

The need for infrastructure is particularly acute right now. Because of advances in drilling technology that allow us to tap new oil deposits, we are producing more oil from unconventional sources -- places like the Eagle Ford Shale in South Texas, where production grew by more than 200 percent last year, or the Bakken formation of North Dakota and Montana, where output has increased tenfold in the last 5 years alone. In States like North Dakota, Montana, and Colorado, rising production is outpacing the capacity of pipelines to deliver the oil to refineries.

Cushing, Oklahoma, is a prime example. There, in part due to rising domestic production, more oil is flowing in than can flow out, creating a bottleneck that is dampening incentives for new production while restricting oil from reaching state-of-the-art refineries on the Gulf Coast. Moving forward on a pipeline from Cushing to Port Arthur, Texas, could create jobs, promote American energy production, and ultimately benefit consumers.

Although expanding and modernizing our Nation's pipeline infrastructure will not lower prices right away, it is a vital part of a sustained strategy to continue to reduce our reliance on foreign oil and enhance our Nation's energy security. Therefore, as part of my Administration's broader efforts to improve the performance of Federal permitting and review processes, we must make pipeline infrastructure a priority, ensuring the health, safety, and security of communities and the environment while supporting projects that can contribute to economic growth and a secure energy future. In doing so, the Federal Government must work in partnership with State, local, and tribal governments, which play a central role in the siting and permitting of pipelines; and, we must protect our natural resources and address the concerns of local communities.

Section 1. Expedited Review of Pipeline Projects from Cushing to Port Arthur and Other Domestic Pipeline Infrastructure Projects. (a) To address the existing bottleneck in Cushing, as well as other current or anticipated bottlenecks, agencies shall, to the maximum extent practicable and consistent with available resources and applicable laws (including those relating to public safety, public health, and environmental protection), coordinate and expedite their reviews, consultations, and other processes as necessary to expedite decisions related to domestic pipeline infrastructure projects that would contribute to a more efficient domestic

pipeline system for the transportation of crude oil, such as a pipeline from Cushing to Port Arthur. This subsection shall be implemented consistent with my Executive Order of March 22, 2012 (Improving Performance of Federal Permitting and Review of Infrastructure Projects), and applicable projects shall have their status tracked on the online Federal Infrastructure Projects Dashboard referenced therein.

(b) In expediting reviews pursuant to subsection (a) of this section, agencies shall, to the maximum extent practicable and consistent with applicable law, utilize and incorporate information from prior environmental reviews and studies conducted in connection with previous applications for similar or overlapping infrastructure projects so as to avoid duplicating effort.

Sec. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget related to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A large, stylized handwritten signature in black ink, consisting of a large loop on the left and a series of connected strokes on the right.



Correspondence Management System

Control Number: AX-12-000-6317

Printing Date: April 09, 2012 06:03:55



Citizen Information

Citizen/Originator: Pettalia, Peter

Organization: Michigan House of Representatives
Address: State Capitol, P.O. Box 30014, Lansing, MI 48909-7514

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6317 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Mar 29, 2012 Received Date: Apr 6, 2012
 Addressee: Jacob Lew Addressee Org: White House
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File - Concerned with the May 2011 Ninth Circuit Court of Appeals ruling which overturned decades of established EPA policy of forest logging roads

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 OGC - Office of General Counsel -- Immediate Office
 OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R5	Apr 6, 2012
Gayvonne Gary	R5	Norma Ignasiak	Apr 9, 2012
Gayvonne Gary	R5	Anita Chico	Apr 9, 2012
Gayvonne Gary	R5	Denise Gawlinski	Apr 9, 2012
Gayvonne Gary	R5	Ronna Beckmann	Apr 9, 2012
Gayvonne Gary	R5	Nancy Jih	Apr 9, 2012



DAILY REPORTING PAGE

106TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES

PETER PETTALIA
STATE REPRESENTATIVE

PHONE: (517) 373-0833
FAX: (517) 373-8446
E-MAIL: peterpettalia@house.mi.gov
ONLINE: reppeterpettalia.com

March 29, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lew:

I am a State Legislator in Michigan representing the 106th District and am deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established Environmental Protection Agency (EPA) policy on forest logging roads. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were 'point source' discharges, similar to industrial plants or factories.

The State of Michigan has over 19 million acres of public and private forests making it the 5th largest amount of timber acreage in the nation. These forests contribute to over 74 thousand jobs and \$2.5 billion to the state GDP. The court ruling does nothing to actually improve water quality, and only creates an unnecessary burden for landowners and timber operators. With EPA's guidance, the Michigan Department of Natural Resources has done an upstanding job overseeing sustainable forest management for large and small forest owners for years. In fact, a study done at North Carolina State University show that total costs in the Lake States could range from \$100 million to over \$1 billion. The Ninth Circuit ruling creates a new and unnecessary regulation that dismisses scientific and practical evidence of successful forest management, and opens the door for special interest litigation on each new "point source."

2012 APR -6 AM 11:56
OFFICE OF THE
EXECUTIVE SECRETARIAT
REPPETERPETTALIA.COM



The Ninth Circuit Court decision is a major threat to jobs and investment in Michigan and cannot be left to stand. I urge you to defend the EPA's longstanding practice of defining forestry management and forest roads as 'nonpoint' sources. Defining forest roads as 'point' sources for silvicultural activities would negatively impact jobs and the economy in our state. Please urge the Solicitor General to recommend the Supreme Court reviews this issue. I also urge you to encourage Congress to pass permanent legislation to preserve the EPA's existing rules and prevent further litigation.

Thank you for your consideration.

Sincerely,



Peter Pettalia, State Legislator
Michigan House of Representatives

cc: John Bryson, Secretary, Department of Commerce
Lisa Jackson, Administrator, EPA
Karen Mills, Administrator, SBA
Kenneth Salazar, Secretary, Department of the Interior
Nancy Sutley, Chair, CEQ
Thomas Tidwell, Chief, US Forest Service
Thomas Vilsack, Secretary, Department of Agriculture
Michigan Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-6353

Printing Date: April 09, 2012 06:12:16



Citizen Information

Citizen/Originator: Fehrenbacher, Emily

Organization: Sierra Club

Address: 750 W 2nd Avenue, Anchorage, AK 99501

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6353

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 23, 2012

of Extensions: 0

Letter Date: Apr 6, 2012

Received Date: Apr 9, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Alaska House Bill 168 Sierra Club Concerns

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA

OCIR - Office of Congressional and Intergovernmental Relations

OEAE - Office of External Affairs and Environmental Education

OECA - OECA -- Immediate Office

OGC - Office of General Counsel -- Immediate Office

OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R10	Apr 9, 2012	Apr 23, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

RECEIVED

2012 APR -9 AM 8:39

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 04/06/2012 03:40 PM
From Emily Fehrenbacher <emily.fehrenbacher@sierraclub.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc Nancy Stoner/DC/USEPA/US@EPA; Cynthia Giles-AA/DC/USEPA/US@EPA
Subject Alaska House Bill 168 Sierra Club Concerns

Message Body

Dear Administrator Jackson,

I've attached a letter outlining the Sierra Club's concerns on Alaska House Bill 168, a bill that is quickly moving through the Alaska State Legislature, and could have serious consequences for all Alaskans. I've also attached a letter that EPA sent to former Governor Huntsman of Utah when a similar bill passed the Utah Legislature in 2006. We are requesting that EPA weigh in with the Alaska Legislature on the consequences of this bill.

Thank you.

-Emily Fehrenbacher

--

Emily Fehrenbacher
Sierra Club
750 W 2nd Ave, Suite 100
Anchorage, AK 99501
(907)276-4060
emily.fehrenbacher@sierraclub.org



AlaskaHB168.SierraClub.TrusteesforAlaska.EPA.pdfEPA Ltr to Gov 2006.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



TRUSTEES FOR ALASKA
SUSTAIN | PROTECT | REPRESENT

April 6, 2012

Lisa Jackson
EPA Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Jackson:

The Sierra Club and Trustees for Alaska oppose Alaska HB 168, which would require an Alaskan litigant to post a bond or security when a court issues a stay or injunction against a government-issued permit affecting an industrial operation. The Sierra Club is the nation's largest grassroots environmental organization working to explore, enjoy and protect the planet with roughly 1,200 members in Alaska. Trustees for Alaska was established in 1974 as an Alaska non-profit public interest law firm working to protect and sustain Alaska's natural environment on behalf of Native villages, community groups, and local and national conservation groups by providing legal services, policy advice, and strategic counsel free of charge. Trustees for Alaska has been in the forefront of issues large and small which continue to shape Alaska's environmental future – oil and gas development, mining, toxic wastes, air and water pollution, public land use, and protection of marine resources.

HB 168 Is Likely Unconstitutional.

First and foremost, our members and clients are concerned that HB 168 will take away their basic constitutional rights. The bill is likely unconstitutional for three reasons. First, it violates the Equal Protection clause by targeting litigants who challenge permits for industrial operations, and protecting only industrial operations. This discriminates unconstitutionally against local landowners, community groups, native organizations, commercial and sport fishers and hunters, and other Alaskans who seek to ensure that state agencies are doing their jobs.

Second, in practice it would often deny access to courts, in violation of Due Process rights, for Alaskans who do not have the financial resources to post the required bond but have an otherwise valid claim. This bond would have to cover potential damages including employees' lost wages, salaries, and contractors. The size of these bonds could easily and quickly add up to millions of dollars. Most Alaskans do not have the financial resources to post the required bond, but have an otherwise valid claim. Those people would be prohibited from protecting the land they have owned for decades yet is threatened by a major industrial operation. Even large non-profit organizations like the Sierra Club, do not have millions to post the bond this bill would require, despite frequently having legitimate issues with government-issued permits.

Third, HB 168 is a change to court rules, which violates the Alaska Constitution unless the bill is approved by two-thirds of each house and specifically states that it is a change to court rules. Currently, Civil Rule 65(c) and Appellate Rules 204(d) and 603(a)(2) govern the bonds that would be affected by HB 168. Indeed, the bill closely parallels the language of Civil Rule 65(c).

HB 168 is Poorly Drafted and Would Be Extraordinarily Difficult for a Court To Apply.

The bill contains several provisions that are ambiguous or make no sense and would be challenging for a court to enforce. For example, the bill purports to require a bond for an order “vacating” a permit. However, a court only vacates a permit at the conclusion of a case, after finding that the issuing agency actually violated the law.¹ That is not a situation where bonds come into play. Bonds are generally required only for temporary injunctions or stays, in case the person does not ultimately prevail. It would make no sense and serve no purpose to require a bond of the party who has won the case. If that is the intent of the bill, then it is a punitive and unconstitutional attempt to prevent successful litigants from obtaining the relief to which they are entitled.

Similarly, the bill purports to require the bond to cover damages wrongfully suffered by “an industrial operation.” An industrial operation, in turn, is defined in the bill as various activities. But damages are suffered only by litigants, such as persons, corporations, or organizations. There is no precedent for measuring or awarding damages to an activity rather than a party, and the very concept is bizarre and likely impossible to apply.

Further, the legislation is ambiguous regarding the point at which a bond would be required. Departing from current court rules, the bill requires a bond from a party “seeking” a stay, preliminary injunction, or vacatur. If that were read to require a bond whenever a case was filed against an industrial permit, it would effectively require an exorbitant fee at the time of filing – an unconstitutional requirement and drastic change to current court procedures. Further, if the bill were interpreted to require bonds whenever a stay or preliminary injunction is sought, and before the court orders one, its main impact would be to deter likely meritorious claims from ever being raised—again a clear violation of constitutional rights.

HB 168 Jeopardizes Delegation of Various Federal Enforcement Programs and Funding for Those Programs.

HB 168 will likely have unintended legal and financial consequences for Alaska. Alaska has various federally delegated legal programs, including the Surface Mining Control and Reclamation Act, the National Pollutant Discharge Elimination System program in the Clean Water Act, Clean Air Act permitting programs, and the Resource Conservation and Recovery Act program. The Department of Natural Resources and Department of Environmental Conservation administer these federal programs, which require compliance with federal regulations. Those regulations include providing the same opportunity for judicial review as would be available under the federal program.

¹ In that case, the challenger has won the case, which by definition, is not a frivolous lawsuit.

The bond requirement in HB 168 is not required under federal law and is a deterrent to citizens challenging unlawful permits. It is also a deterrent to seeking preliminary injunctive relief, no matter how compelling the case or egregious the legal violation. As such, it is very possible that the federal agencies administering these statutes, such as the Department of Interior and Environmental Protection Agency, could decide to de-delegate these programs from the State, which would remove Alaska's control over permitting and result in agency programs being defunded.

HB 168 Likely Stops Meritorious Lawsuits.

This legislation is not aimed at stopping frivolous lawsuits. A frivolous lawsuit would not receive a stay or preliminary injunction, because a court can't issue those remedies without first determining that the plaintiff is likely to prevail and that "irreparable harm" would result without the stay or injunction. Instead, this legislation is targeted at lawsuits with merit, but imposes its burden at the expense of ordinary Alaskans and their communities. Under HB 168, the Alaskan seeking an injunction or stay will be required to post a bond that is typically unaffordable to all but the most wealthy corporations and individuals. Stated another way, the bill penalizes all but the extraordinarily wealthy and deters meritorious claims before they are adjudicated at all.

Further, when a case against a permit is brought by an Alaskan, it questions the permitting process used by the issuing governmental agency or illegal practices by industry. As a result, an injunction or stay would only be issued when government hasn't followed procedure, applied the proper standards, or when a corporate permittee is violating the law or the terms of its permit, as determined by judicial review. Requiring a citizen to pay for a governmental error or corporate malfeasance creates a chilling effect on a long tradition of protecting whistleblowers in our democracy.

In fact, this legislation is so broad that it may even prevent the State itself from enforcing violations of law. It applies to any "party" seeking temporary injunctive relief, which sometimes includes the State when attempting to enforce violations of law occurring under an industrial permit. In those cases, the State will be subject to the bill's bond requirements, a cost the enforcement agencies have no budget to incur.

HB 168 would block Alaskans from protecting their communities and way of life by preventing them from challenging government-issued permits that have resulted in legally redressible injuries. It would force Alaskans challenging a permit to post a bond equal to potential damages suffered by an industrial operation. This remedy protects wealthy corporations – many of which merely do business in Alaska and/or are from foreign countries – over resident Alaskans who live, work, and raise their families in this great state. The bond will in many cases exceed \$1 million, which effectively prevents almost any Alaskan from filing a suit to challenge what may be a fast-tracked, sloppy agency decision. Obviously this is the intent of the legislation—to keep Alaskans from exercising their constitutional rights.

Conclusion

HB 168 is unconstitutional, bad policy making. The only purpose it serves is to keep Alaskans who care about agency decision-making out of court while protecting sloppy permitting decisions that could impact Alaska's economic future. It also protects out-of-state and foreign corporations over Alaskans who live, work, recreate, and subsist in this great state. For these reasons the Sierra Club and Trustees for Alaska oppose HB 168.

Sincerely,

Emily Fehrenbacher, Associate Regional Representative
Sierra Club
750 W 2nd Avenue, Suite 100
Anchorage, AK 99501
(907) 276-4060
Emily.Fehrenbacher@sierraclub.org

Trish Rolfe, Executive Director
Trustees for Alaska
1026 W 4th Ave, Suite 201
Anchorage, AK 99501
(907) 433-2011
trolfe@trustees.org

CC:

Nancy Stoner, Deputy Assistant Administrator for Water, US Environmental Protection Agency
Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, US Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8P-SA

MAR 02 2006

Honorable Jon Huntsman, Jr.
Governor, State of Utah
Utah State Capitol Complex
East Office Building, Suite E220
PO Box 142220
Salt Lake City, Utah 84114-2220

Dear Governor Huntsman:

I am writing to indicate that legislation recently approved by the 2006 Utah Legislature, House Bill No. 100 (HB 100), is of potential concern to the U.S. Environmental Protection Agency (EPA). EPA is very reluctant to become involved with the actions of a State's legislature. However, this pending legislation raises concerns about whether important parts of the State's federally-approved environmental programs would meet federal requirements for EPA approval. In the spirit of partnership, we offer the following for your consideration, particularly in light of EPA's experience with similar legislative actions and court decisions in the states of Virginia, Oregon, and Montana.

I have been advised by EPA's attorneys that the pending Utah legislation may create impediments to the public's ability to challenge permits and other project approvals in state and federal courts as required by various environmental statutes. As you may know, for a state to assume responsibility for federal environmental programs, that State must provide the same opportunity for judicial review as would be available under the federal program.

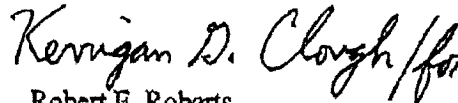
If our reading of the pending legislation is correct, it would require entities to post a bond in order to request a stay or injunction of a new federal or State environmental permit or approval. In addition to covering potential damages to the permit applicant, the bond would have to cover costs and damages to any person, including employees' lost wages, salaries, and benefits, and lost State and local tax revenues. The size of the bond could be very large. Thus, the bond requirement could deter organizations from seeking stays of permits and other project approvals pending appeal, no matter how compelling their case.

Also, as noted above, HB 100 would extend to entities seeking a stay or injunction in federal court. This appears to conflict with federal law as we know of no authority under federal law for the State to impose this burden on access to federal court. In addition, HB 100 would prevent entities that fail to post the required bond from doing business within the State of Utah. This too would impede the ability of organizations to seek a stay or injunction in federal or state court.

2

In sum, it appears that the pending legislation could burden rights to judicial review of permitting decisions and project approvals in Utah and impact the federal-approvability of State environmental programs. I welcome your insights as to whether our understanding of the pending legislation is accurate, and the opportunity to work together to carefully consider the ramifications of the pending legislation. If you need more information, you may call me or Steve Tuber of my staff at (303) 312-6241.

Sincerely yours,



Robert E. Roberts
Regional Administrator

cc: Dianne Nielson, Director
Utah Department of Environmental Quality





Correspondence Management System

Control Number: AX-12-000-7557

Printing Date: May 01, 2012 03:05:11



Citizen Information

Citizen/Originator: Meiklejohn, Douglas

Organization: New Mexico Environmental Law Center

Address: 1405 Luisa Street, Santa Fe, NM 87505

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7557

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 27, 2012

Received Date: May 1, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Revocation of aquifer exemption for uranium mining in Church Rock, New Mexico

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R6	May 1, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R6	May 1, 2012

RECEIVED

APR 30 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 04/27/2012 02:36 PM
From "Douglas Meiklejohn" <dmeiklejohn@nmelc.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc <sbluestone@nmag.gov>; <smb1946@aol.com>; <ejantz@nmelc.org>;
<shelbie@nmelc.org>
Subject Revocation of aquifer exemption for uranium mining in Church Rock, New Mexico

Message Body

Good afternoon Administrator Jackson,

In accordance with my earlier email to Michelle DePass of your staff, I have attached a letter to Senators Bingaman and Tom Udall and Congressman Lujan, and a supporting letter from December, 2011, concerning revocation of the 1989 aquifer exemption for uranium mining in Church Rock, New Mexico. We would appreciate your consideration of our request that EPA Region 6 Regional Administrator Al Armendariz revoke this aquifer exemption.

Please do not hesitate to contact us if you have questions about this.

Thank you.

Douglas Meiklejohn
Executive Director
NM Environmental Law Center



AQUIFER EXEMPTION REVOCATION LETTER (4-27-12).pdf



LETTER URGING REVOCATION OF AQUIFER EXEMPTION (12-5-11).pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



The Honorable Jeff Bingaman
703 Hart Senate Office Building
Washington, DC 20510

The Honorable Tom Udall
110 Hart Senate Office Building
Washington, DC 20510

The Honorable Ben Ray Lujan
330 Cannon House Office Building
Washington, DC 20515

By email, facsimile, and first class mail

April 27, 2012

RE: U.S. Environmental Protection Agency review of Church Rock Proposed Uranium Mining Aquifer Exemption

Dear Senators Bingaman and Udall and Congressman Lujan:

The U.S. Environmental Protection Agency, Region 6, is currently re-examining an aquifer exemption granted in 1989 for proposed uranium mining in the Navajo community of Church Rock, NM. On behalf of our client, the Eastern Navajo Dine Against Uranium Mining (ENDAUM), we ask that you protect the interests of the residents of Church Rock, and the groundwater upon which they depend, by urging Region 6 to revoke the exemption.

As you may be aware, ENDAUM has resisted the Crownpoint Uranium Project, proposed by Hydro Resources, Inc., since 1994. ENDAUM rejects any new uranium mining in its members' communities, particularly in light of the ongoing contamination of water and other resources in their communities caused by historic uranium mining and milling. Moreover, the Navajo Nation's 2005 Diné Natural Resources Protection Act bans uranium mining within the Navajo Nation boundaries and the Nation is advocating that the EPA revoke the aquifer exemption. Finally, the Church Rock Chapter has passed a resolution opposing uranium mining within its boundaries.

The EPA Region 6 granted HRI an aquifer exemption for the Crownpoint Uranium Project under the Safe Drinking Water Act in 1989. The permit was issued before the public was aware of the project, and without any meaningful technical scrutiny. By continuing the aquifer exemption, Region 6 of the EPA has effectively taken the position – in the face of contrary data – that the groundwater beneath the 160 acres of land within the Church Rock Chapter at Section 8, Township 16 North, Range 16 West (Section 8) is so polluted that it will never be used as a drinking water source. On that basis, Region 6 has reasoned that HRI should be allowed to further pollute the groundwater in order to mine uranium using the *in situ* leach (ISL) method.

1405 Luisa Street, Suite 5 Santa Fe, NM 87505
Phone (505) 989-9022 Fax (505) 989-3769 nmelc@nmelc.org

ENDAUM has repeatedly urged Region 6 of the EPA to revoke the 1989 aquifer exemption for several reasons.¹

- 1) **First, the aquifer exemption encompasses groundwater that meets EPA's drinking water standards** for all contaminants without treatment. The quality of the groundwater at Section 8 is why the Navajo Nation has identified the Westwater Canyon Aquifer as **an important future water supply for the Navajo people**. Since groundwater quality within the exempted portion of the aquifer is good and suitable as an underground source of drinking water, the EPA's aquifer exemption undermines the Safe Drinking Water Act's very purpose.

- 2) **Second, the groundwater quality data upon which the EPA Region 6 relied to grant the Section 8 aquifer exemption in 1989 are statistically indefensible and misleading.** HRI provided the groundwater data upon which the EPA relied in 1989. However, HRI provided no statistical analysis as required by EPA's guidance for groundwater quality data, and EPA asked for none. Therefore, the groundwater quality data upon which the aquifer exemption is based does not conform to accepted practices; before an important future source of drinking water is irrevocably contaminated, it makes sense to revisit this data and reject it if it cannot stand up to scientific rigor.

- 3) **Finally, in more than 30 years of operational history, no commercial uranium ISL operation in the world has been able to restore groundwater to pre-mining conditions.** HRI has never mined any uranium, and does not have any operational history or groundwater restoration experience. However, HRI's parent company, Uranium Resources, Inc. (URI) has extensive operational history in Texas and, like its industry peers, has never been able to restore groundwater at any of its ISL sites to pre-mining quality. Because contaminants are likely to migrate out of Section 8 into adjacent underground sources of drinking water, HRI's inability to restore groundwater is significant.

As New Mexico's leaders, you know that we do not have potable water to sacrifice. You also are aware of the dangers with which residents of Church Rock and surrounding communities grapple because of past uranium mining. There is still time to save this aquifer, and protect these people, but we need your help to make it happen.

The EPA has the legal authority to protect future drinking water supplies for the people of Church Rock. We and our clients are encouraged by the EPA's willingness to review the propriety of the aquifer exemption. To protect Church Rock residents and their groundwater, we respectfully request that you contact **EPA Region 6 Regional Administrator Al Armendariz**,

¹ For your convenience, please find enclosed a copy of the most recent correspondence from ENDAUM's counsel with Region 6 outlining the reasons supporting revocation of the Section 8 aquifer exemption.

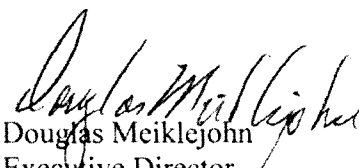
and urge him to exercise the Agency's authority under the Safe Drinking Water Act to revoke this outdated and improvidently granted aquifer exemption.

If we can answer any questions for you, or if you need any additional technical information, please do not hesitate to contact Eric Jantz, lead attorney on this case, at (505) 980-5239, or via email at ejantz@nmelec.org. Thank you for your consideration.

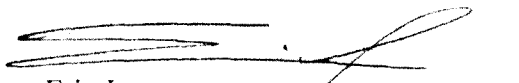
Sincerely,



Stuart Bluestone
President, Board of Directors
New Mexico Environmental
Law Center



Douglas Meiklejohn
Executive Director
New Mexico Environmental
Law Center



Eric Jantz
Staff Attorney
New Mexico Environmental
Law Center

Copies to: Lisa Jackson, Administrator
U.S. Environmental Protection Agency

Michelle DePass, Assistant Administrator for the Office of International and
Tribal Affairs
U.S. Environmental Protection Agency

Dr. Al Armendariz, Regional Administrator
U.S. Environmental Protection Agency Region 6

Jeannine Hale, Director of the Office of Environmental Justice and Tribal Affairs
U.S. Environmental Protection Agency

Virginia White, Personal Assistant
Office of Senator Jeff Bingaman

Thomas W. Nagle, Chief of Staff
Office of Senator Tom Udall

Aaron Trujillo, Senior Legislative Assistant
Office of Representative Ben Ray Lujan



Correspondence Management System

Control Number: AX-12-000-7596

Printing Date: May 01, 2012 03:31:46



Citizen Information

Citizen/Originator: Springer, Jarron B.

Organization: Tennessee Grocers & Convenience Store Association

Address: 1838 Elm Pike, Nashville, TN 37210-3726

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7596

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 15, 2012

of Extensions: 0

Letter Date: Apr 23, 2012

Received Date: Apr 30, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- Concern with EPA limited use of second-generation rodenticides

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSP	May 1, 2012	May 15, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------



RECEIVED
APR 30 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Administrator Jackson,

As President of the Tennessee Grocers and Convenience Store Association, I write to convey our concern with the EPA's proposal to limit the use of second-generation rodenticides only to professional exterminators, thus leaving them no longer available to everyday consumers and small business people.

Our concerns are two-fold. First, many of our grocers and convenience store owners require a high-degree of flexibility in their operations to address issues related to food and customer safety. Should any situations arise where they need quick access to effective and affordable rodenticides, this proposed regulation would – to a large degree – eliminate the owners' abilities to quickly address those needs, and impose on them the additional costs of hiring a professional applicator to apply some of the same products our members and consumers have had ready access to for many years.

Second, many of our members offer these products for sale, and their customers rely on the access to these products that our members provide. This proposal would eliminate that aspect of our ability to serve the community.

The Tennessee Grocers & Convenience Store Association is the only food trade association that represents all segments of Tennessee's food market. TGCSA's retail membership consists of over 1,500 grocery and convenience store locations statewide. The TGCSA membership also consists of over 40 wholesalers and distributors along with 200 suppliers and manufacturers

Considering this, I write to express our opposition to this proposal to cancel consumer and small business uses of second-generation rodenticides.

Sincerely,

Jarron B. Springer
President

cc: The Honorable Lamar Alexander, United State Senate
The Honorable Bob Corker, United States Senate
The Honorable Phil Roe, United States House of Representatives
The Honorable John Duncan, United States House of Representatives

1838 Elm Hill Pike Suite 136 • Nashville, Tennessee 37210-3726
Telephone 615-889-0136 • Toll free 1-800-238-8742 • Fax 615-889-2877
www.tngrocer.org



Correspondence Management System

Control Number: AX-12-000-7597

Printing Date: May 01, 2012 03:15:35



Citizen Information

Citizen/Originator: Kretz, Joel

Organization: State of Washington House of Representatives

Address: PO Box 40600, Olympia, WA 98504-0600

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7597

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 15, 2012

of Extensions: 0

Letter Date: Apr 25, 2012

Received Date: Apr 30, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OW-Assistant Administrator -Signature Date: N/A

OW

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Firm opposition to policies set forth in "Waters of the U.S." guidance sent by the Army Corps of Engineers

Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	May 1, 2012	May 15, 2012	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

STATE REPRESENTATIVE
7th DISTRICT
JOEL KRETZ
DEPUTY LEADER

State of
Washington
House of
Representatives

AGRICULTURE &
NATURAL RESOURCES
ECOLOGY & PARKS
ENVIRONMENTAL HEALTH
RULES



April 25, 2012

RECEIVED
APR 30 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave NW
Washington D.C. 20460

Dear Director Jackson:

This letter is in regard to the recent announcement that the Environmental Protection Agency and the Army Corp of Engineers sent the "Waters of the U.S." guidance to the White House Office of Management and Budget, for final review.

