

watersheds to both protect its many healthy waters from nutrient impairment and achieve nutrient reductions in those that are impaired by nutrients so that water quality improvements are fully realized.

FDEP has also used the vast water quality data, collected at substantial cost to Florida taxpayers, to study the subtle relationships between nutrient concentrations and healthy aquatic ecosystems with the intention of deriving appropriate numeric nutrient criteria for its waters. As part of this process, FDEP has created a number of biological assessment tools, including the Stream Condition Index and the Lake Vegetation Index. FDEP has submitted to EPA statewide numeric nutrient criteria development plans to document its ongoing efforts, with the last development plan being submitted in March 2009.

Despite Florida's status as a national leader in nutrient reduction efforts and FDEP's great progress on the complex science needed to support defensible numeric nutrient criteria, on January 14, 2009, EPA, under the previous administration, issued a § 303(c)(4)(B) determination that numeric nutrient criteria were necessary in the State of Florida, but in no other State.³ The 2009 "necessity" determination led to EPA settling a frivolous lawsuit alleging that EPA had already made such a necessity determination in its 1998 Clean Water Action Plan. The settlement agreement was subsequently memorialized as a Consent Decree in *Florida Wildlife*

³ While the necessity determination implies that Florida's situation is unique, excess nutrients are a problem in every State. *See, e.g.*, USGS Circular 1350: Nutrients in the Nation's Streams and Groundwater, 1992-2004 (2010), available at <http://pubs.usgs.gov/circ/1350/pdf/circ1350.pdf>. EPA has not utilized its 303(c)(4)(B) authority to promulgate numeric nutrient criteria elsewhere and has declined to set numeric nutrient standards in the Mississippi River basin even though EPA has been petitioned twice (in 2003 and 2008) to do so. *See* EPA's Response to Sierra Club Petition Regarding Defined Portions of the Mississippi and Missouri Rivers, available at <http://water.epa.gov/scitech/swguidance/standards/SierraClub.cfm>; and Petition to Establish Numeric Nutrient Standards for the Mississippi River, available at <http://www.cleanwaternetnetwork.org/resources/petition-establish-numeric-standards-and-tmdls-nitrogen-and-phosphorous>.

Federation v. Jackson, Case No. 08-00324, Consent Decree, DE 153 (N.D. Fla. December 30, 2009), and is currently on appeal. FDEP was not a party to that litigation and did not participate in the negotiations resulting in the settlement and consent decree.

Pursuant to the settlement agreement, on December 6, 2010, EPA promulgated numeric nutrient criteria for Florida's lakes and flowing waters. 75 Fed. Reg. 75762 (Dec. 6, 2010) (codified at 40 C.F.R. §131.43). EPA remains obligated to propose numeric nutrient criteria for the remainder of Florida's waters (except for wetlands) by November 14, 2011, and finalize those numbers in rule by August 15, 2012. *See Florida Wildlife Federation*, Joint Notice to the Court of Extension of Consent Decree Deadlines, DE 184 (N.D. Fla. June 7, 2010).

Orange City urges EPA to withdraw its determination. This action will allow Florida to address nitrogen and phosphorus pollution through State and local programs, including the FDEP's pursuit of nutrient water quality standards.

Overview of Florida's Nutrient Reduction Program

The State of Florida has a comprehensive set of legislatively mandated programs, implemented at the State, regional and local levels, which work in unison to protect waters from nutrient pollution and reduce nutrient loading from all sources of pollution, not just federally-regulated point sources. The core of Florida's program focuses on NPDES permitting with appropriate effluent limits,⁴ extensive monitoring of its waters, identification of those waters that are impaired, setting load reduction targets for those waters identified as impaired, and implementing watershed restoration plans covering both point and nonpoint sources. Over the

⁴ For wastewater sources that discharge nutrients, WQBELs are specifically derived to protect State waters from nutrient impairment under "worst case" conditions. *See* Fla. Admin. Code R. 62-650.300(3)(h). Before FDEP is able to issue a wastewater permit, the permit applicant must provide upfront "reasonable assurance" that the permittee can meet all conditions in their permit, including the permit effluent limit—a more rigorous permitting standard than contained within the Clean Water Act. *Compare* Fla. Admin. Code R. 62-620.320(1) with 40 C.F.R. § 122.44(d).

years, Florida has expended great time and resources in undertaking these activities. While many of these efforts emanate from the typical Clean Water Act NPDES and TMDL programs, there are a number of programs unique to Florida that complement the standard Clean Water Act tools and in many instances go far beyond the mandates of the Clean Water Act.

For instance, under the Clean Water Act, once a TMDL is set and incorporated into NPDES permits, mandated federal actions are at an end. No comprehensive implementation plan is required. *See* EPA's TMDL website, available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/glossary.cfm> ("Current 303(d) regulations do not require implementation plans, though some state regulations do require an implementation plan for a TMDL."); *see also* *Sierra Club v. Meiburg*, 296 F.3d 1021 (11th Cir. 2002). Florida, on the other hand, has a number of watershed-based approaches that result in restoration plans covering both point *and* nonpoint sources. These watershed plans include BMAPs, SWIM plans, and legislatively-mandated restoration efforts directed at a number of specific watersheds like the Everglades and Lake Okeechobee. *See, e.g.*, §§ 373.451 - .4595 and 403.067(7), Fla. Stat.

Florida has already adopted aggressive nutrient load reduction limits for major waterbodies across the State through its TMDL and SWIM programs. Currently, there are 135 adopted nutrient TMDLs and 47 SWIM plans (many with PLRGs) for major waterbodies including: Lake Okeechobee, the Caloosahatchee Estuary, the St. Lucie Estuary, the Indian River Lagoon, Tampa Bay, the Lower St. Johns River, the Suwannee River, the Santa Fe River, the Ocklawaha Chain of Lakes, the Winter Haven Chain of Lakes, Lake Jesup, and many first magnitude springs across the State including Manatee, Fanning, and Wekiva Springs. Florida has also established comprehensive restoration and/or protection plans for most of our high priority waters including the Everglades, Lake Okeechobee, the St. Johns River and Estuary, the

Ocklawaha Chain of Lakes, Tampa Bay, Sarasota Bay, and the Florida Keys coastal waters, among others.

These efforts, combined with the point and nonpoint source strategies discussed below, already have shown significant, positive results in many of Florida's watersheds. EPA itself has documented a number of Florida's nutrient reduction successes including Lake Apopka, Tampa Bay, Sarasota Bay and Indian River Lagoon. See EPA Region 4's Watershed Improvement Summaries, http://www.epa.gov/region4/water/watersheds/watershed_summaries.html#fl.

Moreover, Florida has a number of nationally preeminent programs including its long-standing post-construction stormwater program for all new or modified development (since 1981), its land purchasing program (protecting over 5.3 million acres of land to date representing 15% of the State – Florida spent more than any other State in the nation to acquire conservation lands from 1998-2005), and its reuse of reclaimed water. Florida also has a broad agricultural nonpoint source program setting forth best management practices (“BMPs”) for most of the primary agricultural commodities in the State as well as BMPs specific to targeted areas of the State. All of these programs, as well as others, complement one another and result in Florida's Nutrient program being, unquestionably, a national leader.

These various programs are further discussed below in the context of evaluating Florida's water quality program pursuant to the EPA memo.

Florida Has as a Strong Nutrient Reduction Program as Measured Against EPA's March 16, 2011 Memo or Any Other Objective Standard

EPA's March 16, 2011, memo outlines eight minimum elements needed in a comprehensive State nutrient reduction program. Florida undoubtedly exceeds all eight of these requirements, and is a national leader in most of those categories.

Once FDEP completes its rulemaking, EPA obviously maintains its authority to review any proposed criteria resulting from the State process. 33 U.S.C. § 1313(c). Consequently, if EPA

were to withdraw its necessity determination, it would not relinquish total authority to Florida. This significant step would once again allow Florida to regain its primary responsibility for standard setting, as Congress unambiguously envisioned within the Clean Water Act.

EPA Should Withdraw Its Necessity Determination and, Consequently, Repeal 40 C.F.R. §131.43 and Refrain from Proposing Other Numeric Criteria in Florida

EPA's purported willingness to give flexibility to States, like Florida, that have in place the framework for achieving nutrient reductions, is not consistent with EPA's 2009 necessity determination for Florida. Measured against EPA's March 16, 2011 memo, the State of Florida has in place a framework for achieving nitrogen and phosphorus reductions and control that is among the best in the nation. It is therefore reasonable to conclude that EPA's 2009 necessity determination should not have singled out Florida. To rectify this discrepancy, EPA must withdraw its necessity determination and has good reason to do so.

Because the necessity determination is essential for EPA's promulgation of numeric nutrient criteria in Florida's lakes and flowing waters, withdrawal of the determination will require EPA to repeal 40 C.F.R. § 131.43. Withdrawal will also relieve EPA from proposing and promulgating numeric nutrient criteria for Florida's estuaries, coastal waters and south Florida canals.

It is well-recognized that federal agencies may change their mind and alter their previous agency actions. *Mactal v. Chao*, 286 F.3d 822, 825-26 (5th Cir. 2002). As explained by the United States Supreme Court, an agency "faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice." *American Trucking Ass'ns v. Atchison, Topeka, and Santa Fe Railway Co.*, 387 U.S. 397, 416 (1967); see also *Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 41-42 (1983); *Dun & Bradstreet Corp. Found. v. United*

States Postal Service, 946 F.2d 189, 193 (2d Cir. 1991) ("It is widely accepted that an agency may, on its own initiative, reconsider its interim or even its final decisions, regardless of whether the applicable statute and agency regulations expressly provide for such review."). EPA has asserted that § 303(c)(4)(B) necessity determinations are discretionary action not subject to judicial review. See EPA's Motion to Dismiss Cross-Claim and EPA's Motion for Judgment on the Pleadings on Counts I, III and IV of FCG's and FWEAUC's First Amended Complaint, Case No. 08-00324, DE 151 and 214 (N.D. Fla.); and EPA's Motion to Dismiss, Case No. 09-00428, DE 13 (N.D. Fla. Dec. 22, 2009). Accepting EPA's assertion, the Agency has broad discretion to withdraw that same action. Even if EPA's withdrawal action is reviewable, the reasons for the change in agency action need be no better or worse than the justifications for the original agency course. *F.C.C. v. Fox Television Station, Inc.*, 129 S. Ct. 1800, 1810-11 (2009).

EPA is not irrevocably bound by the previous administration's January 2009 necessity determination. See *National Cable & Telecommunications Ass'n v. Brand X Internet Services*, 545 U.S. 967, 981 (2005) (Reflecting that a change in administration can prompt reevaluation of the previous administration's actions). To the contrary, withdrawal of the necessity determination is warranted based solely on the demonstrated strength of Florida's nutrient reduction program. However, the change in EPA's administration, the recent issuance of the EPA memo, and FDEP's commitment to expeditiously promulgate nutrient criteria are additional changed circumstances that warrant rescinding of EPA's necessity determination. Withdrawal will also enable FDEP to proceed with its proposed rule adoption schedule without the added complication of overlapping federal rulemaking authority.

Conclusion


Florida's comprehensive nutrient reduction program is among the upper echelon of programs in the nation. FDEP is also committed to further its comprehensive program by pursuing nutrient

criteria under state law. For these reasons and the other grounds articulated in this Petition, Orange City requests that EPA withdraw its January 2009 necessity determination and take the steps necessary to relieve the Agency from the obligation to propose, promulgate, or implement numeric nutrient criteria in Florida. Granting this request will serve as a clear, positive affirmation of EPA's expectation of States consistent with the March 16, 2011, memorandum

RESPECTFULLY SUBMITTED the 22nd day of May 2011.

CITY OF ORANGE CITY


HARLEY STRICKLAND
Mayor


O. WILLIAM CRIPPEN
Vice-Mayor

City of Orange City
205 East Graves Avenue
Orange City, Florida 32763



Correspondence Management System

Control Number: AX-11-000-9460

Printing Date: June 14, 2011 01:03:06



Citizen Information

Citizen/Originator: Hite, William P

Organization: United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

Address: Three Park Place, Annapolis, MD 21401

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9460

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 28, 2011

of Extensions: 0

Letter Date: Jun 7, 2011

Received Date: Jun 14, 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: Daily Reading File- I am writing to request your assistance in expediting the U.S. Environmental Protection Agency's approval of major and minor source air permits for Shell Offshore, Inc's. Frontier Discoverer

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
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	R10	Jun 14, 2011	Jun 28, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			



Correspondence Management System

Control Number: AX-11-000-9460

Printing Date: June 14, 2011 01:03:06



History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Assign R10 as lead office	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		



DAILY READING FILE

United Association of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the United States and Canada

Three Park Place • Annapolis, Maryland 21401
(410) 269-2000 • Fax (410) 267-0262 • <http://www.ua.org>

William P. Hite
General President

Patrick R. Perno
General Secretary-Treasurer

Stephen F. Kelly
Assistant General President

Founded 1889

General Office File Reference: WPH

June 7, 2011

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RECEIVED
2011 JUN 13 PM 3:24
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Air Permits for Shell's Frontier Discoverer and Kulluk Exploratory Programs

Dear Administrator Jackson:

On behalf of the 340,000 members of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry ("United Association"), I am writing to request your assistance in expediting the U.S. Environmental Protection Agency's ("EPA") approval of major and minor source air permits for Shell Offshore, Inc.'s Frontier Discoverer and Kulluk exploratory drilling programs, respectively, which have been pending for more than 5 years due to protracted cycles of review and appeal. The United Association strongly supports these exploratory programs because of their potential to create tens of thousands of U.S. jobs per year, generate billions in federal revenue that may help to prevent cuts to critical government programs, and the ability of these programs to help reduce our dependence on Middle Eastern oil. We appreciate the need for careful environmental review of these programs, but at a time of 20 percent unemployment in the construction industry, sizable federal budget deficits and high energy prices, we cannot afford to delay them any longer.

As you are aware, the Frontier Discoverer and Kulluk programs would conduct exploratory drilling on Alaska's Outer Continental Shelf ("OCS") in the Chukchi and Beaufort Seas, an area which is incredibly important to America's long-term energy security. U.S. government forecasts indicate that we will need oil and natural gas supplies to meet more than half of our energy needs through 2035, even as we explore alternative sources of energy.¹ However, our ability to secure the oil and gas we need is ever more constrained by the energy demands of economies such as China and India and the supply-side uncertainties associated with geopolitical instability in the Middle East. With an estimated 27 billion barrels of oil and 127 trillion cubic feet of natural gas, Alaska's OCS offers us needed security in the face of such challenges.² Given the impact high energy prices are already having on American families and the economy, the U.S. has an obligation to support the development of such domestic sources.

¹ See U.S. Energy Information Administration, Annual Energy Outlook 2011 (with Projections to 2035), at [http://www.eia.doe.gov/forecasts/aeo/pdf/0383\(2011\).pdf](http://www.eia.doe.gov/forecasts/aeo/pdf/0383(2011).pdf).

² U.S. Department of the Interior Minerals Management Service, Report to Congress: Comprehensive Inventory of U.S. OCS Oil and Natural Gas Resources, Feb. 2006, available at <http://www.boemre.gov/revaldiv/PDFs/FinalInventoryReportDeliveredToCongress-corrected3-6-06.pdf>





Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Page Number 2
June 7, 2011

As noted, the Frontier Discoverer and Kulluk programs would also generate a tremendous number of U.S. jobs – good, high quality jobs – as well as other important economic benefits at a time when they are desperately needed. In fact, a recent study by the economics consulting firm Northern Economics and the University of Alaska-Anchorage's Institute of Social and Economic Research (ISER) found that economic activity associated with the development of the OCS in the Chukchi and Beaufort Seas would generate nearly 55,000 jobs per year throughout the U.S., with an estimated payroll totaling \$145 billion over the next 50 years.³ In addition to the jobs and added income generated, development of the OCS in the Chukchi and Beaufort Seas would produce nearly \$195 billion in government revenue by 2057.⁴ These benefits would accrue not just to Alaskans, but to American families throughout the lower forty-eight states as well.⁵

In summary, there are compelling grounds to move these programs forward as soon as possible and we would appreciate any assistance EPA could lend to this effort. We understand that EPA currently expects to deliver the Frontier Discoverer and Kulluk permits on September 8 and October 14, respectively. However, in light of the delays to date and the substantial jobs and other economic benefits that would be lost in the interim, we would appreciate a meeting with you to discuss how approval of these permits might be expedited. Rick Terven, Sr., our Political and Legislative Affairs Director, would be among the United Association officers participating in the meeting and can be reached to schedule a meeting date and time at (410) 269-2000.

Thank you very much for your time and attention in this matter. We look forward to hearing from you.

Sincerely yours,

William P. Hite
General President

³ Northern Economics and the University of Alaska-Anchorage Institute of Social and Economic Research, Potential National-Level Benefits of Alaska OCS Development, February 2011, at ES-3, available at <http://www.northeconomics.com/pdfs/ShellOCS/National%20Effects%20Report%20FINAL.pdf>.

⁴ *Id.* at 18.

⁵ *Id.* at ES-3.



Correspondence Management System

Control Number: AX-11-000-9464

Printing Date: June 14, 2011 02:53:12



Citizen Information

Citizen/Originator: Atwater, Jeff

Organization: State of Florida

Address: The Capitol, 200 East Gaines Street, Tallahassee, FL 32399-0301

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9464

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 29, 2011

of Extensions: 0

Letter Date: Jun 3, 2011

Received Date: Jun 14, 2011

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: DRF - Ask that EPA adopt the Florida Department of Environmental Protection's petition dated April 22, 2011, requesting that EPA rescind its determination letter regarding numeric nutrient criteria, and allow DEP to resume its state rulemaking to establish numeric nutrient criteria

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

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - 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	OW	Jun 14, 2011	Jun 29, 2011	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					
Wanda Fields	OW	OW-OST	Jun 14, 2011	Jun 27, 2011	N/A
Instruction: Cc: Stoner, Shapiro, Schneider, Peck, Gillinsky, Lousberg					

Supporting Information

Supporting Author: N/A



Correspondence Management System

Control Number: AX-11-000-9464

Printing Date: June 14, 2011 02:53:12



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OW as lead office	Jun 14, 2011
Wanda Fields	OW	Accepted the group assignment	Jun 14, 2011
Wanda Fields	OW	Assign OW-OST as lead office	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAILY READING FILE



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

RECORDED

2011 JUN 13 PM 3:23

OFFICE OF THE
EXECUTIVE SECRETARIAT

June 3, 2011

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

Dear Administrator Jackson:

I am writing today to join the many Florida voices in asking EPA to adopt the Florida Department of Environmental Protection's petition dated April 22, 2011, requesting that EPA rescind its determination letter regarding numeric nutrient criteria, and allow DEP to resume its state rulemaking to establish numeric nutrient criteria. As Florida's Chief Financial Officer, I sit with the Governor and the other two state-wide elected officials as members of the Board of Trustees of the Internal Improvement Trust Fund, the body which is responsible for protecting Florida's waters and lands. As Florida's fiscal watchdog, while I am committed to ensuring that our waters and land are protected, preserved and restored for future generations, I am equally committed to protecting Florida businesses and families from the potential financial consequences of a federal rule that is not warranted.

It is extremely troubling that EPA proposed numeric nutrient criteria for a state renowned throughout the United States as being a leader for its water quality monitoring, research and regulatory programs. In the last three years alone, Florida has spent over \$127 M conducting extensive scientific research and analysis on nutrients. In contrast, with little science to back it, EPA proposed a rule for Florida and completed an economic analysis that estimated implementation costs radically lower than any other analyses done, including one by the Florida Department of Environmental Protection (DEP). While the EPA estimated the projected annual cost of complying with the EPA's rivers, streams and lakes criteria to be between \$135-\$206M, DEP estimates that annual costs to businesses, utilities and ultimately citizens more likely to be around \$5.7 B but possibly as high as \$8.4 B. It is alarming that the average household in Florida could pay between \$657-\$962 annually for new standards that can't be defended scientifically.

While I am pleased that EPA submitted its economic analysis to an independent body to produce more accurate estimates, new estimates are not the answer to the larger problem of EPA taking over the numeric nutrient criteria program from Florida, a state that leads the nation in this work.

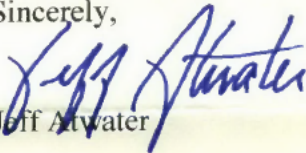
Ms. Lisa Jackson
June 3, 2011
Page 2

It is undisputed that Florida has one of the most extensive and comprehensive nutrient reduction as well as water quality data collection programs in the United States. For years, DEP has extensively monitored its lakes, rivers and streams and has established over 130 site-specific total maximum daily loads (TMDLs). In addition, since the late 1980s, Florida has finalized surface water improvement and management (SWIM) plans. These plans are important in that they developed pollutant load reduction goals (PLRGS) for the waterbodies in the restoration areas. Today Florida has SWIM plans for 47 waterbodies which contain pollutant load reduction goals. In addition, the Department of Agriculture and Consumer Services has spent over ten years working with farmers, cattlemen and other large landowners to implement best management practices (BMPS) for their operations. Collectively, Florida's waterbodies have improved as a result of all the work and effort of state and regional agencies to reduce nutrient levels to ensure healthy aquatic ecosystems.

A memo from EPA acting Assistant Administrator Stoner dated March 16, 2011, sets forth eight elements each state should consider for managing phosphorus and nitrogen pollution. Again, Florida has existing programs in place to address each of the eight items. DEP's petition summarizes how Florida meets each of those elements.

The bottom line is that hard-working Floridians can't afford to pay one more dime for overzealous regulation. Decisions made at the federal level must be scientifically defensible and should not break the backs of citizens who pay for those decisions. DEP must be allowed to resume its rule-making activities and to establish criteria using its vast scientifically determined database of Florida waters.

Sincerely,


Jeff Atwater

JA/ygr



Correspondence Management System

Control Number: AX-11-000-9467

Printing Date: June 14, 2011 12:04:29



Citizen Information

Citizen/Originator: Berry, John

Organization: United States Office of Personnel Management
Address: 1900 E Street, NW, Washington, DC 20415

Zients, Jeffrey D

Organization: Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-000-9467	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 10, 2011	Received Date:	Jun 14, 2011
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	MEM (Memo)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	DRF - Guidance on Awards for Fiscal Years 2011 and 2012		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OCFO - OCFO -- 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

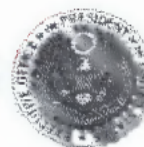
Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OARM	Jun 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OARM	Jun 14, 2011

DAILY READING FILE

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENTOFFICE OF MANAGEMENT
AND BUDGET

June 10, 2011

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

JOHN BERRY *John Berry*
DIRECTOR
U.S. OFFICE OF PERSONNEL MANAGEMENTJEFFREY ZIENTS *Jeff Zients*
DEPUTY DIRECTOR FOR MANAGEMENT
AND CHIEF PERFORMANCE OFFICER
U.S. OFFICE OF MANAGEMENT AND BUDGET

Subject: Guidance on Awards for Fiscal Years 2011 and 2012

Federal agencies are authorized to grant awards to their employees to recognize and reward excellence in performance. Given the current fiscal environment, and the budget constraints agencies will operate under for the remainder of fiscal year 2011, as well as those reflected in the President's fiscal year 2012 budget proposal, these awards must be carefully considered. It is critical that these awards be managed in a manner that is cost-effective for agencies and successfully motivates strong employee performance.

When the President made the decision to propose a two-year pay freeze beginning in January 2011, he directed the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB) to evaluate the system of performance awards and incentives for cost and effectiveness. Consistent with previous Government Accountability Office reviews of Federal agencies' use of awards and incentives, we have identified a number of concerning trends. In many cases, awards are broadly and inconsistently allocated and some Federal employees have come to expect awards as part of their compensation. At the same time, recent survey results show that a large number of both agency managers and employees do not perceive the current employee performance management/award systems to be fair or accurately reflect differences in performance levels.

As a result of these findings, and in keeping with the need to manage budget resources carefully, OPM and OMB are issuing this memorandum on budgetary limits on individual awards during fiscal years 2011 and 2012. This memorandum provides guidance applicable to all departments and agencies (referred to collectively as agencies), was developed in consultation with the President's Management Council, and has been informed by a review of recent agency award practices. This guidance specifically calls on agencies to adopt more rigorous employee performance management processes that incorporate consistent supervisor communication and feedback, establish accountability at all levels, and provide transparent and credible appraisal systems. To assist agencies in this effort, OPM and OMB are working with agency Chief

Human Capital Officers and the National Council on Federal Labor-Management Relations to identify best practices for improving the employee performance management system so that the performance appraisal and award systems fairly reflect performance distinctions and effectively motivate employees.

While implementing this guidance, agency executives retain flexibility to allow for group and individual recognition in ways that are meaningful, fair, and clearly distinguish levels of performance. In exercising their discretion in this area, agencies are reminded to honor all collective bargaining obligations and discuss agency award programs in agency labor-management forums.

Budgetary Limitations for Awards Granted during Fiscal Years 2011 and 2012

Agencies must reduce total spending on individual performance awards for members of the Senior Executive Service (SES) and senior-level and scientific and professional employees (SL/ST) to no more than five percent of aggregate salaries. Agencies must also reduce award spending for non-SES/SL/ST performance awards and individual contribution awards (e.g., special act) for all employees to no more than one percent of their aggregate salaries. These award spending targets apply for awards with effective dates during fiscal year 2012, with progress toward that level in fiscal year 2011, as reported to OPM under the agencies' regular reporting procedures.

A review of recent and historical Government-wide spending formed the basis for setting these limits, which preserve agency flexibility to decide which specific awards within their programs to fund and at what levels. For many agencies, these award limits will require a reduction from current award spending levels. Agencies already spending at or below these levels must continue to limit spending to their fiscal year 2010 levels. In implementing these limitations, agencies should provide for equitable distribution of awards between managers/supervisors and non-supervisory employees.

These budgetary limitations do not apply to political appointees. The President's August 3, 2010, memorandum freezing discretionary awards, bonuses, and similar payments for political appointees applies through the end of fiscal year 2011. Agencies should continue to apply this freeze in fiscal year 2012 in accordance with OPM's guidance at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=3060>.

Covered Awards

The budgetary limits specified in this memorandum apply to spending for individual awards only, which include rating-based performance awards and individual special act awards. Other awards and incentives are frozen at fiscal year 2010 spending levels, except travel savings and foreign language awards. Agencies are encouraged to leverage existing award programs to reward employees who identify improvements that result in documented, validated cost savings and productivity improvements. An emphasis on awards of this nature is particularly important in light of the fiscal challenges we are facing.

Recruitment, relocation, and retention incentives are not awards and are not covered by the budgetary limits. However, agencies are expected to ensure prospectively that spending on these incentives in calendar year 2011 and calendar year 2012, respectively, does not exceed calendar year 2010 levels. Quality step increases are another rating-based payment that does not constitute an award. These payments are not covered by the one percent budgetary limit; however, agencies may not exceed their 2010 fiscal year spending levels on quality step increases granted during fiscal years 2011 and 2012.

Exclusions

The budgetary limits specified in this memorandum are intended to apply to all awards programs in Executive branch agencies covering members of the SES and non-SES civilian employees, including SL/ST, wage grade and others. Agencies have the flexibility, however, to apply these budgetary limits to awards programs for other employees to accommodate current budget constraints. Agency Chief Human Capital Officers and/or Human Resources Directors should contact Stephen T. Shih, Deputy Associate Director for Executive Resources and Employee Development, in OPM's Employee Services by telephone at (202) 606-8046 or by e-mail at perform-mgmt@opm.gov immediately if an agency believes a specific awards program is excluded from the spending limits specified in this memorandum. Furthermore, if an agency determines to exclude a specific awards program, the agency must report its determination to the Director of OPM by submitting an email detailing the justification for the exclusion to perform-mgmt@opm.gov.

Effective Date

The budgetary limits specified in this memorandum take effect as of the date of this memorandum and remain in effect for awards with effective dates during fiscal year 2012, with progress toward the limits for awards with effective dates in fiscal year 2011, as reported to OPM under the agencies' regular reporting procedure.

Additional Information

Agency Chief Human Capital Officers (CHCOs) and/or Human Resources Directors should contact OPM's Employee Services, Executive Resources and Employee Development, at the above number or email address for additional information. Employees should contact their agency human resources offices for assistance.

Attachment

cc: Chief Human Capital Officers
Human Resources Directors

QUESTIONS AND ANSWERS

GUIDANCE MEMORANDUM ON AWARDS FOR FISCAL YEARS 2011 AND 2012

* * * * *

- Q1. Why are OPM and OMB imposing limitations on agency awards budgets?**
- A1.** The President directed OMB and OPM to evaluate the system of performance awards and incentives for cost and effectiveness. In keeping with the President's message on the pay freeze and recognizing the need to address the current fiscal reality, OMB and OPM reviewed current agency spending on these awards in consultation with the President's Management Council (PMC) and determined that the award restrictions described in this memorandum are appropriate at this time. OMB and OPM will continue to work with the PMC, agency Chief Human Capital Officers, and the National Council on Federal Labor-Management Relations to identify best practices for improving the employee performance management system so that the employee performance appraisal and award systems fairly reflect performance distinctions and effectively motivate agency employees.
- Q2. What limits are being imposed?**
- A2.** Agencies must reduce total awards spending as follows:
- Agencies may spend no more than five percent of the aggregate salaries of their career executives at the end of the previous fiscal year on individual performance awards for members of the Senior Executive Service (SES)
 - The same five percent of aggregate salary limit will apply to performance awards for senior-level and scientific and professional employees (SL/ST)
 - For non-SES/SL/ST employees, agencies may spend no more than one percent of the aggregate salaries of those employees at the end of the previous fiscal year on individual performance awards
 - In addition, the one percent limit applies to awards spending for individual contribution awards (e.g., special act) for all employees and executives.
 - These limits apply during fiscal year 2012, with interim progress expected in fiscal year 2011.
- Q3. How will agencies report on their adherence to these budget limits?**
- A3.** OPM will use data from agencies' usual reporting procedures to confirm agency awards spending. Agencies already report awards to the Central Personnel Data File/Enterprise Human Resources Initiative using specified nature of action codes. They also report SES/SL/ST rating, pay, and awards data to OPM through the annual data call.

Q4. How do agencies calculate the aggregate salaries used as the basis for these limits?

A4. Agencies should use the aggregate salaries at the end of the previous fiscal year as the basis for calculating these limits. This is the methodology in statute for calculating the SES performance award funding. In addition, there is further instruction provided in regulation at 5 CFR 534.405(b)(2) for identifying which salaries are used. This approach will provide agencies with a consistent approach and known salary figure to use. Individual awards subject to pre-existing collective bargaining agreements and which conflict with budgetary limits will be excluded from calculations for awards spending.

Q5. Does the five percent limit on SES/SL/ST performance awards include the Presidential Rank Awards?

A5. No; the limit on performance awards applies only to those awards based on the most recent rating of record. Agencies will continue to budget separately for these awards but should consider their nominations very carefully during these times of tight fiscal constraints and limit them accordingly.

Q6. Which awards are subject to this limitation?

A6. These budgetary limits apply to individual awards only. Other awards and incentives are frozen at 2010 spending levels, except for travel savings and foreign language awards.

Q7. What is meant by individual awards?

A7. For the purpose of addressing our current fiscal reality, we have designated the following awards as individual awards:

- **Individual Performance Rating-Based Cash Awards** – recognize the overall performance of individual employees and are granted on the basis of a rating of *Fully Successful* or higher. These awards are the SES performance awards paid under 5 U.S.C. 5384 and 5 C.F.R. 534.405, as well as the rating-based awards paid under 5 U.S.C. 4505a and 5 C.F.R. 451.104(a)(3) and 451.101(e) or comparable awards under similar legal authority.
- **Individual Contribution Awards** – recognize individuals who have made specific contributions that exceeded normal job requirements or performed a special act or service (e.g., spot awards). These awards are the single-contribution awards paid under 5 U.S.C. 4503 and 5 C.F.R. 451.104(a)(2) or similar legal authority.

Q8. What are the other awards and incentives that are frozen at FY 2010 levels?

A8. We have designated the following as other awards, recognition, and incentives, each of which is capped at its respective 2010 level:

- **Other Awards** – include group cash awards; cash awards recognizing achievements such as individual and group suggestion and invention, and cost saving referrals of job candidates. These awards are granted under 5 U.S.C. 4503 and 5 C.F.R. 451.104(a)(1) or similar legal authority.
- **Quality Step Increases** – rating-based increase to basic pay recognizing outstanding performance expected to continue and warranting an ongoing increase in pay. These pay increases are granted under 5 U.S.C. 5336 and 5 C.F.R. part 530, subpart E or similar legal authority for additional performance-based pay increases. These payments must be managed carefully as they create ongoing financial obligations for the agency.
- **Recruitment, Retention and Relocation Incentives (3Rs)** – cash incentives paid to employees with unique skills or in difficult-to-recruit positions. These incentives are authorized under 5 U.S.C. 5753 and 5754 and 5 C.F.R. part 575, subparts A-C or similar legal authority. Agencies must take great care to manage the use of these incentives only as intended by law and regulations, and OPM will continue to monitor use of these awards to make sure they are not misused. Agencies are expected to ensure prospectively that spending on 3Rs in calendar year 2011 and calendar year 2012 respectively does not exceed calendar year 2010 levels. (Unlike the fiscal year limits on awards, OPM will monitor 3Rs based on calendar years, consistent with past reporting requirements to Congress.)

