comply by the 2004 deadline. Environmentalists sued, and a judge ordered the EPA to develop the rules.

Last year, when the rules met intense opposition from business interests, EPA officials delayed their adoption for 15 months and said they will work with state and local officials to ensure the cleanup plans meet local needs. The feds promise not to impose a "one-size-fits-all approach."

Opponents are still raising alarms, but we suspect the ultimate rules won't be as burdensome as they fear.

Without a doubt, nutrient pollution is a problem. A state Department of Environmental Protection study found that half of Florida's rivers and more than half of its lakes have poor water quality. Even many of the state's famed springs, including Wakulla and Silver, are tainted. About 500 square miles of estuaries are fouled by nutrient pollution, which causes fish-killing algae blooms, clouds the water and smothers sea grasses that sustain marine life.

Some action is necessary.

But even this volatile episode illustrates the Clean Water Act's value. It provides a necessary safeguard for the public, which suffers when states refuse to protect water quality. Yet it is hardly executed with zeal, as the continued delays in the rules' adoption underscores.

And laws can be changed to address specific actions taken under the act if Congress feels regulators have gone too far. It is significant that the Clean Water Act is exercised only when states have failed to adequately protect public waters.

Until the Clean Water Act, citizens could do little as industry-friendly states allowed widespread pollution. History has proved the law's value and effectiveness. Congress should leave it alone.

Public Comment on Secondary Air Standards for Nitrogen and Sulfur Oxides

TALKING POINTS

- After a careful review of the best available science, the U.S. Environmental Protection Agency (EPA) is proposing secondary air quality standards to protect the environment from nitrogen oxides (NOx) and sulfur oxides (SOx).
- Today's proposal builds on EPA efforts already underway to reduce NOx and SOx emissions.
- EPA is proposing to keep the current secondary standards to protect plants and trees from the direct effects of NOx and SOx pollution in the air, because the science shows they are protective.
- EPA's review of the science shows that these standards; however, do not sufficiently protect vulnerable ecosystems, including streams and lakes.

Press Release

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/9e3fc848999850bb852578cc0059f5ef!OpenDocument>

JULY 13, 2011

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11/18/2009 10:17 AM

To Gina McCarthy, Diane Thompson, Richard Windsor, Seth
Oster

cc

bcc

Subject "Cash for Caulkers" has been made public

November 18, 2009

Economic Scene

A Stimulus That Could Save Money

By [DAVID LEONHARDT](#)

WASHINGTON

The one highly visible success of the stimulus program has been the cash-for-clunkers program. It induced a boom in vehicle sales this summer that clearly would not have happened otherwise.

The rest of the stimulus has created a lot of jobs — 700,000 to 1.5 million, according to [economists' estimates](#). But it has done so in thousands of little ways: scattered construction projects, plugged-up school budgets and the like. Politically, these measures are not popular enough to create a groundswell for more of them.

And the economy still needs help. So White House officials are looking at creating a new version of [cash for clunkers](#) — this time for home weatherization.

[John Doerr](#), the Silicon Valley venture capitalist, and former President [Bill Clinton](#) have separately suggested versions of the idea to the White House. Mr. Doerr calls his proposal, which would give households money to pay for weatherization projects, “cash for caulkers.” [Rahm Emanuel](#), [President Obama](#)'s chief of staff, told me, “It’s one of the top things he’s looking at.”

The idea has a lot to recommend it. The housing bust has idled contractors and construction workers, who could be put to work insulating homes and caulking air leaks. Many households, meanwhile, would save substantial money — not to mention help the climate — by weatherizing their homes, research by McKinsey & Company has shown. All in all, a cash-for-caulkers program seems like a promising part of the jobs program for 2010 that Mr. Obama [has suggested he is planning](#).

But I would also mention one point of caution: the details of any caulkers plan will matter enormously. Weatherizing a home, as I recently discovered, turns out to be a lot more complicated than buying a car.

This year, my wife and I had an energy audit done on our home. We were interested in finding out if we could save money and, given the attention that [weatherizing](#) was starting to get, I figured it could also make for good column fodder. For \$400, an auditor spent hours scouring our house, with the help of a big fan he set up in our front door and an infrared camera. He

produced a full-color, 13-page detailed report, informing us of the leaks in our house, and he was also willing to tell us which changes were usually a waste of money (new windows).

Even so, we are still trying to figure out which weatherization projects we should do. The whole package would probably cost \$4,500 and save us something like \$400 a year. We may not stay in the house nearly long enough to justify the investment.

Such concerns are typical. How do you find an auditor? How do you know whether you should seal a few ducts or pay \$2,000 for new insulation? Which of the existing subsidies — state and federal — might you qualify for?

Mr. Doerr and Mr. Clinton are well aware of these problems. Mr. Clinton has sent the White House a memorandum written by his foundation staff that lays out the reasons people don't weatherize their homes. Mr. Doerr, who sits on [a board of outside economic advisers to Mr. Obama](#) that is working on a formal cash-for-caulkers proposal, told me that his goal was to "keep it really simple so we can do it really fast."

The Doerr plan would cost \$23 billion over two years. Most of the money would go for incentive payments, generally \$2,000 to \$4,000, for weatherization projects. The homeowner would always have to pay at least 50 percent of the project's total cost. About \$3 billion would be set aside for retailers and contractors in the hope that they would promote the program, much as car dealerships promoted cash for clunkers. (Mr. Doerr says he owns no stake in any weatherization companies.)

The Clinton plan depends on the reallocation of clean energy money from the stimulus bill that has not yet been spent. It covers not just houses and apartments but also commercial and industrial buildings.

Perhaps most intriguing is its proposal to help homeowners and building owners who are nervous they will end up selling their property before a weatherization project has paid for itself. Under the Clinton plan, they could add the project's cost to their long-term property tax bill, effectively splitting the cost with the next owner. The New York State Legislature [approved](#) such a program on Monday.

All these efforts would lead to more weatherization. But I would be surprised if they were enough to create a program as successful as cash for clunkers. Remember: Many homeowners could already save money by weatherizing their homes. And they are not doing so.

That's in large part because the projects can seem so daunting. To date, energy experts, in the government and the private sector, have not done a good job of distributing useful information. What does exist tends to be either too complicated or too general. I recently asked various experts what percentage of homes should get new insulation, for example, and several replied that it varied by region — which is both true and unhelpful.

Imagine, though, if the Energy Department put together a weatherization-for-dummies fact sheet and Mr. Obama began promoting it.

It could start by noting that almost all homes should have a programmable thermostat (about \$100) to turn down the heat or the air-conditioning when nobody is home. Other simple steps can include wrapping a water heater with an insulation blanket and replacing heating and cooling filters. Next on the list would be sealing easily accessible holes in air ducts, which can cost just a few hundred dollars and pay for itself in a few years. In California, the average duct system loses 30 percent of its heating or cooling to leaks.

Finally would come the more complicated categories, including insulation and heating equipment. Yet some basic information could still help enormously here. What share, say, of Midwestern homes built before 1950 could use more attic insulation? How quickly would the insulation pay for itself on average? Every home is different, obviously. But without any reference point, many people won't be confident enough to plunge into a project.

The shining example that Mr. Clinton cites is [a Houston program](#) in which the local government pays about \$1,000 to weatherize any home in a given neighborhood. It works in part because the houses need similar improvements, which makes the program easy for residents to understand.

“Unlike traditional programs that provide an audit and a customized package of solutions for each home,” the Clinton memorandum notes, Houston “offers a fixed set of interventions that include climate-appropriate ‘low hanging fruit.’ ”

The bottom line is that cash for caulkers would be trickier than cash for clunkers — yet would have the potential to do far more good. McKinsey, the consulting firm, [estimates](#) that households could reduce their energy use by 28 percent over the next decade. In terms of greenhouse gases, that would be the equivalent of taking half of all vehicles in this country off the road.

And unlike many other climate-friendly policies, it would not cost money over the long term. Done right, cash for caulkers would be [precisely the kind of stimulus](#) that makes the most sense: spending money now to save money later.

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09/26/2011 05:28 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Seth
Oster, Barbara Bennett
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Subject EPA moving too fast on air rules for refining, drilling -- API

OIL AND GAS:

EPA moving too fast on air rules for refining, drilling -- API

Jean Chemnick and Mike Soraghan, E&E reporters

Published: Monday, September 26, 2011

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Now that U.S. EPA has delayed two major rules for the power sector, the oil and natural gas industry hopes some of its own regulations will get the same treatment, including a new greenhouse gas rule for refineries.

American Petroleum Institute, which represents the oil and gas industry, is asking EPA not to finalize new restrictions for refineries, including for carbon dioxide, until late 2013, to allow additional time to review the rules and for industry to comply with them.

"This rulemaking is unprecedented in scope for our industry," API's regulatory affairs director, Howard Feldman, said today in a letter to EPA air chief Gina McCarthy. He noted that the agency is due to propose rules for a range of conventional pollutants and first-time greenhouse gas standards in December.

"Based on the demonstrated time needed for EPA to gather and analyze data for other

recent rulemakings, it is expected that much more time is needed to conduct a comprehensive review of the dozens of complex rules EPA is undertaking related to petroleum refineries," Feldman wrote.

API has reason to hope that EPA will delay at least the greenhouse gas rule for refineries. Already this month EPA has abandoned plans to tighten ozone restrictions for power plants, and it has announced that it will miss a Sept. 30 deadline for a similar new greenhouse gas rule for power plants.

The agency has not said yet whether it will meet a Dec. 10 deadline for the refineries rules, but EPA is expected to release a new schedule for greenhouse gas rules soon.

"We think that EPA really has to pause in terms of the greenhouse gas emissions rules that they've said they're going to come out with in December of this year," said Feldman said in a call with reporters. "We think they really need to spend time looking at the data that refineries submitted to them that was due in August and September."

Refineries were required to provide the Obama administration with information about their emissions of carbon dioxide, sulfur dioxide, nitrogen oxides and other emissions over the last two months -- the deadline for greenhouse gas reporting is Friday, and Feldman said the current timeline would not allow regulators to process that information before setting the new standards.

"We would like to spend time using those data that people spent a lot of money dealing with," he said.

Feldman noted that the new rules would have to be sent to the White House Office of Management and Budget for review weeks in advance of the deadline.

"Clearly, more time is needed to review these regulations, and the administration has yet to make a strong case that additional sulfur requirements will produce environmental improvements worth their cost," said Khary Cauthen, API's director of federal relations.

Instead of proposing the new source performance standards and hazardous emissions standards for refineries this year to be finalized next year, the two suggested that EPA instead issue an advance notice of proposed rulemaking this year, followed by a proposed rule late next year and a final rule in late 2013.

If EPA issued a notice of proposed rulemaking first, it would give industry some idea of how the agency planned to proceed on the rules, he said.

"For example, for greenhouse gases, we don't know what they're thinking about how they're going to regulate them, so we don't know what information to tell them right now," he said.

Drilling rules

Feldman and Cauthen also asked EPA to provide a longer public comment period and longer phase-in for two rules for oil and natural gas producers, and additional years to comply with them.

The package of four rules was proposed in July to protect people from smog, cancer-causing chemicals and climate change. It includes new limits on both volatile organic compounds

(VOCs) and toxic emissions ([E&ENews PM](#), July 28). It also includes the first air quality rules regarding fracturing. EPA says the standards would cut smog-forming VOCs across the industry by 25 percent and toxics by about 30 percent.

The agency is holding [public hearings](#) to receive public comment starting with a hearing tomorrow in Pittsburgh, followed by one in Denver on Thursday and one in Arlington, Texas, on Friday.

In places where shale gas wells are popping up by the thousands, neighbors have also raised concerns that they are being exposed to toxic emissions such as benzene.

And in some remote parts of the country, such as northeastern Utah and southwestern Wyoming, locals blame the boom in gas development for spikes in levels of ground-level ozone, the main ingredient in smog, that rival levels in big cities in the summertime.

EPA, under fire from a business community that accuses it of killing jobs, has said that the rules would save businesses money by forcing companies to do more to keep natural gas from escaping into the air. EPA says it would cut methane emissions -- from drillers' allowing their product to drift into the sky -- by about 26 percent.

The rules would cost businesses an estimated \$754 million in 2015, but the natural gas and condensate that would be captured by new pollution controls could be sold for \$783 million, the agency's analysis shows.

The four rules need to be finalized by the end of February 2012 under a settlement with environmentalists. But officials at API, which represents the major oil companies and thousands of other oil and gas businesses, says EPA is moving too fast.

API is asking for a 60-day delay in the public comment period that ends in late October to afford more time to develop a response to what it says is a complex, interconnected set of rules. It is also asking for a one-year delay in implementation of standards requiring low-emission, or "green," completions.

The equipment needed to meet the standards exists and is being used in the field, it says, but production could not be ramped up in time to meet the deadline EPA proposed.

But API refrained from some of the more vehement language that has frequently been aimed at the agency from the business community.

"What EPA proposed went in the direction of reasonable," Feldman said.

The rules would apply to about 1.1 million wells that are already producing oil and gas, as well as 500,000 existing gas wells and the 11,400 new gas wells being drilled each year. They also apply to 600 natural gas processing plants, 3,000 compressor stations and 1.5 million miles of pipelines.

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07/17/2011 07:49 AM

To Richard Windsor, Bob Perciasepe, Cynthia Giles-AA, Barbara
Bennett, Bicky Corman, Steve Owens, Michael Goo

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Subject How Shareholder Activism Moved the Needle on
Sustainability in 2011

How Shareholder Activism Moved the Needle on Sustainability in 2011

By [Leslie Guevarra](#)

Published July 08, 2011

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From fracking by companies such as Chevron, Exxon Mobil and Ultra Petroleum to greater use of recyclable cups by McDonald's and Starbucks, a host of CSR issues captured shareholders' attention and support this year, according to reports on the 2011 proxy season from [As You Sow](#) and [Ceres](#).

A record number of shareholder resolutions calling for companies to be more responsible in handling corporate sustainability challenges were filed, [according to Ceres' report](#).

And the response -- in terms of votes cast supporting the resolutions and decisions by some companies to engage on issues before votes were taken -- illustrates the growing impact of the strategy as well as a dawning realization by shareholders of the power they can wield, according to As You Sow CEO Andrew Behar.

[Click on image to view full chart of As You Sow resolutions.](#)

"The number of shareholders that actually realize they have power has been [increasing](#) and, overall, the number of votes have been increasing," Behar told [GreenBiz.com](#).

On matters such as natural gas fracking, the votes on resolutions clearly show that "shareholders are looking at issues and saying, 'This is really risky and the company has to do something about it,' " Behar said.

"Extraordinary show of support," "exceptionally strong showing" and "outstanding" were among the phrases As You Sow used to describe responses to the 20 resolutions that the organization filed or co-filed on behalf of shareholders this year. Here is a breakdown of the results, which are detailed in a [report](#) released this week:

- 11 resolutions went to ballot. The votes cast in support of each resolution exceeded the thresholds set by the Securities Exchange Commission to qualify for refiling next proxy season. The chart, right, shows the vote results.
- Seven resolutions were withdrawn as a result of company commitments to take up the issues, meaning that firms agreed they should act and pledged to do so, if they hadn't already taken steps by the time the withdrawal occurred. Companies that don't make good on their promises can expect the filers of the resolutions to press their points until the matters are resolved.
- Two resolutions are scheduled for shareholder votes in fall.

The first two stats count as "wins" in the [world of shareholder proposals](#). Ideally, resolutions would receive a majority vote. That seldom happens, so as a practical matter, the aim is to keep issues alive and highly visible to companies, their shareholders and their market until the concerns are resolved. Refiling resolutions and the interactions that occur until companies fulfill their promises are ways of maintaining that focus on issues.

"We're seeing more proactive work by some companies," Behar said of the commitments that prompted withdrawal of resolutions. "When we're dealing with companies with brands that have customer goodwill, those companies want to protect their brands and they're willing to come to the table to hear us out in good faith." he said, pointing out Yum's decision to use receipts without Bisphenol A and successes in earlier years involving [General Electric's mercury labeling for CFLs](#) and [Best Buy's e-waste takeback program](#).

Traditional energy companies, however, "tend not to have the same sort of goodwill from the market and those folks are more difficult to move," Behar said. But this season, three energy companies responded to resolutions calling for reports on the financial risks the firms face by continuing to use coal to generate electricity. And the organization's [research on risks posed by reliance on coal](#) led to productive outcomes where votes were taken. "Even if the votes were low this year, it was a good starting place," said

Behar.

As expected, fracking was in the spotlight this proxy season and investors strongly signaled their concerns as [Robert Kropp from SocialFunds.com](#) and [Ceres President Mindy Lubber](#) noted in posts that appeared on GreenBiz.

As You Sow filed four shareholder resolutions on fracking. A resolution involving Anadarko Petroleum Corporate was withdrawn, and the vote percentages for the three others ranged from nearly 30 percent to 42 percent. The high end of that range represents "an extraordinary show of support," the organization said.

In all, nine shareholder resolutions were filed on fracking, including those from As You Sow, according to Ceres. Votes taken in five of the cases demonstrated "substantial support" of about 30 percent to just under 50 percent, Ceres said. Of the four remaining resolutions, three firms -- Cabot Oil & Gas, El Paso Corporation and Southwestern Energy -- joined Anadarko in promising better disclosure about possible consequences of fracking and prompting the resolutions to be withdrawn.

In its report two weeks ago, Ceres said 109 shareholder resolutions were filed this proxy season with 81 firms in the United States and Canada. Ceres tracks and coordinates shareholder resolutions related to climate change, energy, water and supply chain. Ceres' tally includes As You Sow's resolutions involving fracking, coal and chemicals.

Ceres works with the [Interfaith Center on Corporate Responsibility](#) to coordinate shareholder resolutions and lent assistance to the [Investor Environmental Health Network](#) and [Green Century Capital Management](#), which marshaled resolutions on fracking.

Other highlights from the Ceres report include:

- 45 resolutions were withdrawn after companies made commitments about natural gas fracking, water scarcity, coal ash disposal and oil refinery risk management.
- 28 resolutions, another record, were filed with 18 electric power providers.
- Seldom-seen majority votes were logged in shareholder resolutions with three companies:
 - 92.8 percent on a demand for sustainability reporting from water infrastructure services company Layne Christensen.
 - 52.7 percent on a resolution about coal ash involving Ameren, an electric

utility.

- 54.3 percent on a resolution about oil refinery risks and Tesoro, one of the Texas firms that helped bankroll [a failed measure](#) to overturn California's landmark climate law last year.

"The strength of this year's proxy season shows unwavering investor concern about how companies are managing the environmental risks of fossil fuel sourcing and the ongoing shift to a clean, low-carbon global economy," Lubber of Ceres said in a statement released with her organization's report.

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To Richard Windsor, Bob Perciasepe, David McIntosh
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Subject AIR POLLUTION: Fate of old coal plants may hinge on new
toxic-cutting technology (04/13/2011)

AIR POLLUTION: Fate of old coal plants may hinge on new toxic-cutting technology (04/13/2011)

Gabriel Nelson, E&E reporter

With the Obama administration moving to impose tougher limits on toxic air pollution as well as emissions that lead to smog and acid rain, it's betting the private sector can add a new technology to the utility industry's arsenal.

It is a given that the new regulations will seal the fate of older and less efficient coal-fired power plants that are not worth enough to justify the expense of new pollution controls. But as U.S. EPA prepares to go final with its emissions rules later this year, the agency is taking flak from industry lobbyists who say the rules would be expensive enough to kill coal plants that would otherwise keep producing electricity at competitive prices.

People disagree on the number of coal-plant casualties to expect. EPA is predicting that coal plants with 10 gigawatts of capacity would be shuttered because of the new limits on mercury, heavy metals and acid gases that were proposed last month. Add in the upcoming Clean Air Transport Rule, which will limit soot- and smog-forming emissions that cross state lines, and the agency is expecting 25 gigawatts of retirements -- 8 percent of the U.S. coal fleet.

But according to a report last fall by the North American Electric Reliability Corp., a quasi-public commission that makes sure there is enough power on the electric grid, those rules and two others could lead to as much as 78 gigawatts of coal-plant retirements. Analysts at Credit Suisse predicted that EPA regulations will lead to shut downs of 60 of the nation's 340 gigawatts -- about 37 percent of the coal-fired capacity that lacks advanced pollution controls.

Supporters of the new rules say existing power capacity and new plants will make up for the retirements, but some analysts are predicting that the transition won't be so easy. They say the number of retirements will hinge on whether an emerging technology called dry sorbent injection (DSI) can be put to wide use by the power sector as a cheaper substitute for scrubbers.

EPA estimated that the new technology would achieve "full penetration of the addressable market," but if sorbent injection does not pan out, the power sector could lose more than 50 gigawatts of coal-fired capacity, according to a new report by FBR Capital Markets Corp.

The agency made "bullish assumptions" about dry sorbent injection, said Marc De Croisset, an

energy analyst at the investment bank. The technology seems to be working for some power plants, but limited data make it hard to tell whether most plants that burn low-sulfur coal could use it and comply with proposed EPA rules, he said in an interview.

"I think the EPA's job here will be to find that happy medium, where the industry avoids a major upheaval and there is a gradual and realistic path to compliance," De Croisset said.

EPA's analysis says utilities would flock to sorbent injection systems, in which sodium- or calcium-rich minerals are ground into a chalky powder and mixed with the hot flue gas that is produced when coal is burned. The powder, also called a reagent, binds with acid gases such as hydrogen chloride and sulfur dioxide through a chemical reaction, allowing them to be filtered out before the flue gas is released from the smokestack.

In general, sorbent injection is mainly used to meet limits on sulfur dioxide, or SO₂, which can cause breathing problems and make rain more acidic. If a power plant cannot meet the new standards with DSI alone, it would likely need a scrubber -- and in many cases, that cost would make the plant unprofitable.

These systems are often used to control emissions from coal-fired industrial boilers, and EPA is predicting that the technology will translate well to the larger boilers used at power plants. The agency estimated that utilities would meet the toxic pollution standards by installing DSI systems on coal plants with 56 gigawatts of electric generating capacity, which is enough to power about 28 million homes.

To analysts, that was a leap of faith. The analysis by NERC, for instance, did not consider the likelihood that DSI could save plants from shutting down. And while the Credit Suisse analysts heard optimism about sorbent injection from some companies, there are lingering doubts about whether the technology can cut enough emissions all the time.

"The practical applicability of DSI remains a debatable point due to the disposal of additional ash produced, reliability of the reagent supply chain, the lack of utility sector experience with this technology, and the potential impact on dispatch," the FBR report says.

Will it work?

For some plants, DSI systems could be more attractive than scrubbers, which are better at capturing acid gases but are prohibitively expensive for all but the largest boilers, experts say. Installing a new scrubber can cost \$400 per kilowatt -- for a 500-megawatt plant, that comes to \$200 million -- but EPA estimates that the upfront cost of a DSI system will range from about \$30 to \$150 per kilowatt.

Dry sorbent injection has several advantages, engineers from Solvay Chemicals Inc. said during a conference call Tuesday. Solvay is a major supplier of trona, a mineral used as a sorbent for DSI systems.

The systems can be installed fairly quickly and pose little risk for power companies because the

capital costs are low, said Mike Wood, a business manager at Solvay. The main reason the utility sector is not already using the technology is that power plants have not been ordered to install it yet, he said.

"It's not new," he said. "It just hasn't been used."

Compared to a scrubber, however, the technology could be more expensive for certain plants because companies need a constant stock of the reagents that are used to absorb the harmful gases.

Some power companies are already using DSI, though. Among them is NRG Energy Inc., which wrapped up a project last year that added sorbent injection systems at its 530-megawatt power plant in Dunkirk, N.Y., and the 380-megawatt Huntley plant in Tonawanda, N.Y.

Reducing emissions of acid gases by about 87 percent, the "systems performed better than guaranteed on a range of fuels, as confirmed by testing," NRG spokesman David Gaier said. The company says the plants would already comply with EPA's proposed toxics rules.

But the argument that DSI technology is unproven is being put forth by power companies that are vigorously lobbying against the new rules. That was the point made on Capitol Hill last week by the head of the Electric Reliability Coordinating Council, a coalition that was formed by coal-heavy utilities such as Duke Energy Corp. and Southern Co.

Scott Segal, the group's director and an industry lobbyist at Bracewell & Giuliani LLP, said EPA was fudging the numbers when it cited a slideshow by a supplier of pollution controls that said DSI would allow power plants to meet the new standards. If a business did that in a statement to investors, it would "be in a world of trouble," Segal told a House Energy and Commerce subcommittee.

Faced with such claims, EPA and its supporters have argued the emerging technologies have usually ended up being cheaper than expected as companies have gotten experience working with them.

Power companies made similar claims when EPA started pushing them to add scrubbers and switch to low-sulfur coal. While EPA predicted that the 1990 amendments to the Clean Air Act would cost \$6 billion per year, and industry groups said the cost would be much higher, the White House Office of Management and Budget found in 2007 that the actual costs were between \$1.1 billion to \$1.8 billion annually.

The mercury controls that would be ordered by the toxics rules have also proven cheaper than expected as states have moved forward with their own regulations, said Susan Tierney, a Clinton-era Department of Energy official who now tracks reliability as a consultant at the Analysis Group in Boston.

"The thing that these studies always underestimate is ingenuity," Tierney said. "Once people have to commit to doing something because the rules are coming down, people start being much

more aggressive to figure out how they can do it as cost-effectively as possible."

Cleaner vs. cheaper

In the Capitol Hill debate, the retirement figures are a point of contention between proponents of clean energy and cheap energy.

Many public health and environmental groups want the rules to be as strict as possible, knowing that every coal plant that closes would mean less toxic pollution and less of the greenhouse gases that most scientists agree are warming the planet.

But many industry groups worry that energy costs would rise if the rules shut down coal plants, which have historically sold electricity at the lowest prices.

EPA estimates the toxics rules will raise electricity prices by 7 percent in some parts of the country.

Though supporters say that increase is justified because the pollution reductions would stop 6,800 to 17,000 premature deaths per year and prevent a variety of health problems, the rising prices worry critics such as Rep. Ed Whitfield (R-Ky.), the chairman of the House subcommittee that oversees the Clean Air Act.

"I think this administration is overselling green energy," Whitfield said last week at a hearing on the cost of new EPA rules.

"Green energy may be available in the long-out future," he added, but with U.S. energy demand expected to increase by 40 percent and many coal-fired plants expected to be taken off the grid, "how in the world can we meet our electricity demands? Windmills, solar panels, hydropower are simply not going to be able to do it."

If fewer coal plants must shut down, less new capacity would be needed to replace them. That is where DSI could help.

James Staudt, a consultant on air pollution controls at Massachusetts-based Andover Technology Partners, said the technology has not caught on widely because EPA has mainly limited acid gases through trading programs, which encourage companies to get big pollution reductions from their largest plants. If every boiler must meet an emissions standard, DSI will make more sense.

According to the FBR report, there are currently at least nine coal-fired boilers in the United States that use DSI without a scrubber and would meet EPA's proposed limit on acid gases. Many other utilities have already tested it, Staudt said.

"Until they're required to run it continuously, they're not going to do it," Staudt said. "But in anticipation of that day coming, they've been running test programs."

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To Richard Windsor, Bob Perciasepe, David McIntosh
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Subject Utilities explore deal on emissions

POLITICO

Utilities explore deal on emissions

By: [Darren Samuelsohn](#)

January 19, 2011 04:49 AM EST

President Barack Obama scored a landmark environmental victory in May 2009 when his team wrestled the auto industry into agreement on a plan to ratchet down its greenhouse gas emissions.

Now, top electric utility officials, think tank leaders, states and key Democratic lawmakers are talking about how to replicate the car companies' deal for the nation's power plants.

But the power companies are far more complicated to deal with than the Big Three carmakers, given the utilities' competing and diverse fuel portfolios, from coal to natural gas to nuclear to wind. Also, the Clean Air Act — the primary law governing power plants' emissions — doesn't afford Obama as much flexibility for wheeling and dealing with electric utilities, which contribute a third of the nation's greenhouse gases and spew emissions that cause premature deaths, asthma and neurological problems.

All agree that the type of victory Obama celebrated with the car companies almost two years ago in the Rose Garden is still a long way off — if it happens at all.

"We may be dreaming, I don't know," said Glenn English, president of the National Rural Electric Cooperative Association and a former Oklahoma Democratic congressman. "It's tough when you start to seek some kind of agreement like this when you've got so many different circumstances. But there does seem to be that common-ground recognition that EPA is not the best way to do this."

Power companies have been complaining for years about the regulatory "train wreck" bearing down on them from the Environmental Protection Agency.

Nearly all of the rules are long overdue, and many blame the George W. Bush administration for writing industry-friendly policies that the courts declared illegal after years of legal battle. The political hot potato continued into Obama's term and it now must be handled, however gingerly, thanks to a series of legal deadlines set to play out over the next 18 months.

Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) helped spawn the informal

discussions when they shifted last summer from writing a climate bill for multiple sectors of the industrial economy to one that deals just with power plants. It was too little, too late to salvage a bill, but English said the talks with Kerry got the electric utility industry thinking about ways to clean up the air and to achieve regulatory certainty as the economy starts coming back to life.

"This is a long-shot approach, but it is one of the stones that's not yet been overturned," he said.

Tom Kuhn, president of the Edison Electric Institute, told POLITICO that he has had informal talks about a deal for power companies with White House energy adviser Carol Browner, who brokered the closed-door car deal, and EPA Administrator Lisa Jackson. "But no in-depth discussions yet," he said.

Several administration officials acknowledged hearing from industry about a carmakerlike deal for power companies, though they insisted any talk is premature.

Obama supports EPA's work writing the new climate rules, as well as related efforts on air pollution. He has said there are many ways to "skin the cat" on climate change policy in the absence of action on cap and trade on Capitol Hill.

The auto deal came at a pivotal moment for the industry. For starters, General Motors, Chrysler and Ford were all in a financial nose dive. They also were facing regulatory demands they'd long opposed. Bush signed a 2007 energy law that forced the first major overhaul in fuel economy standards in decades, and California was trying to use its unique ability among states to force even stronger air standards than those of the federal government. Add to the mix American consumers fed up with rising gas prices who were trading in their SUVs for smaller models.

Obama benefited from the crossfire, and the White House was quickly able to get states, environmentalists and the car companies together on a plan to set the nation's first greenhouse gas standards for the auto sector.

At a time when most major environmental decisions are challenged in court or in Congress, the deal stands out.

"The auto agreement is one of the recent high points of environmental regulation in the sense you can take that kind of conflict and navigate an outcome," said Jason Grumet, president of the Bipartisan Policy Center and a former Obama 2008 campaign adviser.

Power plant officials say they've got lots of work to do if they're going to get on the same page. One of their biggest obstacles is navigating differences among so many companies that are reliant on different forms of energy.

In a recent Wall Street Journal op-ed, the CEOs of PG&E Corp., Calpine Corp., NextEra Energy Inc., Public Services Enterprise Group Inc., National Grid, Exelon Corp.,

Constellation Energy Group and Austin Energy — companies heavy on natural gas, nuclear and wind power — disputed arguments from coal-based utilities that the EPA rules would cause power plants to close prematurely.

“Contrary to the claims that the EPA’s agenda will have negative economic consequences, our companies’ experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability,” the CEOs wrote.

Kuhn and English say some of the contours of a deal are a wide-open question. It might involve extending EPA’s compliance deadlines, which could create room to accept early retirements for some of the nation’s aging coal plants.

“You got the possibility of not only flexibilities in how you design the rules but flexibilities in how you implement the rules,” Kuhn said. “You can do on a case-by-case basis consent decrees or negotiated settlements or things of that nature.”

Beyond its internal disputes, the industry also would need to satisfy other critical constituents, including the environmental groups they’ve battled for years through litigation. Greens are resistant to trade-offs, especially when it comes to the global warming rules that they secured through a 2007 Supreme Court decision.

“We clearly haven’t made enough progress, and it’s been far too slow,” said Gene Karpinski, president of the League of Conservation Voters. “The good news is the court made clear that the EPA has an obligation to act. EPA is beginning to act. And we need to make sure they do their job, to hold polluters accountable and protect public health.”

State officials could accept a blanket agreement for climate and air pollutants, “so long as it achieves similar or greater environmental and health benefits than the individual programs,” said Bill Becker, director of the National Association of Clean Air Agencies.

“A utilitywide program has the potential to provide regulatory certainty for power plants, increased administrative expediency for governmental agencies and important emissions reductions necessary to comply with the Clean Air Act,” Becker added.

Whether any type of industry deal gains support on Capitol Hill is another question.

Senate Democratic aides say lawmakers might start taking notice of the power industry’s predicament once the EPA rules are finished. New cleanup requirements are expected to be imposed in many parts of the country that previously had met EPA’s national air pollution limits for soot and smog, meaning the list of dirty air areas will grow — especially in the West. For now, EPA also doesn’t have much flexibility in tweaking its compliance requirements beyond a year or so.

But in the Republican-led House, skepticism abounds about expanded government, and powerful new committee leaders are pledging to cut EPA off at the knees.

“I don’t think a deal between industry, the utilities and the Obama administration that most likely would lead to higher utility prices for the American consumer is a deal that House Republicans would be comfortable with,” said a senior House GOP aide close to the Energy and Commerce Committee. “But certainly, we’d have to take a look before making that determination.”

Darren Goode contributed to this report.



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10/25/2011 09:41 PM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Barbara
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Subject Banks draw up code on lending for power plants (not
earth-shattering, but hey -- it's a start)

Financial Times

October 23, 2011 5:43 pm

Banks draw up code on lending for power plants

By Pilita Clark, Environment Correspondent

Dirty coal-fired power plants would not be financed under standards being drawn up by some of Europe's best-known banks in a sign of the growing pressure on lenders to scale down support for fossil fuels.

HSBC and [Standard Chartered](#) in the UK, and France's [BNP Paribas](#) and [Crédit Agricole](#) have helped develop the code, along with [F&C Asset Management](#), in what is believed to be the first time financial institutions have joined together to produce such a measure.

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"I think this is extremely significant in terms of sending a message that commercial banks are able to write policies relating to the financing of coal-fired power plants that take [climate change](#) into consideration," said Francis Sullivan, HSBC's group environment adviser.

HSBC issued its own [policy](#) in January that prohibits the financing of new coal plants with emissions above certain levels.

BNP Paribas published a similar [policy](#) in September and the two other banks are expected to follow shortly.

The four banks, like many large international commercial banks, have an extensive

background in financing coal-fired power stations, which generate more than 40 per cent of the world's electricity and are estimated to account for more than 70 per cent of power-related carbon emissions.

The number of coal-fired plants is expected to soar in coming years, especially in fast-growing economies such as China and India, making those banks that finance them a target for environmental campaigners.

"The standards apply to any country in which a coal-fired power plant is being built, be it in Europe or Asia," said Bjorn Roberts of [The Climate Group](#), a London-based non-profit body that worked with the banks to develop what it calls the "guidance note" on coal plant financing.

"But developing countries are where it has the potential to have the most impact, simply because of the scale of new construction," Mr Roberts said.

HSBC's Mr Sullivan said he could not say if the bank had rejected any applications as a result of its policy of not financing large coal plants with an emissions intensity above 850g of carbon dioxide per kilowatt hour in developing countries, and 550g CO₂/kWh in developed nations.

"The challenge we have is that, where we have rejected funding requests, you are never sure if it's just because of this policy or whether the credit aspects, or other aspects of the project, may have been a contributing factor."

He said it was likely that the policy meant some coal projects would not make it past the early stages of a lending application. "We're cutting it off earlier," he said. "It avoids that time-wasting aspect."

A number of coal-fired plants have been financed by HSBC this year, he said, but was not able to say how many.

The guidance note, which The Climate Group hopes other banks will use to form their own policies, is to be issued this week.

It outlines several carbon intensity options, including one that would preclude finance for any new plant emitting more than 830 grammes of carbon dioxide per kilowatt hour, which would exclude many proposed plants in developing countries with lax regulations.

Another limit of 550gCO₂/kWh would be aimed at plants in developed countries where there is wider availability of more environmentally friendly coal plants, such as those that burn plant-based fuels as well as coal.

The Climate Group note urges new coal-fired plants to be made ready for carbon capture and storage, even though it says this technology is "unlikely to be available for commercial deployment before 2020-2025", a point underlined by the [collapse of the UK's first pilot CCS project](#) last week.

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Imohiosen/DC/USEPA/US

09/13/2011 08:26 PM

To Richard Windsor, Bob Perciasepe, Nancy Stoner, Cynthia
Giles-AA, Ellen Gilinsky, Sarah Pallone

cc

bcc

Subject WATER: Risk and uncertainty hinder widespread investment
in green infrastructure -- report Paul Quinlan, E&E reporter

WATER:

Risk and uncertainty hinder widespread investment in green infrastructure -- report

Paul Quinlan, E&E reporter

Published: Tuesday, September 13, 2011

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Green roofs, rain gardens and permeable pavement may be the future of urban stormwater management, but the risk and uncertainty that come with large-scale investment in green infrastructure top the list of barriers to its catching on in cities across the United States, according to a new report.

The [report](#) released today by the Clean Water America Alliance, a nonprofit and nonpartisan coalition of utilities, companies and green groups headed by former U.S. EPA water chief Ben Grumbles, outlines the technical, legal, financial and institutional hurdles that are preventing the nation's aging and overloaded urban stormwater systems from shifting to cleaner, greener alternative solutions for disposing of runoff.

Based on a survey of more than 200 respondents across the United States, the report also makes recommendations to policymakers at all levels urging, among other things, that EPA move forward the recently delayed green infrastructure -- or "post-construction" -- rules that are flexible and account for regional differences in, for example, climate.

"The keywords we find over and over are risk and uncertainty," Grumbles said. "Risk and uncertainty about outcomes, standards, techniques and procedures."

The report comes at a critical time for the nascent technology, which is considered the potential solution to one of the most vexing problems facing the nation's largest cities: finding a way to meet legal obligations and court-ordered deadlines to clean up discharges into waterways without relying solely on cost-prohibitive expansions of old systems of pipelines, underground storage tunnels and energy-sucking treatment plants, also known as "gray" infrastructure.

Green infrastructure aims to stop stormwater before it ever reaches a storm drain -- to "slow it down, spread it out, soak it in," as Grumbles put it. The result is more soil and vegetation that not only beautifies a city but also absorbs some stormwater and allows the rest to evaporate.

Cities such as Cleveland and Washington, D.C., which have struck Clean Water Act settlements with EPA and the Department of Justice over stormwater and sewage discharges, pledging multibillion-dollar upgrades of gray infrastructure systems, are seeking to get those settlements amended to allow for the use of less-expensive green infrastructure to meet new cleanup and discharge targets.

But green infrastructure faces a slew of challenges, according to the report. Federal, state and local rules sometimes conflict. For example, features designed to allow urban stormwater to soak into the ground run up against aquifer protection rules that require permits for underground injection meant to protect aquifers from pollution.

What's more, there is little data available to quantify the benefits, cost and performance of certain green infrastructure features. This, in turn, can create hesitation on the part of regulators to greenlight the use of green in place of gray infrastructure and city managers to invest in it.

Residents may also resist, viewing mandates for rain gardens and landscaping requirements as government infringement on personal property rights. Or they may think certain features are simply ugly.

"One person's native plant is another person's weed," wrote one respondent.

The reports outlines several recommendations, that Grumbles admits will not be easy to implement and will require efforts at every level of government and society.

"Given that green infrastructure is still a relatively young movement, education, coordination and collaboration are extremely important," he said.

[Click here](#) to read the report.

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**Charles
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10/28/2011 10:33 PM

To Richard Windsor, Bob Perciasepe, Seth Oster, Gina
McCarthy, Michael Goo

cc

bcc

Subject The rebirth of renewable energy By Daniel Yergin, Special to
CNN

The rebirth of renewable energy

By Daniel Yergin, Special to CNN

updated 10:05 AM EST, Thu October 27, 2011

(CNN) -- Renewable energy is generating a lot of political heat. The bankruptcy of solar-panel manufacturer Solyndra, after a half billion dollar loan from the Federal government, has set off a hot debate on Capitol Hill. And a group of American-based solar companies are demanding 100% tariffs on imports of Chinese solar panels. They charge that China unfairly competes by subsidizing the Chinese industry, which Beijing resolutely denies.

All this, however, is occurring against a larger backdrop. Around the world renewable energy is going through a rebirth. It is becoming a big business. It is also becoming a more established part of the world's overall energy supply. Last year, \$120 billion was spent to install renewable electricity generation worldwide. Yet it is still a relatively small business compared to the overall energy business, and one that still faces big challenges in getting to scale on a global basis.

The position of renewable energy is very different from where it was even a decade ago. The modern renewable industry -- wind, solar, and other forms of energy -- was born with a great deal of excitement in the 1970s and early 1980s. But the early hopes soon crashed on the harsh reality of lower energy prices and the fact that the technologies were still immature and not yet ready for primetime. The subsequent years were tough. For many people in the renewable business, the late 1980s and 1990s are remembered as the "valley of death" as the pioneers struggled to hang on, often by their fingernails.

But around the beginning of this century, several things came together to breathe new life into the field. Now, it was not only concerns about energy security and general environmental protection, which had stimulated the first boom. The rise of climate change as a central issue in energy policy drove governments to much more actively promote carbon-free electricity. The European Union's energy policy is now predicated on using renewables to reduce carbon dioxide emissions by 80% by 2050.

The other is the rapidly growing energy needs of emerging market countries such as China and India. They have turned to renewables as part of their future supply. As a senior official in Beijing told me, China used to regard the fierce winds in its northwest as a "natural disaster," but now they are prized as a "very precious resource." But it would be a mistake, as is sometimes said, to assume that China has embraced renewables as the only solution. In order to meet its rapidly growing needs for energy, China is pursuing all options -- oil and coal and natural gas and nuclear power, as well as renewables.

Over the last decade, growing support by governments for renewable energy has been critical to its development. Germany and Denmark took the lead in repowering renewables with a new system of electricity rates that blended the higher cost of renewable power into the overall price. As a result, consumers do not see the direct cost of the renewables when

it comes time to pay their bills.

In the United States, both federal and state governments provide tax incentives and subsidies that have been critical in stimulating demand, with the aim of increasing output and reducing costs. Moreover, an increasing number of states now require that a certain percentage of electricity must be renewable -- the so-called "renewable portfolio standards."

The most aggressive of all is California, where about 15% of electricity today is renewable. Earlier this year, Gov. Jerry Brown signed a new law requiring that a third of California's electricity be renewable by 2020. This is considered extremely ambitious, especially given the state's difficult economic situation and a 12% unemployment rate.

Renewables need to overcome two big hurdles. One is that the sun does not shine all the time, and wind does not blow all the time. As the renewable share of electric power goes up, this "intermittency" will be a bigger concern. One solution is more use of natural gas as renewables' "partner" -- to generate electricity at those times when the sun and wind are off duty. Another -- the subject of much research -- is to find some way to store electricity in large scale. Success there would be a major breakthrough for renewable energy

The other challenge is costs. Renewables are carbon free. But, without direct incentives and subsidies, renewables are still generally more expensive than competing sources.

Technology also is critical. A "great bubbling" of innovation is at work all across the energy spectrum, conventional as well as alternatives. In the case of renewables, much of the focus is on cost reduction. And certainly the technological advance is evident. A wind turbine today is a far larger and more sophisticated machine than a wind turbine of the 1980s, and it may produce as much as a hundred times more electricity. The costs of solar energy continue to come down, and many of the new approaches under development and in the lab are aimed at further cost reductions.

To achieve big impact, however, renewables still need to establish that they are competitive at large scale. And they are not there yet. Indeed, they have run into an unexpected new challenge. This comes from the recent appearance of large volumes of low-cost natural gas, known as shale gas, which is extremely competitive as a fuel for electricity generation. That adds to the cost pressures on renewable energy.

In the first half of 2011, renewables constituted 9% of total U.S. energy. But over 80% of that renewable energy comes from three sources -- hydropower, which has been around a long time; wood, which has been around even longer; and biofuels, primarily ethanol in gasoline. Wind and solar are small, but they are growing. Wind today constitutes over 3% of U.S. electricity. Solar is much, much smaller.

As costs go down, more solar will come into use around the world. Solar panels will proliferate both on rooftops and in generating stations. As much as 6% of the capacity installed between now and 2025 could be solar. But, in total, because of the huge size of the global electric power industry, it would only constitute 1% of total electricity supply.

In other words, wind and solar have much ground to cover, and it will take time. But they have been growing fast, and in the past few years, wind has been one of the main choices of many utilities for new generation. Wind-generated electricity today in the United States is 20 times greater than it was a decade ago.

Overall, renewables are destined to grow. There will be cycles, and hills and valleys to cross -- but no more "valley of death." Renewable will be part of a growing global business that will be measured in hundreds of billions of dollars. But how big a role will they have in

keeping on our lights and powering our computers and all the other proliferating gadgets on which we depend? That will be determined by a mix of government policy, technological advance, the world's energy needs -- and by sheer economics.

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06/28/2011 01:13 PM

To Richard Windsor, Bob Perciasepe, Steve Owens
cc
bcc
Subject

Global consumers crave green energy in survey: Vestas



8:30am EDT

NEW YORK (Reuters) - Consumers around the world overwhelmingly support the rollout of renewable energy, but many have mistaken views about "green" products, according to a survey conducted by TNS Gallup for Vestas Wind Systems.

The survey, which polled 31,000 consumers in 26 countries in May, was designed to show companies how they could link their image to their customers' views on climate change and renewable energy.

But the poll also showed that many consumers were ill-informed about companies' environmental impacts, as well as the availability of renewable power.

Consumers viewed car makers, such as BMW AG and Volkswagen, as the most climate friendly, followed by technology companies, consumer goods makers retailers and food and beverage companies.

"Vehicles powered by fossil fuel account for a significant part of global CO2 emissions, yet automobile manufacturers ... have acted to persuade consumer opinion, for instance with advertising claims about the energy efficiency of gasoline or diesel powered vehicles," Vestas said in statement about the survey.

The poll showed that 79 percent of the consumers surveyed would view as "positive" the companies that primarily use wind energy, with only 4 percent viewing that as "negative."

Vestas is the world's leading maker of wind turbines, but the company has struggled in the past 18 months because of difficulty in financing new wind parks and rising competition from Chinese manufacturers, forcing it to cut jobs.

A strong 90 percent of global consumers backed an increase in renewable energy, while 15 percent said nuclear power sources should increase and 8 percent said use of fossil fuels use should rise.

Consumers in China were strongly in favor of increasing renewable energy sources, with 95 percent of those surveyed supporting it, well above the 77 percent in the United States who favored it.

But 72 percent of Chinese consumers also believed they had access to green electricity -- a figure far higher than reality.

Coal remains by far the largest source of Chinese power generation, according to International Energy Agency, even though the wind industry there is growing rapidly.

Half the consumers surveyed said they would be willing to pay higher prices for products made using renewable energy, while 45 percent said they would not pay more.

Developing nations' consumers were the most willing to pay extra for products produced using renewable energy, with 72 percent of those in China, Chile and India saying they would spend more.

(Reporting by [Matt Daily](#), editing by Bernard Orr)

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Charles
Imohiosen/DC/USEPA/US
03/28/2011 08:59 AM

To Sarah Pallone
cc "Sarah Pallone", Richard Windsor
bcc
Subject Re: full story for ease of review

[REDACTED]

3. POLITICS: Christie suggests he might take N.J. out of regional greenhouse gas control program (03/28/2011)

Christa Marshall, E&E reporter

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New Jersey's governor is floating the idea that he might take his state out of the upper East Coast's greenhouse gas regulatory program, raising questions about the future of the nation's only operating cap-and-trade system.

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The comments from Republican Gov. Chris Christie also prompted further speculation about the governor's presidential ambitions and whether he is catering to national voters' suspicions of emissions caps.

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At a town hall last week in Nutley, N.J., Christie expressed concern that the Regional Greenhouse Gas Initiative, or RGGI, is putting his state at a disadvantage because neighboring Pennsylvania is not a participant. He said he would decide within two months about the state's role in the program, which has been capping carbon dioxide emissions of utilities in 10 Northeastern and mid-Atlantic states since 2008.

"Is there enough of a benefit to the state to keep it going, or is it too much of a detriment on business? And the thing I'm most concerned about is that it doesn't seem to be working in the entire region. The value of these credits are getting less and less as we continue to go further and further out, and so the value of the program is becoming less and less," Christie said in response to a question from the audience.

"And in addition, I'm concerned about the burden that it places on our businesses, making them less competitive with Pennsylvania, because our businesses have greater costs involved than in Pennsylvania. So we are evaluating all that, and within the next two months, I'll give you a definitive answer on whether we are going to continue it," he said.

The re-evaluation of RGGI would come as part of a new energy master plan for the state that Christie said he would release in the "next couple of months."

Christie is making a smart political move if he wants to be a viable Republican candidate in the 2012 presidential race, considering that "cap and trade" is not a winning phrase in the GOP these days, said Ross Baker, a political scientist at Rutgers University. The RGGI comments, combined with November remarks expressing climate skepticism, signal that the governor could be positioning himself for a spot on the presidential ticket, he said.

Part of a presidential bid?

Christie's name is often included in pundit predictions of likely 2012 presidential contenders, particularly in

the wake of the governor's recent speeches in Washington, D.C., and appearances on national talk shows.

At the same time, Baker said, Christie could face push back from the state Legislature and New Jersey voters who are progressive on environmental issues.

"He's sticking a stick in a hornet's nest," said Baker. The climate program is not something that is flying high on voters' radar but now could become a volatile issue in New Jersey, he said.

The remarks also raised the ire of environmentalists who said that a departure from RGGI would shoot the state in the foot by depriving it of needed revenue to fund clean-energy programs. Furthermore, they said New Jersey ratepayers would continue paying for the program in cases where utilities in other participating RGGI states ship power into New Jersey.

The suggestion that New Jersey is at a disadvantage is wrong, since the program has a very small impact on electricity prices and offers benefits by funding efficiency programs with money from carbon auctions, said Daniel Sosland, executive director of Environment Northeast. The program provided \$36.8 million for large-scale energy efficiency and renewable energy projects in New Jersey through 2010, according to a March report from the Initiative.

New Jersey actually is at a competitive advantage because it has fewer coal plants than Pennsylvania, which must address pending U.S. EPA regulations of coal-fired power plants, said Sosland. "All the evidence says we have benefited from RGGI economically," he said.

But others applauded the governor's comments.

"I think it's good that we take a long hard look at RGGI," said Michael Egenton, a senior vice president at the New Jersey Chamber of Commerce.

His organization does not have a stance on the program, but he said there needs to be a more detailed analysis of the impact of RGGI on prices and businesses, he said. He also commended the governor for moving ahead of schedule on a master plan for the state, since he said there is no clear backup plan if the state closes the Oyster Creek nuclear plant.

Koch group mounts anti-RGGI campaign

The group Americans for Prosperity, which has been running advertisements against RGGI, has an active presence in the state via Internet postings and state meetings. The state director of the group, Steve Lonagan, slammed the "RGGI scheme" at a local event last week, partially because of what he called "speculators" playing the carbon market, according to NorthJersey.com. Americans for Prosperity was co-founded by oil billionaire David Koch.

It is not clear whether New Jersey law allows Christie to unilaterally leave the initiative, said one legal expert. "If he were to try it, there would most certainly be a legal challenge," said the expert.

According to official RGGI documents, the other participating states in the Northeast and mid-Atlantic would "appropriately adjust" allowances bought and sold in the trading market to account for the withdrawal of one state.

In the case of a New Jersey departure, the issue would be more political than technical, at least initially, said Stacy VanDeveer, an associate professor of political science at the University of New Hampshire.

The program's cap on emissions is too small at this point for any New Jersey action to matter much in terms of how the trading platform operates, he said. Instead, the action of state representatives during an upcoming regional review of the initiative is more important, he said. New Jersey's sheer size -- and percentage of emission allowances -- means its viewpoint could sway the outcome of things under consideration, such as whether the cap is strengthened, he said.

It also takes "momentum away" from the program at a time when climate legislation is defunct on Capitol Hill, he said. The initiative is also facing a challenge in New Hampshire, where Republicans have moved a bill through one chamber of the Legislature to exit the regional plan.

Spokespeople in the governor's office and the New Jersey Department of Environmental Protection denied there was any movement to leave the program.

"At the moment, we're not going anywhere," said Lawrence Ragonese, a spokesman for the Department. A Christie official said it would be crossing a "bridge we not have come to" to speculate about how the state procedurally would leave the greenhouse gas initiative.

And in his comments, Christie said the program had upsides along with its downsides.

"It's a green type of policy," he said. "The upside to it is that it helps to create some revenue that you can use to be able to reinvest in green initiatives in the state."

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Sent via Blackberry
Sarah Pallone

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

From: Sarah Pallone
Sent: 03/28/2011 08:57 AM EDT
To: Charles Imohiosen
Cc: "Sarah Pallone" <pallone.sarah@epa.gov>; Richard Windsor
Subject: Re: NJ

Wow.

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Charles Imohiosen . POLITICS: Christie suggests he mi... 03/28/2011 08:51:55 AM

From: Charles Imohiosen/DC/USEPA/US
To: "Sarah Pallone" <pallone.sarah@epa.gov>
Date: 03/28/2011 08:51 AM
Subject: NJ

. POLITICS: Christie suggests he might take N.J. out of regional greenhouse gas control program<
<http://www.eenews.net/cw/2011/03/28/3>>

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Sent via Blackberry

Charles
Imohiosen/DC/USEPA/US
09/30/2010 09:32 AM

To "Bob Perciasepe", "Richard Windsor"
cc
bcc
Subject Nothing new here, but ...EPA: Republicans eye heavy oversight in 2011 (09/30/2010)

[OBJ]

3. EPA: Republicans eye heavy oversight in 2011 (09/30/2010)

Allison Winter, E&E reporter

If Republicans take control of Congress next year, U.S. EPA Administrator Lisa Jackson may need to clear her schedule for frequent appearances on Capitol Hill.

A group of Republicans comprising the "House Rural Solutions Working Group" aired grievances with EPA at a forum in the Capitol yesterday that served as a sort-of dress rehearsal for ranking members hoping to take a gavel next year.

Fourteen GOP representatives and one senator -- several of whom are eyeing possible committee leadership spots next year -- presided at the forum with representatives from farm and business groups. The lawmakers said they want a GOP Congress to clamp down on EPA efforts to expand environmental regulations.

"Oversight is a primary responsibility of Congress -- we're going to have some oversight next year," Rep. Frank Lucas (R-Okla.), one of the co-chairmen of the rural group, told reporters after the forum.

Lucas, the top Republican on the House Agriculture Committee, said he expects a packed schedule of oversight hearings if he and his GOP colleagues take committee gavels. Lawmakers have frequently used oversight hearings as an opportunity to bash agency policy when the party in power in Congress differs from the party controlling the White House.

And with several committees having some say over EPA, Lucas said it could become a popular agency on the Hill.

"At least a half-dozen committees have a slice of the jurisdiction. When it comes to an agency like the EPA, I could see where once a week, we could each take our turn," Lucas said.

The House and Senate Agriculture committees are generally very bipartisan. In the last farm bill debate, Republicans and Democrats on the committees worked closely together, with members more divided along regional lines than party lines. But Lucas said to expect changes if he takes the chairmanship next year: namely, much more scrutiny of EPA and USDA.

"If holding the executive branch accountable, if making sure that everyone follows the law, if making sure bureaucracies don't create law but simply administer the law, if that is what this was a reflection of today, then you betcha, that's what I hope we have in the spring," Lucas said.

Yesterday's briefing was not an official congressional hearing but held the trappings of one: Lawmakers sat up at several tables in the front of a room with witnesses at another, lined up behind timing lights.

Representatives from forestry, farm, livestock and coal groups expressed concern about potential EPA regulations on greenhouse gas emissions, watersheds and pesticides. The groups said the regulations could raise the cost of doing business and make them subject to lawsuits from environmental groups.

"Federal EPA bureaucrats are on the verge of killing thousands of rural jobs and communities through an arcane maze of rules and regulations that can only make sense to a lawyer in Washington, D.C.," said

Rep. Doc Hastings (R-Wash.), the ranking member of the House Natural Resources Committee.

Jackson was not present at the briefing, but lawmakers said she was invited.

EPA has become a whipping post for some lawmakers. The Senate Agriculture Committee criticized the agency's regulations at a hearing last week. And Sen. James Inhofe (R-Okla.), ranking member of the Environment and Public Works Committee, promoted a new report at yesterday's briefing that found regulations under consideration at EPA could threaten hundreds of thousands of jobs.

Jackson attended the Senate Agriculture Committee hearing last week and said she has worked hard to shield farmers from EPA rules. For instance, the new "tailoring" rule exempted farms from greenhouse gas regulations by raising the emissions threshold. Jackson said her agency imposed fewer rules on farms last year than it did during the last year of George W. Bush's administration (E&E Daily, Sept. 24).

E&E Daily Headline

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Sent via Blackberry

Charles Imohiosen/DC/USEPA/US
03/12/2010 07:22 AM

To "Bob Sussman", "Mathy Stanislaus", "Lisa Heinzerling", "Richard Windsor"

cc

bcc

Subject Looks like the reuse market is alive and well

Solid Waste Mirant Aiming to Build Ash Recycling Plant To Produce Low-Carbon Cement Alternative

Mirant Corp. will soon ask Maryland authorities for permission to construct a coal-ash recycling facility that would allow it reduce its disposal of coal ash in landfills and produce a low-carbon alternative to portland cement, a company spokeswoman said March 9. An application for a certificate of public convenience and necessity will be filed before the end of March with the Maryland Public Service Commission, said Misty Allen, Mirant's spokeswoman for mid-Atlantic operations. If permitting and construction go as planned, the facility would begin operations in 2012, she told BNA. The facility would be built next to the company's coal-fired Morgantown power plant in Charles County, Md. According to Allen, the recycling plant could process 400,000 tons of coal ash per year, roughly the total produced by two of Mirant's five coal-fired power stations in the mid-Atlantic states. According to Allen, the recycling plant would produce an alternative to portland cement, the main ingredient in concrete, while emitting one-quarter of the carbon dioxide generated in the production of portland cement. The plant would reuse water from the power plant's operations, requiring no new water and generating no water effluent of its own, she added. Portland cement is produced by quarrying rock and transporting it to a plant where it is ground into fine grains along with clay, slate, or blast furnace slag, silica sand, and iron ore, according to the Portland Cement Association. The resulting powder is then heated to 1,450 degrees Celsius in industrial ovens called cement kilns that are fired by powdered coal, oil, or gas. The output is cooled, producing the small nodules, or clinkers, that constitute portland cement. EIP Attorney Calls Idea 'Encouraging.' Asked to comment on the Mirant proposal, Jennifer Peterson, an attorney with the Environmental Integrity Project, said she knew nothing about such plants but added, "anything that keeps ash out of dumps is encouraging." Commenting on the plant's apparent low-carbon footprint, Petersen noted that the coal ash is a byproduct of a high-carbon fuel. Peterson said she hopes Mirant quickly cleans up its ash dump adjacent to Charles County's Zekiah Swamp, an important part of the Chesapeake Bay watershed. She said the landfill is leaching toxic pollutants into the swamp in violation of the Clean Water Act and Maryland law. A lawsuit over the landfill's alleged releases was filed in 2008 in Charles County Circuit Court by Maryland Attorney General Douglas F. Gansler (D). The case is pending, Gansler spokeswoman Raquel Gregory told BNA March 9. By Jeff Day

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Sent via Blackberry

Charles
Imohiosen/DC/USEPA/US

12/08/2009 08:47 PM

To "Gina McCarthy", "Richard Windsor"

cc

bcc

Subject CNN report on cash for clunkers - at least we are in the game

() By Steve Hargreaves, CNNMoney.com staff writer Last Updated: December 8, 2009: 6:24 PM ET 8 weird ways to save the Earth Geoengineering, or deliberately tinkering with the earth's climate, could help if global warming proves disastrous for mankind, but the ideas are untested and the risks unknown. View Photos NEW YORK (CNNMoney.com) -- President Obama proposed a new program Tuesday that would reimburse homeowners for energy-efficient appliances and insulation, part of a broader plan to stimulate the economy. The administration didn't provide immediate details, but said it would work with Congress on crafting legislation. Steve Nadel, director at the American Council for an Energy-Efficient Economy, who's helping write the bill, said a homeowner could receive up to \$12,000 in rebates. The proposal is part of the President's larger spending plan, which also includes money for small businesses, renewable energy manufacturing, and infrastructure. We know energy efficiency "creates jobs, saves money for families, and reduces the pollution that threatens our environment," Obama said. "With additional resources, in areas like advanced manufacturing of wind turbines and solar panels, for instance, we can help turn good ideas into good private-sector jobs." The program contains two parts: money for homeowners for efficiency projects, and money for companies in the renewable energy and efficiency space. The plan will likely create a new program where private contractors conduct home energy audits, buy the necessary gear and install it, according to a staffer on the Senate Energy Committee and Nadel at the American Council for an Energy-Efficient Economy. Big-ticket items like air conditioners, heating systems, washing machines, refrigerators, windows and insulation would likely be covered, Nadel said. Consumers might be eligible for a 50% rebate on both the price of the equipment and the installation, up to \$12,000, said Nadel. So far, there is no income restriction on who is eligible. That would mean a household could spend as much as \$24,000 on upgrades and get half back. Homes that take full advantage of the program could see their energy bills drop as much as 20%, he said. The program is expected to cost in the \$10 billion range. It's not clear how the home efficiency plan would be administered - the government may issue rebates to consumers directly, homeowners might get a tax credit, or the program could be run via state agencies. If consumers have to spend a lot of money up front to get the credit, it could throw a wrench in the works, David Kreutzer, an energy analyst at the Heritage Foundation, told CNN. "This will not be something that's attractive to people who are having trouble already making their budget payments month to month or week to week," he said. To keep consumers from having to spend thousands of dollars before getting reimbursed, Nadel said, one idea is to have contractors or big box retailers pay part of the cost up front. Fraud issues could also come up, Kreutzer said. "Any program that is going to run through a third party and is going to distribute billions of dollars needs to have lots of checks and balances to make sure there's not abuse," he said. Nadel noted that as a way to guard against fraud, contractors would have to be certified to participate. Energy company boost Obama's new spending plan also calls for renewable energy companies to get additional support. That could come in the form of loan guarantees - basically, money the government uses to secure loans for startups. In the original stimulus bill passed earlier this year, \$6 billion was earmarked for such loan guarantees. But then lawmakers took away \$2 billion to fund Cash for Clunkers - the popular program that paid people to turn in their old cars. The \$4 billion from the original bill has funded about \$40 billion in loans, said the staffer on the Senate Energy Committee. Meanwhile, firms are hoping for another \$4 billion in loan guarantees, since they have another \$40 billion worth of projects that need funding. A bill on energy efficiency reimbursements already has supporters in the Senate. "Not only will [such legislation] increase our energy security and transform our energy infrastructure to a modern, clean and efficient one," Senate Energy Committee Chairman Jeff Bingaman, D-N.M., wrote in a recent op-ed column in the Hill, a Capitol Hill newspaper. "But it also will position the United States to lead in the development of clean energy technologies."

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04/28/2011 01:07 AM

To "Richard Windsor"

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Subject BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

[REDACTED]

BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

Joel Kirkland, E&E reporter

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Wal-Mart may have more to do with expanding solar power in America than homeowners with wide roofs or government subsidies.

Dow Chemical's Elizabeth Singleton calls the idea that one huge retailer can force other big companies to adopt sustainable energy practices the "Wal-Mart effect."

"Why do they care so much about energy? Nobody cares as much about cost as Wal-Mart," Singleton said. "When you sell to them, they drive a very hard bargain across the board. They want to know what suppliers are doing to minimize their risks."

[REDACTED]

Speaking on a panel about the future of solar power, sponsored by the Department of Energy and George Washington University, in Washington, D.C., Singleton and others said the melding of emerging price competitiveness with conventional energy and longer-term economic incentives will keep U.S. solar power producers in business. For companies like Wal-Mart, they said, driving down volatile electricity costs by first investing in expensive solar panels -- and pressing their vendors to spend money on renewable energy -- is a business decision that shareholders understand.

"It's that driver that takes us back to the economics," Singleton said. "I don't think Wal-Mart would be doing it, otherwise. It drives it down the supply chain."

Slowly but surely, panelists said, renewable energy is moving from a debate about electricity prices to one about the "economic value" in wind or solar power. For product suppliers pressed by Wal-Mart to explain how sustainable their energy supplies are, the underlying "value" in adopting clean energy is a company's future business with Wal-Mart.

U.S. solar power capacity has grown considerably in the past four years, but it's a fraction of U.S. energy output. But U.S. solar companies and big banks are looking for investors. BrightSource Energy Inc., based in Oakland, Calif., filed papers with U.S. securities regulators this week announcing plans to conduct an initial public offering. It hopes to raise \$250 million through the IPO.

Talking value

BrightSource, a maker of concentrated solar power technology, has secured a \$1.6 billion loan guarantee from DOE to help it raise enough money to build the proposed 400-megawatt Ivanpah project in California's Mojave Desert. Google this month also said it will spend \$168 million to help fund the Ivanpah project.

Last week, DOE also offered a \$2.1 billion credit line to Solar Trust of America LLC to help build a 484-megawatt plant in Riverside County, Calif.

With the federal government sinking a hefty direct investment into BrightSource, panelists yesterday said

buy-in by private investors remains critical.

"How do we move the discussion about renewables and solar away from price [to] talk about value?" said Andrew Murphy, an executive vice president at NRG Energy, an independent power producer that plans to spend at least \$2 billion on renewable power projects in the near term.

On price, comparisons should be made between building new coal- or natural gas-fired power plants and the capital costs of building utility-scale solar projects.

Kathy Weiss, vice president for federal affairs for First Solar, based in Tempe, Ariz., said solar technology development is driving toward producing electricity for 10 cents per kilowatt-hour. As utilities respond to U.S. EPA efforts to enforce the Clean Air Act by shutting the nation's cheapest but dirtiest power plants, she said solar quickly becomes competitive with the cost of building a high-efficiency coal plant.

"If you're judging renewables versus new coal, versus new nuclear, versus gas peaking, then you're really not very far away from being quite competitive," she said

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Subject Cities to Pursue Innovative Strategies For Financing Green
Infrastructure Projects

BNA Daily Environment Report: News Archive > 2012 > March > 03/09/2012 > News > Sustainability:
Cities to Pursue Innovative Strategies For Financing Green Infrastructure Projects

Key Development: New York Mayor Bloomberg and Chicago Mayor Emanuel announce cooperative initiatives aimed at mobilizing private investment dollars for sustainable urban development projects.

Potential Impact: Mayors and urban policy experts believe the initiatives will give cities wider opportunities to pursue economic development without contributing to global warming and energy dependence.

By Michael Bologna

CHICAGO—Mayors and urban policy experts from around the globe pledged their support March 8 for two new cooperative initiatives aimed at mobilizing investment for green infrastructure projects and sustainable urban development.

New York Mayor Michael Bloomberg (I) and Chicago Mayor Rahm Emanuel (D) announced the launch of a Sustainable Infrastructure Finance Network and a global Green Growth Initiative. Both initiatives will be coordinated through the C40 Cities Climate Leadership Group, a collaboration among large cities around the world committed to local actions that control carbon emissions and promote energy efficiency.

Bloomberg, who serves as chairman of C40, and Emanuel were joined by dozens of mayors and ministers participating in a global summit on sustainable cities. The two-day summit in Chicago was sponsored by the Organization for Economic Cooperation and Development.

In announcing the two C40 programs, Bloomberg said global warming and sustainable development are frequently viewed as duties belonging to nations and international bodies. But he said cities carry important responsibilities for tackling these complex problems.

Bloomberg is the founder and majority owner of Bloomberg BNA's parent Bloomberg LP.

Not Waiting for Others to Act First

"While cities around the world really do understand that action at the national and international levels is crucial, the launch of these networks shows that we are not waiting for anybody to go first," Bloomberg said during a briefing with reporters.

"We are the level of government closest to the majority of the world's people," he said. "We are directly responsible for their wellbeing and their futures. So while nations talk—but all too often drag their heels—I think it's fair to say that around this world it is the cities that are acting. The launch of these networks, I think, also demonstrates C40's belief that when cities act locally we can have an impact globally."

Bloomberg said the Green Growth Initiative would be based in Copenhagen and would involve leaders from 15 C40 cities. The network is expected to examine and act on innovative strategies for sustainable urban infrastructure projects.

"It will focus on the full range of ways cities can work with the private sector to attract investment and create jobs in ways that also meet our environmental goals," he said.

Network as Forum for Cities

The Sustainable Infrastructure Finance Network is expected to serve as a forum for C40 cities to interact, share information, and coordinate activities as they locate resources for next-generation infrastructure

projects. Specifically, C40 cities are expected to:

- collect and share case studies on infrastructure projects featuring unique financing strategies;
- share legal and financing documents;
- develop partnerships with global accounting firms willing to provide pro bono assistance; and
- launch unique financing programs with financial institutions.

Formation of Chicago Trust

The Sustainable Infrastructure Finance Network will be chaired by Emanuel, who has developed a reputation for using innovative financing to achieve urban development and environmental goals. A key example emerged March 1, when Emanuel and former President Bill Clinton announced the formation of the Chicago Infrastructure Trust.

The trust will serve as an important financing mechanism for infrastructure projects that might otherwise be ignored by traditional channels. In many cases projects will be able to take advantage of structured revenue streams to repay investors and offer long-term returns.

The infrastructure trust initially will be backed with \$1 billion in conditional commitments from five financing organizations. Partners in the endeavor include Citibank NA, Citi Infrastructure Investors, Macquarie Infrastructure and Real Assets Inc., J.P. Morgan Asset Management Infrastructure Investment Group, and Ullico.

The trust's first project, known as Retrofit Chicago, will involve a \$200 million investment to cut energy consumption by at least 20 percent in more than 100 buildings operated by the city. Emanuel said the effort would cut the city's energy costs by up to \$20 million, creating a revenue stream to repay investors. In addition, the project is expected to create 2000 construction jobs over several years and cut greenhouse gas emissions.

Emanuel said Retrofit Chicago would provide the city with several significant environmental benefits and mark the city as a leader in green technologies.

"We will end up developing a set of skills and technologies that will serve as an industry leader not just for the city of Chicago," Emanuel told reporters. "So people will look to our architectural firms, our engineering firms, the workforce skills we have. They will see it as an industry that lives in Chicago and becomes an export for economic growth."

The two initiatives were applauded by OECD Secretary-General Angel Gurría. He pointed to a \$3 trillion price tag for making the C40 cities carbon neutral, suggesting that innovative financing strategies will be needed to help them combat climate change. At the same time, Gurría said economic development and environmental protection do not need to be mutually exclusive.

"It's not green or growth," Gurría said. "Both can go together provided that the appropriate framework conditions are in place. Cities can build an environmentally sustainable infrastructure that will help them go green, promote growth and create jobs."

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Subject Corporate Responsibility: ExxonMobil Shareholders Rebuff
Proposals On Fracking, Oil Sands, Climate Change Risks

Daily Environment Report: News Archive > 2011 > May > 05/26/2011 > News > Corporate Responsibility:
ExxonMobil Shareholders Rebuff Proposals On Fracking, Oil Sands, Climate Change Risks

Corporate Responsibility

ExxonMobil Shareholders Rebuff Proposals
On Fracking, Oil Sands, Climate Change Risks

ExxonMobil Corp. and Chevron Corp. shareholders rejected environmental activists' proposals on climate change, hydraulic fracturing, and a variety of other environmental issues at the companies' annual shareholder meetings May 25.

Activist groups asked both companies to develop reports on the known and potential environmental effects of hydraulic fracturing in oil and gas drilling and the policy options for reducing them.

The boards of directors of ExxonMobil and Chevron opposed the calls for hydraulic fracturing reports, which they said would be duplicative and unnecessary given the existing policies and communications the companies provide on their drilling practices.

The proposal at the ExxonMobil meeting in Dallas won 28 percent of shareholders' votes, according to a company spokeswoman. Like many activist proposals, it was a repeat attempt, having won 26 percent in 2010, the spokeswoman said. It was backed by As You Sow and other groups.

About 41 percent of Chevron shareholders supported the proposal on hydraulic fracturing at that company's meeting in San Ramon, Calif.

Hydraulic fracturing, or "fracking," involves the high-pressure injection of water, sand, and chemical additives into a geologic formation to create fractures through which gas or oil can flow to a well. The practice is half a century old but has been spreading rapidly in recent years as companies drill for gas trapped in layers of shale.

Climate Change, Other Risks

A proposal at the Chevron annual meeting asked the company to prepare a report on the financial risks resulting from climate change and on actions necessary to provide long-term protection of business interests and shareholder value. The proposal cited the Investor Network on Climate Risk and the Carbon Disclosure Project as prominent examples of groups calling for such information.

Chevron said it saw no need for such a report. "Chevron already discloses material risks related to climate change and climate change regulation in its Annual Report on Form 10-K," the company said in its prepared proxy materials for the meeting. The proposal won 8 percent of shareholder votes.

At the ExxonMobil meeting, the Sisters of St. Dominic of Caldwell, N.J., proposed that the company's board adopt quantitative goals for reducing emissions of greenhouse gases, which can contribute to climate change. It won 26.5 percent of shareholders' votes in its fifth year of being proposed, the company spokeswoman said.

The board of ExxonMobil said it did not believe that setting absolute emission goals was the most effective way to manage climate risks. It said the company should meet growing demand for energy

efficiently while pursuing technical solutions on greenhouse gas emissions.

Green Century Capital Management proposed that the company prepare a report on the financial risks posed to ExxonMobil by the environmental, social, and economic challenges of Canadian oil sands, in which the company has a substantial investment. The board responded that the company already communicates its risk factors through an annual outlook, its annual Form 10-K, and other publications.

The oil sands proposal won 27 percent of the shareholder votes this year and 26.4 percent last year, the ExxonMobil spokeswoman said

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Subject I recall that you participated in event with the green sports group ... Looks like it has really taken flight

BUSINESS: Renewable energy has become a home run for pro sports
Daniel Cusick, E&E reporter

Published: Thursday, March 29, 2012

They're still debating the pros and cons of renewable energy in Washington, D.C., but it's a slam-dunk for the owners of the Phoenix Suns.

Strategic marketing of renewable energy through sports brands may have reached a new zenith this month as the National Basketball Association's Suns became the latest professional sports franchise to tie its brand to environmental stewardship and renewable energy.

And what better symbol for the Suns than 966 solar photovoltaic (PV) panels installed atop the team's US Airways Center parking garage?

Steve Nash, the franchise's best-known face and one of the league's most admired players, "flipped the switch" on the PV panels March 5, fulfilling a personal goal he set several years ago when he returned to the Suns after a six-year stint in Dallas.

Point guard Steve Nash, executives and mascots of the Phoenix Suns at the "flip the switch" ceremony turning on solar panels at their stadium in Phoenix. Photo courtesy of Arizona Public Service. Nash, a South African-born Canadian citizen with a penchant for environmental causes, also lends his image and endorsement to regional utility Arizona Public Service as its primary pitchman for energy efficiency and conservation.

"The spirit of innovation and environmental consciousness shown by the Suns, APS and the city of Phoenix is something I'm proud to be a part of," Nash said of the solar array. "I've become very passionate towards environmental issues over the years, so it's great to know that solar power is now impacting my life both at home and here at work."

"At work" for Nash means the Suns' 18,400-seat US Airways Center, where the team has played for 20 years. The building's new panels will generate 227 kilowatts of electricity, enough to power 20 game days each season, according to the team's website.

"We are excited to dedicate a project that was simply a vision back in 2008," said Suns President Brad Casper. "APS stepped up and helped make that vision a reality here at US Airways Center, powering the arena with clean, renewable energy, enhancing our commitment to sustainability."

The 'greening' of pro sports

The Suns are not alone.

Since the mid-2000s, more than a dozen professional sports franchises -- including some of the world's best-known brands -- have embraced renewable energy and other environmental sustainability projects. They are hoping to generate goodwill in their local communities, but also aiming at reducing their energy costs and carbon footprints, in some cases significantly.

Among the other franchises embracing solar power on their stadium sites are the NBA's Los Angeles

Lakers and Clippers and Denver Nuggets; the National Football League's Philadelphia Eagles, Seattle Seahawks and Washington Redskins; and Major League Baseball's Boston Red Sox, San Francisco Giants, Kansas City Royals and Cleveland Indians.

According to the Natural Resources Defense Council's "Sports Greening Initiative," which works closely with leagues, franchises and sporting event host cities on environmental sustainability, such programs have reduced or offset more than 20 million pounds of carbon dioxide equivalent in just four years.

A new solar array will greet fans coming to this year's All-Star Game at Kauffman Stadium, home of the Kansas City Royals. Photo courtesy of Chris Vleisides/Kansas City Royals.

Allen Hershkowitz, a senior NRDC scientist and director of the Sports Greening Initiative, said that level of greenhouse gas offsets is no accident. Sports franchises and professional leagues, he said, have been more receptive to conservation, clean energy and climate change mitigation than most other sectors of the U.S. economy.

"Sports matters," Hershkowitz said in an interview. "People think that dealing with climate change is about reaching the auto industry or the [electric] utility industry, and that's true. But the sports industry is a \$425-billion-a-year enterprise with a global supply chain, and its messages reach hundreds of millions of people around the world."

The messages resonate locally, too, and allow the issue of climate change to be carried to the broadest possible audience, since sports provides a common gathering place for people of all political persuasions. "When we get professional sports embracing renewable energy, that's a meaningful nonpartisan statement," Hershkowitz said.

A new kind of bragging rights

Moreover, the recent boom in sustainability efforts among pro sports franchises has set off a new kind of competition between franchise owners and facilities managers, where the coveted prizes are not only championship trophies but the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certifications and bragging rights over which franchise has the smallest environmental footprint.

Sports governing bodies have caught on, too. Major League Baseball, in a partnership with NRDC, asks every big-league team to measure energy consumption at its home stadium and report the figures to the home office, Hershkowitz said. The National Hockey League will soon begin a similar program.

The figures have not been made public, Hershkowitz said. But in the statistics- and standings-driven world of sports, there's little doubt that the data will hit the scoreboards.

"Sports teams are by their nature very competitive. They strive to be the best in every aspect of their operations," said Logan Gerken, a project architect and LEED design specialist at the Kansas City, Mo., architecture firm Populous, one of the nation's most sought-after stadium designers. "And they're finding ways to sell these aspects to their fans and their athletes."

Just ask the Kansas City Royals, a franchise that hasn't won a World Series championship in 27 years but now ranks among the MLB's best for "green energy" achievements. The recently remodeled Kauffman Stadium, which will host this summer's annual All-Star Game, is now adorned with 120 solar PV panels capable of producing an estimated 36,000 kilowatt-hours of electricity per year.

The blue-tinted, aluminum-framed panels lining the stadium's curved outfield wall are visible from most of the stadium's seats, something team officials and partner Kansas City Power & Light will promote as part of the game-day "Outfield Experience." KCP&L will staff an educational kiosk to educate fans about the solar energy system, stressing how solar energy benefits Kauffman Stadium and the greater Kansas City region.

A field day for green designers

And while other MLB franchises have installed solar panels on their sites, Kansas City's will be the largest in-stadium solar array in the major leagues, and its generation will be used directly by the stadium.

Kevin Uhlich, the Royals' senior vice president for business operations, said the array is in keeping with the team's commitment to make Kauffman Stadium "one of the most environmentally friendly facilities in sports."

Meanwhile, the Royals' American League rival Cleveland Indians, whose Progressive Field is just a few downtown blocks from windy Lake Erie, are preparing to install an 18-foot-wide "helix wind turbine" developed by a Cleveland State University professor atop the stadium's southeast corner.

The experimental "wind amplification" turbine, developed by CSU engineering professor Majid Rashidi to produce energy at low wind speeds, will produce just a fraction of the electricity used to power the ballpark. But it should help to build fan awareness of green energy production and aid the team in reaching its sustainability goals.

"We want to show that this experiment born here in Cleveland works in Cleveland," Brad Mohr, the Indians' assistant director of ballpark operations, told the Cleveland Plain Dealer in October. "The goal is not just to have the turbine in the ballpark. It is to get them into urban areas where traditional wind power won't work."

Reducing the environmental footprint of a 40,000-seat arena or 70,000-seat stadium is no small feat, experts say, but neither does it have to be extraordinarily complex or cost-prohibitive.

Martin Tull, executive director of the Green Sports Alliance, a Portland, Ore.-based nonprofit that promotes energy efficiency and conservation measures in sports at all levels, said some teams are reaping significant savings in facility operations and maintenance costs simply by turning off nonessential lights and incorporating zoned heating and cooling systems.

Others have made modest investments, such as replacing incandescent lighting at indoor arenas with light-emitting diode (LED) fixtures that consume less energy and have much longer operating life. An LED lighting project at the Staples Center in Los Angeles paid for itself in seven months through lower electricity bills, Tull said. In Seattle, meanwhile, the Mariners reduced by 88 percent the electricity consumption of their Safeco Field scoreboard by replacing an older incandescent bulb board with one illuminated with LED lights.

Raising the bar in Seattle

But advances in materials science, energy systems and green technology have allowed big venues to do even bigger things, said Tull, including in regions of the country where renewable energy resources are limited.

Consider CenturyLink Field in Seattle, home to the NFL's Seahawks and Major League Soccer's Sounders. With a seating capacity of 72,000, the stadium is among the largest sports venues on the West Coast. The stadium is a crown jewel of design inspired by billionaire Microsoft co-founder Paul Allen, and it offers some of the most tech-savvy stadium experiences in the country.

Yet its latest hallmark feature -- 3,750 thin-film solar panels atop the adjacent CenturyLink Field Event Center -- isn't visible to most fans. Covering an estimated 2.5 acres, or 80 percent of the sprawling event center's roof, the panels are capable of generating more than 830,000 kilowatt-hours of electricity annually, or roughly the amount consumed by 95 Seattle-area homes in a year.

Tull of the Green Sports Alliance said that kind of investment in Seattle, whose large number of rainy days make it a kind of anti-Phoenix for solar resources, sends a strong signal to franchise owners across the country that every sports stadium or arena can reduce its carbon footprint, whether through renewables or

other efficiency and conservation measures.

"I think for new facilities, at this point, the bar has been raised pretty high to where the norm in new facilities is going to include these kinds of technologies and efficiency measures," Tull said.

"If you're a facility owner and you're not aggressively looking at the energy efficiency, you're losing money," he added. "And on the renewables side, there is a competition now for the best-in-class, high-performance facilities. If one [franchise] installs 8,000 solar panels, I guarantee you the next installation is going to be 8,010 panels. It's great to see that competitive nature there."

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Subject Uncertainty is hurting alternative energy investment --- Hedge Funds Short Clean Energy as Goldman Pares Stakes

News Headline: Hedge Funds Short Clean Energy as Goldman Pares Stakes | [REDACTED] [REDACTED]

Outlet Full Name: Bloomberg BusinessWeek - Online

News OCR Text: (Adds BlackRock sale of American Superconductor in ninth paragraph.)

Dec. 1 (Bloomberg) -- Hedge funds increased short selling in U.S. renewable energy stocks to the highest level in a year, boosting bets against First Solar Inc. and Tesla Motors Inc. as government support for low-polluting technologies faltered.

Seventeen percent of the freely traded shares of the 35 U.S. stocks in the WilderHill New Energy Index are sold short, compared with 16 percent in October and 15 percent in August, data compiled by Bloomberg show. That's almost four times the 4.4 percent short ratio of the Standard & Poors 500 index. In the run-up to this week's global climate talks in Mexico, short sellers targeted makers of wind turbines, solar panels and electric cars whose sales also were undermined by cash-strapped European governments cutting subsidies. Goldman Sachs Group Inc. and BlackRock Group trimmed long positions in renewable-energy shares in the third quarter, filings show. The lack of an international agreement on climate change and short-term uncertainty on policy support across the globe makes the sector fairly susceptible to predatory trades from hedge funds, said Krishnan Shakkottai, a market analyst at Bloomberg New Energy Finance in London. Republican gains in U.S. mid-term elections are a huge deal, he said. President Barack Obama said he may be unable to reduce U.S. greenhouse-gas emissions after Republicans regained control of the House in Nov. 2 elections. Republicans say they will seek to roll back Environmental Protection Agency rules limiting carbon venting, ease curbs on coal mining and may try to block billions of dollars in federal subsidies for clean power. Uncertainty over future subsidies already cut installation of new wind turbines in 2010, the American Wind Energy Association said. The industry added 395 megawatts of capacity in the third quarter, the least since 2007, the AWEA said.

Zoltek Cos., a maker of carbon fiber for blades used in wind turbines, and American Superconductor Corp., whose converters connect those machines to power grids, were among the most-shortest stocks, according to the data, which doesn't include investor names.

Investors borrowed 4.4 million Zoltek shares to sell, 16 percent of its float, according to Bloomberg data. American Superconductor has 27 percent of its traded shares loaned to short-sellers, who promise to buy back the stock at a later date, hoping to acquire them at a discount to the price they received. At First Solar, which is 25 percent shorted, spokesman Alan Bernheimer declined to comment.

Goldman Sachs sold 178,441 American Superconductor shares in the third quarter, reducing its stake by a third while Deutsche Bank cut its holding by 5 percent, according to regulatory filings. Investment firm BlackRock, the company's second-biggest shareholder, reduced its stake to 9 percent from 12 percent. The stock has since gained about 9 percent. Goldman Sachs London-based spokeswoman Fiona Laffan, Deutsche Bank's Mayura Hooper in New York and BlackRock's Lauren Trengrove in New York declined to comment. Spokespeople for Zoltek, First Solar and American Superconductor didn't return calls seeking comment.

The most-shortest stock was Tesla Motors, the California electric carmaker headed by PayPal Inc. founder Elon Musk, which gained about 60 percent this month after it sold a \$30 million stake to Panasonic Corp.

Investors had shorted 65 percent of Tesla's free-float as of the latest data compilation, dated Nov. 15. Almost 90 percent of the company's stock is controlled by major shareholders including Musk, Toyota Motor Corp. and Abu Dhabi Water & Electric Authority. Tesla's press office didn't respond to an e-mail

seeking comment.

Solar panel makers are also suffering as European governments, struggling to contain the fallout from the financial rescue packages requested by Greece and Ireland, curb rates paid for power from photovoltaic panels. We are just coming off a period of strong fundamental performance and we expect demand to weaken sharply, Robert Clover, global head of clean power research at HSBC Plc in London, said in an interview. Clover forecast that global panel demand will drop 50 percent in the first quarter of next year from the previous three months.

Still, U.S. demand for photovoltaic panels may offset the declines in Europe as falling panel prices allow utilities to build industrial-scale solar generators, according to Shayle Kann, an analyst at GTM Research in Boston. Kann forecasts U.S. power companies will install 5,000 megawatts, or \$8 billion, of solar panels annually by 2015.

Investors have shorted 25 percent of the shares of Tempe, Arizona-based First Solar, the worlds biggest solar module producer, and 22 percent of SunPower Corp., its rival based in San Jose, California.

Goldman sold 17 percent of its holding in First Solar in the third quarter and Deutsche sold 28 percent. Edgewood Management LLC, Calamos Advisors LLC and Morgan Stanley & Co. also cut their exposure to that stock, U.S. regulatory filings show.

--With assistance from Christopher Martin in New York; Editors: Todd White, Randall Hackle

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Subject California Air Board Chair, Investors Join in Promoting
Stricter Vehicle Standards

Daily Environment Report: News Archive > 2011 > May > 05/12/2011 > News > Climate Change:
California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

California Air Board Chair, Investors
Join in Promoting Stricter Vehicle Standards

LOS ANGELES—California Air Resources Board Chairman Mary D. Nichols joined investment analysts May 11 in touting the potential economic benefits of stricter vehicle fuel economy and greenhouse gas standards.

Speaking at a conference in Oakland, Nichols said the state's decades-long battle for the cleanest cars possible and reductions in air pollution has yielded trillions of dollars in benefits by reducing hospital stays and increasing worker productivity.

"We've made our citizens better off and we've got great cars," Nichols said during a session at a conference sponsored by Ceres, which continues May 12. Ceres is a national network of investors, environmental organizations, and other public interest groups that promote sustainability.

Nichols spoke briefly on the joint effort under way by California and the Obama administration to draft a new generation of national standards for 2017-2025 model year vehicles, but offered no specifics on the proposed rulemaking other than to say it is due in September.

"I'm very interested in the results of the Ceres report" that came out in March, which indicated that the most stringent standards the Environmental Protection Agency and Department of Transportation are considering could boost profits for U.S. automobile makers 8 percent by 2020 and save drivers \$3,000 a year in fuel costs, Nichols said.

Released March 30, the report was based on an assumption that fuel economy standards would increase by 6 percent a year between 2017 and 2025 (62 DEN A-3, 3/31/11).

Fuel Economy Boost Sought

In a notice of intent and technical analysis released in October, EPA and the National Highway Traffic Safety Administration asked for comment on a range of new standards that would boost fuel economy from 3 percent to 6 percent each year.

Investment analysts on the panel stressed the need for the new national standards to provide the regulatory certainty needed to attract investment in advanced vehicle technologies in the United States.

In the opening session at the conference, California Public Employees' Retirement System Chief Executive Officer Anne Stausboll announced the pension plan has made commitments to integrate the Ceres environmental, social, and governance goals into its practices and its work to encourage signatories of the Investor Network on Climate Risk to address environmental sustainability issues.

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Subject Green Investment Groups Urge EPA To Regulate Coal Ash
as Hazardous Waste

Solid Waste

Green Investment Groups Urge EPA To Regulate Coal Ash as Hazardous Waste

Institutional investors representing \$240 billion in assets urged the Environmental Protection Agency Sept. 15 to adopt the stricter of two proposed options for regulating coal ash, saying current regulations protect neither the environment nor the financial interests of coal-fired power plant owners.

"The catastrophic coal ash spill at the Tennessee Valley Authority pond in December 2008 demonstrated that current regulations are not enough to mitigate environmental and financial risks for utilities and shareholders," said a letter drafted by Green Century Capital Management and As You Sow.

The letter signed by 24 groups of investors was submitted to EPA Sept. 15 as a comment on the proposed rules. Green Century calls itself "an investment advisory firm focused on environmentally responsible investing." As You Sow is a nonprofit organization dedicated to promoting "corporate responsibility, social justice and environmental protection."

They told EPA that it is not just the TVA situation that concerns them. "There is documented evidence of coal ash contamination from leaching or spillage at over 67 different sites in the U.S.," according to Emily Stone, a shareholder advocate at Green Century.

Groups Endorse Subtitle C Option

The investors endorse the financial assurance requirement in Subtitle C, which would assure shareholders and enforcement agencies that a company has sufficient financial resources in place to cover response and cleanup of any releases of coal ash, to close down coal ash sludge ponds, or to deal with any other coal ash-related impacts.

The investors said in their letter that coal ash ponds and landfills are subject to "less consistent regulation than landfills accepting household trash."

They note that the TVA is facing over \$1 billion in costs along with dozens of lawsuits after the December 2008 spill of over 1 billion gallons of coal ash sludge from a storage pond in Kingston, Tenn. (250 DEN A-4, 12/31/08)

Two Options Proposed in May

EPA proposed a rule in May offering two options for regulating disposal of the ash generated by coal-fired power plants. One proposal would regulate it through EPA's regulatory scheme for hazardous waste, and the other would continue to designate it as nonhazardous waste, and the primary enforcement authority would rest with the states (85 DEN A-11, 5/5/10).

The first plan would govern coal ash disposal under Subtitle C of the Resource Conservation and Recovery Act, and is supported by most environmental groups and states that have publicly commented.

The Subtitle D option, generally favored by the industry, would still "raise the bar nationally" by requiring disposal site liners, monitoring, and other protective measures, a Duke Energy official said at an EPA

public hearing in Charlotte, N.C., on Sept. 14 (177 DEN A-10, 9/15/10).

The coal-fired power industry is citing lack of landfill capacity and increased costs of doing business among other reasons for opposing the more stringent regulation.

In addition to accepting written comments, EPA is holding public hearings in states most affected by the coal ash generated by coal-fired power plants.

Five have been held and three more are scheduled: Sept. 16 in Chicago, Sept. 21 in Pittsburgh, and Sept. 28 in Louisville. Another will be scheduled in Knoxville, Tenn., the week of Oct. 25, but no specific date has been set.

Signatories to the comment letter from investors included the state treasurers of Oregon and Connecticut, and the comptroller of the New York State Common Retirement Fund, as well as several private investment groups.

By Janice Valverde

More

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11/17/2010 03:33 PM

To "Richard Windsor", "Barbara Bennett", "Paul Anastas"

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Subject 4. BUSINESS: Corporate 'sustainability' push flowers in sluggish economy (11/17/2010)

4. BUSINESS: Corporate 'sustainability' push flowers in sluggish economy (11/17/2010)

Nathanial Gronewold, E&E reporter

NEW YORK -- The recession taught many companies that "sustainability" can mean profits.

Slashing energy use and streamlining production in hard times, businesses learned that being green made a positive difference in their bottom lines and made a positive impression on Wall Street analysts and investors.

[REDACTED]

So companies are now zeroing in on a range of green targets -- from curbing water consumption to analyzing the greenhouse gas emissions of suppliers -- to show the Street that solid managers are in control.

[REDACTED]

Consider the case of Goldman Sachs Group. Three and a half years ago, the firm launched GS SUSTAIN, a research-advice service that looks to environmentalism as much as it does management talent and market share. At the time, the firm said it wanted to prove investors could achieve solid, long-term returns from equity holdings through a focus on a company's performance on environmental, social and corporate governance (ESG).

Although GS SUSTAIN began just before the 2008 financial crash, the effort has survived and thrived, tripling its staff through the period and generally outperforming the overall market by a significant gap. Goldman Sachs says the GS SUSTAIN Focus List, an index of the top tier of the 1,000 companies tracked, has outperformed the more generalized MSCI All Country World Index by 39.9 percent since the unit's creation in June 2007.

Key to that performance, they say: methodology developed to measure corporate social responsibility, determining how closely and carefully a company's managers heed the environmental and social impacts of doing business.

"On average, the performance of the companies we've highlighted has been extremely strong," said Andrew Howard, Goldman's head of GS SUSTAIN research. "The philosophy and the logic behind what GS SUSTAIN is trying to achieve has been effective over the last three and a half years."

Companies large and small seem to be taking notice, and consultancies are reaping the benefit as firms scramble to understand how they stack up to their competitors.

In the latest example, Unilever this week announced a campaign to "decouple future growth from environmental impact." Central to the announcement is a goal to cut by half the amount of water, solid waste and carbon emissions from product production, supply chain and end-use consumers. Unilever CEO Paul Polman said he sees no conflict between sustainability and shareholder returns.

"We are already finding that tackling sustainability challenges provides new opportunities for sustainable growth," Polman said at an event announcing the initiative. "It creates preference for our brands, builds business with our retail customers, drives our innovation, grows our markets and, in many cases, generates cost savings."

Not to be outdone, Avon, the cosmetics giant more famous for tackling women's issues, said it has launched a new global green campaign starting this year with a focus on product manufacturing. "We set very, very tight and stringent goals," Avon CEO Andrea Jung told a sustainability-focused event for executives in Manhattan. "We're committed to progress in water, energy, recycling and waste."

Green consultants doing 'quite well'

Companies that consult on corporate sustainability, many with their own specialized ESG offices, have also done well throughout the downturn.

Firms scrambling to hire them not only to manage their corporate social-responsibility reports but also to integrate green practices into their entire operations are signs, many executives say, that corporations are taking to heart the concept that firms that are more environmentally and socially aware are also more profitable.

The "Big Four" accounting and auditing firms as well as a range of smaller competitors are reporting that their divisions specializing in greenhouse gas accounting, managing water consumption and auditing energy use have all grown during the recession years, with demand for these services only getting stronger.

"It's been doing quite well, even in spite of the recession," said Chris Park, national leader of sustainability and climate change services at Deloitte. "While we slowed down a little bit during the recession in sustainability, we took the opportunity to really refresh our growth strategy and kind of double down on sustainability, alternative energy and related topics as the growth areas."

Today, sustainability advising is one of Deloitte's top five growing business segments. Officials with Ernst & Young, PricewaterhouseCoopers and KPMG all report similar results.

Though the firms had built up those service areas in anticipation of cap-and-trade legislation for curbing U.S. greenhouse gas emissions, the business of carbon management and green consulting has branched out into services ranging from assurance to tax compliance and corporate performance audits.

"The business is very robust," said Steve Starbuck, Americas head of climate change and sustainability services at Ernst & Young. "Even without federal regulation, and even without state regulations, our clients are being driven by a number of different business drivers; the most obvious one is that companies are trying to make money off of this."

The strength of that approach hasn't gone unnoticed. Through the ups and downs of the stock markets, Wall Street analysts' appetite for verifiable environmental and social indicators placed alongside financial data is getting stronger, raising the odds that financial regulators may require companies to report on their green performance every time they file quarterly earnings statements.

"What you're seeing also is regulators like the [Securities and Exchange Commission] taking some steps to require financial reports to cover material sustainability issues," said Aron Cramer, CEO of BSR, a consulting firm that specializes in social responsibility and environmental, social and corporate governance.

"I think there's a trend. I think where it lands is to me still uncertain, but I think you'll see more sustainability information in the financial, mainstream financial reporting."

Sustainability splits from climate debate

However, it's unlikely there will soon be a merging of sustainability and financial reports in the United States, although a handful of European firms are said to already be doing this, Cramer said.

"On balance, it's a good thing, but it's not unequivocally a good thing, and figuring out how to maintain both the quantity and quality and essence of the information that companies report will have to be

rethought if you have integrated reporting," he said.

The sustainability movement is also becoming more divorced from the larger climate change debate.

From a focus on carbon ahead of last December's U.N. summit on greenhouse gas emissions in Copenhagen, Denmark, the market has grown "and really has shifted to companies looking at the complete sustainability footprint," said Dailey Tipton, sales and marketing leader for FirstCarbon Solutions, an eco-consultancy.

FirstCarbon's own experience is telling.

A spinoff from ADEC Solutions, the company grew out of units that dealt mainly with credit-card application, human resources and expense management to moving into carbon footprint calculations and assessments of supply chain waste streams in 2007.

Though its very name implies a climate change-centric approach, Tipton says demand for his company's services has only increased since Copenhagen, and that customer requests reflect a higher level of sophistication as companies start to take sustainability more seriously.

"At this time last year, everyone was concerned about carbon management this, carbon management that, how do I get my footprint, how do I get my energy bills into a program to allow so on and so forth," he said. Lately, however, his clients seem to be driven more by investors and analysts' concerns and a desire to stay afoot of the trend toward sustainability in business.

Market data and information giants that serve investors are also joining the fray as they scramble to acquire in-house expertise on renewable energy, waste management and climate matters.

Most of these information firms are buying the expertise they very recently lacked.

Hence Bloomberg's purchase of New Energy Finance last December and Thompson Reuters' acquisition of the ESG-focused investment research firm ASSET4 late last year and carbon market monitor Point Carbon in May.

Booming participation in sustainability index

More and more major corporations are also working hard to get their brands listed on the Dow Jones Sustainability Index (DJSI), which has emerged over the past decade as a sort of seal of quality that identifies well-managed firms.

"We see a steady rise in the participation rate," said François Vetri, a researcher at Sustainable Asset Management in Zurich, the company that assists Dow Jones with creating the index.

"Even during the recession, because sustainability has reached top management or even board level, each company wants to be perceived as being sustainable, and since the DJSI is one of the most renowned indexes, yes, they do want to get in it," Vetri said. "That's exactly what we want."

Competition for spots on the DJSI is exploding.

From just 200 firms agreeing to fill out the lengthy questionnaire at the start of measuring in 1999, Vetri said, today, more than 700 firms actively do so, a number that is steadily rising.

Though the corporate world has experienced bouts of green euphoria in the past, many experts say it's here to stay this time.

"Our sincere belief is that if it were a fad, it would have dwindled out in '03, '04 or maybe '05," Deloitte's Park said. "It stuck around longer than that, it has weathered this recession as a top issue, and now, if anything, the global recovery will only reignite the debate about human impact on climate, energy, energy

security, social impact and all those other sorts of things.

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04/21/2011 10:02 AM

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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).

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05/10/2011 11:00 PM

To "Richard Windsor"
cc "Bob Perciasepe"
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Subject Bloomberg-Clinton group

Administrator,

Would you be interested in meeting with the leadership of the newly merged Bloomberg (C40)-Clinton Climate Initiative (CCI) organization?

Best,

Charles

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Subject Climate Change Risk Disclosure Shareholder Proposal Faces
GE Shareholders

[OBJ]

Climate Change Risk Disclosure Shareholder Proposal Faces GE Shareholders

WASHINGTON, April 27, 2011 /PRNewswire-USNewswire/ -- Officials from the National Center for Public Policy Research will present a Climate Change Risk Disclosure shareholder proposal at the GE shareholder meeting Wednesday. If adopted, the proposal will require GE management to follow SEC guidance by disclosing the business risk from changes in the scientific, legislative and political landscape regarding developments in climate change.

Participating in the shareholder meeting are Tom Borelli, Ph.D., director of the National Center's Free Enterprise Project, David A. Ridenour, vice president of the National Center, and Deneen Borelli, full-time fellow of the National Center-sponsored Project 21 black leadership network.

"The shareholder proposal was based on guidance issued by the Securities and Exchange Commission, which voted in 2010 to encourage corporations to disclose the possible business and legal impact of climate change to shareholders," said Dr. Tom Borelli. "Many CEOs have not been forthcoming about the business risk related to changes in climate change policies and have failed to exercise their fiduciary responsibility by not assessing and communicating the impact of emissions regulations on their businesses."

GE petitioned the SEC to permit it to reject consideration of the proposal, but the SEC ruled in favor of the National Center for Public Policy Research.

Polling conducted by the National Center for Public Policy Research and FreedomWorks in October 2010 reveal GE has further placed itself at financial risk by alienating conservative consumers.

"Among self-identified conservatives, which is 42% of the U.S. population, GE had a 51% favorable and 25% unfavorable rating until they learned that GE lobbied for President Obama's \$787 billion stimulus plan, from which it benefited, and for cap-and-trade," said David Ridenour. "Then the numbers almost switched: 20% favorable and 50% unfavorable."

"What's more, added Ridenour, "our polling showed sixty percent of conservative voters are less likely to buy products from companies that have lobbied in favor of Obama's legislative agenda, as GE repeatedly has done, and in a high-profile manner. GE is driving away these consumers by lobbying for big government."

Polling results are available at <http://www.nationalcenter.org/teapartysurvey.pdf>

In 2011, the National Center and FreedomWorks jointly produced a commercial questioning the leadership of GE CEO Jeffrey Immelt, viewable at <http://youtu.be/9op8B3ZcnD4>

National Center for Public Policy Research personnel will participate in the "Fire Jeff Immelt Rally" being organized by Utah Rising, FreedomWorks and local Tea Party organizations before the shareholder meeting. Dr. Tom Borelli and Deneen Borelli are scheduled speakers.

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SOURCE National Center f

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Subject Former EPA Policy Chief Sees OTAQ As Model To Reduce,
Prioritize Rules

Daily News

Former EPA Policy Chief Sees OTAQ As Model To Reduce, Prioritize Rules

Posted: February 6, 2012

Former EPA policy chief Lisa Heinzerling says the agency is overburdened with rules driven by statutory and legal deadlines and should cut its workload by pursuing fewer rules and focusing on high priority regulations, citing EPA's Office of Transportation and Air Quality (OTAQ) as a model for other offices on prioritizing rules.

Although OTAQ faces various deadlines under the Clean Air Act for issuing air and other regulations, the office identifies high priority rules that fit its "vision" of what the transportation industry should look like, Heinzerling told a Feb. 2 American Law Institute-American Bar Association (ALI-ABA) conference in Washington, DC. As a result OTAQ misses some deadlines to focus on other rules, avoiding a "conveyor belt" of putting out rules, she said.

Environmentalists have sued EPA for failing to issue rules, with activists currently pursuing a lawsuit against EPA for failing to develop a finding on whether greenhouse gases (GHG) endanger human health and welfare. But EPA is fighting the lawsuit by arguing that it has "more urgent" priorities to address ahead of the risk finding.

For example, OTAQ is first targeting larger mobile sources of GHGs such as automobiles, with a final fuel economy and GHG rule for model year 2017-2025 light-duty vehicles due for release this fall.

OTAQ's delay on the risk finding "in no way indicates that EPA is somehow lacking in commitment to greenhouse gas regulation -- it means only that EPA has pursued more urgent priorities first, and has ordered its actions with an eye to obtaining the greatest environmental return for its investment of agency time and resources," the agency argued in a July 27 motion filed with the U.S. Court of Appeals for the District of Columbia Circuit.

At the ALI-ABA event, Heinzerling said that OTAQ's approach of prioritizing rules that fit the office's broader vision and letting some deadlines slip for other regulations is a good model for other offices. "Perhaps, the agency could instead re-group a little," identify those rules that are the most important, "and just do them."

This involves the "painful" process of telling some offices in the agency that their rules are a lower priority and will not be pursued for the time-being, she said. But shifting the focus to higher priority regulations could also help alleviate the resource burdens that some agency offices face in crafting dozens of new regulations.

For example, EPA's Office of Air and Radiation faces a slew of deadlines for issuing or revising rules set out in the air law, through court mandates and in consent decrees with environmentalists and others that sue to force action on rules.

Heinzerling's comments suggest that EPA should take a more selective approach agency-wide in deciding which of those deadlines are priorities, and let some slip in order to focus on the most important rules.

Some panelists at the ALI-ABA event said the idea that EPA's rulemaking is deadline-driven is a "legal fiction," but Heinzerling rejected that claim. At the same time, she suggested EPA focus its shrinking resources on the most important new rules rather than ensuring it abides by all of the legal or statutory deadlines it faces.

EPA On 'Autopilot'

Environmental attorney E. Donald Elliott, of law firm Willkie Farr & Gallagher LLP, speaking at the same event, noted that the Clean Air Act amendments of 1990 set EPA on "autopilot" by requiring rules on several fixed schedules, resulting in the conveyor belt effect. He added, though, that this is still preferable to trying to limit pollution from major industry sectors through legislation, given the current gridlock in Congress on environmental issues.

Both Elliott and Heinzerling noted the trend for EPA to issue "mega rules," or packages of major rules such as the maximum achievable control technology (MACT) standards for utilities and boilers, and the cross-state air pollution rule (CSAPR), EPA's cap-and-trade program to limit interstate pollution from power plants.

Congress in the past tried to address the goals of rules of this magnitude through legislation, such as the acid rain program of the 1990s, but in the current political climate this is not an option, they said.

The two speakers also noted the likelihood of more so-called mega rules being issued in the future, with Heinzerling citing forthcoming ozone and particulate matter national ambient air quality standards as examples.

At the event, Heinzerling also said that the Administrative Procedure Act's notice-and-comment requirements for rulemakings should be reassessed. Heinzerling said it is "ridiculous" that rules can take up to 15 years to be issued because of notice-and-comment for various stages of the procedure. Further delays can occur when groups file suits claiming flaws in the notice-and-comment process, she said. -- Stuart Parker (sparker@iwpnews.com)

Related News: Air

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Subject North America 2050 Initiative Created For State Collaboration
on Climate, Energy

Daily Environment Report: News Archive > 2011 > November > 11/28/2011

North America 2050 Initiative Created For State Collaboration on Climate, Energy

By Carolyn Whetzel

LOS ANGELES—States interested in collaborating on climate change and energy policies have a new forum called North America 2050.

The forum grew out of an effort that began in 2009 when representatives of the Regional Greenhouse Gas Initiative (RGGI) in the East, the Western Climate Initiative (WCI), and the Midwestern Greenhouse Gas Reduction Accord (Midwest Accord) teamed up to share information, Doug Scott, former director of the Illinois Environmental Protection Agency and representative to the Midwest Accord, told BNA Nov. 23.

Political shifts in state houses have prompted states involved in WCI and the Midwest Accord to retreat from plans to pursue regional greenhouse gas emissions cap-and-trade programs, but the states still want to keep working together on a variety of issues, said Scott, now chairman of the Illinois Public Utilities Commission (224 DEN A-13, 11/21/11).

"There are a lot of reasons for states to work together on climate and energy policies," Scott said. "The ability to promote energy efficiency and create jobs" is something all states can get behind. Sharing and developing strategies for implementing federal regulations, like the new source performance standards for stationary sources the Environmental Protection Agency is proposing, can be helpful, he said.

"All the states are going to have to deal with the federal rule," Scott said.

Formal Structure Sought

Efforts are under way to formally establish North America 2050 (NA 2050), which will adopt the basic "work group" framework for collaboration established when WCI and the Midwest Accord were formed, Scott said.

Specifically, NA 2050 will create work groups to address the energy, climate change, and economic challenges facing each partner jurisdiction, he said.

The first news of NA 2050 emerged with the Nov. 10 announcement by WCI Inc. that California and the Canadian provinces of British Columbia, Manitoba, Ontario, and Quebec had formed a nonprofit organization to support linking their respective cap-and-trade programs.

A fact sheet on the WCI website said NA 2050 "is open to all U.S. States, Canadian Provinces, and Mexican States committed to policies that move their jurisdictions toward a low-carbon economy while creating jobs, enhancing energy independence and security, protecting public health and the environment, and demonstrating climate leadership."

"We plan a face-to-face meeting early in 2012," Scott said.

The new partnership will aim to coordinate efforts to develop cost-effective policies; advocate for appropriate roles for federal, state, and provincial governments; reduce greenhouse gas emissions; and demonstrate the economic benefits of policies, the fact sheet said.

Creation of Seven Work Groups

NA 2050 envisions the creation of seven work groups to:

- evaluate the benefits of a low-carbon economy,
- better understand and prepare for implementing the new source performance standard requirements for the power sector,
- develop programs to promote industrial energy efficiency,
- examine issues surrounding carbon capture and sequestration,
- evaluate and support the use of harvested biomass fuels,
- develop high-quality offsets that could be used for emissions trading or for other purposes, and
- examine issues related to possible linking of emissions trading programs in the future.

According to Scott, all the original partners of WCI (Arizona, California, Montana, New Mexico, Oregon, Utah, Washington, British Columbia, Ontario, and Quebec); the Midwest Accord (Wisconsin, Minnesota, Illinois, Iowa, Michigan, Kansas, and Manitoba), and RGGI (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont) are expected to continue working together through NA 2050.

In addition, the hope is that other states will join the forum, Scott said.

CARB Chief Supports New Entity

Mary D. Nichols, chairwoman of the California Air Resources Board, said in a Nov. 17 statement in support of NA 2050, "We have high hopes that this effort will enable our state and provincial partners to join us in taking comprehensive action that reduces greenhouse gas emissions and creates economic opportunities."

"There are many opportunities for states and provinces to take real, measurable steps to cut carbon emissions and reduce petroleum dependency," the statement said.

Nichols reiterated California's commitment to link its multisector greenhouse gas emissions trading program to those being developed in British Columbia, Manitoba, Ontario, and Quebec.

The fact sheet on North America 2050 is available at

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Subject [\[REDACTED\]](#) CAMPAIGN 2012: Obama highlights energy agenda at
NYC fundraisers (04/28/2011)

[\[REDACTED\]](#) CAMPAIGN 2012: Obama highlights energy agenda at NYC fundraisers (04/28/2011)

Elana Schor, E&E reporter

[\[REDACTED\]](#)

President Obama cast energy reform as a major piece of unfinished business for his administration in a trio of New York City fundraisers last night, defending his spending on renewable power and promising not "to sacrifice clean air and clean water" during deficit-reduction talks.

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The president's remarks came as Republicans gear up for a summer of slamming the White House over domestic fossil-fuel production policies that they blame for driving gas above \$4 per gallon in many areas of the country. Even as polls show Obama's popularity taking a hit from the price spikes, he doubled down on the same calls for more clean-energy investment and fewer oil and gas subsidies that are driving the Democratic agenda on Capitol Hill.

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"We want to invent the next big energy breakthrough that is going to make sure that we're no longer dependent on foreign oil, and we can start finally doing something about climate change, and we're not vulnerable to huge spikes in gasoline prices," Obama told about 350 people at the Waldorf-Astoria Hotel.

The absence of the phrase "climate change" from Obama's State of the Union address this year came as a symbolic blow to some environmentalists who worked on the issue during the 111th Congress. But last night, Obama followed that mention by touting the multibillion-dollar infusion given to the Department of Energy by his 2009 economic stimulus law, another arena where Republicans have slammed the White House as wasting taxpayer money.

The stimulus is "already changing how jobs and businesses across the country are thinking about energy," Obama said at a town hall fundraiser, his third on a night that raised an estimated \$2 million to \$3 million for the Democratic National Committee and his re-election.

Still, the president added, "we've got a lot more work to do to have an energy policy that works." That work could be paid for, Obama contended, by rolling back more than \$4 billion in tax benefits for major oil and gas companies -- a plan that stoked a political conflagration this week after House Speaker John Boehner (R-Ohio) appeared open to considering it (Greenwire, April 26).

"I'm not going to reduce our deficit by sacrificing the things that always made us great as a people," Obama said at the town hall fundraiser. "I'm not going to sacrifice clean air and clean water."

The central role for energy in Obama's remarks -- during his first fundraiser, at the home of former Gov. Jon Corzine (D-N.J.), he put it on par with immigration in terms of still-pending priorities -- suggests that if bipartisan accord cannot be reached during this Congress, the issue would climb even higher on the agenda for his second term.

Yet Republicans are anything but willing to give ground to the White House on energy, particularly given the potential for high gas costs to kneecap Obama's re-election efforts. GOP lawmakers point out that eliminating tax subsidies for the oil industry, as Democratic leaders are pushing for, would translate into

scant immediate help for consumers squeezed by prices at the pump.

Moreover, the president's party is far from unified on an issue now consuming an increasing amount of oxygen in Washington. Rep. Dan Boren (D-Okla.), a member of the conservative Blue Dog Democrats, lambasted the president for pursuing a rollback of tax benefits that he said would lead to job losses in the oil patch.

"He may write off Oklahoma," Boren said of Obama in an interview with Fox News yesterday. "I don't know if he has been to Oklahoma since the last election, but he should be in places like the Gulf Coast, because, I mean, people are losing their jobs every single day because of this administration's policies

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01/20/2012 04:31 PM

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Subject OIL AND GAS:House Republicans spoil for fight on fracking

OIL AND GAS: House Republicans spoil for fight on fracking

Mike Soraghan, E&E reporter

Published: Friday, January 20, 2012

House Republicans' top investigator is going after the Obama administration's approach to shale gas drilling and hydraulic fracturing, creating the potential for an election-year fight about the nation's drilling boom.

House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) is questioning whether U.S. EPA chief Lisa Jackson has "prejudged" fracturing as an environmentally threat worthy of strict federal regulation. And he has subpoenaed Energy Secretary Steven Chu about how he chose a panel to look into the safety of shale gas drilling.

Issa issued the subpoena Oct. 5, but he is now taking the fight public as the congressional Solyndra investigation winds down and the Keystone XL pipeline debate picks up steam. The move also comes as EPA and Jackson spar with Pennsylvania officials about drilling and water contamination in Dimock, Pa. (Greenwire, Jan. 16).

"Three federal agencies are vying for the role of federal regulator of the industry," Issa wrote in a letter yesterday that was also signed by Rep. James Lankford (R-Okla.), who chairs an oversight subcommittee. "It appears EPA is preparing to regulate the practice of hydraulic fracturing in such a way as to make an unreliable method of obtaining natural gas."

Issa also demanded an answer to a question often asked by industry backers: "Can EPA cite a single instance where the practice of hydraulic fracturing has led to groundwater contamination?"

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For the first time, Jackson's answer to that could be yes. EPA officials recently released a study of water contamination in Pavillion, Wyo., that found "constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer" under Pavillion (E&ENews PM, Jan. 17).

However, EnCana Corp., the local driller, has categorically denied the allegations. And EPA didn't report finding fracturing chemicals in residents' drinking water, only in the deeper aquifer. The EPA study was done by some of the same EPA offices conducting a wide-ranging inquiry into whether fracturing poses a threat to drinking water. The study is due after the November election.

In response to Issa's letter, an EPA spokeswoman issued a statement that sidestepped his accusations.

"EPA has in several instances responded to public concerns about potential drinking water contamination. We have conducted a water investigation in Pavillion, Wyo., and will begin a round of water sampling at residences in Dimock, PA, in both cases after residents expressed concern about water contamination in their wells," the agency said. "In the meantime, if we see an immediate threat to public health, we will not hesitate to take steps under the law to protect Americans whose health may be at risk."

Issa's accusation that EPA expects U.S. EPA to try to block hydraulic fracturing is extrapolated from emails between staffers at the Federal Energy Regulatory Commission during a review of the Utility

MACT rule. He cites a March 15, 2011, email from David Kathan, an economist in FERC's Office of Energy Policy and Innovation.

"EPA rejects the option of fuel switching based [on] its concerns about natural gas availability and environmental impacts of hydraulic fracturing associated with shale gas production," Kathan wrote. He said EPA would support a conclusion about electricity availability only if FERC believes certain amounts of power could be generated "without the use of hydraulic fracturing."

To Issa, that contradicts Jackson's testimony in hearings that state governments are the appropriate "first line of defense" against environmental damage.

"EPA's comments to FERC demonstrate EPA has come to a predetermined conclusion that hydraulic fracturing will be imminently regulated by EPA," Issa wrote.

A fine line

The Obama administration expanded a Department of Energy advisory panel in May and asked members to undertake a study into the safety of shale gas drilling and hydraulic fracturing.

President Obama was trying to walk a fine line between supporting the job-creating shale gas industry and environmentalists pointing out water contamination and other industrial pollution around drilling sites.

The committee issued a report that hailed the potential of shale gas as an energy source, but said drilling companies' lax approach to environmental protection risked a political backlash that could jeopardize expansion of the industry (Greenwire, Aug. 11, 2011).

As soon as the panel was formed, Issa, other Republicans and industry groups such as the American Petroleum Institute complained that Chu had not chosen any oil and gas company employees for the panel, while the group did include the head of an environmental group.

Environmentalists, on the other hand, complained that all but one member of the panel had financial ties to the oil and gas industry.

Since the subpoena was issued, there has been a behind-the-scenes tussle between administration appointees at DOE and Issa's staff that was laid out in a letter yesterday to Chu.

But DOE hasn't given committee staffers the documents they want. So Issa is demanding that seven DOE staffers submit to transcribed interviews, including White House liaison Mackey Dykes and Chief of Staff Brandon Hurlbut.

DOE officials said they're reviewing Issa's letter and said they have cooperated with Issa's investigation. But they defended the composition of the fracking panel.

"While Chairman Issa's investigation is based on the concern that the panel would be biased against industry, the group of experts brought together by Secretary Chu to help improve the safety and sustainability of natural gas fracturing included leaders from industry, states, environmental groups, and academia," said DOE spokeswoman Jen Stutsman. "The final report produced by the group was widely recognized as balanced and nonpartisan."

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Subject Reuters Analysis: Gas is killing green energy in price war

Top News

Analysis: Gas is killing green energy in price war

Thu, Jun 16 15:57 PM EDT



By Gerard Wynn

LONDON (Reuters) - A widening shale gas revolution is killing the economics of renewable energy, even as falling costs allow wind and solar to overtake fossil fuels in niche areas, say energy executives and analysts.

Solar panel prices are down about 10 percent this year, but chasing a moving target as discovery of cheap shale gas spreads beyond the United States, experts told Reuters energy and climate summit.

Even big renewables investors, such as French energy company Total, see solar as a tiny part of the picture decades out, compared with gas. Total paid \$1.4 billion for a majority stake in U.S.-based SunPower Corp.

"You have one energy that represents today more than 20 percent of the energy mix, and solar today is close to zero and will represent maybe 1 or 1.5 percent in 20 years from now," said Jean-Jacques Mosconi, Total head of strategy.

The trouble is that a new "golden age of gas," as the International Energy Agency dubbed it, has created massive over-capacity in a key rival fuel for power generation.

"The economic viability of a lot of the renewables are getting killed because we have too much gas in the world right now," said Jeff Currie, global head of commodities research at Goldman Sachs.

"It's made a lot of these other projects like solar and wind struggle in terms of their economic viability, and coal too."

Building new gas plants was half the price of new nuclear, and much cheaper than wind and solar, said John Rowe, chairman of U.S. power company Exelon Corp. Shale gas has especially suppressed prices in the United States.

Energy ripples from a Japan quake, where some countries are now rolling back nuclear plans after the Fukushima crisis, would favor coal and gas as much as renewables, said International Energy Agency chief economist Fatih Birol.

"When Germany say they are going to use alternative energy sources, I just don't see it, if you try to switch now to solar power it will cost them 20 times more," said Peter Csoregh at Robeco's Natural Resource equities fund, expecting instead greater use in Germany of gas, coal and imported nuclear.

FALLING SOLAR

Offshore wind may be in the same cost range as gas by 2015, said Joergen Kildahl, a board member at Germany's E.ON group, one of the world's biggest utilities.

But that did not include the cost of building back-up for the intermittent power source. "You need to buy the flexibility to balance your production. That's a big question mark," he said.

After steep price falls solar power is now close to being economic without subsidies -- called grid parity -- but only in niche areas including parts of California and Italy, sunny places with high power prices and fewer alternatives.

Falls in solar panel prices may flatten by 2013-2014, said Steven Chan, president of Suntech America, the North American unit of Chinese panel maker Suntech, who cited studies suggesting widespread grid parity with retail power prices by 2015.

Trina Solar, China's largest solar panel maker by value, was shipping modules at \$1.50-1.55 now, down nearly 10 percent from a year ago, and expected prices at \$1.40-\$1.45 by year-end.

Industry module prices had fallen by about 10 percent in the first half this year and would fall a further 4-5 percent in the summer, said Frank Asbeck, chief executive of SolarWorld, Germany's second-largest solar company by value.

"(That) is when some Chinese players will run into difficulties," he added, referring to further price falls.

Analysts and renewable energy supporters often point to hidden costs in the case of fossil fuels and nuclear.

Fossil fuels, for example, produce carbon emissions whose damaging impact on the world's climate is not priced outside Europe. Rare accidents and waste disposal may not be fully costed in the case of nuclear power. Question marks have been raised over the impact of shale gas on water quality.

"It's essential that we provide a policy framework that provides a level playing field," said Rajendra Pachauri, the head of a U.N. panel of climate scientists.

-- Additional reporting by Nina Chestney, Vera Eckert, Barbara Lewis, Karolin Schaps and Muriel Boselli in London; Christoph Steitz in Frankfurt; Nichola Groom in Los Angeles; Alister Doyle in Germany; Eileen O'Grady in Houston; and Leonora Walet in Hong Kong

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Subject House Members Predict More Riders To Limit EPA As
Spending Bill Moves

News

House Members Predict More Riders To Limit EPA As Spending Bill Moves

Posted: July 7, 2011

A House Appropriations subcommittee on July 7 approved its fiscal year 2012 spending bill for EPA, but Democrats and Republicans alike expect a slew of additional riders to limit EPA policies, including its utility and boiler air toxics rules, as the measure moves to full committee markup next week and then on to the floor. The bill passed by the interior and environment subcommittee would block funding for EPA's climate change program and nullify already-issued Clean Air Act permits for greenhouse gas emissions.

Such provisions are unlikely to pass the Senate, but in this year's muddled budget environment, it is unclear how any of the annual appropriations bills ultimately will be reconciled. The Senate has yet to begin work on its EPA spending bill. The Senate earlier this year rejected a House-passed continuing resolution that would have undone climate change and other EPA rules.

The interior and environment spending bill would cut overall EPA funding 18 percent from its existing \$8.6 billion level down to \$7.1 billion, 20 percent less than President Obama's roughly \$9 billion request for EPA in FY12.

Rep. Mike Simpson (R-ID), chairman of the subcommittee, said that the policy provisions would help rein in EPA's "overly aggressive regulatory agenda."

Appropriations Committee Chairman Hal Rogers (R-KY) said the bill "sends a very strong message" to rein in EPA's actions. "I am hopeful that these provisions are sufficient to prod EPA in the right direction."

Lawmakers suggested that when the bill goes to full committee and the House floor, they expect several more attempts to attach policy riders to limit EPA's authority. Simpson said at the hearing that the committee "turned away far more policy provisions than we included."

Speaking to reporters after the hearing, Simpson said GOP members submitted amendments to the subcommittee covering a full range of issues, including air toxics rules for industrial boilers and power plants. "I think you're going to see a whole lot of amendments. This bill could take some time on the floor," Simpson said.

Simpson said that one reason amendments were either included or not -- including riders not offered on blocking EPA's boiler and utility air rules -- was because the subcommittee was coordinating with the relevant House committees, including the House Natural Resources Committee and the House Energy & Commerce Committee.

Simpson said the subcommittee worked with and received comment from those committees as well as House leadership about language to include or exclude, and that some items were left out of the appropriations bill because the relevant committee said such provisions could complicate the ongoing work of that committee.