I am firmly opposed to the policies set forth in this document. These policies, if accepted, would have an extremely negative impact on my constituents and are in direct conflict with the restrictions imposed by the Clean Water Act.

I strongly encourage you to work with local governments, so that you may fully understand the impact this proposal would have. If you continue to move forward with the "Waters of the U.S.," I implore you to put this document out for public review and comment, as well as prepare an environmental Impact Statement in accordance with NEPA.

I look forward to your response and assurance that you have completely reached out to our local governments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Kretz".

JOEL KRETZ
Republican Deputy Leader
State Representative
7th Legislative District

Cc: Congress Woman Cathy McMorris-Rodgers
Okanogan County Commissioners



Correspondence Management System

Control Number: AX-12-000-7598

Printing Date: May 01, 2012 03:10:35



Citizen Information

Citizen/Originator: Jennings, Gerald D.

Organization: The City of Albany

Address: City Hall, 24 Eagle Street, Albany, NY 12207

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7598

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 16, 2012

of Extensions: 0

Letter Date: Apr 19, 2012

Received Date: May 1, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator

Signature Date: N/A

- OAR

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Support for the EPA's recently issued Mercury and Air Toxics Standards for Power Plants

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R2 - Region 2 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	May 1, 2012	May 16, 2012	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



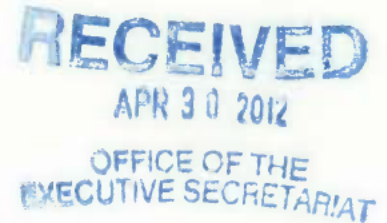
CITY OF ALBANY
STATE OF NEW YORK
OFFICE OF THE MAYOR
12207

GERALD D. JENNINGS
MAYOR



April 19, 2012

Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460



Dear Administrator Jackson,

As local elected officials representing big cities and small towns, we want to express our strong support for the Environmental Protection Agency's (EPA) recently issued Mercury and Air Toxics Standards for Power Plants (MATS). Mayors are on the front lines of protecting public health and this long overdue safeguard will reap tremendous benefits for our communities.

Mercury pollution, much of it coming from coal-fired power plants, represents a particularly widespread threat to families nationwide. According to your agency's own analysis, as of 2010, all 50 states have fish consumption advisories in place to warn residents of the potential health effects of eating fish caught from local waters. Of these advisories, 81% were issued in part because of mercury pollution accumulated within the aquatic food chain.

A dangerous neurotoxin, mercury poses a particular threat to pregnant women and small children. Exposure affects a developing child's ability to walk, talk, read, write and learn. The Center for Disease Control, along with the EPA, estimate that as many as 1 in 6 women of childbearing age have high enough mercury levels in their blood to harm a developing fetus.

EPA's own regulatory impact review of the rule predicts it will save citizens as much as \$90 billion in annually when fully implemented through lower health care costs. That translates into about 11,000 lives saved, 4,700 heart attacks and 130,000 asthma attacks prevented, and 5,700 hospital visits avoided. Additionally, this rule will reduce pollution from a host of other health threatening toxics, including arsenic, cyanide, chromium and acid gases.

Clean, healthy air and water are fundamental American rights and we are eager to work with your Administration to ensure these historic protections are quickly implemented.

Respectfully,

Gerald D. Jennings
Mayor, City of Albany



Correspondence Management System

Control Number: AX-12-000-7599

Printing Date: May 01, 2012 02:46:26



Citizen Information

Citizen/Originator: Williams, Jonathan

Organization: Tennessee Veterans Business Association

Address: Post Office Box 12827, Knoxville, TN 37912

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7599

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 15, 2012

of Extensions: 0

Letter Date: Apr 23, 2012

Received Date: Apr 30, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Opposition the generation rodenticides

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSPP	May 1, 2012	May 15, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OCSPP as lead office	May 1, 2012

RECEIVED
APR 30 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT



Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Administrator Jackson,

As the president of the Tennessee Veterans Business Association, I write to express our opposition to the recently proposed Environmental Protection Agency regulation that second-generation rodenticides should no longer be available to everyday consumers and small business people and should only be available for use by professional exterminators. As veterans who are also business owners, our members recognize that this regulation would do nothing but raise costs for consumers and eliminate the ready availability of these affordable and effective products.

This proposal is unnecessary and incredibly over-reaching. At a time when our economy is struggling and small-business owners are making every effort to turn a profit and thus turn our economy around, we need leaders who will work to create a pro-business environment where entrepreneurs can succeed and aren't over-burdened by excessive regulations.

These measures, if successful, will raise costs for business owners as well as consumers. Additionally, this type of regulation takes away the ability of a business-owner to make the decision that is best for his or her company. Without the ability to purchase these readily accessible products, this regulation could increase risk of rodent infestations and increase property and product damage.

Yours,

Jonathan Williams, President
Tennessee Veterans Business Association
P.O. Box 12827
Knoxville, TN 37912



Correspondence Management System

Control Number: AX-12-000-7604

Printing Date: May 01, 2012 06:16:39



Citizen Information

Citizen/Originator: Campbell, Melanie L.

Organization: National Coalition of Black Civic Participation

Address: 1050 Connecticut Avenue NW, Washington, DC 20036

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7604

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 10, 2012

Received Date: Apr 30, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Thank you letter from National Coalition on Black Civic Partipation

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

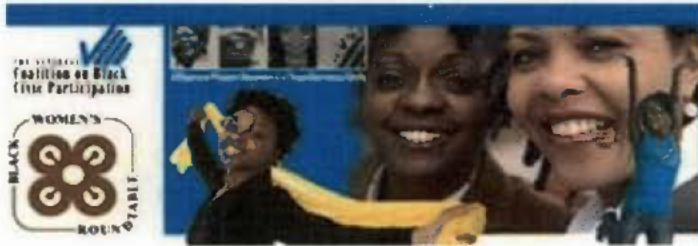
Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAE	May 1, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	May 1, 2012

Comments



RECEIVED
APR 30 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

1050 Connecticut Avenue, N.W.
10th Floor, Suite 1000
Washington, D.C. 20036
www.ncbcp.org

April 10, 2012

Ms. Lisa Jackson
Administrator
US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW - 1101-A
Washington, DC 20460

Dear Lisa,

Thank you for speaking at the National Coalition on Black Civic Participation's **Inaugural Black Women's Roundtable Women of Power National Summit: Amplifying the Voices of Women and Girls in 2012 and Beyond!**, which was held March 21 - 24, 2012.

Your participation inspired many individually and collectively to impact public policies that affect Black Women and girls, the faith community and other 501 c(3) organizations to advance the Black community in technology, education, health and the economy.

The feedback we have received from summit participants, presenters and guests has been overwhelmingly positive. Many have returned home with a renewed sense of enthusiasm to continue working in their communities.

NCBCP and the Black Women's Roundtable greatly appreciated your time and commitment. We look forward to working with you in future endeavors as we continue to empower the next generation of civic leaders in 2012 and beyond.

Thank you,

Melanie L. Campbell, President & CEO and
Convener, Black Women's Roundtable, NCBCP



Correspondence Management System

Control Number: AX-12-000-7610

Printing Date: May 01, 2012 06:19:08



Citizen Information

Citizen/Originator: Gibson, Thomas J.

Organization: American Iron and Steel Institute

Address: 25 Massachusetts Avenue NW, Washington, DC 20001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7610

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 15, 2012

of Extensions: 0

Letter Date: Apr 25, 2012

Received Date: Apr 30, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Nominaton of Peter Pagano to the Clean Air Act Advisory Committee

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OFACMO - Office of Federal Advisory

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	May 1, 2012	May 15, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	May 1, 2012



**American
Iron and Steel
Institute**

25 Massachusetts Avenue, NW
Suite 800
Washington, DC 20001
Phone 202.452.7146
Fax 202.452.1039

www.steel.org

Thomas J. Gibson
President and CEO

April 25, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

RECEIVED
APR 30 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

I am writing to nominate Peter Pagano to the Environmental Protection Agency's Clean Air Act Advisory Committee (CAAAC). Peter's current position as the Vice President, Environment/Public Policy for the American Iron and Steel Institute (AISI) makes him well suited to provide advice and information to the Agency regarding implementation of the Clean Air Act from the perspective of U.S. manufacturers. AISI represents the North American steel industry and includes member companies accounting for over three quarters of U.S. steelmaking capacity with facilities located in forty-three states. Peter's responsibilities include developing and communicating environmental and energy policy positions for U.S. steel manufacturers.

In addition to an extensive background in environmental policy and science developed during his years at federal and state agencies, he also has experience representing the steel industry on advisory groups as he currently serves on the Department of Energy's Steel Working Group organized under the Global Superior Energy Performance Partnership. In 2010 and 2011, Peter was also a member of the Clean Air Act Advisory Committee's Multi-pollutant Sector Approach Work Group where he had the opportunity to represent industry positions in meetings and during the drafting of the Work Group's report: Moving Towards Multi-Air Pollutant Reduction Strategies in Major U.S. Industry Sectors. In addition to participating in, he also helped organize and plan one of the Work Group's central activities: the March 3, 2011, Steel Industry Business Roundtable held in Research Triangle Park, North Carolina.

In conclusion, Peter would be a great addition to the CAAAC as he can provide the perspective of the steel industry which would help strengthen the Administration's efforts to support US manufacturers. Thank you for your consideration and please contact me should you have questions or need more information regarding this nomination.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Gibson".

Thomas J. Gibson

RECEIVED
MAY 14 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 05/11/2012 01:52 PM
From "Melissa Kogut" <melissa@chefscollaborative.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc "'Lumiere Restaurant'" <mleviton@lumiererestaurant.com>
Subject FW: Letter from Chefs Collaborative to the EPA/White House re: Bristol Bay

Message Body

The Honorable Lisa Jackson

Administrator
United States Environmental Protection
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Mail Code 1101A
Washington, D.C. 20460

Dear Administrator Jackson:

Chefs Collaborative is a national network of chefs whose vision is for sustainable practices to be second nature in every restaurant in our country. To achieve our vision, we need broad access to ingredients harvested from healthy ecosystems. Our network seeks your help in protecting one of our nation's most sustainable and healthy foods: Bristol Bay sockeye salmon. That is why we commend the Environmental Protection Agency (EPA) for initiating a Bristol Bay watershed assessment as a way to bring together the science and data needed to make an informed decision about the future management of this irreplaceable sustainable seafood source, and we urge the EPA to release this information as soon as possible.

Unlike many of the wild salmon stocks in the United States, Bristol Bay sockeye is abundant and supports a thriving and sustainable fishery. With an average of 40 million adult wild salmon returning each summer to Bristol Bay, Alaska, it is our nation's largest and most valuable salmon fishery. The Bristol Bay fishery employs over 12,000 people each summer and generates hundreds of millions of dollars for America's economy annually. Bristol Bay's fishery not only sustains the livelihoods of fishermen and processors, it also greatly impacts those of us who rely on sustainable wild salmon fisheries for our businesses. Wild salmon is a distinct and irreplaceable ingredient for many chefs, for whom this fish is a seasonal treat to anticipate, celebrate, and share with restaurant patrons.

Although Bristol Bay is a salmon stronghold, the region's healthy ecosystem could be severely damaged if foreign mining companies are allowed to move forward with the proposed Pebble Mine in the headwaters of Bristol Bay's most productive salmon habitat. With its massive size, sensitive location, and sulfide-filled ore body, the Pebble Mine is the wrong mine in the wrong

place. If we allow the Pebble Mine project to advance, we endanger a delicious and nutrient-rich food that thousands of Americans--chefs and diners alike-- value and demand.

The EPA's Bristol Bay watershed assessment presents an opportunity for transparency in the decision over the future protection of the Bristol Bay ecosystem which supports a sustainable seafood option for Americans and thousands of renewable jobs for future generations. We thank the EPA for doing its job and upholding the science, and we look forward to reviewing the draft watershed assessment upon its release.

Respectfully yours,

Michael Leviton
Chair, Chefs Collaborative Board of Directors
Chef/Owner, Lumiere restaurant, Newton, MA; Chef/Co-Owner, Area Four restaurant,
Cambridge, MA

Melissa Kogut
Executive Director, Chefs Collaborative

Melissa Kogut
Executive Director
Chefs Collaborative
89 South Street, Lower Level
Boston, MA 02111
(617) 236-5286 (direct line)
(617) 236-5200 (general office number)
(617) 236-5272 (fax)

local. sustainable. delicious.
www.chefscollaborative.org

Mark your calendar for the 2012 National Summit in Seattle, September 30 - October 2!

Become a fan of Chefs Collaborative on Facebook:
<http://www.facebook.com/pages/Chefs-Collaborative/39000377226>

Follow us on Twitter:
<http://twitter.com/chefscollab>

DAILY READING FILE

RECEIVED
MAY 14 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

**Hudson River Sloop Clearwater
Natural Resources Defense Council
Riverkeeper
Scenic Hudson**

May 4, 2012
Judith Enck, Regional Administrator
US EPA Region 2294 Broadway
New York, NY 10007

Dear Judith:

We would like to thank you for your recent decision to provide a short extension of the completion deadline for the mandatory, statutory 5-Year Review of the Hudson River's PCB remediation site, and we truly appreciate your willingness to respond to the concerns we shared with you in our letter dated April 2, 2012.

However, we remain troubled that the Hudson's first 5-Year Review will be limited in scope and fails to allot the time customary for this process, especially in regards to document review and stakeholder participation. Given the scope and complexity of the Remedy and the ongoing issues raised by an array of governmental and non-governmental stakeholders, we believe that a six month completion deadline would allow for an adequate review. Importantly, Section VIII of the 5-Year Review report is supposed to contain "a discussion of unresolved concerns or items raised by support agencies and the community."¹

Under both CERCLA's statutory language and long-standing EPA policy, a cornerstone of the 5-Year Review process is that cleanup projects must be responsive to current conditions, new information, and technological advances. The 5-Year Review is intended to broadly assess a remedy and ensure that it is designed and implemented to achieve the intended protectiveness for human health and natural systems. Both the law and guidance clearly anticipate that new understandings and advanced removal methods will be incorporated during remediation to ensure the protectiveness of a remedy.

Several federal and state natural resource agencies, along with municipal governments and respected independent scientists, have raised serious concerns including a) the discovery that the Hudson's PCB contamination is much greater than originally assumed and its implication for the remedy's protectiveness b) the effect of this greater contamination on restoration and recovery options, c) the lack of adequate monitoring protocols for sediment and benthic fauna, d) additional exposure pathways that may impact the Remedial Action Objectives. Current quantitative and qualitative analyses not available at the time of the Record of Decision (ROD) or Consent Decree (CD) support these concerns. These and other issues must be included within the scope of the 5-Year Review and examined in conjunction with the project's initial assumptions and predictions, to determine the long-term protectiveness of the remedy. The resulting data will also serve to inform the adaptive-management framework under which the Remedial Action Work Plans (RAWPs) for each successive year of Phase 2

¹ OSWER No. 9355.7-03B-P pg.3-7

dredging are implemented. This is also consistent with the Peer Review Panel recommendation that “in a project of the complexity and duration of the Hudson River PCBs Site cleanup, EPA needs to be able to adapt to new information and make or require changes through adaptive management in order to achieve the expected benefits of the project.”

Given the overall requirements and standards involved in this review process, we hope additional time will be devoted to ensure this examination accomplishes all critical components of USEPA’s Comprehensive Five-Year Review Guidance documents. Accordingly, as part of that process we have summarized below specific concerns and issues that should be considered as USEPA determines the protectiveness of the remedy.

Impact of Greater PCB Contamination Levels on Protectiveness of Remedy

The amount of PCB toxins expected to remain in the Hudson at the end of the cleanup is a primary trigger for Superfund’s 5-Year Review requirements² and is foundational to Remedial Action Objectives (RAOs) in the ROD. However, actual conditions found during in-the-water operations revealed that high levels of PCB contamination are much deeper and more widely distributed than originally assumed. We believe that accurately determining both the depth and areal extent of contamination is a priority issue that must be examined in order to answer the three questions that frame the Hudson’s first Five-Year Review. This would be entirely consistent with provisions in the ROD that directed the USEPA to conduct sampling that “will cover both target areas as well as the areas outside the current target area boundaries. In this manner, EPA will produce a current contamination map of the Site on which to finalize its target area selection.”³

Study Issues

- The discovery of much greater PCB contamination during Phase 1 requires a more comprehensive identification of the vertical and horizontal distribution of toxic sediment for Phase 2. Two significant unknowns are the distribution of contaminated sediment outside of the Dredge Area Delineations (DAD) and how the greater contamination of unremediated areas may reduce the protectiveness of the remedy if not addressed.
- Re-analyze the sediment transport model with the new contamination data to determine the likelihood that unremediated PCBs outside the current DAD would recontaminate the site after dredging is completed.

Impacts of Projected Post-Remedy Contamination Levels on Protectiveness

In addition, federal agencies tasked with completing the Natural Resource Damage Assessment (NRDA) and implementing a restoration plan after the Superfund cleanup is completed have identified, an estimated 136 acres of highly toxic sediment in River Sections 2 & 3 that will be left unremediated in the current remedy, but which the ROD anticipated would be much less highly contaminated than it actually is. This amount of contamination

² CERCLA § 121(c), “If the President [or his delegate, in this case the EPA Administrator] selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented.”

³ Responsiveness Summary; Hudson River PCBs Site Record of Decision: Response to Master Comment 605 pg. 4-2.

will continue to impair human health and wildlife recovery, can limit the restoration of the river and may be a source of recontamination to dredged areas if not addressed during the present cleanup.

Study Issues

- Review the results of the federal agencies' analyses and conclusion that, due to greater PCB contamination than assumed under the ROD, response action is not expected to achieve all target cleanup levels in the timeframe expected and therefore an important Remedial Action Objective (RAO) may not be achieved.
- Both federal and state support agencies responsible for the maintenance and health of the river's economic and environmental resources have offered sound guidance to address this issue. USEPA and GE should determine how to incorporate these recommendations into the design and Remedial Action Work Plan (RAWP) in successive years of the cleanup.
- Monitoring of pre- and post-remedy sediment concentrations are not adequate to determine the protectiveness of the remedy, especially in river sections 2 and 3, where recent data estimates that post-remediation PCB concentrations (in the river section as a whole, not limited to the areas within the DAD) will be five times higher than predicted by the USEPA models.
- There is no unlimited use/unrestricted exposure for Phase 1 dredge areas, specifically CU-1, which includes the Ft. Edward yacht basin where sediment redeposition over the remedy cap will impede full use and unrestricted access. Further remediation action should be examined and implemented.
- Future RAWPs should include navigational dredging as part of the dredging design as there will otherwise, be no unlimited use/unrestricted exposure for the navigational channel in the entire 40-mile active remedy area of the Superfund site. This will continue to impede the New York State Canal Corporation from executing its constitutionally mandated dredging responsibility for the Champlain Canal.
- Re-examination of untargeted hot-spots should be conducted in river sections 2 & 3 as under the current approach, there will be no unlimited use/unrestricted exposure for human, wildlife and NRD restoration activities in the Phase 2 dredge area.

Predicting Protectiveness of Remedy for Fish Tissue Concentrations.

Reducing fish tissue levels of PCBs is a major cleanup level parameter in the ROD, but it is no longer clear that the current remedy will meet the timelines projected in the ROD for fish tissue level reductions.

The "protectiveness" provisions in the ROD target the attainment of a fish PCB concentration of 0.4 mg/kg – which was deemed protective of the average adult who consumes one fish meal from the Upper Hudson every two months – within the entire upper Hudson River within 20 years of active remediation. A target PCB fish concentration of 0.2 mg/kg was expected to be attained in River Section 2 within 32 years of active remediation.

The ROD's target reductions in cancer risk correspond to these fish tissue concentrations and timelines; however, other examinations of sediment concentrations, like those described by the Federal Trustees, indicate these targets will not be reached in the timeframe anticipated in the ROD and imply further remediation of heavily contaminated sediment may be necessary.

Study Issues

- Bioaccumulation model assumptions of contaminant concentrations have not been updated to reflect the new sediment contaminant data and projections of fish tissue PCB concentrations are systematically over-optimistic relative to observed values. Re-analysis of this fundamental model with the new sediment contamination data is required to assess the short- and long-term likelihood of the remedy's protectiveness.
- The peer review panel recommended further development of the bioaccumulation model to improve its accuracy for the Hudson River system. A status update should be provided and plans for further model development should be developed.
- Since the ROD, the science of human health risk assessment has evolved, with respect to the use (or misuse) of the "average adult male" as a metric for evaluating risks of exposure to contaminated fish and shellfish. EPA should evaluate the protectiveness of the remedy, for all affected human populations and sub-populations, in light of current best practices for scientific risk assessment.

Institutional Controls and Fish Advisories

Institutional controls are currently inadequate to prevent ongoing overconsumption of contaminated fish (e.g., fish advisories are not preventing subsistence anglers from eating the fish). For example, a 2010 Angler Survey performed by Clearwater along the Peekskill waterfront from Annsville Creek to Verplanck as part of a Community-Based Environmental Justice Inventory reports higher levels of contaminated fish consumption, especially by Environmental Justice populations, than previous surveys. This indicates that far more public education and better signage is needed to effectively prevent this route of exposure to PCBs.⁴

Study Issues

- Review current institutional controls, assess efficacy, and develop enhanced control strategies to improved public awareness and behavior, and minimize exposure in communities.

Optimizing Habitat Reconstruction

The ROD and all subsequent decisions projected a cleanup that substantially reduces PCB contamination in the water and soil and a remedy that leaves behind an environment capable of supporting diverse marine communities that will help heal the river after active remediation is completed. The habitat recovery work is intended to reestablish marine vegetative beds and habitats damaged by dredging operations and residual PCB contamination. However, adjustments to dredge area slopes, backfill sediment profiles and selection of plants must be appropriate for natural and native regeneration to occur. In addition, USEPA should adequately identify, and ensure the repair and restoration of, unique natural resources of the riverine system, like benthic invertebrate populations, that may suffer severe damage during active remediation.

⁴ Citizen's for Equal Environmental Protection (CEEP), Hudson River Sloop Clearwater and Peekskill Environmental Justice Council, Community-Based Environmental Justice Inventory for the City of Peekskill, Dec. 21010 www.clearwater.org/wp-content/images/2011/03/CBEJI_FINAL_-_DRAFT-1-30-11-for-printing.pdf

Study Issues

- The five-year review should evaluate pre- and post-dredge habitat assumptions and address state and federal natural resource agency concerns in regards to habitat reconstruction during remediation.

Protectiveness for Human Health

Recent studies by the NYS Department of Health have investigated additional dimensions of public health impacts from PCB exposure, including non-cancer risks and non-consumption exposure pathways. These initial results warrant further assessment of the remedy's protectiveness for human health.

Study Issues

- Review the protectiveness of the remedy in light of the potential for airborne exposure and the larger amount of contamination to remain in place post-remedy.
- New York State's Department of Health Reference Doses (RfDs) for Chronic Oral Exposure has not changed but the USEPA Integrated Risk Information System⁵ (IRIS) is currently assessing noncancerous risks from PCBs. The Review should develop a plan for incorporating any new guidance into the remedy as it becomes available.

Protectiveness With Respect to Other Remedial Action Objectives

The goals of the ROD include compliance with ARARs, reduction of cancer and non-cancer health risks to humans through exposure pathways other than fish consumption (such as through primary and secondary contact), reducing the inventory (mass) of PCBs in sediments that are or may be bioavailable, minimizing the long-term downstream transport of PCBs in the river, and compliance with federal and state water quality standards.

Study Issues

- Review the effectiveness of the remedy with respect to all of the ROD's objectives.

Environmental Conditions and Extreme Events

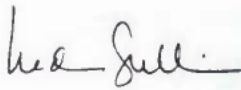
A significant type of site-condition highlighted in 5-Year Review guidance documents is whether the site was subject to a 100-year flood after the remedy was selected. The Upper Hudson experienced this level of flooding in 2011, which scoured PCBs from the unremediated river bottom and sent elevated PCB loads downstream and also was subject to storm events that forced a halt to dredging operations twice. Climate change science also teaches that the frequency of such storms will increase in the coming decades. .

Study Issues

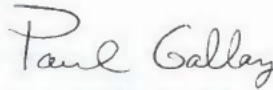
- Review engineering standards of cap and habitat reconstruction and designs in light of the multiple events already experienced by the site and projections for increasing frequency and intensity of storm/flooding events due to climate change.
- Review sediment transport models to determine the likelihood that unremediated PCBs outside the current DAD would recontaminate the site after dredging is completed, under projected future climate conditions.

⁵ USEPA's Integrated Risk Information System (IRIS) is a human health assessment program that evaluates information on health effects that may result from exposure to environmental contaminants.

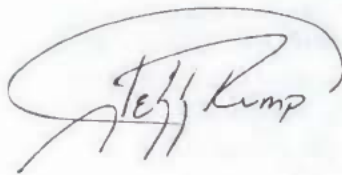
Returning the economic and ecological potential of the Hudson River to communities long denied these benefits is our highest priority. A measured and focused review of the PCB project will help ensure a cleanup that is responsive and protective in both the short and long-term.



Ned Sullivan, President
Scenic Hudson



Paul Gallay, President
Riverkeeper



Jeff Rumpf, President
Hudson River Sloop Clearwater



Lawrence Levine, Senior Attorney
Natural Resources Defense Council

Cc: Admin. Lisa Jackson (EPA)
Hudson Valley Congressional Delegation
Deputy Sec. Energy & Envir. Bob Hallman (NYS Office of Governor)
Asst. Dep. Sec. Envir. Basil Seggos (NYS Office of Governor)
Asst. Admin. Mathy Stanislaus (EPA)
Asst. Admin. Cynthia Giles (EPA)
Cmr. Joe Martens (DEC)
Dir. Brian Stratton (NYS Canal Corps)
Asst. Cmr. Eugene Leff (DEC)
Eric Schniederman (NY AG)
Brian Donohue (DOJ)



Correspondence Management System

Control Number: AX-12-000-8483

Printing Date: May 15, 2012 11:20:57



Citizen Information

Citizen/Originator: Kahn, Roger

Organization: House of Representatives, Lansing, Michigan 96th District
Address: P.O. Box 30014, Lansing, MI 48909

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8483 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: May 29, 2012 # of Extensions: 0
 Letter Date: May 2, 2012 Received Date: May 14, 2012
 Addressee: Jacob Lew Addressee Org: White House
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Ninth Circuit Court of Appeals ruling
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	May 15, 2012	May 29, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------



RECEIVED
MAY 14 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

32ND DISTRICT
P.O. BOX 30036
LANSING, MI 48909-7536
PHONE: (517) 373-1760
TOLL-FREE: (866) 305-2132
FAX: (517) 373-3487
www.SenatorRogerKahn.com

ROGER KAHN, M.D.
STATE SENATOR

COMMITTEES:
CHAIR — APPROPRIATIONS
CHAIR — SENATE FISCAL AGENCY
BOARD OF GOVERNORS

May 2, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lew,

As a Michigan State Senator representing the thirty-second district, I am deeply concerned with the May 2011 Ninth Circuit Court of Appeals ruling that overturned decades of established Environmental Protection Agency (EPA) policy on forest logging roads. This action will cause a dramatic increase in cost for those producing and transporting forest products. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were "point source" discharges, similar to industrial plants or factories. Defining forest roads as "point sources" for activities that control the growth and quality of our forests, will negatively impact jobs along with the economy in our state.

With the 5th largest amount of timber acreage in the nation, Michigan has about 19 million acres of public and private forests employing 74,000 residents and contributing \$2.5 billion to the state Gross Domestic Product (GDP). The court ruling creates an unnecessary burden for landowners and timber operators without any notable improvement towards water quality. With EPA's guidance, the Michigan Department of Natural Resources has done an upstanding job overseeing sustainable forest management for large and small forest owners over the years. The Ninth Circuit ruling creates a new regulation that dismisses scientific and practical evidence of successful forest management, and opens the door for special interest litigation on each new "point source."

The Ninth Circuit Court ruling is a major concern potentially affecting the job market and future investments in Michigan. I urge you to defend the EPA's longstanding practice of defining forestry management and forest roads as "non-point" sources. Please forward my concerns to the

Administration, along with my full support in passing permanent legislation to preserve the EPA's existing rules that will prevent further unnecessary litigation.