Q9. Will agencies have to make reductions immediately?

A9. Agencies must reduce total awards spending for awards with effective dates in fiscal year 2012, with interim progress in 2011, on individual performance awards for members of the Senior Executive Service (SES) and senior-level and scientific and professional employees (SL/ST) to no more than five percent of aggregate salaries. For performance awards for non-SES employees and contribution awards for all employees and executives, the spending limit is no more than one percent of aggregate salaries for awards with effective dates in fiscal year 2012, with interim progress in 2011. Agencies already spending at levels at or below these targets will continue to limit spending to their fiscal year 2010 levels. Other awards and incentives are frozen at fiscal year 2010 spending levels as well.

Q10. Will all agencies have to reduce their awards spending to meet the 5% SES/SL/ST and 1% non-SES levels?

A10. Whether agencies will have to make actual reductions to their awards spending depends on how much they spent in fiscal year 2010. For some agencies, this will require a reduction from current spending levels. For those agencies currently spending at or below these limits, spending is frozen at their fiscal year 2010 levels.

Q11. Will agencies have to limit the number of awards they grant?

A11. There is no cap on the percentage of employees receiving awards or the number of individual awards granted. However, any time overall spending is reduced, the number of employees receiving awards may be affected. It is important to remember agencies still are expected to improve performance by rewarding excellence, with awards being more meaningful, distinguishable, and fair, especially during tough fiscal times. In exercising their discretion in this area, agencies are reminded to honor all collective bargaining obligations and discuss agency award programs in agency labor-management forums. Each agency should consider this guidance and consult with agency counsel to determine the agency's position in any subsequent collective bargaining on individual awards. Agencies must identify for OPM those bargaining unit employees whose collective bargaining agreement contains negotiated provisions addressing specific award amounts payable for rating-based performance awards, the date the collective bargaining agreement expires, and any employees covered by other award programs they believe should be excluded from the current limitations. An agency must report its determination to the Director of OPM by submitting an email detailing the justification for the exclusion to perform-mgmt@opm.gov.

Q12. Will these limits apply to individual award amounts?

A12. Like the overall number of awards, no specific limit is being placed on the amount of any single individual award. However, if overall spending reductions are necessary to meet the specified targets, one way to achieve this may be by addressing the amounts granted for specific awards, respecting the requirements of the law. Agencies are reminded again to protect the intent and integrity of their award programs to provide appropriate recognition for excellence in performance.

Q13. Will giving fewer or smaller performance awards to SES/SL/ST affect an agency's ability to get certified?

A13. No; the certification criterion addressing pay differentiation remains the same and does not depend on the number or amount of individual awards, except where there are statutory requirements. Certification requires pay differentiations be made based on the performance distinctions as reflected by the ratings of record. During the pay freeze, agency performance awards will be reviewed to see whether such differentiation occurs. The criterion requires relative differentiation so that agencies consistently grant larger performance awards to senior executives who receive higher ratings.

Q14. Will this affect time-off awards?

A14. No. Because time-off awards do not involve additional cash expenditures, they are not included in these targets. Agencies are reminded, however, that these awards represent a cost to the agency and to refrain from increasing time off awards to compensate for the restrictions on cash awards.

Q15. Are political appointees covered by this budget guidance?

- A1. These budget limitations do not apply to political appointees. On August 3, 2010, the President announced a freeze on discretionary awards, bonuses, and similar payments for politically appointed Federal employees through the end of FY 2011. Agencies should continue to apply this freeze in FY 2012 in accordance with OPM's guidance at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=3060>.

Q16. How can agencies and employees get further guidance on this topic?

- A16. Agency Chief Human Capital Officers and/or Human Resources Directors should contact OPM's Employee Services, Executive Resources and Employee Development, at 202-606-8046 or email perform-mgmt@opm.gov for additional information. Employees should contact their agency human resources offices for assistance.



Correspondence Management System

Control Number: AX-11-000-9513

Printing Date: June 14, 2011 03:43:16



Citizen Information

Citizen/Originator: Kennedy, Joseph S.

Organization: Council on Veterans Employment
Address: 1900 E Street, NW, Washington, DC 20415

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9513 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jun 13, 2011 Received Date: Jun 14, 2011
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: DRF - Veterans Employment Results for Q1 FY11
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	OARM	Jun 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OARM	Jun 14, 2011

Comments

Message Information

Date 06/13/2011 10:10 AM
From "Kennedy, Joseph S." <Joseph.Kennedy@opm.gov>
To Craig Hooks/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA
cc "Guss, Jodi L" <Jodi.Guss@opm.gov>; "Higgins, Maureen B." <Maureen.Higgins@opm.gov>; "Decker, Ray" <Ray.Decker@opm.gov>
Subject Veterans Employment Results for Q1 FY 11

Message Body

Hi Craig and Lisa,

Based on your Q1 FY 11 results, your organization is trending toward your total Veterans employment goal and above your Disabled Veterans employment goal. Understanding that overall the Government typically hires the highest percentage of Veterans in the first quarter of the fiscal year, I have asked the OPM Human Capital Officer for your agency to contact your Veterans Employment Program Officer to review your operations plan to ensure its strategies continue your agency's success.

Your results are below. If you have any questions, please contact me.

Trending Toward Veteran New Hires Goal of 11.8%
Trending Above Disabled New Hires Goal of 4.3%

Total New Hires in Q1 = 200
Total Veteran New Hires = 23
Veteran % of New Hires = 11.5%
Total Disabled Veteran New Hires = 9
Disabled Veteran % of New Hires = 4.5%

Take care,

Joseph

Joseph S. Kennedy
Executive Director
Council on Veterans Employment
(202) 606-1575

www.fedshirevets.gov -- hire a veteran, achieve mission success





Correspondence Management System

Control Number: AX-11-000-9514

Printing Date: June 14, 2011 12:05:41



Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Zients, Jeffrey D

Organization: Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9514

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 13, 2011

Received Date: Jun 14, 2011

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: DRF - M-11-24 Implementing Executive Order 13571 on Streamlining Service Delivery and Improving Customer Service

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OARM - OARM -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OEI - Office of Environmental Information - Immediate Office
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
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History



Correspondence Management System

Control Number: AX-11-000-9514

Printing Date: June 14, 2011 12:05:41



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(b) (6) Personal Privacy	OEX	Control Created	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Forward control to OCFO	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

June 13, 2011

M-11-24

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jeffrey D. Zients
Federal Chief Performance Officer and
Deputy Director for Management

SUBJECT: Implementing Executive Order 13571 on Streamlining Service Delivery and
Improving Customer Service

In Executive Order (EO) 13571, issued on April 27, 2011, the President stated that, "with advances in technology and service delivery systems in other sectors, the public's expectations of the Government have continued to rise." and that the Government "must keep pace with and even exceed those expectations." In addition, the President made clear that the Government "must also address the need to improve its services, not only to individuals, but also to private and Governmental entities to which the agency directly provides significant services."

The President instructed the Federal Chief Performance Officer, who also serves as Deputy Director for Management of the OMB, to issue any necessary guidance for implementing the activities outlined in the order. This memorandum provides guidance for implementing EO 13571.

1. Improve Customer Service Delivery

To keep pace with the public's expectations and to respond to budget pressures that demand we do more with less, the Federal Government must deliver services better, faster, and at lower cost. Each Chief Financial Officers (CFO) Act agency ("agency" or "agencies") that directly provides significant services to individuals or to private and governmental entities will improve customer service through the following activities:

- **Publish Customer Service Plans** – Within 180 days, each agency will post a customer service plan ("plan") to its Open Government website. The plan will identify implementation steps for the customer service activities outlined in EO 13571, including a high-level discussion of the process by which a "signature initiative" to use technology to improve the customer experience will be designed and executed. The plan will prepare agencies to integrate specific customer service goals into annual agency performance plans and reports, as called for by the Government Performance and Results Modernization Act (GPRA) of 2010. Additional details about the nature and scope of the customer service plan are in the appendix.

- Establish a Customer Service Task Force – To facilitate the exchange of best practices and the development of agency customer service plans and signature initiatives, OMB will coordinate a Customer Service Task Force (“Task Force”), comprised of agencies that provide significant services. that will meet regularly until agencies publish their plans. By June 30, 2011, each agency should identify a senior official, who will be responsible for the customer service plan and related agency goals, to represent the agency on the Task Force and submit the appropriate contact information on the MAX customer service initiative site, <https://max.omb.gov/community/x/2o0Zlg>. Before final publication in October, participating agencies will conduct a peer review of their customer service plans.

2. Advance Customer Service through Innovative Technology

With advances in technology and improvements in service delivery systems, customers’ expectations continue to rise. To meet these expectations and increase efficiency, the Federal Government must incorporate increasingly common, lower cost self-service options that leverage technology, such as those accessed by the Internet or mobile phone. These efforts will help the Federal Government streamline and make more efficient its service delivery to better serve the public.

- Establish a Signature Initiative: EO 13571 calls for each agency to establish one major initiative (a “signature initiative”) that uses technology to improve the customer experience, address the gap between customer expectation and agency service delivery, and achieve efficiency gains. Initiatives will be outlined in the agency customer service plan (additional details on plan formulation are in the appendix). Signature initiatives will draw on best practice models that demonstrate the ability to use innovative technologies to increase customer self-service, reduce the need for phone or walk in inquiries, and continuously learn from customers. For example, various Government entities have developed systems that enable customers to: reserve an office appointment online, reducing time spent waiting in line; complete an entire transaction independently online, limiting the need for calls or office visits; track the status of a service online, allowing access to updates via a mobile device; and set up mobile text alerts for notifications on a range of topics, including emergency announcements, thereby engaging the agency directly with the customer.

3. Solicit Timely Customer Feedback

Pursuant to EO 12862, agencies that provide significant services to the public must survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. EO 13571 expands the definition of “customer” and encourages the use of a broader set of tools to solicit actionable, timely customer feedback to capture insights and identify early warning signals.

- Create a “Fast Track” Review Process – Concurrent with the release of this guidance, the Office of Information and Regulatory Affairs (OIRA) will provide guidance to agencies on the

Paperwork Reduction Act and a “Fast Track” review process for efforts to gather customer feedback to improve service delivery.

- Provide Guidance on Customer Feedback Options – Concurrent with the release of this guidance, OIRA will post online introductory documents for program managers on different options for collecting customer feedback.

4. Improve Online Services

More than half of all Americans accessed a Federal website in 2010 – evidence that many Government services are now delivered online. While many Federal websites provide timely and accurate information and services, many others have redundant, outdated, hard to use, or poorly maintained content. There are nearly 2,000 top-level Federal .gov domains; within these top-level domains, there are thousands of websites, sub-sites, and microsites, resulting in an estimated 24,000 websites of varying purpose, design, navigation, usability, and accessibility. This duplication not only can cause confusion, but also wastes taxpayer dollars. To simplify access to Federal services, the Government needs a comprehensive and consistent strategy for managing its web resources efficiently and assuring that valuable content is available online and is readily accessible.

The Office of Management and Budget (OMB), the General Services Administration (GSA), the Office of Science and Technology Policy (OSTP), the Chief Information Officers Council, and the Federal Web Managers Council will work with agencies to accomplish the following:

- Freeze Establishment of New Federal Executive Branch Domains – Effective immediately, all agencies will cease creation of new .gov domains for 90 days. GSA’s Office of Governmentwide Policy (OGP) will approve new domains only for those requests that have received a written waiver from the Federal Chief Information Officer (CIO). Should agencies need to establish new web content within this timeframe, they should leverage existing .gov sites and infrastructure.
- Update .Gov Domain Policy and Guidelines – Within 30 days, the Federal CIO, in collaboration with GSA, will establish a task force to solicit and develop recommendations to update Federal executive branch .gov policy and guidelines and best practices for managing Federal websites.
- Eliminate Duplicative and Outdated Websites – Within 30 days, GSA will make publicly available on Data.gov a list of all registered top-level .gov domain names. This list will be updated regularly. Within 60 days, GSA will provide agency-specific lists on MAX and the Federal CIO will issue instructions for how agencies should identify opportunities to improve content as well as eliminate duplicative and outdated websites. Within 120 days, each agency will use the agency-specific domain name list and related instructions to identify domain names that are no longer needed, websites that should be consolidated or eliminated, and website content that needs to be improved. Agencies will post on their Open Government page the actions they will take as a result of their review.

We look forward to working with each of you on this important effort. If you have any questions regarding the first two sections of this Memorandum, Improving Customer Service Delivery or Advancing Customer Service through Innovative Technology, please direct them to Katie Malague at kmalague@omb.eop.gov or 202-395-4633. Questions about the sections related to Soliciting Timely Customer Feedback or Improving Online Services should be directed to Adam Neufeld at aneufeld@omb.eop.gov or 202-395-5020.

Appendix: Customer Service Plans

Nature and Scope of Services – Plans should address approximately three to five of the agency’s highest volume services, including the most critical and significant transactions with customers. Agencies will determine appropriate services to address in the customer service plan. Illustrative examples include:

- Providing access to forms, applications, program information, and data;
- Processing of benefits, loans, grants, taxes, permits, and licenses; and
- Enabling self-service options such as online transactions and mobile applications.

Components of the Plan – The plan will identify key customer groups for the selected three to five highest volume agency services and summarize implementation steps for the customer service activities outlined in EO 13571, including a high-level discussion of the process by which a signature initiative will be designed and executed. To focus efforts on the initiatives themselves, plans should be no longer than 10 pages. The plan will outline the agency’s approach, intended benefits, and implementation timeline for the following:

1. Connecting with Customers

- Establish mechanisms to solicit customer feedback on government services and use such feedback regularly to make service improvements, such as:
 - Collect ongoing, timely, actionable customer feedback to identify early warning signals of customer service issues; and
 - Conduct customer satisfaction surveys and report the results publicly to provide transparency and accountability.
- Improve the customer experience by adopting proven customer service best practices and coordinating across service channels (including on-line, phone, in person, and mail services), such as:
 - Develop a process for evaluating the entire customer experience, ensuring consistency across service channels;
 - Coordinate with other agencies serving the same customers, identifying opportunities for using common forms and application materials and processes;
 - Analyze customer preferences for interactions and redirect resources from less preferred and more costly channels (such as printed materials) to preferred, less costly, and more widely accessible channels (such as Internet and mobile services), where appropriate and applicable; and
 - Ensure access and usability for people with disabilities and hard-to-reach and disadvantaged customer populations.

2. Setting, Communicating, and Using Customer Service Standards

- Set clear customer service standards and expectations, including, where appropriate, performance goals for customer service required by the Government Performance and Results (GPRA) Modernization Act of 2010 (Public Law 111-352), such as:
 - Develop customer service standards that are understandable to the public, easily accessible at the point of service and on the Internet, and measurable (where appropriate); where possible, standards should include targets for speed, quality/accuracy, and satisfaction;
 - Report progress in meeting customer service standards;
 - Provide an easy and accessible mechanism for customers to find out where they are in a given process and how long it will likely take to obtain service;
 - Make agency service contact information readily available to the public; and
 - Ensure appropriate mechanisms for handling complaints and resolving issues in a timely and satisfactory manner.

- Streamline agency processes to reduce costs and accelerate delivery, while reducing the need for customer calls and inquiries, such as:
 - Continually identify and implement ways to eliminate unnecessary steps;
 - Analyze the most common customer inquiries and evaluate potential process and communications changes to reduce the need for them; and
 - Assess process and technology changes for their impact on the customer's experience.

3. Leveraging Technology and Innovation

- Establish one major initiative (a "signature initiative") that will use technology to improve the customer experience, aiming to:
 - Increase the efficiency of agency operations;
 - Identify ways to increase self-service, reduce the need for phone or walk-in inquiries, and continuously learn from customers; and
 - Build solutions that can be leveraged for other government services, or by third-party application developers, where possible.

- Identify ways to use innovative technologies to accomplish customer service activities, thereby lowering costs, decreasing service delivery times, and improving the customer experience, through activities such as:
 - Assess customer needs and expectations for services provided by the agency;
 - Analyze the gap between customer expectations and current agency service delivery;
 - Create and test a solution that meets the level of service needed to address the gap between the customer expectation and the agency's service delivery;
 - Gather customer feedback on the solution to determine whether it better meets customer needs; and
 - Use customer feedback to improve the solution, repeating the process to rapidly create an effective solution that meets the customer service need.



Correspondence Management System

Control Number: AX-11-000-9524

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Citizen Information

Citizen/Originator: **Walter, Barbara**

Organization: Richland County Republican Party

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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Alternate Number: N/A

Status: For Your Information

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Letter Date: Jun 13, 2011

Received Date: Jun 14, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

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- I am opposed to the EPA's plan to lower the ozone standards below the current 75 ppb level.

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
OP - Office of Policy
R5 - Region 5 -- 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 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 14, 2011

June 13, 2011

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

Administrator Jackson,

I am opposed to the Environmental Protection Agency's plan to lower the ozone standards below the current 75 ppb level. I feel this would be an extremely damaging mandate that could harm not only communities and businesses in Ohio but across the United States.

Despite the fact that the Clean Air Act requires the EPA to review these standards, the agency has decided to speed up the process and impose new standards just three years after lowering the levels in 2008. This decision by the EPA has created uncertainty and concern for many businesses and local governments who are struggling to comply with the current regulations.

Ohio has seen its fair share of struggles over the past few years as a result of the recession. In the past decade almost 11 percent of our state's employment disappeared. Despite these hardships, Ohio residents are determined to see our state turn around economically. However, all progress that has been made will be wiped away if the EPA lowers ozone standards. It is difficult for many to understand why the EPA would push for new regulations at a time when so many are looking to pick up the pieces and get back to work.

Studies show that these regulations would cost thousands of jobs and billions of dollars that could go into Ohio's economy. I cannot think of anything more irresponsible than for a federal agency such as the EPA to implement new policies knowing the economic impact it will have both short and long term.

It is impossible for local communities to meet ozone standards if new standards are going to be introduced every few years. Now is not the time for such drastic changes. I urge you to reconsider lowering ozone standards and take into consideration the impacts these decisions will have not only to Ohio but to the United States as a whole.

Sincerely,



Barbara Walter
Chairman
Richland County Republican Party

CC: Bill Daley, White House Chief of Staff
Valerie Jarrett, White House Office of Public Engagement and Intergovernmental Affairs
Senator Rob Portman, U.S. Senate
Senator Sherrod Brown, U.S. Senate



Correspondence Management System

Control Number: AX-11-000-9553

Printing Date: June 14, 2011 02:54:41



Citizen Information

Citizen/Originator: Sargeant, Winslow

Organization: U.S. Small Business Administration

Address: 409 Third Street, N.W., Washington, DC 20416

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9553

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 13, 2011

Received Date: Jun 14, 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: DRF - SBAR Panel - Convening of Panel on "Greenhouse Gas New Source Performance Standard for Electric Utility Steam Generating Units."

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

OSBP - Office of Small Business Programs

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 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 14, 2011

DAILY READING FILE



Advocacy: the voice of small business in government

June 13, 2011

BY ELECTRONIC MAIL

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

RE: SBAR Panel – Convening of Panel on “Greenhouse Gas New Source Performance Standard for Electric Utility Steam Generating Units.”

Dear Administrators Jackson and Sunstein:

On June 9, 2011, EPA convened a Small Business Advocacy Review (SBAR) panel on its upcoming rulemaking, “Greenhouse Gas (GHG) New Source Performance Standard (NSPS) for Electric Utility Steam Generating Units (EGUs).” The Office of Advocacy (Advocacy) does not agree that this panel should have convened at this time. We believe that EPA is not yet ready for this panel, since it has not provided the other panel members with information on the potential impacts of this rule and has not provided small entity representatives (SERs) with sufficient information upon which to discuss alternatives and provide recommendations to EPA. It is Advocacy’s position that EPA is not in compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) due to the lack of information provided and that a panel conducted under these circumstances is unlikely to succeed at identifying reasonable regulatory alternatives, as required by the Regulatory Flexibility Act (RFA).

Advocacy does not challenge EPA’s authority to implement controls of GHG emissions under the Clean Air Act through this rulemaking; to the contrary, we believe EPA has significant authority and discretion in this area. It is this broad discretion that leads Advocacy to believe that SERs have not been provided enough information to project how EPA will structure this regulation or establish the relevant standards. In the absence of information sufficient for SERs to appreciate the impact of the proposed rule and to identify regulatory options that would fulfill EPA’s statutory objectives, Advocacy believes that convening this panel is premature. The benefits of the SBAR panel will not be realized if the stakeholders are not presented and equipped with alternative regulatory options.

The Office of Advocacy

Congress established the Office of Advocacy under Pub. L. No. 94-305 to advocate the views of small entities before Federal agencies and Congress. Because Advocacy is an independent body within the U.S. Small Business Administration (SBA), the views expressed by Advocacy do not necessarily reflect the position of the Administration or the SBA.¹ The RFA,² as amended by SBREFA,³ gives small entities a voice in the federal rulemaking process. For all rules that are expected to have a “significant economic impact on a substantial number of small entities,”⁴ EPA is required by the RFA to conduct a SBAR Panel to assess the impact of the proposed rule on small entities,⁵ and to consider less burdensome alternatives. Moreover, federal agencies must give every appropriate consideration to any comments on a proposed or final rule submitted by Advocacy and must include, in any explanation or discussion accompanying publication in the Federal Register of a final rule, the agency’s response to any written comments submitted by Advocacy on the proposed rule.⁶

Background

Since the passage of SBREFA in 1996, EPA has been a “covered agency” under section 609 of the RFA. In that time, EPA, OMB, and SBA have jointly conducted almost 40 panels. EPA has also published valuable guidance to its program offices on compliance with the RFA, including the conduct of SBAR panels.⁷

SBAR panels give Small Entity Representatives (SERs) an opportunity to understand a covered agency’s upcoming proposed rule and provide meaningful recommendations to aid in the agency’s compliance with the RFA. The process starts with the covered agency notifying Advocacy with “information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected[.]”⁸ Upon convening of the panel, the RFA states that “the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual small entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c)[.]”⁹

¹ 15 U.S.C. § 634a, *et. seq.*

² 5 U.S.C. § 601, *et. seq.*

³ Pub. L. 104-121, Title II, 110 Stat. 857 (1996)(codified in various sections of 5 U.S.C. § 601, *et. seq.*).

⁴ See 5 U.S.C. § 609(a), (b).

⁵ Under the RFA, small entities are defined as (1) a “small business” under section 3 of the Small Business Act and under size standards issued by the SBA in 13 C.F.R. § 121.201, or (2) a “small organization” that is a not-for-profit enterprise which is independently owned and operated and is not dominant in its field, or (3) a “small governmental jurisdiction” that is the government of a city, county, town, township, village, school district or special district with a population of less than 50,000 persons. 5 U.S.C. § 601.

⁶ 5 U.S.C. § 604, *as amended by the Small Business Jobs Act of 2010*, Pub. Law No. 111-240, Sec. 1601.

⁷ *Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act*, OPEI Regulatory Development Series, U.S. EPA, November 2006.

⁸ § 609(b)(1).

⁹ § 609(b)(4). Section 603(b), paragraphs (3), (4), and (5) read:

“(3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

Advocacy believes that these requirements, read together and in the context of activity to be conducted prior to proposed rulemaking, require the agency to provide sufficient information to the SERs so that they can understand the likely form of the upcoming rulemaking, evaluate its potential economic impacts, and recommend alternative regulatory options that would minimize any significant economic impact while preserving the agency's regulatory objectives. Advocacy also believes that the statute clearly intends that the agency provide deliberative information as part of this process.

SBAR Panel

Advocacy received formal notification of EPA's intent to convene this panel at the end of March, and EPA convened the panel on June 9th. Draft outreach materials provided to Advocacy and OIRA for review since March and the outreach materials provided to the SERs on June 10th do not describe potential economic impacts or regulatory alternatives under development. The description of the proposed rule is a discussion of EPA's statutory obligation. In place of regulatory alternatives identified by the agency, these materials merely present regulatory options proposed by outside parties at listening sessions held separately by EPA during February. The outreach materials also present a spectrum of technologies that could be required by the proposed rule, based on work developed for separate section of the Clean Air Act, without any indication of which technologies could be required by an NSPS.

EPA has broad discretion to design a regulatory program to regulate GHGs under section 111 of the Clean Air Act. Advocacy believes that SERs have not been provided enough information to project how EPA will structure this regulation or establish the relevant standards. In the absence of information, SERs will be unable to understand potential impacts of the rulemaking and make recommendations about regulatory alternatives that would minimize the impacts on small entities while fulfilling EPA's goals. For this reason, Advocacy believes that convening this panel is premature, and that EPA should delay this panel until it has a clearer set of available regulatory alternatives and potential impacts available for discussion by the panel members and the SERs.

“(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
“(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.”

Section 603(c) reads:

“(c) Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as –
“(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
“(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
“(3) the use of performance rather than design standards; and
“(4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

Conclusion

Advocacy states its objection to the convening of this panel because we believe EPA is not providing sufficient information to the SERs. As a result, the SBAR panels will likely be unable to identify specific regulatory alternatives that would "accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities." We believe input from small entities will be valuable in this important rulemaking, and we want to ensure SERs on this SBAR panel are able to contribute effectively to this process.

I look forward to working with you to make sure the voice of small business is heard and considered. When done well, the SBAR panel process is an important channel for that voice, and it works to the benefit of all stakeholders.

Sincerely,

/s/

Winslow Sargeant, Ph.D
Chief Counsel for Advocacy

cc: Small Entity Representatives participating in the SBAR Panel on EGU GHG NSPS.



Correspondence Management System

Control Number: AX-11-000-9575

Printing Date: June 14, 2011 05:00:35



Citizen Information

Citizen/Originator: Enos, Diane

Organization: Salt River Pima-Maricopa Indian Community
Address: 10005 East Osborn Road, Scottsdale, AZ 85256-9722

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9575 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Jun 29, 2011 # of Extensions: 0
 Letter Date: Jun 9, 2011 Received Date: Jun 14, 2011
 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: DRF - Request for Consultation Regarding NGS BART Proceeding
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OAR - Office of Air and Radiation -- Immediate Office
 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
(b) (6) Personal Privacy	OEX	R9	Jun 14, 2011	Jun 29, 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.			

History

Action By	Office	Action	Date
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Correspondence Management System

Control Number: AX-11-000-9575

Printing Date: June 14, 2011 05:00:35



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Assign OITA as lead office	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Retracted Assignment	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Assign R9 as lead office	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAILY READING FILE

SALT RIVER

PIMA-MARICOPA INDIAN COMMUNITY

10005 East Osborn Road / Scottsdale, Arizona 85256-9722 / Phone (480) 362-7400 / Fax (480) 362-7593



June 9, 2011

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

RECEIVED
2011 JUN 14 PM 12:46
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Request for Consultation Regarding NGS BART Proceeding

Dear Ms. Jackson:

On May 20, 2011, the Gila River Indian Community wrote to you requesting that formal government-to-government consultation be initiated pursuant to the May 2, 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* in connection with EPA's ongoing Navajo Generating Station (NGS) Best Available Retrofit Technology (BART) rulemaking. We are writing to join that request for consultation.

Government-to-government consultation is necessary and appropriate prior to EPA taking any further action to advance the rulemaking, given the far-reaching and significant implications that EPA's BART determination for NGS could have for many tribal economies and cultures. As stated in the Community's May 20th letter, the gravity of these implications necessitates high-level and extensive consultations, and we urge you to initiate them as soon as possible in a manner that comports with the EPA's Policy and its trust obligations to tribes.

Respectfully,

Diane Enos
President



Correspondence Management System

Control Number: AX-11-000-9582

Printing Date: June 14, 2011 04:19:38



Citizen Information

Citizen/Originator: Goolsby, Thom

Organization: North Carolina General Assembly
Address: Legislative Building, Raleigh, NC 27601-2808

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9582 **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 14, 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: Daily Reading File - I am writing to voice my concern about an upcoming decision your agency intends to make regarding the standard for ozone presence in the air

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
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	Jun 14, 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-11-000-9582

Printing Date: June 14, 2011 04:19:38



Action By	Office	Action	Date
(b)(6) Personal Privacy	OEX	Assign OAR as lead office	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAILY READING FILE



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh, NC 27601-2808

RECEIVED

2011 JUN 14 PM 12:45

OFFICE OF THE
EXECUTIVE SECRETARIAT

SENATOR THOM GOOLSBY
9TH DISTRICT

June 8, 2011

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

Dear Administrator Jackson,

North Carolina takes great pride in its ability to attract and retain businesses. The state is consistently ranked by such news outlets and publications as CNBC, Forbes and Chief Executive Magazine as one of the top five states in the nation for maintaining a business-friendly climate.

Apart from our high-quality workforce, the most compelling reason we offer for firms to locate in North Carolina is our emphasis on common-sense regulation. A streamlined process for permits and licenses, "one-stop" applications to speed up paperwork, and regular reassessments of regulations already on the books help make this possible.

In fact, state lawmakers take great pride in our business climate and strive to ensure it is balanced and meets the needs of our constituents. For many of us, it is a top priority—particularly in today's economic environment.

I am writing, however, to voice my concern about an upcoming decision your agency intends to make regarding the standard for ozone presence in the air. The wrong decision will have a chilling effect on North Carolina's ability to mitigate the effects of the recession and, indeed, for any state intent on business development.

The Environmental Protection Agency has lowered the standard for ozone presence twice over the past several decades, and used its compliance and enforcement authority to ensure states meet the new standard. Businesses within a state must submit to monitoring, provide reports and invest in new equipment and procedures that mitigate the presence of ozone in order to help areas within the state reach attainment.

Now, your agency is considering ordering a new standard even as some areas of the country are still trying to achieve the last standard.

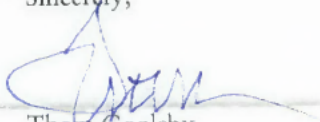
I believe the EPA should refrain from constricting the standard. A new ozone standard would have a devastating effect on North Carolina. Many of our firms compete on a global basis, and the costs and efforts involved in attaining a third new standard would set them back. I can foresee job losses and relocation to other states as well. Studies that have looked at the consequences of a new ozone standard project our state would lose more than 100,000 jobs and nearly \$20 billion in domestic product.



Even a cursory reading of the newspaper reveals the U.S. economy is still fragile; the rate of job growth is essentially flat, leaving us with more than 8% unemployment. Other economic indicators are problematic and indicate the nation is still struggling to reignite growth. Businesspeople are uncertain whether to invest because the signals from Washington, particularly on energy, healthcare and the environment, tell them that the risks are greater than the rewards.

If the EPA decides to implement a new standard, it will be a clear signal to the business community that Washington believes ideological regulation is more important than business stability and growth. To me, that is very serious and could have wide-reaching repercussions for the nation's long-term prospects. I would respectfully suggest the agency think carefully about the consequences of its actions and refrain from decisions that severely impede U.S. economic interests.

Sincerely,



Thom Goolsby
Senator, 9th District
North Carolina General Assembly



Correspondence Management System

Control Number: AX-11-000-9521

Printing Date: June 15, 2011 03:31:34



Citizen Information

Citizen/Originator: Boscola, Lisa M

Organization: Senate of Pennsylvania

Address: Senate Box 203018 The State Capitol, Harrisburg, PA 17120-3018

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9521

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jun 28, 2011

of Extensions: 0

Letter Date: Jun 13, 2011

Received Date: Jun 14, 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: Daily Reading File Letter of comment for GenOn Portland Power Station Docket ID No. EPA-HQ-OAR-201 1-0051

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R2 - Region 2 -- Immediate Office
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: Nancy Perry

Office: OAR-OAQPS-AQPD-GSG

Due Date: Jun 21, 2011

Assigned Date: Jun 14, 2011

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	OAR	Jun 14, 2011	Jun 28, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Gloria Hammond	OAR	OAR-OAQPS	Jun 14, 2011	Jun 23, 2011	N/A
Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).					



