



Correspondence Management System

Control Number: AX-11-001-2635

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Citizen Information

Citizen/Originator: Cardoso, Diego

Organization: Los Angeles County Metropolitan Transportation Authority

Address: One Gateway Plaza, Los Angeles, CA 90012-2952

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2635

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Closed Date: Jul 28, 2011

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Letter Date: Jul 21, 2011

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Addressee: AD-Administrator

Addressee Org: EPA

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Subject: DRF - Regional Connector Transit Corridor Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA
OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- 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
(b) (6) Personal Privacy	OEX	R9	Jul 28, 2011

History

Action By	Office	Action	Date
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Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

RECEIVED

2011 JUL 28 AM 8:05

OFFICE OF THE
EXECUTIVE SECRETARIAL

Lisa P. Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: Regional Connector Transit Corridor Supplemental Environmental
Assessment/Recirculated Sections of the Draft Environmental Impact Report

Dear Lisa P. Jackson:

Thank you for your continued involvement in the Regional Connector Transit Corridor Project. The Federal Transit Administration (FTA) in cooperation with the Los Angeles County Metropolitan Transportation Authority (LACMTA) has prepared a Supplementary Environmental Assessment/Recirculated Sections of the Draft Environmental Report (Supplemental EA/Recirculated Draft EIR Sections) for the proposed project in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). As you are aware, the Regional Connector project proposes to provide a direct light rail link through downtown Los Angeles that connects the Metro Gold Line to Pasadena (and future Foothill Extension to Montclair), the Metro Gold Line Eastside Extension, the Metro Blue Line, and the future Metro Expo Line. The corridor extends for approximately 1.9 miles between the 7th Street/Metro Center Station and the Metro Gold Line tracks in Little Tokyo. The connector would enable direct trains to operate from Montclair to Long Beach, and from East Los Angeles to Santa Monica. This improvement would eliminate many transfers from the existing rail system, increase transit capacity, and shorten travel times.

The overall goal of the project is to improve mobility within the corridor by connecting to the light rail service lines currently in operation or in construction through downtown Los Angeles. This link would serve communities across the region, allowing greater accessibility while serving projected population and employment growth in downtown Los Angeles.

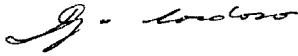
Enclosed is a hardcopy of the Notice of Availability (NOA) for your review. You are invited along with the public to submit comments on the Supplemental EA/Recirculated Draft EIR Sections in writing or electronically by e-mail during the 45-day comment period from July 22, 2011 through September 6, 2011. Written and electronic comments may be submitted to

Ms. Dolores Roybal Saltarelli
Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012

or via e-mail to roybald@metro.net.

If you have questions regarding this letter, please contact Ms. Dolores Roybal Saltarelli at the address listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diego Cardoso".

Diego Cardoso
Executive Officer

Enclosure:
Notice of Availability

cc: Federal Transit Administration

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY (METRO)

NOTICE OF AVAILABILITY
FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT
SUPPLEMENTAL ENVIRONMENTAL
ASSESSMENT/RECIRCULATED SECTIONS OF THE DRAFT
ENVIRONMENTAL IMPACT REPORT

Consistent with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) Section 15087, the Federal Transit Administration (FTA) and the Los Angeles County Metropolitan Transportation Authority (Metro) prepared a Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the Regional Connector Transit Corridor project. The Draft EIS/EIR was made available to identified stakeholders, agencies, and the general public for review and comment for a 45-day review period from September 3, 2010 through October 18, 2010. It included five alternatives: No Build, Transportation Systems Management (TSM), and three alternatives utilizing Light Rail Transit (LRT) technology: Fully Underground, Underground Emphasis and At-Grade Emphasis. In addition, Metro held two public hearings (September 28 and October 4, 2010) to provide information about the Draft EIS/EIR, facilitate the submission of comments, and receive oral comments. On October 28, 2010, the Metro Board of Directors voted to designate the Fully Underground LRT Alternative without the Flower/5th/4th Street station as the Locally Preferred Alternative (LPA).

Refinements, including the approach in and out of the underground station at First Street and Central Avenue on the eastern end of the alignment, have since been made to the LPA in response to comments received on the Draft EIS/EIR, in an effort to minimize environmental impacts, and to improve project design. Pursuant to NEPA (23 CFR 771.130 (c)), Section 21029.1 of the Public Resources Code, and CEQA Guidelines Section 15088.5, this Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report (Supplemental EA/Recirculated Draft EIR Sections) presents information on the refinements to the LPA, which are discussed in detail in updated Chapter 2, Alternatives Considered and the updated portion of Section 4.18, Construction Impacts, and analysis of the refinements as they pertain to property acquisition, noise, vibration, and historical resource impacts. In addition, Chapter 10 has been added to address issues raised as a result of the ruling in the case *Sunnyvale West Neighborhood Assn, et al v. City of Sunnyvale*. All identified potentially significant impacts of the LPA as refined can be mitigated to less than

significant. With mitigation, no new significant impacts or substantial increase in the severity of an environmental impact would occur in the other Draft EIS/EIR sections as a result of the refinements to the LPA.

This Notice of Availability serves as a notice to the public regarding the availability of the Supplemental EA/Recirculated Draft EIR Sections and seeks public opinion and comment on the refinements to the LPA and the analysis presented in the Supplemental EA/Recirculated Draft EIR Sections. FTA is the lead agency for the purposes of NEPA, and Metro is the lead agency for the purposes of CEQA.

Project Description and Location

The Regional Connector project would implement a light rail connector in downtown Los Angeles that would directly link the tracks of the Metro Gold Line light rail system with the Metro Blue Line and future Metro Expo Line. The project would run from the current Metro Blue Line terminus at 7th Street/Metro Center Station to a point on the Metro Gold Line near the Little Tokyo/Arts District Station. The Regional Connector Transit Corridor project area is in downtown Los Angeles and encompasses approximately two square miles. The entire project area is within the City of Los Angeles. The boundaries of the project area generally extend north to the US 101 freeway, east to the Los Angeles River, south to 9th Street, and west to the SR 110 freeway.

Significant Environmental Effects

The Draft EIS/EIR circulated for public review in September 2010 addressed the existing conditions and environmental setting in the project area. Potentially significant and unavoidable impacts could occur with each of the three LRT alternatives. Under CEQA, the LRT alternatives would have significant and unavoidable impacts in five areas. These are transportation, air quality, paleontological, construction and cumulative. Where appropriate, mitigation measures were identified to reduce potentially adverse environmental impacts that may result from the alternatives being considered. All identified potentially significant impacts of the LPA as refined can be mitigated to less than significant. No new significant impacts or substantial increase in the severity of an environmental impact would occur in the other Draft EIS/EIR sections as a result of the refinements to the LPA. Therefore, the conclusions of the Draft EIS/EIR have not changed.

Public Review and Comment Period

Metro requests that commenters limit comments to only the revised chapters and sections, and new chapter provided in this document. Comments received on the original Draft EIS/EIR during the previous comment period will be responded to in the Final EIS/EIR and need not be resubmitted on the revised chapter and sections. Metro intends to only respond

to comments submitted during the recirculation period that relate to the revised chapters or sections included in the Supplemental EA/Recirculated Draft EIR Sections as allowed under CEQA Section 15088.5(f)(2).

The public review and comment period for the Supplemental EA/Recirculated Draft EIR Sections shall begin on Friday, July 22, 2011 and last for 45 days, ending on Tuesday, September 6, 2011. Please provide written comments to Ms. Dolores Roybal Saltarelli of Metro, and Mr. Ray Tellis of the FTA. Metro will respond to these comments in the Final EIS/EIR. All public comments must be received by 5:00 PM on Tuesday September 6, 2011 to ensure incorporation into the Final EIS/EIR.