Sincerely,

A handwritten signature in black ink that reads "Roger Kahn". The signature is written in a cursive, slightly slanted style.

Roger Kahn, M.D.

State Senator

Thirty-Second District of Michigan

cc: John Bryson, Secretary, Department of Commerce
Lisa Jackson, Administrator, EPA
Karen Mills, Administrator, SBA
Kenneth Salazar, Secretary, Department of the Interior
Nancy Sutley, Chair, CEQ
Thomas Tidwell, Chief, US Forest Service
Thomas Vilsack, Secretary, Department of Agriculture
Michigan Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-8610

Printing Date: May 17, 2012 03:05:47



Citizen Information

Citizen/Originator: Leong, CJ

Organization: House of Representatives State of Hawaii State Capitol
Address: State of Hawaii, State Capitol, Honolulu, HI 96813

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8610 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: May 8, 2012 Received Date: May 16, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File - House Resolution No. 38, H.D. 1,
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	May 17, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R9	May 17, 2012
Frances Kwok	R9	Closed control by finished FYI task	May 17, 2012
(b) (6) Personal Privacy	OEX	Reopened Control	May 17, 2012
(b) (6) Personal Privacy	OEX	Forward control to OITA	May 17, 2012

DAILY READING FILE



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

5/12 176 39 012
RECEIVED

MAY 15 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

May 8, 2012

Ms. Lisa P. Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Jackson:

I transmit herewith a copy of House Resolution No. 38, H.D. 1, which was adopted by the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "CJ Leong".

CJ Leong
Chief Clerk
House of Representatives



Correspondence Management System

Control Number: AX-12-000-8543

Printing Date: May 16, 2012 04:19:24



Citizen Information

Citizen/Originator: Murray, Jane

Organization: N/A

Address: c/o 1920 Dorman Drive, Portsmouth, OH 45662

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8543

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 31, 2012

of Extensions: 0

Letter Date: May 15, 2012

Received Date: May 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - US EPA and OH EPA inaction on combined sewer overflows into hundreds of Portsmouth OH homes

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R5	May 16, 2012	May 31, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------

Re: message to neighbors

TO: You 1 recipients

CC: 2 recipients You 2 More

BCC: recipients You

[Hide Details](#)

FROM: VanTil.Barbara@epamail.epa.gov

TO: Jane Murray

CC: Desai.Sudhir@epamail.epa.gov Prichard.Gary@epamail.epa.gov

[Message flagged](#)

Thursday, December 15, 2011 11:23 PM

Hi, Jane - It was a pleasure meeting with you earlier this month regarding your concerns about Portsmouth's sewer system issues. Please accept my apologies for not replying earlier to your message.

With respect to "fixing the system", as we discussed, we are in active discussions with the City. Sanitary Sewer Overflows and Water in Basement Issues are the highest priority for EPA, the State, and the City, and addressing these will be a priority in our future settlement. In approving potential projects to address these concerns, EPA needs to weigh a number of issues, including the CSO issues. We will be proceeding toward a resolution as expeditiously as possible, with consideration of the valid concerns raised by the residents of Portsmouth. While I can't provide a specific time line for resolution, I have made this case a priority on my Section's workplan.

Thank you for making the time to meet with Sudhir and me when we were in Portsmouth. I do understand and share your concerns, and look forward to the time when the City can communicate a settlement to its residents.

Barbara

Barbara R. VanTil, Chief
Water Enforcement & Compliance Section 1
US EPA Region 5
77 W. Jackson Blvd., WC-15J
Chicago, IL 60604
Phone: 312-886-3164
Fax: 312-692-2171

From: Jane Murray <mjanemurray@yahoo.com>
To: Barbara VanTil/R5/USEPA/US@EPA
Cc: Sudhir Desai/R5/USEPA/US@EPA
Date: 12/07/2011 08:14 AM
Subject: message to neighbors

Good morning Barbara and Sudhir:

I want to thank you for meeting with me Friday after a very busy few days for you. You were most generous with your time and it was nice getting to know you. As I said, we all have had hope with Sudhir's and your office's involvement.

Barbara, could you please email to me a summary of our conversation so that I might share it with others. They are most anxious to know a general sense of when the "problem might be fixed".

Best regards,

Jane

M. Jane Murray
740.353.5354



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 08 2008

REPLY TO THE ATTENTION OF: WC-15J

Mr. Richard Duncan, P.E.
Director of Wastewater and Flood Defense
City of Portsmouth
2040 Charles Street
Portsmouth, Ohio 45662

Re: Request for a formal operational change with the combined sewer system operation

Dear Mr. Duncan:

At the August 8, 2008 exit briefing at your wastewater treatment facility held in conjunction with the U. S. Environmental Protection Agency's evaluation of the City of Portsmouth's combined sewer overflow control efforts and wastewater treatment plant operations, a proposed revision to the City's sewer system operation strategy was discussed. This was also the subject of your electronic message of August 25, 2008.

In order to potentially reduce dynamic hydraulic limitations on the Lawson Run combined sewer and the likelihood of street and basement flooding that has occurred during the last several years, the implementation of a revised upper gate strategy at the wastewater treatment facility appears appropriate. The modified strategy would serve to maximize flows to the wastewater plant for treatment, while maintaining adequate operation of the system as required by the City's National Pollutant Discharge Elimination System (NPDES) permit. Specifically, this would involve:

1. lowering the two top weir gates to their lowest level and maintaining a treatment flow rate at the Lawson Run Wastewater Treatment Facility at or above the wastewater treatment plant design capacity during substantial storms (or snowmelt events) with the potential to cause back-ups in the Grandview area, and
2. raising the upper weir gates during minor rain events (or snowmelt) to capture greater levels of what would be CSOs.

As part of this revised strategy, operators would be expected to monitor weather conditions by weather radar and overflow rates at the weir to allow for more precise weir gate control to minimize the potential of flooding during especially severe events while still maximizing the capture and treatment of combined sewer flows. We noted during our evaluation that the wastewater treatment facility was treating wastewater flows at a rate of 10 million gallon per day, which is above the 6.5 million gallon per day design flow rate.

This revision in operational strategy should be viewed as an interim measure to maintain effective operation of this system until additional measures can be taken to reduce the potential for flooding in the segment of the collection system that has demonstrated back-up conditions. Portsmouth, in addition to implementing this modified strategy, should eventually install flow monitoring/telemetry in the sewer by the Grandview flooding area so that weir gates can be more accurately controlled by monitoring flow levels rather than weather radar. This should further enhance the capture of CSO flows until water levels in the sewer indicate potential flooding. Commensurate with this operational modification, the City should immediately undertake a thorough inspection of the Lawson Run combined sewer to identify and repair any structural problems or blockages or confirm that none exist. Longer term strategies should be evaluated as part the Long Term Control Plan for Combined Sewer Operation is completed. Plan completion is presently targeted for February 28, 2009.

Since the backup conditions experienced in the mid-system portion of the Lawson Run Sewer are related to a variety of factors including rain intensity, rainfall duration, ground water conditions, existing hydraulics and antecedent conditions, this interim operational strategy cannot be viewed as a guarantee of flood prevention. However, we view this temporary modification of operating strategy as an appropriate means of maximizing in-system storage as required by the NPDES permit without unduly impacting the full utilization of the combined sewer system or compromising the requirement that the City provide proper operation and maintenance. This revision in operational strategy to reduce the likelihood of basement flooding during potentially damaging rainfall events should not preclude the City from taking other rigorous and aggressive measures pertaining to its storm water ordinances.

We have discussed the interim modification in operational strategy with their counterparts at the Ohio EPA and agreed that it should be tested. The City should stay in close contact with Ohio EPA officials and provide expeditious feedback on the outcome of the strategy, or seek Ohio EPA concurrence on further modifications based on operating experience.

We appreciate the opportunity to work with the City and will continue to help guide efforts to reduce performance limitations of the wastewater treatment plants and the associated sewer systems consistent with the requirements of the City's NPDES permits.

Please contact Mr. Sudhir Desai of my staff at (312) 886-6704 or Russell Martin, P.E, of my office at (312) 886-0268, if you have any questions.

Sincerely yours,



Thomas L. Bramscher, Chief
Enforcement Section 1

cc: Mayor James Kalb
Michael Yandrich, Ohio EPA
Jason Heath, ORSANCO
John T. Lyons, P.E., Strand Associates Inc ✓
Craig Gilliland, SOMC
Jane Murray

May 14, 2012

Lisa P. Jackson

Administrator

U.S. EPA

Via email: Jackson.lisap@epa.gov

Phone: 202-564-4700

Dear Administrator Jackson:

For fifteen years many residents of this small city have been asking for help from the OH EPA and the U.S. EPA to require the City of Portsmouth to address the repetitive problem of its sewers backing up into homes and businesses in heavy rain events. In 2001-2002, after several CSO's into our homes, the representative of the Ohio EPA, Bob Little, made recommendations to the City government that would likely rectify the problem. These recommendations could have been implemented very economically at the time; however, city officials chose to ignore them and used available funds, nearly \$2 million, to acquire a vacant building for development into a city building. That building still sits vacant today.

After the latest disastrous overflow that affected dozens of homes occurred June 4, 2008, at our request the Region 5 Office sent Mr. Sudhir V. Desai and Mr. Russ Martin to meet with officials and citizens. At a public meeting August, 2008, Mr. Desai assured those in attendance that solving the problem of sewage backup was a top priority with his agency. He also advised the public that he had requested additional information from the city and gave the city a defined period of time to present a viable Long Term Control Plan.

Jane Murray became Mayor of Portsmouth on January 4, 2010. She was notified her first week in office that the city had not presented an approvable plan as required and that the city had 180 days to respond. She, her staff, and consulting engineers worked with Mr. Desai, and a plan was submitted October 1, 2010. It was subsequently approved by the U.S. EPA, April, 2011.

No further actions were taken in by the city in 2011. Former Mayor Murray met with Mr. Desai and his supervisor Ms. Barbara VanTil in December, 2011 to get an update on the status of the Basement Protection Program. Ms. VanTil assured Ms. Murray that work was progressing and that it would remain a priority. Ms. Murray has continued to contact Mr. Desai but he has no new information for us and Ms. Murray has received no further communication from Ms. VanTil other than the attached reply email dated December 2011.

The current city administration and wastewater director have made no progress in developing a Long term Control Plan. No funds have been approved for addressing the problem that continues to endanger the health and very lives of the citizens in the affected areas. In fact, resources have been diverted from water and sewer funds to other funds without any improvements to the sewer systems. Even Capital Improvement Funds approved by a vote of the citizens, which could have used to address the problem, have been diverted to other uses.

Some residents that have had repeated sewage backups over the years have died; others' (including myself) health have been impaired; one resident was forced to abandon her home; and all have lost the enjoyment of and financial value of their homes. Residents in the impacted areas live in constant fear during major rain events.

Lisa P. Jackson
May 1, 2012
Page two

Our local government officials have no concern for the citizens. The sewer overflow problem has really never been addressed by the City Council, our Fifth Ward Councilman, John Haas, or other city officials. The priority with the City Council and administration seems to be only on a new city building. I am also concerned at the lack of action by U.S. EPA. Our only hope is on your agency.

The citizens desperately need your help. We are forced to live in constant terror of an overflow of raw sewage into our homes. Without your assistance, nothing will be done by our city government to rectify the problem. As one former city worker said, the area is like a "time bomb". There will be another sewer overflow into homes of the citizens. It is just a matter of time.

My wife and I spent another sleepless night as heavy storms moved though the area last night. We await your timely response and assistance.

Sincerely,

Larry C. Essman
Former Deputy City Auditor and
Retired Professor of Accounting

Cc: U.S. Senator Sherrod Brown
U.S. Senator Rob Portman
Congresswoman Jean Schmidt
Ohio Governor John Kasich
Ohio State Auditor Dave Yost
Ohio Attorney General Mike DeWine
Mr. Robert R. Hinkle, Chief Deputy Auditor
Mr. David B. Thompson, Local Government Services
Members of the Media

May 14, 2012

Lisa P. Jackson
Administrator
U.S. EPA
Via email: Jackson.lisap@epa.gov
Phone: 202-564-4700

Dear Administrator Jackson:

Rich Noel, Larry Essman (via separate and attached letter) and I on behalf of hundreds of residents of Portsmouth, Ohio, write you for your assistance. For fifteen years residents of this small city have been asking for help from the OH EPA and the U.S. EPA to require the City of Portsmouth to fix the problem of its sewers backing up into homes and businesses.

Over 150 people were affected by the latest CSO disaster that happened June 4, 2008. At our request, the Region 5 Office sent Mr. Sudhir V. Desai and Mr. Russ Martin to meet with officials and citizens. At a public meeting August 2008, Mr. Desai assured those in attendance that solving the problem of sewage backup was a top priority for his agency. He also advised the public that he had requested additional information from the city and gave the city a defined period of time to present an approvable Long Term Control Plan. Soon after that meeting, Region 5 Director, Mr. Thomas Bramscher sent the city the attached operational directive. This has been the only thing that has saved us from further backups since this directive was issued.

I ran for and became Mayor of Portsmouth and took office January 4, 2010. I was notified via a 308 letter my first week in office that the city had not presented an approvable Long Term Control Plan as required by federal law and that the city had 180 days to respond. My staff, consulting engineers and I worked with Mr. Desai under a revised schedule, and a plan was submitted October 1, 2010. It was subsequently approved by the U.S. EPA April 2011.

Nothing else happened in 2011. I met with Mr. Desai and his supervisor Ms. Barbara VanTil on December 2, 2011, to get an update on the status of the Basement Protection Program. Ms. VanTil assured me that work was progressing and that it would remain a priority and, in fact, work would be done toward a plan even during December and the Christmas holidays. I told Ms. VanTil that I would be communicating with residents in the affected area and would appreciate a time frame once established. I continued to contact Mr. Desai but he has no new information for us and I have received no further communication from Ms. VanTil other than the attached reply email dated December 2011. The approved LTCP already included elements Ms. VanTil indicated she wanted to ensure were part of the basement protection plan.

The new mayor has done nothing. He and the wastewater director (whom I fired but was rehired by the subsequent administration) have, instead, rehired the same consulting firm Strand & Associates, who presented an "un-approvable plan" in 2009. The city's current goal is to fight the plan submitted and approved.

Lisa P. Jackson
April 23, 2012
Page two

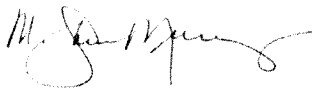
Residents have had more than enough! Some people have had repeated sewage backups over the years; the health and safety of hundreds of people have been impaired; and people have lost the enjoyment of and financial investment in their homes.

In our opinion, Portsmouth's local government officials are inept and corrupt. They have no concern for the people. But, we are equally disappointed by the lack of action by U.S. EPA. We have pinned our hopes on your agency and the laws of the land. In our view, Mr. Desai has done all that he can and now others in your agency appear to be bowing to political pressure.

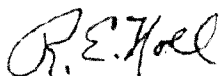
It's time to stop the interminable delay and help the citizens of this god-forsaken little town. If nothing else, help others downstream of Portsmouth who drink water from the Ohio River. Yes, it is the political season in Ohio but that should not stop your agency from doing what is right for the people.

We await your timely response and assistance.

Sincerely,



Jane Murray
Former Mayor



Rich Noel
Former City Council Member

Cc: U.S. Senator Sherrod Brown
U.S. Senator Rob Portman
Congresswoman Jean Schmidt
Ohio Governor John Kasich
Ohio State Auditor Dave Yost
Ohio Attorney General Mike DeWine
Mr. Robert R. Hinkle, Chief Deputy Auditor
Mr. David B. Thompson, Local Government Services
Members of the Media



Correspondence Management System

Control Number: AX-12-000-8577

Printing Date: May 16, 2012 03:02:42



Citizen Information

Citizen/Originator: Williamson, L'Tanya L.

Organization: Newark Department of Child and Family Well-Being
Address: 110 William Street, Newark, NJ 07102

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8577 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: May 30, 2012 # of Extensions: 0
 Letter Date: May 7, 2012 Received Date: May 16, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Please reconsider the plan to cancel consumer uses of second generation rodenticides

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
 ORD - Office of Research and Development -- Immediate Office
 R2 - Region 2 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSP	May 16, 2012	May 30, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------

Newark

Cory A. Booker
Mayor

DAILY READING FILE

Department of Child and Family Well-Being

L'Tanya L. Williamson
Director, Child and Family Well-Being

110 William Street
Newark, New Jersey 07102
973-733-5310
Fax 973-733-3648
email: Williamsonlt@ci.newark.nj.us

RECEIVED
MAY 16 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

May 7, 2012

Ms. Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101A
Washington, D.C. 20460.

Mr. Jim Jones
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 7101M
Washington, D.C. 20460

Dear Ms. Jackson & Mr. Jones:

I wrote a letter on November 18, 2011 to Joseph E. Bailey, DFO, Office of Science Coordination and Policy, USEPA Headquarters, for the public record ahead of the EPA's Scientific Advisory Panel in November. I have since learned that the report from the panel questions much of the data the EPA used as a basis for proposing the cancellation of second-generation rodenticides, which further bolsters my original concerns. I now ask that you review all of the potential negative impacts this cancellation would cause and reconsider a ban on these products.

Control of rodents throughout the City of Newark is an important objective. We understand that EPA's proposed decision will completely remove second generation anticoagulant rodenticides from the consumer market, thereby severely inhibiting citizen's ability to supplement the City's efforts to control rodents. Consumers will need to hire professional applicators if they want to use second generation rodenticides in their homes or small businesses. This will drive up rodent control costs, and discourage consumer use of these effective measures. As a result of EPA's new measures, rat populations likely will increase, endangering public health from the potential spread of disease and the increased risk of rat bites.

City employees already apply rodenticides for its maximum effectiveness and maximum safety to people. Replacing such procedures with the use of bait stations, i.e., rodenticides contained in plastic containers at ground level - is not an effective substitute. EPA's new requirements do not seem to solve any problem we know of. With effective and affordable rodenticide products, the City's rodent population has been reduced. The consumer use of second generation products in their homes and small businesses can provide an additional control step that is critical to ensuring the elimination of rodents.

We sincerely hope that the EPA reconsiders its plan to cancel consumer uses of second generation rodenticides, and its likely negative impact on urban rodent control efforts, before EPA issues a final decision.

Please feel free to call or contact us with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "L'Tanya L. Williamson". The signature is fluid and cursive, with a large initial "L" and "W".

L'Tanya L. Williamson, Director
Department of Child and Family Well-Being



Correspondence Management System

Control Number: AX-12-000-8580

Printing Date: May 16, 2012 03:12:11



Citizen Information

Citizen/Originator: Bryan, Mark K.

Organization: CAMcare Health Corporation

Address: Gateway Health Center 817 Federal Street, Camden, NJ 08103

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8580

Alternate Number: 0

Status: Pending

Closed Date: N/A

Due Date: May 30, 2012

of Extensions: 0

Letter Date: Jan 25, 2012

Received Date: May 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - 2012 Brownfields Multi-Purpose Pilot Grant.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
R2 - Region 2 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OSWER	May 16, 2012	May 30, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	May 16, 2012

DAILY READING FILE

CAMcare
HEALTH CORPORATION



GATEWAY HEALTH CENTER
817 FEDERAL STREET, CAMDEN, NJ 08103

(856) 583-2400

RECEIVED
MAY 16 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

January 25, 2012

Administrator Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson;

CAMcare Health Corporation is pleased to support the Camden Redevelopment Agency's application to the U.S. Environmental Protection Agency for the 2012 Brownfields Multi-Purpose Pilot Grant. This new pilot grant program will provide funds for both assessment and cleanup work to assist the Camden community's revitalization efforts, mitigate potential health risks, and restore economic vitality.

The Camden Redevelopment Agency is seeking funds to remediate the Block N Project site, which is located at the heart of downtown Camden directly across from City Hall and within a short walking distance from the Broadway Main Street shopping district and the Walter Rand Transportation Center. The plan for the Block N Project is to create a high-density, mixed-use, transit oriented development that capitalizes on the location and vibrancy of Camden's University District.

The mission of CAMcare Health Corporation is to provide high quality, comprehensive primary health care to the families in the community of Camden City and Camden County. CAMcare Health Corporation has a state-of-the-art downtown facility that provides an attractive gateway into the City of Camden as well as high quality health care services. The Block N Project will act as a catalyst to increase the local customer base and offer CAMcare's patients a safe, attractive area to access transportation, provide new retail options and amenities, and further beautify the city's downtown. We fully support the Camden Redevelopment Agency's application to the Environmental Protection Agency for the Brownfield's Multi-Purpose Pilot Grant.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark K. Bryant".

Mark K. Bryant
President/CEO



Correspondence Management System

Control Number: AX-12-000-8596

Printing Date: May 17, 2012 07:29:01



Citizen Information

Citizen/Originator: Mull, Stephen D.

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8596 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: May 14, 2012 Received Date: May 16, 2012
 Addressee: OEX-Director - OEX Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File The National Security Affairs Calendar for the upcoming months May 12, 2012-August 30, 2013
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: Noah Dubin - OEX
 OEAEE - Office of External Affairs and Environmental Education
 OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	May 17, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	May 17, 2012



201208721
United States Department of State
Washington, D.C. 20520

May 14, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", with a stylized flourish at the end.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

May 14, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast
- May 13-17 37th Annual Conference of the International Organization of Securities Commissions (IOSCO), Beijing
- May 14-15 Arctic Council Deputy Foreign Ministers Meeting, Stockholm
- May 14-15 U.S.-Indonesia Science and Technology Joint Commission Meeting, Jakarta
- May 14-15* Visit of President Ramotar of Guyana to Washington
- May 14-16 United Nations Educational Scientific and Cultural Organization (UNESCO) 3rd International Congress on Technical and Vocational Education and Training (TVET), Shanghai
- May 14-18* Visit of Foreign Minister Wunna Maung Lwin of Burma to Washington
- May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn
- May 17* Visit of Defense Minister Barak of Israel to Washington
- May 17* U.S.-Tajikistan Bilateral Consultations, Washington
- May 17-18 Visit of Foreign Minister Zarifi of Tajikistan to Washington

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

SENSITIVE BUT UNCLASSIFIED

2

May 17-20* Visit of Prime Minister Najib of Malaysia to Washington

May 18* Visit of Foreign Minister Peiris of Sri Lanka to Washington

May 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London

May 18-19 G-8 Summit, Camp David

May 18-21 Young Atlanticist Chicago Summit, Chicago

May 20 Presidential Elections in the Dominican Republic

May 20 Presidential Elections in Serbia-2nd Round

May 20 10th Anniversary of Independence of Timor-Leste

May 20 Presidential Inauguration in Taiwan

May 20-21 NATO Summit, Chicago

May 20-22 12th Doha Forum, Doha

May 20-Jun 5 Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan

LOOKING AHEAD

May 21-23 5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

3

May 21-24 2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur

May 21-26 65th Session, World Health Organization (WHO) World Health Assembly, Geneva

May 22 U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh

May 22-26 Visit of Secretary of Transportation LaHood to Indonesia

May 23 Presidential Elections in Egypt—1st Round

May 23 2nd Set of P5+1 Talks with Iran, Baghdad

May 23 Friends of Yemen Meeting, Riyadh

May 23-24 Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris

May 24* Visit of Foreign Minister McCully of New Zealand to Washington

May 25-26 6th Pacific Island Leaders (PALM 6) Meeting, Nago City

May 26 Parliamentary Elections in Lesotho

May 28-30 3rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro

May 30 U.S.-EU Air Transport Agreement Joint Committee, Rome

May 30* U.S.-Canada High Level Policy Review Group, Washington

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

4

May 30-31 Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan

May 30-Jun 1 World Economic Forum on East Asia, Bangkok

May 31-Jun 1 African Development Bank Annual Meeting, Arusha

May 31-Jun 2 2012 Wroclaw Global Forum, Wroclaw

Jun 1 Global Health Conference: "A World In Transition: Charting A New Course in Global Health," Oslo

Jun 1-3 Shangri-la Dialogue, Singapore

Jun 3-5 Organization of American States (OAS) General Assembly, Cochabamba

Jun 4-5 Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan

Jun 4-6 World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul

Jun 4-8 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Jun 4-8 25th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur

Jun 7-8 Global Counterterrorism Forum (GCTF) Coordinating Committee Meeting, Istanbul

Jun 10 Legislative Elections in France-1st Round

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

5

Jun 11-13* Visit of President Jahjaga of Kosovo to Washington

Jun 12* U.S.-India Higher Education Dialogue, Washington

Jun 12* Visit of Foreign Minister Burkhalter of Switzerland to Washington

Jun 12* Visit of Deputy Prime Minister /Foreign Minister Hor Namhong of Cambodia to Washington

Jun 13* U.S.-India Strategic Dialogue, Washington

Jun 14 Kabul Ministerial Conference on the Istanbul Process, Kabul

Jun 14* U.S.-Morocco Business Development Conference, Washington

Jun 14* U.S.-Thailand Strategic Dialogue, Washington

Jun 14* Visit of Foreign Minister Surapong of Thailand to Washington

Jun 14 U.S.-Adriatic Charter Foreign Ministers Meeting, Sarajevo

Jun 14* 2+2 U.S.-Republic of Korea Ministerial, Washington

Jun 14* Visit of Foreign Minister Kim Sung-hwan and Defense Minister Kim Kwan-jin of the Republic of Korea to Washington

Jun 14-15* 2012 African Growth Opportunity Act (AGOA) Forum, Washington

Jun 16 Presidential Elections in Egypt-2nd Round

Jun 17 Legislative Elections in France-2nd Round

Jun 18-19 G-20 Leaders Summit, Los Cabos

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

6

- Jun 18-20 IAEA International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency, Vienna
- Jun 18-Jul 6 20th Session of the Human Rights Council, Geneva
- Jun 19 Legislative Elections in Libya
- Jun 20-22 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
- Jun 21* U.S.-Portugal Standing Bilateral Commission, Washington
- Jun 21-22 U.S.-Africa Business Convention, Cincinnati
- Jun 23 Parliamentary Elections in Papua New Guinea
- Jun 24-25 Asia-Pacific Economic Cooperation (APEC) 10th Energy Ministerial Meeting, St. Petersburg
- Jun 25-26 International Conference of Ministers of Foreign Affairs and Heads Of Specialized National Agencies Against the World Drug Problem, Lima
- Jun 25-Jul 5 36th World Heritage Committee Meeting, St. Petersburg
- Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg
- Jun 27-28 High-Level Counter-Piracy Conference: "A Shared Approach for Shared Challenges: Integrating and Enhancing International Responses and Public-Private Partnerships," Dubai

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

7

Jun 28 Parliamentary Elections in Mongolia

Jun 28-29* P-5 Conference on Verification, Transparency and Confidence-Building, Washington

Jun 30 Presidential Elections in Iceland

Jul 1 Parliamentary Elections in Senegal

Jul 1 Presidential and Legislative Elections in Mexico

Jul 1 (T) Parliamentary Elections in Mali-1st Round

Jul 2-27 Arms Trade Treaty (ATT) Conference, New York

Jul 6-7 7th Annual Croatia Summit, Dubrovnik

Jul 7 Parliamentary Elections in Timor-Leste

Jul 8 Tokyo Development Coordination Conference for Afghanistan, Tokyo

Jul 8 Legislative Elections in Cameroon

Jul 9-10 Community of Democracies Governing Council Meeting, Ulaanbaatar

Jul 9-13 East Asia Summit Foreign Ministers Meeting, 19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh

Jul 13-15 U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

8

Jul 16* American Australian Leadership Dialogue (AALD), Washington

Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City

Jul 17-19 Inaugural Meeting of the Organization of American States (OAS) Second Hemispheric Forum: "Women's Citizenship and Democracy," Santo Domingo

Jul 22 (T) Parliamentary Elections in Mali-2nd Round

Jul 22-27* AIDS 2012 XIX, International AIDS Conference, Washington

Jul 25* 2nd Global Diaspora Forum, Washington

Jul 27-Aug 12 XXX Summer Olympic Games, London

Aug 3 Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg

Aug 6-8 Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg

Aug 27-31 Pacific Islands Forum Meetings, Cook Islands

Aug 29-Sep 9 Paralympic Games, London

Aug 30 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow

Sept 2-9 Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok

Sept 4-7 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

9

Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju

Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sept 10-28 21st Session of the Human Rights Council, Geneva

Sept 11-13 Annual Meeting of the New Champions, Tianjin

Sept 12 Parliamentary Elections in the Netherlands (Snap)

Sept 14* U.S.-Indonesia Joint Commission Meeting, Washington

Sept 14* Visit of Foreign Minister Natalegawa of Indonesia to Washington

Sept 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna

Sept 24 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sept 24-28 United Nations General Assembly High-Level Week, New York

Sept 24-Oct 15 25th Universal Postal Union Congress, Doha

Oct 1-19 11th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad

Oct 7 Presidential Elections in Venezuela

Oct 8 Presidential Elections in Slovenia

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

10

Oct 9-10	U.S.-Maghreb Economic Forum, Detroit
Oct 12-14	World Bank Group/International Monetary Fund Annual Meeting, Tokyo
Oct 24-28	Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali
Oct 28	Parliamentary Elections in Ukraine
Oct 30-Nov 1*	G-8 Roma-Lyon Group (RLG) Meeting, Washington
Nov 6-8	India Economic Summit, New Delhi
Nov 6-9	7 th Annual Internet Governance Forum (IGF), Baku
Nov 7-10	15 th International Anti-Corruption Conference (IACC), Brasilia
Nov 13-14	Australia-U.S. Ministerial (AUSMIN), Perth
Nov 14-15	27 th Board Meeting of the Global Fund to Fight AIDS, Tuberculosis Malaria, Geneva
Nov 16-18	3 rd Annual Sir Bani Yas Forum, Abu Dhabi
Nov 17	Presidential and Parliamentary Elections in Sierra Leone
Nov 18-20 (T)	21 st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
Nov 27-Dec 7	18 th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8 th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

11

- Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Nov 30 (T) Presidential and Parliamentary Elections in Madagascar
- Dec 2 Parliamentary Elections in Burkina Faso
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin
- Dec 7 Presidential Elections in Ghana
- Dec 15-17 Fukushima Ministerial Conference on Nuclear Safety, Fukushima Prefecture
- Dec 19 Presidential Elections in the Republic of Korea
- Dec 28 Legislative Elections in Ghana

2013

- Mar 4 Presidential and Parliamentary in Kenya-1st Round
- Aug 30 Parliamentary Elections in Japan

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.gov or sarkiss@state.gov.