Correspondence Management System

Control Number: AX-11-000-9521

Printing Date: June 15, 2011 03:31:34



Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Sherry Russell	OAR-OAQPS	OAR-OAQPS-AQPD	Jun 14, 2011	Jun 22, 2011	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				
Johnetta Heilig	OAR-OAQPS-AQPD	OAR-OAQPS-AQPD-GSG	Jun 14, 2011	Jun 21, 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
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 14, 2011
Gloria Hammond	OAR	Accepted the group assignment	Jun 14, 2011
Gloria Hammond	OAR	Assign OAR-OAQPS as lead office	Jun 14, 2011
Sherry Russell	OAR-OAQPS	Accepted the group assignment	Jun 14, 2011
Sherry Russell	OAR-OAQPS	Assign OAR-OAQPS-AQPD as lead office	Jun 14, 2011
Johnetta Heilig	OAR-OAQPS-AQPD	Accepted the group assignment	Jun 14, 2011
Johnetta Heilig	OAR-OAQPS-AQPD	Assign OAR-OAQPS-AQPD-GSG as lead office	Jun 14, 2011
Nancy Perry	OAR-OAQPS-AQPD-GSG	Accepted the group assignment	Jun 14, 2011
Nancy Perry	OAR-OAQPS-AQPD-GSG	Take task	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

18TH DISTRICT
LISA M. BOSCOLA

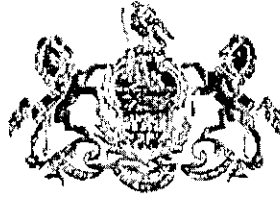
SENATE BOX 203018
THE STATE CAPITOL
HARRISBURG, PA 17120-3018
PHONE: (717) 787-4236
FAX: (717) 783-1257

MAIN STREET COMMONS
559 MAIN STREET, SUITE 270
BETHLEHEM, PA 18018
PHONE: (610) 868-8667
FAX: (610) 861-2104
TOLL FREE: 1-877-535-1818

DOMINICK A. LOCKWOOD BUSINESS CENTER
600 MAIN STREET, SUITE 112
STROUDSBURG, PA 18360
PHONE: (570) 420-2938
FAX: (570) 420-2941

WEST CATASAUQUA PROFESSIONAL BUILDING
2123 NORTH FIRST AVENUE, SUITE A-4
WHITEHALL, PA 18052
PHONE: (610) 266-2117
FAX: (610) 266-2169

Democratic Policy Committee Chair



Senate of Pennsylvania

June 9, 2011

COMMITTEES

CONSUMER PROTECTION & PROFESSIONAL
LICENSURE, MINORITY CHAIR
APPROPRIATIONS
JUDICIARY
BANKING AND INSURANCE
GAME & FISHERIES
RULES & EXECUTIVE NOMINATIONS

LEGISLATIVE SPORTSMEN CAUCUS
AMERICAN - ITALIAN CAUCUS
FIREFIGHTER & EMERGENCY SERVICES CAUCUS
AUTISM CAUCUS
ECONOMY, BUSINESS & JOB CAUCUS CO-CHAIR
EARLY CHILDHOOD EDUCATION CAUCUS
LEGISLATIVE HUNGER CAUCUS

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

Re: Docket ID No. EPA-HQ-OAR-2011-0081

Dear Ms. Jackson:

Thank you for the opportunity to provide comments with regard to the EPA's Section 126 Petition Hearing on the issue of the GenOn Portland Power Station, located in Upper Mount Bethel Township, Northampton County, Pennsylvania.

Let me begin by stating that it is imperative that GenOn take decisive action to reduce the level of SO₂ emissions at the Portland facility. There is no doubt that the SO₂ emissions are at a level that pose environmental risks in both Pennsylvania and New Jersey.

In that regard, the Commonwealth of Pennsylvania is in the process of implementing plans as required by EPA and the Clean Air Act National Ambient Air Quality Standard regulations that will require not only GenOn, but all Pennsylvania sources of SO₂ emissions to come into compliance with the new SO₂ standard. It is important to note that the standards developed under the MACT rule are anticipated to result in at least much reduction in SO₂ emissions as the standards under Section 126 and are expected to be published around November 1, 2011 with a three year compliance schedule. It is my hope that EPA will take this into consideration as they review the Section 126 petition.

Please know I share the concerns of our federal officials who represent the GenOn facility. Placing a requirement for the submission of a compliance plan 90 days after the final rule is issued will not allow GenOn to complete its review of alternatives that will produce the most effective emission reductions.

June 9, 2011

The economic impact of requiring a 90 day compliance plan submission or closing the facility under the Section 126 petition would be substantial. 70 GenOn employees would lose their jobs immediately. The \$60-80 million annually that GenOn spends in Pennsylvania will be lost, which will result in a loss of even more jobs within the local economy. Also, closing the facility could lead to higher electricity rates due to a reduction in electricity supply.

As stated at the beginning of my comments, GenOn must be required to develop an interim compliance strategy that reduces SO2 emissions substantially. I am requesting that the EPA work with GenOn to develop a timeline for the submission of a compliance plan that requires GenOn to reduce their emissions, which will allow them to complete their tests to develop the appropriate strategy for that reduction. It is my belief that this course of action will result in the reduction of SO2 emissions that will meet the goals of the Section 126 petition while not having the devastating economic impact and immediate closing of the Portland facility.

Thank you for the opportunity to provide these comments on this important matter. If you have any questions regarding my comments, please do not hesitate to contact me at anytime.

Sincerely,

A handwritten signature in black ink that reads "Lisa M. Boscola". The signature is written in a cursive style with a large initial "L" and "B".

Lisa M. Boscola
State Senator - 18th District



Correspondence Management System

Control Number: AX-11-000-9552

Printing Date: June 15, 2011 07:12:50



Citizen Information

Citizen/Originator: **Martin, Bob**

Organization: State of New Jersey Department of Environmental Protection
Address: Post Office Box 402, Trenton, NJ 08625-0402

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9552 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Jun 28, 2011 # of Extensions: 0
Letter Date: Jun 13, 2011 Received Date: Jun 14, 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: Daily Reading File comments on the United States Environmental Protection Agency's (USEPA) proposed rule to grant New Jersey's September 17, 2010 petition pursuant to Section 126 of the Clean Air Act, 42 U.S.C. ? 7426, seeking reductions in emissions from the coal-fired Portland Generating Station (Portland Plant) in Upper Mount Bethel Township, Northampton County, Pennsylvania. EPA Docket ID: EPA-HQ-OAR-2011-008I

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
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	Jun 14, 2011	Jun 28, 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-11-000-9552

Printing Date: June 15, 2011 07:12:50



History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 14, 2011
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
P.O. Box 402
TRENTON, NJ 08625-0402

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

June 13, 2011

Lisa P. Jackson, Administrator
United States Environmental Protection Agency
Office of the Administrator
401 M Street, SW
Room 1200 WT\1101
Washington, DC 20460

EPA Docket ID: EPA-HQ-OAR-2011-0081

Dear Administrator Jackson,

On behalf of the State of New Jersey, enclosed are comments on the United States Environmental Protection Agency's (USEPA) proposed rule to grant New Jersey's September 17, 2010 petition pursuant to Section 126 of the Clean Air Act, 42 U.S.C. § 7426, seeking reductions in emissions from the coal-fired Portland Generating Station ("Portland Plant") in Upper Mount Bethel Township, Northampton County, Pennsylvania. The petition demonstrates that emissions from the Portland Plant are significantly contributing to and causing nonattainment of the health-based 1-hour sulfur dioxide ("SO₂") National Ambient Air Quality Standard ("NAAQS") in New Jersey.

The State of New Jersey supports the proposed approval of the Section 126 petition for the Portland Plant. The State recognizes the significant effort the USEPA invested in its review of New Jersey's 126 petition and appreciates the favorable proposal to eliminate the negative impact of the Portland Plant emissions on air quality and human health.

New Jersey urges the USEPA to adopt the final rule as quickly as possible to provide relief to the affected citizens of New Jersey from the harm caused by the Portland Plant. We also note that the demonstrated area of health standard exceedances extends into 3 counties in Pennsylvania. Per Section 126(c)(2) of the Clean Air Act, the USEPA should require the shut-down of the coal-fired units at the Portland Plant within 3 months of its final rule. Any delay in achieving reductions at this plant is another potential unhealthy day for the citizens of New Jersey and Pennsylvania. New Jersey continues to see exceedances of the 1-hour SO₂ NAAQS at the Columbia Lake monitor 1.2 miles northeast of the Portland Plant.

The Clean Air Act does provide the possibility of up-to a three (3) year extension of the 3-month compliance deadline with interim measures. The USEPA proposed an interim 50% control level within a year, utilizing this provision of the Act. Neither an extension or a 50% reduction is acceptable to the state of New Jersey. New Jersey strongly believes that more reductions are possible and reasonable in a shorter timeframe. A power plant in New Jersey implemented short term measures (ultra-low sulfur coal), which provided over an 80% reduction in SO₂ emissions, changing from less than 1% sulfur coal to less than 0.2% sulfur coal.

The Portland Plant can reduce the amount of coal burned, change the coal to a much lower sulfur coal, and inject a reagent that will absorb some of the SO₂, to achieve 80 to 95% reduction. Reducing the amount of coal burned could be done immediately; changing from 2% sulfur coal to 0.2% sulfur coal would achieve 90% reduction at the Portland Plant; and dry sorbent injection could increase the emission reductions to over 95%.

Given the long term pollution track record of this plant, if significant reductions cannot be made expeditiously, New Jersey strongly supports the closure of the GenOn Portland plant. Over the longer term, a conversion to natural gas should be considered by GenOn. The burden to justify any operation beyond 90 days should be on GenOn. New Jersey urges the USEPA to ensure interim reductions are no less than 80% within 90 days, and 95% reductions are phased in as soon as possible.

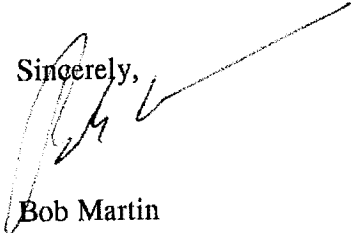
New Jersey is also providing comments on the independent modeling study performed by the USEPA. New Jersey's modeling correctly demonstrates that a reduction of 95% or better is needed to ensure our public's health is protected and to achieve and maintain attainment with the 1-hour SO₂ NAAQS.

The coal fired power plants in New Jersey are proof that controlling emissions from power plants is reasonable and possible. If New Jersey's 0.15 lbs SO₂ per million BTU emission limit were applied to the Portland Plant, over 95% reduction in SO₂ would result. New Jersey urges EPA to consider such limitations at the Portland Plant based on New Jersey's successful approaches to controlling these unhealthy emissions.

The most expeditious procedural route to reducing the harmful impacts of the Portland Plant's emissions is through the Section 126 timeframes and not the State Implementation Plan (SIP) process. Delaying action on a 126 petition in order to wait for the SIP process is also unlawful under Section 126 of the Clean Air Act. The SIP process would not achieve reductions until potentially the attainment date in 2017, whereas the 126 petition can result in reductions by 2012, five years earlier than the SIP timeframes. The citizens of New Jersey have suffered long enough, and the EPA has the power to provide them immediate relief.

Thank you for your continuing attention to this important public health problem. I welcome the opportunity to discuss this matter with you. I can be contacted at (609) 292-2885. Director Bill O'Sullivan, head of my Division of Air Quality, can be contacted at (609) 984-1484.

Sincerely,



Bob Martin
Commissioner

- c: Judith A. Enck, Regional Administrator, US EPA Region 2
- Shawn M. Garvin, Regional Administrator, US EPA Region 3
- Gina McCarthy, Assistant Administrator, Office of Air and Radiation, US EPA
- John Hanger, Secretary, PADEP
- Paula T. Dow, New Jersey Attorney General
- Irene Kropp, NJDEP Deputy Commissioner
- Wolf Skacel, NJDEP Assistant Commissioner
- Michael Ling, Associate Director, Air Quality Policy Division , US EPA



Correspondence Management System

Control Number: AX-11-000-9573

Printing Date: June 15, 2011 04:37:19



Citizen Information

Citizen/Originator: Walker, John D.

Organization: TSCA Interagency Testing Committee
Address: 1200 Pennsylvania Avenue, N.W., Washington, DC 20460

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9573 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jun 14, 2011 Received Date: Jun 14, 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- The Toxic Substances Control Act (TSCA) requires that the TSCA Interagency Testing Committee (ITC) revise the Priority Testing List every 6 months. I am pleased to transmit ITC's 68th Report.

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

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 15, 2011
Zelma Taylor	OCSP	OCSP-OPPT	Jun 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Jun 15, 2011



Correspondence Management System

Control Number: AX-11-000-9573

Printing Date: June 15, 2011 04:37:19



Action By	Office	Action	Date
Zelma Taylor	OCSP	Forwarded control to OCSP-OPPT	Jun 15, 2011

Comments

Commentator	Comment	Date
No Record Found.		

STATUTORY MEMBERS

Council on Environmental Quality
Department of Commerce
Environmental Protection Agency
National Cancer Institute
National Institute of Environmental Health Sciences
National Institute for Occupational Safety and Health
National Science Foundation
Occupational Safety and Health Administration

Thomas A. Nerad, Ph.D.
DOL/OSHA
Chairperson
Clifford Rice, Ph.D.
USDA
Vice Chairperson

TSCA INTERAGENCY TESTING COMMITTEE
U.S. EPA/OCSPP/OPPT (7401M)
EPA East Building, Room 5353
1201 Constitution Avenue, NW
Washington, DC 20460

JUN 14 2011

LIAISON MEMBERS

Agency for Toxic Substances and Disease Registry
Consumer Product Safety Commission
Department of Agriculture
Department of Defense
Department of the Interior
Food and Drug Administration

John D. Walker, Ph.D., M.P.H.
ITC Director
Carol Savage
Administrative Assistant
Telephone (202) 564-7527
Fax (202) 564-7528
Email: savage.carol@epa.gov

Lisa Jackson
Administrator
U. S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

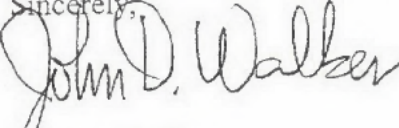
Re: 68th Report of the TSCA Interagency Testing Committee

Dear Administrator Jackson:

The Toxic Substances Control Act (TSCA) requires that the TSCA Interagency Testing Committee (ITC) revise the *Priority Testing List* every 6 months, transmit those revisions to the U.S. EPA Administrator and publish the *Priority Testing List* and its Report to the U.S. EPA Administrator in the *Federal Register*.

I am pleased to transmit ITC's 68th Report. At this time the ITC is adding cadmium and 103 cadmium compounds to the Toxic Substances Control Act (TSCA) section 4(e) *Priority Testing List*. In addition, the ITC is removing 29 HPV Challenge Program orphan chemicals, lead and 11 lead compounds from the *Priority Testing List* during this reporting period.

Thank you for your consideration of the ITC's 68th Report.

Sincerely,

John D. Walker
ITC Director

cc: Wendy Cleland-Hamnett

RECEIVED
2011 JUN 14 PM 12:46
OFFICE OF THE
EXECUTIVE SECRETARIAT



Correspondence Management System

Control Number: AX-11-000-9590

Printing Date: June 15, 2011 01:17:09



Citizen Information

Citizen/Originator: Lioy, Paul J

Organization: N/A

Address: 170 Frelinghuysen Road, Piscataway, NJ 08854

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9590

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 13, 2011

Received Date: Jun 15, 2011

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: DRF - Article on History of AP and NJ

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: R2 - Region 2 -- 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 15, 2011
Gloria Hammond	OAR	OAR-OAQPS	Jun 15, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-HEID	Jun 15, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-AQPD	Jun 15, 2011
Gracie Scott	OAR-OAQPS-AQPD	OAR-OAQPS-AQPD-SLP	Jun 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 15, 2011



Correspondence Management System

Control Number: AX-11-000-9590

Printing Date: June 15, 2011 01:17:09



Action By	Office	Action	Date
Gloria Hammond	OAR	Forwarded control to OAR-OAQPS	Jun 15, 2011
Sherry Russell	OAR-OAQPS	Forwarded control to OAR-OAQPS-HEID	Jun 15, 2011
Sherry Russell	OAR-OAQPS	Forwarded control to OAR-OAQPS-AQPD	Jun 15, 2011
Gracie Scott	OAR-OAQPS-AQPD	Forwarded control to OAR-OAQPS-AQPD-SLP	Jun 15, 2011

Comments

Commentator	Comment	Date
No Record Found.		

6114 12611 MW8
DAILY READING FILE

Message Information

Date 06/13/2011 01:08 PM
From "Paul Lioy" <plioy@eohsi.rutgers.edu>
To <jackson.lisa@epamail.epa.gov>
cc
Subject Article on History of AP and NJ

Message Body

Thought you and others might find this interesting – it was peer reviewed

Paul J. Lioy, Ph.D.

Professor and Vice Chair, Department of Environmental and Occupational Medicine, RWJMS
Deputy Director of Government Relations and Director of the Exposure Science Division of
the Environmental and Occupational Health Sciences Institute (EOHSI)

Robert Wood Johnson Medical School(RWJMS) - UMDNJ and Rutgers University

170 Frelinghuysen Road

Piscataway, NJ 08854

Ph: 732-445-0150

Fax: 732-445-0116

E-mail: plioy@eohsi.rutgers.edu

Author of DUST: Inside Story of its Role in the September 11th Aftermath

http://en.wikipedia.org/wiki/Paul_J._Lioy



ehp.1103540[1] - PJL-PGG Commentary on NJ AP.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

ehp

**ENVIRONMENTAL
HEALTH
PERSPECTIVES**

ehponline.org

**New Jersey: A Case Study of the Reduction in
Urban and Suburban Air Pollution from the
1950s to 2010**

Paul J. Liroy and Panos G. Georgopoulos

**doi: 10.1289/ehp.1103540 (available at <http://dx.doi.org/>)
Online 27 May 2011**



NIEHS

National Institute of
Environmental Health Sciences

National Institutes of Health
U.S. Department of Health and Human Services

Abstract

Background: Air pollution has been a topic of intense concern and study for hundreds of years. During the second half of the 20th Century the United States implemented regulations and controls to reduce the levels of Criteria Air Pollutants and achieve the National Ambient Air Quality Standards (NAAQS) for the protection of human health, while concurrently reducing the levels of toxic air pollutants. Objective: The following commentary traces the changes in air pollution in New Jersey (NJ), as a case study demonstrating the impact of local, State and Federal strategies to control emissions of pollutants and pollutant precursors from the 1950s until today. Discussion: The original NAAQS (1970-1995) have been achieved and significant progress has been made to achieve revised standards for ozone and PM_{2.5} in NJ, which in the past was considered as a highly polluted industrial State. Conclusions: Assuming no reversals on current regulations due to some major event or energy infrastructure disruption, outdoor air pollution reductions will continue to address health risks among specific segments of the general population affected by ozone/PM, and pollution caused by neighborhood, local, and regional point and mobile sources.



Correspondence Management System

Control Number: AX-11-000-9614

Printing Date: June 15, 2011 02:56:21



Citizen Information

Citizen/Originator: **Newell, Richard G**

Organization: U.S. Energy Information Administration
Address: 1000 Independence Avenue, S.W., Washington, DC 20585

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9614 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jun 10, 2011 Received Date: Jun 15, 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: DRF - Analysis of Seasonal Variation in the Use of Renewable Motor Fuels
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
OP - Office of Policy
ORD - Office of Research and Development -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Jun 15, 2011
Martha Faulkner	OAR	OAR-OTAQ	Jun 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 15, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OTAQ	Jun 15, 2011



Department of Energy

Washington, DC 20585

JUN 10 2011

RECEIVED

2011 JUN 15 AM 7:41

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Washington, D.C. 20460

Dear Madam Jackson:

I am writing in regard to the requirement set forth in Section 1501 of the Energy Policy Act of 2005 (Public Law 109-58). The requirement is that, for calendar years 2006 to 2012, the Administrator of the Energy Information Administration (EIA) conduct a study to determine whether excessive seasonal variations in the use of renewable motor fuels occurred. This is the first analysis EIA has conducted of this issue since complete data were not available until 2010 with which to conduct such a study.

The Act defines excessive variations, and if such variations occur, requires EIA to assess if they might persist and if constraining the variations would significantly increase fuel prices. If a determination of excessive seasonal variation in renewable fuel use is made by EIA, the U.S. Environmental Protection Agency is then obligated to promulgate regulations to prevent excessive seasonal variation in renewable fuel use.

EIA has found no excessive seasonality. The enclosure summarizes our findings. If you have further questions, please contact John Conti, Assistant Administrator for Energy Analysis, at 202-586-2222.

Sincerely,

Richard G. Newell
Administrator
U.S. Energy Information Administration

Enclosure

cc: The Honorable Gina McCarthy
Assistant Administrator for Air and Radiation
Environmental Protection Agency

Ms. Margo Oge
Director, Office of Transportation and Air Quality
Environmental Protection Agency



Analysis of Seasonal Variation in the Use of Renewable Motor Fuels

U.S. Energy Information Administration

June 2011

Section 1501 of the Energy Policy Act of 2005 (Public Law 109-58) requires the U.S. Energy Information Administration (EIA) to determine whether there is excessive seasonal variation in the use of renewable motor fuels from 2006 through 2012. Our analysis of that issue, reported in this paper, finds that there was no excess seasonality in renewable fuel use during the 2006 to 2010 period and that there is no reason to expect that excess seasonality will occur in 2011 or 2012.

The statute requires EIA to determine the percentage of renewable fuel use in each of two six-month periods during the calendar year. The two 6-month periods are April through September and October through March. For purposes of this report, the former period is identified as "summer," and the latter period is identified as "winter." If the percentage of renewable fuel use falls below 25 percent of the annual total in either period, EIA is required to determine whether such strong seasonality is likely to continue in future calendar years, and, if so, whether regulations to constrain renewable fuel usage to at least 25 percent in either of the specified periods will significantly increase motor fuel prices. Since we do not find excess seasonality to be an issue, we offer no further analysis of regulations to constrain seasonal fuel use.

Fuel ethanol and biodiesel are the major renewable fuels currently used in the transportation sector. Given our understanding that the intent of the Section 1501 requirement is to monitor large potential demand swings that could affect supply, separate calculations were performed for each of the two renewable motor fuels. The summer share for each calendar year and fuel is the sum of monthly consumption in April through September divided by annual consumption. The winter share is simply 100 percent less the summer share.

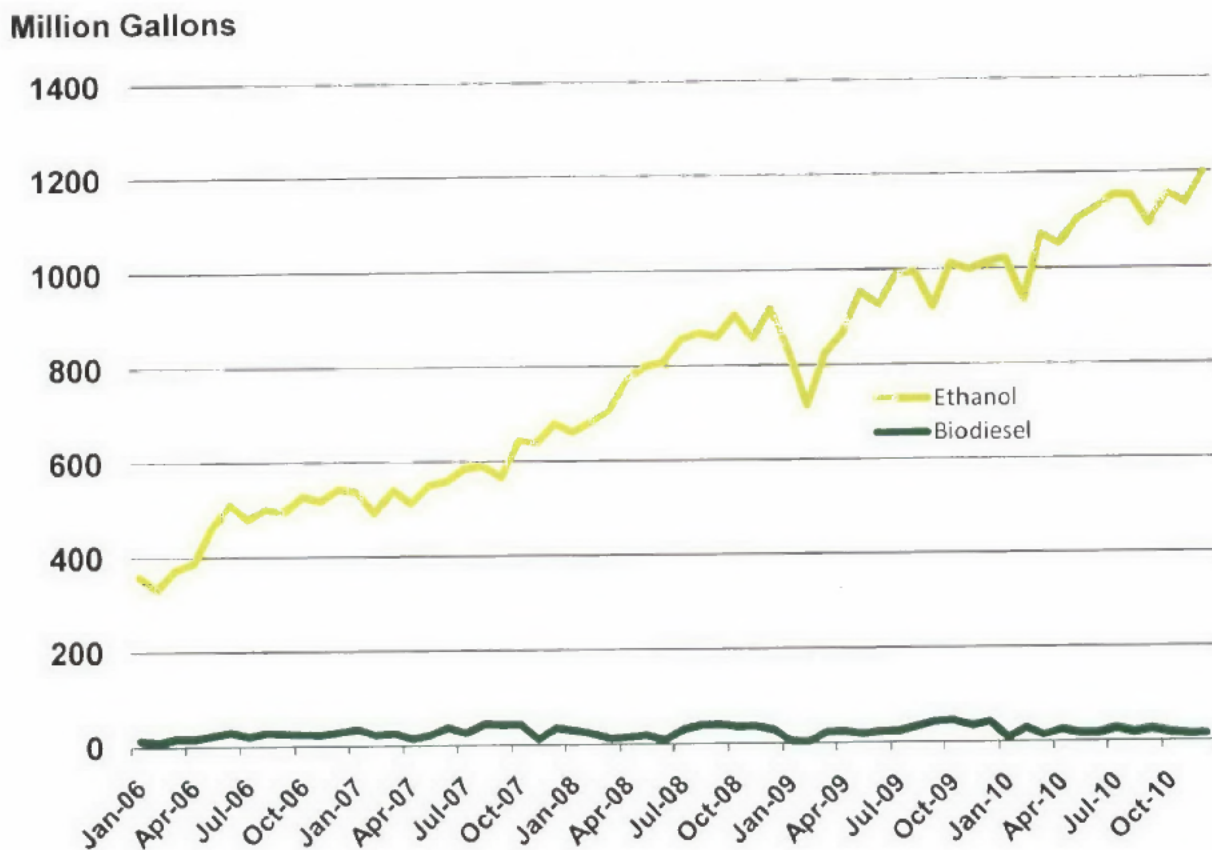
EIA renewable motor fuel data collected prior to 2010 are incomplete, but the available data show a seasonal pattern similar to that in the 2010 data, with relatively small seasonal variations in use. Figure 1 shows monthly ethanol and biodiesel consumption from January 2006 through December 2010. Figure 2 displays the summer share of ethanol consumption for 2006 through 2010, the last year for which 12 months of data are available, while Figure 3 displays the corresponding summer share of biodiesel consumption.

As shown in Figure 2, ethanol consumption is approximately evenly divided between summer and winter, and we expect that it will remain so in the future. The first Renewable Fuels Standard (RFS1), established by the Energy Policy Act of 2005, was much smaller than the current Renewable Fuels Standard (RFS2), established under the Energy Independence and Security Act of 2007 (Pub. L. 110-140). RFS1 could have been met mostly by blending ethanol during the winter period, when ethanol's adverse effect on gasoline volatility is least problematic. This consumption pattern would have necessitated more storage for corn or finished ethanol and underutilization of ethanol production and distribution capacity during part of the year. But rising levels of ethanol use, driven by the RFS1, oil prices, feedstock economics, tax credits, and air quality regulations, required year-round ethanol blending.

With the implementation of RFS2, nearly every gallon of gasoline will be blended with ethanol, unless feedstock supply is disrupted. However, any imbalance in renewable fuels consumption due to agriculture market volatility would not be expected to persist in succeeding years and therefore should not require regulatory action.

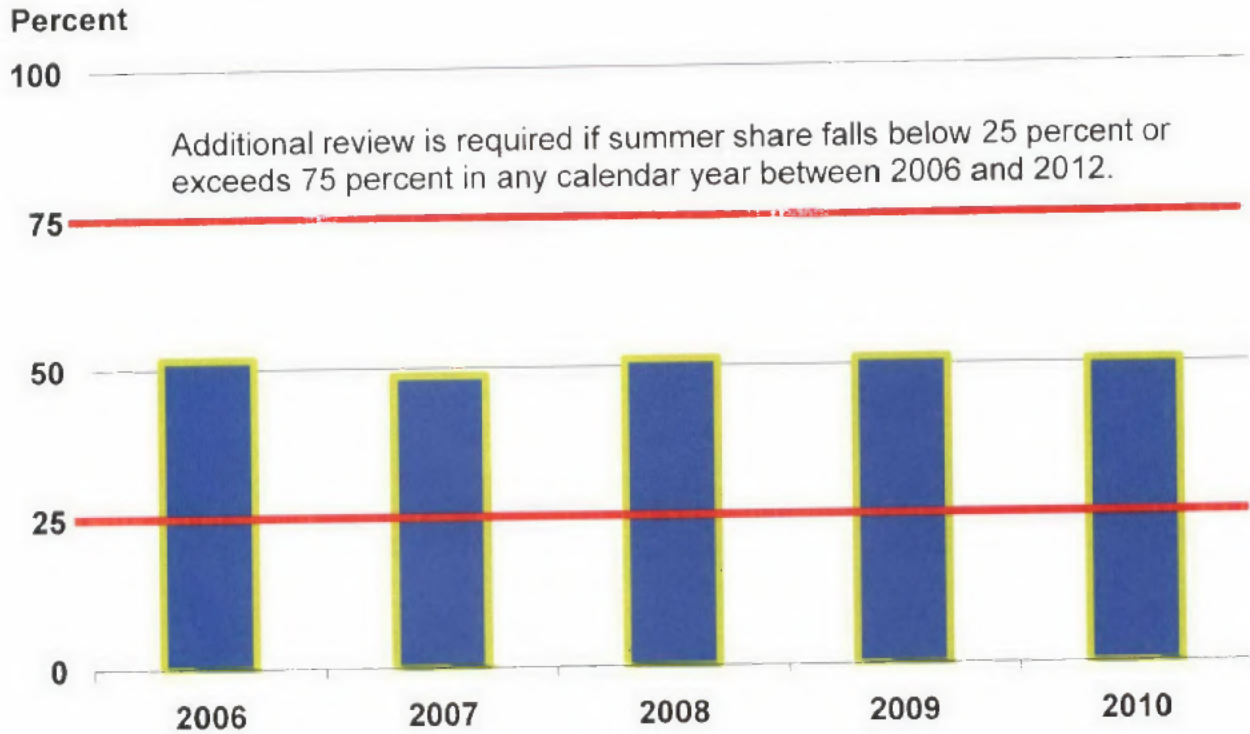
Turning to biodiesel, Figure 3 shows that consumption was also divided approximately evenly between the winter and summer periods in 2006 through 2010, notwithstanding the possibility that concerns over operational problems related to fuel flow and filter plugging in cold weather might have led biodiesel consumption to be concentrated in the summer period.

Figure 1: Monthly Ethanol and Biodiesel Consumption



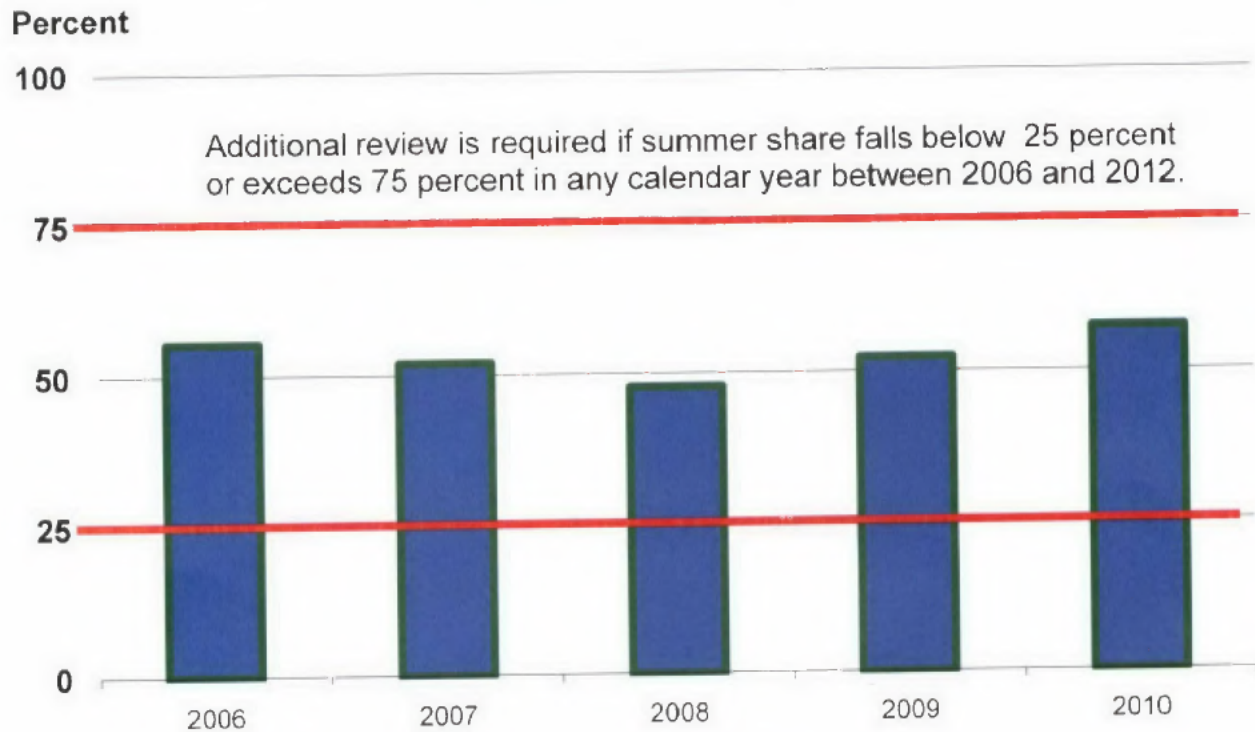
Source: U.S. Energy Information Administration, *Monthly Energy Review*, March 2011, Tables 10.3 and 10.4.

Figure 2: Summer Share of Ethanol Consumption



Source: U.S. Energy Information Administration, *Monthly Energy Review*, March 2011, Table 10.3.

Figure 3: Summer Share of Biodiesel Consumption



Source: U.S. Energy Information Administration, *Monthly Energy Review*, March 2011, Table 10.4.



Correspondence Management System

Control Number: AX-11-000-9649

Printing Date: June 15, 2011 12:53:04



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-11-000-9649 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jun 14, 2011 Received Date: Jun 15, 2011
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 The National Security Affairs Calendar for the upcoming months is attached May 30, 2011- October 8,2012
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

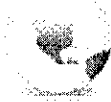
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Jun 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 15, 2011
(b) (6) Personal Privacy	OEX	Forward control to OITA	Jun 15, 2011



Memo from Department of State Exec Sec Stephen D. Mull: National Security
Affairs Calendar SENSITIVE BUT UNCLASSIFIED/FOR OFFICIAL
GOVERNMENT USE ONLY - S/ES No. 201110186

Garcia, Indira G to: ABlinken, anneem, balline, Brenda.Mackall,
Carol.Darr, Carol.Kennedy, Carol.Matthews, Charles.H.Scales, Charley.L.Diaz, 06/14/2011 01:29 PM

SENSITIVE BUT UNCLASSIFIED

FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR NATHAN D. TIBBITS

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

The National Security Affairs Calendar for the upcoming months is attached. Please transmit the attached materials to the Executive Secretary-level representative noted on the attached National Security Affairs Calendar Distribution Sheet.

NOTE: CIRCULATION OF THE NATIONAL SECURITY AFFAIRS CALENDAR IS LIMITED TO MEMBERS LISTED ON THE DISTRIBUTION SHEET.