Democrats Ready Amendments

Rep. Jim Moran, ranking member on the interior and environment panel, told reporters after the markup that Democrats plan to offer their own amendments at the full committee markup, including attempts to strike some of the Republicans' policy provisions. While saying it would be "premature" to discuss the substance of the upcoming Democratic amendments, Moran said that what happens during the full committee markup will be a precursor to what happens on the House floor. "I expect it's going to be a drawn out markup," Moran said.

Moran also predicted the Democratic-controlled Senate would help block the riders. "This bill is never going to make it through the Senate as it is, let alone be signed, but we can't take that fact for granted," he said. "We're going to have to fight this. These are defining issues between the Republican and Democratic parties."

During the subcommittee markup, lawmakers also clashed over a provision that would block funding for new species to be listed or critical habitats to be designated under the Endangered Species Act (ESA). The act has become a flashpoint in the debate over climate change controls, as species listings could lead to new requirements for power plants and major energy consumers throughout the country.

Simpson said the provision aims to put pressure on stakeholders to work toward reauthorizing the ESA and enacting needed reforms, noting that the authorization for the legislation expired more than 20 years ago.

But Rep. Norm Dicks (D-WA), ranking member of the full appropriations committee, said the provision would "paralyze our nation's ability to protect hundreds of imperiled wildlife" under ESA, as it would deny funding for species to be listed or moved from threatened to endangered but allows funding for species to be de-listed or downgraded. -- Bobby McMahon

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Subject BUSINESS: MIT report shows sustainability means profits for
some companies

BUSINESS: MIT report shows sustainability means profits for some companies

Umair Irfan, E&E reporter

Published: Wednesday, January 25, 2012

Sustainable practices are not only good for the environment; some businesses have found that they are good for their bottom line, according to a report released yesterday.

The study from the Massachusetts Institute of Technology's Sloan Management Review and the Boston Consulting Group found that 70 percent of surveyed companies included sustainability on their management agendas and 31 percent said these initiatives have proved profitable. The report, titled "Sustainability Nears a Tipping Point," surveyed 4,000 business managers and leaders across 113 countries.

Companies are embracing sustainability in growing numbers, despite the global economic downturn, indicating that environmentally friendly practices are no longer viewed as luxuries available only in a favorable economic climate. "It might have been a case that good intentions go away in bad times. Actually, we haven't seen that," said Martin Reeves, director of the Boston Consulting Group's Strategy Institute. "There's a very big momentum here that trumped the recessionary phenomenon."

Nick Robins, head of HSBC's Climate Change Centre of Excellence, said in the report that "people are seeing that sustainability is part of the next phase of development, and that it will be disruptive and structural rather than incremental change here and there."

Part of the incentive comes from investors who are pushing for green and clean programs among businesses. "Regular institutional investors now demand sustainability credentials," said Reeves. Legislation and regulations played a role, as well, but they were not dominant forces, he said.

These changes are also driven by customers, as 41 percent of respondents said that consumer preferences drove their firms to sustainable practices. However, these inclinations don't always translate into sales. "It's very difficult to motivate individual consumers around sustainability," said Chris Librie, Hewlett-Packard Co.'s environmental initiatives director, in the report. "It's a nice-to-have, but they're generally not going to pay more for it."

As a result, sustainability is not a top priority for many businesses. "While sustainability has made it onto many management agendas, responses indicate it ranks eighth in importance among other agenda items," says the report.

Changing operating strategies

The research focuses mainly on the companies that say sustainability is enhancing their profits, a group designated "Harvesters." According to the report, this cadre of businesses goes beyond reducing carbon emissions, curbing electricity use and using recycled products; they are changing their operating strategies.

The Harvesters saved a great deal of money by improving their efficiency with respect to energy and resources. Companies like Kimberly-Clark Corp. and Campbell Soup Co. gained a great deal from

innovation, by developing new ways and technologies to reduce their environmental impact.

The report also found that Harvesters created new ways to assess sustainability and restructured their practices around it rather than trying to shoehorn conservation and efficiency into their existing management structure. These companies also have strong sustainability commitments from their leaders and collaborate with stakeholders to meet their targets. In addition, the companies that claimed sustainability enhanced their profits tended to have more experience with it, usually having spent more than six years pursuing such programs.

The global survey shows that these initiatives are taking root in companies even in developing countries. "The fastest rate of growth and adopt of sustainability is in emerging markets," said Reeves. "The image that this is a rich man's game was perhaps once true and is increasingly untrue."

Still, sustainability has room to grow in terms of influence and priority. "If we look very critically at this study, it doesn't only tell us what's baked, it tells us what's unbaked, what's the unfulfilled part of the agenda," said Reeves. "Interestingly, if we take the word sustainability literally, one of the key challenges of sustainability is short-term sustainability of the company." That is, in turbulent economic times, a company must factor in its own survival when trying to reduce its impact on the planet.

Using these strategies, Reeves said, other companies can also learn from Harvesters to profit from their own sustainability initiatives and create a sound business case for cutting consumption and tackling climate change. "I think [sustainability] is now gone from the fringe element of strategy and organization to being a core element of the managerial agenda," he said.

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Subject 4. NATURAL GAS: U.S. shale-drilling technologies finding
new homes abroad (03/10/2011)

4. NATURAL GAS: U.S. shale-drilling technologies finding new homes abroad<
<http://www.eenews.net/gw/2011/03/10/4>>



Nathanial Gronewold, E&E reporter

HOUSTON -- The United States is starting to see its shale gas revolution spread around the globe, but drilling technologies that allowed U.S. production to soar are likely to remain a North American phenomenon for some time.

Efforts are under way to export hydraulic fracturing technology that has dramatically increased U.S. gas reserves to Europe, primarily to Poland. The CEO of the French oil giant Total told an industry conference here that his company is interested in European shale gas development, and the Italian oil company Eni SpA is exploring shale gas potential in Latin America.

And China has authorized studies to determine the size and nature of shale gas reserves there. Experts say China's capacity is likely comparable to initial estimates of shale gas reserves in Europe. One estimate puts European unconventional gas potential at around 173 trillion cubic feet of total resources, a figure that rivals North American reserves, though many other experts doubt that either Europe or China enjoy reserves as high as those discovered in the United States.

But both European energy executives and U.S. oil and gas market experts caution that no one should expect the "shale gale" to wash over Europe anytime soon. Pawel Konzal, head of oil and gas industry research at the World Economic Forum, estimates that serious production of shale gas in Europe is still several years away.

"If you look at Europe, certainly we've seen in the last two years a great number of companies, which were traditionally not present in the European market entering, especially in central and Eastern Europe, so Germany, Poland, Hungary, Ukraine, doing preliminary research," Konzal said. Still, "from all the conversations we've had also at the World Economic Forum at the meetings with the industry, we can see that this is still eight to 10 years until the production will start."

China may not see serious shale natural gas developments for a decade or more, Konzal said.

There are myriad reasons for this, but chief among them are worries over the disposal of water used in the fracturing, which is also called fracking. Outside of Poland, shale gas receives mostly negative press in Europe, where the debate has focused on potential water contamination. Experts also point out that European populations are much less familiar with oil and gas drilling than their U.S. contemporaries, adding further hurdles to its widespread adoption.

"We cannot expect in Europe the quick development of shale gas," said Jean-Francois Cirelli, president of the energy firm GDF Suez. "We still have to convince all our stakeholders."

Shale gas is again the No. 1 topic at the annual IHS CERA Week energy conference here this week, as it was at last year's gathering.

Impressed by how quickly the breakthrough in hydrocarbon extraction has overturned international gas markets, speculation is rife over whether other nations have taken notice and are making inroads to spread gas use overseas.

U.S. gas producers are also being peppered with questions on whether they intend to begin exporting some of the U.S. supply as liquefied natural gas (LNG).

Thomas Farrell, CEO at Dominion Resources Inc., confirmed his company is considering investing in a platform for LNG exports from the East Coast, exploiting the abundant Marcellus Shale gas play. Exports could go not only to Europe but also to Asia, via an expanded Panama Canal once upgrade work is complete there.

But Farrell cautioned that talk of the United States becoming a major LNG supplier is just that at this point "It may turn out that we don't do it at all," he said.

Drifting overseas

Nevertheless, shale gas development is creeping overseas, at least according to announcements made here this week.

Algerian Energy and Mines Minister Youcef Yousif caused a stir yesterday when he announced that his government's geologists have discovered shale gas reserves as large as some of the major U.S. fields and that his firm is moving forward on a pilot production that could see first production by the end of this year.

Yousif said Algeria aims to become the next major shale gas developer and invited Houston's community of energy experts and shale oil and gas field service providers to enter into talks on exploration options.

Some European firms are also eager to jump aboard the shale gas bandwagon.

They are trying to sell shale gas as a cheap and easy way to dramatically cut greenhouse gas emissions in a short period of time, pointing to examples in the U.S. Northeast, where a major transition from oil- and coal-fired generation to natural gas helped the region cut its CO2 emissions by some 33 percent in five years.

"We're going to need a lot of gas as a bridge and as destination fuel," to cut CO2 emissions, said Gertjan Lankhorst, CEO at GasTerra BV. "The U.S. and Europe are well, if not best, placed to combine environmental and economic aspirations."

But there is still a major perception problem to overcome in Europe, executives admit.

"Gas is considered less fashionable than speaking about renewables," said GDF Suez's Cirelli. But he has not totally given up hope. "I'm sure that economically we will win," he said.

There are also said to be regulatory barriers to shale development in many European countries. Yet industry officials consider it a positive that energy policy is still set at the national level and is not dictated to governments by the European Union's bureaucrats in Brussels.

In China, the picture is much murkier.

Unlike in Europe and the United States, gas imports in China are almost entirely devoted to household and industrial use, and not to power generation. And coal is so cheap and abundant there that the government and energy companies have little economic incentive to make the switch.

Some observers hold out hope that China's severe environmental problems will mobilize the government to expand gas's use in power generation, at least for new power projects.

Still, IHS CERA's China experts report that the potential gas resources there lie far from major energy markets, unlike in the United States, where the Marcellus is found just outside the densely populated Northeast. And China has almost no pipeline infrastructure that could accommodate it there, many point

out.

Energy firms in Australia are said to be exploring shale gas potential in the western part of their country.

The aim is to add shale reserves to LNG export terminals already being built or expanded to accommodate several offshore gas projects. Australian exports of shale gas to China could pique Beijing's interest in exploring some domestic production.

Aside from Algeria and Australia, industry insiders say Poland is poised to become the first European nation committed to shale gas development there. Media reports of finds that could satisfy Poland's need for 150 years has apparently won the public over, as they remain very wary on their absolute dependence on Russian gas imports to heat their homes.

The shale story has already upended conventional thinking on energy markets in the United States, and it could do the same overseas if production gradually comes online and environmental concerns are alleviated.

Will gas dethrone King Coal?

Stephen Pryor, president of ExxonMobil Chemical Co., says his firm projects that by 2030, natural gas will replace coal as the world's second-largest fuel source, largely through the expansion of shale gas production.

"In the United States, the world's largest gas consumer, unconventional natural gas supplies have driven a 20 percent growth in U.S. gas production over the last five years," Pryor said. He added that cheap and abundant gas reserves are giving U.S. chemical manufacturers a significant cost advantage over their overseas competition, a trend that could increase pressure on governments to pave the way for development of shale reserves outside the United States.

John Rowe, chairman and CEO of the giant electricity supplier Exelon Corp., surprised many here when he advised that his peers give up on developing expensive renewable and nuclear power and focus on natural gas-fired generation instead. Exelon operates the largest number of U.S. nuclear power plants, and Rowe is said to have been a staunch advocate for expanded nuclear generation only a few years ago.

"I have never seen the degree of consistency in supply forecasts that exist for natural gas today," he said.

Several U.S. utility company executives say that, thanks to the shale boom, natural gas can now be got cheaper than coal. And the switch to gas could now be migrating to the Southeast, where several massive coal consuming energy producers are said to now be rethinking earlier plans to refurbish older coal-fired power plants, considering instead retiring those and replacing them with newer combined cycle natural gas fed generation.

Greenw

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Subject Coal Utilities' Closure Plans Signal Push To Extend EPA
Rule Compliance

InsideEPA

Coal Utilities' Closure Plans Signal Push To Extend EPA Rule Compliance

Posted: June 10, 2011

American Electric Power's (AEP) plan to meet pending EPA utility sector rules by shuttering coal-fired power plants is seen by industry sources as the first of similar shutdown plans from other coal-heavy utilities intended to serve as leverage in a push for the White House and EPA to extend the rules' compliance deadlines until 2020.

The Edison Electric Institute (EEI), representing investor-owned power companies, is already close to presenting the Obama administration with a plan to delay the compliance deadline for the agency's proposed air toxics rule for power plants, from 2015 out to 2017. An EEI source declined to share details of the plan, calling it "an internal process" and "a work in progress," but notes the proposed rule's deadline is "a key issue for us."

Other power companies with large coal portfolios -- including Southern Company and Detroit Edison -- are also expected to soon release plans about the facilities they will shutter to comply with EPA's rules, sources say. The goal is to use the plans to put pressure on the administration to use its maximum flexibility under the Clean Air Act to extend deadlines, though environmentalists and public health advocates would fight such a move.

By warning about job losses and adverse impacts on electricity grid reliability resulting from the project coal plant shutdowns, industry hopes to make the case for winning more time to adjust and meet the regulations.

One industry source notes that power company CEOs -- including AEP's Michael Morris and Southern Company's Thomas Fanning -- are broadly pushing their message that with a few extra years, they can meet the requirements of EPA's various pending air, water and waste rules for the power sector with "a whole lot less dislocation and job loss. . . This is not about their ability to meet [the limits] but about time" to curb negative impacts such as job losses.

Industry, Republicans and other EPA critics have warned of adverse economic and grid impacts from the agency's pending air rules for the utility sector that include a maximum achievable control technology (MACT) standard to cut toxic air emissions, and a cap-and-trade rule to cut sulfur dioxide and nitrogen oxide emissions.

The agency has also proposed a first-time coal combustion waste disposal rule and a strict Clean Water Act rule for cooling water intake structures, prompting claims that sector faces a regulatory "train wreck."

Big coal utilities are pushing for a broad 2020 deadline and are leaving the door open to negotiate individual settlements for such extensions, to be negotiated after the suite of rules are final, the industry source notes.

AEP June 9 released its plan for complying with the four rules, saying it would have to close five coal plants, retire units at five others, re-power with natural gas and build new natural gas-fired generation at an estimated cost of \$6 billion to \$8 billion, a company spokeswoman says. AEP's Morris in a June 9

statement said the rules had “unrealistic deadlines” that will hamper electric reliability, boost rates and cost jobs.

AEP says its plan would lead to the shuttering of 6 gigawatts (GW) of coal generation. The spokeswoman adds that AEP released its plan to suggest that EPA's estimate that the various rules will close 10 GW of coal power nationwide is understated, as AEP alone would represent 60 percent of that amount.

AEP also realizes that EPA under existing Clean Air Act authority lacks the flexibility the industry would like to see in delaying the various rules' deadlines to 2020, which is “why we've been talking with lawmakers about the potential for a legislative approach that would have the flexibility to get to the same environmental goals but still take into account the impact on jobs,” the company spokeswoman says. But draft legislation floated by AEP last month to delay deadlines and exempt retiring plants drew wide criticism and is seen as dead on arrival if ever introduced.

Seeking Compliance Deadline Extensions

As a result, industry is now seeking a strong signal from the White House that it is willing to extend compliance deadlines for the MACT and other utility sector rules to minimize impacts on reliability and the economy. A second industry source says the AEP announcement, while directed to investors and the public, is really meant for the Obama administration.

The push “is not limited to AEP. I would expect to start seeing several utilities beginning to quantify the jobs impacts, shutdowns over the next few months. . . . They've decided if they are going to face this then they are going to tell the jobs story and put it in perspective and make it real. . . . This is going to be a trend,” the first source says.

Because EPA is constrained by the Clean Air Act in the amount of extra time it can grant for compliance with the MACT - which has a three-year compliance window beginning in 2012 -- companies are pushing for “the White House to signal some certainty about” using the statutory authority EPA does have “to delay compliance by one year, and by two if possible,” the source says.

The source adds, “They need to signal that now. . . . And the reason to do that is, if you are living in the real world of making decisions on closures and investments in control technology, you need to know you have that time to think about 2017 instead of 2015 today.”

However, the source adds that most companies believe 2017 is “not enough time” and that legal settlements are also an option. “If companies cannot accomplish what they need to on controls by 2017, then I would expect them to go to EPA to seek some sort of an enforcement schedule for completing that work, and I think there is some historical precedent for that . . . putting them on a schedule to install [emissions controls] by say, Dec. 31, 2019.”

The source adds any such deal is likely to be inked only after EPA finalizes the MACT rule, for which the agency faces a November, court-ordered deadline. EPA is unlikely to want to negotiate anything now because of pressure it faces to finalize a strict rule from environmentalists and public health officials.

Critics See AEP 'Business Decision'

Activists and other proponents of strict utility sector rules call AEP's announcement a “business decision,” noting that the EPA rules do not require closure of any plant, and that companies could install pollution controls at plants rather than close them. They also argue the vast public health benefits from the rules will far outweigh costs.

Their criticism that AEP is blaming EPA for a business decision is backed by another industry source who suggests the power company decided “it might have been time for a clean sweep” of its older, uncontrolled plants, noting some units are more than 50 years old. “It might be . . . a fortuitous time to modernize and upgrade.”

This source also expects similar announcements by other companies but perhaps not on the scale of AEP's, and sees negotiations over the deadline as one that might be "sellable" to administration officials.

Southern Company says it plans to spend \$0.7 billion and \$2.9 billion between 2011 and 2013 "for potential environmental controls, replacement generation capacity and/or transmission upgrades," according to a May 11 presentation Fanning gave to Deutsche Bank's Alternative Energy, Utilities & Power Conference in New York. "Compliance strategy will be determined based on the nature of any final rules, compliance timeframes and costs."

Fanning also told investors on an April 27 first-quarter earnings call that the EPA's "accelerated three-year timeline for compliance [with the MACT] could put the reliability of the nation's electric generating system at risk. . . . [W]e are already transitioning our generating fleet. We don't need an overly complex and unworkable set of new regulations to hurt our customers by decreasing reliability, increasing costs, reducing job growth and burdening an already challenged economy," he said according to a transcript. -- Dawn Reeves

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Subject Ugh!

Mobile-Friendly Display (Disable) Daily Environment Report: All Issues > 2010 > March > 03/08/2010 > News > Energy: Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades 43 DEN A-11 Energy Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades Legislation that would provide consumer rebates and low-interest loans to be used for energy efficiency improvement projects in commercial and multifamily residential buildings was introduced in the Senate March 4. The Building STAR Energy Efficiency Act of 2010 (S. 3079), introduced by Sens. Jeff Merkley (D-Ore.) and Mark Pryor (D-Ark.), would authorize \$6 billion in rebates for improvements such as the installation of high-efficiency heating systems and improved insulation. The legislation also would "extend low-interest financing options" to small business and building owners to help cover the up-front costs of energy efficiency building retrofits, according to a statement from Merkley's office. "Buildings represent 40 percent of the energy used in the United States, and many have old equipment that wastes energy and money," Pryor said in a written statement. According to the bill's backers, the legislation would create about 150,000 jobs, would save building owners more than \$3 billion in energy bills, and would reduce "the pollution that contributes to climate change" by 21 million metric tons. "As we take action to put Americans back to work, we need to set our targets on programs that provide the biggest bang for our buck and set our economy up for future growth," Merkley said in a written statement. "Clean energy is not only the next great growth industry, but it's an engine for job creation today." The legislation parallels the Home Star Act of 2010, unveiled as a draft by Sen. Jeff Bingaman (D-N.M.) and other lawmakers, which would create a homeowner energy efficiency rebate program championed by President Obama (41 DEN A-3, 3/4/10). Co-sponsors of the "Building Star" legislation include Sens. Debbie Stabenow (D-Mich.), Sherrod Brown (D-Ohio), Bernie Sanders (I-Vt.), and Ben Cardin (D-Md.) By Ari Natter

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02/25/2011 06:03 PM

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Subject 5. CHEMICALS: Wal-Mart bans flame retardant (02/25/2011)

[OBJ]

5. CHEMICALS: Wal-Mart bans flame retardant (02/25/2011)

Wal-Mart Stores Inc. has wielded its power as the world's largest retailer to ban a controversial flame retardant used in consumer goods from cameras to child car seats.

The retail giant is bypassing federal regulators by requiring suppliers to conform to certain production standards in an effort to move away from chemicals researchers say endanger human health and the environment.

"This really shows the market being able to move more decisively than the government," said Andy Igrejas, national campaign director of Safer Chemicals, Healthy Families, a coalition of environmental and public health groups.

Wal-Mart's ban prohibits use of polybrominated diphenyl ethers (PBDEs) and follows the decision of a handful of states to ban the chemicals. A recent notice distributed by the retailer asked suppliers to make sure their products do not contain PBDEs, which have been linked to liver, thyroid, reproductive and brain development problems. Wal-Mart will begin verification testing in June.

Although U.S. EPA identified PBDEs as chemicals of concern last year, attempts to limit new use of them have been mired in a lengthy bureaucratic process. Chemical laws make it difficult for the federal government to place such bans. EPA has been unable to ban even asbestos, widely acknowledged as a likely carcinogen and banned in more than 30 countries.

Suppliers who move away from using PBDEs must find other flame extinguishing methods, whether it involves using alternative chemicals that pose separate health risks or redesigning products so there is no need for flame retardants at all.

Absent federal regulations, states have taken on the responsibility of banning controversial chemicals, creating a patchwork of regulations that poses problems for corporations spanning several states.

Retail regulation might provide a faster route for chemical bans, said Richard Denison, senior scientist at the Environmental Defense Fund.

"The companies producing for Wal-Mart are not going to make a special line for them and another line with those chemicals for everyone else," Denison said. "And this is going to make it easier for other retailers to follow suit" (Lyndsey Layton, Washington Post, Feb. 25). -- PK

E&ENews PM Head

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Subject 1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

[OBJ]

1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

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.

[OBJ]

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.](#)

[Click here to read the multi-association letter to Upton and Whitfield.](#)

Reporters Jean Chemnick, Katie Howell, Jeremy P. Jacobs, Hannah Northey and John McArdle contributed

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Subject New York DEC Issues Draft Regulations On Power Plant
Siting, Carbon Emissions

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Daily Environment Report: News Archive > 2012 > January > 01/19/2012 > News > Energy: New York
DEC Issues Draft Regulations On Power Plant Siting, Carbon Emissions

11 DEN A-10

Energy

New York DEC Issues Draft Regulations
On Power Plant Siting, Carbon Emissions
By John Herzfeld

NEW YORK—Electricity generating facilities in New York would be required to evaluate potential environmental justice impacts in siting decisions and to limit carbon dioxide emissions from new or expanded power plants under a pair of regulations proposed Jan. 18 by the state Department of Environmental Conservation.

In announcing the two “groundbreaking” draft rules, DEC said the environmental justice rules would be the first in the United States to require an analysis of potential disproportionate impacts on nearby communities in major power plant siting decisions.

The carbon dioxide draft rules would limit emissions from new major generating facilities and certain expansions at existing power plants, DEC added.

The draft rules (6 NYCRR Part 487 and 6 NYCRR Part 251) were proposed to implement provisions of the Power NY Act of 2011, which was signed by Gov. Andrew M. Cuomo (D) in August (151 DEN A-2, 8/5/11).

Environmental Justice Framework

The proposed Part 487 regulations would establish a regulatory framework to analyze environmental justice issues associated with the siting or expansion of major generating facilities, DEC said. Applicants would have to evaluate any “significant and adverse disproportionate environmental impacts” from a facility’s construction or operation.

“Negative environmental impacts from industrial operations like power plants often disproportionately affect environmental justice communities,” DEC Commissioner Joe Martens said in a statement. “Our proposed regulations are the first in the nation that seek to protect public health and the environment in overburdened communities.”

The analysis would have to include the cumulative air quality impact of the facility, as well as comparative demographic, economic, and physical data for the community where the facility would be located, versus data for the county and adjacent communities, DEC said.

Carbon Dioxide Limits

The proposed Part 251 regulations would establish carbon dioxide limits for proposed new major power plants with a capacity of at least 25 megawatts and for increases in capacity of at least 25 megawatts at existing facilities.

“Carbon dioxide emissions are chief contributors to climate change,” Martens said. “We are proposing

CO2 emissions limits for new and expanding power plants to further reduce the carbon footprint of New York's power sector.”

For most new or expanded base load fossil-fuel-fired plants, the proposed carbon dioxide emission rules would set an output-based limit of 925 pounds per megawatt-hour or an input-based limit of 120 pounds per million British thermal units.

For simple cycle combustion turbines, the draft rules would set an output-based limit of 1,450 pounds per megawatt-hour or an input-based limit of 160 pounds per million Btus.

Output-Based, Input-Based Choice

Each facility's owner or operator could choose whether to comply with the output-based or input-based emission limits, DEC said.

For certain power plants that fire non-fossil fuels, the draft rules would allow DEC to set case-specific limits and require recordkeeping, monitoring, and reporting consistent with existing state and federal regulations, the department added.

Power plants in the state currently are required to comply with the Regional Greenhouse Gas Initiative program, as well as certain federal requirements regarding greenhouse gas emissions, DEC said.

For the first time, the department said, the proposed Part 251 would establish a specific limit on the allowable carbon dioxide emission rate of new and expanded power plants. That would make New York “one of only a few states in the country with a CO2 performance standard for both new and expanding power plants,” it said.

The department set three public hearings: March 5 in Albany, March 6 in New York City, and March 8 in Buffalo. Written comments are due by March 15.

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Subject CLIMATE:Obama praises Australia's plan, vows to pursue
emissions cuts in U.S.

CLIMATE: Obama praises Australia's plan, vows to pursue emissions cuts in U.S.

Elana Schor, E&E reporter

Published: Wednesday, November 16, 2011

President Obama yesterday vowed to keep pursuing greenhouse gas emissions cuts despite the demise of congressional climate legislation, calling carbon cuts "good for the world" and "good for our economies" -- even as he acknowledged that global progress would be a "tough slog."

Addressing the press in Australia, where legislators passed a carbon tax earlier this month, Obama praised Prime Minister Julia Gillard for pursuing "a bold strategy" to trim industrial emissions that most scientists say are contributing to global warming. Though a broad climate bill failed to clear Congress last year, Obama predicted that other steps his advisers have taken -- including stronger auto efficiency rules and low-emissions energy spending -- would help the United States abide by carbon-cutting promises it made during global talks in 2009 and 2010.

"I think that's good for the world," Obama said. "I actually think, over the long term, it's good for our economies, as well, because it's my strong belief that industries, utilities, individual consumers -- we're all going to have to adapt how we use energy and how we think about carbon."

The next global summit on climate change is set to kick off in Durban, South Africa, next month with extension of the Kyoto Protocol emissions-reduction treaty high on the agenda. But tensions between long-developed nations and new powerhouses over the extent of mutual carbon cuts could impede the path to a deal, and Obama laid down a marker on that front yesterday.

"Part of our insistence when we are in multilateral forum -- and I will continue to insist on this when we go to Durban -- is that if we are taking a series of steps, then it's important that emerging economies like China and India are also part of the bargain," the president said.

Even though those nations' per-capita emissions might lag behind the United States', he added, "they've got to take seriously their responsibilities, as well ... ultimately, what we want is a mechanism whereby all countries are making an effort. And it's going to be a tough slog, particularly at a time when a lot of economies are still struggling."

Australia's \$24-per-ton carbon tax has drawn some criticism for being excessive, given that emissions credits in Europe are trading at about half that level (Greenwire, Nov. 8).

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Subject CLIMATE: Sulfur from Chinese coal stations has masked effects of warming (07/05/2011)

Obj: Tue., Jul. 5 Fri., Jul. 1 Thu., Jun. 30 Update Jun. 30 Edition Archive

CLIMATE: Sulfur from Chinese coal stations has masked effects of warming (07/05/2011)

The impact of global warming has been masked in the past decade by the cooling effect of sulfur emissions from China's huge number of new coal-fired power plants, new research shows. But the full heating effect of carbon dioxide will be felt as the short-lived sulfur pollution -- which also causes acid rain -- is cleaned up.

□

The last decade was the hottest on record and the 10 warmest years have all occurred since 1998. But within that period global surface temperatures did not show an upward trend, prompting some scientists to question whether climate change had stopped. The new study, published yesterday in the Proceedings of the National Academy of Sciences, shows that while greenhouse gas emissions continued to rise, their warming effect was offset by the cooling produced by the increase in sulfur pollution. This also came at a time when the sun entered a less intense part of its 11-year cycle, and during the peak of the El Niño climate warming phenomenon

China built an enormous number of coal-fired power stations during that period. Between 2002 and 2006, China's electricity-generating capacity rose from 10 gigawatts to more than 80 gigawatts.

Robert Kaufman, a Boston University professor who led the study, said the findings are not the good news that they may at first seem.

"If anything the paper suggests that reductions in carbon emissions will be more important as China installs scrubbers [on its coal-fired power stations], which reduce sulfur emissions," he said. "This, and solar insolation increasing as part of the normal solar cycle, [will mean] temperature is likely to increase faster."

Scientists have long known that sulfur, spewed from volcanic eruptions, for example, has a cooling effect on climate. Sulfur dioxide forms droplets of sulfuric acid in the stratosphere, which reflects the sun's heat back into space, cooling the Earth's surface (Damian Carrington, London Guardian, July 4). -- AS

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Subject Retired Coal-Fired Power Plant Sites Offer Good Reuse
Potential, Report Says

Daily Environment Report: News Archive > 2011 > August > 08/11/2011 > News > Brownfields: Retired
Coal-Fired Power Plant Sites Offer Good Reuse Potential, Report Says

Retired Coal-Fired Power Plant Sites
Offer Good Reuse Potential, Report Says

Many of the dozens of coal-fired power plants predicted to close in the coming decade present "tremendous" redevelopment opportunities, according to a report released Aug. 10 by the American Clean Skies Foundation.

According to the report, Repurposing Legacy Power Plants: Lessons for the Future, such brownfield redevelopment can include civic and private uses such as riverfront housing, shops, offices, museums, and parks.

Industry analysts predict that 15 percent to 20 percent of coal plants in the United States could be retired by 2020 because of their age, stricter Environmental Protection Agency rules to reduce toxic emissions, and increased price competition from cleaner-burning, natural gas-fired generators, Gregory C. Staple, chief executive officer of the American Clean Skies Foundation, told a briefing to announce the report

At least 20 of the dozens of plants expected to close may be good candidates for redevelopment, Staple said.

American Clean Skies Foundation is a nonprofit organization seeking to advance U.S. energy independence and a cleaner environment through expanded use of natural gas, renewables, and efficiency.

The group's report profiles eight projects to redevelop sites of retired power plants and discusses costs, time frames and financing, community involvement and implications, and design and reuse.

Challenges in Redevelopment

The report said one lesson of coal plant site reuse is that development frequently takes several years. Site cleanup, working with old buildings, meeting requirements for historic preservation, and special financing challenges add to the time required for redevelopment, the report said.

"Nonetheless, successful projects have shown redevelopment to be worth the potential challenges," the report said.

Costs for redeveloping old power plants have various ranges. Smaller projects can cost under \$10 million, according to the report. Mid-size projects can cost from \$40 million to \$80 million. And larger projects can cost from \$150 million to \$180 million, the report said.

Another challenge in brownfield redevelopment is up-front costs, the report said. The end use of the site—whether it will be residential, commercial, industrial, or recreational—decides the extent of required remediation, so early planning can help reduce costs.

Local, state, and federal assistance programs for sustainable site reuse may provide different kinds of grants and loans, the report said. Public financing can include interest-rate reductions, due diligence

assistance, repayment grace periods, tax abatements, and training and technical assistance.

For public financing, the most important programs are offered by the Environmental Protection Agency, the Department of Housing and Urban Development, and the Agriculture Department, the report said.

Redevelopment Concept Introduced

The foundation also released a proposed plan to redevelop a power plant site in Alexandria, Va., as a model for power plant redevelopment.

The city of Alexandria has been trying to close the 60-year old Potomac River Generating Station, now owned by GenOn Energy Inc. of Houston, for two decades, according to Del Pepper, a member of the Alexandria City Council.

The \$450 million proposal by the foundation would open a portion of the Potomac River waterfront to the public, develop more than 600 riverfront housing units, create more than 200,000 square feet of retail and office space, and serve as an energy education center with clean fuel and electric vehicle recharging stations.

By Pat War

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Subject Cost of Environmental Impact From Business Doubling Every
14 Years, Report Says

Daily Environment Report: News Archive > 2012 > February > 02/15/2012 > News > Climate Change:
Cost of Environmental Impact From Business Doubling Every 14 Years, Report Says
30 DEN A-2
Climate Change

Cost of Environmental Impact From Business Doubling Every 14 Years, Report Says

By Avery Fellow

The costs of the environmental impact from business operations are doubling every 14 years, according to a Feb. 14 report by the auditing firm KPMG International.

External environmental costs in 11 sectors jumped 50 percent, from \$566 billion in 2002 to \$846 billion in 2010, averaging a doubling of these costs every 14 years, the report said. These costs are often not included in company financial statements because they are borne by individuals or society, rather than businesses, and they can be difficult to quantify, according to the report.

The report, *Expect the Unexpected: Building Business Value in a Changing World*, found that if companies paid the full environmental costs of production, they would lose an average of 41 cents for every dollar in earnings.

'Megaforces' Affecting Businesses

Climate change, energy and water scarcity, fuel price volatility, population growth, and water and resource availability will drive up the cost of doing business as well as provide possible business opportunities over the next 20 years, the report said.

The report identifies 10 sustainability "megaforces" that will affect businesses over the next 20 years.

The 10 factors are as follows:

- Climate change, which is expected to cause output losses for business of between 1 percent and 5 percent per year;
- Energy and fuel, the markets for which are likely to become more volatile and unpredictable due to higher demand;
- Resource scarcity, which will occur due to the industrialization of developing countries, increased demand, and trade restrictions;
- Water scarcity, which will make businesses vulnerable to water shortages, declines in water quality, water price volatility, and reputational challenges;
- Population growth, which will place pressure on ecosystems and the supply of natural resources such as food, water, energy, and materials;
- Wealth, which will reduce the availability of inexpensive labor and increase the demand for goods;

- Urbanization, which will create demand for infrastructure improvements including construction, water and sanitation, electricity, waste, transport, health, public safety, and Internet and cell phone connectivity;
- Food security, which will be threatened by population growth, water scarcity, and deforestation;
- Ecosystem decline, which will increase the costs of water and escalate the damage caused by invasive species to sectors including agriculture, fishing, food and beverages, pharmaceuticals, and tourism; and
- Deforestation, which will make the timber, pulp, and paper industries vulnerable to potential regulation.

Report Identifies Opportunities

The report also identified opportunities arising out of these expected global changes.

Scarcity creates opportunities to develop substitute materials or to recover materials from waste, the report said. Population growth presents an opportunity for innovation in the areas of agriculture, sanitation, education, technology, finance, and healthcare, according to the report.

Additionally, business opportunities may arise through the development of market mechanisms and economic incentives to reduce deforestation, the report said.

“Corporations are recognizing that there is value and opportunity in responsibility beyond the next quarter’s results; that what is good for people and the planet can also be good for the long term bottom line and shareholder value,” said Yvo de Boer, KPMG’s special global adviser on climate change and sustainability, in a statement.

“Without action and strategic planning, risks will multiply and opportunities will be lost,” he said. De Boer formerly served as the executive secretary of the United Nations Framework Convention on Climate Change.

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Subject State Department unveils new super-office: economics, energy, and the environment

State Department unveils new super-office: economics, energy, and the environment

Posted By Josh Rogin

Thursday, December 8, 2011 - 4:35 PM [Share](#)

The State Department formally rolled out a new plan today for how it will tackle economic, energy, and environmental issues -- by combining them all into one bureaucratic structure.

Undersecretary Bob Hormats is the leader of the newly expanded "E" team in Foggy Bottom, making him the undersecretary for economic growth, energy, and the environment. Before today, Hormats was the undersecretary for economic, energy and agricultural affairs. The change moves several offices under Hormats' umbrella, and also places him in charge of two new offices that never existed before.

Hormats is now in charge of three bureaus led by assistant secretaries and their teams: the Bureau of Oceans and International Environmental and Scientific Affairs (OES), led by Assistant Secretary Kerri-Ann Jones, the Bureau of Economic and Business Affairs (EB), led by Assistant Secretary Jose Fernandez, and the brand new Bureau of Energy Resources (ENR), led by State's Coordinator for International Energy Carlos Pascual, pending the confirmation of an assistant secretary.

The new "E" family will also, for the first time, include the Office of the Science and Technology Advisor, led by E. William Colglazier, and a new Office of the Chief Economist, which will be led by someone who hasn't been hired yet - interviews are ongoing.

Hormats could have as many as 150 to 200 new people under his leadership, but the changes are basically cost neutral. The idea is to combine these three bureaus into a cohesive team, which can take advantage of the increasing overlap between energy policy, environmental policy, and the economy.

"If this was only moving the bureaucratic boxes around it wouldn't be worth the effort," Hormats told The Cable in an interview. "This really responds to Secretary Clinton's challenge to break down silos and to create greater efficiencies within the State Department and focus attention in developing economic statecraft."

The changes in the State Department's bureaucracy were spelled out in the Quadrennial Diplomacy and Development Review, which was released last year, but also fits perfectly into Secretary of State Hillary Clinton's new favorite initiative, "Economic Statecraft," as laid out in her speech in October.

"America's economic strength and our global leadership are a package deal," Clinton said. "A strong economy has been a quiet pillar of American power in the world. It gives us the leverage we need to exert influence and advance our interests. It gives other countries confidence in our leadership and a greater stake in partnering with us."

Hormats said the State Department was currently evaluating several ways in which the new offices could work together. For example, the United States could use economic strategies to promote access for U.S. energy technology companies in Africa, he said. The environmental experts could also chip in to make sure development in the African energy sector is ecologically sound.

Another initiative State is thinking about, Hormats said, is an effort to strengthen science and technology cooperation with the European Union in areas such as nanotechnology, smart grids, and electric cars.

The idea is to play a role in setting industry-wide standards for new green technologies, helping U.S. businesses establish an international foothold in these emerging industries.

The conventional wisdom is that environmental and business objectives are at odds with each other, but Hormats is aiming to disprove that. He made the case that environmentally conscious companies are more energy efficient, and therefore more economically successful. President Barack Obama's Energy and Climate Partnership of the Americas is an existing example of this type of thinking, and a project that will be managed in his shop.

Hormats has also been meeting over several months with environmental groups to assure them that their concerns will not be made subservient to the overwhelming drive to seek economic gains and greater energy independence.

"The last thing we want to do is make the environmental bureau a subsidiary of the economic or energy bureaus," Hormats said. "The goal is to find synergies among co-equals. That's the key."

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Subject Universities push for bigger U.S. role in commercializing
clean energy technologies

RESEARCH: Universities push for bigger U.S. role in commercializing clean energy technologies
(09/20/2010)

American research universities are looking for the federal government to become a long-term partner in facilitating innovation and maintaining the country's lead in a wide range of high-tech industries needed in order to remain globally competitive.

Top research officers from nearly a dozen academic institutions came to the Capitol not looking for funding but rather to argue a need to reimagine how research flows between them, government and the private sector.

During a roundtable discussion organized by the Science Coalition, a group pushing to expand the role of the federal government in supporting academic research, many officials said several positive changes were already under way. However, an economic crisis, growing international competition and efforts by many developing countries to replicate American-style universities have created a new sense of urgency. And few areas are expected to grow so much with so little participation from the United States than clean energy technology.

As Boston and Berkeley, Calif., have nurtured a culture of startup companies and industry partnerships with local universities, many other schools are looking to replicate that relationship in their own cities.



Universities and individual faculty members were pursuing collaborations with private industry more than ever before, said many of the officers. The new partnership models want to extend the involvement of academics beyond the laboratory and into the marketplace. Prolonging these relationships, it was argued, would create better feedback mechanisms between each party and get new technology to the market much faster.

"We more than basic research being thrown out by the universities and being picked up elsewhere," said Michael Witherell, vice chancellor for research at University of California, Santa Barbara, and moderator of the discussion. "We need universities to stay with it longer and down the pipeline," he said.

But the attraction clearly goes both ways. Private industry has also become more willing to seek out academics.

Leo Chalupa, vice president for research at George Washington University, said that three startup companies in northern Virginia approached Stuart Licht, a professor of chemistry, after an article he wrote on solar energy was published in a peer-review journal. The reaction was so fast that the article could be found online but had yet be issued in print.

John Marburger, vice president for research at Stony Brook University.

"That would not have happened, I think, even a decade ago," Chalupa said.

Looking beyond federal stimulus money

Amid the massive budget cuts that have ravaged almost every state across the country, universities were

more than happy to accept whatever funds they could get from the American Recovery and Reinvestment Act. But some of the research officers were wondering what might happen once the funding dries up next year.

"I think the big gorilla in the room is the end of the stimulus money," said Chalupa. George Washington University received almost \$42 million, he said, but he wondered: "The question is, what happens when the stimulus money is over?"

"Is this going to be kind of like a 'falling off the cliff' thing?" Chalupa asked. "Or is it going to be more like an NIH [National Institutes of Health] model?" -- a gradual phaseout.

There was a silver lining, however, said John Marburger, vice president for research at Stony Brook University and former White House science adviser during the George W. Bush administration. Most of the funds from the Recovery Act, he said, were directed toward facilities and equipment that will continue to serve research projects long after the so-called stimulus money runs out.

George Washington University, for instance, received a \$15 million grant to renovate its medical science complex.

"There has never been a time when we've all had to do so much with, essentially, so little," said Francine Berman, vice president for research at Rensselaer Polytechnic Institute. But this financial strain, she said, has also encouraged institutions to pool resources and drive interest in partnering with the private sector.

A price on carbon is needed to move clean technology

What is ultimately at stake in developing new relationships between those inside and outside the ivory tower is to ensure that the American economy stays competitive with a rapidly developing rivals. The edge of the U.S. economy that remains the sharpest, everyone agreed, is the country's commitment to basic research.

But as Europe angles toward redesigning its universities with American schools in mind and as developing nations like India and China use the American design as a model for their own institutions, it is dangerous to take the United States' research advantage for granted.

"I do think the U.S. is as productive as ever in new ideas" when it comes to alternative energy sources, said Marburger, of Stony Brook. But, he said, "Who actually makes money on this depends on a lot of things other than the technology."

Marburger said, "We have global imbalances in the manufacturing sector that need to be addressed by many leaders, whether it's manufacturing the technology itself or in some sort of labor policy."

"There's a wide range of investments that the federal government is making in a number of agencies to address energy problems," said Marburger. "But that by itself is not going to guarantee that the U.S. will be a leader in commercialization."

"The management of the energy economy is most difficult," he said, "because it is so ubiquitous and, frankly, coal is so cheap."

Because the United States has such large deposits of fossil fuels, like coal and natural gas, the energy issues of present and future are not as compelling as they might be in countries with few natural resources.

"Advanced technology by itself will not lead to widespread adoption of clean energy, because it's too expensive now," Marburger said. "I don't think a mass market can be created for expensive [clean energy] technology without having price on carbon."

Developing technologies that are used elsewhere?

"Even if we had a price on carbon," Marburger said, "that wouldn't address the manufacturing problem." However, carbon pricing "would draw more investment into clean energy," he said. "Where we buy the devices that give us the clean energy is a bigger issue."

He said he understood why U.S. EPA was targeting utilities and other big, stationary greenhouse gas emitters first but thought that the agency was clearly over its head, saying "to regulate everything -- it's going to be a nightmare."

"I'm skeptical about the long-term ability of EPA to regulate [carbon] in a way that would satisfy the courts," said Marburger. "But right now, it's the only way we have."

"China could be the key economy, the key country, in the drive for clean energy, because they have the market and they also have a growing awareness of the problems that cheap energy can cause," said Marburger. "They may very well be the international leader in it."

The U.S. role in the drive for clean energy, he predicted, will be its ability will continue to "develop technologies that can be used elsewhere and play in this game at the high end, which is what we're doing now."

Witherell, of UC Santa Barbara, said "the world knows that the one area of education where the U.S. is still top of the world are research areas."

"We have to understand that that's our main advantage," he said, referring to research. "We do have to be careful, because other countries understand this now, and they're investing a lot to knock us off in that."

Despite this, Witherell said, compared to the next three largest economies, the United States has a very small part of the growing clean energy market, causing concern. "I think some people are starting to get discourage about whether the U.S. is going to be a very big player in it. And that is something that U.S. does have to face up to."

"Frankly, U.S. universities will be involved, but are the companies that we're going to be working with foreign or U.S.?" Witherell said. "And that's the role for the federal government -- to help. Because the other governments are tilting the scales toward their companies."

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Subject Water Scarcity Will Soon Outweigh Energy As World's Top
Concern, Global Leaders Say

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Daily Environment Report: News Archive > 2010 > September > 09/17/2010 > News > Water Resources:
Water Scarcity Will Soon Outweigh Energy As World's Top Concern, Global Leaders Say

179 DEN A-14

Water Resources

Water Scarcity Will Soon Outweigh Energy
As World's Top Concern, Global Leaders Say

TIANJIN, China—The world is facing an emerging water crisis that will outweigh climate change as a pressing concern and shift oil to the backseat as the most sought-after natural resource, government and business leaders said during three days of discussion on sustainability at the World Economic Forum's summer meeting.

The meeting, held in China Sept. 13-15, focused this year on sustainability for both governments and businesses. Policymakers and corporate leaders warned that water will soon replace oil as the natural resource causing strife and division in the world. Political leaders, they said, should react now to avert crisis.

Water resources and distribution are most problematic in Asia, where the issue could lead to armed conflict in years to come, Iceland's president, Olafur Ragnar Grimsson, told one panel on water and land sustainability.

Global Compact

Grimsson and others proposed that governments and businesses get moving now on a global agenda for governance of the world's water resources.

"We are not going to deal with this water crisis on a local or even national level," Grimsson said. "This requires global intervention."

While drinking water is important, it is only a fraction of what water is used for globally, according to Grimsson and other panelists. As the world's population grows wealthier and living standards, trade, and commerce increase, demand for water will grow with the population. Increasing use of biofuels has further accelerated demands for water globally.

Pricing, Distribution Pacts Needed

Panelists suggested that global leaders develop water pricing and distribution agreements to manage scarce resources. Water pollution, on the rise in developing countries, has further exacerbated the problem.

On one panel, the deputy mayor of Tianjin, located about 100 miles south of Beijing, said his city has been experimenting with desalinization to use seawater as a replacement for freshwater.

But another panelist, Peter Brabeck-Letmathe, chairman of the board of Nestle S.A., said desalination uses large amounts of energy in its process, negating the potential benefits. "It does not work in the long term," he said, suggesting that time is better spent convincing governments of the need to press for global water compacts.

"There will be an emergent trade in water globally" in years to come, Brabeck-Letmathe said.

The Nestle chairman also said companies need to work more to assure consumers of the safety of genetically modified foods, which can be grown with less water and land. With wealthier societies demanding more and better food, creative solutions are necessary, he said. Still, he cautioned, "All of this can only work if we have real free trade."

China Outpaces Other Countries on Solar

In a separate panel discussion on sustainability, corporate and government leaders discussed how China's solar industry has managed to outpace that of other, developed countries. Officials said China's solar power development owes much of its success to government support.

An industry index released Sept. 8 by Ernst & Young indicated that China has surpassed the United States as the most attractive place for all types of renewable energy investments (176 DEN A-10, 9/14/10).

Shi Zhenrong, chief executive officer of China's Suntech Power, said more governments should see the value of subsidizing clean energy development, though China's situation is somewhat unusual and has created concern among its trade partners.

"In China, people's standards of living have increased tremendously and fast," Shi said.

The government, through incentives and policy measures, has made it clear that clean energy is a priority.

"This is a new sector for economic growth in China," Shi said. "It's very good to know we're headed in the right direction."

By Kathleen E. McLaughlin

Full text of the Ernst & Young Renewable Energy Country Attractiveness Index is available at <http://op.b>

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05/19/2011 01:19 PM

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bcc

Subject EPA: Upton's constituents don't like his anti-reg efforts -- poll<<http://www.eenews.net/gw/2011/05/19/6>>

EPA: Upton's constituents don't like his anti-reg efforts -- poll<<http://www.eenews.net/gw/2011/05/19/6>>

EPA: Upton's constituents don't like his anti-reg efforts -- poll (05/19/2011)

Jean Chemnick, E&E reporter

When Rep. Fred Upton (R-Mich.) took the helm of the House Energy and Commerce Committee this year, the one-time moderate on environmental issues became the standard-bearer for the House Republican majority's efforts to roll back U.S. EPA's authority to regulate greenhouse gas emissions.

But the new role may not be sitting well with the constituents who elected him, according to a new poll commissioned by the Natural Resources Defense Council Action Fund.

Upton shepherded a bill (H.R. 910) through his committee earlier this spring that would permanently strip EPA of its authority to regulate carbon dioxide, and the House approved it on April 19. The Energy and Commerce chairman also plans to hold hearings and craft legislation later this year that would affect other EPA air quality rules, including constraints on sulfur dioxide, nitrogen oxides and other pollutants.

But the survey, conducted in late April by Democratic polling firm Public Policy Polling, showed that residents of Michigan's 6th District have reservations about Upton's plans to limit EPA authority, and those concerns may affect how they view the congressman himself.

"Clearly, there is significant disappointment with his current policy choices," said Matt Howes, a spokesman for NRDC Action Fund, in a memo accompanying the poll results. "He has held his chairmanship for less than six months. If he continues to prioritize policies that benefit special interests, we can expect further erosion of constituent support."

The survey, which has not been released publicly, asked residents their views on whether EPA should do more to regulate air pollutants in general. Fifty-three percent of respondents answered in the affirmative, while 33 percent said they opposed the idea and 14 percent had no opinion.

Another question asked whether constituents supported EPA's taking steps to limit carbon dioxide and other heat-trapping emissions, rather than waiting for Congress to pass a new climate change law.

"The Head of the American Petroleum Institute says Congress should decide when and how greenhouse gases should be regulated. But others say Congress should let EPA do its job," the question read. "The head of the American Public Health Association says that blocking the EPA's work to reduce carbon dioxide could mean the difference between a healthy life for many Americans or chronic debilitating illness. Which opinion do you support?"

The survey showed 59 percent of respondents choosing the answer "Congress should let the EPA do its job," more than twice the 28 percent who said the agency should wait for Congress to act.

The survey also hinted that Upton's constituents might be dissatisfied with him for leading the charge against EPA air quality rules.

Forty-nine percent said they would be less likely to vote for the congressman because of his efforts to roll back emissions limits, while 29 percent said they would be more likely to support him. Twenty-two percent

of respondents said it would not affect their voting plans.

Upton represents a district in southwestern Michigan that includes the urban centers of Kalamazoo and Benton Harbor-St. Joseph. It is both an industrial and an agricultural district. While Upton has never won less than 58 percent of the vote during any of his 13 successful campaigns for the seat, it is a classic swing district in presidential election years. President Obama won it by 10 points in 2008; George W. Bush won it by 6 points four years earlier.

Upton's committee office did not respond this morning to calls for comment.

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11/30/2009 06:41 AM

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Subject Article indicates that Cash for Caulkers likely to be included in
job bill

Jobs Bill As Next Legislative Priority Offers Climate Opportunities Posted November 25, 2009 The push by Congress to quickly enact a new "job-creation" bill to address rising unemployment likely will keep climate legislation on the back burner for the time being, but the fast-tracked jobs measure is expected to offer significant possibilities for climate change- and energy-related provisions, according to sources on and off Capitol Hill. One suite of proposals gaining some traction would have Congress provide federal grants or loans to building owners to fund energy efficiency and weatherization retrofits, which environmentalists say would generate early reductions in greenhouse gas emissions from the building sector that could ease eventual compliance with reduction targets in a cap-and-trade program. However, the bill also is expected to heavily fund traditional federal "infrastructure" programs, such as road construction, which environmentalists worry could lead to a larger increase in emissions, depending on how the programs are structured. After dealing with health care legislation, House and Senate Democratic leaders plan to move directly to a jobs bill, according to a key Democratic committee spokesperson, who adds that job creation will be the "number one issue" for the Senate next year after health care passes. The bill could move even sooner through the House, with some sources suggesting leadership is aiming to have legislation passed prior to its Dec. 18 target adjournment date. While details are scant, Senate Majority Leader Harry Reid (D-NV) and House Speaker Nancy Pelosi (D-CA) are soliciting input from members and either existing or new energy legislation could become part of the still-unformed jobs bill, the spokesperson says. Reid announced after a Democratic caucus meeting Nov. 16 that the Senate would take up a bill after health care, and "Pelosi signaled that's now her top legislative priority," the source says. House lawmakers seem to be taking the lead in shaping the legislation, the details of which could be unveiled as soon as Dec. 3, when a jobs summit is scheduled at the White House, according to sources off Capitol Hill who are tracking the process. A labor source says lawmakers are focused on areas where they can spend money quickly to hire new workers, and are focusing on funding existing programs rather than trying to develop entirely new initiatives. "The prevailing school of thought at least of the folks I know who are talking on the House side is a lot of money—hard dollars for spending on infrastructure—and state fiscal relief," the source says, noting that there is persistent debate over how to define those goals. The source says candidates for a jobs bill could include school construction and/or weatherization programs, as well as traditional highway and transit construction projects that are normally funded through regular surface transportation bills. Concern over outsourcing in the clean energy sector may dampen enthusiasm for more funding there, the source added. "Nobody's [going] to say we need the Chinese to come in and build more windmills in Texas," the source says, referring to a controversy that erupted this month following reports that a Chinese firm would provide turbines for a wind farm that was funded in part with money from the first economic stimulus bill. An environmentalist following development of the jobs bill says one climate-friendly component likely to be included is a proposal known as "cash for caulkers" that aims to help building owners cover the up-front costs of retrofitting their homes or commercial buildings to improve energy efficiency. Such improvements can cost several thousand dollars although that cost is eventually recouped over several years of lower energy bills. It's not clear how much money would be available for the program, but the source says a figure of \$6 billion has been circulating among advocates hoping to have the program included. Weatherization retrofit proposals are written into the House-passed climate bill and appear in versions of the legislation under consideration in the Senate, but those programs would not go into effect until 2012 because they are paid for with carbon allowances created at the outset of the cap-and-trade program, the source says. Including such provisions in a jobs bill would provide a head start for the emissions reductions that can be reaped through building efficiency, which is seen as a key component of the economy-wide effort to reduce emissions. The environmentalist says that for the U.S. to meet its long-term goals, virtually every building in the country eventually will need to be retrofit to improve efficiency. Sen. Jeff Merkley (D-OR) has a separate proposal to improve weatherization that he hopes to have included in the jobs bill, a Senate source says. The proposal, introduced in August as the Clean

Energy for Homes and Buildings Act, would provide loan guarantees, financing and credit support for homeowners to undertake weatherization upgrades; the homeowners would then re-pay those loans over several years with money they save on utility bills. The source says the proposal would create construction jobs and allow homeowners to upgrade their homes without having to pay the high initial costs out-of-pocket. "It's common sense," the source says. A source with the liberal think tank Center for American Progress (CAP), which has consistently advocated the creation of jobs through pursuit of low-carbon policies, says CAP, along with the Energy Future Coalition, has recently promoted its "Rebuilding America" energy efficiency "white paper," which includes a number of recommendations that would be good candidates for a jobs bill. Included in the white paper are a series of tax provisions that would encourage the installation of smart grid equipment and efficient heating, ventilation and air-conditioning systems. Climate Bill Impacts Any debate about a jobs bill likely will involve extensive discussion of whether climate legislation or regulations will cause widespread job losses, an issue that has been highly controversial with regard to both the House and Senate climate bills and was raised in a Nov. 17 letter from House energy committee ranking member Joe Barton (R-TX) and oversight panel ranking member Greg Walden (R-OR) to EPA Administrator Lisa Jackson. In their letter, Barton and Walden ask Jackson for information on how EPA's proposed regulation of greenhouse gases under the Clean Air Act will affect jobs. "Given the billions of dollars in compliance costs, complexity of the reporting and permitting requirements, potential enforcement actions, potential fines and penalties, and threats of citizen suits and other third-party litigation, we have serious concerns that the administration and EPA's proposed global warming regulations will cumulatively result in job losses, and contribute to the flight of U.S. manufacturing and other business overseas--stifling future economic growth," the letter says. Democratic leaders are focusing on jobs in the wake of the Bureau of Labor Statistics' announcement in early November that unemployment is at 10.2 percent, despite the \$787 billion economic stimulus package launched in February. Reportedly, using the jobs bill to expand or extend elements of the stimulus legislation, including unemployment benefits and subsidies to help the jobless pay for health insurance, are under discussion. But House Majority Leader Steny Hoyer (D-MD) said Nov. 17, "I wouldn't characterize it as a second stimulus. I don't want to be as broad as that, I want it to be very targeted on jobs." While some observers have suggested a jobs bill would jump ahead of climate change legislation, Kevin Book--the Managing Director for Research at consulting firm ClearView Energy Partners who has testified before Congress on energy and climate legislation--in a Nov. 24 report suggests that climate legislation will become a jobs bill. In an interview with sister publication EnergyWashingtton, Book notes that it is no coincidence that the senate bill, S. 1733, is called "The Clean Energy Jobs and American Power Act." The House-passed legislation, "The American Clean Energy and Security Act of 2009," is not a jobs bill but "looks like industrial policy," and since passage of the American Jobs Creation Act of 2004, which had a large energy component, "every bill with a broad economic basis has had a large energy component," Book says. According to Book, when policymakers discuss the kinds of jobs to stimulate, they are primarily energy-related jobs, including retrofitting coal-fired power plants--as suggested by boilermakers--and other retrofit jobs, as well as transportation-related energy jobs. "The ultimate green job is retrofits," Book says, noting that Democratic leaders are struggling with defining a jobs bill in the wake of the stimulus bill's failure to impact unemployment. A GOP spokesperson says its is too early to tell how Sen. Lisa Murkowski (R-AK) and other Republicans might respond to the Democrats' jobs bill because they would have to see it first to comment. But the source notes that in the past Murkowski has stressed that if the United States wants more jobs then developing offshore oil and gas can provide immediate, well-paying employment and give states badly needed revenue

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05/26/2011 01:38 PM

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Subject You probably already saw, but CLIMATE: N.J. pulls out of
RGGI (05/26/2011)

CLIMATE: N.J. pulls out of RGGI (05/26/2011)

Nathanial Gronewold, E&E reporter

NEW YORK -- New Jersey will leave the the Northeast's experiment in carbon emissions cap and trade by the end of the year, GOP Gov. Chris Christie announced this morning.

At a press conference in Trenton, Christie said his state is pulling out of the Regional Greenhouse Gas Initiative, known by its acronym RGGI. The 10-state system puts a cap on greenhouse gas emissions by utilities but allows companies to meet compliance through trades in emissions allowances. New Jersey is currently the second-largest member of RGGI, after New York state.



By doing so, the cash-strapped state will forgo millions of dollars in future revenues that it could generate from the auctioning of RGGI emissions allowances. But Christie said the system had failed to make an impact on climate change and was unlikely to do so in the future. He called it an unfair tax on energy companies.

"RGGI has not changed behavior and it has not reduced emissions," Christie said, according to the state newspaper The Record. "It's a failure."

Heralded by environmentalists as the nation's only legally mandated attempt to combat greenhouse gas emissions through cap and trade, RGGI has fallen victim to the shale gas revolution and the recent deep economic recession. Cheap and abundant supplies of natural gas from Pennsylvania's Marcellus Shale has compelled scores of Northeastern energy producers to switch from oil and coal to more gas-driven generation, cutting the region's greenhouse gas footprint by about a third in less than five years.

RGGI initially foresaw emissions rising slightly before falling by 10 percent by 2018. Consultants hired by RGGI's Manhattan administration to review the program said the 10 member states must either tighten the cap or see the program remain largely irrelevant to the fight against global warming for the foreseeable future.

RGGI members had begun tentative consultations to adjust the cap to account for the new energy mix in the region. RGGI's operating rules allow for an adjustment of the system to be undertaken in 2012 should its members choose to do so.

Environmentalists decried the announcement. But some carbon market experts anticipated that the governor's decision would have little impact on carbon trading, which in the United States has been largely moribund for several months.

"We expect the cap to be adjusted proportionately to New Jersey's emissions, so that the overall supply and demand balance will not be affected," said Emilie Mazzacurati, head of North American research at the carbon market analytical firm Point Carbon, in a statement. Trading might fall in the short term, but "in reality New Jersey's decision won't affect fundamentals," she added.

According to RGGI Inc., New Jersey has received more than \$102 million from the 11 allowance auctions since they began in September 2008. RGGI members generally commit to using the proceeds to promote renewable energy and energy efficiency programs, but many state governments have been dipping into the proceeds to plug budget gaps. The New Jersey governor recently tapped \$65 million generated from

RGGI auctions to balance the state's budget.

Earlier this month, a move to withdraw New Hampshire from RGGI failed in the state's Senate. The next allowance auction is scheduled for June 8, and most market experts anticipate that the clearing price will remain at the legal floor due to weak demand.

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07/20/2010 09:46 AM

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Silva, stoner.nancy, garvin.shawn, Seth Oster, Brendan
Gilfillan, Sarah Pallone, Arvin Ganesan

cc

bcc

Subject Norfolk Article on LPJ Letter to McDonnell

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

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

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

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

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



[Close Gallery](#)



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

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

RICHMOND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

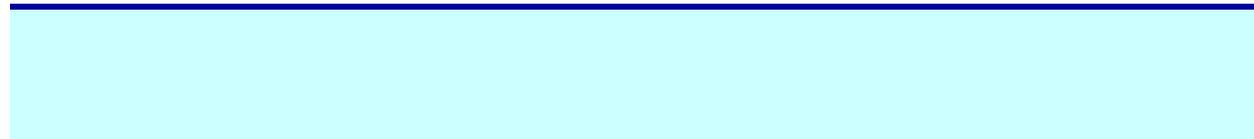
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Chuck Fox/CBP/USEPA/US
10/06/2010 05:14 PM

To Richard Windsor, Sarah Pallone, perciasepe.bob, Bob Sussman
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Subject Governor O'Malley's October message on the Chesapeake

FYI. He sends these out every month.



Your link to the Chesapeake Bay **October 2010**

- IN THIS ISSUE**
- From the Desk of Governor Martin O'Malley
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 - Stimulus Funds Reduce Stormwater Runoff, Improve Water Quality
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 - UMCES Rebuilding Historic Research Pier
 - Brown Stink Bugs Invade Maryland Homes and Crops

What Can I Do?

Buy a Bay Plate
Do you recognize those Chesapeake Bay license plates on many Maryland cars? You can have one too! Money from sale of Chesapeake Bay plates funds trash removal from streams, tree planting, wetland

**From the desk of...
Martin O'Malley, Governor of Maryland**

Governor O'Malley addressed the 27th Chesapeake Bay Executive Council on June 3, 2010.

We recently learned that Maryland's Draft Watershed Implementation Plan has received a very positive assessment from Environmental Protection Agency Administrator Lisa Jackson. EPA's response demonstrates that our hard work over the past four years has laid the groundwork for moving forward to restore our cherished Chesapeake Bay. The plan represents the best science from the region's best experts to move the Bay off of life support, and off of the nation's dirty waters list.

When we took office, we saw that many state agency efforts were operating in isolation, without the coordination and targeting needed to make the efforts efficient and effective. During the first year of BayStat, we examined each of those agency efforts in detail and initiated changes to focus them on Bay restoration and make them work more efficiently. We redesigned Maryland's CREP program and obtained federal approval. We targeted septic upgrades where they provide the greatest benefit to the Bay, replacing failing septics in the Critical Area along the Bay's shoreline. After we worked with our colleagues in the General Assembly to create the Chesapeake Bay 2010 Trust Fund, we targeted the use of that fund towards the subwatersheds whose improvement provides the greatest benefit to the Bay as a whole.

We also moved solid science back into the forefront of decision-making. We collected data that identifies the areas of land that have the greatest ecological value to the health of the Bay, and now use that to decide which lands merit investment of state land preservation funds. The results are displayed for everyone to see on the [GreenPrint website](#). In 2008 we followed

restoration, living shoreline installation, and other activities that help restore the Chesapeake Bay.

[More info...](#)

Bay Fact

Can you name all the states in the Chesapeake Bay watershed, the area that drains into the Chesapeake Bay? The watershed drains from six states plus the District of Columbia: Maryland, Pennsylvania, New York, Virginia, Delaware and West Virginia. Half of the fresh water that flows into the Chesapeake Bay comes from the Susquehanna River, which flows 444 miles from Otsego Lake in central New York State and drains half of the land area of Pennsylvania. [More details...](#)

More News

[State proposes new Chesapeake Bay cleanup efforts](#)

[Maryland, D.C. on target for Chesapeake cleanup](#)

[EPA calls on 5 states to strengthen bay plans](#)

[EPA: \\$491M in 2011](#)

the advice of fisheries scientists and put in place the new strategy that led to the resurgence of blue crab populations in the Bay. We have now adopted a scientifically-backed strategy for oysters and expect that new strategy to lead to a resurgence of oysters in the Bay as well.

Those are just some of the actions that helped us submit a plan that will significantly reduce pollution in the Bay by 2020, the deadline we set for ourselves, a full five years ahead of the target set by the EPA and the other Bay States. The actions proposed in the plan will improve our environment and public health, and help create jobs to protect the enormous economic value of the Chesapeake Bay. Now we look forward to hearing from Marylanders, via [our website](#) and [at regional public meetings](#), as we work to finalize our Watershed Implementation Plan and the Bay TMDL (Total Maximum Daily Load) report by the end of this year.

We can be proud that all of our efforts have combined to make the Chesapeake Bay at least a little bit healthier today than it was four years ago. I hope that you will join us in renewing our commitment to continue the effort until the Chesapeake Bay is restored as a vital centerpiece of bounty, beauty, recreation and commerce for our generation and for generations to come.

Sincerely,

You can make a difference another way!

Your Vote will Earn a \$1 Donation to Maryland State Parks

Maryland is competing against all 49 other states for \$17,000 toward planting trees in State Parks. Voters can now vote by using the special code "MD8000" from the FREE *Maryland Park Welcome Guide* (available when you enter a state park) to vote one additional time. Money raised will go to Maryland State Parks. Your help is greatly appreciated. [Click here to vote!](#) **And tell your friends and family.**

BayStat Team Meeting Update

At the September BayStat meeting, Maryland's Department of Planning presented information about PlanMaryland, which is a developing, comprehensive statewide strategy to address growth, development and land preservation while protecting water quality. To access information about PlanMaryland on the Internet, [click here](#).

Maryland Government at Work for the Bay

[Chesapeake restoration funding](#)

[Bay 'pollution diet' details unveiled](#)

[EPA Announces Public Meetings on Chesapeake Bay 'Pollution Diet'](#)

[Bay crab harvest offsets problems from Gulf oil spill](#)

[Citizen Oyster Growing Project Expands from 12 to 19 Rivers](#)

[Potomac River now healthier than in '50s, study shows](#)

[Anacostia development boom tied to river cleanup](#)

[Brown pelicans have a toehold again in the bays](#)

[Aquatic conservation efforts pay off](#)

[Artists hope images of Susquehanna River life capture lawmakers' attention](#)

[Stimulus funding restoring Shady Side shoreline](#)

[Flounder numbers look good for next year](#)

[USGS develops new bay restoration tracking method](#)

Maryland and D.C. on Target for Chesapeake Bay Cleanup

Maryland submitted its draft plan for actions to restore the Chesapeake Bay to the federal Environmental Protection Agency (EPA) on time at the end of September. The EPA commented that the plans from Maryland and the District of Columbia are on target, while the draft plans from the other five Bay states need major strengthening. Your comments and suggestions are still needed to help improve the draft plan. Both Maryland and EPA are holding public meetings to receive input, and you can also send comments by email. [Further details...](#)

DNR Now Accepting Aquaculture Permit Applications

DNR is now accepting applications for aquaculture permits under oyster leasing regulations that implement the State's new Oyster Restoration and Aquaculture Development Plan that became effective on September 6. The regulations open thousands of acres to leasing for aquaculture; establish a new application process and rules for aquaculture; identify areas that remain available for a continued public oyster fishery; and identify the State's new network of oyster sanctuaries. The oyster sanctuaries are expanding from 9% of the Bay's remaining oyster bars to 25%, including some of the most productive bottom. [More details...](#)

Stimulus Funds to Help Reduce Stormwater Runoff, Improve Water Quality

Maryland received \$119.2 million in federal stimulus funds that are being invested to improve water quality and drinking water infrastructure in every county in the state. [Click here](#) for a description of two projects that have been completed in Takoma Park. You can also see a complete list of projects on the Department of the Environment's website [here](#).

Maryland Green Registry Wins National Honor

The National Pollution Prevention Roundtable has recognized Maryland's Green Registry with a Most Valuable Pollution Prevention award. The Green Registry, created by Governor O'Malley in 2009, provides a voluntary way for businesses and other organizations to document their environmentally-sustainable practices and share the results with others on a public website. [For more information...](#)

UMCES Rebuilding Historic Research Pier

The University of Maryland Center for Environmental Science (UMCES) will rebuild its historic research pier on Solomons Island, thanks to a grant of federal stimulus funds from the National Science Foundation. Since 1936, the pier has been instrumental for research, data collection on climate change,

[NOAA Project to Investigate Impacts of Shallow Water Hypoxia in Chesapeake Bay](#)

[Ship Serial Polluter Ordered to Pay \\$4 Million](#)

[Algae eyed to clean Chesapeake Bay](#)

[Progress, but not perfection, on the Potomac](#)

['Trash Pollution Diet' Announced at 5th Annual Potomac Watershed Trash Summit](#)

[Chesapeake Bay's Quest for Eco-Balance and Sustainable Seafood](#)

[Dam makes way for free passage of fish](#)

[Officials mapping out spots for wind farms](#)

[Can Oyster Eaters Save Oysters?](#)

[Navy destroyer to be sunk off Ocean City for fish reef](#)

Quick Links

[More About BayStat](#)

[How to Use BayStat](#)

[BayStat Newsletter](#)

[Archives](#)

fisheries management and the health of the Chesapeake Bay. The funds allow UMCES to make critical repairs to the pier, including extensive replacement of the support structure, decking and pumping station, as well as securing the seawater intake lines to protect them from future storm threats. [For more information...](#)

Brown Stink Bugs Invade Maryland Homes and Crops

As cooler temperatures arrive, brown stink bugs that originated in Asia are seeking cover in Maryland homes. The bugs do not bite or sting, but create a nuisance and smell bad if squished. Large numbers of these bugs are also causing damage in some orchards and farm fields. For more details on this new invasive pest, [click here](#).

Contact Info

Important: Please add baystat@dnr.state.md.us to your address book to make sure we don't get caught in your spam filter.

For comments and suggestions regarding this newsletter, please send an email to baystat@dnr.state.md.us

[Forward email](#)

This email was sent to winters.julie@epa.gov by baystat@dnr.state.md.us.
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).
BayStat Office | Office of Governor O'Malley | State House | Annapolis | MD | 21401

Craig Hooks/DC/USEPA/US

04/29/2010 09:25 PM

To "Richard Windsor"

cc

bcc

Subject Fw: TIME 100: Lisa P. Jackson

I'm so very happy and proud of you and to work for you. This is too cool!

Benita told me to tell you, you are her shero!

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 04/29/2010 01:52 PM EDT

To: Betsaida Alcantara <alcantara.betsaida@epa.gov>

Subject: TIME 100: Lisa P. Jackson

Team,

As some of you may already know, today our boss was named by Time Magazine as one of the 100 Most Influential People in the world.

Below is the link to the article as well as a statement from the Administrator responding to the requests we've received for her feelings on this honor.

"Being one of Time's 100 Most Influential people is an incredible honor. More than anything else, it's an acknowledgement of the people at the Environmental Protection Agency and their contribution to the lives of 300 million Americans and counting. It's a special privilege to be at EPA 40 years after it was created to protect our health and our environment, and to build on the history of healthier families, cleaner communities and a stronger America. We're also called to address new challenges -- to expand our conversation and fight for environmental justice; to modernize laws that ensure the safety of the chemicals all around us; and to confront climate change with clean energy innovation. As always, our influence and our success will be measured by the difference we make for all Americans, today and in the generations to come."

THINKERS - TIME 100

http://www.time.com/time/specials/packages/article/0,28804,1984685_1984745_1985493,00.html

Lisa Jackson

By William D. Ruckelshaus

Thursday, Apr. 29, 2010



Lisa Jackson is doing exactly what an Environmental Protection Agency Administrator is supposed to do – thoughtfully and carefully but aggressively implementing our environmental laws to protect public health and our environment. The job of the EPA Administrator is not to make people happy but to make them and their environment healthier.

She arrives equipped with a rare combination of assets to help her do her job: in equal measure, experience, fairness, sure-footedness, determination and the ability to sound a credible and measured voice in defense of citizens' rights to fresh air, clean water and a stable climate.

A chemist by training, Jackson, 48, grew up in New Orleans, went to Tulane and Princeton and spent 16 years at the EPA before becoming New Jersey's environmental commissioner. She inherited an EPA suffering from a reputation as a political wind sock. It is tempting to conclude that the EPA's authority is drawn primarily from its regulatory power, as indeed much of it is. But Jackson has correctly sensed that restoring public trust in the agency is essential. In this era of growing public mistrust of government, that same public – as well as states, industry, small businesses and, importantly, EPA staff – must have confidence that decisions are being driven by science and an unbiased interpretation of the law, and not a political agenda. Jackson is inspiring this kind of confidence.

Ruckelshaus was the EPA Administrator from 1970 to '73 and 1983 to '85

Read more:

http://www.time.com/time/specials/packages/article/0,28804,1984685_1984745_1985493,00.html#ixzz0mUgfdlqy

Curt Spalding/R1/USEPA/US

01/14/2012 11:06 AM

To Richard Windsor

cc

bcc

Subject Fw: speech AFLCIO President

Hi Administrator,

On Thursday I attended the CERE's Investors Summit on Climate Risk and Energy Solutions. You may have heard that Richard Trumpka spoke to the hundreds in the audience about AFL-CIO's commitment to work for a low-carbon economy within 30 years. . It was powerful presentation because he linked AFL-CIO's commitment to his personal experience growing up in a coal mining community. He suggested that the economic transformation that must occur is causing enormous fear of the green economy. He proposed that an "honest constructive dialogue" must be initiated to reduce that fear and the associated consequences. The link below should get you to the speech.

<http://aflcio.org/mediacenter/prsptm/pr1122012a.cfm>

He was given a standing ovation. Having written and given many speeches, the crafting and delivery was well done. It was clearly was an important effort for him and the AFL-CIO.

- Curt

Dan Abrams

Executive Assistant to Curt Spalding, Regional Administrator

US Environmental Protection Agency

Region 1 New England

office: (617) 918-1067

mobile: (857) 321-3084

**Daniel
Gerasimowicz/DC/USEPA/US**
01/21/2010 10:28 AM

To
cc
bcc

Subject Beneficial Reuse Meeting with the Reuse Industry

Meeting

Date 01/27/2010
Time 11:15:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman (OA)
Avi Garbow, Laurel Celeste (OGC)
Mathy Stanislaus, Matt Hale , Matt Straus, Lisa Feldt (OSWER)
Lisa Heinzerling (OPEI)

Attendees:

Thomas H. Adams, Executive Director, American Coal Ash Association
Greg Andersen, Vice President, Global Sales and Marketing, Harsco Minerals
Craig Campbell, Vice President, Environmental and Governmental Affairs, Lafarge North America
Lisa Cooper, Chief Executive Officer, PMI Ash Technologies,
Dominic Dannessa, Vice President and Chief Technology Officer, USG Corporation,
Bill Gehrman, President, Headwaters Resources
Brett McMahon, Vice President, Business Development, Miller & Long Concrete Construction,
Thomas Pounds, President, CalStar Cement,
Robert Spoerri, President, Beneficial Reuse,

**Daniel
Gerasimowicz/DC/USEPA/US**
02/17/2010 01:10 PM

To
cc
bcc

Subject Briefing on Utility MACT "Early Guidance"

Meeting

Date 03/01/2010
Time 11:00:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Teri Porterfield (OAR) 564-7404

Staff:

Bob Perciasepe, Peter Grevatt (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Brian McLean, Rob Brenner, Peter Tsirigotis, Robert Wayland, Sam Napolitano, Kevin Culligan, Ellen Kurlansky (OAR)
Scott Fulton, Patricia Embrey, Paul Versace (OGC)
Bob Sussman (OA)
Lisa Heinzerling (OPEI)
Adam Kushner, Lisa Garcia (OECA)

Optional: Diane Thompson (OA) and AAs

(hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
03/03/2010 04:26 PM

To
cc
bcc

Subject Briefing to discuss Boiler MACT Proposal

Meeting

Date 03/09/2010
Time 09:30:00 AM to 10:30:00 AM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman, Bob Perciasepe (OA)
Gina McCarthy, Janet McCabe, Steve Page, Peter Tsirigotis, RobertJ Wayland, Rob Brenner (OAR)
Scott Fulton, Avi Garbow (OGC)
Lisa Heinzerling (OPEI)
Matt Strauss (OSWER)
Optional: Diane Thompson (OA)

(hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
04/08/2009 11:55 AM

To
cc
bcc

Subject Briefing to discuss Bonn Climate Negotiations

Meeting

Date 04/16/2009

Time 04:45:00 PM to 05:15:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location The Administrator's Office

Ct: Georgia Bednar 564-9816

Staff:

Scott Fulton, Lisa Heinzerling (OA)

Jackie Krieger, Leif Hockstad, Kimberly Klunich, Scott Bartos (OAR)

Joe Ferrante (OIA)

**Daniel
Gerasimowicz/DC/USEPA/US**
04/05/2010 01:08 PM

To
cc
bcc

Subject Briefing to discuss Coal Ash

Meeting

Date 04/08/2010

Time 09:15:00 AM to 10:00:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Georgia Bednar (OA) 564-9816

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Seth Oster (OPA)

Mathy Stanislaus, Lisa Feldt (OSWER)

Lisa Heinzerling (OPEI)

Scott Fulton (OGC)

Arvin Ganesan (OCIR)

**Daniel
Gerasimowicz/DC/USEPA/US**
06/14/2010 02:47 PM

To
cc
bcc

Subject Briefing to discuss Coal MAC and Czar Coal

Meeting

Date 06/17/2010

Time 02:15:00 PM to 03:00:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Bob Sussman, Bob Perciasepe (OA)

Nancy Stoner, Denise Keehner, Nancy Gelb, Greg Peck, Brian Frazer, Brian Topping, Christopher Hunter, David Evans, Matthew Klasen (OW)

Bill Early, John Pomponio (R3)

Stan Meiburg, Jim Giattina, Duncan Powell, Tom Welborn, Philip Mancusi-Ungaro (R4)

Tinka Hyde, Wendy Melgin (R5)

Optional: Diane Thompson, Robert Goulding (OA)

(Hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
07/24/2009 10:51 AM

To
cc
bcc

Subject Briefing to discuss Surface Coal Mining - Multi-Criteria
Integrated Resource Assessment (MIRA) Tool

Meeting

Date 07/28/2009

Time 04:00:00 PM to 04:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Lori Keyton (OW) 564-5768

Staff:

Bob Sussman, Lynn Zipf (OA)

Bill Early, Randy Pomponio, Cynthia Stahl (R3)

Pete Silva, Mike Shapiro, Greg Peck, Suzanne Schwartz, David Evans, Brian Frazer, Ann Campbell (OW)

Steve Neugeboren, Kevin Minoli, Karyn Wendelowski (OGC)

Bharat Mathur (R5)

Stain Meiburg, Jim Giattina (R4)

Cynthia Giles, Susan Bromm (OECA)

(hookup to the Administrator's conference line needed for Regions - Internet access also needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
03/04/2009 03:03 PM

To
cc
bcc

Subject Briefing to discuss the Lieberman-Warner Climate Security
Act of 2008

Meeting

Date 03/11/2009

Time 04:00:00 PM to 04:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location 3530 ARN

Ct; Shela Poke-Williams 564-1850

Heinzerling/McIntosh/McGartland/Frantz/Lewis/Craig/McLean/Krieger/Kruger/Napolitano/Dunham/Tsirigotis/Harvey/Culligan/Fawcett
/Adamantiades/Johnson/Ketcham-Colwill/Zinger

Daniel Gerasimowicz/DC/USEPA/US
11/15/2010 04:45 PM

To
cc
bcc

Subject Briefing to discuss the Status of the Boiler MACT and Area Source Boiler Rule

Meeting

Date 11/22/2010

Time 10:15:00 AM to 10:45:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)

Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Steve Page, Peter Tsirigotis, Robert Wayland, Rob Brenner, Ellen

Kurlansky, Jeneva Craig (OA)

Cynthia Giles, Lisa Garcia (OECA)

Avi Garbow, Patricia Embrey, Wendy Blake (OGC)

Lisa Heinzerling (OP)

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson (OA)

Al McGartland, Thomas Gillis (OP)

Hookup to Administrator's conference line needed

**Daniel
Gerasimowicz/DC/USEPA/US**
08/20/2009 10:16 AM

To
cc
bcc

Subject Briefing to discuss the Surface Coal Mining MOU Permit
Review Update

Meeting

Date 08/27/2009

Time 02:30:00 PM to 03:15:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Lori Keyton (OW) 564-5768

Staff:

Bob Sussman, Diane Thompson, Lynn Zipf (OA)

Bill Early, John Pomponio (R3)

Stan Meiburg, Jim Giattina (R4)

Bharat Mathur, Kevin Pierard (R5)

Pete Silva, Mike Shapiro, Greg Peck, Suzanne Schwartz, Jim Hanlon, David Evans, Brian Frazer, Ann Campbell (OW)

Catherine McCabe, Susan Bromm (OECA)

Pat Hirsch, Steve Neugeboren, Kevin Minoli, Karyn Wendelowski (OGC)

(hookup to Admin's conference line needed for Regions)

Daniel Gerasimowicz/DC/USEPA/US
11/01/2010 04:41 PM

To
cc
bcc

Subject Briefing to discuss Utility MACT Proposal

Meeting

Date 12/06/2010
Time 10:35:00 AM to 11:20:00 AM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Cate Hight, Amit Srivastava, Steve Page, Peter Tsirigotis, RobertJ
Wayland, Rob Brenner, Ellen Kurlansky, Jeneva Craig, Brian McLean, Sam Napolitano (OAR)
Scott Fulton, Patricia Embrey, Wendy Blake, Paul Versace, Manisha Patel (OGC)
Lisa Heinzerling, Alex Cristofaro (OP)
Kevin Teichman (ORD)
Cynthia Giles, Lisa Garcia, Asam Kushner, Phil Brooks (OECA)
Peter Grevatt, Matthew Davis (OCHP)
Rick Albright (R10)

Optional:

Diane Thompson (OA)
Lucy Edmondson (R1)

Video/audio bridge hookup needed

**Daniel
Gerasimowicz/DC/USEPA/US**
12/01/2010 10:23 AM

To
cc
bcc

Subject Briefing to discuss Boiler MACT

Meeting

Date 12/06/2010
Time 11:30:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Administrator's Office

Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsigotis (Steve and Peter by phone from RTP) (OAR)
Scott Fulton, Avi Garbow (OGC)

Optional:

Diane Thompson (OA)

Hookup to Administrator's conference line needed

**Daniel
Gerasimowicz/DC/USEPA/US**
10/12/2010 09:19 AM

To
cc
bcc
Subject EPA Hispanic Roundtable

Meeting

Date 11/10/2010
Time 01:15:00 PM to 02:00:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location 1153 EPA East

Ct: Dru Ealons (OPE)
Advance Ct: Clay Diette

*The Administrator will give offer remarks at a roundtable with Hispanic leaders from various areas (business, civil right groups, community and EJ groups)

Confirmed Attendees:

1. Javier Cuebas, Amelia Group Inc.
2. Brenda Reyes, MD, City of Houston Department of Health and Human Services
3. Juan Parras, TEJAS-Environmental Justice Organization
4. Margarita Delgado, President, MRD Consulting
5. Javier Sierra, Sierra Club en español
6. Carlos Alcazar, Hispanic communications Network
7. Josie F. Garza, National Latino Children's Institute
8. Marcela Gutierrez, WILD Coast
9. Magda Cardenas, Greater Washington Hispanic Chamber of Commerce
10. Arturo Garcia-Costas, Outreach, Education, and Strategic Partnerships
11. Elizabeth C. Yeampierre, UPROSE-United Puerto Rican Organization of Sunset Park
12. Roger Rivera, National Hispanic Environmental Council (NHEC)
13. Carlos Santiago, President, Hispanic College Fund
14. Dr. Andres Gil, VP Florida International University
15. Dr. Cecilio Ortiz Garcia, Professor, University of Puerto Rico-Mayaguez
16. Pat Martinez, National Hispanic Corporate Council
17. Devon Tezozomoc, South Central Farmers Feeding Families
18. Cynthia Verdugo-Peralta, Strategic Energy, Environmental & Transportation Alternatives
19. Patricia Villarreal Tamez, Congressional Hispanic Caucus
20. Angela Adrar, National Latino Farmers & Ranchers Trade Association
21. Ana Parras, TEJAS-Environmental Justice Organization
22. Eliza Leighton, CASA Multicultural Center
23. Andrea Delgado, National Latino Coalition on Climate Change (NLCCC)
24. Brent Wilkes, League of United Latin American Citizens

**Daniel
Gerasimowicz/DC/USEPA/US**
10/07/2009 11:54 AM

To
cc
bcc
Subject Interview

Meeting

Date 10/15/2009
Time 03:45:00 PM to 04:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Administrator's Office
Subj: NPR Weekend Edition

In-person Interview

Topic: Climate

Ct: Brendan Gilfillan (OPA) 564-2081

Daniel
Gerasimowicz/DC/USEPA/US
09/24/2009 12:23 PM

To
cc
bcc

Subject Keynote Address at Governor's Global Climate Summit

Meeting

Date 09/30/2009

Time 01:50:00 PM to 02:30:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Hyatt Regency

Century Plaza Hotel

Otana Jaktor will accompany the Administrator

**Daniel
Gerasimowicz/DC/USEPA/US**
01/03/2011 02:33 PM

To
cc
bcc

Subject Meeting on Utility MACT Check-In

Meeting

Date 02/01/2011

Time 05:00:00 PM to 05:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office/By Phone

Ct: Don Maddox (OA) 564-4711

re: economic work

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

hookup to the Administrator's Conference line is needed.

**Daniel
Gerasimowicz/DC/USEPA/US**
08/30/2010 12:19 PM

To
cc
bcc

Subject Meeting with Canadian Environment Minister Jim Prentice
and Deputy Minister Paul Boothe

Meeting

Date 09/14/2010
Time 10:00:00 AM to 10:30:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Gary Waxmonsky (OITA)

The Deputy Administrator will lead this meeting from 9:30 - 10 AM and then depart. The Administrator will complete the meeting from 10 - 10:30 AM

Staff:
Michelle DePass, Neilima Senjalia (OITA)
Joe Goffman, Maurice LeFranc, Brian McLean (OAR)
Joe Freedman (OGC)
Cameron Davis (R5) - in person

Attendees Arriving for 9:30 AM Deputy Meeting:

Paul Boothe, Deputy Minister, Environment Canada
Marc LePage, Special Adviser (Climate and Energy), Canadian Embassy
Catherine Godin, Program Manager (Environment and Energy), Canadian Embassy

Attendees Arriving for 10 AM Administrator Meeting:

Jim Prentice, Minister, Environment Canada
Gary Doer, Ambassador
Dean Knudson, DG for Americas, Environment Canada
Stephen Kelly, Chief of Staff, Environment Canada
William Kittleberg or Bill Rodgers, Director of Communications, Environment Canada

Daniel
Gerasimowicz/DC/USEPA/US
12/07/2009 04:01 PM

To
cc
bcc
Subject Meeting with Hedegaard, Danish Minister of Climate and Energy

Meeting

Date 12/09/2009
Time 09:00:00 AM to 09:30:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bella Center
Copenhagen

**Daniel
Gerasimowicz/DC/USEPA/US**
09/14/2009 02:53 PM

To
cc
bcc

Subject Meeting with Senator Landrieu

Meeting

Date 10/08/2009

Time 02:15:00 PM to 02:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Hart 328

Ct: Kate Nicolai, Kate_Nicolai@landrieu.senate.gov

Staff:

David McIntosh (OCIR)

**Daniel
Gerasimowicz/DC/USEPA/US**
07/01/2009 12:36 PM

To
cc
bcc

Subject Meeting with US Climate Action Partnership (USCAP)

Meeting

Date 07/07/2009
Time 01:30:00 PM to 02:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required

Optional

FYI

Location Bullet Room

Ct: Martha Friedrichs, 202-822-2000

Attendees:

Peter Darbee, President and CEO of PG&E Corp

David Crane, President and CEO of NRG Energy

Eileen Claussen, President of the Pew Center on Global Climate Change

Merribel Ayres, USCAP Political Outreach Coordinator

Nikki Roy, Director, Markets & Business Strategy, Pew Center on Global Climate Change

Melissa Lavinson, Director, Federal Env. Affairs & Corporate Responsibility, PG&E Corp.

Steve Corneli, Senior Vice President, Market and Climate
Policy, NRG Energy

Tom Dower, Vice President, Lighthouse Consulting Group

Tobyn Anderson, Senior VP, Lighthouse Consulting Group?

Staff:

Gina McCarthy (OAR)

Joyce Frank (OCIR)

David McIntosh, Lisa Heinzerling (OA)

Daniel Gerasimowicz/DC/USEPA/US
10/13/2009 03:21 PM

To
cc
bcc

Subject Options Selection for Endangerment and Cause/Contribute Findings for GHG under CAA

Meeting

Date 10/29/2009

Time 10:15:00 AM to 11:00:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location 3530 ARN

Ct: Teri Porterfield (OAR) 564-7683

Staff:

Gina McCarthy, Brian McLean, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Don Zinger (OAR)
Scott Fulton, Carol Holmes, John Hannon (OGC)
Lisa Heinzerling, Paul Balsarak (OPEI)
Pete Silva, Karen Metchis (OW)
Fred Hauchman (ORD)
Cynthia Giles, Adam Kushner (OECA)
Seth Oster (OPA)
Bruce Rodan, Tim Benner (ORD)

Daniel Gerasimowicz/DC/USEPA/US
03/20/2009 03:08 PM

To
cc
bcc

Subject Options Selection: Coal Combustion Residue Regulatory Effort

Meeting

Date 04/17/2009
Time 02:00:00 PM to 02:30:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location The Bullet Room
Ct: Elyn Fine 566-2775

Barry Breen, Matt Hale, Robert Dellinger, Betsy Devlin, Richard Kinch, Richard Mattick, Matt Straus, Richard Mattick, Richard Kinch (OSWER)

Marcia Mulkey, Louise Wise, Alex Cristofaro (OPEI)

Pat Hirsch, Mary Kay Lynch, John Michaud, Laurel Celeste (OGC)

Barnes Johnson (OAR)

Bharat Mathur (R5) - by phone

Bob Sussman (OA)

Jace Cuje (ORD)

Linda Travers (OEI)

Randy Hill (OECA)

Stan Meiburg (R4) - by phone

Susan Thorneloe (ORD, RTP) - by phone

William Early (R3) - by phone

(hookup to The Administrator's conference line needed)

Daniel
Gerasimowicz/DC/USEPA/US
04/06/2010 03:03 PM

To
cc
bcc

Subject Pre-Brief for Arch Coal Meeting

Meeting

Date 04/15/2010

Time 02:00:00 PM to 02:30:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman (OA)

Shawn Garvin (R3)

Scott Fulton (OGC)

**Daniel
Gerasimowicz/DC/USEPA/US**
09/24/2009 12:14 PM

To
cc
bcc

Subject Roundtable Dinner with Environmental Leaders

Meeting

Date 09/29/2009
Time 07:30:00 PM to 09:30:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Huntington Hotel
Big Four Restaurant

Confirmed Attendees:

Buddy Burke, Republicans for Environmental Protection, California Chapter President

Hal Harvey, CEO, Climate Works Foundation

Eric Heitz, President, The Energy Foundation

Steve Kline, VP, Environmental and Federal Affairs, PG&E

Amy Lyons, Executive Director, Richard and Rhoda Goldman Fund

Felicia Marcus, Western Director, NRDC

Sunil Paul, Partner, Spring Ventures

Fran Pavley, Senator, California State Senate

Carl Pope, Executive Director, The Sierra Club

Bill Reilly, Senior Advisor, TPG, Former Administrator, US EPA

EPA Staff:

Eric Wachter (OA)
Seth Oster (OPA)
Laura Yoshii (R9)

**Daniel
Gerasimowicz/DC/USEPA/US**
06/23/2009 11:51 AM

To
cc
bcc

Subject SEPW Hearing - Climate Legislation

Meeting

Date 07/07/2009

Time 10:00:00 AM to 12:00:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Dirksen 406

Ct: Jessica Holliday, Jessica_Holliday@epw.senate.gov

Secretary Chu and Secretary Vilsack will also be providing testimony at this hearing

Daniel
Gerasimowicz/DC/USEPA/US
07/16/2009 12:39 PM

To
cc
bcc

Subject Special Session I: Climate Change

Meeting

Date 07/27/2009
Time 11:15:00 AM to 12:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Ronald Reagan Building, Atrium Hall

**Daniel
Gerasimowicz/DC/USEPA/US**
02/21/2009 04:03 PM

To
cc
bcc

Subject Stop-by Climate Work Group Meeting

Meeting

Date 03/11/2009
Time 12:00:00 PM to 12:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location 1310 L Street, Room 890

Daniel Gerasimowicz/DC/USEPA/US
06/03/2010 03:32 PM

To
cc
bcc

Subject Stop-by OAR Meeting with Dr. R.K. Pachauri, Chair of the Intergovernmental Panel on Climate Change (IPCC) and Director General of The Energy and Resources Institute

Meeting

Date 06/07/2010
Time 02:30:00 PM to 02:40:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location 5400 ARN
Ct: Cindy Huang (OAR) 564-7404

Gina and OAR staff will be meeting with Dr. Pachauri from 2:30 - 3 PM -

The Administrator will stop in briefly for a meet and greet and then depart

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

To

cc

10/05/2010 11:29 AM

bcc

Subject TEPAC Meeting

Meeting

Date 11/04/2010

Time 10:00:00 AM to 11:00:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Green Room

Ct: Myesha T. Ward (Assistant U.S. Trade Representative Intergovernmental Affairs & Public Engagement) 202-395-9495
Advance Ct: Marcus McClendon (OA)

EPA Staff:

Michelle DePass, Shalini Vajjhala, Walker Smith,
Joe Ferrante (OITA)
Scott Fulton, Joe Freedman (OGC)

Attendees from USTR:

Ambassador Ron Kirk, US Trade Representative
Mark Linscott
Myesha Ward Assistant U.S. Trade Representative for
Intergovernmental Affairs & Public Engagement (TBD)

TEPAC Members Attending:

Joseph G. Block, Venable LLP
Nancy Zucker Boswell, Transparency International
Jennifer Haverkamp, Environmental Defense Fund
Rhoda Karpatkin, Consumers Union
Dawn Kristoff-Champney, Water & Wastewater Equipment Manufacturers Assn.
Daniel B. Magraw, Center for International Environmental Law
Naotaka Matsukata, Alston & Bird, LLP
Frederick O'Regan, International Fund for Animal Welfare
Marta Prado, Humane Society International
Peter Robinson, U.S. Council for International Business (TBD)
James Salzman, Duke University
Jeffrey J. Schott, Institute for International Economics
John P. Smirnow, King & Spalding LLP
Frances B. Smith, Competitive Enterprise Institute
Alexander F. Watson, Hills & Company
Durwood Zaelke, The Center for Governance and Sustainable Development

TEPAC Liaisons Attending:

Sofia Plagakis, Center for International Environmental Law
Sarah Stewart, Humane Society International

Attendance TBD:

Anne Alonzo, Kraft Foods
Dennis Avery, Hudson Institute
Frank H. Habicht, Global Environment & Technology Foundation
Thomas B. Harding, Agrisystems International
William J. Snape, III, Endangered Species Coalition

*The Administrator and the Ambassador will attend from 10 - 11 AM. The meeting will continue with EPA and USTR staff from 11 AM - 1 PM

**Daniel
Kanninen/DC/USEPA/US**

11/16/2011 12:55 PM

To Alisha Johnson

cc Andra Belknap, Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan, David Bloomgren, Dru Ealons, Elizabeth Ashwell, Heidi Ellis, Jose Lozano, Dan Kanninen, Laura Vaught, Michael Moats, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Owens

bcc

Subject Re: Madison Clips - 11/15/2011

One more just popped up on my google alerts...with a pic!



Environmental Protection Agency Administrator Lisa Jackson works with first-graders at Leopold Elementary School on a science experiment Tuesday.

Chalkboard: EPA chief visits Leopold Elementary

SUSAN TROLLER | The Capital Times | stroller@madison.com | Posted: Wednesday, November 16, 2011 7:45 am

It's not often that an elementary school class gets a visit from a member of the President's Cabinet.

On the other hand, Cabinet members don't often meet 6- or 7-year-old scientists wearing lab coats and goggles.

On Thursday afternoon, Lisa Jackson, chief of the Environmental Protection Agency and a top member of President Barack Obama's administration, visited Leopold Elementary first-graders about things like water quality, acid rain and why rain gardens are important.

Those are things that are important to Jackson, a chemical engineer, and they appeared to be important to the kids, too.

When she asked the first-graders who wanted to be a scientist when they grew up, a dozen small hands shot up.

Earlier in the day, Jackson was talking with older folks at Union South on the UW campus, warning of threats to environmental protection.

But in the afternoon it was a happier message as the EPA chief toured Madison's largest elementary school, which has quickly racked up a record number of energy efficiency awards in a couple of years.

The school has been working in partnership with Sustain Dane and Madison Gas and Electric as part of a comprehensive program that aims to help the city of Madison to use energy more wisely and efficiently. The project, coordinated by Sustain Dane and funded through a \$500,000 federal grant, makes Madison one of just 25 Climate Showcase Communities in the United States.

The next step is ramping up energy efficiency and sustainability in local schools. According to Madison Superintendent Dan Nerad, the school's students are leading the way by good example.

"Leopold has done more than any other school in the district to reduce its environmental footprint by saving energy and conserving resources. Sustain Dane and our other partners on making local schools models of environmental sustainability."

In her remarks at the school, Jackson made it clear that investing in school buildings would be an important aspect of energy savings and efficiency.

"Right now, a majority of our school buildings in America are over 40 years old. We spend over \$6 billion in energy to run these schools combined," she says, adding that improving energy use and efficiency by reinvesting in school infrastructure is a "win/win" proposition.

Read more:

http://host.madison.com/ct/news/local/education/blog/chalkboard-epa-chief-visits-leopold-elementary/article_43dtMjs3tO

Dan Kanninen
White House Liaison
U.S. Environmental Protection Agency
202.564.7960
kanninen.daniel@epa.gov

Alisha Johnson All, Below are the clips covering the Ad... 11/16/2011 12:31:21 PM

From: Alisha Johnson/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Dan Kanninen <kanninen.daniel@epa.gov>, Elizabeth Ashwell/DC/USEPA/US@EPA
Date: 11/16/2011 12:31 PM
Subject: Madison Clips - 11/15/2011

All,
Below are the clips covering the Administrator's visit to Madison, WI yesterday.

- The Capital Times - "EPA head says it's time to halt attacks on environmental laws"
- The Daily Cardinal (UW Madison paper) - "EPA administrator praises UW's environmental leadership"
- The Hill - "Overnight Energy: EPA's Jackson slams GOP 'jobs' plan"
- WisBusiness - "EPA leader criticizes House GOP for undermining regulations"

Campus Connection: EPA head says it's time to halt attacks on environmental laws

The Capital Times
November 16, 2011 6:30 am
Todd Finkelmeyer

If you're a fan of clean air and water, it's time to make your voice heard.

That was the message delivered Tuesday afternoon by Environmental Protection Agency Administrator Lisa Jackson to a crowd of about 400 people on the University of Wisconsin-Madison campus.

"I think there is real value to getting outside the Washington Beltway and really talking to people about environmental issues of the day and engaging them a bit in what's going on in Washington," Jackson said in a short interview after her roughly hour-long presentation in the Varsity Room of the new Union South. "Because whether we like it or not, environmental issues are becoming the focus of some political attention and I don't think that's necessarily going to be good for public health or welfare over the short term or the long term."

During her 20-minute speech and 35-minute question-and-answer session with the student-dominated audience, Jackson noted how the "source of everything we do" can be traced to the efforts of Gaylord Nelson, the U.S. senator from Wisconsin who helped parlay a growing environmental movement into the first Earth Day back in 1970.

That movement led to the creation of the Environmental Protection Agency by Republican President Richard Nixon, also in 1970.

After passage of the 1969 National Environmental Policy Act, Jackson told the audience, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act and the Toxic Substances Control Act were "all passed in very quick succession. That was amazing progress in a very short amount of time. The Civil Rights movement had been a pretty high-profile movement at that time for almost two decades. The anti-war movement had been going on for years and would continue for many more. By contrast, the modern environmental movement went from its inauguration, if you will, at Earth Day to a sweeping set of foundational environmental laws in about six years."

But much of the progress of the past 40 years is in jeopardy, Jackson warned.

"For those who were born after 1970, it could be the first time in your lives that the health and environmental protections you grew up with are not steadily improved, but deliberately weakened," she said.

That's because as the greatest economic crisis since the Great Depression continues, some are voicing concerns that this push for even cleaner air and water is costing us much-needed jobs. Wisconsin Manufacturers & Commerce put out a press release Tuesday asking Jackson to "stop the regulations that are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Kurt Bauer, president and CEO of WMC, said in the news release.

Bauer added that the pending Industrial Boiler MACT Rule, for example, could force the shuttering of 11 paper mills in Wisconsin at the cost of up to 7,500 jobs by forcing the companies to pay more than \$400 million to comply with the rule.

Jackson hadn't read the WMC release so refused to speak to it directly, but noted "there was a study not long ago that said just complying with one of the Clean Air Act's requirements created thousands and thousands of jobs for boilermakers and pipefitters and plumbers who got hired to make sure these boilers were upgraded."

The EPA website also notes the Industrial Boiler MACT standards, which are "currently going through interagency review, are meant to protect Americans from mercury, soot, lead and other

harmful pollutants released by boilers and incinerators that can lead to developmental disabilities in children, as well as cancer, heart disease, aggravated asthma and premature death."

To be clear, Wisconsin Manufacturers & Commerce isn't alone in its anti-EPA sentiments. Jackson told the UW-Madison audience that since the start of the year, Republicans in the House have voted 170 times and counting -- nearly a vote for every day the chamber has been in session -- to undermine the EPA and environmental laws. She added that these provisions, if they were to become law, would represent a startling rollback of the Clean Air Act, the Clean Water Act and a range of waste-disposal laws.

And most of the attacks against the EPA, Jackson noted, are using the economy as justification by pushing "unfounded claims" that environmental regulations kill jobs.

"There is not a credible economist out there who thinks that smart, sensible protections for our air and our water and our land are going to harm job growth," she said after her talk.

Jackson told the audience she's no fan of this "pseudo jobs plan that protects polluters." In this regard, Jackson wishes more people would focus on the health costs associated with allowing major polluters to continue with the status quo.

She noted that of the 1,100 coal-fired power plants in the country, more than 40 percent use no pollution controls -- even though they're widely available -- which allows unnecessary amounts of mercury, lead and other pollutants into the air. She said EPA regulations regarding mercury and other pollutants that the agency hopes to have finalized by mid-December could save the country \$140 billion per year in health costs by 2016.

Yet even if you don't think scrubbing additional pollutants out of the air should be a priority, Jackson said the EPA estimates the rules will create 31,000 short-term construction jobs -- and 9,000 long-term -- through modernizing power plants.

Jackson was pleased that just last week the U.S. Senate rejected a proposal to stop the EPA from implementing a rule aimed at limiting pollution that crosses state lines and hurts air quality. The EPA regulation requires coal plants in 27 states to cut emissions.

Nonetheless, Sen. Rand Paul, the Kentucky Republican who introduced the proposal to block the EPA rule, called this another example of a "job-killing regulation" by the Obama administration, according to USA Today.

In other words, there are competing visions for how the country should move forward on these environmental issues.

Jackson asked, "What's going to win -- the populist view or special interests?"

"One (view) says that we can allow science and law and innovation to protect our health and environment and grow a clean, sustainable economy in the process," Jackson said in her speech. "The alternative vision says that going forward requires rolling back standards to clean air and clean water. It says we have to increase protection for big polluters while reducing the safeguards for the rest of us. After 40 years of progress, the American people still believe in the first vision."

Added Jackson: "More than half of Republican voters recently said that they oppose the congressional proposal to stop the EPA from enacting limits on air pollution for power plants.

More than three-quarters of Americans support new EPA standards for mercury and air toxins. So, just like back in 1970, we need a little help. Students and parents and educators and young people have always driven the environmental movement. After all, it is your planet."

EPA administrator praises UW's environmental leadership

The Daily Cardinal

By Alison Bauter

Wednesday, November 16, 2011 2:41 am

Environmental Protection Agency Administrator Lisa Jackson said UW played an important role in the environmental movement.

Loud applause greeted the Environmental Protection Agency's Lisa Jackson as the agency administrator addressed a packed Varsity Hall Thursday on the importance of the EPA's economic role.

President Barack Obama appointed Jackson in 2008 as the EPA's first African-American administrator. Her career has been characterized by a push for conservation-based economic innovation and environmental justice.

"It's good for me as EPA administrator to come into Wisconsin," Jackson said Tuesday. "It's really like coming back to home to the source of everything we do."

Jackson praised UW-Madison for its past leadership in the environmental movement and called upon faculty and students to continue to "drive the environmental movement."

"We need that same nationwide concern mobilized to pull these issues out of the political gridlock of today," Jackson said.

That drive is especially crucial now, as Republican lawmakers vote to "undermine" the EPA and national environmental law, she said.

Jackson attributed anti-environmental legislation to "misinformation" spread by lobbyists, corporations and news organizations, and she sought to dispel common misconceptions. Chief among those, Jackson said, is the misconception that EPA spending and regulation harm the national economy.

Jackson credited Obama for continuing to fund the EPA in the face of economic recession, because the president "knows the choice between the environment and the economy is a false choice."

In the face of "a new generation of environmental challenges," Jackson emphasized tying environmental innovation, like hybrid transportation and green energy, to growing the economy. "It is clear we could have a clean environment and a good economy," Jackson said.

Overnight Energy: EPA's Jackson slams GOP 'jobs' plan

The Hill

By: Ben Geman and Andrew Restuccia

11/15/11

Environmental Protection Agency Administrator Lisa Jackson blasted House Republicans Tuesday for voting to block or delay a slew of clean-air regulations, arguing that the GOP's jobs plan should be renamed "too dirty to fail."

"Since the beginning of this year, Republican leadership in the House of Representatives has orchestrated 170 votes against environmental protection," Jackson said during a speech at the University of Wisconsin-Madison. "That is almost a vote for every day the chamber has been in session to undermine the Environmental Protection Agency and our nation's environmental laws."

Jackson said the votes are a response to "myths and misleading information," including that the EPA is "putting forward a 'train wreck' of regulations that will hobble our economy."

"We all remember 'too big to fail'; this pseudo jobs plan to protect polluters might well be called 'too dirty to fail,'" she said.

The EPA chief blamed the press for giving too much coverage to climate skeptics and EPA opponents.

And, she lamented, citing a series of recent disasters and a slew of scientific evidence, what she called the slow progress on environmental policy.

From the speech:

"You begin to see why we are witnessing an unprecedented effort to roll back the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws; to see why, less than three years after a coal ash spill that covered 300 acres of Tennessee country, the House majority passed legislation preventing EPA from regulating coal ash. You see why, less than two years after the Deepwater Horizon BP spill, the best idea industry groups like the American Petroleum Institute have for creating jobs is to de-regulate drilling. And you see how, after the second-hottest summer on record, followed by a foot of late-October snow on the East Coast and the reversal of a leading climate skeptic, people are still working to stop the EPA from taking vital steps to cut carbon pollution."

WisBusiness

11/15/2011

By Andy Szal

Environmental Protection Agency Administrator Lisa Jackson defended her agency's initiatives under the Obama administration before a UW-Madison audience today, chastising House Republicans for a series of votes she says undermine the nation's environmental regulations.

"It would have been easy to tell EPA to just sit and wait," Jackson said of the economic downturn that accompanied the president into office in 2009.

"(But) he directed us to do our job," Jackson said.

Jackson did not shy away from her agency's goals, which included confronting climate change, improving control of conventional air and water pollution, targeting "under-regulated" toxics in

consumer products and establishing "environmental justice" in vulnerable areas of the county.

But she said widespread claims about items that aren't on the EPA's radar -- particularly greater regulation of small sources of pollution -- have fostered distrust of the agency.

Jackson cited rumors on regulating dust and commercials charging that the agency is considering regulating livestock.

"If that's the level of our discourse, then I think that's very dangerous," Jackson said.

She also criticized House Republicans, charging that they've taken upwards of 170 votes to restrict environmental protection this year, and arguing that the country is in jeopardy of rolling back those regulations for the first time since 1970.

She dubbed the House GOP approach "too dirty to fail," arguing that rolling back regulations to grow the economy ignores the scale of the challenges facing the country.

Rather, she said, uniform regulation of large industries would foster job creation. She said new mercury standards set to be unveiled next month are alone expected to create 31,000 construction jobs and 9,000 additional permanent positions at the nation's power plants.

Jackson said she hopes to return to the citizen-fueled, bipartisan environmental movement that followed the first Earth Day in 1970. She noted Wisconsin U.S. Sen. Gaylord Nelson's role in establishing that first Earth Day, and praised the state's work on environmental protection -- particularly actions in the last session to rein in phosphorus levels.

"We can have a clean environment and a growing economy," Jackson said.

Wisconsin Manufacturers and Commerce President Kurt Bauer called on Jackson to stop proposed EPA regulations that "are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Bauer said in a statement issued prior to Jackson's visit to UW-Madison's Union South.

He also called on Congress to pass a proposal from U.S. Sen. Ron Johnson, R-Oshkosh, and U.S. Rep. Reid Ribble, R-Sherwood, to put a moratorium on new federal regulations.

DANIEL RYAN
<dryan0@msn.com>
09/29/2011 12:50 PM

To Richard Windsor
cc
bcc
Subject Must Read article 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.

Darlene Yuhas/R3/USEPA/US
09/28/2010 07:14 AM

To Richard Windsor, "Eric Wachter", "Darlene Yuhas"
cc
bcc

Subject Re: YOU WON SIERRA CLUB AWARD

Wow ... That's awesome! Congratulations. Will be happy to write something nice for you.
Richard Windsor

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

From: Richard Windsor
Sent: 09/27/2010 09:05 PM EDT
To: "Eric Wachter" <wachter.eric@epa.gov>; "Darlene Yuhas" <yuhas.darlene@epa.gov>
Subject: Fw: YOU WON SIERRA CLUB AWARD

Cool. I need a nice thank you. And one for Tittel.
Adora Andy

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

From: Adora Andy
Sent: 09/27/2010 04:16 PM EDT
To: Richard Windsor
Subject: YOU WON SIERRA CLUB AWARD

FYI Below

----- Forwarded by Adora Andy/DC/USEPA/US on 09/27/2010 04:16 PM -----

From: Orli Cotel <orli.cotel@sierraclub.org>
To: Adora Andy/DC/USEPA/US@EPA
Date: 09/27/2010 03:52 PM
Subject: Sierra Club Announces 2010 Awards

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For Immediate Release: September 27, 2010
Contact: Orli Cotel 415 977 5627

SIERRA CLUB ANNOUNCES 2010 NATIONAL AWARDS

SAN FRANCISCO The Obama administration's new EPA administrator, a congressman who has a long record of advocating for environmental protection and a photographer who helped raise awareness of overconsumption are among those receiving national awards from the Sierra Club this year.

EPA Administrator Lisa Jackson is receiving the club's Edgar Wayburn Award, which honors outstanding service to the environment by a person in government.

"In her first year, Administrator Jackson has established herself as the most consequential and effective EPA Administrator since William Ruckelshaus launched the agency," said Sierra Club President Robin Mann.

"She has reversed in a little over a year the overwhelming majority of the anti-public health and environmental regulations left in place by eight years of Bush appointees. New health standards have been established for conventional air pollutants; the agency had moved aggressively to begin carrying out the Supreme Court decision that the Clean Air Act requires regulations of greenhouse gasses; important progress has been made in establishing stringent restrictions on pollution from mountaintop removal mining; and the federal program to regulate commercial chemicals, which had been long ignored and languishing, is beginning to move forward again."

Norman Dicks, a congressman from Bremerton, Wash., is receiving the Distinguished Service Award, which recognizes individuals in public service for strong and consistent commitment to conservation. Dicks has represented Washington's 6th Congressional District since 1976 and has used his position on the Interior Appropriations Subcommittee to pass several key pieces of environmental legislation, including a landmark bill that created a new federal lands conservation trust.

Chris Jordan of Seattle, Wash., is receiving the Ansel Adams Award, which honors excellence in conservation photography. His latest book, *Running the Numbers: An American Self-Portrait*, brings to life through photography some of the startling statistics related to American consumerism − statistics such as the fact that 1 million trees are cut down every year and 2 million plastic bottles are used every five minutes.

Jeff Biggers, author of the 2010 book *Reckoning at Eagle Creek*, is receiving the David R. Brower Award, which recognizes outstanding environmental reporting or editorial comment that contributes to a better understanding of environmental issues. Biggers writes extensively on issues related to coal mining and is a regular contributor to the Huffington Post, Grist and Salon.com.

The Club's top award, the John Muir Award, is going to Dick Fiddler of Shoreline, Wash., who has provided outstanding conservation leadership for the Sierra Club at the chapter, regional and national levels for more than 40 years.

The Club's highest honor for administrative work, the William E. Colby Award, will go to Doris Cellarius of Prescott, Ariz., who also has been an active Club leader for more than 40 years at the group, chapter, national and international levels.

Others receiving 2010 Sierra Club awards include the following:

EarthCare Award (Honors an individual, organization, or agency that has made a unique contribution to international environmental protection and conservation): Anna Rose of Sydney, Australia. Rose founded the Australian Youth Climate Coalition, which has been a major partner with the Sierra Student Coalition in its efforts to build an international youth climate movement.

Environmental Alliance Award (recognizes individuals or groups that have forged partnerships with other non-Sierra Club entities): Jose Menendez of San Juan, Puerto Rico. Menendez partnered with other organizations to create an ecotourism micro enterprise that has helped nearly 200 fishermen support their families.

Ida and Denny Wilcher Award (recognizes outstanding achievement in membership development and/or fundraising): The Sierra Club Puerto Rico Chapter, which has recruited 1,300 new members since it was established in 2005.

Joseph Barbosa Earth Fund Award (recognizes a club member under the age of 30): Members of the Washington University Climate Justice Alliance. This group has worked to educate their fellow students and the general public about the hidden costs of "clean coal." The award includes a \$500 prize that they will use to defray the costs of a four-day symposium titled "Global Energy Future" that is being held at Washington University next month.

Madelyn Pyeatt Award (recognizes work with youth): Matt Nelson of Tucson, Ariz., and Chris Bachman of Spokane Valley, Wash. Both have worked with the Sierra Club's Inner City Outings program in their communities. Their local ICO groups will each receive \$250 to continue their outreach.

Oliver Kehrlein Award (for outstanding service to the club's outings program): Susan Estes of Richmond, Calif. Estes is a national outings leader for the Sierra Club.

One Club Award (honors club members who have used outings as a way to protect or improve public lands, instill an interest in conservation, increase membership in the Sierra Club, or increase awareness of the Sierra Club: Norma McCallan of Santa Fe, N.M. McCallan has sponsored outings and hikes to introduce policymakers and activists to several areas in New Mexico that are worth protecting.

Raymond J. Sherwin International Award (honors extraordinary volunteer service toward international conservation): Larry Williams of Washington, D.C. Williams has served as chair of the Club's International Committee and has particular expertise on international banks and the environment. Special Achievement Awards (for a single act of importance dedicated to conservation or the Sierra Club): Lisa Cox of Beaufort, N.C., and Lynn Ryan of Arcata, Calif. Cox served as chair of the club's Chapter Fundraising Task Force and Ryan helped secure passage of the Northern California Coastal Wild Heritage Act, which became law in 2006.

Special Service Awards (for strong and consistent commitment to conservation over an extended period of time): David Dow of East Falmouth, Mass.; Luis Jorge Rivera Herrera of San Juan, Puerto Rico; Barry Kohl of New Orleans, La.; Martin Mador of Hamden, Conn.; and James Rickard of Afton, Minn. Dow has been involved with issues ranging from the cleanup of the Massachusetts Military Superfund Site to offshore renewable energy and ocean and fisheries management. Herrera is working to save a strip of coastal land in Puerto Rico known as the Northeast Ecological Corridor. Kohl has worked to reduce levels of mercury in Louisiana and has been an important science advisor to the Sierra Club and others on the consequences of the BP oil spill in the Gulf of Mexico. Mador has worked with other environmental organizations to further the Connecticut Chapter's legislative agenda. Rickard has been a spokesperson for protection of the St. Croix River, which serves as a natural boundary between Minnesota and Wisconsin.

Susan E. Miller Award (honors administrative contributions to Sierra Club groups, chapters and regional entities): The Angeles Chapter GIS Committee and Betsy Grass of Miami, Fla. The GIS Committee has provided computer-based mapping to support Angeles Chapter conservation and political efforts. Grass has been active in the Miami Group and the Florida Chapter for 35 years.

Most awards were presented Sept. 25 during the Sierra Club's Annual Dinner in San Francisco.

For more information on the Sierra Club awards program, visit www.sierraclub.org/awards.

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85 Second St., San Francisco, CA 94105

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David Cohen/DC/USEPA/US
03/09/2009 06:14 PM

To Allyn Brooks-LaSure, Adora Andy, Bob Sussman, David McIntosh
cc
bcc Richard Windsor
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 Kingston, 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 and 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 coal facilities."**

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Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

David Cohen/DC/USEPA/US

04/07/2009 10:28 AM

To David McIntosh, Arvin Ganesan

cc

bcc Richard Windsor

Subject just fyi

a thoughtful treatment in politico today on what they take to be the nub of climate change legislation:

POLITICO

Emissions bill fuels fight in Congress

By: [Lisa Lerer](#)

April 7, 2009 04:42 AM EST

Last week, House Democrats unveiled the first outline of their much-awaited climate change bill.

Cue the congressional fighting.

Democrats are already wrangling over how to spend the windfall — potentially hundreds of billions of dollars — raised by the new system. The bill would create a cap-and-trade system, with a cap on industrial emissions of greenhouse gases and a market for companies to trade their pollution allowances.

The way that the government distributes the allowances will have a significant impact on companies forced to buy, sell and collect the permits starting in 2012.

The draft bill was purposely vague on the issue, but the sponsors — House Energy and Commerce Committee Chairman Henry A. Waxman (D-Calif.) and Energy and Environment Subcommittee Chairman Ed Markey (D-Mass.) — support giving away some free allowances to industries that are most vulnerable to international competition, such as steel, glass and paper.

“There are trade-sensitive, energy-intensive industries that need assistance during the transition,” said Markey.

Rep. Jay Inslee (D-Wash.), a member of the Energy and Commerce Committee, has proposed setting aside about 15 percent of the potential revenue as free allowances for those industries.

That type of approach is favored by lawmakers from manufacturing states, who fear that costly compliance with a cap-and-trade system could force fossil-fuel burning industries to buy overseas from cheaper, less-regulated countries like China and India.

Their votes, particularly in the Senate, are critical to passing any significant climate change legislation.

But members of the House Ways and Means Committee, which has jurisdiction over all revenue provisions, have voiced support for the “cap and dividend” approach to tackling carbon emissions and climate change.

Cap and dividend, popularized by California entrepreneur Peter Barnes, regulates the first sellers of fossil fuels, such as the producers of coal, crude oil and natural gas.

That’s a shift from cap and trade, which targets electrical utilities, factories and other “downstream” consumers.

Last week, Ways and Means Committee member Chris Van Hollen (D-Md.) introduced a cap-and-dividend bill that proposed selling all of the allowances at auction — reserving no free permits for trade-sensitive industries — and giving all the proceeds back to consumers as a “monthly consumer dividend” to offset any possible increase in energy prices.

“We are going to be putting a price on carbon-intensive fuels to create an incentive to purchase clean energy, but we’re also going to be minimizing the hit on consumer pocketbooks in the process,” he said.

Van Hollen’s approach could gain traction from Republicans who are concerned about climate change but fear the higher energy prices that an emissions cap could cause. Tennessee Republican Sen. Bob Corker and New York Mayor Michael Bloomberg have come out in support of the idea.

In 2008, Corker introduced a cap-and-dividend amendment to a climate change bill sponsored by Sens. Joseph I. Lieberman (I-Conn.) and John Warner (R-Va.).

“I believe we should return more money directly to the pockets of American citizens, prevent massive government expansion and keep more U.S. dollars at home rather than sending them overseas,” Corker said at the time.

President Barack Obama supports a somewhat hybrid approach of a cap-and-trade system that auctions off all the allowances and spends a large portion of the “climate revenues” on tax credits and energy and efficiency projects.

In its budget, recently passed by Congress, the administration estimated that a cap-and-trade system could generate nearly \$645 billion over the next decade. Most of the revenues would go into the “making work pay” tax credit, but a smaller percentage would be used for clean-energy projects.

Lobbying groups representing environmentalists and business have been pushing

lawmakers hard from both sides, hoping to influence them before they write the official version of the bill.

The United States Climate Action Partnership, a coalition of business and environmental groups, is pushing for “a significant portion” of free allowances to help its membership — which includes General Motors, Alcoa and Shell — adopt new, less-polluting technologies.

The free allowances, which would be phased out over time, would go to trade-exposed businesses and state-regulated local distribution companies for electric and natural gas, according to the group’s plan.

State regulators “are in a much better position to know the particular needs of consumers in those areas,” said Melissa Lavinson, director of federal environmental affairs and corporate responsibility for PG&E Corp., a member of the group.

Environmentalists, however, fear that the free allowances will create a windfall for polluting companies.

“Part of doing it right is charging people for creating greenhouse gases and taking the money from that and investing it appropriately to make the transition to a climate-constrained economy,” said Debbie Sease, national campaign director for the Sierra Club. “You don’t want to give it all back to the people who are creating pollution to make a profit.”

David Cohen/DC/USEPA/US

To Richard Windsor

03/23/2009 02:09 PM

cc

bcc

Subject assume u've seen

EPA: Global Warming Threatens Public Health, Welfare

By [Juliet Eilperin](#)

Washington Post Staff Writer

Monday, March 23, 2009; 12:18 PM

The Environmental Protection Agency sent a proposal to the White House that global warming is endangering the public's health and welfare, according to several reports. The move could have far-reaching implications for the nation's economy and environment.

The proposal -- which comes in response to a 2007 Supreme Court decision on whether carbon dioxide and other greenhouse gases should be regulated under the Clean Air Act -- could lay the groundwork for nationwide measures to limit such emissions. It follows the administration's landmark environmental decisions: In July 2008 then-EPA Administrator Stephen Johnson rejected his scientific and technical staff's recommendation and announced a 12-month seek months of further public comment on the threat posed by global warming.

"This is historic news," said Frank O'Donnell, who heads the public watchdog group. "It will set the stage for the first-ever national limits on global warming pollutants and help light a fire under Congress to get moving."

But business groups decried the move as an economic disaster.

"By moving forward with the endangerment finding on greenhouse gases, the EPA has set a course for a set of decisions that may have far-reaching unintended consequences," said a spokesman for the U.S. Chamber of Commerce. "Once the finding is made, no matter how limited, some environmental groups have threatened to apply it to all aspects of the Clean Air Act."

"This will mean that all infrastructure projects, including those under the program, will be subject to environmental review for greenhouse gases. Since not only those projects but also those not subjected to that review, it is possible that the projects under the stimulus program could be devastating to the economy."

In December 2007 EPA submitted a written recommendation to the White House administration to allow EPA to state officially that global warming is a threat. However, senior White House officials refused to open the document and urged John McCain not to sign such a finding would trigger sweeping regulatory requirements under the 4th Amendment. EPA analysis had found the move would cost utilities, automakers and other industries, also bringing benefits to other economic sectors.

EPA officials could not be reached immediately today for comment on the finding.

Several congressional Democrats had urged EPA administrator Lisa P. Jackson to issue an endangerment finding on the grounds that it was scientifically warranted and necessary to enact a national cap on greenhouse gases. Unlike former President George W. Bush, Obama backs such mandatory limits.