SENSITIVE BUT UNCLASSIFIED



Correspondence Management System

Control Number: AX-12-000-8823

Printing Date: May 22, 2012 03:59:08



Citizen Information

Citizen/Originator: Shuttleworth, Patrick

Organization: Department of Health and Human Services Camden County
Address: DiPiero Center 512 Lakeland Road, Blackwood, NJ 08012-0088

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8823 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Jun 5, 2012 **# of Extensions:** 0
Letter Date: May 14, 2012 **Received Date:** May 21, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Cancellation of Second-generation rodenticides
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: Carol Stangel - OCSPP-OPP-PRD
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
Richard Keigwin - OCSPP-OPP-PRD

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSPP	May 22, 2012	Jun 5, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Zelma Taylor	OCSPP	OCSPP-OPP	May 22, 2012	Jun 5, 2012	N/A
Instruction: direct reply--Respond directly to this citizen's questions, statements, or concerns					
Shirley Myers	OCSPP-OPP	OCSPP-OPP-FEAD-CSB	May 22, 2012	Jun 5, 2012	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Department of Health
& Human Services

Carmen G. Rodriguez
Freeholder Liaison

Patrick Shuttleworth
Director



Making It Better, Together.

www.camdencounty.com

Administration

DiPiero Center, Suite 637
512 Lakeland Road

Blackwood, New Jersey 08012-0088

phone 856.374.6319

fax 856.374.6324

patrick@camdencounty.com

Ms. Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101A
Washington, D.C. 20460.

RECEIVED
MAY 21 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Jim Jones
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 7101M
Washington, D.C. 20460

Dear Ms. Jackson & Mr. Jones:

On November 16, 2011 I wrote the letter below to Joseph E. Bailey, DFO, Office of Science Coordination and Policy, USEPA Headquarters, for the public record ahead of the EPA's Scientific Advisory Panel in November. I have since learned the report from the panel questions much of the data the EPA used as a basis for proposing the cancellation of second-generation rodenticides, which further bolsters my original concerns. I now ask that you review all of the potential negative impacts this cancellation would cause and reconsider a ban on these products.

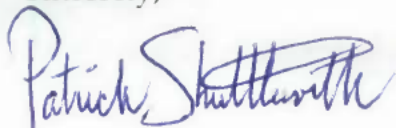
Due to dwindling government funds, it is becoming difficult for governmental entities to perform the important function of rodent control. Rodent control is an important objective for Camden County and of particular importance in our county seat of Camden, one of the nation's poorest cities. We understand the EPA's proposed decision will completely remove second generation anticoagulant rodenticides from the consumer market. This will restrict a citizen's ability to supplement County and City efforts to control rodents. Consumers will need to hire professional exterminations if they want to use second generation rodenticides in their homes or small businesses. This will result in the increase of rodent control costs and an increase in the rodent population thereby endangering public health. We see a potential for the spread of disease and the increased risk of rat bites.

County and City employees already apply rodenticides for its maximum effectiveness and maximum safety to people. Replacing such procedures with the use of bait stations, i.e. rodenticides contained in plastic containers at ground level - is not an effective substitute. EPA's new requirements do not seem to solve any problem we know of. With effective and affordable rodenticide products, the County's rodent population has been reduced. The consumer use of second generation products in their homes and small businesses can and does provide an additional control step that is critical for public safety.

We sincerely hope the EPA reconsiders its plan to cancel consumer uses of second generation rodenticides, and its likely negative impact on rodent control efforts, before EPA issues a final decision.

Please feel free to call or contact us with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Shuttleworth". The signature is written in a cursive style with a large initial "P".

Patrick Shuttleworth

Director, Camden County Department of Health & Human Services

C: Congressman Robert E. Andrews, 1st Congressional District
Freeholder Director Louis Cappelli, Jr.



Correspondence Management System

Control Number: AX-12-000-8836

Printing Date: May 22, 2012 01:56:43



Citizen Information

Citizen/Originator: Brown, Amber

Organization: Tyler Prize for Environmental Achievement
Address: 3616 Trousdale Parkway, AHF 410, Los Angeles, CA 90089-0371

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8836 Alternate Number: N/A
Status: For Your Information Closed Date: May 22, 2012
Due Date: N/A # of Extensions: 0
Letter Date: May 15, 2012 Received Date: May 21, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: SNR-Signature Not Required Signature Date: N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: 2012 Tyler Prize for Environmental Achievement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	May 22, 2012
Martha Faulkner	OAR	OAR-OAQPS	May 22, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	May 22, 2012
Martha Faulkner	OAR	Forwarded control to OAR-OAQPS	May 22, 2012
Sherry Russell	OAR-OAQPS	Closed control by finished FYI task	May 22, 2012
(b) (6) Personal Privacy	OEX	Reopened Control	May 22, 2012



Tyler Prize

FOR ENVIRONMENTAL ACHIEVEMENT

May 15, 2012

Dr. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RECEIVED
MAY 21 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Dr. Jackson,

I am pleased to send you the enclosed book commemorating the presentation of the 2012 Tyler Prize for Environmental Achievement on Friday, April 27th in Los Angeles. The prize was awarded to two experts on air pollution for their work to advance the scientific understanding of air pollution, and develop solutions to reduce the danger to human health and the impact on climate change. The recipients are John H. Seinfeld, PhD, of the California Institute of Technology and Kirk R. Smith, MPH, PhD, of the University of California at Berkeley. Professor Seinfeld is recognized for his groundbreaking work leading to understanding of the origin, chemistry, and evolution of particles in the atmosphere. The fundamental understanding of the physics and chemistry of urban and regional air pollution that emerged from his research served as the basis for action to control the effects of air pollution on public health. Professor Smith is recognized for his work identifying that household air pollution in developing nations is responsible for nearly two million premature deaths per year, disproportionately among women and children.

Since its inception in 1973, the Tyler Prize continues to be the premier award for environmental science, environmental health and energy by honoring individuals with exceptional foresight and dedication in the environmental sciences – qualities that mirror the prescience of the Prize's founders, John and Alice Tyler, who established the Prize while the environmental debate was still in its infancy.

Dr. Seinfeld and Dr. Smith now join a distinguished group of sixty-four individuals and four organizations that have been awarded the Tyler Prize. Through their work, Tyler Laureates have focused worldwide attention on environmental problems and motivated effective action toward solutions.

I would also like to bring to your attention that we are now accepting nominations for the 2013 Tyler Prize. Information regarding our nomination process can be found on our web site at <http://www.tylerprize.usc.edu/nominate.html>. Please contact me at tylerprz@usc.edu or amberb@usc.edu or by phone at 213-740-9760 should you have any questions.

I hope you enjoy this memento and will join us in congratulating Dr. Seinfeld and Dr. Smith for this recognition of their remarkable success and record of accomplishments.

Best Regards,

Amber Brown
Administrator

EXECUTIVE COMMITTEE

Owen T. Lind (Chair)
Baylor University

Rosina M. Bierbaum
University of Michigan

Margaret Catley-Carlson
*World Economic Forum Global
Water Agenda Council*

Alan P. Covich
University of Georgia

Robert A. Froesch
*Harvard University and
Woods Hole Oceanographic
Institution*

Arturo Gómez-Pompa
*University of California,
Riverside and
Universidad Veracruzana*

Judith E. McDowell
*Woods Hole Oceanographic
Institution*

Julia Marton-Lefevre
*(IUCN) International Union for
Conservation of Nature*

Ralph Mitchell
Harvard University

Jonathan Patz
University of Wisconsin

Cornelius W. Sullivan
*University of Southern
California*

The Tyler Prize c/o University of Southern California
3616 Trousdale Parkway, AHF 410 - Los Angeles, CA 90089-0371

Tel: 213.740.9760 ☎ Fax: 213.740.1313 ☎ Email: tylerprz@usc.edu ☎ Web: www.usc.edu/tylerprize



ALASKA CENTER *for the* ENVIRONMENT

807 G Street, Suite 100 Anchorage, Alaska 99501
907-274-3632 valerie@akcenter.org www.akcenter.org

May 10, 2012

The Honorable Nancy Sutley, Chair
White House Council on Environmental Quality
722 Jackson Place
Washington, DC 20503

RECEIVED
MAY 21 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
United States Army Corps of Engineers
108 Army Pentagon
Room 3E446
Washington, DC 20310

Re: Protecting Alaska's Waters from Mining Waste

Dear Ms. Sutley, Ms. Jackson, and Ms. Darcy:

I am writing on behalf of The Alaska Center for the Environment, (ACE). We are a non-profit environmental education and advocacy organization, supported by over 6,000 Alaskan members. Our mission is to enhance Alaskans' quality of life by protecting wild places, fostering sustainable communities, and promoting recreational opportunities. Alaska Center for the Environment (ACE) is writing to urge you to close two loopholes in the Clean Water Act's regulations that allow hardrock mines to discharge untreated tailings and other waste directly into the nation's wetlands, streams, and lakes.

ACE doesn't oppose all mining, but we are concerned about irresponsible mining practices. Allowing industrial mining waste to be "stored" in our waters is a fundamentally bad practice.

ACE is Alaska's largest home-grown citizen's group working for the sensible stewardship of Alaska's natural environment. Due to the high price of metals,

hardrock mining is enjoying a boom in Alaska. ACE is monitoring many of the new prospects to ensure that the industry does not destroy one resource to obtain another. In our view, it never makes sense to sacrifice salmon or other sustainable resources for short-term profit.

We are particularly concerned about the impacts of hardrock mine development on Alaska's pristine waters. The hardrock mining industry has a long track record of polluting ground and surface waters. According to Environmental Protection Agency (EPA) reports, hardrock mining is one of the nation's biggest sources of toxic pollution and is responsible for contaminating an estimated 40% of the headwaters in western watersheds.

The potential conflict between hardrock mining and clean water has generated an emotional public debate in Alaska with regards to the proposed Pebble mine. The mine would be located in the headwaters of Bristol Bay, an environmentally-critical ecosystem that contains highly sensitive salmon spawning areas and habitat for a diverse community of wildlife. Bristol Bay produces 30% of all U.S. wild salmon and supports the world's largest sockeye salmon fishery. In 2008, the Bristol Bay harvest reached nearly 28 million sockeye, 1.2 million chums, 278,000 pinks, 90,000 Coho, and 25,000 kings. The Alaska Seafood Marketing Institute puts the value of the annual harvest at nearly \$115 million. Salmon are a vital economic force for the commercial and sport fisheries and have sustained the subsistence lifestyle of rural residents for generations.

The Pebble Partnership proposes to build large-scale dams that will contain billions of tons of tailings and other toxic waste in an active earthquake zone. One of the dams would be larger than either the Hoover Dam or Three Gorges Dam in China. In 1964, Alaska experienced a 9.2 magnitude earthquake, the most powerful quake ever recorded in North America. In 2002, there was a 7.9 magnitude earthquake along the Denali Fault, just a few hundred miles from the Pebble mine site. There is a very real danger that one or more of the waste storage dams would fail if we should experience another large earthquake.

In ACE's view, the risks posed by the Pebble mine far outweigh the short-term economic benefits it would produce. The danger that an accidental discharge of toxic mining waste will pollute the watershed is significant and very real. The mine poses a tremendous threat to the region's rich ecosystems and the Alaska communities that depend on the land and rivers for their livelihood. The Pebble mine might stimulate the regional economy during its years of operation, but it would leave the land permanently scarred and compromised, and most of the profits would go to shareholders of foreign corporations.

Some mines, such as the Pebble mine, should not be built at all. Where mining is appropriate, there should be a hard and fast rule that untreated mining waste should never be dumped into natural waters. This is just common sense. We all know that aquatic ecosystems are valuable and fragile resources. They are also natural conduits that can transport pollution for miles if a mining waste storage facility is improperly built, fails, or deteriorates with age. Virtually every mining disaster in the country was caused by uncontained mining waste contaminating surface or groundwater, or both.

Unfortunately, loopholes in the CWA's regulations currently allow many large hardrock mines to treat the nearest river valley or lake as a waste dump for tailings and other waste. Hardrock mines produce millions, even billions of tons of industrial waste which frequently contains toxic chemicals such as arsenic, cadmium, and lead. Mining pollution has adversely affected local communities, fish, and wildlife populations, sometimes for decades.

The first loophole allowing mining companies to circumvent the Clean Water Act is found in EPA and Army Corps of Engineers (Corps) regulations stating that "waste treatment systems" are not waters of the United States. Mines, relying upon the waste treatment system exclusion, have obtained Section 404 permits authorizing them to build dams across the mouths of valleys. The mining company is then allowed to dump its wastes into the streams and wetlands behind the dam because they are considered part of a "waste treatment system" rather than "waters of the United States."

The fiction that waters impounded by mine developers are no longer waters has resulted in the destruction of these ecosystems and harmed the people, fish, and wildlife that depend upon them. It also defeats the purpose of the CWA. EPA recognized as much when it expressly limited the exclusion to manmade bodies of water in 1980. We urge you to close this loophole by revising EPA and Corps regulations to clarify, once again, that the waste treatment system exclusion applies only to manmade waters.

The second loophole is the result of the 2002 revision of the CWA regulations defining "fill." Under the current definition, EPA and the Corps treat the discharge of tailings from hardrock mines as fill material subject to Section 404, a program originally created primarily to govern dredging and construction-related activities that place dredged or fill materials in wetlands and other waters, rather than to regulate the disposal of industrial wastes. The practical implication of this change is that toxic mining wastes discharged into waters are no longer governed by the CWA program designed to regulate these discharges and are not subject to the strict pollution standards adopted by EPA decades ago. We request that you end these practices by revising the EPA and Corps regulatory definitions of fill to exclude waste disposal.

We know that the Administration shares our concern with the discharge of mining wastes into America's waters and we appreciate your leadership on this critical issue. Please close the two mining loopholes so that the nation's waters cannot be used as dump sites for industrial mining wastes.

Thank you for your consideration.

Sincerely yours,



Valerie Connor
Conservation Director

cc: Nancy Stoner, EPA
Terrence "Rock" Salt, Department of the Army



Correspondence Management System

Control Number: AX-12-000-8842

Printing Date: May 23, 2012 06:12:59



Citizen Information

Citizen/Originator: De La Cruz, Jaime

Organization: San Benito Count Board of Supervisors

Address: 481 Fourth Street, Hollister, CA 95023

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8842

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 5, 2012

of Extensions: 0

Letter Date: May 15, 2012

Received Date: May 21, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Request to reevaluate the Risk Analysis conducted in the Clear Creek Management Area

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA

OAR - Office of Air and Radiation -- Immediate Office

OCIR - Office of Congressional and Intergovernmental Relations

OECA - OECA -- Immediate Office

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: Frances Kwok

Office: R9

Due Date: Jun 5, 2012

Assigned Date: May 22, 2012

Complete Date: N/A

Instruction: DX-Respond directly to this citizen's questions, statements, or concerns

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R9	May 22, 2012	Jun 5, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A



5/2 MWB
**COUNTY OF SAN BENITO
BOARD OF SUPERVISORS**

481 Fourth Street • Hollister, CA 95023

Phone: 831-636-4000 • Fax: 831-636-4010

www.cosb.us

supervisors@cosb.us

May 15, 2012

RECEIVED
MAY 21 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

✓ Lisa Jackson
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Rick Cooper
Bureau of Land Management
Hollister Field Office
20 Hamilton Court
Hollister, CA 95023

Jared Blumenfeld
USEPA Region 9
75 Hawthorne Street
Mail Code: ORA-1
San Francisco, CA 94105

Jim Kenna
Bureau of Land Management
California State Office
2800 Cottage Way, Suite W-1623
Sacramento, CA 95825

Dear All:

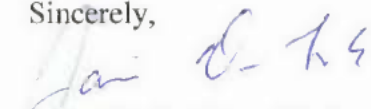
On behalf of the San Benito County Board of Supervisors I am requesting the Bureau of Land Management (BLM) to submit a formal request to the Environmental Protection Agency (EPA) to reevaluate the Risk Analysis that was conducted in the Clear Creek Management Area (CCMA) here in San Benito County.

The CCMA was permanently closed based on a study by the EPA, which concluded that naturally occurring asbestos posed a public health risk in the CCMA. However, subsequently, the International Environmental Research Foundation (IERF), at the behest of the California State Parks, conducted further studies and issued a report that concluded that management and operational strategies could be employed to allow for off-highway-vehicle (OHV) recreation in the CCMA without exposing the public to higher than acceptable levels of naturally occurring asbestos. In light of this report, which directly contradicts the conclusions of the EPA studies, it would appear a reevaluation would be in order. There needs to be a reconciliation of the EPA and IERF studies, especially when there are conflicting scientific conclusions.

The CCMA was a critically important recreational area that brought hundreds of thousands of dollars to the county which is suffering from an unemployment rate in excess of 20%. The prudent use of the CCMA would greatly enhance the economy of San Benito County while providing excellent recreational opportunities for families in the area and in the region.

The Board of Supervisors respectfully requests your sincere consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jaime De La Cruz".

Jaime De La Cruz, Chair
San Benito County Board of Supervisors

C: Congressman Sam Farr



Correspondence Management System

Control Number: AX-12-000-8851

Printing Date: May 23, 2012 03:08:57



Citizen Information

Citizen/Originator: Rosenthal, Erika

Organization: Earthjustice

Address: N/A

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8851

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 18, 2012

Received Date: May 22, 2012

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Green Group letter to President Obama on the Rio+20 Earth Summit

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Jon Monger - AO-IO

OAR - Office of Air and Radiation -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OITA - Office of International and Tribal Affairs

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	May 23, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	May 23, 2012

American Rivers * Center for International Environmental Law * Citizens for Global Solutions
* Clean Water Action * Defenders of Wildlife * Earth Day Network * Earthjustice *
Environmental Defense Fund * Environment America * Greenpeace * League of Conservation
Voters * Native American Rights Fund * National Tribal Environmental Council * National
Wildlife Federation * Natural Resources Defense Council * Oceana * Physicians for Social
Responsibility * Population Action International * Population Connection * Rails-to-Trails
Conservancy * Sierra Club * Union of Concerned Scientists

May 18, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

We are writing on behalf of civil society organizations that represent more than 5 million Americans to urge you to commit as soon as possible to lead the United States delegation to the Rio+20 Earth Summit in Brazil in June.

Your presence at this Summit would signal its critical importance to all Americans, demonstrate our country's deep concern over urgent global issues that will inevitably affect our security and well-being, and highlight our nation's determination to be a contender in the race to a low-carbon green economy. As United Nations Secretary General Ban Ki-Moon stated recently, your participation will be "crucial." This is true both for the success of the summit and progress toward a sustainable future for everyone on this fragile planet, and for your Administration's goals on jobs and clean energy here at home.

We appreciate the leadership shown by the United States in the Rio+20 preparatory process in advocating that the United Nations encourage countries, corporations, and communities to make commitments in Rio to specific measurable actions. Your presence at the Earth Summit would cement this leadership.

Our organizations additionally urge your Administration to announce as soon as possible its own commitments for Rio+20 as a model for other nations and stakeholders. Such commitments might involve new initiatives or those already underway where the action will be expanded going forward. Your Administration can point to important areas where it is making real progress towards sustainability - including making major new investments in renewable energy, promulgating EPA rules on carbon pollution from power plants, and proposing to reduce fossil fuel subsidies, among others.

US commitment to leadership at home can help leverage global action in Rio at the Earth Summit. World leaders are poised to make progress on eliminating fossil fuel subsidies at the Summit,

building on the commitment your Administration made at a Group of 20 summit in 2009 to phase out fossil fuel subsidies. We fully support your statement during the 2012 State of the Union speech: "We've subsidized oil companies for a century. That's long enough." And we believe the American people fully support your administration to take the next steps at Rio+20.

Internationally, the Administration can point to a number of new partnerships it has launched, including ones on short-lived climate forcers, clean water, and clean cook stoves. We hope that the US will make commitments to the UN Secretary General's Sustainable Energy for All Initiative, including securing a commitment from the World Bank Group to mobilize up to \$500 million to support off-grid clean energy investments. In addition, we understand that the Administration will use Rio as a platform to launch an international monitoring network on ocean acidification, a plan that we fully support.

The United States should advocate for strong language in the Earth Summit outcome document that will catalyze action to build *healthy, resilient ocean ecosystems* by reducing pollution and overfishing, establishing meaningful prohibitions on harmful fisheries subsidies that contribute to overcapacity of global fishing fleets, establishing protected areas to sustain ecosystems in the face of rising ocean acidification and other stressors, and enhancing coordinated global monitoring of ocean acidification. These steps are fundamental for livelihoods, food security and sustainable development in island and coastal states, as well as for coastal and fishing communities here at home.

The Administration can also demonstrate leadership in creating a vision of a sustainable future, by strengthening international norms, and creating new structures to advance sustainability. We look to the United States, long a champion of human rights, to affirm that respect for human rights and the environment is an integral element of sustainable development and to support inclusion of the *right to a healthy environment* in the Rio+20 Outcome Document. The proposal to establish a *High Commissioner for Future Generations* would provide a new voice to assure that international deliberations take into account the interests of those who will inherit this world from us. After four decades, it is also clear that we need to strengthen the United Nations Environment Programme.

Finally, we urge your Administration to be a strong advocate for speeding the transition to a *Green Economy* and to help catalyze the scaling up of clean energy technologies and infrastructure that will create millions of new green jobs around the world and at home. This has been a cornerstone of your Administration. As you said in the 2012 State of the Union, "It is time to... double-down on a clean energy industry that never has been more promising.... Because of federal investments, renewable energy use has nearly doubled, and thousands of Americans have jobs because of it." With your leadership, the Earth Summit can galvanize a strong global commitment to a green economy and stimulate new investment and jobs.

We believe that your leadership at Rio+20 affirming this country's commitment to a green and sustainable future will provide – particularly for the youth – a vision of a future that works for them and for all of us. As you told Ghana's parliament in July 2009, "above all, it will be the young people – brimming with talent and energy and hope—who can claim the future...."

We are eager to work with you and your Administration to demonstrate American commitment and leadership to sustainable development, the environment, poverty alleviation and green jobs – and to make the 2012 Earth Summit a success.

Sincerely,

Trip Van Noppen
President
Earthjustice

Frances Beinecke
President
Natural Resources Defense Council

Carroll Muffett
President and CEO
Center for International Environmental Law

Michael Brune
President
Sierra Club

Fred Krupp
President
Environmental Defense Fund

Kathleen Rogers
President
Earth Day Network

Andrew Sharpless
Chief Executive Officer
Oceana

Don Kraus
Chief Executive Officer
Citizens for Global Solutions

John Seager
President
Population Connection (formerly Zero
Population Growth)

William Robert Irvin
President
American Rivers

Keith Laughlin
President
Rails-to-Trails Conservancy

Suzanne Ehlers
President
Population Action International

John E. Echohawk
Executive Director
Native American Rights Fund

Phil Radford
Executive Director
Greenpeace

Margie Alt
Executive Director
Environment America

Kevin Knobloch
President
Union of Concerned Scientists

Robert Wendelgass
President & CEO
Clean Water Action

Larry Schweiger
President and Chief Executive Officer
National Wildlife Federation

Jerry Pardilla
Executive Director
National Tribal Environmental Council

Catherine Thomasson, MD
Executive Director
Physicians for Social Responsibility

Gene Karpinski
President
League of Conservation Voters

Jamie Rappaport Clark
President
Defenders of Wildlife

Cc:

Secretary of State Hillary Clinton
White House Chief of Staff Jack Lew
EPA Administrator Lisa Jackson
Director of the Office of Public Engagement Jon Carson
Chair, Council on Environmental Quality Nancy Sutley
Chief of Staff, Council on Environmental Quality Mike Boots
Director, White House Office of Science and Technology Policy, Dr. John P. Holdren
Assistant Secretary of State, Oceans and International Environmental and Scientific Affairs, Kerri-Ann Jones
Deputy Assistant Secretary of State, Bureau of Oceans, Lawrence J. Gumbiner
Assistant Administrator for the Office of International and Tribal Affairs, EPA, Michelle J. DePass
Director for Environment and Climate Change, National Security Council/National Economic Council,
Celeste Connors

DAILY READING FILE

5/22 957 32
m

Fw: Letter to Administrator Jackson
Eric Wachter to: (b) (6) Personal Privacy

05/21/2012 11:05 AM

----- Forwarded by Eric Wachter/DC/USEPA/US on 05/21/2012 11:05 AM -----

From: Aaron Dickerson/DC/USEPA/US
To: Eric Wachter/DC/USEPA/US, Brian Hope/DC/USEPA/US@EPA
Date: 05/21/2012 10:55 AM
Subject: Fw: Letter to Administrator Jackson

RECEIVED
MAY 22 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 05/21/2012 10:55 AM -----

From: Alex Stark <stark@climateadvisers.com>
To: Aaron Dickerson/DC/USEPA/US@EPA
Date: 05/21/2012 10:47 AM
Subject: Letter to Administrator Jackson

Dear Aaron,

Attached please find a letter from Girl Scouts Madison Vorva and Rhiannon Tomtishen to Administrator Jackson. The girls had the opportunity to meet with Administrator Jackson in April, and really appreciated the opportunity to tell her about their work to remove palm oil, a major cause of rainforest destruction and the accompanying ecological and climate impacts, from Girl Scout cookies.

The girls wanted to reiterate their thanks to the Administrator, as well as some of their concerns about the EPA's upcoming decision on whether to include palm oil under the Renewable Fuels Standard. As they note in their letter, this is an issue where EPA can really make a difference, since thousands of square miles of rainforest and the endangered species that their homes there, as well as the corresponding tons of emissions, are at stake with this decision. They have also attached a letter from a community leader in Kalimantan, Indonesia who describes some of the vast environmental destruction and human rights abuses created by palm oil companies in his community.

If you could pass the letter on to Administrator Jackson, we would very much appreciate it!
Thanks for your help.

Sincerely,
Alex

--

Alexandra Stark
202-328-5086
stark@climateadvisers.com
www.climateadvisers.com

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

May 3, 2012

Dear Administrator Jackson,

Thank you for taking the time to meet with us on April 17th. We really appreciated the opportunity to tell you about our work raising awareness about the terrible environmental impacts of palm oil cultivation, and very much enjoyed hearing about your inspiring leadership at the Environmental Protection Agency.