<<Final Dist 201110186>> <<201110186>>

Stephen D. Mull

Executive Secretary

SENSITIVE BUT UNCLASSIFIED

FOR OFFICIAL GOVERNMENT USE ONLY

201110186



United States Department of State

Washington, D.C. 20520

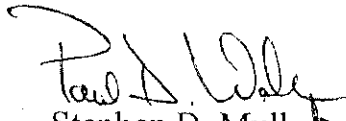
June 13, 2011

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR NATHAN D. TIBBITS
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

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


Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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FOR OFFICIAL GOVERNMENT USE ONLY

June 13, 2011

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- May 30 - Jun 17 UN Human Rights Council, 17th Session, Geneva
- Jun 3-19 International Labor Organization (ILO) Conference, Geneva
- Jun 6-13* Private Visit of Queen Margrethe and Prince Henrik of Denmark to Washington and New York
- Jun 8-15 Visit of Secretary of State Clinton to the United Arab Emirates, Zambia, Tanzania and Ethiopia
- Jun 10-14* Visit of President Pires of Cape Verde to Washington
- Jun 12-13 World Economic Forum on East Asia, Jakarta
- Jun 12-15* Private Visit of Prime Minister Douglas of St. Kitts and Nevis to Washington
- Jun 12-17* Private Visit of President Toribiong of Palau to Washington
- Jun 13* Symposium on Changing Mindsets to Promote Women and Girls in Science, Washington
- Jun 13-14 U.S.-India Strategic Security Dialogue, Vienna
- Jun 13* Private Visit of President Mutharika of Malawi to Washington

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2

Jun 14* U.S.-Japan-Australia Trilateral Strategic Dialogue, Washington

Jun 16* Visit of President Elbegdorj of Mongolia to Washington

Jun 16-18 2011 St. Petersburg International Economic Forum Preliminary Program (SPIEF), St. Petersburg

Jun 17* 4th U.S.-Vietnam Political, Security and Defense Dialogue, Washington

Jun 20-24 International Atomic Energy Agency (IAEA) High-Level Ministerial Conference on Nuclear Safety, Vienna

Jun 20-24* Visit of Foreign Secretary del Rosario of the Philippines to Washington

Jun 20-24* Visit of Foreign Minister da Costa of Timor-Leste to Washington

Jun 20-24 9th International Conference on Environmental Compliance and Enforcement, Whistler

Jun 20-23 World Justice Forum III, Barcelona

LOOKING FORWARD

Jun 21-22 UN Ministerial Meeting on Energy and Green Industry, Vienna

Jun 21-23 Vienna Energy Forum, Vienna

Jun 21* U.S.-Japan Security Consultative Committee Meeting, Washington

Jun 21* Visit of Foreign Minister Matsumoto and Defense Minister Kitazawa of Japan to Washington

Jun 21-26 Visit of First Lady Michelle Obama to South Africa and Botswana

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Jun 21-22 18th Annual Commission for Environmental Cooperation (CEC) Ministerial Council Session, Montreal

Jun 21-22 Visit of U.S. Environmental Protection Agency Administrator Jackson to Canada

Jun 21* Australia-U.S. Defense Talks, Washington

Jun 22-23 G-20 Agriculture Ministerial Meeting, Paris

Jun 22-23 Central American Integration System (SICA) International Conference, Guatemala City

Jun 23-24 U.S.-Azerbaijan Pol-Mil Talks, Baku

Jun 24* Visit of Foreign Minister Kim of the Republic of Korea to Washington

Jun 25 - Jul 4 Special Olympics, Athens

Jun 26 - Jul 17 2011 FIFA Women's World Cup, Germany

Jun 26-28* Visit of Crown Prince Philippe and Crown Princess Mathilde of Belgium to Washington

Jun 27-28* Visit of Foreign Minister Vanackere of Belgium to Washington

Jun 27 - Jul 1* U.S.-Egypt Business and Trade Facilitation Initiative Forum, Washington

Jun 27* Diplomacy Conference on U.S.-Caribbean Policy, Washington

Jun 27* U.S. Trade and Development Agency's "Egypt: Forward" Trade and Investment Forum, Washington

Jun 28 - Jul 1* U.S.-Chile Defense Consultative Committee (DCC), Washington

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- Jun 28-29 Organization for Economic Cooperation and Development (OECD) High Level Meeting: The Internet Economy: Generating Innovation and Growth, Paris
- Jun 29* U.S.-Israel Political-Military Group, Washington
- Jun 29-30 Global Initiative to Combat Nuclear Terrorism Implementation and Assessment Group (IAG) and Plenary Meeting, Daejeon, Republic of Korea
- Jun 30 P-5 Conference on Verification, Transparency and Confidence-Building, Paris
- Jul 3 Parliamentary Elections in Thailand
- Jul 9 Southern Sudan Independence
- Jul 11-15 2011 Preparatory Committee (PrepCom) Meeting on Arms Trade Treaty (ATT), New York
- Jul 12* Ministerial-Level Meeting of the President's Global Open Government Partnership (OGP), Washington
- Jul 13* Visit of Foreign Minister Lavrov of Russia to Washington
- Jul 14* Visit of Foreign Minister Naseem of Maldives to Washington
- Jul 17 Presidential Elections in Sao Tome and Principe
- Jul 18-20 Central Asia and Afghanistan Women's Economic Symposium, Bishkek
- Jul 19 2nd Round U.S.-India Strategic Dialogue, New Delhi

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Jul 21-23	East Asia Summit (EAS) Informal Foreign Ministers' Consultations and 18th Association of Southeastern Asian Nations (ASEAN) Post Ministerial Conference (PMC) and ASEAN Regional Forum (ARF) Ministerial, Lower Mekong Initiative (LMI), Bali
Jul 24	U.S.-Indonesia Joint Commission Meeting, Bali
Aug 7	Presidential Elections in Cape Verde
Aug 21-25	APEC Business Advisory Council (ABAC) III, Lima
Sep TBD	Presidential and Parliamentary Elections in Egypt
Sep TBD	Official Launch of the Global Counterterrorism Forum (GCTF), New York
Sep TBD*	2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington
Sep 6-9	Pacific Islands Forum, Auckland
Sep 9-10	G-7 Finance Ministerial Meeting, Marseille
Sep 11	Presidential and Legislative Elections in Guatemala
Sep 12-26	Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3 and Related Meetings, San Francisco
Sep 12-16	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sep 13-16	9th Asia-Pacific Economic Cooperation (APEC) Women and Economy Summit, San Francisco
Sep 13	66th United Nations General Assembly Commences, New York

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- Sep 13 Asia-Pacific Economic Cooperation (APEC) High-Level Meeting on Energy Efficiency and Sustainable Transportation, San Francisco
- Sep 14-16 Annual Meeting of the New Champions 2011, Dailian, PRC
- Sep 14 Asia-Pacific Economic Cooperation (APEC) Transportation and Energy Ministerial, San Francisco
- Sep 15 Australia-U.S. Ministerial (AUSMIN) 2011, San Francisco
- Sep 19-20 66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
- Sep 20 66th United Nations General Assembly Desertification High-Level Session, New York
- Sep 21 66th United Nations General Assembly General Debate begins, New York
- Sep 22 Subnational Legislative Elections in Saudi Arabia (Snap)
- Sep 23 UN Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, New York
- Sep 23-25* 2011 World Bank/IMF Annual Meetings, Washington
- Sep 24 Legislative Elections in the United Arab Emirates
- Sep 24 Parliamentary Elections in Bahrain (Snap)-1st Round
- Sep 26 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 27-30 Internet Governance Forum (IGF), Nairobi
- Oct TBD Election of UN Security Council Non-Permanent Members

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7

Oct TBD*	U.S.-India Higher Education Summit, Washington
Oct 1	Parliamentary Elections in Bahrain (Snap)-2nd Round
Oct 3-28	UNGA First (Disarmament and International Security) Committee, New York
Oct 5-6	North Atlantic Treaty Organization (NATO) Defense Ministers Meeting, Brussels
Oct 9-10	Summit on the Global Agenda 2011, Abu Dhabi
Oct 11	Presidential and Legislative Elections in Liberia
Oct 16	G-20 Finance Ministerial, Paris
Oct 17-18	International Congress on Energy Security, Geneva
Oct 17-21	IAEA: International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna
Oct 21-23	World Economic Forum on the Middle East, Dead Sea, Jordan
Oct 21-23 (T)	Association of Southeastern Asian Nations (ASEAN) Summit and related Summits including 3rd U.S.-ASEAN Summit and East Asia Summit (EAS), Bali
Oct 23	Legislative Elections in Tunisia (Snap)
Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Nov TBD	Pacific Island Conference of Leaders, Honolulu
Nov TBD	Presidential Elections in Egypt

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Nov 1	High-Level Forum on Aid Effectiveness, Seoul
Nov 3-4	G-20 Summit, Cannes
Nov 7-9	APEC Business Advisory Council (ABAC) IV, Honolulu
Nov 8-9	Asia-Pacific Economic Cooperation (APEC) Concluding Senior Officials Meeting and Related Meetings, Honolulu
Nov 10	Asia-Pacific Economic Cooperation (APEC) Finance Ministerial, Honolulu
Nov 10-11	Asia-Pacific Economic Cooperation (APEC) CEO Summit, Honolulu
Nov 11	Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu
Nov 12-13	19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu
Nov 13-15	India Economic Summit, Mumbai
Nov 14-18	International Atomic Energy Agency (IAEA) International Conference on Research Reactors, Rabat
Nov 17-18	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Nov 17 (T)	East Asia Summit (EAS) Meeting, Indonesia
Nov 17 (T)	U.S.-ASEAN Leaders Meetings, Indonesia
Nov 24	Presidential Elections in Gambia
Nov 26	Parliamentary Elections in New Zealand

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9

- Nov 28 (T) Presidential and Legislative Elections in the Democratic Republic of Congo
- Nov 28 - Dec 9 17th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 7) to the Kyoto Protocol, Durban
- Dec 5-22 Biological Weapons Convention 7th Review Conference, Geneva
- Dec 5 International Afghanistan Conference, Bonn
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Vilnius
- Dec 7-8 North Atlantic Treaty Organization (NATO) Foreign Ministers Meeting, Brussels
- Dec 12-19 World Trade Organization (WTO) Ministerial Conference, Geneva
- 2012** Jan 23 - Feb 17 World Radiocommunications Conference 2012 (WRC-12), Geneva
- Jan 25-29 World Economic Forum Annual Meeting, Davos-Klosters
- Feb TBD 48th Munich Security Conference, Munich
- Mar 12-17 6th World Water Forum, Marseille
- Mar 26-27 Nuclear Security Summit, Republic of Korea
- Apr 14-15 6th Summit of the Americas, Cartagena
- May 14-16 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

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Correspondence Management System

Control Number: AX-11-000-9673

Printing Date: June 16, 2011 01:41:05



Citizen Information

Citizen/Originator: Kauffman, Rob

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: PO Box 202089, Room 7, East Wing, Harrisburg, PA 17120

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9673

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 1, 2011

of Extensions: 0

Letter Date: Jun 3, 2011

Received Date: Jun 16, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

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 - EPA should not impose a new ozone mandate on Pennsylvanians or the American people

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
OEAAE - 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 16, 2011	Jul 1, 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-11-000-9673

Printing Date: June 16, 2011 01:41:05



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 16, 2011
Martha Faulkner	OAR	Accepted the group assignment	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		

ROB KAUFFMAN, MEMBER
89TH LEGISLATIVE DISTRICT



DEPUTY WHIP

Committees:
Agriculture & Rural Affairs
Consumer Affairs
Labor & Industry
State Government

House of Representatives

Commonwealth of Pennsylvania
Harrisburg

June 3, 2011

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

Dear Administrator Jackson,

I represent parts of Cumberland and Franklin counties in Pennsylvania. In the past, these areas have worked to attain ground-level ozone standards as set forth by the EPA in 1997 and 2008. These efforts to reach attainment involved the considerable work and resources of thousands of individuals in the government and private sectors of these counties.

Beginning in the fall of 2008, this country plunged into a major financial crisis that has done considerable damage to our economy. Many companies in my district have struggled, some have gone out of business, and unemployment is at an all-time high. Surviving businesses and jobholders are stressed to retain profits and make ends meet.

I cite these conditions because amidst the difficult economic recovery my district, the state and nation are experiencing, the Environmental Protection Agency is deciding whether to implement a new ozone standard that will place an additional set of regulatory burdens on the private sector.

These burdens are not minor matters. Research groups have studied past ozone efforts and correlated them to the costs and results of the new one the agency is considering. They project the Commonwealth of Pennsylvania will lose more than 350,000 jobs with nearly 90 billion dollars taken out of our economy if the new ozone standard is implemented. This would obviously be a devastating loss for the state.

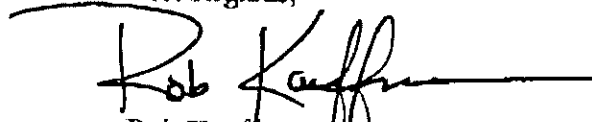
The research also shows that if your agency lowers the ozone standard to between 60 and 70 ppb, ninety percent of the nation would be noncompliant, including probably most of Pennsylvania.

Harrisburg Office: Room 7, East Wing – PO Box 202089 – Harrisburg, PA 17120 – Phone: (717) 705-2004 – Fax: (717) 787-9840
Chambersburg Office: 166 South Main Street – Chambersburg, PA 17201 – Phone: (717) 264-3943 – Fax: (717) 264-2893
Shippensburg Office: 9974 Molly Pitcher Highway – Shippensburg, PA 17257 – Phone: (717) 532-1707 – Fax: (717) 532-5043

Beyond the burdens placed on existing firms, the permitting requirements, added costs, and restrictive criteria caused by any new standard will serve to drive businesses away from Pennsylvania, particularly those engaged in manufacturing. Investors and owners will look to locate either in an area not affected by the ozone mandate or simply go offshore, taking their jobs and tax base with them.

There are appropriate times to pursue regulatory efforts. This period of weak economic recovery is not one of them. For that reason, the EPA should not impose a new ozone mandate on Pennsylvanians or the American people.

Best Regards,

A handwritten signature in black ink that reads "Rob Kauffman". The signature is written in a cursive style with a long horizontal line extending to the right.

Rob Kauffman, State Representative
89th Legislative District
Pennsylvania House of Representatives

CC: Honorable Tom Corbett, Fax (717) 772-8284
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



Correspondence Management System

Control Number: AX-11-000-9678

Printing Date: June 16, 2011 01:42:53



Citizen Information

Citizen/Originator: Baker, William C.

Organization: Chesapeake Bay Foundation
Address: Philip Merrill Environmental Center 6 Herndon Avenue, Annapolis, MD 21403

Fitzpatrick, Neal

Organization: Audobon Naturalist Society
Address: 8940 Jones Mill Road, Chevy Chase, MD 20815

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-000-9678	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Jul 1, 2011	# of Extensions:	0
Letter Date:	Jun 9, 2011	Received Date:	Jun 16, 2011
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:	DRF - Concern over the dispute between U.S. DOD and U.S. EPA with respect to certain performance standards contained in the current draft final Municipal Separate Storm Sewer System (MS4) Clean Water Act Permit for the District of Columbia		
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 OGC - Office of General Counsel -- Immediate Office 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	OW	Jun 16, 2011	Jul 1, 2011	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					

Supporting Information

Supporting Author: N/A



Correspondence Management System

Control Number: AX-11-000-9678

Printing Date: June 16, 2011 01:42:53



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OW as lead office	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		



DAILY READING FILE

CHESAPEAKE BAY FOUNDATION

Saving a National Treasure



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2011 JUN 15 PM 1:20

OFFICE OF THE
EXECUTIVE SECRETARIAT

June 9, 2011

The Honorable Nancy Sutley
Chair, President's Council on Environmental Quality
730 Jackson Place, NW
Washington, D. C. 20503

The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency, and
Chair, Federal Leadership Committee for the Chesapeake Bay
1200 Pennsylvania Avenue, NW
Washington, D. C. 20460

The Honorable Robert Gates
Secretary, U. S. Department of Defense
Office of the Secretary of Defense
1000 Defense Pentagon
Washington, D. C. 20301-1000

Dear Chair Sutley, Administrator Jackson, and Secretary Gates:

We are writing to express our great concern over the dispute between U.S. DOD and U.S. EPA with respect to certain performance standards contained in the current draft final Municipal Separate Storm Sewer System ("MS4") Clean Water Act Permit for the District of Columbia. We urge you to seek a quick resolution that fully achieves the President's necessary and aggressive policies, and models behaviors and actions with respect to Chesapeake Bay restoration, as expressed in Executive Order 13508, the federal Chesapeake Bay Restoration Strategy, and the Chesapeake Bay Total Maximum Daily Load ("TMDL") for various pollutants.

The U.S. EPA/U.S. DOD MS4 Permit Dispute

The District of Columbia's Federal Clean Water Act Permit for Municipal Separate Storm Sewer Systems ("MS4") has been "in process" and administratively extended since 2009, after the 2004

Permit expired. The current draft represents the third permit cycle for this important Permit; the previous Permit had been legally challenged as ineffective, with a settlement reached to improve it. Poor water quality continues to plague the District's impaired surface waters, which have shown no improvement since being listed by the U. S. Environmental Protection Agency pursuant to Federal Clean Water Act mandates.¹ Rainwater runoff – “stormwater” – is effecting serious damage upon local waterways and contributing to continuing water pollution problems in the Chesapeake Bay watershed, as well as across the nation.²

Indeed, in response to the recently adopted Total Maximum Daily Load for the Chesapeake Bay, the District of Columbia developed a Watershed Implementation Plan (“WIP”). Due to the influence of stormwater pollution, the MS4 Permit is a keystone element in the District's WIP.³ Given the fact that federal facilities constitute 30% of the District's land area, a significant amount of the surface pollution loads are necessarily apportioned to those lands and facilities and, as the WIP makes clear, “[i]t is impossible for the District to solve this problem without cooperation from the Federal partners.” The Department of Defense constitutes the second largest federal landowner in the District, after the National Park Service.⁵ Thus, the District cannot meet its TMDL obligations without successful and complete implementation of its WIP including the MS4 Permit, as it addresses stormwater runoff from federal facilities.

As noted in the District of Columbia's Phase I WIP:

Two years ago, the Energy Independence and Security Act of 2007 (“EISA”) [Public Law 110-140] became law. Specifically, Section 438 of this Act directs federal agencies (property owners) to begin managing stormwater on their sites more effectively than is currently practiced. “The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow” (EISA Section 438). As EISA took effect, DDOE began in earnest to coordinate with our federal partners. DDOE initiated and conducted a workshop for federal facilities in March of 2009 to explain the EISA language and its impacts on federal facilities. The purpose of the workshop was to explore innovative ways in which these agencies might implement

¹ Draft 2010 §303(d) List; 2008 Integrated Report, at Appendix 3.4.

² US Environmental Protection Agency, Office of the Inspector General, Evaluation of Chesapeake Bay Restoration Efforts to Reduce Urban Nonpoint Sources of Nutrients and Sediment, Assignment Number 2006--3-3, Initial Memorandum Report, April 18, 2006.; US Environmental Protection Agency, Office of the Inspector General, Development Growth Outpacing Progress in Watershed Efforts to Restore the Chesapeake Bay, Evaluation Report No. 2007-P-00031, September 10, 2007; National Research Council, Water Sciences and Technology Board, Committee on Reducing Stormwater Discharge Contributions to Water Pollution, *Urban Stormwater Management in the United States*, National Academies Press, 2009.

³ U.S. Environmental Protection Agency, Clean Water Act Section 303(d): Notice for the Establishment of the Total Maximum Daily Load (TMDL) for the Chesapeake Bay, 76 Fed. Reg. 549 (Jan. 5, 2011) [hereinafter Chesapeake Bay TMDL]; District of Columbia Department of the Environment, Chesapeake Bay TMDL Watershed Implementation Plan [WIP], November 29, 2010 [hereinafter DC Phase I WIP]; the District's “MS4 is designed to convey only stormwater....The MS4 permit addresses the management of all stormwater that enters the storm sewer system for conveyance to receiving water bodies” DC Phase II WP at 14.

⁴ DC WIP Phase I at 65.

⁵ *Ibid.* at 69.

measures to comply with EISA's 1.7 inch retention standard – or other ways to control stormwater runoff.... This workshop paved the way for more open communications since then, but federal commitments remain elusive.⁶

DOD has indicated to EPA that it cannot and will not accede to attaining the higher standard to which it is proposed to be held by the pending Permit.⁷ At its core, it is (1) the incorporation of EISA standards and Technical Guidance into a Clean Water Act permit, and (2) DOD's concept of what "predevelopment hydrology" means under EISA (for DOD, it evidently means "pre-project" development hydrology) that appear to pose the greatest problems for DOD (although there are other issues it raises as well)⁸. DOD's overall position poses great difficulty for the District's waters, as it would directly conflict with the demands of the still-pending federal MS4 Permit to impose a 1.7 inch stormwater treatment performance standard upon developing or redeveloping federal facilities.

Despite DOD's cramped and illogical interpretation of what is intended by EISA, that law clearly was meant to confront stormwater pollution head-on and to impose upon federal landowners a very high responsibility to vastly improve their management and treatment of polluted runoff. The clear intent is to advance the restoration of a site's natural hydrology to the maximum extent technically feasible. To assert that these words in EISA's §438 ("to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow") mean anything other than undertaking the absolutely highest, technologically available means to restore hydrology to that of a pre-development nature (with pre-development meaning precisely that: hydrology prior to development on a site), is to misinterpret the clear legislative language and intent. Indeed, the Technical Guidance which DOD clearly states it will implement,⁹ interprets the law other than the way DOD set out in its comment letter to EPA.¹⁰

⁶ Ibid. at 65.

⁷ Letter from G.G. Womack, Acting Commander, Department of the Navy Mid-Atlantic Region, to Garrison D. Miller, U.S. EPA (May 27, 2010).

⁸ For example, in above-titled letter, DOD notes that §313(a) of the Clean Water Act (33 U.S.C. §1323(a)), requires that Federal agencies must only be subject to the same water pollution control standards as non-governmental entities. Clean Water Act legislative history, however, indicates that forty years ago this was actually meant as a "floor," rather than a "ceiling," given the leadership role that the federal agencies were supposed to take; or at least that the federal agencies were not to be given a "bye" while private entities had to meet high standards. (*Water Pollution Control Programs: Hearings Before the Subcommittee on Air and Water Pollution of the S. Committee on Public Works*, 92d Cong. 40 (1971) (statement of J. Glenn Beall, Member, S. Comm. on Public Works); H. REP. NO. 92-911, at 118 (1972); S. REP. NO. 92-414, at 67 (1971); see *Weirberger v. Komerq-Barcelo*, 456 U.S. 305, 323 n. 3 (1982)). It would thus seem perfectly appropriate for federal agencies to be charged with meeting higher standards and modeling advanced practices and behaviors. DOD also complains that with the 1.7 inch standard incorporated into the Permit as it now stands, the METF qualifier of EISA's §438 disappears, leaving only an "unlawful" fee-in-lieu option open to Federal facilities. On the latter point, however, S.3481, signed into law in January, 2011, requires federal agencies to participate in local stormwater fee regimes. Finally, concerning the seeming lack of feasibility criterion, we would fully support the METF qualifying language being placed into the Permit in association with the federal standard.

⁹ Dorothy Robyn *Memorandum Concerning DOD Implementation of Storm Water Requirements Under Section 438 of the Energy Independence and Security Act (EISA)* (January 19, 2010).

¹⁰ The comment letter is noted above at footnote 7. U.S. Environmental Protection Agency, *Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects Under Section 438 of the Energy Security and Independence Act*, EPA-841-B-09-001 (December 2009), at pp. 4 (illustration), 5, 7, 11, 12, and most specifically, 16 [hereinafter EPA Technical Guidance].

Along those lines, U.S. EPA, the federal agency charged with developing the federal Permit, reasonably construing the federal statutes that give the Permit form, and understanding and applying the science, has determined that attaining a treatment level of 1.7 inches of stormwater for the 24-hour storm event (the 95th percentile storm, as indicated is appropriate in the EPA Technical Guidance) is the “maximum extent technically feasible” (“METF”) for federal facilities, and translates this directly from the need to restore predevelopment hydrology for those federal sites. (We fully recognize, and expect that EPA does as well, that METF may be adjusted on especially difficult sites, although DOD, in its attempt to avoid having to even attempt to meet this standard, fails to acknowledge that flexibility.) EPA has further determined, within the context of this important Federal Permit, that such a performance standard, together with a slightly lower management level for non-federal development activities (treating 1.2 inches), will help to attain water quality standards and the TMDL’s Waste Load Allocation (“WLA”) for the District of Columbia. These, then, are the standards to which federal and private development activities, without exception, must be held.

While the above-noted DOD Memorandum and DOD’s comments to EPA on the proposed D.C. MS4 Permit make the simple assertion that EISA requirements should not be included in Federal stormwater permits since the two statutes are separate and different in intent and operation, there is simply no bar in federal law or practice to doing so, as DOD asserts. There is no inherent bar to EPA’s recognizing the utility and relevance of, and using information developed as a result of, another statute, any more than there would be to that agency’s using information from some other reliable source. Indeed, EPA may certainly make the logical, technical judgment that surface water quality is directly related to groundwater hydrology, and may make an explicit link between the two related statutes as it writes a Permit under one of them.

On the other hand, with respect to DOD’s complaint about the lack of formal administrative review with opportunities to comment upon the Permit’s recognizing and incorporating federal guidance developed for a different statute, that is precisely the opportunity EPA provided with the release for comments of its Draft Permit – and to which the DOD responded; indeed, this is not a regulation, but rather a Permit, with different notice and comment attributes. DOD’s discussions in the above-noted Memorandum and letter make it quite clear that both statutes are of equal weight and must be fully implemented; a Permit’s reference to and use of a standard intended to be implemented under another federal law is not only permitted, but including it in this Permit simply advances the intent of both laws.¹¹

Federal Agency Responses to Chesapeake Bay Restoration Initiative, in General

There is additional rationale to be applied that supports EPA’s permit-writing discretion. Such discretion properly includes all the federal agencies formally joined in the Chesapeake Bay restoration effort, and all such agencies should be held to the highest standards of action and accountability, as well as to the necessity of leading by example. Executive Order 13508 recognizes the Chesapeake Bay as a national treasure and calls on the federal government to lead a renewed effort to protect and restore the nation’s largest estuary.¹² The key mandate expressed

¹¹ See note 8 re the use of the “METF” qualifying language, which we agree would be helpful with respect to the proposed federal facilities standard.

¹² Executive Order 13508, *Chesapeake Bay Protection and Restoration*, Section 201 (May 12, 2009), available at: www.executiveorder.chesapeakebay.net [hereinafter, EO 13508].

by the President and set out in a fully articulated *Strategy*, to be implemented by his Executive Branch agencies, is the restoration of clean water. The goal is to “reduce nutrients, sediment and other pollutants to meet Bay water quality goals for dissolved oxygen, clarity and chlorophyll-A and toxic contaminants.”¹³ Attainment of water quality standards requires a firm commitment to reductions of point and nonpoint source pollutant loads as required under the Chesapeake Bay TMDL framework established under the Clean Water Act by EPA.

Therefore, “federal agencies with property in the watershed will provide leadership and will work with the Bay jurisdictions in the development of their Watershed Implementation Plans.”¹⁴ The Order establishes a Federal Leadership Committee (“FLC”, chaired by the EPA Administrator) to “oversee the development and coordination of programs and activities...of agencies participating in protection and restoration of the Chesapeake Bay.”¹⁵ The President instructed the FLC to manage the development of federal strategies and plans and – more importantly – to oversee their implementation. The FLC’s *Strategy* identifies the goals, outcomes, and particular strategies for attaining them.

The FLC identifies two outcomes to gauge progress in the Bay’s restoration:

Water quality outcome: Meet water quality standards to dissolved oxygen, clarity/underwater grasses and chlorophyll-a in the Bay and tidal tributaries by implementing 100 percent of pollution reduction actions for nitrogen, phosphorous and sediment no later than 2025, with 60 percent of segments attaining standards by 2025.

Stream restoration outcome: Improve the health of streams so 70 percent of sampled streams throughout the Chesapeake watershed rate fair, good, or excellent on the Index of Biotic Integrity by 2025.¹⁶

Indeed, EO 13508 designates the Department of Defense as the lead agency with respect to attaining substantial improvement in stormwater management for federal facilities across the federal government, utilizing EPA guidance.¹⁷

Under the Bay TMDL, implementation of the various state Watershed Implementation Plans (WIPs) is a daunting task and presents numerous challenges to state, local, and federal government entities, and the private sector alike. Section 10.4 of the TMDL states that “EPA expects federal land owners to be responsible for achieving load allocations (LAs) and waste-load allocations (WLAs) through actions, programs, and policies that will reduce the release of nitrogen, phosphorus, and sediment (CWA Section 313, 33 U.S.C. 1323).”¹⁸ EPA recently provided guidance for federal agencies regarding the reduction of pollution from federal lands

¹³ *Strategy for Protecting and Restoring the Chesapeake Bay Watershed* (May 12, 2010), Federal Leadership Committee for the Chesapeake Bay, at 20. [hereinafter Chesapeake Bay Strategy]

¹⁴ *Ibid.* at 24.

¹⁵ EO 13508 at §201.

¹⁶ Chesapeake Bay Strategy, at 22

¹⁷ EO 13508 at §202.

¹⁸ Chesapeake Bay TMDL.

and facilities.¹⁹ *Inter alia*, federal agencies are expected to work with Bay jurisdictions to commit to actions, programs, policies, and resources necessary through 2017 and 2025 to reduce nitrogen, phosphorus, and sediment pollutant loads associated with federal lands and facilities by specific dates; to adopt agency-specific policies that define the necessary steps to ensure implantation of the stormwater requirements under §438 of the EISA (see further below); and to provide information on those actions, programs, policies, and resources that are or will be necessary to achieve target load reductions for federal lands and facilities determined by the jurisdictions in their Phase II WIPs subsequent to collaboration with the federal agencies (emphasis added).²⁰

Additional authority for high expectations for federal agency action on the Chesapeake Bay comes from the Clean Water Act itself, at §117. The law requires Federal agencies that own or operate a facility in the Chesapeake Bay watershed participate in regional and sub-watershed planning and restoration programs;²¹ and that Federal agencies that own or occupy real property in the Chesapeake Bay watershed ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement and any subsequent agreements and plans.²²

Finally, there are two additional federal statutory and Executive mandates that support the highest level of federal activity for managing stormwater: the previously mentioned Energy Independence and Security Act of 2007,²³ and Executive Order 13514.²⁴ The latter sets sustainability goals for federal agencies, and also urges full implementation of the stormwater provisions of EISA. That provision, again, at §438, requires that “the sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.”

Conclusion

In our view, then, there is no doubt that federal agencies are intended to set or follow the highest standards for the management of stormwater on their new or redeveloping facilities. Further, there is strong logical support for the proposition that EO 13508, its implementing federal *Strategy*, EPA’s *Guide* for federal agency compliance, the federal Clean Water Act, EISA, §438 and EPA’s Technical Guidance, and EO 13514 all support not only a strong leadership-by-example role for federal agencies, but mandate that federal agencies undertake the kinds of actions on federal lands that will fully and effectively implement the Bay TMDL and the state WIPs. Finally, for DOD to refuse to abide by an EPA Clean Water Act Permit provision on

¹⁹ U.S. Environmental Protection Agency, *Guide for Federal Lands and Facilities’ Role in Chesapeake Bay Jurisdictions’ Phase II Watershed Implementation Plans* (April 29, 2011), available at <http://www.epa.gov/chesapeakebaytmdl/> [hereinafter *Guide for Federal Lands*].

²⁰ *Guide for Federal Lands*, at 2, 4, 33-34.

²¹ 33 U.S.C. §1267 (f)(1).

²² 33 U.S.C. §1267 (f)(2).

²³ Specifically, §438. *Storm Water Runoff Requirements for Federal Development Projects*, P.L. 110-140, *Energy Independence and Security Act of 2007*, (December 19, 2007), available at <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/content-detail.html>

²⁴ Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (October 5, 2009) [hereinafter EO 13514].

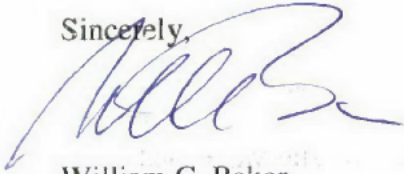
June 9, 2011

Page 7

stormwater standards that is technically feasible, a logical understanding of EISA and other authorities, and so critical to the District of Columbia WIP – which action would effectively prevent the final promulgation of a key segment of an important MS4 Permit – should not be allowed to stand.

We would appreciate a prompt reply to our concerns. Please direct any follow-up to Lee Epstein, Lands Program Director at CBF, lepstein@cbf.org; 443.482.2161.