Mr. Ray Tellis, Team Leader
Los Angeles Metropolitan Office
Federal Transit Administration
888 South Figueroa Street, Suite 1850
Los Angeles, CA 90017
e-mail: ray.tellis@dot.gov

Ms. Dolores Roybal Saltarelli, AICP, Project Manager
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012
e-mail: roybald@metro.net

Ways to Obtain the Supplemental EA/Recirculated Draft EIR Sections

The Supplemental EA/Recirculated Draft EIR Sections will be distributed on Metro's website at www.metro.net/projects/connector. CDs and paper copies of the Draft EIS/EIR may be requested from Ms. Dolores Roybal Saltarelli at the address shown above. Paper copies of the Supplemental EA/Recirculated Draft EIR Sections will also be available for public viewing at the following depositories:

Central Library
Los Angeles Public Library
530 W. 6th Street
Los Angeles, CA 90017

Little Tokyo Branch Library
Los Angeles Public Library
203 S. Los Angeles Street
Los Angeles, CA 90012



Correspondence Management System

Control Number: AX-11-001-2641

Printing Date: July 28, 2011 03:53:52



Citizen Information

Citizen/Originator: McPhail, Donald L

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-11-001-2641 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jul 25, 2011 Received Date: Jul 28, 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-National Security Calendar
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
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	Jul 28, 2011

History

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(b) (6) Personal Privacy	OEX	Forward control to OITA	Jul 28, 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	Jul 28, 2011

July 25, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- Jul 14-25 Visit of Secretary of State Clinton to Turkey, Greece, India, Indonesia, Hong Kong and China
- Jul 25-26 United Nations High-Level Meeting on Youth, New York
- Jul 25-27 East Africa Workshop on Cyberspace Security, Nairobi
- Jul 27* Visit of Defense Minister Smith of Australia to Washington
- Jul 27* Visit of Defense Minister Barak of Israel to Washington
- Jul 28 Presidential Inauguration in Peru
- Jul 28 U.S.-ASEAN Senior Officials Meeting on Transnational Crime and Counterterrorism, Singapore
- Jul 28-29* Visit of Foreign Minister al-Qirbi of Yemen to Washington
- Jul 28-29* Visit of President Boni Yayi of Benin, President Alpha Conde of Guinea, President Allasane Ouattara of Cote d'Ivoire and President Mahamadou Issoufou of Niger to Washington

LOOKING FORWARD

- Aug 4* Visit of Foreign Minister Baird of Canada to Washington

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Aug 7	Presidential Elections in Cape Verde
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 2	ASEAN Ministers of Energy Meeting, Brunei
Sep 6-9	42nd Pacific Islands Forum, Auckland
Sep 6-8	1st APEC Forestry Ministerial, Beijing
Sep 9-10	G-7 Finance Ministerial Meeting, Marseille
Sep 11	Presidential and Legislative Elections in Guatemala
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 19-23 IAEA General Conference, 55th Session, Vienna
- 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 25-26 Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3, San Francisco
- 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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- 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 5-6 Pathways to Prosperity Ministerial Meeting, Santo Domingo
- Oct 5-7 The Americas Competitiveness Forum, Dominican Republic
- Oct 7 Parliamentary Elections in Morocco
- Oct 9 Parliamentary Elections in Poland
- Oct 10-11 Summit on the Global Agenda 2011, Abu Dhabi
- Oct 11 Presidential and Legislative Elections in Liberia
- Oct 13* U.S.-India Higher Education Summit, Washington
- Oct 16 G-20 Finance Ministerial, Paris
- Oct 16-17 APEC Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur
- 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 17-20 7th UNESCO Youth Forum, Paris
- Oct 21-23 World Economic Forum on the Middle East, Dead Sea, Jordan

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Oct 23 Legislative Elections in Tunisia (Snap)

Oct 23 Presidential Elections in Bulgaria

Oct 24-28 International Telecommunication Union (ITU) Telecom World 2011, Geneva

Oct 30 Presidential Elections in Kyrgyzstan

Nov TBD Pacific Island Conference of Leaders, Honolulu

Nov TBD Presidential Elections in Egypt

Nov 1 High-Level Forum on Aid Effectiveness, Seoul

Nov 1-2 London International Cyber Conference, London

Nov 2 Regional Summit on Afghanistan, Istanbul

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

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- Nov 12-13 19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu
- Nov 12 Parliamentary Elections in Denmark
- 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 17-19 ASEAN Summit and Related Meetings, Bali
- Nov 19 East Asia Summit (EAS) Meeting, Bali
- Nov 24 Presidential Elections in Gambia
- Nov 26 Parliamentary Elections in New Zealand
- 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 4 Parliamentary Elections in Croatia
- Dec 5-22 Biological Weapons Convention 7th Review Conference, Geneva
- Dec 5 International Afghanistan Conference, Bonn

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- 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 16-19 5th World Future Energy Summit, Abu Dhabi
- 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 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
- May 20 Presidential Elections in the Dominican Republic
- Jun 4-6 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
- Jul 1 Presidential and Legislative Elections in Mexico
- Jul 8-10 Organization of American States (OAS) General Assembly, Cochabamba, Bolivia

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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-11-001-2647

Printing Date: July 28, 2011 12:23:41



Citizen Information

Citizen/Originator: Thorn, Craig

Organization: DTB Associates, LLP
Address: 901 New York Avenue, NW, Box 12, Washington, DC 20001

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2647 Alternate Number: N/A
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Letter Date: Jul 27, 2011 Received Date: Jul 28, 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 - Trans Pacific Partnership negotiations
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
Noah Dubin - OEX
OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCSP	Jul 28, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Jul 28, 2011

Comments

July 27, 2011

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

Dear Ms. Jackson:

We are writing to you regarding the Administration's negotiating position on sanitary and phytosanitary (SPS) issues in the Trans-Pacific Partnership (TPP) negotiations. We have been working over the past year with officials from your agency and the rest of the interagency group, led by the Office of the U.S. Trade Representative, to provide input for those negotiations. Our organizations have taken the lead in this process, but we have done so on behalf of a much larger cross section of food and agricultural groups who support our goals and with whom we have worked to develop proposals.

We have appreciated very much the openness and transparency of the policy making process and the robust dialogue we have had with the interagency group. We recognize the tremendous amount of work that your agency and other agencies have put into the effort. Nevertheless, we believe more progress is needed if we wish to achieve a TPP agreement that is commercially meaningful for U.S. producers, manufacturers, consumers and exporters.

The President announced in January 2010 a National Export Initiative and set a goal of doubling exports in five years. The Administration has also stressed in many forums the importance of regulatory coherence and cooperation. Achieving those goals in the agricultural sector will require stronger disciplines on SPS measures, increased transparency, enforcement and procedural cooperation among regulators.

With that in mind, our goal for the TPP negotiations is a "WTO SPS Plus" agreement – that is, an agreement that strengthens and reinforces the rules and disciplines of the *Agreement on Sanitary and Phytosanitary Measures* (SPS Agreement) in the World Trade Organization. In pursuing this goal we are responding to a number of common complaints of producers, processors and exporters regarding SPS measures. Many U.S. trading partners are:

- imposing overly trade-restrictive measures that are not science-based;
- developing new measures without providing opportunities for comment;
- implementing new measures without allow adequate time for exporters and producers to comply;
- resisting the use of international standards and trade-facilitating measures such as harmonized certificates and the recognition of systems-based production methods; and

- using questionable test methods to enforce standards.

The input we have provided is intended to address these problems. The draft TPP proposal we have seen goes some way to addressing some of these issues. It would, for example:

- require notification of measures that are based on international standards, not just those that deviate from international standards;
- require the sharing of more background data regarding new measures;
- require responses to comments on proposed measures and a summary of comments received; and
- require greater use of the internet and electronic documents.

The draft also contains some useful language on risk assessment and risk management, and grants some rights to importers regarding laboratory test results.

However, despite these positive elements, we are still hoping for a higher level of ambition. We believe the text falls short in a number of important respects. It would not:

- strengthen the role of international standards in any meaningful way or promote the harmonization of standards;
- require parties to allow additional time for comments on draft measures;
- specify a minimum time period to allow exporters to adjust to new measures;
- reinforce the WTO requirement for parties to select the least-trade risk management option;
- grant importers the automatic right, in the case of an adverse test result, to a confirmatory test in a competent laboratory;
- require parties to use validated test methods; or
- promote trade-facilitating measures such as recognition of inspection systems and export certificates.

Most importantly, it would not be enforceable. The proposal specifically exempts any new disciplines from dispute settlement.

Indeed, several key provisions in the draft proposal would establish obligations under TPP that are weaker than those in the WTO SPS Agreement. Moreover, the proposal is less ambitious in some important respects than the U.S. negotiating position in previous bilateral agreements. Finally, we note that the draft proposal is less ambitious than other U.S. TPP proposals, such as the proposal on technical barriers to trade, which contains many very specific transparency provisions and time limits, and which would allow new disciplines to be subject to dispute settlement.