This is an issue where the EPA can really make a difference. We briefly discussed the EPA's Notice of Data Availability on whether palm oil should be included under the Renewable Fuels Standard. We are very glad to know that EPA's analysis finds that palm does not qualify, since thousands of square miles of rainforest and the endangered species that make their homes there like the orangutan, and of course the corresponding tons of greenhouse gas emissions, are at stake. We wanted to highlight comments that several organizations (Union of Concerned Scientists, World Wildlife Fund, Natural Resources Defense Council, National Wildlife Federation, and Clean Air Task Force) recently submitted in response to the NODA. Their analysis finds that the EPA is correct to exclude palm from the RFS, and that in fact the EPA's analysis actually underestimates the greenhouse gas emissions of palm oil and the other serious environmental problems that palm cultivation creates. A study recently released in the journal *Global Change Biology: Bioenergy* similarly finds that the EPA's analysis underestimates the destruction of Indonesian and Malaysian peatlands, which are vast carbon sinks, for palm cultivation ("Extent of industrial plantations on Southeast Asian peatlands in 2010 with analysis of historical expansion and future projections").

We have also attached a letter from a community leader in Indonesia who contacted us to ask for help stopping the abuses that palm oil companies have created. He describes some of the vast environmental destruction and human rights abuses wrought by these companies in Kalimantan, Indonesia.

Thank you again for meeting with us, and for your support in our efforts to save endangered species, protect forests, and prevent climate change.

Sincerely,


Rhiannon Tomtishen and Madison Vorva

Letter from Vincentius Obeng Yam Buso, Kalimantan, Indonesia:

I would like to tell you a little about the state of forests in Kalimantan today. We know that Kalimantan, formerly known as the Borneo tropical forests, is the world's lungs but today the forest is almost nothing. When you enter Kalimantan, West Kalimantan in particular, you may imagine that we are going down a lot of beautiful forest. But that cannot happen now because there is little left of the lush tropical forests.

The difference between timber companies and oil companies is in licensing. If the company is licensed to harvest timber, they do not control all the land where the timber is located. But oil companies have the right to lease for 35 years and can extend their lease for another 35 years, then can extend their right to cultivate for another 35 years. Oil companies have the automatic rights of companies; society has no more right to the land than a licensed company. The next inequality is a matter of the division of land. If 10 acres are split, that means seven acres of land and 3 of core plasma. To acquire three acres of land, the community must also pay the cost of credit with the bank that becomes a corporate partner. It means the community has to buy the goods themselves.

People allowed the company to enter our area because they promised to open employment opportunities, open inter-village roads. The job was only to be laborers. Workers were given only rp 35.000 per day. We also know that oil palm plantations are a monoculture crop and the much needed fertilizer, manure, has very dangerous impacts on public health and the animals around the company who consume water from the river that has been contaminated by fertilizers.

The oil companies operating in the area do not see the topography properly. They planted oil palms on the hillsides, the endless crops on the hills will cause natural disasters such as floods and landslides, the endless peat being burned will also trigger global warming. The entry of oil companies, rather than better the welfare of local communities, has devastated them. I strongly disagree with the oil companies. With the advent of these companies, the lives of our communities will be threatened and wildlife will be threatened. Orangutans, monkeys and squirrels are so hounded by the company because they are pests to palm oil.

Oil companies have also been displacing communities and displacing the cemetery on the grounds where the land has been taken. I am deeply saddened by this situation. I hope we all work together to fight this, because if the forest does not exist the impact is not just for our community, but for the whole world.

-Vincentius Obeng Yam Buso



Correspondence Management System

Control Number: AX-12-000-8961

Printing Date: May 23, 2012 07:38:57



Citizen Information

Citizen/Originator: Brown, Jewel

Organization: United States Department of State
Address: 2201 C Street, Washington, DC 20520

Mull, Stephen D.

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-8961	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	May 21, 2012	Received Date:	May 22, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File - National Security Affairs Calendar		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	Noah Dubin - OEX OEAEE - Office of External Affairs and Environmental Education OHS - Office of Homeland Security		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	May 23, 2012

History

Action By	Office	Action	Date
-----------	--------	--------	------



United States Department of State

Washington, D.C. 20520

May 21, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", written in a stylized, cursive script.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

May 14, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast
- May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn
- May 18-21 Young Atlanticist Chicago Summit, Chicago
- May 18-23 Visit of Secretary of Homeland Security Napolitano to Germany, Israel and Jordan
- May 20-21 NATO Summit, Chicago
- May 20-22 12th Doha Forum, Doha
- May 20-Jun 5 Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan
- May 21-23 5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju
- May 21-24 2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur
- May 21-26 65th Session, World Health Organization (WHO) World Health Assembly, Geneva

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

SENSITIVE BUT UNCLASSIFIED

2

May 22 U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh

May 22 U.S.-ASEAN Dialogue, Manila

May 22-24* U.S.-Iraq Defense and Security Joint Coordination Committee (DSJCC) Meeting, Washington

May 22-24* Visit of Acting Defense Minister Dulaymi of Iraq to Washington

May 23 Presidential Elections in Egypt—1st Round

May 23 2nd Set of P5+1 Talks with Iran, Baghdad

May 23* Visit of Foreign Minister Gryshchenko of Ukraine to Washington

May 23 Friends of Yemen Meeting, Riyadh

May 23-24 Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris

May 24* Visit of Foreign Minister McCully of New Zealand to Washington

May 24-25 East Asia Summit (EAS) Senior Officials Meeting, Phnom Penh

May 25-26 6th Pacific Island Leaders (PALM 6) Meeting, Nago City

May 26 Parliamentary Elections in Lesotho

May 28-30 3rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro

LOOKING AHEAD

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

3

May 30	U.S.-EU Air Transport Agreement Joint Committee, Rome
May 30*	U.S.-Canada High Level Policy Review Group, Washington
May 30-31	Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
May 30-Jun 1	World Economic Forum on East Asia, Bangkok
May 31-Jun 1	African Development Bank Annual Meeting, Arusha
May 31-Jun 1	Istanbul II Conference on Somalia, Istanbul
May 31-Jun 2	2012 Wroclaw Global Forum, Wroclaw
Jun 1	Global Health Conference: "A World In Transition: Charting A New Course in Global Health," Oslo
Jun 1-3	Shangri-la Dialogue, Singapore
Jun 3-5	Organization of American States (OAS) General Assembly, Cochabamba
Jun 4*	Kimberley Process (KP) Intersessional Meeting, Washington
Jun 4-5	Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan
Jun 4-5*	U.S.-Nigeria Binational Commission Meeting, Washington
Jun 4-6	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

4

Jun 4-8 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Jun 4-8 25th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur

Jun 7-8 Global Counterterrorism Forum (GCTF) Coordinating Committee Meeting, Istanbul

Jun 8* Visit of President Aquino of the Philippines to Washington

Jun 10 Legislative Elections in France-1st Round

Jun 11-13* Visit of President Jahjaga of Kosovo to Washington

Jun 12* U.S.-India Higher Education Dialogue, Washington

Jun 12* Visit of Foreign Minister Burkhalter of Switzerland to Washington

Jun 12* Visit of Deputy Prime Minister /Foreign Minister Hor Namhong of Cambodia to Washington

Jun 13* U.S.-India Strategic Dialogue, Washington

Jun 14 Kabul Ministerial Conference on the Istanbul Process, Kabul

Jun 14* U.S.-Morocco Business Development Conference, Washington

Jun 14* U.S.-Thailand Strategic Dialogue, Washington

Jun 14* Visit of Foreign Minister Surapong of Thailand to Washington

Jun 14 U.S.-Adriatic Charter Foreign Ministers Meeting, Sarajevo

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

5

Jun 14* 2+2 U.S.-Republic of Korea Ministerial, Washington

Jun 14* Visit of Foreign Minister Kim Sung-hwan and Defense Minister Kim Kwan-jin of the Republic of Korea to Washington

Jun 14-15* 2012 African Growth Opportunity Act (AGOA) Forum, Washington

Jun 16 Presidential Elections in Egypt-2nd Round

Jun 17 Legislative Elections in France-2nd Round

Jun 17 Parliamentary Elections in Greece (Snap)

Jun 18-19 G-20 Leaders Summit, Los Cabos

Jun 18-20 IAEA International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency, Vienna

Jun 18-Jul 6 20th Session of the Human Rights Council, Geneva

Jun 19 Legislative Elections in Libya

Jun 20-22 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

Jun 21* U.S.-Portugal Standing Bilateral Commission, Washington

Jun 21-22 U.S.-Africa Business Convention, Cincinnati

Jun 23 Parliamentary Elections in Papua New Guinea

Jun 24-25 Asia-Pacific Economic Cooperation (APEC) 10th Energy Ministerial Meeting, St. Petersburg

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

6

Jun 25-26 International Conference of Ministers of Foreign Affairs and Heads Of Specialized National Agencies Against the World Drug Problem, Lima

Jun 25-Jul 5 36th World Heritage Committee Meeting, St. Petersburg

Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg

Jun 27-28 High-Level Counter-Piracy Conference: "A Shared Approach for Shared Challenges: Integrating and Enhancing International Responses and Public-Private Partnerships," Dubai

Jun 28 Parliamentary Elections in Mongolia

Jun 28-29* P-5 Conference on Verification, Transparency and Confidence-Building, Washington

Jun 30 Presidential Elections in Iceland

Jul 1 Parliamentary Elections in Senegal

Jul 1 Presidential and Legislative Elections in Mexico

Jul 1 (T) Parliamentary Elections in Mali-1st Round

Jul 2-27 Arms Trade Treaty (ATT) Conference, New York

Jul 4-6* Global Chiefs of Protocol Conference, Washington

Jul 6-7 7th Annual Croatia Summit, Dubrovnik

Jul 7 Parliamentary Elections in Timor-Leste

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

7

- Jul 8 Tokyo Development Coordination Conference for Afghanistan, Tokyo
- Jul 8 Legislative Elections in Cameroon
- Jul 9-10 Community of Democracies Governing Council Meeting, Ulaanbaatar
- Jul 9-13 East Asia Summit Foreign Ministers Meeting, 19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
- Jul 13-15 U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
- Jul 16* American Australian Leadership Dialogue (AALD), Washington
- Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City
- Jul 17-19 Inaugural Meeting of the Organization of American States (OAS) Second Hemispheric Forum: "Women's Citizenship and Democracy," Santo Domingo
- Jul 22 (T) Parliamentary Elections in Mali-2nd Round
- Jul 22-27* AIDS 2012 XIX, International AIDS Conference, Washington
- Jul 25* 2nd Global Diaspora Forum, Washington
- Jul 27-Aug 12 XXX Summer Olympic Games, London

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

8

- Aug 3 Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg
- Aug 6-8 Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg
- Aug 27-31 Pacific Islands Forum Meetings, Cook Islands
- Aug 29-Sep 9 Paralympic Games, London
- Aug 30 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow
- Sept 2-9 Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok
- Sept 4-7 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok
- Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju
- Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 10-28 21st Session of the Human Rights Council, Geneva
- Sept 11-13 Annual Meeting of the New Champions, Tianjin
- Sept 12 Parliamentary Elections in the Netherlands (Snap)
- Sept 14* U.S.-Indonesia Joint Commission Meeting, Washington
- Sept 14* Visit of Foreign Minister Natalegawa of Indonesia to Washington

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

9

Sept 17-21	International Atomic Energy Agency (IAEA) General Conference, Vienna
Sept 24	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sept 24-28	United Nations General Assembly High-Level Week, New York
Sept 24-Oct 15	25 th Universal Postal Union Congress, Doha
Oct 1-19	11 th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad
Oct 7	Presidential Elections in Venezuela
Oct 8	Presidential Elections in Slovenia
Oct 9-10	U.S.-Maghreb Economic Forum, Detroit
Oct 12-14	World Bank Group/International Monetary Fund Annual Meeting, Tokyo
Oct 24-26	Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali
Oct 28	Parliamentary Elections in Ukraine
Oct 30-Nov 1*	G-8 Roma-Lyon Group (RLG) Meeting, Washington
Nov 6-8	India Economic Summit, New Delhi
Nov 6-9	7 th Annual Internet Governance Forum (IGF), Baku
Nov 7-10	15 th International Anti-Corruption Conference (IACC), Brasilia

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

10

Nov 13-14 Australia-U.S. Ministerial (AUSMIN), Perth

Nov 14-15 27th Board Meeting of the Global Fund to Fight AIDS, Tuberculosis
Malaria, Geneva

Nov 16-18 3rd Annual Sir Bani Yas Forum, Abu Dhabi

Nov 17 Presidential and Parliamentary Elections in Sierra Leone

Nov 18-20 (T) 21st Annual Association of Southeast Asian Nations (ASEAN)
Summit, Phnom Penh

Nov 27-Dec 7 18th Session of the Conference of the Parties to the United Nations
Framework Convention on Climate Change (UNFCCC) and the 8th
Session of the Conference of the Parties Serving as a Meeting of the
Parties (CMP 8) to the Kyoto Protocol, Qatar

Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors
Meeting, Vienna

Nov 30 (T) Presidential and Parliamentary Elections in Madagascar

Dec 2 Parliamentary Elections in Burkina Faso

Dec 6-7 Organization for Security and Cooperation in Europe (OSCE)
Ministerial, Dublin

Dec 7 Presidential Elections in Ghana

Dec 15-17 Fukushima Ministerial Conference on Nuclear Safety, Fukushima
Prefecture

Dec 19 Presidential Elections in the Republic of Korea

SENSITIVE BUT UNCLASSIFIED

Dec 28 Legislative Elections in Ghana

2013

Mar 4 Presidential and Parliamentary in Kenya-1st Round

Aug 30 Parliamentary Elections in Japan

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.



Correspondence Management System

Control Number: AX-12-000-8971

Printing Date: May 23, 2012 03:10:57



Citizen Information

Citizen/Originator: Clapper, James R

Organization: National Intelligence

Address: Office of the Director of National Intelligence, Washington, DC 20511

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8971

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 17, 2012

Received Date: May 23, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- Revised eAdjudication Business Rules for National Agency Check with Local Agency Checks and Credit Check Investigations within the Executive Branch

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Jose Lozano - AO-IO

OARM - OARM -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OEI - Office of Environmental Information - Immediate Office

OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCFO	May 23, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCFO	May 23, 2012

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00228

MEMORANDUM FOR: Distribution

SUBJECT: Revised eAdjudication Business Rules for National Agency Check with Local Agency Checks and Credit Check Investigations within the Executive Branch

REFERENCE: DNI Memo, "Authorization of Standard eAdjudication Business Rules for National Agency Checks with Local Agency Checks and Credit Check Investigations within the Executive Branch," 24 March 2010

In accordance with my authority as Security Executive Agent under Executive Order 13467 to ensure appropriate uniformity in processes relating to determinations relating to eligibility for access to classified information and eligibility to hold a sensitive position, I approve implementation of the attached revisions to the standard set of computer-executed business rules. The attached revisions supersede the business rules previously authorized in the above-referenced DNI memorandum. Federal departments and agencies shall use these revised business rules to conduct automated clean case screening and electronic adjudication (eAdjudication) of National Agency Check with Local Agency Checks and Credit Check (NACLC) investigations.

The attached NACLC business rules have been modified to align with the revised Standard Form 86 (SF86), "Questionnaire for National Security Positions," dated March 2010. These revised eAdjudication business rules have been demonstrated to efficiently identify clean cases and cases with no actionable issues for eAdjudication or automated adjudicative determinations for initial or continued eligibility for Secret access. Completed cases in which issue information has been identified will continue to require human review and adjudication.

Use of automated adjudication procedures and implementation of eAdjudication business rules are restricted to authorized adjudicative departments and agencies, which may implement them after providing notification to the Assistant Director for Special Security in the Office of the National Counterintelligence Executive. All eAdjudication determinations that are made by authorized departments and agencies according to the approved business rules are valid and will be accepted on a reciprocal basis.

Agencies desiring to implement automated adjudication business rules that are different from those established in this memorandum must submit a written request for approval, along with an automated adjudication business plan, to the Assistant Director for Special Security. At a minimum, the business plan will describe agency clean case screening procedures and describe

SUBJECT: Revised eAdjudication Business Rules

how the process provides automated support to human adjudicative decisions. The business plan must also explain why different business rules are required.

Please send notification of intent to use the attached eAdjudication standards or any alternative business plans for automated adjudication to the Assistant Director for Special Security to SecEA@dni.gov. For questions regarding the revised business rules or the submission process, please contact Ms. Teresa Nankivell at teresabn@dni.gov or 571-204-6623.


James R. Clapper

15 MAY 2012
Date

Attachment:
Revised NACL eAdjudication Business Rules



Correspondence Management System

Control Number: AX-12-000-8998

Printing Date: May 23, 2012 03:19:52



Citizen Information

Citizen/Originator: Reichert, Robert A.B.

Organization: City of Macon

Address: 700 Poplar Street, P.O. Box 247, Macon, GA 31202-0247

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8998

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 15, 2012

Received Date: May 23, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Thank you to the EPA for the recently issued Mercury and Air Toxics Standards for Power Plants

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	May 23, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	May 23, 2012



ROBERT A.B. REICHERT
MAYOR

OFFICE OF THE MAYOR

City of Macon

May 15, 2012

700 POPLAR STREET
P.O. Box 247
MACON, GEORGIA 31202-0247
(478) 751-7170
FAX (478) 751-7931

Ms. Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington DC 20460

RECEIVED
MAY 23 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

RECEIVED
MAY 23 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

I want to thank the Environmental Protection Agency's (EPA) for the recently issued Mercury and Air Toxics Standards for Power Plants (MATS). Providing such safeguards can have a long lasting impact on our community's health and well-being.

According to your agency's analysis and an estimate from the Center for Disease Control, pollution from mercury – a dangerous neurotoxin – represents a threat to many families and individuals of all ages nationwide. The MATS could help regulate the mercury levels, as well as reduce exposure to a host of other health-threatening toxics, including arsenic, cyanide, chromium and acid gases. As a result, lives could be saved, heart and asthma attacks could be prevented, and hospital visits could be avoided.

Citizens deserve clean, healthy air and water, and I want to thank the EPA for issuing the Mercury and Air Toxics Standards.

Respectfully,

Robert A.B. Reichert
Mayor

RABR/ns

DAILY READING FILE

RECEIVED
MAY 22 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 05/18/2012 07:04 PM
From Larry Coffman <coffman@convergentwater.com>
To LisaP Jackson/DC/USEPA/US@EPA
Shalini Vajjhala/DC/USEPA/US@EPA; adair@convergentwater.com;
cc jlenth@herrerainc.com; michelea@melioradesign.net;
mmerkelbach@herrerainc.com
Subject USA - Brazil Green Infrastructure Business Opportunities & Partnerships

Message Body

Dear Administrator Jackson,

The attached introductory letter is about our new US / Brazilian business partnership to showcase advanced low cost sustainable green infrastructure technologies and services as part of the 2014 World Cup and 2016 Olympics. Our US / Brazilian associates have already conducted preliminary work to identify economic opportunities, water resources protection needs and human/ environmental benefits. We have also identified significant regulatory, political and institutional barriers for small US firms to do business in Brazil. We are seeking your guidance and assistance to help us navigate through these barriers consistent with the Administration's initiatives to promote small / disadvantaged businesses and the export of US green technologies to Brazil.

Thank you for your consideration and any assistance you can provide. We'd be happy to meet with you at your convenience to discuss in greater detail.

Sincerely,

Larry Coffman, Vice President



Convergent Water Technologies, Inc. US_Brazil GI Business Partnerships.pdf

OEX Processing Information

Processed Date:	05/21/2012 10:22 AM
Processed By	(b) (6) Personal Privacy
PO Office	Category:
OEX	CMS
Message Count	1

May 9, 2012

Administrator Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Subject: Brazilian Market for Green Infrastructure Technologies

Dear Ms. Jackson:

We represent a consortium of United States (U.S.) based small and disadvantaged (women and minority owned) businesses that are working to open international markets for green infrastructure (GI) technologies. Unlike single-purpose gray stormwater infrastructure which use pipes to dispose of stormwater, GI technologies use natural systems (or systems engineered to mimic natural processes) to manage stormwater near its source. In the process, they deliver many other environmental, social, and economic benefits that ultimately contribute to a sustainable community.

Our group is led by Herrera, a Seattle based small business on the forefront of GI technology design both nationally and internationally. We are joined by Larry Coffman, a preeminent pioneer for GI technology development and a driving force for its widespread adoption in the U.S. Our group is also supported by Meliora Design, a women owned small business based near Philadelphia that is a recognized leader in GI technology design and implementation in Philadelphia and throughout the East Coast. Our consortium includes numerous other small and disadvantaged businesses that collectively represent the leading edge of GI technology planning and design in the U.S.

We are writing this letter to highlight opportunities for exporting GI planning and design services to Brazil, the second fastest emerging economy in the world. We are encouraging the U.S. Environmental Protection Agency's support in fostering relationships with your Brazilian counterparts to help U.S. companies enter this market. We believe U.S. based planning and design services for GI technologies represent a unique export opportunity given the significant environmental problems Brazil is facing and the innovative nature of the solutions that are being developed domestically. The remainder of this letter provides background information on the problems and opportunities we see in Brazil; we then outline a strategy for fostering GI technology export opportunities from U.S. companies to Brazil at the conclusion of this letter.

Problem

Water resources worldwide are under increased pressure from population growth and global climate change. For example, the World Bank's Water Resources Sector Strategy report estimates world population has tripled over the last century while the use of water increased six fold over the same period. Over the next 30 years, an estimated 4 billion people—one half of the world's population—will live under conditions of severe water stress. The problem is particularly acute in developing countries like Brazil where inadequate infrastructure and a lack of planning are contributing to severe human health and safety concerns from drinking water contamination and flooding. In just one example, the death toll from flash floods and mudslides exceeded 700 in the Serrana region of Brazil during heavy rains in January 2011. In addition to the human costs, poor water resource management practices are also causing irreparable environmental degradation and habitat loss. Despite these trends, social and political changes taking place in Brazil are fostering some reallocation of resources for sustainable development and ecological restoration projects. For example, increased globalization has contributed to the development of a nascent middle class in Brazil with a greater awareness of environmental concerns and expectations for an increased quality of life. At the same time, the Brazilian government now recognizes that future economic growth may be limited without an aggressive program to address existing and future environmental problems. With this backdrop, GI technologies represent a resilient and affordable solution for stormwater management in Brazil, and can lay the foundation for an integrated approach to water resource management and infrastructure. By providing

multiple environmental and community benefits, these technologies also provide a pathway towards a sustainable future for the country.

Opportunity

The World Cup in 2014 and Olympics in 2016 provides a unique opportunity to showcase GI technologies and innovation from U.S. companies in Brazil. In Brazil, there are more than 15 cities with more than one million inhabitants; ten of those cities will be hosting the World Cup. In preparation for these events, the Brazilian government is making a substantial investment in capital improvement projects for water, wastewater, and stormwater management. To address existing water quality and flooding problems, many of these capital improvement projects seek to retrofit existing infrastructure to increase conveyance capacity and provide water quality treatment where none existed previously. In these highly populated cities, space constraints preclude the use of many conventional stormwater management options for addressing water quality impairment and urban flooding. GI technologies from the U.S. (e.g., high flow rate media for stormwater treatment, technologies that promote stormwater infiltration) provide a suite of solutions for addressing this particular challenge.

Barriers

Urban Planning: The reason urban planning was never taken into account is simple: the expression "long-term planning" is rarely found in Brazil's political dictionary. Short-term, eye-catching public works are the focus. Winning elections is the aim. Dominated by this logic, the main driver of cities' growth is profit, above everything else.

Awareness: GI practices and principles are currently being investigated as alternative solutions at the academic level but their implementation in Brazil is very limited. The lack of awareness is in part due to lack of support from local public work and planning departments, but also from a lack of resources such as designers and product vendors.

Regulations: The regulatory climate in Brazil is complicated, cumbersome, and very bureaucratic. To get a project up and running in Brazil typically takes much longer than a similar project in the U.S. Often, any new technology that uses patented materials such as filter media will need approval by the state agency for environment and water resources (CPRH); even if already approved in the U.S. This process may require toxicity testing to ensure the product does not release chemical constituents that might harm the environment. In addition, in order to use a specific technology, many public project bids require proof of implementation of a certain technology or CREA certification. CREA is the engineering and architecture licensing board that certifies projects conducted in Brazil. This regulatory climate presents unique challenges for U.S. companies that are trying to introduce GI technologies to the Brazilian market.

Strategy

We envision a partnership between U.S. and Brazilian businesses for encouraging the adoption of GI technologies in Brazil. U.S. businesses would provide planning and design services for GI technologies; Brazilian business would be enlisted to provide on-the-ground support for GI technology distribution, construction, and operation and maintenance. Herrera has already initiated this strategy through the development of strategic partnerships with a number of Brazilian companies including Jole Construction (CONSTRUTORA JOLE LTDA) and Leal Tech; both are construction and environmental services companies based in Recife, State of Pernambuco, Brazil. Herrera also has a formal partnership with Orteng, a company based in Rio de Janeiro that provides water infrastructure services and products. Michele Adams, founder of Meliora Design, was involved in bringing GI and sustainability to the Ford Brazil Bahia facility (which opened back in 2001) and understands both the critical need for this initiative and the challenges specific to Brazilian conditions and culture. We believe this strategy represents a win-win proposition for both Brazilian and U.S. businesses as it creates domestic and international jobs while contributing to improved environmental conditions in Brazil.

We recognize and applaud your ongoing efforts in promoting GI technologies nationally and see enormous opportunity for extending the benefits of this effort to the global community. Working with our consortium, we believe the U.S. Environmental Protection Agency could help advance our strategy for fostering GI technology adoption in Brazil through the following steps:

- Host workshops in two to three cities in Brazil to increase awareness of GI solutions developed in the U.S. for addressing water quality and flooding issues.
- Work with Brazilian regulators to break down regulatory barriers for GI solutions that have been developed in the U.S. and expedite the certification process.
- Sponsor a series of pilot projects in Olympic and World Cup host cities in Brazil to showcase the benefits and effectiveness of GI solutions developed in the U.S.

As a first step in this strategy, we suggest the U.S. Environmental Protection Agency host a round table discussion with representatives from our consortium to outline a roadmap for implementing these steps. With the U.S. Environmental Protection Agency's active support, we believe this initial effort could ultimately benefit hundreds of U.S. companies by opening a new market in one of the world's fastest growing economies. In particular, many small and disadvantaged businesses that are on the leading edge of GI technology development could disproportionately benefit from this effort; these businesses are known to create the majority of the job growth in the U.S.

We thank you for your thoughtful consideration of this proposal.

Sincerely,



HERRERA

Herrera
2000 Sixth Ave, Suite 1100
Seattle, WA 98122
206-441-9080

John Lenth
 Water Practice Director

Mark Merkelbach
 International Client Sector Manager



Convergent Water Technologies
1930 Aldine Western Rd
Houston, TX 77038
800-711-5428

Larry Coffman
 Vice President



Meliora Design, LLC
100 North Bank Street
Phoenixville, PA 19460
610-933-0123

Michele Adams, PE LEED AP
 President



Correspondence Management System

Control Number: AX-12-000-8991

Printing Date: May 24, 2012 04:12:48



Citizen Information

Citizen/Originator: Krancer, Michael L

Organization: Pennsylvania Department of Environmental Protection
Address: Rachel Carson State Office, P.O. Box 2063, 400 Market Street, Harrisburg, PA 17101

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8991 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: May 17, 2012 **Received Date:** May 23, 2012
Addressee: Gary Hudiburgh **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - National Pollutant Discharge Elimination System Memorandum of Agreement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	May 24, 2012
Wanda Fields	OW	OW-OWM	May 24, 2012

History



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECRETARY

RECEIVED

MAY 23 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

May 17, 2012

Mr. Gary Hudiburgh
U.S. EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 4203M
Washington, DC 20460

Mr. Chad Carbone
U.S. EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 2221A
Washington, DC 20460

Re: Comments on the Model MOA and MOA criteria checklist

Dear Mr. Hudiburgh and Mr. Carbone:

The Pennsylvania Department of Environmental Protection (DEP) appreciates the opportunity to comment on the 53-page model National Pollutant Discharge Elimination System (NPDES) program delegation Memorandum of Agreement (Model MOA) and MOA criteria checklist developed by the Environmental Protection Agency (EPA). DEP has reviewed the 53-page Model MOA plus attachments concerning implementation of the NPDES and Pretreatment programs (note that DEP has not been delegated the Pretreatment program) and, DEP has compared that document to the existing MOA, which consists of 15 pages. We have the following comments and observations.

We believe that the Model MOA is not necessary at this time and the Model MOA is substantively quite problematic on many levels to boot.

First, our existing MOA is satisfactory and of relatively recent vintage so there is no need for a new one at this time. The existing MOA meets the requirements of 40 CFR § 123.24 and the five criteria test as specified in EPA's Criteria for Reviewing MOAs for Possible Revision. DEP's current MOA was negotiated and agreed to in 1991 and was subsequently amended by letter from EPA in 1998 (existing MOA). By comparison to many other jurisdictions, DEP has a relatively recent agreement. EPA regulations require delegated State programs to have an MOA and specifically set forth the criteria that must be covered by the MOA. Our current agreement meets the criteria in 40 CFR § 123.24.