Sincerely,



William C. Baker
President,
Chesapeake Bay Foundation



Neal Fitzpatrick
Executive Director,
Audubon Naturalist Society

Cc: Jeff Corbin, Special Assistant to the Administrator, U. S. EPA
Lee Epstein, Lands Program Director



Correspondence Management System

Control Number: AX-11-000-9683

Printing Date: June 16, 2011 12:35:56



Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Sunstein, Cass R

Organization: Office of Management and Budget
Address: 725 17th Street, NW, Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-000-9683	Alternate Number:	N/A
Status:	Closed	Closed Date:	Jun 16, 2011
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 14, 2011	Received Date:	Jun 16, 2011
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:	Final Plans for Retrospective Analysis of Existing Rules		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OARM - OARM -- Immediate Office OCFO - OCFO -- Immediate Office OEAE - Office of External Affairs and Environmental Education OEI - Office of Environmental Information - 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	OP	Jun 16, 2011

History



Correspondence Management System

Control Number: AX-11-000-9683

Printing Date: June 16, 2011 12:35:56



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 16, 2011
(b) (6) Personal Privacy	OEX	Forward control to OP	Jun 16, 2011
Jacqueline Poole	OP	Closed control by finished FYI task	Jun 16, 2011

Comments

Commentator	Comment	Date
	No Record Found.	



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

M-11-25

June 14, 2011

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Cass R. Sunstein *CAS*
Administrator

SUBJECT: Final Plans for Retrospective Analysis of Existing Rules

On January 18, 2011, the President issued Executive Order 13563, which requires retrospective review of significant rules: "Within 120 days of the date of this order, each agency shall develop and submit to the Office of Information and Regulatory Affairs a preliminary plan ... under which the agency will periodically review its existing significant regulations."

On April 25, 2011, the Office of Information and Regulatory Affairs established guidance on the processes through which preliminary plans will become finalized.¹ The guidance encouraged agencies to "make their preliminary plans available to the public within a reasonable period (not to exceed two weeks) after May 18." It also encouraged agencies to seek public comments during the thirty-day period after releasing their plans; to revise their plans after receiving such comments; and to finalize their plans within eighty days after releasing them to the public. As of May 26, 2011, numerous preliminary plans are now complete and available to the public.²

The purpose of this Memorandum is to offer additional guidance on finalizing the preliminary plans. As agencies were encouraged to make their preliminary plans available to the public no later than June 1 (two weeks after May 18), plans should be finalized, and released to the public, on or about August 22. In order to allow for a brief period of interagency comment, drafts of final plans should be submitted to the Office of Information and Regulatory Affairs by August 1. Consistent with the general goals of Executive Order 13563, agencies are particularly encouraged to identify, in their final plans, specific reforms and initiatives that will significantly reduce existing regulatory burdens and promote economic growth and job creation. To the

¹ See Memorandum for the Heads of Executive Departments and Agencies, "Retrospective Analysis of Existing Significant Regulations," M-11-19, available at <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-19.pdf>.

² See "Regulation Reform," available at <http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system>. Many agencies will also publish their plans online on the agency's Open Government Webpages (www.agency.gov/open).

extent feasible, agencies should attempt to quantify burden and cost reductions. Also to the extent feasible, agencies should provide specific timelines and deadlines for implementation, particularly for high-priority reforms that promise significant savings in terms of costs.

The release of final plans should be seen as one step in a continuing process. Executive Order 13563 calls for the “periodic review of existing significant regulations” and emphasizes the need to “protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.” It states that our regulatory system “must measure, and seek to improve, the actual results of regulatory requirements.” To that end, it recognizes the importance of continuing scrutiny of the effects of regulations.

To promote that goal, plans should be periodically reviewed and updated. Moreover, future regulations should be designed and written in ways that facilitate evaluation of their consequences and thus promote retrospective analyses and measurement of “actual results.” To the extent permitted by law, agencies should therefore give careful consideration to how best to promote empirical testing of the effects of rules both in advance and retrospectively.³

³ There are many potential methods of evaluation, including randomized trials and quasi-experimental methods. See Michael Greenstone, “Toward a Culture of Persistent Regulatory Experimentation and Evaluation,” in *New Perspectives on Regulation*, David Moss and John Cisternino (Eds.). Cambridge, MA: The Tobin Project, Inc., 2009.



Correspondence Management System

Control Number: AX-11-000-9685

Printing Date: June 16, 2011 03:34:47



Citizen Information

Citizen/Originator: Kent, Joyce

Organization: City of Deltona

Address: Office of the City Clerk Deltona Municipal Complex 2345 Prov, Deltona, FL 32725

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9685

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 8, 2011

Received Date: Jun 15, 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 The City Commission of the City of Deltona, Florida voted unanimously to adopt the enclosed Resolution No. 2011-16 on June 6, 2011. The resolution opposes the EPA proposed Numeric Nutrient Criteria (NNC) for Florida as set forth in the Water Quality for the State of Florida's Lakes and Flowing Waters Ruling.

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
OP - Office of Policy
OW - Office of Water -- Immediate Office
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 16, 2011

History



Correspondence Management System

Control Number: AX-11-000-9685

Printing Date: June 16, 2011 03:34:47



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Jun 16, 2011
Julia Mooney	R4	Forwarded control to R4-WATPD	Jun 16, 2011
Wanda Hudson	R4-WATPD	Closed control by finished FYI task	Jun 16, 2011
(b) (6) Personal Privacy	OEX	Reopened Control	Jun 16, 2011
(b) (6) Personal Privacy	OEX	Forward control to OW	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		

COPY

RESOLUTION NO. 2011-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, OPPOSING THE U. S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED NUMERIC NUTRIENT CRITERIA FOR FLORIDA AS SET FORTH IN THE WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS RULING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 14, 2010, the Environmental Protection Agency (EPA) implemented a rule that takes effect in 15 months, requiring a numeric nutrient criteria for inland water bodies in Florida; and

WHEREAS, the implementation of this rule is in response to a lawsuit that determined Florida's existing narrative nutrient water quality standards do not meet the requirements of the Clean Water Act; and

WHEREAS, this EPA rule only applies to the State of Florida; and

WHEREAS, the State of Florida already has narrative nutrient water quality standards that were previously approved by the EPA and are currently monitored by the Florida Department of Environmental Protection; and

WHEREAS, Florida's cities realize the importance of maintaining quality waters throughout the state but this change in criteria and the short deadline to impose it will require aggressive and expensive modifications to all programs to meet the standards of this new criteria; and

WHEREAS, a numeric nutrient will ultimately cause numerous Florida water bodies including those that show no adverse impacts associated with nutrient pollution to be deemed impaired and thus subject to recovery efforts by the state or local governments; and

WHEREAS, a study by the Florida Department of Environmental Protection projects these mandates could cost Florida municipal storm water systems \$17.101 billion and municipal

COPY

wastewater treatment systems \$4.167 billion in capital expenditures; and

WHEREAS, the Florida League of Cities and many other state and local agencies responsible for protecting Florida's water have raised serious concerns about the methodology EPA used to develop these numeric nutrient standards; and

WHEREAS, these numeric standards fail to adequately take into account the diversity of Florida's streams, rivers and lakes and the extremely restrictive criteria will be fiscally impractical to meet resulting in an adverse impact to Florida's overall economy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1. The City of Deltona opposes the United States Environment Protection Agency's Proposed Numeric Nutrient Criteria for Florida as set forth in the Water Quality Standards for the State of Florida's Lakes and Flowing Waters Ruling.

Section 2. The City of Deltona urges the Florida Legislature, the Florida congressional delegation and others to demand that any statewide numeric criteria be established through a science-driven process with adequate time to address concerns of regulated entities, and with an appropriate, realistic time frame for achieving compliance.

Section 3. Upon adoption of this Resolution, the City Manager is hereby directed to send a copy of this Resolution by United States mail to the United States Environmental Protection Agency, the Florida Senate, the Florida House of Representatives, and each member of the Florida congressional delegation.

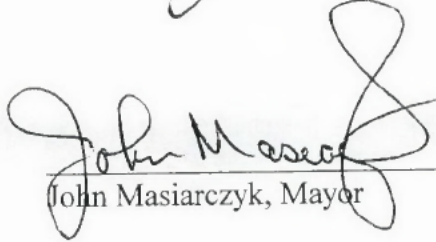
Section 4. This resolution shall take effect immediately upon its final adoption by the

COPY

City of Deltona, Florida
Resolution No. 2011-16
Page 3 of 3

City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA, THIS 6th DAY OF June, 2011.



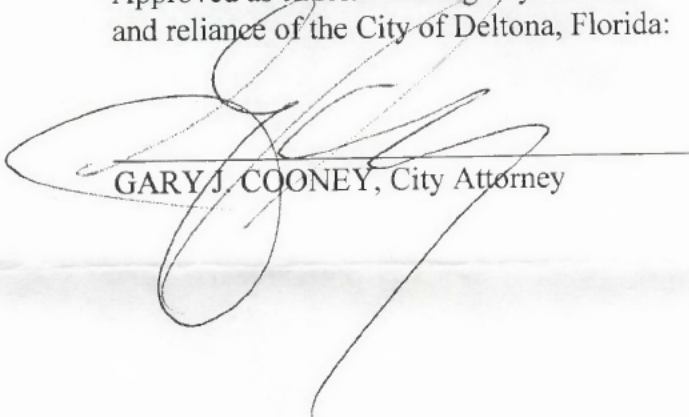
John Masiarczyk, Mayor

ATTEST:



JOYCE KENT, City Clerk

Approved as to form and legality for use
and reliance of the City of Deltona, Florida:



GARY J. COONEY, City Attorney



Correspondence Management System

Control Number: AX-11-000-9708

Printing Date: June 16, 2011 02:34:26



Citizen Information

Citizen/Originator: Sunstein, Cass R

Organization: Office of Management and Budget
Address: 725 17th Street, NW, Washington, DC 20503

White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-000-9708	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 16, 2011	Received Date:	Jun 16, 2011
Addressee:	N/A	Addressee Org:	N/A
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-Memorandum for Heads of Executive Department and Agencies and Independent Regulatory Agencies.		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OARM - OARM -- Immediate Office OCFO - OCFO -- 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	OEI	Jun 16, 2011

History



Correspondence Management System

Control Number: AX-11-000-9708

Printing Date: June 16, 2011 02:34:26



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 16, 2011
(b) (6) Personal Privacy	OEX	Forward control to OEI	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 15, 2011

M-11-26

**MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES,
AND INDEPENDENT REGULATORY AGENCIES**

FROM: Cass R. Sunstein *CAS*
Administrator, Office of Information and Regulatory Affairs

Jeffrey D. Zients *JZ*
Deputy Director for Management and Federal Chief Performance Officer

SUBJECT: New Fast-Track Process for Collecting Service Delivery Feedback Under the Paperwork Reduction Act

As emphasized by the President's Executive Order (EO) 13571, on "Streamlining Service Delivery and Improving Customer Service," issued on April 27, 2011, agencies must work continuously to ensure that their programs are effective and meet their customers' needs. This guidance describes a new Fast Track Process that will allow agencies to obtain timely feedback on service delivery while ensuring that the information collected is useful and minimally burdensome for the public, as required by the Paperwork Reduction Act of 1995 (PRA).

The Office of Management and Budget (OMB) has been working with many agencies to create this new process. The process will apply to a wide range of information collections that focus on the awareness, understanding, attitudes, preferences, or experiences of customers or other stakeholders relating to existing or future services, products, or communication materials. To begin utilizing this process, agencies must first submit a generic clearance to be approved for the new process. Once that has occurred, agencies submitting information collection requests can consider their qualifying activities approved unless OMB notifies the agency otherwise within five days. Please see Attachment A for the list of agencies that have created, or are in the process of creating, the generic clearance establishing the Fast Track Process. If your agency is not on this list, please contact your OIRA desk officer, who will assist you in submitting the 60-day *Federal Register* notice to begin the creation of the Fast Track Process.

You should consider using the new process for your data collection activities when:

- a. The data collection is focused on the awareness, understanding, attitudes, preferences, or experiences of customers or other stakeholders (e.g., delivery

- partners; co-regulators; potential customers) in order to improve existing or future services, products, or communication materials;
- b. The data collection is voluntary and non-controversial;
 - c. Statistical rigor is not required;
 - d. The burden on participants is not high; and
 - e. Public dissemination of results is not intended.

As a general matter, the following kinds of voluntary collections fall under the new Fast Track Process:

- a. **Focus groups:** For example, a series of focus groups of individuals who are eligible for (but not enrolled in) Medicaid, focused on barriers to enrollment for the purpose of identifying problems and potential solutions.
- b. **One-time or panel discussion groups:** For example, a regular panel of current and past recipients of Small Business Administration loans who participate in a monthly discussion on issues they are facing.
- c. **Customer satisfaction qualitative surveys:** For example, a survey by the Department of Veterans Affairs, asking patients (on a scale of 1-5) about their satisfaction with different parts of their health care experience in order to identify early warning signs of customer dissatisfaction and areas to explore further.
- d. **Post-transaction customer surveys:** For example, a post-transaction survey of callers to the Internal Revenue Service call centers, asking callers about their experience on the call and why they chose to call rather than use the Internet.
- e. **Online surveys:** For example, an email survey of school principals asking for their thoughts about, and ranking of, specified ideas to improve outreach and communications materials for the school lunch program.
- f. **Comment cards or complaint forms:** For example, a ten question form asking visitors to Social Security Administration offices about their satisfaction with their particular visits as well as with the agency's services generally.
- g. **Moderated, unmoderated, in-person, and remote usability studies:** For example, in-person observation of individuals navigating a website that is in the process of being developed.
- h. **Testing of a survey or other collection to refine questions:** For example, distributing to a small number of individuals the preliminary questions to use for a statistically rigorous customer satisfaction survey, followed by a debriefing with some of the respondents.

The new Fast Track Process is intended to support the efforts of program managers to seek timely feedback from customers and others in order to improve service delivery. With this goal in mind, examples of collections that would generally not fall under the new process are: (i) surveys that require statistical rigor because they will be used for making significant policy or resource allocation decisions; (ii) collections where the results are intended to be published; and (iii) collections that are intended for the purpose of basic research and that do not directly benefit the agency's service delivery.

We have created a resource for program managers and PRA officials to learn more about the new process and different customer feedback options. The agency support website www.HowTo.gov now has several types of relevant information. First, the website provides a list of answers to frequently asked questions about the new process. Second, the website has an introduction to different customer feedback tools designed for program managers who are interested in improving service delivery. The introduction describes questions that program managers should ask themselves before soliciting feedback, and explains the advantages and disadvantages of different collection tools. Finally, the site has fact sheets on common types of customer feedback tools such as comment cards, focus groups, usability studies, and surveys. Each fact sheet provides a general introduction to the type of collection, tips on how to conduct it effectively, and good examples of the collection.

Attachment A

The following agencies, and their subcomponents, signed on to the 60-day *Federal Register* notice for a generic approval and have now received or will soon receive approval from OMB. For questions about the status of your agency, contact your PRA official. If your agency is not on this list, please contact your OIRA desk officer, who will provide you with templates and instructions to file the 60-day *Federal Register* notice to begin the creation of the new process.

Administrative Conference of the United States	General Services Administration
Consumer Product Safety Commission	Institute of Museum and Library Services
Corporation for National and Community Service	Merit Systems Protection Board
Department of Agriculture	National Aeronautics and Space Administration
Department of Commerce	National Credit Union Administration
Department of Defense	National Endowment for the Arts
Department of Education	National Endowment for the Humanities
Department of Energy	National Science Foundation
Department of Health and Human Services	Nuclear Regulatory Commission
Department of Homeland Security	Office of Personnel Management
Department of Housing and Urban Development	Office of the Comptroller of the Currency
Department of Interior	Overseas Private Investment Corporation
Department of Justice	Peace Corps
Department of Labor	Pension Benefit Guaranty Corporation
Department of State	Railroad Retirement Board
Department of Transportation	Securities and Exchange Commission
Department of Treasury	Small Businesses Administration
Department of Veterans Affairs	Social Security Administration
Environmental Protection Agency	Surface Transportation Board
Equal Employment Opportunity Commission	Tennessee Valley Authority
Export-Import Bank of the United States	U.S. Access Board
Federal Communications Commission	U.S. Election Assistance Commission
Federal Deposit Insurance Corporation	U.S. International Trade Commission
Federal Energy Regulatory Commission	United States Agency for International Development
Federal Trade Commission	



Correspondence Management System

Control Number: AX-11-000-9709

Printing Date: June 16, 2011 02:36:25



Citizen Information

Citizen/Originator: Evans, Raymond

Organization: Environmental Department FirstEnergy Corp. Environmental Department
Address: 76 South Main Street, Akraon, OH 44308

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9709

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 15, 2011

Received Date: Jun 16, 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 consider the attached comment extension request for first Engery. HQ-/AR-2009/0234

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R5 - Region 5 -- 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 16, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 16, 2011

June 15, 2011

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
jackson.lisa@epa.gov

Dear Administrator Jackson:

Re: Extension of Comment Period for Docket ID No. EPA-HQ-OAR-2009-0234 (NESHAP action)

The following is a request for an extension of the public comment period for the National Emissions Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units ("EGU MACT") and the Standards of Performance for Fossil-Fuel Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units ("NSPS").

The proposed rules were published in the Federal Register on May 3 and included a sixty (60) day comment period, which ends on July 5, 2011. Sixty days is an insufficient amount of time to fully evaluate these complicated and interrelated rules. FirstEnergy respectfully requests that the comment period be extended an additional 60 days (or a cumulative 120-day comment period ending on September 6, 2011) to allow sufficient time for thorough review of the emission data and to comment on errors in that data which impact the proposed rules.

Our ongoing review of the emissions data used in the MACT floor analysis provided by EPA thus far suggests that these data contain a number of potential errors that will significantly affect the underlying emissions floor calculations and, ultimately, the proposed emissions standards. The nature of these errors suggests that EPA did not perform an adequate quality assurance review of the data. Ensuring the quality of the underlying emissions data is fundamental to establishing appropriate emissions standards.

Although EPA provided a preliminary copy of *some* of the ICR data used in the rulemaking in November 2010 and released a subsequent update to this data in March 2011, this information only included the emissions test results and did not contain the additional details necessary for quality assurance review of the final emissions calculations and data. Only recently, on May 26, 2011, did EPA post the electronic reporting tool (ERT) data files that would allow those commenting on the rule to assess the actual data reported by the individual sources. Despite repeated attempts to obtain early access to this additional data by FirstEnergy and many other affected sources, EPA indicated that it would only provide the data when the rules were proposed. Now, well into the 60-day comment period, EPA has finally released a complete version of the data that it received.¹ This delay inevitably hampered data review and the time remaining in the comment period, as stated previously, is insufficient for development of meaningful comments.

¹ EPA did release a "master" Microsoft Access database of the Part III data, but prior to the release of the individual ERT files, those commenting on the rule would have been unable to assess whether EPA properly compiled the data and that the information was properly translated to the spreadsheets that the Agency used in its floor calculations. Prior to the release of the ERT files, only those adept at manipulating databases would have been able to identify the data for a particular source. Thus, most would have been unable to make inquires about the data quality of individual test results.

The Honorable Lisa P. Jackson

Page 2

June 15, 2011

The ability of industry and the public to provide meaningful comments on this rulemaking has also been compromised by mercury data conversion errors that caused the EPA to release revised versions of floor analysis spreadsheets on May 16, 2011. While we appreciate the Agency's efforts to correct the errors in its analysis, this complicates the review effort by forcing individuals to reevaluate revised spreadsheets thus concretely illustrating the pitfalls of a hasty review.

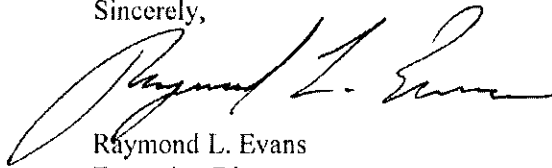
EPA has entered into a Consent Decree imposing time constraints for these rulemaking efforts, which may have resulted in limiting the scope of EPA's own data review effort. However, a full and robust data review should have been conducted prior to the floor analysis to avoid inefficiencies in the rulemaking process. Furthermore, EPA could have provided greater transparency and access to the data during the ICR and the many months leading up to the proposed rule to avoid the data error issues that now undermine this rulemaking.

Given the amount of data involved and the complexity of the emissions tests, additional time is necessary to assure that accurate data is used in the emissions floor calculations and finalize the rulemaking in compliance with the Clean Air Act.

In conclusion, FirstEnergy requests that EPA extend the public comment period on all of the proposed rules by an additional 60 days. Although EPA is under a court-ordered deadline of November 16, 2011 to issue the final rules, failure to extend the comment period would result in a flawed rulemaking in favor of an arbitrary deadline negotiated by the Agency with a handful of special interest groups.

Thank you for your time and consideration of these issues. Please feel free to contact me at (330) 761-4482 or Mr. Michael Jirousek at (330) 384-5744 if you have questions or need more information.

Sincerely,



Raymond L. Evans

Executive Director

FirstEnergy Corp. Environmental Department

rlc/dsh

Via Email, First-Class Mail, and Electronic Submission to www.regulations.gov

cc: Via Email and First-Class Mail

Ms. Gina McCarthy

Assistant Administrator for Air and Radiation

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

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Correspondence Management System

Control Number: AX-11-000-9725

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Citizen Information

Citizen/Originator: Sakashita, Miyoko

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Constituent: N/A

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

Control Information

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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: DRF - Ocean Acidification and Oregon State's 303d List
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
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	R10	Jun 16, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R10	Jun 16, 2011



June 14, 2011

Dennis McLerran, Regional Administrator
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Lisa Jackson, Administrator
United States Environmental Protection Agency
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Washington, DC 20460
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Re: Ocean Acidification and Oregon State's 2008-2010 List of Impaired Waterbodies Under Clean Water Act Section 303(d)

On behalf of the Center for Biological Diversity ("Center"), I am writing to urge the United States Environmental Protection Agency ("EPA") to partially disapprove Oregon's list of impaired waterbodies and add ocean segments threatened or impaired by ocean acidification. Specifically, EPA has the authority and duty under the Clean Water Act section 303(d) to add ocean waters that are not attaining Oregon's water quality standards. The Center for Biological Diversity submitted ample information and data concerning ocean acidification to Oregon to warrant this action, and those letters and supporting documents are incorporated herein by reference.

First, in making its determination under section 303(d) of the Clean Water Act, Oregon failed to evaluate all water quality criteria, not solely pH criteria. EPA must include all water bodies that fail to meet "any water quality standard," including numeric criteria, narrative criteria, water body uses, and antidegradation requirements. 40 C.F.R. § 130.7 (b)(1),(3), & (d)(2). As described in the Center's letters and scientific information submitted to the state of Oregon, ocean acidification is harming aquatic life causing non-attainment of one or more of Oregon's water quality standards. Clearly, aquatic life criteria are not being met because, inter alia, the collapse of oyster recruitment.

EPA has a duty to identify its coastal waters as impaired for ocean acidification

because the water quality standards protecting Oregon's designated uses are not being attained or are threatened with non-attainment within the foreseeable future. Ocean acidification interferes with the state's designated uses for marine waters. Oregon's coastal water segments are contained within three designated basins: the North Coast basin, Mid Coast basin, and South Coast basin. In all three basins, the beneficial uses for coastal waters include fish and aquatic life, fishing and recreation. O.A.R. 340-41-0230 tbl.230A; O.A.R. 340-41-0220 tbl.220A; O.A.R. 340-41-0300 tbl.300A. The narrative water quality criteria include maintenance of water quality at its highest possible level and, minimization of, among other things, "dissolved chemical substances" and "other deleterious factors." O.A.R. 340-041-0007(1). Furthermore, the narrative criteria prohibit "[t]he creation of tastes or odors or toxic or other conditions that are deleterious to fish or other aquatic life." O.A.R. 340-041-0007(11). The Oregon standard for dissolved gases, OAR 340-041-0031, states:

(1) Waters will be free from dissolved gases, such as carbon dioxide, hydrogen sulfide, or other gases, in sufficient quantities to cause objectionable odors or to be deleterious to fish or other aquatic life, navigation, recreation, or other reasonable uses made of such water.

Additionally, Oregon's antidegradation policy is contravened by increasingly acidifying waters.

Because Oregon's water quality standard for marine pH is inadequate, impacts of ocean acidification must be measured against the state's beneficial uses and narrative water quality criteria. Present standards state that marine waters must have a pH between 7.0 and 8.5, and estuarine waters between 6.5 and 8.5 units. OAR 340-041-0021. There is an abundance of new scientific data available that points to the continuing threat of ocean acidification and its deleterious effects on fisheries and marine ecosystems, even at pH levels within the range set by Oregon's water quality standards. Accordingly, EPA should require Oregon to revise its marine pH standard and should add other standards based on the best scientific knowledge available on ocean acidification.

Second, contrary to its response to comments, the Center supplied information and data specific to Oregon. Feely et al., Hauri et al., and Byrne et al. discuss the existence of ocean acidification affecting Pacific Ocean waters that are directly applicable to Oregon's coast (Feely et al. 2008; Hauri et al. 2009; Byrne et al. 2010). Feely et al. reported that a survey cruise found corrosive waters affected by ocean acidification upwelling onto the continental shelf along the entire coast of California (Feely et al. 2008). Notably, the waters were last at the surface over 50 years ago, meaning that there is additional acidification already in the pipeline. (*Id.*) Feely et al. (2008) highlight that ocean acidification is impacting the continental shelf of western North America much earlier than predicted. They note that the occurrence at the surface of open-ocean water undersaturated in aragonite was not predicted to occur until 2050 (under a IS92a business-as-usual emissions scenario where atmospheric CO₂ concentration reached 550 ppmv) and only in the Southern Ocean—not along the west coast of North America (Feely et al. 2008). Secondly, the

researchers calculated that *without the anthropogenic signal of CO₂*, the equilibrium aragonite saturation level would be deeper by about 50 m across the shelf and no undersaturated waters would reach the surface. The aragonite and calcite saturation depths in the North Pacific are already among the shallowest in the global ocean (Feely et al. 2004: Figure 2). The uptake of anthropogenic CO₂ has caused aragonite saturation depths in the North Pacific to migrate upwards by 50-100 m since pre-industrial times, with current upward migration occurring at a rate of 1-2 meters per year, while calcite saturation depths have moved upwards by 40-100 m since pre-industrial times (Feely et al. 2004, Fabry et al. 2008, Feely et al. 2008). Seasonal upwelling is enhancing the advancement of the corrosive deep water into broad regions of the California Current System with large predicted impacts on marine species (Feely et al. 2008).

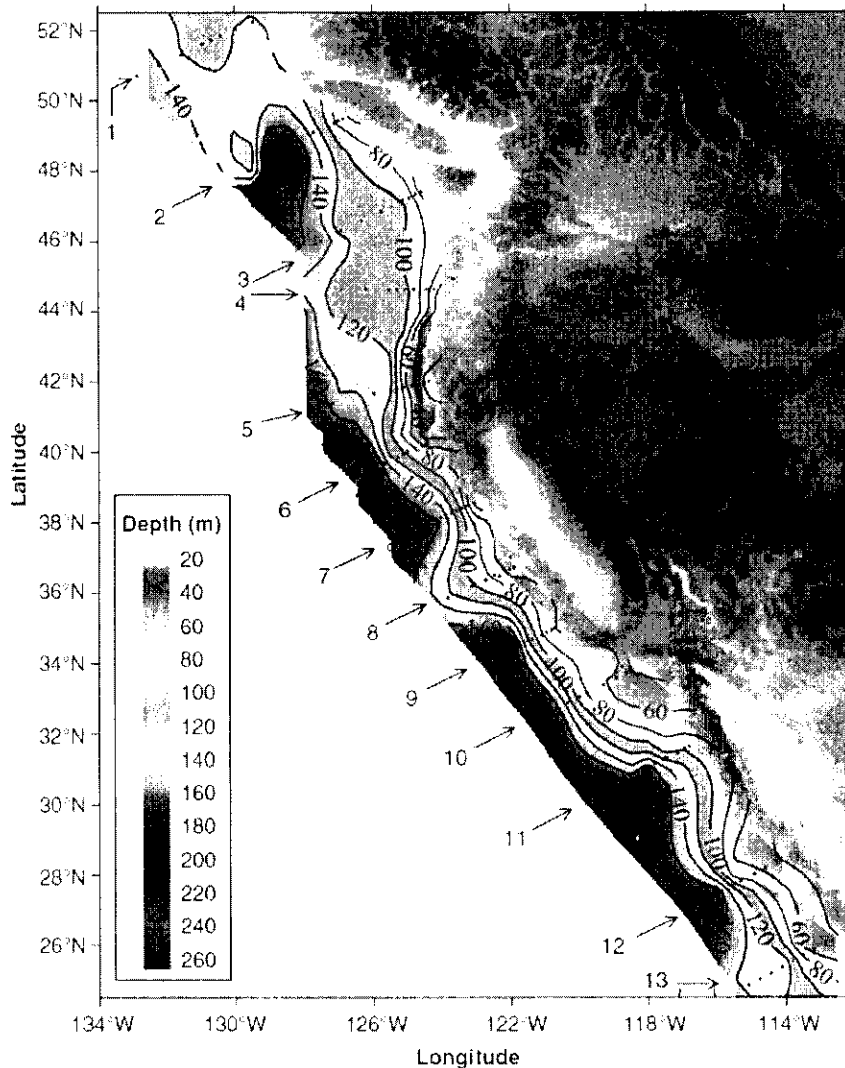


Fig. 1. Distribution of the depths of the undersaturated water (aragonite saturation < 1.0; pH < 7.75) on the continental shelf of western North America from Queen Charlotte Sound, Canada, to San Gregorio Baja California Sur, Mexico. On transect line 5, the corrosive water reaches all the way to the surface in the inshore waters near the coast. The black dots represent station locations.

(Source: Feely et al. 2008).

Hauri et al. explained that the California Current System is particularly sensitive to ocean acidification with the pH of surface waters comparatively low and change in pH for a given uptake of anthropogenic CO₂ is particularly high (Hauri et al. 2009). Already the aragonite saturation horizon has shoaled by ~100 m and now reaches the euphotic zone in a few eddies and in near-shore environments during upwelling along the Pacific Coast (Hauri et al. 2009). Additionally, modeling specific to the California Current System predicts rapid changes in pH and aragonite saturation (Hauri et al. 2009). Recently, another survey in the Pacific revealed that ocean acidification from anthropogenic sources is already significantly affecting surface waters and is accelerating (Byrne et al. 2009). Juraneck et al. (2009) studied the

upwelling in the central coast of Oregon and found that the persistence of water with undersaturated with respect to aragonite on the continental shelf has not been previously noted and could have notable ecological consequences for benthic and pelagic calcifying organisms such as mussels, oysters, abalone, echinoderms, and pteropods (Juraneck et al. 2009).

Most importantly, the consequences of ocean acidification described above are already adversely impacting aquatic life on the Oregon Coast (Bonfils 2010; Welch 2009). Most strikingly, oysters in the Pacific Northwest have failed to reproduce for the past six years (Southern California Coastal Water Research Project 2010). Pacific Coast oyster hatcheries are already experiencing difficulties associated with increasing ocean acidification. Two of the largest hatcheries, including one in Oregon, report production rates down by as much as 80% (Miller et al. 2009). The oyster failures in recent years may foreshadow the widespread effects that increasingly acidic waters will have on the shellfishing and fishing industry. Assuming business as usual projections for carbon emissions and a corresponding decline in ocean pH and mollusk harvests, ocean acidification's broader economic losses for the United States would range from \$1.5–6.4 billion through 2060 (Cooley et al. 2009).

Specifically, Whiskey Creek Shellfish Hatchery has experienced problems that correspond to measurements of low pH and consistent with upwelling of acidified waters (Barton, Cudd, and Weigardt 2009). Barton et al. reported a huge mortality event in 2008 for oysters that resulted in the loss of several billion bivalve larvae at Whiskey Creek. The hatchery gets its seawater from coastal Oregon waters at Netarts Bay. Research revealed that during upwelling, which would bring corrosive waters to the surface, oyster larvae died. Shellfish larvae are particularly vulnerable to increased acidification because their shells are composed of readily dissolvable species of calcium carbonate (Barton et al. 2009). Adult oysters form their shells from calcite, which is more difficult to dissolve than aragonite, which oyster larvae use to form their shells. Very small oyster larvae are the most susceptible: their shells contain amorphous calcium carbonate, which is extremely easy to dissolve (Barton et al. 2009). Thus, in acidic conditions, juvenile species must expend more of their available energy reserves on shell-building (Miller et al. 2009). The increased energy expenditures results in stunted growth and reduced fitness, further increasing mortality rate. Scientists predict an 89% reduction in successful recruitment and 5% increase in daily mortality rate in oyster larval offspring from a single female (Miller et al. 2009).

Third, information and data that is not specific to Oregon's waters, or does not otherwise conform to Oregon's methods, must still be considered when determining whether waters are threatened or impaired. The regulations governing implementation of the Clean Water Act's section 303(d) *require* that states "evaluate all existing and readily available water quality-related data and information to develop the list." 40 C.F.R. § 130.7(b)(5); *see also Sierra Club v. Leavitt*, 488 F.3d 904 (11th Cir. 2007)

The scientific data and information on ocean acidification that were submitted to Oregon are of high quality and credibility using methods and parameters to control for errors. Moreover, EPA's guidance states that the "[l]ack of a State-approved QAPP should not, however, be used as the basis for summarily rejecting data and information submitted by such organizations, or assuming it is of low quality, regardless of the actual QA/QC protocols employed during the gathering, storage, and analysis of these data" (EPA, Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act at 33 (2005) ("EPA 2006")(EPA advised states to prepare their 2010 303(d) lists consistent with the 2006 Guidance).