On Thursday [Sen. Barbara Boxer](#) (D-Calif.), who chairs the Environment and Public Works Committee, said, "There is no question that the law and the facts require an action and it should happen without further delay, and I believe it will."

David Cohen/DC/USEPA/US

03/27/2009 04:29 AM

To Richard Windsor

cc

bcc

Subject editorial: today's post

The First Green Step

Fighting global warming starts with a greenhouse gas registry.

Friday, March 27, 2009; A16

THE LACK of concrete data on which facilities were emitting greenhouse gases and how much they were spewing into the atmosphere led to a major flaw in the European Union's cap-and-trade system: the over-allocation of pollution permits to industry. This mistake led to the collapse of the carbon market. Thanks to action taken by the Environmental Protection Agency this month, the United States will not make the same mistake.

EPA Administrator Lisa P. Jackson [issued](#) a proposal to establish a greenhouse gas registry. This is the first step in a process that will lead to the development, discussion and implementation of a program that will tabulate the amount of carbon dioxide, methane and other gases from about 13,000 large industrial facilities that emit more than 25,000 metric tons or more a year each. The EPA estimates this would cover 85 to 90 percent of all greenhouse gas emissions in the United States. The plan, required by Congress but ignored by President George W. Bush, must be in place by June 26.

Collecting this data would also be the first step in devising a cap-and-trade system that President Obama wants to use to reduce greenhouse gas emissions by about 83 percent below 2005 levels by 2050. He wants to auction 100 percent of the pollution permits to generate \$650 billion over the next 10 years. But there's one small wrinkle in this. The first report from the EPA would be submitted in 2011 for emissions in 2010. Mr. Obama's budget plan submitted to Congress anticipates the cap-and-trade system being in place by 2012. In short, there's a question as to whether there will be enough data on which to base the carbon caps.

The administration should consider ramping up voluntary greenhouse gas inventory plans already underway such as the Climate Leaders program at the EPA and the Energy Department's Voluntary Reporting of Greenhouse Gases Program. This would bolster the effort to get as much solid information as possible. And it would help to ensure that the United States avoided making Europe's mistakes.

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all

EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

David Cohen/DC/USEPA/US

To Richard Windsor

03/10/2009 03:16 AM

cc

bcc

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.”

nonhazardous] options merited consideration for addressing the formidable challenge of safely managing coal ash disposal," EPA said in a statement.

In its deliberations on the rule, OMB had more than 40 meetings with stakeholders, 30 with industry groups and at least 12 with environmental and public health groups, according to office's records. OMB declined to comment on the matter, referring questions to EPA.

Proponents of the hazardous designation say Jackson was bullied away from the agency's original proposal by industry lobbyists and OMB economists.

"OMB is substituting its judgment for the judgment of the EPA administrator, and that's not the way this is supposed to work," said Rena Steinzor, president of the Center for Progressive Reform and a professor at the University of Maryland Law School. "Lisa Jackson is accountable for environmental protection and that she could be overruled by a bunch of economists in the basement of the executive office tells us that this process is frighteningly dysfunctional."

Environmentalists have been pressing EPA for the hazardous designation for years, but the campaign gained momentum 16 months ago when a wet storage pond at a Kingston, Tenn., power plant failed, spilling about 1 billion gallons of sludge into surrounding lands and rivers. Even when the ponds do not fail, they can leach toxic concentrations of heavy metals into water supplies, said Lisa Evans, an attorney with the nonprofit Earthjustice.

Under the hazardous option EPA proposed Tuesday, such ponds would be phased out over five years. The nonhazardous alternative would allow new wet storage ponds to be built but require new safety measures and pollution monitoring devices.

Utilities and companies that sell coal ash for recycling as a building material argue that a hazardous designation overstates the health risks from coal ash and would unnecessarily impose new storage costs. They also say it would stigmatize building materials that use recycled coal ash and send more of the waste to landfills ([Greenwire](#), Jan. 13).

The changes to EPA's proposal during the OMB review suggest the regulatory-review process worked properly, said Jim Roewer, executive director of the Utility Solid Waste Activities Group.

Both environmental groups and affected business had an opportunity to share their views, Roewer said. The number of meetings with industry groups should not be seen as "undue influence" but rather the result of the high number of companies affected by coal ash rules, he said.

The review process "does open the opportunity for interested stakeholders to present their views so that EPA or whatever federal agency is developing a rule can get as much information as possible," Roewer said. "To say this is a bad thing for public policy seems like a strange argument."

David Cohen/DC/USEPA/US

03/23/2009 10:22 PM

To Richard Windsor

cc

bcc

Subject news of the weird

from politico.com:

Bachmann urges "armed" revolt over climate plan

Rep. Michele Bachmann, the firebrand Minnesota conservative Republican, may have gone a bit over the rhetorical line last weekend when attacking the Obama administration's cap-and-trade proposal.

Speaking on a right-wing talk radio show in Minnesota on Saturday, Bachmann said:

"I want people in Minnesota armed and dangerous on this issue of the energy tax because we need to fight back. Thomas Jefferson told us 'having a revolution every now and then is a good thing,' and the people – we the people – are going to have to fight back hard if we're not going to lose our country. And I think this has the potential of changing the dynamic of freedom forever in the United States."

David Cohen/DC/USEPA/US

03/25/2009 06:31 AM

To Richard Windsor

cc

bcc

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.

David Cohen/DC/USEPA/US

To Richard Windsor

02/28/2009 09:55 AM

cc

bcc

Subject Re: krissah in the post

link below, with cut and pasted story below that. . . photo inside the hardcopy of paper is of you right next to one of holder -- than bigger one yet of first lady is to the right of you two.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022703242.html>

Top Officials Expand The Dialogue on Race

Month's Celebrations Evoke a Mix of Views

By Krissah Thompson

Washington Post Staff Writer

Saturday, February 28, 2009; A01

When the country's racial chasms seemed to threaten President Obama's election, his team had to tread carefully. A month into his administration, the tone has changed. Top officials are engaging the subject of race more freely, with a boldness and confidence they once shunned.

With the federal government's annual African American History Month celebrations as a backdrop, the attorney general, the first lady and the head of the Environmental Protection Agency spoke more frankly about race recently than any of Obama's surrogates did during the hard-fought campaign.

Lisa P. Jackson, the EPA administrator and a native of New Orleans, told her staff about having grown up in an area where she would have had to drink from unsafe water fountains because of her race. "Now in 2009, I am, along with you, responsible for ensuring that all Americans have clean water to drink," Jackson said. "Change has certainly come to this agency."

First lady Michelle Obama hosted middle-schoolers in the White House East Room and taught the children about African Americans and their roles in the executive mansion: the slaves who built it, the signing of the Emancipation Proclamation there, the meetings held with civil rights leaders.

Attorney General Eric H. Holder Jr., who ignited the most debate, used his Feb. 18 address as an admonition that "to get to the heart of this country, one must examine its racial soul."

"Though this nation has proudly thought of itself as an ethnic melting pot, in things racial we have always been and continue to be, in too many ways, essentially a nation of cowards," Holder said. "Though race-related issues continue to occupy a significant portion of our political discussion, and though there remain many unresolved racial issues in this nation, we, average Americans, simply do not talk enough with each other about race."

The plain talk may be an attempt to expand the racial dialogue Obama called for during his speech on the subject in Philadelphia last year, but whether Americans want to go there remains unanswered. White House officials said the African American History Month celebrations were choreographed across the federal government. Reaction so far has been mixed.

Holder has been rebuked by some who contend that with Obama's election, the country proved its willingness to move beyond the color line. New York Times columnist Maureen Dowd likened Holder's remarks at the Justice Department's African American History Month program to a lecture on race by Jesse Jackson or Al Sharpton. "Barack Obama's election was supposed to get us past that," she wrote.

Jen Singer, author of "You're a Good Mom (and Your Kids Aren't So Bad Either)," wrote on the Web site BettyConfidential.com that "Michelle Obama could talk all she wanted about Black History Month, slavery and segregation, but no words could better illustrate to today's schoolchildren how far this country has come than her presence as First Lady."

There is a risk in talking about it too much, said Thomas Mann, a political scientist at the Brookings Institution, in an e-mail. During his campaign, Obama made an explicit decision not to emphasize race and did so only when it threatened to damage his candidacy. Changing course now could make some feel uncomfortable.

Nearly six in 10 Americans said Obama's presidency will do more to help race relations in this country, according to a January Washington Post-ABC News poll. But whites and African Americans start out with widely divergent views on the racial climate in the country. Overall, about three-quarters of those surveyed called racism a problem in society today, with one-quarter labeling it a "big" problem. Twice as many blacks (44 percent) as whites (22 percent) called it a big problem.

"They definitely have to be careful," Mann said of the Obama administration. "Better to have the president and his top African American aides serve as role models and achieve the broader objective by indirection."

Others argue that African American administration officials are simply bringing their background, perspective and history to the public sphere. Holder, Jackson and Obama are the first African Americans in their positions, and it should come as no surprise that their celebration of black history is different from their predecessors', said Shawnta Walcott, a pollster at Ariel & Ethan.

"I think what we know about the first lady is that part of her persona is to go one level down into

something that she thinks is significant," Walcott said. "She is the first African American first lady, so we should expect to see those sorts of nuanced pieces of information coming from her. It is unusual for the norm, but she is not the norm."

There are attempts now to define the new normal. Last weekend, after Holder's use of the phrase "nation of cowards" drew criticism, it became a subject of discussion at a Princeton University symposium titled "From the Middle Passage to the Oval Office: Defining the Black Experience."

One of the panelists, Jeff Johnson, host and producer of Black Entertainment Television's "The Truth," said the reaction to the attorney general's comments read as if "he was saying only white Americans were cowards."

Holder "was talking about all of us, from white Americans to African Americans to Asians to Latinos," said Eddie S. Glaude Jr., a professor of religion and African American studies at Princeton. "The fact that we would read Holder's comments as only about white Americans shows us how we are thinking about race when it is invoked."

Glaude noted that reaction to Holder's comments coincided with publication of a controversial editorial cartoon in the New York Post. NAACP officials decried the cartoon as a racist depiction of the president as a slain chimpanzee. The NAACP called for the cartoonist and his editor to be fired and held protests Thursday at Fox News affiliates in 50 cities. The Fox News affiliates and the New York Post have the same owner, News Corp.

Other people have shushed protesters as overly sensitive.

"It is just the traditional theater of American racial politics," Glaude said.

Rinku Sen, president of the Applied Research Center, a think tank on race in Oakland, Calif., Chicago and New York, said she also worries that the dialogue about race is being pushed back into the old paradigm that kept the nation in a stalemate.

"I think that the line is, 'We've elected the black president, and now we're post-racial and everybody should just shut up.' It's very dismissive," Sen said. "We did elect the first black president, but people seem to forget that it was a hard campaign."

To Jelani Cobb, a professor of African American history at Spelman College, the back-and-forth about race in the age of Obama already feels old.

"Our major concerns about race are not conversations," Cobb said. "They are about policies, and they are about entrenched legacies of privilege and underprivilege. So in some ways, these conversations are a substitute for other kinds of more meaningful reform or interaction."

Polling analyst Jennifer Agiesta contributed to this report.

Richard Windsor

[Can u send the link please. This bberr...](#)

02/28/2009 09:46:59 AM

From: Richard Windsor/DC/USEPA/US

To: David Cohen/DC/USEPA/US@EPA
Date: 02/28/2009 09:46 AM
Subject: Re: krissah in the post

Can u send the link please. This bberry is internet challenged.

David Cohen

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

From: David Cohen
Sent: 02/28/2009 09:02 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: krissah in the post

i'm so glad for her that she made the front page. and i'm glad for us that we invested time with her. great photo! and most importantly, a far better quote from us than for a.g. holder (i think even he would admit!) congratulations on good representation in an important story.

David Cohen/DC/USEPA/US

03/09/2009 09:39 PM

To Richard Windsor, Allyn Brooks-LaSure, Bob Sussman

cc

bcc

Subject ap on ash

EPA to study, regulate coal ash waste after spill

By DINA CAPPIELLO, Associated Press Writer Dina Cappiello, Associated Press Writer

WASHINGTON – The Environmental Protection Agency on Monday launched a review of coal ash storage facilities and said it would draft regulations for coal ash by the end of the year.

In a letter sent to the corporate headquarters of 61 power companies, the agency asks for information about the contents, historic spills and record of inspections at the estimated 300 coal ash storage ponds and landfills nationwide.

The review comes after a spill at a Tennessee Valley Authority power plant in Kingston, Tenn., flooded more than 300 acres of land and killed fish in nearby rivers. The information provided by power producers as well as inspections conducted by the EPA will help prevent future threats to human health and the environment, EPA administrator Lisa Jackson said.

"Environmental disasters like the one last December in Kingston should never happen anywhere in the country," said Jackson.

Coal ash is a byproduct of burning coal that can include heavy metals and other toxic contaminants. The latest Energy Department data shows that 721 power plants nationwide produced 95.8 million tons of coal ash in 2005.

But no federal regulations or standards govern its storage and disposal, even though the EPA has long recognized coal ash as a risk to human health and the environment and knows of 67 cases where it is known or suspected of causing water pollution.

Eight years ago, the agency said it wanted to set a national standard for coal ash as it does household trash. The agency could also regulate coal ash as a hazardous waste, something it has decided against in the past.

Jim Roewer, executive director of the Utility Solid Waste Activities Group, a consortium of electricity producers that includes many on the EPA's mailing list, said the agency was right to investigate before drafting regulations to address any shortcomings.

"There are some gaps out there, but most states have very good programs," Roewer said, adding that the industry is not against regulation, as long as it does not classify coal ash as hazardous waste.

Sen. Barbara Boxer, D-Calif., chairwoman of the Senate Environment and Public Works Committee, said the effort was "an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future."

Boxer last week proposed a resolution calling on the EPA to regulate coal ash. Rep. Nick Rahall, D-W.Va., chair of the House Natural Resources Committee, had introduced a bill directing the Interior Department to set uniform design and engineering standards for coal ash ponds at power plants. Rahall said Monday that he would no longer pursue legislation in light of EPA's announcement.

—

On the Net:

EPA Coal Ash Letter: <http://tiny.cc/coalash>

David Cohen/DC/USEPA/US
02/28/2009 08:53 AM

To Richard Windsor, Allyn Brooks-LaSure, Lisa Heinzerling
cc
bcc

Subject fyi: in case u have not seen yet:

broder today in the times has an interesting analysis of the politics of climate change:

February 28, 2009
News Analysis

Obama's Greenhouse Gas Gamble

By [JOHN M. BRODER](#)

WASHINGTON — In proposing mandatory caps on the greenhouse gases linked to [global warming](#) and a system for auctioning permits to companies that emit them, [President Obama](#) is taking on a huge political and economic challenge.

Business lobbies and many Republicans raised loud objections to the cap-and-trade program Mr. Obama proposed as part of his budget this week, saying the plan amounted to a gigantic and permanent tax on oil, electricity and manufactured goods, a shock they said the country could not handle during economic distress.

Green groups and supportive members of Congress applauded, saying the proposal was long overdue after eight years of inaction on climate change under President [George W. Bush](#). The costs, they said, would not begin to bite until at least 2012.

But the full costs and benefits of controlling greenhouse gas emissions remain unknown, and perhaps unknowable. While there is rough consensus on the science of global warming — with some notable and vocal objectors — there is less agreement on the economics of the problem and very little on the policy prescriptions to address it. And while a cap-and-trade approach bears substantial cost, it also brings a benefit whose value is incalculable — a steady decrease in emissions that scientists say will over time reduce the risk of climate catastrophe.

Mr. Obama's budget estimates \$645 billion in cap-and-trade revenue over the next 10 years that will largely be paid by oil, electric power and heavy industries that produce the majority of carbon dioxide and other gases blamed for the warming of the planet. Many of these costs are expected to be passed on to consumers.

But Mr. Obama offered a sweetener in the form of tax relief for lower- and middle-income families and billions of dollars in new spending for renewable sources of power to cut emissions and ultimately, it is hoped, bring down the cost of energy. He also plans to spend billions to weatherize homes to bring down heating costs for the poor.

Congress has debated versions of a cap-and-trade regime for years but never enacted one, in part because it would become so complex. The House is working on such legislation now; Senate

leaders promise action later this year. Mr. Obama laid out only broad principles and targets, and his aides admit that revenue estimates are only a rough guess and will depend on whatever emerges from Congress. The White House projects the program to be in place starting in 2012.

Mr. Obama and his allies have a steep hill to climb. The recession-scarred public rates global warming low on its list of priorities. Lobbyists for business interests are lined up to weaken or kill any carbon regulation effort. The president's own party is divided over costs, and many Republicans hate the whole idea.

"Let's just be honest and call it a carbon tax that will increase taxes on all Americans who drive a car, who have a job, who turn on a light switch, pure and simple," said [John A. Boehner](#) of Ohio, the House Republican leader. "And if you look at this whole budget plan, they use this carbon tax as a way to fund all of their big government ideas."

One utility executive, Thomas Williams of Duke Energy, predicted that electricity rates would jump as much as 40 percent in states that are reliant on coal for much of their power, like Indiana and Kentucky.

"It's a coal state stickup," he said. He based his figures on a first-year price of \$20 per ton of carbon dioxide emissions, a higher price than used by others who have studied the Obama proposal.

Some economists support Mr. Obama's approach to curbing emissions because they say the other main alternative, a tax on polluting fuels, is politically unpopular.

But others warn that a cap-and-trade bill could produce great volatility in permit prices and drive up energy costs.

"It's much easier for me to think of scenarios where cap-and-trade goes crazy, prices fluctuate like mad, and people get turned off," said Martin Weitzman, a Harvard economist. "That could end up discrediting the system for a decade or a generation."

Supporters of the plan acknowledge that there will be price increases and an uneven distribution of costs. But the White House allocates tens of billions of dollars in tax relief and promises to return any excess revenues directly to the public. Over time, officials contend, new technologies, like hybrid-electric cars and more efficient power plants, will lower energy costs and greenhouse gas emissions at the same time.

"We're in a different world," said Nathaniel Keohane, director of economic policy at the [Environmental Defense Fund](#), a supporter of strong and immediate action on climate change. "The president understands, and the world is coming to understand, that the costs of doing nothing are high to catastrophic."

Dr. Keohane said numerous independent studies, as well as the [United Nations](#) Intergovernmental Panel on Climate Control, estimate the cost of a carbon-reduction program like that advocated by the president would be around 1 percent of gross domestic product per

year by 2030, which he considers a reasonable trade-off. Industry-financed studies, not surprisingly, found a higher cost.

Veronique Bugnion, managing director for research at Point Carbon, a consulting firm on emissions trading, said the Obama plan would lead to gasoline price increases of about 6 percent, or 12 cents a gallon at current American prices, starting in 2012 and rising gradually until 2020. Average utility rates would rise about 7 percent nationwide, she predicted, although with significant regional variations.

Mr. Obama's plan dedicates \$15 billion a year of revenue from the sale of emissions permits to develop new sources of clean energy. But that leaves a large pool of potential government income — by some estimates, as much as \$200 billion a year by 2020. How that money would be spent is expected to lead to a huge battle in Congress.

Paul Bledsoe, a spokesman at the National Commission on Energy Policy, a bipartisan research organization, said policy makers should not forget that the purpose of a cap-and-trade plan is to reduce carbon emissions and global warming, not to finance pet projects or balance the [federal budget](#).

“A cap-and-trade system is absolutely essential to spur private sector innovation, but must be combined with clean energy technology funding to meet the president's ambitious emissions goals,” he said. “This funding should be a top priority when dealing with revenue generated by the program.”

Andrew C. Revkin and Jad Mouawad contributed reporting.

David Cohen/DC/USEPA/US

02/19/2009 06:31 AM

To Richard Windsor

cc Allyn Brooks-LaSure, Lisa Heinzerling

bcc

Subject in case u've not seen yet

the gang's all here:

February 19, 2009

E.P.A. Expected to Regulate Carbon Dioxide

By [JOHN M. BRODER](#)

WASHINGTON — The [Environmental Protection Agency](#) is expected to act for the first time to regulate carbon dioxide and other greenhouse gases that scientists blame for the warming of the planet, according to top Obama administration officials.

The decision, which most likely would play out in stages over a period of months, would have a profound impact on transportation, manufacturing costs and how utilities generate power. It could accelerate the progress of energy and [climate change](#) legislation in Congress and form a basis for the United States' negotiating position at [United Nations](#) climate talks set for December in Copenhagen.

The environmental agency is under order from the [Supreme Court](#) to make a determination whether carbon dioxide is a pollutant that endangers public health and welfare, an order that the Bush administration essentially ignored despite near-unanimous belief among agency experts that research points inexorably to such a finding.

[Lisa P. Jackson](#), the new E.P.A. administrator, said in an interview that she had asked her staff to review the latest scientific evidence and prepare the documentation for a so-called endangerment finding. Ms. Jackson said she had not decided to issue such a finding but she pointedly noted that the second anniversary of the Supreme Court decision, *Massachusetts v. E.P.A.*, is April 2, and there is the wide expectation that she will act by then.

“We here know how momentous that decision could be,” Ms. Jackson said. “We have to lay out a road map.”

She took a first step on Tuesday when she said that the agency would reconsider a Bush administration decision not to regulate carbon dioxide emissions from new coal-burning power plants. In announcing the reversal, Ms. Jackson suggested that the E.P.A. was considering additional measures to regulate heat-trapping gases. The White House signaled that it fully supported Ms. Jackson's approach, deferring to her to discuss the administration's response to the Supreme Court case.

Ben LaBolt, a White House spokesman, also pointed to statements on the subject during the presidential campaign by Heather Zichal, a top adviser on environmental and energy issues.

Ms. Zichal, who is now deputy to [Carol M. Browner](#), the White House coordinator for climate and energy policy, said last fall that the Bush White House had prevented the E.P.A. from making the endangerment finding “consistent with its obligations under the recent Supreme Court decision.” She also said that while Mr. Obama supported Congressional action on climate change, he was also committed to using the regulatory authority of the executive branch to reduce emissions that contribute to global warming.

Mr. LaBolt said the White House would not interfere with the agency’s decision-making process.

If the environmental agency determines that carbon dioxide is a dangerous pollutant to be regulated under the [Clean Air Act](#), it would set off one of the most extensive regulatory rule makings in history. Ms. Jackson knows that she would be stepping into a minefield of Congressional and industry opposition and said that she was trying to devise a program that allayed these worries.

“We are poised to be specific on what we regulate and on what schedule,” Ms. Jackson said. “We don’t want people to spin that into a doomsday scenario.”

Even some who favor an aggressive approach to climate change said they were wary of the agency’s asserting exclusive authority over carbon emissions. They say that the Clean Air Act, now more than 40 years old, was not designed to regulate ubiquitous substances like carbon dioxide. Using the law, they say, would capture carbon emissions from new facilities, but not existing ones, blunting its impact. They also believe that a broader approach that addresses all sectors of the economy and that is fully debated in Congress would be better than a regulatory approach that could drag through the courts for years.

The finding and proposed regulations would be issued in sequence, with ample opportunity for public comment and not in a sudden burst of regulatory muscle-flexing, Ms. Jackson said. The regulations would work in concert with any legislation and not supplant it, she added.

“What we are likely to see is an interplay of authorities, some new, some existing,” she said.

That is not likely to assuage critics, including many Democrats from states dependent on coal-generated electricity and manufacturing jobs, where such regulation could significantly increase costs. Representative [John D. Dingell](#), the Michigan Democrat who has long championed the interests of the auto industry, said that the regulation of carbon dioxide emissions by the E.P.A. would set off a “glorious mess” that would resonate throughout the economy.

Senator John Barrasso, Republican of Wyoming, warned Ms. Jackson during her January confirmation hearing that she should not undercut Congress’s authority by using the agency’s regulatory power to address global warming. Mr. Barrasso called the use of the Clean Air Act to regulate carbon “a disaster waiting to happen.”

Many environmental advocates, however, said the E.P.A.'s action was long overdue, but added that it was only as a stopgap until Congress passed comprehensive climate change legislation.

"It's politically necessary, scientifically necessary and legally necessary," said David Bookbinder, chief climate counsel at the [Sierra Club](#), a plaintiff in the Supreme Court case.

But, Mr. Bookbinder added, Congressional action is preferable to the agency's acting on its own. "We are loudly advocating for tailor-made legislation as the best means of addressing carbon emissions," he said. "Trying to address climate change via a series of rule makings from E.P.A. is a distant second best."

As Ms. Jackson navigates the complexities of carbon regulation, she will be advised by Lisa Heinzerling, a former law professor at Georgetown who wrote the winning Supreme Court briefs in *Massachusetts v. E.P.A.* Ms. Heinzerling is now the agency's lead attorney for global warming matters.

Jeffrey R. Holmstead, the former head of the agency's office of air and radiation, said that a finding of endangerment from emissions of heat-trapping gases did not initiate immediate regulation but started a clock ticking on a process that typically took 18 months to two years.

"Potentially, it's a huge mess, not only for E.P.A. but for state regulatory agencies, because the Clean Air Act is second only to the Internal Revenue Code in terms of complexity," said Mr. Holmstead, now director of environmental strategies at the law firm Bracewell & Giuliani.

He said that under the clean air law any source emitting more than 250 tons of a declared pollutant would be subject to regulation, potentially including schools, hospitals, shopping centers, even bakeries, which has prompted some critics to call it the "Dunkin' Donuts rule."

But Mr. Bookbinder and other supporters say the regulations can be written to exempt these potential emitters. Ms. Jackson said that there was no timetable for issuing regulations governing carbon emissions and that her agency would not engage in "rash decision making."

But she also said that the Supreme Court decision obliged her to act.

"It places E.P.A. square in the center of the discussion on climate and energy," Ms. Jackson said. "People are waiting."

The headline and summary accompanying an earlier Web version of this article misstated the immediate impact of the E.P.A. review taking place.

David Cohen/DC/USEPA/US

03/13/2009 03:45 PM

To Richard Windsor

cc Lisa Heinzerling

bcc

Subject a feel-better present

Miami Herald

EPA is back on mission again

OUR OPINION: Cutting heat-trapping emissions must be top priority

Two years ago Congress told the Environmental Protection Agency to require major U.S. industries to measure the amount of carbon dioxide they emit each year as a step in the process of creating legislation to reduce gases that cause climate change. But the agency fought the order, claiming that the Clean Air Act doesn't give it the authority to police carbon dioxide and other heat-trapping gases. The agency also ignored a U.S. Supreme Court ruling, which said that -- yes -- it did too have the power to regulate these emissions.

Reversing course

The agency's foot-dragging on controlling carbon-dioxide emissions now appears to be over. On Tuesday the EPA announced that it will comply with Congress' 2007 statute by calling on all big industries to measure carbon-dioxide emissions by the end of this year. EPA administrator Lisa P. Jackson has indicated that the agency will be taking a far different stance on global climate change. This is good news.

Soon after Ms. Jackson was sworn in, the agency reversed course on a controversial decision, which, coincidentally, has a Florida link. Under the Clean Air Act, California can seek waivers to impose higher air-quality standards than the federal rules to combat smog. In almost every case, the EPA has granted the waivers. But when California asked the EPA for a waiver to impose tougher regulations on vehicles' carbon-dioxide emissions a few years ago, the EPA said no. Some 15 other states, including Florida, want to adopt the California carbon-dioxide emission standards. At the moment, these plans are in limbo.

After Ms. Jackson arrived, the EPA said that it would review the California waiver request. Many believe this means the agency will ultimately grant the waiver, opening the way for the other states to impose tougher emission standards, too.

As to the requirement that U.S. industries measure their carbon-dioxide output, this is a signal that the EPA will move forward on limiting greenhouse gases. This is no easy or quick task. Writing the regulations that will limit carbon-dioxide emissions will take years and probably be bogged down by industry lawsuits.

Vital for the nation

For this reason, scientists, environmental groups and regulators want Congress to take up global-warming legislation this year. Such an important issue needs the broad discussion that Congress can provide. Curbing heat-trapping gases will affect nearly every industry, making it difficult to pass. Yet, controlling the emissions that cause global warming is such a vital issue that the country must do something about it soon.

With the EPA on board, Congress must step up, too.

David Cohen/DC/USEPA/US

02/06/2009 04:07 PM

To Richard Windsor

cc Lisa Heinzerling

bcc

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.

David Cohen/DC/USEPA/US

05/05/2010 10:16 AM

To Seth Oster, Bob Sussman, Lisa Heinzerling

cc

bcc Richard Windsor

Subject rena on coal ash in huff post

Rena Steinzor

President, Center for Progressive Reform

Posted: May 4, 2010 10:13 PM

EPA's Coal Ash Announcement Reflects Unfortunate White House Meddling in Rulemaking Process

EPA Administrator Lisa Jackson was in a tough position on coal ash. If you are African American and low-income, you have a 30 percent greater chance of living near a big pit of this toxic brew than a white American, so Jackson correctly decided that such an important environmental justice issue should be at the forefront of the Obama Administration's agenda. But Jackson was also taking on Big Coal, a special interest historically near and dear to swing voters in Ohio and Illinois. Nevertheless, this sturdy "eco-warrior," as she was recently dubbed by *Rolling Stone*, marched forward, right to the White House and the chilling influence of Cass Sunstein and the economists at the Office of Information and Regulatory Affairs.

Jackson's tough, but as yet secret, regulatory proposal arrived in crisp fall weather, only to be greeted by a tsunami of industry lobbyists, who visited and revisited the Office of Information and Regulatory Affairs. By the time the spring flowers were out, Jackson was forced to take a pass on getting hard-hitting regulation on a speedy path to implementation. After the long scuffle with OIRA, she instead announced that EPA was considering two strikingly different alternatives, thereby postponing any definitive action for at least six months and, far more likely, a year or more. Then, to add insult to injury, she stepped in between angry activists and OIRA, trying in vain to slap lipstick on a not particularly cute pig.

Jackson called her mammoth 563-page *Federal Register* notice a "proposed rule" but in every reasonably understood sense of that term, it is nothing of the sort. Instead, it has what we can call an "OIRA/industry proposal;" an "EPA/environmentalist" proposal; and a proposal so bad that it has no parents. Because EPA is actively considering two very different approaches and potentially a third, unimaginably bad idea, no concrete target emerged from this latest round of

negotiation. Instead, EPA will almost certainly have to go back and get another round of public comment on a single approach before making a final selection. Or, as EPA announced haplessly: "Given the inherently discretionary nature of the decision, the complexities of the scientific analyses, and the controversy of the issue, EPA wants to ensure that the ultimate decision is based on the best data, and is taken with the fullest possible extent of public input."

Reading all this, you might think EPA had been studying this problem for a couple of years, ever since one billion gallons of coal ash sludge blanketed over 400 acres of the small town of Kingston, Tennessee a few days before Christmas 2008. But, in fact, EPA has noodled over coal ash for close to three decades, ever since Congress first instructed it to examine the problem. Showing any foolish optimists that Big Coal is far from dead, the agency is once more rocked back on its heels, studying, studying, and studying again.

The OIRA/industry proposal would defer to the states, allowing coal ash "surface impoundments" to be regulated under the same statutory provisions as apply to ordinary household garbage. If utilities wanted to continue to use existing sites for disposal, moderate cleanup would be necessary. If citizens were not satisfied with these low-key efforts, they would have to prove that these awesome pits in the ground pose an "imminent and substantial endangerment" to get better containment.

The good proposal, which Jackson and EPA almost certainly prefer, would treat the 140 million tons of beryllium, arsenic, mercury, and lead-laden ash generated each year as what it is--dangerous waste--unless it is recycled in a way that immobilizes these toxics by, for example, embedding the ash in concrete used to build roads. But EPA would stop short of labeling the coal ash a "hazardous waste." The biggest benefit of this approach would be more rigorous cleanup of existing facilities, which is why it is strongly opposed by industry.

A third alternative would allow future disposal to occur in garbage-like landfills but would have no cleanup requirements for existing facilities. EPA soft peddles this option, but OIRA demanded that it crunch cost-benefit numbers for it nevertheless. Ironically, all three alternatives show benefits that strongly outweigh costs, with the benefits of the toughest approach two and a half times larger than the OIRA/industry proposal. (One might expect that fact alone to persuade the cost-benefit fetishists at OIRA to embrace the proposal, but, it never seems to work that way.)

Utilities operate some 584 coal ash pits, euphemistically called "surface impoundments," by the government, and too many of these "have a great potential for loss of human life and environmental damage in the event of catastrophic failure," as EPA acknowledges on page 105 of its notice. Some 109 of the 584 have a "high or significant" hazard potential rating according to information the agency gathered pursuant to its Superfund toxic waste cleanup authority. Approximately 186 of the 584 were not even designed by a professional engineer. Generally designed to last for the typical operating life of a coal-fired boiler, about 40 years, loopholes in the law have allowed the boilers and the pits to limp on far past this lifespan. According to EPA, 56 of the 584 are older than 50 years, 96 are older than 40 years, and 340 are between 26 and 40 years old. Obviously, for millions of Americans living in close proximity to these aging catastrophes- in-waiting, the name of the game is cleanup.

I wouldn't want to take too many bets on which approach will survive at the end of the day, given the turmoil that has gotten us to this point. But even assuming that Jackson and her allies can take the boulder that dropped to the bottom of the Sisyphean hill and push it back up to the summit, it's clear that she has lost precious time, and her interim defeat sends a troubling message to other proactive agency heads.

David Cohen/DC/USEPA/US
11/29/2011 09:36 AM

To "Richard Windsor", "Bob Perciasepe"
cc
bcc
Subject Reilly NYT's Op Ed on CWA

I was asked to make sure you all saw this:

OPINION

OP-ED CONTRIBUTOR
Keep the Clean Water Act Strong
By WILLIAM K. REILLY
Published: November 29, 2011

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.

David
McIntosh/DC/USEPA/US
09/22/2009 05:46 PM

To Richard Windsor
cc
bcc
Subject CLIMATE: Browner, Jackson blast Murkowski's EPA amendment

Noelle Straub and Robin Bravender, E&E reporters

Senior Obama administration officials today blasted a possible amendment from Sen. Lisa Murkowski (R-Alaska) that would restrict U.S. EPA's authority to regulate carbon dioxide emissions from stationary sources.

White House energy and climate adviser Carol Browner criticized Murkowski's approach of using the EPA spending bill as a vehicle for limiting the agency's regulatory power.

"We don't think trying to legislate on appropriations bills is a good idea," Browner told reporters in New York. "You can end up with a lot of unintended consequences. The best way to address the issue of climate change is to use comprehensive legislation to put together a package of all of the committee bills."

The proposed [amendment](#) to EPA's fiscal 2010 spending bill would prohibit the agency for one year from regulating heat-trapping emissions from stationary sources like power plants and industrial facilities.

EPA Administrator Lisa Jackson also weighed in, saying the amendment would have a broad reach across regulatory programs.

"While we have worked to provide the clarity American business needs, the Murkowski amendment would deliver exactly the opposite," Jackson said in a statement.

Jackson said the amendment would halt EPA's effort to give industry clear rules for storing carbon pollution deep underground, would subject state permitting authorities and industrial permit applicants alike to more litigation and delay, and would freeze industrial development in large parts of the country due to regulatory uncertainty.

Murkowski today said that her amendment would be tailored carefully so that it only affects regulations dealing with large industrial sources of carbon dioxide.

"This does not speak to the reporting side of it, that would continue absolutely," the senator said. "It's just as to stationary sources and it's just as to regulation of carbon dioxide, and so it's pretty specific, it's pretty narrow in that vein."

Murkowski said she has not yet decided whether to formally introduce the amendment. "We are talking with our colleagues on the other side of the aisle trying to figure out what, whether or not we introduce it, in what form, so we continue to work."

Murkowski's amendment has already come under fire from top Democrats and environmentalists, who have accused the senator of attempting to undermine a Supreme Court decision giving EPA the authority to regulate carbon dioxide emissions ([E&E Daily](#) , Sept. 22).

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) said the amendment is "a gift to polluters," while an EPW subcommittee chairman said Democrats would attempt to head Murkowski off somehow.

"I don't know that we can stop her from offering her amendment," said Sen. Tom Carper (D-Del.) "We may want to table it. We may want to try and defeat it. We may want to offer a second degree. All of the above. Or one of the above."

More EPA amendments

Sen. John Barrasso (R-Wyo.) introduced an amendment designed to prevent EPA from moving forward with its endangerment finding until the agency's inspector general completes an investigation into how the embattled EPA employee Alan Carlin was treated by his superiors. Barrasso said his amendment was an attempt to promote transparency and good government ([E&ENews PM](#) , Sept. 15).

Interior Appropriations Subcommittee Chairwoman Dianne Feinstein (D-Calif.), who is managing the bill on the floor, objected when Barrasso attempted to bring up his amendment. Saying her opposition was not to Barrasso but rather to "putting climate change on this bill," Feinstein said she would also object to Barrasso's other two amendments on the subject if he tried to call them up.

One of those Barrasso amendments would prevent EPA's endangerment finding from going into effect until the agency grants a petition from the U.S. Chamber of Commerce to have a trial-like hearing on the endangerment finding. "The on-the-record proceeding would be a great opportunity for EPA to ensure transparency," Barrasso said. "To deny this request is an admission by the EPA that their work on endangerment can't withstand scrutiny."

Another Barrasso amendment would take aim at a recent secretarial order signed by Interior Secretary Ken Salazar to develop an across-the-board approach to climate change for the resources managed by the department. Barrasso said the order would put the "cart before the horse" and that Congress should pass a climate change bill before any agency begins a "regulatory process" to address global warming.

The Senate accepted by voice vote on one amendment from Barrasso preventing the Forest Service from using \$2.8 million from the stimulus package for wildland fire management in Washington, D.C. He noted that the city does not have a national forest fire problem; Feinstein agreed and supported the amendment.

Calif. water

Feinstein also objected to an attempt by Sen. Jim DeMint (R-S.C.) to call up his amendment dealing with water in the California Central Valley. The measure would prevent any funds in the spending bill from being used to restrict, reduce or reallocate water as called for in two federal biological opinions. DeMint said that "radical environmental groups" and judges cannot be allowed to cut off water supplies to farmers in the area.

Feinstein, who has long worked on the issue, expressed surprise that the measure would come from DeMint and said the issue is very hot in California but not South Carolina. She said the amendment would "handcuff" the Interior Department and release water with no regard to endangered species or other needs and would lead to lawsuits. "I don't quite understand what's going on here," she said. "In a way, this is a kind of Pearl Harbor on everything that we're trying to do."

After Feinstein objected to his amendment, DeMint instead offered a motion to recommit the bill back to committee. Feinstein urged her colleagues to vote "no" on the motion.

Reporters Darren Samuelsohn and Patrick Reis contributed.

David
McIntosh/DC/USEPA/US
05/15/2009 03:52 PM

To Richard Windsor
cc
bcc

Subject E&E News: Waxman, Markey release cap-and-trade bill

(Just another step in the pre-markup process.)

CLIMATE: Waxman, Markey release cap-and-trade bill (05/15/2009 at 03:19 PM)

Darren Samuelsohn and Ben Geman, E&E senior reporters

Democratic leaders of the House Energy and Commerce Committee took a big step toward overhauling U.S. energy and global warming policy today with the release of a [932-page bill](#) that is expected to win approval next week after a marathon markup.

Meanwhile, a [draft list](#) obtained by E&E shows Republicans are preparing for the markup with nearly 450 amendments targeting individual Democratic lawmakers who may be uncomfortable with supporting such stringent new environmental requirements.

The Democrats' climate bill has been the subject of months of negotiations between Energy and Commerce Chairman Henry Waxman (D-Calif.) and his top energy lieutenant, Rep. Ed Markey (D-Mass.), and a group of about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West. Waxman and other key members say they expect passage next week, perhaps on a party-line, 36-23 vote.

Bit by bit, Waxman and Markey have made concessions from their original draft to satisfy those members, including removal of the so-called low-carbon fuel standard, according to Rep. Gene Green (D-Texas) and a petroleum industry source.

The original proposal would have required refiners to ensure that the carbon content of fuels sold in the United States between 2014 and 2022 would be no higher than a 2005 baseline level, and starting in 2023, they would have to have lower emissions by at least 5 percent. From 2030 onward, the reduction would have to be 10 percent.

Green and other lawmakers allied with the refining sector had several concerns about the proposal and were unable to reach an agreement with Waxman. "Although there were productive conversations with the chairman, unfortunately we were not able to reach an agreement on the LCFS and the Low Carbon Fuel Standard will be removed from the legislation," Green said in a statement today.

The removal is a win for refiners, which have alleged that the bill's various new requirements will impose difficult burdens and increase costs. "It is an improvement. It is progress," said a petroleum industry source, who added, however, that the industry would still oppose the overall bill.

GOP markup strategy

Opening statements for the full committee markup will begin at 1 p.m. Monday, giving all 59 members on the committee a chance to say their piece about a bill at the center of President Obama's domestic agenda.

Republicans are flirting with the idea of employing a committee rule that would force the Democratic clerk to read the entire bill. "If that's the case, you've got close to a 1,000-page bill, you're probably talking about 12 to 14 hours of reading," Rep. Bart Stupak (D-Mich.) told reporters today. A Republican committee aide said no decisions have been made on that strategy.

Looking beyond Monday, Waxman is expected to manage the markup by moving through the bill title by title. Late nights are expected Tuesday and Wednesday, with Thursday's session expected to stretch into Friday as Democrats try to pass the legislation before the start of the weeklong Memorial Day recess.

Democratic lawmakers are preparing their own series of amendments, though what they have planned is nothing compared to the expected GOP amendment onslaught.

According to the draft list, opponents of the bill want to make a number of significant changes to the underlying legislation. One approach, designed to appeal to the moderate and conservative Democrats, would change the greenhouse gas emission reduction targets to less aggressive limits: 6 percent by 2020, 44 percent by 2030, and 80 percent by 2050.

Republicans have also drawn up dozens of changes that would allow individual states the choice of opting out of the climate law -- or allow them to give free allowances to electric utilities in a specific state. Other GOP amendments come with some partisan bite: making underground storage facilities for carbon dioxide at Nevada's Yucca Mountain and at the Presidio in House Speaker Nancy Pelosi's San Francisco district.

Key Democrats say they will resist the Republican amendments, even the ones that may look good back home in their districts. "They simply do not want to work constructively in this process," said Rep. Rick Boucher (D-Va.). "The amendments they'll be offering will be designed to obstruct. I will resist those amendments. I will ask them be defeated, as will Chairman Waxman, and so that will be the committee process."

Energy Secretary Chu reaction

Also today, Energy Secretary Steven Chu welcomed progress on the House climate bill, even though it falls short of Obama's goals in several key areas. For example, the House bill has a lower renewable electricity mandate for utilities. It also provides some 85 percent of the emission allowances for free to industry and other interests, while Obama supported a 100 percent auction of the credits.

Chu, who spoke to reporters after addressing the National Coal Council, said he was not concerned about the giveaway of a substantial number of allowances, explaining that the main feature of the legislation is a requirement that carbon dioxide emissions get ratcheted down sharply over time.

"That still provides a lot of pressure, and it is a long-term signal that says you have got to develop the technologies that allow you to decrease your emissions of carbon," Chu said. "That part is something that I think will be driving this."

Asked whether the renewable electricity standard was too weak, Chu replied: "Waxman, Markey and their colleagues are trying their best to bring along Congress. It is very important that we start a comprehensive energy and climate change bill."

He added, "There are two camps. There are camps that say it has got to be really tough, and there are people who say it is not ideal, but we have to get going on it."

[Click here](#) for the Democrats' climate bill.

[Click here](#) for a draft list of Republican amendments.

David
McIntosh/DC/USEPA/US

11/10/2010 01:24 PM

To Richard Windsor, Brendan Gilfillan, Seth Oster, Diane Thompson, Bob Perciasepe, Bob Sussman, Lisa Heinzerling, Arvin Ganesan

cc

bcc

Subject Fw: From Greenwire -- CLIMATE: EPA issues guidelines for states' GHG permitting

Good story

----- Forwarded by David McIntosh/DC/USEPA/US on 11/10/2010 01:23 PM -----

From: David McIntosh/DC/USEPA/US
To: David McIntosh <McIntosh.David@epamail.epa.gov>
Date: 11/10/2010 01:23 PM
Subject: Fw: From Greenwire -- CLIMATE: EPA issues guidelines for states' GHG permitting

CLIMATE: EPA issues guidelines for states' GHG permitting (*Wednesday, November 10, 2010*)

Gabriel Nelson, E&E reporter

U.S. EPA has released a long-awaited guidance document that instructs state and local officials how to start issuing permits for power plants, refineries and other large stationary sources of greenhouse gases when EPA's new climate rules take effect next year.

State and local officials will need to absorb the information by Jan. 2, when they must begin requiring the maximum achievable control technology for greenhouse gases at new and modified facilities.

The 97-page [document](#) explains how strict regulators should be when requiring those emissions curbs.

Bill Becker, executive director of the National Association of Clean Air Agencies, said the state and local authorities will be ready. According to a report that was released by the organization last month, all states but Texas are on track to start issuing greenhouse gas permits early next year ([Greenwire](#), Oct. 28).

"EPA's guidance will provide industry greater certainty, quicker permitting decisions and a smoother path toward greenhouse gas implementation," Becker said in a statement. "This should put to rest the exaggerated claims of some stakeholders that greenhouse gas permitting will have disastrous economic consequences."

EPA air chief Gina McCarthy and other Obama administration officials have recently sought to refute claims from industry groups, which have predicted that the greenhouse gas requirements will lead to an effective "construction moratorium" across much of the country.

Jeff Holmstead, an industry attorney who held McCarthy's job during the George W. Bush administration, said the agency has not given businesses and regulators enough time to put new rules in place.

"People will obviously need to review the guidance more carefully, but it really just looks like a long list of options," Holmstead said. "As a practical matter, no one is going to be able to get through EPA's new permitting process for a long time."

Efficiency 'particularly important'

The guidance document instructs regulators to focus first and foremost on energy efficiency, which would cut greenhouse gas emissions by reducing the use of carbon-intensive fuels.

"While energy efficiency can reduce emissions of all combustion-related emissions, it is a particularly important consideration for GHGs since the use of add-on controls to reduce GHG emissions is not as well-advanced as it is for most combustion-derived pollutants," the guidance document says.

Industry groups had worried that the agency would require facilities to use costly technology to trap carbon dioxide and store it underground, but EPA's guidance suggests that carbon capture and sequestration (CCS) technology is not quite ready for prime time.

In one case study included in the guidance, carbon capture is ruled out as a possibility for a refinery. Even if the technology would allow CCS at the facility, officials would be justified in rejecting it as a control strategy if the hypothetical facility were far from the nearest storage site and there were no pipeline to move the emissions there, the appendix says.

"While CCS is a promising technology, EPA does not believe that at this time CCS will be a technically feasible [best available control technology, or BACT] option in certain cases," EPA writes. "A permitting authority may conclude that CCS is not applicable to a particular source, and consequently not technically feasible, even if the type of equipment needed to accomplish the compression, capture, and storage of GHGs are determined to be generally available from commercial vendors."

The guidance also directs businesses and officials to embrace the use of biomass. As the Obama administration has

rolled out programs to assess and control greenhouse gas emissions, biomass users have pressed EPA to treat their fuel differently from oil, gas and coal.

Carbon dioxide is released when facilities burn plant material, but it is removed from the atmosphere once again when new plants are grown.

"Federal and state policies, along with a number of state and regional efforts, are currently under way to foster the expansion of renewable resources and promote biomass as a way of addressing climate change and enhancing forest management," the guidance document says. "Based on these considerations, permitting authorities might determine that, with respect to the biomass component of a facility's fuel stream, certain types of biomass by themselves are BACT for GHGs."

David
McIntosh/DC/USEPA/US
06/09/2011 01:27 PM

To Richard Windsor
cc Seth Oster
bcc
Subject NAACP to focus on environment in wake of Republican attacks on EPA

An E&E Publishing Service

POLITICS: NAACP to focus on environment in wake of Republican attacks on EPA *(Thursday, June 9, 2011)*

Emily Yehle, E&E reporter

Environmental issues will be more relevant in the 2012 presidential election than they have been in decades, thanks to Republican efforts to curb U.S. EPA's regulatory powers, the president of the National Association for the Advancement of Colored People said today.

In a conversation with reporters, NAACP President Benjamin Todd Jealous laid out his organization's health and environmental goals, from addressing the spread of HIV in African-American populations to ensuring minority communities have access to emergency services after disasters.

But in recent months, the organization has focused more and more on threats to the Clean Air Act and the Clean Water Act, moving into a "defensive" mode as the newly Republican House targets EPA's authority to regulate greenhouse gases. Such rules disproportionately affect minority communities, Jealous said.

"Our folks vote based on kitchen issues and the right has made clean air and clean water kitchen issues for the first time since the '70s," he said. "It's very pressing, urgent because they're talking about rolling back protections in ways" that threaten the health of disenfranchised communities.

It is "high time" for the civil rights community to start a conversation both about the immediate effects of air pollution and on the nation's long-term policies, he said.

"Poverty and risk go very hand in hand," Jealous said. "In these areas, quite frankly, politics is often lagging behind the nation and so helping people deal with that ... and talking to them about what's going on down the street, talking to them about what has to change in our national policy is really the only thing that makes sense for a volunteer organization at the present."

NAACP launched its Climate Justice Initiative in 2009, focusing on three objectives: reducing harmful emissions, advocating for clean energy and energy efficiency and improving the livability of communities. In April, officials released a report that examined the effect of the Gulf of Mexico oil spill on residents, finding that many were still struggling despite BP PLC's claims fund.

Jacqueline Patterson, director of the Climate Change Initiative, said officials also discovered at least one unique effect to the African-American community: Many black residents quit their minimum-wage jobs after BP recruiters promised them that positions on cleanup crews would last one to three years. The jobs ended after a few months, and in a recession, those residents have had trouble finding another job.

Other issues have emerged in the aftermath of Mississippi River flooding and the Joplin tornadoes, she said. Disaster organizations such as FEMA and Red Cross tend to set up in a central location, for example, leaving the poorest residents in rural outlying areas without access to food and medical supplies. And in one town in Mississippi, a whole community was under water because residents had bought the most affordable homes -- on flood plains.

NAACP has now set its sights on coal-powered plants, visiting cities with plants that rank the worst in "environmental justice performance," which takes into consideration not just sulfur dioxide and nitrogen oxides emissions but also the race and income of the communities that live near the plant. The resulting report, "Coal Blooded: Putting Profits Before People," is due out in July.

Patterson said the group is using the report to not only educate communities but to also mobilize residents to send in comments on EPA's proposed rules on power plant emissions. About 68 percent of African-Americans live near plants, she said, compared to about 55 percent of the total population.

"We're using that report to educate and raise awareness and also to mobilize local communities," she said.

**David
McIntosh/DC/USEPA/US**
03/25/2010 09:19 AM

To windsor.richard
cc
bcc
Subject Fw: Link to analysis

Sarah Dunham

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

From: Sarah Dunham
Sent: 03/25/2010 09:17 AM EDT
To: Margo Oge; David McIntosh; Gina McCarthy
Cc: Karen Orehowsky; Sarah Froman
Subject: Link to analysis

We'll check on what it says in the testimony but the analysis is still available and accessible at the following links:

The longer, direct link is www.epa.gov/otaq/climate/GHGtransportation-analysis03-18-2010.pdf

Shorter link is www.epa.gov/otaq/climate/publications.htm, then go down about half the page for the document.

David
McIntosh/DC/USEPA/US
04/02/2011 03:56 PM

To "Richard Windsor"
cc
bcc
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

Dennis McLerran/R10/USEPA/US
07/15/2011 05:16 PM

To "Richard Windsor"
cc "Seth Oster", "Cynthia Giles", "Nancy Stoner", "Janet Woodka", "Bob Perciasepe", "Diane Thompson"
bcc
Subject Fw: Statement from Dennis McLerran, EPA Regional Administrator, regarding CSO/SSO Pollution in Seattle and King County

FYI

Marianne Holsman

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

From: Marianne Holsman
Sent: 07/15/2011 11:24 AM PDT
To: Dennis McLerran; Michelle Pirzadeh
Subject: Fw: Statement from Dennis McLerran, EPA Regional Administrator, regarding CSO/SSO Pollution in Seattle and King County
Hi Dennis and Michelle:

Here's what we sent to Lynda back in May. I will plan to send this to key media on Sunday morning or whenever is appropriate.

Bill will get a draft joint Op Ed out to you tonight, but not before you're on the plane. So, that might mean some work over the weekend so that we can get a submission to the paper on Monday.

Marianne Holsman
Public Affairs Director
US EPA Region 10
1200 6th Avenue
Seattle, WA 98101
desk: 206.553.1237 cell: 206.450.5895
Email: holsman.marianne@epa.gov

----- Forwarded by Marianne Holsman/R10/USEPA/US on 07/15/2011 11:22 AM -----

From: Mark Macintyre/R10/USEPA/US
To: Lynda Mapes <lmapes@seattletimes.com>
Date: 05/04/2011 06:09 PM
Subject: Statement from Dennis McLerran, EPA Regional Administrator, regarding CSO/SSO Pollution in Seattle and King County

Lynda: As per my voicemail, I wasn't sure when your CSO/SSO story is going to run, but I'm assuming it's soon....

In case you didn't get a chance to speak with Dennis again, (still possible, of course!) we wanted to make sure that you had this condensed statement of his thinking on the subject for background/context.

Let me know if there's anything else I can do!

MM

Statement from Dennis McLerran, EPA Regional Administrator, regarding CSO/SSO Pollution in Seattle and King County

"Discharging large amounts of raw sewage to Puget Sound and Lake Washington is simply not acceptable. That's why EPA has worked closely with the state, King County and Seattle over many years to address sewage treatment and the ongoing problem of Combined Sewer Overflow (CSO) pollution. With that work nearly completed, now is not the time to lose our resolve to finish the job visionary leaders in the Puget Sound region started some 40 years ago."

"Combined systems - and climates like Seattle's - often conspire to produce huge sewage and storm water overflows during the wet winter months. It's our view that there are few better investments than protecting our citizens and waterways, especially Puget Sound, from millions of gallons of raw sewage. We understand the concern over major construction expense in these tough economic times, but we are convinced this is a critically important step in protecting the Sound and the citizens who rely on it. We also believe a prudent approach, one that includes phasing the construction, tackling the biggest challenges first and looking for other ways to economize, can help make it more affordable in the long run."

"Also central to this discussion is the very real and serious threats stormwater poses to the Sound. Make no mistake, we are equally as committed to stormwater control efforts as we are to controlling CSOs."

"We stand ready to work with Seattle and King County to do whatever it takes to reduce these threats and protect the people's health, the Puget Sound and our precious lakes and streams."

Mark A. MacIntyre | Senior Press Officer | Public Affairs I
U.S. Environmental Protection Agency | 206.553.7302 (desk) | 206.369.7999(cell) |
macintyre.mark@epa.gov

Diane Thompson/DC/USEPA/US
10/08/2010 05:14 PM

To Richard Windsor
cc
bcc
Subject Fw: Google Alert - lisa jackson, epa

FYI

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 10/08/2010 05:14 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Diane Thompson/DC/USEPA/US@EPA
Date: 10/08/2010 03:53 PM
Subject: Google Alert - lisa jackson, epa

News **1 new result for lisa jackson, epa**

[Environmental Protection Agency climate doc held up over costs](#)

Politico (blog)

EPA Administrator Lisa Jackson has rebuffed claims from some state officials and industry representatives that the permitting requirements will damage the ...

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Fax: 202-565-2407

Email: depass.michelle@epa.gov

Lakita Stewart

Acting Executive Assistant to Michelle DePass

Phone: 202-564-6458

Fax: 202-565-2407

Email: stewart.lakita@epa.gov

Richard Windsor

[Can I get \(in the next few hours\) a few...](#)

10/16/2009 10:47:47 AM

From: Richard Windsor/DC/USEPA/US
To: Michelle DePass/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: Heidi Ellis/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Date: 10/16/2009 10:47 AM
Subject: IMPT QUESTION

Can I get (in the next few hours) a few brief bullets on what , if any, major bilateral climate or clean energy related initiatives we have going with the following four countries - Mexico, India, Brazil, and China. Thx.

Diane
Thompson/DC/USEPA/US
11/03/2011 06:30 PM

To Richard Windsor
cc
bcc

Subject Re: Huffington Post: Keystone XL: Haste And Inexperience
Hampered State Department's Environmental Review

Yes

Richard Windsor

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

From: Richard Windsor
Sent: 11/03/2011 05:41 PM EDT
To: Betsaida Alcantara; 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: 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."

3. 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."

4. 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.

FULL STORY:

Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review
First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

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 an 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.

The Keystone 1 leak was just five gallons of sludge, but it was enough to alarm environmentalists, many of whom were already worried that the company's initial State-approved estimate of only 2.2 leaks per decade was overly optimistic. Two weeks later, a second small leak occurred farther down the line. (At the end of a year of operation, Keystone 1 had leaked a dozen more times; this past June, regulators were forced to shut down the pipeline briefly after TransCanada failed to satisfy safety concerns.)

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.

"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."

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."

**Diane
Thompson/DC/USEPA/US**
07/28/2010 12:42 PM

To Richard Windsor
cc Allyn Brooks-LaSure, Elle Beard, Michelle DePass, John
Neville, Dennis McLerran
bcc
Subject need a couple of minutes with you before you are wheels up

Administrator --
One question on Michigan
heads up on response to endangerment petitions.
dt

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

Diane
Thompson/DC/USEPA/US
03/18/2011 05:00 PM

To Richard Windsor, Bob Perciasepe
cc
bcc
Subject Fw: Google Alert - lisa jackson, epa

FYI on Gregoire's statement

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 03/18/2011 04:59 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Diane Thompson/DC/USEPA/US@EPA
Date: 03/18/2011 01:14 PM
Subject: Google Alert - lisa jackson, epa

News 2 new results for lisa jackson, epa

[First health protections against coal plants' toxic air unveiled](#)

Mother Nature Network

By EarthjusticeFri, Mar 18 2011 at 12:50 PM EST Comments PROTECTING KIDS: Administrator of the **EPA Lisa Jackson** visits an elementary school. (Photo: Barrett Web Coordinator/Flickr) This opinion piece was written for Earthjustice and is reprinted here ... [See all stories on this topic »](#)



[Mother Nature Network](#)

[Gov. Gregoire's statement on EPA rule proposal](#)

Access Washington

Chris Gregoire today issued the following statement in response to **EPA Administrator Lisa Jackson's** proposal of new regulations that would require coal-burning and oil-fired power plants to reduce their emissions of mercury and other hazardous ... [See all stories on this topic »](#)

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Diane
Thompson/DC/USEPA/US
04/22/2010 12:30 PM

To Richard Windsor, Bob Perciasepe
cc Aaron Dickerson, Robert Goulding, Daniel Kanninen
bcc
Subject Fw: REMARKS BY THE VICE PRESIDENT ANNOUNCING
RECOVERY ACT "RETROFIT RAMP-UP" AWARDS ON
EVE OF EARTH DAY

FYI

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 04/22/2010 12:30 PM -----

From: Michael Moats/DC/USEPA/US
To: moats.michael@epa.gov
Date: 04/22/2010 10:48 AM
Subject: REMARKS BY THE VICE PRESIDENT ANNOUNCING RECOVERY ACT "RETROFIT RAMP-UP"
AWARDS ON EVE OF EARTH DAY

Vice President Biden's remarks from yesterday.

THE WHITE HOUSE

Office of the Vice President

For Immediate
Release
April 21, 2010

REMARKS BY THE VICE PRESIDENT
ANNOUNCING Recovery Act "Retrofit Ramp-Up" Awards ON EVE OF EARTH
DAY

Eisenhower Executive Office Building
Washington, D.C.

THE VICE PRESIDENT: Secretary Salazar, Carol Browner is here, Secretary Ray Mabus, Ben Cardin -- I miss seeing you guys every day, Ben. Dennis Cardoza, I'm told Emanuel Cleaver is here. I see Marcy is here, Congresswoman Marcy Kaptur. Ed Markey, who has gained his congressional Ph.D. on this issue. I don't know anybody who knows more about it than he does. And we also have the -- Mayor Michael Bell, the mayor of Toledo here,

Mayor Phil Gordon, the Mayor of Phoenix, and Mayor Michael McGinn of Seattle. And you're all welcome. And I'm sure there's other very distinguished guests here as well that I have overlooked and I apologize.

Let me start off by saying, and I mean this sincerely, I was a senator a long time. As a matter of fact, as I left the Senate, as Ben may remember, the Senate historian came in and said -- thinking that he was going to make me feel better -- he pointed out that only 17 senators in American history ever served as long as I did. And I could feel my heart sinking into my stomach. I said, "If my father were here, he'd define that as a misspent adulthood." (Laughter.)

But all kidding aside, I have been around awhile. I served a long time with Gaylord Nelson, who -- he and his wife, Carrie, were great friends. They were real pioneers back in those early days when I got there, talked about the environment.

I was put on the Public Works Committee when I first got there. And the first -- the first recommendation I made is we change the name, the Environment and Public Works Committee. And Mayor Jennings Randolph, or Jennings as he liked to be called, told me that if I made that recommendation again, I was off the committee. (Laughter.) You think I'm joking, I'm not. There's a lot that's changed, a lot that's changed.

And I expected when I took this job I'd have some real opportunities to impact on the formation of policy. But one of the things I didn't expect, I didn't expect to have the opportunity to work with such a tutor. And I'm not being solicitous. To have an opportunity to work with the Secretary of Energy on something that I cared a great deal about when I was a senator, to have a man of Secretary Chu's caliber and his depth of his knowledge and his commitment has genuinely been sort of an ongoing tutorial for me. And I want to publicly thank you, Mr. Secretary. (Applause.)

And as that old joke goes, the Secretary has forgotten more about this subject than I'm ever going to know. But I am as passionately committed to this transition he refers to as I think anyone, as is the President. I hadn't planned on doing what I'm about to do today, but today's announcement by General Motors that it's paid back -- it's paid back its TARP loan in full -- in full is a huge accomplishment.

The President of the United States took a lot of heat for that effort, to keep that company alive while it was transitioning. And I would just like to point out that I am proud to be associated with the guy who saw the necessity to do

this. And this has even exceeded our expectations. We've worked hard to help turn around the nation's auto industry and give the car companies a chance to be viable without government assistance. And we helped GM -- we helped out GM so that they could retool, so that they could become a leader in the 21st century.

And we know that building energy-efficient cars with better gas mileage and cleaner emissions is going to be a big part of us being able to succeed, not only the auto industry, but also succeed in our quest for a better environment. Today, GM paid back the loan in full five years ahead of schedule. And now GM is in a better position to make them -- make what the market demands, energy-efficient vehicles for a cleaner world. And that leads me to Earth Day, the reason why we're here today.

I also want to point out -- I want to thank, by the way, Lisa Jackson, our EPA administrator. She couldn't be here today, but we all appreciate the tremendous work that she's doing having once again -- we now have again an Environmental Protection Agency again. (Applause.)

And a happy almost Earth Day to all of you. I say that because tomorrow is actually the day that officially marks the occasion. But the truth is we're here kicking off an entire earth week. And I hope our administration has kicked off an entire earth administration. Over the next few days, officials from across our administration will participate in more than a dozen events to celebrate Earth Day. We're getting everyone in the administration involved. And today, the day before Earth Day, we kick off a week for an administration that for -- literally for every day it's Earth Day for us. Because this implicates every aspect of our country's self-interest, from foreign policy to economic policy to environmental policy to health care policy. This impacts on every aspect -- every aspect of what kind of country we're going to leave our kids.

And 40 years ago, when Gaylord conceived and celebrated the first Earth Day, the world looked pretty different. Some of us can remember the public health and environmental catastrophes that propelled Earth Day, the Earth Day movement in the first place, the Cuyahoga River literally catching on fire from all the oil and dumped trash that was in it. Days of heavy smog in New York City so thick that people actually were dying from being unable to breathe the air. The list goes on and on and on. Our planet was sick. It's not healthy yet. But our planet was sick and in need of desperate help. It's still in need of real help.

Because of Gaylord Nelson, and millions of Americans like

some of you that are here today who joined him, we begin to make things a little bit better. Forty years later, the first Earth Day -- from the first Earth Day, the people of the first Earth Day celebration would look around and look out at all of you and they'd be very proud of what all of you have done. They'd see recycling bins in your houses. They'd see business spending money to make their facilities more energy efficient. They'd see men and women heading to work to build and install wind turbines and solar panels and other components for the new energy future. They'd see an administration building on his legacy, Gaylord's legacy, protecting and restoring the Great Lakes, the Chesapeake Bay, the Gulf Coast; designating millions of acres of wilderness; saving 1.8 billion barrels of oil by reducing Greenhouse gases by raising fuel efficiency and emissions standards on cars and trucks, pulling us on the right track and by doubling the renewal energy that will be generated in this country.

Since the beginning of the environmental movement, we've been trying to transform the way we use energy and reduce our dependence on foreign oil and fossil fuels to tap into the vast, untapped, renewable energy sources and to use energy more efficiently. The fact is we've been trying for 40 years, and we've made some progress. But we're now poised to make significantly greater strides, in our view, than ever because of the unprecedented investment in the Recovery Act and the leadership of the President and the Secretary of Energy.

Even before we took office, the President and myself and our economic team planned to use parts of what we knew had to be -- we didn't name it the Recovery Act then, but we knew we were going to have to have a Recovery Act. There were significant parts of that Recovery Act to make investments that would create good jobs today, but while planting the seeds for great industries of tomorrow with clean energy being at the forefront and the heart of all of it.

The world already is transforming, as the Secretary said, to a new energy economy. And the question is, are we going to lead it or are we going to continue to try to catch up? We are going to be left behind. We need to catch up. With around \$80 billion in clean energy investments, the Recovery Act is the largest single investment in clean energy in our history. If you just took that piece out of the Recovery Act and passed it as a stand-alone bill, it's the largest investment ever made in the history of the country in clean energy.

But we're not just doing this with government funds. We're using government to provide the seed money to grow private industries. And some of the initiatives that you mayors have going with the private sector in your communities is a model for

what we should be doing. Twenty-three billion dollars in renewable energy generation and advanced energy manufacturing, which will likely leverage more than \$43 billion in additional investment; \$2.4 billion in battery technology, matched by another \$2.4 billion in private capital to help build energy-efficient cars of the future.

In January of '09, there were two advanced battery factories in America. By 2015, there will be 30. The smart grid, \$3.4 billion in government investment led to \$4.7 billion in private investment to help get us to a stronger, more efficient, more reliable energy grid; \$2.3 billion, which is likely to leverage \$5.4 billion in private capital to put us back on track to double our capacity to manufacture the components of a new, green economy in America from wind turbines to solar panels to create energy that's renewable. Renewable resources to batteries and smart grid systems to store that -- and transmit that energy, to technologies like advanced lighting that help conserve energy.

We're going to start making that stuff here in America with American workers. We're going to be coming up to you guys in the House and the Senate and asking for 48C to be bumped up to \$5 billion so we could be making this stuff in America.

And today, we're announcing another important Recovery Act program, the "Retrofit Ramp-Up." Now, I wonder what sometimes our constituents think when we come up with these names. (Laughter.) The "Retrofit Ramp-Up." We all in this room know what it is. We may be the only ones who know exactly what it means. (Laughter.) But it's a kind of a buzz word, retrofits. But what we're really talking about here is simple. It's about making our homes and our office buildings more efficient and more comfortable and more affordable, replacing windows and doors. I have visited, along with some of the people in the front row, new window and door factories making incredibly -- incredibly energy-efficient windows and doors, which can save billions of dollars over time. Putting in new air conditioning or heating units that are much more efficient. Sealing up cracks and openings where air can leak into and out of your home. That's retrofitting -- small stuff, but big, big, big savings.

In fact, retrofitting existing homes has the potential to cut more than \$21 billion a year annually in our energy cost. There are more than 100 million homes in America. In the last year, only 40,000 took advantage of the energy-saving retrofits. It's not that homeowners don't want to lower their energy bills; it's just that they found that the process was too difficult, from accessing energy audits to finding skilled retrofit workers to simply being able to afford it.

Now, last fall the Middle Class Task Force, which the President asked me to chair, and the Council on Environmental Equality released a report that called the recovery retrofit -- explaining how we're working to overcome the challenges that got in the way of homeowners taking advantage of this. And these grants that we're announcing today are grants to 25 communities nationwide, and are a major step in the direction of making this much easier to do, much more efficient, and much more likely to happen.

This program is all about developing innovative models that can be expanded throughout the country. And there are a couple that are particularly important things about these grants that we should mention. First, these grants are focused on encouraging entire neighborhoods, entire neighborhoods to take advantage of the retrofits all at the same time. Right now, most retrofit work programs are on a house by house basis. The construction crew may come into a neighborhood, upgrade one home one week, and then they have to come back to work in a neighborhood home a few weeks later, maybe the same neighborhood.

Well, the Retrofit* Ramp-up* award winners are taking a different approach. Now, that -- the same construction crew would upgrade all the homes on the same block at the same time. That saves contractors time and money. They can pass the savings on to their customers. And it's just a much more efficient way to operate. And these communities aren't just relying on these grants. They'll use this as seed money to leverage an additional \$2.8 billion over the next three years. That's a total of five dollars for every dollar -- every dollar of grant money. And they're doing this by building partnerships between local governments, utility companies, financial institutions, and nonprofits. Whole communities are coming together to get this going, and when we look around you'll see it. And you'll see more and more of it as the months go on.

I know there are some people from the Philadelphia mayor's office that are here today. This has been one of Mayor Nutter's hobby horses. Well, their city has a plan to work with private lenders to connect homeowners to easy access, affordable loans to pay for retrofit work. The Mayor of Toledo, Mike Bell, is here. Toledo's program will provide career training, job placement, and mentoring for people actually going to be doing this work. The Mayor of Phoenix, Phil Gordon, is here. Just about -- just talk about partnerships, his city is partnering with Arizona State University Community Colleges, local utility companies, and five local banks to carry out a comprehensive retrofit program focusing on buildings surrounding Phoenix's new light rail line.

Investing in retrofits is a triple win. It's a win for consumers who save money on their energy bill. It's a win for the environment because we're using less energy, which cuts down on harmful emissions from greenhouse gases. And, finally, it's a win for the American economy, because it creates green jobs, jobs that can't be outsourced.

Now, with so many worthy applications, not everyone got funds today. But the Department of Energy is still working to find more opportunities to get cities to get involved in programs like this. But it's not just cities. We also want to encourage millions of Americans across the country to retrofit their homes. That's why the President has made it a priority to pass legislation creating a new energy-efficient rebate program that we call "Homestar."

And, by the way, I was home the last two weekends going to Home Depot both times, one, to buy a 30-inch hedge clipper, because my wife was very dissatisfied with our hedges. (Laughter.) You all think I'm kidding. (Laughter.) I am not kidding. (Laughter.) Anyway -- anyway, and the other one was to take my almost four-year-old grandson, Hunter, who said, "Pop, I don't got a tape measurer." So he had to get a tape measurer. He's stolen four of mine. He can't find them. But we went to get another tape measurer. (Laughter.) But all kidding aside, they asked about the program, the guys working the aisles, the women working the aisles, they asked about the program.

Under this program homeowners will be eligible for rebates worth up to \$1,005 for simple home upgrades like replacing an old water heater, putting in those new windows that I talked about. If you decide to do a comprehensive retrofit of your whole house, you'd be eligible for a rebate up to \$3,000. Homeowners won't have to fill out forms, send it in the mail, and wait for the check to arrive. They'll get rebates up front from the hardware store or the contractor.

The Homestar rebate program is going to create tens of thousands of jobs in industries like construction, manufacturing, and I might add, sales. These people, there are going to be people in Home Depot and -- I shouldn't just be talking about Home Depot -- but, you know, a lot of other places. (Laughter.) Lowes, that's the other one in my neighborhood. (Laughter.)

Anyway -- (laughter) -- they're jobs, and people need jobs -- jobs in manufacturing, in all those areas where people have suffered very badly because of this recession.

At the same time, we're going to reduce our energy consumption, and families are going to save hundreds of dollars

on the utility bills. And that makes a big difference.

You know, in the -- it's a commonsense idea that has bipartisan support. So we're calling on Congress to get this bill on the President's desk as soon as possible. But of course to really get this right, to really free ourselves from the grip of foreign oil, to really preserve our planet for generations to come, we need a comprehensive energy climate bill. That's something that Chairman Markey has been working on and my good friend, John Kerry, along with Lindsay Graham and others in the Senate side. I am hopeful, I am hopeful.

We're grateful to the House for passing the bill last year. And I want to thank all the House members because that was not an easy vote at the time to take. But you were dead right. The bill was a good, solid bill. You passed a bill and we continue working with both Democrats and Republicans to get it passed through the Senate.

You know, it's a political cliché to say we're trying to change the world. But, you know, it's most -- in it's most literal sense, that's what we're trying to begin to do here today. We've got to change the world.

Does anybody think we can lead the world in the 21st century with the energy policy we've had in the last century? Does anybody think we can leave a planet to my grandchildren and their grandchildren that is sustainable without a fundamental change in the way we do business?

But this is a case where, as the Secretary pointed out, not just for the United States but for the world, this can become a win-win situation. You know, it used to be when the construction trades and the building trades would support us, when we'd say, "green" that meant, oh, god, the snail darter, we're not going to have a building, we're not going to build a dam, we're not going to -- people are beginning to understand green means a cleaner economy, and green means jobs, green. Green means economic advancement across the board.

You know, making the world itself better, the air we breathe, the water we drink, the mountains our children will climb, the lakes they'll swim in, that's why Gaylord Nelson started Earth Day 40 years ago, and that's why you're all here today.

And I want to thank you all for helping us literally change the world. So thank you all folks. And may God bless you all and may God bless protect our troops. Keep it up. Thank you. (Applause.)

END

**Diane
Thompson/DC/USEPA/US**

04/19/2011 04:27 PM

To Richard Windsor, Bob Perciasepe

cc Scott Fulton

bcc

Subject Fw: Courtesy Notice

Just FYI -- the 2 of you are on travel so Scott and I will hold down the fort, as it were.

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 04/19/2011 04:24 PM -----

From: EPA Security Updates
To: All HQ
Date: 04/19/2011 04:23 PM
Subject: Courtesy Notice

The Department of Interior experienced a disruption yesterday by a group whose issues include the Gulf oil spill and drilling, mountaintop mining, and climate change. Given EPA's mission, this is a courtesy notification that tomorrow, April 20th, security guards may be checking identification badges outside of building entrances. The Security Management Division may take additional security precautions to ensure the appropriate protection of EPA personnel and facilities.

If you have questions, contact Security Operations Branch Chief Diane Dixon at Dixon.Diane@epa.gov or (202) 564-2154.

Diane
Thompson/DC/USEPA/US
08/05/2009 08:04 AM

To Richard Windsor
cc Eric Wachter
bcc
Subject headlines on EIA rept

today's headlines on eia report below. I know david is getting you one pager. let me know if you can access these or need us to paste articles into an email. DT

U.S. climate bill costs low for households: EIA (Reuters) This story also appeared: *Washington Post*

U.S. consumers spared big costs in climate bill (Reuters) This story also appeared: *Washington Post*

Report: Early costs of climate bill will be modest (Associated Press) This story also appeared: *Washington Post*

House bill will spur 20% electricity-price hike by 2030 -- EIA (*Greeniwre*)

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

**Diane
Thompson/DC/USEPA/US**
09/08/2009 01:30 PM

To Seth Oster, Richard Windsor, Bob Sussman, Peter Silva,
Arvin Ganesan, David McIntosh
cc Adora Andy
bcc
Subject Re: Mountain Mining Announcement -- News Is Out

Not really anything new here. Everyone knew the announcement was supposed to be today...
Seth Oster

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

From: Seth Oster
Sent: 09/08/2009 01:24 PM EDT
To: Richard Windsor; Diane Thompson; Bob Sussman; Peter Silva; Arvin Ganesan; David McIntosh
Cc: Adora Andy
Subject: Mountain Mining Announcement -- News Is Out

The news of the upcoming mountain mining announcement has leaked out. Below is a press advisory from Appalachian Voices. We are now receiving many calls.

For the moment -- pending our meeting today at 4 pm -- we are going say, "As has been publicly stated, EPA plans to announce a decision on a number of outstanding mountain mining permits. That announcement has not yet been made, but expects it will take place in the coming days."

Seth

Press Advisory

EPA To Announce Decisions on 86 Mountaintop Removal Mining Valley Fill Permits

Today the US Environmental Protection Agency will announce preliminary decisions on more than 80 valley fill permits associated with mountaintop removal coal mining. During the announcement, the agency will differentiate between permit applications they have determined deserve extended consideration over environmental concerns, and which permit applications may proceed directly to the Army Corps of Engineers for implementation.

The lists of permits slated for the extended review and "enhanced coordination process" will be made public on the websites of EPA Regions 3, 4, and 5, and will become final with approval of the EPA regional offices within 14 days of this announcement. Any permits allowed to proceed past this preliminary review to the Army Corps will mean more headwater streams buried and more Appalachian mountains literally blasted off the map.

In response, Appalachian Voices has created an "EPA Shortlist" section on iLoveMountains.org,

which includes an interactive map and more information to help citizens and the media track the real-time progress of these permits and identify communities and people at risk should these permits be allowed to move ahead. Preview the map at www.ilovemountains.org/epa-short-list/

Early in the Obama Administration, the EPA announced implementation of a stricter review process for mountaintop removal coal mining permits, a move that left coalfield communities hopeful that this would be the beginning of the end for this destructive practice. Today's announcement will reveal if President Obama's EPA is serious about stopping the damage that mountaintop removal wreaks on the mountains, water and communities of Appalachia.

A press release and photographs and b-roll footage of mountaintop removal coal mining will be available, as well as interviews with impacted residents and experts on the environmental impacts of mountaintop removal mining.

For more information, please contact:

Dr. Matthew Wasson, Director of Programs, Appalachian Voices... 828-262-1500

Stephanie Pistello, National Field Coordinator, Appalachian Voices... 917-664-5511

Appalachian Voices

*Bringing People Together To Protect the Land, Air, Water
and Communities of the Central and Southern Appalachians*

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

Diane
Thompson/DC/USEPA/US
10/16/2009 04:40 PM

To "Richard Windsor"
cc
bcc

Subject Fw: The Administrator Asked About This Issue

Gregory Peck

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

From: Gregory Peck
Sent: 10/16/2009 02:37 PM EDT
To: Bob Sussman; Arvin Ganesan; Diane Thompson
Subject: The Administrator Asked About This Issue

OSMRE update: Senate has hold on Pizarchik

by Ken Ward Jr.

My sources in Washington are confirming this morning that at least one member of the Senate has a hold on President Obama's nomination of Joe Pizarchik to be director of the Interior Department's Office of Surface Mining Reclamation and Enforcement.

It's not clear which Senator has done so, or exactly what the concerns are. Last week, the Senate Committee on Energy and Natural Resources [approved Pizarchik](#) for the full Senate for a vote. But two committee members — Democrat Robert Menendez and Independent Bernard Sanders of Vermont — voted against Pizarchik. Coalfield citizen groups have raised a variety of concerns about Pizarchik and have discussed them in previous posts [here](#), [here](#), [here](#), [here](#) and [here](#).

Updated:

Kendra Barkoff, press secretary for Interior Secretary Ken Salazar, just issued this statement:

Secretary Salazar believes Joe Pizarchik is the right man at the right time to be the Director of the Office of Surface Mining Reclamation and Enforcement. His expertise proves that he will help move the department forward with coal production in an environmentally responsible way and address the concerns that any Senator might have regarding Joe's qualifications for the office.

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

Dru Ealons/DC/USEPA/US

06/20/2011 12:09 AM

To: Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Bob Sussman, "owens stephanie", "ealons dru", Joseph Goffman, Gina McCarthy

cc: "Dru Ealons", "Stephanie Owens"

bcc:

Subject: WSJ: APHA's Letter to the Editor on Mercury and Air Toxics Standards

Sunday was a busy day for Mercury and Air Toxics Standards. Below is published the letter to the editor Dr. Georges Benjamin from APHA wrote to the WSJ to speak to the public health perspective on the standard. This was directly in response to what the WSJ wrote in its article "The EPA's War on Jobs".

Dru

Hey Dru -- WSJ posted Dr. Benjamin's LTE -- here it is!

Don

Burning Coal Emits Dangerous Pollutants

Your June 13 editorial "The EPA's War on Jobs" <

<http://email.apha.org/exchweb/bin/redir.asp?URL=http://online.wsj.com/article/SB10001424052748703818204576206662079202844.html?mod=article-outset-box>> claims that the EPA's proposed rule to reduce the level of toxic emissions from coal-fired power plants is a "destructive weapon." You disregard the serious, documented, long- and short-term health effects of exposure to mercury, particulate matter and other air pollutants emitted by burning coal.

EPA's proposed rule is a welcome step in safeguarding the public's health from these dangerous air pollutants that can worsen asthma and other respiratory diseases; cause heart attacks, cancers and stroke; and exact an enormous economic toll in terms of health-related costs and lost productivity. The EPA should be congratulated for following the clear evidence in cleaning up these toxins from the air we breathe and protecting the health of the American people. After all, unhealthy people cannot work.

Georges Benjamin, M.D.

Executive Director

American Public Health Association

Washington

Dru Ealons, Director

Office of Public Engagement

202.573.3063

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 06/19/2011 09:36 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Laura Vaught; Bob Sussman; owens.stephanie@epa.gov; ealons.dru@epa.gov; Joseph Goffman; Gina McCarthy

Subject: NYT Editorial: A.E.P. Protests Too Much

A.E.P. Protests Too Much

NY Times editorial

American Electric Power, one of the nation's largest utilities, warned last week that new air quality rules could force it to "prematurely" shut down about two dozen big coal-fired units and fire hundreds of workers. This is a deceptive and particularly cynical claim. The utility is making a business decision that has little to do with the rules.

Here is what A.E.P. is not saying: These units are, on average, 55 years old. Some are running at only 5 percent of capacity. Many had long been slated for retirement, in part to comply with a 2007 settlement with the George W. Bush administration in which the company agreed to settle violations of the Clean Air Act by spending \$4.7 billion to retire or retrofit aging units.

Blaming the rules is a transparent scare tactic designed to weaken the administration's resolve while playing to industry supporters on Capitol Hill. Fortunately, Lisa Jackson, head of the Environmental Protection Agency, which proposed the rules, refuses to be bullied.

Ms. Jackson called the A.E.P. charges "misleading at best" and made clear she would not retreat from her statutory duty to protect public health. She said she would stick to her timetable and make the rules final this year. We hope that the White House is equally determined.

Two rules are at issue. One, proposed last year, would require utilities to sharply reduce emissions of already-regulated soot and smog-forming pollutants like sulfur dioxide. The other, for the first time, would mandate reductions in toxic pollutants like mercury. Coal-fired plants, which generate the vast bulk of A.E.P.'s power, are by far the biggest producers of all these pollutants. Companies will have to begin complying with the soot and smog rules next year and the air toxics rule by 2015.

A.E.P. says this timeline is "unrealistic" and asks for a delay of up to five years; otherwise, it says, it will have to shut down one-fourth of its coal-fired capacity and lay off up to 600 workers. Yet in a June 1 meeting with investors, Michael Morris, the utility's chairman, who last week warned about the impact of the proposed regulations on "our customers and local economies," told investors that the closings were "the appropriate way to go" for customers and shareholders.

As for the utility's claims of undue haste, they don't stand up to even minimal review. Both rules have been in the works since the Clinton administration, and companies that have made their plants more efficient or invested in cleaner-burning fuels or up-to-date pollution control technologies are by now well prepared to deal with them.

A.E.P., by contrast, has always seemed much more interested in fighting the Clean Air Act than in finding sensible ways to meet its requirements. It fought the statute after it passed in 1970 and resisted efforts to strengthen the law under President George H. W. Bush. Even now it is shopping a bill around Capitol Hill that would block or delay the proposed new standards.

The bill does not so far have a sponsor, though it will likely have plenty of sympathizers among Republicans and some Rust Belt Democrats. It does not reflect the interests or wishes of the vast majority of Americans, for whom cleaner air is rightly a higher priority than any company's bottom line.

Dru Ealons/DC/USEPA/US

06/21/2011 02:22 PM

To: Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, "Seth Oster", Adora Andy, Betsaida Alcantara, Stephanie Owens, David McIntosh, Arvin Ganesan, Laura Vaught, Gina McCarthy, Janet McCabe, Joseph Goffman

cc

bcc

Subject: Environment America's statement on comment period extension

For Immediate Release: For more information:
June 21, 2011 Nathan Willcox,
nathan@environmentamerica.org, (202) 683-1250

Polluters Get Their Wish as EPA Delays Deadline for Public Comments on Mercury Rule

Washington, DC-The U.S. Environmental Protection Agency announced today that it will delay the comment period deadline for its proposed Mercury and Air Toxics Standard for Power Plants by 30 days.

Nathan Willcox, Federal Global Warming Program Director for Environment America, issued the following statement:

"The American people have waited for more than two decades for EPA to update clean air standards to require polluters to clean up mercury, arsenic, and other toxic air pollution from power plants. Now it's time for the coal industry to stop poisoning our kids and clean up the hundreds of thousands of pounds of toxic pollution coal-fired power plants spew into our air every year.

Coal-fired power plants are the single largest source of mercury air pollution in the United States. This mercury ends up in our bodies and puts our children at risk of learning disabilities, developmental disorders, and even lower IQs. Now one in 10 American women of childbearing age has enough mercury in her body to put any child she has at risk of these health threats.

More than 400,000 Americans have said that they want EPA to move forward with the strongest possible standard to cut mercury and other toxic air pollution from power plants, and just this morning 104 members of Congress sent a letter to EPA in support of this standard.

Now that EPA has finally proposed a strong rule-which it estimates would cut mercury and other toxic air pollution by 91 percent, save up to 17,000 lives a year, and prevent 120,000 asthma attacks annually-big polluters like American Electric Power continue to fight tooth and nail to punt new limits on toxic air pollution further down the line.

After decades of delay, we're disappointed that coal companies got their wish by delaying the close of the comment period. EPA must staunch the flood of toxic air pollution and meet its November 16, 2011 deadline for issuing a strong final standard, or every day of delay will mean more deaths and more children at risk."

###

Environment America is a federation of 29 statewide, citizen-based

environmental advocacy organizations working toward a cleaner, greener, healthier future. Find out more at www.EnvironmentAmerica.org

Dru Ealons, Director
Office of Public Engagement
202.573.3063
Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 06/21/2011 02:02 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Stephanie Owens; Dru Ealons; David McIntosh; Arvin Ganesan; Laura Vaught; Gina McCarthy; Janet McCabe; Joseph Goffman

Subject: ALA statement on comment period extension

FOR IMMEDIATE RELEASE:

Contact: Mary Havell

June 21, 2011
202-715-3459

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."

Dru Ealons/DC/USEPA/US

12/12/2011 03:22 PM

To Richard Windsor

cc Alisha Johnson, Andra Belknap, Betsaida Alcantara, Brendan Gilfillan, Heidi Ellis, Michael Moats, Stephanie Owens

bcc

Subject Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

Let's see if we can make it happen...

Dru

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



Healthier Families, Cleaner Communities, A Stronger America
<http://www.epa.gov/40th>

Richard Windsor V cool. The BUS ! Would love to met... 12/12/2011 03:04:16 PM

From: Richard Windsor/DC/USEPA/US
 To: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA
 Date: 12/12/2011 03:04 PM
 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@sloanep.com>
 To: epost@sloanep.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]

**Elizabeth
Ashwell/DC/USEPA/US**
12/30/2011 12:06 PM

To
cc
bcc
Subject HLD -Short-Lived Climate Forcers Launch Event w/ Secretary Clinton

Meeting

Date 02/16/2012
Time 10:30:00 AM to 12:30:00 PM
Chair Elizabeth Ashwell
Invitees
Required
Optional
FYI
Location Treaty Room, State Dept
Ct: Maurice N. LeFranc, Jr., Senior Advisor on International Climate Change (OAR) 564-1813

**Elizabeth
Ashwell/DC/USEPA/US**
02/15/2012 12:24 PM

To
cc
bcc

Subject HOLD: Climate Solutions

Meeting

Date 06/08/2012

Time 05:00:00 AM to 08:00:00 PM

Chair Elizabeth Ashwell

Invitees

Required

Optional

FYI

Location Seattle, WA

Ct: Stephanie Owens 564.6879

**Elizabeth
Ashwell/DC/USEPA/US**
11/18/2011 02:52 PM

To
cc
bcc

Subject Meeting with Local Elected Officials

Meeting

Date 11/30/2011
Time 02:15:00 PM to 03:00:00 PM
Chair Elizabeth Ashwell

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Sarah Pallone 202-564-7178

Topic: Utility MACT

Attendees:

- Eula McNeill, Mayor Pro Tem, Red Springs, NC
- Clarence Ramsey, Council Member, Monroeville, PA
- William Callaham, Council Member, East Landsdown, PA
- Sharon Steel, Vice Mayor, St. Paul, VA
- Pam Snyder, Commissioner, Greene County, PA
- Scott Finney, Trustee, Sleepy Hollow, IL
- Pete Hennard, Commissioner, Ogemaw County, MI
- Mark Sweeney, Commissioner, Anaconda-Deer Lode 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)

**Elizabeth
Ashwell/DC/USEPA/US**
01/18/2012 05:43 PM

To
cc
bcc

Subject Short-lived Climate Forcers Launch with Secretary Clinton

Meeting

Date 02/16/2012
Time 09:30:00 AM to 10:15:00 AM
Chair Elizabeth Ashwell

Invitees
Required
Optional

FYI

Location Benjamin Franklin Room
U. S. Department of State

State Ct: Jeff Miotke - 202-294-2545
EPA Ct: Maurice LeFranc - 202-564-1813
Adv. Ct: Jeff Tate - 202-564-8902

Press: Open

Run of Show/Participants:

- Special Envoy Todd Stern welcomes everyone
- The Administrator gives remarks
- Minister Hasan Mahmud, Bangladesh, gives remarks
- Minister Peter Kent, Canada, gives remarks
- Ambassador Agyekum , Ghana, gives remarks
- Minister Juan Elvira, Mexico, gives remarks
- Minister Lena Ek, Sweden, gives remarks
- Dr. Achim Steiner, UNEP, gives remarks
- Secretary Clinton gives closing remarks (5-7 minutes in length) from the podium and the program concludes

Attendees: Invited guests, 200-300 people

lisa.jackson@dep.state.nj.us
Sent by:
emailthis@ms3.lga2.nytimes.com

To Richard Windsor
cc
bcc

07/13/2009 06:00 AM

Subject NYTimes.com: Disillusioned Environmentalists Turn on Obama as Compromiser

Please respond to
lisa.jackson@dep.state.nj.us

This page was sent to you by: lisa.jackson@dep.state.nj.us

US | July 11, 2009

[Disillusioned Environmentalists Turn on Obama as Compromiser](#)

By LESLIE KAUFMAN

Compromises made to win passage of a climate-change bill have infuriated and disappointed environmental activists.

1. [Op-Ed Columnist: She Broke the G.O.P. and Now She Owns It](#)
2. [Collect Now, or Later? Timing Social Security Benefits](#)
3. [Watching Whales Watching Us](#)
4. [The Crab Houses of Maryland's Eastern Shore](#)
5. [Op-Ed Columnist: Clean, Sexy Water](#)

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Adam The story of two strangers, one a little stranger than the other. Starring Hugh Dancy and Rose Byrne. In theaters this summer.
[Click here to view trailer](#)

Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

Sent by:
emailthis@ms3.lga2.nytimes.com

bcc

Subject NYTimes.com: Navajos Hope to Shift From Coal to Wind and Sun

10/26/2010 08:00 AM

Please respond to
Richard Windsor/DC/USEPA/US@EPA

This page was sent to you by: windsor.richard@epa.gov

SCIENCE | October 26, 2010

Navajos Hope to Shift From Coal to Wind and Sun

By MIREYA NAVARRO

Health and environmental concerns have become a factor in next Tuesday's Navajo Nation presidential election.

Advertisement

EPA Security Updates

04/19/2011 04:23 PM

To All HQ

cc

bcc

Subject Courtesy Notice

The Department of Interior experienced a disruption yesterday by a group whose issues include the Gulf oil spill and drilling, mountaintop mining, and climate change. Given EPA's mission, this is a courtesy notification that tomorrow, April 20th, security guards may be checking identification badges outside of building entrances. The Security Management Division may take additional security precautions to ensure the appropriate protection of EPA personnel and facilities.

If you have questions, contact Security Operations Branch Chief Diane Dixon at Dixon.Diane@epa.gov or (202) 564-2154.

Eric Wachter/DC/USEPA/US

06/10/2009 11:59 AM

To Richard Windsor

cc

bcc

Subject Fw: CLIMATE: Vilsack reverses, vows cooperation with EPA on offsets (06/05/2009)

Message Information**Date** 06/07/2009 07:21 PM**From** Lawrence Elworth/DC/USEPA/US**To** jackson.lisap@epa.gov**cc****Subject** Fw: CLIMATE: Vilsack reverses, vows cooperation with EPA on offsets (06/05/2009)**Message Body**

L - While I assume you have seen this I want to make sure you have it, courtesy of David. Best, L

David McIntosh

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

From: David McIntosh

Sent: 06/05/2009 05:45 PM EDT

To: Lawrence Elworth

Subject: CLIMATE: Vilsack reverses, vows cooperation with EPA on offsets (06/05/2009)

Allison Winter, E&E reporter

Agriculture Secretary Tom Vilsack pledged today to work with U.S. EPA to oversee farm-related climate programs -- stepping back from assertions that his department should take a lead role in the programs.

Vilsack told reporters he is "absolutely committed" to cooperating with EPA on programs that could pay farmers and ranchers to sequester carbon. He previously said the Department of Agriculture should have sole oversight, coming close to stepping over a line drawn by the White House, which wants details of any climate effort left to Capitol Hill.

Farm-state lawmakers and agriculture groups have criticized the proposed House energy and climate bill, saying they want USDA to have sole authority over emission-offset programs. But Vilsack is not ready to fight on their behalf.

"I think it's important for us to focus on the fact that both agencies need to work together," he said. "This is very complicated legislation, and we both have to work together. I am absolutely committed to working with EPA."

Last week, Vilsack said he would push Congress to add carbon credits for agriculture and forestry and let USDA oversee them. At an event in Kentucky to promote the economic stimulus law, Vilsack said he would be "advocating forcefully" for the two provisions, according to a report from the Institute for Rural Journalism at the University of Kentucky. His statement at the Kentucky event strayed from the White House line, which has been to support cap-and-trade legislation but avoid taking a position on specifics.

Vilsack -- who in his first few months in office repeatedly promoted an active role for agriculture in the climate change debate -- has toned down his statements this week. After a hearing on Capitol Hill yesterday, he told reporters he would "be helpful" or

"provide technical assistance" to lawmakers in the climate debate but did not claim to be taking a very active role.

Vilsack said today that he would leave it to Congress to make policy, and USDA would do what lawmakers decide.

"I think it's important for us to work with agencies; it's not either-or," Vilsack said. "I think there's a lot of work that's going to have to be done if this thing is structured right. So we just want to make sure that the important role that agriculture can play in climate change is recognized."

Farm groups' concerns have emerged as a key issue as the climate bill from Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.) makes its way to a floor vote. Waxman's energy panel approved the bill two weeks ago, but eight other committees -- including the Agriculture panel -- each have a say.

The issue of USDA oversight is a top priority for the House Agriculture Committee, which has presented a potential speed bump for the legislation. Democrats and Republicans on the panel have been sharply critical of the climate bill, and Chairman Collin Peterson (D-Minn.) has said it needs changes to gain his panel's support.

"EPA doesn't have any structure ... they don't have any presence in my state at all," Peterson told reporters this week. "How are they going to do this? USDA has somebody in every county, they have the soil scientists, they have the people who know this best -- it just seems logical."

Many farmers distrust EPA, considering it a source of regulation and fines. And agriculture groups and farm state lawmakers argue that USDA -- with its network of county extension agents -- is better equipped to help farmers and ranchers oversee conservation programs.

OEX Processing Information

Processed Date:

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Message Count

Eric Wachter/DC/USEPA/US To Richard Windsor
12/23/2009 05:29 PM cc
bcc
Subject Fw: Commissioner Jackson

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/23/2009 05:28 PM -----

Message Information

Date 12/22/2009 04:26 PM
From **Lawrence Thornton/DC/USEPA/US**
To CN=LisaP Jackson/OU=DC/O=USEPA/C=US@EPA
cc
Subject Commissioner Jackson

Message Body

Just a quick note to let you know that I am working as an IPA to Jerry Johnston, GIO in OEI, for one year on loan from NJDEP, in Sherry Driber's OIRM. As you know I am Manager of the GIS Unit there. I will be working to help Jerry out until October of next year.

Have a great holiday and I look forward to working with EPA next year.

Larry Thornton
Manager NJDEP BGIS and...
EPA/OEI Geospatial Liaison

Lawrence L. Thornton, MS GISP
EPA -OEI Geospatial Liaison

Thornton.Lawrence@epa.gov
202-285-8461

84 Lawrence Ave
Holland, PA 18066

-----LisaP Jackson/DC/USEPA/US wrote: -----

To: Lawrence Thornton/DC/USEPA/US@EPA
From: LisaP Jackson/DC/USEPA/US
Date: 12/22/2009 03:57PM
Subject: Looking Back on a Great 2009

Colleagues:

As we move into the new year, I want to thank you for making 2009 a landmark year for environmental protection. With the many challenges and opportunities we face, I couldn't be

happier or prouder to be back at EPA, where I first started my environmental career, and working by your side on these critical issues.

We already have much to feel good about. Over the course of the past 12 months, we've shown America that EPA is back – once again committed to science, transparency, and the rule of law. With the agency leading the way, our nation took its first serious actions to reduce greenhouse gases, a change that will be remembered for generations. We set out principles to ensure that chemicals in our products and our environment are safe, a critical first step in giving Americans the information and protections they deserve. We've revitalized work on the Clean Water Act and stepped up to protect national treasures like Chesapeake Bay and the Great Lakes. We've been part of the solution for American communities in these challenging economic times by creating green jobs and opportunities through the President's Recovery Act. And we're rapidly expanding the conversation on environmentalism by reaching out to people of all ages, from all backgrounds, and all walks of life.

I could go on.

From joining the Interagency Partnership for Sustainable Communities, to reaching one million Energy Star homes, to traveling to Copenhagen to represent the administration and our country at the start of the Global Climate Summit – and I don't think I'll ever forget being onstage with the Flaming Lips to celebrate Earth Day 2009! This year has been a great year for the EPA, and every one of you across this agency, in every program and region, have contributed to our shared success.

This may be the end of the year, but it's just the beginning of our work together. In the year ahead, we will continue with these and other important efforts to protect our health and our environment. You can expect to hear more about our priorities for 2010 very soon. Until then, I'm happy to close 2009 with a brief video I recorded to say thank you and best wishes for the holiday and the New Year.

[Please click here to watch the video.](#)

Thank you for all that you've done to protect our health and the environment. You've made 2009 a year to remember. Seasons greetings and best wishes for 2010!

Sincerely,
Lisa P. Jackson

OEX Processing Information

Processed Date:	12/23/2009 05:25 PM
Processed By	Cynthia Gaines
PO Office	Category:
OEX	CMS

Message Count

1

Eric Wachter/DC/USEPA/US To Richard Windsor
12/27/2010 04:37 PM cc
bcc
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
From "Doniger, David" <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
Cell: (202) 321-3435
Fax: (202) 789-0859
ddoniger@nrdc.org
on the web at www.nrdc.org
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

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Message Count

Eric Wachter/DC/USEPA/US

To Richard Windsor

12/24/2009 12:35 PM

cc

bcc

Subject Fw: Happy Holidays from the HKS Alumni Association Board

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/24/2009 12:35 PM -----

Message Information**Date** 12/23/2009 12:16 PM**From** "Rudy Brioche MPP 2000, Chair, HKS Alumni Association Board"
<rudy_brioche@comcast.com>**To** LisaP Jackson/DC/USEPA/US@EPA

cc

Subject Happy Holidays from the HKS Alumni Association Board**Message Body**

Dear Friends,

Hello fellow Harvard Kennedy School alumni. I hope that this email finds you in excellent health and good spirits. From the global economic crisis to climate control, this year has been tumultuous for world leaders, communities, families, and members of our HKS family. Because of these challenges, we are reminded every day of the importance of public service and the need for skilled and thoughtful leaders who are committed to improving the human condition.

After many years since graduation, I believe more than ever that we, as graduates of the best school of government in the world, continue to make the world a better place. And our individual responses to the clarion call—"Ask what you can do"—share the common theme that we believe that we can make a difference. Our resilient sense of optimism is renewed when we reconnect to fellow alumni, visit HKS, or read a faculty member's article or book.

Another way to renew your optimism is to continue your support of the School's noble mission. As alumni, our support of current and future students is crucial to advancing the public good. Our participation helps the best and brightest students attain HKS degrees, regardless of personal financial means.

I ask you to please join me in making a contribution to the HKS Fund as an investment in our future. Your participation—not the size of your contribution—is essential. By contributing to one of the School's primary sources of financial aid, you are supporting the potential of future leaders who may not otherwise be able to pursue a Kennedy School education.

Information on contributing to the HKS Fund can be found by going to www.hks.harvard.edu/u/about/giving/makeagift. I hope you will consider making a gift that is personally significant to you—**gifts of any and all amounts truly make a difference!**

My warmest wishes for a happy holiday season.

All the best... let's stay connected,
Rudy N. Brioché MPP 2000

Harvard Kennedy School | Office of Alumni Relations and Resource Development | 79 JFK Street | Mailbox 123 | Cambridge, MA 02138

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Processed By	Cynthia Gaines
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Sent to 3rd Floor	Sent to 3rd Floor
Message Count	1

Eric Wachter/DC/USEPA/US

10/26/2011 04:44 PM

To Richard Windsor

cc

bcc

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**

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.

Our client's scope of services include: Working with federal and state environmental and resource management agencies to address complex policy, management, and regulatory challenges. Services also include economic analysis and climate change impact analysis for developing countries along with risk assessments, Macro and micro-economic climate change modeling expertise with importance on sector and environmental costs of climate change policy impacts on developing and emerging market economies.

Job Description: The incumbent in this position will also have experience or understanding with most of the following technical and management competencies:

- Maintain the development goals of countries by low emissions economic planning and strategies to reduce the growth rate in GHG emissions from alternative economic development policies and enhance climate resilience.
- Oversee low emissions mitigation and adaptation options for developing and emerging market economies by cost benefit, marginal abatement and/or cost effectiveness analysis capabilities.
- Sector economics and effects from diverse low emission growth plans on income, employment, gender, environment and marginalized populations in developing countries.
- Proven experience in leading economic analysis teams and prepares analysis reports in emerging countries.

Requirements: Degree in Environmental Economics or Cost Benefit Analysis and 5+ years' experience in Climate Change, climate change economic analysis, developing country environments, economic modeling, policy analysis, data collection and policy reform in energy or natural resource management. USAID, EPA and DOE experience is a plus.

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

www.jpamri.com

Invite me to LinkedIn at:

<http://www.linkedin.com/in/paulpalazzolo>



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MRINetwork

EXPERTS IN GLOBAL SEARCH



Processed Date:	12/23/2011 01:40 PM
Processed By	Brian Hope
PO Office	Category:
OEX	CMS
Message Count	1

Eric Wachter/DC/USEPA/US To Richard Windsor
01/25/2010 05:40 PM cc
bcc
Subject Fw: Office of Water Priorities Memorandum

----- Forwarded by Eric Wachter/DC/USEPA/US on 01/25/2010 05:40 PM -----

Message Information

Date 01/25/2010 05:04 PM
From **Lori Keyton/DC/USEPA/US**
To OW-EVERYONE-HQ
cc OW-NATIONAL-WATER-TEAM; OW-Water Division Directors; RA; Associate Administrators; Assistant Administrators; Scott Fulton/DC/USEPA/US@EPA; Diane Thompson/DC/USEPA/US@EPA; Bob Perciasepe/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA
Subject Office of Water Priorities Memorandum

Message Body

January 25, 2010

MEMORANDUM

SUBJECT: Office of Water Priorities

FROM: Peter S. Silva /s/
Assistant Administrator
Office of Water

TO: Office of Water Employees

Building on Administrator Jackson's recent priorities memo, I want to highlight some specific areas in which the Office of Water (OW) is making these themes a reality. The Administrator has also embraced several principles as part of her vision for the Agency, including the importance of transparency, science, and the rule of law and I embrace them as well for the work the Office of Water does. Below are just a few examples of what OW is doing to meet the challenges the Administrator has set for EPA.

Protecting America's Waters

The Office of Water has two organizing themes for the national water program, Sustainable Communities and Healthy Watersheds.

Sustainable Communities - The nation's water resources are the lifeblood of our communities, supporting our economy and way of life. For our communities to be sustainable, our water resources must be sustainable as well.

Making America's Water Systems Sustainable and Secure

Our nation's water infrastructure needs are substantial, and our ability to meet those needs through traditional programs and funding is limited. We are working with our partners to help communities and utilities continue to provide for their residents by improving financing, management, and use of innovative solutions such as green infrastructure and expansion of the WaterSense program. Recovery Act funds and increases in the Clean Water and Safe Drinking Water Act State Revolving Funds have already boosted these efforts. While making water systems more sustainable, we also want to fortify their security and resiliency by working with water utilities to prevent or minimize disruptions in providing clean and safe water for all citizens. OW will build upon the successes of our sustainable infrastructure work to address the needs of disadvantaged urban and rural communities.

Safeguarding Public Health

Using science-based standards to protect our public water systems as well as our ground and surface water bodies has long been an OW priority. Protecting public health through tools such as beach, fish consumption and drinking water advisories is part of EPA's core mission. We are expanding that science to improve our understanding of emerging potential threats to public health to bring a new sense of responsiveness to public needs. By also working closely with the enforcement program, we can ensure safe drinking water and surface water suitable for recreation for all Americans.

Restoring and Protecting Urban Waters

With the water program's new Urban Waters initiative, we can help communities—especially disadvantaged communities and those with environmental justice challenges—access, restore and benefit from their urban waters and surrounding land. By focusing on building capacity and supporting the growth of the green jobs sector in urban communities, OW is helping to make these communities more vibrant and strengthening the connections between a healthy environment and a healthy economy.

Healthy Watersheds – People and the environment both rely on healthy watersheds. By improving our programs and tools to protect our watersheds, we are protecting human health as well as the environment.

Focusing Efforts in Key Geographic Areas

America's largest aquatic ecosystems are seriously impaired, resulting in significant losses to the diversity and productivity of these systems and impaired economic and social values. The water program is leading efforts to restore and protect these treasured resources, and in so doing providing models for broader national applicability. The Great Lakes Restoration Initiative, the Chesapeake Bay Executive Order and Strategy, the Gulf of Mexico Hypoxia Action Plan, the federal Bay-Delta Workplan and the National Ocean Policy are each designed to help one of our nation's key geographic areas address complex and cross-boundary challenges. Through innovative, collaborative approaches across federal, state and local governmental organizations, and with robust use of our existing statutory authority, we help make these programs more effective and restore

these precious resources.

Strengthening Protections for Our Waters

America's waterbodies are imperiled as never before, but we have the tools to help repair them. EPA and its partners can provide better protection of our water resources, including sources of drinking water by strengthening criteria and revising regulations. Some examples are by revising the stormwater rule, updating effluent guideline limitations for construction and development and the steam electric sectors, taking action to reduce the harmful environmental consequences of mountaintop mining, and strengthening protection for wetlands and other waters of the United States. We will continue to work with the states and others to improve monitoring of our waters so that we are better able to measure progress in protecting and restoring them. We also are working closely with the enforcement program to focus on the biggest threats to the nation's water resources.

Improving Watershed-Based Approaches

Complex issues such as nonpoint source and nutrient pollution require holistic, integrated solutions that emphasize accountability. The water program will improve the way existing tools such as water quality standards, protection of downstream uses, permits and total maximum daily loads are used to protect and restore watersheds, explore how innovative tools such as trading and other market-based approaches to watershed protection can be applied, and enhance efforts to prevent water quality impairments in healthy watersheds. Our local partners are becoming more important than ever to the health of our watersheds and estuaries, and we must improve our outreach to them to help them build their capacity to develop and implement their own solutions to local water quality problems.

Taking Action on Climate Change

Addressing the challenges climate change poses for our water resources will take the efforts of many partners. We must work with these partners to identify ways to make our programs more resilient through initiatives such as the Climate Ready Estuaries program and Climate Ready Utilities, while making the water sector more energy-efficient. But it is not only our partners who must innovate: evaluating and providing other means to address greenhouse gas emissions, such as through the sequestration of carbon dioxide in below-ground geologic formations, will allow OW to be a leader in the fight against climate change.

Assuring the Safety of Chemicals

The Office of Water will partner with the Office of Pesticides and Toxic Substances to accelerate testing of potential endocrine disrupting chemicals that can be present in water supplies and surface waters.

Expanding the Conversation on Environmentalism and Working for Environmental Justice

As the federal government, we must ensure that communities disproportionately affected by pollution have clean and safe water, and that environmental justice informs decision-making, including permitting and standards decisions. I want to underscore those principles and ask that

each of you strive to incorporate them in our work. In addition to the Urban Waters initiative which can benefit disadvantaged communities, OW co-leads and actively participates in EPA's Community Action for a Renewed Environment (CARE) program. CARE is providing on-the-ground technical assistance and funding to underserved communities to help them understand, prioritize and address environmental health threats from all sources.

Building Strong State and Tribal Partnerships

We recognize that states are our key partners in implementing the national water program. States write the overwhelming majority of water permits, water quality standards, and total maximum daily loads. Similarly, most inspections are done by states. We have begun working to improve this partnership through increased collaboration on key problems such as nutrients and by providing greater opportunity to discuss strategic and program planning through the Partnership Council of the Office of Water and the States. The Office of Water is also committed to improving tribal access to safe drinking water and, sanitation, and to improve tribes' capacities to assume greater responsibility for waters within their jurisdiction. The National Tribal Water Council is a key mechanism for ensuring that the views of tribal water professionals are considered in our regulatory and other programs.

These priorities will guide the work of the water program in 2010, and the years ahead. I will be discussing this further with the senior water management team, and I look forward to hearing your feedback as well. In the meantime, I want to thank you for your dedication to our mission in the Office of Water, and for your continued support as we work together for a cleaner and safer environment.

cc: Administrator
Deputy Administrator
Chief of Staff
General Counsel
Assistant Administrators
Associate Administrators
Regional Administrators
Water Division Directors

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

Eric Wachter/DC/USEPA/US

To Richard Windsor

06/25/2009 12:28 PM

cc

bcc

Subject Fw: Pew Center urges yes vote for Waxman-Markey Clean Energy Bill (H.R.2454)

Message Information

Date 06/24/2009 04:41 PM
From Eileen Claussen <ClaussenE@pewclimate.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject FW: Pew Center urges yes vote for Waxman-Markey Clean Energy Bill (H.R.2454)

Message Body

Lisa,

I thought you might like to see this.

Eileen Claussen
President
Pew Center on Global Climate Change
2101 Wilson Blvd., Suite 550
Arlington, VA 22201
www.pewclimate.org



[Sign up for the Pew Center E-Newsletter](#)

From: Pew Center on Global Climate Change [mailto:pewclimate@pewclimate.org]
Sent: Wednesday, June 24, 2009 4:37 PM
To: Eileen Claussen
Subject: Pew Center urges yes vote for Waxman-Markey Clean Energy Bill (H.R.2454)



Pew Center urges YES vote for Waxman-Markey Clean Energy Bill (H.R.2454)

"I write to express the support of the Pew Center on Global Climate Change for the American Clean Energy and Security Act of 2009 (ACES Act), H.R.2454. The ACES Act will help tackle climate change, drive our economic recovery, and advance energy independence. I strongly urge you to vote in favor of this landmark legislation."

Read the letter [here](#).

Eight Myths about the Waxman-Markey Clean Energy Bill

No bill is perfect. Certainly not one that contains a thousand pages and seeks to overhaul the way our nation uses energy. But many of the recent attacks on the American Clean Energy and Security Act (ACES) proposed by Representatives Waxman and Markey go beyond fact-based policy disagreements and venture more into the realm of mythology.

Click [here](#) for a list of a few of these myths, along with our attempt to set the record straight.

The American Clean Energy Security Act: An Honest Look at Potential Consumer Costs

Two recent government analyses that looked at the costs of the cap and trade portion of the American Clean Energy and Security Act of 2009 (ACES) have found that the likely impact of this portion of the bill would be fairly small.

For a comparison of these analyses, click [here](#).

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Pew Center on Global Climate Change | 2101 Wilson Blvd | Suite 550 | Arlington | VA | 22201

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Processed Date:	06/24/2009 12:00 AM
Processed By	Brian Hope
PO Office	Category:
Sent to 3rd Floor	Sent to 3rd Floor
Message Count	1

Eric Wachter/DC/USEPA/US To Richard Windsor
06/16/2011 06:02 PM cc
bcc
Subject Fw: power plant emissions rule

----- Forwarded by Eric Wachter/DC/USEPA/US on 06/16/2011 06:02 PM -----

Message Information

Date 06/14/2011 03:36 PM
From Jeanette MacNeille <jeanette@eclipseservices.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject power plant emissions rule

Message Body

Hi, Ms Jackson,

We met in Philly at Children's Hospital, I stood up to thank you for all you are doing. I felt very much as if I was on the same page as you because you have held a baby who cannot breathe. So you know firsthand how important that capability is. As a severe asthmatic I come face to face with the reality of not breathing much, much more often than I would ever wish.

I see that you are delaying the release of the power plant emission rules. A NY Times blog provides some information and notes that the effects on existing coal-fired plants could be substantial.

It makes sense and it is necessary to consider the broad effects of any regulation or rule or law, but in the end I am sure you will remember, too, the people who cannot draw in their next breath and the urgency and fundamental importance of being able to do so.

Good luck. Out in the field we continue to push full press in favor of cleaner air. I can't think of a more important issue and we appreciate all you are trying to do. One of my favorite congressional staff members used to say to me, "Keep charging." And that's about it, isn't it?

Best wishes as always,

Jeanette MacNeille
President, Millbourne Borough Council
President, Eclipse Services A Division of Quadrivium, Inc.
Sierra Club, SE PA Group, Clean Air Chair

OEX Processing Information

Processed Date:	06/14/2011 04:11 PM
Processed By	Jacqueline Leavy
PO Office	Category:
OEX	CMS
Message Count	1

Eric Wachter/DC/USEPA/US To Richard Windsor
04/20/2009 10:31 AM cc
bcc
Subject Fw: Thank you

Message Information

Date 04/17/2009 06:53 PM
From "Doniger, David" <ddoniger@nrdc.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank you

Message Body

Lisa,

My personal thanks for the job just done. I greatly appreciate your firm and fast action on the endangerment determination. After 10 years of work, a sweet moment. We've done our best today to reinforce your messages.

Take the rest of the day off.

David

David D. Doniger
Policy Director, Climate Center
Natural Resources Defense Council
1200 New York Ave., NW
Washington, DC 20005
Phone: (202) 289-2403
NRDC Cell: (202) 321-3435
Personal Cell: (202) 445-9023
Fax: (202) 789-0859
ddoniger@nrdc.org
on the web at www.nrdc.org
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

Eric Wachter/DC/USEPA/US To Richard Windsor
01/25/2010 10:52 AM cc
bcc
Subject Fw: Washington Post Climate Panel Question

----- Forwarded by Eric Wachter/DC/USEPA/US on 01/25/2010 10:51 AM -----

Message Information

Date 01/24/2010 02:06 PM
From "Bowles, Ian (EEA)" <Ian.Bowles@state.ma.us>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Fw: Washington Post Climate Panel Question

Message Body

Lisa - fyi on this. All the best, Ian

From: Alicia Cypress <Alicia.Cypress@wpost.com>
To: Bowles, Ian (ENV) <Ian.Bowles@state.ma.us>
Sent: Sun Jan 24 13:22:50 2010
Subject: Re: Washington Post Climate Panel Question

Thanks for this! I can post it later this afternoon.

From: Bowles, Ian (EEA) <Ian.Bowles@state.ma.us>
To: Alicia Cypress
Cc: Keough, Robert (EEA) <Robert.Keough@state.ma.us>; Capone, Lisa (EEA) <Lisa.Capone@state.ma.us>
Sent: Sun Jan 24 13:14:35 2010
Subject: Re: Washington Post Climate Panel Question

Alicia -

I'm out on blackberry only right now, but you can post the following if you want today or I can do it tomorrow:

"The experience here in MA is: 100% auction of GHG permits under RGGI has worked well and produced new funds for our \$2 billion, 3 year energy efficiency program (by far the largest per capita in the US); 10X wind and 15X solar in 4 yrs under Gov. Patrick, rapid growth in green jobs (e.g. more than doubled solar employment in 2 yrs and 4X installer firm base); advanced statewide building code and optional super-efficient "stretch code" being adopted by several municipalities; netmetering and rate decoupling; long term contracts for renewable energy projects; and, doubling in the rate of growth in the state RPS mandate. These measures were enacted in June 2008 on a fully bipartisan basis after 18 months of deliberation in landmark omnibus energy reform legislation called the Green Communities Act. Sen. Brown's republican colleague Sen. Bruce Tarr of Gloucester was a conferee and the final bill won full bipartisan support including from Sen. Brown. The Waxman-Markey legislation would generally not supercede any of these strong state mandates for 10-15 yrs or more and rightly resists the costly an

ill-conceived push to disrupt our strong competitive, low carbon energy markets with expansion of federal mandates on paying for transmission. On the basis of representing MA state and economic interests and existing strong state policies, I'm optimistic Sen. Brown will join Sen. Kerry in getting strong national legislation that puts the rest of the country on the job-creating low carbon trajectory the Commonwealth of Massachusetts has already embarked upon."

From: Alicia Cypress <Alicia.Cypress@wpost.com>
To: Alicia Cypress <Alicia.Cypress@wpost.com>
Sent: Wed Jan 20 11:55:38 2010
Subject: Washington Post Climate Panel Question

Greetings!

We wanted to wait until today to ask this week's question b/c your answers would hinge on the outcome of the Massachusetts senate election.

This week we'd like to know:

What does the outcome of the Massachusetts Senate election mean for the chances of a climate bill passing the Senate this year?

For reference, here's a few stories from today's Post on Scott Brown's (R) win:

<http://www.washingtonpost.com/wp-dyn/content/article/2010/01/19/AR2010011904517.html>

<http://www.washingtonpost.com/wp-dyn/content/article/2010/01/19/AR2010011904883.html>

and juliet eilperin's last story about the status of the bill (from 12/26/09)

<http://www.washingtonpost.com/wp-dyn/content/article/2009/12/25/AR2009122501671.html>

Thanks,
Alicia

Alicia Cypress

Web Editor, Health/Science/Environment

The Washington Post

1150 15th Street NW, Washington, D.C. 20071

p. 202-334-5179 | m. 202-203-8330

alicia.cypress@wpost.com

washingtonpost.com | mobile.twp.com

OEX Processing Information

Processed Date:

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Category:

Message Count

Eric Wachter/DC/USEPA/US

12/03/2009 04:32 PM

To Richard Windsor

cc

bcc

Subject Fw: William J. Hughes Center: Newsletter

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/03/2009 04:31 PM -----

Message Information

Date 12/03/2009 03:36 PM

From "Schulman, Sharon" <Sharon.Schulman@stockton.edu>

To LisaP Jackson/DC/USEPA/US@EPA

cc

Subject FW: William J. Hughes Center: Newsletter

Message Body

Hi Lisa.

Hopefully this gets through to you. We did a nice piece on your visit to Stockton with Bob Grady and thought you may enjoy seeing it.

--Sharon

Sharon Schulman

Special Assistant to the President for External Affairs &

Executive Director of the William J. Hughes Center for Public Policy

The Richard Stockton College of New Jersey

P.O. Box 195

Jimmie Leeds Road

Pomona, NJ 08240

609.626.3541 (phone)

609.338.3663 (cell)

Sharon.Schulman@stockton.edu



From: Richard Stockton College of NJ [mailto:Richard_Stockton_College_of_NJ@mail.vresp.com]
Sent: Thursday, December 03, 2009 3:08 PM
To: Schulman, Sharon
Subject: William J. Hughes Center: Newsletter



In This Issue

[Need to Reach Across the Aisle](#) - Former Congressmen Matthew McHugh and Mickey Edwards discussed cooperation between political parties.

[The Future of Environmental Policy](#) - Can crafting environmental policy be bipartisan?

[NJ's Chief Justice Interviews Holocaust Survivors](#) - 3 Holocaust survivors tell about their experiences

[Hughes Center Nuclear and W...](#)
 College hosts p... survey of 800.
[South Jersey E...](#)
 NJ's Energy Ma...

[Who is William...](#)
 the Center's nar... and native of so...

Upcoming Hughes Center Events

	<p>Friday, February 5, 2010—Citizens' Campaign: Call to Service Sponsored by The Citizens' Campaign, this event will include a cadre of trained leaders in practical civics. Learn how you can enhance your role as a civically engaged citizen and work to improve government. The event will run from 5:00 p.m. – 8:00 p.m. Registration 5:00 p.m. – 5:30 p.m. A-Wing Gallery.</p>
	<p>Friday, March 19, 2010—Jersey Shorecast Co-sponsored with the Greater Atlantic City and Cape May County Chambers of Commerce, designed to coordinate with the spring equinox, a panel of local business people and Stockton College experts prognosticate the future of the shore during its peak season. Registration 8:00 a.m. A-Wing Gallery – Program begins at 8:30 a.m. in the Alton Auditorium.</p>
	<p>Wednesday, March 24, 2010—Public Service: Why Would Anyone Want to Enter Into It? Beleaguered by scandals and the challenges of public service. Alton Auditorium 6:00 p.m. – 7:30 p.m.</p>
	<p>Thursday, April 15th, 2010—Lincoln's Marriage Live Web-Streamed Event: From Camden County College to Stockton College The William J. Hughes Center for Public Policy, Camden County College and the NJ Lincoln Bicentennial Commission. Novelist Mark Epstein will explore the marriage of Abraham and Mary Todd Lincoln, reflecting on how Lincoln's relationship with Mary impacted Lincoln's behavior as the chief executive officer of the United States. Stockton College participants will be invited to participate as speakers. This event begins at 7:00 p.m. Location at Stockton College – TBA.</p>
	<p>Thursday, April 22, 2010—Abraham Lincoln: New Findings, Fresh Perspectives Live Event held at Stockton and Webb Schools College. co-sponsored by: The William J. Hughes Center for Public Policy, Camden County College and the NJ Lincoln Bicentennial Commission.</p>

	County College participants will be able to pose live questions to the speaker. Guest lecturer, Dr. Michael Burlingame, one of scholars, will draw upon research from his recently published two volume work entitled Abraham Lincoln: A Life in which Burlingame's life account. Alton Auditorium 6:00 p.m. – 7:30 p.m.
	<p>Thursday, April 29, 2010–Nuclear Power in Our Future Southern NJ is home to four nuclear power plants and more may be forthcoming. Former NJ Governor Christine Todd Whitman, President of Public Service Enterprise Group (PSEG), in discussing the economic and environmental opportunities this presents.</p>
Please click here to find out how to register for any of these events.	

If you no longer wish to receive these emails, please reply to this message with "Unsubscribe" in the subject line or simply click on the following link: [Unsubscribe](#)

Richard Stockton College of NJ
William J. Hughes Center for Public Policy
PO Box 195, Jimmie Leeds Rd
Pomona, New Jersey 08240
US



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Processed By	Brian Hope
PO Office	Category:
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Message Count	1

Eric Wachter/DC/USEPA/US

To Richard Windsor

07/01/2009 12:03 PM

cc

bcc

Subject Waxman

FYI

Calif. Democrat Henry Waxman hospitalized

The Associated Press

Wednesday, July 1, 2009 10:41 AM

WASHINGTON -- A powerful House committee chairman with a central role in President Barack Obama's global warming and health care legislation has been hospitalized.

[Rep. Henry Waxman](#), D-Calif., was not feeling well Tuesday and was admitted to Cedars-Sinai Medical Center in Los Angeles for "routine testing," spokeswoman Karen Lightfoot said Wednesday.

She said that Waxman, 69, chairman of the House Energy and Commerce Committee, is "feeling much better now." She said his office had no further details to release.

Waxman just finished steering the climate change legislation through a close House vote and has been gearing up to tackle health care later this summer.

Eric Wachter/DC/USEPA/US To Richard Windsor
12/01/2009 10:16 AM cc Aaron Dickerson
bcc
Subject Fw: Good luck!

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/01/2009 10:16 AM -----

Message Information

Date 11/30/2009 08:41 PM
From **Mark Gold <mgold@healthebay.org>**
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Good luck!

Message Body

Lisa – I hope you and your family had a wonderful Thanksgiving.

Best of luck on the delegation's trip to Copenhagen. I hope you have great success in getting folks to move forward on the climate issue – including on water!

I hope to talk to you soon.