Furthermore, the Model MOA goes well beyond what is necessary, desirable and in some cases legal. Notably, the Model MOA expands the subject areas covered by our existing MOA, elevates EPA policy statements to binding mandates, and significantly increases the reporting requirements. These changes are unnecessary, go beyond what is traditionally covered by an MOA, would likely result in significant workload increases for DEP and are of very questionable legality.

A new Model MOA is not necessary on account of any new Chesapeake Bay requirements, pesticides permitting, CAFO permitting, and stormwater (MS4) permitting adopted since the execution of the existing MOA. Such requirements are already covered by the existing NPDES base program and simply constitute additions to that program. These subsets of the NPDES permitting program do not call for the recasting of new MOA.

We note that a large part of the document, over 20 pages in fact, increases state requirements concerning reporting (more reporting) and transmitting and sharing information. There is, as is always the case from EPA, more responsibility placed on the states for communicating, increased public participation, and compliance and enforcement. In light of all of the additional requests by EPA, notwithstanding the regulatory requirements behind those requests, there is little or no recognition by EPA of the increased workload these suggested changes would bring to the state agency. The last significant increase in funding for the 106 grant occurred in 2001. Due to inflation and salary/benefit costs rising, it is difficult for states to absorb any new workload requirements, yet it is apparent from the Model MOA that EPA expects more work to be performed with no significant increase in funding. This “unfunded mandate” approach is problematic to say the least.

In addition, I find it very ironic that EPA specifically states in this regard that expectations concerning EPA’s part of this Model MOA are limited to what appropriations and resources are available to them, but the same contingency is not offered to the states.

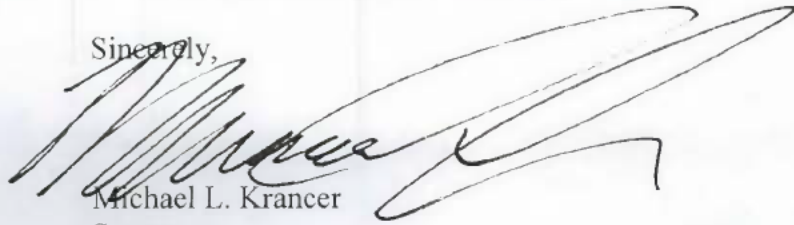
Equally troubling is the lack of clarity concerning EPA’s role when it decides to override a state and require changes to an NPDES permit. Specifically, how EPA will defend its action concerning any appeals taken concerning permits issued after EPA involvement. Our view is that EPA should be responsible for defending any piece of an NPDES permit where EPA has required specific conditions or effluent limitations that have generated an appeal.

It is also a major concern that much of the added text of the Model MOA comes from paraphrasing existing requirements from EPA’s regulations and EPA policy documents. For example, the compliance and enforcement sections effectively parrot the requirements of 40 CFR sections 123.26 and 123.7, as well as EPA guidance documents. The paraphrasing of guidance and policy pronouncements into a Model MOA is troubling because it elevates mere policy statements into binding requirements. That is of questionable legality. By incorporating regulatory requirements into the Model MOA this has the effect of making the Model MOA virtually obsolete *ad initio* since those regulatory requirements may change in short order. In addition by paraphrasing these regulatory requirements, EPA may, either intentionally or inadvertently, be inappropriately changing or expanding the regulatory requirements in the Model MOA.

Based on all of these factors we think that, at most, we should both focus our efforts on a possible limited update to the existing MOA. The MOA is only one part of the cooperative federal/state framework for the administration of the NPDES program. Arguably, it is not even the most important part of that framework. The Model MOA and its expansive provisions

appear to put the form of the Model MOA over the substance, which is whether the state is administering the NPDES program properly. As long as the existing MOA is meeting the regulatory requirements in § 123.24, which it is, changes should not be made to the existing MOA simply for the sake of making changes to the existing MOA.

Sincerely,



Michael L. Krancer
Secretary

cc: Lisa Jackson, Administrator, EPA Headquarters
Shawn Garvin, Regional Administrator, EPA Region III



Correspondence Management System

Control Number: AX-12-000-9054

Printing Date: May 24, 2012 12:56:50



Citizen Information

Citizen/Originator: Tlaib, Rashida H

Organization: Michigan House of Representatives - District 12
Address: State Capitol, P.O. Box 30014, Lansing, MI 48909

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-9054 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: May 8, 2012 Received Date: May 24, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File - Expansion of the boundaries of the New International Trade Crossing
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 OITA - Office of International and Tribal Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R5	May 24, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R5	May 24, 2012

Comments



RECEIVED
MAY 24 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

12TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-0823
FAX: (517) 373-5993
E-MAIL: rashidatlaib@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

RASHIDA TLAIB
STATE REPRESENTATIVE

APPROPRIATIONS COMMITTEE
JUDICIARY, MVC
COMMUNITY HEALTH, MVC
HUMAN SERVICES

May 8, 2012

The Honorable Secretary Ray LaHood
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Russell L. Jorgenson, Division Administrator
Federal Highway Administration
315 W. Allegan, room 211
Lansing, MI 48933

Re: Expansion of the boundaries of the New International Trade Crossing

Dear Secretary LaHood and Mr. Jorgenson,

I am writing this letter concerned that the boundaries for the proposed New International Trade Crossing (NITC) have expanded without the State and other appropriate parties following the legal processes.

This year, Detroit Public Schools announced the closure of Southwestern High School, which is located directly next to the proposed plaza for the New International Trade Crossing. Although, the Synder Administration denies the closure is related to the bridge proposal, a credible source within the School District has stated that the "Governor wants the school for the bridge."

This letter is to **create a record** on behalf of the residents I represent, and ask that the U.S. Department of Transportation and Federal Highway Administration take all the steps necessary to ensure that the boundaries for NITC not be changed without fully complying with all of the environmental processes, including an accurate Environmental Impact Study.

The families that will host this project deserve the utmost protections under the law.

Thank you in advance for your help.

Sincerely,

Rashida Tlaib
State Representative
Detroit, District 12

Cc: Governor Rick Synder
Lt. Governor Brian Calley
Lisa Jackson, EPA ✓
Southwest Detroit CBC
SWHS LSCO Parent Organization

Lisa Jackson

Department of Water and Power



the City of Los Angeles

ANTONIO R. VILLARAIGOSA
Mayor

Commission
THOMAS S. SAYLES, *President*
ERIC HOLOMAN, *Vice President*
RICHARD F. MOSS
CHRISTINA E. NOONAN
JONATHAN PARFREY
BARBARA E. MOSCHOS, *Secretary*

RONALD O. NICHOLS
General Manager

RECEIVED
MAY - 7 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

April 25, 2012

Mr. Paul Shriner
United States Environmental Protection Agency (USEPA)
Ariel Ross Building
1200 Pennsylvania Ave., N.W.
Mail Code 4303T
Washington, D.C. 20460

Dear Mr. Shriner:

Subject: USEPA's Proposed Impingement Mortality (IM) Reduction Schedule under Section 316 (b) of the Clean Water Act – Proposed Regulatory Language

Thank you for meeting with Los Angeles Department of Water and Power (LADWP) staff by telephone over the last several months in an attempt to resolve the issues faced by LADWP with the proposed Impingement Mortality (IM) schedule in regards to the installation of closed cycle cooling in order to completely eliminate the use of Once-Through Cooling (OTC) as a means to comply with both the adopted California State wide 316 b Policy and the proposed Federal 316 b rule. On February 14, 2012, at a meeting between LADWP's General Manager, Mr. Ronald O. Nichols and USEPA's Senior Policy Counsel to USEPA Administrator Jackson, Mr. Bob Sussman, this issue was also discussed and it was agreed that an extended schedule beyond 2020 was appropriate for a utility that committed to eliminating OTC with closed cycle cooling based on grid system reliability issues, such as LADWP.

As has been discussed in LADWP's comments submitted in August 2011, previous correspondence, and phone meetings, LADWP has started its plan to strategically and sequentially repower its nine existing OTC units in order to eliminate the use of ocean water without impacting the reliability of its grid system¹. LADWP is a municipal utility required by the Los Angeles City Charter to provide reliable and affordable power to the citizens of Los Angeles. LADWP's transmission system was established and has evolved around the existence of its OTC plants. The internal City transmission system lacks the capacity to import sufficient power from outside its system to serve the western and southern portions of LADWP's service territory where the coastal plants are located. There is no physical space within the utility's territory where these plants can be replaced to reliably deliver power to LADWP customers. The OTC plants are critical to maintaining the utility's system reliability, and provide balance and stability

¹ LADWP letter to EPA dated January 23, 2012.

Water and Power Conservation ... a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700
Telephone: (213) 367-4211 Cable address: DEWAPOLA

to the entire grid. Located in a transmission "cul-de-sac", the OTC plants provide a local source of power and are the backbone of the Los Angeles power supply.

LADWP cannot shut down the OTC units while replacement units are constructed and meet its responsibility to its customers per the Los Angeles City Charter and the requirements to comply with the North American Electric Reliability (NERC) standards. The schedule to phase out OTC must allow the time required for sequential construction. Repowers with closed cycle cooling require complex "design/build" contracts, in addition, due to limited space at LADWP's facilities, combined with the need to keep existing units in operation while new units are installed, means a lengthier repower process and requires careful demolition. The elements that comprise a generating station are interconnected; old units cannot simply be "unplugged". Gas pipeline connections will have to be re-routed. Extraordinary care must be exercised to ensure that daily operations are not affected, delayed or halted due to demolition activities in order to ensure that there are no interruptions in power generation.

Multiple safety and national security procedures, in concert with physical space constraints, will necessarily impact all phases of construction, from equipment delivery procedures and equipment lay down areas, to daily verification of construction crew identities. Against this background, schedules that are projected at seven to eight years per repower project are impressive. LADWP has to complete six repower projects sequentially in order to maintain reliability while completely eliminating the use of OTC at its three coastal power plants. Three of the repower projects will be completed by 2020. However, to complete the last three repower projects that must be done in succession to maintain reliability, will take LADWP a total of nine years beyond 2020², thus LADWP's schedule will exceed the amount of time currently stipulated in the proposed rule, ie, more than eight to ten years from the scheduled effective date of the Rule, of 2012. As of 2020, LADWP will have completely eliminated OTC at its Scattergood generating station which is located directly on the ocean. In addition, the two largest units at the Haynes generating station will have been repowered with the elimination of OTC. The remaining OTC units located at LADWP's Harbor and Haynes Generating Stations will be as follows: three at the Haynes Generating Station and one at the Harbor Generating Station. Two of these remaining OTC units are units that were repowered prior to the onset of 316(b) efforts and have already achieved significant reduction in flow, Haynes Unit 8 and Harbor Unit 5. When these units, which are later in the sequence for yet another repowering, are replaced, LADWP will have zero use of ocean water for cooling.

LADWP was an early mover in undertaking a comprehensive plan to totally eliminate its once-through ocean cooling. Working with its permitting authority, the California State Water Resources Control Board (SWRCB) for over two years, LADWP has negotiated an extended schedule to achieve this major nine power generation unit replacement effort to be completed by 2029. This schedule was carefully tailored to LADWP's unique system configuration, taking into consideration LADWP's local capacity requirements and reliability of its grid system as described above. It is an aggressive schedule requiring seamless execution predicated upon best case assumptions that is as short as possible. This end date of 2029 is necessary to

² LADWP letter to EPA dated January 23, 2012, Enclosure 2.

Mr. Paul Shriner
April 25, 2012
Page 3

completely eliminate OTC with closed cycle cooling at LADWP's coastal facilities, truncating it would affect system reliability.

In order for LADWP to maintain reliable electric service while achieving the elimination of OTC, it has been assessed in LADWP's 2011 Grid Reliability Report, that the 2012 summer peak scenarios margins indicate that the contribution of just one OTC unit is nothing less than critical. LADWP must maintain various types of reserves and margins required by the NERC. Looking a decade ahead, the minimum generation requirements under one specific high-load scenario emphasizes the need for additional local generation than is expected to be present in 2021, and at this juncture, OTC repowering will continue for another eight years, or until the end of 2029³.

In the preamble of the Proposed Rule (Fed. Reg. 76), it is recognized that there is a need for an extension due to the reliability risk and therefore allows for a maximum of just two years after the compliance deadline date of 2020. As mentioned above, a repower project for LADWP takes on average seven to eight years, and need to be undertaken sequentially. LADWP cannot afford to lose any megawatts (MW) on its grid in order to meet system demand.

In addition to the challenges posed by the conversion away from OTC, by 2020, LADWP must meet equally important regulatory mandates contemporaneous with the elimination of OTC. LADWP is in the process of integrating variable, renewable energy resources (VRES) into its system to meet the State mandate of thirty-three percent renewable power (Renewable Portfolio Standard or RPS) by 2020. In addition LADWP must meet more stringent air quality regulations, reduce climate-change emissions (as per California Assembly Bill 32), and divest – and replace – a portion of LADWP's coal based generation (California Senate Bill 1368), all by 2020. These mandates will also necessitate rate increases, on top of those required for rising fuel and maintenance costs. These mandates also require the in-basin gas-fired generation of LADWP to be operational through all of this transition period.

In the proposed 316 b federal rule preamble it is also stated (page 22185, 3. Other Resources) that it needs to allow flexibility that allows the industry to make practical investment decisions that minimize costs in complying with all of the mandates coming due by 2020, and that the Agency expects to have ample latitude to set requirements and guidelines in ways that can support the States' and industry efforts in pursuing practical and cost-effective and coordinated compliance.

Finally, in the preamble, page 22210, H. Implementation, EPA recognizes that permitting authorities have already required closed cycle cooling and supports the State's efforts and determinations with these decisions.

Therefore, LADWP offers the following regulatory language to allow the permitting authority to set the schedule for both IM and E for those utilities that commit to total elimination of OTC with closed cycle cooling. The suggested language to be inserted into the Final Rule is as follows:

³ LADWP letter to EPA dated January 23, 2012, Enclosure 3.

Mr. Paul Shriner
April 25, 2012
Page 4

Section 125.93 (d) Compliance:

d) Notwithstanding all of the above, if the utility has opted to completely eliminate the use of ocean water with closed cycle cooling and the Permitting Authority has adopted an Impingement Mortality (IM) and Entrainment (E) schedule based on local grid reliability requirements then the Permitting Authority may set a compliance schedule for both IM and E beyond 8 to 10 years from the effective date of the Rule, as needed, to maintain grid reliability. In addition, should any additional modifications need to be made to the schedule based on grid reliability, the Permitting Authority may make adjustments as needed.

LADWP appreciates USEPA staff's efforts on its proposed regulation to resolve this important issue of compliance with the IM schedule, and looks forward to continue to work with the agency to finalize a sustainable and environmentally protective final rule.

If you have any questions, please feel free to contact Ms. Katherine Rubin of my staff at (213) 367-0436.

Sincerely,



Mark J. Sedlacek
Director of Environmental Affairs

KR:db

c: Mr. Ron Nichols – LADWP
Ms. Katherine Rubin - LADWP
✓ Ms. Lisa Jackson - USEPA
Mr. Bob Sussman - USEPA



Correspondence Management System

Control Number: AX-12-000-8095

Printing Date: May 08, 2012 02:10:43



Citizen Information

Citizen/Originator: Mull, Stephen D.

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8095 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: May 22, 2012 # of Extensions: 0
 Letter Date: May 2, 2012 Received Date: May 8, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: MEM (Memo) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
 Subject: Daily Reading File - FY 2011 Inventory of International Exchange and Training Activities of the United States Government
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAAE - Office of External Affairs and Environmental Education
 OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	May 8, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	May 8, 2012
(b) (6) Personal Privacy	OEX	Changed Status For Your Information Pending	May 8, 2012
(b) (6) Personal Privacy	OEX	Changed File Code 401_127_a General Correspond-	May 8, 2012



201206552
United States Department of State

Washington, D.C. 20520

www.state.gov

May 2, 2012

UNCLASSIFIED

**MEMORANDUM FOR ALL DEPARTMENT AND AGENCY
EXECUTIVE SECRETARIES**

**SUBJECT: FY 2011 Inventory of International Exchange and Training
Activities of the United States Government**

Congress mandates that the staff of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), located within the State Department's Bureau of Educational and Cultural Affairs, annually compile a comprehensive inventory of international exchange and training programs sponsored by the U.S. government. To comply with this mandate, the IAWG asks that each federal entity appoint a primary point of contact to coordinate the submission of data on FY 2011 international exchanges and training programs by June 11.

The IAWG has been directed by Congress to collect data from all federal entities that conduct international exchange and training activities in the United States and abroad. These activities, which are financed wholly or in part, directly or indirectly with U.S. government funds, help promote dialogue, develop skills, and foster mutual understanding and cooperation among nations.

The IAWG uses collected data to support efforts to "improve the coordination, efficiency, and effectiveness of U.S. government-sponsored international exchanges and training" [Section 112 (f) and (g) of the Mutual Educational and Cultural Exchange Act of 1961 (P.L. 87-256), as amended, (22 USC 2460 (f) and (g))]. The data helps the IAWG to identify trends, to reveal best practices, and to study interagency coordination. The IAWG also uses this data to show Congress how U.S. government entities make effective use of partnerships and leverage funds in their exchange and training programs. The data helps to demonstrate the vital contributions federal organizations make to support U.S. foreign policy goals and to promote U.S. national security.

UNCLASSIFIED

UNCLASSIFIED

- 2 -

The *FY 2011 Annual Report/FY 2010 Inventory of Programs* can be viewed at www.iawg.gov/reports/annual. Individuals from your organization who provided the IAWG with assistance in gathering and reporting the data are recognized in the report's acknowledgement section.

Your point of contact will be notified by an IAWG staff member to provide guidance on the data collection process and offer training, as needed, on data submission and reporting requirements through the Federal Exchange Data System. If your organization sponsors or participates in international exchange and training activities that are not represented in the current IAWG inventory, please notify the IAWG.

The IAWG mailing address, phone, and fax numbers follow:

Mailing Address:

IAWG
SA-5, C2
Department of State
Washington, DC 20522-0582

Street Address:

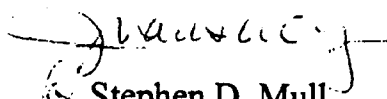
IAWG
SA-5, C2
Department of State
2200 C Street, NW
Washington, DC 20037

Phone: 202-632-9308 Fax: 202-632-6475 E-mail: IAWGmail@state.gov

Thank you for your cooperation and assistance with this project. I encourage you to visit the IAWG website at www.iawg.gov to learn more about IAWG activities and reports.

Attachment:

List of addressees.


Stephen D. Mull
Executive Secretary



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 07 2012

OFFICE OF THE
CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: Initial Guidance on the FY 2014 Annual Plan and Budget Process

FROM: Barbara J. Bennett
Chief Financial Officer

A handwritten signature in black ink, appearing to read "Barbara J. Bennett", written over the printed name and title.

TO: General Counsel
Assistant Administrators
Inspector General
Chief of Staff
Associate Administrators
Regional Administrators

This memorandum marks the beginning of our collaborative efforts to develop the FY 2014 budget submission. Over the past several years we have done much work in defining and implementing the Administrator's priorities. As such, our choices moving forward will be made in the context of advancing those same priorities and implementing the FY 2011-2015 Strategic Plan which serves as a management tool for guiding adjustments to strategies in light of resource constraints.

Since we have not yet received OMB guidance and given the uncertainty that exists in today's fiscal climate, we will begin this FY 2014 process with the assumption of a flat budget that anticipates increases in fixed costs and a 2.0% COLA. Keep in mind that this is just an initial look at our budget. OMB guidance could result in very different assumptions.

For this phase of our planning process, I am asking that NPMs create budgets that fund their own increases for fixed costs including payroll. Notable exceptions will be made for NPMs where payroll makes up more than 75% of their budget. To capture early input, I am asking NPMs, working with their Lead Regions, to build initial budgets that reflect redirections that meet these needs. You may also offer zero sum redirections within your NPM that advance the Administrator's priorities. Please consider work completed and/or moving on to the next phase as you make your decisions. Submissions also need to provide context for decisions and highlight potential impacts. A separate memo from David Bloom and Kathy O'Brien will provide further details with regard to the process and your submission.

I appreciate your continued support and commitment as we work to develop the FY 2014 budget. Keep in mind for planning purposes that the Budget Forum is scheduled for **July 16-17, 2012**, at Potomac Yards near Washington, DC, and the budget submission is due to OMB on **September 10, 2012**.

I look forward to working with you and your staffs to find ways to continue the advancement of the Agency's important work while also meeting anticipated tight resource levels over the next several years.

cc: Administrator
Deputy Administrator
Deputy Assistant Administrators
Deputy Regional Administrators
Deputy Associate Administrators
Deputy Chief of Staff
Assistant Regional Administrators
Bob Sussman
Janet Woodka
Senior Budget Officers
Planning Contacts
Regional Comptrollers
Lead Region Coordinators



Correspondence Management System

Control Number: AX-12-000-8111

Printing Date: May 08, 2012 02:22:40



Citizen Information

Citizen/Originator: Cimini, Pat

Organization: Southeastern Association of Fire Chiefs

Address: 1101 Marley Street, Conway, SC 29527

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8111

Alternate Number: 800233324527

Status: Pending

Closed Date: N/A

Due Date: May 22, 2012

of Extensions: 0

Letter Date: May 7, 2012

Received Date: May 8, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Exhaust emissions control systems on fire trucks and ambulances.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

R2 - Region 2 -- Immediate Office

R3 - Region 3 - Immediate Office

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	May 8, 2012	May 22, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Gloria Hammond	OAR	OAR-OTAQ	May 8, 2012	May 18, 2012	N/A
Instruction: DX - DIRECT REPLY - - PREPARE RESPONSE FOR THE SIGNATURE OF THE DIVISION DIRECTOR.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			



Alabama – Florida – Georgia – Kentucky – Mississippi – North Carolina – Puerto Rico
South Carolina – Tennessee – U.S. Virgin Island – Virginia – West Virginia

Southeastern Association of Fire Chiefs

1101 Marley Street
Conway, SC 29527
843-397-9146

May 7, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RECEIVED
MAY - 8 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

I represent the Southeastern Association of Fire Chiefs, SEAFCA, and I would like to acknowledge that EPA has been listening to our concerns about certain exhaust emissions control systems on fire trucks and ambulances causing serious problems for our emergency responders. Your Office of Transportation and Air Quality has been particularly responsive, and we appreciate the regulatory flexibilities they have been developing for a rule that we believe EPA intends to publish soon. These flexibilities will give emergency vehicle and engine manufacturers the freedom to deploy the fixes we need for our new and in-use emergency vehicles. These fixes are needed to ensure that emergency vehicles' emissions control systems do not adversely affect our ability to respond to emergencies.

The problems we have been experiencing include fire trucks and ambulances being disabled when they are needed most; so we encourage the EPA to expedite its actions to finalize the regulation changes as soon as possible. If we can provide any assistance in helping your agency accomplish this much needed change, we would be happy to contact others at EPA, or conduct another letter campaign to Congress, or assist with any outreach to our 2,200+ members. Please let us know what we can do to help EPA finalize the rule as soon as possible.

We sincerely appreciate the importance that your agency has placed on addressing our concerns so far. At this point we only want to make sure that nothing will stand in the way of EPA finalizing its actions quickly. On behalf of the Board of Directors and our membership we salute the efforts of your Agency, and we look forward to your response.

Respectfully,

Pat Cimini
Executive Director

RECEIVED
MAY - 8 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 05/07/2012 09:20 PM
From "Rossman, Jessie" <jrossman@nrdc.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc "Rossman, Jessie" <jrossman@nrdc.org>
Subject NRDC Title V Petition -- DTE River Rouge

Message Body

Dear Administrator Jackson,

Attached, please find the Natural Resources Defense Council and the Great Lakes Environmental Law Center's Petition to Object to the Issuance of a State Title V Operating Permit issued by the Michigan Department of Environmental Quality for Detroit Edison's River Rouge Power Plant, Permit No. MI-ROP-B2810-2012, along with the corresponding cover letter and proof of service. A hard copy of the same, along with a CD of the exhibits, was sent via Federal Express overnight delivery this evening.

If you have any questions, please feel free to contact me at (312) 651-7923 or jrossman@nrdc.org.

Thank you for your attention to this matter,

Jessie

Jessie Rossman, Midwest Program
Natural Resources Defense Council
2 N. Riverside Plaza, Suite 2250
Chicago, IL 60606
312-651-7923 (Direct)
312-234-9633 (Fax)
jrossman@nrdc.org



NRDC Title V Petition - DTE River Rouge.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



NATURAL RESOURCES DEFENSE COUNCIL

May 7, 2012

VIA FEDERAL EXPRESS AND EMAIL

Honorable Lisa P. Jackson
Administrator, U.S. EPA
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, D.C. 20004

Dear Administrator Jackson,

Please find enclosed (1) the Natural Resources Defense Council and the Great Lakes Environmental Law Center's Petition to Object to the Issuance of a State Title V Operating Permit issued by the Michigan Department of Environmental Quality for Detroit Edison's River Rouge Power Plant, Permit No. MI-ROP-B2810-2012, (2) a CD of Exhibits and (3) Proof of Service. Also enclosed is a copy of the Petition and a self addressed envelope that we request you use to send a file-stamped copy of the Petition back to us.

If you have any questions, do not hesitate to contact me at (312) 651-7923 or jrossman@nrdc.org.

Sincerely,

Jessie J. Rossman
Natural Resources Defense Council

cc: Susan Hedman, Regional Administrator, U.S. EPA Region V
Jeff Korniski, Michigan Department of Environmental Quality
Vinay Bhakkad, River Rouge Plant Manager, DTE Energy

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Detroit Edison Company's River
Rouge Power Plant,
Permit No. MI-ROP-B2810-2012**

Issued by the Michigan Department of
Environmental Quality

**PETITION TO OBJECT
TO THE ISSUANCE OF
A STATE TITLE V OPERATING
PERMIT**

Petition No.:

**PETITION OF THE NATURAL RESOURCES DEFENSE COUNCIL AND
GREAT LAKES ENVIRONMENTAL LAW CENTER
TO OBJECT TO ISSUANCE OF A
STATE TITLE V OPERATING PERMIT**

Pursuant to Section 505(b)(2) of the Clean Air Act, 42 U.S.C. § 7761d(b)(2), 40 C.F.R. § 70.8(d) and 40 C.F.R. § 70.7(f) and (g), the Natural Resources Defense Council ("NRDC") and the Great Lakes Environmental Law Center ("GLELC") (collectively, "Citizen Groups") hereby petition the Administrator of the U.S. Environmental Protection Agency ("Administrator" or "EPA") to object to the Title V Renewable Operating Permit No. MI-ROP-B2810-2012 ("Title V Permit") reissued on April 1, 2012, by the Michigan Department of Environmental Quality ("MDEQ" or "the Agency") for the River Rouge Coal Plant ("Plant") operated by Detroit Edison ("DTE" or "the Company").

The Administrator must object to the issuance of the Title V Permit due to: (1) DTE's failure to provide, and MDEQ's failure to require, a complete application before issuing the Title V Permit, (2) apparent violations of applicable Prevention of Significant Deterioration ("PSD") and Non-attainment New Source Review ("NNSR") requirements under the Clean Air Act ("CAA") that require a schedule of compliance to be included in the Title V Permit and (3) MDEQ's failure to include monitoring requirements stringent enough to ensure compliance with the Particulate Matter ("PM") limits included in the permit.

I. INTRODUCTION

The Plant is a fossil fuel-fired electric utility steam-generating station located in River Rouge, Michigan, that has the potential to emit more than 100 tons per year each of Sulfur Dioxide ("SO₂"), Nitrogen Oxides ("NO_x") and Particulate Matter 2.5 ("PM_{2.5}"). The Plant consists of three units. Unit 1 is a natural gas unit with a heat input capacity of 2,400 mmBtu/hr;



Correspondence Management System

Control Number: AX-12-000-8133

Printing Date: May 09, 2012 01:39:42



Citizen Information

Citizen/Originator: Lederer, Nicole

Organization: E2 Environmental Entrepreneurs

Address: 111 Sutter Street, 20th Floor, San Francisco, CA 94105

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8133

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 7, 2012

Received Date: May 8, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Thank you letter from Environmental Entrepreneurs

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Arvin Ganesan - OCIR-CA
Gina McCarthy - OAR
Noah Dubin - OEX
OAR - Office of Air and Radiation -- Immediate Office
Scott Fulton - EAB

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAE	May 9, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	May 9, 2012

RECEIVED
MAY - 8 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 05/07/2012 05:47 PM
From Nicole Lederer <nicole@nicolelederer.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank You from Environmental Entrepreneurs

Message Body

www.e2.org

May 7, 2012

Lisa Jackson
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Ms. Jackson;

I am writing to thank you for taking the time to meet with me and my fellow E2 members in Washington, DC, on April 18. We welcomed the opportunity to share our support for EPA's pollution reduction rules and the economic benefits that they produce. Continued government commitment to clean energy is creating the platform for a vibrant new sustainable economy.