A text that merely reaffirms the existing WTO obligations – and in some cases establishes weaker disciplines – will not be counted as a “win” for U.S. agriculture. Progress on SPS issues

is even more of critical for industries such as dairy, which face the prospect of an influx of imports as a result of TPP, coupled with relatively insignificant export opportunities.

Thank you for your attention to these important issues. We would welcome the opportunity to meet with you to discuss them. We will be in touch with your office in the coming days to request a meeting the week of August 1.

Sincerely,

American Farm Bureau Federation
Grocery Manufacturers Association
National Milk Producers Federation
U.S. Dairy Export Council
Western Growers

cc: Stephen Owens, Assistant Administrator, Office of Chemical Safety and Pollution Prevention



RECEIVED
2011 JUL 28 PM 12:19
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

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

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

Dear Secretary LaHood and Administrator Jackson:

As the Mayor of the City of Auburn Hills, Michigan, I am focused on proactive policies to address these critical issues and grow my city toward a more thriving and secure future. Our strategy to help companies grow jobs has shown great signs of success, yes, even here in Michigan. Transportation companies are still critical components of our economic vitality and after reading that your agencies are now developing new national fuel economy standards for 2017-2025, I wanted to share my views.

We are still an industrial city, not the industrial city of the past, but a clean and vibrant city that is 80% business with twenty-two business parks that provide research and development, not only to the auto industry but to the arsenal of democracy and aerospace as well. Jobs in manufacturing are all tied to cost effective transportation. I support the efforts to improve fuel economy by laying out a long-term program, but encourage you to carefully consider a balanced and thoughtful approach.

I encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. We should look forward, technology improvements should continue to support increases in fuel economy. However, I recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in my city and around our region and state.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture

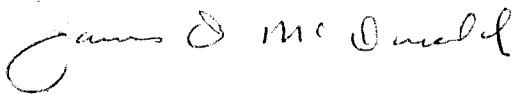
1827 N. Squirrel Rd., Auburn Hills, MI 48326
www.auburnhills.org

depends on pickup, as do the construction industry and local trades. The American Automobile Industry is an important source of revenue for my city, and it depends on vehicles to carry out day-to-day business needs.

Fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. Our position as a high-tech city allows us to see some exciting things that come from different approaches. Customer choices and job preservation is as much as priority as raising fuel economy.

As a mayor, I think every day about job creation and security for my city. As a policymaker, I know that good regulations and laws are often a balancing act of competing demands. I encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,

A handwritten signature in black ink that reads "James D. McDonald". The signature is written in a cursive style with a large initial "J" and "M".

Honorable James D. McDonald
Mayor

Eric

7/28

191

~~This was handed~~
to me. Please log
in.

Lue



NATIONAL ASSOCIATION OF
Manufacturers

Jay Timmons
President and CEO

July 15, 2011

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

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Dear Administrator Jackson:

On behalf of the National Association of Manufacturers (NAM), I am writing to express my alarm and concern with the number of regulations and guidance documents the Environmental Protection Agency (EPA) continues to propose and finalize that will have a devastating impact on both small and large manufacturers. If the EPA continues down this path, it is only a matter of time before our strong manufacturing base moves overseas, taking with it millions of high-wage jobs. Even though American manufacturers have made great progress in reducing air emissions and waste, the EPA is proposing standards that are simply unachievable and do little to improve public health and the environment. Manufacturers are in desperate need of relief from the uncertainty and dire economic consequences of the EPA's overreaching regulatory agenda.

The NAM is the largest manufacturing association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 states. We are the leading voice in Washington, D.C., for the manufacturing economy, which provides millions of high-wage jobs in the U.S. and generates more than \$1.6 trillion in GDP. In addition, two-thirds of our members are small businesses, which serve as the engine for job growth. Our mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth. Manufacturers are attempting to fully recover from the steepest economic downturn since the 1930s and bring back high-wage jobs, but they are facing an unprecedented regulatory onslaught.

The EPA's aggressive approach has caused tremendous uncertainty for the industrial sector. Companies are virtually paralyzed and unable to make capital investments for fear that they will either have to make additional investments due to changing requirements, or worse, have stranded capital that cannot be utilized. Manufacturers strongly urge federal policymakers to create conditions that will lead to economic expansion and not stifle the industrial and manufacturing vitality necessary to create jobs and spur innovation. I have a number of concerns with EPA's approach. I have provided you with a brief summary of some of the most important issues facing NAM membership.

Air Quality

Regulation of Greenhouse Gas Emissions

On January 2, 2011, the EPA began regulating greenhouse gas (GHG) emissions from stationary sources under the Clean Air Act. While only the largest facilities will be regulated at

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first, this action sets the stage for future regulation of much smaller sources. The new permitting requirements have discouraged manufacturers from building new facilities or expanding their current facilities, hurting competitiveness and discouraging job creation. Furthermore, additional facilities – including hospitals, agricultural establishments and even the smallest businesses – will be phased in to the onerous permitting requirements in the near future.

The EPA also announced that it had settled litigation with states and environmental groups that sought to compel the agency to establish New Source Performance Standards (NSPS) for GHG emissions from fossil fuel power plants and petroleum refineries. In addition to the potential for modified and reconstructed sources being subject to standards upon the proposal dates this year, the Agency has announced plans to regulate existing sources from other industry sectors in the near future. Because the EPA is considering an emissions cap program similar to the one Congress rejected, regulatory uncertainty is making it difficult for manufacturers as they make investment decisions.

GHG Mandatory Reporting Rule

Manufacturers have had problems accessing the EPA's e-GRRRT system and believe an alternative reporting system is needed, such as paper reports. In addition, there is the potential for double-counting emissions when a source is subject to multiple subparts.

NSPS

The EPA must change its stance or seek a congressional change, if needed, of the interpretation that a change to the NSPS is effective on the date of the proposal. This interpretation adds great regulatory and compliance uncertainty when industry does not know what the standard will be until the very end of the process but still must comply with the proposed requirements.

Boiler MACT Rule

The EPA recently finalized a rule that establishes more stringent emissions standards on industrial and commercial boilers and process heaters (Boiler MACT). While manufacturers were pleased that the EPA stayed the Boiler MACT and solid waste incineration unit portions of the rule, this broad-reaching rule will likely cost manufacturers billions of dollars in compliance costs and will place thousands of jobs in jeopardy. The EPA's new pollutant-by-pollutant policy for setting the minimum level of control forces the EPA to adopt limits without any consideration of feasibility. The Clean Air Act requires that the minimum level of control be set at what the average of the best 12 percent of existing units in the subcategory are achieving in practice, but not a single unit in some subcategories, such as island liquid units, can meet all five of EPA's final emissions limits. Some facilities may be forced to shut down.

Manufacturers are also very concerned with the Commercial and Industrial Solid Waste Incinerator rule (CISWI) and the definition of "solid waste" contained in the identification of non-hazardous secondary materials rule (NHSM), both of which were finalized in conjunction with the Boiler MACT rule. These rulemakings compound the confusion for what sources are considered "incinerators" regulated under Section 129 of the Clean Air Act versus other sources regulated under Section 112. In particular, cement kilns utilize a wide variety of alternative ingredients in lieu of virgin raw material (e.g., foundry sand, blast furnace slag, or mill scale).

The new definition of solid waste would subject cement kilns using these ingredients to the incinerator provisions because the criteria for demonstrating "legitimacy" of the alternative material are extremely difficult. The rule is also unclear and subject to various interpretations as

it pertains to alternative fuels such as biomass. Facilities burning biomass may have to install expensive "add-on" controls or stop using alternative fuels like biomass in their boilers.

Ozone NAAQS

Despite being midway through the ongoing five-year National Ambient Air Quality Standards (NAAQS) review process, in January 2010, with no new information, the EPA proposed lowering the 2008 standard to within the range of 60 parts per billion (ppb) to 70 ppb. At any point in the EPA's proposed range, the number of "non-attainment areas" will dramatically increase nationwide. For local communities, a non-attainment designation can mean a loss of industry and economic development, plant closures, loss of federal highway and transit funding and increased fuel and energy costs. The EPA estimates that the proposed new standard could add as much as \$90 billion per year to the already high operating costs of manufacturers and other sectors. Changing the 2008 standard outside of the normal five-year review process is unwise and unfair to businesses and consumers.

SO₂ and NO_x NAAQS

The EPA set much more stringent standards for both SO₂ and NO_x in 2010. In so doing, the EPA failed to recognize the implementation issues that have been demonstrated over the past year. The EPA should revisit these decisions.