Mark

Mark Gold, D.Env. | President
Heal the Bay | 1444 9th Street | Santa Monica CA 90401
Tel: 310 451 1500 x123 | Fax: 310 496 1902
mgold@healthebay.org | www.healthebay.org

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PO Office

Category:

Message Count

Eric Wachter/DC/USEPA/US

05/24/2010 01:52 PM

To Richard Windsor

cc Aaron Dickerson

bcc

Subject Fw: New blog post on clean car and truck announcements

----- Forwarded by Eric Wachter/DC/USEPA/US on 05/24/2010 01:51 PM -----

Message Information

Date 05/21/2010 03:17 PM

From "Doniger, David" <ddoniger@nrdc.org>

To LisaP Jackson/DC/USEPA/US@EPA

cc

Subject FW: New blog post on clean car and truck announcements

Message Body

Thank you, Lisa, for these big new steps.

White House Announces New Clean Car and Truck Peace Treaty

http://switchboard.nrdc.org/blogs/ddoniger/white_house_announces_new_clea.html



David D. Doniger
Policy Director, Climate Center
Natural Resources Defense Council
1200 New York Ave., NW
Washington, DC 20005
Phone: (202) 289-2403

Cell: (202) 321-3435

Fax: (202) 789-0859

ddoniger@nrdc.org

on the web at www.nrdc.org

read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

Heidi Ellis/DC/USEPA/US

To

02/15/2011 10:38 AM

cc

bcc

Subject Climate Meeting Hosted by Sens. Kerry & Boxer

Meeting

Date 03/01/2011

Time 12:00:00 PM to 01:00:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Capitol: S-116

Ct: Monee Gardner 564 3143

Matt Summers (Kerry) matt_summers@kerry.senate.gov

Staff:

David McIntosh (OCIR)

Purpose: to discuss legislative proposals to block EPA's work to protect public health and enact deep cuts to critical clean air and water funding

Heidi Ellis/DC/USEPA/US

To

05/03/2010 04:34 PM

cc

bcc

Subject Congressional Briefings - BP Oil Spill

Meeting

Date 05/04/2010

Time 04:30:00 PM to 06:00:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Capitol Visitors Center

Auditorium

Ct: Arvin Ganesan (OCIR) 564-4741

4:30 Members Briefing

Opening Remarks and Moderator

Secretary Ken Salazar – Opening Remarks and Moderator

Presenters

Deputy Secretary Jane Lute

[DHS' coordination role, spill of national significance, NIC and appointment of Commandant Allen]

Commandant Admiral Thad Allen

[Update on spill containment/treatment, coastal protection efforts, weather update, oil spill trajectory]

Secretary Gary Locke

[Economic issues, fisheries]

EPA Administrator Lisa Jackson

[Air and water quality issues]

Available for Q&A

Carol Browner, Assistant to the President for Energy and Climate Change

Liz Birnbaum, Director of Minerals Management Service

Eric Schwaab, Assistant Administrator for Fisheries and David Kennedy, Acting Director of National Ocean Service

Heidi Ellis/DC/USEPA/US

To

04/13/2010 11:11 AM

cc

bcc

Subject Discussion on Boiler MACT

Meeting

Date 04/14/2010

Time 03:00:00 PM to 03:30:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Cindy Huang (OAR) 564-1850

Staff:

Bob Sussman, Bob Perciasepe, Diane Thompson (OA)

Gina McCarthy, Janet McCabe (OAR)

Scott Fulton (OGC)

Paul Anastas (ORD)

Lisa Heinzerling (OPEI)

Lisa Garcia (OECA)

Mathy Stanislaus (OSWER)

Heidi Ellis/DC/USEPA/US

To

06/08/2010 02:13 PM

cc

bcc

Subject EJ Interagency Workgroup

Meeting

Date 09/22/2010

Time 09:45:00 AM to 11:00:00 AM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location 428 EEOB

Ct: Lisa Garcia (OECA)

The meeting will take place from 10-11 AM

Attendees:

Secretary LaHood, Department of Transportation

Secretary Salazar, Department of Interior

Secretary Donovan, Department of Housing and Urban Development

Attorney General Holder, Department of Justice

Administrator Jackson, Environmental Protection Agency

Chair Sutley, Council on Environmental Quality

Carol Browner, Senior Advisor to the President, Office of Energy and Climate Change

Melody Barnes, Director, Domestic Policy Council

John Holdren, Director, Office of Science and Technology

Harris Sherman, Undersecretary for Natural Resources and the Environment, Department of Agriculture

Kristina Johnson, Undersecretary, Department of Energy

Alice Hill, Senior Counselor to the Secretary, Department of Homeland Security

Billy Pizer, Deputy Assistant Secretary for Environment and Energy, Department of Treasury

Ms. Maureen Sullivan, Director for Environmental Management, Department of Defense

Kevin Jennings, Assistant Deputy Secretary for Safe and Drug-Free Schools, Department of Education

Mr. Ed Bradley, Deputy Director, Office of Asset and Enterprise Management, Department of Veterans

Affairs

Heidi Ellis/DC/USEPA/US

To

02/16/2011 09:52 AM

cc

bcc

Subject Follow up on Boiler MACT

Meeting

Date 02/17/2011

Time 11:25:00 AM to 11:40:00 AM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Administrator's Office

Staff:

Diane Thompson, Jose Lozano, Venu Ghanta (OA)

Michael Goo or Bicky Corman (OP)

Mathy Stanislaus, Lisa Feldt (OSWER)

Scott Fulton, Avi Garbow (OGC)

Seth Oster, Dru Ealons (OEAAE)

Michael Goo, Bicky Corman (OP)

Janet McCabe (OAR)

Optional:

Bob Perciasepe, Bob Sussman (OA)

*Hookup to the Administrator's Conference line is needed

Heidi Ellis/DC/USEPA/US

To

02/16/2010 09:58 AM

cc

bcc

Subject Hip Hop Bus Tour Press Event

Meeting

Date 02/24/2010

Time 11:55:00 AM to 01:00:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location 3rd and Maryland Ave. SW

Advance Contact: Clay Diette, 202-384-2797

Press: OPEN

NOTE: This event is taking place outside and it may be in the high 30's

Rev. Lennox Yearwood; President, Hip Hop Caucus will introduce the Administrator.
The Administrator will deliver 3-5 minutes of Opening Remarks followed by the program.

Participants:

Rev. Lennox Yearwood; President, Hip Hop Caucus

Maggie L. Fox; President & CEO, The Alliance for Climate Protection

Marc Morial; CEO, National Urban League *invited*

Gary Flowers; President & CEO, Black Leadership Forum

Phaedra Ellis-Lamkins; CEO, Green For All

DJ Biz Markie

Gloria Reuben; Actress & Alliance for Climate Protection special advisor

Heidi Ellis/DC/USEPA/US

To

01/28/2011 09:24 AM

cc

bcc

Subject Meeting on Utility MACT Check-In (2)

Meeting

Date 02/04/2011

Time 03:00:00 PM to 03:45:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Bullet Room

re: final issues and option selection

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Gina McCarthy, Janet McCabe, Joe Goffman, Jeb Stenhouse, Peter Tsirigotis, Sam Napolitano, Steve Page (OAR)

Michael Goo (OP)

Scott Fulton, Avi Garbow (OGC)

Peter Grevatt (OCHP)

Heidi Ellis/DC/USEPA/US

To

06/17/2010 08:29 AM

cc

bcc

Subject Meeting with Bill Becker, Executive Director, Presidential
Climate Action Project

Meeting

Date 06/24/2010

Time 10:30:00 AM to 11:00:00 AM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Administrator's Office

Topic: discuss several ideas for executive action, particularly regarding climate change.

Attendees:

Bill Becker

Staff:

Gina McCarthy (OAR)

David McIntosh (OCIR)

Optional:

Diane Thompson (OA)

Heidi Ellis/DC/USEPA/US

To

02/04/2010 02:55 PM

cc

bcc

Subject Meeting with Nicole Lederer, Co-founder at Environmental Entrepreneurs(E2) and the E2 Washington, DC delegation

Meeting

Date 02/10/2010

Time 01:00:00 PM to 01:30:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Richie Ackerman 202-289-2408

Subj: Climate legislation

Attendees:

Nicole J. Lederer

Staff (To be invited):

Gina McCarthy (OAR)

David McIntosh (OCIR)

Heidi Ellis/DC/USEPA/US

To

04/27/2011 04:30 PM

cc

bcc

Subject Women and Green Economy (WAGE) Award Presentation at the Climate Leadership Gala

Meeting

Date 05/03/2011

Time 07:00:00 PM to 08:00:00 PM

Chair Heidi Ellis

Invitees

Required

Optional

FYI

Location RRB-Atrium

Ct: Kathleen Rogers 202-518-0044

Open Press

*The Administrator will be the first recipient of the "WAGE Leadership Award"

Format:

-10 min. of mingling

-15 min. of program

-Kathleen Rogers, Pres. of Earth Day Network, introduces the Administrator

-The Administrator gives remarks for 10 min.

Notable Attendees:

Sir Richard Branson, Chairman of Virgin Group

Jose Maria Figueres, former President of Costa Rica

Strive Masiyawa, Founder and Chairman of Econet Wireless

Jigar Shah, CEO of Carbon War Room

Bill Richardson, Former Governor of New Mexico

Bo Derek, Actress

John Corbett, Actor and Energy Star Spokesperson

Janet McCabe/DC/USEPA/US

08/03/2010 11:36 AM

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

cc

bcc

Subject dates for utility MACT

Following up on the question that came up yesterday, the dates for the utility MACT rule are March 16, 2011 for proposal and November 16, 2011 for final.

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

Janet Woodka/DC/USEPA/US

04/26/2012 01:48 PM

To: Brendan Gilfillan, Arvin Ganesan, Sarah Pallone, Bob Perciasepe, Richard Windsor, Diane Thompson

cc

bcc

Subject: Oklahoma Governor statements from Tues

Worth looking at what the Oklahoma Governor said on Tuesday about the regional haze agreement with R6.

----- Forwarded by Janet Woodka/DC/USEPA/US on 04/26/2012 01:44 PM -----

From: David Gray/R6/USEPA/US
To: Janet Woodka/DC/USEPA/US@EPA
Date: 04/26/2012 01:43 PM
Subject: Govr Fallin Press Release OK Haze

From: Governor Fallin Press [mailto:press@gov.ok.gov]
Sent: Tuesday, April 24, 2012 9:33 AM
To: Governor Fallin Press
Subject: PRESS RELEASE: Oklahoma, EPA, and PSO Reach Agreement on Air Quality Rules

OFFICE OF GOVERNOR MARY FALLIN

MEDIA CONTACTS:

Alex Weintz, Communications Director

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(405) 522-8819

Aaron Cooper, Press Secretary

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(405) 522-8878

Governor Seal - Low Resolution.jpg

Web: www.governor.ok.gov<http://www.governor.ok.gov>

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Twitter: www.twitter.com/GovMaryFallin<<http://www.twitter.com/GovMaryFallin>>

FOR IMMEDIATE RELEASE

April 24, 2012

Oklahoma, EPA, and PSO Reach Agreement on Air Quality Rules

OKLAHOMA CITY - Today Oklahoma Governor Mary Fallin announced that the State of Oklahoma has reached an agreement with Public Service Company of Oklahoma (PSO) and the Environmental Protection Agency that settles compliance challenges with federal air quality rules relating to PSO's two coal-fired power plants at its Northeastern Station in Oologah, OK.

This Oklahoma based agreement permits PSO to comply with EPA rules, including the Regional Haze Rule and the Mercury and Air Toxics Rule, while simultaneously protecting Oklahoma consumers and ratepayers. Under the settlement agreement, PSO agrees to meet specified emission rates at both Northeastern coal units, retire one unit in 2017, install certain emissions control equipment on one Northeastern unit in 2015, and retire the second unit in 2025 or 2026.

"I am pleased that the parties could come to an agreement that is in Oklahoma's best interest," said Governor Fallin. "This agreement provides much needed certainty for PSO and its utility customers, ensures manageable and acceptable costs to consumers, transitions PSO's fleet to be cleaner and more efficient, and provides real environmental benefits for all Oklahomans," said Fallin.

"I want to thank Secretary of Environment Gary Sherrer and Secretary of Energy Michael Ming, whose leadership was instrumental in achieving this agreement. My thanks go out also to PSO and both state and federal officials who helped to make this possible," added Fallin.

Oklahoma Secretary of the Environment Gary Sherrer praised the cooperative effort.

"It is always more positive when the federal government can work cooperatively with the state government and local companies. In this case, we've been able to develop a common sense solution with PSO that is in the best interests of all involved. I hope this agreement can serve as a model for others to use, as well as improve Oklahoma's environment and provide certainty to ratepayers," said Sherrer.

Oklahoma Secretary of Energy Michael Ming said the settlement agreement would avoid costly litigation while protecting consumers.

"The proposed settlement provides much needed certainty, manageable and acceptable costs to customers, and greatly reduced emissions in addition to leveraging Oklahoma resources," said Ming. "This agreement avoids costly and uncertain litigation and mitigating risks to consumers, all while improving the environment with an Oklahoma solution," Ming added.

The parties to the agreement will work together to develop definitive settlement documents in the next 30-60 days, and the agreement will then be subject to public review and comment. Any necessary approvals will be filed at the Oklahoma Corporation Commission.

For more information on this settlement agreement, please contact Tyler Powell, the director of the Office of the Secretary of Environment, at 405-530-8998.

###

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2100 office
(214) 789-2619 mobile
gray.david@epa.gov

Janet Woodka/DC/USEPA/US
04/12/2012 08:37 AM

To Richard Windsor, Bob Perciasepe, Brendan Gilfillan, Gina
McCarthy
cc
bcc
Subject Fw: API letter

Hi -

I got an advance copy of the API letter which will be sent later today to the Administrator. But I was asked to hold it close so if we can do that, it would be super.

After talking with them, I would characterize their intent more as "summation of their requests". They do think that they have worked really well with Gina and her folks on this and think that most of their issues have been addressed. But since that is always fluid,, they wanted to put their concerns back out there. Also, they decided not to respond to the enviro letter of last week (which was related to an API letter to Jarrett) and instead send this. Let me know if you want any other info - such that i know.

Janet

This e-mail is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this communication in error, please delete the email from your system and notify me immediately.



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

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 productions 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 short 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 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

Janet Woodka/DC/USEPA/US

01/10/2011 01:37 PM

To Richard Windsor, "David McIntosh", "Seth Oster", "Diane Thompson", "Bob Perciasepe", "Bob Sussman"

cc

bcc

Subject Re: Acc to Poitico, Tom Strickland has resigned from DOI to look for a private sector job.

Tom Strickland to step down as Interior Secretary Ken Salazar's chief of staff

By Allison Sherry

The Denver Post<

mailto:asherry@denverpost.com?subject=The%20Denver%20Post:%20Tom%20Strickland%20to%20step%20down%20as%20Interior%20Secretary%20Ken%20Salazar's%20chief%20of%20staff>

Posted: 01/10/2011 07:00:00 AM MST

Updated: 01/10/2011 08:22:33 AM MST

http://extras.mnginteractive.com/live/media/site36/2011/0109/20110109__20110110_A01_CD10PDCSTRICKLAND~p1_200.JPG<

<http://www.denverpost.com/portlet/article/html/imageDisplay.jsp?contentItemRelationshipId=3514084>>

Tom Strickland says it's time for him to "look for other challenges."

WASHINGTON – U.S. Interior Secretary Ken Salazar's chief of staff, Tom Strickland, will step down in February after 21 sometimes troubling months at a federal agency that is still reeling from one of the largest environmental disasters in U.S. history.

The announcement today comes days before an oil-spill report is set to be released by President Barack Obama's commission probing the disaster, but Strickland and Salazar told The Denver Post that Strickland's departure was voluntary and that it is in no way indicative of a shake-up in the Interior Department.

White House officials said Strickland, who also serves as assistant secretary for Fish and Wildlife and Parks, is leaving the post on his own.

The two-time Democratic U.S. Senate candidate and former U.S. attorney for Colorado says he will likely return to the private sector and stay in Washington, where his wife, an architect, has a job she likes.

"I came to Washington to take on this job and help (Salazar) in the task of cleaning up this department," Strickland said. "We've had even more excitement and challenge than we bargained for. . . . We always brought our best effort. We always tried to do right by the people."

Salazar says he begged Strickland to stay on.

"I asked him not to leave. I begged him. I'll miss his 80-hour weeks," Salazar said. "He wants to move forward and do another chapter."

Tenure overshadowed

Strickland is applauded internally at the department for representing the United States' effort to protect the bluefin tuna and for launching America's Great Outdoors – modeled after Great Outdoors Colorado.

But largely, his Interior tenure is clouded by the Deepwater Horizon oil gusher of 2010, the largest accidental marine oil spill in the nation's history. The April accident killed 11 people and dumped more than 200 million gallons of crude oil into the Gulf of Mexico before the well was capped in July.

Strickland compared it to being sworn in as a U.S. attorney on April 21, 1999, the day after the Columbine High School massacre.

"It was a comparable scale," Strickland said. "The personal tragedy of the families who lost family members will always be there."

Strickland, who took a work-related trip to the Grand Canyon with his wife during the early weeks of the gulf spill, says he went down to the affected area at least 20 times to work on the crisis.

The Grand Canyon trip, widely criticized in Washington as oil poured into the ocean, was something he was asked to do by Salazar. The department didn't know the scope of the tragedy when the decision was made.

"I was doing my job," Strickland said. "I was working hard."

Strickland's long resume reflects the 58-year-old's tension between the lucrative private sector and the public one. He had two stints as a partner at Brownstein, Hyatt & Farber and was also U.S. attorney. He twice ran for the U.S. Senate in Colorado and then worked at United HealthCare, reportedly for more than \$5 million a year.

"I've had a very interesting and varied career," he said. "We've got great people in place, and it's time for me to look for other challenges."

Obama's appointed commission to look into the oil spill is supposed to release its report this week. It is expected to be hard on BP, as well as on contractors working with BP. Salazar had no comment on the report's findings.

A good multitasker

Bill Meadows, president of the Wilderness Society, said balancing the gulf crisis with the other demands of the department showed Strickland's strength as a multitasker.

"The gusher was intense," Meadows said. "It disrupted the positive agendas. He was good at keeping those positive agendas moving. I think we came out with some good policies."

Michael McKenna, a Republican energy lobbyist, said he senses trouble at Interior. It has slowed domestic oil production, and gas prices are rising at a time when Obama is vulnerable.

"I'm surprised that it's him and not the secretary," McKenna said. "Maybe it's a canary in the coal mine."

Allison Sherry: 202-662-8907 or asherry@denverpost.com<<mailto:asherry@denverpost.com>>

Strickland's successors

Interior Secretary Ken Salazar says Tom Strickland's two jobs will be filled by two people.

His next chief of staff will be Laura Davis, who has been serving as deputy chief of staff. Before coming to Interior, Davis worked for Sen. Mark Udall, D-Colo., when he was in the House.

The assistant secretary for Fish and Wildlife and Parks requires a Senate confirmation. During the interim, the job will be filled by Will Shafroth, also from Colorado.

Read more: Tom Strickland to step down as Interior Secretary Ken Salazar's chief of staff - The Denver Post<http://www.denverpost.com/news/ci_17053145#ixzz1Ae99klo4>
http://www.denverpost.com/news/ci_17053145#ixzz1Ae99klo4<
http://www.denverpost.com/news/ci_17053145#ixzz1Ae99klo4>
Read The Denver Post's Terms of Use of its content: <http://www.denverpost.com/termsfuse>

Richard Windsor

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

From: Richard Windsor

Sent: 01/10/2011 12:47 PM EST

To: "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; Janet Woodka

Subject: Acc to Poitico, Tom Strickland has resigned from DOI to look for a private sector job.

Janet Woodka/DC/USEPA/US

01/18/2012 04:32 PM

To "Richard Windsor", "Bob Perciasepe"

cc

bcc

Subject Fw: 1st DoI NGS article!

Here's the first article on this.

Jared Blumenfeld

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

From: Jared Blumenfeld

Sent: 01/18/2012 11:44 AM PST

To: Janet Woodka

Subject: 1st DoI NGS article!

<http://www.kold.com/story/16547042/doi-releases-study-of-coal-plant-on-navajo-land>

Jared Blumenfeld
U.S. EPA
Regional Administrator
Pacific Southwest
415-947-8702

Janet Woodka/DC/USEPA/US
07/19/2011 11:55 AM

To "Richard Windsor", "Sarah Pallone", "Stephanie Owens",
"Bob Perciasepe", "Al Armendariz", "John Hankinson", "Seth
Oster", "Lisa Garcia"
cc "Diane Thompson"

bcc

Subject WH awards given to Beth Galante and Harlon Pearce

I'm not sure if we had anything to do with this - but nice recognition for Beth and Harlon.

From: Creative Industry [jnyno@aol.com]

Sent: 07/19/2011 10:52 AM AST

To: Janet Woodka

Subject: Global Green Receives White House Recognition--Help Take Action Today to Support the Gulf

Having trouble viewing this email? [Click here](#)

CONTACTS:

Jeanne Nathan, Creative Industry
917.232.4522; jnathan.ci@gmail.com

Ruben Aronin, GGUSA Director of Communications
310.612.5663; aronin@globalgreen.org

-FOR IMMEDIATE RELEASE-

**GLOBAL GREEN USA'S NEW ORLEANS DIRECTOR BETH
GALANTE HONORED AT WHITE HOUSE AS "CHAMPION OF
CHANGE"**

**CALLS FOR RESTORATION OF ECOSYSTEMS & INVESTMENT IN SAFE,
CLEAN ENERGY FUTURE FOR THE GULF**

July 19, 2011 - Washington, D.C. -Global Green USA's New Orleans Director Beth Galante is being honored today at the White House as a "Champion of Change." Galante will be recognized along with four other New Orleans-area residents for their work to

strengthen the local economy, create jobs and help the Gulf Coast recover from the Deepwater Horizon oil spill.

Galante is being honored for her work building energy-efficient, affordable homes for displaced New Orleanians as part of Global Green President Matt Petersen's vision and six-year initiative to rebuild New Orleans as a model green city post-Katrina. Galante is also participating in the Gulf Coast Sustainable Economies Roundtable at the White House. The Roundtable brings local leaders from around the Gulf Coast together to share best practices and connect them to the resources they need to undertake successful economic development projects and create jobs.

The White House Champions of Change initiative profiles Americans from all walks of life who are helping the country rise to the challenges of the 21st century. These Champions of Change are doing extraordinary things in their communities to innovate, educate and build a better America. For more on Champions of Change, please visit <http://www.whitehouse.gov/champions>.

"I am truly humbled and honored by this honor that I share with the staff and supporters of Global Green USA and with the thousands of my fellow New Orleanians who are tirelessly working every day to create a healthy, vibrant and sustainable Gulf Coast," said Galante.

Additional honorees include Will Bradshaw, Byron Bishop, Carlton Dufrechou and Harlon Pearce. "Will, Beth, Byron, Carlton and Harlon are true Champions of Change," said **Jeffrey King, the Executive Director of the Clean Economy Development Center.** "Their hard work and dedication have been instrumental to helping the Gulf Coast recover. Not only are they all helping their local community and region recover and rebuild, but also they are helping their country recover and grow."

BACKGROUND

Time Magazine has said, "No organization is doing more to rebuild New Orleans green than Global Green USA." Following the tragic BP Oil disaster, Global Green is using its extensive resources and understanding of the challenges and opportunities in New Orleans and the Gulf to call upon President Obama to Create the "Gulf Coast Clean Energy and Healthy Communities Foundation" - to transform the Gulf Coast to the Green Coast by helping the hard working Americans in the Gulf lead us to a stronger and cleaner economy, support wetlands and ecosystem restoration, and create more resilient Gulf Coast communities.

Immediately after Hurricane Katrina struck the Gulf Coast on August 29, 2005, Global Green formulated a vision and a plan to find a silver - or green - lining in the disaster. Thanks to Global Green, numerous rebuilding projects in New Orleans are now offering critical solutions to how we create highly efficient, green homes and schools, while at the same time aiding under-served and underprivileged communities.

GLOBAL GREEN USA

Global Green USA, the American arm of President Gorbachev's Green Cross International, was founded by Diane Meyer Simon in 1993, and is a national leader in creating smart solutions to climate change. For more than 15 years, Global Green's LEED-accredited staff has spearheaded applying green building technology to more than \$20 billion in new schools and affordable housing construction, while advancing groundbreaking solar, green building, and energy efficiency legislation. Global Green opened a New Orleans office shortly after Hurricane Katrina devastated the Gulf and is collaborating with environmentalists, community developers, the Recovery School District, urban organizations, and others to create the building blocks for a climate friendly, model sustainable city for the 21st century.

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Creative Industry | 2300 St. Claude Avenue | New Orleans | LA | 70117

**Jared
Blumenfeld/R9/USEPA/US**
05/03/2011 11:51 AM

To Richard Windsor
cc
bcc

Subject Re: EPA tries to win back farm states

Thank you for making ag a priority and for understanding that there are myths that needed busting. How you knew about LW1 and Victorville is a whole nother matter!

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 KeyesFleming; 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

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

POLITICO

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

**Jared
Blumenfeld/R9/USEPA/US**
05/03/2011 12:10 PM

To Richard Windsor
cc
bcc

Subject Re: EPA tries to win back farm states

No such thing as useless as you plainly demonstrated yesterday - you are now my hero for life.
Jared Blumenfeld
Sent by EPA Wireless E-Mail Services
Richard Windsor

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

From: Richard Windsor
Sent: 05/03/2011 12:06 PM EDT
To: Jared Blumenfeld
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

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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 KeyesFleming; Shawn Garvin; "Judith Enck" <enck.judith@epa.gov>; "Curt Spalding" <spalding.curt@epa.gov>; "Dennis McLerran" <mclerran.dennis@epa.gov>

Cc: Janet Woodka
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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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Office of the Administrator
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**Jared
Blumenfeld/R9/USEPA/US**
10/26/2010 12:13 PM

To Richard Windsor
cc
bcc
Subject Re: NYTimes.com: Navajos Hope to Shift From Coal to Wind
and Sun

Thx!
Jared Blumenfeld
Sent by EPA Wireless E-Mail Services

From: Richard Windsor
Sent: 10/26/2010 08:05 AM EDT
To: "Jared Blumenfeld" <blumenfeld.jared@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>
Cc: "Seth Oster" <oster.seth@epa.gov>; Adora Andy
Subject: Fw: NYTimes.com: Navajos Hope to Shift From Coal to Wind and Sun

Interesting. Jared - Region 9 did a good job on this.

From: Richard Windsor
Sent: 10/26/2010 08:00 AM AST
To: Richard Windsor
Subject: NYTimes.com: Navajos Hope to Shift From Coal to Wind and Sun

This page was sent to you by: windsor.richard@epa.gov

SCIENCE | October 26, 2010

Navajos Hope to Shift From Coal to Wind and Sun

By MIREYA NAVARRO

Health and environmental concerns have become a factor in next Tuesday's Navajo Nation presidential election.

Advertisement

Jared
Blumenfeld/R9/USEPA/US
04/20/2012 04:41 PM

To "Lisa P. Jackson"
cc
bcc

Subject Fw: From ClimateWire -- NATIONS: Mexico approves
groundbreaking climate bill

Sent by EPA Wireless E-Mail Services
Enrique Manzanilla

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

From: Enrique Manzanilla
Sent: 04/20/2012 10:51 AM PDT
To: Tomas Torres
Cc: Amy Zimpfer; Nate Lau; Kelly Zito; Jared Blumenfeld; Teddy Ryerson;
Ben Machol; Dave Fege
Subject: Fw: From ClimateWire -- NATIONS: Mexico approves groundbreaking
climate bill
good article on Mexico's climate bill. Adrian Fernandez quoted. We may need to update Border 2020
draft to acknowledge this development.

Enrique Manzanilla
Director, Communities and Ecosystems Division
US EPA Region 9-Pacific Southwest
(415) 972-3843

--

This ClimateWire story was sent to you by: manzanilla.enrique@epa.gov

Personal message:

An E&E Publishing Service

NATIONS: Mexico approves groundbreaking climate bill

(Friday, April 20, 2012)

Lisa Friedman, E&E reporter

Mexico's Senate unanimously approved landmark climate change legislation yesterday that sets the country on a pioneering path to drastically reduce its domestic greenhouse gas emissions.

The measure calls for Mexico to cut carbon 30 percent below business-as-usual growth by 2030 and 50 percent by midcentury. It now goes to President Felipe Calderón, who has championed action to control climate change and is expected to sign it.

Once the legislation is finalized, Mexico will be only the second country after the United Kingdom to have domestic global warming legislation in place, activists said. It also will be a leader among developing nations taking concrete steps to rein in explosive carbon growth.

"No developing country in the world has a climate law, let alone a climate law that has this vision and this ambition, that integrates all of the sectors at the national level in a system for climate change," said Vanessa Perez-Cirera, head of climate and energy programs for WWF Mexico.

Mexico is the world's 11th-largest economy, as well as the 11th-largest greenhouse gas emitter. But under the rules of the U.N. climate change regime, it is not yet

obligated to curb carbon. Activists said yesterday that Mexico has a long way to go -- the new bill, which passed 78-0 just a week after overwhelming House passage, does not put a price on carbon, nor does it mandate that the country meet the emission reduction goals.

But by putting the targets into law and mandating a set of regulations -- including requiring 35 percent of the country's electricity to come from clean sources by 2024; establishing a voluntary carbon market; developing incentives to promote renewable energy; phasing out fossil fuel subsidies; and forcing companies in the largest carbon polluting sectors to report their emissions -- they said the results could be groundbreaking.

"It's a major thing. We're making these targets legally binding, so we're actually putting our actions where our mouth is," Perez-Cirera said.

A surprise vote

"No longer in the future will the business community, or even a large number of members from Pemex [Mexico's state-owned petroleum company] or local governments be able to say, 'I'm not obliged to do anything.' We've heard that so often," said Adrian Fernandez, environmental and climate adviser to the dean of Metropolitan University in Mexico City.

Particularly critical, Fernandez said, are provisions that establish a high-level climate change commission and a national emissions registry, as well as give the National Institute of Ecology -- sort of an in-house think tank to the environment ministry -- expanded powers. The agency also gets a new name, the National Institute of Ecology and Climate Change.

"This is not a small thing. Now, for the very first time, the various ministries and many others will be able to allocate explicitly financial resources devoted to both mitigation and adaptation," he said. "This will help Mexico in going to the next stage in climate policies, which is tackling the challenge of implementation. Now it's about time to be really moving forward in very serious implementation."

Mexico's iron and steel trade association, CANACERO (Cámara Nacional de la Industria del Hierro y del Acero) did not respond yesterday to a request for comment. The industry group over the past several months has warned that the measure could lead to job losses and hurt the industry's competitiveness.

Analysts said they believe the measure will help shift dynamics in the international climate change talks, where developing and industrialized countries continue to struggle over taking legally binding commitments to cut carbon emissions.

"We see it is in Mexico's interest to achieve these goals, and I would hope Mexico is giving an interesting signal to other countries that this is possible," said Andres Avila, Mexico representative for the Washington, D.C.-based Center for Clean Air Policy.

"This is important, as it shows that Mexico is serious about addressing climate change even if there is a change in leadership," agreed Jake Schmidt, international climate change policy director for the Natural Resources Defense Council. "This is another sign of how times have changed. Developing countries are acting, and questions linger about the U.S.'s actions."

The bill's passage comes on the heels of Mexico's worst drought in more than 70 years, which advocates said played no small part in the debate. The bill focuses heavily on the likely impacts of climate change in Mexico and points to concerns over the increase in extreme weather events.

But with the legislative session ending this week, activists said they were not sure it would actually pass. Avila noted that the bill wasn't even on the Senate calendar yesterday. Its reading and subsequent Senate passage caught even close followers of the legislation by surprise.

"It took us two years to have this law," he said. "Like most things in Mexico, we did it at the last minute. But we managed to accomplish it."

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About ClimateWire

ClimateWire is written and produced by the staff of E&E Publishing, LLC. It is designed

to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, ClimateWire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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Jeffrey Corbin/CBP/USEPA/US

To Richard Windsor

08/21/2011 08:43 PM

cc Bob Perciasepe, Bob Sussman, Diane Thompson, Heidi Ellis

bcc

Subject Invitation to speak at the Virginia Blue Planet Forum

Administrator - Below is an invitation from the Ches Bay Foundation to speak at the Blue Planet Forum in the Fall. I worked with them to have Gov Kaine speak there back in '09. It's a fairly big deal - sponsored by NOAA, Nauticus, ODU and CBF. It's a great audience, big participation, press...and plenty of flexibility with regards to your topic and schedule.

If you have an interest in doing it I will pursue logistics.

Thanks...jc

Jeff Corbin
Senior Advisor to the Administrator for Chesapeake Bay and Anacostia River
U.S. EPA
(215)667-9304

----- Forwarded by Jeffrey Corbin/CBP/USEPA/US on 08/21/2011 08:34 PM -----

From: "Ann Jennings - ext. 301" <AJennings@cbf.org>
To: Jeffrey Corbin/CBP/USEPA/US@EPA
Cc: Christy Everett <CEverett@cbf.org>
Date: 08/21/2011 11:58 AM
Subject: Informal Request regarding Virginia Blue Planet Forum

Dear Jeff,

Per our conversation last week, I'm sending this informal request regarding the next *Blue Planet Forum: Exploring the Bay and Beyond* lecture. As we discussed, CBF would like to know if it's even appropriate and feasible to host the Forum this fall with Administrator Jackson as the speaker. If you give us the green light, we will send a formal invitation to Administrator Jackson from Will Baker. In fact, all of the Blue Planet Forum partners - Chesapeake Bay Foundation, National Oceanic and Atmospheric Administration, Nauticus, and Old Dominion University, would enthusiastically welcome the opportunity to invite Administrator Jackson!

As a reminder, the Blue Planet Forum, held at Nauticus in Norfolk, VA, is a lecture series that educates and engages citizens on important environmental issues affecting Hampton Roads and the nation. We have sought throughout its inception to feature high-profile speakers, from Jim Woolsey, former CIA Director who spoke on climate change to Governor Tim Kaine, who spoke on the Renew Virginia initiative (video [here](#)). The Blue Planet Forum has consistently drawn hundreds of people. Each audience has represented a diverse cross section of Hampton Roads residents, including elected officials, citizens, professionals, college students, and the military community.

We would certainly offer Administrator Jackson the flexibility to create her own desired topic, but suggest a timely and appropriate topic would certainly be the Chesapeake Bay TMDL. We are also flexible on the date and would look for a mutually agreeable date in the Fall of 2011.

The presentations typically begin at 7:00 p.m and are approximately 30 to 45 minutes, followed by a short audience question and answer segment.

Jeff, we thank you for any assistance you can provide. Please advise at your earliest convenience if we should pursue a formal invitation to Administrator Jackson. Thank you!

Sincerely, Ann

Jeffrey Tate/DC/USEPA/US

03/22/2012 04:51 PM

To windsor.richard

cc

bcc

Subject Black Women's Roundtable

The event at the Renaissance is essentially all set to go. There are only about 50-60 ppl here as opposed to the 250-300 ppl they expected. Many of the women have left because they've been in sessions all day.

Run of show:

Melanie Campbell introduces you

You provide remarks

Felicia Davis (UNCF - she was also in attendance at Cong. John Lewis event in atlanta) provides response & asks question re: climate change

You provide response

Optional Q&A (based on time and if you want to leave) or Departure

See you shortly.

Jeffrey D. Tate

Advance Specialist

Office of the Administrator - U.S. EPA

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Jim Martin/R8/USEPA/US
12/28/2011 11:03 AM

To Betsaida Alcantara, Brendan Gilfillan, Gina McCarthy, Janet McCabe
cc Richard Mylott
bcc Richard Windsor
Subject Hg editorial

Sorry for the format -- cannot figure out how to fix that. But very good piece from today's Denver Post.

jim

opinion

Editorial: Long time coming for mercury rules

Until now, the U.S. essentially had no federal limits on certain toxic pollutants from power plants.

Posted: 12/28/2011
01:00:00 AM MST

**By The Denver
Post**



EPA Administrator Lisa Jackson speaks about new mercury emission regulations

during a news conference at the Children's National Medical Center on Dec. 21, 2011, in Washington, D.C. (Mark Wilson, Getty Images)

Stringent new federal standards on emissions of mercury and other air toxics are a landmark public health victory that will have lasting effects in Colorado and the nation.

For all practical purposes, our country until now had no national limits on how much of these substances power plants could emit.

After 20 years of fighting over the shape of these rules, it's about time.

You might think that Colorado's recent action to regulate mercury would mean the federal rules wouldn't change much here.

However, mercury emitted from power plants travels a long way, and has been contaminating Colorado's lakes and fish for decades.

Federal regulation of this potent neurotoxin, long overdue, will make every state adhere to the same sort of tough standards Colorado already has adopted.

We're glad to see it.

Contaminated fish is the main way that people ingest mercury. It's particularly dangerous for

infants, children and developing fetuses, who would be exposed if their mothers ate contaminated fish. The primary effect is impaired neurological development.

Such exposure can result in problems with cognitive thinking, attention span, memory and fine motor skills, according to studies cited by the U.S. Environmental Protection Agency.

Even a mother who shows no symptoms of nervous-system problems can give birth to a child with profound disabilities.

Clearly, this is dangerous stuff.

A couple years back, The Denver Post published a story saying 20 percent of Colorado's lakes and reservoirs tested by the state contained mercury-tainted fish.

About half of the mercury emitted into the environment comes from coal-fired power plants. Mercury can remain in the atmosphere for a year and doesn't respect state lines.

It has been more than two decades since federal lawmakers passed measures requiring the EPA to regulate emissions of toxic substances.

Since then, coal-burning utilities have fought the rules, saying they would require the installation of costly

pollution-control devices.

It's true that the rules will add incrementally to the price of electricity. However, for every dollar spent on pollution control, the EPA estimates a \$3 to \$9 return in health benefits.

Beyond the environmental and health benefits, the rules will have a positive effect on the clean-energy industry, particularly in Colorado.

A Littleton company, ADA-Environmental Solutions, is an industry leader in mercury-scrubbing technology and is poised to gain quite a bit of business from the rules. That means jobs for Colorado.

"It's a pretty significant event for the company," Mike Durham, president and chief executive, told us.

We think it's a significant — and welcome — turn of events for the nation as well.

Read more: [Editorial: Long time coming for mercury rules - The Denver Post](http://www.denverpost.com/opinion/ci_19627470#ixzz1hqUw2WPS)
http://www.denverpost.com/opinion/ci_19627470#ixzz1hqUw2WPS

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James Martin

Regional Administrator

Region 8

U.S. Environmental Protection Agency

Jim Martin/R8/USEPA/US

01/03/2012 03:46 PM

To Gina McCarthy, Janet McCabe

cc

bcc Richard Windsor

Subject Salt lake Trib on Hg MACT

Can't take any credit for this, making it even better.

<http://www.sltrib.com/sltrib/opinion/53155773-82/plants-power-coal-close.html.csp>

James Martin
Regional Administrator
Region 8
U.S. Environmental Protection Agency

Jim Martin/R8/USEPA/US

02/16/2012 10:51 AM

To Richard Windsor

cc

bcc

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 14th and run through March 25th. 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 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 02B.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 03B.gif>

http://www.edf.org/sites/default/files/climate/KEYSTONE_Banner_728x9005.gif

Jim Martin/R8/USEPA/US

03/09/2012 05:13 PM

To Richard Windsor, Gina McCarthy, Janet McCabe, Bob Perciasepe

cc

bcc

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

Tisha Conoly Schuller, 303-861-0362 v

tisha.schuller@coga.org

Sharyn Stein, 202-572-3396 v

sstein@edf.org

Michelle Aguayo, 303-294-2300 v

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>.

###

UNITED STATES CONGRESS

FOR IMMEDIATE RELEASE

Friday, March 9, 2012

CONTACT: Adam Bozzi (Bennet) – 202-228-5905

Tara Trujillo (Udall) – 202-224-4334

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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.

###

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

James Martin
Regional Administrator
Region 8
U.S. Environmental Protection Agency

John
Hankinson/DC/USEPA/US
12/11/2011 08:30 PM

To Bryon Griffith, Richard Windsor
cc
bcc

Subject Re: Lead Story in today's Corpus Christi Caller Times

I've been called worse!
John
Bryon Griffith

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

From: Bryon Griffith
Sent: 12/11/2011 08:24 PM EST
To: Richard Windsor
Cc: John Hankinson
Subject: Fw: Lead Story in today's Corpus Christi Caller Times

Fyi....

The press has been very, very good following your announcement on Monday. I think you two will love the characterizations in this article...

i.e., **"The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.**

"He said some of the top federal leaders are moving to the Gulf coast to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth."

Congratulations!

----- Forwarded by Bryon Griffith/GMPO/USEPA/US on 12/11/2011 08:19 PM -----

From: "McKinney, Larry" <Larry.McKinney@tamucc.edu>
To: Chris Harte <cmh@swr.us.com>, "Elizabeth \"Biddy\" Owens" <bidness59@comcast.net>, Julia Widdowson <juliawiddowson@mac.com>, "Alejandra Manzur (Clariond-Admin)" <alejandra.manzur@cuprum.com>, Alejandro Junco de la Vega <ajunco@elnorte.com.mx>, "Andrew \"Andy\" Sansom" <andrewsansom@txstate.edu>, "Anna Tischer (Fitzsimons-Admin)" <atischer@ufjlaw.com>, "Bert Ragsdale (UoA-Admin)" <bragsdale@uasystem.ua.edu>, "Betty Aridjis (Aridjis-Admin)" <bettyaridjis@yahoo.com>, Bryon Griffith/GMPO/USEPA/US@EPA, Catherine Nixon Cooke <catherinencooke@hotmail.com>, Chula Ross Sanchez <chula@ddc.net>, "Donna Basso (Mote-Admin)" <donna@mote.org>, "Eric W. Gustafson"

<ericwgustafson@gmail.com>, Eugenio Clariond Reyes <ecr@cuprum.com>, Eva Fernandez <eva.fernandez@femsa.com.mx>, Guillermo Garcia Montero <guillermog@acuaronacional.cu>, Guillermo Garcia Montero <guilleg2005@gmail.com>, Homero Aridjis <grupo100@laneta.apc.org>, John Ogden <jogden@marine.usf.edu>, Joseph Fitzsimons <jfitzsimons@ufjlaw.com>, Katherine Armstrong <katarminc@earthlink.net>, Kumar Mahadevan <kumar@mote.org>, Lu-Ann Kleibacker/DC/USEPA/US@EPA, Mark Watson <mewjr@swbell.net>, "Pam Rogers (Plant-Admin)" <pjrogers@hpo.com>, Pat Murray <pdmurray@joincca.org>, Phil Plant <phil@hpo.com>, Raul Rodriguez <rdzr@hotmail.com>, Ray Hayes <crhayes@uasystem.ua.edu>, "Sarah Wardlow (Sansom-Admin)" <sw46@txstate.edu>, Sylvia Earle <saearle@aol.com>, "William B. Baker" <William.BakerJr@genon.com>, "Gibeaut, James" <James.Gibeaut@tamucc.edu>, "Knight, Allison" <Allison.Knight@tamucc.edu>, "McKinney, Larry" <Larry.McKinney@tamucc.edu>, "McLaughlin, Richard" <Richard.McLaughlin@tamucc.edu>, "Montagna, Paul" <Paul.Montagna@tamucc.edu>, "Nelson, Jodie" <Jodie.Nelson@tamucc.edu>, "Shirley, Thomas" <Thomas.Shirley@tamucc.edu>, "Stunz, Greg" <Greg.Stunz@tamucc.edu>, "Sutton, Gail" <Gail.Sutton@tamucc.edu>, "Tunnell, Wes" <Wes.Tunnell@tamucc.edu>, "Yoskowitz, David" <David.Yoskowitz@tamucc.edu>, David Sinak <DSinak@gibsondunn.com>, Joe Hornblower <ho@hmwpc.com>, Will Harte <will@willharte.com>

Date:

12/11/2011 05:50 PM

Subject:

Lead Story in today's Corpus Christi Caller Times

Very complimentary story in today's paper. Thanks to all of you and especially the Harte family. We would have had the opportunity without it.

Best regards

Larry

Front page of Caller Times – lead story

Harte Research Institute for Gulf of Mexico Studies at the summit of Gulf restoration plans

Research group presents plans of action

By [Rick Spruill](#)

Corpus Christi Caller Times

December 11, 2011 at 2:54 a.m.

CORPUS CHRISTI — A wide grin unfurls across Larry McKinney's ruddy face anytime the subject of "those guys" comes up.

"Those guys," the now well-known group of endowed chairs who lead the Harte Research Institute for Gulf of Mexico Studies were, for a few days last week, rock stars in comfort shoes and sensible ties. They are the nucleus of a scientific community that heads of state are looking to for help charting a course to bring the Gulf of Mexico back from a decades-long slide.

"I'm no rock star," McKinney said between sessions at last week's second annual Gulf of Mexico Summit, a four-day meeting in Houston of the best minds in the Gulf science business. "But some of my guys

are. I'm so proud of the institute and to be a part of it."

McKinney, the institute's executive director, said the institute, which focused in the months following the 2010 Deepwater Horizon oil spill on sound science and research, is on the verge of taking the science and "doing something with it," a catchphrase used often by the late Ed Harte, the institute's largest benefactor.

Paul Montagna, endowed chair for ecosystems studies and modeling, and James Gibeaut, endowed chair for geospatial sciences, are working on oil spill analysis with the help of \$8 million in related grants, he said. Gibeaut's work in particular will be important in linking the mountains of data collected related to the spill.

The institute is hiring high-level research and data development positions and is growing so fast it is running out of space in its \$18 million, 57,000-square-foot facility on the Texas A&M

University-Corpus Christi campus. Harte gave almost \$50 million in 2000 to the institute with one string attached: Do excellent science and research, and then put it to good use.

The vision took a step forward at the summit, McKinney said. On Wednesday he and Wes Tunnell, a Gulf marine science and research guru who also is associate director of biodiversity and conservation for the institute, unveiled their vision for a Gulf of Mexico report card — a science-based, easy-to-digest progress report on Gulf issues.

The report card, developed by McKinney, Tunnell and teams from Harwell Gentile & Associates, an ecological risk modeling firm, and three scientists from the University of Maryland's Center for Environmental Science, is buoyed by thousands of hours of research conducted since the Deepwater Horizon disaster in 2010.

The report card, once developed, will be used to regularly hold agencies and academics and scientists accountable for the way they spend a tsunami of money — estimates range as high as \$23 billion — paid by BP and other responsible parties to help restore the Gulf's complex ecosystems.

For Corpus Christi and other South Texas coastal communities, the Deepwater Horizon is a warning siren, McKinney said. "For Corpus, where oil and gas plays such a big role in the local economy, all the new finds are in the deep waters of the western Gulf, so the greatest risk for future spills is going to be in our backyard," he said. "We need to deal with the problems now, learn how to minimize impact now, and have a Gulf response plan in hand. Our future is right there. The next one could be off our coastline, and we weren't ready at Macando (Gulf well site)."

"The institute is playing a very important role in Gulf restoration initiatives," said Chris Dorsett, director of the Ocean Conservancy's Gulf restoration program and summit participant. "They've played a

great role in developing the restoration vision." Dorsett said the summit was an opportunity for a meeting of a diverse group that shares a love of the Gulf and a desire to see it protected. "It was a good opportunity for people who don't eat and breathe this stuff every day to understand what restoration means and all the working parts," he said. "It helps us understand the collective effort needed for restoration in the Gulf of Mexico."

The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.

Ray Allen, executive director of the Coastal Bend Bays & Estuaries Program, attended the summit. He said although the Macando spill brought to the forefront the need for better Gulf resources management, it means little without action. "The data and research and planning — it all eventually must lead to on-the-ground efforts," he said. "Habitat restoration and water quality improvement projects are greatly helped by the supporting information behind it." He said there have been earlier Gulf restoration plans. "But the fact is they require money to implement," he said. "These are challenging times. I'm optimistic something can come out of this, but I'm anxious that we actually see some of the penalty dollars are applied to on-the-ground activities, including estuaries."

Allen said some of the \$50 million will be put into the San Antonio Bay area — the northern area of the bays and estuaries program boundary — but did not know whether any will make its way to the program. Allen, like Dorsett, said the institute's role as moderator in Gulf dialogue is an important one. McKinney's involvement is vital, Dorsett said. "With Larry involved I can see many more of these happening," he said.

McKinney said the "art of herding cats — taking a bunch of independent-thinking, brilliant scientists and moving them in one direction," is his strength. "You get everyone moving together and then get out of the way," he said. He said the timing of the summit was coincidental with the federal task force announcement, and acknowledged that it is normal for people to question the role of government in pursuit of such an enormous goal.

"It's like an onion, not a silo — the top officials work closely together and then you go to the lower levels in the field and see good cooperation — it's the middle management empire builders where you see the loggerheads," he said.

He said some of the top federal leaders are moving to the Gulf coast

to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth.

"Last year we all were in a dark time, focused on the spill and gathering the data and doing the science," McKinney said. "Now we are moving beyond the science and addressing the issues such as overfishing, dead zones, freshwater inflows, climate change. ... Now the plan is in place, and we are ready to build a sustainable effort for the whole Gulf.

"We finally are on the brink of no longer talking but doing. It is finally becoming what Mr. Harte envisioned — taking science and doing something with it."

Larry D. McKinney, PhD
Executive Director
Harte Research Institute for
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Larry.mckinney@tamucc.edu
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John
Hankinson/DC/USEPA/US
10/05/2011 06:18 PM

To Richard Windsor
cc
bcc
Subject Fw: AMERICA'S WETLAND FOUNDATION PRAISES GULF
ECOSYSTEM TASK FORCE REPORT

John H. Hankinson, Jr.
Executive Director
Gulf Coast Ecosystem Restoration Task Force
(202) 564-0285 (o)

----- Forwarded by John Hankinson/DC/USEPA/US on 10/05/2011 06:18 PM -----

From: "Lisa L. Noble" <lnoble@americaswetland.com>
To: John Hankinson/DC/USEPA/US@EPA
Date: 10/05/2011 05:40 PM
Subject: AMERICA'S WETLAND FOUNDATION PRAISES GULF ECOSYSTEM TASK FORCE REPORT

Mr. Hankinson:

Val Marmillion asked me to send you a copy of the America's WETLAND Foundation's press release (below) regarding the Gulf Ecosystem Task Force Report, along with our sincere thanks for presenting at the Houma Blue Ribbon Resilient Community Forum last week.

All the best,

Lisa

Lisa L. Noble
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October 5, 2011

FOR IMMEDIATE RELEASE

Contact:
John Hill
504.756.0101

Gulf Coast and Coastal Louisiana Gain Rare Recognition as a Federal Priority

Restoring America's WETLAND Cited as Critical to Nation

America's WETLAND Foundation Chair R. King Milling's statement praising the release today of strategies by the White House and the Environmental Protection Agency's Gulf Coast Ecosystem Task Force:

"We need to commend Lisa Jackson, the Environmental Protection Agency Administrator, and John Hankinson, executive director of the Task Force, for the amount of time they spent in Louisiana and the Gulf Coast, which is an indication of their commitment to get it right in addressing key restoration needs. This task force has done good work. For the first time we have a comprehensive look at our coast as an ecosystem. Although frustrating at times because of the severity of our problem and the slow pace to act, we must see this as a promising sign of commitment from the Administration. Our job is to make sure that the many good findings turn immediately into action.

"We have been through numerous federal administrations where making the case for the restoration of valuable wetlands in Louisiana has been all but ignored. Through the efforts of many, Gulf Coast deterioration is now a national concern, where agendas are forming to bring solutions to a crisis situation. Dramatic land loss threatens a working coast that supports our nation's economy, energy security, maritime and fisheries trades, animal and marine habitat and communities representing over 7 million people.

"Our message has been a sobering one that we cannot afford to lose this region and all that it provides the nation. We are on the brink of a disaster, as coastal erosion takes the equivalent of a football field of land every hour out of commission as an environmental and economic asset and hedge against more substantial storm and tidal events with increased sea level rise.

"We hope to put some meat on the bones of this report during the comment period by using findings and recommendations from 10 resiliency meetings in five states to suggest specific strategies that can hasten coastal restoration. We have to take a look at why a state or local government has to mitigate for environmental restoration projects. We need an emergency rule for speeding up the process of restoration in general to expedite permits for environmental projects.

“We must secure a commitment for beneficial use of dredge materials that now flow inside levees of the Mississippi River and are lost to the deep Gulf. We can no longer allow the federal government to hold monies dedicated to keeping our maritime routes like the Intracoastal Waterway viable. Billions of dollars in the Harbor Maintenance Trust Fund go unspent annually while the need is critical. And, we cannot be the generation who stands by while historic cultures are lost and one of America’s natural treasures like America’s WETLAND, home to rare and endangered species, simply disappears.”

###

The America’s WETLAND Foundation has worked closely with Task force chairman John Hankinson and EPA Administrator Lisa Jackson to raise concerns of communities affected by coastal deterioration through a series of Blue Ribbon Resilient Community leadership forums in the four state energy-producing region dubbed America’s Energy Coast, Texas, Louisiana, Mississippi and Alabama.

Much of the Foundation’s work with the Task Force in the past year has been to elevate examples of how conflicting federal policy has made restoration cost prohibitive. From start to finish, a project can take upwards to thirty years and cannot keep pace with erosion and land loss. The maze of regulations by various agencies tied to sporadic administrative changes in rules causes, not only delays, but uncertainties that confront state and local officials.

The America’s WETLAND Foundation manages the largest, most comprehensive public education campaign in Louisiana’s history, raising public awareness of the impact of Louisiana’s wetland loss on the state, nation and world. The America’s Energy Coast initiative works to sustain the environmental and economic assets of the Gulf Coast region. The initiative is supported by a growing coalition of world, national and state conservation and environmental organizations and has drawn private support from businesses that see wetlands protection as a key to economic growth.

For more information, please visit www.futureofthegulfcoast.org or www.americaswetland.com.



John
Hankinson/DC/USEPA/US
01/31/2012 08:11 AM

To windsor.richard
cc
bcc
Subject Fw: fyi (again)

I'm sure you saw this. I knew Randy Fertel in college; his mom had the first Ruth's Chris steakhouse in N.O.

Mardi Gras has started. I have to stay away from the King cake!

John

David Cohen

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

From: David Cohen
Sent: 01/30/2012 10:10 AM EST
To: John Hankinson
Cc: Caroline Whitehead; Meredith Berger
Subject: fyi (again)

sorry. in addition to the ap story on gulf restoration (that the post runs in today's edition), the ny times had an interesting op.ed. a few days ago. i completely missed it.

in case you did, too:

OP-ED CONTRIBUTOR

The Mississippi River Delta Must Be Restored

By RANDY FERTEL

Published: January 27, 2012

New Orleans

THE Mississippi River Delta loses the equivalent of a [football field](#) of marshland every hour as it melts into the Gulf of Mexico. Over the last 75 years, we've lost the equivalent of the state of Delaware to erosion. We have a chance to stop this disaster and protect the delta, where much of the nation's seafood is spawned. But for this to happen, Congress must turn over billions in penalties, expected from the BP [oil spill](#), to the Gulf of Mexico states for the restoration of the delta's wetlands.

Since the 19th century, the Army Corps of Engineers has channelized the [Mississippi River](#) to improve navigation while avoiding the expense of dredging. But the [levees](#) built for that goal deprived the marsh of the alluvial silt that nurtured it over millenniums. After the epic 1927 flood, the corps raised the levees higher still. Starved of silt, the marshes are now subsiding into the gulf.

On top of that, sulfur, natural gas and [oil](#) production companies have, since the 1930s, dug close to 10,000 miles of canals into the delta, gaining direct routes to their mineral wealth. These canals brought saltwater deep into the wetlands, killing marsh grasses and encouraging tidal and wave action that eroded banks. Like the pelican, our state bird that, legend has it, feeds its young with its own blood, the Mississippi River Delta has sacrificed itself for the good of the nation. But the nation has not repaid in kind.

Disaster and rebirth is an old story around here. My family has lived that cycle for generations. After the hurricane of 1915, the family spent three weeks on the levee, the only high ground, their cattle and rice, ready to harvest, washed away. Life was hard. But it was also the land of plenty. In deltaic mud 200 feet deep, they farmed rice, indigo and oranges. They hunted and fished. In the Depression, according to my mother, who would later found Ruth's Chris Steak House, "We never knew we were poor. There was always plenty of food for the taking."

What is happening to the delta today is a national crisis. Twenty percent of the seafood caught in the United States in 2009 came from the gulf. (That dropped to 16 percent in 2010, when vast areas of the gulf were closed.) Ninety percent of that catch depends on the wetlands for some part of its life cycle.

The BP spill occurred at just the moment and at just the spot offshore where the magnificent but endangered bluefin tuna spawns. Chances are we've lost at least one generation of bluefin. (Sushi fans, think, no more *toro*.) Another sure sign of loss is how hard oysters are to come by. Oysters have been a mainstay in the seafood gumbo with which my Plaquemines Parish family begins our festive dinners. This

December, oysters for my Christmas dressing came from a friend in Galveston, Tex.

The oil spill may prove to be one too many disasters for the return of the Plaquemines Parish my family once knew — unless we see it as an urgent opportunity for changes long overdue.

The future of all our shellfish and fisheries — shrimp, oyster, redfish, pompano, speckled trout — hinges on restoration of the delta wetlands using the billions that BP and other companies could end up owing. Since a hurricane's storm surge is reduced by the wetlands it travels across — by as much as a foot for every two and a half miles, according to some scientists — the longevity of New Orleans also relies on the wetlands' restoration. How else to get all that grain from the heartland to international markets?

President Obama recently signed legislation appropriating \$9.6 million for restoration studies in the Louisiana coastal area. But we already know how to restore the delta: by diverting the silt-laden Mississippi waters into the wetlands. Pilot river diversion programs are already building wetlands. At Wax Lake at the mouth of the Atchafalaya River, a natural diversion of the Mississippi, silt has built 25 square miles of new wetlands — which would cut a storm surge headed for inland cities and towns by many feet.

The moment is ripe. The Obama administration has called for using BP's fines for coastal restoration. The bipartisan Restore the Gulf Coast Act of 2011 was approved by a key Senate committee in September, but has not come to a vote there or in the House. If it passes, 80 percent of the Clean Water Act penalties against BP would go to the injured parties — the gulf states.

Senator Mary Landrieu, Democrat of Louisiana, rightly argues that the lion's share should be used to restore the delta wetlands, a national treasure that suffered the most harm from the BP oil spill. All that's needed now is a sense of purpose and the political will.

[Randy Fertei](#) is the author of "The Gorilla Man and the Empress of Steak: A New Orleans Family Memoir."

This article has been revised to reflect the following correction:

Correction: January 29, 2012

An earlier version of this article, and the headline, referred incorrectly to the area around New Orleans that has experienced coastal erosion. It is the Mississippi River Delta (the area where the river empties into the Gulf of Mexico), not the Mississippi Delta (an area along the river in northern Mississippi).

Judith Enck/R2/USEPA/US

11/16/2010 04:48 PM

To Gina McCarthy, Richard Windsor

cc

bcc

Subject NJDEP release on Portland Power

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

----- Forwarded by Judith Enck/R2/USEPA/US on 11/16/2010 04:47 PM -----

From: Lisa Plevin/R2/USEPA/US
To: George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA
Date: 11/16/2010 04:46 PM
Subject: NJDEP release on Portland Power

a thing of beauty. Martin commends us. George - assume you'll forward to DC staff?

Lisa J. Plevin
Chief of Staff
US EPA Region 2
(212) 637-5000

IMMEDIATE RELEASE
Nov. 16, 2010

Contact: Lawrence Ragonese (609) 292-2994
Lawrence Hajna (609) 984-1795

EPA PLEDGES TO RESPOND TO DEP PETITIONS SEEKING TO REDUCE POLLUTION FROM
PENNSYLVANIA POWER PLANT

(10/P129) TRENTON - DEP Commissioner Bob Martin today commended the federal government for pledging to act by February on the State's petitions to force a coal-powered Pennsylvania power plant to dramatically reduce harmful emissions that are causing a public health concern in North Jersey, and to hold a public hearing in the most impacted area. But the Commissioner also vowed to ensure that federal officials keep their promise to move quickly on the matter.

The Commissioner, responding to a Nov. 10 letter from Environmental Protection Agency Assistant Administrator Gina McCarthy, said he is pleased by EPA's written promise to expedite its response to New Jersey's concerns about RRI Energy's Portland, Pa. generating facility that is spewing pollutants across the Delaware River and directly into Warren County.

"This is an issue of critical importance regarding the health and welfare of our residents, who have a right to be protected from this out-of-state pollution," said Commissioner Martin. "We must work to ensure clean air for the residents of our state, and we are extremely pleased to see the EPA plans to step up and deal with this issue."

"Such action, New Jersey believes, is mandated by the Clean Air Act and, indeed, is at the core of the EPA's responsibility to protect air quality, to safeguard public health and the environment," the Commissioner said in a letter sent today to the EPA.

In her letter, McCarthy said the EPA will formally respond to New Jersey's petitions regarding the Pennsylvania plant with an action plan by February 2011. EPA also will hold a public hearing, she wrote, at a venue to be suggested by the State. The DEP has pressed for a public session in Warren County, to afford the greatest opportunity for the residents to relate the affects of RRI Energy plant's pollution on their lives.

Commissioner Martin in May and September filed petitions under section 126 of the federal Clean Air Act, seeking prompt action by the federal EPA to force RRI Energy to reduce its harmful emissions.

The July supplemental petition showed that sulfur dioxide pollution pouring out of the power plant is more damaging and widespread than previously believed, extending into a much larger area of Warren County and into portions of Sussex, Morris and Hunterdon counties.

Sulfur dioxide emissions are known to cause a variety of adverse health effects, including asthma and respiratory failure, and environmental impacts such as acid rain.

The September petition also cites a tougher new National Ambient Air Quality Standard for sulfur dioxide that was adopted in June. That new federal standard of 75 parts per billion was established to help protect public health, including the health of "sensitive" populations such as asthmatics, children and the elderly.

In his response letter today, Commissioner Martin stated: "Although New Jersey is pleased that EPA recognizes the importance of the issues raised by the petitions, only prompt action will help clean the air that the people of Knowlton Township and Warren County breathe, and keep our streams, lakes and land free of pollution emitted from the Portland plant."

While the EPA will formally seek a six-month extension to respond to the DEP's September filing, McCarthy wrote she does not expect the analysis to take that long and said the EPA would respond by February. Included would be a scientific, economic and policy issues analysis of the situation, with input from the public and regulated community.

"Please be assured that the agency views New Jersey's petitions under Section 126 of the Clean Air Act as a matter of great importance, and we are carefully weighing technical information supporting the petitions," McCarthy wrote.

RRI's power plant emitted more than 30,000 tons of sulfur dioxide in 2009, which is more than all seven of New Jersey's coal-fired power plants combined.

The DEP believes controls, such as a scrubber, should be installed to reduce the RRI Energy plant's emissions by at least 95 percent to less than 1,500 tons per year. Improved sulfur dioxide and particle control also would reduce other hazardous air pollutant emissions, including hydrochloric acid, lead and mercury.

In a separate but related mater, the DEP currently is battling in federal court to require Pennsylvania-based Allegheny Energy Inc. and subsidiaries to reduce emissions of sulfur dioxide and nitrogen oxide at three power plants in

western Pennsylvania. Prevailing wind carries pollutants from these plants to the east, causing ozone smog pollution and acid rain in New Jersey and four other states.

Full text of the 126 petitions on the Portland/RRI issue can be found at:
<http://www.nj.gov/dep/baqp/petition/126petition.htm>

The full text of Commissioner Martin's Nov. 15 letter and EPA Assistant Administrator McCarthy's Nov. 10 letter can be found at:
<http://www.nj.gov/dep/baqp/>

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This message has been sent by the New Jersey Department of Environmental Protection. To unsubscribe from this list, please go to:
<http://www.nj.gov/dep/newsrel/unsub.htm>

Judith Enck/R2/USEPA/US
10/31/2011 02:50 PM

To Janet McCabe, Gina McCarthy
cc Richard Windsor
bcc
Subject Fw: SL story on Portland Power

gina and janet: thanks for your great work on this. cheers, Judith



Pennsylvania coal power plant blamed for polluting N.J. air must better control its emissions, federal authorities rule

Published: Monday, October 31, 2011, 1:39 PM Updated: Monday, October 31, 2011, 1:39 PM



By Christopher Baxter/Statehouse Bureau The Star-Ledger



Photo Courtesy of N.J. Department of

Environmental ProtectionThe Portland Generating Station must install the latest technology to capture pollution before sending it from its smokestacks into the air, the U.S. Environmental Protection ruled.

TRENTON — A Pennsylvania coal power plant long blamed for polluting Warren, Sussex, Morris and Hunterdon counties must clean up its act within three years, federal authorities ruled today, handing a victory to New Jersey environmental officials.

The state Department of Environmental Protection last year petitioned the U.S. Environmental Protection Agency to force the power plant, located across the Delaware River from Warren County, to better control its emissions of sulfur dioxide.

Sulfur dioxide can aggravate asthma, cause other respiratory problems and contribute to other, more harmful types of air pollution, the EPA said in a news release.

State officials on both sides of the political aisle — including Gov. Chris Christie — have fought for at least a decade to force the plant to install upgrades because it contributes to New Jersey's air pollution, which does not meet federal clean air standards.

Under the EPA's decision, the Portland Generating Station must install the latest technology to capture pollution before sending it from its smokestacks into the air. The power plant is among the 44 percent of coal-fired plants in the country that do have advanced pollution controls, according to the EPA.

The state Department of Environmental Protection petitioned the EPA to force the plant to clean up in September last year. The EPA earlier this year proposed granting the petition, which was finalized in its ruling today, the EPA said.

Related coverage:

- **Editorial: Time to put politics aside, clean up dirty coal plants to N.J.'s west**
- **Editorial: EPA rule will limit pollution that floats to NJ with the wind**

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Lisa J. Plevin
Chief of Staff
US EPA Region 2
(212) 637-5000

Judith Enck/R2/USEPA/US
09/16/2010 09:54 PM

To mccarthy.gina, "Lisa Plevin", "Richard Windsor"
cc
bcc
Subject DEP Release: Clean Air Trial Begins

See last paragraph of this news release from nj dep
Sent by EPA Wireless E-Mail Services

From: Barbara Finazzo
Sent: 09/16/2010 09:15 PM EDT
To: Judith Enck; George Pavlou; Lisa Plevin; Bonnie Bellow; Kevin Bricke; Joann Brennan-McKee; Raymond Werner; Peter Brandt; Mary Mears
Subject: Fw: DEP Release: Clean Air Trial Begins

FYI

-----Forwarded by Barbara Finazzo/R2/USEPA/US on 09/16/2010 09:14PM -----

To: <depnews@listserv.state.nj.us>
From: "depnews depnews" <depnews@dep.state.nj.us>
Sent by: depnews@dep.state.nj.us
Date: 09/16/2010 03:59PM
Subject: DEP Release: Clean Air Trial Begins

IMMEDIATE RELEASE
Sept. 16, 2010

Contact: Lawrence Hajna (609) 984-1795
Lawrence Ragonese (609) 292-2994

TRIAL BEGINS IN NEW JERSEY CLEAN-AIR SUIT AGAINST
PENNSYLVANIA POWER COMPANY

WESTERN

(10/95) TRENTON * A federal trial has begun in a lawsuit filed by New Jersey and four other states to force coal-fired power plants in western Pennsylvania to take steps to clean up emissions of pollutants that degrade air quality in downwind states, including New Jersey.

"Governor Christie and I are committed to improving the state's air quality, even when it means having to fight in federal court to hold power companies in other states accountable to the same high standards and pollution control technologies we require here in New Jersey," said Department of Environmental Protection Commissioner Bob Martin.

"Air quality is a critical issue in New Jersey, and violations of the Clean Air Act that affect our air quality will not be tolerated," said Attorney General Paula T. Dow. "We are committed to working with DEP to protect our residents from potentially harmful contaminants emitted by out-of-state energy plants. We are equally committed to using litigation where necessary to hold companies that operate those plants in violation of federal law accountable."

The bench trial began this week in the U.S. District Court for Western

Pennsylvania in Pittsburgh before Chief Judge Gary L. Lancaster.

New Jersey is joined by Connecticut, Maryland, New York and Pennsylvania in a lawsuit seeking to require Greensburg, Pa.-based Allegheny Energy Inc. and its subsidiaries to install pollution-control equipment, as required by the federal Clean Air Act and Pennsylvania law, to reduce emissions of sulfur dioxide and nitrogen oxide at three power plants. Prevailing wind carries pollutants from these plants to the east, causing ozone smog pollution and acid rain in the five states.

"Air pollution does not adhere to state boundaries," Commissioner Martin said. "Even though Allegheny's power plants are hundreds of miles away, they affect New Jersey's ability to meet federal clean air standards. Our resolve to hold this company accountable to federal law is a strong example of our commitment to protecting New Jersey's air quality from out-of-state sources of pollution."

The three plants at issue in the litigation * the Armstrong, Hatfield's Ferry and Mitchell plants * consist of older, coal-fired generation units. The lawsuit asserts that Allegheny undertook many construction projects over the years to extend the operational lifespan of these plants without complying with federal standards requiring implementation of best available control technology standards or meeting the lowest achievable emission rate to reduce sulfur dioxide and nitrogen oxide emissions.

An analysis of emissions prepared in conjunction with the lawsuit shows that three plants emit nearly 200,000 tons of sulfur dioxide and nitrogen oxide annually.

Nitrogen oxide, in the presence of sunlight, reacts with other chemicals to form ozone smog, which contributes to health problems including chest pain, shortness of breath, coughing, and increased vulnerability to respiratory conditions such as asthma. Nitrogen oxide and sulfur dioxide emissions contribute to the formation of acid rain deposition. Acid rain inhibits the ability of fish to survive in ponds and lakes.

Both pollutants also contribute to excessive nutrient loading in coastal waters, affecting diversity of fish life, and leads to the creation of fine particles that can cause respiratory distress, cardiovascular disease and premature death in people.

New Jersey and the other states are seeking injunctive relief to require Allegheny to reduce its harmful emissions by installing state-of-the-art pollution controls at each of the three plants. The state is also seeking civil monetary penalties and an order for Allegheny to take appropriate actions for the harm done to public health and the environment.

The Allegheny subsidiaries named as defendants are Allegheny Energy Service Corporation, Allegheny Energy Supply Company LLC, Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company.

Chief Judge Lancaster is currently holding the liability phase of the trial. This will be followed by a remedy phase.

Closer to New Jersey, Governor Christie and Commissioner Martin have called on the federal Environmental Protection Agency to expedite action to reduce pollutants spewing from Portland Generating Station, coal-fired power plant operated by RRI Energy in Northampton County, Pa., directly across the Delaware River from Knowlton, Warren County.

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Judith Enck/R2/USEPA/US
07/13/2011 11:40 AM

To Oster.Seth, "Betsaida Alcantara", "Adora Andy", "Richard Windsor", thompson.diane, "Scott Fulton"
cc garcia.lisa, "Cynthia Giles-AA"
bcc

Subject Media clips on doj visit to newark nj yesterday

Tx to cynthia giles and lisa garcia for coming to newark. Lots of good interaction with community leaders, doj, epa and us attorney
Sent by EPA Wireless E-Mail Services
Berry Shore

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

From: Berry Shore
Sent: 07/13/2011 09:04 AM EDT
To: R2 News Clips Subscribers
Subject: Early Morning Clips

Early Morning Clips

Feds plan environmental reforms in NJ's poor urban neighborhoods

07/12/2011

Asbury Park Press - Online

NEWARK – Environmental justice is a renewed focus of officials with the U.S. Department of Justice and Environmental Protection Agency, who say they are already pursuing a number of violations that disproportionately affect poor urban neighborhoods.

“Communities of color are more likely to have polluted land and water, and their children are more likely” to suffer illnesses linked to industrial contamination, said Paul J. Fishman, the U.S. attorney for New Jersey, at a press conference today after officials toured the city's Ironbound section.

“Ironbound is a very vibrant neighborhood with homes, restaurants and shops,” Fishman said.

But its east side lies hard against a district used by heavy industry for more than a century, and city residents still bear the effects of both ongoing and legacy pollution, he said.

“Our first goal is going after pollution problems that make a difference in the community,” said Cynthia Giles, the EPA's assistant administrator for enforcement. But “if we can still find people from those historic sites who are criminally liable, we will pursue that,” Fishman added.

Fishman said his office is already looking into a number of recent cases that could include illegal dumping, illicit handling of toxic waste and asbestos, and “tampering with drinking water.”

One complicated case here is the old Diamond Alkali chemical plant on the Passaic

River, which manufactured Agent Orange herbicide during the Vietnam war and became heavily contaminated with the byproduct dioxin. Also known as Diamond Shamrock, the site is a major reason for the health advisories that tell people to limit their consumption of some fish from New Jersey waters - and the ban on crabbing in Newark Bay.

Equipment is now being moved into place to begin a long-awaited cleanup.

"The good news is the dredge is about to start phase 1 of the project," said Judith Enck, the EPA's Region 2 administrator. On the legal side, "there are well over 100 companies that are potentially liable for the cleanup," she added. "This is a priority for the EPA in New Jersey."

Fed's top environmental prosecutor promises stepped up enforcement in N .J. visit
07/12/2011
NorthJersey.com

The federal government's top environmental prosecutor said the Obama administration will step up enforcement of environmental laws, particularly where low-income and minority communities are disproportionately affected by pollution.

Ignacia S. Moreno, assistant attorney general of the Environment and Natural Resources Division, was in New Jersey on Tuesday to visit a Superfund site along the Passaic River, tour brownfields projects in Newark's Ironbound section and meet with New Jersey environmental advocates.

"The people of New Jersey understand the critical importance of environmental protection, and the real world consequences of industrial pollution," Moreno said. "By enforcing environmental laws in a fair and even-handed way, we are taking steps to ensure that we achieve environmental justice. We are listening to communities and giving voice to those that have too frequently suffered an unfair burden from pollution."

Moreno, Environmental Protection Agency officials and U.S. Attorney Paul Fishman toured the former Diamond Alkali site along the Passaic River, where the manufacture of Agent Orange, the Vietnam war-era defoliant, left cancer-causing dioxins in the sediment of the river. Heavy machinery was being unloaded Tuesday to begin the first phase of an \$80 million river dredging cleanup operation.

The officials also visited the Kenneth Gibson/Sharpe James/Ironbound Aquatic Center, a public pool on a former brownfields industrial site that has undergone cleanup. And they later met with several dozen community and environmental advocates.

Fishman said his office would also step up efforts to prosecute civil and criminal cases involving environmental violations.

"New Jersey has seen an unjust share of environmental damage, and we have the opportunity and obligation to do something about it," Fishman said. "Specific, targeted criminal and civil enforcement actions can make a real difference to our environment."

They said they would focus not only on the lingering pollution that is the historic legacy of New Jersey's industrial past, but also new cases of illegal dumping and toxic emissions.

Moreno and Fishman said that neighborhood visits like the one they made Tuesday help them better understand the environmental impact of policy and enforcement decisions. They noted seeing examples of illegal dumping during their tour, and the fact that some lower-income neighborhoods abut industrial zones, increasing the potential environmental risk to the residents.

"Low-income communities across the country have historically shouldered a heavy pollution burden," said Judith Enck, the EPA's regional administrator for the district that includes New Jersey, who also attended. "Just because someone lives in a low-income neighborhood, they should not be exposed to air pollution, toxic chemicals, degraded water quality or have less access to parks and open space."

Moreno said that, given the hard economic times, enforcing environmental laws helps ensure a level playing field for companies that abide by the law and spend the extra money to reduce emissions or dispose of hazardous waste properly.

"Some say that job creation and environmental protection are at odds, but I say the opposite," Moreno said.

USDOJ: Justice Department and EPA Officials Focus on Environmental Justice in Newark, New Jersey

7th Space Interactive
July 12, 2011

NEWARK, N.J. - Senior environmental enforcement officials from the United States Justice Department and Environmental Protection Agency (EPA) toured sites in Newark, N.J., today and met with federal partners and with environmental and community organizations to discuss mutual efforts to address environmental challenges and enforce environmental laws, and in particular efforts to achieve environmental justice.

Officials included Ignacia S. Moreno, Assistant Attorney General of the Environment and Natural Resources Division; Paul J. Fishman, United States Attorney for the District of New Jersey; and Cynthia Giles, Assistant Administrator for the EPA Office of Enforcement Compliance Assurance. They were joined by Judith A. Enck, EPA Region 2 Administrator; and Lisa F. Garcia, EPA Senior Advisor for Environmental Justice.

The goal of environmental justice, a major priority of the Department of Justice and the EPA, is to provide all Americans - regardless of their race, ethnicity or income status - full protection under the nation's environmental laws and protection from pollution, hazardous waste and toxic substances.

"The people of New Jersey understand the critical importance of environmental

protection, and the real world consequences of industrial pollution," said Assistant Attorney General Moreno. "By enforcing the nation's environmental laws in a fair and even-handed way, we are taking steps to ensure that we achieve environmental justice. We are listening to communities and giving voice to those that have too frequently suffered an unfair burden from pollution in America."

"New Jersey has seen an unjust share of environmental damage, and we have the opportunity and obligation to do something about it," said United States Attorney Fishman. "Specific, targeted criminal and civil enforcement actions can make a real difference to our environment - preserving it for those who treasure it and punishing those who break laws that protect it."

"Enforcement is a powerful tool in advancing environmental justice and deterring illegal pollution," said Assistant Administrator Giles. "We are aggressively going after pollution problems that make a difference in communities, like keeping raw sewage and contaminated stormwater out of our nation's waters and cutting toxic air pollution that affects communities' health."

"Low income communities across the country have historically shouldered a heavy pollution burden," said Judith A. Enck, EPA Regional Administrator. "Just because someone lives in a low income neighborhood, they should not be exposed to air pollution, toxic chemicals, degraded water quality or have less access to parks and open space. The EPA is committed to protecting public health and environmental quality in every part of the country. With improved environmental quality should also come opportunities for job creation."

Contact: Department of Justice Main Switchboard - 202-514-2000

Reported by: US Department of Justice

Newtown Creek Superfund Cleanup Should Start Soon

Gothamist

By Garth Johnston in News on July 12, 2011 3:00 PM

Newtown Creek, the heavily polluted spit of water separating Brooklyn and Queens (dolphins love it), got its Superfund status last fall and now the decades long project of cleaning it up begins. The feds are now saying that the multi-million dollar cleanup project should start later this summer.

"Newtown Creek is one of the most polluted urban water bodies in the country, and EPA is committed to making sure this waterway receives a thorough cleanup," Judith Enck, the US Environmental Protection Agency's regional administrator, told the Post. The full cleanup of hazardous materials, some of which date back to the '50s, is expected to cost hundreds of millions of dollars and take two decades.

But first the EPA needs to figure out who will foot the bill. Under an agreement Exxon Mobil, the city and four other entities have said they will pay for an investigation of

contamination throughout the waterway as well as pay up \$750,000 for the EPA's previous cleanup work at Newtown Creek. According to the Post the investigation alone is expected to cost \$25 million.

In the meantime, just because the Creek is toxic doesn't mean it isn't a great place for a picnic. In 2008 the city opened the Newtown Creek Nature Walk, a surprisingly entertaining and edifying quarter-mile park on the water itself with interesting plant life and spectacular views of the Manhattan skyline as well as the nearby sewage treatment plants and car dumps. It's way more magical than it sounds.

Feds plan environmental reforms in state's poor urban neighborhoods

By Kirk Moore | Staff Writer

July 12, 2011

A renewed focus on environmental justice by officials with the U.S. Department of Justice and Environmental Protection Agency could bring a new level of federal scrutiny to air pollution and other violations that disproportionately affect poor urban neighborhoods.

An oft-stated priority of the Obama administration, the environmental justice drive is coming at a time when state agencies have less money and people for enforcement, and there is political pressure for decreased regulation.

"This is a tough time for state agencies," said Judith Enck, the EPA's Region 2 administrator. However, she stressed, "I don't think there's a deliberate effort to undermine environmental justice concerns."

"Communities of color are more likely to have polluted land and water, and their children are more likely" to suffer illnesses linked to industrial contamination, said Paul J. Fishman, the U.S. attorney for New Jersey, at a press conference Tuesday after officials toured the city's Ironbound section.

"Ironbound is a very vibrant neighborhood with homes, restaurants and shops," Fishman said. But its east side lies hard against a district used by heavy industry for more than a century, and city residents still bear the effects of both ongoing and legacy pollution, he said.

"Our first goal is going after pollution problems that make a difference in the community," said Cynthia Giles, the EPA's assistant administrator for enforcement.

But "if we can still find people from those historic sites who are criminally liable, we will pursue that," Fishman added.

Fishman said his office is already looking into a number of recent cases that could include illegal dumping, illicit handling of toxic waste and asbestos, and "tampering with drinking water."

The Obama administration wants "renewed and vigorous focus on environmental

enforcement” that protects poor neighborhoods as well as economically better-off communities, and “ensures a level playing field for businesses that comply with the law,” said Ignacia S. Moreno, an assistant attorney general in charge of the Department of Justice’s environment and natural resources division.

Diminished resources have cut back environmental enforcement at lower levels of government compared to the 1990s, when some county prosecutors assigned county investigators to track pollution and illegal dumping.

“It’s been a long neglected issue in New Jersey and we’re going backward on environmental justice,” said Jeff Tittel of the Sierra Club, who was among a number of environmental and community activists that Fishman invited in for meetings in April to express their concerns. “The areas that are going to see the biggest impact (of enforcement cutbacks) are the environmental justice communities.”

“Enforcement action on air pollution is down dramatically and that’s one area that really affects these neighborhoods,” Tittel said. In that respect, the federal agencies “are doing their job, which is oversight,” he said.

“This is the first time in 25 years that I can remember top-level people from Washington coming in like this,” he added. “It shows they’re serious.”

Aging city sewers and violations of sewage discharge rules are another issue that affects both those neighborhoods, the downstream harbor and the Shore.

“We have very serious problems with raw sewage being discharged in New Jersey after rains,” Enck said. Scores of combined sewer overflows in the New York-New Jersey region still discharge mixed storm water and sewage - nearly a quarter-century after they were identified as a major problem during the disastrous beach closing summers of 1987 and 1988.

Some combined sewer overflows were eliminated, but dozens are still active, including 16 in Perth Amboy, 28 in Bayonne, and 34 in Elizabeth, according to a newly issued report by the EPA Region 2 office.

Along with infrastructure improvements to reduce overflows, the EPA is looking for “green infrastructure” to reduce storm water discharges with urban garden spaces and planted areas that also improve residents’ quality of life.

Another complicated case here with effects on the ocean is the old Diamond Alkali chemical plant on the Passaic River, which manufactured Agent Orange herbicide during the Vietnam War and became heavily contaminated with the byproduct dioxin.

Also known as Diamond Shamrock, the site is a major reason for the health advisories that tell people to limit their consumption of some fish from New Jersey waters - and the ban on crabbing in Newark Bay.

Equipment is now being moved into place to begin a long-awaited cleanup. "The good news is the dredge is about to start phase 1 of the project," said Judith Enck, the EPA's Region 2 administrator. On the legal side, "there are well over 100 companies that are potentially liable for the cleanup," she added. "This is a priority for the EPA in New Jersey."

Al Gore's Reality Show

July 13, 2011, 7:22 am

NY Times, Geen Blog

By JOHN M. BRODER

Al Gore, the former vice president, Nobel Prize winner and climate campaigner-in-chief, is opening a new global climate change activism program called the Climate Reality Project.

The group's first program will be a live-streamed event called 24 Hours of Reality and held on Sept. 14-15. According to a press release from the organization, "people all around the globe living with the impacts of climate change will connect the dots between recent extreme weather events – including floods, droughts and storms – and the man-made pollution that is changing our climate."

The video feed will feature scientists, celebrities, executives and citizens from places like Tonga, Mexico City and Alaska, along with Mr. Gore. It will be broadcast over 24 hours in 24 time zones and in multiple languages, the group said.

The idea is to educate the public about the impacts of global warming and to counter what Mr. Gore considers the well-financed disinformation and denial campaign run by the fossil fuel industries.

"The climate crisis knows no political boundaries," he said in a statement. "Ferocious storms and deadly heat waves are occurring with alarming frequency all over the world. We are living with the reality of the climate crisis every day. The only question is, how soon can we act?"

The project used to be known as the Alliance for Climate Protection but has received a new name and a somewhat new mission. It will have the same leader, Maggie L. Fox, a longtime Gore adviser and climate activist.

"Fossil fuel companies and their allies will go to great lengths to deny the fact that climate change is happening now," Ms. Fox said. "But we have one powerful response: reality. We will dedicate our resources toward educating and engaging the public about the reality of the climate crisis and helping build the global movement for change."

Texas Firms Adopt EPA Rules Despite Perry's Protest

Wall Street Journal

July 12, 2011, 4:37 PM ET

Texas Gov. Rick Perry often slams the Environmental Protection Agency for tying Texas businesses in red tape. But some of those companies appear to have decided they can

live with tougher air-quality standards the EPA is pushing over Mr. Perry's objections.

The agency says a number of companies are cooperating, including Exxon Mobil Corp., ConocoPhillips, and a unit of Koch Industries Inc. Yes, that Koch Industries. The one owned by members of the Koch family, longtime donors to conservative causes.

In a written statement Tuesday, the EPA praised Koch's Flint Hill Resources and the other companies for "being far ahead of schedule or reaching an important milestone toward obtaining new [air-quality] permits that satisfies conditions" set by the agency last year. The EPA has complained that Texas' process for approving air-quality permits needed by companies like Koch's and Exxon violates the Clean Air Act, which requires the state to set limits on each of the dozens of individual production units inside a plant. The Texas program sets a general limit on pollutants an entire facility can release.

"It's great that Texas businesses would meet the challenge so quickly," Al Armendariz, the EPA's regional administrator in Texas, said in a statement. "Here we are - one year from beginning to work with the largest 40 permit holders - and we have significant progress with no disruptions, no job losses, and numerous commitments from companies to obtain Clean Air Act compliant permits through a transparent process."

A spokeswoman for Mr. Perry, who has been busy deciding whether to seek the GOP presidential nomination, said the EPA has "strong-armed" Texas businesses into undergoing "unnecessary processes" that "will result in zero environmental benefit while adding an additional layer of costly administrative burdens on employers during these tough economic times."

Last year, Mr. Perry predicted that the EPA's effort to tighten air-quality permitting requirements on Texas businesses would "threaten tens of thousands of good Texas jobs."

House Panel Backs Bill Delaying Air-Pollution Rules

POLITICS

Wall Street Journal

JULY 12, 2011, 1:52 P.M. ET

By RYAN TRACY

WASHINGTON—A House panel voted Tuesday to delay a recently adopted Environmental Protection Agency rule on air pollution by more than a year, another effort by Republicans to slow down or stop the agency's regulatory agenda.

The House Energy and Commerce Committee voted 33-13 to delay a rule the EPA adopted last week governing smog- and soot-causing pollution that blows across state lines, pushing it back to early 2013 from its current effective date of January 2012. Another rule governing power plant emissions, still under development, would also be delayed until that time.

The bill approved by the panel Tuesday would still need to be passed by the full House, which could vote on it before Congress breaks for a recess in August.

Republicans said the delay was to allow for a study of the cumulative effects of EPA regulations. The bill approved Tuesday would create an interagency panel to study that issue and come up with a report by August 2012, in the middle of the presidential campaign season.

The interagency panel would examine the effect of environmental rules on unemployment, gasoline prices, electricity prices and other metrics and report the results to Congress. The EPA wouldn't be allowed to enforce the utility air-pollution rules until six months after the study is issued.

"Why do we create more regulatory burdens at a time when we're trying to create jobs?" asked John Shimkus (R., Ill.), a member of the House committee. "Why don't we just pause and allow the economy to catch up?"

Democrats said the bill was unnecessary because the EPA already conducts an analysis of the impact of its rules. Rep. Henry Waxman (D., Calif.) also said an August 2012 deadline was too soon for such a complicated analysis. "This legislation is likely to produce a report that is full of guesswork and could dramatically underestimate or overestimate the cost of the new programs," he said.

Waste site cleanup plan nearly done

Wednesday, July 13, 2011

BY JOHN PETRICK

STAFF WRITER

The Record

A tentative agreement for cleaning up the contaminated Top Soil Depot dump in Wayne was reached Tuesday among lawyers behind closed doors following daylong negotiations with the state Department of Environmental Protection.

All parties – which include about 20 alleged illegal dumpers named in the DEP's suit against Top Soil – must now sign off on the settlement and return before state Superior Court Judge Margaret Mary McVeigh on July 22 to memorialize the plan on the record.

McVeigh appointed a temporary guardian Tuesday to represent dump site co-owner Allan Rombough Sr. in reviewing the settlement plan, as hearings about whether he is mentally competent continue. The 67-year-old says he has been suffering from Parkinson's disease.

Several doctors, including his own and a court-appointed doctor, are evaluating him so McVeigh can determine whether he knowingly defied court orders to stay off the Top Soil property earlier this year. Rombough and his son, Alex, were caught by a DEP inspector trespassing on the site and throwing records into a trash bin.

The judge also issued a bench warrant – once again – for Rombough's other son, Allan Rombough Jr., who also is named as a defendant in the DEP's case and who was supposed to be in court Tuesday but failed to show up. The last time he failed to appear

was in May, when McVeigh had him arrested and brought into court to explain his absence. At that time, Allan Rombough Jr. said he was in an in-patient rehabilitation program for alcoholism and presented documentation to prove so. The judge ordered sheriff's officers to return him to rehab at his own expense.

McVeigh said that when he completed his rehab stay and the court had been notified of his release, she would hold a hearing in which he would have to prove to her that he did not enter the program simply to evade court. He has since completed the program.

The DEP has sought to jail the elder Rombough for repeatedly violating orders to remove heaps of contaminated material from the Wayne site over many years. Whether he – and the dumpers who disposed of waste at the site – will be fined or jailed for violating the court's orders to stay off the property remains to be determined at a future hearing.

The DEP maintains that the existence of toxic waste on the property, which is in a flood zone at the confluence of three rivers, threatens the region's water supply and contributes to flooding. The state alleges that 20 companies delivered as much as 22,000 cubic yards of fill and solid waste to the site since 2009 in violation of court orders.

Meanwhile, all of the defendants have been working for months now with the DEP to devise a final plan to clean up the site at the defendants' expense.

E-mail: petrick@northjersey.com

House GOP fails to block light bulb bill

Wednesday, July 13, 2011

BY JIM ABRAMS

THE ASSOCIATED PRESS

The Record

WASHINGTON – House Republicans on Tuesday failed to stop the enactment of new energy-saving standards for light bulbs they portrayed as yet another example of big government interfering in people's lives.

The GOP bill to overturn the standards set to go into effect next year fell short of the two-thirds majority needed for passage. The vote was 233-193.

For many Republicans, those curly compact fluorescent light bulbs were the last straw, a symbol of government interference in daily life. Their legislation would have kept the marketplace clear for the cheap, energy-wasting bulbs that have changed little since New Jersey's own Thomas Edison invented them in 1879.

For most Democrats, it was an exasperating debate that, just like the old incandescent bulbs, produced more heat than light.

The standards in question do not specifically ban the old bulbs but require a higher level

of efficiency than the classics can produce, essentially nudging them off store shelves over the next few years. Four of Edison's descendants said the great inventor would be mortified to see politicians trying to get the nation to hang on to an outdated technology when better bulbs are available.

The standards have not been particularly contentious before now. They were crafted in 2007 with Republican participation and signed into law by President George W. Bush. People seem to like the new choices and the energy savings they bring, polling finds.

But now they have become a symbol of a much larger divide in Washington over the size and reach of government itself.

Republicans said people who now buy a bulb for 30 or 40 cents shouldn't be forced to pay \$6 for a fluorescent bulb or more for LED (light-emitting diode) lighting.

"If you are Al Gore and want to spend \$10 for a light bulb, more power to you," said Rep. Joe Barton, R-Texas, sponsor of the bill to overturn the standards. He exaggerated the cost of most energy-efficient bulbs and neglected to mention that they last years longer than old incandescent bulbs, which convert about 90 percent of the electricity they consume into heat and 10 percent into light.

The Obama administration, which opposed Barton's bill, says the new lighting standards will save nearly \$6 billion in 2015 alone. The Energy Department says upgrading 15 inefficient incandescent bulbs in a home could save a homeowner \$50 a year.

Rep. Ed Markey, D-Mass., held up a new Sylvania incandescent that meets the efficiency standards and costs \$1.69. "You don't have to buy one of those funny-looking new light bulbs," he said.

Under existing rules, new bulbs will have to be 25 percent to 30 percent more efficient than traditional incandescent models. As of Jan. 1, 2012, inefficient 100-watt bulbs will no longer be available at most stores.

EPA rule will limit pollution that floats to NJ with the wind

Published: Wednesday, July 13, 2011, 6:07 AM

By Star-Ledger Editorial Board The Star-Ledger

Knowlton Township in Warren County is not the sort of place you would expect to find an air pollution crisis. It is a leafy town that sits on the Delaware River and has no local industry to speak of.

But across the river in Pennsylvania, a few hundred yards away, an old coal plant steadily spews toxins from its tall stack. And because the wind knows no borders, the people of Knowlton have to wipe down their cars and windows when the filth blows their way. Worse, their families are breathing this stuff.

The plant, the Portland Generating Station, would never be allowed to run in New Jersey because the federal Clean Air Act forces states with dirty air, such as New Jersey, to

enact tough regulations. Pennsylvania is not held to the same strict standards.

View full sizeNew Jersey Department of Environmental ProtectionThis model from the New Jersey Department of Environmental Protection's Clean Air Act petition to the Environmental Protection Agency shows sulfur dioxide emission violations from RRI Energy's Portland generating station affecting Warren, Hunterdon, Sussex and Morris counties.

The problem is the wind. Roughly one-third of the pollution we breathe in New Jersey floats in from outside the state's borders, most of it from coal plants in states such as Pennsylvania with weaker regulations.

Now, EPA Administrator Lisa Jackson is moving to fix that problem by imposing new caps on emissions of two key pollutants – nitrous oxide and sulfur dioxide – in 27 states and the District of Columbia. For New Jersey, that will mean less smog and soot, less ozone, and less acid rain.

With this move, Jackson is showing again that she will not be intimidated by the pollution lobby, or by the Republicans in the House who have threatened to curb her powers or cut her budget.

She will soon face even more important tests when the EPA issues standards for hazardous pollutants like mercury, lead and cadmium, and when it settles on new mileage standards for cars. So far, though, Jackson is hanging tough, with the support of the White House.

It's not clear yet if the Portland plant will be shut down, since this is a statewide cap for Pennsylvania. Separately, the Christie administration is pressing Jackson to impose limits on that particular plant, which by itself is putting Knowlton and neighboring towns in violation of the Clean Air Act's standards.

The air today is not clean enough, but it has greatly improved in the past few decades. So let's hear three cheers for government regulation.

I attended and spoke at the EPA public hearing last night in Milford , on the proposed cleanup plan for the Crown Vantage Landfill Superfund site .

Wolfenotes.com

July 13, 2011

The Crown Vantage site is on the banks of the Delaware River, just south of another industrial Superfund site known as Curtis Specialty Papers, and less than a half mile north of the old Riegel Paper Company landfill. (Google maps).

The Riegel Paper Co. Landfill is the site where NJ DEP notoriously claimed that leachate discharging into the River was "natural". DEP subsequently corrected that error and conducted sampling (I have not reviewed the data and don't recall media reports on the results of that effort).

Crown Vantage, Curtis Specialty Paper, and the Riegel Landfill are all geographically

close, as well as historically operationally inter-related with each other.

According to the EPA site history, from the 19030's to the 1970's, the Crown Vantage Landfill received industrial waste from the nearby Curtis Specialty Paper Company and 4 other nearby Riegel Paper Company Mills.

The Riegel Paper Co. Landfill is known to have recieved the same industrial wastes as the Crown Vantage Landfill, yet there is virtually no attention paid to the proper closure and cleanup of the Riegel paper Co. site by the NJ DEP.

One site is a federal Superfund, the other site - same wastes disposed, same sensitive riverbank and adjacent D&R Canal Park location, and actively discharging leachate to the Delaware River - essentially nothing, not even State NJ DEP landfill closure enforcement.

I asked EPA people about this and they passed the buck to the NJ DEP.

Anyway, lets get back to Crown Vantage.

As a result of flooding and erosion, contaminants from chemicals disposed and drums buried on site have migrated off site and polluted the Delaware River, river sediments, and terrestrial and aquatic ecosystems.

Crown Vantage Superfund site, just feet off the D&R Canal path (view from standing on the path)

The site is located between the Delaware River and the extremely popular D&R Canal State Park, and thus poses additional risks to recreational hikers, bikers, birders, hunters, and fishermen. Of course, given its proximity to the Park and secluded riverfront, the site is a magnet for trespassers (ATV's, kids, stealth campers, rambler, beer parties, etc).

This sensitive situation prompted EPA to force the Responsible Parties (Georgia-Pacific and International Paper Company) to excavate and remove over 2,000 drums, fence and post warning signs at the site, and install a wall to prevent further flooding erosion. Those measures removed the immediate threats and stabilized the site, during which time, EPA required that the RP conduct a full remedial investigation and a feasibility study, outlining alternative final cleanup plans for public review.

The Superfund law establishes what is know as a "preference for parmanent remedies". The law mandates that cleanups must use permanent solutions to the maximum extent practicable (see discussion at page 7).

Yet, despite the statutory preference and mandate for a permanent cleanup (e.g. removal of all buried drums, contaminated soil, et al), a permanent remedy was not even an alternative that EPA proposed for public comment.

EPA proposed 2 alternatives: no action and their preferrred alternative, which is

stabilization of the site by existing forested cover, a previously constructed floodwall, and deed restrictions to prohibit future development.

Some choice! Do nothing or do it our way.

In this case, EPA says the trees on the site basically comprise a cap and containment system. EPA usually requires an engineered cap, so I never heard of that before and asked EPA to justify that approach.

I was pleased that the Express-Times reporter picked up on that important point (see: EPA unveils plans for Crown Vantage Landfill Superfund site in Milford)

EPA Remedial Project Manager Alison Hess said the site presents no imminent risk to public health, and the proposed plan will ensure it stays that way.

"The remaining wastes are considered low-level threat wastes," she said. "Containment is appropriate for those wastes. ...

Bill Wolfe, of West Amwell Township, said he feels capping the site is more appropriate for larger landfills and that the EPA should have considered further removing the remaining pollutants.

"Your first alternative should be to dig it up and take it away, and if it's found not be feasible, then you consider capping and containing," he said.

In addition to concerns about failure to propose a permanent remedy for public comment, I noted the following concerns:

1) Like most old landfills, there is little or no reliable data on historical waste disposal. So, EPA really doesn't know exactly what, where, how much, and what kinds of chemical wastes were disposed there. Additionally, methods of investigation (review of historical aerial photos, geophysical technique to probe subsurface looking for buried drums, dug test pits, borings, etc) are inherently uncertain.

These uncertainties argue in favor of complete removal, yet EPA seems confident that they have removed the "principal threat" and are leaving only small volumes of low risk materials on site. I asked EPA to reconsider, and at a minimum better document and justify these conclusions.

2) despite off site sediment samples that exceeded the NJ DEP ecological risk screening criteria, EPA did not fully investigate potential impacts to fish and aquatic ecosystems. EPA did look at birds and mammals and found no significant risks.

Given documented off site release and sediment data, I asked EPA to conduct an evaluation of fish and aquatic life impacts and work with federal partners to look into seeking compensation and/or restoration for natural resource damage injuries, including loss or impairment of recreational uses of the River and D&R Canal Park.

3) The site was abandoned in Bankruptcy proceedings, so there is no legal owner at this time.

I therefore questioned EPA's proposed plan to allow the Responsible Parties to voluntarily negotiate a deed restriction to prohibit future use of the site. Instead of reliance on voluntary measures, I strongly urged EPA to issue a unilateral Order to the Responsible parties to set specific deed conditions and a deadline for this deed to be finalized.

4) I questioned the wisdom of the remedial objective, which is limited to exposure control (not permanent cleanup and elimination of the risk).

While a deed restriction may prevent some future uses of the site, EPA is unable to control future land use adjacent to the site. NJ has brownfield redevelopment policies that actively provide incentives to redevelop contaminated sites, so no future development related risks can not be assumed. These future land use changes could change the assumptions and conditions upon which the EPA cleanup decisions are based. These uncontrollable future conditions argue in favor of a permanent remedy as the best and only approach to assure long term protectiveness of the cleanup.

5) There is a small area of the site (0.25 acre) where lead levels exceed NJ soil screening levels. I urged that these soils be excavated and removed, instead of being allowed to be left in place on site, as proposed by EPA. Long run, they will migrate off site and further harm the sensitive local environment.

6) I agreed with other residents who asked why insurance companies have not been involved in funding and questioned how EPA would finance and guarantee the long term monitoring and maintenance of the site. There is currently no enforceable agreement on these issues.

EPA responded to these questions by saying that those key issues would be the subject of a future EPA negotiations with RP's on implementing the selected cleanup option.

I urged EPA not to rely on voluntary negotiations but instead issue a unilateral enforcement order.

Very few members of the public realize, despite a multi-year remedial investigation and numerous informal EPA meetings on the site (which can lull the public into a stupor and winnow out involvement over the years), that there is only one legally mandated official on the record public hearing where public comment is meaningful and can actually have an impact on EPA cleanup decisions. That time is now. The public comment period closes on July 30, 2011

EPA Carbon Rules Delayed in House Panel's Bill Cutting Funding

Bloomberg

By Kim Chipman - Jul 13, 2011

Funding for the Environmental Protection Agency would be cut, greenhouse-gas regulations delayed and a ban on uranium mining near the Grand Canyon repealed under legislation approved by a U.S. House panel.

The Republican-led House Appropriation Committee approved the fiscal 2012 spending bill yesterday on a 28-18 vote, sending it to the full [House of Representatives](#).

Republicans led by Representative Mike Simpson of [Idaho](#) said they introduced the measure to rein in regulatory overreach. Democrats said the bill overturns key environmental safeguards. The bill's deepest cuts target the EPA, faulted for hurting the economy with new rules including limits on carbon-dioxide emissions blamed for [climate change](#).

"Wherever I go, the biggest complaint I hear about the federal government is about how the EPA is creating economic uncertainty and killing jobs," Simpson, chairman of the subcommittee on the interior, environment and related agencies, said before the vote.

President [Barack Obama](#)'s environmental regulator is "the scariest agency in the federal government" and has "lost its bearings," he said.

Representative James Moran, a Virginia Democrat, said the Republican measure is a "virtual dump truck" of provisions to protect polluters.

"This bill is too short on needed funds and too long on anti-environmental riders," Moran said. "It's not so much a spending bill as a wish list for special interests."

Under the measure, the EPA's budget would be cut to \$7.1 billion, or 20 percent less than Obama's request. The measure would fund EPA, Interior Department and related agencies at \$27.5 billion in the fiscal year that starts Oct. 1, which is 12 percent less than Obama's request to Congress.

EPA Rule Delay

The bill would delay for one year EPA rules limiting greenhouse-gas emissions from industrial polluters such as [power plants](#) and oil refineries, and prohibit the agency from regulating such discharges from vehicles after model year 2016.

The measure would overturn the Interior Department's temporary prohibition on uranium mining near Arizona's [Grand Canyon](#) and prevent the Obama administration from establishing a long-term ban without congressional approval.

Environmentalists say waste from uranium mines threatens the region's land, wildlife and drinking water.

The House spending measure would expose "the Grand Canyon, and the millions of Americans who depend on the Colorado River for their drinking water, to the long and

well-known hazards of uranium mining,” Moran said. “These riders have nothing to do with budget cuts or deficit reduction and everything to do about carrying out an ideological agenda.”

Simpson said the mining provision won’t harm Grand Canyon National Park in northern [Arizona](#).

Interior Funding

The bill also would provide \$9.9 billion to the Interior Department, about \$1.2 billion less than the president requested. The bill increases funding for oil and gas rig inspections and doesn’t include Obama’s proposal to increase offshore oil and gas inspection fees by \$55 million.

Proposed funding cuts may hurt offshore oil exploration, according to [David Hayes](#), the deputy U.S. Interior secretary.

“The house budget would likely affect our ability to execute our offshore program across the board, in a negative way” Hayes told reporters in Washington yesterday. He declined to elaborate.

Lawmakers also debated the [Endangered Species Act](#), passed by Congress in 1973 to protect plants and animals. The spending bill would ban all new listings of threatened species and permanently prohibit the courts from reviewing proposals to remove from protection gray wolves in [Wyoming](#) and the upper Midwest.

While Democrats and Republicans support the Endangered Species Act, the law needs revision, Simpson said.

Endangered Species

Since being enacted, the law has helped in listing 2,018 species with 21 species recovered, Simpson said.

“By any calculation, that’s a pretty poor track record,” he said. “Any other program with such a poor rate of success would have long since been terminated.”

Environmentalists such as Andrew Wetzler of the [Natural Resources Defense Council](#) say such provisions will damage already vulnerable animal populations.

“Some in Congress want to yank the last safety net away from wildlife that’s hanging by a thread,” Wetzler, director of the New York-based council’s wildlife and land program, said in an interview. “I guess they weren’t satisfied with making it easier to poison our waters and pump filth into our air, so they figure it was time to take a whack at walruses and wolverines too.”

To contact the reporter on this story: Kim Chipman in [Washington](#) at kchipman@bloomberg.net

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Agreement Clears Way for Cleanup of Newtown Creek : Study Is First Phase For Polluted Waterway

By Brooklyn Eagle

published online 07-12-2011

BROOKLYN – The U.S. Environmental Protection Agency (EPA) Tuesday signed an agreement with six entities that clears the way for the cleanup of the super-polluted waterway.

Five of the six parties that signed the agreement – Phelps Dodge, Texaco, BP Products North America, National Grid NY (formerly Brooklyn Union Gas) and ExxonMobil – are descendants of original companies that are responsible for much of the pollution in the creek. The sixth is the City of New York, which began dumping raw sewage into the creek as early as the 1850s.

EPA added Newtown Creek, which separates western Queens from northwest Brooklyn, to its Superfund National Priorities List of the country's most hazardous waste sites in September 2010. Its water and sediment contain a wide range of contaminants such as pesticides, heavy metals, polychlorinated biphenyls (PCBs) and volatile organic compounds (VOCs).

The huge underground Greenpoint oil spill nearby, caused by industrial accidents at nearby oil refineries, is a separate issue. However, according to Riverkeeper and other environmental organizations, sludge from the underground oil "plume" has also been leaching into the creek for decades.

Pollution at the creek, a natural estuary that was enlarged over the years, began in the mid-19th century. By the end of that century, it was lined with more than 50 oil refineries, petrochemical plants, fertilizer and glue factories, sawmills, and lumber and coal yards. The creek was also crowded with commercial vessels that brought in raw materials and fuel and took out oil, chemicals and metals. A small number of factories and industrial facilities still operate along the creek.

"Newtown Creek is one of the most polluted urban water bodies in the country, and EPA is committed to making sure this waterway receives a thorough cleanup," said EPA Regional Administrator Judith Enck. "This agreement is an important step that will provide a comprehensive study of the contamination in Newtown Creek and the development of options to clean it up. The agreement also ensures that the parties responsible for the pollution, not the taxpayer, will foot the bill."

In addition to funding the study, the agreement also requires that these six parties pay EPA \$750,000 for the agency's previous work at Newtown Creek and reimburse the agency for oversight costs for both the investigation and the study. EPA anticipates that

it will identify additional parties responsible for the contamination in Newtown Creek.

The study will begin later this summer, beginning with an analysis of contamination in Newtown Creek's sediment, surface water and surrounding air. The remedial investigation will take several years to complete, after which EPA will oversee an analysis to develop and assess the full range of options for cleaning up contamination in Newtown Creek.

This Saturday, the Newtown Creek Alliance will hold a free Newtown Creek Boat Tour as part of the Metropolitan Waterfront Alliance's City of Water Day. Its Newtown Creek-bound boat will leave Governors Island at 12:15 p.m. and will return at 1:45 p.m.

Brooklyn's other Superfund Site is also a waterway – the Gowanus Canal. Unlike the controversy that ensued when the Gowanus was declared a Superfund site (because many observers felt that this could hurt housing and commercial development in the area), the news of Newtown Creek being declared a Superfund site was almost universally applauded.

Closter plans dredging to restore Ruckman pond

07/12/2011

NorthJersey.com

CLOSTER – The borough is awaiting state environmental permits to dredge Ruckman Pond in the coming months and help revive the pond and its fish and wildlife populations, say local officials.

Ruckman Pond, the 2.1-acre centerpiece of the Closter Nature Center, has accumulated too much silt and sediment over the years and many fish have died as a result, said Borough Administrator Quentin Wiest.

Officials expect the Department of Environmental Protection permit approvals in October, and they hope to begin dredging by November.

Dredging would remove sediment from the bottom of the pond, improving water quality, deepening the pond and making it more habitable for wildlife. Most importantly, the project would preserve the pond for posterity, said officials.

The Bergen County government would conduct the project through its Mosquito Control Division of Public Works, but Closter would have to pay for engineering, permits and dispose of the materials off-site. Such costs will be covered from funds raised through the local Open Space tax.

Over the years, the pond has accumulated debris and sediment, which has displaced most of its water volume and has caused resident organisms to die off.

"The problem is that it's too shallow and can't hold enough water," said Marc Gussen, director of the Nature Center. The harsh winter also contributed to the poor state of the pond, he added

If such dredging projects are not undertaken, ponds eventually fill in and disappear, said Gussen, adding that the pond contains catfish, bass and sunnies.

"This is saving the pond," he said.

New rule on plant emissions is boon to Del. and other 'downwind' states

07/12/2011

Courier-Post - Online

Delaware has emerged as one of the winners in the long battle for a new federal crackdown on power plant emissions that drift across state lines.

Environmental Protection Agency Administrator Lisa Jackson released a new Cross-State Air Pollution Rule that officials said would eliminate hundreds of thousands of tons of soot and smog-forming pollution, saving an estimated 34,000 lives and averting hundreds of thousands of illnesses yearly as early as 2014.

The new rules targeted smokestack emissions long identified by Delaware and other "downwind" states as problems that made full, local compliance with federal Clean Air Act standards impossible, because no state could fully control emissions arriving from beyond its borders.

Under the new rules, 27 states must significantly reduce power plant emissions that affect their neighbors or more distant regions. Plans would be due as early as 2013.

"I call it the Good Neighbor, Clean Air Rule," Sen. Tom Carper, D-Del., said. "I hope we can now stop battling it out in court and start cutting emissions dramatically."

Carper has sponsored a series of bills over the years to curb emissions of sulfur dioxide, nitrogen dioxide, mercury and other air pollutants tied to human health problems and global climate change. He chairs the Senate's Clean Air and Nuclear Safety subcommittee and is a member of its Environment and Public Works Committee.

Before the EPA's move last week, Carper said, big power plants in the Midwest were able to produce electricity cheaply, while sending air pollution out of their region and across Eastern states, where emissions drive up health care costs from asthma, heart and respiratory diseases and other ailments.

Delaware filed petitions for relief in the past and joined lawsuits to force the change.

Since Congress approved the Clean Air Act amendments of 1990, millions have been spent in Delaware on everything from paint formulations to highway planning, reductions in factory and power plant emissions and changes in fuels and fuel-handling requirements. Yet Delaware continues to have days when soot and ozone levels exceed federal standards, partly because of car and power plant emissions from other states.

"We're still far out of attainment," with federal Clean Air Act standards, DNREC Secretary Collin P. O'Mara said. "Having these new rules is going to give us a lot of relief."

In addition to Delaware, power plants in the District of Columbia, Connecticut, Florida, Louisiana and Massachusetts will get relief from requirements to control year-round emissions of sulfur dioxide and nitrogen oxides.

Texas, which has a large number of coal-burning power plants, will have to step up year-round controls.

Some critics questioned the uneven impact on states and the likely increase in pressure to close at least some of the nation's dirtiest coal-fired plants. The American Coalition for Clean Coal Electricity predicted that the EPA's rules would be the "most expensive ever imposed" on coal-fired generators.

"The EPA is ignoring the cumulative economic damage new regulations will cause," Steve Miller, the coalition's president, said in a written 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," he said. "Unfortunately, EPA doesn't seem to care."

An earlier, Bush administration proposal to deal with the issue was tossed out by a federal appeals court.

The new version is expected to cost the power plant industry \$800 million yearly in 2014, according to the EPA estimates, atop existing costs of complying with past efforts to reduce smokestack releases.

The 27 states subject to the rule are Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

Free Tire Drop-off for Somerset County Farmers , Residents: July 14-16

07/12/2011

Home News Tribune

SOUTH BOUND BROOK - The Somerset County Division of Solid Waste Management is partnering with the Somerset County Road Division to collect scrap tires Thursday, July 14, through Saturday, July 16, from 8 a.m. to 1 p.m.

County farmers and residents can drop off up to eight tires per household at the Robert Morris School, located at 122 Elizabeth St. Automobile and truck tires, with or without

rims, will be accepted.

Proof of residency is required to take advantage of this program.

Proper disposal of tires benefits communities. Scrap tires have the potential to collect standing water and attract mosquitoes. To prevent West Nile virus, tires should be stored indoors or in a covered container until they can be properly disposed. This requirement is enforceable by the Somerset County Health Department.

The tire drop-off program is funded through a grant from the state Department of Environmental Protection.

For more information, contact the Somerset County Road Division at

(908) 541-5021.

Dirty Indoor Air Linked To Blood Pressure

07/12/2011

Post Chronicle, The

University of Wisconsin-Madison researchers say indoor air pollution is linked to increased blood pressure among older women.

Jill Baumgartner, who performed the study while a doctoral student at University of Wisconsin-Madison, says the study involved 280 women in an ethnic minority called the Naxi who lived in a remote area of Yunnan province in China. The women wore a portable device that sampled the air they were breathing for 24 hours.

The Naxi live in compounds with a central, free-standing kitchen that often has both a stove and a fire pit, Baumgartner says.

"I spent a lot of time watching women cook in these unvented kitchens, and within seconds, my eyes would burn, it would get a little difficult to breathe," Baumgartner says in a statement.

Many of the women are exposed to this smoke for several hours a day and even if the cook stove is vented, a second fire is often burning for heat, Baumgartner, now at the Institute on the Environment at the University of Minnesota, says.

Baumgartner and colleagues associated higher levels of indoor air pollution with a significantly higher blood pressure among women age 50 and older.

The study, published in the journal *Environmental Health Perspectives*, found small-particle pollution raises blood pressure over the short term by stimulating the nervous system to constrict blood vessels, but in the long term, the particles can cause oxidative stress, which also raises blood pressure. (c) UPI

EPA Mulls Easing Gas Station Rules

07/12/2011

Post Chronicle, The

The Obama administration says it is considering waiving a U.S. requirement for capturing gasoline vapors when refueling vehicles.

The Environmental Protection Agency is issuing a proposal under the Clean Air Act that would end systems used at gas station pumps to capture potentially harmful gasoline vapors during fill-ups.

The proposal is part of the administration's review of outdated and redundant rules in an effort to ensure federal regulations are beneficial without being unnecessarily burdensome to American businesses, an EPA release said Monday.

Gasoline vapor recovery systems have been required at gas station in certain locations since 1994.

However, under the Clean Air Act automobile manufacturers began installing onboard refueling vapor recovery technologies in 1998, and since 2006 all new vehicles have such systems, making gas stations' equipment redundant, the EPA said.

The proposal would still protect air quality and public health while potentially saving affected gas stations more than \$3,000 annually, the agency said. (c) UPI

Wayne waste site cleanup plan nearing completion

07/12/2011

NorthJersey.com

A tentative agreement for cleaning up the contaminated Top Soil Depot dump in Wayne was reached Tuesday among lawyers behind closed doors following daylong negotiations with the New Jersey Department of Environmental Protection.

All parties – which include about 20 illegal dumpers named in the DEP's suit against Top Soil – must now sign off on the settlement and return before state Superior Court Judge Margaret Mary McVeigh on July 22 to memorialize the plan on the record.

McVeigh appointed a temporary guardian Tuesday to represent dumpsite co-owner Allan Rombough Sr. in reviewing the settlement plan, as hearings about whether he is mentally competent continue. The 67-year-old says he has been suffering from Parkinson's disease.

Several doctors, including his own and a court-appointed doctor, are evaluating him so

McVeigh can determine whether he knowingly defied court orders to stay off the Top Soil property earlier this year. Rombough and his son, Alex, were caught by a DEP inspector trespassing on the site and throwing records into a trash bin.

The judge also issued a bench warrant – once again – for Rombough's other son, Allan Rombough Jr., who also is named as a defendant in DEP's case and who was supposed to be in court Tuesday but failed to show up. The last time he failed to appear was in May, when McVeigh had him arrested and brought into court to explain his absence. At that time, Allan Rombough Jr., said he was in an in-patient rehabilitation program for alcoholism and presented documentation to prove so. The judge ordered sheriff's officers to return him rehab at his own expense.

McVeigh said that when he completed his rehab stay and the court had been notified of his release, she would hold a hearing in which he would have to prove to her that he did not enter the program simply to evade court. He has since completed the program.

The DEP has sought to jail the elder Rombough for repeatedly violating orders to remove heaps of contaminated material from the Wayne site over many years. Whether he – and the dumpers who disposed of waste at the site – will be fined or jailed for violating the court's orders to stay off the property remains to be determined at a future hearing.

The DEP maintains that the existence of toxic waste on the property, which is in a flood zone at the confluence of three rivers, threatens the region's water supply and contributes to flooding. The state alleges that 20 companies delivered as much as 22,000 cubic yards of fill and solid waste to the site since 2009 in violation of court orders. Meanwhile, all of the defendants have been working for months now with the DEP to devise a final plan to clean up the site at the defendants' expense.

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Feds plan environmental reforms in state's poor urban neighborhoods

07/12/2011

Asbury Park Press - Online

NEWARK – A renewed focus on environmental justice by officials with the U.S. Department of Justice and Environmental Protection Agency could bring a new level of federal scrutiny to air pollution and other violations that disproportionately affect poor urban neighborhoods.

An oft-stated priority of the Obama administration, the environmental justice drive is coming at a time when state agencies have less money and people for enforcement, and there is political pressure for decreased regulation.

This is a tough time for state agencies, said Judith Enck, the EPA's Region 2 administrator. However, she stressed, I don't think there's a deliberate effort to

undermine environmental justice concerns.

Communities of color are more likely to have polluted land and water, and their children are more likely to suffer illnesses linked to industrial contamination, said Paul J. Fishman, the U.S. attorney for New Jersey, at a press conference Tuesday after officials toured the city's Ironbound section.

Ironbound is a very vibrant neighborhood with homes, restaurants and shops, Fishman said. But its east side lies hard against a district used by heavy industry for more than a century, and city residents still bear the effects of both ongoing and legacy pollution, he said.

Our first goal is going after pollution problems that make a difference in the community, said Cynthia Giles, the EPA's assistant administrator for enforcement.

But if we can still find people from those historic sites who are criminally liable, we will pursue that, Fishman added.

Fishman said his office is already looking into a number of recent cases that could include illegal dumping, illicit handling of toxic waste and asbestos, and tampering with drinking water.

The Obama administration wants renewed and vigorous focus on environmental enforcement that protects poor neighborhoods as well as economically better-off communities, and ensures a level playing field for businesses that comply with the law, said Ignacia S. Moreno, an assistant attorney general in charge of the Department of Justice's environment and natural resources division.

Diminished resources have cut back environmental enforcement at lower levels of government compared to the 1990s, when some county prosecutors assigned county investigators to track pollution and illegal dumping.

It's been a long neglected issue in New Jersey and we're going backward on environmental justice, said Jeff Tittel of the Sierra Club, who was among a number of environmental and community activists that Fishman invited in for meetings in April to express their concerns. The areas that are going to see the biggest impact (of enforcement cutbacks) are the environmental justice communities.

Enforcement action on air pollution is down dramatically and that's one area that really affects these neighborhoods, Tittel said. In that respect, the federal agencies are doing their job, which is oversight, he said.

This is the first time in 25 years that I can remember top-level people from Washington coming in like this, he added. It shows they're serious.

Aging city sewers and violations of sewage discharge rules are another issue that affects both those neighborhoods, the downstream harbor and the Shore.

We have very serious problems with raw sewage being discharged in New Jersey after rains, Enck said. Scores of combined sewer overflows in the New York-New Jersey region still discharge mixed storm water and sewage nearly a quarter-century after they were identified as a major problem during the disastrous beach closing summers of 1987 and 1988.

Some combined sewer overflows were eliminated, but dozens are still active, including 16 in Perth Amboy, 28 in Bayonne, and 34 in Elizabeth, according to a newly issued report by the EPA Region 2 office.

Along with infrastructure improvements to reduce overflows, the EPA is looking for green infrastructure to reduce storm water discharges with urban garden spaces and planted areas that also improve residents quality of life.

Another complicated case here with effects on the ocean is the old Diamond Alkali chemical plant on the Passaic River, which manufactured Agent Orange herbicide during the Vietnam War and became heavily contaminated with the byproduct dioxin.

Also known as Diamond Shamrock, the site is a major reason for the health advisories that tell people to limit their consumption of some fish from New Jersey waters and the ban on crabbing in Newark Bay.

Equipment is now being moved into place to begin a long-awaited cleanup. The good news is the dredge is about to start phase 1 of the project, said Judith Enck, the EPA's Region 2 administrator. On the legal side, there are well over 100 companies that are potentially liable for the cleanup, she added. This is a priority for the EPA in New Jersey.

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SEWERAGE AGENCY SPENT GENEROUSLY ON OFFICIALS' TRAVEL

07/10/2011

Record, The

The agency that provides sewage treatment for 50 Bergen County municipalities has spent more than \$170,000 on travel to conventions and conferences during the past six years, a review of agency records shows.

The Bergen County Utilities Authority's travel expenses include stays at high-end hotels in San Francisco, Orlando and Denver at rates well above those recommended by the federal government's General Services Administration.

On at least one occasion, the authority paid for a golf outing. And in several instances, it paid more than \$100 each for one-way limousine trips to and from Newark Liberty International Airport for its commissioners.

A review of the authority's travel records from 2006 to 2011 also shows:

- * Commissioners received "travel advances" of up to \$500 before going on trips.
- * Authority Chairman Andrew "Chuck" Vaccaro tipped a limousine service \$80 in July 2009 for round-trip service to and from Newark Airport. The total limo bill: \$607.
- * On at least two occasions, a relative accompanied a commissioner on out-of-town trips. The relative paid the airfare but may have stayed in hotel rooms paid for with authority ratepayer money. On other occasions, as many as four or five commissioners and employees traveled to the same conference together.

County officials criticized the spending and described it as excessive in light of the current economy.

"It's unacceptable," Republican Freeholder John Mitchell said. "In this day and age, no one should be traveling -- especially for multiple people. If it's an essential program, one person should go and report back to their colleagues."

The Freeholder Board and county executive recently enacted a budget that kept county taxes level for the first time in several years. Mitchell serves as the board's Budget Committee chairman.

Bergen County isn't the only local government making cuts, though. Municipalities have instituted cost-saving measures as well, and at least six that are served by the utilities authority have passed resolutions protesting its recent fee hikes.

Freeholder John Felice, also a Republican, said the authority needs to provide a "justification" for its travel expenses.

"How much business is being done, and how much leisure is being done?" Felice asked. "With all due respect, even though business may be done on the golf course, the ratepayer shouldn't be paying for that."

Executive Director Robert Laux declined to comment on travel spending prior to his tenure, but said that since taking over in December, travel expenses have been reduced significantly.

"It's pretty much been shut down," he said. "When I first got here, with the budget, the commissioners had already started to look for ways to pare down."

Still, Laux said commissioners and employees continue to travel to conferences for classes or to pick up honors for the authority. He noted that employees often need to attend out-of-town programs to keep their skills and knowledge up to date.

Some of the travel also is necessary because changes to state and federal regulations

sometimes require the authority to apply new techniques that require education and training, Laux said.

"There are many levels of employees, both management and operational, that hold licenses that are required to run the water pollution facility," he said, referring to the authority's main sewage treatment plant in Little Ferry.

Laux noted that he answers to the authority's board of commissioners and is responsible for supervising only the employee staff.

"The commissioners make their own determination on which conferences they need to or should attend," he said. "My approach is any of these employees who answer to me, seeking opportunities for continuing education -- whether it be in-state or out of state -- need to provide advanced requests and obtain pre-approval."

Authority Vice Chairman Ronald Phillips said that his schedule doesn't permit him to travel to many conferences and that other commissioners often inform him of what they've learned while traveling.

"I cross-examine the commissioners," he said. "I do get a pretty good understanding."

Phillips said the reports he receives from other commissioners are verbal, not written.