EPA's guidance for listing of impaired waters emphasizes that states should evaluate all data, and that listings may be based on small data sets, data other than site specific monitoring, and data from the public (EPA 2006 Guidance). With regard to 303(d) listing, the absence of site specific monitoring should not obviate the need to list ocean waters as threatened or impaired, rather it demonstrates a need for additional coastal monitoring. Recognizing the limited monitoring data available, states must consider a more expansive versus cautious approach to monitoring data (EPA 2006 Guidance). Site-specific monitoring data is not required for impaired water listing. EPA regulations require that "reports from dilution calculations and predictive modeling" be included in the data and information that a state considers in its assessment process for section 303(d) listing purposes. 40 CFR 130.7(b)(5)(ii). EPA guides states to consider even very small sample sets to ascertain the attainment status of waters. Moreover, states should use information about observed effects, predictive modeling, and knowledge about pollutant sources and loadings when making its listing determinations (EPA 2006 Guidance).

Oregon, therefore, should have but failed to take into account not only site-specific monitoring, but also studies of offshore monitoring, predictive modeling, knowledge about atmospheric carbon dioxide levels and rates of increase, as well as laboratory studies on the impacts of ocean acidification on organisms to identify threatened and impaired waters. "EPA also supports the use of predictive modeling and other non-site-specific data such as remote sensing data, land use analysis, and knowledge about pollutant sources and loadings to make assessment decisions"(Environmental Protection Agency, 2010: 7). Additionally, Oregon can make a presumption that a pollutant source from atmospheric deposition is uniformly affecting water segments in large geographic areas (Environmental Protection Agency 2010). The best available scientific information on ocean acidification can and must inform the development of 303(d) lists, even if site-specific measurements are not available. There is a significant body of science confirming that ocean acidification is occurring which must be fully considered in the 303(d) listing process. Additionally, the synergistic effects of global warming, pollution, with ocean acidification should be considered.

Due to the unique nature of ocean acidification, lack of site specific monitoring does not diminish the severity of the problem or the need to list waters as impaired. Accordingly, Oregon may not dismiss any of the information and data previously submitted concerning ocean acidification—whether or not it contains site-specific measurements in Oregon coastal waters.

Fourth, EPA affirmed that states must consider ocean acidification when developing their section 303(d) lists under the Clean Water Act. In a memorandum dated November 15, 2010, EPA affirmed that Oregon has the authority and duty to identify waters threatened or impaired by acidification under section 303(d) of the Clean Water Act (Environmental Protection Agency 2010). “EPA has concluded that States should list waters not meeting water quality standards...waters should be listed for [ocean acidification] when data are available” (Environmental Protection Agency, 2010: 4). EPA also recommended that states focus on vulnerable waters that are at risk from ocean acidification affecting fisheries and shellfish resources. Furthermore, the memorandum provided recommendations for how states conduct assessments and monitoring, and it provided sources for more information on ocean acidification and assessment. EPA also stressed that if a designated use is not supported and the segment is impaired or threatened, even if the specific pollutant is not known, it must be identified as a part of the section 303(d) list.

In sum, Oregon’s failure to include its coastal waters on its section 303(d) list as threatened or impaired due to ocean acidification is in violation of the Clean Water Act. EPA must act now to correct this problem by partially disapproving Oregon’s 303(d) list and adding ocean waters as threatened or impaired water bodies.

Sincerely,

/s/ Miyoko Sakashita

Miyoko Sakashita

Miyoko@biologicaldiversity.org

References

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Correspondence Management System

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Citizen Information

Citizen/Originator: Bradley, Michael J

Organization: The Clean Energy Group

Address: 47 Junction Square Drive, Concord, MA 01742

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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Addressee Org: EPA

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Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-National Emissions Standards for Hazardous Air Pollutants for Electric Utility Stream Generation Units.

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

R1 - Region 1 -- 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 16, 2011
Gloria Hammond	OAR	OAR-OAQPS	Jun 16, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-SPPD	Jun 16, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 16, 2011



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Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 16, 2011
Gloria Hammond	OAR	Forwarded control to OAR-OAQPS	Jun 16, 2011
Sherry Russell	OAR-OAQPS	Jean Walker proxy for Sherry Russell: Forwarded control to OAR-OAQPS-SPPD	Jun 16, 2011
(b) (6) Personal Privacy	OEX	Changed File Code 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other per	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		

June 15, 2011

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

Dear Administrator Jackson,

While we recognize that some are calling for EPA to delay the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Electric Utility Steam Generating Units (the "Utility Toxics Rule"), I am writing today, on behalf of the members of the Clean Energy Group's Clean Air Policy Initiative,¹ to urge you to proceed with finalizing the rule. Companies have begun to prepare for a 2015 compliance deadline, and the electric power markets are factoring in the capital expenditures that will be required to comply with the rule. Any delay would threaten to undermine those decisions.

On May 13, 2011, PJM² announced the results of its Reliability Pricing Model ("RPM") forward capacity auction for the period from May 31, 2014 through June 1, 2015 – after the Transport Rule and the Utility Toxics Rule will be effective. The results of the auction show that the region will have more than enough capacity to meet federal reliability standards set by the North American Electric Reliability Corporation (NERC) for in 2015. In fact, the market secured resources sufficient to maintain a 20 percent reserve margin for the region. The energy resources selected to serve the region included new generating resources, capacity upgrades to existing power plants, new demand response resources, and new commitments to energy efficiency. Further, the price of capacity for the recent PJM auction increased in some subregions and decreased in others, leaving pool-wide prices consistent with levels the region has seen in the past.

Similarly, ISO-New England³ held its forward capacity market auction for 2014 and 2015 on June 6 and June 7, 2011. Like the PJM auction, in bidding into the forward capacity auction, companies reflect the costs of complying with the Utility Toxics Rule and Transport Rule. The capacity markets cleared with over 3,000 MW of excess capacity (over ISO-NE's net installed capacity requirement that already includes a 14.4 percent reserve margin). The clearing price was less than 10 percent higher from the 2013/2014 commitment period (when the Utility Toxics Rule would not be in effect), which translates to less than a one percent impact on consumers. This again demonstrates that the industry can comply with the regulations without threatening the reliability of the electricity system.

¹ The members of the Clean Energy Group's Clean Air Policy Initiative members include Austin Energy, Avista Corporation, Calpine Corporation, Constellation Energy, Exelon Corporation, National Grid, New York Power Authority, NextEra Energy, PG&E Corporation, Public Service Enterprise Group, Inc., and Seattle City Light.

² PJM provides reliability and wholesale power market functions for the nation's largest integrated power market, serving 54 million customers in 13 MidAtlantic and Midwestern states including all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

³ ISO New England is a regional transmission organization, serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

These market responses illustrate the diversity of ways that market participants can efficiently provide reliable power supplies while meeting future environmental requirements. Further, the markets are reflecting the capital investments companies anticipate making in order to comply by 2015 and consistent with the consent agreement in *American Nurses Assoc. et. al., v. Jackson* (D.C. Cir., April 15, 2010). If EPA were to delay the implementation of the Utility Toxics Rule or Transport Rule, it would undermine participants' business decisions and confidence in future market responses based on EPA's regulations.

This regulatory certainty is essential to ensuring that most companies will be required to comply with the Utility Toxics Rule requirements in the three years required by the Act. While the industry recognizes that the Clean Air Act permits EPA to grant limited extensions on a case-by-case basis if a unit needs additional time to install controls despite a company's best efforts, the industry does not need, nor anticipate, blanket extensions. Unit owners will make the capital investments needed to comply with regulations, and regulators will approve such plans, if the compliance timeline is clear. Thus, it is important that EPA continue to emphasize clarity surrounding the timing to comply with the upcoming regulations.

The Clean Energy Group members will file comments on the proposed rule to provide technical recommendations, and we appreciate EPA's significant efforts on the Utility Toxics Rule and Transport Rule. Needed regulatory certainty will result from EPA's timely implementation of regulations consistent with the Clean Air Act, which is in the best interests of the electric industry, the market, and customers.

Sincerely,



Michael Bradley

Executive Director of the Clean Energy Group's Clean Air Policy Initiative

cc: Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA
Joseph Goffman, Senior Counsel, Office of Air and Radiation, EPA
Peter Tsigotis, Director, Sector Policies and Programs Division, Office of Air Quality and Planning Standards, Office of Air and Radiation EPA



Correspondence Management System

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Citizen Information

Citizen/Originator: Dunbar, George

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: PO Box 202056, Room 164B, East Wing, Harrisburg, PA 17120-2056

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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 - Ask that EPA take no action on the 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
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 16, 2011	Jul 1, 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
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Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 16, 2011
Martha Faulkner	OAR	Accepted the group assignment	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		

**GEORGE DUNBAR, MEMBER
56TH LEGISLATIVE DISTRICT**



COMMITTEES
Gaming Oversight
Finance
Local Government
State Government

Room 164B, East Wing
PO Box 202056
Harrisburg, PA 17120-2056
Phone: (717) 260-6132
Fax: (717) 260-6573

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Toll-Free (866) 901-5405

June 15, 2011

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

Dear Administrator Jackson:

Based on my experience as a corporate executive and financial consultant, and a member of the Pennsylvania legislature, I am convinced that lowering the primary ozone standard below the present 75 ppb level would prove economically devastating to our Commonwealth's communities. I ask that the Environmental Protection Agency take no action on the ozone standard at this time.

There is no compelling reason to reconsider the ozone standard a mere three years after it was last reviewed and amended. As you well know, many communities have yet to meet the 2008 mandate. It would do little practical good to impose an even stricter limit this soon, especially in light of the fact that no relevant new data has been accumulated during the last three years that indicates the need for change.

The nonattainment status that a new, lower ozone standard would undoubtedly confer on hundreds of monitoring areas throughout the United States carries dire consequences. I am very fearful that Pennsylvania communities in nonattainment would face insurmountable challenges in attracting new employers and creating jobs. Businesses would be subjected to arduous permitting processes and new facility construction would be hindered.

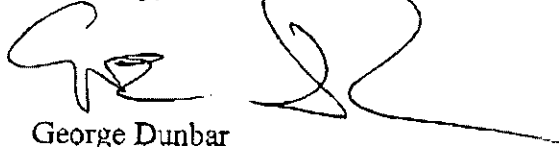
I am not surprised by the impact estimates of the Manufacturers Alliance/MAPI study. It seems entirely likely that an ozone standard of as low as 60 ppb could indeed force Pennsylvania businesses and local government to spend \$3 billion on attainment efforts. Job losses of 300,000 or more seem perfectly possible. Needless to say, if these estimates were even half right they would still be devastating to Pennsylvania.

Page Two

Like countless areas around the nation, many parts of Pennsylvania deal not only with local air pollutants but also with gases and particulate matter that filters in from other regions, sometimes hundreds of miles away. It seems patently unfair to penalize businesses, workers and communities for air quality issues they did not create and have no way of correcting. Yet that is exactly what this EPA proposal would do.

The five-year review period that is normally followed in the setting of ozone standards makes sense. It does not seem reasonable to abandon that schedule now and lower the present standard ahead of time. Please reconsider the serious economic effects this proposal would have and do nothing to institute a lower ozone standard for at least two more years.

Sincerely,

A handwritten signature in black ink, appearing to read 'George Dunbar', with a long horizontal line extending to the right.

George Dunbar
State Representative
56th Legislative District

CC: U.S. Senator Patrick Toomey
U.S. Senator Robert P. Casey, Jr.
White House Office of Public Engagement and Intergovernmental Affairs



Correspondence Management System

Control Number: AX-11-000-9730

Printing Date: June 16, 2011 03:38:04



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 16, 2011
Martha Faulkner	OAR	Accepted the group assignment	Jun 16, 2011

Comments

Commentator	Comment	Date
No Record Found.		

**JEFFREY P. PYLE, MEMBER
REPUBLICAN DEPUTY WHIP
60TH LEGISLATIVE DISTRICT**

ROOM 147 EAST WING
P.O. BOX 202060
HARRISBURG, PA 17120-2060
PHONE: (717) 783-5327
TOLL FREE: (800) 287-0614
FAX: (717) 260-6511

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WEB: JEFFPYLE.NET
FACEBOOK.COM/REPJEFFPYLE
TWITTER.COM/REPJEFFPYLE



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

June 15, 2011

COMMITTEES

APPROPRIATIONS

Subcommittee on Economic Impact & Infrastructure

ENVIRONMENTAL RESOURCES & ENERGY

Subcommittee Chairman on Mining

TRANSPORTATION

Subcommittee Chairman on Railroads

GAME & FISHERIES

APPOINTMENTS

MINING RECLAMATION ADVISORY BOARD

COAL CAUCUS, CHAIRMAN

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

Dear Administrator Jackson:

I am writing to share my concerns about an Environmental Protection Agency (EPA) proposal to lower the primary (8-hour) ambient ozone standard. If approved, the proposed regulations would undermine economic development and cost our state hundreds of thousands of jobs.

I have a deep appreciation for the environment and the need to conserve and protect natural resources and wildlife. When evaluating any regulatory proposal, including those that are believed necessary to protect the environment, government agencies have a responsibility to take into consideration the costs and benefits of a proposed regulation. It is also important to take into consideration the effectiveness of existing regulations and whether those regulations are outdated or inadequate.

A May 2010 analysis of the EPA's proposal indicates that lowering ozone standards would have an enormous cost in terms of job losses and reduced economic growth. In Pennsylvania alone, the new regulations would result in 339,000 lost jobs and a \$31.4 billion reduction in the commonwealth's gross regional product. With 477,000 Pennsylvanians already unemployed, this is not the time to introduce restrictive regulations that stand in the way of economic development. In this economic environment, the administration should be focusing on ways to reduce regulatory burdens on the private sector. This proposal suggests that the administration just doesn't understand the concerns of unemployed Americans who are struggling to find work and provide for their families.

The Clean Air Act requires the EPA to reconsider ozone standards every five years. Reevaluating standards every five years is reasonable, as it allows the agency to take into consideration whether regulations are succeeding and whether changes in technology have developed which would enable communities to meet lower standards in a cost-effective manner. The ozone standards that are now in place went into effect in March of 2008. Given the relatively short five-year window required in the statute, it is not reasonable to conclude that the three-year old standards that are now in place have become inadequate or out-of-date. Indeed, there is evidence that communities are succeeding in their efforts to reduce ozone levels. One of example of this is the Clearfield-Indiana area, which was able to bring ozone levels down enough to be re-designated to "attainment" status by the EPA.

409 FORD ST.
FORD CITY, PA 16226
(724) 763-3222

289 ROUTE 85 HWY.
HOME, PA 15747
(724) 397-2961

208 1/2 N. RAILROAD AVE.
APOLLO, PA 15613
(724) 478-1050

June 15, 2011

Page 2

Given the enormous costs of lower ozone standards, the fact that existing standards are only three years old, and the reduction in ozone levels that many communities are experiencing, approval of these regulations cannot be justified at this time. I urge you to reject this proposal and follow the five-year review cycle that is recommended under the Clean Air Act.

Thank you very much for your time and attention to this matter.

Cordially,



Jeffrey P. Pyle, Member
PA House of Representatives
60th Legislative District
Armstrong & Indiana Counties

JPP/tm

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



Correspondence Management System

Control Number: AX-11-000-9861

Printing Date: June 21, 2011 03:44:46



Citizen Information

Citizen/Originator: Wilson, Brian

Organization: Jefferson County Republican Party of Ohio
Address: 211 South Fifth Street, Columbus, OH 43215

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9861 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Jul 6, 2011 # of Extensions: 0
 Letter Date: Jun 17, 2011 Received Date: Jun 20, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: FAX (Facsimile) 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- A downward revision to the 60-70 ppb level would deal a tremendous blow not only to Ohio's economy, but to America's as well

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
 OP - Office of Policy
 R5 - Region 5 -- 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 21, 2011
Martha Faulkner	OAR	OAR-OAQPS	Jun 21, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-HEID	Jun 21, 2011

History



Correspondence Management System

Control Number: AX-11-000-9861

Printing Date: June 21, 2011 03:44:46



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 21, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OAQPS	Jun 21, 2011
Sherry Russell	OAR-OAQPS	Forwarded control to OAR-OAQPS-HEID	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed Status For Your Information Pending	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed File Code 401_127_a General Correspondence Files Record copy 404-141-02-01_141_b Controlled and Major Corr. Record copy	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed Signature SNR-Signature Not Required DX-Direct Reply	Jun 21, 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 21, 2011
(b) (6) Personal Privacy	OEX	Changed Due Date July 06, 2011	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		

Jefferson County Republican Party of Ohio
Dr. Brian Wilson, Chairman

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

Ms. Jackson:

While serving as chairman of the Jefferson County Republican Party, I have been made acutely aware of the role the Environmental Protection Agency plays in our day-to-day lives and the struggles our communities are facing in reaching compliance with the current 75 ppb standard for ozone particulate matter. As you may know, Jefferson County is currently in nonattainment status just like many counties across Ohio and hundreds more nationwide.

And just like other states throughout our nation, Ohio is experiencing significant financial difficulties as a result of the recent recession and due to the limitations of our economy. This is certainly not the time to tighten restrictions and raise production costs to meet unrealistic new requirements from the EPA, just three years after the last revision in 2008.

A downward revision to the 60-70 ppb level would deal a tremendous blow not only to Ohio's economy, but to America's as well. There is no doubt that these extreme measures would be reflected in loss of jobs and diminished GDP, as well as in the inability of state and local economies to drive expansion and promote business development.

It is no secret to you or the public at large that these strict EPA proposals which are designed to make a strong political statement would be detrimental to our economy and act as a damper on future growth, even as our nation's unemployment rate remains above nine percent. These regulations are simply unattainable under current conditions and will only drag America further down.

I recognize that the benefits of air quality standards are many; yet instituting new standards before we have had a chance to adapt to the last revision will drive up production costs and drive down the demand for new products. Your agency must acknowledge the need to balance economic growth with attainable regulatory goals by withdrawing its proposal for further revision to the current ozone standard.

Sincerely,

Brian Wilson

Brian Wilson, Chair
Jefferson County Republican Party Chair

CC: Bill Daley, White House Chief of Staff

Valerie Jarrett, White House Office of Public Engagement and Intergovernmental Affairs

John Kasich, Governor

Senator Rob Portman, U.S. Senate

Senator Sherrod Brown, U.S. Senate



Correspondence Management System

Control Number: AX-11-000-9863

Printing Date: June 21, 2011 12:15:45



Citizen Information

Citizen/Originator: Brown, Lance

Organization: Pace
Address: Post Office Box 70072, Montgomery, AL 36107

Woolley, Deborah

Organization: Tennessee Chamber of Commerce
Address: 896 Lakemont Drive, Nashville, TN 37220-2124

Bowen, G.L.

Organization: Georgia Association of Manufacturers
Address: 50 Hurt Plaza, Atlanta, GA 30303

Jones, Cline

Organization: Tennessee River Valley Association
Address: PO Box 1745, Decatur, AL 35602

Holland, Richard

Organization: Tennessee Paper Council
Address: PO Box 290693, Nashville, TN 37229-0693

Glenn, Ernie

Organization: Alabama Iron and Steel Council
Address: 100 North Union Street, RSA Building, Montgomery, AL 36104

Koplin, Chip

Organization: Georgia Recyclers Association
Address: 317 Oakview Way, Canton, GA 30114

Underwood, Rudy

Organization: American Chemistry Council
Address: 700 Second Street, NE, Washington, DC 20002

Canary, William J

Organization: Business Council of Alabama
Address: 2 North Jackson Street, Montgomery, AL 36104

Clark, George N

Organization: Manufacture Alabama
Address: 401 Adams Avenue, Montgomery, AL 36104

Moon, Jay C.

Organization: Mississippi Manufacturers Association
Address: 720 North President Street, Jackson, MS 39202

Steele, Charles

Organization: Working People for Fair Energy
Address: 1513 East Cleveland Avenue Bldg. 100B, Atlanta, GA 30344

Canthen, Leigha

Organization: Alabama Agribusiness Council
Address: PO Box 3612, Montgomery, AL 36109

Dewberry, Daryl

Organization: United Mine Works of America, District 20
Address: 18354 Quantico Gateway Drive, Triangle, VA 22172-1179



Correspondence Management System

Control Number: AX-11-000-9863

Printing Date: June 21, 2011 12:15:45



Ray, Richard

Organization: Georgia AFL-CIO
Address: 501 Pulliam Street, SW, Atlanta, GA 30312

Gettinger, Patti

Organization: Georgia Tea Party
Address: PO Box 681985, Marietta, GA 30068-9998

Burkhalter, Stewart

Organization: Alabama AFL-CIO
Address: 435 South McDonough Street, Montgomery, AL 36104

Shelton, Casey

Organization: International Brotherhood of Electrical Workers System Council U-19
Address: 12181 Highway 25, Calera, AL 35040

Merrihew, Larry

Organization: Coalition of AL Waterway Associations
Address: PO Box 1745, Decatur, AL 35602

McAuley, Roy

Organization: Alabama Pulp and Paper Council
Address: 555 Alabama Street, Montgomery, AL 36104

Tolar, Bryan

Organization: Georgia Agribusiness Council
Address: P.O. Box 119, 1655 South Elm Street, Commerce, GA 30529

Clark, Chris

Organization: Georgia Chamber of Commerce
Address: 233 Peachtree Street, NE, Atlanta, GA 30303-1564

Poole, John

Organization: Georgia Paper and Forest Products Association
Address: PO Box 27, Lavonia, GA 30553

Wilson, Blake

Organization: Mississippi Economic Council
Address: PO Box 23276, Jackson, MS 39225

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-000-9863	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Jul 6, 2011	# of Extensions:	0
Letter Date:	Jun 17, 2011	Received Date:	Jun 20, 2011
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	FAX (Facsimile)	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:	DRF - Concern with the National Emissions Standards for Hazardous Air Pollutants From		



Correspondence Management System

Control Number: AX-11-000-9863

Printing Date: June 21, 2011 12:15:45



Instructions: Coal-and-Oil-Fired Electric Utility Steam Generating Units
DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- 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	Jun 21, 2011	Jul 6, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Gloria Hammond	OAR	OAR-OAQPS	Jun 21, 2011	Jul 4, 2011	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.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 20, 2011
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 21, 2011
Gloria Hammond	OAR	Accepted the group assignment	Jun 21, 2011
Gloria Hammond	OAR	Assign OAR-OAQPS as lead office	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		



Partnership for Affordable Clean Energy
P.O. Box 70072 • Montgomery, AL 36107 • 334.294.9673

June 17, 2011

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

Dear Administrator Jackson:

As organizations located in the Southeast, a region whose economy depends heavily on the availability of affordable, reliable electricity, we write to you to express our concern with the National Emissions Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units, otherwise known as 'Utility MACT.' We believe these rules, if implemented within the stated timelines and with the stringency we believe is likely, will weaken industry in our region, cause job losses, and hurt power consumers.

As you are aware, study suggests that EPA's Utility MACT rules will affect 1,350 coal and oil-fired units at 525 power plants across our nation. You may also be aware that the North American Electric Reliability Corporation (NERC) reports that by 2018 nearly 50,000 MW of generating capacity will be forced into retirement by these new regulations. In the end, nearly half of America's electricity portfolio will either shut down altogether or undergo expensive upgrades. In either case, businesses and consumers will bear the cost.

Our fear is that the Southeast will be particularly vulnerable to the consequences of Utility MACT rules. Our region remains the last bastion of heavy manufacturing, with hundreds of thousands of jobs and billions in economic impact that rely on the success of manufacturing. In this atmosphere, skilled labor has thrived and foreign manufacturing investment has flourished. Our region also relies more intently than others on coal-fired power generation. These two features are not coincidental; in fact, they are inextricably linked. The availability of abundant, reliable, and inexpensive electricity from America's native coal resources has fueled this success.

The cost estimates of Utility MACT are difficult to predict. EPA itself reports a compliance price tag of \$10.9 billion, making this regulation one of the most expensive in the agency's history. This is twice the cost of current regulations that reduce sulfur and nitrogen oxide emissions. Other estimates include an Energy Information Administration report of \$358 billion and an estimate from Representative Upton and Senator Inhofe of more than \$300 billion by 2015. No matter the study, it is clear that Utility MACT will impose daunting costs not only to the electric utilities that will bear them directly, but also to the businesses, workers, and families who will bear them indirectly.

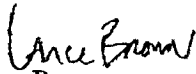
For example, the American Coalition for Clean Coal Electricity estimates electricity price increases from Utility MACT could be as high as 24% in some regions, or between \$400 and \$500 in annual buying power for the average family. This at a time when American families are struggling to survive and so many have no job at all. Moreover, many in the energy industry could lose their jobs directly due to the coal-fired capacity losses under Utility MACT. Many of these losses in the energy sector will be felt within the Southeast's borders.

Put simply, we believe that the closure of significant numbers of coal-fired plants in the Southeast due to Utility MACT will mean economic setbacks for our region and strike a blow to manufacturing in one of the only regions in the United States where heavy industry is viable. We believe Utility MACT will mean the loss of high-paying, high-skill jobs and the advent of drastic price increases for consumers who cannot bear them in this economy.

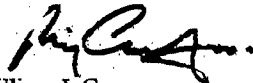
We also believe that Utility MACT will weaken reliability by removing a trusted baseload resource of electricity. The agency should recognize the tremendous gains our nation has made in this area, including the fact that our nation is producing 55% more electricity than we did just twenty years ago, with fewer toxic emissions. In fact, the use of coal to meet electricity demand has tripled since 1970 and yet emissions are still down. We can have a future that utilizes our nation's vast supply of coal and also achieve gains in controlling emissions, but we fear that Utility MACT could make such a future impossible.

EPA has an opportunity to avoid these negative outcomes by establishing reasonable and realistic standards and timelines for controlling emissions from coal-fired generation. We believe the current compliance deadline of three years set by the agency meets neither the test of reasonability nor realism. For this reason, we join together to ask EPA to delay indefinitely its proposed Utility MACT rule until further study can be undertaken on the potential costs and negative incomes to industry, jobs, and consumers in the Southeast and across our nation.

Sincerely,



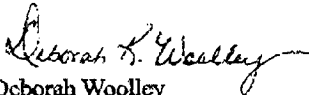
Lance Brown
PACE



William J. Canary
Business Council of Alabama



Stewart Burkhalter
Alabama AFL-CIO



Deborah Woolley
Tennessee Chamber of Commerce



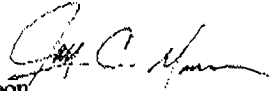
George Clark
Manufacture Alabama



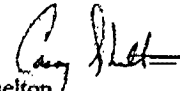
Blake Wilson
Mississippi Economic Council



G.L. Bowen, III
Georgia Association of Manufacturers



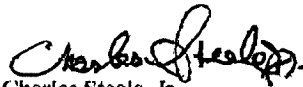
Jay C. Moon
Mississippi Manufacturers Association



Casey Shelton
IBEW System Council U-19



Cline Jones
Tennessee River Valley Association



Charles Steele, Jr.
Working People for Fair Energy



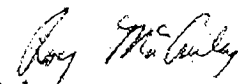
Larry Merrhew
Coalition of AL Waterway Associations



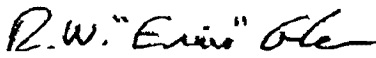
Richard Holland
Tennessee Paper Council



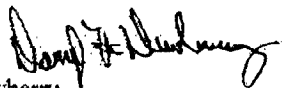
Leigha Conthel
Alabama Agribusiness Council



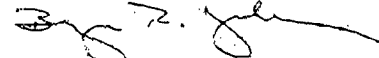
Roy McAuley
Alabama Pulp and Paper Council




Ernie Glenn
Alabama Iron and Steel Council




Daryl Dewberry
United Mine Works of America, Dist 20



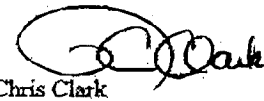
Bryan Tolar
Georgia Agribusiness Council



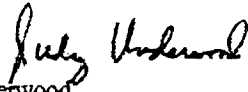
Chip Koplin
Georgia Recyclers Association



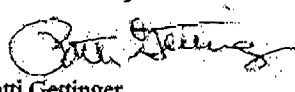
Richard Ray
Georgia AFL-CIO



Chris Clark
Georgia Chamber of Commerce



Rudy Underwood
American Chemistry Council



Patti Gettinger
Georgia Tea Party



John Poole
Georgia Paper and
Forest Products Association



Correspondence Management System

Control Number: AX-11-000-9875

Printing Date: June 21, 2011 04:42:45



Citizen Information

Citizen/Originator: Schieferdecker, Howard A

Organization: City of Maitland
Address: 1776 Independence Lane, Maitland, FL 32751

Waldrop, Maria

Organization: City of Maitland
Address: 1776 Independence Lane, Maitland, FL 32751

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9875

Alternate Number: N/A

Status: Closed

Closed Date: Jun 21, 2011

Due Date: N/A

of Extensions: 0

Letter Date: May 23, 2011

Received Date: Jun 20, 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 -Resolution of City Council City of Maitland Florida Requesting EPA consider and grant the Florida Department of Environmental Protection withdraw determination that Numeric Nutrient criteria and discontinue proposing additional Nutrient in Florida provide effective date

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
OW - Office of Water -- Immediate Office
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 20, 2011



Correspondence Management System

Control Number: AX-11-000-9875

Printing Date: June 21, 2011 04:42:45



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Valerie Barnes	OW	OW-OWOW	Jun 21, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Jun 20, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Jun 20, 2011
(b) (6) Personal Privacy	OEX	Forward control to OW	Jun 20, 2011
Valerie Barnes	OW	Forwarded control to OW-OWOW	Jun 21, 2011
Yvonne Smothers-Pressley	OW-OWOW	Closed control by finished FYI task	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		

RESOLUTION NO: 13-2011

RECEIVED

2011 JUN 20 PM 12:48

OFFICE OF THE EXECUTIVE SECRETARIAT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA, REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AFFIRMATIVELY CONSIDER AND GRANT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PETITION REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WITHDRAW ITS DETERMINATION THAT NUMERIC NUTRIENT CRITERIA ADOPTED BY THE ENVIRONMENTAL PROTECTION AGENCY ARE NEEDED IN FLORIDA; AND DISCONTINUE PROPOSING OR PROMULGATING ADDITIONAL NUMERIC NUTRIENT CRITERIA IN FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Maitland has long recognized the detrimental effects of the introduction of excessive amounts of nitrogen and phosphorus into the local surface waters surrounding the City of Maitland; and

WHEREAS, annual analysis and review of the City's ambient surface water quality within all of its lakes has been ongoing since 1993; and

WHEREAS, in 1996 the City of Maitland adopted a comprehensive Stormwater Lakes Management Plan outlining the state of all surface waters within the City of Maitland and recommending a variety of retrofits and best management practices to stabilize and improve Maitland's surface water quality; and

WHEREAS, in 2005 an update of the Stormwater Lakes Management Plan was completed; and

WHEREAS, on August 25, 2008 the City Council of the City of Maitland adopted ordinance 1168 creating a Stormwater Environmental Utility to establish a dedicated funding source for the activities and projects of the Stormwater and Lakes Management Division; and

WHEREAS, the City of Maitland has supported the adoption and subsequent revisions to Section 403.067, Florida Statutes, concerning the implementation of the Total Maximum Daily Loads program in Florida; and

WHEREAS, the City of Maitland has actively participated in the development of Total Maximum Daily Loads for local waterbodies and in the formation of Lake Jesup Basin Management Action Plan; and

WHEREAS, the City of Maitland considers its historic and current actions to maintain and improve surface water quality within the City of Maitland to be in close compliance with the intent of both the United States Environmental Protection Agency and the Florida Department of Environmental Protection Agency; and

WHEREAS, the City of Maitland considers the actions of Florida local governments, the Florida Department of Environmental Protection and the Florida Legislature to be consistent with the 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; and

WHEREAS, the City of Maitland supports the Florida Department of Environmental Protection's Petition requesting that the United States Environmental Protection Agency rescind its determination that numeric nutrient criteria are needed in Florida and strongly requests that the United States Environmental Protection Agency consider this Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA:

SECTION 1. The Maitland City Council hereby requests that the United States Environmental Protection Agency (EPA) affirmatively consider and grant the Florida Department of Environmental Protection's Petition requesting that EPA:

1. Withdraw its January 2009 determination that numeric nutrient criteria developed by EPA are necessary in Florida.
2. Immediately initiate the repeal of 40 C.F.R. 131.49.
3. Discontinue proposing or promulgating further numeric nutrient criteria in Florida.
4. Work in close, cooperative partnership with Florida local governments and the Department of Environmental Protection in seeking long term solutions to water quality problems that are based on sound science.

SECTION 2. The City Manager is hereby directed to forward a copy of this Resolution to EPA Administrator Lisa Jackson, Governor Rick Scott, State Senate President Michael Haridopolos, Speaker of the State House of Representative Dean Cannon, the Florida Congressional Delegation and the local legislative delegation.

SECTION 3. The City Manager is hereby directed to forward a copy of this Resolution to the Florida League of Cities, the Florida Association of Counties and the Florida Stormwater Association.

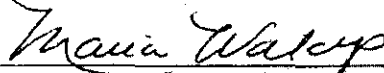
SECTION 4. This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Maitland, Florida, on 23rd day of MAY, 2011.

CITY OF MAITLAND


Howard A. Schieferdecker, Mayor

ATTEST:


Maria Waldrop, City Clerk



Correspondence Management System

Control Number: AX-11-000-9876

Printing Date: June 21, 2011 01:27:01



Citizen Information

Citizen/Originator: Petersen, Gary M.