Concerning the SO₂ standard, the EPA has changed the basis for establishing non-attainment areas to use modeling methodologies instead of monitoring. The EPA should revert to the existing methodology and use monitoring to establish these areas.

Utility MACT

The proposed Utility MACT rule is an example of an excessive regulation that will cost billions of dollars, lead to higher electricity prices and could cause significant job losses in the manufacturing sector. In addition, electric system reliability could be compromised by coal retirements and new environmental construction projects caused by this proposed rule and other EPA regulations. Stringent, unrealistic regulations such as these will curb the recent economic growth we have seen.

Clean Air Act

The EPA should streamline the process for a company to be removed from Title V permit requirements once compliance has been reasonably demonstrated. Or, in the alternative, the EPA should seek a legislative change to permit that streamlining.

Clean Water Act

EPA's Numeric Nutrients Criteria – State-By-State Implementation

The EPA's process to establish numeric nutrient criteria (NNC) in the state of Florida is of great concern. The NAM is concerned that this is a template for how the EPA will structure and impose similar nutrient requirements nationwide. In fact, there are indications that the EPA may impose this model in other states, such as those in the Mississippi River watershed, which encompass the middle of the United States. These criteria have tremendous negative economic ramifications and are based on unsound science.

Various entities in Florida, both governmental and private, have performed economic analyses on this rule. One privately funded, independent economic analysis concludes that in the "most likely scenario," the first phase of the rule will impose statewide costs ranging from \$3.1 billion to \$8.4 billion per year for the next 30 years. Another study by the Florida Department of

Environmental Protection estimates that the EPA mandates will, in part, impose \$21 billion in capital costs on municipal wastewater treatment and storm water utilities. This could raise Florida household water bills by approximately \$700 annually. Another study by the Florida Department of Agriculture and Consumer Services concludes that Florida's agricultural community will lose 14,545 full-time and part-time jobs and lose \$1.148 billion annually. For the phosphate industry alone, compliance with the EPA's nutrient criteria is estimated at \$1.6 billion in capital costs and \$59 million in annual operation and maintenance expenses. The EPA internally calculated and published a total economic impact on the state's economy of only \$135.5 million to \$206.1 million per year. This is an order of magnitude less than state and expert assessments.

Experts in Florida continue to question the scientific basis for these standards and whether they are even attainable with existing technologies. The methodology the EPA used to develop the rule fails to show a cause and effect relationship between nutrient loads and impairment. The EPA's own Science Advisory Board criticized the EPA's methodology. Florida has existing nutrient water quality programs that are more effective than the new EPA regulations because the state's current policies are based on scientific evaluations of the state's vast, varied and unique ecosystems.

Clean Water Act Guidance

In 2008, the EPA and the U.S. Army Corps of Engineers issued a joint guidance document outlining jurisdictional determination under the Clean Water Act (CWA). Recently, the agencies drafted and released a new guidance that applies a broader interpretation of existing Supreme Court precedent and that the agencies expect to significantly increase the number of waters found to be subject to CWA jurisdiction compared to current practices. The impacts will be "economically significant." The EPA and the Army Corps can expect to receive tens of thousands of additional jurisdictional determination requests and permit applications, with the potential to create significant permitting delays, impose billions of dollars in costs and endanger job growth opportunities.

The NAM believes that such changes must subject to administrative procedural requirements, including appropriate cost-benefit analysis, consideration of state impacts, interagency review, notice and comment and appropriate judicial review. Also, the EPA should not lose the exemptions for grandfathered lagoons/wastewater treatment systems.

CWA – Total Maximum Daily Load for the Chesapeake Bay

At the end of 2010, the EPA issued the final TMDL for the Chesapeake Bay. A TMDL is a calculation of the maximum amount of a pollutant a water body can assimilate and still maintain water quality standards. As part of the TMDL process, the EPA usurps the states' traditional role of TMDL implementation by threatening heavy-handed measures if certain cleanup milestones are not met.

Safe Drinking Water Act

The EPA appears to have no process in place to seek agency review of a determination to regulate a chemical under the Safe Drinking Water Act (SDWA), despite the statutory requirements that must be satisfied to make that regulatory determination. Rather, an affected party must wait until the actual drinking water standard is proposed to formally appeal the EPA's having met its statutory threshold to proceed with regulation. The EPA should modify its regulations to allow parties to seek reconsideration when the EPA makes a positive determination to regulate, with respect to whether it satisfied the SDWA criteria.

In February 2011, the EPA announced that it will regulate a chemical that clearly does not meet the criteria of the SDWA (adverse health effects on humans, frequency of occurrence in public drinking water and a meaningful opportunity to improve public health through regulation). There is clearly no scientific or legal justification for the EPA's decision. This is in direct opposition to President Obama's Executive Order issued January 18, 2011, which establishes a set of principles that all departments and agencies are to follow when promulgating regulations. It is also in opposition to the White House Office of Science and Technology Policy memorandum of December 17, 2010, providing implementation guidance to departments and agencies on the Administration's scientific integrity policies.

Hazardous Materials and Solid Waste

Coal Combustion Residuals or "Coal Ash"

The EPA has proposed to regulate coal combustion residuals (CCR or coal ash) from the electric utility industry as either hazardous or non-hazardous solid waste. Although industrial sources would be exempt under the current proposal, there are no guarantees that these same requirements would not be mandated in the future. The EPA has put off finalizing the rule until sometime next year given the nearly 400,000 comments it received in November 2010. This has a negative impact on manufacturers that sell and those that use coal ash for beneficial use by creating uncertainty. The NAM believes that the EPA could regulate these materials under the non-hazardous waste provisions and modify the proposal to make those requirements consistent with the degree of harm posed by such residuals.

Non-Hazardous Secondary Materials

In March, as part of the Boiler MACT rules, the EPA finalized the definitions for non-hazardous secondary materials (NHSM) for the first time. More recently, the EPA provided an administrative stay for all of the rules under Boiler MACT except for the NHSM rule. This rule has the potential to significantly alter the energy sources many facilities count on. This will have the effect of forcing facilities to switch to more traditional fuels, avoid alternative fuels and generate more solid waste. These potential impacts appear to be in direct conflict with stated energy goals within other parts of the Administration. The Agency should grant an administrative stay as it did for the rest of the Boiler MACT rules.

Financial Assurance Requirements under CERCLA Section 108(b)

The EPA is planning to issue financial assurance requirements under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for the petroleum and coal products manufacturing sector, in addition to the hard rock mining sector, the chemical sector and the electric power generation sector. We believe that before the EPA proposes these regulations, it should carefully consider the requirements of Executive Order 13563.

First, the EPA must consider the costs, benefits and burdens associated with any such rulemaking. The EPA has not made the case that any level of financial assurance is necessary to address the risks of using hazardous substances that remain under modern environmental regulations. Moreover, because the EPA cannot turn back the clock, it cannot take the position that financial assurance requirements imposed today will address risks posed by legacy contamination.

Second, the EPA should be careful to avoid duplicative regulation. Financial assurance is required under a variety of federal and state laws and under the Resource Conservation and Recovery Act (RCRA).

Third, if financial assurance requirements are imposed on any sector, they must be flexible, allow a variety of ways to meet the requirements and allow the use of compliance options that do not tie up capital. Generally, such requirements remove capital from the economy. During these difficult financial times, the money spent on financial responsibility requirements often could be better spent on capital projects, such as new plants and proactive pollution control technology, rather than merely taken out of circulation to guard against a future spill that may never occur.

Reconsideration of RCRA Subtitle C Definition of Solid Waste Final Rules

EPA has released a 200+ page pre-publication copy of a proposed rule to further modify EPA's 2008 revisions to the Definition of Solid Waste (DSW) regulation that is central to the RCRA regulatory scheme. Among other things, EPA is proposing to revise 40 CFR § 266.80(a) (in 40 CFR Part 266 Subpart G) to require the recycling of lead-acid batteries to be "legitimate" as defined in 40 CFR § 260.43. This is in sharp contrast with the 2008 revisions, which specifically had excluded changes to 40 CFR Part 266 Subpart G.

EPA also is opening the door to incorporating additional "conditions" into 40 CFR § 266.80 (as well as the Universal Waste Rule for batteries (40 CFR Part 273.2)). EPA states that these "pre-2008 recycling exclusions specify limited or no conditions, [and] we believe that these provisions may not be adequately enforceable in order to protect human health and the environment." Obviously, these are significant changes that will have a negative impact on manufacturers.