The BCUA, as it's commonly called, is a public utility that provides sewer service to much of Bergen County. Its Little Ferry plant serves 47 towns, and its Edgewater facility serves three. The authority also coordinates recycling for all 70 municipalities and oversees the county's solid waste management plan, which covers solid waste transfer facilities in the county. Its board chairman and commissioners govern the agency, but do not receive salaries or stipends. They are selected by the county executive and approved by the Freeholder Board.

Bergen County doesn't contribute any funding to the utilities authority, though, and only provides it with such services as trash collection, Mitchell said.

Past issues

Criticism of the authority is nothing new. Before Laux took over as executive director, Richard Wierer held the authority's top paid position. Wierer was appointed as interim executive director in February 2009 after Executive Director Leonard Kaiser retired from the post.

Kaiser, a former councilman and mayor of North Arlington, as well a former county freeholder and member of the New Jersey Meadowlands Commission, later admitted to evading \$5,300 in taxes on \$28,000 that he and his wife took from a campaign fund.

Laux was appointed by the utilities authority board in December against the wishes of the incoming county executive, Kathleen Donovan.

Jeanne Baratta, a spokeswoman for the county, noted that Donovan opposed all the appointments made during the lame-duck session of outgoing Democratic County Executive Dennis McNerney. She added that Donovan has veto power over any action taken at utilities authority meetings and will begin examining its travel spending.

"This is something the Office of Asset Recovery will be looking into," she said. "It's also the reason the county executive reviews all the minutes to all the meetings."

The authority processes the flow of an average of 90 million gallons of wastewater every day. It will collect about \$60 million in fees from Bergen County municipalities this year and has a budget of about \$65.7 million. Laux said the authority also receives grant money and charges connection fees.

He said that recent rate hikes were necessary because of debt accrued as a result of infrastructure upgrades and higher pension and utility costs. Combined with the loss of a \$700,000 PSE&G rebate, Laux said those costs make up much of the budget hike that towns are now absorbing.

Rates are based on the previous year's usage, which is gauged by meters throughout the county.

Careful spending

Laux said he and the authority's commissioners are sensitive to budget issues. He noted that the authority is using bio-gas, a byproduct of sewage processing, to power parts of the plant. Plans to install solar panels also are in the works, he said. Travel expenses make up a relatively small piece of the agency's spending, but it's something Laux said he and the commissioners are examining.

Before this year, BCUA travel outside New Jersey was much more common. And Vaccaro and Commissioner James Krone were two of the most frequent fliers.

Utility authority records from 2006 to 2010 show that Vaccaro took at least 22 trips to conferences out of state and in Atlantic City, and that Krone took 16 trips.

Records also show that both registered to attend the July 2007 National Association of Clean Water Agencies summer conference on "Sustainable Infrastructure Choices" in Cleveland. Registration for them to attend that and the 2007 NACWA Open Golf Tournament cost ratepayers \$1,750 -- \$300 of which paid for the golf.

Authority records show that airfare, hotel and limousine expenses cost ratepayers about \$1,085, bringing the trip total to more than \$2,800.

Laux said that Vaccaro did not attend the conference, though, and that his airfare was refunded. That refund is reflected in a memo from a travel agent to the authority. Laux also noted that authority records show that the registration fee was refunded too, but a

review of those records proved inconclusive.

"He did not go to Cleveland," Laux said.

Krone declined to answer questions about the trip.

Three years after the Cleveland event, Vaccaro and Krone received \$71 a day each for meals and incidental expenses for a July 2010 trip to San Francisco, records show.

That per diem rate is the same amount recommended by the U.S. General Services Administration, which also sets guidelines on hotel costs. But hotel costs for the San Francisco trip exceeded the GSA's recommendations.

Vaccaro, Krone and Eric Anderson, an authority engineer, each stayed at the Ritz-Carlton from July 19 to July 22, according to authority records. The cost for all three to stay there was \$3,729. Before taxes, the nightly room rate for those rooms is \$269, which is \$103 more than the \$166-per-night rate recommended by the General Services Administration.

The total cost of the trip for all three was at least \$9,000, which included \$64 for Vaccaro's "excess luggage costs."

But the trip to San Francisco wasn't the only time that a BCUA commissioner or employee stayed in hotels that cost more than the federal rate. The authority paid more than that rate on trips to Austin, Texas; Anchorage, Alaska; and Palm Desert, Calif., as well.

Vaccaro declined to answer questions about his travel expenses, but released a written statement through Laux. Both Krone and Vaccaro referred questions to Laux.

"It is necessary for commissioners to learn from the experiences of their colleagues and experts on the state and national levels," Vaccaro said in his statement. "We are aware of the need to control spending of taxpayers' dollars and remain confident that the public is better served by a well-informed commissioner whose attendance at conferences and seminars is essential."

E-mail: gartland@northjersey.com

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Judith Enck/R2/USEPA/US

04/27/2012 06:11 PM

To Richard Windsor

cc

bcc

Subject nj awards

hi Lisa: at the end of a long week, I thought you would enjoy seeing this. we had a truly inspiring awards ceremony today in region 2. A lot of great working taking place in NJ. cheers, Judith

EPA Honors New Jersey Environmental Leaders

Contact: Elizabeth Myer, (212) 637-3860, myer.elizabeth@epa.gov

(New York, N.Y.) The U.S. Environmental Protection Agency today announced that it has honored ten individuals and organizations from across New Jersey with Environmental Quality Awards for their achievements in protecting public health and the environment. EPA Regional Administrator Judith A. Enck was joined by Mayor Dana Redd of Camden, New Jersey to present the awards to this year's recipients at a ceremony at EPA's offices in Manhattan.

"Change that will create a healthier and more sustainable future begins with people like those the EPA is honoring today," said Regional Administrator Judith A. Enck. "They give of themselves and set a high bar in their actions to protect public health and the environment."

EPA presents Environmental Quality Awards annually during Earth Week to individuals, businesses, government agencies, environmental and community-based organizations and members of the media in EPA Region 2, which covers New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight federally-recognized Indian Nations. The awards recognize significant contributions to improving the environment and public health in the previous calendar year. For information about the Environmental Quality Awards in EPA Region 2, visit <http://www.epa.gov/region02/eqa/>.

Attached is a list of the award winners.

2012 ENVIRONMENTAL QUALITY AWARD WINNERS

Individual Citizen

Andrew Kricun

As the Executive Director of the Camden County Municipal Utility Authority, Andrew Kricun has improved water quality and promoted sustainability throughout Southern New Jersey for 26 years. During his tenure at Camden County Municipal Utility Authority, water quality performance has improved 40% while residential

rates remain unchanged. Mr. Kricun's commitment to local, regional and national environmental quality improvements have paved the way for a more sustainable New Jersey.

Donna Macalle-Holly

As an employee of the Lake Hopatcong Commission, Donna Macalle-Holly works closely with four surrounding towns to implement stormwater management projects that reduce the amount of phosphorus entering Lake Hopatcong. Donna worked diligently on the Commission's lake-friendly fertilizer program, developing an educational webpage and creating slogans for signs that were widely distributed in the community. Recently, she worked on an outreach initiative to educate the public on the threat of a new invasive species, the water chestnut. Donna is a regular contributor to local newspapers on the protection of Lake Hopatcong.

Doug O'Malley

Doug O'Malley has been an outstanding advocate for the environment. As Field Director for Environment New Jersey, Doug has been an indefatigable advocate on numerous issues such as climate change and the preservation of open space. Doug has also led efforts to pass comprehensive clean energy and climate legislation in Congress and to fast-track New Jersey's clean energy economy through strong state standards for wind, solar and energy efficiency programs. He has written editorial pieces and has been widely quoted in the press on issues of environmental concern.

Dr. Nicky Sheats

As chair of the New Jersey Environmental Justice Alliance and director of the Center for the Urban Environment at the John S. Watson Institute for Public Policy of the Thomas Edison State College in Trenton, NJ, Dr. Sheats has proven a tireless environmental educator and fighter for environmental justice, both locally and nationally. In recent years, Nicky Sheats has repeatedly stood with low income communities of color throughout New Jersey in their struggles for a clean and healthy environment.

Paul D. "Pete" McLain

Paul D. "Pete" McLain has been a champion of environmental protection for more than 50 years. In his capacity as Deputy Director of the New Jersey Division of Fish, Game and Wildlife, Pete developed the NJ Non-game and Endangered Species Program, the first in the nation. Pete was directly involved in the reintroduction of the peregrine falcon and the revival of osprey populations in New Jersey and has worked

tirelessly to spread information on wildlife and environmental issues via newspapers, magazines, radio and the production of films. He founded the Barnegat Bay Student Grant Committee, which provides funding for student research.

Environmental Education

Project Reservoir

Project Reservoir is a multi-year, multi-disciplinary project designed, implemented and maintained by the students of the Christa McAuliffe School, PS #28 in Jersey City, NJ. The project is focused on the students' efforts to help revitalize and transform an abandoned local reservoir into a first class, state recognized recreation and education center. Throughout the project, the team has partnered with the Reservoir Preservation Alliance to identify problems, design innovative solutions and solicit community support for their vision. The students have enjoyed a unique environmental education experience while learning to apply their academic skills to real world scenarios.

Richard Howlett

Richard Howlett is the Executive Director of the New Jersey Water Association, which plays a pivotal role in the training of small-system water and wastewater operators, provides on-site technical assistance for small systems and helps to implement source water protection. Through innovative approaches, Richard organizes and delivers free training to small systems operators. Over 70 training sessions are offered each year, typically with 35-50 attendees at each meeting. At these sessions, water and wastewater operators are trained in navigating the regulations under the Safe Drinking Water and Clean Water Acts.

Non-Profit Organization, Environmental or Community Group

Duke Farms Foundation

Duke Farms Foundation has recently refocused its mission to be a model of environmental stewardship in the 21st century and inspire visitors to become informed stewards of the land. To carry out its new vision, Duke Farms is upgrading a 22,000 square-foot former barn to LEED Platinum standards to serve as an orientation center. This building's electricity is being supplied by a 640-kilowatt solar array and 50 geothermal wells to heat and cool it. In addition, a constructed wetlands system will treat wastewater on-site, and rain gardens and bioswales will handle stormwater.

Land Conservancy of New Jersey

The Land Conservancy of New Jersey is a member-supported non-profit land trust whose mission is to preserve land and water resources, conserve open space, and inspire and empower individuals and communities to protect our natural land and environment. The Land Conservancy has preserved a total of 18,595 acres in 310 projects, including 14,507 acres in 245 projects in the New Jersey Highlands. It has worked with 60 municipalities impacting over half of New Jersey's counties and benefitting millions of residents across the state.

ReClam the Bay, Inc.

ReClam the Bay is a volunteer organization established by the Barnegat Bay Shellfish Restoration Program, whose partners include Rutgers Cooperative Extension, NJ Department of Environmental Protection Bureau of Shellfisheries, Ocean County and the Barnegat Bay Partnership. The group has trained over 120 certified shellfish gardeners, while its volunteers have put about 10.7 million clams and three million oysters in the Barnegat Bay. In 2011, the Barnegat Bay Shellfish Restoration Program taught nearly 9,500 people about the connection between water quality and life in the bay, as well as how to protect and restore the estuary.

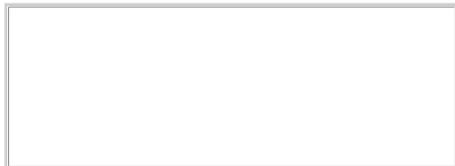
For more details, visit: <http://www.epa.gov/region02/eqa>

Follow EPA Region 2 on Twitter at <http://www.twitter.com/eparegion2> and visit our Facebook page, <http://www.facebook.com/eparegion2>.

12-059

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Judith Enck/R2/USEPA/US

12/29/2010 05:40 PM

To Richard Windsor

cc

bcc

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.

Judith Enck/R2/USEPA/US
02/29/2012 09:16 AM

To Richard Windsor, Brendan Gilfillan, Gina McCarthy, Janet
McCabe, Arvin Ganesan

cc

bcc

Subject Portland Power Plant to close (Section 126 Petition) in 2015

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 based 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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Judith Enck/R2/USEPA/US

11/10/2010 04:36 PM

To Richard Windsor, Gina McCarthy

cc

bcc

Subject fyi

N.J. Gov. Christie 'skeptical' humans cause global warming

Tuesday, November 9, 2010

The Record

THE ASSOCIATED PRESS

TOMS RIVER – Governor Christie says he's skeptical that humans are responsible for global warming.

The governor, a new darling of the Republican Party, made the remark at a town hall meeting he hosted in Toms River Tuesday afternoon.

Asked by a man attending the event whether he thought mankind was responsible for global warming, Christie says he's seen evidence on both sides of the argument but thinks it hasn't been proven one way or another.

Christie says "more science" is needed to convince him.

AP FILE PHOTO : Christie made the remark at a town hall meeting in Toms River.

New York Times

November 9, 2010

Paterson Wants New York to Slash Greenhouse Gases

By MIREYA NAVARRO

After a 10-month study, Gov. David A. Paterson is leaving his successor an ambitious environmental plan to reduce New York's greenhouse gas emissions by 80 percent by the middle of the century.

The plan, released in draft form on Tuesday, calls for doubling the state's sources of renewable energy by 2030, setting stricter efficiency standards for all buildings, shifting private

transportation toward electric vehicles and supporting the creation of jobs in research on energy technology and in clean energy industries.

The long-term plan, assembled with the help of more than 100 experts from energy companies, utilities and labor and environmental groups, came out of a directive that Mr. Paterson signed in August 2009, setting the 80 percent goal for reductions in emissions in the heat-trapping greenhouse gases.

Administration officials said they hoped that Governor-elect Andrew M. Cuomo would use it as a guide in promoting a shift to clean energy. The plan is generally in line with the energy policy that Mr. Cuomo laid out during his campaign. Both Mr. Paterson and Mr. Cuomo are Democrats.

The document is a blueprint not just for reducing emissions but also for expanding the state economy, officials said.

“Transitioning to clean energy means more than driving a zero-emission car,” Mr. Paterson said in remarks prepared for an energy research conference on Tuesday in New York City. “It also means manufacturing that car right here in New York, employing New York workers, driving the New York economy and building New York’s tax base.”

A combination of state policymaking and public and private investment would be needed to halt the rise in emissions in the state – they rose 2 percent from 1990 to 2008, the report notes – and to reduce them by 40 percent by 2030 and 80 percent by midcentury.

“What’s being released is a very accurate plan to achieve emissions reductions and economic growth,” said Peter M. Iwanowicz, Mr. Paterson’s adviser on the environment and the acting chief of the State Department of Environmental Conservation.

Public comments on the document, at nyclimatechange.us/InterimReport.cfm, are being accepted for 90 days.

The governor’s plan contrasts with his recent decisions to significantly cut the budget and staff of the Department of Environmental Conservation. Objections raised by the department’s previous chief, Alexander B. Grannis, led to Mr. Grannis’s dismissal last month.

The governor has also dipped into a state environmental fund, intended to finance programs to cut emissions, to help close the state's budget deficit.

But administration officials maintain that those actions should not tarnish his environmental credentials.

"We're operating right now in a fiscal crisis like we've never seen before," said Morgan Hook, a spokesman for Mr. Paterson. "What that requires is that everybody makes sacrifices. These are choices the governor had to make, not the choices he wants."

Robert Moore, executive director of Environmental Advocates of New York, a group based in Albany that helped draft the environmental plan, condemned the budget cuts last month, saying that the Department of Environmental Conservation suffered disproportionately.

Mr. Moore offered praise for the environmental plan, however, suggesting that Mr. Cuomo could draw on the research and goals in the document to draft his own plans for tackling climate change through state regulation and other programs.

"They want to do something that's strong and robust, and that's a real commitment," he said of the new administration. "They can start borrowing from this blueprint immediately."

New York Times

November 9, 2010

EPA Issues Emissions Reporting Rules for Oil and Gas Industry

By GABRIEL NELSON of Greenwire

U.S. EPA announced the release today of final rules that will require oil and gas facilities and certain electronics manufacturing plants to begin keeping tabs on their greenhouse gas emissions next year.

The new regulations will add those industries to EPA's Greenhouse Gas Reporting Program, which kicked off at the beginning of this year. Companies are not required to achieve any emissions reductions through the program, but they must produce annual emissions reports that

are intended to inform the public and guide policymakers in the quest to address global warming.

The addition of the oil and gas industry is notable because it was the last high-profile sector that was not addressed when EPA issued a set of reporting requirements last year. Sources responsible for about 85 percent of the nation's industrial greenhouse gas inventory were required to begin maintaining emissions data this past January, and on Jan. 1, 2011, that figure will nudge up a little higher.

Petroleum facilities such as oil and gas wells, compressor stations and storage tanks produce an estimated 2 to 3 percent of the nation's industrial greenhouse gases. Under the new regulations (pdf), the operators of those sources will need to track those emissions and submit their first annual emissions reports in March 2012.

"For far too long the public has been kept in the dark about the large volumes of pollution released from facilities in the oil and gas sector," said Emma Cheuse, an attorney at Earthjustice, in a statement. "EPA's action will strengthen public accountability for this major source of global warming pollution."

In addition to carbon dioxide, the oil and gas facilities produce large amounts of methane -- a natural gas component that is about 21 times more effective than CO₂ at warming the atmosphere. Emissions from the oil and gas sector have the same effect as 40 million cars, according to EPA estimates.

Also today, the agency finalized reporting rules (pdf) for sources of fluorinated greenhouse gases, which can be thousands of times more powerful than either CO₂ or methane. Those sources, which include factories that build semiconductors, solar cells and electric transmission equipment, produce about 2 percent of the nation's greenhouse gases, and those emissions are still increasing, EPA says.

At what cost?

Industry groups such as the American Petroleum Institute have criticized the new rules, saying EPA has underestimated the cost of compliance. Because many oil and gas producers rely on smaller facilities in remote areas, the industry will have a harder time complying than other sectors, some of the nation's largest energy companies argued during meetings with White House economists this fall.

The groups had challenged EPA's decision to extend reporting requirements to all of a company's emissions sources within a single geographical basin, rather than using the ordinary definition of a facility. The agency argued this change was necessary to cover the majority of emissions sources, but it will "impose unreasonable reporting obligations on tens of thousands of oil and gas operations," said Howard Feldman, API's director of regulatory and scientific affairs, in a statement today.

EPA estimates that the rules for the oil and gas industry will cost \$62 million for the first year and \$19 million in following years. That translates to about \$22,000 per facility next year.

But according to oil and gas companies, the true cost will be much higher. Some commenters said the average company would need to spend between \$100,000 and \$850,000 on data management software, adding up to between \$123 million and \$1 billion in costs for the industry.

In its final rule, EPA disagrees with that claim, saying the regulations do not require any costly technology. Ordinary spreadsheet software is "capable of managing far more data than will be necessary" for even the largest facilities, the agency wrote.

With today's final rules, just a few significant types of emissions sources remain unaddressed. The White House Office of Management and Budget is currently reviewing a rule that would establish reporting requirements for carbon dioxide injection and sequestration.

Underground sequestration is seen as the hope for continued petroleum use in a carbon-constrained world, but if companies want to prevent the carbon dioxide from contributing to global warming, it will have to stay put.

The same is true for carbon dioxide injection, a practice that is used to enhance recovery of oil from underground wells. While suppliers of the carbon dioxide gas argue that their emissions are negative because the product remains trapped underground, that claim is based upon the assumption that the emissions do not escape.

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Wall Street Journal

NOVEMBER 10, 2010

Agency Pushes Halliburton to Hand Over Drilling Data

By STEPHEN POWER And SIOBHAN HUGHES

WASHINGTON—The Environmental Protection Agency escalated a clash with Halliburton Co. on Tuesday, subpoenaing the oil-field-services giant for information about chemicals used in a controversial technique for extracting natural gas from underground rock formations.

The agency said it issued a subpoena because Halliburton failed to turn over information necessary to move forward with a congressionally requested study of hydraulic fracturing, or "fracking," in which large amounts of water laden with sand and chemicals are pumped deep underground to release natural gas trapped inside rock.

The EPA said Halliburton was the only company among nine contacted by the agency that never committed to providing everything the agency requested on a timely basis.

In a written statement, Houston-based Halliburton said the EPA made "unreasonable demands" that would potentially require the company to prepare approximately 50,000 spreadsheets of data. The company said it had been working with the agency "in good faith" and has turned over nearly 5,000 pages of documents as recently as last Friday.

"We are disappointed by the EPA's decision today," the company said. "Halliburton welcomes any federal court's examination of our good faith efforts with the EPA to date."

The EPA inquiry into hydraulic fracturing is part of a broader conflict over efforts to tap huge stores of natural gas locked in large shale formations, including the Marcellus Shale. That tract stretches from the Ohio River Valley into upstate New York through economically depressed regions where new gas drilling could provide much-needed jobs and income for small farms.

At a news conference the day after his party suffered major losses in the midterm congressional elections last week, President Obama expressed a desire to work more closely with Republicans on energy policy, citing natural-gas production as one area in which he thought cooperation was possible.

"We've got, I think, broad agreement that we've got terrific natural-gas resources in this country,"

Mr. Obama said. "Are we doing everything we can to develop those?"

But environmental groups and some landowners in potential gas-producing areas say hydraulic fracturing puts water supplies at risk. In response to concerns about the effects of hydraulic fracturing on water supplies, Congress directed the EPA to study the issue. EPA officials have since expanded their inquiry to evaluate the impact of the heavy volume of water the process requires. They said they also intended to study the way gas wells are constructed and the risks that wells could leak gas or chemicals into underground water.

Write to Stephen Power at stephen.power@wsj.com and Siobhan Hughes at siobhan.hughes@dowjones.com

Attorney: Rustic Mall developer still committed to project in Manville

11/09/2010

Home News Tribune

MANVILLE – Borough officials are requesting a face-to-face interview with Rustic Mall

owner Zygmunt "Zygi" Wilf following what they described as more delays in paperwork before the site can be removed from a national list of contaminated properties.

The 10-acre Rustic Mall off S. Main Street is slated for redevelopment by

Livingston-based Garden Homes with new residential and commercial construction once the U.S. Environmental Protection Agency removes the property from the national list. The EPA in 2008 completed a \$250 million cleanup of more than 450,000 tons of contaminated soil at the Rustic Mall property, as well as neighboring residential properties, making up what is known as the Federal Creosote Superfund site.

Before the property can be removed from the EPA's national list, a deed notice

describing where creosote levels remain on the soil must be approved by the state

Department of Environmental Protection before the process of removing the property from the list can begin. The process, according to municipal officials, could take at least a year.

New Jersey real-estate mogul Wilf is the founder of Garden Homes and also owns the Minnesota Vikings of the National Football League. Anthony J. Reitano Jr., attorney for the developer with the Warren-based Herold Law firm, said there are two circumstances delaying the property from being redeveloped: Being delisted from the national list and a tough economic climate not attracting retailers to the property.

"We're staying at it," Reitano said. "Certainly, the owners would not stay at it

this long and spend money on a project this long if their intentions were not to do

something with the property."

Councilman Rich Onderko told the public during Monday's Borough Council meeting he is tired of waiting and fears the paperwork is being "kicked back" to the developer due to errors in completing it.

"It looks like we are in a waiting game with the developer," Onderko said, noting

he will be inviting Wilf to Manville for a discussion about the property's future.

DELAYS EXPLAINED

Rich Puvogel, the Federal Creosote Superfund site's remedial project manager, said Tuesday the paperwork involves an exchange between the Rustic Mall owners and what the state is looking for in terms of clarifications. Until the state is satisfied with the information, the deed notice will not be finalized. Puvogel said the EPA put the deed notice together in September

2008 and the developer did not submit the information to the state until March 2010.

Reitano said the process of completing the deed notice requires review and approval by both the EPA and DEP. EPA reviewed the draft deed notice and was satisfied with it. The DEP in July provided comments, which the developer addressed promptly, he said.

Still, resident and former Councilman Frank Jurewicz told the council the zoning board should hold off in granting the developer use of the site -- such as bringing the Big Apple Circus to the Rustic Mall again next year -- until the deed notice is approved.

"The town of Manville deserves better," Jurewicz said. "I walk around town and I think it's pretty clear the people are tired of this."

FUTURE OF THE PROPERTY

Mayor Lillian Zuza replied the paperwork is not a quick process and no one is more frustrated on the site not being developed than herself. ""You're preaching to the choir," she said.

Reitano said he asks members of the public who are frustrated and losing patience in waiting for the site to be redeveloped to hold on a little longer.

"We've been at this a long time, since 1998 when first notice of the issue arose, cooperating with everyone," Reitano said. "I know when you hear it could take a year (to become delisted), understand that's part of the process to bring a long, long cleanup to a close. We hope to continue that cooperation and run with it to the goal line."

Zuza also said she looks forward on Dec. 8 in Newark in seeing the final presentation from the graduate architecture students from the New Jersey Institute of Technology. The students in adjunct professor Susan Pikaart Bristol's architecture and design studio course since September have been studying the property and making recommendations that may ultimately be implemented in the site's redevelopment design.

Watershed coalition reaches land agreement with NYC

11/09/2010

Daily Freeman

MARGARETVILLE – The Coalition of Watershed Towns will meet Saturday to review negotiated changes in how New York City acquires land to protect its water supply.

The meeting is scheduled for 10 a.m. to noon at Margaretville Central School.

The acquisition program is tied to the city's application for a new water supply permit.

After nearly three years of negotiations with city and state agencies and not-for-profit organizations that signed the 1997 Memorandum of Agreement, the coalition has agreed to changes in the acquisition program.

The changes will be highlighted at the meeting, as will other provisions in the extended water supply permit that address longstanding issues associated with the Memorandum of Agreement and the original water supply permit. Among the longstanding issues are the taxation of city lands and waste treatment plants.

The new agreement includes provisions governing the adjustment of the boundaries of hamlets within which the city cannot acquire land.

The meeting will be open to the public and local elected officials are particularly encouraged to attend to understand how the changes may affect watershed communities and constituents.

Coalition attorney Jeffrey Baker said the information to be presented Saturday will be fresh, with some details only being ironed out this week. "On Saturday, we want to walk everyone through what is in the permit. We want everyone to understand what it is and what it means," he said.

Baker said coalition members are "pleased" with the agreement, but one pending sticking point is a way to "reduce the subjectivity" of determining the value of city-owned land beneath the surface of the water in area reservoirs.

City spokesman Farrel Sklerov said the agreement was reached after three years of talks, which paid off.

The state Department of Environmental Conservation, which would issue a new water supply permit to the city, posted a permit draft on its website, kicking off a two-week public comment period that will close Nov. 22.

Elements of the permit include:

- Uses 1997 permit as base. Continues basic framework of program - willing buyer/willing seller; City pays fair market value for land; City pays taxes on all land. City will continue to pursue lands based on Priority Areas established in 1997. City can continue to buy land in fee or acquire easements. Watershed Agricultural Council (WAC) can continue to purchase farm easements. City will continue to allow certain recreational uses on lands.

- Communities were given the opportunity to expand so-called "hamlet" areas that are off limits to acquisition. A number of communities took the opportunity. The goal is to preserve certain areas - with existing concentrations of development and infrastructure - for future economic growth.

- Continued use of "natural features criteria" of wetlands, water courses, steep slopes and other land features to target lands for city purchase that will yield the best water quality protection. Certain thresholds would be established to better guide and define city purchases of land.

- When issued, the new permit will replace the existing permit and remain in effect for 15 years.

For more information, contact a Coalition of Watershed Towns representative or call (518) 589-6871.

SPA LAWYER FACING FRAUD COUNTS

11/05/2010

Times Union

ALBANY -- A Saratoga Springs attorney faces federal fraud charges for allegedly concealing the presence of hazardous material and costly cleanup work from the buyers of a Washington County paper mill.

A federal grand jury handed up an indictment Thursday charging John M. Hogan Jr., 75, with seven counts of wire fraud related to his representation of both the seller and the buyer of the former American Tissue Mills in Middle Falls.

The mill was sold by St. Regis Investment Group to United Fibers in October 2005 for \$1 million, including an \$800,000 mortgage financed by St. Regis.

The indictment alleges Hogan failed to disclose multiple notices from the Environmental Protection Agency that the mill was a Superfund cleanup site and potential liabilities associated with that status. The indictment says the site had numerous containers of unidentified hazardous chemicals, and the former owner notified the EPA in August 2005 he could not pay for cleanup. EPA's cleanup, costing about \$340,000, ended in May 2006.

The indictment alleges an EPA official asked Hogan to set up a meeting with the prospective buyer to talk about the threat posed by the chemicals, but the meeting did not occur and that EPA workers were asked to stay away from the site during a tour with the buyers.

Six of the seven fraud counts stem from e-mails sent by Hogan to the buyer. One is related to a corporate filing submitted by Hogan on behalf of United Fibers to the state of Alaska.

Hogan's arraignment is expected next week. Authorities say the charges carry a maximum penalty of up to 20 years in prison, a \$250,000 fine or both.

The indictment was announced by U.S. Attorney Richard Hartunian and John Pikus, special agent in charge in FBI's Albany division.

Afters Cuts and Firing , Can Agency Still Protect New York 's Environment?

By David King / Nov 10, 2010 / Gotham Gazette

The clean up of Newtown Creek (above) would be in jeopardy if New York withdrew from the federal Superfund program/

"Pete Grannis was fired by Gov. Paterson because he had unpleasant news about what his planned cuts would mean to the state," said River Keeper executive director Paul Gallyay.

Many activists and others agree. When Gov. David Paterson fired Department of Environmental Conservation Commissioner Pete Grannis in late October, after a memo leaked detailing how cuts would prevent the agency from protecting the environment, legislators and environmental activists joined together to denounce the move and praise Grannis' long service. Grannis denied leaking the memo.

"They shot the messenger," said Gallyay. While controversy over the firing still rages advocates say the focus must now shift to the agency itself and whether it can protect New Yorkers and the environment while suffering cut after cut. "We need to move on and focus now on the memo and what it says about this agency's ability to function," said Laura Height, senior environmental associate for the New York Public Interest Research Group.

Cuts and More Cuts

According to the memo, the Department of Environmental Conservation may no longer be able to carry out the most basic of its functions.

The DEC had about 3,775 workers to start 2008; since then 260 staffers left under an early retirement program. and 150 more could soon be handed pink slips. Staffers from scientists in wildlife labs to office workers and site inspectors have left their jobs leaving the agency understaffed.

According to the unsigned memo, the DEC will not be able to properly staff cleanup sites, monitor natural gas drilling in the Marcellus Shale, make sure polluters keep up with state standards and manage wildlife at parks. Environmentalists say the crippling of the agency hurts business too.

"There will be huge delays in licensing. They (the DEC) aren't staffed to do permitting anymore,"

said Marcia Bystryn, executive director of the League of Conservation Voters. "Businesses need them before they can start projects, and in this financial climate, time is money -- the delay could kill development across the state."

Gallay agrees that the DEC's current situation could be bad for New Yorkers, the environment and business. "Industry wants a prompt response. Having low staff at the DEC hurts good businesses," he said. "The only people that benefit from lax regulation are bad businesses, and that hurts the businesses that are doing the right things. People think industry wants weak regulations. They don't want weak, they want responsive, they want people to work with." According to Gallay, industry is going to have a hard time finding any sort of response from the DEC. Other environmental groups say that cleanup projects have been abandoned because the department doesn't have enough staff to work on procuring project grants.

Firing Fallout

Grannis was perceived to be unafraid to speak out about what the cuts would mean for the state -- he is close to many legislators because of the years he spent as a member of the Assembly. Albany Assemblymember Jack McEneny called Grannis to tell him, "You are my hero" after the firing. Albany State Sen. Neil Breslin described Grannis as "the brightest person I know in state government."

Controversy over the firing still rages -- Grannis is so popular that legislators have been lead to speculate that his firing was part of the "dirty work" Paterson has undertaken as a favor for Andrew Cuomo to make things easier when the governor elect takes charge. They think Paterson is making unpopular moves for Cuomo because as a lame duck he has nothing left to lose.

Others openly wonder if Paterson fired Grannis or if the move was made independently by top Paterson aide Larry Schwartz. The Times Union, which first broke the DEC memo, reported that Schwartz phoned Grannis demanding he resign because the memo leaked. Grannis reportedly refused and demanded to speak to Paterson. Schwartz refused and then fired him. "Who exactly is running the state?" asked McEneny. "Schwartz or Paterson?" The Assembly plans hearings later this month.

Some activists and legislators want Cuomo to reappoint Grannis.

Leaving Superfund?

Beyond Grannis' firing and the cuts at the DEC, Paterson has proposed withdrawing New York from Superfund projects to clean up toxic sites. Discussing the cuts in a radio program on Oct.

28, Paterson said, "In DEC there will be job losses of approximately 150. This will cause us to reduce some of the services that we have. We'll have to close a few educational programs, we will eliminate the state participation in Superfund. In other words where the federal government is conducting superfund activities, the state will not be involved."

The federal Environmental Protection Agency oversees Superfund projects across the nation, and whoever polluted the site is supposed to cover the cost, but the state pitches in 10 percent of the cost of the projects if the polluter can't be found. In New York, state DEC staffers familiar with the cleanup area help the EPA adjust its plans to specific local concerns. No state in the union has ever withdrawn from the Superfund program.

Two long polluted sites in the city -- the Newtown Creek -- are slated for clean up under the Superfund program. There are 114 Superfund sites in the state. What a state withdrawal would mean for these clean ups is unclear. An EPA spokesman said the agency had not received any proposal from the state and therefore could not speculate on what it would mean.

In fact, Paterson's proposal strikes some environmentalists and legislators as so outlandish that they do not take it completely seriously. "I'm not sure if it is a negotiating ploy, being used as a bargaining chip or what," said Bystryn. "I am certainly optimistic that they won't do this. We would be the first state in the nation."

But Gallay has a different take. "There is no sense in talking about bargaining chips when you have public health and safety at stake. These sites need funding. Some of these sites have been turned into recycling centers or receive other new investment after the cleanup. It helps the local economy. It is essential that the DEC stay involved. The feds have their plans and do a good job, but it is important to have the local office involved," he said.

As to how a withdrawal might work, Yancey Roy, spokesperson for the DEC, explained in an e-mail, "Typically speaking, EPA is the lead agency on federal [Superfund] sites and the state provides assistance/consultation. Often, this involves the state assigning a project manager to stay up to speed on the site, review test results and provide consultation, support and a state perspective. When warranted, DEC has assigned more than one person to a cleanup." In other words DEC staffers would no longer participate.

Gallay, who worked for the DEC, said that during his time there he saw how agency representatives from local offices familiar with the community near the site were able to help "get the right kind of cleanup for the community."

Laura Height of NYPIRG said that Paterson's proposal flies in the face of logic. "Opting out of the superfund program makes no sense," she said. If the state needs money, she said it could apply for federal management assistance grants, such as the one it now has for the clean up of PCBs in the Hudson River But, she said, the state has not done this. "I don't know if it is because they are short staffed or what," she added.

Looking Backward and Forward

Environmental advocates are united in their disdain for the way Paterson has dealt with the environment during the budget crisis, but they do not agree about what they can expect from the incoming Cuomo administration. Gallay estimates that most other agencies have faced about 8 percent cuts in their budgets; he said the DEC faces over 20 percent worth of cuts.

"During hard times we want a strong leader who can make smart, careful cuts. It is all going to hurt, but you want the cuts to be thoughtful. Paterson has not done that. He has made stupid cuts that have backfired on him," said Height.

Bystryn said she is ready to look ahead. "I'm not sure the environment was ever a major concern for Paterson, but Cuomo went to the trouble of putting together policy books which represent parts of an environmental agenda. He also went out of his way to seek our endorsement, and he didn't do that with everyone." Bystryn said she expects Cuomo will consult with her on the DEC budget come January.

"The state is nearly bankrupt, there are clearly going to be cuts, but we need to review each agency and find out what the core mission is and then make sure they are fully staffed to carry out that mission," she said. "I think the DEC's main mission is to protect New York's air, water and environment, and we need to make sure it is more than adequately staffed to do that."

Gallay said he has great hopes that the Cuomo administration will correct what he sees as Paterson's misdeeds. "All this governor has done is pour gas on the fire. I have every hope that Gov. Cuomo will administer his environmental agenda. He is a goal oriented man, and he published his environmental agenda, and he is not the kind of guy that wants to miss his goals. To meet them I think he will have to properly fund the DEC."

Cuomo's Plans

Cuomo, though, has gone on the record supporting layoffs at the DEC. He has also taken an open stance on "hydrofracking" Cleaner, Greener NY" environmental agenda says he supports drilling, but only if it is safe. Environmentalists take that to mean that Cuomo would allow the drilling with DEC oversight, as well as with safeguards to insure the process will not pollute

surrounding water supplies.

His statement also supports improving standards for the clean up of brownfields, partly contaminated former industrial sites, and backs tougher clean air standards. "The state is well served by enacting regulations to address climate change," the Cuomo campaign wrote. "Statutory standards provide certainty to industries and investment will follow." That again indicates to environmentalists that Cuomo supports staffing the agency that oversees polluters.

In its response to Cuomo's "Cleaner, Greener NY," Environmental Advocates of New York praised a number of Cuomo's stances but its executive director, Rob Moore, closed with this:

"In the wake of the sudden dismissal of Department of Environmental Conservation Commissioner Pete Grannis on Oct. 21, 'Cleaner, Greener NY' may underestimate the mess that the next governor inherits at the DEC and the state's other environmental agencies. ... Over the last few years, New York's environmental agencies have been decimated. Many aspects of the 'Cleaner, Greener NY' agenda will be impossible to implement without a significant re-investment in the agencies and an aggressive rebuilding effort. The success or failure of the Cuomo campaign's agenda depends on a commitment to rebuild these agencies."

Height said she does not want to wish anything tragic on New York, but she is concerned that as the DEC becomes less effective, conditions are developing that could lead to real environmental disaster. "The BP oil spill happened when people were asleep at the switch," she said. "We know the agency is already too short staffed to monitor polluters, so we are trusting polluters to follow the rules, and that is dangerous when it comes to public health and safety."

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Judith Enck/R2/USEPA/US

03/22/2011 09:20 AM

To Seth Oster, Gina McCarthy, Richard Windsor

cc

bcc

Subject newark star ledger on air toxics standards

New EPA proposals would reduce coal plants' mercury emissions

The Star-Ledger

Monday, March 21, 2011, 6:54 PM

By Seth Augenstein

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

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

The mercury, he said, is directly attributable to the country's coal-fired power plants, which have historically had no regulations on how much mercury they pump into the air, all of which eventually ends up in water, then fish, and then humans, Laumbach said.

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

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

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

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

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

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

Much of the industry is opposed to the changes. Scott Segal, the director of the Electric Reliability Coordinating Council, a coalition of power companies, said the changes could

endanger half of the country's power generation — and the public health benefits are being exaggerated.

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

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

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

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

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

Mitsu Yasukawa/The Star Ledger / A 2008 file photo of the PSEG Hudson coal plant, located in Jersey City.

Judith Enck/R2/USEPA/US

08/04/2011 09:23 AM

To Seth Oster, Richard Windsor, Janet Woodka

cc

bcc

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 |

Judith Enck/R2/USEPA/US

12/27/2011 09:46 AM

To "Gina McCarthy", "Richard Windsor"

cc

bcc

Subject Good editorials

Fyi. Newday and albany times union. More to come.

Sent by EPA Wireless E-Mail Services

Mary Mears

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

From: Mary Mears

Sent: 12/27/2011 09:42 AM EST

To: Judith Enck

Subject: editorials

Newsday Editorial

Mercury rule will help clear air

Updated: December 26, 2011 6:11 AM

The Four Corners Power Plant, operated by Arizona Public Service on tribal land near Fruitland, N.M. New Environmental Protection Agency rules aim to reduce mercury pollution from large coal-fired power plants.

One step at a time, President Barack Obama is writing a credible record on preserving our environment and public health. The latest move came last week, when his Environmental Protection Agency made final a new rule to sharply reduce power-plant emissions of mercury and other toxins.

In 1990, Congress amended the Clean Air Act and directed the EPA to control toxins such as mercury. Since then, coal-fired power plants have continued spewing mercury and other pollutants covered by the rule, such as arsenic and cyanide. Mercury is a neurotoxin that gets into our surface waters, the fish we eat and our bodies. It's especially dangerous for the developing brains of children and for pregnant women.

Now, finally, the EPA is directing plant operators to install already available emissions-control technology. (Happily, New York plants have already done a lot of that work.) The agency estimates that the new rule will avert 11,000 deaths a year. The projected avoided cost of health care -- for ailments such as asthma, developmental disorders and others -- vastly outweighs the compliance costs.

Earlier this year, Obama did the right thing on fuel efficiency standards and interstate air pollution. But he put off until 2013 tightening the standard on

smog-producing ground ozone. That was to fend off Republican charges that regulation kills jobs. As to the mercury rule, the EPA says compliance will create 46,000 construction jobs and 8,000 utility jobs.

In taking this step, Obama is simply obeying Congress -- the enlightened one that passed the 1990 amendments, not the current House, which wakes up every day trying to hog-tie the EPA.

**Editorial: In celebration of cleaner air
Albany Times Union
12/27/2011**

THE ISSUE:

New EPA regulations for mercury emissions have been imposed at last.

THE STAKES:

Cleaner air, cleaner water and economic opportunity.

The last days of 2011 offer those concerned about the air we breathe and the waterways we enjoy all the more reason to celebrate. They might party like it's, oh, 1990.

That's when the landmark legislation known as the Clean Air Act had last been amended in any major way.

The law's regulations of air pollutants, significant as they were, had one notable omission: More needed to be done to control the mercury and other toxins from coal- and oil-burning power plants.

President Obama's adoption last week of the Mercury and Air Toxics Standards is a complement to environmental regulation that was two decades in coming.

During that time, about a dozen states — New York among them — imposed adequate reasonable restrictions on mercury pollution. Here, 19 power plants produce about 259 pounds of mercury a year. But in Pennsylvania, for example, 38 power plants are responsible for 4,000 pounds of mercury.

Toxins and the damage they impose make no distinctions for state borders, of course. That left two of New York's greatest environmental treasures, the Adirondacks and the Catskills, vulnerable to acid rain, even as the state tried to stop it. New nationwide rules for mercury emissions are expected to

reduce acid rain by 88 percent.

Those rules don't mean that the utility industry won't be able to produce the power we need, no matter what it might say. The power plants that will soon become obsolete, the Environmental Protection Agency says, produce less than one-half of 1 percent of the nation's generating capacity.

Still, get ready for the less responsible power plant operators to make the same, tired argument that a national economy still struggling to recover from the Great Recession can't afford cleaner air.

That will be their argument as they try to prevail upon Congress and the courts to revoke one of the Obama administration's great environmental achievements.

Good thing, then, that the administration is ready with its rebuttal.

"They knew this was coming," says EPA Regional Administrator Judith Enck.

Some utilities actually have been quite supportive of the new rules. Public Service Enterprise Group, owner of the largest electric utility in New Jersey, spent \$1.3 billion on compliance efforts. The result has been a 90 percent reduction in emissions of mercury and other toxins.

There's economic opportunity in the modification of power plants to accommodate cleaner air requirements. The EPA estimates that some 8,000 jobs will be created in the production of scrubbers and other devices that power plants will need. Some of those jobs will be at Corning Incorporated in western New York.

In time, though, the quest for cleaner air and the health benefits it brings will further alter the economics of the energy industry.

"We're hoping to level the playing field for renewable forms of energy," says Ms. Enck.

Imagine, being able to celebrate a greater capacity for power generation with less pollution.

For that, thank the Clean Air Act and, now, the Mercury and Air Toxics Standards.

To comment: tuleters@timesunion.com or at

<http://blogs.timesunion.com/opinion>

Mary Mears

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<http://blog.epa.gov/greeningtheapple>

Judith Enck/R2/USEPA/US

08/30/2011 09:32 AM

To "Janet Woodka", "Sarah Pallone", "Richard Windsor"

cc

bcc

Subject R2 storm damage

These press clips provide the best overview of region 2 impacts. Flooding and to a lesser extent power outages are the biggest issues. Nj has asked for our assistance on petroleum spills and pumping out basements that may have petroleum. Task orders in at fema on both. Ny still doing assessments. We continue to be very focused on the american cyanamid site in nj which is flooded.

Sent by EPA Wireless E-Mail Services
Elias Rodriguez

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

From: Elias Rodriguez
Sent: 08/30/2011 09:00 AM EDT
To: Elias Rodriguez
Cc: R2 News Clips Subscribers
Subject: Early Morning Clips

NY Daily News

August 29, 2011 6:19 PM Add new comment

Gov. Cuomo: Catskills, Mid-Hudson Region Paying "Terrible Price" After Irene Barrels Through

BY Celeste Katz

Hurricane Irene may have fizzled when she hit New York City, but she still packed quite a punch as she headed upstate.

Our Glenn Blain reports after a helicopter tour of damage along the Mohawk River and the Schoharie Creek:

The Catskills and other communities were literally put under water by the one-time hurricane's drenching rains.

"It is devastating," said Gov. Cuomo, adding that he would seek federal assistance to pay for the damage.

Cuomo flew over the region with FEMA Regional Director Lynn Gilmore Canton and viewed a landscape carpeted by muddy brown water and littered with smashed homes and downed trees.

"We were very lucky in New York City," Cuomo said. "But the Catskills, Mid-Hudson Valley, this is a different story and we paid a terrible price here."

Five people upstate were swept away and killed by the flood waters, officials said. Among them was 82-year-old Rozalia Gluck of Brooklyn, who was killed when flood waters engulfed her Catskills vacation cottage, police said.

Another 124 people upstate were rescued from flood waters during the storm, officials said.

Hurricane Irene N.J. death toll climbs as floodwaters frustrate state
Published: Tuesday, August 30, 2011, 6:30 AM
By Mark Mueller/The Star-Ledger

As the death toll from Hurricane Irene climbed to seven in New Jersey and 40 across the Eastern Seaboard Tuesday, rain-engorged rivers inflicted fresh damage and hardship across the state, washing out highways and chasing thousands more people from threatened homes.

Nine rivers and creeks had reached record flood levels, fed by Irene's unrelenting rains, Gov. Chris Christie said during a press briefing in Manville Tuesday. All but the Passaic River had already crested, leaving residents in Fairfield, Lincoln Park and other hard-hit communities along the river with the specter of worse flooding this morning.

"We're not out of the woods yet," Christie said.

Across New Jersey, it was a day of jarring contrasts, gains and setbacks.

NJ Transit announced it would resume most rail service, easing commutes for hundreds of thousands of people.

For tens of thousands of others, however, a travel nightmare is just beginning. The raging Rockaway River sheared away a portion of Route 287 in Boonton, leaving the northbound lanes closed indefinitely. To the west in Hopewell Township, the Delaware River breached Route 29, ensuring it's closure "for a very extended period of time," police said.

In Atlantic City, where casinos reopened after a costly shutdown of more than two days, Lt. Gov. Kim Guadagno urged New Jerseyans to "get the hell back on the beach," a play on Christie's blunt evacuation order days earlier.

And yet farther north, in Point Pleasant Beach, the bodies of two men washed ashore. Authorities said it appeared they had gone to the water's edge Sunday to watch the surf whipped up by the Category 1 storm.

Utility crews made immense headway, restoring power to more than 300,000 homes and businesses, but as darkness fell, more than half a million customers had no electricity.

The scene in New Jersey was repeated across the Atlantic Seaboard even as Irene faded over eastern Canada last night, its power spent. Rivers spilled their banks. Trees and branches fell. Emergency officials counted the dead.

That toll continued to climb.

Authorities had previously confirmed four New Jersey deaths associated with Irene. Tuesday brought three more.

Michael Kenwood, 39, a member of the Princeton First Aid and Rescue Squad, died of injuries he suffered Sunday when floodwaters ripped him away from a safety line as he investigated a submerged car. The vehicle turned out to be empty.

In Point Pleasant Beach, the body of 25-year-old Jorge Hernandez was found along a Manasquan River inlet jetty. Divers later discovered the body of a second man whose name was not immediately released. Investigators said they suspect the two men, both believed to be residents of the Shore community, had gone out to watch the storm.

Last night, another man was missing and feared dead in the Morris County community of Dover after rescuers called off a five-hour search in the Rockaway River. Earlier, a construction worker had seen the unidentified man clinging to overhanging branches on a small island in the river and calling for help.

Then he disappeared from view.

Rescuers found a pair of boots and wet clothing on the river bank, Assistant Fire Chief John Filosa said.

"There's a lot of uncertainty," Filosa said. "You hope he was able to pull himself out, and there is always the chance that he wasn't. It's frustrating sometimes."

Two New Jersey residents died in other states.

James Palmer, 55, drowned in rough surf spawned by Irene while visiting Florida Saturday. Tuesday, authorities in Hockessin, Del., said they had found the bodies of two men, one of them identified as Jean Baptista, 25, of Clark. Baptista and his friend had ventured out in the storm on foot Sunday and were likely caught in a flash flood, police said.

The dangers continue.

In Pompton Lakes Tuesday morning, an unoccupied home exploded in a vacated flood zone, sending a cloud of black smoke over the area. With floodwaters chest high, firefighters battled the ensuing blaze from boats. The explosion's cause was not immediately determined, though authorities noted natural gas service to the area had not been disconnected at the time.

Elsewhere, water rescues continued in places where water typically has no business being.

Authorities plucked 50 people to safety on West Grand Avenue in Rahway. In Parsippany, two New Jersey National Guard trucks were called in to rescue people trapped in a pair of hotels surrounded by water.

After touring flooded-out sites in Pompton Plains, Wayne and Little Falls Tuesday, U.S. Sen. Frank Lautenberg called the damage historic.

"It's more widespread," he said. "It's a terrible situation."

A power failure at St. Clare's Hospital in Sussex County led to its evacuation. Patients were taken to another facility in the St. Clare's Health System.

The number of road closures because of flooding improved some, but for those driving, it was all relative. More than 80 roads and highways remained closed, down from 300 Sunday, Christie said at his briefing in Manville Tuesday afternoon.

Several feet of water covered Manville and Bound Brook, which bore the brunt of the damage when Tropical Storm Floyd passed through 12 years ago. But with the Raritan River already receding, the communities escaped with less damage this time.

There was more concern in Fairfield, which authorities turned into a virtual island, closing off all but a few entry points in anticipation of epic flooding this morning. Tuesday, water rushed down Route 46 near the Willowbrook Mall and several other roads. First-responders made at least two water rescues, Mayor James Gasparini said. In an effort to save lives wherever necessary, Essex County put together a rapid-deployment team made up of officers from throughout the county, Sheriff Armando Fontoura said. About 30 members of the National Guard are helping with the response, he said.

"People are going to be on an island for a couple of days," Fontoura said. "It's going to be devastating. The worst is all to come."

Irene is likely to enter the record books as the second-wettest storm in New Jersey, after a hurricane in 1903, state climatologist David Robinson said. Freehold was hit by the most rain during Irene, with 11.2 inches. Other communities saw 6 to 10 inches.

"No one was immune," Robinson said.

Many residents are now worried about how they will pay for the damage, particularly if they do not have flood insurance.

Speaking Tuesday night on radio station 101.5 FM, Christie said President Obama called him personally during the day to give him assurances that resources will be available.

"I think he deserves great credit for how FEMA operated in the storm," Christie said. "I told the president that tonight."

Staff writers Ted Sherman, Sue Epstein, Jarrett Renshaw, Ryan Hutchins, Bill Wichert, Eugene Paik, Amy Brittain, Eugene Paik, Tom Haydon, Leslie Kwoh, Eliot Caroom, Seth Augenstein, Tomas Dinges and Ginger Gibson contributed to this report. Material from the Associated Press also was used.

THE RECORD

NorthJersey.com

Flood threat remains in North Jersey in Irene's wake [video]

TUESDAY, AUGUST 30, 2011

LAST UPDATED: TUESDAY AUGUST 30, 2011, 8:17 AM

BY MARLENE NAANES, JUSTO BAUTISTA AND KIBRET MARKOS

Flooding Tuesday morning on Morlot Avenue at 2nd Street in Fair Lawn has the roadway closed.

The state's biggest concerns: the raging Passaic and Ramapo rivers, Governor Christie has said.

Authorities in Fair Lawn and Paterson evacuated people from floodwaters Monday night and Tuesday morning as the Passaic River was cresting just above what authorities had previously expected. As of 6:30 a.m., the river was just above 14 feet, twice the level of flood stage, according to the National Weather Service.

River conditions

A majority of major rivers and streams in and around Passaic County were still above flood stages Monday, with the Passaic River still rising and expected to crest Tuesday.

Most waterways in Bergen County have settled below their banks:

Hackensack River at New Milford

Flood level: 6 feet, topped out at 11.8 feet
 Hohokus Brook at Ho-Ho-Kus
 Flood level: 3 feet, topped out at 6.7 feet
 Lake Tappan at Old Tappan
 Flood level: 55 feet, topped out at 55.7 feet
 Pascack Brook at Park Ridge
 Flood level: 4.5 feet, topped out at 6.8 feet
 Pascack Brook at Westwood
 Flood level: 5 feet, topped out at 8.7 feet
 Ramapo River near Mahwah
 Flood level: 8 feet, topped out at 15.9 feet
 Saddle River at Lodi
 Flood level: 6 feet, topped out at 13.5 feet
 Saddle River at Ridgewood
 Flood level: 6 feet, topped out at 11.5 feet

Saddle River at Upper Saddle River
 Flood level: 4.5 feet, topped out at 5.2 feet
 Molly Ann Brook at North Haledon
 Flood level: 6 feet, topped out at 8.4 feet
 Passaic River at Little Falls
 Flood level: 7 feet. Passaic topped out at 14.17. That potentially is the crest, though it will remain about that level most of the day.
 Peckman River at Little Falls
 Flood level: 7 feet, topped out at 9.2 feet
 Ramapo River below dam at Pompton Lakes
 Flood level*: 11.7 feet, topped out at 22.6 feet
 Wanaque River at Awosting
 Flood level: 5 feet, topped out at 7 feet
 Wanaque River at Wanaque
 Flood level: 5 feet, topped out at 7.9 feet
 Passaic River at Pine Brook
 Flood level*: 19 feet, at 23.8 feet and rising
 Pompton River at Pompton Plains
 Flood level*: 16 feet, topped out at 25.1 feet
 Rockaway River at Boonton
 Flood level*: 5 feet, topped out at 9.3 feet
 * Record level set

While that may be the crest, the river is expected to remain above 14 feet all day. Relief is days away: It will remain at "major flood" levels through Thursday, when it will have receded to 10 feet, meaning it will still be above flood stage, according to the National Weather Service.

The cresting river spilled into several streets in Fair Lawn, including Morlot Avenue, Wagaraw Road and Lincoln Avenue, police said. Fair Lawn police evacuated some residents in flooded areas, and Paterson firefighters had to use boats to rescue residents on the other side of the river, authorities said.

The Ramapo, Pompton, Pequannock rivers in Wayne were also still raging on Tuesday

and are expected to crest sometime today, said Sandy Galacio of the township's Office of Emergency Management.

Meanwhile, in Bergen County, water will continue to pour over the swollen Oradell Dam today. The flooding has inundated New Milford – where 200 people were evacuated by boat Sunday night – Oradell and other Hackensack River communities. About 3.2 billion gallons passed over the dam Monday – down from 6 billion on Sunday - but the reservoir remains swollen.

Mahwah was seeing some relief on Tuesday. The Ramapo River at Mahwah was falling after cresting at 15.78 feet Sunday afternoon. It was expected to fall below flood state Tuesday afternoon, said Joseph Pollina, a meteorologist with the National Weather Service.

Thousands of residents throughout North Jersey have been displaced by the floodwaters. Paterson firefighters were evacuating hundreds by boat in the city's north side late Monday night because the Passaic was coming up quicker than expected. About 700 homes and 1,400 people had been affected by the flooding in Little Falls alone, said Fred Batelli, coordinator for the Little Falls Office of Emergency Management. In Hackensack, construction official Joseph Mellone said more than 1,500 residents occupying 12 multifamily buildings in Hackensack remain displaced. Neighborhoods along South Road in Wayne are under at least hip-deep water, said Christian Till, 41, who lives on Audubon Parkway. He canoed to his home Monday morning from Black Oak Ridge and South roads.

So far, Irene has been blamed for seven deaths statewide, including a 39-year-old Wanaque man who was swept away by a fast-moving stream Sunday.

And Monday, there was a new threat: suspected gas explosions at homes in Pompton Lakes and Wayne. There were no reported injuries.

More than 600,000 remain without power across the state, down from 850,000 on Sunday. That includes 60,000 Bergen customers.

Public Service Electric and Gas Co. has cut off natural gas service to about 2,000 buildings in North Jersey because of flooding, said Ralph LaRossa, president and chief operating officer of PSE&G.

"We are working as hard as we can," LaRossa said.

Rescuers plucked residents from flooded North Jersey neighborhoods late Monday night and early Tuesday as rivers rose faster and higher than expected.

TARIQ ZEHAWI / STAFF PHOTOGRAPHER

WSJ

AUGUST 30, 2011

States to Seek FEMA Help

By LISA FLEISHER And JACOB GERSHMAN

New Jersey Gov. Chris Christie has asked the federal government to skip a usual damage assessment and directly send aid to people and businesses affected by Hurricane Irene, officials said.

New York Gov. Andrew Cuomo and Connecticut Gov. Dannel Malloy are also expected to make formal requests for federal aid as soon as tomorrow, people familiar with the

matter said.

Mr. Christie signed the letter asking for expedited aid at about 6:45 p.m. in a radio studio just before he went on a monthly call-in show. On air, he said he had the State Police send it along to be scanned and sent to the president.

All three governors had asked for, and were granted, disaster declarations before Irene landed on Sunday. The storm sent raging floodwaters through inland areas of New Jersey, upstate New York and coastal Connecticut. At least 10 people were killed in the region.

Federal assessors have been on the ground in all three states for at least three days, officials said.

Mr. Christie said he had just spoken with President Barack Obama, who pledged to do everything he could for the people of New Jersey. Mr. Cuomo said he had a similar conversation with the president.

Mr. Christie sounded confident the aid would come within days.

"He is encouraging Secretary of Homeland Security [Janet] Napolitano to cut the red tape on FEMA stuff so that it can flow even more quickly," Mr. Christie said of his conversation with Mr. Obama. "When the president of the United States is making those kinds of assurances, I believe that he's going to be able to get it done, and I think he deserves great credit for the way FEMA operated in this storm."

The New Jersey request is rare but not unusual for large-scale disasters, FEMA spokesman Bill McDonnell said. Officials usually tour affected areas and then make a decision. On air, callers pleaded with the governor for faster relief, and he told them he had asked for it.

All three governors toured the devastation Monday. Mr. Cuomo flew over the Schoharie Creek and Mohawk River regions on Monday, while Mr. Christie drove through flooded Manville, N.J., in the middle of the state.

Mr. Christie has estimated the economic damage to be in the billions, including lost tourism business along the Jersey Shore.

U.S. officials are "still very concerned" about flooding in a number of states caused by Hurricane Irene, FEMA Administrator Craig Fugate said Monday, suggesting several days of additional effects from the storm could be felt along the East Coast. "We don't know how big the numbers are going to be on this storm," Fugate said, predicting it could take days as state and local officials along the storm's path assess the damage.

Rutgers University Prof. Joseph Seneca said the storm's economic effect would be neither "permanent nor deep."

"The spike in consumer spending in anticipation of the storm was a short term stimulus, although some of this spending was borrowed from the future," Mr. Seneca said.

James Hughes, dean of the Edward J. Bloustein School of Planning and Public Policy at Rutgers, said construction spending may go up, evening out the economic losses as businesses rebuild without income.

"Thus, in many cases, the overall economy will be 'rebalanced,' with overall activity minimally impacted," he said.

—Shelly Banjo and Michael R. Crittenden contributed to this article.
Write to Jacob Gershman at jacob.gershman@wsj.com

WSJ

AUGUST 30, 2011

Tally of Damages Put at \$12 Billion, but That Number Could Yet Rise

By CONOR DOUGHERTY And LESLIE SCISM

The economic damage wrought by Hurricane Irene—everything from washed-out roads to lost hotel bookings—could hit \$12 billion or more.

That's the initial assessment of economists and insurance-industry officials who are beginning to count what was lost in the storm.

Tallying hurricane costs means looking both at the physical damage as well as lost economic output. At this point, insurers are estimating they will pay out between \$3 billion to \$6 billion in claims. As a rule of thumb, economists figure the total economic losses from such storms are roughly equal to twice the size of the insured losses.

The wild card that could push the total up even further is flooding, which is continuing.

"The wind is not going to be the story with this thing," said Jonathan Hall, executive vice president of commercial insurer FM Global. "The worst of the flooding really hasn't happened yet," he said.

Mr. Hall said claims thus far have been concentrated in North Carolina, New Jersey and Pennsylvania, and much of that involves flooding and business disruptions resulting from lost power and infrastructure problems.

Whatever the final cost, it's unlikely to register on the national scale. The U.S. economy produces some \$14 trillion in goods and services annually, rendering even a \$12 billion price tag—spread over several months—little more than a rounding error.

"Much of the lost output will be made up in the next few weeks as the insurance checks are sent out and the government provides some financial help," said Mark Zandi, chief economist at Moody's Analytics.

"For the quarter as a whole I don't think it will have a meaningful economic impact," Mr. Zandi added.

The aftermath of storms also can provide a short-term boost for the affected economies as insurance and aid payments flow in, providing new business and jobs for idle workers. The construction sector—one of the hardest hit by the 2007-2009 recession—may well see a short-term benefit. Since 2006, a net 329,000 jobs have been lost in areas that were hit by the storm, according to data from Moody's Analytics.

"We could expect to see some reconstruction feeding into gross-domestic-product figures," said David Resler, an economist at Nomura Securities.

This is not to suggest the economy is better off, as there is still a substantial loss of wealth and output that can never be made up.

Vermont and coastal North Carolina, two heavily affected states, have higher-than-average employment in the tourism sector and are now likely to see less business in the waning weeks of summer.

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New York Times

August 29, 2011

In Catskill Communities, Survivors Are Left With Little but Their Lives

By NOAH ROSENBERG and PETER APPLEBOME

PRATTSVILLE, N.Y. — It chewed up Moore's Trailer Park, sweeping up homes and discarding them in devastating piles of wood, plastic, orphaned automobile wheels and broken children's toys. It tore apart painstakingly maintained Victorians, their pastel-colored and gingerbread-style exteriors cracked and caved-in, their front lawns, porches and sidewalks replaced by muddy lagoons.

Even the town cemetery, where Prattsville's founder, Zadock Pratt, was buried in 1871, was littered with fallen trees and cracked tombstones from Tropical Storm Irene's wind and water as it ripped through the Catskills.

And then there were the businesses, like O'Hara's service station, open since 1925. It had been run by Kory O'Hara's family for five generations. On Sunday it simply vanished, swallowed by the Schoharie Creek, swollen to several times its usual size.

Asked where the business went, Mr. O'Hara, 34, slowly shook his head.

"In the reservoir," he said.

"Everything's gone," he added. "My life is gone."

It was the day after in Prattsville, and in Jewett, Maplecrest, Windham, and other normally placid Catskill communities where the storm's devastation played out with some of its most ferocious malice about 140 miles north of Midtown Manhattan. There was no Internet, no telephone service and power only for those with their own generators. So under deceptively cheery blue skies, there was not much to do but to mourn, to begin cleaning out and to figure out what, if anything, would come next.

Mr. O'Hara was worried about more than just his business.

"Main Street, Prattsville, is a total loss at this point," said Mr. O'Hara, who is in his fourth year as town supervisor. "We just don't know where we're headed. I don't know if there's

anybody in the town of Prattsville who can answer that question.”

He said that the town is in the floodplain and that, as a result, “nobody can afford flood insurance.”

“We’ve lost a lot of businesses that employed a lot of people,” he added, “and there are a lot of people who aren’t going to be around here for a long time because their homes are gone.”

So it went throughout Greene County, fictional home of Rip Van Winkle, where 49,000 people are spread out over 658 square miles.

A small crowd gathered Monday afternoon where the main bridge used to be in Maplecrest, once home to the Sugar Maples Resort, a ghost of the Catskills’ past. On Monday, Maplecrest looked like a ghost version of the hamlet that existed just a day before.

There was no longer a bridge. The wheels of two cars, overturned and buried under debris, were partly visible. A barn was half in the river, whose banks were still pulsing with rust-colored water.

“I saw motorcycles and four-wheelers and oil tanks floating by,” Dan Shaul, 61, said.

Mr. Shaul, who is in a motorized wheelchair, lives just across the street from the bridge, on higher ground. “I just watched as everything got washed downhill,” he said.

Some of the mourning was for the dead.

In Maplecrest, Lorraine Osborn died trying to escape the rising water. A Greene County legislator, Jim Hitchcock, said Ms. Osborn, an elderly woman with a walker, was in her modular home when the water lifted it up. He said her husband, Bud, was in the garage trying to plan a way out for them and could not get back to her. Her body was recovered on Monday morning.

“She was a wonderful lady,” Mr. Hitchcock said. “She always spoke her mind, and we loved her for it.”

The living were trying to figure out the next step.

Anastasia Rikard, 22, sat on a chair in her backyard, or what was left of it, on Monday evening, surrounded by the few things she could salvage: a TV, a suitcase of some clothes, a box of liquor. Her 100-year-old yellow, blue and white Victorian home, which she shared with her father, a cat and a dog, toppled forward with her in it on Sunday morning. She said the house, which also served as her father’s law office, had begun filling up with water shortly after she dropped off her father, also a firefighter, at the Prattsville firehouse about 9 a.m. on Sunday.

Ms. Rikard said she had planned to leave town, but by the time she had changed her clothes, it was too late.

"I was in there when it went down," she said. "It was really quick. It was really loud."

On Monday, a moat of filthy water gathered around it. Ms. Rikard said that a cousin had caught a 12-inch bass in the front yard and that she had seen catfish swimming in the backyard.

"I had to climb out the window there," Ms. Rikard said, pointing to a ladder leaning against a second-story window. She said she was rescued by boat hours after the house had toppled, because firefighters had had to wait until the water outside, on Route 23, subsided.

Asked what she and her father planned to do, Ms. Rikard was, for a few seconds, speechless.

"I don't know," she finally said, asking the same question and coming up with the same answer as most people here: "Try to pick up what we can and start over."

Susanne Craig contributed reporting from Windham and Maplecrest, N.Y.

New York Times

August 29, 2011

Storm's Push North Leaves Punishing Inland Floods

By ABBY GOODNOUGH and DANNY HAKIM

CHESTER, Vt. – While most eyes warily watched the shoreline during Hurricane Irene's grinding ride up the East Coast, it was inland – sometimes hundreds of miles inland – where the most serious damage actually occurred. And the major culprit was not wind, but water.

As blue skies and temperate breezes returned on Monday, a clearer picture of the storm's devastation emerged, with the gravest consequences stemming from river flooding in Vermont and upstate New York.

Here in southern Vermont, normally picturesque towns and villages were digging out from thick mud and piles of debris that Sunday's floodwaters left behind. With roughly 250 roads and several bridges closed off, many residents remained stranded in their neighborhoods; others could not get to grocery stores, hospitals or work. It was unclear how many people had been displaced, though the Red Cross said more than 300 had stayed in its shelters on Sunday, and it expected the number to grow.

In upstate New York, houses were swept from their foundations, and a woman drowned on Sunday when an overflowing creek submerged the cottage where she was vacationing. Flash floods continued to be a concern into Monday afternoon. In the

Catskills, where Gov. Andrew M. Cuomo led a helicopter tour of suffering towns, cars were submerged, crops ruined and roads washed out. In tiny, hard-hit Prattsville, what looked like a jumble of homes lay across a roadway, as if they had been tossed like Lego pieces.

“We were very lucky in the city, not quite as lucky on Long Island, but we were lucky on Long Island,” Mr. Cuomo said. “But Catskills, mid-Hudson, this is a different story and we paid a terrible price here, and many of these communities are communities that could least afford to pay this kind of price. So the state has its hands full.”

In Vermont, officials recovered the body of a man who was tending the municipal water system in Rutland during the storm. They said his son, who was with him at the time, was also feared dead. A 21-year-old woman died after being swept into the Deerfield River in Wilmington, a small town west of Brattleboro. And a man was found dead in Ludlow. As of Monday afternoon, the storm had caused at least 40 deaths in 11 states, according to The Associated Press.

“This is a really tough battle for us,” Gov. Peter Shumlin of Vermont said after surveying the damage across the state in a helicopter. “What you see is farms destroyed, crops destroyed, businesses underwater, houses eroded or swept away and widespread devastation.”

In the Catskills, state and local officials had, by Monday afternoon, carried out 191 rescues since the storm began, often plucking people from cars or homes as water rose. State officials confirmed six people had died in connection with the storm: five drowned and one was electrocuted.

Gov. Chris Christie of New Jersey said his state was facing some of the worst inland flooding it had seen in years. Many small streams are now at flood level and some larger rivers – including the Ramapo, Passaic and Delaware – were peaking on Monday or expected to peak over the next 24 hours, reaching record or near-record levels. Almost 200 New Jersey roads were either partially or fully closed. About 110 people were forced to leave their homes Monday morning in Vineland and 60 people in Millville because of possible breach of two dams in the area.

In Connecticut, officials were grappling with damage from the storm surge on Long Island Sound, which punished shore communities like East Haven and Milford, as well as rising rivers and streams inland. Colleen Flanagan, a spokesman for the governor’s office, said some waterways, like the Connecticut River, were not expected to crest until Wednesday.

Hundreds of miles to the south, in North Carolina, where Hurricane Irene first made landfall, state-operated ferries began on Monday to move personnel and supplies to Hatteras Island on the Outer Banks, where an estimated 2,500 residents remained cut off from the mainland by damage to the main highway.

And all up the East Coast, an estimated five million people remained without power on

Monday, including more than 800,000 in New York State, with work crews working frantically to restore service.

Most New York City residents would have power restored fairly quickly, state officials said. "Upstate is a more difficult situation," said Howard B. Glaser, director of state operations for the Cuomo administration. "It's not safe to go into some of these areas."

Some places could see extended blackouts lasting into next week, Mr. Glaser said.

In Chester, Vt., a village of about 3,000 on the Williams River, Thelma Dezaine's 7-year-old son looked out their window as torrential rain fell Sunday and started screaming.

"He was saying, 'We've all got to get out of here; we're all going to die,' " said Ms. Dezaine, who was pulling sodden furniture and clothing from the first floor of the house she rents here. "We didn't have time to grab anything because the water rose too fast."

Her neighbor, Mike Surething, who had four feet of water in his house, said, "As soon as the river crested that bank over there, within half an hour it was up to our windows."

Of his modest home, he said, "Everything in there is a loss."

Down the road in Rockingham, Heath Stevens, 42, was taking pictures of a covered bridge that appeared to barely survive the floods. Several others around the state were swept away, just as a number of historic homes tumbled into brooks.

"My wife's 93-year-old grandmother played on that covered bridge when she was a kid," Mr. Stevens said. "It stood the test of time until yesterday."

Central Vermont was affected, too. In Waterbury, a state office complex that houses more than 1,000 workers was flooded, and officials said they would evacuate all patients in the state psychiatric hospital there.

In Rutland, Sandy Cabell spent most of the storm in her basement keeping floodwaters at bay while a small river – she figured five feet wide and more than two feet deep with periodic whitecaps – flowed through the lowest point in her yard.

Neighborhoods below hers were evacuated and were underwater for hours, Ms. Cabell said. One neighbor sent her a video of a sinkhole 50 feet wide where a highway used to be, just two miles away from her.

"I haven't ventured out today because I don't want to see anymore," said Ms. Cabell, a retiree who grew up in the area and returned 21 years ago. "It is a beautiful day today. You wouldn't think it was so cruel yesterday."

About 300 guests were trapped Monday by a flooded road at the Inn of the Six Mountains in Killington, where part of the K-1 ski lodge had also collapsed because of

flooding damage, The Associated Press reported.

In Greene County, N.Y., several bridges were wiped out and numerous roads were impassable, stranding residents in remote mountaintop areas, said Shaun Groden, a county administrator.

"You have the wash-outs, you have houses coming off foundations because of flash flooding," Mr. Groden said from the county's emergency operations center, in Cairo, noting that Prattsville was the hardest-hit town.

"It's been devastated," Mr. Groden said of Prattsville, adding that the towns of Windham, Jewett and Lexington were also hard hit. "People last night were saying it looks like a war zone."

Mr. Groden said four helicopters that were to deliver medical supplies and other provisions to stranded residents, who he said had "hunkered down" during the storm, had been grounded Sunday night because of strong crosswinds.

"And now they're running out of water, running out of food," Mr. Groden said. "We'll walk it into them if we have to."

Mr. Groden said that counties beyond Greene County had been blindsided by the storm, too. The county manager for nearby Schoharie had said the normally slow-moving Schoharie Creek "had more volume than Niagara Falls."

In Fleischmanns, N.Y., an 82-year-old Brooklyn woman vacationing with a group of friends from her Hasidic Jewish community in a Catskill motel drowned after a creek overflowed and engulfed her one-story cottage. More than six feet of water swept the cottage more than 30 feet from its foundation.

In Maplecrest, a hamlet of Windham, N.Y., the storm caused widespread flooding from the Batavia Kill. Jere and Diane Baker were trying to shore up what remained of their blue stucco house standing amid new 20-foot craters in their front yard. On Sunday afternoon, they realized that flooding was inevitable; numerous trees had been uprooted by the water, eroding the banks. The Bakers evacuated to higher ground, taking their trailer.

They returned Monday and saw the damage: half of their front yard had been washed away, and the house's foundation was crumbling.

"I've lived here even before they had a dam and I've never seen anything like this," said Mr. Baker, 62.

A bit down the road, Tom and Mary Donovan recalled the sound of a rumble at 3 a.m. on Monday, as an adjacent hill began roaring toward their house.

"We threw the lights on," Ms. Donovan said. "We couldn't believe it."

Abby Goodnough reported from Chester, Vt., and Danny Hakim from Albany. Reporting was contributed by Noah Rosenberg from Cairo, N.Y.; Susanne Craig from Windham, N.Y.; Dirk Van Susteren from Waterbury, Vt.; Amy Zuckerman from Amherst, Mass.; Kevin Sack from Atlanta; and Lisa W. Foderaro, Thomas Kaplan, Lori Moore and Susan Saulny from New York.

NYT

August 29, 2011

Storm's Worst Deluge Swamped the Mountains in the Northeast

By HENRY FOUNTAIN

In the end, the storm made more waves in the mountains than it did along the shore.

Before Hurricane Irene's arrival, there were fears of devastating storm surges along the Eastern Seaboard, from North Carolina to New England. But while its winds did lead to surges that produced tidal flooding, the worst floods were inland, especially in upstate New York and Vermont.

These floods had nothing to do with tides and little to do with wind, experts said. They were mostly about topography and the sheer size of the storm – not its intensity, but its geographical area.

Even though Irene weakened to barely hurricane force on Sunday, it was still an enormous storm, a spiral of warm, wet tropical air more than 500 miles wide. "It had a lot of moisture with it to begin with," said Dave Radell, a meteorologist with the National Weather Service in Upton, N.Y.

When a hurricane hits land, it loses some of its moisture when the colder ground causes condensation and rainfall. That happened when Irene passed over coastal North Carolina on Saturday. But the storm was so big that even while part of it passed over land, much of it was still over water, gathering more moisture, said Frank Marks, director of the hurricane research division of the National Oceanic and Atmospheric Administration.

When Irene reached the New York City area, it started to move inland, its winds reduced to tropical storm level, less than 73 miles an hour. Then topography took over.

As the warm, moist air hit the Catskills and other mountains, it was forced upward, what meteorologists call upslope flow. That brought it into an area of higher, colder air that made the tropical air condense, producing heavy rainfall. "The air is forced to rise a bit and that wrings out the moisture," Mr. Radell said.

It is a common atmospheric effect, often seen in the Rockies. In this case, it was enhanced by westerly winds from the west side of Irene, Mr. Radell said. In the Hudson Valley and Vermont, he said, "we had a good six to eight hours of heavy rainfall."

And that meant rainfall of up to eight inches in Vermont, according to the National

Weather Service office in Burlington. In New York, the most rainfall recorded in the 24 hours that ended Monday morning was more than eight and a half inches in Delanson, west of Schenectady.

NYT

August 29, 2011

The Cost of Business Lost and Property Damaged

By PATRICK McGEEHAN

A day after Tropical Storm Irene blew through, New York City wrung itself out on Monday under a blue sky and started getting back to business.

While officials worked to calculate the storm's costs, residents navigated flooded streets in Queens and a limping commuter rail system to return to their offices and shops. Government agencies and the financial markets opened on time, but some businesses struggled to regroup, while repair companies were overwhelmed by demand for basement pumping and roof patches.

The recovery was aided by the reopening of the subways. The Metropolitan Transportation Authority was able to restore service to relatively normal levels, calming fears that transit problems would hobble the city for days.

In Coney Island, mechanics at Deno's Wonder Wheel Park began reattaching eight cars to the giant Ferris wheel after taking them off to reduce its wind resistance. Dismantling the Wonder Wheel was a first in the park's 91-year history, as was closing for an entire summer weekend, said Dennis D. Vourderis, a co-owner.

"That was very painful, both mentally, physically and in the pocket," Mr. Vourderis said as workers rushed to get the park's wilder rides ready for the Labor Day weekend. He estimated that the lost revenue would approach \$100,000.

New York's governor, Andrew M. Cuomo, said the toll on the state's economy would be significant but could not yet be determined. He cited damage to both private and state-maintained property, saying that "these economic consequences are going to be very difficult."

In the city, the medical examiner's office confirmed that the storm had a human cost: the first New York City death linked to it, that of Jose Serra, 68, who drowned in a City Island marina while checking on his boat.

At the city's Economic Development Corporation, analysts had just begun tallying the impact on the economy, but Mayor Michael R. Bloomberg described it as "a mixed bag." With the airports closed and no trains or buses running for most of the weekend, he said, "there were tourists who couldn't get here, but there were tourists who couldn't get out and still spent money."

Still, from the time the subways stopped running at noon on Saturday, visitors and

residents could not partake of many of the city's attractions. Broadway theaters canceled shows, reducing sales for the week by more than one-third, or as much as \$8 million. Halting travel to the Statue of Liberty and Ellis Island for three days cost the vendors that transport and feed the throngs almost \$1 million in revenue, they estimated.

While city residents did not face the kind of heavy flooding and other catastrophic damage that occurred in upstate New York and other parts of the Northeast, some found their basements flooded. In some neighborhoods, trees fell on houses, cars and power lines.

At Aqua House, a Japanese restaurant on Jamaica Bay, rising water damaged a wooden deck. Raymond Lai, the restaurant's manager, estimated that repairs would cost nearly \$150,000, in addition to about \$25,000 to fix the flooded floor in the dining area.

Mr. Lai said he hoped to start serving takeout again on Wednesday or Thursday and put his lost revenue at \$50,000 or more. But he said he was thankful that the restaurant did not lose power, spoiling its meat and fish, which could have cost another \$10,000.

Thousands of residents remained without electricity on Monday. Consolidated Edison had restored power for most of the 187,800 customers who lost it in the city and in Westchester County, but more than 17,000 in Queens still had none. An additional 2,000 customers in the Bronx were advised that they might be without power until Thursday.

Dan Andrews, a spokesman for the Queens borough president, Helen M. Marshall, said the power failures were the worst problem in the borough. But he said all small businesses in Broad Channel, an area that was flooded on Sunday, had reopened.

Of course, the losses were bound to yield gains for others, like Joe Kielbasa.

Mr. Kielbasa, who runs a flood-response service on Staten Island, said he had received hundreds of calls since Saturday night, when the storm began battering the city. His half a dozen employees were on call all weekend and have been working nonstop since the storm hit.

"It's unfortunate, but a lot of people are not covered for the damages that the storm created," Mr. Kielbasa said. "And a lot of people are in very dire straits."

John Plotke, who owns a roofing company on Long Island, was busy boarding up windows for clients before the storm struck and knocked out his phone service. When it was restored on Monday morning, his Web site had logged twice as many requests for service in a day as it would in a normal week, he said.

Mr. Bloomberg said businesses might recoup some losses through insurance or through aid from the Federal Emergency Management Agency.

“It’s built into most people’s business plans, and we’ll try to get as much federal monies as we can,” the mayor said. “There will be some who are badly hurt, and we’ll have to try to find some ways to help them.”

Sydney Ember and Thomas Kaplan contributed reporting.

Living Green: Why drinking tap water is the way to go

08/29/2011

Times Union
All Bottled Up

No doubt about it, bottled water is convenient. When we're on the run, it's easy to grab that icy- cold bottle from the refrigerator. And it's certainly caught on – more than half of Americans drink it regularly, according to the Natural Resources Defense Council, a national environmental action group.

The obvious environmental threat of the bottled water craze, of course, is the plastic that ends up in the landfill or, worse, discarded as litter. Additionally, greenhouse gas emissions and fossil fuel consumption are involved in the production of those bottles and any processing that the water must undergo. The Container Recycling Institute, a nonprofit dedicated to improving our recycling methods, estimates that more than 50 billion beverage cans and bottles are dumped in landfills each year. Even more sobering: plastic water bottles are shielded from sunlight in landfills, prohibiting them from decomposing for thousands of years, according to the federal Clear Air Council.

But hope, let's say, does spring eternal. In March 2010, New York State passed its Returnable Container Act, also known as the “Bottle Bill.” It stipulates that certain chain retailers must install a specific number of reverse vending machines, depending on the size of their business. A reverse vending machine collects empty beverage containers, including water bottles, and returns money to the collector (usually five cents) while recycling the container. Reverse vending centers exist at area colleges including the University at Albany and Hannaford grocery stores throughout the Capital Region.

But environmental concerns aren't the only reason to avoid bottled water: From a health perspective, bottled water is unnecessary, experts say. “No one in the Northeast should have a health concern about drinking tap water,” says Andrew Stone, executive director of the American Ground Water Trust in Concord, NH. “There is no doubt in my mind that tap water is equal in quality to bottled water.” The primary purpose of Stone's organization is to protect ground water and promote public awareness of its environmental and economic importance, according to the trust's mission statement.

Drinking water and its sources – rivers, lakes, reservoirs, springs and ground water – are regulated and protected by the Safe Drinking Water Act (SDWA) passed by Congress in 1974 and amended in 1986 and 1996. The Environmental Protection Agency (EPA) oversees compliance by states, localities and water suppliers, which are required to periodically report drinking water information to the agency. Members of the

public interested in determining if a local water supply is safe can access that data through the EPA website's Enforcement and Compliance History Online (ECHO) feature (www.epa-echo.gov/echo). The ECHO tool also maintains a list of water suppliers that are serious violators of EPA regulations, a list that is available to the public.

EPA reports indicate that only about four percent of the total U.S. water supply is in serious trouble. The Capital Region, meanwhile, has not had any significant violations in the last five years.

In New York, every public water supply is filtered and disinfected, according to the New York Department of Health. While contaminants occasionally do get into the water either at the source or at the treatment plant, it is usually discovered immediately due to constant monitoring. The supplier is required to notify all who draw from it, asking them to refrain from using it. Cleanup generally takes place quickly.

All suppliers, meanwhile, are required to produce an annual Consumer Confidence Report on water quality and make it available to the public at city or town offices after July 1.

“Public water suppliers do an unparalleled and incredibly good job of processing municipal water from surface sources. Their product is absolutely safe,” Stone says. “It is a perception that bottled water is superior. If you read labels, you will be surprised at how many bottlers take their water from a municipal source.” Indeed, 44 percent of “purified” bottled water sold in the U.S. started out as municipal water, according to the Clean Air Council.

Well users are also generally in good stead. According to Stone, water that feeds into wells comes from aquifers 200 to 300 feet underground where it is relatively pure and generally cannot be reached by outside contaminants. This ground water travels through a pressure tank and a pump before entering the tap, a direct, uninterrupted route that allows no outside exposure. A poorly installed well or a well that develops cracks can allow contaminants from animal or human activity to enter the water, he says, but despite the use of millions of private wells throughout the country, and no health statistics anywhere indicate inherent problems.

To be safe, however, well owners should always have their system installed by a licensed, certified service, and make sure that the last 20 to 40 feet is sealed off to protect the supply, Stone says. Yearly testing for radon, arsenic and fluoride is important, he notes, and is best done by professionals. Kits that can be purchased in home goods stores are not as thorough or reliable.

So why do bottled water sales continue to boom? “It comes down to taste, but also aesthetics,” Stone says. “The public needs to realize that bottled water folks are in the beverage industry, no different really than beer or soda ... not the water industry. In their angst about water quality, consumers confuse these two industries.”

Photo: (c) iStockphoto.com/Elena Elisseeva

Heard Around Town, Aug. 29, 2011

By City Hall

CITY & STATE FIRST READ

HEARD AROUND TOWN - HURRICANE EDITION :

* New York City officials didn't highlight it, but the city survived another hazard in the storm: It evacuated 8,500 vulnerable people from hospitals and nursing homes without a single death or serious injury among them. From Bloomberg on down, city officials were warned that some frail, elderly, comatose or critical patients might not survive being transferred, but decided it was worth the risk. "You have to make decisions based on imperfect information, and they have real consequences," said one person in those meetings. Ellen Borakove, spokeswoman for the chief medical examiner's office, confirmed the city registered no deaths related to the evacuation.

* Besides the felled trees and power outages, the weekend deluge also overflowed city sewers and sent waste flowing into the Hudson River. "I wouldn't swim in the water now because it's been raining for many, many, many, many hours," said John Lipscomb, who tests water quality on the Hudson for Riverkeeper. "A vast amount of sewage has been flowing into the harbor. Regardless of the level of contamination, it's a certainty that it's contaminated." Rainfall boosts sewage levels in the Hudson to unsafe levels, a recent Riverkeeper report found. This month the group called on the city to send out alerts when that happens, and the Department of Environment Protection has said it would take steps to do so. One silver lining is that very heavy rain can be somewhat better since it dilutes contamination. "On a number of occasions, a super heavy rain had less contamination than a moderate rain," Lipscomb said. "Both of them exceeded the federal guidelines. It's not like a heavy rain makes it swimmable."

* New York state got its first real sense of how Cuomo handles a crisis over the weekend, and it's as hands-on and closely held as everything else in his administration. Cuomo dispersed his commissioners across the state at county emergency offices, then traveled from upstate to Long Island for solo appearances before and after the storm - even posting his own cellphone pictures online. "I am the governor, and I made the decision," he said at one point about the MTA's unprecedented shutdown. In contrast, Bloomberg kept his top officials close at his emergency headquarters and brought all of them into his press briefings.

* Just because the city handled the hurricane far better than the blizzard, don't think Bloomberg was trying to redefine his legacy with a better response. Multiple people involved in handling the disaster said the mayor was as unconcerned as ever about public opinion of his performance. Still, his administration learned from past mistakes. Among the changes: The administration regularly briefed City Council members and other pols, who responded with praise. The city also launched a tow truck staging system to handle stranded cars, after failing to do so in the blizzard, and used a new downed-tree management system developed after the 2010 Brooklyn tornado to survey, track and clear them. "Removing trees requires a lot more coordination than you'd think," said Office of Emergency Management spokesman Chris Gilbride.

* Among the thousands of evacuees from yesterday's tropical storm: Rockaway resident Bob Turner. The Republican congressional candidate was forced to flee his home on Saturday as Hurricane Irene bore down on the city, going to stay with his brother in Richmond Hills. After the storm passed, he returned home to find five inches of water in his basement, but nothing too devastating. "I spent the day checking on things in the district," he said Sunday evening, after spotting nothing worse than downed tree limbs. "People had their chainsaws powered up. ... I'm impressed with the professionalism I saw from the city and the volunteers." Today it's back to the campaign trail, with a 5:30 a.m. interview for a local television station.

WSJ

AUGUST 30, 2011

Irene's Floods Prove Deadly as Water Continues to Rise

By JERRY A. DICOLO, CAMERON MCWHIRTER and EMILY STEEL

Associated Press

A lock in Rotterdam, N.Y., overflows with angry, brown water Monday in the wake of Irene. Floodwaters sent a metal barge crashing into the gates here.

Early estimates suggest Hurricane Irene caused somewhere around \$8 billion in damages and business interruptions, and some economists believe the overall economic toll could reach \$16 billion. Conor Dougherty has the latest on The News Hub. Hurricane Irene never packed the catastrophic winds of more famous tropical storms, but by the time its remnants finally blew into Canada Monday, it had proved to be a slow killer, leaving behind a vast swath of shattered communities and dozens of fatalities. After churning up the Eastern seaboard and then pounding the suburbs of New York City, where the storm made landfall as a weakening hurricane Sunday morning, Irene unleashed torrential rains in Vermont. Rivers overflowed their banks, washed out roads and bridges in every county of the state and isolated thousands of residents. Three people were known to have died in floodwaters, and another was missing. By early Tuesday, at least 46 deaths had been attributed to the storm, stretching from North Carolina to Vermont. The rising death toll puts Irene among the 30 deadliest hurricanes in U.S. history.

More than half a million residents remained without electricity in New Jersey, where river levels continued to rise in some areas. At least 20 communities had no running water or had ordered residents to boil all drinking water. Close to a million people had no power in New York state, and flooding in the Hudson River valley threatened significant new destruction. Hundreds of thousands more residents in Massachusetts, Connecticut and Rhode Island were also without power. Companies warned customers to be ready for outages lasting up to several weeks, though on Monday some utilities in North Carolina and New Jersey signaled they could deal with the majority of the outages by next weekend.

The economic damage—ranging from wrecked roads to lost hotel bookings—could hit \$12 billion or more, according to initial estimates from economists and insurance industry officials.

Throughout the day Monday, as frustrated residents clamored for restoration of electricity and rail service in some areas, new crises continued to develop.

An entire community in the northern Catskills, tiny Prattsville in Greene County, was swept away, officials said. "It's been leveled. All you see is foundations popping out of the floor. The rest is gone," said Greene County's administrator, Shaun Groden. On Monday, a police helicopter airlifted 21 people in nearby Jewett. Dozens of more people were still stuck in their homes with dwindling food.

In Green Island, N.Y., wedged between the floodwaters of the Hudson River and a swollen tributary of the Mohawk River, members of the community rallied to fight back the rising waters. A grab-bag of village workers and volunteers placed sandbags around the homes most at risk. A plea for help on Facebook brought about 100 volunteers out Sunday night to defend the village's only school.

As of Monday afternoon, water was lapping up against the school, but had not seeped into the building. "School kids, their parents, everybody just sandbagging in the pouring rain" said Sean Ward, who oversees the village's emergency response. "They were doing what was best for their community."

In Wilmington, Vt., a picturesque village of about 2,300 people, Joe Specht had just finished putting a new coat of bright yellow paint on his art gallery when Irene's rains began. The torrent that poured for hours all day Sunday lifted the building off its foundation and smashed it to pieces against a telephone pole. The pieces floated into a reservoir. By Monday, the entire building was gone.

"No one could possibly anticipate that the scale of the flood was going to be what it was," said the 60-year-old co-owner of the Ann Coleman Gallery, standing in thick mud and debris on Main Street near his destroyed business.

It was the worst flooding that anyone in Wilmington had ever experienced. The Deerfield River, which flows through Wilmington, overran its banks and poured through South Main Street, smashing out windows and destroying offices. Most of its downtown was destroyed.

The major roads connecting the village to the outside world were washed out or blocked. "We can't get anywhere," said Leslie Fraser, co-owner of "A Place in Vermont" real estate, speaking by

Associated Press

Tom Chase waved from the top of a friend's damaged beach house in East Haven, Conn., Monday.

State-by-State

See details on how Hurricane Irene is affecting states along the Eastern Seaboard. The Vermont Emergency Management agency estimated more than 250 roads—essentially every state road except for the two interstates bisecting the state—had been closed, at least temporarily. Many were washed out by streams that had been transformed into raging rivers in a matter of hours by runoff from hills and mountains. "Many of them are impassable," the agency said. It was clear that repairs to the gaping holes, fallen shoulders and other remnants of the flood would take weeks. Rebuilding the state's wrecked infrastructure will take even longer.

In New Jersey, more than a day after the rains subsided, shell-shocked residents in some parts of the state were struggling to cope. Some were beginning to show frustration as it became apparent that life won't return to normal for a long time.

In one area of Hamilton Township, N.J., neighbors gathered at an intersection turned into a muddy-brown swamp by the overflowing Assunpink Creek. The tops of mailboxes

and stop signs stood like flood gauges in the water. The electricity was off, and wires draped low along the surface. At the end of the street, about two-hundred yards down, a 100-foot oak tree dangled on power lines.

Some believed the flooding was made worse by local government's failure to keep a nearby pond dredged.

"For years and years they let it go," said George Persichetti, a retired electrician sitting in his backyard eating crackers as he pumped water out of his basement. "Nobody wanted to spend the money to clean it out. We got to put some pressure on these politicians." Albert Carocci rushed back to his home on Cosey Beach Avenue in East Haven, Conn., during the storm on Sunday, hoping to protect it. The 46-year-old attorney had left the previous night with his black Labrador retriever. When he came back, high winds and a surge from the sea were wrecking the neighborhood, leaving it among the most severely damaged in the state.

When Mr. Carocci arrived on Sunday, the street was covered with water up to his armpits. People were kayaking down the street to reach their homes. His was flooded with sea water. The rear wall was gone, and the ocean was lapping where more than 20 feet of beach had been before.

"I'm in a state of shock," he said. "Where do I go?"

—Devlin Barrett and Jon Kamp contributed to this article.

Write to Jerry A. DiColo at jerry.dicolo@dowjones.com and Emily Steel at emily.steel@wsj.com

politickernj.com

Lautenberg calling for billions for depleted FEMA reserve

By Timothy J. Carroll | August 29th, 2011 - 4:42pm

LITTLE FALLS - U.S. Sen. Frank Lautenberg (D-NJ) said today that he's going back to Washington D.C. to ask Congress to bulk up the national emergency reserves.

After touring flood sites in Little Falls along the Passaic River and in Pompton Lakes where the Ramapo, Pequannock, and Wanaque rivers run by, Lautenberg told reporters that he was agitated that U.S. Rep. Eric Cantor (R-VA) was putting the brakes on emergency funding. Cantor asked for the spending to be identified as paid-for in the federal budget before being allocated to recovering eastern seaboard states.

"Politics rears its ugly head," Lautenberg said outside the Little Falls Town Hall. "We'll just have to keep providing the funding."

The Federal Emergency Management Agency has under \$1 billion in reserve, the senator said, and as vice chairman of the Senate subcommittee overseeing homeland security, he will ask for that reserve to be increased to between \$5 billion and \$9 billion.

Compared to almost \$1 trillion on war spending, Lautenberg sees the request as reasonable.

The Passaic River is expected to crest Tuesday at 5 a.m., Little Falls emergency

management said, just under the historical high of 17 feet. Lautenberg said the dam in Pompton Lakes was overflowing, "like looking at a giant boiling pot of water."

Lautenberg said man made global warming is increasing these types of events, even if only evidenced anecdotally by his memory of growing up along the Passaic. "We have to do some work convincing people," he said.

Asked about the suspension of commuter rail service in New Jersey, Lautenberg, long a champion of public transportation, said he'll leave the decisions on whether or not to operate to the experts.

politickernj.com

Christie hints at government layers overlapping ineffectively during storm crisis , but has overall praise for response

By Max Pizarro | August 29th, 2011 - 6:22pm

MANVILLE - The waters of a bulging Raritan River roiled behind Gov. Chris Christie's lectern this afternoon, but it was, inevitably the GOP presidential contest that provided another backdrop for this Republican governor's latest statewide challenge.

As the contenders for president try to run to the right in appeasement of a Tea Party fundament that government is bad, national party star Christie amid the entrenchments of government - National Guard trucks, EMS vehicles, police and fire, local, county and state elected officials - gingerly aimed at some perspective.

"Philosophically I believe government is too big, and I've said that many times," the governor said today following his tour of a shelter at the VFW Building in the aftermath of this weekend's tropical storm, which mauled the south side of this town, displacing 300 people.

Christie admitted that during this weekend's crisis, overlapping government entities might have been guilty, in his words, "of jumping the gun," running headlong into crisis management only to have their actions undone later for the sake of effectiveness and economy.

He refused to grade himself or his government.

"The world is made for Monday morning quarterbacks," the governor said. But "I'll tell you why no one died at the Jersey Shore, because there was no one at the Jersey Shore. ...I'm trying to do the best job I can."

PolitickerNJ.com gutchecked a Christie detractor off the record about the governor's performance, and specifically asked the source to comment on the Republican governor's heavy lean on government.

"Masterful," the source said on condition of anonymity. "Was his appearance on national television overkill? Sure. Sure, it was. But will he get a bounce in the polls as a result of

his performance? Sure, sure he will. He's great at the politics. This is the guy who runs around attacking the machine, and then makes use of the machine (New Jersey's layers of government) when he stands at a podium in a crisis. You didn't see Chris Christie rescuing anyone from boats."

Grudgingly, though, the source said he/she had to credit the governor's decision-making.

"I think that evacuating the shore was the right move," said the source.

politickernj.com

Nine rivers reach record levels, says Christie

By Max Pizarro | August 29th, 2011 - 5:06pm

MANVILLE - Nine river locations have reached or passed record flooding levels, including the Passaic and Ramapo rivers, Gov. Chris Christie told reporters after touring the flood-wrenched Somerset County community.

In Manville, the water levels are at 16.5 feet, or just below record levels.

Six-hundred thousand people still don't have power, said Christie, including U.S. Rep. Leonard Lance (R-7) of Lebanon.

"Over the last few days I've been saying this, we are not out of the woods yet regarding this storm," said the governor. "The good news I received from the DEP commissioner is there is just minor beach erosion. Good news. What that should mean to folks is if you are planning to go to the Jersey Shore for the last weekend, there is no reason not to. Get in your cars and go."

Lt. Gov. Kim Guadagno was in Atlantic City today for the reopening of the casinos.

"Let's enjoy this last week of summer," Christie said.

Having just spent time with displaced residents at the VFW Building, the governor said the National Guard provided a much-needed new generator to the shelter in Manville.

"Sometimes government gets things right," Christie said.

Standing on the bridge at the Dukes Parkway-North Manville Main Street juncture amid the working props of National Guard troop carriers and accompanied by First Lady Mary Pat Christie, national guardsmen and DEP Commissioner Robert Martin, Christie fielded several questions from reporters about federal funding.

These were offerings from those who remembered his rejection of federal funds for the Access to the Region's Core (ARC) monies from the feds.

"I'm willing to consider another tunnel," he insisted.

Just not the one that was proposed, he said. It was headed for the basement of Macy's and didn't benefit New Jersey as much as New York.

He again credited President Barack Obama for the president's response to the storm.

"The president's done a very good job," the governor said.

Philadelphia Inquirer

August 30, 2011

New Jersey assesses Irene's damage and tries to recover

By Edward Colimore, Maya Rao, and Paul Nussbaum

Rachel Duclos fought back tears Monday as she stood in front of her house on Monroe Street in Mount Holly.

The building had six feet of water in the basement, thanks to floods from Hurricane Irene, and had been deemed uninhabitable by township inspectors.

"This was supposed to be my future. Now we won't have anything," Duclos said of the investment rental property.

Irene will not soon be forgotten by thousands of New Jersey residents displaced and discomforted by Irene. On Tuesday, many remained without power and had to improvise a route to work because of washed-out roads, discontinued rail service, and reduced bus schedules.

Communities from Vineland and Millville on the Maurice River in South Jersey, to Hoboken, across the Hudson River from New York City, were evacuated Monday as streams and rivers rose.

About 110 people near Willow Grove Lake in Vineland were taken to a local shelter after area roads flooded, state police said. In Mount Holly, where the municipal building remained inundated, police had to relocate their operations.

New Jersey is "not out of the woods yet," Gov. Christie warned at a news conference Monday. Water levels had matched or set records at nine river locations, he said.

At least six deaths in New Jersey had been blamed on Irene, and about half a million customers remained without electricity late Monday afternoon, as an army of utility repair crews worked to restore power.

The hurricane also has affected farmers. About 30 percent to 40 percent of the late peach crop was lost, said Jerry Frecon, a Gloucester County agricultural agent, adding that ground crops such as squash and pumpkins will have to be monitored for rot.

But signs of better times had begun to show up. Jersey Shore resort communities - which were not hit as hard as officials had expected - were slowly coming back after the

weekend's mandatory evacuation. All 11 of Atlantic City's casinos resumed operation, and the beaches reopened.

Christie, who warned tourists Friday to "get the hell off the beach," invited them back Monday. He visited Atlantic City and Lake Como in Monmouth County to promote the Shore during the tourism industry's all-important pre-Labor Day week.

There could be vacancies, so "you'll probably get a good price," he quipped.

Some erosion was reported along the 127-mile coastline, particularly on portions of Long Beach Island. But Christie and Environmental Protection Commissioner Robert Martin, who flew up and down the coast Sunday to look for damage, were encouraged. Christie said a recent beach-replenishment project had helped save lives and homes.

"This doesn't happen by accident," he said. "Part of it's good fortune from the way the storm weakened a little bit before it came on shore, but part of it is because these guys have made investments. . . . The dunes did their jobs. They protected the beach."

Across the state, though, normal will take a while.

More than 300 highway locations were covered with floodwaters or obstructed by debris, the New Jersey Department of Transportation reported Monday.

Southbound lanes of the Garden State Parkway south of Exit 98 at Interstate 195 reopened, though detours remained between Exits 98 and 91. Eastbound lanes of the Atlantic City Expressway at Pleasantville were to reopen Monday afternoon.

The Route 322 bridge over Mullica Pond in Mullica Hill remained impassable as it awaited a state inspection.

Traffic backed up in Mount Holly because of closures affecting Rancocas Road from the Mount Holly Bypass. The Burlington County Courthouse will remain closed Tuesday because of flooding. The Burlington County government building stayed open, though the parking lots across the street were a lake.

Public transportation across the state was heavily affected.

Assunpink Creek, at a record level, submerged train tracks at the Trenton train station that are used by Amtrak and commuter trains. The situation forced suspension of much of the Northeast Corridor's rail service north of Philadelphia, as Amtrak, NJ Transit and SEPTA trains were unable to operate.

Amtrak service between Philadelphia and Boston was halted, and NJ Transit trains operated only on the Atlantic City Line. Seventeen SEPTA railcars were stranded at the Trenton station, where waters from the overflowing Assunpink lapped over the tracks.

Amtrak's Acela service from Boston to New York will resume Tuesday, the railroad said

Monday afternoon. But it was unclear when service could be restored between Philadelphia and New York. Maintenance crews first must inspect the tracks, rail bed, and power lines.

The River Line light-rail service was operating between Trenton and Camden, but buses replaced trains between Camden's Walter Rand Transportation Center and the waterfront Susquehanna Bank entertainment center because of flooding.

"Our goal is to resume service as quickly and safely as possible," said James Weinstein, New Jersey Transit's executive director. "However, customers should not expect a normal weekday [Monday] for transit services as crews continue to assess damage around the state, particularly on the railroad."

New Jersey highways also were inundated with post-hurricane flooding. The water and debris slowed efforts Monday by utility crews to restore power to New Jersey customers.

In Mount Holly, Cory Taylor was looking for a way to charge his phone Monday so that he could make arrangements to drop his 6-year-old son off in Willingboro, which incurred less damage.

Like many residents in Mount Holly, Taylor had lost his electricity and was told it might not come back on until the weekend.

"I can't even shave or anything now because I can't even see," Taylor said. "I'm looking a little scruffy."

What's more, he said his basement flooded Sunday night, ruining his son's new school supplies.

Public Service Electric & Gas had about 147,000 customers without service as of 9 p.m. Monday. Atlantic City Electric was reporting 37,000 without service. Jersey Central Power & Light reported about 300,000 homes and businesses without service. Most should have power restored by Wednesday, the companies said.

As of Monday, Irene was known to have claimed six lives in the state.

Michael Kenwood, 39, an emergency-medical technician, died of injuries he suffered in Princeton on Sunday during a hurricane-related rescue operation, police said.

In Salem County, Celena Sylvestri, 20, of Quinton, drowned Sunday when she drove onto a flooded stretch of Route 40 in Pilesgrove Township.

In Wanaque, Passaic County, Scott Palecek, 39, was walking Sunday when a pipe broke loose and swept him away. He was found 100 feet away, drowned.

In Kearny, Hudson County, Ronald Dawkins, 47, a postal worker from Orange, abandoned his vehicle Sunday when it became partly submerged and was wading

through rising water when he disappeared into a hidden drainage creek.

And at the Jersey Shore, the bodies of two men were recovered Monday. Jorge Hernandez, 25, of Point Pleasant Beach, was found about 10:40 a.m. in a jetty of the Manasquan River inlet, and a second man, whose identity had not been determined, was found near the inlet in Point Pleasant Beach about 1:15 p.m.

Hernandez and another man had planned to go to the inlet early Sunday, possibly to watch the storm's approach, Ocean County authorities said.

Asthma takes a heavy toll in PR
By CB Online Staff
cbnews@caribbeanbusinesspr.com

The incidence of asthma in Puerto Rico is among the highest in the world, with nearly 300,000 of the island's 3.8 million residents suffering from the respiratory disease, local Health Department officials say.

"There are 143,000 minors and 147,000 adults with this condition," Health Department official Margaret Wolfe said during a recent conference on asthma in San Juan.

The annual conference on trends in the treatment of asthma was organized by the Puerto Rico Asthma Project and the Health Department.

"The main aim of the Health Department is to raise awareness to improve diagnosis and treatment by providing the most complete information through experts in the field," Wolfe said.

Wolfe, diagnosed with asthma at a young age, offered insight into some of the limitations she faced as a child because of the ailment.

The daylong conference covered a range of issues including: a revision of the epidemiology of asthma in Puerto Rico; the impact on the quality of life of patients; the importance of developing response plans; and the importance of identifying possible aggravating factors as well as foods that can help control the disease.

Nurse Vivian Medina, of the Pediatric Pulmonology Center at Auxilio Mutuo Hospital, explained to patients and family members various methods for managing asthma in and out of the home.

"It is very important for parents to take steps so that their asthmatic children don't miss school. We can't expect teachers to take care of the welfare and future of our children," Medina said.

Children with uncontrolled asthma can miss more than two weeks of school a year, often forcing single parents to forgo work. Even when children go to school, teachers have no training or resources to deal with an asthma attack, according to Dr. Alberto Rivera Rentas, who has researched the effect of fungi on asthma in Puerto Rico and works for

the U.S. National Institute of General Medical Sciences.

Children in Puerto Rico are nearly 300 percent more likely to have the respiratory ailment than white non-Hispanic children in the continental United States.

The island already has 2.5 times the death rate stemming from asthma as the mainland, according to the U.S. Centers for Disease Control & Prevention. Puerto Ricans in the U.S. also have been hit hard by asthma, with an asthma attack rate 2.5 times higher than for whites.

Adding to the problem is that Puerto Rican children do not respond as well as those from other ethnic groups to the number one medication prescribed to asthmatics: Albuterol, which comes in an inhaler used to relieve sudden attacks. As a result, several major pharmaceutical companies are working to create another medication, but they are still years away from doing so.

No one knows for certain why Puerto Ricans suffer so much from asthma, despite decades of research.

Theories include volcanic ash that drifts in from nearby Montserrat, clouds of Sahara dust that blanket the city in the summer and fungi that flourish in the tropical humidity – particularly bad in rainy seasons.

Some researchers suspect poverty and the prevalence in low-income housing of mice and cockroaches – known asthma triggers.

Puerto Ricans, even when living in the same environmental conditions as other ethnic groups, still show higher rates of asthma, which suggests that genes are at least partly to blame,” according to Dr. Esteban González Burchard, director of the Center for Genes, Environments & Health at the University of California, San Francisco.

U.S. and Puerto Rican health officials have launched many research projects to attack the problem, but in the meantime, it is costing the island untold amounts in lost productivity and missed school days, burdening a health care system already overwhelmed with wheezing kids.

An average of 25,000 asthma-related emergency room claims are filed a year, and in the span of one year, nearly 90,000 Puerto Rican adults could not work or do regular activities because of asthma, according to a 2007 and a 2009 study by the island’s Health Department.

Asthma takes the fun out of childhood and makes parents anxious, because they do not know when the next attack might be coming, said Dr. Gilberto Ramos, a professor at the graduate School of Health at the University of Puerto Rico.

Asthma usually hits people in the U.S. Caribbean territory as infants.

Nearly 30 percent of children in Puerto Rico are diagnosed with asthma, and the rate increases to 40 percent among kids in public housing projects, said Dr. Floyd Malveaux, former dean of the College of Medicine at Howard University.

Malveaux is overseeing a \$1 million, four-year program funded by the Merck Childhood Asthma Network that will target asthmatics in one of San Juan's largest public housing projects. The aim is to provide access to better health care and teach parents and children how to prevent attacks.

A similar project in the early 2000s targeted two other housing projects in San Juan, where health officials monitored more than 200 asthmatics and visited their homes to encourage people to quit smoking and help eliminate mold, cockroaches and other allergens.

Emergency room visits dropped by 30 percent.

People with asthma often feel like they are being suffocated and have a heavy weight on their chest. Some describe an attack as trying to breathe quickly through a very narrow straw.

Inter News Service and the Associated Press contributed to this report.

NYT

AUGUST 26, 2011, 6:06 PM

Wading Into New York City's Future

By MIREYA NAVARRO

Better get used to it. More frequent and intense storms are what studies and New York City's own panel on climate change have predicted for the city as average temperatures and sea levels rise over the next decades.

By midcentury, city officials say, New York City's average temperature is projected to increase three to five degrees Fahrenheit and sea levels are expected to rise by more than two feet. By the end of the century, they say, New York City may feel more like North Carolina.

Hurricane Irene is a reminder of the city's vulnerabilities, but some environmental groups say the good news is that the city is taking steps to prepare.

"We consider New York City to be one of the leaders nationally," said Ben Chou, a water policy analyst with the Natural Resources Defense Council in Washington. "They are already looking at how climate change is going to impact the city."

The N.R.D.C. this month released a report summarizing water-related threats to a dozen cities around the country. Most face increased flooding and problems like shoreline erosion and saltwater intrusion into sources of drinking water. The report recommends that cities undertake full assessments of the risks now so they can start protecting their

water resources and taking other necessary measures to prepare.

New York City has already convened a panel on climate change and an adaptation task force. It has also begun investing in environmental techniques to capture and retain storm water and is moving critical equipment in city buildings to higher elevations— like pump motors and circuit breakers at the Rockaway Wastewater Treatment Plant in Queens.

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ASSOCIATED PRESS

August 29, 2011, 11:02AM ET text size: TT

Flood impacts multiply as water rises across NJ

By DAVID PORTER

POMPTON LAKES, N.J.

A house exploded in an evacuated flood zone early Monday, one of the most dramatic moments in New Jersey in the wake of Hurricane Irene, which led to record flooding, caused widespread power outages and was being blamed for at least three deaths.

Pompton Lakes, where the house exploded, is surrounded by three rivers and was seeing serious flooding Monday. Record crests were expected in the area.

The house exploded early Monday, sending a cloud of smoke over the area as firefighters sought to contain the flames from a boat.

Maryann Waibel, who lives a few blocks from the house, said she heard an explosion around 6:30 a.m. "I heard the bang and the house trembled," she said. "I thought, 'Did my foundation crack?' Then I went outside and saw the billowing smoke."

Pompton Lakes Police Lt. Ronald Thomas said it was assumed no one was in the house because of the evacuation, and there were no reports of any injuries. Natural gas service had not been turned off in the neighborhood, he said.

Neighborhoods from Mount Holly near Philadelphia to Hoboken outside New York City were evacuated as the state's streams and rivers rose.

The water was exceptionally high along the Raritan and Passaic Rivers, among other waterways across the state.

When Trenton's Assunpink Creek flooded to a record level, it submerged train tracks in the state capital that are used by Amtrak and commuter trains.

The flooding made scores of roads big and small impassable. That meant New Jersey Transit buses were altering routes. Most of the state's train lines were shut down. Gov. Chris Christie told the state's residents to stay home if they could on Monday, but didn't

close state government offices.

State climatologist David Robinson said Irene would join the handful of storms whose names make people wince, like Hurricane Floyd in 1999, the Ash Wednesday Nor'easter of 1962 and the memorable storm of 1944.

He said that as a rainstorm, it will end up about as bad as Tropical Storm Doria, which doused the state on Aug. 27 and 28, 1971 -- exactly 40 years ago. The only worse flooding, statewide, was the Great Flood on 1903, which came in October of that year, the month after the last hurricane that made landfall in the state.

"We're talking a tragic mass of flooding," he said.

For rivers like central New Jersey's Millstone, it's the fourth -- and most severe -- major flood since Floyd a dozen years ago.

He said the state seems to be in a pattern of frequent heavy rains. It's not all explained by impervious surfaces brought in by sprawl. "It's not as if in 1999, New Jersey suddenly developed," he said.

Irene brought about 10 inches of rain in Stockton and Wayne, and at least 5 inches almost everywhere.

It had been a wet month before Irene's rains arrived Saturday. Robinson said the average total rainfall from observation centers across the state will be about 15 inches for the month -- 3 inches more than October 2005, which had been the rainiest recorded in the state. Some locations have had about 2 feet of rain in all.

By Monday morning, about 625,000 homes and business still had their power knocked out, down from a high of over 900,000. If the winds at the shore had been a bit higher than Sunday's peak gusts of 60 to 69 mph, power outages would have been even more severe.

With the heavy volume of work and obstacles presented by flooded roads and downed trees, utilities said it could take up to a week to restore power to everyone. That left people fretting about the contents of their freezers, living by candlelight and trying hard to preserve their cellphone batteries so they could maintain a link to the rest of the world.

The storm is being blamed for at least three deaths in the state, all Sunday: a 20-year-old Salem County woman found in her flooded car, a 39-year-old man from Wanaque swept away as he walked around looking at damage and a postal worker from Orange, who was swept away after his car was marooned near the Kearny facility where he works.

Associated Press Writers Geoff Mulvihill and Shawn Marsh in Trenton contributed.

Possibly contaminated groundwater found near chromium site in Jersey City

Published: Monday, August 29, 2011, 4:38 PM Updated: Monday, August 29, 2011, 4:38 PM

By Terrence T. McDonald/The Jersey Journal

Jersey Journal file photo

Possibly contaminated groundwater was found today near the chromium site on Garfield Avenue in Jersey City.

Pools of groundwater possibly contaminated with chromium were found today near a Garfield Avenue site in Jersey City after officials inspected the site in the aftermath of Hurricane Irene.

The 16-acre site, the location of a plant that processed chromium until 1963, was "battened down" before the hurricane, but flooding caused by the storm likely resulted in the possibly contaminated water, said Mike McCabe, who was appointed to administer the chromium cleanup at the 16-acre site.

Residents have nothing to fear, and tests may yet show that the water contains no chromium, McCabe said.

"Rather than wait ... we put into action a plan to completely vacuum up all the water that was there," he said.

The possibly contaminated water was found off-site, near the intersection of Halladay Street and Carteret Avenue. Local police and hazmat units helped secure the area and collect the water samples, McCabe said.

NY Magazine

Hurricane Irene Could Be a Toxic Shitstorm in the Gowanus Canal

8/27/11 at 12:51 PM 35Comments

The Gowanus Canal on Saturday morning.

Photo: Adam Pasick

When Hurricane Irene hits the New York area on Sunday, the neighborhoods surrounding the Gowanus Canal are in for a literal shitstorm – and that may be the least of their problems.

The latest projections anticipate a storm surge of seven to fifteen feet in New York Harbor on Sunday. A dome of water would travel from Upper New York Bay, through Gowanus Harbor, and into the 1.5-mile-long Gowanus Canal near Smith and 9th Street. Once in the canal, it could stir up a heady mix of pollutants – essentially oil, heavy metals, and human excrement – and distribute it throughout the slowly gentrifying area that sits among some of Brownstone Brooklyn's priciest neighborhoods.

Ask any Gowanus resident, or any of the artists and restaurateurs who have recently staked out space there, and they'll tell you that it's no fun for anyone with a functioning olfactory system to be near the canal when it rains. That's because the city's sewer system overflows into the canal whenever it maxes out its capacity to handle runoff, which happens all too often, resulting in a disgusting wave of human poop. The canal can be even fouler at low tide on a sunny day, when water levels drop low enough to

expose the polluted sludge – mostly 100-year-old oil and coal byproducts, and PCBs from metal and paint factories – that lines its banks.

If Irene hits with sufficient force, a flood of the human waste quaintly known as combined sewer overflow (CSO) is almost a certainty. What is less certain is how much of the heavier, more dangerous contaminants will be churned up by the storm surge and heavy winds and deposited by the flood waters. There is a worrying precedent in Hurricane Katrina, which inundated several Superfund sites such as the Agriculture Street Landfill. Like the Gowanus Canal, the landfill had accumulated decades worth of various pollutants, and after Katrina the area around the landfill showed "disturbingly high" levels of cancer-causing chemicals from soot and petroleum-based products. Those are known as polyaromatic hydrocarbons (PAHs), and EPA testing has confirmed high levels of them in the Gowanus Canal, the result of oil and coal refinery runoff a hundred years ago.

The 50-odd blocks that surround the canal – known lately for open-air dance parties and hipster houseboats – are in Zone A and are subject to mandatory evacuation. The two neighborhoods that border the Gowanus, Park Slope and Carroll Gardens, are both uphill from the canal. But whether those hills are steep enough to turn back a toxic shitstorm won't be known until Irene passes through.

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Judith Enck/R2/USEPA/US

03/31/2011 09:17 PM

To "Richard Windsor"

cc

bcc

Subject Fw: DEP Release: Christie Administration Wins Battle for
EPA Action on Polluting PA Power Plant

Sent by EPA Wireless E-Mail Services

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

From: Barbara Finazzo

Sent: 03/31/2011 07:10 PM EDT

To: Kevin Bricke; Joann Brennan-McKee; Raymond Werner; William Baker; Judith
Enck; George Pavlou; Lisa Plevin; Bonnie BellowSubject: Fw: DEP Release: Christie Administration Wins Battle for EPA
Action on Polluting PA Power Plant

FYI

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

From: "depnews depnews" [depnews@dep.state.nj.us]

Sent: 03/31/2011 04:39 PM AST

To: <depnews@listserv.state.nj.us>

Subject: DEP Release: Christie Administration Wins Battle for EPA
Action on Polluting PA Power Plant

IMMEDIATE RELEASE:

March 31, 2011

Contact: Lawrence Ragonese (609) 292-2994

Lawrence Hajna (609) 984-1795

CHRISTIE ADMINISTRATION WINS BATTLE FOR EPA ACTION ON
POLLUTING PENNSYLVANIA POWER PLANT

(11/P43) TRENTON - The federal Environmental Protection Agency accepted New Jersey's Clean Air Act petition that seeks to force a Pennsylvania coal-fired power plant to dramatically reduce harmful air pollutants that drift over the Delaware River and into North Jersey, and which has caused longstanding public health concerns for residents living in that region, DEP Commissioner Bob Martin announced today.

The EPA, in accepting the State's petition, has proposed a rule to require the power plant, operated by GenOn Energy (formerly Reliant or RRI Energy) in Portland, Pa., to cut its sulfur dioxide (SO₂) emissions by 81 percent over a three-year period, significantly reducing pollutants that can aggravate asthma and cause other respiratory difficulties.

"It is a priority of this Administration to achieve improved air quality for

all residents of New Jersey," said Governor Christie. "Targeting out-of-state air pollution that negatively impacts our State is just one of many initiatives we are undertaking to benefit the public health and improve our environment."

"I commend the federal government for taking positive action on the State's petition," said Commissioner Martin. "Most important, this is a win for the public health and welfare of North Jersey residents, and especially people in Knowlton Township and Warren County, who have long been directly in the path of these unhealthy emissions. That situation is not acceptable."

Commissioner Martin vowed to ensure that the federal process - prompted by the State's filing of a Section 126 Clean Air Act petition -- continues to move along as quickly as possible. He plans to testify in person at a public hearing which has been scheduled by the EPA on April 27 in Oxford, Warren County.

The DEP had pressed for a public hearing in Warren County to afford the greatest opportunity for the residents most affected by the air emissions to relate the effects of GenOn Energy plant's pollution on their lives.

The 126 Petition filed by the DEP in 2010 included evidence to show that damaging sulfur dioxide pollution produced by the GenOn power plant adversely impacts most of Warren County and sections of Sussex, Morris and Hunterdon counties, as well as at least three counties in Pennsylvania. The sulfur dioxide coming from the plant is known to cause a variety of adverse health effects, including asthma and respiratory failure, and environmental impacts such as acid rain.

RRI's power plant emitted more than 30,000 tons of sulfur dioxide in 2009, which is more than all seven of New Jersey's coal-fired power plants combined in that year.

The DEP believes modern air pollution controls, including a scrubber, should be installed to substantially reduce the Portland plant's emissions. Improved sulfur dioxide and particle control also would reduce other hazardous air pollutant emissions, including hydrochloric acid, lead and mercury.

In addition to the 126 Petition to limit air pollution from this plant, the State also has an ongoing legal action against GenOn to reduce emissions of nitrogen oxides, as well as sulfur dioxide, at the Portland facility.

Also, the State is battling out-of-state air pollution in two ongoing pending federal court cases. The DEP is attempting to require Pennsylvania-based Allegheny Energy Inc. and subsidiaries to reduce emissions of sulfur dioxide and nitrogen oxide at three power plants in western Pennsylvania. The Department also is seeking to substantially cut the amount of sulfur dioxide pollution pouring from the massive Homer City Station power plant in western Pennsylvania.

Those emissions, in the form of nitrogen oxides and fine particulate matter, are carried eastward by prevailing winds towards New Jersey, causing ozone smog pollution, visible haze and acid rain.

EPA will accept written comments on the State's 126 Petition until May 27. For more information on the petition and the scheduled April 27 public hearing visit: <http://www.epa.gov/ttn/oarpg/new.html>

Full text of New Jersey's 126 petitions on the Portland/RRI issue can be found at:

<http://www.nj.gov/dep/baqp/petition/126petition.htm>

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Judith Enck/R2/USEPA/US

02/21/2012 11:34 AM

To "Richard Windsor", Brendan Gilfillan

cc Lisa Plevin

bcc

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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Judith Enck/R2/USEPA/US
12/20/2011 12:14 PM

To "Richard Windsor", "Brendan Gilfillan", "Sarah Pallone",
"Arvin Ganesan"
cc
bcc
Subject From yesterday

Sent by EPA Wireless E-Mail Services
Beth Soltani

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

From: Beth Soltani
Sent: 12/20/2011 09:46 AM EST
To: Judith Enck
Subject: Re: Fw: Google Alert - Judith Enck

Christie administration's portrayal of 2008 sewer rules 'very unfortunate,' EPA region chief says

Gov. Chris Christie's environmental commissioner, Bob Martin, made "very unfortunate" and incorrect assertions that former New Jersey governor Jon S. Corzine and his environmental commissioner – now U.S. Environmental Protection Agency Administrator Lisa Jackson – knew proposed sewer rules would fail in New Jersey, said Judith Enck, the EPA's regional administrator.

"Lisa Jackson would never have spent years and years working on these regulations if there was no chance of those plans working," Enck said, after Martin said last week that the Christie administration inherited unusable guidelines for water quality management plans.

Federal officials provided \$1.6 million in economic stimulus money for New Jersey to give counties so they could finish the sewer planning, Enck said. With 85 percent of those funds spent, the EPA expects to see results, she added.

The state Department of Environmental Protection stood by Martin's remarks Monday, fueling a controversy between the agency and environmental groups who say suspending the sewer plans will endanger Barnegat Bay and clean water across the state.

"The rules that were in place were in fact unworkable. Counties were not complying," said Larry Ragonese, a DEP spokesman. "The counties put together their own small bureaucracies to try and make a complex and difficult process work."

Some counties like Monmouth and Ocean are almost ready to present complete plans, "but most of the others are not really close," Ragonese said.

While county governments and regional sewage treatment agencies adjust those boundaries, new measures being fast-tracked through the state Legislature would delay the new plans by at least two years – and allow property owners and builders to lock in some permits under the old plans, so projects can happen near drinking water sources, wildlife habitat and other areas the Corzine administration sought to protect.

Maps for planning sewer service areas effectively set borders to the suburbs. Without public

sewers, it's impractical to building housing developments and strip malls.

In 2008, the Corzine administration proposed new boundaries to protect critical environmental areas like drinking water reservoirs and wildlife habitat by pulling back those development boundaries. Enck said it's a broad landscape planning action to ensure drinking water supplies stay safe, while promoting "smart growth" that uses existing sewer systems in older town centers instead of pushing growth into fringe areas where it consumes farmland and woods.

With new plans readied by some counties, "I don't think there is any logical reason to stop this," Enck said of a last-minute rush by the state Legislature to delay new sewer area boundaries, and allow exemptions so developers can build on sites that would be excluded from sewer connections.

Enck said EPA officials were taken aback last week when Martin stated the Christie administration sees the sewer plans as unworkable and a threat to the construction industry.