I am taking your suggestion to heart that we provide a counterweight to the anti-clean energy lobby's "I'm an energy voter" ads. E2 represents many "energy voters" too, who have the ability to create many more jobs and greater energy security than the oil and coal industries. We are seeking every possible avenue to get this message out to the public.

I will contact your office to discuss the possibility of hosting you as a keynote speaker at an E2 event in California this year. We also welcome the opportunity to participate in your quarterly capital market calls, and thank you for suggesting that we be invited to join.

As a national, non-partisan group of business leaders, E2 is eager to serve as a resource for you and to support the case that strong environmental policy is good for the economy. Please let us know if there is any way we can help you make progress on creating and moving forward policies that benefit the environment and the economy. Feel free to contact me, or get in touch with E2 Federal Legislative Advocate, Marc Boom, at (202) 513-6257, or by email, at mboom@nrdc.org, if you have any questions, suggestions, or requests.

Sincerely,



Correspondence Management System

Control Number: AX-12-000-8138

Printing Date: May 09, 2012 01:51:17



Citizen Information

Citizen/Originator: Poticha, Shelley

Organization: US Department of Housing and Urban Development

Address: 451 7th Street SW, Washington, DC 20410

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8138

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 2, 2012

Received Date: May 8, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Coordinating HUD's work on environmental Justice

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Lisa Garcia - OECA-OEJ

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OECA	May 9, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OP	May 9, 2012
(b) (6) Personal Privacy	OEX	Control Taken Over	May 9, 2012
(b) (6) Personal Privacy	OEX	Forward control to OECA	May 9, 2012

RECEIVED
MAY - 8 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Sustainable Housing and Communities
WASHINGTON, DC 20410-0050

May 2, 2012

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Administrator Jackson,

Thank you for your letter regarding the challenges faced by the community in Port Arthur, TX. Secretary Donovan has asked my office to play a lead role in coordinating HUD's work on environmental justice. Our Department appreciates the opportunity to continue working with EPA and our other federal partners to elevate Environmental Justice in the communities we serve.

Since receiving your letter, HUD headquarters and our Region VI field staff met to discuss ways to assist the Port Arthur community, including the residents of the Carver Terrace public housing development. In addition, HUD Public and Indian Housing field staff visited Carver Terrace earlier this year and have been engaged in follow-up conversations with the public housing authority regarding available options related to relocation.

Our staff is currently evaluating the public housing authority's financial readiness for the potential solutions proposed. We are happy to provide further details if you or your staff are interested.

In addition, the Office of Sustainable Housing and Communities has been working with the Interagency Working Group on Environmental Justice (EJ IWG) to better connect EJ communities to HUD resources and staff in headquarters and in the field. This has included participation in at least ten regional listening sessions or community meetings since February 2011.

HUD has been collecting information from these engagement efforts to better prepare HUD staff to work with EJ communities and implement the Department's recently finalized Environmental

Justice Strategy. HUD will continue to work with the EJ IWG to identify and address environmental justice issues within the Department's purview.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Poticha".

**Shelley Poticha, Director
Office of Housing and Sustainable Communities
U.S. Department of Housing and Urban Development**



Correspondence Management System

Control Number: AX-12-000-8151

Printing Date: May 09, 2012 02:01:22



Citizen Information

Citizen/Originator: Dronkers, Pete

Organization: Northern Alaska Environmental Center
Address: 830 College Road, Fairbanks, AK 99701-1535

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-8151 Alternate Number: N/A
Status: For Your Information Closed Date: May 9, 2012
Due Date: N/A # of Extensions: 0
Letter Date: Apr 24, 2012 Received Date: May 8, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: SNR-Signature Not Required Signature Date: N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - Mining Waste Loopholes
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	May 9, 2012
Wanda Fields	OW	OW-OWOW	May 9, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	May 9, 2012
Wanda Fields	OW	Forwarded control to OW-OWOW	May 9, 2012
Yvonne Smothers-Pressley	OW-OWOW	Closed control by finished FYI task	May 9, 2012

RECEIVED
MAY - 8 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT



April 24, 2012

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
United States Army Corps of Engineers
108 Army Pentagon
Washington, D.C. 20310-0108

Mr. David Evans, Director
Wetlands Divisions
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 4502T
Washington, D.C. 20460

Re: Mining Waste Loopholes

Dear Ms. Darcy and Mr. Evans:

The Northern Alaska Environmental Center (NAEC) appreciates your responses to our letter of February 1, 2010. Hardrock mines are increasingly sacrificing important wetlands, streams, and lakes as sites for tailings storage impoundments and other facilities, particularly after the Supreme Court's decision in *Coeur Alaska v. Southeast Alaska Conservation Council*. With metals prices at record highs and dozens of new hardrock mines being proposed across the country, this irresponsible practice threatens our environment, communities, and wildlife, and undermines the purpose of the Clean Water Act (CWA).

In your letters, you indicate that the Corps and EPA are considering policy changes that could affect the two CWA loopholes that allow hardrock mines to circumvent the effluent limitations found in section 402. While NAEC is pleased to hear that you are considering this action, we're troubled by the suggestion in both letters that the section 404 process is sufficient to address the entire range of environmental impacts associated with hardrock mining. Sections 402 and 404 serve very different purposes and the section 404 program was never intended to regulate industrial waste.

Section 402 was designed to help stop the discharge of pollutants into the nation's waters. Its effluent limitations are technology based and apply regardless of the relative impact upon the receiving waters. Section 402 creates certainty, consistency within industry categories, and is well suited to regulating ongoing discharges such as the disposal of toxic tailings over the multi-year life of a mine. EPA adopted effluent limitations for the hardrock mining industry over 30 years ago. Before adopting these standards, the agency conducted a very thorough study of

the industry nationwide and found that the effluent standards were feasible with 1980s technology and already being met by most mines.

In contrast, section 404 was designed to authorize projects involving the discharge of dredged or fill material. Unlike EPA, which has a mandate to prohibit waste discharges where feasible, the Corps weighs various public interest factors, including economics and the characteristics of the affected waters, and is generally directed to grant a permit unless it would be contrary to the public interest. This balancing of the many public interest factors means the Corps may decide to issue a section 404 permit even though the discharge would be in violation of the effluent limitations of section 402. Moreover, while the 404(b)(1) guidelines may prohibit the issuance of a section 404 permit in some cases, the discharge of waste from a mine may exceed pollution standards without necessarily causing “significant degradation of aquatic ecosystems” or otherwise running afoul of the 404(b)(1) guidelines, at least as typically implemented.

Section 404 is an important program but it is unrealistic to expect the Corps to enforce the effluent limitations found in section 402 or to ensure that the mining loopholes do not undermine the larger goals of the Clean Water Act by allowing numerous mines to operate in violation of those standards. Of course, this is not an academic concern for us in Alaska. The discharges of tailings from the Kensington Mine near Juneau (the subject of the *Coeur Alaska* case) were regulated under section 404 as “fill.” After applying the public interest review and 404(b)(1) guidelines, the Corps authorized a 404 permit that allowed Coeur Alaska to discharge its tailings into Lower Slate Lake, destroying the lake and the fish and wildlife within that lake, and creating a far greater risk of contamination of ground and surface water within the watershed.

The Kensington Mine’s discharge of industrial waste into Lower Slate Lake was inconsistent with the goals of the Clean Water Act and this Administration’s commitment to clean water, yet it was authorized by the Corps and EPA (which did not exercise its 404(c) veto authority) under the section 404 program. Clearly, section 404 is not an adequate substitute for the comprehensive and detailed regulatory scheme found in section 402. Unfortunately, Kensington is likely to become the norm in Alaska. There have been no changes in the statute, regulations, or agency guidance that would prevent similar outcomes. As we pointed out in our letter, there are dozens of major exploration projects in Interior and Northern Alaska, several of which could begin the permitting process any time.

NAEC urges you to close the two CWA mining loopholes and protect the nation’s waters, communities, and wildlife from mining waste.

Thank you for your consideration.

Sincerely yours,



Pete Dronkers

Clean Water & Mining Program Director

Northern Alaska Environmental Center

830 College Rd, Fairbanks AK 99701-1535

P (907) 452-5021 ext. 28 **F** (907) 452-3100

www.northern.org



Karen Kelly

Executive Director

Northern Alaska Environmental Center

CC: Lisa Jackson, Administrator, EPA
Rock Salt, Army Corps of Engineers



Correspondence Management System

Control Number: AX-11-000-9285

Printing Date: June 10, 2011 12:14:59



Citizen Information

Citizen/Originator: Hind, Rick

Organization: Greenpeace
Address: 702 H Street, Washington, DC 20001

Hitt, Amanda

Organization: Government Accountability Project
Address: 1612 K Street, Washington, DC 20006

Belliveau, Mike

Organization: Environmental Health Strategy Center
Address: 152 Park Street, Bangor, ME 00000

Economos, Jeannie

Organization: Farmworkers Association of Florida
Address: 1264 Apopka Boulevard, Apopka, FL 32703

McClenaghan, Theresa

Organization: Canadian Environmental Law Association
Address: 130 Spadina Avenue Toronto, ON, 35V2L4

Chary, Lin Kaatz

Organization: Indiana Toxics Action
Address: Address Unknown

Kupferman, Joel R.

Organization: New York Environmental Law & Justice Project
Address: 351 Broadway #400, New York, NY 10013-3902

Moulton, Sean

Organization: OMB Watch
Address: 1742 Connecticut Avenue, Washington, DC 20009

Arkin, Lisa

Organization: Oregon Toxics Alliance
Address: 1192 Lawrence Street; P.O. Box 1106, Eugene, OR 97440

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9285

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 24, 2011

of Extensions: 0

Letter Date: Jun 8, 2011

Received Date: Jun 9, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File-Please accept the attached letter on our concern over the US EPA decision to suspend the next reporting period for the Toxic Substance Control Act Inventory Update Reporting, as announced in the May 11th Federal Register.



Correspondence Management System

Control Number: AX-11-000-9285

Printing Date: June 10, 2011 12:14:59



Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCSP	Jun 10, 2011
Zelma Taylor	OCSP	OCSP-OPPT	Jun 10, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Jun 10, 2011
(b) (6) Personal Privacy	OEX	Changed Status For Your Information Pending	Jun 10, 2011
(b) (6) Personal Privacy	OEX	Changed Instruction For Your Information -- No action required DX-Respond directly to this citizen's questions, statements, or	Jun 10, 2011
(b) (6) Personal Privacy	OEX	Changed Due Date June 24, 2011	Jun 10, 2011
Zelma Taylor	OCSP	Forwarded control to OCSP-OPPT	Jun 10, 2011

Comments

Commentator	Comment	Date
No Record Found.		

June 8, 2011

Honorable Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

On behalf of the undersigned members of the right to know community, we are writing to express our concern over the U.S. Environmental Protection Agency's (EPA) decision to suspend the next reporting period for the Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR), as announced in the May 11th Federal Register. The EPA's failure to provide a date or timeline for resuming reporting sets a dangerous precedent. The agency's announcement stated that the suspension was done to permit finalization of the proposed modifications to the IUR prior additional reporting. However, the agency has not released a timeline for completing the IUR rulemaking. We urge the EPA to provide the public with a timeline for both finalizing the IUR rule and lifting the suspension.

The EPA's TSCA IUR rule is one of the very few means for the government to collect and then make public critical information on the production, processing, importation, and use of certain chemicals. This information is vital to identify and regulate chemical risks to the public and environmental health. TSCA Section 8(b) provides the EPA with broad authority and a mandate "to compile and keep current an inventory of chemical substances manufactured or processed in the United States," and Section 8(a) establishes EPA's authority to require manufacturers, importers, and processors of chemical substances to report information "as the Administrator may reasonably require."

As discussed in the comments provided by a coalition of public interest groups to the EPA on October 12, 2010,¹ we support both the intent and substance of most of the EPA's proposed modifications to the IUR rule, released in the Federal Register on August 13, 2010 (75 Federal Register 49656-49707). We believe these changes would further advance the EPA's ability to both manage the safety of chemicals in U.S. commerce and enhance market and public confidence in its decisions made based on information it receives from industry.

However, we are troubled by the continued delay in finalizing the modifications that has now led to a suspension of reporting. The EPA submitted a draft IUR rule to the Office of Management and Budget (OMB) on January 20th, and since then both the EPA and the OMB have met with the regulated community on several occasions to discuss the draft IUR rule. This provided sufficient time for the EPA to assess a timeline for finalizing the final IUR rule and lifting the suspension. Thus, the EPA's statement in the May 11th Federal Register that it cannot respond to

¹ Comments on TSCA Inventory Update Modification: Proposed Rule, Submitted on October 12, 2010, in response to 75 Federal Register 49656-49707 (Friday, August 13, 2010). Available online at: http://blogs.edf.org/nanotechnology/files/2010/10/EDF_comments_on_IUR_Proposed_Rule_10-12.pdf.

questions "about the appropriate timing for implementing the modifications until the modifications have been finalized," is unacceptable.

The delay has allowed Congressional House Energy and Commerce Committee leaders to weigh in on this regulatory issue and urge the OMB to completely withdraw the EPA's proposed changes to the IUR. The suspension also endangers the ability of international reporting bodies, such as the Commission for Environmental Cooperation, to meet their obligations to report and compare the state of pollutant emissions from the United States, Canada and Mexico as signatories to the North American Free Trade Agreement (NAFTA) side agreement.

Delaying the submission requirement indefinitely based on concerns received from the regulated community sets a dangerous precedent that could encourage efforts to stall future EPA rules. The EPA has a responsibility to Americans to finalize the IUR in a timely manner and lift the suspension to ensure that companies collect and report critical data on which chemicals are in commerce.

We have also sent a letter to the OMB with our concerns over the uncertainty in finalizing the IUR rule and requested OMB to provide the public with a timeline for finalizing the IUR rule.

Thank you in advance for considering our request. We would appreciate the opportunity to meet with you to discuss this request and offer our input into how the EPA could provide a timeline. To arrange a meeting, please contact Sean Moulton (smoulton@ombwatch.org, or 202-683-4833). We look forward to your response.

Sincerely,

Theresa McClenaghan
Canadian Environmental Law Association

Jeannie Economos
Farmworker Association of Florida

Mike Belliveau
Environmental Health Strategy Center

Amanda Hitt
Government Accountability Project

Rick Hind
Greenpeace

Lin Kaatz Chary
Indiana Toxics Action

Joel R Kupferman
New York Environmental Law & Justice
Project; and Environmental Justice Initiative
for Haiti

Sean Moulton
OMB Watch

Lisa Arkin
Oregon Toxics Alliance

CC: Chenise Farquharson, EPA, Office of Chemical Safety and Pollution Prevention;
Stephen A. Owens, EPA, Office of Chemical Safety and Pollution Prevention;
Susan Sharkey, EPA, Office of Chemical Safety and Pollution Prevention;



Correspondence Management System

Control Number: AX-11-000-9340

Printing Date: June 10, 2011 11:15:39



Citizen Information

Citizen/Originator: Luxton, Jane C.

Organization: King & Spalding LLP

Address: 1700 Pennsylvania Avenue, N.W., Washington, DC 20006

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9340

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 27, 2011

of Extensions: 0

Letter Date: Jun 9, 2011

Received Date: Jun 10, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: DRF - Recent Small Business Administration Office of Advocacy's science roundtable, which focused on concerns with EPA's IRIS and other scientific assessments

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
OSBP - Office of Small Business Programs
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	ORD	Jun 10, 2011	Jun 27, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Barbara Davidson	ORD	ORD-NCEA	Jun 10, 2011	Jun 27, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			



Correspondence Management System

Control Number: AX-11-000-9340

Printing Date: June 10, 2011 11:15:39



History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign ORD as lead office	Jun 10, 2011
Barbara Davidson	ORD	Accepted the group assignment	Jun 10, 2011
Barbara Davidson	ORD	Assign ORD-NCEA as lead office	Jun 10, 2011

Comments

Commentator	Comment	Date
No Record Found.		

June 9, 2011

Hon. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Mail Code 1101 A
Washington, DC 20460
(Sent via e-mail: jackson.lisa@epa.gov)

Dear Administrator Jackson:

On May 5, 2011, the Small Business Administration Office of Advocacy held a roundtable dedicated to science process issues. The roundtable focused on four case studies, namely, the current EPA IRIS assessments of arsenic, hexavalent chromium, and formaldehyde, and the Office of Water's consideration of potential regulation of perchlorate in drinking water. Each of the four presentations included a discussion of the list of factors highlighted in the recent National Academy of Sciences (NAS) report on EPA's formaldehyde review. Indeed, the NAS Review of Formaldehyde included an entire chapter discussing systematic failings in the IRIS process precisely because the NAS identified problems "which have been reported over the last decade by other NRC committees tasked with reviewing EPA's IRIS assessments for other chemicals" and which EPA has failed to adequately address. The NAS Review of Formaldehyde even stated that EPA's "conclusions appear to be based on a subjective view of the overall data, and the absence of a causal framework."

After considering the issues identified by the NAS and the four case studies, the undersigned associations, which have numerous small business members that may be affected by these and other IRIS determinations, are very concerned about the quality of science in these and other IRIS scientific reviews. Problems appear to be significant in the areas of use of the most current science, even-handed and transparently applied criteria in study selection, proper use of weight-of-evidence approaches, adherence to EPA cancer guidelines in conducting both linear and nonlinear cancer slope modeling, use of empirical data as a "reality check" on modeling projections, robust peer review, and follow-through on recommendations provided during peer review.

The NAS report expressed such serious concerns with EPA's IRIS assessment process that it included a "roadmap" for correct scientific reviews, which the

Hon. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
June 9, 2011
Page -2-

NAS recommended EPA implement to bring the IRIS process up to the level of rigor and expected quality of scientific reviews. We strongly urge you to institute a top-level reexamination of the IRIS program and, at a minimum, adopt the recommendations contained in the IRIS "road map" recommended in the NAS formaldehyde report.

If you have questions or would like to arrange a meeting to discuss this request, please contact Jane C. Luxton at 202-220-1437 or luxtonj@pepperlaw.com.

Respectfully yours,

Chlorine Institute
Edison Electric Institute
Industrial Minerals Association - North America
IPC – Association Connecting Electronics Industries
Kitchen Cabinet Manufacturers Association
Mulch & Soil Council
National Association for Surface Finishing (NASF)
National Federation of Independent Business
National Mining Association
National Stone, Sand, and Gravel Association
North American Metals Council
Organic Arsenical Products Task Force
Responsible Industry for a Sound Environment
The Fertilizer Institute
Treated Wood Council
Utility Water Act Group
Western Business Roundtable
Wood Preservative Science Council



Correspondence Management System

Control Number: AX-11-000-9405

Printing Date: June 13, 2011 04:15:12



History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Jun 13, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Jun 13, 2011
(b) (6) Personal Privacy	OEX	Forward control to OW	Jun 13, 2011
Wanda Fields	OW	Forwarded control to OW-OST	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		

RESOLUTION 11-109

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, SUPPORTING THE EFFORTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FLORIDA LEAGUE OF CITIES TO EFFECT THE WITHDRAWAL, VACATION AND REPEAL OF THE NUMERIC NUTRIENT CRITERIA RULE ADOPTED BY THE ENVIRONMENTAL PROTECTION AGENCY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO FILE FOR INJUNCTIVE OR DECLARATORY RELIEF TO PROTECT THE CITY'S INTERESTS; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on November 14, 2010, the U.S. Environmental Protection Agency (EPA) gave notice of the adoption of a final rule which applies new water quality standards for nutrients in the state of Florida's lakes and flowing waters. The rule sets numeric criteria for "nitrogen and phosphorus for the purpose of protecting aquatic life in lakes, flowing waters and springs within the State of Florida; and

WHEREAS, the State of Florida has an existing, narrative standard for nutrients, contained in rules adopted by the Florida Department of Environmental Protection (FDEP). Though FDEP has attempted to formulate scientifically defensible, numeric criteria for nutrients, it lacks adequate data to establish scientifically valid numeric nutrient criteria which would consistently protect designated uses for water bodies within the State of Florida. EPA has relied on this insufficient data to establish its numeric nutrient criteria, thus drafting a rule based on faulty assumptions, guesswork, and the absence of a proven cause-and-effect relationship between environment impairment and nutrient concentrations; and

WHEREAS, the City of Panama City Beach (City) operates a wastewater treatment facility, and to date has taken substantial and costly efforts to completely remove the surface discharge of pollutants into the surrounding St. Andrews Watershed generally and West Bay specifically. If the EPA's numeric nutrient rule was applied to the City facility, the City would be unable to comply with the criteria as even highly treated wastewater would exceed the limits established therein. At best, the rule will require the City to expend extraordinary funds to implement a water purification process at the wastewater treatment plant to assure its compliance with the rule; at worst, the City's facilities will become obsolete because of the impossibility of complying with the rule; and

WHEREAS, the City has adopted stringent stormwater treatment regulations, and has undertaken considerable measures to control the quality of its surface water discharge under its National Pollutant Discharge Elimination System (NPDES) permit. The EPA's rules for stormwater discharges would require the City to construct at enormous expense additional treatment facilities which likely would not be able to create sufficiently

purified water necessary to comply with the nutrient criteria applicable to stormwater discharges. Non-compliance with the EPA's rules could also create a de facto violation of the City's NPDES permit, though the City is in all other respects meeting its obligations of such permit; and

WHEREAS, on January 10, 2011, the Florida League of Cities, Inc., together with the Florida Stormwater Association, Inc., filed suit against the EPA, seeking both a declaration that the numeric nutrient criteria rule is (among other things) arbitrary, capricious and in excess of the EPA's authority under the Clean Water Act, and the vacation of rule.

WHEREAS, on April 22, 2011, FDEP filed a petition requesting the EPA to rescind its January 14, 2009, "determination" that federally-imposed numeric nutrient criteria are necessary in the State of Florida. The petition explains that EPA would not have made the original determination that numeric nutrient criteria are necessary in Florida if they had fully evaluated the strength of Florida's programs for addressing nutrient enrichment and the Department's pursuit of numeric nutrient criteria.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Panama City Beach, that:

1. The City hereby declares its support of the efforts of the FDEP and FLOC.
2. The City hereby urges the EPA to rescind their January 14, 2009, "determination" that numeric nutrient criteria are needed to implement the Clean Water Act in Florida, to repeal their numeric nutrient criteria for lakes, rivers, and streams in the State of Florida, and to halt their nutrient rulemaking efforts for Florida.
3. The City, its officers, employees and attorneys be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceedings as may be proper to encourage the EPA's withdrawal of its January 14, 2009, determination and repeal of the November 14, 2011, final rule, and otherwise and to prepare, sign, execute, serve, publish and file in the name of the City, all papers, affidavits and pleadings necessary to claim declaratory and injunctive relief from the application of the EPA's final rule, and said attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection herewith.


THIS RESOLUTION shall become effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 26th day of May, 2011.

CITY OF PANAMA CITY BEACH,
FLORIDA

BY: 
Gayle F. Oberst, Mayor

ATTEST:


Holly J. White, City Clerk



Correspondence Management System

Control Number: AX-11-000-9414

Printing Date: June 13, 2011 03:22:00



Citizen Information

Citizen/Originator: Tallman, Will

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: PO Box 202193, Harrisburg, PA 17120-2193

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9414

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 28, 2011

of Extensions: 0

Letter Date: Jun 8, 2011

Received Date: Jun 13, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: DRF - Potential economic impacts for Pennsylvania businesses and localities to deal with if new ozone standards take effect

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jun 13, 2011	Jun 28, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Correspondence Management System

Control Number: AX-11-000-9414

Printing Date: June 13, 2011 03:22:00



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 13, 2011
Martha Faulkner	OAR	Accepted the group assignment	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		



WILL TALLMAN, MEMBER
193RD LEGISLATIVE DISTRICT

CAPITOL OFFICE

P.O. Box 202193
HARRISBURG, PA 17120-2193
PHONE: (717) 783-8875
FAX: (717) 787-7588

E-MAIL: WTALLMAN@PAHOUSEGOP.COM

DISTRICT OFFICE

1157 EICHELBERGER STREET
HANOVER, PA 17331
PHONE: (717) 633-1721
TOLL FREE: (877) 480-9525
FAX: (717) 633-9295

WEBSITE:
WWW.REPWILLTALLMAN.COM

House of Representatives

Commonwealth of Pennsylvania
Harrisburg

June 8, 2011

Hon. Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building, Mail code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

It is my privilege to represent the 193rd District in the Pennsylvania State Legislature. Here in Adams and York counties, local companies manufacture products ranging from chocolate and motorcycles, to fabricated metal tubing and corrugated packaging. But in spite of compliance efforts, ground-level ozone levels in 2009 remained above the Environmental Protection Agency's revised standards of 75ppb.

If the EPA moves to recalibrate standards even lower, I fear manufacturers in my district will lose ground competitively and be forced to put off plans to expand investment in their operations and create new jobs. Our regional economy has counted on resurgence in manufacturing as many businesses here have just begun to recover from the recession. This momentum should not be lost.

I do not question the need for reasonable limitation of ozone to protect public health, but the latest levels proposed by the EPA are neither reasonable nor, I suspect, attainable without great cost to the economy here in our state and across the nation. I must agree with Pennsylvania Gov. Tom Corbett, who along with the governors of 19 other states wrote President Obama to share their concerns about potential economic impacts if these new ozone standards take effect.

We have made advances in clean air initiatives and more can and should be done without jeopardizing investment in businesses that generate revenue for local economies and create jobs. One more ozone adjustment is simply too much too soon for Pennsylvania businesses and localities to deal with at this time.

Thank you,

Rep. Will Tallman
193rd District, Pennsylvania State Legislature

CC: U.S. Senator Robert P. Casey, Jr., Fax (202) 228-0604
U.S. Senator Patrick Toomey, Fax (202) 228-0284
White House Office of Public Engagement and Intergovernmental Affairs, Fax (202) 395-3692

RECEIVED
2011 JUN 13 PM 12:14
OFFICE OF THE
EXECUTIVE SECRETARY



Correspondence Management System

Control Number: AX-11-000-9422

Printing Date: June 13, 2011 04:00:26



Citizen Information

Citizen/Originator: Snider, Patricia

Organization: City of Palm Beach Gardens

Address: 10500 N. Military Trail, Palm Beach Gardens, FL 33410-4698

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9422

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 6, 2011

Received Date: Jun 13, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- A resolution of the City Council of the city of Palm Beach Gardens requesting that the US EPA grant the Florida DEP's petition requesting that the US EPA withdraw its determination on numeric nutrient criteria

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Jun 13, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Jun 13, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

RESOLUTION 35, 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GRANT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PETITION REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WITHDRAW ITS DETERMINATION THAT NUMERIC NUTRIENT CRITERIA ARE NECESSARY IN FLORIDA; REPEAL FEDERALLY PROMULGATED CRITERIA FOR FLORIDA; AND DISCONTINUE PROPOSING OR PROMULGATING ADDITIONAL NUMERIC NUTRIENT CRITERIA IN FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Palm Beach Gardens recognizes the detrimental effects of the introduction of excessive amounts of nitrogen and phosphorus into the local surface waters; and

WHEREAS, the Florida Department of Environmental Protection has reinitiated its own rulemaking process to adopt numeric nutrient criteria for Florida water bodies; and

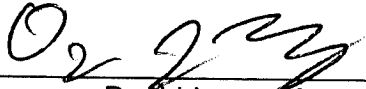
WHEREAS, the City of Palm Beach Gardens considers the actions of Florida city and county governments, the Florida Department of Environmental Protection, and the Florida Legislature to be consistent with key principles of a model State program for the reduction of nutrients, as described in the Environmental Protection Agency's Memorandum to Regional Administrators of March 16, 2011, attached hereto as Exhibit "A"; and

WHEREAS, the City of Palm Beach Gardens supports the Florida Department of Environmental Protection's Petition, attached hereto as Exhibit "B", requesting that the United States Environmental Protection Agency (EPA) rescind its determination that numeric nutrient criteria are needed in Florida and strongly requests that the EPA consider this Petition; and

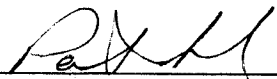
WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

PASSED AND ADOPTED this 2nd day of June, 2011.