Toxic Substances Control Act Reform

Manufacturers believe that the EPA should eliminate or streamline burdensome and unnecessary reporting in the Toxic Substances Control Act (TSCA).

TSCA Inventory Update Rule Regulations

The NAM is concerned that the EPA's continuous revision of its Inventory Update Reporting (IUR) regulations results in rules that are increasingly complex and burdensome without demonstrated purpose and value. Recently proposed (and, possibly, soon to be finalized) changes that would render the IUR even more burdensome than in the past include:

- Mandatory electronic reporting using a web-based system being introduced for the first time;
- Retroactive reporting of production volumes (data from 2006 to 2009 without notice until 2010 that such data might be required);
- Replacement of the current "readily obtainable" reporting standard with a "known to or reasonably ascertainable by" standard for reporting processing and use information;
- Changes to threshold determinations such as introducing a zero threshold for chemicals subject to TSCA rules or orders and eliminating the 300K lb. threshold for reporting processing and use information; and
- Increasing the reporting frequency from once every five years to once every four years.

Reporting requirements such as the IUR require significant resources from companies that submit data and government offices that receive it. Regulations that impose a reporting burden must be justified by a specific and clearly demonstrated need for the information and be

targeted to the entities in the chemicals supply chain that have easy access to the data. The EPA should set priorities and gather data it needs for specific purposes and programs, rather than casting a wide net from which data may be drawn for undefined future uses.

TSCA Section 12(b) Export Notification Requirements

The export notification requirement at 40 CFR Part 707 Subpart D is of little or no health or environmental benefit, and it is a good example of a burdensome requirement on industry that should be eliminated. In addition to the burden on industry, the EPA expends resources to process and record the export notifications companies submit, so eliminating the current system of notifications would promote government efficiency.

Eliminating TSCA export notification requirements on businesses is justified because three decades of experience with the requirements have shown them to have little or no value. Amending TSCA export notification requirements would reduce unnecessary paperwork for the regulated community and the government without sacrificing protection of human health and the environment. Because export notifications requirements pose significant burden with little or no resulting benefit, they are ripe for reform.

General Regulatory Issues of Concern

Reporting Requirements

The EPA's broad requests for data reporting (IUR, HPV, and GHG) should be reviewed. Specifically, Manufacturers encourage the EPA to consider whether the data collected are being used and evaluated by the agency. If the data requests are not being used, they should be eliminated. Where only some data are being evaluated in a report, the NAM 2 suggests streamlining the data request to focus on only the information that is useful to the agency and is being evaluated. This would eliminate costs for the agency to review unnecessary data and allow both the agency and the regulated community to focus resources on the most appropriate data.

Furthermore, with the increased pressure to make information available to the public, having useful and streamlined data points would allow for greater understanding by the public and eliminate the need to protect sensitive information (through CBI claims) that may not be useful or necessary for evaluation. The EPA should be aware that increasing the availability of information coupled with broad data requests will drive companies' need to protect sensitive information.

Ongoing Draft Regulations

Manufacturers recommend that the EPA's Office of Policy evaluate proposed rulemakings and eliminate non-priority draft rules the agency does not plan to finalize. Given technology and industry changes, we recognize that some draft/proposed rules have become obsolete or are no longer applicable to the regulated community. To provide clarity to manufacturers, these rules should be eliminated from consideration and deleted from the EPA's list of proposed rules.

Proposed Regulations the EPA Never Finalized

The agency's failure to finalize a proposed rule is especially problematic in the case of new source performance standards that become effective at the proposal date and not the final date. For example, subpart YYY (NSPS for new, reconstructed or modified process units within the synthetic organic chemical manufacturing industry) was proposed in 1994 and has been neither finalized nor withdrawn. In this case, the information that formed the basis of the proposal may no longer be valid. In addition, such delay creates uncertainty for the regulated community as to what requirements will apply and when.

Need for Detailed Policy Analysis

The EPA needs to more closely follow the existing requirements for promulgating regulations and actually conduct detailed analysis prior to rulemaking. This analysis would include: a review of the EPA's Information Quality Act Guidelines, where applicable; a detailed Regulatory Flexibility Act analysis to determine the impact of a regulatory action upon small businesses before certifying that there is no significant economic impact; Unfunded Mandates Act analysis to determine the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule; and Paperwork Reduction Act analysis to determine if Office and Management and Budget approval is needed to meet information collection requirements.

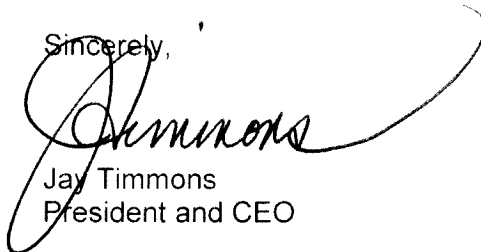
CAFE Standards

The U.S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA) have already set strong standards for 2012-2016 that raise the fleet average by 40 percent, to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, it is important to point out that overreaching regulations can and do place a significant cost burden on manufacturers, businesses, families and individuals. We are concerned that the agencies are developing national fuel economy standards for 2017-2025 that are simply unattainable. Unattainable standards will be devastating to the economy and job creation. Such standards will cost jobs, significantly increase vehicle prices, limit vehicle choice and increase the cost of doing business in this country. We strongly encourage the DOT and the EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. The wrong standard will have a considerable negative impact on the automobile industry that is just coming out of one of the most difficult periods in its history.

Conclusion

Accordingly, we ask the EPA to stop its aggressive regulation of manufacturers. As manufacturers try to recover from one the worst recessions of our nation's history, it is imperative that the EPA slow down and review the regulations that it has in place and those that are not yet finalized to ensure predictability within the regulatory realm. We thank you for the opportunity to address our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Timmons", with a large, sweeping flourish extending to the right.

Jay Timmons
President and CEO

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

OFFICE OF THE
CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: FY 2013 EPA OMB Submission - Final Decisions

FROM: Barbara J. Bennett
Chief Financial Officer

A handwritten signature in cursive script, appearing to read "B. Bennett", written over the printed name and title.

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

I would like to express my appreciation to you and your staff for your support in the analyses we undertook prior to the Executive Management Council meeting (EMC) and the Budget Forum that examined the Agency's priorities and opportunities to do our work differently. We face a challenging fiscal climate as we develop our FY 2013 budget and look to the years ahead.

The Agency will submit a request of \$8.248 billion to the Office of Management and Budget, which is an 8% reduction from the FY 2012 President's Budget, and a 5% reduction from the FY 2011 Enacted Budget. Our budget will reflect, in a targeted and meaningful way, our commitment to the Administrator's priorities, our core work, and our partners.

A central tenet and foundation of this budget is building an EPA of the 21st century - an EPA that is able to accomplish its core mission efficiently and bring new and innovative approaches to the challenges we face. The Doing Work Differently workgroup discussions at the Executive Management Council meeting and the Budget Forum highlighted a number of opportunities, several of which had strong consensus among Agency senior leadership. Another important aspect of the discussion at the Budget Forum was the recognition that addressing our highest priorities in a time of declining resources will require us to consider what we can stop doing as an Agency. Also integral to this is the discussion on our workforce and ensuring we have the right skill mix and the right allocation to accomplish our mission.

NPM-specific Targets

The Agency FY 2013 target represents a 5% reduction from the FY 2011 Enacted Budget. Within this amount, specific NPM-level targets have been established using the FY 2012 President's Budget request resource and policy decisions as a base and with full consideration to the results of the priority exercise and the discussions at the EMC and Budget Forum. Specific increases to NPM resources in support of new or existing Agency priorities have been identified and included in the NPM-level target.

NPMs are given significant discretion in meeting these targets by making choices from among the programs previously identified as low priority in the FY 2013 Priority exercise. Specific exceptions or clarifications are provided in this attachment. Where applicable the Index Number from the prioritization exercise has been identified. To meet their targets, NPMs are to adhere to the following guidelines:

- *Protected Programs*: No reductions are to be taken to programs/activities that are identified as protected in this guidance.
- *Programs to Consider for Reduction*: Reductions may be considered in these areas which were not identified as low priority by the NPM.
- *Programs to Consider for Elimination*: NPMs may choose to eliminate these programs or identify other programs.
- *Redirections*: Specific increases to NPM resources to support new or existing Agency priorities are identified and included in the NPM-level target and are not to be reduced.
- *Targeted Reductions*: Reduction levels are specifically identified by NPM and Program.
- Travel ceilings have been reduced.
- With the exception of the Multi-media Tribal (MMTI) grant program, Tribal resources are protected and should not be reduced from the FY 2012 President's Budget level.
- Categorical Grants are to be funded at the FY 2012 PB level unless specific reductions are listed. NPMs may reallocate categorical grant resources within their programs provided the aggregate resource level by NPM for these grants is maintained.