Martin emphatically defended the Christie administration's support for state lawmakers like Sen. Paul Sarlo, D-Bergen, who want to again suspend deadlines for finalizing sewer plans the DEP proposed back in 2008. Corzine vetoed a similar attempt by Sarlo, and now the Legislature could vote to approve his latest effort in the first week of January.

"We support them, and here's why," Martin said Dec. 15, as the state Assembly Environment and Solid Waste Committee released a bill to push back the deadline and allow exemptions for sewer connections.

Martin told reporters that Corzine and Jackson "put in water quality management plans that they knew could never get approved. All building would stop in the state of New Jersey."

As Christie's people came into state offices in January 2010, they could see the sewer plans "were nowhere near done," Martin said.

The EPA has been pressing New Jersey since 1996 to update its sewer plans, and with the 2008 proposals "there are already a series of compromises with the builders built into the plan," said Jeff Tittel of the Sierra Club.

If state lawmakers and the DEP try to suspend the rules, the EPA could rescind agreements that delegate clean-water enforcement to the state, Tittel said. "It's happened before. ... There is a history of the regional (EPA) administrator, whether they are Democratic or Republican, stepping forward" to stop New Jersey from taking wrong steps on clean water, he said.

"The commissioner's statement is unfortunate and not based on the facts," Enck said. "Reasonable people can disagree on policy ... but those are just not the facts."

Judith Enck

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12/19/2011 04:54:05 PM

From: Judith Enck/R2/USEPA/US
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 Date: 12/19/2011 04:54 PM
 Subject: Fw: Google Alert - Judith Enck

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 Judith Enck

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

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News

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[Christie administration's portrayal of 2008 sewer rules 'very ...](#)

Asbury Park Press

... Protection Agency administrator Lisa Jackson – knew proposed sewer rules would fail in New Jersey, said **Judith Enck**, the EPA's regional administrator. ...

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Karl Brooks/R7/USEPA/US
04/15/2012 09:08 AM

To Al Armendariz, "Elworth, Larry", Gina McCarthy, "Windsor, Richard", Bob Perciasepe, "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:

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 CO2 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

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

**Katharine
Gage/DC/USEPA/US**
03/25/2010 04:36 PM

To
cc
bcc

Subject Briefing to discuss Boiler MACT

Meeting

Date 03/30/2010
Time 02:00:00 PM to 02:45:00 PM
Chair Katharine Gage

Invitees
Required
Optional

FYI

Location Administrator's Office

Ct: Georgia Bednar 564-9816

Staff:

Gina McCarthy, Janet McCabe (OAR)
Paul Anastas, Science Advisor (by phone)
Bob Sussman, Bob Perciasepe, Diane Thompson (OA)
Lisa Heinzerling (OPEI)
Scott Fulton, Avi Garbow (OGC)
Lisa Garcia (OECA)

*Hookup to Administrator's Conference line needed

**Katharine
Gage/DC/USEPA/US**
08/10/2009 12:05 PM

To
cc
bcc

Subject Briefing to discuss the Surface Coal Mining MOU Policy
Options and Permit Review Update

Meeting

Date 08/17/2009

Time 03:30:00 PM to 04:15:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Lori Keyton (OW) 564-5768

Staff:

Bob Sussman, Lynn Zipf, Scott Fulton (OA)

Pete Silva, Mike Shapiro, Greg Peck, Suzanne Schwartz, Jim Hanlon, Ephraim King, David Evans, Brian Frazer, Ann Campbell
(OW)

Catherine McCabe, Randy Hill, Susan Bromm (OECA)

Steve Neugeboren (OGC)

(hookup to Admin's conference line needed for R3, 4, 5)

**Katharine
Gage/DC/USEPA/US**
08/10/2009 12:05 PM

To
cc
bcc

Subject Briefing to discuss the Surface Coal Mining MOU Policy
Options and Permit Review Update

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Invitees

Required

Optional

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(OW)

Catherine McCabe, Randy Hill, Susan Bromm (OECA)

Steve Neugeboren (OGC)

(hookup to Admin's conference line needed for R3, 4, 5)

**Katharine
Gage/DC/USEPA/US**
12/01/2009 01:40 PM

To
cc
bcc

Subject FYI - Steering Committee for the Interagency Climate
Change Adaptation Task Force

Meeting

Date 01/13/2010

Time 03:30:00 PM to 05:00:00 PM

Chair Katharine Gage

Invitees

Required

Optional

FYI

Location CEQ, 722 Jackson Place

Bob Perciasepe will attend for EPA

**Katharine
Gage/DC/USEPA/US**
12/08/2009 03:03 PM

To
cc
bcc

Subject Meeting with first-ever accredited Youth Delegation to UN
Framework Convention on Climate Change

Meeting

Date 12/09/2009
Time 11:15:00 AM to 11:45:00 AM
Chair Katharine Gage
Invitees
Required
Optional
FYI
Location Bella Center, Copenhagen

**Katharine
Gage/DC/USEPA/US**
07/15/2009 06:29 PM

To
cc
bcc

Subject Meeting with Secretary Vilsack

Meeting

Date 07/21/2009

Time 02:00:00 PM to 02:30:00 PM

Chair Katharine Gage

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Sally Cluthe

Staff:

Larry Elworth (OA)

David McIntosh (OCIR)

Attendees:

Secretary Vilsack

Ms. Grant Leslie, Senior Advisor to the Secretary

Mr. Robert Bonnie, Senior Advisor for Environment and Climate

**Katharine
Gage/DC/USEPA/US**
02/25/2010 12:14 PM

To
cc
bcc

Subject Newsweek Briefing and Interview

Meeting

Date 03/02/2010

Time 05:00:00 PM to 05:30:00 PM

Chair Katharine Gage

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Brendan Gilfillan

In person print interview - No Photog

5:00-5:15 Briefing for the Administrator

5:15-5:30 Interview

Staff:

Adora Andy, Brendan Gilfillan (OPA)

Re: Climate and GHG Regulation

**Katharine
Gage/DC/USEPA/US**
07/10/2009 02:55 PM

To
cc
bcc
Subject Panel Discussion:Climate Change: Global Warming and its
Consequences for Latinos

Meeting

Date 07/15/2009
Time 02:30:00 PM to 03:45:00 PM
Chair Katharine Gage
Invitees
Required
Optional
FYI
Location LULAC

**Katharine
Gage/DC/USEPA/US**
05/19/2009 03:43 PM

To
cc
bcc

Subject Tour Arch Coal's Black Thunder Coal mine

Meeting

Date 05/21/2009

Time 08:00:00 AM to 11:45:00 AM

Chair Katharine Gage

Invitees

Required

Optional

FYI

Location Gillette, WY

FYI: Press on board

Megan Cryan/DC/USEPA/US

06/24/2009 12:44 PM

To Richard Windsor

cc

bcc

Subject Re: Denver Post: EPA Chief uses Denver as growth role model

THANK YOU!
Richard Windsor

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

From: Richard Windsor

Sent: 06/24/2009 12:37 PM EDT

To: Megan Cryan

Subject: Re: Denver Post: EPA Chief uses Denver as growth role model

Fuhgeddaboutit. Funny.

Megan Cryan

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

From: Megan Cryan

Sent: 06/24/2009 11:27 AM EDT

To: windsor.richard@epa.gov

Subject: Fw: Denver Post: EPA Chief uses Denver as growth role model

Sure u already saw this, but wanted to make sure. And apologize. It will never happen again. I'm really sorry.

Wendy Chipp

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

From: Wendy Chipp

Sent: 06/24/2009 08:19 AM MDT

To: Lawrence Grandison; Richard Mylott

Cc: Sandy Fells; Mike Gaydosh; Carol Rushin; Betsaida Alcantara; Megan Cryan; Laura Niles

Subject: Denver Post: EPA Chief uses Denver as growth role model

denver and the west

EPA chief uses Denver as growth role model

Garden Village is called just what Obama wants

By Claire Trageser

The Denver Post

Posted: 06/24/2009 01:00:00 AM MDT

Updated: 06/24/2009 01:05:55 AM MDT



Environmental Protection Agency Administrator Lisa Jackson laughs as Denver Mayor John Hickenlooper retrieves an EPA emblem that fell off the lectern. (Andy Cross, The Denver Post)

As President Barack Obama scouts solutions to the country's economic and environmental problems, one of the Environmental Protection Agency director Lisa Jackson and Mayor John Hickenlooper visited Highlands' Garden Village to minimize its environmental impact, Tuesday to recognize its answer to some of the country's biggest problems.

"There are a host of economic challenges we must face, and there are also escalating environmental consequences. Obama has said we don't have to choose, because we can have both a green environment and a green economy.

"What we're seeing right here is how we can make that change happen."

Developer Chuck Perry took Jackson and Hickenlooper on a brief tour of the 10-year-old neighborhood — built to show off some of its most environmentally friendly features.

"Solar awnings, those are so cool," Hickenlooper said when Perry pointed out the technology attached to a 24-hour building to harness sunlight to power the fitness center's parking lot and lobby, Perry said.

Perry also described the community's buildings, which are partially made of recycled material and use energy-efficient lighting. He said the compact neighborhood — 306 single-family and apartment homes in a 27-acre lot — minimizes resident

In addition to reducing its environmental impact, Hickenlooper said, Highlands' Garden Village benefits the local economy.

"This shows that sustainability and economic development can go hand in hand," he said.

The development offers 75,000 square feet of commercial space, more than a third occupied by Sunflower Market.

and environmental efficiency from the U.S. Green Building Council.

A quarter of the development's apartments are for Denver residents who make less than half of the city's median income. Another quarter of the apartments are for residents who make less than 60 percent of the median income.

Jackson said the development's combination of economic stimulation and environmental innovation is what the project is all about.

This week, top White House administrators are visiting other environmental projects across the country to highlight the benefits of green building. Last month, the House's Energy and Commerce Committee passed the Waxman-Markey American Clean Energy and Security Act, which promotes renewable-energy creation and emissions cuts.

The EPA has teamed with the Transportation and Housing and Urban Development departments to encourage more green building in the Garden Village area.

"Colorado has been a leader in growing the green economy," Jackson said. "We want more communities just like Garden Village."

Claire Trageser: 303-954-1638 or ctrageser@denverpost.com

Megan Cryan/DC/USEPA/US
06/24/2009 11:27 AM

To windsor.richard
cc
bcc

Subject Fw: Denver Post: EPA Chief uses Denver as growth role model

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Sent: 06/24/2009 08:19 AM MDT
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The development offers 75,000 square feet of commercial space, more than a third occupied by Sunflower Market. It also offers energy and environmental efficiency from the U.S. Green Building Council.

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"Colorado has been a leader in growing the green economy," Jackson said. "We want more communities just like this."

Claire Trageser: 303-954-1638 or ctrageser@denverpost.com

Noah Dubin/DC/USEPA/US

To

05/12/2011 10:46 AM

cc

bcc

Subject Boiler MACT Discussion

Meeting

Date 05/18/2011

Time 02:40:00 PM to 03:10:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Administrator's Office

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)

Seth Oster (OEAE)

**Teleconferencing is required for this meeting

Noah Dubin/DC/USEPA/US

To

09/30/2011 09:17 AM

cc

bcc

Subject Boiler MACT Follow-up Discussion

Meeting

Date 09/30/2011

Time 01:45:00 PM to 02:15:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location By Phone/Deputy Administrator's
Office

Ct: Noah Dubin - 202-564-7314

Staff:

Bob Sussman, Bob Perciasepe (OA)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

Michael Goo (OP)

Arvin Ganesan (OCIR)

Scott Fulton (OGC)

**Teri will call the Administrator's cell

Noah Dubin/DC/USEPA/US

To

06/02/2011 03:14 PM

cc

bcc

Subject Boiler MACT Meeting with Senators

Meeting

Date 06/16/2011

Time 12:00:00 PM to 12:50:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Sen. Wyden's Office,
223 Dirksen

Ct: Wayne BinkleyWayne_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:

Arvin Ganesan (OCIR)

Gina McCarthy (OAR)

Mathy Stanislaus (OSWER)

Noah Dubin/DC/USEPA/US

To

04/24/2012 11:39 AM

cc

bcc

Subject Climate and Energy Funders Annual Meeting

Meeting

Date 04/26/2012

Time 08:30:00 AM to 09:15:00 AM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Millennium UN Plaza Hotel,
1 United Nations Plaza,
New York City, NY

Noah Dubin/DC/USEPA/US

To

05/25/2012 11:31 AM

cc

bcc

Subject Conference Call re: Region 4 Kentucky Coal Permit Hearings

Meeting

Date 05/29/2012

Time 02:45:00 PM to 03:15:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Brenda Beverly - 404-562-8348

Staff:

Bob Perciasepe, Bob Sussman, Janet Woodka (OA)

Brendan Gilfillan (OEAE)

Sarah Pallone, Arvin Ganesan (OCIR)

Shawn Garvin (R3)

Gwen Keyes Fleming, Stan Meiburg (R4)

**Aaron will open the Administrator's conference line

Noah Dubin/DC/USEPA/US

To

02/03/2012 03:07 PM

cc

bcc

Subject Discussion on Coal Ash Beneficial Use Evaluation

Meeting

Date 02/06/2012

Time 02:15:00 PM to 02:45:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Green Room

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)

Mathy Stanislaus, Lisa Feldt (OSWER)

Arvin Ganesan or Laura Vaught (OCIR)

Scott Fulton or Avi Garbow (OGC)

Optional:

Diane Thompson (OA)

Noah Dubin/DC/USEPA/US

To

05/25/2011 12:37 PM

cc

bcc

Subject Discussion on Coal Combustion Residuals

Meeting

Date 06/09/2011

Time 10:45:00 AM to 11:30:00 AM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Nelly Torres 564-5767

Staff:

Bob Sussman (OA)

Mathy Stanislaus, Lisa Feldt (OSWER)

Seth Oster (OEAAE)

Avi Garbow (OGC)

Michael Goo or Bicky Corman (OP)

Arvin Ganesan (OCIR)

Noah Dubin/DC/USEPA/US

To

04/12/2011 03:11 PM

cc

bcc

Subject Early Guidance Briefing: Coal Combustion Residuals (SAN 4470; Tier 1)

Meeting

Date 05/23/2011

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

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Bullet Room

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 Balsarak, 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

Noah Dubin/DC/USEPA/US

To

08/09/2011 04:06 PM

cc

bcc

Subject JIUS Session II--Presentations: The Opportunities and Challenges of Urban Sustainability

Meeting

Date 08/16/2011

Time 12:30:00 PM to 01:40:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Palacio do Itamaraty

Presenter: Alberto Silva, Port Redevelopment Company

Agenda:

12:130-12:45 PM: Scene setter: Rio de Janeiro, Mega-Cities, and Options for a Greener Future

-Janice Perلمان, Founder, Mega-Cities Project

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

Noah Dubin/DC/USEPA/US

To

04/25/2011 12:31 PM

cc

bcc

Subject Meeting with Earth Justice

Meeting

Date 05/03/2011

Time 05:15:00 PM to 05:45:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Green Room

Ct: Dru Ealons 564-7818

*This meeting will begin at 4:30 PM with Senior Leadership from OAR and OSWER, but the Administrator will join at 5:15 PM until 5:45 PM

Run of Show:

Introduction of Administrator Jackson - Dru Ealons or Stephanie Owens

Administrator Jackson - 5 mins remarks

50 States Welcome Speaker (1-2 min)

Mercury Air Toxics: Comments from a health professional (1-2 min each plus EPA response)

Cement Kiln Standard (1-2 min plus EPA response): Community representative

Smog & PM Standards (2 min plus EPA response): Health community representative

Definition of non-hazardous Solid Waste (1-2 min plus EPA response): Community representative

Coal ash (1-2 min plus response): Community representative

Tribal Concerns (1-2 min plus EPA response): Tribal community representative

Wrap-up & thank you: Community representative

Noah Dubin/DC/USEPA/US

To

09/01/2011 01:16 PM

cc

bcc

Subject Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT

Meeting

Date 09/29/2011

Time 02:05:00 PM to 02:45:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Bullet Room

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, 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

Noah Dubin/DC/USEPA/US

To

01/05/2012 02:25 PM

cc

bcc

Subject Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)

Meeting

Date 02/13/2012

Time 10:00:00 AM to 10:45:00 AM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Nelly Torres: 202-564-5767

**Teleconferencing is required for this briefing

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)

Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)

Nancy Stoner (OW)

Malcolm Jackson (OEI)

Gina McCarthy (OAR)

Cynthia Giles (OECA)

Paul Anastas (ORD)

Jim Jones (OCSPP)

Scott Fulton (OGC)

Michael Goo (OP)

Shawn Garvin (R3)

Gwen Keyes Fleming (R4)

Susan Hedman (R5)

Karl Brooks (R7)

James Martin (R8)

Jared Blumenfeld (R9)

Optional:

Diane Thompson, Janet Woodka (OA)

Arvin Ganesan (OCIR)

Noah Dubin/DC/USEPA/US

To

12/22/2011 01:29 PM

cc

bcc

Subject Pre-Brief for Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)

Meeting

Date 01/19/2012

Time 03:15:00 PM to 03:45:00 PM

Chair Kate Bluhm

Invitees

Required

Optional

FYI

Location Bullet Room

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

Staff:

Bob Perciasepe, Bob Sussman (OA)

Mathy Stanislaus, Lisa Feldt(OSWER)

Scott Fulton, Avi Garbow (OGC)

Michael Goo, Bicky Corman (OP)

Gina McCarthy, Janet McCabe (OAR)

Ken Kopocis (OW)

Optional:

Diane Thompson (OA)

Arvin Ganesan, Laura Vaught (OCIR)

Noah Dubin/DC/USEPA/US

To

06/13/2011 11:42 AM

cc

bcc

Subject Pre-Brief to Boiler MACT Meeting with Senators

Meeting

Date 06/14/2011

Time 10:15:00 AM to 10:45:00 AM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Arvin Ganesan 564-4741

Staff:

Arvin Ganesan (OCIR)

Scott Fulton (OGC)

Gina McCarthy (OAR)

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Sussman (OA)

Noah Dubin/DC/USEPA/US

To

05/04/2011 05:24 PM

cc

bcc

Subject US-China Strategic & Economic Dialogue

Meeting

Date 05/09/2011

Time 02:15:00 PM to 03:45:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Department of State

2:15 - 3:45 PM: Strategic Track Plenary Session I: US-China Cooperation (Camera Spray)

Location: Loy Henderson Auditorium

**2:39 - 3:27 PM: Cooperation on Clean Energy, Climate Change, and Environment (U.S. leads)

Location: Loy Henderson Auditorium

Ray Spears/DC/USEPA/US

04/30/2009 04:00 PM

To Bob Sussman, Lisa Heinzerling, David McIntosh, Scott Fulton, Allyn Brooks-LaSure, Arvin Ganesan, Marcia Mulkey, Craig Hooks, Eric Wachter, Robert Goulding, Diane Thompson

cc Richard Windsor

bcc

Subject Fw: HQ-RIN-01159-09 (Landmark Foundation - Michael O'Neill)

FYI. Below is a new FOIA request that may be of interest. The request seeks records relevant to the Agency's recent endangerment findings.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 04/30/2009 03:57 PM -----

From: Trina Porter/DC/USEPA/US
To: Patricia Porter/DC/USEPA/US@EPA, John Mack/DC/USEPA/US@EPA, Deborah Johnson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Marygrace Galston/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Valerie Washington/DC/USEPA/US@EPA, Sally Shaver, Alicia Kaiser/DC/USEPA/US@EPA
Cc: Ray Spears/DC/USEPA/US@EPA, Brian Hope/DC/USEPA/US@EPA, Byron Brown/DC/USEPA/US@EPA, Kevin Miller/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA, Sharnett Willis/DC/USEPA/US@EPA, Rory Boyd/DC/USEPA/US@EPA
Date: 04/30/2009 03:51 PM
Subject: HQ-RIN-01159-09 (Landmark Foundation - Michael O'Neill)

The Office of the Administrator is in receipt of the above referenced Freedom of Information Act request. The request is as follows:

Requestor: Michael O'Neill

Firm: Landmark Legal Foundation, The Ronald Reagan Legal Center

Request: (verbatim)

1. Any and all records identifying the names of individuals, groups and/or organizations outside the EPA with which the EPA, EPA employees, EPA contractors, and/or EPA consultants communicated with pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or proposal RIN-2060-ZA14 between October 31, 2008 and April 23, 2009.

2. Any and all records evincing preliminary reports or findings produced by the EPA or at the direction of the EPA and provided or made available to organizations or individuals outside of EPA (including members of the U.S. Senate and/or the U.S. House of Representatives) pertaining to the endangerment or cause or contribute findings for greenhouse gases under the Clean Air Act or RIN 2060-ZA14 not currently available at [HTTP://epa.gov/climate change/endangerment.html](http://epa.gov/climate_change/endangerment.html).

3. Any and all records evincing communications between the EPA and members of the United States

House of Representatives or members of the U.S. Senate (as well as communications between the EPA and staff to said members) pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or RIN 2060-ZA14 from October 31, 2008 to April 23, 2009.

4. Any and all records evincing communications between the EPA and the White House or the Executive Office of the President pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or RIN2060-ZA14 from October 31, 2008 to April 23, 2009.

5. Any records produced by the White House or the Executive Office of the President that have been integrated into Agency files or records pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or RIN2060-ZA14 from October 31, 2008 to April 23, 2009.

6. Any and all records evincing communications between the EPA and the Obama transition team pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or RIN2060-ZA14 from October 31, 2008 to April 23, 2009.

7. Any records produced by staff of the Obama transition team that have been integrated into Agency files or records pertaining to the endangerment and cause or contribute findings for greenhouse gases under the Clean Air Act or RIN2060-ZA14 from October 31, 2008 to April 23, 2009.

The term "records" includes all information maintain electronically (including computer databases, e-mail, list servers ("listservs")). Further, "records" includes the original or any copy of any documentary material and is in any form including a card, computerized records, correspondence, drawing, film, microfilm, photograph, recording or tape.

Due Date: 5/15/09

Note:

Questions 2 and 3 apply to OCIR.

OAR is the lead.

Please keep an accurate account of the search and review times for the annual report.

Fee waiver request has been granted and expedited request has been denied.

If you know of any other program office or staff member that might have responsive records, please contact me immediately so that I can forward this request to them.

Please contact me or Rory Boyd for pick-up of responsive records.

Trina M. Porter
AO Sr. FOIA Coordinator
(202) 564-4322
Rory Boyd
AO FOIA Assistant
564-3966
Room 2411, ARN
MC 1105A

Ray Spears/DC/USEPA/US

04/08/2009 02:01 PM

To Bob Sussman, Scott Fulton, Lisa Heinzerling, David
McIntosh, Craig Hooks, Allyn Brooks-LaSure, Arvin Ganesan,
Eric Wachter, Robert Goulding

cc Brian Hope, Trina Porter

bcc Richard Windsor

Subject New FOIA Requests

The Agency has received 2 new FOIA requests that may be of interest.

1. HQ-RIN-01050-09 dated April 7, 2009. Request from Public Employees for Environmental Responsibility (PEER) for information concerning potential political interference with the exercise of legal responsibilities of EPA with respect to a proposed Fall River/New Bedford, Massachusetts commuter rail. Request is for (1) a copy of all communications between EPA and members of the Massachusetts congressional delegation, their staffs, members of the administration of Massachusetts Governor Deval Patrick or any other Massachusetts official regarding a proposed Fall River/New Bedford commuter rail line; and (2) all communications between EPA and the US Arm Corps of Engineers concerning the proposed project.

Assigned: OCIR and Region I

2. HQ-RIN-01032-09 dated April 6, 2009. Request from Woody Pfister for all records of communications between 1/20/2009 and 4/03/2009 between Administrator Jackson, her staff, her special advisors and counsel, Robert Sussman and representatives of the following: the Sierra Club, Earth Justice, Natural Resource Defense Council, League of Conservation Voters, and the World Wildlife Fund regarding greenhouse gas regulation, global warming, greenhouse gas endangerment finding, and coal fired power plant air permits.

Assigned: AO and OAR

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

Ray Spears/DC/USEPA/US

04/08/2009 02:25 PM

To Robert Goulding

cc Allyn Brooks-LaSure, Arvin Ganesan, Bob Sussman, Brian Hope, Craig Hooks, David McIntosh, Eric Wachter, Lisa Heinzerling, Scott Fulton, Trina Porter

bcc Richard Windsor

Subject Re: New FOIA Requests

Rob, I see that Trina has given you the due dates for the 2 earlier requests. Note also that as regards the Pfister request, OAR is primary lead for the response. I also just received notice regarding another request. While it does not directly involve Front Office staff, it may be of interest.

HQ-RIN-01035-09 dated 4/03/2009. Ian Talley of the Dow Jones Newswires requests the full text of any responses of all Obama administration EPA nominees - except for Administrator Lisa Jackson- to questions from every member of the Senate Environment and Public Works Committee.

Assigned: OCIR with target due date of 5/04/2009

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

Robert Goulding [Thanks Ray. When are these due to t...](#) 04/08/2009 02:03:14 PM

From: Robert Goulding/DC/USEPA/US
To: Ray Spears/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brian Hope/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Trina Porter/DC/USEPA/US@EPA
Date: 04/08/2009 02:03 PM
Subject: Re: New FOIA Requests

Thanks Ray. When are these due to the requestors?

Robert Goulding
Director of Operations
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20004
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail

Ray Spears [The Agency has received 2 new FOIA r...](#) 04/08/2009 02:01:35 PM

From: Ray Spears/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin

Ganesan/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Robert
Goulding/DC/USEPA/US@EPA
Cc: Brian Hope/DC/USEPA/US@EPA, Trina Porter/DC/USEPA/US@EPA
Date: 04/08/2009 02:01 PM
Subject: New FOIA Requests

The Agency has received 2 new FOIA requests that may be of interest.

1. HQ-RIN-01050-09 dated April 7, 2009. Request from Public Employees for Environmental Responsibility (PEER) for information concerning potential political interference with the exercise of legal responsibilities of EPA with respect to a proposed Fall River/New Bedford, Massachusetts commuter rail. Request is for (1) a copy of all communications between EPA and members of the Massachusetts congressional delegation, their staffs, members of the administration of Massachusetts Governor Deval Patrick or any other Massachusetts official regarding a proposed Fall River/New Bedford commuter rail line; and (2) all communications between EPA and the US Arm Corps of Engineers concerning the proposed project.

Assigned: OCIR and Region I

2. HQ-RIN-01032-09 dated April 6, 2009. Request from Woody Pfister for all records of communications between 1/20/2009 and 4/03/2009 between Administrator Jackson, her staff, her special advisors and counsel, Robert Sussman and representatives of the following: the Sierra Club, Earth Justice, Natural Resource Defense Council, League of Conservation Voters, and the World Wildlife Fund regarding greenhouse gas regulation, global warming, greenhouse gas endangerment finding, and coal fired power plant air permits.

Assigned: AO and OAR

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

Richard
Windsor/DC/USEPA/US
07/30/2009 12:36 PM

To Aaron Dickerson
cc
bcc

Subject Re: Obama's EPA: Changing The Regulatory Environment

Tx

Aaron Dickerson

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

From: Aaron Dickerson
Sent: 07/30/2009 12:25 PM EDT
To: Richard Windsor
Subject: Obama's EPA: Changing The Regulatory Environment

Obama's EPA: Changing The Regulatory Environment

Law360, New York (July 06, 2009) -- "Elections have consequences," newly installed chair of the Senate Environment and Public Works Committee, Democratic Senator Barbara Boxer, quipped in a much publicized exchange with a Republican Senator during a hearing on global warming following the 2008 election.

While this is no doubt true, it is perhaps nowhere more evident to environmental law practitioners than in the changes in administrative agency practices that frequently follow presidential elections.

The changes within the U.S. Environmental Protection Agency that have occurred since President Obama's election, however, have proven to be particularly dramatic in terms of the speed at which they have been implemented, their scope and their significance.

Indeed, since President Obama took office on Jan. 20, 2009, the EPA has reviewed, and in many cases rescinded, revised or delayed, the implementation of significant Bush administration rules and policies affecting virtually every one of the agency's regulatory programs.

The broad sweep of changes in the EPA, and its demonstrated willingness to reconsider its prior position on a variety of issues, presents both potential pitfalls and opportunities for those with an interest in the agency's regulatory and enforcement programs.

Compliance and Enforcement

As with any change to an EPA regulatory program, the failure to comply with newly imposed requirements can result in violations, enforcement actions, significant administrative penalties, as well as civil and criminal liability.

The failure to remain informed of rapidly changing regulatory requirements, or the adoption of new interpretations of existing requirements, therefore can have serious consequences for the uninformed. This is especially true now, as the EPA intends to significantly step up its enforcement efforts.

Although the EPA's new enforcement priorities are still evolving and hard numbers regarding the agency's enforcement efforts are not yet available, the regulated community should expect an increase both in the number of enforcement actions initiated and the vigor with which they are prosecuted.

Enforcement actions that have remained dormant for nearly a decade under the Bush administration are being revived, information requests are being sent out, and potential cases prepared.

In addition, sources within the EPA have indicated that the agency intends to more aggressively prosecute enforcement actions, by restricting the use of tolling agreements during administrative settlement negotiations, facilitating the sharing of information between the EPA and the U.S. Department of Justice,

and increasing the number of cases referred to the DOJ for civil and criminal enforcement.

The EPA's budget requests confirm this new emphasis on increased enforcement. The agency sought and was awarded approximately \$600 million for enforcement in fiscal year 2010. This is the largest enforcement budget ever sought by the agency.

A portion of this request would be used to fund the addition of up to 30 civil and criminal enforcement staff. In addition, the agency is seeking to direct \$184 million to its CERCLA, or Superfund, enforcement program.

The rapidly evolving regulatory scheme and an increased focus on enforcement efforts make it critically important for members of the regulated community — and the lawyers that advise them — to remain informed about changing regulatory requirements.

Now, perhaps more than any time in recent memory, they also must be proactive in ensuring compliance by employing tools such as audits and site visits.

The costs of a robust compliance program quite simply pale in comparison to the defense costs, penalties and negative publicity associated with an actual or even threatened enforcement action.

Opportunities for Input

Less obvious than compliance and enforcement, but equally important, are the opportunities to participate in the process of shaping agency policy and the development of the administrative records that will provide the basis for any future agency actions.

Under the Obama administration, the EPA has already agreed to reconsider a host of formal rules and policies established by the previous administration, with potential implications for virtually every sector of the regulated community and of the economy as a whole.

For example, in the Clean Air Act's New Source Review program alone, the EPA has, since Jan. 20, 2009, formally granted requests to reconsider Bush-era rules and policies governing fine particulate matter (PM_{2.5}), fugitive emissions, recordkeeping requirements and the application of the "aggregation" principle.[1]

Likewise, in what is perhaps the most striking example of the shift between EPA policy under the Bush and Obama administrations, the EPA has taken the first steps toward the regulation of greenhouse gas emissions.

To that end, in just over five months, the EPA has formally agreed to reconsider the Bush administration's policy concerning the regulation of greenhouse gases under the Clean Air Act's Prevention of Significant Deterioration ("PSD") program;[2] issued a proposed endangerment finding regarding greenhouse gas emissions from mobile sources and a long-awaited greenhouse gas reporting rule;[3] and left open the possibility of state regulation exceeding the current requirements of federal law.[4]

While the passage of federal climate change legislation may moot some of these regulatory actions, such legislation will only reinforce the central role that the EPA will play in the implementation of any congressional plan to reduce nationwide greenhouse gas emissions.

Other changes are also on the way. For example, for the first time in nearly 35 years, the EPA has proposed, and is currently seeking comment on, a rule strengthening the primary National Ambient Air Quality Standard for nitrogen dioxide ("NO₂") by, among other measures, establishing a one-hour NO₂ standard.[5]

The EPA is also considering revisions to controversial rules promulgated under the Bush administration amending the definition of "solid waste" under the Resource Conservation and Recovery Act,[6] planning to withdraw the "comparable fuels" rule that reclassified certain manufacturing byproducts as nonwastes,[7] and proposing stringent new engine and fuel standards for large, ocean-going vessels.[8] These are just a few examples.

These ongoing revisions to EPA rules and policies present opportunities for members of the regulated community to participate in the development of agency policy going forward.

As the above developments indicate, these opportunities may come in many different forms, including

formal notice and comment rulemaking, invitations for input at public meetings and the solicitation of comments prior to the issuance of proposed rules, and the reopening of the administrative record to reconsider previously promulgated rules and policies.

It is therefore important for interested parties to engage the agency or forego opportunities both to participate in the development of policy and to build a record for potential challenges to final agency determinations.

Litigation and Permitting Decisions

In addition to the development of formal rules and policies, the EPA has demonstrated its willingness to revisit and abandon permitting decisions and litigation positions consistently taken by the agency only months ago.

Indeed, in a number of recent cases, the agency has boldly reversed its litigation position, electing to reconsider permits that the Bush administration had previously issued.

For example, on April 27, 2009, the EPA filed a motion with the Environmental Appeals Board to remand a PSD permit for the proposed Desert Rock coal-fired power plant in New Mexico for further consideration of several issues, including the facility's CO₂ emissions and the use of the pollution control technology Integrated Gasification Combined Cycle, or "IGCC."^[9]

Prior to the filing of this motion for voluntary remand, the EPA had consistently taken the position that CO₂ emissions and IGCC need not be considered in issuing PSD permits to new coal-fired power plants. Similarly, within weeks of President Obama's inauguration, the EPA moved to dismiss its previously filed petition for writ of certiorari with the United States Supreme Court that sought to uphold the Clean Air Mercury Rule, a key component of the Bush administration's "Clear Skies Initiative" that had been invalidated by the D.C. Circuit Court of Appeals.^[10]

In May 2009, the EPA yet again reversed itself, this time submitting a brief opposing an en banc rehearing of a D.C. Circuit decision that had vacated a separate Bush-era rule exempting from permitted emission limits those hazardous air pollutants emission exceedances occurring during "upset" events (i.e., startup, shutdown and malfunction).^[11]

In both instances, the EPA's pleadings mark the formal abandonment of the agency's previous litigation posture, and further confirm that Bush-era agency positions are afforded little, if any, deference by the current administration.

The EPA's willingness to reconsider permitting decisions and litigation positions suggests that permittees and others with a vested interest in pending litigation can no longer rely on the agency to prosecute and defend actions taken by the agency just a few months ago.

Conclusion

The dramatic reversal of past EPA policy by the Obama administration has been met with mixed reviews. Environmental groups in most instances have lauded the EPA's decisions to revisit the Bush administration's interpretations of environmental statutes and regulations, and praised what they have called a return to science-based policy at the agency.

Others, particularly some in the business community, have questioned the wisdom of such dramatic changes in EPA practice.

These interested parties have argued that such remarkable changes in the agency's interpretation of the environmental statutes it enforces both upset settled expectations and undermine the credibility of the agency and the processes it employs to develop those interpretations.

Whatever the merits of these respective positions, the EPA's actions under the Obama administration serve as a stark reminder of both the breadth of the EPA's discretion and the need for interested parties to look for and recognize the many opportunities and pitfalls that such vigorous agency activity presents. Elections do, indeed, have consequences.

John Bottini and John Fortuna are both associates with King & Spalding in the firm's Atlanta office. The opinions expressed are those of the authors and do not necessarily reflect the views of Portfolio Media, publisher of Law360.

[1] See Letter from Lisa P. Jackson to Paul R. Cort (Apr. 24, 2009) (granting Sierra Club and the Natural Resource Defense Council's ("NRDC") petition for reconsideration of specific provisions of EPA's PM2.5 Implementation Rule, 73 Fed. Reg. 28,321 (May 16, 2008)); Letter from Lisa P. Jackson to John Walke (Apr. 24, 2009) (granting NRDC's petition for reconsideration of EPA's Fugitive Emissions Rule, 73 Fed. Reg. 77,882 (Dec. 19, 2008)); Letter from Lisa P. Jackson to Anne Milgram (Apr. 24, 2009) (granting the State of New Jersey's petition for reconsideration of EPA's New Source Review "Reasonable Possibility in Recordkeeping" rule, 72 Fed. Reg. 72,607 (Dec. 21, 2007)); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation, 74 Fed. Reg. 7,193 (Feb. 13, 2009) (granting NRDC's petition for reconsideration of EPA's New Source Review "Aggregation" Rule, 74 Fed. Reg. 2,376 (Jan. 15, 2009)).

[2] Letter from Lisa P. Jackson to David Bookbinder (Feb. 17, 2009) (granting Sierra Club and others' petition for reconsideration of former EPA Administrator Stephen Johnson's Dec. 18, 2008, memorandum defining the pollutants subject to regulations under the Clean Air Act's PSD program).

[3] Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 18,886 (Apr. 24, 2009); Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. 16,448 (Apr. 10, 2009).

[4] For example, at the request of the California Air Resources Board, EPA recently granted California's requested waiver of preemption under the Clean Air Act enabling the state to enforce its own greenhouse gas emissions standards for new motor vehicles — a waiver that the Bush-era EPA had denied. See California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles (June 30, 2009), available at www.epa.gov/otaq/climate/ca-waiver.htm.

[5] See Proposed Rule, Primary National Ambient Air Quality Standard for Nitrogen Dioxide, Docket ID No. EPA-HQ-OAR-2006-0922, available at www.epa.gov/air/nitrogenoxides/pdfs/20090626proposal.pdf.

[6] See Definition of Solid Waste Public Meeting, 74 Fed. Reg. 25,200 (May 27, 2009). EPA's decision to seek comment on possible revisions was prompted by a petition by the Sierra Club, and opposed by industry groups, requesting that the agency repeal the October 2008 revisions to the definition of solid waste rule and stay the implementation of the rule.

[7] Press Release, EPA Announces Next Steps on Two Hazardous Waste Rules (May 5, 2009).

[8] See Notice of Proposed Rulemaking: Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder (June 26, 2009), available at www.epa.gov/otaq/regs/nonroad/marine/ci/c3reg.pdf.

[9] EPA Region 9's Motion for Voluntary Remand, In re Desert Rock Energy Company LLC, PSD Appeal Nos. 08-03, 08-04, 08-05, 08-06 (E.A.B. Apr. 27, 2009) (docket available at yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/7c0e2fa7cd40282f852574a900678970!OpenDocument).

[10] See *New Jersey v. EPA*, 513 F.3d 574 (D.C. Cir. 2008).

[11] See *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

Richard
Windsor/DC/USEPA/US
10/06/2009 07:13 PM

To Adora Andy
cc
bcc
Subject Re: CEI: GOV-FUNDED RESEARCH UNIT DESTROYED
CLIMATE DATA

Tx
Adora Andy

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

From: Adora Andy
Sent: 10/06/2009 06:27 PM EDT
To: Richard Windsor; David McIntosh; Bob Sussman; Lisa Heinzerling
Cc: Brendan Gilfillan; Betsaida Alcantara; Allyn Brooks-LaSure; Arvin Ganesan; Seth Oster; Michael Moats
Subject: CEI: GOV-FUNDED RESEARCH UNIT DESTROYED CLIMATE DATA

I'm sending you this stuff because Greenwire/NYT is asking for comment by tomorrow morning. Working on that now, but just a heads up:

Competitive Enterprise Institute:

Govt-Funded Research Unit Destroyed Original Climate Data

CEI Petitions EPA to Reopen Global Warming Rulemaking

Washington, D.C., October 6, 2009—In the wake of a revelation by a key research institution that it destroyed its original climate data, the Competitive Enterprise Institute petitioned EPA to reopen a major global warming proceeding.

In mid-August the University of East Anglia's Climate Research Unit (CRU) disclosed that it had destroyed the raw data for its global surface temperature data set because of an alleged lack of storage space. The CRU data have been the basis for several of the major international studies that claim we face a global warming crisis. CRU's destruction of data, however, severely undercuts the credibility of those studies.

In a declaration filed with CEI's petition, Cato Institute scholar and climate scientist Patrick Michaels calls CRU's revelation "a totally new element" that "violates basic scientific principles, and "throws even more doubt" on the claims of global warming alarmists.

CEI's petition, filed late Monday with EPA, argues that CRU's disclosure casts a new cloud of doubt on the science behind EPA's proposal to regulate carbon dioxide. EPA stopped accepting public comments in late June but has not yet issued its final decision. As CEI's petition argues, court rulings make it clear that agencies must consider new facts when those facts change the underlying issues.

CEI general counsel Sam Kazman stated, "EPA is resting its case on international studies that in turn relied on CRU data. But CRU's suspicious destruction of its original data, disclosed at this late date, makes that information totally unreliable. If EPA doesn't reexamine the implications

of this, it's stumbling blindly into the most important regulatory issue we face.”

Among CRU's funders are the EPA and the U.S. Department of Energy – U.S. taxpayers.

> Read the [CEI petition to the EPA](#).

> Read more about the data dump: [The Dog Ate Global Warming](#) , by Patrick J. Michaels.

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

Richard
Windsor/DC/USEPA/US
09/16/2009 06:07 PM

To Adora Andy
cc
bcc

Subject Re: FYI: NEED FOR EPA IG INVESTIGATION OF
TREATMENT OF BLACK COMMUNITIES

Yup. Tx.
Adora Andy

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

From: Adora Andy

Sent: 09/16/2009 05:54 PM EDT

To: Richard Windsor; Allyn Brooks-LaSure; Seth Oster

Subject: FYI: NEED FOR EPA IG INVESTIGATION OF TREATMENT OF BLACK
COMMUNITIES

Making sure you saw this:

Dissident Voice Blog:

Need for EPA Inspector General Investigation of Region 4 Treatment of Black Communities

by Robert D. Bullard / September 14th, 2009

President Barack Obama made a bold move this year by selecting [Lisa P. Jackson](#), the first African American to the EPA. Now he is set to select EPA regional administrators—ten important and powerful posts that can reshape the agency to provide equal protection for all. Historically, regional administrators have served as a bridge between EPA headquarters and the state and local governments. While on the surface this traditional role may be appealing to state and local government officials who would move the center of power and authority away from Washington, DC to regional offices, it has been a disaster for African Americans in [Region 4](#), eight states in the Deep South (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

Fundamental change is needed in Region 4, a region which has a legacy of slavery, Jim Crow segregation, and resistance to civil rights and equal environmental protection. It is not an accident that the modern civil rights movement and environmental justice movement were born in the South. Nearly four decades of Region 4 harmful and discriminatory decisions have turned too many black communities into the [dumping grounds](#), lowering nearby residents' property values, stealing their wealth, and exposing them to unnecessary environmental health risks. There is a clear need for an EPA Office of Inspector General ([OIG](#)) investigation of Region 4 enforcement, waste management, facility permitting, hazardous waste cleanup and disposal, and property assessments and relocation pre- and post-closure. Environmental Justice [Executive Order 12898](#), with specific emphasis on the treatment of African Americans in the region. Unequal protection threatens the health and safety of millions of African Americans in the region.

A 1992 *National Law Journal* special report uncovered glaring inequities in the way the EPA enforces its Superfund laws placing communities of color at special risk—with White communities seeing faster action, better results and stiffer penalties than communities where blacks, Hispanics and other people of color live and with unequal protection often occurring whether the community is wealthy or poor.

The 2007 [Toxic Wastes and Race at Twenty](#) report found people of color make up about one third of the nation's population and more than 56 percent of the residents living in neighborhoods within two miles of commercial hazardous waste facilities and 69 percent of the residents in neighborhoods with clustered facilities. Although African Americans and other people of color comprise 28.5 percent of EPA Region 4 population, they are overrepresented

among residents living within two miles of commercial hazardous waste facilities in EPA Region 4 states: Alabama (66.3%), Florida (52.7%), Georgia (55.6%), Kentucky (51.5%), Mississippi (50.6%), North Carolina (55.9%), South Carolina (43.9), and Tennessee (53.8%).

African Americans make up 21 percent of the population in Region 4. Except for Florida, African Americans comprise the largest ethnic minority in the region. Hispanics make up 20.1 percent of Florida's population compared to 15.3 percent African Americans. African Americans comprise 26.3 percent in Alabama, 29.6 percent in Georgia, 7.6 percent in Kentucky, 37.1 percent in Mississippi, 21.3 percent in North Carolina, 28.6 percent in South Carolina and 16.6 percent in Tennessee.

Many of the bad Region 4 EPA waste facility permitting and disposal decisions flow directly from backroom deals and compromises made with state and local government officials, often at the expense of African Americans and people of color communities. Communities on the fenceline with polluting facilities have suffered the brunt of the bad decisions.

Sumter County, Alabama (1974)

In 1974, EPA nominated Sumter County, Alabama as a possible hazardous waste landfill site. The county, located in the heart of Alabama's Black Belt, is 71.8 percent black. Over 35.9 percent of the county's population is below poverty. In 1977, Resource Industries Inc. purchased a 300-acre tract of land just outside of Emelle, Ala. where 90 percent of the residents are black. The permit for the facility was approved by the Alabama Department of Environmental Management (ADEM) and EPA Region 4 over opposition of local residents who thought they were getting a brick factory. In 1978, Chemical Waste Management, a subsidiary of Waste Management Inc. bought the permit from Resource Industries Inc. and opened the nation's largest hazardous waste landfill, often tagged the Can of Dumps.

Sumter County has a legacy of farming and cotton production dating back to the plantation system of slavery and sharecropper tenant farming system that followed. The hazardous waste facility was lured to the predominately black county during a period when the residuals of Jim Crow segregation still ruled the day. No blacks had held public office or sat on governing bodies from the predominately county, including the state legislature, county commission or industrial development board from the county.

Warren County, North Carolina (1979)

Between June 1978 and August 1978, over 30,000 gallons of waste transformer oil contaminated with polychlorinated biphenyls (PCBs) were illegally discharged on roadsides in fourteen North Carolina counties. The PCBs resulted in the U.S. EPA designating the roadsides as a superfund site to protect public health. North Carolina needed a place to dispose of the PCB-contaminated soil that was scraped up from 210 miles of roadside shoulders. In 1979, North Carolina Department of Environment and Natural Resources (DENR) along with EPA Region 4 selected rural, poor and mostly black Warren County as the site for the PCB landfill.

In 1982, the local National Association for the Advancement of Colored People (NAACP) filed suit in district court to block the landfill. The residents lost their case in court despite the fact that the Warren County PCB Landfill site is not scientifically the most suitable because the water table at the landfill is very shallow, only 5-10 feet below the surface and where the residents of the community get all of their drinking water from local wells. William Sanjour, head of the EPA's hazardous waste implementation branch, questioned the Warren County landfill siting decision. The first truckload of contaminated soil that arrived at the landfill in September 1982 was met by protesters. More than 500 demonstrators were jailed protesting the landfill, sparking the national Environmental Justice Movement.

Warren County which was 54.5 percent black in 1980 is one of six counties in North Carolina's "Black Belt." The other North Carolina counties where African Americans comprise a majority of the population include Bertie County (62.3%), Hertford (59.6%), Northhampton (59.4%), Edgecombe (57.5%), Warren (54.5%), and Halifax (52.6%).

Eastern North Carolina is also significantly poorer than the rest of the state.

Region 4 and North Carolina officials insisted the PCB landfill was safe and would not leak. They were dead wrong. Warren County resident Dolly Burwell and her fellow protesters were right. The landfill was suspected of leaking

early as 1993. It took more than two decades for Warren County residents to get the leaky landfill site detoxified the state and federal government. In all, a private contractor was paid \$18 million to dig up and burn more than 8 tons of contaminated soil in a kiln on site.

Dickson County, Tennessee (1988)

The collaborations between EPA Region 4, the State of Tennessee, and the City and County of Dickson failed to protect the health and the environment of a black family who lives in Dickson's Eno Road community. EPA Region 4 records indicate that trichloroethylene or TCE, a "reasonably anticipated to be a human carcinogen," was found in the Harry Holt family's wells as early as 1988, the same year the Tennessee Department of Environment and Conservation (TDEC) issued a permit to Dickson County for operation of a sanitary landfill in Dickson's mostly black Eno Road community.

A 1991 EPA Site Inspection Report completed by Haliburton documents several state and federal approved contamination cleanups (i.e., wastes from on-site industrial dumps, plant contamination, soil containing TCE, benzene, toluene, ethylbenzene, xylenes and petroleum hydrocarbons from underground storage tank cleanups, and wastes from a train derailment) from mostly white areas in Dickson County were trucked to the landfill on Eno Road. A Region 4 chronology shows that in December 1988, TDEC sent letters to the Harry Holt family informing them of the test results and the finding of contaminants in their wells. The letter states: "Your water is of good quality for all parameters tested. It is felt that the low levels of methylene or trichloroethene may be due to either lab or sampling error." On December 3, 1991, EPA Region 4 sent the Harry Holt family a letter informing him of three tests performed on his well and deemed it safe. The letter states: "Use of your well water should not result in any adverse health effects."

A December 17, 1991 TDEC internal memorandum expressed some concern about the level of TCE contamination found in the Holt's well and recommended the well continue to be sampled. However, no government tests were performed on the Holts wells between January 1, 1992 and October 8, 2000, an eight year and nine-month gap in testing, even though government tests were conducted nearly each year on private wells and springs located within one and two-mile radius of the leaky landfill. In 1995, government tests were performed on nearby private wells, springs, duck ponds, and even a well at the Humane Society of Dickson County (410 Eno Road), located across the street from the Holt's homestead (340 Eno Road). In April 1997, TCE was detected in water from a production well (DK-21) operated by the City of Dickson and located northeast of the landfill. The city well was later closed. The Holt family's well lies between the landfill and the DK-21 well.

Tests were finally conducted on the Harry Holt well on October 9, 2000—where results registered 120 ppb TCE. A second test on October 25, 2000 registered 145 ppb—24 times and 29 times, respectively, higher than the maximum contaminant level (MCL). The Holts were placed on the city water system on October 20, 2000—twelve years after the first government test found TCE in their well in 1988.

Escambia County, Florida (1991)

Margaret Williams, a 73 year old retired Pensacola, Florida school teacher, led a five-year campaign against EPA Region 4 to get her entire community relocated from environmental and health hazards posed by the 26-acre Escambia Treating Company (ETC) contamination, the nation's third largest Superfund site. In 1991, EPA inspectors found leaking drums had contaminated the site with dioxin, one of the most dangerous compounds ever made, nine years after it was abandoned by the owner.

The ETC site was dubbed "Mount Dioxin" because of the 60-foot high, 1000 feet long, and 40 feet wide mound of contaminated soil an EPA contractor dug up from the neighborhood and covered with plastic tarp. Some residents described EPA's plastic cover as a "Ban-Aid on a cancer." By January 1993, the L-shaped mound held more than 255,000 cubic yards of soil contaminated. In December 1994, the ETC site was placed on the Superfund National Priorities List (NPL).

Because of the reckless digging, bulldozing, and faulty containment of the dust and runoff from the site, Margaret Williams help start Citizens Against Toxic Exposure or CATE. During excavation in 1992, residents living in ne

Rosewood Terrace, Oak Park, Goulding, and Clarinda Triangle communities constantly complained to Region 4 officials about acute respiratory problems, headaches, nausea, skin rashes, and other ailments.

CATE also questioned the fairness of EPA's site plan. Region 4 officials first proposed to move only 66 households most affected by the Superfund site. After prodding from CATE, EPA then added 35 more households for a total of \$7.54 million. The original Region 4 [plan](#) left behind 257 households or nearly three-quarter of the households in the impacted area, including an apartment complex.

CATE refused to accept any relocation plan unless everyone was moved. The partial relocation was tantamount to partial justice. CATE took its campaign on the road to EPA's National Environmental Justice Advisory Council (NEJAC). In May 1996, the group was successful in getting EPA's NEJAC Waste Subcommittee to hold a [Superfund Relocation Roundtable](#) in Pensacola. At this meeting, CATE's total neighborhood relocation plan won the backing of more than 100 grassroots organizations. EPA nominated the Escambia Wood Treating Superfund site as the country's first pilot program to help the agency develop a nationally consistent relocation policy that would consider not only toxic levels but welfare issues such as property values, quality of life, health and safety.

On October 3, 1996, EPA officials agreed to move all 358 households from the site at an estimated cost of \$18 million. EPA officials deemed the mass relocation as "cost efficient" after city planners decided to redevelop the site for light industry rather than clean the site to residential standards. After more than a dozen neighborhood relocations across the nation, the Escambia County decision marked the first time that an African American community had been relocated under EPA's Superfund program and was hailed as a landmark victory for environmental justice.

On July 8, 2009, the [last shovel](#) last shovel of soil from the ETC stockpile was excavated and permanently interred along with approximately 500,000 cubic yards of contaminated soil in an 18-acre on-site containment cell. The formerly cleaned up site will provide nearly 100-acres of real estate for redevelopment into the Palafox Midtown Commerce Park.

Relocation was only a partial victory for the residents since they still faced discrimination in their property assessments. Many residents received artificially "low" assessments and were not "made whole" as promised by the government. The first wave of property appraisals ranged from \$20,000 to \$27,000—far less than comparable homes sold in the area valued at \$134,900 to \$135,000. The racism did not stop with the property appraisals. It also extended to the Region 4 buyout plan—with Pensacola residents paying a "[hidden cost](#)" of being black.

A March 1998, EPA Office of Inspector General (OIG) [report](#) indicates that white homeowners in Pennsylvania, [Region 3](#), were given a better deal for their loss than the black residents in Florida, Region 4. Forty homeowners in an all-white neighborhood were relocated from the contaminated [Austin Avenue Radiation Site](#) in Delaware County, Pa. Region 3 took extra steps and expense to make the white homeowners whole. For example, 18 of the 40 homes were decontaminated at a cost of \$24 million while the residents were placed in temporary housing. The Pensacola residents had to suffer through and endure the cleanup while still in their homes. The other 22 Delaware County homeowners were given the option either to relocate or have new homes built under a program that cost an additional \$2 million.

Region 4 offered to buy Pensacola, Fla. African American homeowners existing homes in their price range. On the contrary, Region 3 offered the Delaware County, Pa. white homeowners brand new homes that cost an average of \$651,700 each. These types of glaring inequities should not exist if there is one EPA and one set of rules that apply equally to all Americans, regardless of region or race.

Perry County, Alabama (2009)

In December 2008, a wall holding back 80 acres of [sludge](#) from the Tennessee Valley Authority (TVA) [Kingston Fossil Plant](#) broke spilling more than 500 million gallons of toxic [coal ash](#) over a dozen homes and up to 400 acres of the surrounding landscape, endangering aquatic life and the water supply for more than 25,000 residents. Six months after this tragedy in July 2009, a major environmental injustice was perpetrated by EPA Region 4 [approval](#) of TVA's decision to [ship](#) 5.4 million cubic yards of toxic coal ash by railcar from the mostly white east Tennessee Roane County to a landfill located in the heart of the Alabama Black Belt, Perry County (69% African-American with n

than 32% of its residents living in poverty) and to rural Taylor County, Georgia (41% of the population is African-American and more than 24% of residents live in poverty).

Region 4 justifies the Perry County decision in its “Frequently Asked Questions ([FAQs](#)) by declaring the Arrowhead Landfill to be located in “an isolated area, surrounded by large tracts of property, farms and ranches.” However, “isolated” is not defined. There are black home owners and black cattle farmers who live across from the landfill. The agency goes on to state that the “nearest residence is approximately 250 to 300 feet away from the site.” It failed to report how many homes and households line Cahaba Road (County Road 1) and Whitehill Road—two major roads that buttress the landfill property.

An established black community exists on two sides of the landfill with a population large enough to support at least three churches (Star Bethel Church, Living Hope Baptist Church, and Shady Grove Church). An old cemetery is located near the entrance of the landfill on County Road 1 and another cemetery was found during the construction of the landfill, which provides further support for the historic nature of the community that borders the landfill.

The FAQs also failed to report how many families in the adjacent community are on well water. Nowhere in the FAQs does the term “environmental justice” appear. No report has been made public to date indicating that Region 4 conducted an environmental justice analysis on its Perry County decision as called for under the 1994 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which seeks “to ensure that no segment of the population, regardless of race, color, national origin, income, or net worth bears disproportionately high and adverse human health and environmental impacts as a result of EPA’s policies, programs and activities.” Under this Order, each Federal agency must make achieving environmental justice a part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minorities and low-income populations.

EPA Region 4 had enough time to conduct a comprehensive environmental justice analysis between December 2, 2008 and July 2, 2009, a full five months, to answer these and other related equity questions about the potential adverse and disproportionate impact of its decision on low-income and minority populations.

Perry County is not the only Alabama black belt county [targeted](#) for waste dumping. In 2000, national civil rights and environmental justice groups successfully blocked landfills from being built in Macon County (86.4% black) near Tuskegee University and in Lowndes County (75.7% black) off U.S. 80 Highway, designated in 1996 the [Selma to Montgomery National Historic Trail](#). Some waste companies and government agencies see nothing wrong with “trashing” Black History or black communities. Six years later, in 2006, Perry County’s Uniontown residents fought the Arrowhead Landfill. However, without national support, Perry County residents were not able to stop the landfill from being built and permitted.

It is time for this toxic [Dumping in Dixie](#) madness in Region 4 to end. It is time for bold leadership and real change in the region.

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

Richard Windsor/DC/USEPA/US
09/16/2009 11:36 AM

To Adora Andy
cc
bcc
Subject Re: Google Alert - lisa jackson epa

:)

From: Adora Andy
Sent: 09/16/2009 11:32 AM EDT
To: Richard Windsor; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>
Subject: Re: Google Alert - lisa jackson epa

Maybe ours should be "Life in the HOV lane?"

From: Richard Windsor
Sent: 09/15/2009 08:00 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; Adora Andy
Subject: Fw: Google Alert - lisa jackson epa

Lahood's blog - called welcome to the fast lane. :)

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 09/15/2009 11:48 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

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

[Matthew Yglesias » About that **EPA** Regulatory Authority](#)

By myglesias

About that **EPA** Regulatory Authority. **Lisa Jackson**. Ted suggests that I might want to start taking my cues from Katherine Weymouth and offer some cheerier stories: Also, Matt, I think *your* readers might appreciate some cheerier stories ...

[Matthew Yglesias - http://yglesias.thinkprogress.org/](http://yglesias.thinkprogress.org/)

[ECO-BUSINESSWIRE.COM » Everything you always wanted to know about ...](#)

By rafael

Lisa Jackson's EPA has been hashing through the issues quickly. The final endangerment finding is coming soon, the mobile-source proposal is already on paper, and the stationary-source regulations ... well, they're another matter. ...

[ECO-BUSINESSWIRE.COM - http://news.eco-businesswire.com/](http://news.eco-businesswire.com/)

[Welcome to the Fast Lane: The Official Blog of the U.S. Secretary ...](#)

By Ray LaHood

This is one of those days when I am so clearly reminded of why I joined this Administration. Today, **EPA** Administrator **Lisa Jackson** and I announced a proposed rule that would bring our nation a step closer to a

future...

[Welcome to the Fast Lane: The... - http://fastlane.dot.gov/](http://fastlane.dot.gov/)

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Richard Windsor/DC/USEPA/US
04/14/2010 03:31 PM

To Adora Andy
cc
bcc
Subject Re: Ken Ward: Rep. Capito turns focus back on attacking EPA

Yup. Tx.
Adora Andy

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

From: Adora Andy
Sent: 04/14/2010 03:26 PM EDT
To: Michael Moats; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Alisha Johnson; Peter Silva; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
Subject: Ken Ward: Rep. Capito turns focus back on attacking EPA
Rep. Capito turns focus back on attacking EPA
April 14, 2010
by Ken Ward Jr.

This statement just came in from the office of Rep. Shelley Moore Capito, R-W.Va.: WASHINGTON—Rep. Shelley Moore Capito, R-W.Va., made the following opening statement at today's Select Committee on Energy Independence and Global Warming's hearing titled, "The Role of Coal in the New Energy Age": "Mr. Chairman, thank you for hosting today's important hearing. "Even though today's hearing focuses on the role of the coal industry in the new age, I think it is important for us to recognize the sacrifice miners make to provide the energy and power so many of us take for granted. "Last week's mine disaster at Montcoal, WV that killed 29 miners was the worst in the U.S. coal industry in 40 years. "Just four years ago, 12 people were killed at the Sago Mine disaster in my district. With the investigation underway and as further details are available on the cause of the accident, we must continue our commitment to keep our miners safe. "The Upper Big Branch Mine disaster only furthers people's poor image of mining and has led many to discuss the future of coal. "Coal is a prime energy source throughout the world. Fast-growing countries such as China and India rely on the low-cost fuel to meet their electricity demand. "Here in the United States, coal is our nation's most abundant domestic energy resource with recoverable reserves sufficient to last 250 years. Coal currently fuels more than 50% of all electricity generation in the United States. "In my home state of West Virginia, 98% of our electricity comes from coal. "It provides 125,000 direct high-paying jobs for U.S. coal miners and supports hundreds of thousands of additional jobs throughout the supply chain. "When considering the future of coal in the global warming debate, the first thing that we need to remember is that climate change and energy policies are inextricably connected with economic, environmental and social issues. "Last year, the House passed the American Clean Energy and Security Act. I did not support the legislation because I believe it stood to push energy prices upward and threaten an economy that is already in trouble. "A tax increase on carbon dioxide emissions will come directly out of customers' pockets in the form of higher electric rates. "Manufacturing output would also fall considerably. Manufacturing firms who have traditionally relied on low and stable electric rates in our states will be subject to massive cost increases, likely forcing them out-of-business or to relocate their operations overseas. "Instead, we need to do much more accelerate the development of advanced clean coal technologies, including and most importantly, carbon capture and storage technologies (CCS). Carbon capture is important to West Virginians and ensuring our national energy independence. Without it, we deprive ourselves of the most effective tool for addressing CO2 emissions from coal. "We need to provide sufficient funding and incentives to accelerate the development, demonstration and broad commercial deployment of CCS technologies. "The American Electric Power Mountaineer Plant located in New Haven, WV represents an important milestone in our efforts to bring CCS online. The facility began operations last fall and captures and stores approximately

100,000 metric tons of carbon dioxide per year. The Mountaineer Plant is the first demonstration of CCS from an existing coal-fueled power plant. "The implementation of CCS technology will not only benefit a state like mine with jobs and revenue, it will also benefit our nation by making clean coal a reality." In addition to climate change, coal has been the subject of continued federal scrutiny for its impact on water quality. "Recent action by the Obama Administration and the EPA to further scrutinize mining permits only confirms their anti-coal agenda." The Minority Staff of the Senate Committee on Environment and Public Works initiated an investigation into EPA's handling of Clean Water Act Section 404 permits for coal mining in Appalachia and found that in 2009, EPA froze 235 coal mining 404 Permits, claiming that additional time was needed to assess the environmental impacts of mining operations. "Since the initiation of the investigation, EPA issued 45 of the 235 permits. To date, there are 190 permits that EPA continues to hold for operations including surface, underground and refuse operations." Furthermore, decisions being made by federal environmental regulators are not focused enough on the importance of coal to the economy. In my conversations with Lisa Jackson, the head of the U.S. Environmental Protection Agency, she said that she explicitly omits economic considerations from her decision-making process. "I find this particularly troubling. The EPA's delays in handling these permits will jeopardize jobs in Appalachia and weaken energy security for the nation." Even more disturbing, on March 26, the EPA announced their intent to veto the existing Spruce Mine permit. The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history. The 13-year permitting process included the preparation of a full environmental impact statement. "In the course of the permit's review, EPA had ample opportunity to review and comment on the mine's decision. The EPA also had the chance to use its veto authority at the time the permit was issued instead of waiting until production had started." The decision by the EPA to veto the Spruce permit brings into question the reliability of the entire permitting process and shows their complete disregard for the impacts it will have on West Virginia's economy.

Richard Windsor/DC/USEPA/US

08/24/2009 10:09 PM

To Adora Andy

cc

bcc

Subject Re: LA TIMES: Chamber v EPA

Alrighty then. Tx.
Adora Andy

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

From: Adora Andy

Sent: 08/24/2009 10:03 PM EDT

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

Cc: "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Seth Oster" <oster.seth@epa.gov>

Subject: LA TIMES: Chamber v EPA

U.S. Chamber of Commerce seeks trial on global warming

Tue 25 Aug 2009

By Jim Tankersley

Multiple Page View

Reporting from Washington-- The nation's largest business lobby wants to put the science of global warming on trial.

The U.S. Chamber of Commerce, trying to ward off potentially sweeping federal emissions regulations, is pushing the Environmental Protection Agency to hold a rare public hearing on the scientific evidence for man-made climate change.

Chamber officials say it would be "the Scopes monkey trial of the 21st century" -- complete with witnesses, cross-examinations and a judge who would rule, essentially, on whether humans are warming the planet to dangerous effect.

"It would be evolution versus creationism," said William Kovacs, the chamber's senior vice president for environment, technology and regulatory affairs. "It would be the science of climate change on trial."

The goal of the chamber, which represents 3 million large and small businesses, is to fend off potential emissions regulations by undercutting the scientific consensus over climate change. If the EPA denies the request, as expected, the chamber plans to take the fight to federal court.

The EPA is having none of it, calling a hearing a "waste of time" and saying that a threatened lawsuit by the chamber would be "frivolous."

EPA spokesman Brendan Gilfillan said the agency based its proposed finding that global warming is a danger to public health "on the soundest peer-reviewed science available, which overwhelmingly indicates that climate change presents a threat to human health and welfare."

Environmentalists say the chamber's strategy is an attempt to sow political discord by challenging settled science -- and note that in the famed 1925 Scopes trial, which pitted lawyers Clarence Darrow and William Jennings Bryan in a courtroom battle over a Tennessee science teacher accused of teaching evolution illegally, the scientists won.

The chamber proposal "brings to mind for me the Salem witch trials, based on myth," said Brenda

Ekwurzel, a climate scientist for the environmental group Union of Concerned Scientists. "In this case, it would be ignoring decades of publicly accessible evidence."

In the coming weeks, the EPA is set to formally declare that the heat-trapping gases scientists blame for climate change endanger human health, and are thus subject to regulation under the Clean Air Act. The so-called endangerment finding will be a cornerstone of the Obama administration's plan to set strict new emissions standards on cars and trucks.

The proposed finding has drawn more than 300,000 public comments. Many of them question scientists' projections that rising temperatures will lead to increased mortality rates, harmful pollution and extreme weather events such as hurricanes.

In light of those comments, the chamber will tell the EPA in a filing today that a trial-style public hearing, which is allowed under the law but nearly unprecedented on this scale, is the only way to "make a fully informed, transparent decision with scientific integrity based on the actual record of the science."

Most climate scientists agree that greenhouse gas emissions, caused by the burning of fossil fuels and other human activities, are warming the planet. Using computer models and historical temperature data, those scientists predict the warming will accelerate unless greenhouse gas emissions are dramatically reduced.

"The need for urgent action to address climate change is now indisputable," said a recent letter to world leaders by the heads of the top science agencies in 13 of the world's largest countries, including the head of the U.S. National Academy of Sciences.

The EPA's endangerment finding for greenhouse gases, as proposed in April, warned that warmer temperatures would lead to "the increased likelihood of more frequent and intense heat waves, more wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems."

Critics of the finding say it's far from certain that warming will cause any harm at all. The Chamber of Commerce cites studies that predict higher temperatures will reduce mortality rates in the United States.

jtankersley@latimes.com

Richard
Windsor/DC/USEPA/US
03/19/2010 03:18 PM

To Adora Andy
cc
bcc

Subject Re: NEWSWEEK: THE GREEN FIGHTER

All Cool ? What happened to the MTM meet?
Adora Andy

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

From: Adora Andy
Sent: 03/19/2010 03:13 PM EDT
To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; David McIntosh;
Arvin Ganesan; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy;
Stephanie Owens
Cc: Brendan Gilfillan; Betsaida Alcantara; Michael Moats; Alisha Johnson
Subject: NEWSWEEK: THE GREEN FIGHTER

The Green Fighter

By **Daniel Stone** | NEWSWEEK

Published Mar 19, 2010

From the magazine issue dated Mar 29, 2010

Washington, D.C., is littered with the careers of well-meaning public servants who came to do good but fell victim to politics. Lisa Jackson is determined not to become one of them. As head of the U.S. Environmental Protection Agency, she oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and anyone who likes clean air and water)—but it puts her at odds with some of the nation's largest, richest industries.

For decades, big manufacturers and commercial farmers—who retain powerful lobbyists and make large contributions to the election campaigns of members of Congress—have pushed back against the EPA's efforts to enact stricter controls on pollution. In the George W. Bush years they often got their way, as the EPA rolled back on enforcement.

Now Jackson is out to change that. With the backing of her boss, President Barack Obama, she has announced that unless Congress acts by next January, the EPA will use its authority under America's Clean Air Act to phase in new restrictions on carbon dioxide, the greenhouse gas that contributes to climate change. It's an audacious gambit by a single agency—essentially a threat from Jackson to Congress that unless it gets its act together, she'll move unilaterally. The U.S. emits nearly a quarter of the world's carbon dioxide; late last year EPA scientists identified CO₂ and five other less prominent greenhouse gases as a threat to public health, and Jackson has vowed to cut back on all of them. "The difference between this administration and the last is that we don't believe we have an option to do nothing," she says.

In making her announcement, Jackson and the White House weren't just putting U.S. polluters on notice. They were also sending a symbolic message to Congress and the rest of the world that, 12 years after it refused to sign the Kyoto treaty, and after offering virtually no concessions in Copenhagen, the United States is now taking climate change seriously. It was no coincidence that Jackson released the agency's research on the opening day of December's Copenhagen summit. "These long-overdue findings cement 2009 as the year when the U.S. government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform," she said then.

Environmentalists applauded. But three months later, Jackson—a chemical engineer who spent

years working within the EPA bureaucracy—is starting to see how difficult that may be to do back home. Already, powerful interests are lining up against the anticipated changes, which she and agency scientists have promised to detail later this year. Industry groups like the American Public Power Association are readying lobbying campaigns to kill or at least slow the impending regulations, and more than 100 agriculture and energy groups have asked Jackson to stand down. "It will create a huge competitive disadvantage to our industry," says Nancy Gravatt, a spokesperson for the American Iron and Steel Institute. "We already filed a legal challenge. The further this gets, the more of that we will be doing. We will continue to contest this."

Politicians on Capitol Hill are also agitating against the cuts. "Getting climate policy right will take a lot of work and should be done by those elected to Congress," says Republican Sen. Lisa Murkowski of Alaska, one of the nation's largest producers of oil and paper. "We may not be moving as fast as some would like, but we are working. And we're trying to make sure we balance our need to curb emissions with our need for a robust and growing economy. That's a balance the EPA can't guarantee."

Jackson knew that threatening to act by executive fiat wouldn't be popular. But she also knew it would get people's attention, and maybe prod Congress to act. She says that she would prefer to go through—instead of around—Congress. "You can definitely cut emissions through regulation, but a much more efficient way is through legislation," she says. For one thing, Congress could sugarcoat a carbon-cutting bill with tax cuts and other incentives, making it easier to get industry on board.

Jackson's do-it-or-else version contains none of that. Yet despite protests by members of Congress that she is infringing on their turf, leaders on Capitol Hill—bogged down with health-care reform and worried about a double-dip recession—have shown little interest in taking action themselves. Republicans, largely skeptical of climate change, are opposed to steep emissions cuts. And even many Democrats who are sympathetic to the cause in principle don't want to make trouble with big employers (and donors) back in their home districts. (Some lawmakers have introduced protest bills that threaten to rewrite the Clean Air Act to curtail the EPA's power, and even to dry up Jackson's budget. The bills aren't expected to go anywhere, although Jackson says she's prepared to fight such measures if they do.)

The members of Congress who do want to act on global warming recognize that pushing for emissions cuts is the last way to win the support of their colleagues. In the Senate, Democrats John Kerry and Joe Lieberman and Republican Lindsey Graham are working on a broad energy bill that will include government subsidies for businesses to use renewable energy sources. But the measure is expected to be lax on actual carbon reductions, and thus is unlikely to make a meaningful dent in the nation's greenhouse-gas emissions.

The big question in Washington isn't whether the EPA has the authority to go it alone and force polluters to change; the U.S. Supreme Court ruled in 2007 that it does. It's whether the White House is actually serious about carrying out Jackson's plan—or if it is just noisily bluffing to get Congress to move, even if it falls short of Jackson's ambitious proposals to monitor the biggest polluters.

The one to watch for that answer isn't Jackson, but Obama. If the January deadline approaches and Congress still hasn't budged, it will fall to him to decide if he has the stomach to make good on Jackson's ultimatum. It wouldn't be a quiet fight. The other side would attack him as anti-business and anti-job—and that would include some Democrats.

Already there are signs that it may not come to that. As Jackson talks tough about deadlines and cuts—trying to convince industry that the administration is standing behind her plan—the president himself has been notably quiet on the question. His aides, meanwhile, are sending signals that Obama is looking for a way to avoid such a showdown. "The president understands that the EPA must follow the science and its legal obligations," says a White House official who spoke under the usual rules of anonymity. "But he has made abundantly clear that his strong preference is for Congress to pass energy and climate legislation." Hardball Washington

translation: let's make a deal.

Find this article at <http://www.newsweek.com/id/235141>

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Richard
Windsor/DC/USEPA/US
08/24/2009 12:18 PM

To Adora Andy
cc
bcc

Subject Re: NRDC: EPA WON'T RESTRICT TOXIC HERBACIDE -
WH DOCUMENTS SAY INDUSTRY INFLUENCED
DECISION

Am I correct in my understanding that all the allegations are about EPA actions taken in 2003? If so, the title is very misleading.

Adora Andy

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

From: Adora Andy

Sent: 08/24/2009 11:47 AM EDT

To: Allyn Brooks-LaSure; Seth Oster; Richard Windsor

Subject: NRDC: EPA WON'T RESTRICT TOXIC HERBACIDE - WH DOCUMENTS SAY
INDUSTRY INFLUENCED DECISION

EPA Won't Restrict Toxic Herbicide Atrazine, Despite Health Threat White House documents obtained by NRDC reveal that industry influenced the decision.

The EPA has decided not to limit one of the nation's most widely used weed-killers, a chemical that, according to several recent studies, threatens human health and the environment. The October 2003 decision -- which the EPA was required to make under a court-approved consent decree reached with NRDC in 2001 -- will allow Syngenta, the main manufacturer of atrazine, and other companies to continue to sell the chemical in the United States with no significant restrictions.

To determine whether industry played a role in shaping the EPA's decision, NRDC filed a series of Freedom of Information Act requests with the White House and the EPA, which failed to produce relevant documents. In November 2003, NRDC filed a lawsuit charging that the White House and the agency were violating the freedom of information law by withholding documentary evidence. The following month, the White House released 22 documents, with most of their contents blacked out, including a memo from former senator Bob Dole to a high-level White House official urging the EPA not to restrict the hazardous weed-killer despite the environmental risks. The White House continues to withhold more than 80 other relevant documents.

In a lawsuit filed in August 2003, NRDC charged the EPA with failing to protect endangered species from atrazine, despite having acknowledged that the weed-killer might cause widespread harm to endangered species. NRDC is calling on the EPA to fulfill its obligations under the Endangered Species Act and ban atrazine from the market. NRDC has also asked Syngenta to hand over to the EPA, and to make readily available to the public, any other data it may have on atrazine's health effects.



A 2002 study by Dr. Tyrone Hayes of atrazine's effects on frogs found that sexually mature male

In 2003, Dr. Hayes found that atrazine induced hermaphroditism at 0.1 ppb in American leopard

In announcing its October 2003 decision not to restrict atrazine use, the EPA said it found that atrazine is not likely to cause cancer in humans. However, an August 2003 report from the EPA's independent scientific advisory panel noted that atrazine exposure could not be ruled out as the cause of cancers observed in studies of the chemical.

Several recent studies show that atrazine causes sexual abnormalities in frogs, and another revealed elevated levels of prostate cancer in workers at an atrazine manufacturing plant. Some of the findings resulted from research funded by the manufacturer itself. In at least one case, when the data's damning implications became clear, the company repeatedly insisted on new tests. Indeed, the frog data only became public after the scientist conducting the research ended his contract with the manufacturer -- a company formed by the merger of Novartis and Zeneca and now called Syngenta -- and re-ran his experiment independently.

Because of atrazine's risks, several European countries have already banned the chemical, and the European Union has announced it will ban it entirely by early 2005. In America, though, farmers continue to spray the weed-killer heavily on corn, sugarcane and other crops throughout the country. As a result, some portion of the more than 60 million pounds of atrazine applied annually makes its way into streams, rivers, lakes and drinking water supplies. The problem is at its worst in the spring, when atrazine is applied most heavily, then washed by rain into waterways.

EPA Cut Private Deal with Manufacturers

Under the deal, the EPA will adopt no regulatory restrictions on atrazine use, and more than 96 percent of the streams that the EPA has identified as being at highest risk from atrazine contamination will remain untested by Syngenta. Nor will the EPA take any steps to protect those streams.

The EPA has found that atrazine is toxic to some species in water at levels as low as 2.16 parts per billion (ppb). Under the new agreement, however, Syngenta will only be required to take additional steps, such as increased monitoring, when a stream exceeds a "level of concern" -- apparently a range from 10 to 20 ppb -- over a vaguely defined "prolonged period," and only then for the most contaminated of the 40 monitored streams.

Sexual Deformities in Frogs

Atrazine Application on Corn

Crops by State, 2001	
State	Pounds of Atrazine
CO, GA, KY, NC, ND, NY, PA, SD, TX, WI	Between 166,000 and 1,915,000
MI, MO, MN	Between 1,915,000 and 3,664,000
KS, OH	Between 3,664,000 and 5,413,000
NE	Between 5,413,000 and 7,162,000
IA, IN	Between 7,162,000 and 8,911,000
IL	Between 12,409,000 and 14,158,000
No data or very little data: AL, AR, AZ, CA, CT, DC, DE, FL, ID, LA, MA, MD, ME, MS, MT, NH, NJ, NM, NV, OK, OR, RI, SC, TN, VA, VT, WA, WV, WY	
Data: National Agriculture Statistics Service, Agricultural Chemical Use Database	

One of the first of several studies to turn up evidence of sexual deformities in frogs exposed to atrazine was conducted by Dr. Tyrone Hayes, and published -- after much delay -- in April 2002. Dr. Hayes conducted initial research with funding from Syngenta, and the deformities he found in the frogs included hermaphroditism.

Syngenta responded by repeatedly sending him back to re-run his research, and apparently did not submit the findings about hermaphroditism to the EPA. Frustrated by the delays, Dr. Hayes eventually gave up his Syngenta funding, ran the experiments again independently, and found the same results. Since then, Syngenta-funded researcher Tim Gross has reported similarly damaging effects to a different species of frogs exposed to atrazine, including males with abnormal female skin coloration.

Atrazine May Contribute to Human Cancers

Separately, data gathered by Syngenta also shows a potential link to prostate cancer in

humans. But, as with the frog research, the company's data was suspiciously slow in reaching the public and the EPA. In the summer of 2001, NRDC learned that Syngenta had been tracking prostate cancer in the employees of its St. Gabriel, Louisiana atrazine plant. Only after NRDC alerted the EPA did Syngenta submit reports of numerous recent cancer cases to the agency. The study has since been published in the *Journal of Occupational and Environmental Medicine*. Its most significant finding is that Syngenta employees have elevated rates of prostate cancer -- a rate more than three-and-a-half times higher than the Louisiana statewide average. One worker employed by the St. Gabriel facility in the mid-1970s said that he "worked 'eyeball' deep in the powder [atrazine]" and recalls instances of employees "eating meals . . . in areas covered with atrazine dust." Another worker recalls his supervisors telling him that "atrazine could be eaten without any adverse health effects."

The Syngenta study might even understate the problem, because the company has not updated the numbers to include new cancer cases since 1999. While the company proposes that the increased detection of cancers is due to a company prostate screening program, it provides no data to support this view.

Protecting Your Family from Atrazine

Some large water systems test for atrazine in their water supplies and filter it from drinking water if necessary, but smaller systems often do not. The good news is that a simple activated carbon-based water filter -- like the ones commonly available in grocery stores and elsewhere in pitcher and faucet-mount varieties -- can filter atrazine from drinking water.

###

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Richard
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01/13/2010 02:55 PM

To Adora Andy
cc
bcc

Subject Re: POLITICO: Lobbyists led meeting on Murkowski EPA amendment

Oh my
Adora Andy

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

From: Adora Andy
Sent: 01/13/2010 02:16 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Lisa Heinzerling; Gina McCarthy; David McIntosh; Arvin Ganesan; Seth Oster; Allyn Brooks-LaSure; Stephanie Owens
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats
Subject: POLITICO: Lobbyists led meeting on Murkowski EPA amendment

POLITICO
POSTED BY GLEN THRUSH
January 13, 2010
Categories:
Energy

Lobbyists led meeting on Murkowski EPA amendment

New details are emerging of just how involved a pair of energy industry lobbyists were in writing a controversial amendment by Alaska Republican Sen. Lisa Murkowski that would strip the EPA of its authority to regulate CO2 as a pollutant.

Murkowski's proposed amendment to the Clean Air Act has been attacked by Obama administration officials and environmental advocates as an industry-led attempt to hamstring efforts to regulate carbon -- the only option available in the absence of a viable Senate climate change bill.

Jeffrey Holmstead, head of the environmental strategies division at Bracewell & Giuliani and Roger Martella Jr., a partner at Sidley Austin LLP, walked Senate staffers through the details of the amendment, via speakerphone, during a meeting held at 8:45 a.m. in room 370 of the Hart Senate Office Building on Sept. 23, 2009, a person familiar with the meeting told POLITICO. The meeting, convened by aides to Murkowski and Sen. James Inhofe (R-Okla.), was called to gauge interest among staffers to four or five Democrats.

Murkowski has postponed introduction of the amendment.

Murkowski's energy committee staffer, Colin Hayes, was present at the September meeting, along with Mike Catanzaro, the Environment and Public Works Committee minority deputy staff director, the person said.

The Democratic staffers were allowed to take notes -- but reportedly GOP aides refused to allow them to take away handouts with draft language of the amendment.

On Monday, Greenpeace wrote a letter to the Senate Ethics Committee asking to investigate the role Holmstead and Martella played in drafting the amendment with Murkowski -- which environmentalists fear could wedge coal-state Democrats from party environmentalists if it comes to a vote.

A Murkowski spokesman called the letter, which came after Washington Post reporter Juliet Eilperin broke the news of the lobbyists' work on the amendment in a Jan. 11th "Post Carbon" blog entry, "**totally bogus.**"

Her office didn't immediately respond to questions about the Sept. 23rd meeting.

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Richard
Windsor/DC/USEPA/US
09/24/2009 04:02 PM

To Adora Andy
cc
bcc
Subject Re: WSJ blog: Less Awkward: Senators Backtrack on Plans
to Rein in EPA

Yeah - like that.
Adora Andy

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

From: Adora Andy
Sent: 09/24/2009 03:58 PM EDT
To: Richard Windsor; David McIntosh; Arvin Ganesan; Allyn Brooks-LaSure;
Seth Oster
Subject: WSJ blog: Less Awkward: Senators Backtrack on Plans to Rein in
EPA

Less Awkward: Senators Backtrack on Plans to Rein in EPA

By Stephen Power

Yesterday, we wrote about how members of the U.S. Senate were trying to strip the Environmental Protection Agency's powers to fight climate change – even though the U.N., was trying to persuade other countries to take action.

We noted that both Sens. Tom Harkin and Lisa Murkowski, he an Iowa Republican, were offering different legislative maneuvers that would both strip the EPA's powers. Well, a lot has changed since yesterday. (See the original post [here](#).)

Turns out Sen. Murkowski won't be offering her amendment after all. The EPA Administrator Lisa Jackson and the [Alliance of Automobile Manufacturers](#) sent letters to Sen. Murkowski's amendment would prevent the EPA from finalizing its rule on automobile greenhouse gas emissions. If that had happened, the industry would have been in a "conflicting state and federal regulations," the Alliance warned in its letter. A spokesman for Sen. Murkowski says Senate Democratic leaders prevented her amendment and that the senator disputes the EPA administrator's view that the amendment would prevent the EPA from finalizing its vehicle proposal. "They've gone out of their way to debate the merits of this bill," the spokesman said.

Environmentalists are [crowing](#) at the turn of events - a rare case where environmentalists are with auto makers in favor of regulation.

"The good news is that a major effort failed to pull the rug out from under the nation's most successful environmental laws. But now, rather than just waiting for the Senate to act, the Senate must take a leap forward to repower America with clean energy."

making America more energy independent, and creating millions of clean jobs. EPA Administrator Lisa P. Jackson said in a letter to the Environment America Federal Global Warming Program Director Emily Harkin. Meanwhile, it seems Sen. Harkin has decided to shelve his amendment to the Clean Air Act that would require EPA to promulgate rules that attempt to measure the global-warming impact of biofuels such as ethanol. EPA Administrator Lisa P. Jackson's spokesman for the senator says he's been assured by the EPA administrator that the agency "recognizes the uncertainty in calculating the indirect effects on land use change from biofuels production" and will "carefully quantify and consider these uncertainties" before promulgating rules. In light of these assurances, outlined in a [letter dated Sept. 23](#), the senator will not press the amendment today," his spokesman added. "All the withdrawal of the amendment means is that the EPA can do what it is supposed to do, which is to make sure that biofuels won't do harm to the climate," says Franz A. Hurn, executive director of the Natural Resources Defense Council.

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Richard Windsor/DC/USEPA/US
03/07/2010 10:14 AM

To Adora Andy
cc
bcc

Subject Re: Gazette: EPA delays action on mountaintop removal plan

saw it. v good job on your part.

Adora Andy	Charleston Gazette: EPA delays action...	03/07/2010 10:13:31 AM
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From: Adora Andy/DC/USEPA/US
To: "Richard Windsor" <windsor.richard@epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephania@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>
Date: 03/07/2010 10:13 AM
Subject: Gazette: EPA delays action on mountaintop removal plan

Charleston Gazette:
EPA delays action on mountaintop removal plan

March 6, 2010

By Ken Ward Jr.

Staff writer

The Obama administration has delayed action on a set of broad-ranging and specific measures to reduce the environmental impacts of mountaintop removal, after details of the plan were leaked to coal-state mining regulators.

U.S. Environmental Protection Agency officials are also facing a cool reception from other government agencies, including the federal Office of Surface Mining Reclamation and Enforcement.

"EPA is under significant pressure from the coal industry and its friends," said Joe Lovett, director of the Appalachian Center for the Economy and the Environment. "But the science has now become clear that mountaintop removal is harming the state's water resources in real and measurable ways, and EPA has no choice but to do this."

Details of the EPA proposals are being circulated among state regulators in coal-producing states after EPA southeastern regional officials leaked the information to those regulators.

EPA has for months been close to finalizing a plan the agency hopes would provide coal companies with clearer guidelines for obtaining new permits, but also mandate tougher protections to limit damage to water quality.

Agency officials are pushing for more stringent water pollution standards, tougher permit requirements and more extensive monitoring downstream from mining operations.

Among the initiatives are initial steps toward tighter mining discharge limits on the toxic pollutant selenium and on electrical conductivity, which serves as a measure of harmful salts and metals and has been

identified by scientists as an indicator of coal-mining water damage. An announcement had been planned for Wednesday, but has been delayed for at least several weeks.

Adora Andy, press secretary for EPA Administrator Lisa P. Jackson, said late Friday that Jackson had previously assured West Virginia Sen. Robert C. Byrd that EPA "will release additional guidance about how it reviews water quality impacts.

"We will keep that commitment and we will issue that guidance soon," Andy said.

OSM Director Joe Pizarchik refused an interview request for this story, and agency spokesman Peter Mali said OSM would have no comment.

Carol Raulston, a spokeswoman for the National Mining Association, said her organization is familiar with some of the EPA proposals but is not yet prepared to offer specific comments on them.

"I think we're still gathering information," Raulston said Friday. "Right now, we're in the process of reviewing it with our membership."

A year ago, the Obama administration announced a crackdown on mountaintop removal. The administration has said it is taking "unprecedented steps" to reduce mining's environmental impacts, with a focus on cutting the downstream water quality effects.

So far those steps have focused on EPA's taking a closer look at Clean Water Act permits being issued by the Army Corps of Engineers and state regulators. In one instance, the Hobet 45 permit along the Boone-Lincoln county line, EPA's review forced Patriot Coal to cut its stream impacts in half while still mining nearly all of the coal it originally sought.

Administration officials have refused to support a complete ban on the practice, or to propose new rules to outlaw the burial of streams by valley fills.

EPA has not announced specific new limits on mining pollution, opening itself up to criticism from industry and coalfield politicians that the industry needs "clarity" about what is required for permit approval.

The delay in EPA's announcement of more detailed permit guidelines came last week, as the agency also asked U.S. District Judge Robert C. Chambers for more time to decide if it will veto the largest mountaintop removal mining permit in West Virginia history, the nearly 2,300-acre Spruce No. 1 Mine in Logan County.

In mid-February, EPA southeastern regional officials leaked to Alabama regulators details of the federal agency's plans to toughen coal mine regulations. The Interstate Mining Compact Commission, the lobby group for coal-state regulatory agencies, quickly spread word of those details to its members.

Greg Conrad, the commission's executive director, told group members in an e-mail message that EPA planned to announce initiatives including:

Requiring states to include in all coal-related water pollution permits a detailed analysis of whether the proposed mining would be expected to violate narrative water quality standards, which prohibit adverse impacts to aquatic life.

Forcing states to include discharge limits in permits that will ensure such violations of narrative water quality standards don't occur.

Imposing on mine operators tougher new discharge limits for selenium runoff from mining sites. Selenium can be toxic to fish in very tiny amounts, and has been tied to fish deformities downstream from at least one major mining operation in West Virginia, Patriot Coal's Hobet 21 Mine along the Boone-Lincoln County line.

EPA is also seeking to force states to require mine operators to perform water sampling called whole effluent toxicity, or WET, testing. This method better accounts for the impacts on aquatic life from a mix of various pollutants, such as that discharged by strip mines.

But perhaps the biggest changes being planned by EPA involve conductivity, which is a measure of the electrical charge of water and is a key indicator of the presence of many harmful pollutants, include chlorides, sulfides and dissolved solids.

One widely cited EPA study, published in 2008, found that streams with high conductivity -- above 500 on a scale measured in micro-siemens per centimeter -- were biologically impaired.

According to Conrad's e-mail, EPA planned to require additional monitoring of any permits where conductivity was measured above 400 micro-siemens per centimeter, and a reduction in mine size or a stop of mining above 500 micro-siemens per centimeter.

Already, EPA Region III officials have been seeking to impose such standards on water pollution permits for coal mines in West Virginia, according to comment letters submitted by EPA to the state Department of Environmental Protection.

At the same time, though, an EPA scientific report due out soon is expected to conclude that conductivity above 300 micro-siemens per centimeter should be avoided to protect water quality.

DEP Secretary Randy Huffman said his agency would want to take a very close look if EPA proposed the 300 number.

"If we decide that is where impairment occurs, we better be right," Huffman said. "Because the impact to the state economy is pretty severe."

But in at least one watershed cleanup plan issued for the Coal River, DEP experts pinpointed 300 micro-siemens per centimeter as the level at which conductivity can impair aquatic life.

DEP officials have identified high levels of conductivity as part of the cause of the Dunkard Creek fish kill in Monongalia County, and have listed conductivity as the cause of biological impairment in other heavily mined watersheds, including the Upper Kanawha and the Gauley.

In each instance, though, state officials said, "Because available information is insufficient to address biological impairment attributed to ionic toxicity," the DEP would propose no action on the problem.

Last week, EPA's Jackson said her agency is analyzing pending U.S. Senate legislation to ban valley fills and is increasingly concerned about the water quality impacts it sees from mountaintop removal. EPA has not supported that legislation.

"Certainly it is my belief as we learn more and more from outside scientists and inside scientists, we know that there are clear water quality impacts that come from filling in streams," Jackson told a Senate Appropriations subcommittee. "That's pretty intuitive."

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

Richard
Windsor/DC/USEPA/US
09/21/2009 08:38 PM

To Adora Andy
cc
bcc

Subject Re: PLEASE REVIEW (LPJ): Tomorrow's GHG Release

k

Adora Andy

FOR IMMEDIATE RELEASE: Septemb...

09/21/2009 04:00:46 PM

From: Adora Andy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 09/21/2009 04:00 PM
Subject: PLEASE REVIEW (LPJ): Tomorrow's GHG Release

FOR IMMEDIATE RELEASE:

September XX, 2009

EPA Finalizes the Nation's First Greenhouse Gas Reporting System

Reporting to Begin in 2010

WASHINGTON – On January 1, 2010, the U.S. Environmental Protection Agency will, for the first time, require large emitters of heat-trapping emissions to begin collecting greenhouse gas (GHG) data under a new reporting system. This new program will cover approximately 85 percent of the nation's GHG emissions and apply to nearly 10,000 facilities.

“For the first time, we will begin collecting data about just how much greenhouse gas pollution is being emitted throughout the country,” said EPA Administrator Lisa P. Jackson. “With this information, we’ll continue to work cooperatively with businesses, labor and academia to tailor common-sense actions that affect only the nation’s largest polluters, the ones responsible for nearly 70% of the non-vehicle carbon pollution released into our skies.”

EPA’s new reporting system will provide a better understanding of where GHGs are coming from and will guide development of the best possible policies and programs to reduce emissions. The data will also allow businesses to track their own emissions, compare them to similar facilities, and provide assistance in identifying cost effective ways to reduce emissions in the future. This comprehensive, nationwide emissions data will help in the fight against climate change.

Greenhouse gases, like carbon dioxide, are produced by burning fossil fuels and through industrial and biological processes. Fossil fuel and industrial GHG suppliers, motor vehicle and engine manufacturers, and facilities that emit 25,000 metric tons or more of CO₂ equivalent per year will be required to report GHG emissions data to EPA annually. This threshold is equivalent to about the annual GHG emissions from 4,600 passenger vehicles.

The first annual reports for the largest emitting facilities, covering calendar year 2010, will be submitted to EPA in 2011. Vehicle and engine manufacturers outside of the light-duty sector will begin phasing in GHG reporting with model year 2011. Some source categories included in the proposed rule are still under review.

More information on the new reporting system and reporting requirements:

<http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>

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Richard Windsor/DC/USEPA/US

01/19/2010 02:04 PM

To Adora Andy

cc Allyn Brooks-LaSure, Arvin Ganesan, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Gregory Peck, Peter Silva, Seth Oster

bcc

Subject Re: COLBERT REPORT CLIP: MTM AND THE EPA

Mountain flounder. Hysterical.

Adora Andy

<http://www.colbertnation.com/the-colbe...>

01/19/2010 10:21:43 AM

From: Adora Andy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA
Date: 01/19/2010 10:21 AM
Subject: COLBERT REPORT CLIP: MTM AND THE EPA

<http://www.colbertnation.com/the-colbert-report-videos/261997/january-18-2010/coal-comfort---margaret-palmer>

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Richard
Windsor/DC/USEPA/US
02/23/2010 03:48 PM

To Adora Andy
cc "Arvin Ganesan"
bcc
Subject Re: Greenwire: EPA chief goes toe-to-toe with Senate GOP
over warming science

Arvin's headline.
Adora Andy

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

From: Adora Andy
Sent: 02/23/2010 03:36 PM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; Gina McCarthy
Cc: "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Seth Oster" <oster.seth@epa.gov>
Subject: Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 02/23/2010 02:59 PM EST
To: Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara; Michael Moats
Subject: Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

CLIMATE: EPA chief goes toe-to-toe with Senate GOP over warming science (02/23/2010)

Robin Bravender, E&E reporter

U.S. EPA Administrator Lisa Jackson today defended the science underpinning pending climate regulations despite Senate Republicans' claims that global warming data has been thrown into doubt.

"The science behind climate change is settled, and human activity is responsible for global warming," Jackson told the Senate Environment and Public Works Committee. "That conclusion is not a partisan one."

Jackson's comments came as the Senate panel scrutinized President Obama's \$10 billion budget request for EPA. The administration's fiscal 2011 proposal would cut the agency's total funding by about \$300 million from 2010 levels while allotting \$56 million -- including \$43 million in new funding -- for regulatory programs to curb greenhouse gas emissions.

Senate Republicans used the hearing as a platform to blast EPA over its plans to begin rolling out greenhouse gas regulations next month after it determined last year that the heat-trapping emissions endanger human health and welfare.

Sen. James Inhofe (R-Okla.), the panel's ranking member, called on EPA to reconsider that determination after recent reports have revealed errors in the reports from the Intergovernmental Panel on Climate Change (IPCC) that were used to underpin EPA's finding and a recent controversy surrounding e-mails stolen from climate scientists that some have dubbed "Climategate."

"We've been told that the science still stands," Inhofe said. "We've been told that the IPCC's mistakes are trivial. We've been told that Climategate is just gossipy e-mails between a few scientists.

"But now we know there's no objective basis for these claims," he added. "Furthermore, Climategate shows there's no 'consensus;' the science is far from settled."

Committee Republicans released a [report](#) today detailing concerns over the content of the e-mails that were lifted last year from computers at the Climatic Research Unit of the University of East Anglia, a research institute whose studies help form the basis of the IPCC reports.

Some of the e-mails reveal frustration with attacks from global warming skeptics, and opponents of greenhouse gas regulations have pointed to several of the exchanges as proof that scientists intentionally withheld climate data.

The Obama administration, as well as the majority of climate scientists and Democratic lawmakers, have maintained that nothing in the e-mails upends the scientific consensus that man-made emissions are contributing to climate change.

Jackson said that although science "can be a bit messy, the dust will settle" and that she has not seen anything at this point to show that the endangerment finding is not on solid ground.

"I do not agree that the IPCC has been totally discredited in any way," Jackson said, adding that it is important to understand that the IPCC is a body that follows open and impartial practices.

"Let me be very clear," said Sen. Barbara Boxer (D-Calif.) the committee chairwoman. "The majority of this committee believes in strong numbers that we must act," on global warming, she added.

Sen. Bernie Sanders (I-Vt.) angrily blasted his Republican colleagues for their implications that global warming science had not been settled. "This country faces many many problems, not the least of which, we have national leaders rejecting basic science," Sanders said. "I find it incredible, I really do, that in the year 2010 on this committee, there are people who are saying there is a doubt about global warming. There is no doubt about global warming."

Richard Windsor/DC/USEPA/US
07/14/2011 03:57 PM

To Al Armendariz
cc
bcc
Subject Re: Houston Chronicle -- Blowing smoke: New EPA rulings on pollutant emissions make good sense | Editorial |

Congrats!
Al Armendariz

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

From: Al Armendariz
Sent: 07/14/2011 03:43 PM EDT
To: "Windsor, Richard" <windsor.richard@epa.gov>; Gina McCarthy; Seth Oster; "McCabe, Janet" <mccabe.janet@epa.gov>; "Sussman, Bob" <sussman.bob@epa.gov>; Bob Perciasepe; Diane Thompson; "Alcantara, Betsaida" <alcantara.betsaida@epa.gov>; Adora Andy
Subject: Houston Chronicle -- Blowing smoke: New EPA rulings on pollutant emissions make good sense | Editorial |
This makes both the ed boards of the two largest papers in the state. -- Al

Blowing smoke
New EPA rulings on pollutant emissions, opposed by Texas officials, make good sense.
HOUSTON CHRONICLE
July 13, 2011, 7:45PM

Last week, the Environmental Protection Agency issued a new ruling that requires 27 states, including Texas, to address pollution from dirty power plants that fouls the air in other states. It's a reasonable plan, one that will help Texans breathe cleaner air and will save lives and taxpayer dollars.

The ruling, as reported by the Chronicle's Matthew Tresaugue ("EPA air rule to affect Texas plants," Page B1, July 8), will require coal-fired power plants, the worst offenders, to be upgraded with modern equipment to reduce emissions of nitrogen oxide and sulfur dioxide. Combined with other initiatives, it will reduce sulfur dioxide emissions nationally by 73 percent from 2005 levels by 2014, and nitrogen oxide by 54 percent, according to the EPA.

But Texas officials, who have long feuded with the EPA, are screaming foul. Gov. Rick Perry responded to the ruling with the same language he has used for numerous federal initiatives – from health care to unemployment benefits, airport pat-downs to light bulbs: "... another example of heavy-handed and misguided action from Washington, D.C., that threatens Texas jobs and families.... Texas will keep standing up to this destructive federal overreach."

Bryan Shaw, chairman of the Texas Commission on Environmental Quality and another constant critic of the EPA, said in an opinion piece in the Chronicle Tuesday ("EPA decision will cost Texas jobs," Page B11) that the ruling will "cut Texas jobs" and "increase Texas energy costs," and will possibly cause "an increased incidence of heat stroke and heat stress" on the elderly in the hot Texas summer. U.S. Sen. John Cornyn, R-Texas, called it "outrageous," and said it would "adversely affect thousands of Texas job creators and electricity consumers."

But the EPA's projections are far from outrageous: They estimate that a typical family's electricity bill will increase by less than \$1 per month, and by 2014 the rule will prevent up to 34,000 premature deaths, 400,000 cases of aggravated asthma and 1.8 million sick days a year, saving up to \$280 billion annually in health costs. Those savings will far outweigh the projected \$800 million in annual costs to implement the new rule and the estimated \$1.6 billion annually to comply with a previous rule. And, according to EPA Administrator Lisa Jackson, the rule will also prevent from 670 to 1,700 premature deaths per year in Texas alone.

Texas power plants emit more nitrogen oxide than any other state, and are surpassed only by Ohio in emissions of sulfur dioxide, which causes acid rain and soot that can exacerbate asthma and cause respiratory illnesses. Coal-fired plants are the largest contributors to greenhouse gases, and we have 19 of them, more than any other state, and more to come in the next few years.

We're well aware that Perry is contemplating a presidential run, and that "federal overreach" plays well to some Texas voters, but clean air doesn't stop or start at the state line. Texas emissions pollute the air of other states, including Louisiana, Illinois and Michigan, but our Texas air is in turn polluted by emissions from at least 12 other states.

We're all in this together. So maybe it's time to start looking at ourselves as beneficiaries, not victims, of the EPA's efforts, and to cooperate instead of blowing smoke.

<http://www.chron.com/disp/story.mpl/editorial/7652357.html#ixzz1S5Y2Rojd>

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Richard
Windsor/DC/USEPA/US
07/11/2011 06:19 AM

To Al Armendariz
cc
bcc
Subject Re: Houston Chronicle Op-Ed: "Texas is vulnerable to warming climate"

Nice.

Al Armendariz

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

From: Al Armendariz
Sent: 07/10/2011 11:53 PM EDT
To: Gina McCarthy; "Anastas, Paul" <anastas.paul@epa.gov>; Seth Oster; Brendan Gilfillan; "Windsor, Richard" <windsor.richard@epa.gov>; "Sussman, Bob" <sussman.bob@epa.gov>; Bob Perciasepe
Subject: Houston Chronicle Op-Ed: "Texas is vulnerable to warming climate"
<http://www.chron.com/dispatch/story.mpl/editorial/outlook/7646498.html>

As you sit by the pool and sweat this summer, one book you should be reading is *The Impact of Global Warming on Texas* (University of Texas Press, June 2011, second edition). This book, written by a group of Texas academics, is a sober analysis of our state's vulnerability to climate change – and the things we can do about it.

It is a particularly appropriate read as we suffer through the hellish summer of 2011. While it is unknown exactly how much human activities are contributing to this summer's unpleasant weather, one lesson from the book is clear: Get used to it. The weather of the 21st century will be very much like the hot and dry weather of 2011. Giving extra credibility to this forecast is the fact that the weather extremes that we are presently experiencing were predicted in the first edition in 1995.

The changes in temperature and precipitation, along with rising sea levels, will leave no part of Texas unchanged. This includes both the natural landscape and the cities, the wildlife and important economic sectors, like agriculture. While climate change may be good for some parts of the globe (e.g., Siberia, northern Canada), Texas is most definitely not one of them. Rather, the vulnerability of Texas is more akin to that of the low-lying island states of the Pacific that are going to be inundated by sea-level rise over the coming century.

This makes the refusal of our leaders in Austin to take action on climate change that much more unfortunate.

There are few qualified atmospheric scientists who would argue with the assessment in the book. And there are none in Texas. Attempts over the last few years to stage a debate in Texas about the science of climate change have required flying a skeptic in from out of state.

In one case, they had to import one from Canada.

Yet despite the overwhelming agreement by scientific experts on these points, rancorous debate over policy remains. People are worried that policies to address climate change will hurt their standards of living.

But unchecked climate change will also cost them money. This summer, for example, Texans with air conditioning are paying quite a bit more for electricity to cool their houses than they have in the past. And while it has not hit yet, the impact of the summer weather will eventually lead to higher agricultural commodity prices.

Thus, there is no free lunch: Either we pay to reduce emissions of greenhouse gases or we pay for the impacts of a changing climate.

Economists have looked at this problem repeatedly over the last two decades and virtually every mainstream economist has concluded that the costs of reducing emissions are less than the costs of unchecked climate change - the only disagreement is on the optimal level of emissions reductions.

Given the uniformity of expert opinion that reductions of emissions make sense, why is the debate so polarized? Psychologists and other cognitive experts have found that disagreements over climate change are rooted not in disagreements over science or economics, but are instead rooted in views of the merits of government action. Climate skeptics are almost uniformly distrustful of government action in society and are frightened that climate change will be used as a pretext to take away our individual liberties or interfere with the free market. This explains why every staunch climate skeptic I've ever met is also rabidly opposed to Obama's health care reform (a conclusion also backed by polling data).

The good news is that this points to a way to break the deadlock in the climate debate. First, we need to stop arguing about science.

The primary conclusions of mainstream climate science - that the Earth is presently warming, humans are very likely the cause of it, and future warmings may be significant - are all well established.

Rather, we need to focus on negotiating policies that both sides can agree with - policies that reduce emissions of greenhouse gases, but without unacceptable government intervention in the markets or control over our lives.

One idea recently floated by a former Republican congressman is that of a revenue-neutral carbon tax swap. The idea would be to put a tax on carbon, while at the same time reducing income taxes so that total revenue raised by taxes does not change.

Such a policy would cost the average family zero: Prices of carbon-intensive goods and services (i.e., electricity) would go up, but decreases in income taxes would offset that. At the same time, it provides a clear signal in the economy for people and companies to take actions to reduce their emissions.

Obviously, the devil is in the wonky details, and care must be exercised to ensure that any such policy is fair - e.g., accommodating those at the bottom of the economic ladder who pay no income tax.

Whatever policy we adopt, it should be soon. As this book points out, the longer we wait to begin reducing emissions, the more climate change Texas will experience. In this way, climate policy is like steering a supertanker - if we wait to start turning until we see the rocks, then we cannot avoid them. Rather, we need to realize that the rocks are out there - and start turning the ship now.

Andrew Dessler is a professor of atmospheric sciences at Texas A&M University in College Station.

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Richard Windsor/DC/USEPA/US
08/02/2011 08:41 PM

To Al Armendariz
cc
bcc
Subject Re: Wall street research firm: U.S. Utilities: Can Texas Comply With The Cross-State Air Pollution Rule? Yes, If Existing Scrubbers Are Turned On.

Tx

From: Al Armendariz
Sent: 08/02/2011 06:32 PM CDT
To: mccabe.janet@epa.gov; Gina McCarthy; windsor.richard@epa.gov; Seth Oster; Bob Perciasepe; sussman.bob@epa.gov; Diane Thompson
Subject: Wall street research firm: U.S. Utilities: Can Texas Comply With The Cross-State Air Pollution Rule? Yes, If Existing Scrubbers Are Turned On.

Independent Wall street analysts looking at Texas utilities have put out this report for investors.
--Al

U.S. Utilities: Can Texas Comply With The Cross-State Air Pollution Rule? Yes, If Existing Scrubbers Are Turned On.

Investment Conclusion

In this research note, we analyze the potential for the state of Texas to comply with CSAPR without costly upgrades or plant closures. We find that if Texas utilities were simply to run their existing scrubbers continuously, and switch unscrubbed units to lower sulfur coal, Texas could likely comply with its SO2 budget under CSAPR in 2012.

Link to report (also attached):

<http://www.supportcleanair.com/resources/studies/file/Bernstein-on-Texas-EPA.pdf>

Texas media discussing report:

<http://texasclimateneews.org/wp/?p=2317>

Al Armendariz
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Richard
Windsor/DC/USEPA/US
12/29/2011 12:28 PM

To Alisha Johnson
cc
bcc

Subject Re: CNN: Protecting babies from neurotoxins

Nice job!

Alisha Johnson

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

From: Alisha Johnson

Sent: 12/29/2011 11:29 AM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; David Bloomgren; Arvin Ganesan; Sarah Pallone; Laura Vaught; Michael Moats; Diane Thompson; Jose Lozano; Elizabeth Ashwell; Heidi Ellis; Stephanie Owens; Dru Ealons; Gina McCarthy; Janet Woodka; Janet McCabe; Joseph Goffman; Michael Goo; Bicky Corman

Subject: CNN: Protecting babies from neurotoxins

Protecting babies from neurotoxins

CNN

By William Hudson, CNN

Thu December 29, 2011

(updated 9:43 AM EST)

It's well known that mercury causes damage to developing fetuses, with long-term effects on the child.

The new limits are projected to prevent 130,000 cases of asthma, 6,300 cases of bronchitis. Methylmercury, found in fish and shellfish, can harm a child's thinking, language. The new EPA rule also limits emissions of hazardous air pollutants like arsenic, benzene.

(CNN) -- The Environmental Protection Agency recently finalized a rule that for the first time requires U.S. coal and oil-fired power plant operators to limit emissions of mercury and other hazardous air pollutants.

EPA rules in place under the 1990 Clean Air Act have targeted acid rain and smog-forming chemicals emitting from power plants. But perhaps surprising to many, those rules have never included limits on mercury, a neurotoxin known to damage developing fetuses and children.

How this policy affects your health

The benefits of this new rule, in terms of dollars saved and death prevented, far outweigh the costs to companies and consumers, according to peer-reviewed EPA studies.

U.S. power plants account for only about 1% of global mercury emissions. Even so, for each dollar spent reducing mercury and hazardous air pollutant emissions under the new rule, the EPA projects up to \$9 in health benefit savings by preventing an estimated 11,000 premature deaths and 4,700 heart attacks each year.

Among children, the new limits are projected to prevent 130,000 cases of asthma and 6,300 cases of acute bronchitis each year, the EPA estimates.

"These standards rank among the three or four most significant environmental achievements in the EPA's history," said John Walke, Clean Air director of the National Resources Defense Council, an environmental advocacy group. "This rule making represents a generational achievement."

Despite federal limits on emissions of mercury from other sources, such as waste incinerators, there have been no limits on coal-fired power plants, which the EPA says constitute the single largest source of mercury emissions.

"As a mom, I'm especially excited to know that millions of mothers and babies will now be protected from mercury poisoning," said Mary Anne Hitt, director of Beyond Coal Campaign, a clean energy advocacy group.

"We all teach our kids the simple rule that if you make a mess you should clean it up - and now polluters will have to follow that same rule," she wrote in an e-mail conversation.

"Mothers around the country who have been worried about mercury pollution causing learning disabilities and other problems for their kids will be able to sleep easier tonight."

Health experts have known for a long time that mercury causes damage to developing fetuses, with long-term effects on the child.

Methylmercury, found in fish and shellfish, can harm a child's thinking, language, fine motor skills, memory, attention, and visual spatial skills when exposed in the womb. One study estimates that for each part per million of mercury found in a mother's hair -- a common way of testing for mercury exposure -- her child loses approximately 0.18 IQ points.

Outbreaks of methylmercury poisoning have resulted in some children being born with severe disabilities, even when their mothers did not show signs of nervous system damage. But adults are at risk for mercury poisoning too; symptoms can include impairment of vision, speech, hearing and walking.

In addition to mercury, the new EPA rule also limits emissions of hazardous air pollutants like arsenic, benzene, chromium, formaldehyde, hydrochloric acid, and nickel.

How to protect against mercury exposure

Once airborne, mercury enters bodies of water through precipitation, becomes methylmercury, and accumulates in the food chain.

The EPA and the Food and Drug Administration recommend that pregnant women and young children limit their consumption of fish and shellfish to two meals a week, because the methylmercury contamination found in fish can cause harm to humans.

The EPA and FDA say that some larger predatory fish, such as shark, swordfish, king mackerel, and tilefish, should be avoided entirely by pregnant women and children.

Exposure can also occur from breathing in polluted air, for example near incinerators and coal-burning power plants.

A lab test using blood or hair sample can determine the methylmercury levels.

What's the controversy?

The new rule requires that the vast majority of mercury contained in coal be captured and prevented from releasing into the air when burned for energy. It would require operators to shut down or upgrade the most environmentally dangerous power plants.

Power plant operators have three years to comply with the new standards, but plant operators may be granted additional time to install the necessary emissions improvement technologies if they are able to demonstrate a valid need.

Not everyone supports the new limits, in part because the new rules will increase costs for plant operators who need to make upgrades.

The rule has been criticized by industry groups and some Republicans.

"Analyses predict EPA's rules will force the premature retirement of power plants that are needed to provide affordable, reliable power to consumers and our growing economy," said Fred Upton, the chairman of the House Energy and Commerce Committee.

"Other plants will require multi-million dollar retrofits that will result in higher electricity bills," said the Republican congressman from Michigan.

The EPA states that its rule is cost-effective and "ensures electric reliability," noting that the agency has

received more than 900,000 comments from industry and the public to better inform the decision.

Amid a divisive political climate and persistent unemployment, the EPA noted in its March 2011 rule proposal that it "finds that more jobs will be created in the air pollution control technology production field than may be lost as the result of compliance with these proposed rules."

The final EPA rule regulating power plant mercury emissions has been decades in the making.

The 1990 version of the Clean Air Act signed into law by President George H.W. Bush directed the EPA to conduct studies to determine whether regulating mercury and other hazardous air pollutants from power plants was "appropriate and necessary."

In December 2000, having completed the required studies, the EPA formally announced its intention to regulate mercury emissions from power plants.

Then in 2005, under the administration of President George W. Bush, the EPA reversed its determination that mercury regulations were "appropriate and necessary," and removed power plants from the list of sources to be regulated. Instead the Bush-era EPA proposed the "Clean Air Mercury Rule," a cap-and-trade system for mercury emissions.

Under "cap and trade," mercury emissions would not be restricted, but heavy polluters would pay a fee that could be pocketed by companies whose factories or power plants pollute less.

In February 2009, the new EPA Administrator Lisa Jackson announced a return to the 2000 decision to put limits on mercury emissions. The rule proposed on March 2011 was made final in an announcement on December 21 at the Children's Medical Center in Washington.

Altogether, the environmental regulations beginning with the 1970 Clean Air Act have saved millions of American lives, according to the EPA.

The reductions in fine particle and ozone pollution emissions mandated under the 1990 Clean Air Act prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, and 1.7 million asthma attacks in just the year 2010, according to EPA figures.

Richard
Windsor/DC/USEPA/US
07/24/2011 08:59 PM

To Alisha Johnson
cc
bcc
Subject Re: LA Times (Green blog): EPA Chief Lisa Jackson speaks
at NAACP convention in Los Angeles

Great. Tx.
Alisha Johnson

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

From: Alisha Johnson
Sent: 07/24/2011 08:49 PM EDT
To: Seth Oster; Richard Windsor; Adora Andy; Brendan Gilfillan; Andra Belknap; Dru Ealons; Stephanie Owens; Michael Moats
Subject: LA Times (Green blog): EPA Chief Lisa Jackson speaks at NAACP convention in Los Angeles
EPA Chief Lisa Jackson speaks at NAACP convention in Los Angeles
LA Times (Green blog)
July 24, 2011 | 4:59 pm

U.S. Environmental Protection Agency Administrator Lisa Jackson spoke to the NAACP National Convention at the Los Angeles Convention Center on Sunday about the impact of pollution on minority communities, an issue that will be also be explored during a Monday afternoon panel: "The air we breathe: taking action against toxic exposures in African American communities" from 2 to 4 p.m.

Before her speech, Jackson spoke with The Times about her approach to environmental justice.

Q: What does environmental justice mean to you?

A: It is one of my priorities and I define it fairly broadly. The simplest way to describe it is it's really the unfinished business of the EPA; there are still communities in this country where there's a disproportionate collection of smokestacks and tailpipes. Those sources of pollution mean that the communities that live around them have more exposure to pollution than other communities. Since air blows and water flows you can't really clean up this nation's air and water without addressing those communities as well. We know about them and have really strong efforts underway in those communities, but I would like to see progress and the progress continue.

Q: What is being done to address pollution in minority communities?

A: You have to do it on a number of levels. Probably the one that is most germane here is air pollution. L.A. knows as well as anyone that air pollution is not just a problem for the environment, it's a public health threat. Dirty air means premature death. Dirty air means respiratory illnesses, most notable asthma, but a number of respiratory ailments that are made worse on bad air days, and we've had a lot of that this summer, although not here in lovely L.A.

We have a study, a peer reviewed study, that said \$2 trillion in healthcare costs saved from implementation of the Clean Air Act from 1990 to 2020. Usually that number stops people in their tracks. So implementing the Clean Air Act is not only because it's the right thing to do, it's to save lives, to make our children healthier and address issues for the elderly and people with health impairments.

For most Americans, though, the No. 1 environmental issue is water. We have about 92% of Americans have water that meets federal standards. That means 8% of Americans in this day and age do not. That's way too high. Those folks are concentrated on Indian land and along our border with Mexico and in rural areas of the country where people really struggle to meet federal standards. It's not acceptable for anybody not to have clean drinking water.

In the broader picture, the work we've done it's not just the water we drink -- it's the loss of wetlands, which is even more critical now. Besides the ecological benefits, they're also sponges. We see as the climate changes what's going to happen with flooding. Loss of wetlands makes us that much less able to deal with flooding.

Q: Are those minority issues -- not just clean air and water in urban areas but also wetland preservation?

A: Remember, I grew up in New Orleans. So I always tell people my mother, who never really understood much about the environment in terms of what I did, it really came home for her after Hurricane Katrina. It became very much widely known in the city that the loss of the wetlands south of the city had really contributed to the severity of the damage and the lives lost, the death toll, because the wetlands form a barrier for storm and dissipate some of their energy. There used to be miles and miles of wetlands that used to act as a first break, and they weren't there.

And remember that the most low-lying communities, the least desirable communities, are often the poorer communities -- the land on the other side of the tracks, the land down by the river -- was what was left, especially in parts of the South, for African Americans. So it's very much of an environmental justice issue. A lot of times people think well all you care about are salamanders and frogs. Well, we do, certainly, but we also care about them because they play such an important role in keeping people safe.

L.A. has done a lot of work to highlight the importance of doing work to deal with the corridors of transportation. Our country also historically has communities that are poorer next to major transportation arteries. The big sources of air pollution in our country are power plants and the way we get around, the way we move goods.

Q: The EPA recently granted California an extension until 2015 to meet the 1997 air quality standards--won't that have a disproportionate harmful impact on minority communities?

A: We believe that it's our job to oversee state programs. California has really strong programs compared to other places in this country, but they also have really big problems and challenges and have been a it a long time.

There's a couple reasons why more time makes good sense.

Cars are getting cleaner, due to President Obama's clean car deal. Fleets turn over. Cars will get even cleaner from 2017 to 2025.

Part of the reason you do that is because California has been a leader in making cars cleaner knowing that is a real key to getting air cleaner.

Trucks are getting cleaner. We're coming out soon with new standards for heavy-duty vehicles.

There are two things that EPA has done that I think will have a tremendous impact on communities around transportation corridors, including shipping.

Number one is that now there's 200 nautical miles around our nation's coastline [where] ships have to switch to low-sulfur fuel. With that single change, and we made it nationwide, and we are leading the efforts in the international maritime organization to make it worldwide, we estimate will save lives along all of our port cities. For example, here in California as far inland as Kansas because of how the wind blows from California across the country. It's called the emissions control area, or ECA. California had been trying to do it and it is now the standard.

The second thing is cleaner cars, which California had been pushing for and this president ordered us to look back at the California waiver and eventually grant it -- which means cleaner cars for California but also, I think, has led to a revitalization of the American car industry, because the American car industry is building cars that Americans want to buy but that are also very frugal in using gasoline.

There's more to do, without doubt. But I also think when you look at something like the ozone standard, setting the standard is important, but the way that standard is really going to play out here in California is in permitting decisions in power plants (California doesn't have any coal-fired powers, it's pretty clean), and in transportation.

Q: Another environmental justice issue here in California has been toxic landfills such as those in the towns of Kettleman City and Buttonwillow. Activists and residents there say they feel the EPA has failed to address their complaints for the past 16 years and they have recently sued the EPA -- what can you tell us about EPA's response?

A: When we got in we did our own audit of our entire office of civil rights. We knew we had this backlog of a couple of dozen Title VI complaints under the EEO laws. That's only a small part of what was necessary to fix our office of civil rights. And I have committed the agency and feel very good about the fact that the agency is on the pathway to get to a robust office of civil rights that deals with external complaints in a timely manner and a fair manner.

The complaint was 16 years old when the Obama administration came to be. So, yes, we have recently had those activists sue. We were in negotiations with them and they chose to sue. We are going to continue talking to them about potential remedies and we're not going to stop working on the case. But certainly I respect their right in a democratic society to make that decision.

We are working on each and every one of those complaints [in the backlog]. We are working with the department of justice. And on the other side, I think we are well on the way to implementing environmental justice standards, we call them plan EJ 2014.

Our goal there is that environmental justice be part of every decision-making process at EPA -- when we're writing a rule, when we're doing enforcement -- to hopefully cut down on new claims in the future. I do think it is one of the failures of the EPA not to be able to do anything with those claims for such a long time. And I am committed to clearing the backlog. But just clearing the backlog will not solve the issue.

-- Molly Hennessy-Fiske

Photo: Lisa Jackson at the Los Angeles Convention Center Sunday as she prepared to address the NAACP national convention. Credit: Molly Hennessy-Fiske.

Richard Windsor/DC/USEPA/US
06/17/2011 11:10 AM

To Alisha Johnson
cc
bcc
Subject Re: NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules

Yup. I did. Tx.
Alisha Johnson

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

From: Alisha Johnson
Sent: 06/17/2011 11:04 AM EDT
To: Richard Windsor
Cc: Jose Lozano
Subject: NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules

Administrator,
Wanted to make sure you saw this.

Power Company Contradicts Itself on EPA Rules
National Journal

By Amy Harder
Wednesday, June 15, 2011 | 9:06 p.m.

American Electric Power, one of the nation's biggest coal utilities, downplayed the impact of EPA regulations to its investors while forecasting a doom-and-gloom outcome for Washington policymakers.

AEP has come under scrutiny after announcing on June 9 that it would have to close five of its coal-fired power plants and post a net loss of 600 jobs because of Clean Air Act regulations.

Other utilities employ this strategy, too. Investors have different concerns than average Americans and lawmakers, after all. But the seemingly contradictory comments are drawing renewed scrutiny as EPA Administrator Lisa Jackson works to finalize a slew of controversial standards for major polluters that could potentially change the economy. EPA plans to regulate everything from mercury to greenhouse gases. Republicans have attacked those regulations and introduced legislation to curb the agency's power.

"Because of the unrealistic compliance timelines in the EPA proposals, we will have to prematurely shut down nearly 25 percent of our current coal-fueled generating capacity, cut hundreds of good power-plant jobs, and invest billions of dollars in capital to retire, retrofit, and replace coal-fueled power plants," AEP chairman and CEO Mike Morris said in a statement last week. "The sudden increase in electricity rates and impacts on state economies will be significant at a time when people and states are still struggling."

A week earlier, Morris had sought to allay investors' concerns about the plant closures and their effect on AEP's bottom line at a June 1 investors conference.

"On balance, we think that is the appropriate way to go," Morris said of the closures. "Not only to treat our customers, but also to treat our shareholders, near and long term, with that small amount of the fleet going off-line."

Most of what AEP said it will have to shutter is spare capacity, used when it's very hot or cold. (The plants were used, for example, during last week's Midwestern heat spell.) That fact was not included in the company's release, but Morris made sure to remind investors.

“As you know, those are high-cost plants and dispatch infrequently,” Morris said. He went on to add that most of them didn’t run at all in 2009 because natural-gas prices were so low.

AEP spokeswoman Melissa McHenry told National Journal Daily that the plants slated for closure haven’t been used much in recent years because of low natural-gas prices, but that having them available for use in times of extreme temperatures seems crucial.

McHenry said costs made closing plants a better alternative than retrofitting them. Consumers would still face surging electricity prices because of the time frame, which AEP and many other coal utilities say is unrealistic. Companies must comply with two of EPA’s major set of rules by 2015. AEP wants the compliance time frame extended to 2020.

Southern Co., another major coal utility, also fights EPA’s regulations and tries to walk a fine line. CEO Tom Fanning told investors in the first-quarter earnings statement that he remains “confident or optimistic perhaps that we’ve been able to work through some tough complex issues in the past.” He also said that extending the compliance timeline to 2018 would make him “feel a lot more comfortable about being able to run our portfolio.”

EPA’s Jackson was not impressed with the AEP announcement last week. She said after a hearing on Wednesday that it was “misleading at best, scare tactics at worst.”