Organization: Environmental Problem Solving Enterprises
Address: 350 Chapala Street, Santa Barbara, CA 93101

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9876 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 10, 2011 **Received Date:** Jun 20, 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-I want to follow-up and thank you for all your help in making our meeting possible.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OSWER - OSWER -- 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	OAR	Jun 21, 2011
Gloria Hammond	OAR	OAR-OAP	Jun 21, 2011



Correspondence Management System

Control Number: AX-11-000-9876

Printing Date: June 21, 2011 01:27:01



History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 21, 2011
Gloria Hammond	OAR	Forwarded control to OAR-OAP	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		

Gary Petersen

BOB,

BOB SULNICK ASKED ME
TO SAY HI TO YOU. HE
SAID YOU WERE GRAND
TO WORK WITH DURING
THE AMERICAN OCEANS
CAMPAIGN DAYS. WELL,
BOB HAS BEEN MY
PARTNER AT EPS FOR
THE PAST 11 YEARS.
SMALL WORLD! GREAT
TO MEET YOU.

GARY



ENVIRONMENTAL PROBLEM SOLVING ENTERPRISES

June 10, 2011

Mr. Bob Perciasepe, Deputy Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
MC 1101
Washington, D.C. 20460

RECEIVED
2011 JUN 20 PM 12:48
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Bob,

I want to follow-up and thank you for all your help in making our meeting possible. I know we packed in quite a bit and I know how limited your time is.

Green Seal. As Chair and representing the support of our Board members at Green Seal, we are excited and hopeful that our organization can work with you and with EPA's voluntary programs such as Energy Star and Design for the Environment to promote greener products and a more sustainable economy. We know how challenging it is to create reliable certification programs and that's why I wanted to brief you. The science at Green Seal is impeccable and so are our certifications.

My sense is that consumers are very confused about what is green and with so much green-washing and unsubstantiated certifications out there, we believe a collaboration between EPA and Green Seal could truly set a reliable national model that people will trust.

If you could please provide us with a follow-up contact person at EPA it would be much appreciated.

Green Communities. The California Green Communities program is doing very well and I'm glad we could share our program with you. I hope we might be able to work with EPA in many different ways to engage with all these cities, not only to do the right thing environmentally, but also to create jobs and expand our efforts to promote a more sustainable future.

Is Sara Pallone our contact in following up on this potential collaboration?

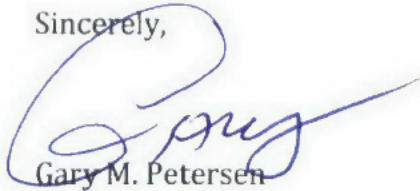


Vero Beach, Florida. Regarding our full-scale green-waste/wood-waste bio-energy plant in Vero Beach Florida, I'd like to make sure we keep you informed. Who would you like us to follow-up with? Our firm Ineos New Planet Bio Energy (inpbioenergy.com) will have the plant up and running in April 2012. We are very excited that the DOE is participating with a 50 million dollar grant, the Dept. of Agriculture is contributing a 175 million dollar loan guarantee and the State of Florida is bringing a 2½ million dollar grant to help build the facility. This fits in with the country's goals for clean renewable fuels, firm local power generation, ethanol production, energy independence, solving local solid waste problems, increasing recycling and most importantly creating new jobs.

University of California at Los Angeles. The program at UCLA, "Recycling and Waste Management", is nationally known. We have graduated hundreds of students that are now recycling and solid waste specialists in both the public and private sectors. Waste management is the second most expensive budget item that jurisdictions spend their money on. Increasing recycling and energy recovery will create many new jobs and reduce our antiquated dependence on landfills. The school has already had a relationship with EPA over the years and Dr. Eugene Tseng, whom you met at the meeting, will be following up to explore expanding the program.

Again, thank you for your time and I'm looking forward to working with you and Lisa on these matters.

Sincerely,



Gary M. Petersen

cc: Ms. Lisa Jackson, EPA
Mr. Hal Conklin, SCE, Green Communities
Mr. Eugene Tseng, UCLA
Mr. Arthur Weissman, Green Seal



Correspondence Management System

Control Number: AX-11-000-9882

Printing Date: June 21, 2011 01:20:25



Citizen Information

Citizen/Originator: Folmer, Mike

Organization: State of Pennsylvania

Address: 101 Municipal Building 400 South 8th Street, Lebanon, PA 17042

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9882

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 13, 2011

Received Date: Jun 20, 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-I understand the EPA will issue a decision in July on whether to lower the standard again. With all due respect to the mission your agency pursues, that decision needs to be "no"

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
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	OAR	Jun 21, 2011
Gloria Hammond	OAR	OAR-OAQPS	Jun 21, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-AQPD	Jun 21, 2011
Sherry Russell	OAR-OAQPS	OAR-OAQPS-HEID	Jun 21, 2011

History



Correspondence Management System

Control Number: AX-11-000-9882

Printing Date: June 21, 2011 01:20:25



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 21, 2011
Gloria Hammond	OAR	Forwarded control to OAR-OAQPS	Jun 21, 2011
Sherry Russell	OAR-OAQPS	Forwarded control to OAR-OAQPS-AQPD	Jun 21, 2011
Sherry Russell	OAR-OAQPS	Forwarded control to OAR-OAQPS-HEID	Jun 21, 2011

Comments

Commentator	Comment	Date
	No Record Found.	

SENATE PO BOX 203048
THE STATE CAPITOL
HARRISBURG, PA 17120-3048
717-787-5708
FAX: 717-787-3455

101 MUNICIPAL BUILDING
400 SOUTH 8TH STREET
LEBANON, PA 17042
717-274-6735
FAX: 717-274-7702
TOLL FREE: 1-877-222-1897

509 WEST PENN AVENUE, SUITE 10
ROBESONIA, PA 19551
610-693-3200
FAX: 610-693-3212

MIKE FOLMER



Senate of Pennsylvania
48TH SENATORIAL DISTRICT

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STATE GOVERNMENT, VICE CHAIRMAN
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LABOR & INDUSTRY
URBAN AFFAIRS & HOUSING

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SENATE FIREFIGHTERS &
EMERGENCY SERVICES CAUCUS
SENATE BIO-TECH CAUCUS

PA EHEALTH INITIATIVE BOARD
PA HEALTH INFORMATION EXCHANGE (PHIX)
ADVISORY COUNCIL

E-MAIL: mfolmer@pasen.gov
WEB SITE: www.senatorfolmer.com

June 13, 2011

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

Dear Administrator Jackson,

I represent a Pennsylvania district that includes parts of Dauphin, Lancaster and Chester counties. All three counties are in nonattainment according to the Environmental Protection Agency's ozone standards set in 2008.

I understand the EPA will issue a decision in July on whether to lower the standard again. With all due respect to the mission your agency pursues, that decision needs to be "no."

These counties are still trying to recover from the financial meltdown and resulting recession. Although economists say we have been out of the recession for the last two years, the thousands of unemployed workers in my district see no recovery in sight.

Many people in the commonwealth's executive department and legislature are working diligently to keep current businesses and attract new ones to Pennsylvania to provide jobs for these displaced workers. As I am sure you are aware, there are a variety of factors that bring businesses and investment to an area, including the quality of the work force, tax rates and treatment and other incentives. One of the most important inducements, however, is a reasonable regulatory burden.

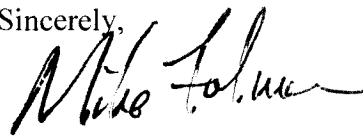
If the EPA goes ahead with a new standard, it is inevitable that many counties, including the ones I represent, will once again be found in nonattainment. The requirements and penalties on businesses are onerous; the costs in terms of time, paperwork and dollars alone could dissuade a firm's presence in a nonattainment area. A new standard will set back our efforts to develop the area's economy; in fact, we will have to scramble to keep existing firms from leaving the counties.

RECEIVED
2011 JUN 20 PM 12:51
OFFICE OF THE
EXECUTIVE SECRETARIAT

The worst part will be a further loss of jobs. The Harrisburg-Carlisle metropolitan area has already lost 0.7% of existing jobs from April 2010 to April 2011, according to the most recent data available from the Bureau of Labor Statistics. I can assure you it will be worse if you decide in July to lower the ozone standard. Already, one study shows a loss of over 300,000 Pennsylvania jobs and an \$86 billion drop in state GDP if the EPA proceeds with a new standard.

The agency needs to look at the situation in its entirety, not simply through a regulatory lens. States and counties need to recover jobs and help its unemployed. It must be the priority. Any agency in the current administration that throws roadblocks in the effort will face hard questions from the voters.

Sincerely,

A handwritten signature in black ink that reads "Mike Folmer". The signature is written in a cursive, flowing style.

MIKE FOLMER
48th Senatorial District

cc: Congressman Tim Holden
Senator Robert P. Casey, Jr.
Senator Patrick Toomey
Cecilia Muñoz



Correspondence Management System

Control Number: AX-11-000-9883

Printing Date: June 21, 2011 01:45:20



Citizen Information

Citizen/Originator: Fazzini, Bernie

Organization: Harrison County Commission

Address: 301 West Main Street, Clarksburg, WV 26301

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9883

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 5, 2011

of Extensions: 0

Letter Date: Jun 10, 2011

Received Date: Jun 20, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: RA-R3-Regional Administrator - Region 3

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-It has been brought to my attention that the EPA is holding off the approval of numerous mine permits. The ongoing backlog, the lack of transparency and ongoing court challenges are jeopardizing jobs throughout West Virginia

Instructions: RA-R3-Prepare draft response for signature by the Regional Administrator for Region 3

Instruction Note: N/A

General Notes: ACTION: EAID CC: Jessica Greathouse. Please prepare for the RA's signature. Please use the following opening sentence "Thank you for your letter of June 10, 2011 to the U.S. Environmental Protection Agency (EPA) concerning..." Please use the following ending sentence (If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Jessica Greathouse, EPA's West Virginia Liaison, at 304-224-3181." Please send concurrence thru Jeannine Sofia and Mrs. Jessica Greathouse.

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

Lead Information

Lead Author: Jeannine Sofia

Office: R3

Due Date: Jul 5, 2011

Assigned Date: Jun 21, 2011

Complete Date: N/A

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



Correspondence Management System

Control Number: AX-11-000-9883

Printing Date: June 21, 2011 01:45:20



Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R3	Jun 21, 2011	Jul 5, 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.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign R3 as lead office	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed Signature SNR-Signature Not Required RA-R3-Regional Administrator - Region 3	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed Instruction DX-Respond directly to this citizen's questions, statements, or concerns RA-R3-Prepare draft response for s	Jun 21, 2011
Jeannine Sofia	R3	Changed Signature SNR-Signature Not Required DD-Division Director	Jun 21, 2011
(b) (6) Personal Privacy	OEX	Changed Signature DD-Division Director RA-R3-Regional Administrator - Region 3	Jun 21, 2011
Jeannine Sofia	R3	Accepted the group assignment	Jun 21, 2011
Jeannine Sofia	R3	Take task	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		



HARRISON COUNTY COURT HOUSE

Harrison County Commission

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX (304) 624-8673

COMMISSIONERS
BERNIE FAZZINI
MICHAEL J. ROMANO
RONALD R. WATSON

June 10, 2011

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

RECEIVED
2011 JUN 20 PM 12:51
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

It has been brought to our attention that the Environmental Protection Agency is holding off the approval of numerous mine permits submitted by mines operating in West Virginia. The Harrison County Commission recently passed a resolution calling on our Congress and President to support jobs and economic opportunity in coal communities across our region. We have included a copy of the resolution with this letter.

Coal mining is responsible for more the 90,000 jobs in West Virginia alone and provides jobs that pay 100 percent higher wages than the average wage in the state.

The ongoing backlog in permit approvals, the lack of transparency in the federal permitting process, and ongoing court challenges to permit applications are jeopardizing jobs, economic opportunity, and coal production throughout West Virginia and the region.

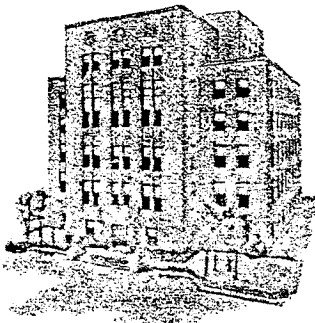
The Harrison County Commission respectfully requests that you express our concerns with this process and the financial impact that the loss of coal mining jobs will have on our community, region, and state.

Respectfully submitted,

Bernie Fazzini
President, Harrison County Commission

/mlf





HARRISON COUNTY COURT HOUSE

Harrison County Commission

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX (304) 624-8673

COMMISSIONERS
BERNIE FAZZINI
MICHAEL J. ROMANO
RONALD R. WATSON

RESOLUTION CALLING ON POLICYMAKERS TO SUPPORT JOBS AND ECONOMIC SECURITY BY FIXING COAL MINE PERMITTING SYSTEM

BE IT KNOWN, the Harrison County Commission is a strong supporter of coal mines in West Virginia and throughout Appalachia and calls upon our Congress and President to support jobs and economic opportunity in coal communities across our region; and

WHEREAS, the links between coal production, economic growth, prosperity and energy security are unbreakable; and

WHEREAS, coal is a main source throughout the world, provides half the electricity used in the United States and as much as 98 percent of the electricity generated in the region; and

WHEREAS, coal mining is responsible for more than 90,000 jobs in West Virginia alone; provides coal mining jobs that pay 100 percent higher wages than the average wage in the state; and generates nearly \$15 billion in economic output in the state; and

WHEREAS, coal mining in West Virginia is balancing the economic needs and environmental expectations of its citizens; and

WHEREAS, coal mine lands are being restored, as part of the reclamation process, to meet ongoing economic, recreational, educational, transportation and housing needs of local communities and the state; and

WHEREAS, the ongoing backlog in permit approvals, the lack of transparency in the federal permitting process, and ongoing court challenges to permit applications are jeopardizing jobs, economic opportunity and coal production throughout West Virginia and the region.

NOW, THEREFORE BE IT RESOLVED that the Harrison County Commission calls upon the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the President's Council on Environmental Quality, the West Virginia congressional delegation and other congressional delegations in the region, and state and local government officials to support coal production and the jobs, economic growth and energy security provided by coal mining by fixing a regulatory system that is frustrating these vital objectives.

This resolution is in full effect upon its adoption this 9th day of June, 2011.

The County Commission of Harrison County, West Virginia

Bernie Fazzini, President

Michael J. Romano, Member

Ron Watson, Member





Correspondence Management System

Control Number: AX-11-000-9912

Printing Date: June 21, 2011 12:13:53



Citizen Information

Citizen/Originator: Moul, Dan

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: 30 West Middle Street, Gettysburg, PA 17120-2091

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-9912

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 6, 2011

of Extensions: 0

Letter Date: Jun 15, 2011

Received Date: Jun 21, 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 - Request for EPA to reassess proposal to raise air quality standards for ground-level ozone

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 21, 2011	Jul 6, 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-11-000-9912

Printing Date: June 21, 2011 12:13:53



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		

DAN MOUL, MEMBER
91st LEGISLATIVE DISTRICT

PO BOX 202091
G-32 IRVIS OFFICE BUILDING
HARRISBURG, PA 17120-2091
717-783-5217

30 WEST MIDDLE STREET
GETTYSBURG, PA 17325
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TOLL-FREE: 1-866-646-4915

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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ON TRAVEL PROMOTION

June 15, 2011

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

RECEIVED
2011 JUN 20 PM 1:45
OFFICE OF THE
EXECUTIVE SECRETARY

Dear Administrator Jackson,

With prices of energy, food and other consumer goods rising, citizens and businesses in south central Pennsylvania don't need new government regulation now that slow business activity and economic recovery. That is why I am asking you to reassess an Environmental Protection Agency proposal to once again raise air quality standards for ground-level ozone.

I represent the people of the 91st District in the Pennsylvania House of Representatives. Manufacturers here are increasing unit production to meet domestic and global demand and the effects of that activity are being felt throughout the supply chain. That's good news for a region that was hit hard by the recession. But I fear if these businesses must meet new and unreasonably low ozone standards, they will lose out in global markets, fail to attract investment and be forced to scrap expansion strategies.

I want you to know that I do not oppose reasonable efforts to reduce ozone pollution. Because I serve on the House Committee on Children and Youth, I am aware of the needs of some of my most vulnerable constituents. All our children should be able to breathe clean air. But if business activity slows and tax revenue to state and local communities fall, there will be less funding for other programs and services children and all Americans need and deserve.

I believe the EPA is moving too fast and businesses here will have to sacrifice future expansion and job growth to even attempt compliance with

new standards. Nationally, according to a letter addressed to you by 20 state governors including Pennsylvania Gov. Tom Corbett, such regulation could increase energy cost and supply for all Americans along with other impacts to the economy.

Again, I respectfully ask that you consider the potential impact of this proposed regulatory revision on local businesses and communities here and across the nation.

Thank you,

A handwritten signature in black ink that reads "Dan Moul". The signature is written in a cursive, flowing style.

Dan Moul
91st Legislative District
Pennsylvania House of Representatives

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



Correspondence Management System

Control Number: AX-11-001-0009

Printing Date: June 21, 2011 04:06:40



Citizen Information

Citizen/Originator: Evanovich, Eli

Organization: House of Representatives, Commonwealth of Pennsylvania, Harrisburg
Address: 5648 William Penn Highway, Export, PA 15632

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0009

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 6, 2011

of Extensions: 0

Letter Date: Jun 20, 2011

Received Date: Jun 21, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

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 - Concerns over the Environmental Protection Agency's proposed revisions to the 2008 ground level 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
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 21, 2011	Jul 6, 2011	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				
Martha Faulkner	OAR	OAR-OAP	Jun 21, 2011	Jul 1, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				

Supporting Information

Supporting Author: N/A



Correspondence Management System

Control Number: AX-11-001-0009

Printing Date: June 21, 2011 04:06:40



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	Jun 21, 2011
Martha Faulkner	OAR	Accepted the group assignment	Jun 21, 2011
Martha Faulkner	OAR	Assign OAR-OAP as lead office	Jun 21, 2011
Louise Staley	OAR-OAP	Accepted the group assignment	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		

PO Box 202054
Harrisburg, PA 17120-2054
Office: 717.260.6129
Fax: 717.772.9869

E-mail: eevankov@palhousegop.com
www.RepEvankovich.com



COMMITTEES
Environmental Resources & Energy
Finance
Human Services
State Government

House of Representatives

Commonwealth of Pennsylvania
Harrisburg

ELI EVANKOVICH, MEMBER
54TH LEGISLATIVE DISTRICT

June 20, 2011

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

Dear Ms. Jackson:

I'm writing to express my concerns over the Environmental Protection Agency's proposed revisions to the 2008 ground level ozone standard. Two areas in my District, Westmoreland and Armstrong Counties are currently in nonattainment. New, more stringent rules as proposed by the EPA would place incredible burdens on these local communities - when they are already endeavoring to become compliant - at a time when our country is still struggling to pull itself out of recession.

I cannot overstate the injurious impact changing the ozone standard will have on the local economies in these areas. Our nation's struggling economy has hit our area hard and unemployment levels have soared. If the EPA changes the ozone standard, it would be devastating. Businesses will be severely impacted, capital investment will be limited, and future business expansion halted. What our area needs is to find ways to create new jobs and to move towards a more healthy economy. That will not happen under the EPA's proposal.

I understand and appreciate all the EPA does to keep our environment clean and safe. Like everyone, I too want our country to have clean air. However, the current ozone standard is sufficient to accomplish that. We do not need more stringent regulations to achieve the objective to have clean air at this time, considering the economic impact. The proposed rules will make a marginal difference in our air quality, yet will levy immeasurable costs to our communities.

5648 William Penn Highway
Export, PA 15632
Office: 724.387.1281
Fax: 724.387.1295

2400 Leechburg Road
New Kensington, PA 15068
Office: 724.335.2790
Fax: 724.335.2649

One of the biggest hopes my constituents have for our area is to foster a business-friendly environment that will bring good-paying jobs. But that will not happen in Pennsylvania or in other parts of our country if the ozone standard is changed. I urge you to consider the slight benefit the proposed rule brings in comparison to the massive costs that will be incurred. Regulations, whether they are local, state, or federal should be based on reasonable and attainable measures and they should take into consideration the economic impact of their implementation. I hope you do that, as you will agree that changing the ozone standard is not in the best interest of our country.

Sincerely,



Eli Evankovich
State Representative
54th 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



Correspondence Management System

Control Number: AX-11-001-0022

Printing Date: June 21, 2011 02:53:52



Citizen Information

Citizen/Originator: Vinyard, Herschel T.

Organization: Florida Department of Environmental Protection
Address: 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0022

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 6, 2011

of Extensions: 0

Letter Date: Jun 14, 2011

Received Date: Jun 21, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OECA-Assistant

Signature Date: N/A

Administrator - OECA

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 - Securing waivers of red-dyed diesel and low Reid Vapor Pressure fuel requirements when storm systems cause limited fuel supplies in Florida

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OW - Office of Water -- 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	OECA	Jun 21, 2011	Jul 6, 2011	N/A
Instruction: AA-OECA-Prepare draft response for signature by the Assistant Administrator for OECA					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Correspondence Management System

Control Number: AX-11-001-0022

Printing Date: June 21, 2011 02:53:52



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OECA as lead office	Jun 21, 2011

Comments

Commentator	Comment	Date
No Record Found.		



Florida Department of
Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

June 14, 2011

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

Mr. Granta Nakayama
Assistant Administrator
Office of Enforcement & Compliance Assurance
U.S. Environmental Protection Agency
Mail Code 2201A, Room AR 3204
1200 Washington, DC 20460

Dear Ms. Jackson and Mr. Nakayama:

As you may be aware, hurricane season is now upon us and over the last several years, Florida has been hit particularly hard by these storm systems. On behalf of the Florida Department of Environmental Protection (DEP), I appreciate the willingness your staff has demonstrated in working with Florida to secure waivers of red-dyed diesel and low Reid Vapor Pressure (RVP) fuel requirements when these storm systems cause limited fuel supplies in Florida.

My staff has briefed me on the information necessary to secure such waivers and I am concerned about the uncertainty and burden associated with gaining such approvals during emergency conditions. To the extent that the U.S. Environmental Protection Agency (EPA) has authority to do so, I request that, for emergencies, you delegate the authority to issue fuel waivers under Section 211(c)(4)(C) to me as the Secretary of DEP. This will allow a more expeditious response to fuel shortages in Florida during emergency conditions. Florida is willing to commit to a standardized set of pre-existing criteria as follows:

- Extreme and unusual fuel or fuel additive supply circumstances exist in the state or region of the nation which prevent the distribution of an adequate supply of the fuel or fuel additive to Florida consumers;
- Such extreme and unusual fuel or fuel additive supply circumstances are the result of a natural disaster, an Act of God, a pipeline or refinery equipment

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OFFICE OF THE
EXECUTIVE SECRETARIAT

Ms. Lisa P. Jackson
Mr. Granta Nakayama
Page 2
June 14, 2011

failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuel or fuel additive to Florida; and

- It is in the public interest to grant the waiver, e.g. when a waiver is necessary to meet projected temporary shortfalls in the supply of the fuel or fuel additive in a state or region of the Nation which cannot otherwise be compensated.

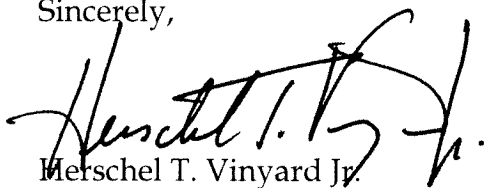
If the DEP Secretary makes the determination that the above prerequisites exist, any temporary extreme and unusual fuel and fuel additive supply circumstances waiver shall be:

- Limited to the smallest geographic area of Florida necessary to address the extreme and unusual fuel and/or fuel additive supply circumstances;
- Effective for a period of 20 calendar days or, if the Secretary of DEP determines that a shorter waiver period is adequate, for the shortest practicable time period necessary to permit the correction of the extreme and unusual fuel and fuel additive supply circumstances and to mitigate impact on air quality;
- Provide a transitional period, the exact duration of which shall be determined by the DEP Secretary (but which shall be for the shortest practicable period), after the termination of the temporary waiver to permit wholesalers and retailers to blend down their wholesale and retail inventory;
- Applicable to all persons in the motor fuel distribution system; and
- Noticed to all parties in the motor fuel distribution system, and local and state regulators, in Florida to be covered by the waiver.

I submit that such an action would be consistent with the President's Executive Order to promote predictability and reduce uncertainty by implementing the least burdensome tool for achieving regulatory ends.

I appreciate your consideration of this request. If you have any questions, please contact Mr. Mike Halpin, Director of DEP's Division of Air Resource Management, at (850) 717-9000.

Sincerely,



Herschel T. Vinyard Jr.
Secretary

cc: Mike Halpin, Director, Division of Air Resource Management, DEP



Correspondence Management System

Control Number: AX-11-001-0136

Printing Date: June 23, 2011 12:02:54



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-11-001-0136 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jun 20, 2011 Received Date: Jun 23, 2011
 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 The National Security Affairs Calendar for the upcoming months June 20, 2011-November 20, 2012
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: Noah Dubin - OEX
 OEAEE - Office of External Affairs and Environmental Education
 OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

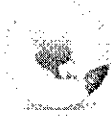
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Jun 23, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 23, 2011
(b) (6) Personal Privacy	OEX	Forward control to OITA	Jun 23, 2011



Memo from Department of State Exec Sec Stephen D. Mull: National Security
Affairs Calendar SENSITIVE BUT UNCLASSIFIED/FOR OFFICIAL
GOVERNMENT USE ONLY - S/ES No. 201110650

ABlinken, anneem, balline,
McPhail, Donald L to: Brenda.Mackall, carol.darr, carol.kennedy,
carol.matthews, Charles.H.Scales,

06/20/2011 07:56 PM

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MEMORANDUM FOR NATHAN D. TIBBITS

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

The National Security Affairs Calendar for the upcoming months is attached.
Please transmit the attached materials to the Executive Secretary-level
representative noted on the attached National Security Affairs Calendar
Distribution Sheet.

**NOTE: CIRCULATION OF THE NATIONAL SECURITY AFFAIRS
CALENDAR IS LIMITED TO MEMBERS LISTED ON THE
DISTRIBUTION SHEET.**

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S/ES 201110650

United States Department of State

Washington, D.C. 20520

June 20, 2011

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MEMORANDUM FOR NATHAN D. TIBBITS
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 "SD Mull".

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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Jun 20* USAID's Conference on Promoting Democracy, Human Rights and Governance, Washington

Jun 21-22 UN Ministerial Meeting on Energy and Green Industry, Vienna

Jun 21-23 Vienna Energy Forum, Vienna

Jun 21* U.S.-Japan Security Consultative Committee Meeting, Washington

Jun 21-26 Visit of First Lady Michelle Obama to South Africa and Botswana

Jun 21-22 18th Annual Commission for Environmental Cooperation (CEC) Ministerial Council Session, Montreal

Jun 21-22 Visit of U.S. Environmental Protection Agency Administrator Jackson to Canada

Jun 21* Australia-U.S. Defense Talks, Washington

Jun 22-23 G-20 Agriculture Ministerial Meeting, Paris

Jun 22-23 Central American Integration System (SICA) International Conference, Guatemala City

Jun 22 Visit of Secretary of State Clinton to Guatemala and Jamaica

Jun 22-24* 2nd Education USA Forum, Washington

Jun 23-24 U.S.-Azerbaijan Pol-Mil Talks, Baku

Jun 23-24* Visit of President Sirleaf of Liberia to Washington

Jun 24* Visit of Foreign Minister Kim of the Republic of Korea to Washington

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3

- Jun 25 - Jul 4 Special Olympics, Athens
- Jun 26 - Jul 17 2011 FIFA Women's World Cup, Germany
- Jun 26-28* Visit of Crown Prince Philippe and Crown Princess Mathilde of Belgium to Washington
- Jun 27-28* Visit of Foreign Minister Vanackere of Belgium to Washington
- Jun 27 - Jul 1* U.S.-Egypt Business and Trade Facilitation Initiative Forum, Washington
- Jun 27* Diplomacy Conference on U.S.-Caribbean Policy, Washington
- Jun 27* U.S. Trade and Development Agency's "Egypt: Forward" Trade and Investment Forum, Washington
- Jun 27* Visit of Foreign Minister Vanackere of Belgium to Washington

LOOKING FORWARD

- Jun 28 - Jul 1* U.S.-Chile Defense Consultative Committee (DCC), Washington
- Jun 28-29 Organization for Economic Cooperation and Development (OECD) High Level Meeting: The Internet Economy: Generating Innovation and Growth, Paris
- Jun 29* U.S.-Israel Political-Military Group, Washington
- Jun 29-30 Global Initiative to Combat Nuclear Terrorism Implementation and Assessment Group (IAG) and Plenary Meeting, Daejeon, Republic of Korea
- Jun 29 - Jul 2 Visit of Secretary of Homeland Security Napolitano to Spain and Austria

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Jun 30 P-5 Conference on Verification, Transparency and Confidence-Building, Paris

Jul 3 Parliamentary Elections in Thailand

Jul 9 Southern Sudan Independence

Jul 11-15 2011 Preparatory Committee (PrepCom) Meeting on Arms Trade Treaty (ATT), New York

Jul 12* Ministerial-Level Meeting of the President's Global Open Government Partnership (OGP), Washington

Jul 13* Visit of Foreign Minister Lavrov of Russia to Washington

Jul 13* Visit of Prime Minister Dombrovskis of Latvia to Washington

Jul 14* Visit of Foreign Minister Naseem of Maldives to Washington

Jul 16 Libya Contact Group Meeting, Istanbul

Jul 17 Presidential Elections in Sao Tome and Principe

Jul 18-20 Central Asia and Afghanistan Women's Economic Symposium, Bishkek

Jul 19 2nd Round U.S.-India Strategic Dialogue, New Delhi

Jul 21-23 East Asia Summit (EAS) Informal Foreign Ministers' Consultations and 18th Association of Southeastern Asian Nations (ASEAN) Post Ministerial Conference (PMC) and ASEAN Regional Forum (ARF) Ministerial, Lower Mekong Initiative (LMI), Bali

Jul 24 U.S.-Indonesia Joint Commission Meeting, Bali

Aug 7 Presidential Elections in Cape Verde

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5

Aug 11-12* Visit of Foreign Minister Stoere of Norway to Washington

Aug 21-25 APEC Business Advisory Council (ABAC) III, Lima

Aug 31 Presidential Elections in Singapore

Sep TBD Parliamentary Elections in Egypt

Sep TBD Official Launch of the Global Counterterrorism Forum (GCTF), New York

Sep TBD* 2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington

Sep 6-9 Pacific Islands Forum, Auckland

Sep 9-10 G-7 Finance Ministerial Meeting, Marseille

Sep 11 Presidential and Legislative Elections in Guatemala

Sep 12-26 Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3 and Related Meetings, San Francisco

Sep 12-16 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sep 13-16 9th Asia-Pacific Economic Cooperation (APEC) Women and Economy Summit, San Francisco

Sep 13 66th United Nations General Assembly Commences, New York

Sep 13 Asia-Pacific Economic Cooperation (APEC) High-Level Meeting on Energy Efficiency and Sustainable Transportation, San Francisco

Sep 14-16 Annual Meeting of the New Champions 2011, Dailian, PRC

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- Sep 14 Asia-Pacific Economic Cooperation (APEC) Transportation and Energy Ministerial, San Francisco
- Sep 15 Australia-U.S. Ministerial (AUSMIN) 2011, San Francisco
- Sep 19-20 66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
- Sep 20 66th United Nations General Assembly Desertification High-Level Session, New York
- Sep 21 66th United Nations General Assembly General Debate begins, New York
- Sep 22 Subnational Legislative Elections in Saudi Arabia (Snap)
- Sep 23 UN Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, New York
- Sep 23-25* 2011 World Bank/IMF Annual Meetings, Washington
- Sep 24 Legislative Elections in the United Arab Emirates
- Sep 24 Parliamentary Elections in Bahrain (Snap)-1st Round
- Sep 26 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 27-30 Internet Governance Forum (IGF), Nairobi
- Oct TBD Election of UN Security Council Non-Permanent Members
- Oct TBD* U.S.-India Higher Education Summit, Washington
- Oct 1 Parliamentary Elections in Bahrain (Snap)-2nd Round

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- Oct 3-28 UNGA First (Disarmament and International Security) Committee, New York
- Oct 5-6 North Atlantic Treaty Organization (NATO) Defense Ministers Meeting, Brussels
- Oct 9-10 Summit on the Global Agenda 2011, Abu Dhabi
- Oct 11 Presidential and Legislative Elections in Liberia
- Oct 16 G-20 Finance Ministerial, Paris
- Oct 17-18 International Congress on Energy Security, Geneva
- Oct 17-21 IAEA: International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna
- Oct 21-23 World Economic Forum on the Middle East, Dead Sea, Jordan
- Oct 21-23 (T) Association of Southeastern Asian Nations (ASEAN) Summit and related Summits including 3rd U.S.-ASEAN Summit and East Asia Summit (EAS), Bali
- Oct 23 Legislative Elections in Tunisia (Snap)
- Oct 23 Presidential Elections in Bulgaria
- Oct 24-28 International Telecommunication Union (ITU) Telecom World 2011, Geneva
- Nov TBD Pacific Island Conference of Leaders, Honolulu
- Nov TBD Presidential Elections in Egypt
- Nov 1 High-Level Forum on Aid Effectiveness, Seoul

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Nov 3-4 G-20 Summit, Cannes

Nov 7-9 APEC Business Advisory Council (ABAC) IV, Honolulu

Nov 8-9 Asia-Pacific Economic Cooperation (APEC) Concluding Senior Officials Meeting and Related Meetings, Honolulu

Nov 10 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial, Honolulu

Nov 10-11 Asia-Pacific Economic Cooperation (APEC) CEO Summit, Honolulu

Nov 11 Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu

Nov 12-13 19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu

Nov 13-15 India Economic Summit, Mumbai

Nov 14-18 International Atomic Energy Agency (IAEA) International Conference on Research Reactors, Rabat

Nov 17-18 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Nov 17 (T) East Asia Summit (EAS) Meeting, Indonesia

Nov 17 (T) U.S.-ASEAN Leaders Meetings, Indonesia


Nov 24 Presidential Elections in Gambia

Nov 26 Parliamentary Elections in New Zealand

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- Nov 28 (T) Presidential and Legislative Elections in the Democratic Republic of Congo
- Nov 28 - Dec 9 17th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 7) to the Kyoto Protocol, Durban
- Dec 5-22 Biological Weapons Convention 7th Review Conference, Geneva
- Dec 5 International Afghanistan Conference, Bonn
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Vilnius
- Dec 7-8 North Atlantic Treaty Organization (NATO) Foreign Ministers Meeting, Brussels
- Dec 12-19 World Trade Organization (WTO) Ministerial Conference, Geneva
-  Jan 23 - Feb 17 World Radiocommunications Conference 2012 (WRC-12), Geneva
- Jan 25-29 World Economic Forum Annual Meeting, Davos-Klosters
- Feb TBD 48th Munich Security Conference, Munich
- Mar 12-17 6th World Water Forum, Marseille
- Mar 26-27 Nuclear Security Summit, Republic of Korea
- Apr 14-15 6th Summit of the Americas, Cartagena
- May 14-16 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

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10

- May 18-19 2012 European Bank for Reconstruction and Development (EBRD)
Annual Meeting, London
- Jul 1 Presidential and Legislative Elections in Mexico
- Jul 21-25 (T) 19th Annual ASEAN Regional Forum, Phnom Penh
- Jul 27 - Aug 12 XXX Summer Olympic Games, London
- Aug 29 - Sep 9 Paralympic Games, London
- Oct 8 Legislative Elections in Slovenia
- Nov 18-20 (T) 21st Annual ASEAN Summit, Phnom Penh

* = Taking Place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes:

Please email Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.