Payroll

Payroll will be re-priced assuming no COLA. Payroll data will be available after August 15th. Note, our starting point for the FY 2013 process restores the 221 FTE reduction taken in the FY 2012 President's Budget.

Potential Program Elimination and Partial Redirections:

Those areas where a complete elimination may be feasible are identified in Attachment C. NPMs have the option to propose elimination of these (or other programs) and to redirect 50% of these funds to a higher priority area within their own programs. Redirected funds are not intended for increasing the established travel ceiling or restoring specified reductions from this guidance.

Funds from eliminated programs may be directed toward more effective or efficient programs or activities, programs or activities that more directly support the Administrator's priorities, or higher priorities as identified in the FY 2013 Priority exercise.

NPM Targets and Guidance:**OA**

	Dollars	FTE
FY 2012 President's Budget	\$148,137.0	746.3
Reductions	(\$11,381.0)	(24.2)
Redirections	\$2,500.0	
Travel Reductions	(\$498.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$138,758.0	722.1

The FY 2013 target includes the following Protected Programs, Considerations for Reductions, Considerations for Elimination, and Redirections.

- **Protected Activities/Programs**
Regional Children's Health Support: Index # OA-18
- **Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**
Promoting a Greener Economy/Sustainable Communities/NEPPS within P/P A4 - Integrated Environmental Strategies
- **Programs to Consider for Elimination**
Brownfields: Smart Growth within P/P 43 - Brownfields: Index # OA-4

Environmental Education within P/P E9: Index # OA-15
- **Redirections**
LEANing Regulatory Development (+\$500K)
OP is to prepare a proposal to plan, conduct, and follow-up on at least three LEAN projects in priority areas. OP can use these resources for training and extramural support.

Support for Office of Civil Rights (+\$2,000K / +5 FTE)
OA will prepare a plan to institutionalize capacity to address new critical needs in the Office of Civil Rights. Resources may be used for up to 5 FTE, training, and extramural support.

OAR

	Dollars	FTE
FY 2012 President's Budget	\$824,658.0	1,932.7
Reductions	(\$43,645.0)	(21.6)
Redirections	\$30,000.0	
Travel Reductions	(\$871.0)	
Fixed Cost Changes	\$100.0	
FY 2013 OMB Submission	\$810,242.0	1,911.1

The FY 2013 target includes the following Protected Programs, Considerations for Elimination, Redirections, and Targeted Reductions.

- **Protected Programs- Categorical Grant aggregate levels to be maintained**

Energy Star: Index # OAR-27

Radiation Protection: Index # OAR-30

Radiation: Index # OAR-37

Categorical Grant: State and Local Air Quality Management

Categorical Grant: Tribal Air Quality Management

- **Programs to Consider for Elimination**

Indoor Air: Radon Program within P/P 76

Categorical Grant: Radon within P/P 5: Index # OAR-21

- **Redirections**

Diesel Emissions Reduction Grants (DERA) (+\$30,000K)

OAR will use these funds to restore the DERA program funding in FY 2013.

- **Targeted Reductions**

Categorical Grant: Radon within P/P 5: Index # OAR-21 (-\$4,037K)

OARM

	Dollars	FTE
FY 2012 President's Budget	\$668,672.0	1,249.2
Reductions	(\$15,750.0)	(50.0)
Redirections	\$22,000.0	
Travel Reductions	(\$991.0)	
Fixed Cost Changes	\$8,242.0	
FY 2013 OMB Submission	\$682,173.0	1,199.2

The FY 2013 target includes the following Considerations for Reductions and Redirections.

- **Programs to be Considered for Reductions**

Space Consolidation Rent Saving within P/P F2 - Facilities Infrastructure and Operations

EPA Intern Program within P/P F5 - Human Resources Management

OARM is to continue to operate the intern program but participating programs are to contribute FTE. Disinvestment is pay associated with FTE.

- **Redirections**

Space Reconfiguration (+\$20,000K)

Funding is to support planning and reconfiguration to enhance space utilization. OARM is to prepare a proposal for investing these resources. OARM will begin to design EPA office space in a more efficient, collaborative, and technically sophisticated manner to reduce the Agency's physical and environmental footprint. Resources are allocated based on FY 2012 OB Rent by appropriation.

Centers of Expertise: Contracting (+2,000K)

OARM is to develop a proposal for planning and implementing a Centers of Expertise for Contracting. Resources can be used to consolidate duplicative functions and expertise to cost-optimize the Agency's contracting functions. \$100 K in travel resources is included in this total.

OCFO

	Dollars	FTE
FY 2012 President's Budget	\$113,339.0	612.9
Reductions	(\$2,500.0)	0.0
Redirections		
Travel Reductions	(\$269.0)	
Fixed Cost Changes	\$9,030.0	
FY 2013 OMB Submission	\$119,600.0	612.9

The FY 2013 target includes Considerations for Reductions.

- **Programs to be Considered for Reductions**

-Finance Centers

-Further consolidation of financial functions

-Systems Streamlining

OCSPP

	Dollars	FTE
FY 2012 President's Budget	\$265,772.0	1,295.0
Reductions	(\$10,053.0)	(40.0)
Redirections		
Travel Reductions	(\$543.0)	
Fixed Cost Changes	\$114.0	
FY 2013 OMB Submission	\$255,290.0	1,255.0

The FY 2013 target includes the following Protected Programs, Considerations for Reductions, and Considerations for Elimination.

- **Protected Programs- Categorical Grant aggregate levels to be maintained**
 Categorical Grant: Pesticides Program Implementation

 Categorical Grant: Lead

 Categorical Grant: Pollution Prevention
- **Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**

 Program Project J2 - Protect the Environment from Pesticide Risk

 Program Project 54 - Endocrine Disruptors
- **Programs to Consider for Elimination**
 Program Project D5- Chemical Risk Management

OECA

	Dollars	FTE
FY 2012 President's Budget	\$620,544.0	3,367.6
Reductions	(\$15,800.0)	(100.0)
Redirections		
Travel Reductions	(\$561.0)	
Fixed Cost Changes	\$44.0	
FY 2013 OMB Submission	\$604,227.0	3,267.6

The FY 2013 target includes the following Protected Programs and Considerations for Reductions.

- Protected Programs- Categorical Grant aggregate levels to be maintained**
 GHG Reporting Rule: Index # OECA- 47

 Categorical Grant: Pesticides Enforcement

 Categorical Grant: Toxics Substances Compliance
- Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**
 Superfund within P/P H2 - Federal Facilities

OEI

	Dollars	FTE
FY 2012 President's Budget	\$169,342.0	589.8
Reductions	(\$3,300.0)	0.0
Redirections	\$13,000.0	
Travel Reductions	(\$264.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$178,778.0	589.8

The FY 2013 target includes the following Protected Programs and Redirections.

- Protected Programs- Categorical Grant aggregate levels to be maintained**
 Categorical Grant: Environmental Information
- Programs to be Considered for Reductions**
 Offices are to begin evaluating their system portfolios to identify those that can be retired and those that may have redundant or obsolete data or functions.
- Redirections**
 Collaboration Tools and Other IT Upgrades (+\$5,000K)
 OEI is to prepare a proposal to support expanded telework as part of space reconfiguration. These resources may be used for IT equipment purchases, infrastructure, training, and contract support and development of collaboration tools. This is an integral part of the Space Consolidation and the creation of "OneEPA Workplace" effort.

 E-Reporting (+\$3,000K in EPM and +\$5,000K in STAG)
 OEI will collaborate with OP to prepare a proposal for expanding e-reporting. The proposal will include an approach for selecting new and/or existing rules, for developing Agency IT capacity, and for assisting states to develop IT capacity necessary to expand e-reporting. These resources can be used to support CDX and the State Information Exchange program.

OGC

	Dollars	FTE
FY 2012 President's Budget	\$64,548.0	348.5
Reductions		0.0
Redirections		
Travel Reductions	(\$140.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$64,408.0	348.5

The FY 2013 target does not include Protected Programs, Considerations for Reductions, Considerations for Elimination, Redirections, or Targeted Programmatic Disinvestments.