Southern’s Fanning, meanwhile, had positive words to say about the agency’s administrator.

“In my constructive conversations with Lisa Jackson, she, I think, recognizes that the EPA—last thing they want us to create [is] reliability crises,” he said in the earnings statement.

Alisha Johnson

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

From: Alisha Johnson

Sent: 06/17/2011 06:34 AM EDT

To: Seth Oster; Adora Andy; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Shira Sternberg; Dru Ealons; Stephanie Owens; Michael Moats; Vicki Ekstrom

Subject: NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules
Power Company Contradicts Itself on EPA Rules
National Journal

By Amy Harder

Wednesday, June 15, 2011 | 9:06 p.m.

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Other utilities employ this strategy, too. Investors have different concerns than average Americans and lawmakers, after all. But the seemingly contradictory comments are drawing renewed scrutiny as EPA Administrator Lisa Jackson works to finalize a slew of controversial standards for major polluters that could potentially change the economy. EPA plans to regulate everything from mercury to greenhouse gases. Republicans have attacked those regulations and introduced legislation to curb the agency’s power.

“Because of the unrealistic compliance timelines in the EPA proposals, we will have to prematurely shut down nearly 25 percent of our current coal-fueled generating capacity, cut hundreds of good power-plant jobs, and invest billions of dollars in capital to retire, retrofit, and replace coal-fueled power plants,” AEP chairman and CEO Mike Morris said in a statement last week. “The sudden increase in electricity rates

and impacts on state economies will be significant at a time when people and states are still struggling.”

A week earlier, Morris had sought to allay investors' concerns about the plant closures and their effect on AEP's bottom line at a June 1 investors conference.

“On balance, we think that is the appropriate way to go,” Morris said of the closures. “Not only to treat our customers, but also to treat our shareholders, near and long term, with that small amount of the fleet going off-line.”

Most of what AEP said it will have to shutter is spare capacity, used when it's very hot or cold. (The plants were used, for example, during last week's Midwestern heat spell.) That fact was not included in the company's release, but Morris made sure to remind investors.

“As you know, those are high-cost plants and dispatch infrequently,” Morris said. He went on to add that most of them didn't run at all in 2009 because natural-gas prices were so low.

AEP spokeswoman Melissa McHenry told National Journal Daily that the plants slated for closure haven't been used much in recent years because of low natural-gas prices, but that having them available for use in times of extreme temperatures seems crucial.

McHenry said costs made closing plants a better alternative than retrofitting them. Consumers would still face surging electricity prices because of the time frame, which AEP and many other coal utilities say is unrealistic. Companies must comply with two of EPA's major set of rules by 2015. AEP wants the compliance time frame extended to 2020.

Southern Co., another major coal utility, also fights EPA's regulations and tries to walk a fine line. CEO Tom Fanning told investors in the first-quarter earnings statement that he remains “confident or optimistic perhaps that we've been able to work through some tough complex issues in the past.” He also said that extending the compliance timeline to 2018 would make him “feel a lot more comfortable about being able to run our portfolio.”

EPA's Jackson was not impressed with the AEP announcement last week. She said after a hearing on Wednesday that it was “misleading at best, scare tactics at worst.”

Southern's Fanning, meanwhile, had positive words to say about the agency's administrator.

“In my constructive conversations with Lisa Jackson, she, I think, recognizes that the EPA—last thing they want us to create [is] reliability crises,” he said in the earnings statement.

Richard
Windsor/DC/USEPA/US
12/23/2009 10:54 AM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: Newsweek: Steven Chu, Lisa Jackson #2 on
Newsweek's 10 Most important People in 2010

My.
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 12/23/2009 10:46 AM EST
To: Brendan Gilfillan; Richard Windsor; "Sussman, Bob"
<sussman.bob@epa.gov>; "Fulton, Scott" <fulton.scott@epa.gov>; Diane Thompson;
Bob Perciasepe; David McIntosh; Arvin Ganesan; Lisa Heinzerling; Eric Wachter;
Robert Goulding
Cc: Adora Andy; "Oster, Seth" <Oster.Seth@epa.gov>
Subject: Re: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most
important People in 2010
You beat out Steve Jobs and Vladimir Putin!

MABL.

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

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

From: Brendan Gilfillan
Sent: 12/23/2009 10:42 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Adora Andy
Subject: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most
important People in 2010
Link here:
<http://2010.newsweek.com/top-10/people-to-watch/steven-chu-and-lisa-jackson.html>

Steven Chu and Lisa Jackson

By Newsweek

EPA Administrator [Lisa Jackson](#) is a chemical engineer, and Energy Secretary [Steven Chu](#) is a physicist with a [Nobel Prize](#), but starting in 2010 you can think of them as bad cop and good cop. With the Copenhagen climate negotiations failing to reach a legally binding treaty, and with climate legislation stalled in the Senate, this duo will lead the charge toward reducing U.S. greenhouse emissions and moving us to renewable energy.

As of Jan. 1, any facility that emits at least 25,000 metric tons of carbon dioxide annually (or its equivalent in greenhouse gases such as methane and nitrous oxide) will have to start measuring and reporting their emissions to Jackson's [EPA](#). That includes power plants, aluminum

manufacturers, refineries, paper mills, and solid-waste landfills (a big source of methane). Insiders call the requirement the most “world-changing greenhouse policy” EPA has ever undertaken, since once something is counted it can be regulated.

Then, in March, using authority the [Supreme Court confirmed in 2007](#), Jackson will issue rules requiring manufacturers to reduce greenhouse emissions from cars and trucks to a fleet average of 250 grams per mile ([it's now 422](#)) [by 2016](#). Carmakers will achieve that through more hybrids and plug-in electrics, averting a projected 950 million metric tons of carbon dioxide and other greenhouse gases over the lifetime of those low-CO₂ vehicles. Finally, as early as summer, Jackson will issue rules making “major polluters”—like those subject to the greenhouse-gas reporting rule—use top-of-the-line CO₂-control technology if they want to [build a new facility or make significant changes to an existing one](#).

The regs are significant in themselves, but Jackson’s real clout will be showing industry how much can be done on greenhouse emissions even without climate legislation. “This will encourage congressional action,” says [Rep. Edward Markey](#), cosponsor of the [climate bill](#) that passed the House in June. “Industry’s choice is no longer between legislation and no legislation, but between legislation and regulation. Congress is a stimulus-response institution, and there is nothing more stimulating than a regulatory agency preempting powers Congress thinks it should have.” We’ll see if the dis is enough to move a [climate bill out of the Senate](#) in 2010.

Either way, utilities and other major greenhouse polluters could find salvation in Chu (whom *Nature* just named its [Newsmaker of the Year 2009](#)). Chu’s task is nothing less than revamping the energy sector in the world’s largest economy, which he is doing by encouraging high-risk/high-reward research. Besides being a “public cheerleader for clean-energy research,” as *Nature* calls him, he’s been opening the federal purse strings. He has \$400 million to award for clean-energy research—a big, fat carrot to Jackson’s stick.

Richard Windsor/DC/USEPA/US
01/27/2010 07:40 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: Tomorrow's Politico.

Tx
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 01/27/2010 07:39 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Mathy Stanislaus; Lisa Heinzerling; David McIntosh; Arvin Ganesan
Cc: Seth Oster; Adora Andy
Subject: Tomorrow's Politico.

A coal ash ad paid for by Earthjustice will run, with the following text:

arsenic
chromiu
m

lead

We just put them in your thoughts.
**Power plants are putting them in
your drinking water.**

Coal Ash is a waste product of coal-fired power plants. It's a toxic mixture of arsenic, lead, and other contaminants, and it's polluting drinking water wells and waterways across America. For decades, the coal industry's careless disposal of coal ash has been poisoning our communities. **It's time for the EPA to start regulating coal ash as hazardous waste—because that's exactly what it is.**
www.earthjustice.org/coalash

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

Richard
Windsor/DC/USEPA/US
08/06/2009 11:45 AM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: "Green" For All (Interview with Administrator Jackson in Diverse)

Crazy picture. :) Cool story.
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 08/06/2009 11:04 AM EDT
To: "Windsor, Richard" <Windsor.richard@epa.gov>
Cc: "Oster, Seth" <oster.seth@epa.gov>; "Andy, Adora" <andy.adora@epa.gov>; "Alcantara, Betsaida" <alcantara.betsaida@epa.gov>; "Gilfillan, Brendan" <gilfillan.brendan@epa.gov>
Subject: Fw: "Green" For All (Interview with Administrator Jackson in Diverse)

MABL.

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

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

From: Jonathan Newton
Sent: 08/06/2009 11:02 AM EDT
Subject: "Green" For All (Interview with Administrator Jackson in Diverse)



From Diverse Online

http://diverseeducation.com/artman/publish/article_12845.shtml

Feature Stories
"Green" For All
By MICHELLE J. NEALY
Aug 6, 2009, 17:59

Summary:

Environmental Protection Agency Administrator Lisa Jackson works to ensure minorities are not left out of the burgeoning 'green' economy.

Story:

Environmental Protection Agency Administrator Lisa Jackson works to ensure minorities are not left out of the burgeoning 'green' economy.

Enter into the Washington, D.C., headquarters of the Environmental Protection Agency and encounter something never seen in its history until now, a photo of the first African-American to serve as the agency's administrator.

Born in Philadelphia and raised in New Orleans, Lisa Perez Jackson is the new face of the EPA, and, just like the president who appointed her, Jackson represents change.

Only seven months into the job, Jackson has dived into a number of important issues largely ignored by the previous administration. Under Jackson's leadership, the EPA has prompted the Obama administration to pursue legislation that cuts carbon emissions, limits green house gases and addresses climate change.

And while Jackson tackles what are, perhaps, some of the most difficult environmental challenges in a generation, her toughest assignment could be something less obvious — recruiting more minorities into the green movement.

"I am looking to open up the environmental movement to more people of color. As an African-American, I think there are still, sadly, people who see the environmental movement as belonging to White Americans and clearly the history of it is that way," Jackson says.

"Everywhere I go, I see communities that are concerned about environmental issues. Those are communities of color. We need to make sure that they see themselves here [in the EPA] and that they feel comfortable knowing that the EPA is here to address issues of concern for people of color," adds Jackson.

Prior to assuming her current post, Jackson, a chemical engineer, was just weeks into her new position as chief of staff for New Jersey Gov. Jon Corzine. Before that, Jackson headed New Jersey's Department of Environmental Protection after having already

served at the EPA for 16 years.

Jackson insists that she is not daunted by any of the challenges before her. She is, instead, driven by them, particularly the mandate to diversify.

“The president’s election, my nation and the first lady’s obvious concern for the environment have literally changed the face of environmentalism almost overnight,” says Jackson, referring to a garden first lady Michelle Obama planted on the south lawn of the White House.

“Now, what we have to do is make sure that is not just symbolic change,” Jackson explains. “We have to be effective advocates and effective workers for all of our communities. The future economy is going to be a green economy. If our communities are not a part of that economy, we are going to be left out.”

An Exclusive Culture

Data show that minority environmentalists are struggling to make their way in. The Minority Environmental Leadership Development Initiative found that of 158 environmental institutions, 33 percent of mainstream environmental organizations and 22 percent of government agencies had no people of color on staff.

Part of the problem, says Dr. Robert D. Bullard, director of the Environmental Justice Resource Center at Clark Atlanta University, is the paucity of minority college graduates for these organizations to recruit, particularly at the graduate level.

In 2003, in natural resources and conservation related sciences, 2,334 White students graduated compared to 219 students of color. At the doctoral level, 458 White students graduated with doctoral degrees in agricultural sciences compared to 75 students of color, according to data collected by researchers at the Multicultural Environmental Leadership Development Institute at the University of Michigan.

That same year, 143 White students received doctoral degrees in natural resources and conservation programs compared to 13 students of color.

“There is a breakdown early on, before we even start talking about getting people of color into environmental organizations and federal agencies. The problem is that we are not getting enough young people graduating from high school and continuing their studies in the science disciplines during their undergraduate years,” Bullard says. “In order for one to move up the ladder professionally it takes more than one degree. With budget cuts and financial aid dwindling, we’re seeing an impact on students of color completing degrees.”

The shortage of minorities on the professional environmentalist career-track is not due, completely, for lack of interest in environmental issues or holes in the pipeline. Some minority environmental justice advocates suggest that the mainstream environmental

movement is an “unintentionally exclusive culture” that caters to tree-hugging, White middle-class suburbanites instead of low-income communities of color that carve out green spaces in urban enclaves, plant community gardens and use, more than any other group, public transportation.

“The historical roots [of the environmental movement] emerged probably about the same time that the civil rights movement was going strong,” says Dr. Henry Neal Williams, director of the Environmental Sciences Institute at Florida A&M University. “Minorities were focused on lots of other issues connected to equality and justice about the same time the environmental movement began gaining impetus. It took a while to switch gears. Now we are at a time where the civil rights movement has an environmental justice component.”

While there may be a small recruitment pool for minority environmentalists, environmental organizations are also culpable. “Many of the so-called green groups have been slow to diversify their ranks in terms of their staff, their board of directors and their agenda,” Bullard says. After earning a master’s in environmental policy from Tufts University, Marcelo Bonta, a Filipino American, began working for a prominent wildlife conservation organization.

After a short period of time, he quit. Bonta was the only person of color on the staff.

“Environmental organizations focus their efforts on minority recruitment, but most of the people of color, do not stay. The culture of these organizations is not inclusive or open to diverse cultures and creativity,” Bonta says. After leaving the wildlife conservation group, Bonta, like other advocates of color, started his own organization, the Center for Diversity & the Environment.

“No one is intentionally excluding others but, when a homogeneous culture flourishes in organizations, which is common in environmental organizations, there is an expectation for others to conform to this dominant mindset in order to succeed,” Bonta says. “When everyone looks, thinks, and acts the same, then you create policies, programs, and practices that benefit others that look, think, and act the same and exclude others that look, think, and act differently.”

On the Frontline

Despite the dearth of minority environmentalists, minority communities have consistently shown an interest in environmental issues. “Polls and surveys are showing, increasingly, that communities of color are as engaged or in some cases more engaged in environmental issues than Whites,” Bonta says.

For decades ordinary citizens of color have fought against the development of oil refineries, toxic waste dumps, solid waste sites and hazardous landfills in their communities. On the frontlines of these movements have been minority environmentalists Alan Hipólito, adjunct professor at the Northwestern School of Law at

Lewis & Clark College and executive director of Verde, a nonprofit organization; Majora Carter, the former director of the nonprofit Sustainable South Bronx; and Charles Sams, director of Trust for Public Land's Tribal & Native Lands Program.

In 1982, residents of Warren County, N.C., which was predominantly Black, protested the construction of a hazardous waste landfill. After the district courts ruled in favor of the landfill supporters, a large demonstration erupted. More than 500 people were arrested, including Walter Fauntroy, a former member of the U.S. House of Representatives.

Later, the incident would compel the United Church of Christ Commission for Racial Justice to produce its landmark "Toxic Wastes and Race" report, the first national study to correlate hazardous waste sites and demographic characteristics. It found that race was the most significant factor in locating the waste facilities. It took 20 years for Warren County residents to get the landfill site detoxified by the state and federal government.

"The Warren County landfill protest proved to be a most important event for the environmental justice movement in that it became the catalyst that galvanized people of color around this country in the fight for environmental justice," says Dr. Beverly Wright, director of the Deep South Center for Environmental Justice at Dillard University.

There are other examples: In 1988, a Hispanic grassroots organization Mothers of East L.A. defeated the construction of a huge toxic waste incinerator in their Los Angeles community. The same year, in Dilkon, Ariz., a small group of Navajo community activists spearheaded a successful effort to block the construction of a \$40 million toxic waste incinerator.

Diversifying the Movement

At stake for minorities is not just the protection of their communities, but access to the burgeoning green economy.

"To date, most of the jobs in the green sector have gone to people with advanced degrees such as engineers, architects and landscape architects," says Hipólito, executive director of the Oregon-based Verde.

"More recently, weatherization and stormwater management projects have produced jobs for low-wage workers. The pay scale for these jobs varies."

The Obama administration's economic stimulus package contains more than \$20 billion for investment in a cleaner, greener economy, including \$500 million for green job training. Whether this "green collar" economy will usher in a new era of socioeconomic mobility for low-income citizens or strengthen the existing middle class has yet to be determined, Hipólito says.

‘What is a green job? How do I get one?’ That is what people want to know, Hipólito says. “The term ‘green job’ has yet to be formally defined,” he adds.

Verde, an environmental justice organization, connects low-income people of color to the benefits of the green job economy by creating new job, training, and business development opportunities such as the Verde Native Plant Nursery.

Success, Hipólito says, will be dependent on whether there will be meaningful pathways and training programs that make green jobs accessible to minorities at every rung of the green job ladder.

Researchers, in a report co-sponsored by the Center for Diversity & the Environment and the Conservation Fund and titled “Diversifying the Environmental Movement,” argue environmental organizations must focus on cultural inclusivity, recruitment, retention, outreach and collaboration to integrate the movement.

The most obvious places for the EPA to begin partnership-building is with minority-serving institutions, says Williams of FAMU. In 2008, the university’s Environmental Sciences Institute celebrated the graduation of its 50th graduate student.

“If the government or private organizations are serious about addressing environmental issues for all communities, if they are serious about diversifying the work force, then they have to look to and invest in HBCUs [historically Black colleges and universities],” Williams says. “HBCUs can make an immediate impact both in training the next generation of environmental professionals and increasing awareness about environmental issues in minority communities.”

Jackson agrees. “Historically Black institutions and Hispanic-serving institutions are churning out young, talented people who are technically trained, who are interested in environmental sciences, biological sciences and chemistry,” she says. “We are going to make sure that we are recruiting them, so that we change our entry-level work force and make sure they are represented there. Students at universities are the catalyst for change at their own schools. Howard University, here in the District, we will soon be working with them on a greening effort on their campus.”

Williams is encouraged by the appointment of Jackson to the EPA. He believes that her presence will make a difference in the psyches of minority children who lack environmental role models.

“One of the biggest problems that we have is recruiting students to become majors, particularly at the undergraduate level. Kids need to know that there are champions like Lisa Jackson and that the field has value. There is a tremendous value in being able to protect your community,” Williams says.

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Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Administrator
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 566-1981

Richard Windsor/DC/USEPA/US

09/22/2009 05:54 PM

To Allyn Brooks-LaSure, Seth Oster, Betsaida Alcantara

cc

bcc

Subject Fw: CLIMATE: Browner, Jackson blast Murkowski's EPA amendment

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/22/2009 05:54 PM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 09/22/2009 05:46 PM
Subject: CLIMATE: Browner, Jackson blast Murkowski's EPA amendment

Noelle Straub and Robin Bravender, E&E reporters

Senior Obama administration officials today blasted a possible amendment from Sen. Lisa Murkowski (R-Alaska) that would restrict U.S. EPA's authority to regulate carbon dioxide emissions from stationary sources.

White House energy and climate adviser Carol Browner criticized Murkowski's approach of using the EPA spending bill as a vehicle for limiting the agency's regulatory power.

"We don't think trying to legislate on appropriations bills is a good idea," Browner told reporters in New York. "You can end up with a lot of unintended consequences. The best way to address the issue of climate change is to use comprehensive legislation to put together a package of all of the committee bills."

The proposed [amendment](#) to EPA's fiscal 2010 spending bill would prohibit the agency for one year from regulating heat-trapping emissions from stationary sources like power plants and industrial facilities.

EPA Administrator Lisa Jackson also weighed in, saying the amendment would have a broad reach across regulatory programs.

"While we have worked to provide the clarity American business needs, the Murkowski amendment would deliver exactly the opposite," Jackson said in a statement.

Jackson said the amendment would halt EPA's effort to give industry clear rules for storing carbon pollution deep underground, would subject state permitting authorities and industrial permit applicants alike to more litigation and delay, and would freeze industrial development in large parts of the country due to regulatory uncertainty.

Murkowski today said that her amendment would be tailored carefully so that it only affects regulations dealing with large industrial sources of carbon dioxide.

"This does not speak to the reporting side of it, that would continue absolutely," the senator said.

"It's just as to stationary sources and it's just as to regulation of carbon dioxide, and so it's pretty specific, it's pretty narrow in that vein."

Murkowski said she has not yet decided whether to formally introduce the amendment. "We are talking with our colleagues on the other side of the aisle trying to figure out what, whether or not we introduce it, in what form, so we continue to work."

Murkowski's amendment has already come under fire from top Democrats and environmentalists, who have accused the senator of attempting to undermine a Supreme Court decision giving EPA the authority to regulate carbon dioxide emissions ([E&E Daily](#) , Sept. 22).

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) said the amendment is "a gift to polluters," while an EPW subcommittee chairman said Democrats would attempt to head Murkowski off somehow.

"I don't know that we can stop her from offering her amendment," said Sen. Tom Carper (D-Del.) "We may want to table it. We may want to try and defeat it. We may want to offer a second degree. All of the above. Or one of the above."

More EPA amendments

Sen. John Barrasso (R-Wyo.) introduced an amendment designed to prevent EPA from moving forward with its endangerment finding until the agency's inspector general completes an investigation into how the embattled EPA employee Alan Carlin was treated by his superiors. Barrasso said his amendment was an attempt to promote transparency and good government ([E&ENews PM](#) , Sept. 15).

Interior Appropriations Subcommittee Chairwoman Dianne Feinstein (D-Calif.), who is managing the bill on the floor, objected when Barrasso attempted to bring up his amendment. Saying her opposition was not to Barrasso but rather to "putting climate change on this bill," Feinstein said she would also object to Barrasso's other two amendments on the subject if he tried to call them up.

One of those Barrasso amendments would prevent EPA's endangerment finding from going into effect until the agency grants a petition from the U.S. Chamber of Commerce to have a trial-like hearing on the endangerment finding. "The on-the-record proceeding would be a great opportunity for EPA to ensure transparency," Barrasso said. "To deny this request is an admission by the EPA that their work on endangerment can't withstand scrutiny."

Another Barrasso amendment would take aim at a recent secretarial order signed by Interior Secretary Ken Salazar to develop an across-the-board approach to climate change for the resources managed by the department. Barrasso said the order would put the "cart before the horse" and that Congress should pass a climate change bill before any agency begins a "regulatory process" to address global warming.

The Senate accepted by voice vote on one amendment from Barrasso preventing the Forest

Service from using \$2.8 million from the stimulus package for wildland fire management in Washington, D.C. He noted that the city does not have a national forest fire problem; Feinstein agreed and supported the amendment.

Calif. water

Feinstein also objected to an attempt by Sen. Jim DeMint (R-S.C.) to call up his amendment dealing with water in the California Central Valley. The measure would prevent any funds in the spending bill from being used to restrict, reduce or reallocate water as called for in two federal biological opinions. DeMint said that "radical environmental groups" and judges cannot be allowed to cut off water supplies to farmers in the area.

Feinstein, who has long worked on the issue, expressed surprise that the measure would come from DeMint and said the issue is very hot in California but not South Carolina. She said the amendment would "handcuff" the Interior Department and release water with no regard to endangered species or other needs and would lead to lawsuits. "I don't quite understand what's going on here," she said. "In a way, this is a kind of Pearl Harbor on everything that we're trying to do."

After Feinstein objected to his amendment, DeMint instead offered a motion to recommit the bill back to committee. Feinstein urged her colleagues to vote "no" on the motion.

Reporters Darren Samuelsohn and Patrick Reis contributed.

Richard Windsor/DC/USEPA/US
12/16/2011 07:32 PM

To Arvin Ganesan
cc
bcc
Subject Re: Boiler MACT out of payroll tax cut deal

Congrats!

From: Arvin Ganesan
Sent: 12/16/2011 07:11 PM EST
To: Richard Windsor
Subject: Fw: Boiler MACT out of payroll tax cut deal

Fyi.

Sent from my Blackberry Wireless Device

From: POLITICO Pro Whiteboard [proalerts@politicopro.com]
Sent: 12/16/2011 07:09 PM EST
To: Arvin Ganesan
Subject: Boiler MACT out of payroll tax cut deal

12/16/11 7:09 PM EST

The Senate payroll tax cut deal won't include House-passed language blocking EPA boiler MACT regulations, according to a spokesman for Majority Leader Harry Reid. That provision would have delayed the rule for 15 months, shifted requirements to focus on the least costly option available and extended the compliance period. An updated boiler MACT rule issued earlier this month had already [quelled some concerns](#) on Capitol Hill.

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=====

To change your alerts or unsubscribe:
<https://www.politicopro.com/member/?webaction=viewAlerts>

Richard Windsor/DC/USEPA/US
03/26/2010 02:58 PM

To Arvin Ganesan
cc
bcc
Subject Re: Byrd Reaction To EPA Announcement Regarding Spruce #1 Mine

Cool
Arvin Ganesan

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

From: Arvin Ganesan
Sent: 03/26/2010 02:47 PM EDT
To: Richard Windsor; Adora Andy; Seth Oster; Bob Sussman; Shawn Garvin
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
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United States Environmental Protection Agency
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----- 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



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.”

###

[attachment "SpruceMineReact032610.doc" deleted by Richard Windsor/DC/USEPA/US]

Richard Windsor/DC/USEPA/US
05/18/2011 12:54 PM

To Arvin Ganesan
cc
bcc

Subject Re: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

Cool
Arvin Ganesan

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

From: Arvin Ganesan
Sent: 05/18/2011 12:51 PM EDT
To: Richard Windsor
Subject: Fw: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER

Sent from my Blackberry Wireless Device
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; Phillippa 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@durbin.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

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 the 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 11th.

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 undisinfecting 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

Richard
Windsor/DC/USEPA/US
08/19/2011 06:30 AM

To Arvin Ganesan
cc
bcc

Subject Re: Fw: Check Out This Article

Yup

From: Arvin Ganesan
Sent: 08/18/2011 11:31 PM EDT
To: 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
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

Your friend, Windsor.Richard@EPA.gov, thought you would be interested in this article from TheHill.com:

To enjoy more great articles visit us on TheHill.com

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Richard
Windsor/DC/USEPA/US
04/17/2009 03:04 PM

To Arvin Ganesan
cc
bcc
Subject Re: Steve Owens

Yup. Saw it. Thx.
Arvin Ganesan

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

From: Arvin Ganesan
Sent: 04/17/2009 02:43 PM EDT
To: Richard Windsor
Subject: Steve Owens

Lisa,

Steve Owens hasn't been nominated yet - white house vetting is slowing that down - but wanted to give you a heads up to this Inside EPA article. I don't think it's a big deal now, but I'll track it - particularly the reaction of our friends in the environmental community.

OPPT Nominee Lacks Toxics Expertise But Brings Crucial Political Focus

Stephen Owens, President Barack Obama's pending nominee to head EPA's pesticides and toxics office (OPPT), does not have extensive technical expertise but instead brings wide-ranging political and management experience to the office that could be crucial as policymakers work to reform U.S. chemical management policy, EPA and other sources say.

"We're not looking for a chemist -- we have plenty of subject matter experts -- we're looking for a manager," Jim Jones, OPPT's acting chief, told the GlobalChem chemical industry conference in Baltimore, MD, April 7. "I think [Owens] has exactly the type of background you'd like especially with some of the legislative challenges we face."

Obama April 1 announced his intent to nominate Owens -- who until earlier this year served as head of the Arizona Department of Environmental Quality (DEQ) -- to replace James Gulliford as head of OPPT, a post to which he brings wide-ranging political experience at the state and federal level.

With a law degree from Vanderbilt Law School, Owens served as counsel to the oversight subcommittee of the House science and technology

committee under its then-Chairman Al Gore (D-TN). When Gore won election to the Senate, Owens served as his general counsel and state director from 1985 to 1988, according to a biography recently released by the White House.

Upon leaving the Hill, he moved to Arizona and set up an environmental law practice. He was active in local politics, and twice ran unsuccessfully for Congress against then-Rep. J.D. Hayworth (R-AZ) in 1996 and 1998 before then-Gov. Janet Napolitano (D) appointed Owens director of DEQ in 2003. Owens was elected president of the Environmental Council of the States (ECOS), the national state environmental agency directors association, in September 2008.

Owens resigned from DEQ and ECOS in January, after Obama nominated Napolitano for homeland security secretary, and she was replaced by the Republican lieutenant governor.

During his tenure in Arizona, Owens has shown a willingness to use regulatory authorities to drive policy -- a strategy that may prove useful to environmentalists seeking to pressure Congress to strengthen the Toxic Substances Control Act (TSCA). At the ECOS annual meeting in Portland, OR, in 2006, he publicly urged EPA to provide guidance that would help encourage the state legislature to amend state law so DEQ could qualify for a controversial EPA water funding program. At the meeting, Owens urged former Bush EPA water office chief Benjamin Grumbles to provide guidance "on how do we persuade the legislature that this needs to be changed."

Similarly, an Arizona business source says Owens developed regulations as a way to encourage the legislature to provide the state with authority to implement its requirements under the Western Climate Initiative (WCI) -- an evolving proposal for a greenhouse gas (GHG) cap-and-trade program covering seven states and four Canadian provinces.

While Napolitano said the WCI needed legislative authority to be implemented in the state, Owens "started pushing through rules" that would lead to its enactment, and to "circumvent legislators," the business source says, adding, "the legislature went apoplectic."

In addition to his deep involvement in the WCI, Owens also played a key role developing a climate initiative with the neighboring Mexican state of Sonora that was one of several local measures intended to push climate change regulations at a time when they were opposed by the Bush administration. Officials from the two states signed a declaration of

cooperation in 2006 that says "a scientific consensus has developed" that increasing emissions of GHGs are changing the climate and called on regulators to develop a regional GHG inventory and identify opportunities for reducing and sequestering the emissions.

While Owens is little known inside the Washington beltway, his leadership in Arizona has drawn strong reaction from industry and environmentalists. The business source, for example, criticized Owens for refusing to issue any uranium mining permits and argued that the comprehensive solid waste program implemented under Owens' leadership is "contrary to law."

The business source says Owens' "decisions were contrary to authority, law and science because he was using them for political purposes." The source also called Owens "vindictive," saying he increased enforcement actions against business owners who refused to go along with his positions.

Asked about Owens' experience with chemicals or risk assessment, the source said he had none. A pesticides activist also cited this concern, saying, "I cannot find anything [Owens has] ever done with toxic substances. He's done climate change, water and air. Why is he being nominated for OPPTS?"

But a source with the Sierra Club Grand Canyon Chapter disagrees, noting that under Owens' watch DEQ completed a hazardous air pollutants rule that had languished for 12 years. Owens also supported a change to Arizona pesticide spraying notification law that the Sierra Club sought, the source says. The change, passed in 2006, required pesticides users to notify day care centers and schools when spraying took place in their vicinity, the source says.

Owens is deeply concerned about climate change and also children's health -- another priority of Jackson's -- the Sierra Club source says. He started a children's environmental health office at DEQ, which recently funded a study of the relationship between asthmatic children's emergency room visits and air quality.

"I think he has a lot of background trying to reform and change things," the Sierra Club source says. "He's certainly taken a lot of arrows and been in difficult positions. As long as he has support from his boss, I think he'll do a good job of reform for people and the environment." --
Maria Hegstad

Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
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Richard
Windsor/DC/USEPA/US
03/02/2010 06:02 PM

To Arvin Ganesan, Bob Perciasepe, Diane Thompson
cc
bcc
Subject Fw: good statement from Senator Landrieu in this story

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/02/2010 06:01 PM -----

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



An E&E Publishing Service

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

Darren Samuelsohn, E&E senior reporter

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

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

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

"I think doing nothing is a terrible mistake," Landrieu added. "It's a terrible mistake not just for the environment. But it's a terrible mistake for the economy. Because there are billions of dollars in private capital sitting on the sidelines waiting for the referee to blow the whistle and set the rules of the game. If the referee hides in the dugout and no whistle is ever blown and no rules are ever published, that money can't create jobs."

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

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

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

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

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

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

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

Others sounded skeptical.

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

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

"I don't know how it would work," said Bingaman, the chairman of the Energy and Natural Resources Committee. "This mix-and-match kind of discussion

doesn't get you anywhere. You've got to get down to specifics."

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

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

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

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

Reporter Robin Bravender contributed.

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Richard
Windsor/DC/USEPA/US
09/28/2011 05:52 PM

To Betsaida Alcantara
cc
bcc
Subject Re: Dow Jones: EPA Criticized Over Greenhouse-Gas Findings

Cool
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 09/28/2011 05:38 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

Subject: Dow Jones: EPA Criticized Over Greenhouse-Gas Findings
EPA Criticized Over Greenhouse-Gas Findings
By TENNILLE TRACY

WASHINGTON—Internal investigators at the Environmental Protection Agency said the agency failed to follow peer-review guidelines when developing a key scientific document that underpins its greenhouse-gas regulations.

The findings are likely to stoke Republican opposition to the EPA's efforts to regulate greenhouse gases and could arm industry groups that are fighting the regulations in court. One prominent Republican is already calling for congressional hearings on the issue.

EPA said it "disagree[s] strongly" with the findings. An EPA spokeswoman said the findings focus on "wonky" government processes and do nothing to cast doubt on the underlying science.

The document in question was developed by the EPA and used to support its 2009 "endangerment finding." That finding concluded that greenhouse gases—including carbon dioxide, methane and nitrous oxide—pose a threat to public health. It paved the way for the EPA to begin developing greenhouse-gas standards for refiners, power plants and other large emitters.

In a report released Wednesday, the EPA's inspector general said the agency didn't follow federal guidelines for peer review when developing a 200-page scientific document to support its findings. While EPA had the document reviewed by a dozen federal climate-change scientists, the agency did not publicly report the results of the review, the inspector general says.

The inspector general didn't evaluate the quality of the EPA's science. It only reviewed the process the agency used for developing it.

"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," the EPA said in a statement.

The impact of the inspector general's report on the agency's ability to develop new greenhouse-gas rules, or to enforce existing rules, is unclear.

Sen. James Inhofe (R., Okla.), a climate-change skeptic and the ranking Republican on the Senate's environment committee, is already calling for a congressional hearing to examine the findings.

The inspector general's report "confirms that the endangerment finding, the very foundation of President [Barack] Obama's job-destroying regulatory agenda, was rushed, biased and flawed," Mr. Inhofe said in a statement.

The inspector general notes that the National Research Council, one of the agencies that supplied the EPA with scientific data, recently said in a report that "a strong, credible body of scientific evidence shows that climate change is occurring, is caused largely by human activities, and poses significant risks for a broad range of human and natural systems."

Write to Tennille Tracy at tennille.tracy@dowjones.com

Richard Windsor/DC/USEPA/US

09/22/2010 02:39 PM

To Betsaida Alcantara

cc

bcc

Subject Re: Greenwire -- WHITE HOUSE: Cabinet meeting yields 'environmental justice' pledges

Cool too! Good work. Tx.
Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 09/22/2010 12:56 PM EDT

To: Richard Windsor

Subject: Greenwire -- WHITE HOUSE: Cabinet meeting yields 'environmental justice' pledges

i had a nice talk to this greenwire reporter. here's his article. all good

WHITE HOUSE: Cabinet meeting yields 'environmental justice' pledges (Wednesday, September 22, 2010)

Gabriel Nelson, E&E reporter

During a meeting this morning at the White House, the heads of U.S. EPA, the Interior Department, the Transportation Department and the Department of Housing and Urban Development agreed to update their environmental justice plans by next fall and to restart a long-dormant panel that was created to address that issue.

The Interagency Working Group on Environmental Justice, formed in 1994 by President Clinton under Executive Order 12898, had not convened at the Cabinet level since the middle of the Clinton administration, EPA said today. The agencies will now meet monthly to discuss environmental justice, with their top officials gathering for follow-up Cabinet sessions in April and October of next year.

Today's meeting showed that the individual agencies have already made environmental justice a priority, EPA Administrator Lisa Jackson told Greenwire today.

"There's a lot of legwork that goes into the kind of work we heard from each one of the agencies in the room," Jackson said, explaining why the panel hadn't gathered since President Obama took office. "None of these agencies, and certainly not my own, have waited in terms of impacting and acting on environmental justice."

Attorney General Eric Holder presented a plan to improve enforcement under Title VI of the Civil Rights Act, which bars discrimination on the basis of race, color and national origin, she said. HUD Secretary Shaun Donovan discussed the fair distribution of disaster relief funding, and DOT Secretary Ray LaHood outlined the agency's role in promoting sustainable development.

Since the start of her tenure, Jackson has made environmental justice a priority at EPA, listing it in a draft strategic plan as one of the agency's seven priorities for the next five years. As part of the so-called "Environmental Justice Tour," she has joined members of the Congressional Black Caucus on visits to areas facing environmental distress.

EPA is currently taking comment on draft guidance, released earlier this summer, that tells employees how to factor environmental justice into their decisions. The agency is also working on a screening tool that uses demographic and pollution data to identify pockets of people who have suffered more than most (Greenwire, July 30).

The administration announced today that it will schedule regional "listening sessions" on environmental justice next year and hold a White House forum on the topic. Though President Obama is drawing intense fire from Republicans, who say his regulatory agenda has slowed the recovery of the economy, Jackson said the meeting on environmental justice was not an effort to respond to that criticism.

"This meeting wasn't about politics," she said. "A clean environment is not a political issue -- every American wants and demands a clean and healthy environment."

Today's meeting was also attended by Nancy Sutley, chairwoman of the White House Council on Environmental Quality; Carol Browner, the White House climate and energy adviser and a former EPA

director; John Holdren, director of the White House Office of Science and Technology Policy; Melody Barnes, director of the White House Office of Domestic Policy; and Martha Johnson, head of the General Services Administration.

"This country was built on the promise of equal opportunity for all of us, yet low-income families and minority communities shoulder a disproportionate amount of pollution and environmental degradation," Sutley said in a statement. "We cannot and will not ignore these disparities."

Richard Windsor/DC/USEPA/US
08/16/2011 07:48 AM

To Betsaida Alcantara, Michelle DePass, Seth Oster, Bob Perciasepe, Bob Sussman, Diane Thompson, Shalini Vajjhala, Brendan Gilfillan, Elle Beard, Alisha Johnson, Andra Belknap, Stephanie Owens, Dru Ealons, Michael Moats, Vicki Ekstrom, Daniel Kanninen

cc

bcc

Subject Re: Nutter in Rio with EPA to teach, learn about green development

Cool!

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 08/16/2011 07:47 AM EDT

To: Richard Windsor; Michelle DePass; Seth Oster; Bob Perciasepe; Bob Sussman; Diane Thompson; Shalini Vajjhala; Brendan Gilfillan; Elle Beard; Alisha Johnson; Andra Belknap; Stephanie Owens; Dru Ealons; Michael Moats; Vicki Ekstrom; Daniel Kanninen

Subject: Nutter in Rio with EPA to teach, learn about green development
Nutter in Rio with EPA to teach, learn about green development

Posted: 08/16/2011 6:44 AM

By Sandy Bauers

Philadelphia Inquirer Staff Writer

Mayor Nutter and the head of the U.S. Environmental Protection Agency are in Rio de Janeiro this week to listen, learn, and lend their expertise on green development as one of the world's premier cities embarks on a \$200 billion reinvention of its infrastructure.

With Brazil set to host the 2014 World Cup, Rio picked as the site of the 2016 Olympics, and mammoth road and sewer projects in the works, officials see the meeting as a platform to push sustainability and the benefits of a green economy.

Government, industry, academic, and nonprofit officials from both countries will meet for three days - among them EPA Administrator Lisa P. Jackson, Philadelphia Water Commissioner Howard Neukrug, and Philadelphia Deputy Mayor for Transportation Rina Cutler - to exchange information and ideas.

"This is EPA working with our sister government to really explore a perfect example of environmental priorities and economic priorities coming together," Jackson said Monday in a telephone interview from Rio.

The forum was prompted by the presidents of both countries.

In March, President Obama traveled to Brazil and met with President Dilma Rousseff. They agreed on a number of measures, including a decision to work together on the issue of sustainability for urban infrastructure - the physical guts of a city, everything from roads to water pipes.

"With the significant investments in sustainable urban growth that Rio is making in the next four years, it is essential that we go there to both learn and share our expertise," Jackson said in an EPA news release Monday. "We want to be part of activities that can create new jobs for American companies and foster cleaner, greener communities for the American people."

Jackson said Nutter was selected because he was a national leader in urban redevelopment and sustainability. He is the only elected official on the trip, and the EPA is picking up the tab.

"Everyone knows what's going on in Philadelphia," she said.

Nutter often says he wants to make Philadelphia the greenest city in the country. His 100-page Greenworks Philadelphia plan sets dozens of ambitious goals for the city, including reducing energy consumption, creating green space, and improving public transportation.

Nutter said the city has "a lot to learn from Rio," but can also offer its own lessons.

Noting Rio's "huge population" - 11.7 million - Nutter said, "How do you deal with managing your water supply? How do you serve such a large population?"

Philadelphia is "perfectly poised for growth and development," he said. "Where else to see what rapid growth and development can mean? This is one of the fastest-growing cities in the world. We think we have a lot to learn."

At a meeting of the Urban Land Institute last week that focused on water, Neukrug said the trip would provide an opportunity to see how Rio's huge investment in sewage treatment and other water projects was progressing.

The Philadelphia Water Department is embarking on a 25-year, \$2 billion program to revamp its storm water system that has been praised as a national model.

Instead of building a gigantic underground tunnel, the choice of many other large cities, to hold storm water overflows that currently carry raw sewage and other pollution into area streams, Philadelphia plans to install green projects to stall storm water.

They include vegetative roofs, rain gardens, and porous pavement on streets and parking lots.

Unlike Philadelphia, which is updating an aged water system," Rio is starting fresh in some areas. "Half their population doesn't have sewers," Neukrug said.

One of Rio's projects is much like what Philadelphia envisions - not just a wastewater treatment plant, but a resource recovery system, where everything usable is extracted from the sewage.

"That's the way of the future," Neukrug said. "If they have to build all these sewer plants down there, it's perhaps an opportunity to see what a resource recovery facility looks like from scratch."

Former University of Pennsylvania president Judith Rodin, now president of the Rockefeller Foundation, also is in Rio with the delegation.

Other members of the group include representatives of Morgan Stanley, Microsoft Corp., Alcoa, Harvard University, the global construction company CH2M HILL, and C40 Cities, an international group of cities seeking to tackle climate change.

After the hours-long plane ride, Jackson and Nutter decided they needed to stretch their legs. Jackson joked that on one of the most famous beaches in the world, "here he is looking at the streets and the bike lanes."

The mayor noticed the separate areas for pedestrians, bicycles and vehicles - an initiative that in Philadelphia has drawn some heat. Cyclists want more dedicated lanes, but drivers resent losing traffic lanes and parking.

So which beach was it? Ipanema? Copacabana? Nutter said he didn't know. "It was the beach outside my hotel."

Richard Windsor/DC/USEPA/US
04/17/2009 12:27 PM

To Bill.O'Sullivan, nancy.Wittenberg, mark.mauriello, alyssa.wolfe
cc
bcc
Subject Fw: EPA Made History Today

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/17/2009 12:27 PM -----

From: Message from the Administrator
To: All EPA Employees
Date: 04/17/2009 12:14 PM
Subject: EPA Made History Today

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EPA@Work

[All Hands Email-Archive](#)

This message is being sent to all EPA Employees.

Please do not reply to this mass mailing.



Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and

future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

Richard Windsor/DC/USEPA/US
12/18/2011 08:26 PM

To Bob Sussman
cc
bcc
Subject Re: clean air op-ed

Please thank Ken for me. That is GREAT !

From: Bob Sussman
Sent: 12/18/2011 08:20 PM EST
To: Richard Windsor
Subject: Fw: clean air op-ed

From Ken Kimmell.

From: "Kimmell, Ken (DEP)" [ken.kimmell@state.ma.us]
Sent: 12/17/2011 08:29 PM EST
To: LisaP Jackson
Cc: Bob Sussman
Subject: clean air op-ed

Dear Administrator Jackson:

As you remember, I spent a morning with you at Thermo Fisher in Massachusetts earlier this fall. I am writing because today, the Boston Globe published an op-ed that I authored applauding EPA's leadership in issuing new clean air rules. I forwarded a copy to Gina, but wanted to make sure you received a copy as well. I know that EPA is under fire right now for these rules, and I thought it was important to speak out and try to articulate from a New England perspective why these rules are so important.

Bob, I am not certain that this is the right e-mail address for Administrator Jackson. Can you make sure she receives this?

Thank you both and Happy Holidays,

Ken Kimmell

Cleaning the air
New air quality rules would build on the state's pollution limits
By Kenneth Kimmell

|
December 17, 2011

FOR YEARS, the Northeast has been called the “tailpipe of the United States” - a place where air pollutants from across the country foul our skies and lungs. That negative moniker is due to no fault of our own, but is a casualty of our location downwind of pollution sources in other regions.

Under Governor Deval Patrick, Massachusetts has led the nation in reducing pollution from power plants, cars and trucks, industrial sources and consumer products. For example, strict mercury limits for coal plants went into effect in 2008, and the plants have reported dramatic reductions in mercury emissions.

Yet, despite these efforts, the Commonwealth still has too many days each year of unhealthy air. This is largely due to the pollutants that are produced by power plants in upwind states in the Midwest and Southeast, and carried by prevailing winds into our backyards. Pollution from cars and trucks also continues to be a significant factor.

Fortunately, new rules from the US Environmental Protection Agency would require upwind power plants to cut pollution the way we have done here, which will level the playing field and ensure that Massachusetts reaps the benefits of its clean air rules. The EPA is also expected to propose rules to cut pollution from cars and light trucks through tighter vehicle standards and cleaner gasoline. These rules deserve our support.

The EPA’s Cross-State Air Pollution Rule, finalized in July, requires power plants to reduce emissions that cause ozone and fine particulates that can be drawn deep into one’s lungs. This will cut down on the number of days that we need to warn our residents that our air is unhealthy, something that happened 10 times last summer.

The EPA estimates that nationwide, up to \$280 billion in health benefits will result from the new rule, due to 34,000 fewer premature deaths each year, 15,000 fewer non-fatal heart attacks, thousands of fewer hospitalizations, and 400,000 fewer cases of aggravated asthma throughout the eastern, central, and southern United States.

In addition, the EPA is expected to soon finalize a rule to reduce toxic emissions from large power plants - the Mercury and Air Toxics Rule. Mercury is a potent neurotoxin, particularly to the developing brain of the fetus and young child. Even small amounts of mercury are harmful. Extensive scientific research shows widespread mercury pollution across New England, largely due to air deposition of mercury from upwind states. Because of high mercury levels, all New England states warn against eating certain types of locally caught fish.

Massachusetts has been leading national and international efforts to reduce mercury pollution since the 1990s. It has achieved a 91-percent reduction in toxic mercury releases by focusing on sources such as coal-fired electric generating plants. But we can’t do it alone. Other states need to do their part, which is what the new the EPA rule will require.

To complement these efforts on stationary sources, the EPA’s forthcoming “Tier 3” vehicle standards will require cleaner cars and light trucks, likely beginning with model year 2017. EPA also plans to reduce the sulfur content of gasoline, which alone would dramatically reduce smog-forming emissions at a cost of less than a penny per gallon.

Despite the many benefits of these rules, the EPA is under attack for proposing them, with some claiming that environmental protection kills jobs. Just the opposite is our experience in Massachusetts. As we imposed some of the strictest controls in the nation, our economy performed far better than the national average. In addition, companies such as Thermo Fisher Scientific in Franklin, which has 365 employees and manufactures air quality monitoring devices, are prospering by manufacturing the equipment that businesses will need to comply with these new rules.

The Massachusetts experience shows that health-protective emission limits are feasible, and foster innovation and job growth. But despite our best efforts, we still live with pollution crossing our borders daily from upwind sources. It's time for other states to take similar steps to address pollution they export, and the EPA's new rules will make this happen.

Kenneth Kimmell is commissioner of the Massachusetts Department of Environmental Protection.

Kenneth L. Kimmell
Commissioner
Massachusetts Department of Environmental Protection
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Boston, MA 02108
617 292-5856

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Richard
Windsor/DC/USEPA/US
03/16/2009 11:40 AM

To Bob Sussman
cc
bcc
Subject Re: NYT Editorial - Appalachia's Agony

Wow
Bob Sussman

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

From: Bob Sussman
Sent: 03/16/2009 10:42 AM EDT
To: Richard Windsor; Allyn Brooks-LaSure; David McIntosh
Subject: Fw: NYT Editorial - Appalachia's Agony

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/16/2009 10:41 AM -----

Editorial

Appalachia's Agony

Published: March 16, 2009

The longstanding disgrace of mountaintop mining is now squarely in President Obama's hands.

A recent court decision has given the green light to as many as 90 mountaintop mining projects in Appalachia's coal-rich hills, which in turn could destroy more than 200 miles of valleys and streams on top of the 1,200 miles that have already been obliterated. The right course for the administration is clear: stop the projects until the underlying regulations are revised so as to end the practice altogether.

Mountaintop mining is just what the name suggests. Enormous machines — bulldozers and draglines — scrape away mountain ridges to expose the coal seams below. The coal is then trucked away, and the leftover rock and dirt are dumped into adjacent valleys and streams.

Both John McCain and Barack Obama vowed to end the practice during the 2008 campaign — even though no recent administration, Democratic or Republican, has been willing to take on Robert Byrd, West Virginia's senior senator, or the coal companies, which insist without proof that there is no other cost-effective way to dispose of the waste.

There is a long and tortured legal history surrounding mountaintop mining, but the essential question is this: Is dumping mine waste into streams a violation of the federal Clean Water Act?

On its face the answer is yes, but various regulatory maneuvers have allowed this practice to proceed. The worst of these was a 2002 rule by the Bush administration that in effect removed mining waste from the list of the law's prohibited pollutants. The rule has made it easy for the Army Corps of Engineers to issue mining permits and hard for the courts to deny them.

A bipartisan group of 119 members of the House recently reintroduced legislation that would redefine mining waste as a pollutant. In so doing, Congress would reassert the original intent of the Clean Water Act and end the practice of dumping waste in valleys and streams. Until that bill becomes law — if, indeed, it ever does — a great deal more damage could occur in Appalachia. Two companies that have been awaiting the court's go-ahead have now said that they will resume mining operations.

The Obama White House can prevent that damage. Under the law, the Corps of Engineers can suspend the mining permits in the public interest. This in turn would give the administration time to review the rules and issue new ones that would be more protective of the environment. But the Corps of Engineers, always reluctant to reverse itself and historically friendly to industry, will not act without orders from on high.

Mr. Obama promised to find better ways of mining coal “than simply blowing the tops off mountains.” The time to do so is now.

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

Richard
Windsor/DC/USEPA/US
09/09/2011 05:49 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Greenwire: Greens Urge Lisa Jackson Not to Quit EPA
Over Obama's Ozone Stand

Tx
Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 09/09/2011 05:00 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster

Cc: Betsaida Alcantara

Subject: Greenwire: Greens Urge Lisa Jackson Not to Quit EPA Over Obama's
Ozone Stand

Greens Urge Lisa Jackson Not to Quit EPA Over Obama's Ozone Stand

By GABRIEL NELSON of [Greenwire](#)

There's no evidence U.S. EPA Administrator Lisa Jackson plans to leave the agency anytime soon, but a group of environmentalists has started a new campaign urging her to stay put despite last week's rebuke from the White House on smog.

A new website, americaneedslisajackson.com, was launched yesterday by the Earth Day Network in an effort to quiet what has become a noisy rumor inside the Beltway since President Obama announced that he was ordering Jackson to scrap her two-year-old plan to tighten the national limit on ozone in the air.

There is rampant speculation among the "chattering classes" on Capitol Hill, the website says, referencing a recent *Politico* article that questioned whether Jackson would stay. In that article, an anonymous White House official says Obama expects Jackson to remain with the administration, while some greens said they suspected she was on the way out.

Kathleen Rogers, president of Earth Day Network, said Jackson is needed at EPA because no one else with her environmental science background has President Obama's ear. Rogers said in an interview that the calls for Jackson's resignation have been distracting.

"The chatterers began to talk about it, and that's one of those things that can take on a life of its own," Rogers said.

Jackson has not publicly addressed the rumors, but "she's aware of this groundswell of support, and it's something she appreciates," a source close to the administrator told *Greenwire* when asked about the new campaign, which includes a petition drive.

And considering the amount of gridlock in the Senate to confirm even routine nominees, Jackson

would be near-impossible to replace.

Republicans have made the EPA a symbol of their opposition to new regulations and blacklisted most officials with ties to green groups -- President Obama's Commerce Secretary nominee John Bryson, who co-founded the Natural Resources Defense Council before becoming CEO of the utility Edison International and serving on the boards of Boeing and Disney, has been awaiting a vote for months since Sen. James Inhofe (R-Okla.) put a hold on his nomination.

But that has not dissuaded environmentalists such as Thomas McGarity, a law professor at the University of Texas and a scholar at the environment-focused Center for Progressive Reform, who wrote a widely circulated article arguing that Jackson should take a stand.

"Realistically, it is not very likely that Jackson will violate a direct order of the president to put the standard aside until after the election," McGarity wrote. "If not, she should therefore do the honorable thing and resign."

McGarity said doing otherwise would be breaking the law because the Clean Air Act says air quality standards must be set at a level that protects even the most vulnerable Americans. Agency scientists found that current limits are not good enough, saying a stricter standard would prevent as many as 2,200 heart attacks and 4,300 deaths per year, as well as tens of thousands of asthma attacks.

President Obama, who issued an executive order earlier this year telling agencies to be more mindful of the burdens of their regulations, raised those sorts of concerns when he told EPA to wait for the next ozone review deadline in 2013. But in last night's jobs speech to Congress, he signaled he won't back away from other pollution rules assailed by Republicans and business groups.

Jackson was sitting in the audience next to White House chief of staff Bill Daley when Obama mentioned the need to limit mercury.

The agency has recently targeted mercury in new rules for boilers and cement kilns and plans to clamp down on the largest mercury source -- coal-fired power plants -- in rules that are scheduled to be finalized later this year.

"We were heartened that he recognized the awkward position he's put scientists in general, and maybe Lisa Jackson especially, in with the ozone rule, by stating that among the thousands of regulations he was talking about, that one wasn't going anywhere," Rogers said.

Richard
Windsor/DC/USEPA/US
10/20/2011 10:52 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Op-ed

Tx

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 10/20/2011 10:19 PM EDT
To: Richard Windsor
Subject: Op-ed

'Too dirty to fail?'

House Republicans' assault on our environmental laws must be stopped.

By Lisa P. Jackson

October 21, 2011

Americans must once again stand up for their right to clean air and clean water.

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 Environmental Protection Agency and our nation's environmental laws. They have picked up the pace recently – just last week they voted to stop the EPA's efforts to limit mercury and other hazardous pollutants from cement plants, boilers and incinerators – and it appears their campaign will continue for the foreseeable future.

Using the economy as cover, and repeating unfounded claims that "regulations kill jobs," they have pushed through an unprecedented rollback of the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws, all of which have successfully protected our families for decades. We all remember "too big to fail"; this pseudo jobs plan to protect polluters might well be called "too dirty to fail."

The House has voted on provisions that, if they became law, would give big polluters a pass in complying with the standards that more than half of the power plants across the country already meet. The measures would indefinitely delay sensible upgrades to reduce air pollution from industrial boilers located in highly populated areas. And they would remove vital federal water protections, exposing treasured resources such as the Gulf of Mexico, Lake Erie, the Chesapeake Bay and the Los Angeles River to pollution.

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.

This is not hyperbole. The link between health issues and pollution is irrefutable. Mercury is a neurotoxin that affects brain development in unborn children and young people. Lead has similar effects in our bodies. Soot, composed of particles smaller across than a human hair, is formed when fuels are burned and is a direct cause of premature death. Nitrogen oxides and volatile organic compounds contribute to the ozone alert days when seniors, asthmatics and others with respiratory problems are at serious risk if they do nothing more dangerous than step outside and breathe the air.

"Too dirty to fail" tries to convince Americans that they must choose between their health and the economy, a choice that's been proved wrong for the four decades that the EPA has been in existence. No

credible economist links our current economic crisis – or any economic crisis – to tough clean-air and clean-water standards.

A better approach is the president's call for federal agencies to ensure that regulations don't overburden American businesses. The EPA has already put that into effect by repealing or revising several unnecessary rules, while ensuring that essential health protections remain intact.

We can put Americans to work retrofitting outdated, dirty plants with updated pollution control technology. There are about 1,100 coal-fired units at about 500 power plants in this country. About half of these units are more than 40 years old, and about three-quarters of them are more than 30 years old. Of these 1,100 units, 44% do not use pollution controls such as scrubbers or catalysts to limit emissions, and they pour unlimited amounts of mercury, lead, arsenic and acid gases into our air. Despite requirements in the bipartisan 1990 Clean Air Act amendments, these facilities have largely refused to control their emissions – creating an uneven playing field for companies who play by the rules and gaming the system at the expense of our health.

If these plants continue to operate without pollution limits, as a legislative wish list from House Majority Leader Eric Cantor (R-Va.) would allow, there will be more cases of asthma, respiratory illness and premature deaths – with no clear path to new jobs.

By contrast, the nation's first-ever standards for mercury and other air toxic pollutants which the EPA will finalize this fall – and which the Republican leadership aims to block – are estimated to create 31,000 short-term construction jobs and 9,000 long-term jobs in the utility sector through modernizing power plants. And the savings in health benefits are estimated to be up to \$140 billion per year by 2016.

Contrary to industry lobbying, this overhaul can be accomplished without affecting the reliability of our power grid.

Our country has a long tradition of treating environmental and public health protections as nonpartisan matters. It was the case when President Nixon created the EPA and signed into law the historic Clean Air Act, when President Ford signed into law the Safe Drinking Water Act and when President George H.W. Bush oversaw important improvements to the Clean Air Act and enacted the trading program that dramatically reduced acid rain pollution.

Our environment affects red states and blue states alike. It is time for House Republicans to stop politicizing our air and water. Let's end "too dirty to fail."

Richard
Windsor/DC/USEPA/US
02/07/2011 07:51 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Salon: Proof Obama is not caving on regulation: The EPA

Tx
Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 02/07/2011 07:34 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Michael Moats; Bob Sussman; Gina McCarthy; Joseph Goffman; Janet McCabe; Daniel Kanninen
Subject: Salon: Proof Obama is not caving on regulation: The EPA

Proof Obama is not caving on regulation: The EPA

Andrew Leonard, Salon.com

Never mind healthcare or bank reform. The prospect that President Obama might gut environmental protection while eliminating unnecessary "burdensome" regulations is where some liberals get most nervous. The president put very little effort into getting any climate legislation passed, leading environmentalists to wonder: Does he actually care?

On the surface, the concern is justified. House Republicans have made the crusade to cripple the EPA's ability to enforce limits on greenhouse gas emissions [a top priority](#). Last week, Rep. Fred Upton, D-Mi., the chair of the House Energy and Commerce Committee, and Sen. James Inhofe, D-OK, announced plans to [introduce legislation](#) that would [explicitly prohibit the EPA](#) from considering "greenhouse gases" a pollutant under the terms of the Clean Air Act. Sen. Jay Rockefeller, a West Virginian Democrat, recently reintroduced a bill that would delay any EPA greenhouse gas limit enforcement for two years.

In response, the White House has been quiet. The president did not mention the words "climate change" in either his State of the Union speech or his address to the Chamber of Commerce. Quite the opposite: His only reference to the EPA at the Chamber was to cite a decision by the agency to *delay*, for three years, the setting of any limits for greenhouse gases generated from the burning of biomass, as an example of how accommodating his administration was willing to be on the regulatory front.

I'm guessing Obama included that line because he or his advisers thought it would go over well with Chamber [conservatives](#). But by pointing out an instance of EPA inaction, the president carefully avoided dwelling on the fact that the agency has *already* taken the much more significant step of [beginning the process](#) of regulating greenhouse gas emissions at power plants, oil refineries, and other *major* sources of greenhouse gas emissions. As of January 2, [the EPA is requiring](#) that the operators of new, or substantially modified, facilities must get permits that [will](#)

[limit their future greenhouse gas emissions](#) and require upgraded technology.

In other words, *it's already happening*. The pace is excruciatingly slow, and there are legal challenges that must be parried every every step of the way, and both states and plant operators have a lot of leeway in how to deal with the proposed changes, but the machinery of greenhouse gas regulation is proceeding. And this is entirely due to the fact that the current occupant of the White House is a Democrat who appointed a strong director -- Lisa Jackson -- to run the EPA.

Bush's EPA refused to regulate greenhouse gases, dragging its feet even after the Supreme Court ruled, by a tight 5-4 margin (with Anthony Kennedy the deciding vote between liberal and conservative justices), that under the terms of the Clean Air Act, greenhouse gases [qualified as pollutants](#). The Court not only found that the EPA had the authority to regulate greenhouse gas emissions, but would be *required* to do so if the agency determined that there was scientific evidence that greenhouse gases posed a threat to public health. In November 2009, the EPA determined that greenhouse gases did pose such a threat, and the [wheels went into motion](#).

It's worth noting how entirely contingent this entire chain of events is on raw political power. A 5-4 Supreme Court majority is a slender thread -- one more George W. Bush appointee, and the decision would undoubtedly have gone the other way. Similarly, a Republican EPA would have been most unlikely to determine that greenhouse gases are a threat to public health, since the current prevailing wisdom the Republican party is that the world is not warming because of greenhouse gas emissions.

The Republican drive to rewrite the Clean Air Act so as to make the Supreme Court's ruling irrelevant and shackle the EPA is just the latest skirmish in this primal battle, but all the hollering about job-killing regulations should not obscure the fact that the EPA is proceeding according to plan. The steady rollout of guidelines and standards will not be easy to stop. So far, the courts have generally upheld the EPA's authority -- [Texas is 0-3 in legal challenges](#) -- and even if Republicans do manage to get some EPA-killing legislation through the Senate, they'd still face the likelihood of a presidential veto.

Slate's tireless political reporter/blogger David Weigel had [the same impression of Obama's speech](#) to the Chamber that I did earlier today -- the president made no concessions and signaled no real shift in policy. He defended his signature legislation, which the Chamber opposed, and even as he made rhetorical gestures on regulatory policy, his EPA is hard at work enforcing limits on greenhouse gas emissions. Environmentalists who want the EPA to continue doing so should be thinking hard about how to re-elect Obama, because if a Republican moves into the White House, it will all come to a screeching halt, again.

Richard Windsor/DC/USEPA/US

11/04/2011 10:36 AM

To: Brendan Gilfillan

cc

bcc

Subject: Re: Star Ledger CSAPR/126 editorial

Nice!

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 11/04/2011 10:23 AM EDT

To: Richard Windsor

Cc: Seth Oster

Subject: Star Ledger CSAPR/126 editorial

Star Ledger Editorial: Gov. Chris Christie must support EPA-ordered coal plant cleanup, not partisan politics

New Jersey governors, both Democratic and Republican, have long pressed for a cleanup of coal plants in other states that are spewing toxins into our air.

Until now. Gov. Chris Christie broke that streak yesterday. He said the Environmental Protection Agency is already doing too much. He said the federal government has too much power. He said he was "inclined" to reject calls to support the coal plant cleanup ordered by the EPA.

This is a day to fly the flags at half-staff. Because hundreds of people in New Jersey will die prematurely every year if Christie gets his way. Many more will suffer from heart attacks and asthma.

That's not melodrama, unfortunately. The EPA has ordered a cleanup of power plants in 27 states, most of them to our west and south. The order will cost New Jersey almost nothing because our power plants are already much cleaner than most.

But the benefits will be huge. The EPA estimates this rule will save up to 1,200 lives a year when the cleanup is complete. That's because more than one-third of our air pollution wafts in from other states, most of it from coal plants in Pennsylvania, Ohio, West Virginia and other states that allow their plants to operate without modern pollution controls.

Christie understands this. The great irony is that he won an important battle earlier this week to force a cleanup of the Portland Generation Station, an old and filthy coal plant that sits on the bank of the Delaware River in Pennsylvania.

Precisely the same principle is at work. An out-of-state plant was spewing pollution our way, making it impossible for New Jersey to clean its air. So Bob Martin, commissioner of the Department of Environmental Protection, asked the federal government for help.

New Jersey won that case because the science was irrefutable. You can draw a direct line between that coal plant and our pollution. You can see the smoke waft across the river. People who live nearby in Warren County have to wipe coal smudge off their cars and windows in the morning. Their kids have much higher rates of asthma, according to testimony before the EPA.

This same pattern occurs on a much larger scale every day. But when pollution floats to New Jersey from Ohio, it's impossible to draw a direct line to an individual plant. We know only that toxins we breathe come from coal plants in the region to our west and south. That's why the EPA ordered a broad cleanup under what's known as the cross-state rule.

Most of the other states that are downwind from these plants have joined in defending the EPA against a lawsuit filed by the dirty power companies, and the cities and states in which they operate. In similar fights in the past, New Jersey has joined them.

But not this time. And with a Nov. 6 deadline approaching, the governor yesterday gave us the thoughtless talking points that have become so familiar as the Republican Party continues its assault on environmental regulations.

What has happened to the species of moderate Republicans, such as former Govs. Tom Kean and Christie Whitman, who both supported sensible EPA actions against these coal plants?

The drift rightward has hit Washington, as well as Trenton. Until this year, New Jersey Republicans in Congress frequently crossed the aisle in defense of the environment. Not anymore. The entire GOP delegation has joined the assault on the EPA, and this cross-state rule in particular. They voted in favor of the TRAIN Act, which would block the EPA's authority to impose these rules, perhaps indefinitely.

Christie still has a few days to shift directions. He has taken some positive steps on air pollution, such as limiting diesel fumes, emissions from dry cleaners and sulfur content of home heating oil. So there is still a shred of hope.

It would take courage in today's climate. It might even wreck his chances of being selected as a vice presidential candidate. But it would save lives and protect the health of vulnerable New Jerseyans.

Richard Windsor/DC/USEPA/US
01/12/2011 11:48 AM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Wed AM - AK Pipeline clips

Good. Tx.
Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 01/12/2011 11:15 AM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons; Mathy Stanislaus; Dana Tulis; Janet Woodka; Daniel Kanninen
Cc: Seth Oster <oster.seth@epa.gov>; Adora Andy
Subject: Wed AM - AK Pipeline clips

Clips

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 production 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 soyabeans 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

Richard
Windsor/DC/USEPA/US
03/28/2012 11:26 AM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson,
Betsaida Alcantara, Bob Sussman, Nancy Stoner, Arvin
Ganesan, Laura Vaught, Scott Fulton, Avi Garbow
cc
bcc

Subject: Re: NY Times Editorial: Clean Water and the Spruce Mine

Thx!

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 03/28/2012 11:27 AM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara;
Bob Sussman; Nancy Stoner; Arvin Ganesan; Laura Vaught; Scott Fulton; Avi
Garbow

Subject: NY Times Editorial: Clean Water and the Spruce Mine

Clean Water and the Spruce Mine

The Obama administration's decision last year [to revoke a permit for a huge mine in West Virginia](#) inspired hope that mountaintop mining, which has caused immense environmental damage across Appalachia, would soon be coming to an end. Now a Federal District Court judge in the District of Columbia [has ruled](#) that the Environmental Protection Agency [exceeded its legal authority in blocking the mine](#). The administration must appeal. The Clean Water Act is on its side, as are the people of West Virginia.

Mountaintop mining is a highly efficient and hugely destructive form of strip mining that blasts apart mountain ridges to expose the coal seams underneath. The resulting rubble is then dumped into the valley and streams below. Thousands of miles of streams in Appalachian coal country have already been obliterated in this way.

The Spruce No. 1 mine project in Logan County, W.Va., would have covered 2,278 acres and ruined six more miles of high-quality streams. It received a final permit to proceed from the Army Corps of Engineers in 2007. Lawsuits followed, and, in January 2011, the E.P.A. revoked the permit on grounds that the mine would cause unacceptable environmental damage. The E.P.A. had blocked corps projects before. But this was the first time it had rescinded an approved mining permit and was part of the administration's broader campaign to limit mountaintop mining by reviewing old permits and tightening standards for new ones.

Judge Amy Berman Jackson said the agency had resorted to "magical thinking" in claiming that the Clean Water Act gives it the power to retroactively rescind a

permit. But Section 404 of the law gives the agency broad authority to protect water quality, including the “withdrawal” of permits “whenever” it determines that they will have an “unacceptable adverse effect” on the environment.

The E.P.A. rightly interpreted these words to mean that it had clear authority to claw back a badly misguided decision that would do even more damage to West Virginia’s streams and landscape. We trust that a higher court will read it that way as well.

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 gas 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.

issue.”

Richard
Windsor/DC/USEPA/US
12/12/2011 11:50 AM

To Charles Imohiosen
cc
bcc
Subject Re: State Department unveils new super-office: economics,
energy, and the environment

Tx
Charles Imohiosen

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

From: Charles Imohiosen
Sent: 12/12/2011 11:48 AM EST
To: Richard Windsor; Bob Perciasepe; Michelle DePass
Subject: State Department unveils new super-office: economics, energy, and
the environment
State Department unveils new super-office: economics, energy, and the environment

Posted By Josh Rogin

Thursday, December 8, 2011 - 4:35 PM [Share](#)

The State Department formally rolled out a new plan today for how it will tackle economic, energy, and environmental issues -- by combining them all into one bureaucratic structure.

Undersecretary Bob Hormats is the leader of the newly expanded "E" team in Foggy Bottom, making him the undersecretary for economic growth, energy, and the environment. Before today, Hormats was the undersecretary for economic, energy and agricultural affairs. The change moves several offices under Hormats' umbrella, and also places him in charge of two new offices that never existed before.

Hormats is now in charge of three bureaus led by assistant secretaries and their teams: the Bureau of Oceans and International Environmental and Scientific Affairs (OES), led by Assistant Secretary Kerri-Ann Jones, the Bureau of Economic and Business Affairs (EB), led by Assistant Secretary Jose Fernandez, and the brand new Bureau of Energy Resources (ENR), led by State's Coordinator for International Energy Carlos Pascual, pending the confirmation of an assistant secretary.

The new "E" family will also, for the first time, include the Office of the Science and Technology Advisor, led by E. William Colglazier, and a new Office of the Chief Economist, which will be led by someone who hasn't been hired yet - interviews are ongoing.

Hormats could have as many as 150 to 200 new people under his leadership, but the changes are basically cost neutral. The idea is to combine these three bureaus into a cohesive team, which can take advantage of the increasing overlap between energy policy, environmental policy, and the economy.

"If this was only moving the bureaucratic boxes around it wouldn't be worth the effort," Hormats told The Cable in an interview. "This really responds to Secretary Clinton's challenge to break down silos and to create greater efficiencies within the State Department and focus attention in developing economic statecraft."

The changes in the State Department's bureaucracy were spelled out in the Quadrennial Diplomacy and Development Review, which was released last year, but also fits perfectly into Secretary of State Hillary Clinton's new favorite initiative, "Economic Statecraft," as laid out in her speech in October.

"America's economic strength and our global leadership are a package deal," Clinton said. "A strong economy has been a quiet pillar of American power in the world. It gives us the leverage we need to exert influence and advance our interests. It gives other countries confidence in our leadership and a greater

stake in partnering with us."

Hormats said the State Department was currently evaluating several ways in which the new offices could work together. For example, the United States could use economic strategies to promote access for U.S. energy technology companies in Africa, he said. The environmental experts could also chip in to make sure development in the African energy sector is ecologically sound.

Another initiative State is thinking about, Hormats said, is an effort to strengthen science and technology cooperation with the European Union in areas such as nanotechnology, smart grids, and electric cars. The idea is to play a role in setting industry-wide standards for new green technologies, helping U.S. businesses establish an international foothold in these emerging industries.

The conventional wisdom is that environmental and business objectives are at odds with each other, but Hormats is aiming to disprove that. He made the case that environmentally conscious companies are more energy efficient, and therefore more economically successful. President Barack Obama's Energy and Climate Partnership of the Americas is an existing example of this type of thinking, and a project that will be managed in his shop.

Hormats has also been meeting over several months with environmental groups to assure them that their concerns will not be made subservient to the overwhelming drive to seek economic gains and greater energy independence.

"The last thing we want to do is make the environmental bureau a subsidiary of the economic or energy bureaus," Hormats said. "The goal is to find synergies among co-equals. That's the key."

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

Sent via Blackberry

Richard
Windsor/DC/USEPA/US
05/26/2011 01:43 PM

To Charles Imohiosen
cc
bcc
Subject Re: You probably already saw, but CLIMATE: N.J. pulls out
of RGGI (05/26/2011)

Yup. Tx.
Charles Imohiosen

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

From: Charles Imohiosen
Sent: 05/26/2011 01:38 PM EDT
To: Richard Windsor; "Sarah Pallone" <pallone.sarah@epa.gov>; Gina
McCarthy
Subject: You probably already saw, but CLIMATE: N.J. pulls out of RGGI
(05/26/2011)
CLIMATE: N.J. pulls out of RGGI (05/26/2011)

Nathanial Gronewold, E&E reporter

NEW YORK -- New Jersey will leave the the Northeast's experiment in carbon emissions cap and trade by the end of the year, GOP Gov. Chris Christie announced this morning.

At a press conference in Trenton, Christie said his state is pulling out of the Regional Greenhouse Gas Initiative, known by its acronym RGGI. The 10-state system puts a cap on greenhouse gas emissions by utilities but allows companies to meet compliance through trades in emissions allowances. New Jersey is currently the second-largest member of RGGI, after New York state.



By doing so, the cash-strapped state will forgo millions of dollars in future revenues that it could generate from the auctioning of RGGI emissions allowances. But Christie said the system had failed to make an impact on climate change and was unlikely to do so in the future. He called it an unfair tax on energy companies.

"RGGI has not changed behavior and it has not reduced emissions," Christie said, according to the state newspaper The Record. "It's a failure."

Heralded by environmentalists as the nation's only legally mandated attempt to combat greenhouse gas emissions through cap and trade, RGGI has fallen victim to the shale gas revolution and the recent deep economic recession. Cheap and abundant supplies of natural gas from Pennsylvania's Marcellus Shale has compelled scores of Northeastern energy producers to switch from oil and coal to more gas-driven generation, cutting the region's greenhouse gas footprint by about a third in less than five years.

RGGI initially foresaw emissions rising slightly before falling by 10 percent by 2018. Consultants hired by RGGI's Manhattan administration to review the program said the 10 member states must either tighten the cap or see the program remain largely irrelevant to the fight against global warming for the foreseeable future.

RGGI members had begun tentative consultations to adjust the cap to account for the new energy mix in the region. RGGI's operating rules allow for an adjustment of the system to be undertaken in 2012 should its members choose to do so.

Environmentalists decried the announcement. But some carbon market experts anticipated that the governor's decision would have little impact on carbon trading, which in the United States has been largely moribund for several months.

"We expect the cap to be adjusted proportionately to New Jersey's emissions, so that the overall supply and demand balance will not be affected," said Emilie Mazzacurati, head of North American research at the carbon market analytical firm Point Carbon, in a statement. Trading might fall in the short term, but "in reality New Jersey's decision won't affect fundamentals," she added.

According to RGGI Inc., New Jersey has received more than \$102 million from the 11 allowance auctions since they began in September 2008. RGGI members generally commit to using the proceeds to promote renewable energy and energy efficiency programs, but many state governments have been dipping into the proceeds to plug budget gaps. The New Jersey governor recently tapped \$65 million generated from RGGI auctions to balance the state's budget.

Earlier this month, a move to withdraw New Hampshire from RGGI failed in the state's Senate. The next allowance auction is scheduled for June 8, and most market experts anticipate that the clearing price will remain at the legal floor due to weak demand.

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

Sent via Blackberry

Richard
Windsor/DC/USEPA/US
03/30/2012 05:45 AM

To Charles Imohiosen
cc "Stephanie Owens", "Dru Ealons"
bcc
Subject Re: I recall that you participated in event with the green sports group ... Looks like it has really taken flight

Cool.

Charles Imohiosen

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

From: Charles Imohiosen
Sent: 03/29/2012 08:04 PM EDT
To: Richard Windsor
Subject: I recall that you participated in event with the green sports group ... Looks like it has really taken flight
BUSINESS: Renewable energy has become a home run for pro sports
Daniel Cusick, E&E reporter

Published: Thursday, March 29, 2012

They're still debating the pros and cons of renewable energy in Washington, D.C., but it's a slam-dunk for the owners of the Phoenix Suns.

Strategic marketing of renewable energy through sports brands may have reached a new zenith this month as the National Basketball Association's Suns became the latest professional sports franchise to tie its brand to environmental stewardship and renewable energy.

And what better symbol for the Suns than 966 solar photovoltaic (PV) panels installed atop the team's US Airways Center parking garage?

Steve Nash, the franchise's best-known face and one of the league's most admired players, "flipped the switch" on the PV panels March 5, fulfilling a personal goal he set several years ago when he returned to the Suns after a six-year stint in Dallas.

Point guard Steve Nash, executives and mascots of the Phoenix Suns at the "flip the switch" ceremony turning on solar panels at their stadium in Phoenix. Photo courtesy of Arizona Public Service. Nash, a South African-born Canadian citizen with a penchant for environmental causes, also lends his image and endorsement to regional utility Arizona Public Service as its primary pitchman for energy efficiency and conservation.

"The spirit of innovation and environmental consciousness shown by the Suns, APS and the city of Phoenix is something I'm proud to be a part of," Nash said of the solar array. "I've become very passionate towards environmental issues over the years, so it's great to know that solar power is now impacting my life both at home and here at work."

"At work" for Nash means the Suns' 18,400-seat US Airways Center, where the team has played for 20 years. The building's new panels will generate 227 kilowatts of electricity, enough to power 20 game days each season, according to the team's website.

"We are excited to dedicate a project that was simply a vision back in 2008," said Suns President Brad Casper. "APS stepped up and helped make that vision a reality here at US Airways Center, powering the arena with clean, renewable energy, enhancing our commitment to sustainability."

The 'greening' of pro sports

The Suns are not alone.

Since the mid-2000s, more than a dozen professional sports franchises -- including some of the world's best-known brands -- have embraced renewable energy and other environmental sustainability projects. They are hoping to generate goodwill in their local communities, but also aiming at reducing their energy costs and carbon footprints, in some cases significantly.

Among the other franchises embracing solar power on their stadium sites are the NBA's Los Angeles Lakers and Clippers and Denver Nuggets; the National Football League's Philadelphia Eagles, Seattle Seahawks and Washington Redskins; and Major League Baseball's Boston Red Sox, San Francisco Giants, Kansas City Royals and Cleveland Indians.

According to the Natural Resources Defense Council's "Sports Greening Initiative," which works closely with leagues, franchises and sporting event host cities on environmental sustainability, such programs have reduced or offset more than 20 million pounds of carbon dioxide equivalent in just four years.

A new solar array will greet fans coming to this year's All-Star Game at Kauffman Stadium, home of the Kansas City Royals. Photo courtesy of Chris Vleisides/Kansas City Royals.

Allen Hershkowitz, a senior NRDC scientist and director of the Sports Greening Initiative, said that level of greenhouse gas offsets is no accident. Sports franchises and professional leagues, he said, have been more receptive to conservation, clean energy and climate change mitigation than most other sectors of the U.S. economy.

"Sports matters," Hershkowitz said in an interview. "People think that dealing with climate change is about reaching the auto industry or the [electric] utility industry, and that's true. But the sports industry is a \$425-billion-a-year enterprise with a global supply chain, and its messages reach hundreds of millions of people around the world."

The messages resonate locally, too, and allow the issue of climate change to be carried to the broadest possible audience, since sports provides a common gathering place for people of all political persuasions. "When we get professional sports embracing renewable energy, that's a meaningful nonpartisan statement," Hershkowitz said.

A new kind of bragging rights

Moreover, the recent boom in sustainability efforts among pro sports franchises has set off a new kind of competition between franchise owners and facilities managers, where the coveted prizes are not only championship trophies but the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certifications and bragging rights over which franchise has the smallest environmental footprint.

Sports governing bodies have caught on, too. Major League Baseball, in a partnership with NRDC, asks every big-league team to measure energy consumption at its home stadium and report the figures to the home office, Hershkowitz said. The National Hockey League will soon begin a similar program.

The figures have not been made public, Hershkowitz said. But in the statistics- and standings-driven world of sports, there's little doubt that the data will hit the scoreboards.

"Sports teams are by their nature very competitive. They strive to be the best in every aspect of their operations," said Logan Gerken, a project architect and LEED design specialist at the Kansas City, Mo., architecture firm Populous, one of the nation's most sought-after stadium designers. "And they're finding ways to sell these aspects to their fans and their athletes."

Just ask the Kansas City Royals, a franchise that hasn't won a World Series championship in 27 years but now ranks among the MLB's best for "green energy" achievements. The recently remodeled Kauffman

Stadium, which will host this summer's annual All-Star Game, is now adorned with 120 solar PV panels capable of producing an estimated 36,000 kilowatt-hours of electricity per year.

The blue-tinted, aluminum-framed panels lining the stadium's curved outfield wall are visible from most of the stadium's seats, something team officials and partner Kansas City Power & Light will promote as part of the game-day "Outfield Experience." KCP&L will staff an educational kiosk to educate fans about the solar energy system, stressing how solar energy benefits Kauffman Stadium and the greater Kansas City region.

A field day for green designers

And while other MLB franchises have installed solar panels on their sites, Kansas City's will be the largest in-stadium solar array in the major leagues, and its generation will be used directly by the stadium.

Kevin Uhlich, the Royals' senior vice president for business operations, said the array is in keeping with the team's commitment to make Kauffman Stadium "one of the most environmentally friendly facilities in sports."

Meanwhile, the Royals' American League rival Cleveland Indians, whose Progressive Field is just a few downtown blocks from windy Lake Erie, are preparing to install an 18-foot-wide "helix wind turbine" developed by a Cleveland State University professor atop the stadium's southeast corner.

The experimental "wind amplification" turbine, developed by CSU engineering professor Majid Rashidi to produce energy at low wind speeds, will produce just a fraction of the electricity used to power the ballpark. But it should help to build fan awareness of green energy production and aid the team in reaching its sustainability goals.

"We want to show that this experiment born here in Cleveland works in Cleveland," Brad Mohr, the Indians' assistant director of ballpark operations, told the Cleveland Plain Dealer in October. "The goal is not just to have the turbine in the ballpark. It is to get them into urban areas where traditional wind power won't work."

Reducing the environmental footprint of a 40,000-seat arena or 70,000-seat stadium is no small feat, experts say, but neither does it have to be extraordinarily complex or cost-prohibitive.

Martin Tull, executive director of the Green Sports Alliance, a Portland, Ore.-based nonprofit that promotes energy efficiency and conservation measures in sports at all levels, said some teams are reaping significant savings in facility operations and maintenance costs simply by turning off nonessential lights and incorporating zoned heating and cooling systems.

Others have made modest investments, such as replacing incandescent lighting at indoor arenas with light-emitting diode (LED) fixtures that consume less energy and have much longer operating life. An LED lighting project at the Staples Center in Los Angeles paid for itself in seven months through lower electricity bills, Tull said. In Seattle, meanwhile, the Mariners reduced by 88 percent the electricity consumption of their Safeco Field scoreboard by replacing an older incandescent bulb board with one illuminated with LED lights.

Raising the bar in Seattle

But advances in materials science, energy systems and green technology have allowed big venues to do even bigger things, said Tull, including in regions of the country where renewable energy resources are limited.

Consider CenturyLink Field in Seattle, home to the NFL's Seahawks and Major League Soccer's Sounders. With a seating capacity of 72,000, the stadium is among the largest sports venues on the West Coast. The stadium is a crown jewel of design inspired by billionaire Microsoft co-founder Paul Allen, and it offers some of the most tech-savvy stadium experiences in the country.

Yet its latest hallmark feature -- 3,750 thin-film solar panels atop the adjacent CenturyLink Field Event Center -- isn't visible to most fans. Covering an estimated 2.5 acres, or 80 percent of the sprawling event center's roof, the panels are capable of generating more than 830,000 kilowatt-hours of electricity annually, or roughly the amount consumed by 95 Seattle-area homes in a year.

Tull of the Green Sports Alliance said that kind of investment in Seattle, whose large number of rainy days make it a kind of anti-Phoenix for solar resources, sends a strong signal to franchise owners across the country that every sports stadium or arena can reduce its carbon footprint, whether through renewables or other efficiency and conservation measures.

"I think for new facilities, at this point, the bar has been raised pretty high to where the norm in new facilities is going to include these kinds of technologies and efficiency measures," Tull said.

"If you're a facility owner and you're not aggressively looking at the energy efficiency, you're losing money," he added. "And on the renewables side, there is a competition now for the best-in-class, high-performance facilities. If one [franchise] installs 8,000 solar panels, I guarantee you the next installation is going to be 8,010 panels. It's great to see that competitive nature there."

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

Sent via Blackberry

Richard
Windsor/DC/USEPA/US
01/19/2010 02:47 PM

To Craig Hooks
cc
bcc
Subject Re: OARM's Role in Furthering the Administrator's Top
Priorities

Thx.

Craig Hooks MEMORANDUM SUBJECT: OARM's... 01/19/2010 01:06:10 PM

From: Craig Hooks/DC/USEPA/US
To: Group OARM-ALL/DC/USEPA/US
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 01/19/2010 01:06 PM
Subject: OARM's Role in Furthering the Administrator's Top Priorities

MEMORANDUM

SUBJECT: OARM's Role in Furthering the Administrator's Top Priorities

FROM: Craig E. Hooks
Assistant Administrator

TO: All OARM Employees

I hope you have had an opportunity to reflect upon the Administrator's recently announced list of top priorities (attached) which include taking action on climate change; improving air quality; assuring the safety of chemicals; cleaning up our communities; protecting America's waters; expanding the conversation on environmentalism and working for environmental justice; and building strong state and tribal partnerships. At the recent Senior Executive Service (SES) Executive Leadership Development Conference, our senior leadership spent a considerable amount of time exploring how each attendee could personally help to achieve and commit to working collaboratively with others in the Agency on these priorities.

At first glance, it may seem that the Office of Administration and Resources Management (OARM), and you personally, have very little influence or involvement in these activities. Nothing could be further from the truth. Our work here in OARM plays an integral and essential role in facilitating all aspects of the Agency's very important, complex and challenging mission.

The grants and contracts that we award and monitor support every one of the top priority efforts. Without the work of many employees throughout OARM it would not have been possible for the Agency, the states and countless Americans to benefit from the environmental clean-up, construction and employment opportunities made possible through American Recovery and Reinvestment Act (ARRA) funds allocated to EPA.

The Office of Human Resources, the Office of Administration, OARM-RTP and

OARM-Cincinnati ensure that we hire and support the Agency's employees and that these employees can do their work in offices and laboratories that are modern and safe. Through our management of EPA's laboratories in RTP and Cincinnati, we are also helping to facilitate the critical scientific research that provides the foundation for much of EPA's environmental work and success.

In addition, our Office of Policy and Resources Management, Office of the Federal Environmental Executive, and Immediate Office staff help to ensure that OARM as an organization has the staff, budget, and essential tools to do what we are supposed to be doing, and that we are doing it right.

So all of you, each in your own individual way, has and will continue to contribute not only to the on-going mission of the Agency, but to helping EPA make meaningful progress in achieving the Administrator's seven key themes.

In addition to outlining these priorities, the Administrator has also indicated that she wants to focus on improving EPA's internal operations, our current performance measurement system and other Agency processes. In all of these areas, OARM will assume a key leadership role and I will be looking to you to help identify and implement positive and meaningful changes where needed and useful.

One of the most important things the Administrator has challenged the SES to do, and now I challenge you to do, is to rethink how you view the work of EPA and your contribution to our mission. Administrator Jackson has asked her leadership to work as "One EPA" in finding ways to think and act in a much broader, cross-organizational and collaborative manner. I too, would like to ask you to personally commit to working as "One OARM." OARM has always been regarded as an organization with many diverse functions, yet having a very cohesive and caring workforce. During my tenure as Assistant Administrator I have had the opportunity to see first hand, your commitment and concern for EPA employees and for one another. I encourage you to partner with other OARM organizations in seeking creative solutions to problems, finding ways to improve our customer service and exploring new opportunities to meet Agency needs.

This past year I have spent a great deal of time working to ensure that our ARRA responsibilities were met. During this next year, I intend to focus more of my time on those issues that are critical to the success of OARM, including filling key leadership vacancies. Within the next few weeks I will be refining my own list of OARM priorities and will welcome your feedback as we work collaboratively to meet the Administrator's and my goals, while continuing to provide EPA's employees and programs with the best service possible.

I want to thank you for your hard work and commitment. I look forward to working with you on becoming "One OARM" where we have fun, provide meaningful services to EPA's employees and support the Administrator's priority issues and the very important mission of the Agency.

Craig E. Hooks, Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600

Richard
Windsor/DC/USEPA/US
02/28/2009 10:56 AM

To David Cohen
cc
bcc
Subject Re: krissah in the post

Tx.

David Cohen

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

From: David Cohen
Sent: 02/28/2009 09:55 AM EST
To: Richard Windsor
Subject: Re: krissah in the post

link below, with cut and pasted story below that. . . photo inside the hardcopy of paper is of you right next to one of holder -- than bigger one yet of first lady is to the right of you two.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022703242.html>

Top Officials Expand The Dialogue on Race

Month's Celebrations Evoke a Mix of Views

By Krissah Thompson
Washington Post Staff Writer
Saturday, February 28, 2009; A01

When the country's racial chasms seemed to threaten President Obama's election, his team had to tread carefully. A month into his administration, the tone has changed. Top officials are engaging the subject of race more freely, with a boldness and confidence they once shunned.

With the federal government's annual African American History Month celebrations as a backdrop, the attorney general, the first lady and the head of the Environmental Protection Agency spoke more frankly about race recently than any of Obama's surrogates did during the hard-fought campaign.

Lisa P. Jackson, the EPA administrator and a native of New Orleans, told her staff about having grown up in an area where she would have had to drink from unsafe water fountains because of her race. "Now in 2009, I am, along with you, responsible for ensuring that all Americans have clean water to drink," Jackson said. "Change has certainly come to this agency."

First lady Michelle Obama hosted middle-schoolers in the White House East Room and taught the children about African Americans and their roles in the executive mansion: the slaves who built it, the signing of the Emancipation Proclamation there, the meetings held with civil rights leaders.

Attorney General Eric H. Holder Jr., who ignited the most debate, used his Feb. 18 address as an admonition that "to get to the heart of this country, one must examine its racial soul."

"Though this nation has proudly thought of itself as an ethnic melting pot, in things racial we have always been and continue to be, in too many ways, essentially a nation of cowards," Holder said. "Though race-related issues continue to occupy a significant portion of our political discussion, and though there remain many unresolved racial issues in this nation, we, average Americans, simply do not talk enough with each other about race."

The plain talk may be an attempt to expand the racial dialogue Obama called for during his speech on the subject in Philadelphia last year, but whether Americans want to go there remains unanswered. White House officials said the African American History Month celebrations were choreographed across the federal government. Reaction so far has been mixed.

Holder has been rebuked by some who contend that with Obama's election, the country proved its willingness to move beyond the color line. New York Times columnist Maureen Dowd likened Holder's remarks at the Justice Department's African American History Month program to a lecture on race by Jesse Jackson or Al Sharpton. "Barack Obama's election was supposed to get us past that," she wrote.

Jen Singer, author of "You're a Good Mom (and Your Kids Aren't So Bad Either)," wrote on the Web site BettyConfidential.com that "Michelle Obama could talk all she wanted about Black History Month, slavery and segregation, but no words could better illustrate to today's schoolchildren how far this country has come than her presence as First Lady."

There is a risk in talking about it too much, said Thomas Mann, a political scientist at the Brookings Institution, in an e-mail. During his campaign, Obama made an explicit decision not to emphasize race and did so only when it threatened to damage his candidacy. Changing course now could make some feel uncomfortable.

Nearly six in 10 Americans said Obama's presidency will do more to help race relations in this country, according to a January Washington Post-ABC News poll. But whites and African Americans start out with widely divergent views on the racial climate in the country. Overall, about three-quarters of those surveyed called racism a problem in society today, with one-quarter labeling it a "big" problem. Twice as many blacks (44 percent) as whites (22 percent) called it a big problem.

"They definitely have to be careful," Mann said of the Obama administration. "Better to have the president and his top African American aides serve as role models and achieve the broader objective by indirection."

Others argue that African American administration officials are simply bringing their background, perspective and history to the public sphere. Holder, Jackson and Obama are the first African Americans in their positions, and it should come as no surprise that their celebration of black history is different from their predecessors', said Shawnta Walcott, a pollster at Ariel & Ethan.

"I think what we know about the first lady is that part of her persona is to go one level down into something that she thinks is significant," Walcott said. "She is the first African American first lady, so we should expect to see those sorts of nuanced pieces of information coming from her. It is unusual for the norm, but she is not the norm."

There are attempts now to define the new normal. Last weekend, after Holder's use of the phrase "nation of cowards" drew criticism, it became a subject of discussion at a Princeton University symposium titled "From the Middle Passage to the Oval Office: Defining the Black Experience."

One of the panelists, Jeff Johnson, host and producer of Black Entertainment Television's "The Truth," said the reaction to the attorney general's comments read as if "he was saying only white Americans were cowards."

Holder "was talking about all of us, from white Americans to African Americans to Asians to Latinos," said Eddie S. Glaude Jr., a professor of religion and African American studies at Princeton. "The fact that we would read Holder's comments as only about white Americans shows us how we are thinking about race when it is invoked."

Glaude noted that reaction to Holder's comments coincided with publication of a controversial editorial cartoon in the New York Post. NAACP officials decried the cartoon as a racist depiction of the president as a slain chimpanzee. The NAACP called for the cartoonist and his editor to be fired and held protests Thursday at Fox News affiliates in 50 cities. The Fox News affiliates and the New York Post have the same owner, News Corp.

Other people have shushed protesters as overly sensitive.

"It is just the traditional theater of American racial politics," Glaude said.

Rinku Sen, president of the Applied Research Center, a think tank on race in Oakland, Calif., Chicago and New York, said she also worries that the dialogue about race is being pushed back into the old paradigm that kept the nation in a stalemate.

"I think that the line is, 'We've elected the black president, and now we're post-racial and everybody should just shut up.' It's very dismissive," Sen said. "We did elect the first black president, but people seem to forget that it was a hard campaign."

To Jelani Cobb, a professor of African American history at Spelman College, the back-and-forth about race in the age of Obama already feels old.

"Our major concerns about race are not conversations," Cobb said. "They are about policies, and they are about entrenched legacies of privilege and underprivilege. So in some ways, these conversations are a substitute for other kinds of more meaningful reform or interaction."

Polling analyst Jennifer Agiesta contributed to this report.

Richard Windsor [Can u send the link please. This bberr...](#) 02/28/2009 09:46:59 AM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 02/28/2009 09:46 AM
Subject: Re: krissah in the post

Can u send the link please. This bberry is internet challenged.

David Cohen

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

From: David Cohen
Sent: 02/28/2009 09:02 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: krissah in the post

i'm so glad for her that she made the front page. and i'm glad for us that we invested time with her. great photo! and most importantly, a far better quote from us than for a.g. holder (i think even he would admit!) congratulations on good representation in an important story.

Richard
Windsor/DC/USEPA/US
04/24/2009 09:42 AM

To David Cohen
cc
bcc
Subject Re: politico rates epa's 1st 100

Nice!

David Cohen

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

From: David Cohen
Sent: 04/24/2009 09:26 AM EDT
To: Richard Windsor; Allyn Brooks-LaSure
Subject: politico rates epa's 1st 100

Agency: EPA

By [LISA LERER](#) | 4/24/09 4:05 AM EDT

Text Size: [A](#) [A](#) [A](#)



In the first 100 days, EPA is quickly moving forward on a host of once-stalled proposals. Photo: AP

EPA Administrator Lisa Jackson didn't even have the keys to her office when the Obama administration started its ambitious revamp of her agency.

Immediately after swearing Jackson into her new post, President Barack Obama ordered her to review a Bush administration ruling that prohibited California and 15 other states from setting tougher auto emissions standards. Then, he ordered the Transportation Department to enforce tougher fuel efficiency standards by 2011.

The administration's message was clear: A new, greener day has dawned at the Environmental Protection Agency.

EPA was one of the most demoralized agencies in the federal government under President George W. Bush. The career staff — which supports stricter environmental regulation — bristled under political appointees who blocked agency initiatives. Their frustration was shared by many in the environmental community, including Jackson. As head of New Jersey's Department of Environmental Protection, she joked that in the Bush administration, EPA stood for the "Emissions Permissions Agency."

Now, Jackson is quickly moving forward on a host of once-stalled proposals. In the first 100 days, EPA has taken initial steps to impose stricter controls on coal plants, mercury produced by power plants and greenhouse gas emissions.

"Lisa Jackson took over a listing battleship, and she has righted it and turned it around," said Dan Weiss, director of climate strategy at the left-leaning Center for American Progress.

“Probably no federal agency will have undergone such a profound change than EPA under Obama.”

Gold Medal Performance

The EPA took a major step toward capping greenhouse gas emissions when it issued a much-anticipated finding this month that global warming is a danger to human health and welfare. The finding will have a huge economic impact on coal plants, transportation and manufacturing. It also increases the pressure for Congress to pass climate change legislation before international climate talks in Copenhagen in December. If lawmakers fail to act, the ruling could force EPA to impose strict new regulations.

Worst Train Wreck

One early letdown came when Jon Cannon, a former top EPA lawyer, withdrew his nomination for deputy administrator. The move came after vetters began scrutinizing a now-defunct nonprofit group where Cannon once served on the board of directors that was faulted for mishandling federal grant money.

Sea Change

In a memo to EPA employees, Jackson laid out the administration’s guiding principles: science, rule of law and transparency. And EPA is backed by an administration that counts global warming as one of its top priorities. “There is no example, much less a recent example, of this amount of high-level policy attention being devoted to global warming, clean energy and green jobs,” says John Walke, clean air director for the Natural Resources Defense Council. “We’re in uncharted territory.”

Elephant in the Room

Observers say it will take a long time to undo some of the Bush administration actions that the new administration would like to reverse — such as the easing of prohibitions against dumping mine waste near streams and years of little action on regulating greenhouse gases.

Biggest Food Fight

EPA could soon find itself in a turf war with the Department of Transportation, since both are authorized to address auto emissions. Currently, EPA is reviewing whether to grant states a legal waiver to lower passenger car emissions by 30 percent, while DOT recently revised the federal corporate average fuel economy, or CAFE, standards. Depending on what EPA decides, the two agencies could release conflicting emissions standards: one for states that get the waiver and another that would be applied nationwide.

Richard Windsor/DC/USEPA/US
03/30/2011 01:28 PM

To David McIntosh
cc
bcc
Subject Re: Environmental Community Letter to WH on Anti-Environmental Riders

Tx!

David McIntosh

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

From: David McIntosh

Sent: 03/30/2011 12:35 PM EDT

To: Richard Windsor

Subject: Environmental Community Letter to WH on Anti-Environmental Riders

March 29, 2011

Dear President Obama,

On behalf of our millions of citizen members and activists, we write to urge you to do everything in your power to keep anti-environmental riders out of funding bills and veto any funding measure that includes anti-environmental riders, which attack our nation's fundamental environmental and public health protections. Blocking the U.S. Environmental Protection Agency and other agencies from protecting our health and our environment not only goes against general public sentiment, but also leads to more pollution in our air and water and puts the lives of thousands of Americans at risk.

The House Continuing Resolution (H.R. 1), which was voted on one month ago, included vast cuts and obstructions to critical environmental programs—such as curtailing EPA's action to cut carbon pollution, soot, mercury and other dangerous air pollutants through the Clean Air Act; threatening drinking water supplies for millions of Americans by blocking EPA's ability to restore Clean Water Act protections for these waterways; and attacking critical land programs and Endangered Species Act protections for fish and wildlife. Just as we opposed these blatant attacks on our health and environment, we will continue to work to block any future anti-environmental riders in upcoming funding bills.

We also urge you to ensure that adequate funds are provided to EPA, the Department of Interior and other agencies with important environmental missions. We recognize the serious budget constraints. However, proposed drastic funding cuts for our crucial environmental programs that protect the health and well-being of Americans and our ecosystems are reductions in investments, and will increase health costs and reduce quality of life in the future.

Preventing these attacks on our environment and our health is a top priority for our organizations. We urge you to do everything in your power to keep anti-environmental riders out of funding bills and veto any funding measure that includes anti-environmental riders. We look forward to continuing to work with you on these crucial matters.

Respectfully yours,

**Environment America * Earthjustice * Natural Resources Defense Council
* Sierra Club
Alaska Wilderness League * The Wilderness Society * League of**

Conservation Voters

**Defenders of Wildlife * Clean Water Action * The Trust for Public Land *
American Rivers * Earthworks Greenpeace USA * Union of Concerned
Scientists * Friends of the Earth**

**Southern Alliance for Clean Energy * Conservation Law Foundation *
Environmental Defense Fund**

**Physicians for Social Responsibility * Ocean Conservancy * National
Audubon Society * Oceana**

**Center for International Environmental Law * Southern Environmental Law
Center * Green for All**

**Izaak Walton League of America * Center for Biological Diversity *
Endangered Species Coalition**

Richard
Windsor/DC/USEPA/US
05/25/2011 04:58 PM

To David McIntosh
cc
bcc

Subject Re: E&E News: Panel tangles with Sunstein over force of interim guidance, rulemaking

Cummings rocks.
David McIntosh

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

From: David McIntosh
Sent: 05/25/2011 04:54 PM EDT
To: Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Scott Fulton; Michael Goo; Bicky Corman; Seth Oster; Adora Andy; Arvin Ganesan; Laura Vaught
Subject: E&E News: Panel tangles with Sunstein over force of interim guidance, rulemaking

REGULATIONS: Panel tangles with Sunstein over force of interim guidance, rulemaking (Wednesday, May 25, 2011)

John McArdle, E&E reporter

Two weeks after announcing an investigation into U.S. EPA's revocation of a permit for a major West Virginia mountaintop-removal mining project, House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) today grilled White House policy guru Cass Sunstein about the regulatory issues in that case.

Sunstein had come before the oversight panel to testify about the Unfunded Mandate Reform Act of 1995 (UMRA), which subcommittee Chairman James Lankford (R-Okla.) is hoping to update this year.

But when he was given the floor today, Issa skipped right past any talk of UMRA and used his time to get the administrator of the Office of Information and Regulatory Affairs on the record about several of the issues surrounding EPA's veto of Arch Coal Co.'s Spruce No. 1 Mine. The veto of that permit, originally issued in 2007, has resulted in a legal battle as well as howls of protest from members of Congress from the Appalachian region who say that EPA has overstepped its authority.

Of particular concern for supporters of the mine is controversial EPA interim guidance -- which was issued last April and remains under White House review -- that was supposed to clarify the Obama administration's take on how the Clean Water Act applies to its oversight of Appalachian mining.

In filing its lawsuit last year, the National Mining Association accused EPA and the Army Corps of Engineers of failing to follow federal procedures in issuing new permit requirements and asked the U.S. District Court for the District of Columbia to void the guidance until the agencies conducted a formal rulemaking,

which would include a public comment period.

"EPA has a policy that now what they do is they announce or give guidance to what may someday be rules, and they get enough compliance from the states or other stakeholders, and they never have to issue a rule, and they've changed things," Issa said today. "Shouldn't the administration ... be clear that if rulemaking is the appropriate goal, then they make it clear they are not looking for change in advancement of rulemaking?"

Sunstein agreed.

"Guidance documents lack the force of law; they are not binding; they have an advisory quality," Sunstein said. He noted that those guidance documents are subject to OIRA review, as are rules.

"We work very closely with agencies to make sure these guidance documents don't become rules," Sunstein said.

Issa went on to press Sunstein on the revoking of permits after they have already been issued.

"Certainly if a permit is granted under one administration, wouldn't you think that permit is a contract with the government and should not be essentially revoked simply because there's been a change in party?" Issa said. "That's pretty Third World, isn't it?"

Sunstein said that permitting was not his area of expertise but that when it comes to rules, those issued under the George W. Bush administration are binding until such time as they are changed.

"Interpretive rules and guidance documents can be changed more quickly, but rules typically are binding until they are changed," he said.

When it released its guidelines on Clean Water Act permits for mountaintop mining projects around Appalachia, EPA said they were meant to be not a roadblock to job creation but rather a way to protect the people who work in the mines and live in the communities surrounding them.

In his opening statement today, panel ranking member Elijah Cummings (D-Md.) took issue to what he has called a concerted effort by House Republicans to deregulate at any cost. Cummings and fellow Democrats on the oversight panel believe Lankford's UMRA update may simply be a backdoor way of undermining a host of Clean Air Act and Clean Water Act rules that Republicans do not agree with.

"This is ... the fourth hearing in which this subcommittee has stressed only the

burdens imposed by regulations," Cummings said. "There is a common assumption in the titles and focus of these hearings -- that regulations are burdensome and hinder economic recovery. Yet we know that regulations are necessary to protect the health, welfare and safety of the American public."

Cummings said that he will continue to fight for the workers whom regulations are meant to protect.

"I want them to come home to their families, and I do not want them to be shipped home to their families in coffins," he said.

Richard
Windsor/DC/USEPA/US
04/27/2010 01:28 PM

To David McIntosh
cc
bcc

Subject Re: From Greenwire -- CLIMATE: EPA chief won't take
comedian's bait on Graham

Phew.

David McIntosh

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

From: David McIntosh

Sent: 04/27/2010 01:00 PM EDT

To: Richard Windsor; Seth Oster

Subject: Fw: From Greenwire -- CLIMATE: EPA chief won't take comedian's
bait on Graham

Good headline.

----- Forwarded by David McIntosh/DC/USEPA/US on 04/27/2010 12:59 PM -----

From: David McIntosh/DC/USEPA/US@EPA
To: David McIntosh/DC/USEPA/US@EPA
Date: 04/27/2010 12:59 PM
Subject: From Greenwire -- CLIMATE: EPA chief won't take comedian's bait on Graham

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:

Greenwire

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

An E&E Publishing Service

CLIMATE: EPA chief won't take comedian's bait on Graham

(Tuesday, April 27, 2010)

Robin Bravender, E&E reporter

U.S. EPA Administrator Lisa Jackson deflected suggestions from "Daily Show" host Jon Stewart that Republican Lindsey Graham is a "big, fat baby" for backing away from Senate climate bill negotiations.

During an interview that aired last night on Comedy Central, Stewart pressed Jackson to address how the South Carolina lawmaker's threat to walk away from climate talks has affected the Obama administration's push for a sweeping climate and energy bill.

"Do you feel like Senator Graham is a big fat baby, and would you like to say to him right now on the show, 'Waah, waah waah? Waah, Lindsey Graham'?" Stewart said.

Jackson's response: "No, listen. I think, you know, Senator Graham is looking at a changing political landscape, and I do think that at this point it's in all of our interest to invite him back in, tell him how important his work will be to success ultimately on the bill."

But Stewart wouldn't relent. "Have you thought about candy, or a pacifier, for Senator Graham?" he asked. Then he added, "You don't have to answer that."

Graham has been crafting a climate and energy bill with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), but he has threatened to abandon the talks because of the Democratic leadership's push to simultaneously overhaul federal immigration policies. The trio was slated to unveil the bill yesterday, but the release was stalled

after Graham's announcement.

"We were pretty close to having the discussion start to move in the U.S. Senate for the first time in a long time in a meaningful way," Jackson told Stewart. "The support of Senator Graham shouldn't be underestimated, because he's worked a long time to make it a bipartisan, actually a tripartisan effort if you count Senator Lieberman." Graham insisted yesterday that he wants to work on the climate bill but doubts it has any chance of success this year so long as Senate Majority Leader Harry Reid (D-Nev.) continues forward with an immigration overhaul (*E&E Daily*, April 27).

"You all are talking about energy and climate," Graham told reporters after a meeting with Kerry and Lieberman in the Capitol. "Well, Lindsey Graham is part of both. And I'm not going to be a party to bringing up immigration in this Congress, I mean in this year, in a way that will destroy the issue. I'm not going to have my fingerprints on a political maneuver that could wind up breaking this country apart. So how much clearer can I be? Immigration brought up this year is nothing but a political stunt. It will divide the country."

A Graham spokeswoman did not respond to a request for a comment.

[Click here](#) to watch the interview.

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Richard Windsor/DC/USEPA/US
02/08/2009 03:39 PM

To David McIntosh
cc
bcc
Subject Re: the 2 dox on which we'll seek your sign-off on tomorrow's morning call

This is fine. Tx!
David McIntosh

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

From: David McIntosh

Sent: 02/08/2009 03:29 PM EST

To: Richard Windsor

Cc: Lisa Heinzerling; Robert Goulding

Subject: the 2 dox on which we'll seek your sign-off on tomorrow's morning call

Happy Birthday! Attached are the two documents that Lisa H and I were going to lay before you tomorrow morning at 9. Since we'll just be on the phone with you, I'm emailing the two documents to you now. If you'd rather get them by fax, please send me a number and I'll fax them.

-Dave

[attachment "EPA Climate Policy Design.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "EPA Energy Policy Design.doc" deleted by Richard Windsor/DC/USEPA/US]

Richard
Windsor/DC/USEPA/US
11/04/2009 08:51 PM

To: David McIntosh
cc
bcc
Subject: Re: what Senator Stabenow is calling you about

Tx

David McIntosh

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

From: David McIntosh
Sent: 11/04/2009 05:26 PM EST
To: Richard Windsor
Subject: what Senator Stabenow is calling you about

----- Forwarded by David McIntosh/DC/USEPA/US on 11/04/2009 05:25 PM -----

From: David McIntosh/DC/USEPA/US
To: Bill Irving/DC/USEPA/US@EPA
Cc: Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA
Date: 11/04/2009 05:25 PM
Subject: please take a quick look

Stabenow calling the Administrator tomorrow morning. Do you have a quick read on this proposal that I can pass along to the Administrator?

[attachment "document_pm_04.pdf" deleted by Richard Windsor/DC/USEPA/US]

CLIMATE: Stabenow floats new offset proposal (11/04/2009)

Allison Winter, E&E reporter

Sen. Debbie Stabenow (D-Mich.) unveiled a long-awaited climate proposal today that would expand offset programs for farms and forestry.

Stabenow's [bill](#), widely circulated today among environmental groups, would alter and expand some of the proposals to create incentives to reduce greenhouse gas emissions for manufacturing and agriculture.

It is expected to be "marker" legislation that indicates the direction Stabenow and other Midwestern and Western lawmakers would like the climate bill to take. Co-sponsors include the powerful Finance Chairman Max Baucus (D-Mont.) and Sens. Amy Klobuchar (D-Minn.), Sherrod Brown (D-Ohio), Tom Harkin (D-Iowa) and Mark Begich (D-Alaska).

The proposal comes as the path remains unclear for the climate bill from Sens. John Kerry (D-Mass.) and Barbara Boxer (D-Calif.). The Environment and Public Works Committee remains unable to mark up that bill this week due to a Republican boycott.

The agriculture and forestry language included in Boxer's bill was thought to be placeholder

language until Stabenow, Agriculture Chairman Blanche Lincoln (D-Ark.) and other lawmakers with a more vested interest in agriculture weigh in.

Lincoln has said she plans to hold hearings on agriculture and climate issues, and she, Klobuchar and Stabenow have said they would work together to shape the farm and forestry sections of the Senate bill.

Stabenow's proposal won early praise today from some environmental and forestry groups, including the American Forest Foundation, Trust for Public Land and Environmental Defense Fund.

The proposal addresses many of the concerns raised by farm and forestry groups. It would give the Agriculture Department primary authority over domestic agriculture and forestry projects. It also sets projects that the agencies must include in their list of projects that can be used for offsets -- including reforestation, forest management and harvested wood products.

It would change the way the legislation deals with projects from "early actors," who started carbon sequestration projects on their land before development of a climate bill. The bill would give credits to projects dating back to Jan. 1, 2001, as long as they were registered under certain approved programs. Other projects must have commenced after Jan. 1, 2009, to be considered for "additional" carbon sequestration.

The bill also includes brand-new language that would allow landowners to enter into short-term contracts that could be bundled together to create a permanent offset.

Richard Windsor/DC/USEPA/US
02/22/2010 06:17 PM

To David McIntosh
cc
bcc

Subject Re: Fw: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

yup

David McIntosh [Here's a good first story.](#) 02/22/2010 05:53:44 PM

From: David McIntosh/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA
Date: 02/22/2010 05:53 PM
Subject: Re: Fw: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

Here's a good first story.

CLIMATE: Murkowski dismisses 'temporary timeout' on EPA rules (Monday, February 22, 2010)

Darren Samuelsohn and Robin Bravender, E&E reporters

Sen. Lisa Murkowski (R-Alaska) insisted today that she has the best strategy for stopping U.S. EPA climate regulations and dismissed a nascent alternative floated by a key coal-state Democrat.

In a statement, Murkowski argued that the Congressional Review Act -- which requires 51 votes to pass the Senate -- provides the clearest path to stop a sweeping series of Obama administration rules for power plants and a range of other industrial sources. She said her approach is better than legislation from Sen. Jay Rockefeller (D-W.Va.), which would need 60 votes to pass and would only halt EPA's rules for between two and five years.

"A temporary timeout isn't sufficient," said Murkowski spokesman Robert Dillon. "Bad regulations today are bad regulations tomorrow."

Murkowski had previously suggested a one-year stop for the EPA rules, but she has since taken a more extreme position advocating the overturning of the agency's underlying "endangerment" finding that states greenhouse gases are a threat to public health and welfare.

EPA Administrator Lisa Jackson fired back late today at Murkowski's resolution.

"A vote to vitiate the greenhouse-gas endangerment finding would be viewed as a

vote to reject the scientific work of the thirteen U.S. government departments that contribute to the U.S. Global Change Research Program," Jackson said in a [letter](#) to Rockefeller. "It would also be viewed by many as a vote to move the United States to a position behind that of China on the issue of climate change, and more in line with the position of Saudi Arabia."

Dillon said Murkowski is aiming for a floor vote in mid-March before EPA finishes its first greenhouse gas standards for automobiles, a rule that will automatically trigger more regulations for large industrial sources under the Clean Air Act. To date, Murkowski has 40 co-sponsors for her proposal, including Democrats Mary Landrieu of Louisiana, Blanche Lincoln of Arkansas and Ben Nelson of Nebraska.

Dillon acknowledged that Murkowski's statement is aimed at undercutting Rockefeller, who announced Friday that he would soon unveil legislation designed to block EPA's efforts while lawmakers work on a broader package to control greenhouse gases.

The bill, said Rockefeller spokeswoman Jamie Smith, is "an effort to give Congress the opportunity to secure and create jobs and boost the economy in clean coal states and make sure these decisions are not made ad hoc by a federal environmental agency."

But the prospects for that broader effort remain in doubt as the Senate trio of John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) search for the elusive 60-vote sweet spot on a bill that caps greenhouse gases and expands domestic energy production. Senate Majority Leader Harry Reid (D-Nev.) has said he would schedule a floor debate this spring, though many doubt that will take place, given competing agenda items.

Clean Air Watch President Frank O'Donnell doubted that Rockefeller's efforts to block EPA were sincere. "I don't know if this is anything more than just a press release opportunity, and I suspect it might just be that," he said.

The bottom line, O'Donnell said, is that "the chances for effective [climate] legislation now appear minimal, and for them to throw up roadblocks to EPA is unconscionable, and if it's all just an effort to cover their tails, I would say it's a pity they can't do better."

In preparation for the Murkowski-led floor debate, Rockefeller and seven other Senate Democrats also sent EPA a letter on Friday pressing for answers on how it plans to implement the greenhouse gas rules, warning that the costs may be too much for their fossil fuel-reliant states. Also signing the [letter](#) to Jackson were Sens. Mark Begich of Alaska, Sherrod Brown of Ohio, Carl Levin of Michigan, Robert Casey of Pennsylvania, Robert Byrd of West Virginia, Claire McCaskill of Missouri and Max Baucus of Montana.

"We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act," the senators wrote. "Ill-timed or imprudent regulation of GHGs may squander critical opportunities for our nation, impeding the investment necessary to create jobs and position our nation to develop and produce its own clean energy."

In their letter, the senators asked for a specific timeline for when EPA plans to finish stationary source rules and other climate-focused permitting requirements, as well as other information on how the rules will affect the coal, natural gas, oil and petroleum refining industries. They question how EPA would deal with industry compliance in the absence of cost-effective pollution reduction technologies, as well as whether smaller sources like family farms, neighborhood dry cleaners and hospital power plants can expect to face restrictions.

In Jackson's response, she pledged to take actions by April to ensure that no large stationary sources would be required to account for greenhouse gases in their Clean Air Act permits this year. In the first half of 2011, large facilities that must already apply for Clean Air Act permits will need to address those emissions in their permit applications, she added. And permitting requirements for other large sources will phase in in the latter half of 2011.

In any event, EPA does not intend to subject the smallest sources to Clean Air Act permitting for greenhouse gas emissions any sooner than 2016, Jackson said.

In response to questions about how new rules will affect the coal, natural gas, oil and petroleum refining industries, Jackson said that EPA will consider the feasibility and commercial availability of required pollution control technologies when developing stationary source regulations.

[Click here](#) to read the senators' letter.

[Click here](#) to read Jackson's response.

Allyn Brooks-LaSure

----- M. Allyn Brooks-LaSure | De...

02/22/2010 05:46:31 PM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA
Date: 02/22/2010 05:46 PM
Subject: Fw: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

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

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

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

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/22/2010 05:45 PM -----

From: "Josh Dorner, Sierra Club" <josh.dorner@sierraclub.org>
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 02/22/2010 05:40 PM
Subject: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

Check out our Press Room archive:

http://action.sierraclub.org/site/R?i=sYL93TX_sn6qAlud2Qpc3A..

View a web version:

<http://action.sierraclub.org/site/R?i=DL5kIpC4aRHAeUMHriwe9Q..>

+++++

FOR IMMEDIATE RELEASE: February 22, 2010

CONTACT: Josh Dorner, 202.675.2384

EPA Letter Responds to Senators' Concerns, Clarifies Plans for New Carbon Regulations Under the Clean Air Act

Washington, D.C.--Environmental Protection Agency Administrator Lisa Jackson today sent a letter to Senator Jay Rockefeller in response to a letter he and seven other senators sent to EPA on Friday, February 19. Jackson's letter outlines EPA's plan for moving forward with new regulations for the largest carbon polluters and responds to several concerns raised by senators. It also raises numerous red flags about the ongoing campaign to gut the Clean Air Act. You can read the letter here:

<http://action.sierraclub.org/site/R?i=ohkJLGt-bFOnBwLLzOwtVA..>

Statement of Carl Pope, Sierra Club Executive Director

"This letter from EPA Administrator Jackson silences the Big Oil-backed disinformation campaign being waged against the Clean Air Act. Members of Congress should rely on these straightforward answers from the Environmental Protection Agency instead of the disingenuous smear campaign being waged by polluters.

"Administrator Jackson has laid out a reasonable timeline for new regulations for big carbon polluters under the Clean Air Act. Just as it has with other pollutants for 40 years, EPA has now made crystal clear that it will address global warming pollution in a way that benefits both our economy and our environment.

"EPA also successfully demonstrates just how sweeping an assault on the Clean Air Act is being proposed by Senator Murkowski and others. EPA states that undermining the Clean Air Act would imperil important new rules to raise fuel economy standards and reduce emissions from our vehicles. The historic new auto rules--supported by environmentalists, unions, and the auto industry alike--would also save consumers \$50 a month and cut oil use by 1.8 billion barrels. To do away with these rules would be nothing

but a shameful bailout for Big Oil. The Senate has been unable to do anything on energy independence and now some senators want to do even less.

"The legislation being proposed by Senator Murkowski could even cut off badly needed funds for her own home state of Alaska to adapt to the impacts of climate change that are already occurring.

"It's time for Senators to dispense with these distractions and instead move forward with comprehensive clean energy and climate legislation that will cut pollution, fix our economy, and make America energy independent."

#

+++++

85 Second St., San Francisco, CA 94105

+++++

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Update My Interests:

<http://action.sierraclub.org/site/R?i=ea9SGytMVR0IyXQzi-0-bQ..>

Richard Windsor/DC/USEPA/US
03/02/2010 06:01 PM

To David McIntosh
cc
bcc

Subject Re: good statement from Senator Landrieu in this story

wow. i should use that quote too!

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

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



An E&E Publishing Service

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

Darren Samuelsohn, E&E senior reporter

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

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

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

"I think doing nothing is a terrible mistake," Landrieu added. "It's a terrible mistake not just for the environment. But it's a terrible mistake for the economy. Because there are billions of dollars in private capital sitting on the sidelines waiting for the referee to blow the whistle and set the rules of the game. If the referee hides in the dugout and no whistle is ever blown and no rules are ever published, that money can't create jobs."

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

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

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

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

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

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

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

Others sounded skeptical.

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

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

"I don't know how it would work," said Bingaman, the chairman of the Energy and Natural Resources Committee. "This mix-and-match kind of discussion

doesn't get you anywhere. You've got to get down to specifics."

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

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

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

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

Reporter Robin Bravender contributed.

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Richard
Windsor/DC/USEPA/US
03/04/2010 07:41 AM

To David McIntosh
cc Seth Oster, Gina McCarthy, Arvin Ganesan, Michael Moats,
Adora Andy
bcc
Subject Re: US Conference of Mayors letter against Murkowski
resolution

unexpected candy first thing in the morning. tx!

David McIntosh March 1, 2010 United State Senate 03/04/2010 07:39:30 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA
Date: 03/04/2010 07:39 AM
Subject: US Conference of Mayors letter against Murkowski resolution

March 1, 2010
United State Senate
Washington DC 20515
Dear Senator:

On behalf of The U.S. Conference of Mayors I urge you to oppose the resolution of disapproval (S.J. Res. 26) introduced by Senator Lisa Murkowski (AK), and any other efforts to block the enforcement of Clean Air Act requirements to reduce global warming pollution.

The U.S. Conference of Mayors has a strong record on pursuing policies that protect our climate from the impact of greenhouse gas emissions. We have over 1,000 Mayors from across the United States who have committed their communities to reduce their greenhouse gas emissions. We have policy encouraging alternative energy sources and fuels, transit-oriented development, energy-efficient buildings, and the concept of an Energy Efficiency and Conservation Block Grant. These policies will help reduce greenhouse gas emissions, however, the global warming crisis requires leadership at every level of government. The federal government must rise to this challenge and in doing so hold the largest polluters accountable for carbon emissions and help grow the clean energy economy.

Instead of embracing the progress of state and local governments to combat climate change, efforts to block all or part of the Clean Air Act would seriously undermine the overwhelming science of climate change and further exacerbate impacts to national security and public health and welfare. Additionally, these efforts hold back billions of dollars in job-creating clean energy investments all across the country. America has the ability to lead the world in growing the clean energy economy but our continued dependence on fossil fuels does nothing to drive investments in the clean energy and efficiency programs needed to spur local economic development and job growth.

The Clean Air Act has cost-effectively protected our citizens and the environment for decades. In a 2007 landmark decision the Supreme Court ruled the Clean Air Act covers greenhouse gases and now is the time to put this law to work to fight climate change.

The Conference of Mayors urges you oppose attacks on the Clean Air Act that would undermine long-overdue action to protect Americans citizens from climate change impacts and jeopardize growing a vibrant clean energy economy.

Thank you for your consideration and support. If you have any questions, please contact my staff, Judy Sheahan, at jsheahan@usmayors.org or 202-861-6775.

Sincerely,

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors

Richard Windsor/DC/USEPA/US
03/11/2010 08:46 AM

To David McIntosh, Diane Thompson, Bob Perciasepe, Arvin Ganesan, Seth Oster
cc
bcc
Subject Re: Paul Anastas under climate science questioning in the House yesterday

Bravo

David McIntosh

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

From: David McIntosh

Sent: 03/11/2010 08:39 AM EST

To: Richard Windsor; Diane Thompson; Bob Perciasepe; Arvin Ganesan; Seth Oster

Subject: Paul Anastas under climate science questioning in the House yesterday

FYI. It looks like Paul did a very good job yesterday. Kudos to him, and to Arvin for preparing him well. The quotes from Representative Ehlers (R-MI) are notable.



An E&E Publishing Service

CLIMATE: EPA, House Republicans spar over 'endangerment' finding (Thursday, March 11, 2010)

Sara Goodman, E&E reporter

The head of U.S. EPA's research division yesterday defended the science used in the agency's pending climate regulations to skeptical GOP lawmakers.

"The overwhelming science that this finding is relied on is solvent and reliable," Paul Anastas, assistant administrator for EPA's Office of Research and Development, told the House Science and Technology Committee yesterday. "I have seen nothing in these individual questions that change my perspective that the overwhelming science is that which supports the endangerment finding."

Several Republicans continued to hammer EPA on its plans to begin rolling out greenhouse gas regulations this month after it determined last year that the heat-trapping emissions endanger human health and welfare. Science Committee ranking member Ralph Hall (R-Texas) called on EPA to review that finding after the recent findings of errors in the reports from the Intergovernmental Panel on Climate Change that were used to develop EPA's finding and the recent controversy surrounding e-mails stolen from climate scientists.