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Correspondence Management System

Control Number: AX-11-001-0137

Printing Date: June 23, 2011 01:25:56



Citizen Information

Citizen/Originator: Missouri, Marcellina

Organization: United States Department of Commerce
Address: 1401 Constitution Avenue, N.W., Washington, DC 20230

Locke, Gary

Organization: U.S. Department of Commerce
Address: The Secretary of Commerce, Washington, DC 20230

Constituent: N/A

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

Control Information

Control Number:	AX-11-001-0137	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 23, 2011	Received Date:	Jun 23, 2011
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:	DRF - Thank you letter to Administrator Jackson from Secretary Locke for EPA's commitment and support of the Asian Americans and Pacific Islanders Initiative		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OARM - OARM -- Immediate Office 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	OITA	Jun 23, 2011

History



Correspondence Management System

Control Number: AX-11-001-0137

Printing Date: June 23, 2011 01:25:56



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Jun 23, 2011

Comments

Commentator	Comment	Date
No Record Found.		



UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, DC 20230

June 20, 2011

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Ms. Jackson:

As my tenure as Secretary of Commerce and Co-Chair of the White House Initiative on Asian Americans and Pacific Islanders (Initiative) draws to a close, I want to take a moment to thank you for your agency's commitment and support of the Initiative.

In October 2009, President Obama signed an Executive Order that reestablished the Initiative to increase access and participation of Asian Americans and Pacific Islanders (AAPI) who remain underserved in programs across the Federal Government. Twenty three agencies and executive offices serve on the Initiative's Interagency Working Group and recently developed agency plans that will enhance the Federal Government's ability to meet the needs of AAPIs in communities across the country.

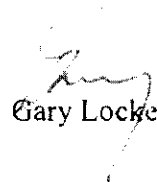
These plans include concrete goals and objectives that address a range of issues that impact the AAPI community, including barriers to language access; promotion of data collection and research to better understand the diverse needs of the AAPI community; relationship-building among AAPI communities; promotion of diversity in Federal employment; and other substantive issues specific to each agency. With these plans, we have an extraordinary opportunity to break down barriers and address the challenges that the AAPI community has faced for decades. Secretary Duncan, my fellow Co-Chair, and I presented these plans to the President in March.

In addition, I would like to thank the following agencies for providing a detail to serve as Initiative staff: Department of Health and Human Services; Department of Housing and Urban Development; Equal Employment Opportunity Commission; Department of Commerce; Department of Interior; Department of Homeland Security; and Department of Justice. Though housed in the Department of Education, the Initiative has a broad mandate and would not be able to meet its obligations without the support of fellow agencies. I greatly appreciate the special commitment these agencies have made to the Initiative and strongly encourage their continued support, as well as the participation and support of other agencies.

The Honorable Lisa P. Jackson
Page 2

I am honored to have co-chaired this significant undertaking. I congratulate you on building a solid framework to increase AAPI participation in Federal programs and look forward to the progress we will make together on behalf of the AAPI community.

Sincerely,



Gary Locke



Correspondence Management System

Control Number: AX-11-001-0138

Printing Date: June 23, 2011 02:41:17



Citizen Information

Citizen/Originator: Guter, Luv

Organization: Sierra Club
Address: 1308 West 2nd Street, Little Rock, AK 72201

Johnson, David Johnson

Organization: Sierra Club
Address: 1308 West 2nd Street, Little Rock, AK 72201

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0138 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 23, 2011 **Received Date:** Jun 23, 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-Clean AirTransport Rule, Docket ID No. EPA-HQ-OAR-2009-0491
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
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	OAR	Jun 23, 2011

History



Correspondence Management System

Control Number: AX-11-001-0138

Printing Date: June 23, 2011 02:41:17



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jun 23, 2011
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 23, 2011

Comments

Commentator	Comment	Date
No Record Found.		

June 21, 2011

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, N.W.
Washington, D.C. 20503

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

Re: Clean Air Transport Rule, Docket ID No. EPA—HQ-OAR-2009-0491

Dear Administrators Sunstein and Jackson:

I am writing to express my strong support for the Environmental Protection Agency's regulation of the State of Texas's emissions of sulfur dioxide under the Transport Rule. As an elected official in the State of Arkansas, I feel it is of great importance to my constituents that our State is protected against the air pollution that blows in from Texas, since particulate matter (PM) does not stop at political boundaries.

Sulfur dioxide emissions, and the fine particulate matter air pollution it causes, have significant adverse effects on people's health, including premature mortality, lung disease, and aggravation of respiratory and cardiovascular disease. Such health effects lead to increased hospital admissions, emergency room visits and health-related absences from school and work.

Arkansas has and will take significant steps to reduce the levels of fine particulate matter air pollution that originates in-state. However, the quality of our air is significantly affected by pollution blowing in from Texas, and controlling in state sources alone is inadequate to ensure the health of our air and of our residents.

I therefore urge the regulation of Texas's sulfur dioxide emissions under the Transport Rule. Only through controlling the interstate transport of air pollution from up wind states such as Texas, can we achieve the healthy air our residents deserve and are legally entitled to.

Sincerely,

 /S/

Arkansas State Senator David Johnson, District 32

David.Johnson@senate.ar.gov



Correspondence Management System

Control Number: AX-11-001-0160

Printing Date: June 23, 2011 01:57:02



Citizen Information

Citizen/Originator: Kamieniecki, Sheldon

Organization: Univeristy of California, Santa Cruz

Address: University of California Division of Social Sciences 1156 Hi, Santa Cruz, CA 95064

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0160

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 16, 2011

Received Date: Jun 23, 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- I want to thank you for presenting the keynote address at the graduation ceremonies for College 10. I am enclosing an article about your visit that appeared in the San Jose Mercury News the following day of your address.

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	OEAEE	Jun 23, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAEE	Jun 23, 2011

DAILY READING FILE

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DIVISION OF SOCIAL SCIENCES
DEAN'S OFFICE
SANTA CRUZ, CALIFORNIA 95064

June 16, 2011

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

RECEIVED
2011 JUN 23 PM 12:32
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

On behalf of Provost Helen Shapiro, the Division of Social Sciences, and the University of California, Santa Cruz, I want to thank you for presenting the keynote address at the graduation ceremonies for College 10. I have spoken to several individuals who attended the graduation, and everyone believes, including me, that it was one of the best presentations we have heard in a long time. You were open and honest, and you spoke from your heart with a great deal of compassion and conviction. I am certain that the students who heard the keynote speech will remember your advice: follow your passion, even when things do not seem to be going your way. All and all, it was a beautiful day. Needless to say, we are all extremely grateful for your willingness to visit Santa Cruz and present the keynote address at the graduation ceremonies for College 10.

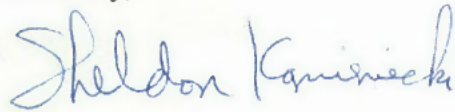
Personally, I was delighted to meet you since my main research field is U.S. environmental policy. I have published a great deal in this area, and I have been a consultant for the U.S. EPA on Superfund and the Underground Storage Tank provisions of SARA. In fact, I was earning my Ph.D. in Political Science at SUNY Buffalo when the story of Love Canal (which you mentioned in your speech) broke. It, too, inspired me to select environmental policymaking as my main research focus.

I am enclosing an article about your visit that appeared in the San Jose Mercury News the following day of your address. It is a nice article, and I think that it does a good job capturing your spirit and goals. You will recall that Diane and Don Cooley, who are quoted at the end of the article, were the elderly couple who sat next to me at our table with the Chancellor during lunch. Clearly, you are in a critically important position, particularly at this point in time, and we are all rooting for you to succeed.

I want to end by letting you know that you are always welcome to visit UC Santa Cruz again. If you know that you are going to be in the area, please contact me and let me know. I would very much like to give you a tour of the surrounding region, especially the coastal area, which is beautiful.

Hope that you have a wonderful summer.

Sincerely,



Sheldon Kamieniecki
Dean

Enclosure

cc: Chancellor Blumenthal
Campus Provost/EVC Galloway
Provost Shapiro
Assistant Chancellor Sahni

EPA chief urges grads on green path

Jackson recounts path to becoming top administrator

By Cathy Kelly

ckelly@santacruzsentinel.com

The head of the U.S. Environmental Protection Agency on Sunday urged UC Santa Cruz's College Ten graduates to honor and cultivate their passions and to trust their instincts and experiences.

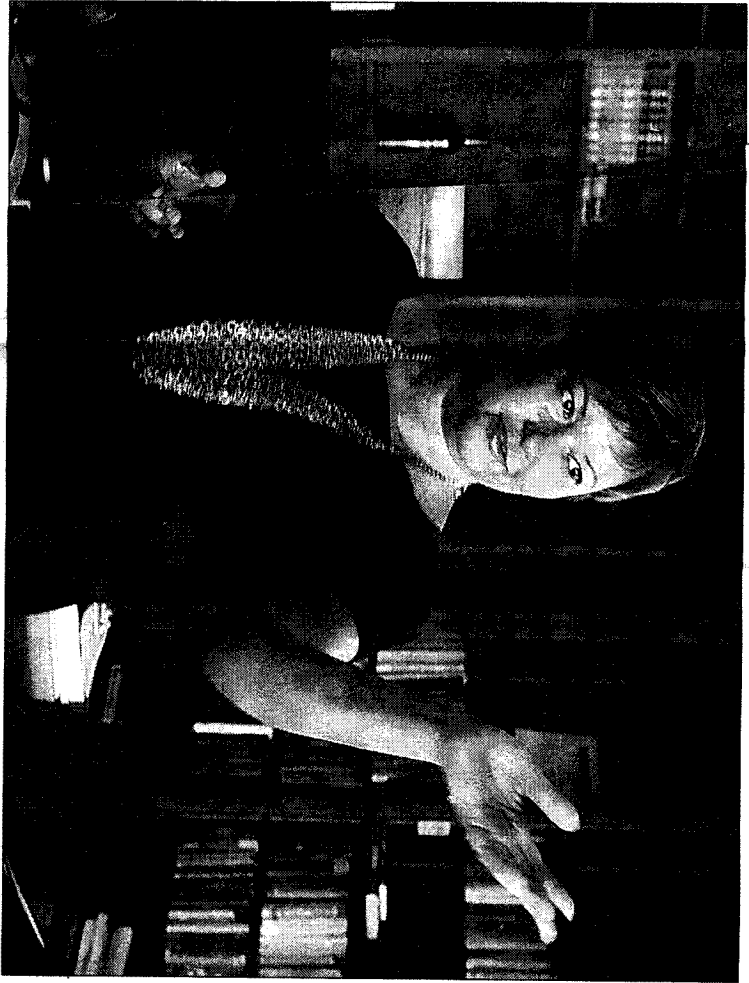
EPA Administrator Lisa Jackson — the first African American woman to head the federal agency — said the university's work to improve the environment is already nationally recognized.

"You are doing your part to make our communities cleaner, healthier and more sustainable," she said. "At College Ten, you've made it your specific mission to focus on social justice. And you've learned here that part of social justice involves environmental justice — making sure all Americans receive the same protections that ensure clean water and air and healthy communities."

The daughter of a New Orleans letter carrier, Jackson told graduates to develop passion, and said her dad's devotion to his customers was a model for her.

"I used to tell him that I wanted to work at the post office so I could be at the front lines serving my community like him," Jackson said.

But her parents encouraged her otherwise, and



DAN COVRO/SANTA CRUZ SENTINEL

EPA Administrator Lisa Jackson meets with reporters before giving a commencement speech for Collegien at UC Santa Cruz on Sunday.

she said she took remedial classes and a few engineering classes until the Love Canal incident, in which tons of toxic waste buried by a chemical company near Niagara Falls were discovered in the late 1970s.

"Many of you had probably never heard of all these years later, but the Love Canal was the first major episode in which hazardous waste — the byproduct of our industrial age — had contaminated land and water in such a dramatic, tragic way," she

said. "I remember this terrible incident like it was yesterday, and I remember the day it's greatest lesson hit me — if engineers can invent the processes that create all this waste, engineers would invent the processes to fix it."

Jackson said she has been able to combine her public health, engineering and public service interests.

"For you, an event like Sept. 11 might have been your Love Canal moment — it might have led you to your passion and to choose this

college," she said.

Another piece of advice was for graduates to trust their decisions, which she said are informed by passions.

"To be happy and confident, you need to do more than just live with your decision," she said. "You need to own and trust it. And those are two very different things."

In a luncheon at University House before the College Ten commencement ceremony, Jackson met with

"To be happy and confident, you need to do more than just live with your decision. You need to own and trust it. And those are two very different things."

— Lisa Jackson, administrator, Environmental Protection Agency

university and political leaders, including California Secretary of Natural Resources John Laird, Assemblyman Bill Monning, D-Carmel; Santa Cruz County Supervisor Neal Cooney; UCSC Chancellor George Blumenthal and Campus Provost Alison Galloway.

In a short interview, she focused on one of her interests: what leads people to become involved in environmental activism. Jackson stood near a window at the University House, which sits atop a hill surrounded by brightly blooming gardens and affords a picturesque view of Monterey Bay.

"This really is beautiful," she noted, and went on to explain that she calls two main paths to environmental action: "the green path" and "the brown path." Jackson stressed that both are valid and equally important.

The brown path is for those spurred to action via major environmental problems, such as the aftermath of Hurricane Katrina and the BP oil spill, Jackson said. The green path is more often trod by those able to live in

"physically stunning" places like Monterey Bay.

One reason to fight for environmental health, she said, is one's very survival and the threat of illnesses such as cancer, asthma and heart disease. Fighting such diseases with known environmental causes is expected to cost the nation \$2 trillion between 1990 and 2020, Jackson said.

The second, "even more grass reason" is that dirty water and air travel, she said.

"You really don't have to think too hard about the reasons, but you have to understand the implications," Jackson said.

Diane Cooley and her husband, Don, were invited to the luncheon. They are Pajaro Valley landowners active in the Land Trust of Santa Cruz County and the UC Santa Cruz and State Parks foundations.

"It was a real privilege," Diane Cooley said. "And I'm thrilled to see the people from the university doing practical, applicable projects with their students to help solve the water problems in this community."



Correspondence Management System

Control Number: AX-11-001-0188

Printing Date: June 23, 2011 04:01:03



Citizen Information

Citizen/Originator: Morris, Michael G.

Organization: American Electric Power
Address: 1 Riverside Plaza, Columbus, OH 43215-2373

Constituent: N/A

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

Control Information

Control Number:	AX-11-001-0188	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 22, 2011	Received Date:	Jun 23, 2011
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_167_a Transitory Files Record copy		
Subject:	SCH002-Scheduling Request - Invitation-Meeting Request to discuss serveral rules that your agency will soon finalize regarding Clean Air Act		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	Event Date: July 6, 2011. Contact: Tony Kavanaugh of my staff will contact your scheduler to determine if July 6th, works, or if a alterntive date is better.		
CC:	OAR - Office of Air and Radiation -- Immediate Office 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	Noah Dubin	Jun 23, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Noah Dubin	Jun 23, 2011



American Electric Power
1 Riverside Plaza
Columbus, OH 43215-2373
AEP.com

Michael G. Morris
Chairman of the Board
President and
Chief Executive Officer

614-716-1100

July 23, 2011

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

Dear Administrator Jackson:

I appreciate the work that you are doing as you tackle the difficult task of implementing the Clean Air Act in a time of environmental, economic and political uncertainty. At the moment, we apparently find ourselves at odds over the aggregate consequences of potential compliance time lines for several rules that your agency has or will soon finalize. I actually believe that we have much common ground and would like to meet with you to explore and better understand our mutual goals, needs and the underlying reasons for potential disagreements.

I will be in Washington the morning of July 6th. Tony Kavanagh of my staff will contact your scheduler to determine if July 6th, works, or if an alternative date is better.

I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Michael G. Morris".

Michael G. Morris



Correspondence Management System

Control Number: AX-11-000-8958

Printing Date: June 06, 2011 08:49:13



Citizen Information

Citizen/Originator: Greco, Robert L.

Organization: API Energy

Address: 1220L Street, NW, Washington, DC 20005-4070

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-000-8958

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: May 27, 2011

Received Date: Jun 3, 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- API and the member companies we represent would like to thank you for meeting on May 11th with the professionals who manage more than twenty of the Nation's refineries.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - 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	OAR	Jun 3, 2011
Martha Faulkner	OAR	OAR-OTAQ	Jun 3, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jun 3, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OTAQ	Jun 3, 2011

DAILY READING FILE



Robert L. Greco, III
Group Director
Downstream & Industry Operations

1220 L Street, NW
Washington, DC 20005-4070
USA
Telephone 202-682-8167
Fax 202-682-8051
Email greco@api.org
www.api.org

May 27, 2011

Robert W. Perciasepe, Deputy Administrator
Office of the Administrator
U.S. Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: May 11th Meeting with API Refinery Managers

Dear Deputy Administrator Perciasepe:

API and the member companies we represent would like to thank you for meeting on May 11th with the professionals who manage more than twenty of the Nation's refineries. And, while we were encouraged by the level of participation by senior EPA officials and the scope of conversation that developed during that meeting, we feel compelled to clarify our position on one key point - EPA's Tier 3 rulemaking - and to request a follow up meeting with you and our senior executives.

As we noted in the meeting, America's petroleum refining industry is a strategic and valuable asset for the United States. We provide secure supplies of products (including gasoline, diesel, jet fuel, and heating oil) to American consumers and the industries which depend on these products. Maintaining a strong domestic refining industry is critical to the Nation's economic security to:

- Reliably provide supplies of our products to individual consumers for mobility and comfort and to the industries that require our products for manufacturing and delivering goods;
- Employ highly skilled Americans with good-paying jobs and support America's economic growth;
- Provide readily available, clean, environmentally friendly products.

As Margo Oge has heard from our companies individually and collectively, adequate scientific justification is a fundamental requirement for any newly proposed standards. Absent compelling scientific justification, as a group we are not supportive of any further changes to fuels specifications. EPA needs to assess the environmental and energy impacts of new fuels controls, and rely on an adequate body of sound scientific research, vetted by stakeholders, that demonstrates cost-effective, real emissions reductions and air quality benefits while allowing us to maintain the integrity of the Nation's refining and distribution system. We are concerned that we have not seen such a justification yet in the case of Tier 3 gasoline.

So, while our refinery managers expressed appreciation for the portion of the discussion concerning the need for extended lead times to account for refinery turnarounds, new permitting, and other regulatory constraints, this is only one of many critical considerations.

In addition, EPA needs to take into account the implications of individual rulemakings on other policy decisions. Specifically, the sulfur and vapor pressure reductions being considered in the Tier 3 rulemaking will trigger refinery changes which will themselves result in reduced energy efficiency and increases of other emissions such as



greenhouse gases. This obviously creates tension between the fuels rulemaking and EPA's rulemaking to control refinery greenhouse gas emissions. We are concerned that the combination of these two rulemaking efforts may disadvantage the domestic refining industry relative to foreign producers.

We look forward to working with EPA staff to ensure continued environmental benefits while meeting our country's energy and economic security goals. From what we have understood to date from our various conversations with EPA, however, we do not believe that EPA's Tier 3 rulemaking meets this objective. To amplify on these comments, executives from the downstream segment of our industry would be happy to come in and speak with you and your staff to provide specific examples and technical explanations regarding our concerns.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Greco, III". The signature is written in a cursive style with a large, stylized "R" and "G".

Robert L. Greco, III

API Group Director
Downstream & Industry Operations

cc:

Gina McCarthy, mccarthy.gina@epa.gov
Rob Brenner, brenner.rob@epa.gov
Margo Oge, oge.margo@epa.gov
Teri Porterfield, porterfield.teri@epa.gov



Correspondence Management System

Control Number: AX-11-000-9007

Printing Date: June 06, 2011 02:03:04



Citizen Information

Citizen/Originator: Elkins, Arthur A

Organization: U.S. Environmental Protection Agency
Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

Constituent: N/A

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

Control Information

Control Number:	AX-11-000-9007	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	May 1, 2011	Received Date:	Jun 6, 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:	DRF - Semiannual Report to Congress October 1, 2010 - March 31, 2011		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	Brigid Lowery - OSWER-CPA Kecia Thornton - OSWER Linda Huffman - OECA Michelle Crews - OSWER OAR - Office of Air and Radiation -- Immediate Office OARM - OARM -- Immediate Office OCFO - OCFO -- Immediate Office OCSPP - OCSPP - Immediate Office OEAE - Office of External Affairs and Environmental Education OECA - OECA -- Immediate Office OP - Office of Policy OSWER - OSWER -- 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



Correspondence Management System

Control Number: AX-11-000-9007

Printing Date: June 06, 2011 02:03:04



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCIR	Jun 6, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Created and closed control	Jun 6, 2011
(b) (6) Personal Privacy	OEX	Reopened Control	Jun 6, 2011
(b) (6) Personal Privacy	OEX	Changed Status Pending For Your Information	Jun 6, 2011
(b) (6) Personal Privacy	OEX	Changed Instruction Immediate Closure For Your Information -- No action required	Jun 6, 2011
(b) (6) Personal Privacy	OEX	Forward control to OCIR	Jun 6, 2011

Comments

Commentator	Comment	Date
No Record Found.		



U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

EPA-350-R-11-005
May 2011

Catalyst for Improving the Environment

Semiannual Report to Congress

October 1, 2010–March 31, 2011



Message to Congress

I am pleased to present the U.S. Environmental Protection Agency (EPA) Inspector General Semiannual Report to Congress for the reporting period October 1, 2010, through March 31, 2011. This report chronicles the Office of Inspector General's (OIG's) efforts to assist the EPA in protecting human health and the environment, and maximizing the return on investment of taxpayer dollars invested in the EPA. The OIG accomplished these tasks by (1) conducting and supervising audits and investigations related to EPA programs and operations; (2) recommending policies to Agency management for activities designed to promote economy, efficiency, and effectiveness in EPA programs and operations; and (3) keeping the EPA Administrator and the Congress informed about problems and deficiencies relating to the administration of EPA's programs and operations, as well as the necessity for, and progress of, corrective actions.

A substantial portion of our resources during this semiannual reporting period were devoted to assisting the EPA—through our audits, evaluations, and investigative activities—in properly and efficiently spending the \$7.2 billion it received under the American Recovery and Reinvestment Act of 2009 (Recovery Act). We issued a dozen reports related to EPA's Recovery Act efforts.

We discovered, for example, that EPA needs to ensure that it has sufficient contracts and grants staff to perform both Recovery Act and non-Recovery Act activities. More specifically, we found that EPA's emphasis on Recovery Act activities resulted in non-Recovery Act activities being delayed or not completed. Moreover, we found that EPA did not clearly describe its responsibilities in the terms and conditions of the Recovery Act-funded interagency agreements that we reviewed. Federal guidance and EPA's internal policies provide that an interagency agreement should identify both the requesting and servicing agencies' responsibilities. Because EPA did not clearly define its responsibilities within its Recovery Act interagency agreements and supporting documents, it did not effectively establish accountability for implementing those agreements.

We also found that EPA regions are unable to ensure that states have directed Recovery Act funds to shovel-ready Leaking Underground Storage Tank sites that provide the greatest environmental benefit. Also, documentation of grant activities did not always demonstrate that Recovery Act-funded Diesel Emissions Reduction Act work achieved the desired emissions reductions, and EPA did not always document delays in diesel emissions projects. We issued reports on unannounced site visits for six Recovery Act projects. We found issues at three sites, and nothing came to our attention at the other three sites that would require action.

One of our investigations found that a foreign-based manufacturer and its U.S. subsidiary were awarded numerous Recovery Act contracts after falsifying that their equipment met Buy American provisions and, as a result, equipment valued in excess of \$1.1 million was seized. Our Recovery Act fraud awareness briefings are reaping the intended results. In one instance, an EPA employee who attended one of our training sessions contacted us about potential fraud. While the fraud allegations were unsubstantiated, we found that the principal of the company and his wife

were debarred from government contracting due to bankruptcy fraud convictions. As a result, they are no longer eligible for further Recovery Act contracts. Another person who attended a training session contacted us regarding counterfeit surety bonds; a stop-work order was subsequently issued and the contracts terminated, saving \$3.4 million in Recovery Act funds.

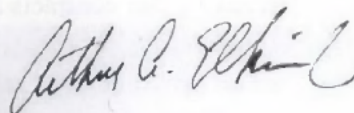
While our Recovery Act work is important, we continued our normal activities in a variety of equally important program areas. For example, we found that EPA lacks controls to prevent misuse of emergency drinking water facilities; that EPA promoted the use of coal ash products with incomplete risk information; and that the ENERGY STAR program has sought to maximize the number of qualified products available at the expense of identifying products and practices that maximize energy efficiency. Moreover, in the area of workforce planning, we found that EPA policies do not include a process for determining employment levels based on workload. We also found that until EPA enforces a coherent position management program, the Agency lacks reasonable assurance that it is using personnel in an effective and efficient manner.

We rendered an unqualified opinion on EPA's Consolidated Financial Statements for fiscal years 2010 and 2009, meaning that they were fairly presented and free of material misstatement, but we did note four significant deficiencies. Further, as a result of one of our reviews, EPA Region 3 deobligated \$6.1 million in unliquidated obligations. We also found that improvements are needed in replacing EPA's core financial system, and that EPA can improve its network traffic management practices as well as its data system for tracking hazardous solid waste shipments.

The OIG requested \$60,766,000 for fiscal year 2012, which is \$4,760,000 more than the President's Budget request. The additional investment is needed to strengthen the OIG's ability to investigate cyber attacks and develop and deploy a prevention and mitigation strategy. The current OIG cyber security investigation team's limited resources may impede the OIG's ability to effectively assist the Agency in securing its information technology networks, commensurate with the risks.

The above highlights a small sample of our activities conducted during this reporting period. I encourage you to read the remainder of our report for a more complete overview of our work during this highly productive semiannual reporting period for the EPA OIG.

We know that the Agency's efforts to safeguard human health and the environment will continue in the face of serious environmental and budgetary challenges. The dedicated staff of the Office of Inspector General will also continue to do its best to ensure that Agency programs achieve their intended results and that its funds are properly expended.



Arthur A. Elkins, Jr.
Inspector General

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Correspondence Management System

Control Number: AX-11-000-9057

Printing Date: June 06, 2011 04:14:34



Citizen Information

Citizen/Originator: Cook, Kenneth A.

Organization: Environmental Working Group
Address: 1436 U Street NW Suite 100, Washington, DC 20009

Constituent: N/A

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

Control Information

Control Number: AX-11-000-9057 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 2, 2011 **Received Date:** Jun 6, 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- Environmental Working Group's review of electronic records from tens of thousands of studies indicates that relatively few studies documented Americans' exposure to industrial chemicals and even fewer focused on children
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCHP - Office of Children's Health Protection
 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 6, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Jun 6, 2011

DAILY READING FILE

June 2, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Biomonitoring Studies Essential for TSCA Section 8(d) Data Calls

Dear Administrator Jackson:

I am writing on behalf of the Environmental Working Group to bring to the attention of the U.S. Environmental Protection Agency a troubling gap in basic health and safety data submitted by chemical companies as part of their reporting obligations under the federal Toxic Substances Control Act.

Environmental Working Group's review of electronic records from tens of thousands of studies submitted by the industry in response to agency data requests indicates that relatively few studies documented Americans' exposures to industrial chemicals and even fewer focused on exposures of children during critical stages of development. This dearth of information is at odds with EPA's instructions to industry to submit "[s]tudies of human health and environmental effects, *including studies of exposures to people* and the environment."¹ Such studies, EPA says, "are the fundamental ingredients of any assessment of chemical risk."²

EWG's review suggests that either the chemical industry is failing to submit required data to EPA regarding people's exposures to its products, or it is failing to conduct basic research to determine which of its chemicals end up in people's bodies, and at what levels. This basic information is needed to determine if a chemical, as used in products and emitted to the environment, poses unacceptable risks to human health.

Such biomonitoring exposure studies are regularly conducted by industrial hygienists and by academic and government scientists. Logically, the chemical industry should be conducting the same, basic studies to understand the safety of its chemicals for the public. And if not, then why not?

The Environmental Working Group urges the Environmental Protection Agency to explicitly request all available biomonitoring data – including studies of chemicals in umbilical cord blood, breast milk, workers and all others tested – in its calls to industry for health and safety data submissions under the Toxic Substances Control Act (TSCA). EWG also urges the agency to request testing, including cord blood testing, that bears on early-life exposures, when the body is

¹ See 40 C.F.R. § 716.3 (emphasis added).

² Revisions to Reporting Regulations Under TSCA Section 8(d), 63 Fed. Reg. 15,765, 15,766 (Apr. 1, 1998) (to be codified in 40 C.F.R. Part 716).

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uniquely vulnerable to damage from industrial chemical exposures. Such information will allow EPA more fully to meet its mandate to protect public health.

The importance of biomonitoring and early-life exposures

Biomonitoring helps scientists determine which chemicals people are exposed to in their everyday lives and how much of those chemicals enter their bodies. Health agencies worldwide successfully use biomonitoring data when assessing chemicals for health and safety. EWG strongly advocates that regulators and industry test for synthetic chemical contaminants in people, especially in human umbilical cord blood. These tests demonstrate how readily chemicals enter and accumulate in our bodies, even during the earliest stages of development. In 2005, for example, EWG detected 287 industrial chemicals in the cord blood of 10 newborn babies.³ In 2009, EWG tested the blood of 10 minority babies and found 232 chemicals.⁴ The bottom line: information derived from biomonitoring is critical to understand the health effects of chemical exposures, especially to the fetus and young children.

Chemical manufacturers themselves clearly recognize that chemical exposures at vulnerable times in life are of great concern. EWG's Chemical Industry Archives⁵ – a searchable database that contains more than 37,000 pages of internal company documents – shows time and again companies' interest in exposures related to early human development. Consider the following examples from the Chemical Industry Archives:

- 1978 – Chemical Manufacturers Association meeting minutes describe a survey focused on embryotoxic chemicals:

“Dr. Clyne’s recent informal survey showed considerable variation in how different companies handle this matter. Mr. De Martino indicated the 1977 NIOSH Registry of Toxic Effects of Chemical Substances contains a sublist of 541 embryotoxin compounds which he would make available to the group.

“The Committee AGREED a list should be prepared of chemicals used in industry that are considered embryotoxic.”⁶ [Emphasis in original]

- 1979 – CMA meeting minutes summarize conclusions about how hazardous substances should be labeled. One provision requires labeling of hazards for chemicals that are “embryotoxic,” defined as:

“A chemical that is capable of causing harm to the developing embryo or fetus from maternal exposure at a concentration that may not harm the mother herself.”⁷

³ EWG, Body Burden: The Pollution in Newborns (2005), <http://www.ewg.org/reports/bodyburden2/execsumm.php>; see also App. A at 1 (describes types of chemicals found).

⁴ EWG, Pollution in People: Cord Blood Contaminants in Minority Newborns (2009), www.ewg.org/files/2009-Minority-Cord-Blood-Report.pdf.

⁵ EWG, Chemical Industry Archives, <http://www.chemicalindustryarchives.org/> (last visited May 20, 2011).

⁶ App. B at 2.

⁷ App. B at 3.