OIG

	Dollars	FTE
FY 2012 President's Budget	\$56,006.0	365.8
Reductions		
Redirections		
Travel Reductions	(\$655.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$55,351.0	365.8

The FY 2013 target does not include Protected Programs, Considerations for Reductions, Considerations for Elimination, Redirections, or Targeted Programmatic Disinvestments.

OITA

	Dollars	FTE
FY 2012 President's Budget	\$125,892.0	170.0
Reductions	(\$21,750.0)	0.0
Redirections	\$25,000.0	
Travel Reductions	(\$241.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$128,901.0	170.0

The FY 2013 target includes the following Considerations for Reductions, Redirections, and Targeted Reductions.

- **Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**
International Sources of Pollution- P/P J4

- **Redirections**
Tribal GAP: Index # OITA-6 (+\$25,000K)
Increase includes \$20,000K redirected from MMTI into the GAP program. MMTI will not be funded in FY 2013. Tribal GAP resources are not to be reduced.
- **Targeted Reductions**
Multimedia Tribal Implementation Grant Program: Index # OITA (-\$20,000K)

ORD

	Dollars	FTE
FY 2012 President's Budget	\$584,127.0	1,924.4
Reductions	(\$32,033.0)	(9.6)
Redirections	\$8,000.0	
Travel Reductions	(\$1,301.0)	
Fixed Cost Changes	\$380.0	
FY 2013 OMB Submission	\$559,173.0	1,914.8

The FY 2013 target includes the following Protected Programs, Considerations for Reductions, Considerations for Elimination, and Redirections.

- **Protected Programs**
Cook stoves Research (Intramural) Index # ORD-ACE-11
- **Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**
STAR Fellowships within P/P K8 - Research: Sustainable and Healthy Communities
- **Programs to Consider for Elimination**
Biofuels Research within P/P K6 – Research: Air, Climate, & Energy
- **Redirections**
Priority Research Projects (+\$8,000K)
ORD is to use these resources in FY 2013 to continue priority research.

OSWER

	Dollars	FTE
FY 2012 President's Budget	\$1,402,200.0	2,663.2
Reductions	(\$137,331.0)	(30.0)
Redirections	\$2,000.0	
Travel Reductions	(\$2,376.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$1,264,493.0	2,633.2

The FY 2013 target includes the following Protected Programs, Considerations for Reductions, Considerations for Elimination, and Redirections.

- **Protected Programs - Categorical Grant aggregate levels to be maintained**
 Categorical Grant: Hazardous Waste Financial Assistance

Categorical Grant: Underground Storage Tanks

Categorical Grant: Brownfields
- **Programs not Identified by NPMs as Low Priority but may be Considered for Reductions**
 P/P A1 - RCRA: Waste Management

HS: Preparedness within P/P 72 - Homeland Security: Preparedness, Response, and Recovery

HS: Emergency Response Team (ERT) within P/P 72 - Homeland Security: Preparedness, Response, and Recovery
- **Programs to Consider for Elimination**
 P/P 86 - LUST/UST (EPM and LUST appropriations)

P/P 87 - LUST Cooperative Agreement
 Funds for tribal clean-ups are to be retained within remaining program funds.
- **Redirections**
 Centers of Expertise (+\$2,000K)
 OSWER is to develop a proposal for planning and implementing a Regional Emergency Response Center of Expertise for Chemical Warfare Agents. Resources can be used to consolidate duplicative functions, facilities, equipment, and expertise to cost-optimize the Agency's ability to respond to emergency events. \$100K in travel resources is included in this total.

OW

	Dollars	FTE
FY 2012 President's Budget	\$3,979,763.0	2,157.7
Reductions	(\$82,086.0)	(35.0)
Redirections	\$1,000.0	
Travel Reductions	(\$1,342.0)	
Fixed Cost Changes		
FY 2013 OMB Submission	\$3,897,335.0	2,122.7

The FY 2013 target includes the following Protected Programs, Redirections, and Targeted Reductions.

- **Protected Programs - Categorical Grant aggregate levels to be maintained**
 San Francisco Bay-Delta: Geographic Program: Index # OW-21

Categorical Grant: Nonpoint Source (Sec. 319)

Categorical Grant: Public Water System Supervision (PWSS)

Categorical Grant: Pollution Control (Sec. 106)

Categorical Grant: Wetlands Program Development

Categorical Grant: Underground Injection Control (UIC)

Chesapeake Bay Program: P/P EPM 63

- **Redirections**

Centers of Expertise (+\$1,000K)

OW is to develop a proposal for planning and implementing a Regional Center of Expertise for Water Security Teams. Resources can be used to consolidate duplicative functions, facilities, equipment, and expertise to cost-optimize the Agency's ability to respond to emergency events. \$100K in travel resources is included in this total.

- **Programs to Consider for Elimination**

Categorical Grant: Beaches- P/P 23

- **Targeted Reductions**

The Great Lakes Restoration Initiative is to be reduced by a total of \$50,000K.

State Revolving Funds for Clean Water and Drinking Water are to be reduced an aggregate of \$500M.

- **Other Guidance**

OW should identify and propose options on how the SRF can be more closely targeted. The plan should address the possibility of making this happen and the associated pros and cons. OW should include in this plan the process necessary for specific SRF prioritization or set-asides; the legislative changes to best effect this potential change; and the impact to stakeholders. The plan is due to OCFO by November 3, 2011.

Multi-NPM

- Regions and NPMs should work together to allocate the \$1250K in travel adjustments that are not yet allocated (See Attachment A.i).

FY 2013 OMB Submission: Travel Ceiling
All changes to be made in BAS SP 5.0 2013 OMB v3.5
(Dollars in Thousands)

FY 2013 Travel reductions to the FY 2012 President's Budget have taken FY 2011 Operation Plan Travel allocations and made adjustments for the following, OECA travel, OSWER Oil inspection travel, Regional Centers of Expertise investments, utilization rates, and Regions with larger states. Adjustments can be made to all appropriations unless directly specified in the following footnotes. Do not make any further adjustments to travel in any other versions of BAS, no resources can be added or reduced to travel.

FY 2013 OMB Submission Travel Ceiling

	HQ	Region 01	Region 02	Region 03	Region 04	Region 05	Region 06	Region 07	Region 08	Region 09	Region 10	TOTAL
OA	\$2,121.0	\$49.0	\$61.0	\$81.0	\$129.0	\$50.0	\$86.0	\$91.0	\$43.0	\$59.0	\$49.0	\$2,819.0
OAR	\$2,956.0	\$86.0	\$92.0	\$111.0	\$145.0	\$137.0	\$113.0	\$76.0	\$91.0	\$152.0	\$79.0	\$4,038.0
OARM	\$1,456.0	\$133.0	\$173.0	\$334.0	\$201.0	\$107.0	\$76.0	\$139.0	\$100.0	\$56.0	\$108.0	\$2,883.0
OCFO	\$431.0	\$18.0	\$39.0	\$13.0	\$104.0	\$74.0	\$19.0	\$39.0	\$10.0	\$39.0	\$36.0	\$822.0
OCSP	\$1,307.0	\$18.0	\$37.0	\$22.0	\$37.0	\$34.0	\$24.0	\$24.0	\$35.0	\$47.0	\$24.0	\$1,609.0
OECA ¹	\$4,143.0	\$355.0	\$416.0	\$444.0	\$654.0	\$1,046.0	\$525.0	\$240.0	\$397.0	\$502.0	\$737.0	\$9,459.0
OEI	\$500.0	\$11.0	\$25.0	\$29.0	\$36.0	\$5.0	\$16.0	\$22.0	\$11.0	\$26.0	\$20.0	\$701.0
OGC	\$218.0	\$8.0	\$10.0	\$5.0	\$18.0	\$8.0	\$12.0	\$6.0	\$18.0	\$23.0	\$9.0	\$335.0
OIG	\$1,626.0											\$1,626.0
OITA	\$496.0	\$11.0	\$7.0		\$21.0	\$9.0	\$29.0	\$6.0	\$20.0	\$56.0	\$38.0	\$693.0
ORD	\$5,057.0											\$5,057.0
OSWER ²	\$2,147.0	\$338.0	\$483.0	\$428.0	\$476.0	\$693.0	\$519.0	\$370.0	\$372.0	\$571.0	\$302.0	\$6,699.0
OW	\$1,639.0	\$149.0	\$199.0	\$359.0	\$405.0	\$674.0	\$303.0	\$160.0	\$230.0	\$294.0	\$362.0	\$4,774.0
SUBTOTAL	\$24,097.0	\$1,176.0	\$1,542.0	\$1,826.0	\$2,226.0	\$2,837.0	\$1,722.0	\$1,173.0	\$1,327.0	\$1,825.0	\$1,764.0	\$41,515.0
Redirection ³	\$300.0											\$300.0
Utilization ⁴		(\$100.0)				\$100.0	\$100.0		\$100.0	\$150.0		\$350.0
Regional ⁵					\$200.0	\$100.0	\$300.0		\$200.0	\$100.0		\$900.0
TOTAL	\$24,397.0	\$1,076.0	\$1,542.0	\$1,826.0	\$2,426.0	\$3,037.0	\$2,122.0	\$1,173.0	\$1,627.0	\$2,075.0	\$1,764.0	\$43,065.0

1/ OECA HQ Criminal Enforcement, Civil Enforcement, and Compliance Monitoring travel is protected from reduction from FY 2012 Levels.