"Are you just going to rely on your findings and to heck with anything else?" Hall said. "How does EPA justify moving forward on the questionable foundation when the magnitude of the endangerment finding will impact every sector of the nation's economy?"

Added Rep. Paul Broun (R-Ga.): "You have really very strongly endorsed something that is not scientific, there is no scientific consensus to anthropogenic global warming, and you are proselytizing this idea that is being promulgated by radical environmentalists. And you and this administration are just drinking the Kool-Aid and going down the road to destroy our economy."

The Obama administration, as well as the majority of climate scientists and Democratic lawmakers, have maintained that nothing in the e-mails upends the scientific consensus that man-made emissions are contributing to climate change.

Rep. Vernon Ehlers (R-Mich.) chided his fellow Republicans for sometimes failing to understand the evolution of science as theories are tested and scientists disagree before a theory becomes widely accepted. "It's time for me to speak up," Ehlers said. "The scientific method is, unless you've used it consistently and thoroughly, is not always well-understood by people.

"Science is a continually growing subject," Ehlers added.

Ehlers said the e-mail controversy has been largely misrepresented and that the kind of discourse revealed by the stolen texts -- some showing frustration with attacks from global warming skeptics that opponents of greenhouse gas regulations have pointed as proof that scientists intentionally withheld climate data -- is common within the scientific community.

"If you're trying to disprove the climate change issues or any of that, let's get the people together who can answer the question and let's fund the research that's necessary," Ehlers said. "I really think the economic factor is what has generated so much opposition that has led to a lot of people saying things that are simply not correct in the scientific sense."

Richard Windsor/DC/USEPA/US
12/25/2010 11:17 AM

To David McIntosh, "Diane Thompson", Bob Perciasepe, "Seth Oster", Bob Sussman, "Arvin Ganesan", "andy adora"
cc
bcc
Subject Re: NYTimes Editorial: A Coming Assault on the EPA

Yeah. Hohoho EPA!

From: David McIntosh
Sent: 12/25/2010 11:17 AM EST
To: Richard Windsor; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe; "Seth Oster" <oster.seth@epa.gov>; Bob Sussman; ganesan.arvin@epa.gov; andy.adora@epa.gov
Subject: NYTimes Editorial: A Coming Assault on the EPA

A Coming Assault on the E.P.A.

Republicans in the next Congress are obviously set on limiting the Environmental Protection Agency's authority under the Clean Air Act to regulate a wide range of air pollutants – even if it means denying the agency money to run its programs and chaining its administrator, Lisa Jackson, to the witness stand. Fred Upton, who will become the next chairman of the House Energy and Commerce Committee, says he plans to call Ms. Jackson so often for questioning that he'll guarantee her a permanent parking space on Capitol Hill.

It is equally plain that Ms. Jackson has no intention of abandoning her agenda or her defense of one of the most successful of America's landmark environmental statutes. What is not clear is where the White House stands and whether it is prepared to resist industry's standard litany that E.P.A. is as an out-of-control agency threatening jobs with unnecessary rules.

President Obama's political advisers have shown little enthusiasm for environmental issues. Mr. Obama himself ceded leadership on the climate-change issue to Congress, which ended up doing nothing. On the other hand, his chief environmental adviser is Carol Browner, herself a former E.P.A. administrator whose aggressive clean-air initiatives in the Clinton years would never have prevailed without Oval Office support.

Which is just what Ms. Jackson will need in the months ahead. On her plate is: a proposed rule reducing pollutants like sulfur dioxide, the acid rain gas, from power plants east of the Mississippi River; a first-of-its-kind rule limiting toxic pollutants like mercury, which the agency has been ducking for years; and, most problematic, proposals imposing new "performance standards" on power plants to limit greenhouse gases.

Taken together, these and other pending rules should lead to a dramatically less polluting fleet of power plants, a process already set in motion by the rapid decline in natural gas prices. That has encouraged industry to retire dirtier coal-burning facilities. Everyone will benefit: citizens from cleaner air, lakes and fish from reduced mercury deposits, the atmosphere from lower greenhouse gases.

Some important players in industry are ready for change. In a recent letter in The Wall Street Journal, a group of powerful utilities including Pacific Gas and Electric and New Jersey's Public Service said that industry had had plenty of time to prepare, that pollution could be reduced in cost-effective ways and that newer and cleaner plants will create jobs, not destroy them.

But this is hardly a universal view in industry and in Congress. Although the Supreme Court ruled in 2007 that the Clean Air Act gives the E.P.A. not just the right but the obligation to regulate greenhouse gases, the Senate tried to subvert that authority once. Senator John Rockefeller IV, a Democrat who represents

West Virginia coal interests, will surely try again.

Ms. Jackson will have to be tactically smart, lest overreaching on one rule brings the whole house down. She has already delayed new air-quality standards for ozone. She says she needs more scientific evidence to set precise limits. Historically, clean-air rules are almost always litigated, so having sound science on her side is essential.

But she won't get far without Mr. Obama's backing. Ms. Browner could remind the president that it was after a dispiriting Republican midterm victory that President Bill Clinton found his feet on environmental issues. In 1995, the Newt Gingrich crowd came to town promising to overturn a whole body of environmental law. Mr. Clinton rose up, not only winning the big battles, but eventually compiling a sterling record. Mr. Obama should emulate him.

Richard Windsor/DC/USEPA/US
02/04/2010 03:26 PM

To Diane Thompson, Bob Perciasepe, Bob Sussman, Gina McCarthy, Lisa Heinzerling, Paul Anastas, David McIntosh, Seth Oster

cc

bcc

Subject Spoke to Jane Lubchenco at NOAA

FYI - she mentioned that as soon as Monday (depends on the snow storm), Sec Locke will announce that NOAA has reorganized to gather all of its climate functions and offices in one office called the NOAA Climate Service. This is embargoed til the announcement and they will send over the announcement.

Richard Windsor/DC/USEPA/US
08/05/2009 08:06 AM

To Diane Thompson
cc Eric Wachter
bcc
Subject Re: headlines on EIA rept

Tx. All good.
Diane Thompson

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

From: Diane Thompson
Sent: 08/05/2009 08:04 AM EDT
To: Richard Windsor
Cc: Eric Wachter
Subject: headlines on EIA rept

today's headlines on eia report below. I know david is getting you one pager. let me know if you can access these or need us to paste articles into an email. DT

U.S. climate bill costs low for households: EIA (Reuters) This story also appeared: Washington Post

U.S. consumers spared big costs in climate bill (Reuters) This story also appeared: Washington Post

Report: Early costs of climate bill will be modest (Associated Press) This story also appeared: Washington Post

House bill will spur 20% electricity-price hike by 2030 -- EIA (Greeniwre)

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

**Richard
Windsor/DC/USEPA/US**
03/17/2009 06:54 PM

To dickerson.aaron
cc Eric Wachter
bcc
Subject EMail

Aaron, Please send this out under my account. Lisa

Sir Nicholas,

It was lovely seeing you the other night at the Climate Group dinner on March 3. I hope our paths will cross again soon. Please let me know if EPA can be of any assistance to your efforts.

Lisa Jackson
Administrator

Richard Windsor/DC/USEPA/US
01/12/2010 05:50 PM

To Eric Wachter
cc
bcc

Subject Re: MEMORANDUM: Our Top Priorities

Thanks Karen. Its good to know you're around and doing very good stuff. Maybe I'll see you when next in Denver. Lisa
Eric Wachter

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

From: Eric Wachter
Sent: 01/12/2010 05:48 PM EST
To: Richard Windsor
Subject: Fw: MEMORANDUM: Our Top Priorities

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

Message Information

Date 01/12/2010 05:24 PM01/12/2010 05:50:55 PM
From **Karen Reed/R8/USEPA/US**
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Re: MEMORANDUM: Our Top Priorities

Message Body

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

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

LisaP Jackson

MEMORANDUM From: Lisa P. Jackso...

01/12/2010 01:17:14 PM

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

MEMORANDUM

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

Colleagues:

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

In my First Day Memo, I outlined five priorities for my time as Administrator. We have made enormous strides on all five, and our achievements reflect your hard work and dedication. By working with our senior policy team, listening to your input and learning from the experiences of the last 12 months, we have strengthened our focus and expanded the list of priorities. Listed below are seven key themes to focus the work of our agency.

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

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

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

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

Protecting America's Waters: America's waterbodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and stormwater runoff, to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies. We will continue comprehensive watershed protection programs for the Chesapeake Bay and Great Lakes. We will initiate measures to address post-construction runoff, water quality impairment from surface mining, and stronger drinking water protection. Recovery Act funding will expand construction of

water infrastructure, and we will work with states to develop nutrient limits and launch an Urban Waters initiative. We will also revamp enforcement strategies to achieve greater compliance across the board.

Expanding the Conversation on Environmentalism and Working for Environmental Justice : We have begun a new era of outreach and protection for communities historically underrepresented in EPA decision-making. We are building strong working relationships with tribes, communities of color, economically distressed cities and towns, young people and others, but this is just a start. We must include environmental justice principles in all of our decisions. This is an area that calls for innovation and bold thinking, and I am challenging all of our employees to bring vision and creativity to our programs. The protection of vulnerable subpopulations is a top priority, especially with regard to children. Our revitalized Children’s Health Office is bringing a new energy to safeguarding children through all of our enforcement efforts. We will ensure that children’s health protection continues to guide the path forward.

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

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

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

Sincerely,
 Lisa P. Jackson



OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

Richard
Windsor/DC/USEPA/US
06/16/2011 06:19 PM

To Eric Wachter
cc
bcc

Subject Re: power plant emissions rule

Thanks so much for the note and the support of clean air, EPA, and the Clean Air Act. We just announced a slight delay in power plant greenhouse gas rules. We have not delayed the power plant mercury and air toxics standards. And we are not delaying the Clean Air Transport Rule which will be finalized this summer and will save thousands of lives and prevent tens of thousands of illnesses each year.

Eric Wachter

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

From: Eric Wachter
Sent: 06/16/2011 06:02 PM EDT
To: Richard Windsor
Subject: Fw: power plant emissions rule

----- Forwarded by Eric Wachter/DC/USEPA/US on 06/16/2011 06:02 PM -----

Message Information

Date 06/14/2011 03:36 PM06/16/2011 06:19:07 PM
From Jeanette MacNeille <jeanette@eclipseservices.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject power plant emissions rule

Message Body

Hi, Ms Jackson,

We met in Philly at Children's Hospital, I stood up to thank you for all you are doing. I felt very much as if I was on the same page as you because you have held a baby who cannot breathe. So you know firsthand how important that capability is. As a severe asthmatic I come face to face with the reality of not breathing much, much more often than I would ever wish.

I see that you are delaying the release of the power plant emission rules. A NY Times blog provides some information and notes that the effects on existing coal-fired plants could be substantial.

It makes sense and it is necessary to consider the broad effects of any regulation or rule or law, but in the end I am sure you will remember, too, the people who cannot draw in their next breath and the urgency and fundamental importance of being able to do so.

Good luck. Out in the field we continue to push full press in favor of cleaner air. I can't think of a more important issue and we appreciate all you are trying to do. One of my favorite congressional staff members used to say to me, "Keep charging." And that's about it, isn't it?

Best wishes as always,

Jeanette MacNeille
President, Millbourne Borough Council
President, Eclipse Services A Division of Quadrivium, Inc.
Sierra Club, SE PA Group, Clean Air Chair

OEX Processing Information

Processed Date:	06/14/2011 04:11 PM
Processed By	Jacqueline Leavy
PO Office	Category:
OEX	CMS
Message Count	1

Richard
Windsor/DC/USEPA/US
07/01/2009 12:05 PM

To Eric Wachter
cc
bcc
Subject Re: Waxman

Yikes

Eric Wachter

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

From: Eric Wachter
Sent: 07/01/2009 12:03 PM EDT
To: Richard Windsor
Subject: Waxman

FYI

Calif. Democrat Henry Waxman hospitalized

The Associated Press

Wednesday, July 1, 2009 10:41 AM

WASHINGTON -- A powerful House committee chairman with a central role in President Barack Obama's global warming and health care legislation has been hospitalized.

[Rep. Henry Waxman](#), D-Calif., was not feeling well Tuesday and was admitted to Cedars-Sinai Medical Center in Los Angeles for "routine testing," spokeswoman Karen Lightfoot said Wednesday.

She said that Waxman, 69, chairman of the House Energy and Commerce Committee, is "feeling much better now." She said his office had no further details to release.

Waxman just finished steering the climate change legislation through a close House vote and has been gearing up to tackle health care later this summer.

Richard Windsor/DC/USEPA/US
03/31/2011 09:19 PM

To Judith Enck
cc
bcc
Subject Re: DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

Tx

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

From: Judith Enck
Sent: 03/31/2011 09:17 PM EDT
To: Richard Windsor
Subject: Fw: DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

Sent by EPA Wireless E-Mail Services

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

From: Barbara Finazzo
Sent: 03/31/2011 07:10 PM EDT
To: Kevin Bricke; Joann Brennan-McKee; Raymond Werner; William Baker; Judith Enck; George Pavlou; Lisa Plevin; Bonnie Bellow
Subject: Fw: DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

FYI

Sent by EPA Wireless E-Mail Services

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

From: "depnews depnews" [depnews@dep.state.nj.us]
Sent: 03/31/2011 04:39 PM AST
To: <depnews@listserv.state.nj.us>
Subject: DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

IMMEDIATE RELEASE:
March 31, 2011

Contact: Lawrence Ragonese (609) 292-2994
Lawrence Hajna (609) 984-1795

CHRISTIE ADMINISTRATION WINS BATTLE FOR EPA ACTION ON
POLLUTING PENNSYLVANIA POWER PLANT

(11/P43) TRENTON - The federal Environmental Protection Agency accepted New Jersey's Clean Air Act petition that seeks to force a Pennsylvania coal-fired

power plant to dramatically reduce harmful air pollutants that drift over the Delaware River and into North Jersey, and which has caused longstanding public health concerns for residents living in that region, DEP Commissioner Bob Martin announced today.

The EPA, in accepting the State's petition, has proposed a rule to require the power plant, operated by GenOn Energy (formerly Reliant or RRI Energy) in Portland, Pa., to cut its sulfur dioxide (SO₂) emissions by 81 percent over a three-year period, significantly reducing pollutants that can aggravate asthma and cause other respiratory difficulties.

"It is a priority of this Administration to achieve improved air quality for all residents of New Jersey," said Governor Christie. "Targeting out-of-state air pollution that negatively impacts our State is just one of many initiatives we are undertaking to benefit the public health and improve our environment."

"I commend the federal government for taking positive action on the State's petition," said Commissioner Martin. "Most important, this is a win for the public health and welfare of North Jersey residents, and especially people in Knowlton Township and Warren County, who have long been directly in the path of these unhealthy emissions. That situation is not acceptable."

Commissioner Martin vowed to ensure that the federal process - prompted by the State's filing of a Section 126 Clean Air Act petition -- continues to move along as quickly as possible. He plans to testify in person at a public hearing which has been scheduled by the EPA on April 27 in Oxford, Warren County.

The DEP had pressed for a public hearing in Warren County to afford the greatest opportunity for the residents most affected by the air emissions to relate the effects of GenOn Energy plant's pollution on their lives.

The 126 Petition filed by the DEP in 2010 included evidence to show that damaging sulfur dioxide pollution produced by the GenOn power plant adversely impacts most of Warren County and sections of Sussex, Morris and Hunterdon counties, as well as at least three counties in Pennsylvania. The sulfur dioxide coming from the plant is known to cause a variety of adverse health effects, including asthma and respiratory failure, and environmental impacts such as acid rain.

RRI's power plant emitted more than 30,000 tons of sulfur dioxide in 2009, which is more than all seven of New Jersey's coal-fired power plants combined in that year.

The DEP believes modern air pollution controls, including a scrubber, should be installed to substantially reduce the Portland plant's emissions. Improved sulfur dioxide and particle control also would reduce other hazardous air pollutant emissions, including hydrochloric acid, lead and mercury.

In addition to the 126 Petition to limit air pollution from this plant, the State also has an ongoing legal action against GenOn to reduce emissions of nitrogen oxides, as well as sulfur dioxide, at the Portland facility.

Also, the State is battling out-of-state air pollution in two ongoing pending federal court cases. The DEP is attempting to require Pennsylvania-based Allegheny Energy Inc. and subsidiaries to reduce emissions of sulfur dioxide and nitrogen oxide at three power plants in western Pennsylvania. The Department also is seeking to substantially cut the amount of sulfur dioxide pollution pouring from the massive Homer City Station power plant in western Pennsylvania.

Those emissions, in the form of nitrogen oxides and fine particulate matter, are carried eastward by prevailing winds towards New Jersey, causing ozone smog pollution, visible haze and acid rain.

EPA will accept written comments on the State's 126 Petition until May 27. For more information on the petition and the scheduled April 27 public hearing visit: <http://www.epa.gov/ttn/oarpg/new.html>

Full text of New Jersey's 126 petitions on the Portland/RRI issue can be found at:
<http://www.nj.gov/dep/baqp/petition/126petition.htm>

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- - - - -
This message has been sent by the New Jersey Department of Environmental Protection. To unsubscribe from this list, please go to:
<http://www.nj.gov/dep/newsrel/unsub.htm>

Richard
Windsor/DC/USEPA/US
12/27/2011 12:54 PM

To Judith Enck
cc
bcc
Subject Re: Good editorials

Get em Enck!
Judith Enck

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

From: Judith Enck
Sent: 12/27/2011 09:46 AM EST
To: Gina McCarthy; Richard Windsor
Subject: Good editorials

Fyi. Newday and albany times union. More to come.

Sent by EPA Wireless E-Mail Services
Mary Mears

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

From: Mary Mears
Sent: 12/27/2011 09:42 AM EST
To: Judith Enck
Subject: editorials

Newsday Editorial

Mercury rule will help clear air

Updated: December 26, 2011 6:11 AM

The Four Corners Power Plant, operated by Arizona Public Service on tribal land near Fruitland, N.M. New Environmental Protection Agency rules aim to reduce mercury pollution from large coal-fired power plants.

One step at a time, President Barack Obama is writing a credible record on preserving our environment and public health. The latest move came last week, when his Environmental Protection Agency made final a new rule to sharply reduce power-plant emissions of mercury and other toxins.

In 1990, Congress amended the Clean Air Act and directed the EPA to control toxins such as mercury. Since then, coal-fired power plants have continued spewing mercury and other pollutants covered by the rule, such as arsenic and cyanide. Mercury is a neurotoxin that gets into our surface waters, the fish we eat and our bodies. It's especially dangerous for the developing brains of children and for pregnant women.

Now, finally, the EPA is directing plant operators to install already available emissions-control technology. (Happily, New York plants have already done a lot of that work.) The agency estimates that the new rule will avert 11,000

deaths a year. The projected avoided cost of health care -- for ailments such as asthma, developmental disorders and others -- vastly outweighs the compliance costs.

Earlier this year, Obama did the right thing on fuel efficiency standards and interstate air pollution. But he put off until 2013 tightening the standard on smog-producing ground ozone. That was to fend off Republican charges that regulation kills jobs. As to the mercury rule, the EPA says compliance will create 46,000 construction jobs and 8,000 utility jobs.

In taking this step, Obama is simply obeying Congress -- the enlightened one that passed the 1990 amendments, not the current House, which wakes up every day trying to hog-tie the EPA.

**Editorial: In celebration of cleaner air
Albany Times Union
12/27/2011**

THE ISSUE:

New EPA regulations for mercury emissions have been imposed at last.

THE STAKES:

Cleaner air, cleaner water and economic opportunity.

The last days of 2011 offer those concerned about the air we breathe and the waterways we enjoy all the more reason to celebrate. They might party like it's, oh, 1990.

That's when the landmark legislation known as the Clean Air Act had last been amended in any major way.

The law's regulations of air pollutants, significant as they were, had one notable omission: More needed to be done to control the mercury and other toxins from coal- and oil-burning power plants.

President Obama's adoption last week of the Mercury and Air Toxics Standards is a complement to environmental regulation that was two decades in coming.

During that time, about a dozen states — New York among them — imposed adequate reasonable restrictions on mercury pollution. Here, 19 power plants produce about 259 pounds of mercury a year. But in Pennsylvania, for

example, 38 power plants are responsible for 4,000 pounds of mercury.

Toxins and the damage they impose make no distinctions for state borders, of course. That left two of New York's greatest environmental treasures, the Adirondacks and the Catskills, vulnerable to acid rain, even as the state tried to stop it. New nationwide rules for mercury emissions are expected to reduce acid rain by 88 percent.

Those rules don't mean that the utility industry won't be able to produce the power we need, no matter what it might say. The power plants that will soon become obsolete, the Environmental Protection Agency says, produce less than one-half of 1 percent of the nation's generating capacity.

Still, get ready for the less responsible power plant operators to make the same, tired argument that a national economy still struggling to recover from the Great Recession can't afford cleaner air.

That will be their argument as they try to prevail upon Congress and the courts to revoke one of the Obama administration's great environmental achievements.

Good thing, then, that the administration is ready with its rebuttal.

"They knew this was coming," says EPA Regional Administrator Judith Enck.

Some utilities actually have been quite supportive of the new rules. Public Service Enterprise Group, owner of the largest electric utility in New Jersey, spent \$1.3 billion on compliance efforts. The result has been a 90 percent reduction in emissions of mercury and other toxins.

There's economic opportunity in the modification of power plants to accommodate cleaner air requirements. The EPA estimates that some 8,000 jobs will be created in the production of scrubbers and other devices that power plants will need. Some of those jobs will be at Corning Incorporated in western New York.

In time, though, the quest for cleaner air and the health benefits it brings will further alter the economics of the energy industry.

"We're hoping to level the playing field for renewable forms of energy," says Ms. Enck.

Imagine, being able to celebrate a greater capacity for power generation with less pollution.

For that, thank the Clean Air Act and, now, the Mercury and Air Toxics Standards.

To comment: tuleters@timesunion.com or at <http://blogs.timesunion.com/opinion>

Mary Mears
Deputy Director, Public Affairs Division
Chief, Public Outreach Branch
U.S. EPA Region 2
office - 212-637-3673
cell - 646-369-0077
www.epa.gov/region2
www.twitter.com/eparegion2
www.facebook.com/eparegion2
<http://blog.epa.gov/greeningtheapple>

Richard
Windsor/DC/USEPA/US
12/22/2011 08:58 AM

To Michael Goo
cc
bcc
Subject Re: NYT--with Izzo Quote

Tx!

Michael Goo

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

From: Michael Goo

Sent: 12/22/2011 08:39 AM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Laura Vaught

Subject: NYT--with Izzo Quote

I assume you have already seen, but just in case not.

E.P.A. Issues Limits on Mercury Emissions

Outlet Full Name: New York Times - Online, The

News Text: WASHINGTON — The Environmental Protection Agency unveiled new standards on Wednesday sharply limiting emissions of mercury and other toxic pollutants from the nation's coal- and oil-burning power plants.

The new rule, unless blocked by Congress or the courts, will be the first time the federal government has enforced limits on mercury, arsenic, acid gases and other poisonous and carcinogenic chemicals emitted by the burning of fossil fuels.

Lisa P. Jackson, the E.P.A. administrator, said the regulations, which have taken more than 20 years to formulate, would save thousands of lives and return economic and health benefits many times their estimated \$9.6 billion annual cost.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health — and especially for the health of our children," Ms. Jackson said in statement.

President Obama, who in September rejected a proposed E.P.A. rule covering smog-causing emissions as too burdensome to industry, said he fully supported the new rule. He directed the agency to ensure that companies were given sufficient time and flexibility to comply.

He said the new set of regulations, formally known as the Mercury and Air Toxics Standards, "represents a major step forward in my administration's efforts to protect public health and the environment."

Although the release of the rule had been delayed several times, the final version looked much like the proposed regulations published in March. White House officials consulted extensively with industry representatives about the impact of the new standards but in the end asked the E.P.A. for only minor changes.

Republican officials and a number of plant operators criticized the rule and are likely to challenge it in court and in Congress. They said it was too expensive and would force the premature closing of scores of power plants, eliminate hundreds of thousands of jobs and

threaten the supply of electricity in some parts of the country.

Scott H. Segal, who represents utilities that would be affected by the rule, said the E.P.A. was playing down the costs and double-counting the benefits. "The bottom line," he said in an analysis of the regulation, is that "this rule is the most expensive air rule that E.P.A. has ever proposed in terms of direct costs."

He added, "It is certainly the most extensive intervention into the power market and job market that E.P.A. has ever attempted to implement."

Environmental advocates challenged Mr. Segal's analysis, and his views are not universally shared in the power industry. Ralph Izzo, the chief executive of the Public Service Enterprise Group, the parent of New Jersey's largest electric utility, said his company had spent \$1.3 billion to bring his plants into compliance with New Jersey's air quality rules, which are as stringent as the new federal standards. He said other utilities had had more than enough notice to clean up their facilities in advance of the federal rule announced on Wednesday.

Mr. Izzo said that the E.P.A. action was "long overdue," and that the Clean Air Act, under which the new standards were issued, provided enough flexibility to allow all power generators to come into compliance without a threat to the electric supply.

Mercury is a neurotoxin, harming the nervous systems of fetuses and young children and causing lifelong developmental problems, according to the E.P.A. Other pollutants covered by the new rule, including dioxin, can cause cancer, premature death, heart disease and asthma, the agency said.

Power plants generally have up to four years to comply, although waivers can be granted in individual cases to ensure that the lights stay on. The E.P.A. estimated that utilities would be forced to retire plants that currently provide less than one-half of 1 percent of the nation's generating capacity.

The rule is the first national one to put limits on emissions of mercury and other toxic gases from power plants, although more than a dozen states have imposed such regulations. The George W. Bush administration proposed a rule covering mercury emissions, but environmental and health groups blocked it in court on the ground that it did not meet the minimum standards of the Clean Air Act.

Senator James M. Inhofe of Oklahoma, the senior Republican on the Environment and Public Works Committee, vowed to block the new regulations.

"Sadly, this rule isn't about public health," he said in a statement. "It is a thinly veiled electricity tax that continues the Obama administration's war on affordable energy and is the latest in an unprecedented barrage of regulations that make up E.P.A.'s job-killing regulatory agenda."

The E.P.A. said that when the rule was fully in effect, it would prevent 90 percent of the mercury in coal burned in power plants from being emitted into the air and reduce acid gas emissions from power plants by 88 percent.

The rule applies to 1,400 power-generation units at 600 coal- or oil-burning plants. About half the coal boilers lack what the E.P.A. calls "advanced pollution control equipment"; some are more than 50 years old.

The E.P.A. estimated that the rules would eliminate "up to 11,000 premature deaths" per year, along with thousands of heart attacks, asthma attacks and emergency room visits.

The impact on the electric system is difficult to quantify, in part because the administration is moving forward on two other major rules affecting power plants, one for plants east of the Rockies that send pollution across state borders, and another governing discharges of warm water. Plant owners may calculate that it is cheaper to build a new plant burning natural gas than to upgrade an old coal-burner.

Susan F. Tierney, a consultant who was an assistant secretary of energy for policy during the Clinton administration and a utility regulator in Massachusetts, said the cross-state rule and the new mercury rule might push out of business plants that were "on the margin" financially.

Plants with stronger economics may upgrade to control mercury and other hazardous pollutants, she said, because the water rule is still several years in the future.

Ms. Tierney said the mercury rule was the biggest E.P.A. rule on power plants since the mid-1990s, although other changes could be coming. "Under existing rules, it's really the next big action-forcing regulation," she said. Eventually, she said, E.P.A. regulation of greenhouse gases could have a broader impact, but that rule is still being written.

Richard Windsor/DC/USEPA/US
01/20/2011 01:22 PM

To: Michael Moats, Vicki Ekstrom
cc
bcc
Subject: Fw: good statements from Dominion in this story

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/20/2011 01:22 PM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA
Date: 01/20/2011 09:09 AM
Subject: good statements from Dominion in this story

REGULATIONS: EPA's regulatory 'train wreck' sparks little concern beyond Beltway (Thursday, January 20, 2011)

Dina Fine Maron, E&E reporter

Beyond the Beltway, utilities and state regulators are adopting a conciliatory tone as they eye a suite of future regulations on smokestack emissions and water pollution from coal-fired power plants.

Speaking at a panel sponsored by the Bipartisan Policy Center yesterday, Pamela Faggert, the chief environmental officer for Dominion, a Virginia-based power company, and several state regulators agreed that postponing any of the regulations that are geared toward cleaning up the air and water around coal plants in the next several years would not make economic sense and could harm public health.

Industry advocates on Capitol Hill have blasted the rules -- which would cover traditional air pollutants, carbon and water -- as a "regulatory train wreck" that will hurt the economy and lead to plant shutdowns.

Faggert, though, emphasized that the agency should not wait on its regulations. Instead of delaying the rules, she said, the industry would like to see EPA consider the regulations in a synchronized manner so companies could plan to comply with various regulations all at once.

She also called for "flexibility" from U.S. EPA to lighten utilities' load whenever possible, such as when choosing whether to designate coal ash as hazardous material.

"Utility regulators are concerned that failure to address such uncertainty in the near term could lead to higher costs and less reliability in the future," agreed

Richard Morgan, commissioner of the Washington, D.C., Public Service Commission.

"There are an increasing number of utilities who are pursuing multi-pollutant planning," to address those issues, he said, adding that energy efficiency and fuel switching are on utilities' radar as a hedge against uncertainty.

"What some people refer to as a 'train wreck' may actually be a golden opportunity to look for synergies between different compliance options," he said.

Congress gears up for an EPA fight

Sue Tierney, a managing principal for Analysis Group and former assistant secretary for policy at the Department of Energy, said that any delays would further fuel uncertainty.

"It's a bad idea to think flexibility means everyone should move back," she said. There are more "surgical" approaches available to solve problems on a case-by-case basis if they should crop up, she said.

Various projections have been presented by the private sector and the Obama administration about future retirements of coal-fired power plants ([ClimateWire](#), Jan. 12). But what factors decisionmakers will weigh more heavily when deciding plants' fates -- EPA's regulations or expectations about a future price on carbon or the cost of natural gas -- is a study in balancing uncertainties, since EPA's rules have not been finalized.

Yesterday's event took place against a backdrop of strong Republican rhetoric about how the party plans to rein in EPA's regulatory authority.

"We don't want EPA to go too far, too fast," said Michael Catanzaro, a Republican staffer for the Senate Environment and Public Works Committee. He declined to discuss how the Republicans plan to ratchet up their battle on EPA's regulations, but it is in their cross hairs, he said.

Richard Windsor/DC/USEPA/US
08/15/2011 10:00 PM

To Michelle DePass
cc
bcc
Subject Re: Monthly Sustainable Development Report

Yeah. Heard. Tx.

From: Michelle DePass
Sent: 08/15/2011 09:59 PM EDT
To: Richard Windsor
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

About Us

ELP Advisors works with cities, agencies, stakeholders, foundations and business groups to craft strategies to grow thriving, healthy, vibrant communities.

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 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

In This Issue

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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
www.lesardevelopment.com

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 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 Vision 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 12th.

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

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Richard
Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

bcc

04/20/2009 06:29 AM

Subject A washingtonpost.com article from:
Windsor.richard@EPA.gov

This page was sent to you by: Windsor.richard@EPA.gov

Talking a Green Streak

By J. Freedom du Lac

Earth Day on the Mall slogan: Climate change we can believe in!

Do you love D.C.? Get the insider's guide to where to stay, what to do and where to eat.
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Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

03/28/2011 01:36 PM

bcc

Subject Check Out This Article

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Enviro poll: Battleground-state voters want EPA calling the shots on climate - The Hill's E2-Wire

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Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

04/10/2011 03:05 PM

bcc

Subject Check Out This Article

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Study: Gas from 'fracking' worse than coal on climate - The Hill's E2-Wire

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Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

12/15/2011 10:36 PM

bcc

Subject Check Out This Article

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OVERNIGHT ENERGY: Curtain rises on EPA's final MACT - The Hill's E2-Wire

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Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

02/14/2012 02:21 PM

bcc

Subject Check Out This Article

CHECK OUT THIS ARTICLE

Your friend, windsor.richard@epa.gov, thought you would be interested in this article from TheHill.com:

How to cut climate change in half - The Hill's Congress Blog

To enjoy more great articles visit us on TheHill.com

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Richard
Windsor/DC/USEPA/US
08/14/2009 02:17 PM

To Robert Goulding
cc
bcc

Subject Re: MEDIA ADVISORY: Obama Officials to Hold Ocean
Policy Public Meeting in Anchorage August 21, 2009

Nah. Send to Pete Silva and ask who is going for EPA?
Robert Goulding

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

From: Robert Goulding
Sent: 08/14/2009 02:13 PM EDT
To: Richard Windsor
Subject: Fw: MEDIA ADVISORY: Obama Officials to Hold Ocean Policy Public Meeting in Anchorage August 21, 2009
Did you see this?
Amy Dewey

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

From: Amy Dewey
Sent: 08/14/2009 02:11 PM EDT
To: Alison Davis; John Millett; Michael Thiem; Robert Goulding; Cathy Milbourn; Allyn Brooks-LaSure; David Cohen; Joyce Frank; Adora Andy; Seth Oster; JamesL Stewart
Cc: Doretta Reaves; Lina Younes; Bonnie Piper; Jean Harding; Sarah Auerbach; Roger Campbell; John Larmett
Subject: Fw: MEDIA ADVISORY: Obama Officials to Hold Ocean Policy Public Meeting in Anchorage August 21, 2009

Amy H. Dewey

**EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503**

**FOR IMMEDIATE RELEASE:
August 7, 2009
202-456-3469**

Contact: Christine Glunz

**Obama Administration Officials to Hold Ocean Policy Task Force
Public Meeting in Anchorage August 21, 2009**

ANCHORAGE, AK – Obama Administration officials will hold their first Ocean Policy Task Force Public Meeting in Anchorage, Alaska on August 21, 2009. The Interagency Ocean Policy Task Force, led by White House Council on Environmental Quality Chair Nancy Sutley, consists of senior-level officials from Administration agencies, departments, and offices.

The Task Force is charged with developing a recommendation for a national policy that ensures protection, maintenance, and restoration of oceans, our coasts and the Great Lakes. It will also recommend a framework for improved stewardship, and effective coastal and marine spatial planning. The public is encouraged to attend and an opportunity for public comment will be provided.

Who: White House Council on Environmental Quality Chair Nancy Sutley
National Oceanic and Atmospheric Administration Administrator Dr. Jane Lubchenco
Deputy Secretary of the Department of Interior David Hayes
Coast Guard Commandant Admiral Thad Allen
Deputy Assistant to the President on Energy and Climate Change
Heather Zichal

What: Ocean Policy Task Force Public Meeting

When: Friday, August 21, 1:30 – 4:30 p.m.

Where: The Dena'ina Civic & Convention Center
555 W 5th Ave
Anchorage, AK

Note: Public comment can also be submitted online at:
<http://www.whitehouse.gov/administration/eop/ceq/initiatives/oceans/>

Richard
Windsor/DC/USEPA/US
05/03/2011 09:24 AM

To Sarah Pallone
cc
bcc

Subject Re: EPA tries to win back farm states

V cool
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

POLITICO

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

Richard
Windsor/DC/USEPA/US
10/19/2011 11:15 AM

To Sarah Pallone
cc
bcc

Subject Re: This didn't pop up for me yesterday...

Indeed I have. Tx.
Sarah Pallone

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

From: Sarah Pallone

Sent: 10/19/2011 10:18 AM EDT

To: Richard Windsor

Subject: This didn't pop up for me yesterday...

From Politico yesterday, it didn't pop up for me, so hopefully you have seen this:

POLITICO

Greens try to rebrand air-rule foes

By: [Erica Martinson](#)

October 18, 2011 10:38 PM EDT

Environmentalists have a new nickname for members of Congress questioning the public health benefits of the Environmental Protection Agency's proposed air rules: health deniers.

It's a "new wing of climate science ... now denying the medical science," said Peter Iwanowicz, vice president of National Policy and Advocacy at the American Lung Association. "They believe that EPA has made this all up."

As the job creation conversation has taken over national political discourse, EPA and environmentalists have fought back against rhetoric that EPA is a "job-killing" agency — and the accompanying slew of legislation aimed at EPA regulations — by arguing that upcoming air regulations are needed to save lives, and that translates into massive national costs.

The "health denier" campaign takes the effort to another level and comes as critics of EPA air regulations have sought to undermine the science behind EPA and environmentalist estimates of risks to human health posed by toxic air pollution.

Members of Congress who are also medical professionals — six doctors and one dentist — recently wrote a letter to EPA Administrator Lisa Jackson, calling the public health claims accompanying EPA's proposed regulation to regulate hazardous air pollutants at utilities "dubious."

"Our strong concern is that EPA has been double counting particulate health benefits — taking credit for them in the context of this proposed rule when it well knows that past rule makings already address these concerns," the lawmakers wrote.

Jeff Holmstead, an EPA official under George W. Bush and current industry attorney, lays out the argument: "There are some real problems with EPA's claims, and in some ways ... the way they are used by EPA's supporters." Holmstead argues that "95-98 percent of the benefits that they claim are ... going to be saving lives [are] of people who live in areas that already meet" air quality standards requirements.

Holmstead believes the real push behind utility rules is to shut down coal-fired power plants.

EPA has not formally responded to the letter from the lawmakers but told POLITICO in an email that "for every dollar spent to reduce this pollution, Americans get \$5-\$13 in health benefits in lives saved, asthma and emergency room visits avoided and more." The agency notes that the new standards will apply only to about 44 percent of coal-fired plants that do not already meet the requirements.

In 2016, proposed air rules would help prevent: "6,800-17,000 premature deaths; 4,500 cases of chronic bronchitis; 11,000 nonfatal heart attacks; 12,200 hospital and emergency room visits; 11,000 cases of acute bronchitis; 220,000 cases of respiratory symptoms; 850,000 days when people miss work; 120,000 cases of aggravated asthma; and 5.1 million days when people must restrict their activities," the agency said.

The game of questioning EPA regulations has long been pushed by Rep. Joe Barton (R-Texas), former Energy and Commerce Committee chairman, who this spring charged, "I think the EPA numbers are pulled out of the thin air."

And at an Energy and Commerce hearing on Sept. 22, Rep. Steve Scalise (R-La.) argued that "it seems like there are arbitrary numbers being thrown out just to justify a radical regulation that really has nothing to do with improving health and safety."

House members have acted on these concerns too: In the past several weeks, they passed the TRAIN Act, which would allow for review of the costs and benefits of EPA rules for power plants, gasoline and industry sectors, delay upcoming mercury standards for power plants and the agency's regulation of smog and particulate pollution across state lines, as well as bills to halt or

limit EPA regulations for boilers and incinerators, cement plants, power plants and coal ash impoundments.

"The Clean Air Act, make no mistake about it, is under attack," Iwanowicz said Monday in a press call aimed at calling attention to the inclusion of 25 state attorneys general in a lawsuit asking for a one-year extension to EPA's Utility MACT standard for power plants that is due to be finalized Nov. 16.

"I think what they're doing here is trying to sow that same kind of doubt" as critics of global warming science do," he said.

Meanwhile, Rep. Henry Waxman, ranking member of the Energy and Commerce Committee, is on a tear to paint the House GOP as anti-environment. Last month, the California Democrat unveiled a searchable database of anti-environment votes in the 112th Congress — at press time, the count was 168 votes. That includes 71 to block pollution prevention regulations and 61 aimed at the Clean Air Act.

And EPA is making plans to promote its scientific beliefs further: Jackson announced Monday in a USA Today op-ed that she and Health and Human Services Secretary Kathleen Sebelius are launching a new initiative to provide environmental exposure information to local doctors.

In the joint op-ed, Jackson and Sebelius said that "one in every 12 Americans — and one in 10 children, suffers from asthma, which is worsened by air pollution. In total, our children's exposure to air pollution and toxic chemicals costs America more than \$75 billion every year." They go on to note that economically distressed and minority communities have a significantly greater risk of health problems because of pollution exposure.

Beyond focusing on environmental justice issues, the two agencies plan to combine their data "to give local policymakers access to detailed information on environmental factors and health disparities," so that local officials can see the correlation between, for instance, air quality and asthma hospitalization data.

A spokeswoman with HHS said the agency is reviewing a report released earlier this month that addresses "how to promote the inclusion of occupational and environmental exposure histories into" electronic health records, as well as public comments received on the draft strategy.

An August report by nonpartisan publication American Economic Review measures gross external damages caused by industry via pollution, compared with value added to the economy, and found that in 2002 the aggregate

pollution damages across all industries were \$184 billion, with the heaviest polluters coming from the agriculture and utilities sectors, the latter being the cause of \$63 billion in damages.

The study found "air pollution damages ... are greater than their net contribution to output" for seven industries: stone quarrying, solid waste incineration, sewage treatment plants, oil- and coal-fired power plants, marinas, and petroleum-coal product manufacturing. And "five industries stand out as large air polluters: coal-fired power plants, crop production, truck transportation, livestock production and highway street-bridge construction."

Of its analysis, the study says, "At an intuitive level, it indicates that the regulated levels of emissions from the industry are too high." But there are a number of uncertainties, the report notes, including "the value of mortality risks, the relationship of this value to age, the mortality effect of fine particulates and the social cost of CO2 emissions. Sensitivity analyses using alternative values for these parameters change the magnitude of the results significantly."



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

Richard Windsor/DC/USEPA/US
03/16/2011 06:33 PM

To Sarah Pallone
cc
bcc
Subject Re: time sensitive

Tx

----- Original Message -----
From: Sarah Pallone
Sent: 03/16/2011 06:21 PM EDT
To: Judith Enck; Richard Windsor
Subject: Fw: time sensitive

Thanks Judith!

----- Original Message -----
From: "Michael Bopp" [mfbopp@gw.dec.state.ny.us]
Sent: 03/16/2011 06:13 PM AST
To: Sarah Pallone; Judith Enck
Cc: <Thomas.Congdon@exec.ny.gov>; "Jared Snyder" <jjsnyder@gw.dec.state.ny.us>; "Joe Martens" <jmartens@gw.dec.state.ny.us>; "James Tierney" <jmtierne@gw.dec.state.ny.us>
Subject: Re: time sensitive

Judith - we'd like to provide the following statement for EPA use:

In response to EPA's proposed Utilities Toxics Rule to limit mercury pollution, Joseph Martens, Commissioner of the New York State Department of Environmental Conservation stated:

"Mercury is a powerful neurotoxin that accumulates in fish and humans. Although New York is requiring substantial emission reductions from its coal-fired power plants, the vast majority of the mercury contamination in New York comes from out-of-state sources. We are still studying the details of this complex proposal, but we are pleased that EPA is acting to limit harmful mercury contamination -- a national problem that needs a national solution."

New York is requiring coal-fired power plants to install air pollution controls to reduce mercury air emissions 90% by 2015. In conjunction with New England, New York developed a Clean Water Act pollution budget, accepted by EPA, that quantifies mercury's serious adverse impacts on waters throughout the Northeast. New York and New England also filed a formal Clean Water Act petition calling on EPA to reduce atmospheric mercury emissions nationally.

thanks, Michael

Michael Bopp
Acting Director of Communications
(518) 402-8000

>>> 03/16/11 1:54 PM >>>

hi tom and jared: today epa put out excellent national standards for mercury and other toxic air pollutants from coal and oil fired power plants. details on the www.epa.gov epa staff in washington reached out to governor cuomo's washington staff to request a supportive statement but were told that they would not provide one. that is odd given ny's long history on this issue, including out of state atmospheric mercury doing so much damage to ny's lakes and rivers. below is a quote from delaware governor markell.

could you guys scramble and try to get a quote from governor cuomo and or commissioner martens? if so, please email it to me and pallone.sarah@epa.gov

many thanks. call me with any questions.

cheers,
Judith

?EPA?s proposed Utilities Toxics Rule builds upon work in Delaware that shows we can significantly reduce pollution from power plants through cost-effective and technologically feasible solutions. Delaware has adopted some of the most advanced air quality regulations in the nation. Despite these efforts, Delaware still faces air quality challenges with nearly 90% of our local air pollution coming from out of state sources. The proposed rule makes important strides towards requiring upwind sources to install the cost-effective pollution controls necessary to protect public health in Delaware and save millions of dollars of healthcare expenditures. We applaud EPA for their efforts.?

Richard Windsor/DC/USEPA/US
02/28/2012 01:40 PM

To Scott Fulton
cc
bcc
Subject Re: Oral Argument on the Endangerment Finding and Cars Rule

tx

Richard
Windsor/DC/USEPA/US
08/11/2010 03:00 PM

To Seth Oster
cc
bcc
Subject Re:

My
Seth Oster

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

From: Seth Oster
Sent: 08/11/2010 01:42 PM EDT
To: Richard Windsor

[Obama and the Left, Part 2,048](#) [By Mike Lux](#)

Author, The Progressive Revolution: How the Best in America Came to Be

Posted: August 11, 2010 11:04

The progressive community and the Obama administration are once again in a firefight, this one started by White House spokesman Robert Gibbs. There has been and will be a huge amount of commentary on this in the blogosphere and the media in general over the next few days, and Gibbs' quote will go right up there with the infamous "left of the left" quote during health care, Rahm's infamous "f'ing retarded" quote (he apologized afterward to advocates for those with mental disabilities, but of course not to progressives), the locker room gloating "organized labor just flushed \$10 million down the toilet" quote, and a variety of other random insults that progressives have to chew over.

Thankfully, Gibbs has released a statement pulling back from that interview, and I am assured by friends at the White House that this is just "Robert being in a bad mood", etc. Happy to hear it, and I am willing to give the White House the benefit of the doubt (which I know may not be very popular among many folks in progressiveland). I also am happy to give this Administration credit where credit is due, and they do actually deserve some.

Given the economic straits we are in, the stimulus was too small, and had too many tax cuts in it, but it is still the biggest jobs bill in American history, and the biggest investment in public goods (schools, teachers, roads, bridges, clean energy, firefighters, cops, broadband, etc.). The health care bill had big flaws, including the lack of a public option, but Obama succeeded at extending coverage to virtually everyone and reining in major insurance abuses (on pre-existing conditions, lifetime caps, etc.) when every other President before for a hundred years had failed.

The financial reform bill didn't break up the banks, but we won very significant victories in reining in the financial sector, and went the right direction on financial regulation instead of the wrong direction as we did in the last four presidents' tenures. The federal budgets Obama submitted have been the most progressive in many ways, at least since 1993, and maybe since

the 1960s. We won a major victory on, and expansion of, the student loan program for college students. Tobacco is regulated by the FDA for the first time. The equal pay law got passed, S-CHIP got expanded, the hate crimes bill got signed, unneeded weapons systems got eliminated. And Obama has at least pushed for other big legislation on climate change, immigration reform, and more jobs programs, even if he didn't succeed at everything.

It hasn't all been perfect -- far from it -- but Obama deserves enormous credit for wading into these big fights, and for persevering on some of the toughest, like health care (where his chief of Staff Rahm Emanuel wanted him to back down and give up.) If I were in the Obama White House, I might be feeling a little irritable myself at the lack of credit I was getting.

Were you waiting for the "but"? Well, here it is.

But here's the thing, folks at the White House: your strategy for getting the credit you think you deserve sucks. It's not working, and bitching about the fact that people don't give you enough credit is not going to get them to give you more.

I may be wrong, I hope I am wrong, but as far as I can tell, the White House right now has very little in the way of strategy for reaching out to the progressive community. Beyond meeting regularly with some of the big DC groups (meetings that have been described to me by a White House ally as pretty much being "one way communication" from the White House to the groups), I know of no consistent high level outreach to the broad progressive community. My guess is that it's because they don't think they need to, that as Gibbs indicated, they don't feel they need the groups or the blogs or progressive media or the "progressive left", in Gibbs' delightful phrase, to reach progressive voters.

Maybe. But it's a pretty huge gamble. The Obama team forgets that once the primary was over in 2008, the folks in the blogosphere and all the progressive groups were pretty united on helping Obama win the election. A pretty sizable share of the 13 million people on the Obama e-mail list were also reading blogs, getting e-mails from MoveOn.org or phone/mail from unions and other groups. Everyone had the same goal of defeating McCain and other right-wing Republicans, and we were all reinforcing (for the most part) what the campaign was doing and saying.

That sense of teamwork is pretty well gone, blown apart not only because of some policy decisions many progressives disagreed with, and not just by the series of insulting comments I spelled out in the first paragraph, but by a serious lack of outreach as well. The result is that Obama gets a steady stream of criticism from Markos, Arianna, Rachel, and many of the rest of us, and when good things happen, they rarely get played up positively as well as they should. I think that is one of the big reasons why online giving has been fairly weak on the Obama list (a person with knowledge of the list told me that the fundraising trend off their email list was "extremely worrisome"), why volunteer recruitment has been down, and why Democratic voter enthusiasm in the polling has been so consistently weak (obviously the bad economy has a lot to do with that as well, but don't discount the bad relationship with progressive media and institutions).

Here's the thing that drives me most crazy, though: the only thing making the Obama White

House take the huge gamble of not reaching out to the professional left is their own arrogance. Engaging the "professional left" would be easy to do if they cared about it at all, and had a strategy to do it. In the Clinton White House, that presidency of NAFTA, failed health care, the 1994 election fiasco, and "triangulation", the progressive community- the professional left as well as progressive voters- progressives never deserted Clinton. Through his two elections, special prosecutors, the Lewinsky mess and impeachment, the Democratic base stayed loyal to and enthusiastic about Bill Clinton (even when he didn't always deserve it). Why? Because Bill Clinton cared about having a good relationship with progressives, and because we had a strategy for working effectively with them. President Clinton frequently asked me about who was happy with us and who was disgruntled in the progressive world, and we made sure to bring in everyone in the latter category for meetings and social events at the White House. At the height of the NAFTA fight, we organized a dinner for labor leaders where the President hung out with them for a long, social evening, telling them in his remarks "I know we are in a fight right now, but I want you to know that my White House will always be your house too, that we always will be friends." We made sure progressives always had chances to have serious input into policy development. Whenever we had bad news to deliver to progressive groups on any issue big or small, we reached out to them before the announcement, talked about how to make the damage hurt less, and talked about what we could do to help them on other issues. And whenever there was good news, we made sure the folks who cared about it were part of the celebration.

Here's the other thing: other Democratic politicians in 2010 get the need to work effectively with progressives. I have had my share of disagreements with Speaker Pelosi and Majority Leader Reid, but they and their staff have never failed to work constructively and conscientiously with me and other progressives I know. This is politics 101 as far as I am concerned, but to my knowledge, this White House isn't engaging in much of it. I am on the board of many different progressives groups, and know a wide assortment of folks in the blogosphere, in organizations, in the progressive donor world, on Capitol Hill, and I rarely hear about any kind of high-level outreach of this sort going on. One other important point on all this: what worries me the most is that I am as insider-y as a person can get. I have known Rahm for 30 years, Axelrod and Plouffe for over 20. I have been a client of Jim Margolis, Anita Dunn, and Axelrod's firms. I was a co-founder of Strategy Group, the Chicago based firm that was one of the closest inner circle firms in the Obama Presidential campaign. I have worked in the White House, and I even worked on the Obama transition. I am one of the professional left (not at all the only one, by the way) who, in spite of my disappointments with some of the compromises made, ended up supporting, enthusiastically working for, and praising Obama on all those initiatives mentioned above. Now I know that some folks in the White House are mad at me and have shut me out because I have been critical at times of this White House, but I still have to think: if the relationship with the "professional left" is as shaky as it is, and someone like me is not being reached out to much or asked to help, what about all those bloggers and progressive media people and organizations who don't have much in the way of inside connections? It worries the hell out of me, and it ought to be worrying the White House.

Gibbs' statement has caused a flurry of damage control, just as all the other statements in paragraph one did. But it's not enough: this White House has to do a better job of working constructively, every single day, with progressives. The White House should be in genuine partnership with the progressive community. That doesn't mean agreeing on every issue, and it

doesn't mean avoiding some frank conversations behind the scenes where voices get raised back and forth. But progressives, including the "professional left" would be a lot more loyal and enthusiastic, a lot more willing to give credit where credit is due, if they felt like the White House cared what they thought.

Our job as progressives is to never be satisfied, to always be impatient with the pace of change. Frederick Douglass, Alice Paul, Walter Reuther, Martin Luther King, Jr.- none of them were ever satisfied with the progress being made, and the Presidents they worked with were constantly aggravated at the pressure they received. But big changes got done when Presidents understood the importance of working effectively with them and the movements they represented. It is time for Obama (and his staff) to understand this and make the effort. Even when we are being irritating, even when you think we are being unfair, the White House needs to reach out their hand to progressives and work with us instead of venting about us to the media. FDR understood that and got re-elected by landslides with enthusiastic base support in the toughest of times. LBJ understood that in 1964, got re-elected in a landslide with progressives happily behind him, but then forgot it and let Vietnam break his party in the '68 election. Bill Clinton understood that, avoided a primary in tough political circumstances, and won re-election easily with a pumped up progressive community strongly behind him. I hope President Obama comes to understand that it is your base, including the professional left, that can sustain you in tough economic and political times, but that you need to reach out to them rather than complain about them.

Cross-posted at my home blog, OpenLeft.com , where you can read all of my other writing

Richard
Windsor/DC/USEPA/US
03/26/2010 07:57 AM

To Seth Oster
cc
bcc

Subject Re: NY Times -- Cap and Trade

Yup. Saw it. Tx.

FYI - looking at April 1 for our Hubbel thing. Does that work?
Seth Oster

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

From: Seth Oster
Sent: 03/26/2010 07:56 AM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>; "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>; Gina McCarthy; David McIntosh; Bob Sussman
Subject: NY Times -- Cap and Trade

'Cap and Trade' Loses Its Standing as Energy Policy of Choice

By JOHN M. BRODER

WASHINGTON – Less than a year ago, cap and trade was the policy of choice for tackling climate change.

Environmental groups and their foes in industry joined hands to embrace the approach, a market-driven system that sets a ceiling on global warming pollution while allowing companies to trade permits to meet it. President Obama praised it by name in his first budget, and the authors of the House climate and energy bill passed last June largely built their measure around it.

Today, the concept is in wide disrepute, with opponents effectively branding it “cap and tax,” and Tea Party followers using it as a symbol of much of what they say is wrong with Washington.

Mr. Obama dropped all mention of cap and trade from his current budget. And the sponsors of a Senate climate bill likely to be introduced in April, now that Congress is moving past health care, dare not speak its name.

“I don’t know what ‘cap and trade’ means,” Senator John F. Kerry, Democrat of Massachusetts, said last fall in introducing his original climate change plan.

Mr. Kerry’s partner in promoting global warming legislation, Senator Lindsey Graham, Republican of South Carolina, pronounced economywide cap and trade dead last month and has since been working with Mr. Kerry to try to patch together a bill that satisfies the diverse economic, regional and ideological interests of the Senate.

That plan, still being written, will include a cap on greenhouse gas emissions only for utilities, at least at first, with other industries phased in perhaps years later. It is also said to include a modest tax on gasoline, diesel fuel and aviation fuel, accompanied by new incentives for oil and gas drilling, nuclear power plant construction, carbon capture and storage, and renewable energy sources like wind and solar.

Why did cap and trade die? The short answer is that it was done in by the weak economy, the Wall Street meltdown, determined industry opposition and its own complexity.

The idea began as a middle-of-the-road Republican plan to unleash the market to reduce power plant pollution and spur innovation. But when lawmakers tried to apply the concept to the far more pervasive

problem of carbon dioxide emissions, it ran into gale-force opposition from the oil industry, conservative groups that portrayed it as an economy-killing tax and lawmakers terrified that it would become a bonanza for Wall Street traders and Enron-style manipulators.

"Economywide cap and trade died of what amounts to natural causes in Washington," said Fred Krupp, president of the Environmental Defense Fund, who has been promoting the idea for more than two decades. "The term itself became too polarizing and too paralyzing in the effort to win over conservative Democrats and moderate Republicans to try to do something about climate change and our oil dependency.

"Cap and trade was first tried on a significant scale 20 years ago under the first Bush administration as a way to address the problem of airborne sulfur dioxide pollution – widely known as acid rain – from coal-burning power plants in the Eastern United States. A limit was imposed on emissions from the plants, and utilities were allowed to buy and sell permits to comply. Today it is considered one of the most effective environmental initiatives.

Environmentalists and industries resurrected the idea in recent years as a centerpiece of measures to address global warming and growing oil imports. Representatives Henry A. Waxman of California and Edward J. Markey of Massachusetts, both Democrats, built their climate change bill last year in large measure around it.

But in trying to assemble a majority to pass it, Mr. Waxman and Mr. Markey dished out a cornucopia of concessions and exemptions to coal companies, utilities, refiners, heavy industry and agribusinesses. The original simplicity was lost, replaced by a bazaar in which those with the most muscle got the best deals.

Opponents labeled it a tax-and-redistribution scheme. "We turned it into 'cap and tax,' and we turned that into an epithet," said Myron Ebell of the Competitive Enterprise Institute, a free-market research organization supported by conservative individuals and corporations. "We also did a good job of showing that a bunch of big companies – Goldman Sachs, the oil companies, the big utilities – would get windfall profits because they'd been given free ration coupons." C. Boyden Gray, White House counsel in the first Bush administration and a strong advocate of the acid rain cap-and-trade program, said that opponents were largely correct in labeling the Waxman-Markey plan a tax, because so many of the pollution allowances were given away to industry rather than allocated based on past emissions.

"This is potentially a \$3 trillion tax," Mr. Gray said, "which is pretty steep in the best of times, and poison in the worst of times." The House narrowly passed the bill last June, but the Senate has moved slowly to take it up. Mr. Kerry and Mr. Graham, along with Senator Joseph I. Lieberman, independent of Connecticut, have been trying to find support for a comprehensive measure.

They, too, have been forced to seek compromise, offering incentives to oil drillers, nuclear power advocates, antitax groups, coal companies and utilities. Two senators, Maria Cantwell, Democrat of Washington, and Susan Collins, Republican of Maine, have proposed an alternative that they call cap and dividend, under which licenses to pollute would be auctioned to producers and wholesalers of fossil fuels, with three-quarters of the revenue returned to consumers in monthly checks to cover their higher energy costs.

Ms. Cantwell said that cap and trade had been discredited by the Wall Street crisis, the Enron scandal and the rocky start to a carbon credits trading system in Europe that has been subject to dizzying price fluctuations and widespread fraud.

She said her bill would require every pollution permit to be auctioned rather than given away and was 39 pages long, compared with Waxman-Markey, which weighs in at some 1,400 pages.

The Cantwell-Collins plan is almost exactly what Mr. Obama proposed in the campaign and after first taking office – a 100 percent auction of permits and a large tax rebate to the public. "He called our bill 'very elegant,'" Ms. Cantwell said. "Simplicity and having something people can understand is important.

Richard Windsor/DC/USEPA/US
04/12/2010 07:00 PM

To Seth Oster
cc Adora Andy, Betsaida Alcantara, Allyn Brooks-LaSure, Diane Thompson
bcc
Subject Re: Ruckelshaus Time 100 Piece

Awesome job you guys. I am so amazes and humbled. Thx.
Seth Oster

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

From: Seth Oster
Sent: 04/12/2010 06:34 PM EDT
To: Richard Windsor
Cc: Adora Andy; Betsaida Alcantara; Allyn Brooks-LaSure; Diane Thompson
Subject: Ruckelshaus Time 100 Piece

Administrator -- below is the piece by William Ruckelshaus that will introduce your listing on the Time 100 Most Influential People in the World.

Seth

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

Time 100
Administrator Lisa Jackson
By William D. Ruckelshaus

The most impressive thing about Lisa Jackson is that she is doing exactly what an EPA Administrator is supposed to do – thoughtfully and carefully, but aggressively – implementing our environmental laws to protect public health and our environment. The job of the Administrator of the EPA is not to make people happy but to make them and their environment healthier

Fortunately for the Agency, and the country, she arrives equipped with a rare combination of assets to help do her job: in equal measure experience, fairness, sure-footedness, determination and the ability to sound a credible and measured voice in defense of citizen's rights to fresh air, clean water and a

stable climate. She understands the biggest impact of pollution is often on the poor – those least able to cope with the complexities of modern life.

Fresh from managing a challenging State environmental program in New Jersey, Jackson inherited a buffeted EPA suffering from a reputation as a political windsock. It is tempting to conclude that EPA's authority is drawn primarily from its regulatory power, as indeed much of it is. But Jackson has correctly sensed that restoring public trust in the Agency is essential to its effectiveness. In this era of growing public mistrust of government, that same public, as well as, state partners, industry, small

businesses and importantly EPA staff must have confidence that decisions are being driven by science and an unbiased interpretation of the law, and not a political agenda.

Jackson is inspiring this kind of confidence: She recently worked with President Obama to help broker a deal among major automakers to raise fuel efficiency of cars to 35 miles per gallon, no small feat. In moving forward with a Supreme Court ordered decision to act on a scientifically based conclusion that greenhouse gasses endanger public health and welfare, Jackson has strongly signaled sensitivity to the economic consequences of regulating these emissions by supporting a tailored approach that would make its impact more publically palatable.

The real promise of Lisa Jackson is that she can guide this ship, steer it out of the furious partisan maelstrom that always threatens to blow it off course, and restore environmental protection to its rightful place essential to a functioning democracy.

The American people are lucky to have such a dedicated and skilled protector at EPA.

Richard Windsor/DC/USEPA/US
09/14/2009 02:03 PM

To Seth Oster, Allyn Brooks-LaSure, Peter Silva, Bob Sussman
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

NOTE - This is for Effluent Limitation Guidelines, not land disposal regulations. What is the schedule for ELGs?

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/14/2009 02:02 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 09/14/2009 01:45 PM
Subject: Google Alert - lisa jackson epa

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

[Enviro Groups Threaten to Sue EPA Over Coal Plant Discharge Regs](#)

New York Times

"**EPA** needs to stop kicking the can down the road and set a date for regulation. We are confident that **Lisa Jackson** will do the right thing. ...

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Richard
Windsor/DC/USEPA/US
01/14/2011 04:25 PM

To Seth Oster
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

CNN - cool.

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/14/2011 04:25 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 01/14/2011 04:02 PM
Subject: Google Alert - lisa jackson epa

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Richard
Windsor/DC/USEPA/US
10/26/2010 02:44 PM

To Seth Oster, "David McIntosh", "Bob Perciasepe"
cc
bcc
Subject Re: Clean Energy Group: New Report Shows Electric Sector
Able to Manage Tighter Environmental Standards

Wow. Cool.
Seth Oster

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

From: Seth Oster
Sent: 10/26/2010 02:43 PM EDT
To: Richard Windsor
Cc: David McIntosh; Bob Perciasepe
Subject: Clean Energy Group: New Report Shows Electric Sector Able to
Manage Tighter Environmental Standards
[October 26, 2010 12:39 PM Eastern Daylight Time](#)

New Report Shows Electric Sector Able to Manage Tighter Environmental Standards

Lead North American reliability organization report finds prompt action and proper planning can ensure proposed EPA regulations are implemented without impacting electric system reliability

CONCORD, Mass.--([BUSINESS WIRE](#))--The Clean Energy Group's Clean Air Policy Initiative, a coalition of electric power companies, released the following statement today regarding the North American Electric Reliability Corporation's (NERC's) new report on the reliability impacts of complying with U.S. Environmental Protection Agency (EPA) clean air rules:

“The NERC assessment affirms that the electric power industry can maintain electric system reliability while improving our air quality and protecting public health”

“The NERC assessment affirms that the electric power industry can maintain electric system reliability while improving our air quality and protecting public health,” said Michael Bradley, Executive Director of the Clean Energy Group. “NERC highlights the many industry and regulatory tools available to ensure reliability while the nation transitions to a cleaner generating fleet, including: careful timing of outages to install pollution control equipment, bringing new resources online, increased utilization of existing clean generation capacity, transmission system upgrades, and investing in demand-side management and energy efficiency.”

The NERC report supports many of the themes raised in a recent reliability report by M.J. Bradley & Associates LLC (MJB&A) and Sue Tierney and Paul Hibbard from the Analysis Group, which found that the electric power industry has a range of tools available to ensure that the human health benefits of EPA's air pollution regulations are achieved without affecting electric system reliability.

“The industry and its regulators welcome the release of NERC’s reliability assessment,” said Sue Tierney, former Massachusetts state regulator, Department of Energy official, and a lead author of the previous reliability report. “Understanding the potential implications of EPA’s forthcoming rulemakings is critical for developing good public policy and a coordinated response by federal agencies and state regulators. The industry has a strong track record of dealing with upcoming changes in ways that avoid reliability issues. Such proactive steps, including vibrant market responses, are not baked into the NERC outlook and can do the job in avoiding the concerns that NERC identifies.”

The NERC report evaluates a series of electric sector regulations proposed under the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act, which will control cooling water intake, emissions of toxic air pollutants, sulfur dioxide (SO₂) and nitrogen oxides (NO_x), and coal ash disposal. To assess the range of electric system impacts, NERC analyzed a “Moderate Case”, which models the most plausible outcome of the new regulations, and a “Strict Case” representing more stringent and far less likely outcomes and higher compliance costs.

Of the four selected EPA rules, NERC finds that the Section 316(b) cooling water intake structures rule has the greatest potential impact on generation reserve margins. This is also the rule for which EPA has the most discretion in timing and scope of implementation. EPA’s air pollution rules—the utility MACT rule and the Transport Rule—are projected to have relatively modest impacts on projected retirements. For example, NERC projects that the EPA Transport Rule may result in the retirement of 5 coal-fired units (538 MW) by 2013 and 18 coal-fired units (2,740 MW) by 2015, assuming that EPA allows the flexibility of emissions trading. This is a moderate level of retirements given the industry’s demonstrated ability to bring new capacity resources on-line in a compressed period, having added more than 160,000 MW of new capacity between 2001 and 2003.

The reliability assessment prepared by MJB&A and Sue Tierney is available at http://www.mjbradley.com/news_20100809_00.html.

Contacts

M.J. Bradley & Associates LLC
Michael J. Bradley, 978-369-5533

Richard
Windsor/DC/USEPA/US
01/10/2012 05:09 PM

To "Adora Andy"
cc
bcc

Subject Re: Remarks by the President to EPA staff

Yeah!

From: "Andy, Adora (OPA)" [Adora.Andy@usdoj.gov]
Sent: 01/10/2012 05:08 PM EST
To: Richard Windsor
Subject: Fw: Remarks by the President to EPA staff

This makes me happy!

From: White House Press Office [mailto:noreply@messages.whitehouse.gov]
Sent: Tuesday, January 10, 2012 03:44 PM
To: Andy, Adora (OPA)
Subject: Remarks by the President to EPA staff

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-it-ness 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

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The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Richard
Windsor/DC/USEPA/US
07/06/2011 01:13 PM

To "Al Armendariz"
cc
bcc
Subject Fw: Greenwire: After illness, Inhofe jokes he was attacked by
the environment

FYI

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 07/06/2011 12:35 PM EDT
To: Richard Windsor; Seth Oster; Bob Perciasepe; Bob Sussman; Diane Thompson; Nancy Stoner; Arvin Ganesan; Daniel Kanninen; Brendan Gilfillan; Adora Andy; Alisha Johnson; Andra Belknap
Subject: Greenwire: After illness, Inhofe jokes he was attacked by the environment
After illness, Inhofe jokes he was attacked by the environment (07/06/2011)

Sarah Abruzzese, E&E reporter

Sen. James Inhofe (R-Okla.) joked last week that he was "attacked by the environment" following an illness he believes was caused by toxic algae bloom.

The 76-year-old ranking member of the Environment and Public Works Committee, a frequent critic of environmentalists, fell ill after taking a dip near his home on Grand Lake early last week.

"That night, Monday night, I was just deathly sick," Inhofe told the Tulsa World newspaper about the respiratory illness he contracted.

Inhofe had reportedly asked his 13-year-old granddaughter to join him for a swim, but she demurred.

"She didn't want to get in that green stuff," he said.

Officials in the Sooner State have issued multiple warnings about the blooms of blue-green algae formally known as cyanobacteria. The blooms have been linked to illnesses around the world.

The algae can look "like thick pea soup, green, bluish, brownish, or reddish-green paint. When it washes up on shore, it may look like a thick green mat," according to the state's environmental office.

The Republican joked about some possible responses to his illness with the Tulsa paper saying "the environment strikes back" or "Inhofe is attacked by the environment."

Inhofe, who has famously called climate change "the greatest hoax ever perpetrated on the American people," was forced by his illness to cancel an appearance last week at the sixth Heartland Institute Conference on Climate -- a gathering of climate science skeptics in Washington.

Stephen Lacey of the blog Climate Progress highlighted the issue in a posting yesterday, saying that "irony can be so ironic."

Scientists have blamed the growth of algae blooms on climate change as well as phosphorus and nitrogen run-off. Algae blooms grow more quickly in warmer environments, and it is thought that nutrient runoff feeds the blooms.

Oklahoma is experiencing record hot weather. At the same time officials in the state said the lake is experiencing the largest bloom the state has ever seen.

Inhofe, who own a house on the northeastern Oklahoma lake with his wife, told the World that he has never seen algae like that on the lake.

The Grand River Dam Authority (GRDA), which generates hydroelectric power from a dam at the end of the lake, and the Oklahoma Department of Environmental Quality issued a warning for swimmers late last week.

"We strongly discourage any body contact with the water at this point," said GRDA corporate communications director Justin Alberty in a news release announcing the decision. "That means no swimming or any other activities that would bring you into contact with lake water."

Not only did the GRDA warn residents not to swim in water it said that pets and livestock should not drink or swim in the water, either.

Inhofe returned to the Capitol yesterday and participated in the Senate's late afternoon voting session.

Asked last night if Inhofe's respiratory illness would affect the senator's thoughts on the host of environmental issues wrapped up with algae blooms, Inhofe's spokesman, Matt Dempsey, replied simply, "Why would it?"

Richard Windsor/DC/USEPA/US
07/22/2010 10:28 AM

To "Barbara Bennett", "Bob Perciasepe"
cc
bcc
Subject Fw: FYI: Moran clips

These should be sent to Sally et al.
Adora Andy

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

From: Adora Andy
Sent: 07/22/2010 10:22 AM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens
Cc: Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Vicki Ekstrom; Michael Moats
Subject: FYI: Moran clips

New York Times

July 20, 2010

House Approps Chairman Supports Funding for 'Civic Activism' on Climate

By GABRIEL NELSON of [Greenwire](#)

The leader of the House appropriations panel that oversees U.S. EPA's budget said he would support additional funding for efforts to spur "civic activism" on environmental issues, including climate change.

Rep. Jim Moran (D-Va.), chairman of the House Interior and Environment Appropriations Subcommittee, met with EPA Administrator Lisa Jackson and other agency leaders today to discuss the Gulf spill response, outreach programs and other agency initiatives. Moran also hosted a town hall session at EPA headquarters, where he said authoritative science and outreach efforts are key to environmental protection.

The Obama administration has recommended \$10 billion for EPA in fiscal 2011, a \$300 million cut. House and Senate appropriators have not moved on budgets for the agency, which received about \$2.7 billion more this year than it did at the end of President George W. Bush's presidency.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability -- to be given the ability -- to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

"A lot of Congress doesn't even have any idea. They don't realize that it's a very substantial compromise," Moran said. "That kind of information needs to get out, and you have that information. You need to be empowered to get it out, and we have a receptive leadership now that hopefully will give you the means to do so. I don't think the American people wholly understand what's at stake."

Just as health-focused campaigns against smoking led to a steep decline in cigarette use, outreach efforts could produce a new generation of voters who care more about issues such as polluted water, toxic chemicals or climate change, Moran said.

As an example, he pointed to a Northern Virginia program that enables elementary schools to test for chemicals in nearby bodies of water, teaching students about pollution in the process.

"Even more than federal agencies committed to protecting and preserving our environment, what scares some of the big polluters and the big extraction industries, and so on, is civic activism," he said. "They'll pay millions to try to suppress that, but you can't suppress it, and there's no country in the world that has a stronger capability for civic activism than the United States. We just need to inform them and mobilize them."

Moran's visit was part of an effort to learn about the agencies within the purview of his subcommittee, spokeswoman Emily Blout said. Chosen as head of the panel in March after previous Chairman Norm Dicks (D-Wash.) moved to the Defense subcommittee, Moran intends to hold similar meetings with officials from the Interior Department.

A major fight over EPA regulations would likely arise during the appropriations process one way or the other, meaning the agency's budget may end up being folded into an omnibus package. The subcommittee may not mark up an appropriations bill this year, Moran has said.

Rep. Mike Simpson (R-Idaho), the subcommittee's ranking member, said last month that he was "not real optimistic" about the prospect of a markup ([E&E Daily](#), June 10).

Outreach or 'propaganda'?

During the town hall meeting, Jackson pointed to several examples of outreach at EPA, referring in particular to the agency's "livability" and environmental justice initiatives. She said she also intends to expand outreach on the Emergency Planning and Community Right-to-Know Act, using the Internet and other technology to make more environmental information available at the local and neighborhood levels.

While those sorts of programs would face limited opposition, additional climate change outreach efforts would be a particularly hard sell. When the issue is a political minefield like climate change, political opponents often criticize outreach initiatives, claiming federal agencies should not spend taxpayer money on what are essentially advertising campaigns for the administration's chosen policy.

Marlo Lewis, a senior fellow at the Competitive Enterprise Institute, a free-market advocacy group, said education and outreach campaigns may be used to skirt restrictions on lobbying by federal agencies. On the issue of greenhouse gas regulations, EPA would be particularly prone to "scare tactics" and "propaganda," he said.

"There is some kind of line between simply explaining what you're doing so that the public you're trying to serve can see the benefit of what you're doing, and building a clientele and a constituency to put pressure on Congress," Lewis said. "Whatever opinion you may have on climate change, there is no shortage of information available to the public today. What is EPA going to say beyond what it's already said in its endangerment rule? I don't think you have to do things like scare kids in school so that they come home and lobby their parents."

At one point during the town hall meeting, Jackson interjected to remind officials in attendance about the Hatch Act, a 1939 statute that bars civil servants from taking part in partisan activity.

"As much as we care about those issues, because of the Hatch Act, you don't lobby on those issues," Jackson said.

"Oh yeah, the old Hatch Act. Oh yeah. I forgot to mention it," Moran replied.

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Virginia Democrat objects to federal pay freeze

By Norah Swanson nswanson@govexec.com

July 20, 2010

A Virginia lawmaker whose district is home to many federal employees said on Tuesday that he does not support a pay freeze for government workers.

Democratic Rep. Jim Moran, during a town hall meeting in Washington for employees of the [Environmental Protection Agency](#), also admitted he doesn't believe parity between civilian and military pay can be accomplished this year in Congress, alluding to partisanship. In fiscal 2010, service members received a 3.4 percent pay raise while the civilian workforce received a 2 percent boost.

While President Obama has frozen the pay of White House personnel, federal workers so far have been spared. Some lawmakers have tried recently to [push legislative proposals](#) to freeze federal workers' salaries to help reduce the deficit and pay for the ongoing wars.

With federal retirements on the rise, Moran said the government might not be able to maintain the same quality of employees without salary increases. Competition, he added, is essential to attract a high-caliber federal workforce, and pay freezes only will make this task more difficult. But Moran told EPA employees that, "freezes will be difficult to avoid if unemployment stays this high."

Moran, who was thanked by one employee for being "a consistent supporter of federal workers," also spent time on Tuesday touring EPA, including the agency's emergency operations room. He praised employees for their commitment and hard work in dealing with the BP oil spill in the Gulf of Mexico: "I have an intense appreciation for civil service," said the congressman. In March, Moran assumed chairmanship of the House Appropriations Subcommittee on the Interior and Environment, the panel that oversees EPA funding.

He noted EPA scientists and employees were devalued in years past and it was time to change false perceptions. He called for greater agency outreach to the American people and their communities. "Give them the facts and let them make up their minds. We have a responsibility to inform our democracy," he said.

The lawmaker credited the EPA Emergency Operations Room as a model for crisis response among other federal agencies. The agency uses technology such as teleconference and monitoring capabilities that allow EPA employees in Washington to stay connected to the epicenter of the crisis. Deputy Administrator Bob Perciasepe said EPA is working closely with the [Food and Drug Administration](#) and the Fish and Wildlife Service on cleanup efforts.

"You are absolutely indispensable," Moran told employees. "The health of the country is on your shoulders."

<http://www.govexec.com/dailyfed/0710/072010n1.htm>

###

WAMU**Bringing Government And Public To Common Ground On The Environment**

July 21, 2010 - By Sara Sciammocco

As he settles into his new role as chairman of an appropriations subcommittee, Congressman Jim Moran of Virginia, is visiting with employees of different federal agencies to discuss their work and priorities.

He held a town hall-style meeting at the EPA with Administrator Lisa Jackson and several dozen of the agency's employees.

During the meeting, Congressman Moran encouraged EPA employees to put aside partisan politics and ignore interest groups and others who "reflect the corporate fear of 'the agency'."

"You don't have to be trying to persuade people to do anything, just give them the facts and let them make up their mind," says Moran.

Moran also toured the agency's high-tech emergency operations center. There, employees help manage disasters and communicate with field workers.

"I think what the most important things that the Obama Administration has done is to turn back to the scientists to try to get objective verification about what otherwise would be theory and hunch," he says.

Moran went on to say that civic activism is key to reducing air pollution and that he would like more school students involved in monitoring water quality.

###

Lipman Times**Rep. Jim Moran Wants to Use 'Civic Activism' to Help Environment**

By Joe Patterson

The New York Times Green Wire reported that the House Appropriations chairman who oversees the EPA budget has said that he would support the funding of "civic activism" for the agency in the interest of promoting conservation and reacting to climate change. Rep. Jim Moran (D-Va.) is the chairman of the House Interior and Environment Appropriations Subcommittee, and he met with various EPA officials on Tuesday to discuss recent environmental issues.

Moran discussed the Gulf Oil spill, outreach programs, and other initiatives by the agency, while also hosting a town hall at the EPA headquarters. Obama has proposed a \$300 million budget cut for the agency, even though its current funding has still been increased by \$2.5 billion from when President Bush last influenced a budget.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability – to be given the ability – to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

Moran supports this "tailoring" rule because it is basically a compromise for a Congress that does not feel comfortable undercutting small businesses in the face of a large budget deficit and trying to get out of an economic recession. He is also a big proponent of a campaign similar to that against smoking that significantly decreased the amount of Americans who smoke cigarettes. He said "civic activism" such as this could help the EPA mobilize a citizenry and make environmental initiatives a necessary thing for Congress to do every year.

###

Richard
Windsor/DC/USEPA/US

12/01/2010 10:31 PM

To "Bicky Corman"

cc

bcc

Subject Fw: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

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."

Richard Windsor/DC/USEPA/US
02/07/2011 07:53 AM

To "Bicky Corman"
cc
bcc

Subject Fw: NRDC: Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health

Richard Windsor

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

From: Richard Windsor
Sent: 02/07/2011 07:29 AM EST
To: Michael Goo
Subject: Fw: NRDC: Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health

Adora Andy

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

From: Adora Andy
Sent: 02/06/2011 08:42 PM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens; Sarah Pallone; Dru Ealons
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; "Seth Oster" <oster.seth@epa.gov>; Alisha Johnson; Vicki Ekstrom; Andra Belknap
Subject: NRDC: Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health
NRDC:
Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health

Posted February 6, 2011 in Curbing Pollution, Solving Global Warming

Legislation proposed last week by Rep. Fred Upton (R-MI) and Sen. Jim Inhofe (R-OK) to block the Environment Protection Agency from enforcing Clean Air Act safeguards against carbon pollution would be a boon to big polluters and a serious setback for public health.

As my colleague Franz Matzner said: "Now we know the upshot of that behind-closed-doors meeting last month between big polluters and the staffs of Rep. Upton and Sen. Inhofe: A proposal that puts polluters' profits ahead of the American people's health."

In mid-January the Upton and Inhofe staffs met with the polluters' lobbyists from the American Petroleum Institute, the National Mining Association, the National Rural Electric Cooperative Association, the U.S. Chamber of Commerce and others, seeking their support for an "all-out push" to block EPA from doing its job to cut carbon pollution under the Clean Air Act.

"The feedback we got was 'hey, great, go for it guys,'" one Republican aide told POLITICO. "And we pretty strongly told them we do need your help to get this done. And when we walked away from the meeting the feeling was we got that."

The product of this high-minded collaboration is the "Energy Tax Prevention Act of 2011." Upton, chairman of the House Energy and Commerce Committee, scheduled a hearing on the bill Wednesday, February 9th, as the first step towards ramming it through the House.

The bill is an all-out assault on public health. EPA has documented how carbon dioxide and other climate-changing pollutants are bringing Americans death, illness, and injury in many ways: by causing more killer heat waves, more intense smog, the spread of infectious diseases, and stronger storms, floods, and hurricanes. Blocking EPA from reducing carbon pollution would mean more lives lost and more illness and injury.

Here's what the Upton-Inhofe bill would do:

The bill would give the biggest polluters a free pass for unlimited carbon pollution by simply declaring that carbon dioxide is not an air pollutant and repealing EPA's science based endangerment determination.

The bill exempts carbon dioxide and other heat-trapping pollutants from the Clean Air Act's definition of "air pollutant," overturning the Supreme Court's landmark decision in *Massachusetts v. EPA*. [Section 2, adding CAA Section 330(a), (b)(1)]

The Supreme Court enforced EPA's 40-year-old duty under the Clean Air Act to act when science shows that pollution endangers our health or welfare. But the bill repeals EPA's endangerment determination, simply disregarding the findings of the National Academy of Sciences and countless other scientific experts. [Section 2, adding CAA Section 330(b)(4)(A)]

The bill would repeal every action EPA has already taken and block every action EPA is developing to limit carbon pollution from power plants, oil refineries, and other industries. [Section 2, adding CAA Sec. 330(b)(4)]

The bill gives the biggest new facilities a free pass for unlimited carbon pollution. When companies want to build the very largest new facilities - plants that will run for decades and emit millions of tons of carbon dioxide - they now must take available and affordable steps to minimize that pollution. This pre-construction review has applied to other pollutants for decades; now it includes carbon pollution too. But the bill would turn back the clock and bar any limits on their carbon pollution. [Section 2, adding CAA Section 330(b)(3)]

The bill blocks EPA plans to issue carbon pollution performance standards for power plants and oil refineries, the number 1 and 2 carbon polluters in the nation. Power plants release 2.4 billion tons of carbon dioxide each year (40 percent of the nation's total) and oil refineries emit hundreds of millions of tons. In December, EPA announced a timetable for setting these safeguards over the next two years. The bill would stop that in its tracks and bar EPA from setting carbon performance standards for any industries. [Section 2, adding CAA Section 330(b)(1)(A), (b)(4)(K)]

The bill tears up the Clean Car Peace Treaty reached by the Obama administration, the car companies, the states, and others and that provides for setting clean car and truck standards out to 2025 and beyond.

The clean car agreement calls for EPA, the Department of Transportation, and California to work together with industry and environmental stakeholders to set standards that make the greatest feasible cuts in the carbon pollution and fuel consumption of new cars and trucks.

The bill's sponsors will trumpet that they've kept the first round of joint standards for cars (through 2016) and trucks (through 2018). But after that the bill strips EPA, California, and other states of any future role in cleaning up vehicles' carbon pollution. EPA could not set future carbon standards could not allow California to do so. [Section 2, adding CAA Section 330(b)(1)(A), Section 3 adding CAA Section 209(b)(4)]

This means more pollution and higher fuel bills for all Americans, since the Transportation Department's CAFE standards can't deliver the same results. Because of EPA and California, the first round standards are delivering 47 percent more carbon reductions and 33 percent more fuel savings than CAFE standards alone, and saving consumers nearly \$60 billion dollars more than CAFE standards alone.

The Upton-Inhofe bill is unprecedented political interference with science and with enforcement of clean air safeguards, which have improved our air for the past four decades. We have the clean energy technology to significantly reduce carbon pollution, just as we have with each other kind of life-threatening air pollution.

The big polluters cannot be allowed to keep spewing unlimited amounts of carbon pollution into our air. Politicians in Congress should not try to block EPA scientists from doing their job. Responsible public officials need to stand up for clean air and the health of our families rather than joining with the big polluters.

Richard Windsor/DC/USEPA/US

01/24/2011 05:08 PM

To "Bob Perciasepe", "Bob Sussman", "Seth Oster", "David McIntosh"

cc

bcc

Subject Fw: Michael Brune - Saving Mountains Saves Lives OP Ed on Spruce

Nancy Stoner

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

From: Nancy Stoner

Sent: 01/24/2011 04:48 PM EST

To: Richard Windsor

Subject: Fw: Michael Brune - Saving Mountains Saves Lives OP Ed on Spruce

Since you are thanked directly, want to be sure you see

----- Forwarded by Nancy Stoner/DC/USEPA/US on 01/24/2011 04:47 PM -----

From: Gregory Peck/DC/USEPA/US

To: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA

Cc: Denise Keehner/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA

Date: 01/24/2011 12:23 PM

Subject: Michael Brune - Saving Mountains Saves Lives OP Ed on Spruce

"Heroic!!!"

Brune: **Saving Mountains Saves Lives**

By MICHAEL BRUNE

Published: January 24, 2011

"Determined effort, especially in the face of difficulty." That's how Webster's defines heroic, and that's not too strong a word for the final decision announced this month by Lisa Jackson and the Environmental Protection Agency to revoke the permit for Arch Coal's proposed Spruce No. 1 mine in Logan County, W.Va. By stopping what would have been one of the largest mountaintop-removal mines in all of Appalachia, the EPA has sent its strongest message yet that it will defend the health and safety of Americans in the face of strong opposition from corporate polluters and a hostile Congress.

The proposed Spruce Mine exemplified everything objectionable about mountaintop-removal mining — a practice so destructively short-sighted that it's both incredible and shameful that we've allowed it to go on this long. That it has is testimony to the power and influence of the coal industry both on Wall Street and in Washington, D.C. And nowhere in America does coal cast a longer shadow than in West Virginia.

But the truth about mountaintop-removal mining is so terrible that it could not be denied,

especially with the courageous work of local activists in Appalachia like the late Judy Bonds, the coal miner's daughter whose memorial service was just held in Beckley, W.Va. She and other activists refused to let America turn a blind eye to the destruction of entire communities and watersheds in some of the poorest areas of our country. It is a bitter irony that she did not live to see this decision.

The Spruce Mine would have blasted away more than 400 feet of Appalachian hilltops. Arch Coal would have cleared 2,200 acres of forestlands, and 110 million cubic yards of mining waste would then have buried more than 7 miles of high-quality headwater streams forever.

Appalachian headwater streams contain some of the greatest aquatic animal diversity of any area in North America.

Unfortunately, there are applications for additional mountaintop removal mines across Appalachia now pending before the Obama administration that, taken together, would cause many times the damage of the Spruce Mine. When combined with the destruction caused by existing mines, the cumulative damage from any additional mining would be devastating for the region.

The loss of irreplaceable mountains, forests and streams, though, is only part of the story. Massive surface-mining operations like Spruce also contaminate downstream waters with waste products like selenium, and the surface-mining operations fill the mountain air with toxic coal and rock dust. Although our reliance on burning coal for energy adversely affects the health of millions of Americans, nowhere have people suffered more dearly than in Appalachia. For too long, too many Americans — not just coal miners — have paid with their lives for our addiction to coal.

What enabled the EPA to stop the Spruce Mine — and what should stop all future mountaintop removal mining projects — are science and the rule of law. Science has proven that mountaintop-removal mining destroys — irrevocably — a precious natural resource: clean water. The Clean Water Act, which was passed to safeguard the health and safety of the American people, charges the EPA to review mining permits and to deny those that will, as the agency put it, result in "unacceptable adverse impacts."

Fortunately, the EPA exists to enforce the much-needed safeguards that can keep polluters from making us and our children sick. Stopping irresponsible coal mining has another huge benefit for all Americans, though — it moves us closer to a clean-energy economy that creates good jobs and can be the basis for a real, long-term prosperity that doesn't ask ordinary Americans to sacrifice their health to keep the lights on.

We are already hearing howls of protest from those who stand to gain financially by tearing apart Appalachia's mountains to get at the coal inside, as well as from the politicians who leap to their defense.

They say that coal mining creates jobs. They say that clean water, clean air and good health will hurt the economy. The reality, though, is that the coal industry has been cutting jobs and cutting

corners in Appalachia for years now. In contrast, clean energy and efficiency investments there could generate almost 80,000 jobs by 2030 and save consumers more than \$25 billion in energy costs.

Lisa Jackson and the EPA deserve our gratitude for taking a bold stand on the Spruce Mine — one that puts people first — instead of chaining us to the dirty-energy past.

Michael Brune is executive director of the Sierra Club and the author of "Coming Clean: Breaking America's Addiction to Oil and Coal." Contact him at Michael.Brune@sierraclub.org.

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

Richard
Windsor/DC/USEPA/US

05/13/2011 08:41 AM

To "Bob Perciasepe", "Gina (Sheila) McCarthy"

cc

bcc

Subject Fw: Chicago Tribute joint op-ed by Exelon and the
Environmental Law & Policy Center

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 Tribute 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.

Richard
Windsor/DC/USEPA/US
05/05/2009 05:54 PM

To "Bob Sussman", "Diane Thompson"
cc
bcc
Subject Fw: Warming, energy bill going straight to full committee --
Waxman

Fyi
David McIntosh

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

From: David McIntosh
Sent: 05/05/2009 05:24 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: Warming, energy bill going straight to full committee -- Waxman

CLIMATE: Warming, energy bill going straight to full committee -- Waxman (05/05/2009)

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) said today that he will bypass regular order on a major climate change and energy bill and mark up the legislation before the entire 59-member panel.

The change in plans means the Energy and Environment Subcommittee will not mark up the bill as previously scheduled. Waxman and subcommittee Chairman Ed Markey (D-Mass.) planned to hold a subcommittee markup beginning last week, but ongoing intra-party negotiations have yet to produce a new draft bill.

The full committee markup will not begin until next week at the earliest, Waxman told reporters this afternoon. The lawmaker plans to report the bill by the Memorial Day recess.

Democrats on the Energy and Commerce Committee have been working for several months to reach agreement on a sweeping overhaul to U.S. energy and climate policy. So far, they have struggled to reach consensus as about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West resist the aggressive path that Waxman and Markey set out in a 648-page draft proposal.

Waxman and Markey are now in talks with the moderate Democrats on a range of issues, including emission limits, the use of offsets to ease industrial compliance costs, allocation of valuable allowances and the structure of a nationwide renewable electricity standard. Committee Democrats met with President Obama at the White House today and said they are making progress.

"We are exchanging concepts and where we reach agreement, we're working on language," said Rep. Rick Boucher (D-Va.), a lead negotiator for the moderate Democrats.

Rep. G.K. Butterfield (D-N.C.) said Democratic talks had picked up in recent days, and he predicted a proposal from committee leaders to the wavering moderates within days, if not hours. "I discern some movement," Butterfield said.

The upbeat prognosis for the House climate talks came shortly after a roughly 90-minute White House meeting with Obama and Vice President Joe Biden. According to several lawmakers at the session, Obama urged the Democrats to reach consensus on the issue by Memorial Day so that the committee can turn its attention to health care reform in June.

"He didn't want to see this slip by the wayside," said Rep. Mike Doyle (D-Pa.). "He wants us to keep working."

Democrats said Obama was well briefed on the details and complexities of the climate issue. "He has mastered the details," Boucher said.

Yet, they also said the president wants the committee members to work through the sticking points themselves. "He wants us to try to work out our bill, and he's giving us a lot of latitude to do that," Waxman said.

Because of their regional diversity, Obama also suggested that Democrats on the Energy and Commerce Committee could help propel the entire issue forward -- including through the Senate -- if they can strike a deal among themselves.

"If we can reach agreement with the coal sector, with the steel, with the auto sector, with the refining sector on our committee, which is very representative of the Congress as a whole, then we believe that'll be a template for passage in the Senate, as well," Markey said. "Because the agreements we'll reach will be the very same agreements that those industry leaders ... will be able to represent to senators are the basis for passage of legislation that they can support."

Obama addressed a key sticking point in negotiations, telling the Democrats that he is open to giving away some of the emission credits for free to industry, a clear shift from last year's presidential campaign and the administration's budget proposal in favor of a complete auction of the allowances.

"I wouldn't say it's contrary," Waxman said. "He wants us to get to a point where we're going to have an auction, and eventually we will get to an auction."

Any free credits, Waxman added, would not undercut the goals of the legislation.

"It's going to require during that transition period of decades for the Congress to deal with the cost to consumers, and the cost to different industries and the development of the new technologies," he said. "We're trying to be mindful of the regional concerns and the ratepayers, particularly the consumers."

Richard Windsor/DC/USEPA/US
06/30/2009 05:28 AM

To "Bob Sussman", "Gina McCarthy"
cc
bcc
Subject Fw: Obama Administration Launches New Energy Efficiency Efforts

FYI

From: Allyn Brooks-LaSure
Sent: 06/29/2009 02:06 PM EDT
To: "Windsor, Richard" <Windsor.richard@epa.gov>; "Thompson, Diane" <thompson.diane@epa.gov>
Cc: "Mcintosh, David" <mcintosh.david@epa.gov>; "Oster, Seth" <oster.seth@epa.gov>; "Andy, Adora" <andy.adora@epa.gov>
Subject: Fw: Obama Administration Launches New Energy Efficiency Efforts

MABL.

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

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 06/29/2009 02:05 PM AST
To: Allyn Brooks-LaSure
Subject: Obama Administration Launches New Energy Efficiency Efforts

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 29, 2009

Obama Administration Launches New Energy Efficiency Efforts

Will save billions for consumers, business while helping to create new jobs and strengthen American competitiveness

WASHINGTON - Building on the action by the U.S. House of Representatives in passing historic legislation that will pave the way for the transition to a clean energy economy, President Barack Obama and U.S. Energy Secretary Steven Chu today

announced aggressive actions to promote energy efficiency and save American consumers billions of dollars per year. Today's announcement underscores how the clean energy revolution not only makes environmental sense, but it also makes economic sense - creating jobs and saving money.

"One of the fastest, easiest, and cheapest ways to make our economy stronger and cleaner is to make our economy more energy efficient," said President Obama. "That's why we made energy efficiency investments a focal point of the Recovery Act. And that's why today's announcements are so important. By bringing more energy efficient technologies to American homes and businesses, we won't just significantly reduce our energy demand; we'll put more money back in the pockets of hardworking Americans." "When it comes to saving money and growing our economy, energy efficiency isn't just low hanging fruit; it's fruit laying on the ground," said Secretary Chu. "The most prosperous, competitive economies of the 21st century will be those that use energy efficiently. It's time for America to lead the way."

More Energy Efficient Lighting

Today's announcement includes major changes to energy conservation standards for numerous household and commercial lamps and lighting equipment. Seven percent of all energy consumed in the U.S. is for lighting.

The final rule has numerous benefits, including:

- Avoiding the emission of up to 594 million tons of CO₂ from 2012 through 2042 - roughly equivalent to removing 166 million cars from the road for a year;
- Saving consumers \$1 to \$4 billion annually from 2012 through 2042;
- Saving enough electricity from 2012 through 2042 to power every home in the U.S. for up to 10 months;
- Eliminating the need for up to 7.3 gigawatts of new generating capacity by 2042 - equivalent to as many as 14 500MW coal-fired power plants;
- Decreasing the electricity used in GSFLs by 15%, saving consumers up to \$8.66 per lamp over its lifetime; decreasing electricity used by IRLs by 25%, saving consumers \$7.95 per lamp over its lifetime.

In February 2009, President Obama tasked the Department of Energy with quickening the pace of energy conservation standards for appliances, while continuing to meet legal and statutory deadlines. Today's announcement - which takes effect in 2012 - focuses on General Service Fluorescent Lamps (GSFL), which are commonly found in residential and commercial buildings, and Incandescent Reflector Lamps (IRL), which are commonly used in recessed and track lighting. These fluorescent and incandescent lamps represent approximately 38 and 7 percent of total lighting energy use respectively.

The final rule, as issued by the Secretary of Energy on June 26, 2009, can be viewed and downloaded from the Office Energy Efficiency and Renewable Energy's website at: www.eere.energy.gov/buildings/appliance_standards/residential/incandescent_lamp_s.html.

Building Efficiency Initiative

President Obama and Secretary Chu today announced a \$346 million investment from

the American Recovery and Reinvestment Act to expand and accelerate the development, deployment, and use of energy efficient technologies in all major types of commercial buildings as well as new and existing homes.

Residential and commercial buildings consume 40 percent of the energy and represent 40 percent of the carbon emissions in the United States. Building efficiency represents one of the easiest, most immediate and most cost effective ways to reduce carbon emissions while creating new jobs. With the application of new and existing technologies, buildings can be made up to 80 percent more efficient or even become "net zero" energy buildings with the incorporation of on-site renewable generation. Today's buildings consume more energy than any other sector of the U.S. economy, including transportation and industry. In addition, almost three-quarters of our nation's 81 million buildings were built before 1979. Some were designed and constructed for limited service, and many will eventually require either significant retrofits or replacement.

Innovations in energy-efficient building envelopes, equipment, lighting, daylighting, and windows, in conjunction with advances in passive solar, photovoltaic, fuel cells, advanced sensors and controls and combined heating, cooling, and power, have the potential to dramatically transform today's buildings. These technologies – coupled with a whole building design approach that optimizes the interactions among building systems and components – will enable tomorrow's buildings to use considerably less energy, while also helping to reduce emissions and increase energy security.

This funding includes:

Advanced Building Systems Research (\$100 million). These projects will address research focused on the systems design, integration, and control of both new and existing buildings. Buildings need to be designed, built, operated, and maintained as an integrated system in order to achieve the potential of energy efficient and eventually net zero-energy buildings. These projects will move beyond component-only driven research and address the interactions in buildings as a whole, in order to progress development of integrated, high performance buildings and achieve net zero- energy buildings.

Residential Buildings Development and Deployment (\$70 million). Expanded work in Residential Buildings will increase homeowner energy savings by supporting energy efficient retrofits and new homes while raising consumer awareness of the benefits of increased health, safety, and durability of energy efficiency. The projects will provide technical support to train workers and create jobs, developing a new workforce equipped to improve the Nation's homes and will permit a major initiative to provide builders with technical assistance and training through states, utilities, and existing programs to increase the market share of new homes achieving substantial whole house energy savings. To address existing homes, DOE will work with municipalities with a variety of housing types and vintages as well as subdivisions with similar housing stock to encourage a large number of energy efficiency retrofits.

Commercial Buildings Initiative (\$53.5 million). These Recovery Act funds will be used to accelerate and expand partnerships with major companies that design, build, own, manage, or operate large fleets of buildings and that commit to achieving exemplary energy performance. This funding will be used to expand the number of these partnerships from 23 to about 75 through a competitive process beginning in September, 2009.

Buildings and Appliance Market Transformation (\$72.5 million). In order to achieve energy savings, and ultimately lead to zero energy buildings, the marketplace must be conditioned to accept the necessary advanced technologies and activities and ensure that the current technologies are performing as intended via current energy efficiency standards. Key activities include expanding ENERGY STAR to accelerate development of energy efficient products and expand the ENERGY STAR brand into new areas; preparing the design, construction, and enforcement community to implement commercial building energy codes that require a 30 percent improvement in energy efficiency over the 2004 code in 2010; and accelerating and expanding DOE's Appliance Standards program to evaluate innovative technologies and develop new test procedures that are more representative of today's energy use and equipment.

Solid State Lighting Research and Development (\$50 million). The objective of the solid state lighting activities is to advance state-of-the-art of solid-state lighting (SSL) technology and to move those advancements more rapidly to market through a coordinated development of advanced manufacturing techniques. This project will both aid in the development and reduce the first cost of high performance lighting products. Continuing advances can accelerate progress towards creating a U.S.-led market for high efficiency light sources that save more energy, reduce costs, and have less environmental impact than other conventional light sources.

For information on these and other Funding Opportunities under the Recovery Act, visit: www.energy.gov/recovery/funding.htm.

##

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Richard
Windsor/DC/USEPA/US
12/27/2011 12:55 PM

To "Brendan Gilfillan", "Betsaida Alcantara"
cc
bcc
Subject Fw: Good editorials

Judith Enck

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

From: Judith Enck
Sent: 12/27/2011 09:46 AM EST
To: Gina McCarthy; Richard Windsor
Subject: Good editorials

Fyi. Newday and albany times union. More to come.

Sent by EPA Wireless E-Mail Services
Mary Mears

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

From: Mary Mears
Sent: 12/27/2011 09:42 AM EST
To: Judith Enck
Subject: editorials

Newsday Editorial

Mercury rule will help clear air

Updated: December 26, 2011 6:11 AM

The Four Corners Power Plant, operated by Arizona Public Service on tribal land near Fruitland, N.M. New Environmental Protection Agency rules aim to reduce mercury pollution from large coal-fired power plants.

One step at a time, President Barack Obama is writing a credible record on preserving our environment and public health. The latest move came last week, when his Environmental Protection Agency made final a new rule to sharply reduce power-plant emissions of mercury and other toxins.

In 1990, Congress amended the Clean Air Act and directed the EPA to control toxins such as mercury. Since then, coal-fired power plants have continued spewing mercury and other pollutants covered by the rule, such as arsenic and cyanide. Mercury is a neurotoxin that gets into our surface waters, the fish we eat and our bodies. It's especially dangerous for the developing brains of children and for pregnant women.

Now, finally, the EPA is directing plant operators to install already available emissions-control technology. (Happily, New York plants have already done a lot of that work.) The agency estimates that the new rule will avert 11,000

deaths a year. The projected avoided cost of health care -- for ailments such as asthma, developmental disorders and others -- vastly outweighs the compliance costs.

Earlier this year, Obama did the right thing on fuel efficiency standards and interstate air pollution. But he put off until 2013 tightening the standard on smog-producing ground ozone. That was to fend off Republican charges that regulation kills jobs. As to the mercury rule, the EPA says compliance will create 46,000 construction jobs and 8,000 utility jobs.

In taking this step, Obama is simply obeying Congress -- the enlightened one that passed the 1990 amendments, not the current House, which wakes up every day trying to hog-tie the EPA.

**Editorial: In celebration of cleaner air
Albany Times Union
12/27/2011**

THE ISSUE:

New EPA regulations for mercury emissions have been imposed at last.

THE STAKES:

Cleaner air, cleaner water and economic opportunity.

The last days of 2011 offer those concerned about the air we breathe and the waterways we enjoy all the more reason to celebrate. They might party like it's, oh, 1990.

That's when the landmark legislation known as the Clean Air Act had last been amended in any major way.

The law's regulations of air pollutants, significant as they were, had one notable omission: More needed to be done to control the mercury and other toxins from coal- and oil-burning power plants.

President Obama's adoption last week of the Mercury and Air Toxics Standards is a complement to environmental regulation that was two decades in coming.

During that time, about a dozen states — New York among them — imposed adequate reasonable restrictions on mercury pollution. Here, 19 power plants produce about 259 pounds of mercury a year. But in Pennsylvania, for

example, 38 power plants are responsible for 4,000 pounds of mercury.

Toxins and the damage they impose make no distinctions for state borders, of course. That left two of New York's greatest environmental treasures, the Adirondacks and the Catskills, vulnerable to acid rain, even as the state tried to stop it. New nationwide rules for mercury emissions are expected to reduce acid rain by 88 percent.

Those rules don't mean that the utility industry won't be able to produce the power we need, no matter what it might say. The power plants that will soon become obsolete, the Environmental Protection Agency says, produce less than one-half of 1 percent of the nation's generating capacity.

Still, get ready for the less responsible power plant operators to make the same, tired argument that a national economy still struggling to recover from the Great Recession can't afford cleaner air.

That will be their argument as they try to prevail upon Congress and the courts to revoke one of the Obama administration's great environmental achievements.

Good thing, then, that the administration is ready with its rebuttal.

"They knew this was coming," says EPA Regional Administrator Judith Enck.

Some utilities actually have been quite supportive of the new rules. Public Service Enterprise Group, owner of the largest electric utility in New Jersey, spent \$1.3 billion on compliance efforts. The result has been a 90 percent reduction in emissions of mercury and other toxins.

There's economic opportunity in the modification of power plants to accommodate cleaner air requirements. The EPA estimates that some 8,000 jobs will be created in the production of scrubbers and other devices that power plants will need. Some of those jobs will be at Corning Incorporated in western New York.

In time, though, the quest for cleaner air and the health benefits it brings will further alter the economics of the energy industry.

"We're hoping to level the playing field for renewable forms of energy," says Ms. Enck.

Imagine, being able to celebrate a greater capacity for power generation with less pollution.

For that, thank the Clean Air Act and, now, the Mercury and Air Toxics Standards.

To comment: tuleters@timesunion.com or at <http://blogs.timesunion.com/opinion>

Mary Mears
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<http://blog.epa.gov/greeningtheapple>

Richard Windsor/DC/USEPA/US

01/18/2012 11:19 PM

To "Brendan Gilfillan", "Michael Goo", "Bicky Corman", "Diane Thompson"

cc

bcc

Subject Fw: New York DEC Issues Draft Regulations On Power Plant Siting, Carbon Emissions

Charles Imohiosen

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

From: Charles Imohiosen

Sent: 01/18/2012 11:12 PM EST

To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Judith Enck

Subject: New York DEC Issues Draft Regulations On Power Plant Siting, Carbon Emissions

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Daily Environment Report: News Archive > 2012 > January > 01/19/2012 > News > Energy: New York DEC Issues Draft Regulations On Power Plant Siting, Carbon Emissions

11 DEN A-10

Energy

New York DEC Issues Draft Regulations

On Power Plant Siting, Carbon Emissions

By John Herzfeld

NEW YORK—Electricity generating facilities in New York would be required to evaluate potential environmental justice impacts in siting decisions and to limit carbon dioxide emissions from new or expanded power plants under a pair of regulations proposed Jan. 18 by the state Department of Environmental Conservation.

In announcing the two “groundbreaking” draft rules, DEC said the environmental justice rules would be the first in the United States to require an analysis of potential disproportionate impacts on nearby communities in major power plant siting decisions.

The carbon dioxide draft rules would limit emissions from new major generating facilities and certain expansions at existing power plants, DEC added.

The draft rules (6 NYCRR Part 487 and 6 NYCRR Part 251) were proposed to implement provisions of the Power NY Act of 2011, which was signed by Gov. Andrew M. Cuomo (D) in August (151 DEN A-2, 8/5/11).

Environmental Justice Framework

The proposed Part 487 regulations would establish a regulatory framework to analyze environmental justice issues associated with the siting or expansion of major generating facilities, DEC said. Applicants would have to evaluate any “significant and adverse disproportionate environmental impacts” from a facility’s construction or operation.

“Negative environmental impacts from industrial operations like power plants often disproportionately affect environmental justice communities,” DEC Commissioner Joe Martens said in a statement. “Our proposed regulations are the first in the nation that seek to protect public health and the environment in overburdened communities.”

The analysis would have to include the cumulative air quality impact of the facility, as well as comparative demographic, economic, and physical data for the community where the facility would be located, versus

data for the county and adjacent communities, DEC said.

Carbon Dioxide Limits

The proposed Part 251 regulations would establish carbon dioxide limits for proposed new major power plants with a capacity of at least 25 megawatts and for increases in capacity of at least 25 megawatts at existing facilities.

“Carbon dioxide emissions are chief contributors to climate change,” Martens said. “We are proposing CO2 emissions limits for new and expanding power plants to further reduce the carbon footprint of New York’s power sector.”

For most new or expanded base load fossil-fuel-fired plants, the proposed carbon dioxide emission rules would set an output-based limit of 925 pounds per megawatt-hour or an input-based limit of 120 pounds per million British thermal units.

For simple cycle combustion turbines, the draft rules would set an output-based limit of 1,450 pounds per megawatt-hour or an input-based limit of 160 pounds per million Btus.

Output-Based, Input-Based Choice

Each facility’s owner or operator could choose whether to comply with the output-based or input-based emission limits, DEC said.

For certain power plants that fire non-fossil fuels, the draft rules would allow DEC to set case-specific limits and require recordkeeping, monitoring, and reporting consistent with existing state and federal regulations, the department added.

Power plants in the state currently are required to comply with the Regional Greenhouse Gas Initiative program, as well as certain federal requirements regarding greenhouse gas emissions, DEC said.

For the first time, the department said, the proposed Part 251 would establish a specific limit on the allowable carbon dioxide emission rate of new and expanded power plants. That would make New York “one of only a few states in the country with a CO2 performance standard for both new and expanding power plants,” it said.

The department set three public hearings: March 5 in Albany, March 6 in New York City, and March 8 in Buffalo. Written comments are due by March 15.

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

Sent via Blackberry

Richard
Windsor/DC/USEPA/US
12/13/2010 02:06 PM

To "Brendan Gilfillan"
cc "Seth Oster"
bcc
Subject Fw: From Greenwire -- CLIMATE: EPA's rumored
'permitorium' more complex than Beltway debate suggests

Nice
David McIntosh

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

From: David McIntosh
Sent: 12/13/2010 12:42 PM EST
To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Bob Sussman; Seth Oster; Brendan Gilfillan; Michael Moats; Adora Andy; Joseph Goffman; Scott Fulton
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 ----

From: David McIntosh/DC/USEPA/US@EPA
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:

An E&E Publishing Service

CLIMATE: EPA's rumored 'permitorium' 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 "permit moratorium," 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 Rowlan, 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, Rowlan 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," Rowlan 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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Richard
Windsor/DC/USEPA/US
12/03/2009 10:28 PM

To "Clay Diette"
cc
bcc
Subject Fw: Major MTM Op-ED by Byrd

Arvin Ganesan

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

From: Arvin Ganesan

Sent: 12/03/2009 02:35 PM EST

To: Richard Windsor; Diane Thompson; Bob Sussman; Peter Silva; Seth Oster

Subject: Major MTM Op-ED by Byrd

This is a major development.

COAL MUST EMBRACE THE FUTURE

Senator Robert C. Byrd (D-W.Va.)

For more than 100 years, coal has been the backbone of the Appalachian economy. Even today, the economies of more than 20 states depend to some degree on the mining of coal. About half of all the electricity generated in America and about one quarter of all the energy consumed globally is generated by coal.

Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has eliminated jobs, hurting the economies of coal communities. In 1979, there were 62,500 coal miners in the Mountain State. Today there are about 22,000. In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But when coal industry representatives stir up public anger toward federal regulatory agencies, it can damage the state's ability to work with those agencies to West Virginia's benefit. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering, grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident

supporters of mountaintop removal mining.

I have spent the past six months working with a group of coal state Democrats in the Senate, led by West Virginia native Senator Tom Carper (D-Del.), drafting provisions to assist the coal industry in more easily transitioning to a lower-carbon economy. These include increasing funding for clean coal projects and easing emission standards and timelines, setting aside billions of dollars for coal plants that install new technology and continue using coal. These are among the achievable ways coal can continue its major role in our national energy portfolio. It is the best way to step up to the challenge and help lead change.

The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment. Major coal-fired power plants and coal operators operating in West Virginia have wisely already embraced this reality, and are making significant investments to prepare.

The future of coal and indeed of our total energy picture lies in change and innovation. In fact, the future of American industrial power and our economic ability to compete globally depends on our ability to advance energy technology.

The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions.

Fortunately, West Virginia has a running head-start as an innovator. Low-carbon and renewable energy projects are already under development in West Virginia, including: America's first integrated carbon capture and sequestration project on a conventional coal-fired power plant in Mason County; the largest wind power facility in the eastern United States; a bio-fuel refinery in Nitro; three large wood pellet plants in Fayette, Randolph, and Gilmer Counties; and major dams capable of generating substantial electricity.

Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it. One thing is clear. The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose.

###

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Richard
Windsor/DC/USEPA/US
04/20/2010 01:22 PM

To "David McIntosh"
cc
bcc

Subject Fw: The Hill: Browner sees enough votes to block bills that
scuttle EPA climate rules

Seth Oster

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

From: Seth Oster
Sent: 04/20/2010 01:19 PM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>
Subject: Fw: The Hill: Browner sees enough votes to block bills that
scuttle EPA climate rules

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 04/20/2010 12:54 PM EDT
To: Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy;
Betsaida Alcantara; Michael Moats; Alisha Johnson; Vicki Ekstrom
Subject: The Hill: Browner sees enough votes to block bills that scuttle
EPA climate rules

Browner sees enough votes to block bills that scuttle EPA climate rules

By Ben Geman - 04/20/10 11:29 AM ET

White House climate adviser Carol Browner said Tuesday that legislation to block EPA regulation of greenhouse gas emissions is unlikely to pass.

Sen. Lisa Murkowski (R-Alaska) has 40 co-sponsors – including three centrist Democrats – for her plan to overturn EPA’s “endangerment finding” that greenhouse gases threaten humans. The finding is the legal underpinning for regulating emissions.

Sen. Jay Rockefeller (D-W.Va.) has floated a less sweeping plan that would block planned regulation of emissions from industrial plants for two years.

The Obama administration opposes stripping EPA authority. Asked whether there are enough votes to block legislation that hamstring EPA, Browner replied “I think so.”

The White House says its first choice is for Congress to approve a broad climate change and energy bill, but warns that EPA is prepared to act under its current powers if Congress remains deadlocked.

Murkowski’s plan – if it comes to the floor – would not be subject to filibuster. But Browner

expressed confidence that even if it passed the Senate, it would face widespread resistance in the House.

Murkowski's plan would upend a recently finalized EPA-Transportation Department rule that created joint greenhouse gas and mileage standards for cars and light trucks. Automakers support the rule because it will prevent them from being subject to multiple state-based emissions rules.

"You have got a lot of people in the House who think the car rule is a good rule, it's the right thing to do, whether it be the members from California or the members from Michigan," Browner said. She spoke at an energy forum hosted by the National Journal Group.

Richard Windsor/DC/USEPA/US
07/21/2009 06:51 PM

To "David McIntosh", "Arvin Ganesan"
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

Peachy

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 07/21/2009 10:48 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

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

[Climate bill impact on US farms bearable: Lawmaker](#)

Reuters - USA

Agriculture Secretary Tom Vilsack and **EPA** chief **Lisa Jackson** were scheduled to testify on the matter on Wednesday before the Senate Agriculture Committee. ...

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[epa's Climate Leaders Program Recognizes Partners for](#)

U.S. EPA.gov (press release) - Washington,DC,USA

... competitive companies in manufacturing, finance, information technology and other major sectors of the economy," said **EPA** Administrator **Lisa P. Jackson**. ...

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Richard
Windsor/DC/USEPA/US
07/01/2009 12:05 PM

To "David McIntosh", "Diane Thompson"
cc
bcc
Subject Fw: Waxman

Eric Wachter

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

From: Eric Wachter
Sent: 07/01/2009 12:03 PM EDT
To: Richard Windsor
Subject: Waxman

FYI

Calif. Democrat Henry Waxman hospitalized

The Associated Press
Wednesday, July 1, 2009 10:41 AM

WASHINGTON -- A powerful House committee chairman with a central role in President Barack Obama's global warming and health care legislation has been hospitalized.

[Rep. Henry Waxman](#), D-Calif., was not feeling well Tuesday and was admitted to Cedars-Sinai Medical Center in Los Angeles for "routine testing," spokeswoman Karen Lightfoot said Wednesday.

She said that Waxman, 69, chairman of the House Energy and Commerce Committee, is "feeling much better now." She said his office had no further details to release.

Waxman just finished steering the climate change legislation through a close House vote and has been gearing up to tackle health care later this summer.

Richard
Windsor/DC/USEPA/US
04/28/2011 06:14 AM

To "David McIntosh", "Gina (Sheila) McCarthy"
cc
bcc
Subject Fw: BUSINESS: 'Wal-Mart effect' is economic driver for solar
power (04/27/2011)

FTI - EPA reg mention at end.
Charles Imohiosen

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

From: Charles Imohiosen

Sent: 04/28/2011 01:07 AM EDT

To: Richard Windsor

Subject: BUSINESS: 'Wal-Mart effect' is economic driver for solar power
(04/27/2011)

[REDACTED]

BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

Joel Kirkland, E&E reporter

[REDACTED]

Wal-Mart may have more to do with expanding solar power in America than homeowners with wide roofs or government subsidies.

Dow Chemical's Elizabeth Singleton calls the idea that one huge retailer can force other big companies to adopt sustainable energy practices the "Wal-Mart effect."

"Why do they care so much about energy? Nobody cares as much about cost as Wal-Mart," Singleton said. "When you sell to them, they drive a very hard bargain across the board. They want to know what suppliers are doing to minimize their risks."

[REDACTED]

Speaking on a panel about the future of solar power, sponsored by the Department of Energy and George Washington University, in Washington, D.C., Singleton and others said the melding of emerging price competitiveness with conventional energy and longer-term economic incentives will keep U.S. solar power producers in business. For companies like Wal-Mart, they said, driving down volatile electricity costs by first investing in expensive solar panels -- and pressing their vendors to spend money on renewable energy -- is a business decision that shareholders understand.

"It's that driver that takes us back to the economics," Singleton said. "I don't think Wal-Mart would be doing it, otherwise. It drives it down the supply chain."

Slowly but surely, panelists said, renewable energy is moving from a debate about electricity prices to one about the "economic value" in wind or solar power. For product suppliers pressed by Wal-Mart to explain how sustainable their energy supplies are, the underlying "value" in adopting clean energy is a company's future business with Wal-Mart.

U.S. solar power capacity has grown considerably in the past four years, but it's a fraction of U.S. energy output. But U.S. solar companies and big banks are looking for investors. BrightSource Energy Inc., based in Oakland, Calif., filed papers with U.S. securities regulators this week announcing plans to conduct an initial public offering. It hopes to raise \$250 million through the IPO.

Talking value

BrightSource, a maker of concentrated solar power technology, has secured a \$1.6 billion loan guarantee from DOE to help it raise enough money to build the proposed 400-megawatt Ivanpah project in California's Mojave Desert. Google this month also said it will spend \$168 million to help fund the Ivanpah project.

Last week, DOE also offered a \$2.1 billion credit line to Solar Trust of America LLC to help build a 484-megawatt plant in Riverside County, Calif.

With the federal government sinking a hefty direct investment into BrightSource, panelists yesterday said buy-in by private investors remains critical.

"How do we move the discussion about renewables and solar away from price [to] talk about value?" said Andrew Murphy, an executive vice president at NRG Energy, an independent power producer that plans to spend at least \$2 billion on renewable power projects in the near term.

On price, comparisons should be made between building new coal- or natural gas-fired power plants and the capital costs of building utility-scale solar projects.

Kathy Weiss, vice president for federal affairs for First Solar, based in Tempe, Ariz., said solar technology development is driving toward producing electricity for 10 cents per kilowatt-hour. As utilities respond to U.S. EPA efforts to enforce the Clean Air Act by shutting the nation's cheapest but dirtiest power plants, she said solar quickly becomes competitive with the cost of building a high-efficiency coal plant.

"If you're judging renewables versus new coal, versus new nuclear, versus gas peaking, then you're really not very far away from being quite competitive," she said

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

Sent via Blackberry

Richard Windsor/DC/USEPA/US
11/07/2011 10:27 AM

To "Gina (Sheila) McCarthy", "Susan Hedman", "Bob Perciasepe", "Arvin Ganesan", "Laura Vaught", "Sarah Pallone"

cc

bcc

Subject Fw: CSAPR

Cool. Tx Susan.

From: Susan Hedman
Sent: 11/07/2011 09:46 AM EST
To: Richard Windsor
Cc: "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: CSAPR

The City of Chicago will be filing in support today.

From: Susan Hedman
Sent: 11/07/2011 09:44 AM EST
To: "David Spielfogel" <david.spielfogel@cityofchicago.org>
Subject: Re: CSAPR

That's terrific.

One point we often stress is that air pollution standards reduce emergency room visits and sick days -- and create jobs.

For instance, we recently settled a case with NIPSCO that requires installation of air pollution controls at several coal-fired power plants -- which the company says will create 1000 jobs. And that doesn't count all of the jobs manufacturing pollution controls -- a sector that is a net exporter. Sargent and Lundy is a major manufacturer of air pollution control equipment.

We appreciate the City's support on this important issue.

From: "Spielfogel, David" [david.spielfogel@cityofchicago.org]
Sent: 11/07/2011 07:46 AM CST
To: Susan Hedman
Subject: CSAPR

Hi Susan. We are likely to file a motion today in support of EPA's promulgation of CSAPR. Anything you want us to particularly touch on in our release?

--

David Spielfogel
Mayor's Office
City of Chicago

312-744-2818 (o)

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Richard Windsor/DC/USEPA/US

01/22/2012 03:14 PM

To "Gina (Sheila) McCarthy", "Todd Stern"

cc

bcc

Subject FYI

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/DC/USEPA/US
11/18/2011 08:31 PM

To "Laura Vaught"
cc
bcc
Subject Fw: National Journal: The outgoing Exelon chief defends
EPA and talks politics in the world of energy

Nice stuff re Boucher
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 11/18/2011 07:23 PM EST
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Daniel Kanninen; Seth Oster; Brendan Gilfillan; Stephanie Owens; Dru Ealons
Subject: National Journal: The outgoing Exelon chief defends EPA and talks politics in the world of energy
Q&A

Liberal Energy

The outgoing Exelon chief defends EPA and talks politics in the world of energy.

Updated:
November 17, 2011 | 5:30 p.m.

One of the lessons that Exelon CEO John Rowe has learned over 28 years of leading utility companies and dealing with Washington politics is that liberalism is relative. "The electricity industry is probably the only place where I could be a liberal," Rowe says with a smile in a recent interview with *National Journal*. "I'm fundamentally very conservative in my economic views. And I never met a big power plant that I didn't like." As the chief executive officer of the country's largest nuclear-reactor operator, he is one of the utility industry's rare vocal fans of the Obama administration's clean-air rules; he also ardently supported climate-change legislation. (His company was not at risk: Nuclear power emits virtually no air pollution.) After Exelon merges with Constellation Energy early next year, Rowe will retire. He plans to spend more time teaching history at a Chicago-area charter school he founded. Edited excerpts of the interview follow.

NJ The coal industry criticizes your support of EPA's clean-air rules. Why have you been so vocal over the years?

ROWE The medical evidence weighed by groups like the National Academy of Sciences is convincing that these are real problems. Second, we know a lot about these [old coal-fired] plants. We used to own some of them, after all. They really are clunkers. We're not going to make the modern world on clunkers. Third, we think there is a peripheral advantage from reducing carbon emissions. If the EPA regulations are enforced, the oldest coal plants are likely to go, and they'll mostly be replaced by natural gas, which has about half the carbon content. So you get a climate pickup. And, finally, we make some money, because our power prices go up. We don't hide that.

NJ Some have criticized President Obama's injection of \$90 billion into clean-energy jobs in light of Solyndra, the stimulus-backed solar-energy company that went bankrupt in September. What's your take on the administration's massive bet on clean energy?

ROWE Government, when it pushes very large amounts of money around, inherently makes mistakes. So do the rest of us. The problem is not that renewables are wrong. The problem is that they get this air of being a holy grail, and people believe they're cheaper than they are and will provide more jobs than they do.

NJ When do you think Congress will pass some type of climate-change legislation?

ROWE Not in the next five years. I fear that they never will. And, instead, they'll just keep doing more expensive things through their renewable standards and other things instead of doing it the cheap way. One of the things that might change that is this desperate need for federal revenue. I think it's at least possible that in a five-year period—I don't think it's possible in a two- or three-year period—that the combination of evidence on climate change and the need for federal revenue will make some sort of modest carbon tax a possibility.

NJ Already in this presidential-election cycle, you've donated to Obama and to GOP candidates Mitt Romney and Jon Huntsman. What's your political philosophy?

ROWE I'm a fiscal conservative/social moderate. Those people don't have parties. There were lots of things I liked about President Obama. I don't like it when he calls my charitable deductions a loophole. I put \$6 million into charter schools in African-American and Latino neighborhoods, and I don't like people coming along calling that a loophole.

It should be obvious from how I describe myself that just on ideology, I fall more naturally toward the Romney/Huntsman area than I do toward the president or toward [Newt] Gingrich. We tried a lot to help then-Senator Obama in 2008, because the importance of his election to the African-American communities in Chicago and Philadelphia cannot be overstated. There are a great many people—whom my companies sell electricity to, whom my company relies on for political support, from whom we hire employees—who felt this was the most tangible representation that the sin of slavery was slowly being atoned.

NJ Of the lawmakers you've known over the years, whose work do you praise?

ROWE I thought the world of [Rep.] Rick Boucher. I think the world of [Sen.] Lindsey Graham. I'm very fond of [Rep.] John Shimkus. I remember when I was a kid and [Gov.] Bill Scranton of Pennsylvania was running [for the GOP presidential nomination] against [Sen.] Barry Goldwater, and losing badly. Scranton said he was a fiscal conservative/social moderate. Well, easy to say. But he was. And I just wish there were more people like him.