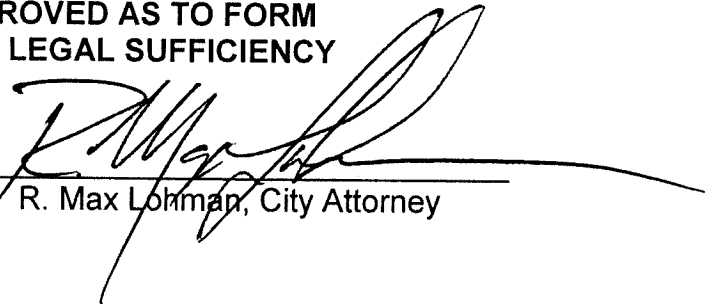
CITY OF PALM BEACH GARDENS, FLORIDA

BY: 
David Levy, Mayor

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
R. Max Lohman, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR LEVY	<u>✓</u>	<u> </u>	<u> </u>
VICE MAYOR PREMURROSO	<u>✓</u>	<u> </u>	<u> </u>
COUNCILMEMBER RUSSO	<u>✓</u>	<u> </u>	<u> </u>
COUNCILMEMBER JABLIN	<u> </u>	<u> </u>	<u>✓</u>
COUNCILMEMBER TINSLEY	<u>✓</u>	<u> </u>	<u> </u>





Correspondence Management System

Control Number: AX-11-000-9423

Printing Date: June 13, 2011 04:29:57



Citizen Information

Citizen/Originator: Wilson, Jennifer Joy

Organization: National Stone, Sand & Gravel Association

Address: 1605 King Street, Alexandria, VA 22314

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9423

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 6, 2011

Received Date: Jun 13, 2011

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - May 19 Regulatory Improvement Council Meeting

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Jun 13, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 13, 2011

Comments



Natural building blocks for quality of life

RECEIVED

2011 JUN 13 PM 1:34

OFFICE OF THE
EXECUTIVE SECRETARIAT

June 6, 2011

The Honorable Robert Perciasepe
Deputy Administrator
U.S. EPA
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Re: May 19 Regulatory Improvement Council Meeting

Dear Bob:

Thank you for meeting with me as part of the RIC on May 19, 2011. I recall with pleasure our co-judging Wildlife Habitat Council Awards some years ago which unexpectedly took many more hours than any of the judges anticipated.

I spoke in particular about the potential changes to the National Ambient Air Quality Standard (NAAQS) for Coarse Particulate Matter (PM10) and the Guidance on Identifying Waters Protected by the Clean Water Act. But in the interests of time, I didn't take time to briefly summarize the nature of our industry and the scope of our association.

The National Stone, Sand and Gravel Association (NSSGA), despite enormous declines in production over the past four years (our members who represent about 95% of the crushed stone and more than 75% of the sand and gravel produced annually, are part of the construction sector particularly hard hit during this continued recession). During 2010, nearly two billion metric tons of aggregates valued at roughly \$17 billion were produced and sold in the U.S. Thus NSSGA continues to be the largest mining association in the world by product volume according to USGS. NSSGA members long ago committed to Guiding Principles for responsible management to assure a safe and healthy workforce and environment, and the sustainability of our communities. The aggregates industry recognizes that the Earth's resources require wise stewardship to preserve quality life potential for future generations.

As I briefly pointed out in our meeting, a change to the 150 micrograms/cubic meter PM10 NAAQS is not accompanied by a new health risk assessment to justify an actual reduction in coarse, crustal particulate matter levels. EPA's staff paper gives equal weight to maintaining the current NAAQS or to changing the basis of the PM10 levels. Though EPA's staff assured us and the coalition of farmers and ranchers and many others with whom we share concerns, that the basis change would be functionally equivalent to the current standard, our coalition researchers disagreed and found that the basis change would indeed be a significant reduction in coarse dust emissions. We have provided that information to both the EPA offices with whom we have been providing impact and analytical information over the years.

Mandating new reductions in emissions of coarse dust without solid health improvement rationale would cause significant hardship to our industry which is already severely challenged to stay in business providing America's foundational materials needed for the repair and

improvement of the built environment (1/4 of our nation's bridges, for example, are deemed structurally deficient or functionally obsolete by the American Society of Civil Engineers). America's quarry, sand and gravel operations provide the materials for erosion control, flue gas desulfurization, de-acidification, improved storm water drainage and water quality improvement, and supplies 80% of the ingredients which create the concrete for assuring clean water in our country through treatment plants and pipes. Aggregates are an essential ingredient and a natural building block for the quality of life in this country. Operations to produce construction aggregates as well as other products are expensive to site and operate; if operations are forced to close down with correlating job losses, restarting such operations would require finding and hiring staff who must be highly trained before they can operate, as well as expensive capital investment for stationary and mobile equipment.

A revised standard will disproportionately impact America's Midwest and western states, where much of the PM10 in the ambient air is composed of weather, climate and geologically based coarse crustal material. EPA notes no health effects from exposure to coarse crustal particulate at the current standard of 150 micrograms. Therefore, NSSGA opposes any change to the current PM10 NAAQS.

Our industry has to extract aggregates where the quality and supply exists, and this can include water-dependent locations. We are concerned about the expansion of federal jurisdiction implicit in EPA's Draft Guidance on Identifying Waters Protected by the Clean Water Act. You asked if NSSGA commented on the draft June 8, 2007 guidance. We did and specifically made a recommendation we make to the 2011 guidance: changing the law is more appropriate for such an important and complex change in policy, jurisdiction and impact to those job providing businesses who may as a result of the guidance, now be required to seek 404 permits where not required by law (rule or legislation or judicial decision). Further, we will respectfully comment that we disagree with the Agency that the guidance does nothing to significantly expand jurisdiction of the government to ditches and other waters whose only connection is based on very general "watershed" associations. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Joy Wilson". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer Joy Wilson
President and CEO



Correspondence Management System

Control Number: AX-11-000-9424

Printing Date: June 13, 2011 04:43:44



Citizen Information

Citizen/Originator: Grove, Seth

Organization: House of Representatives- Commonwealth of Pennsylvania Harrisburg
Address: 52A East Wing PO Box 202196, Harrisburg, PA 17120-2196

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9424

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 27, 2011

of Extensions: 0

Letter Date: Jun 7, 2011

Received Date: Jun 13, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- I ask that EPA proceed cautiously with revisions to the NAAQS ozone standard at this time.

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jun 13, 2011	Jun 27, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Correspondence Management System

Control Number: AX-11-000-9424

Printing Date: June 13, 2011 04:43:44



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAILY READING FILE



House of Representatives

Commonwealth of Pennsylvania
Harrisburg

SETH GROVE, MEMBER
196TH LEGISLATIVE DISTRICT

B-15 MAIN CAPITOL
PO BOX 202196
HARRISBURG, PA 17120-2196
PHONE: (717) 783-2655
FAX: (717) 772-9869

WESTGATE PLAZA
1550-C KENNETH ROAD
YORK, PA 17408
PHONE: (717) 767-3947
FAX: (717) 767-9857

E-mail: sgrove@pahousegop.com
Web Site: RepGrove.com
Facebook.com/RepSethGrove
Twitter.com/RepGrove

COMMITTEES

INSURANCE
LABOR AND INDUSTRY
STATE GOVERNMENT, SECRETARY
TRANSPORTATION
REPUBLICAN POLICY
POLICY DEVELOPMENT TEAM
FOR PROPERTY TAX REFORM

CAUCUSES

AGRICULTURE
FIREFIGHTERS & EMERGENCY
SERVICES
LIBERTY
PRO-LIFE
SCHOOL PROPERTY TAX RELIEF
SPEAKER MUHLENBERG
GERMAN-AMERICAN
SPORTSMAN
TIMBER
YMCA, CO-CHAIR

June 7, 2011

Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building, Mail code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Ms. Jackson: *Lisa*

In this time of economic turmoil and continued high unemployment, the Environmental Protection Agency's proposed revision of the National Ambient Air Quality Standards (NAAQS) for ground level ozone under the Clean Air Act could have dire consequences for the commonwealth of Pennsylvania's ability to attract and retain new employers and foster an economic climate conducive to job creation.

I do not overstate the case. On June 1, the *Washington Post* reported that "the economic recovery is faltering, and Washington is running out of ways to get it back on track." With the proposed NAAQS for ozone at 60-70 parts per billion, the EPA is promulgating standards that are simply unreachable under current conditions for many businesses. Holding my district in south central Pennsylvania accountable for standards that aren't attainable will have a tremendous negative impact on the regional and state economy.

At the end of 2004, 37 Pennsylvania counties were designated as being in nonattainment for EPA's standards for 8-hour ozone levels. Under the proposed standard, how many more counties would be reclassified as being in nonattainment? How many counties that met the standard after 2004 would be back to square one? Those areas of Pennsylvania that fall into the nonattainment designation are essentially closed for certain types of new businesses or expansions of existing businesses. Very likely, this will result in the export of jobs from nonattainment areas to attainment areas in other states or to foreign countries having lower standards.

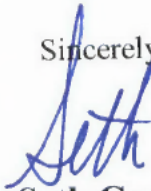
RECORDED
2011 JUN 13 PM 1:34
OFFICE OF THE
EXECUTIVE SECRETARIAT

Another revision to the ozone standard at this time will leave many Pennsylvania businesses hopelessly behind in attainment status. Many are still committing considerable resources to meet the ozone standard set at 75 ppb in 2008. It is my view that there has not been sufficient analysis of the advancements made since that standard was implemented. Surely, the current standard needs to be given a chance to work before revising it.

Let me also affirm that Pennsylvania's manufacturing and business communities are staunch supporters of a healthy, natural environment that can be passed on to future generations. This country has made tremendous progress since the Clean Air Act was passed. But we must also balance our environmental imperatives with the need to foster economic growth, which is the surest avenue to the kind of innovation that will produce cleaner technologies for the future.

Let's work together to protect the environment with sensible safeguards. But I ask that EPA proceed cautiously with revisions to the NAAQS ozone standard at this time. The potential cost, and the implications revised standards have for our economy in these perilous times, could take a heavy toll on our ability to put Americans back to work.

Sincerely,



Seth Grove

State Representative
196th Legislative District

CC: U.S. Senator Robert P. Casey, Jr., Fax (202) 228-0604
U.S. Senator Patrick Toomey, Fax (202) 228-0284
White House Office of Public Engagement and Intergovernmental Affairs, Fax (202) 395-3692



Correspondence Management System

Control Number: AX-11-000-9430

Printing Date: June 13, 2011 04:31:20



Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign R3 as lead office	Jun 13, 2011
Jeannine Sofia	R3	Accepted the group assignment	Jun 13, 2011
Jeannine Sofia	R3	Take task	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAILY READING FILE

Friends of Dunkard Creek

P.O. Box 111
Bobtown, Pa. 15315



Directors ...

President
Andrew Liebhold PhD

Vice-President
Terri Davin

Secretary
Brian Bliss

Treasurer
James O'Connell

Director
Lee Petsonk MD

Director
Margaret Truntich

Administrator Lisa P. Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I want to thank you for the effort that the EPA has taken to address water quality in Dunkard Creek and the Monongahela River. As you probably know, there was a massive fish kill in Dunkard Creek in September, 2009. Research by your agency as well as the states of Pennsylvania and West Virginia determined that the fish kill resulted from a bloom of golden algae triggered by very high levels of total dissolved solids (TDS) emanating from the discharge of the Blacksville No. 2 mine operated by Consol Energy.

The EPA played a critical role in negotiating a settlement with Consol Energy regarding the fish kill and we were pleased with the settlement. In particular, we were pleased that Consol has agreed to build a plant to treat discharges from their various mines into Dunkard Creek to remove TDS. The problem of TDS remains a serious problem in Dunkard Creek and construction of the Consol plant is an important step forward toward a solution. Also as part of the settlement, Consol agreed to pay the West Virginia Department of Environmental Protection (DEP) for the restoration of Dunkard Creek. This is also a positive development though we hope that a similar arrangement will be made to restore the aquatic community in the PA portion of Dunkard Creek destroyed as well.

We look forward to that the EPA continuing to play an active role in protection of Dunkard Creek, particularly with respect to damaging levels of TDS that remain a problem in the lower portion of the creek. Specifically, the discharge from the Steele Shaft site, operated by AMDRI, a public charity associated with Mepco LLC and GenPower Holdings, remains the largest source of TDS in Dunkard Creek and perhaps the entire Monongahela River watershed. High levels of TDS from Steel Shaft have been documented to have damaged the aquatic community in Dunkard and TDS remains a threat to the many municipal water authorities in southwestern PA that draw water from the Monongahela River.

RECEIVED
2011 JUN 13 PM 1:14
OFFICE OF THE
EXECUTIVE SECRETARY

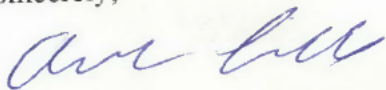
June 1, 2011

The Steele Shaft site was originally developed to avoid a damaging discharge from the abandoned Shannopin mine. We still support that effort, however most of the water being discharged from the site now originates from the Humphrey mine, which we believe is not justified. Humphrey minepool water was never part of the 2003 agreement that established Steele Shaft and that water is being pumped into Dunkard Creek solely to facilitate coal extraction by Dana Mining.

We feel that it is wrong for Dana to take the relaxed water quality standards granted for the discharge of Shannopin minepool and apply them to the Humphrey minepool which poses no danger of a blow-out and remains the legal responsibility of Consol Energy.

We hope that you will be able to continue working with the PA DEP to limit the discharge of high levels of TDS into Dunkard Creek. Your efforts are greatly appreciated by Friends of Dunkard Creek and we believe that your attention serves to protect our region from further environmental degradation.

Sincerely,



Andrew M. Liebhold, PhD
President, "Friends of Dunkard Creek"

cc: Congressman Mark Critz
Senator Robert Casey
Senator Pat Toomey
Shawn M. Garvin, Regional Administrator



Correspondence Management System

Control Number: AX-11-000-9438

Printing Date: June 13, 2011 04:15:00



Citizen Information

Citizen/Originator: Krieger, Tim

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: 101 Ehalt Street, Greensburg, PA 15601

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9438 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Jun 28, 2011 # of Extensions: 0
Letter Date: Jun 10, 2011 Received Date: Jun 13, 2011
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: FAX (Facsimile) Priority Code: Normal
Signature: AA-OAR-Assistant Administrator Signature Date: N/A
- OAR

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: DRF - Reduction to the Primary Ozone Standard

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jun 13, 2011	Jun 28, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
-----------	--------	--------	------



Correspondence Management System

Control Number: AX-11-000-9438

Printing Date: June 13, 2011 04:15:00



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		

TIM KRIEGER, MEMBER
57TH LEGISLATIVE DISTRICT

HARRISBURG OFFICE:
B-14 MAIN CAPITOL BUILDING
PO BOX 202057
HARRISBURG, PA 17120-2057
PHONE: (717) 260-6146
FAX: (717) 260-6501

tkrieger@pahousegop.com
www.repkrieger.com



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

DISTRICT OFFICES:
101 EHALT STREET
SUITE 105
GREENSBURG, PA 15601
PHONE: (724) 834-6400
FAX: (724) 834-6799

17 SOUTH SIXTH STREET
YOUNGWOOD, PA 15697

COMMITTEES:
ENVIRONMENTAL RESOURCES
AND ENERGY
JUDICIARY
LIQUOR CONTROL
STATE GOVERNMENT

June 10, 2011

Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building, Mail code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Sent via fax: (202) 501-1450

Dear Administrator Jackson:

The purpose of my letter is to express my opposition to any reduction to the primary ozone standard, especially as the standard was just reduced a short time ago. The 2008 mandate has yet to be attained by a large number of U.S. communities, including the area I represent in the Pennsylvania legislature, Westmoreland County. An even lower standard would impose undue economic hardship on our region, at a time when we need to encourage economic growth and job creation.

Pennsylvania has made great strides in air quality, as any longtime resident will tell you. The state has adopted energy portfolio standards that require 18 percent of electricity sold to come from alternative sources. Power plants have been instructed to reduce mercury emissions by 90 percent. Electric power companies have invested \$10 billion in new pollution controls and other steps to reduce air contamination.

Even so, Westmoreland County still struggles to meet present air quality standards. We are challenged by many forces beyond our control, including topography, weather, prevailing winds and a geographic location that subjects us to a steady stream of air pollutants from Midwest power plants, the Ohio River Valley, and industries and vehicles in other areas.

It seems blatantly unfair to impose even more stringent requirements on areas like mine knowing full well there is little realistic chance that they can be met. Our communities, local governments, small businesses, industries and workers will all suffer because of a heavy-handed federal regulatory mandate that they will never be able to satisfy.

Lowering the ozone limit would have direct, negative effects. A standard of 60 ppb would saddle Pennsylvania with estimated attainment costs of more than \$50 billion over the next ten years. Our state gross product would be reduced by \$32.5 billion and by our estimates, 350,000 jobs would be lost.

We cannot afford this kind of economic blow. Pennsylvania's level of unemployment has dropped but we are still far above the 4.6 percent rate of February 2008. We continue to lose our young people and far too many of our workers are underemployed, struggling to make enough to care for their families.

Lowering the ozone standard could make things much worse. I strongly urge you to reconsider this policy and leave the ozone limit at its present level.

Very truly yours,



Representative Tim Krieger
Pennsylvania's 57th Legislative District

CC: White House Office of Public Engagement and Intergovernmental Affairs, Fax (202) 395-3692
U.S. Senator Patrick Toomey, Fax (202) 228-0284
U.S. Senator Robert P. Casey, Jr., Fax (202) 228-0604

###

SWPA air quality-

http://www.pittsburghquarterly.com/index.php?option=com_content&view=category&layout=blog&id=112&Itemid=217

PA unemp - http://www.pittsburghlive.com/x/pittsburghtrib/business/s_730688.html



Correspondence Management System

Control Number: AX-11-000-9450

Printing Date: June 13, 2011 04:45:19



Citizen Information

Citizen/Originator: Hayward, Ashton J.

Organization: City of Pensacola Florida
Address: 222 West Main Post Office Box 12910, Pensacola, FL 32521

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9450 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jun 6, 2011 Received Date: Jun 13, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: N/A Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File- Thank you for taking the time to come to Pensacola to participate in the Gulf Coast Ecosystem Restoration Task Force meeting on Wednesday, June 1, 2011.
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAEE - Office of External Affairs and Environmental Education
 R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	GCERTF	Jun 13, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to GCERTF	Jun 13, 2011

DAILY READING FILE



City of Pensacola

America's First Settlement
Established 1559

ASHTON J. HAYWARD
Mayor

June 6, 2011

Ms. Lisa P. Jackson, Administrator
United States Environmental Protection Agency
Areil Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECEIVED
2011 JUN 13 PM 2:50
OFFICE OF THE
EXECUTIVE SECRETARIAL

Dear Administrator Jackson: ^{Lisa}

Thank you for taking the time to come to Pensacola to participate in the Gulf Coast Ecosystem Restoration Task Force meeting on Wednesday, June 1, 2011.

Our community was directly impacted by the oil spill and has seen a significant impact on tourism and related industries such as recreational and commercial fishing. The recovery and restoration of the Gulf of Mexico is important to the economic vitality of our region and I look forward to being pro-active and working with you and the Task Force in developing restoration plans and priorities for our region.

While unrelated to the oil spill, transfer of the Escambia Treating Site presents the type of bold vision and decisive action required to achieve economic diversification and stimulate the area's economic engine.

It was a pleasure to personally meet you. Please let me know if my staff or I can provide any additional information.

Sincerely,

Ashton J. Hayward, III
Mayor

Enjoyed
Dinner @
[unclear]



Correspondence Management System

Control Number: AX-11-000-9452

Printing Date: June 13, 2011 04:16:17



Citizen Information

Citizen/Originator: Olson, Chet

Organization: City of Rochelle

Address: 420 N 6th Street, P.O. Box 601, Rochelle, IL 61068-0601

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9452

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 28, 2011

of Extensions: 0

Letter Date: Jun 6, 2011

Received Date: Jun 13, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator Signature Date: N/A

- OAR

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: DRF - Encourage EPA to consider the negative impact the proposed Clean Air Transport Rule will have on new electric generating units in Washington County, Illinois

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jun 13, 2011	Jun 28, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Correspondence Management System

Control Number: AX-11-000-9452

Printing Date: June 13, 2011 04:16:17



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 13, 2011

Comments

Commentator	Comment	Date
No Record Found.		



City of Rochelle

420 N 6th Street
P.O. Box 601
Rochelle, IL 61068-0601
Tele: (815) 562-6161
Fax: (815) 562-3888

June 6, 2011

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECEIVED
2011 JUN 13 PM 2:50
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

As you finalize the Clean Air Transport Rule (CATR), we strongly encourage you to consider the negative impact the proposed rule will have on new electric generating units, including the Prairie State Generating Company (PSGC) in Washington County, Illinois.

Seven not-for-profit public power companies and electric cooperatives serving customers located in eight states have invested in the PSGC facility, which provides a stable, base load supply of power and one of the lowest emission rates among all coal-fired plants in the nation thanks to a highly efficient design and \$1 billion invested in state-of-the-art pollution control systems. The proposed CATR will put this critical investment in clean and affordable energy at risk because of the reduced allocations available for new units in Illinois and the limited intrastate market available for plants to access additional allocations. Under the proposed allocation system, PSGC would have to operate below capacity or completely shut down operations while older, less-efficient plants continue to operate. Allowing the newest, most efficient plants to sit idle does not achieve EPA's goals to reduce air pollution and achieve clean air standards.

We understand that EPA and OMB have heard directly from representatives of PSGC through formal comments and in follow-up meetings to further clarify the need for a favorable resolution to this issue. In addition, the Illinois EPA (IEPA) has recommended that PSGC be treated as existing units in its formal comments submitted to EPA, and local leaders and labor organizations have contacted EPA in support of a favorable outcome in the final rule.

We strongly encourage you to consider these impacts as you finalize the rule, and we look forward to hearing from you soon.

Sincerely,

Chet Olson
Mayor

cc: Ms. Heather Zichal, Deputy Director to the President on Energy and Climate Change
Ms. Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA
Mr. Cass R. Sunstein, Office of Information and Regulatory Affairs, OMB



Correspondence Management System

Control Number: AX-11-000-9457

Printing Date: June 14, 2011 01:01:21



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Forward control to OW	Jun 14, 2011

Comments

Commentator	Comment	Date
	No Record Found.	

DAILY READING FILE

City of Orange City • 205 East Graves Avenue • Orange City, Florida 32763 • 386-775-5400



June 1, 2011

Ms. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, DC 24060

Dear Ms. Jackson:

Please find enclosed a Petition from the City of Orange City requesting that the U.S. Environmental Protection Agency (EPA) withdraw its January 2009, determination that numeric nutrient criteria are necessary in Florida. It also requests that EPA restore to the state its responsibility for the control of excess nutrients, including the pursuit of nutrient criteria. We are confident that EPA will find the information in the petition compelling and grant the petition after review.

As clearly demonstrated by the petition, the State of Florida, including its citizenry, local governments and businesses, is very committed to addressing excess nutrients pollution. We look forward to your timely response.

Sincerely,

THE CITY OF ORANGE CITY

A handwritten signature in cursive script, appearing to read "Harley Strickland".

Harley Strickland,
Mayor

enc.

cc: Senator Marco Rubio
Senator Bill Nelson
Representative Corrine Brown
Representative John Mica

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 JUN 13 PM 3:23

RECEIVED

Building
386-775-5423

City Clerk
386-775-5403

City Manager
386-775-5408

Finance
386-775-5430

Fire
386-775-5460

Human Resources
386-775-5457

Parks & Recreation
386-775-5454

Planning
386-775-5415

Police
386-775-9999

Public Works
386-775-5447

Utilities
386-775-5444

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

In re: Florida Department of Environmental
Protection's Petition for Withdrawal of EPA's
303(c)(4)(B) Determination for Florida,
Repeal of 40 C.F.R. § 131.43, and
Related Actions.

PETITION

The City of Orange City, Florida hereby petitions the United States Environmental Protection Agency ("EPA") to take the following actions; 1) withdraw its January 2009, determination that numeric nutrient criteria are necessary in Florida; 2) initiate repeal of 40 C.F.R. § 131.43; 3) discontinue proposing or promulgating further numeric nutrient criteria in Florida; and 4) Respond to the Florida Department of Environmental Protection's Petition.

On March 16, 2011, EPA issued a memo to all EPA's Regional Administrators, entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" (the "EPA memo" or "March 16, 2011, memo") that details the elements "necessary for effective programs to manage nitrogen and phosphorus pollution," which is attached hereto as Attachment 1. The EPA memo provides a useful benchmark for evaluating the strength of a State's nutrient reduction program.

As demonstrated herein, Florida's program is one of the strongest in the country when measured against the elements set forth in the EPA memo, or by other objective standards. Based on the strength of Florida's nutrient pollution control program, which includes a commitment to nutrient standards, Orange City submits EPA should rescind its January 2009, determination. This action will reestablish the proper regulatory framework in Florida, whereby

States designate the uses of their waters and set criteria that are protective of those uses, and EPA should simply review the changes to water quality standards proposed by the States. 33 U.S.C. § 1313(a)(3)(A) and (c)(2)(A); *see also Natural Resources Defense Council v. U.S. E.P.A.*, 16 F.3d 1395, 1399 (4th Cir. 1993)("While the states and E.P.A. share duties in achieving this goal [of protecting water resources], primary responsibility for establishing appropriate water quality standards is left to the states. EPA sits in a reviewing capacity of the state-implemented standards, with approval and rejection powers only.").

Orange City requests that EPA respond to the Florida Department of Environmental Protection's Petition within 30 days. Failure of EPA to timely act can interfere with Orange City's ability to implement the activities described by this Petition. Additionally, granting this petition will confirm to the States that EPA is committed to a reasoned approach to evaluating the success of state programs and will stand behind the EPA Memo.

Background

According to EPA, Florida has one of the preeminent programs in the nation to address excess phosphorus and nitrogen pollution in its waters. "Florida is one of the few states that have in place a comprehensive framework of accountability that applies to both point and nonpoint sources and provides the enforceable authority to address nutrient reductions in impaired waters based upon the establishment of site specific total maximum daily loads." 75 Fed. Reg. 4174, 4175 (Jan. 26, 2010). As outlined below, in measuring Florida's program against the eight elements in the EPA memo, the State of Florida, in partnership with its regional water management districts and local governments, is a national leader in developing innovative and comprehensive tools and programs to detect, assess, prevent and/or remedy nutrient problems in the State's waters.

For instance, Florida has placed substantial emphasis on the monitoring and assessment of its waters as a cornerstone of its water quality program, and, as a result of this valuable objective, has collected significantly more water quality data than any other State. *See* EPA's January 14, 2009, Necessity Determination for Florida, p. 6. Greater than 30% of all water quality data in EPA's national water quality database, STORET, comes from Florida.¹ STORET, <http://www.epa.gov/storet>. Florida has used this extensive data to, among other things, accurately and scientifically assess whether individual waterbodies are impaired for nutrients; promulgate nutrient restoration goals first through Pollutant Load Reduction Goals ("PLRGs") and then through Total Maximum Daily Loads ("TMDLs"); calculate protective nutrient water quality-based effluent limits ("WQBELs") for NPDES dischargers; and adopt restoration plans setting forth restoration requirements on both point and nonpoint sources on a watershed-wide basis (i.e., Basin Management Action Plans ("BMAPs"), Surface Water Improvement and Management ("SWIM") plans, and legislatively-mandated plans for targeted waters).²

Overall, Florida's efforts have resulted in significant reductions in ambient phosphorus concentrations since the early 1980s despite the explosive growth of Florida's population during this same period. 2008 Integrated Water Quality Assessment for Florida: 305(b) Report and 303(d) List Update, p. 34, available at http://www.dep.state.fl.us/water/docs/2008_Integrated_Report.pdf. However, Florida continues to further refine and enhance its programs and implement specific restoration plans high priority

¹ FDEP doesn't substitute quantity of sampling for the quality of those samples. Rather than accepting any collected sample, FDEP requires stringent quality assurance for water quality samples to be used for regulatory purposes. *See* Fla. Admin. Code Ch. 62-160.

² Florida has also utilized this extensive data in adopting a protective numeric phosphorus criterion for the Everglades Protection Area that has been upheld in both state and federal courts. *See* Fla. Admin. Code R. 62-302.540(4)(a).