2/ Do not take any reduction to Travel in the Oil Appropriation. FY 2013 Travel for OEM in EPM: State and Local Prevention and Preparedness is set at \$75K, protecting \$22K of the \$24K investment from FY 2011.

3/ \$300K in Travel is part of the Regional Centers of Expertise investment area. \$100K has been allocated to each of the following office to be placed into Regional Reserve: OARM, OSWER, OW.

4/ Adjustments have been made for utilization rates at the bottom lines. Regions and NPMs should work together to allocate further reductions and increases. Regions are instructed to submit Technical Adjustment Forms to the Budget and Planning Box by August 9th showing allocations.

5/ Increases have been made to Regions that have larger states and may require more travel. Regions and NPMs should work together to allocate further increases. Regions are instructed to submit Technical Adjustment Forms to the Budget and Planning Box by August 9th showing allocations.

FIXED COSTS AND ADMINISTRATIVE ADJUSTMENTS:

This decision supports the following Adjustment to Fixed Costs, changes to be made in BAS SP5.0 2013 OMB v3.1:

Fixed Costs	FY 2013 Adjustments
Rent	\$4,324.0
Utilities	(\$58.0)
Security	\$2,884.0
Transit Subsidy*	(\$224.0)
Workers Compensation*	TBD
Childcare Subsidy*	\$50.0
RT Moves	(\$3,473.0)
RT Laboratory Operations	\$1,389.0
Sign Language	\$100.0
HQ Programmatic Lab Operations**	\$638.0
DFAS	\$280.0
EAS Licensing	\$2,000.0
HR LoB	\$10,000.0
Fixed Costs Total	\$17,910.0

*Payroll Fixed Costs to be entered into BAS by OCFO

Headquarters Programmatic Lab Operations:

**NPM split of Programmatic Lab Operations Adjustments is as follows:

NPM / Approp	FY 2013 Adjustments
OCSP	\$114.0
S&T/HQ	\$114.0
OAR	\$100.0
S&T/HQ	\$15.0
SF/HQ	\$85.0
OECA	\$44.0
S&T/HQ	\$38.0
SF/HQ	\$6.0
ORD	\$380.0
S&T/HQ	\$362.0
SF/HQ	\$18.0
HQ Labs Total	\$638.0

OCFO will transmit lab increases at a more detailed level to each office.

DFAS:

This decision funds DFAS for the entirety of FY 2013, to be replaced by NBC in the second half of FY 2013.

OCFO	FY 2013 Adjustments
<i>EPM</i>	\$225.0
<i>SF</i>	\$55.0
DFAS Total	\$280.0

Systems Adjustments:

System Adjustments	FY 2013 Adjustments
EAS Licenses (OARM)	\$2,000.0
HR LoB	
<i>NBC Migration Costs (OCFO)</i>	<i>\$1,500.0</i>
<i>NBC Fees Total</i>	<i>\$2,500.0</i>
<i>OCFO NBC Fees</i>	<i>\$1,250.0</i>
<i>OARM NBC Fees</i>	<i>\$1,250.0</i>
<i>Systems Adaptive Maintenance (OCFO)</i>	<i>\$5,000.0</i>
<i>Training (OCFO)</i>	<i>\$1,000.0</i>
Total HR LoB	\$10,000.0
Total Systems Adjustments	\$12,000.0

Programs Reduced by Half: Potential Eliminations/Redirections

NPMs have the option to propose elimination of these (or other programs) and to redirect 50% of these funds to a higher priority area within their own programs. Redirected funds are not intended for increasing the established travel ceiling or restoring specified reductions from this guidance. Funds from eliminated programs may be directed toward more effective or efficient programs or activities, programs or activities that more directly support the Administrator's priorities, or higher priorities as identified in the FY 2013 Priority exercise.

NPM	Activity/Program	Approp	PP#	Program Project Title	FY 2011 Enacted		FY 2012 PB		FY 2013 Cut from FY 2012 PB	
					Dollars	FTE	Dollars	FTE	Dollars	FTE
OA	Brownfields: Smart Growth	EPM	43	Brownfields	\$1,305.0	5.8	\$1,284.0	5.7	(\$642.0)	(5.7)
OA	Environmental Education	EPM	E9	Environmental Education	\$9,713.0	19.6	\$9,885.0	18.5	(\$4,942.5)	(18.5)
OAR	Indoor Air: Radon Program	EPM	76	Indoor Air: Radon Program	\$5,316.0	33.1	\$3,901.0	21.6	(\$1,950.5)	(21.6)
OAR	Radon Grants	STAG	5	Categorical Grant: Radon	\$8,058.0	0.0	\$8,074.0	0.0	(\$4,037.0)	0.0
OCSPP	Chemical Risk Management	EPM	D5	Chemical Risk Management	\$6,041.0	34.1	\$6,105.0	33.0	(\$3,052.5)	(33.0)
ORD	Biofuels Research	S&T	K6	Research: Air, Climate, & Energy	\$106,329.0	311.2	\$108,000.0	309.6	(\$1,102.5)	(6.1)
OSWER	LUST/UST	EPM	86	LUST/UST	\$12,410.0	73.9	\$11,982.0	71.9	(\$5,991.0)	(37.0)
OSWER	LUST/UST	LUST	86	LUST/UST	\$12,966.0	59.6	\$12,866.0	55.1	(\$6,000.0)	(22.5)
OSWER	LUST Cleanup	LUST	87	LUST Cooperative Agreements (excludes resources for tribal clean-ups)	\$63,066.0	0.0	\$63,192.0	0.0	(\$29,727.5)	0.0
OW	Beach Grants	STAG	23	Categorical Grant: Beaches Protection	\$9,880.0	0.0	\$9,900.0	0.0	(\$4,950.0)	0.0
Potential Eliminations/Redirections									(\$62,395.5)	(144.4)

FY 2013: Redirections

Total: \$103,500.0

(Dollars in Thousands)

Redirection Area	Activity/program	NPM	Approp	\$(K)	Details
21st Century EPA	Space Reconfiguration	OARM	OARM to provide	\$20,000.0	
	Collaboration tools and other IT upgrades	OEI	EPM	\$5,000.0	
	E-reporting	OEI	EPM and STAG	\$8,000.0	\$3 M for EPM and \$5 M for STAG
Doing Work Differently	LEANing Regulatory Development (other areas to be determined)	OP	EPM	\$500.0	
	Centers of Expertise (Contracting, Homeland Security and Water Teams)	OARM, OSWER, OW	EPM	\$5,000.0	\$2 M for OARM, \$2 M for OSWER, and \$1 M for OW . Includes \$100 K in travel funds held in regional reserve for each NPM.
State and Tribal Partnerships	Tribal GAP	OITA	STAG	\$25,000.0	
Air Toxics	DERA	OAR	STAG	\$30,000.0	
Research	Priority research projects	ORD	S&T	\$8,000.0	
Office of Civil Rights	Support for new needs	OA	EPM	\$2,000.0	Resources can be used for up to 5 FTE
TOTALS				\$103,500.0	

Next Steps for FY 2013 Workgroup Proposals and Analytics

Based on the thoughtful ideas from the “Doing things Differently” workgroups and the discussions at the Executive Management Council and the Budget Forum, the Agency has decided to move forward in FY 2012 with several recommendations that have the greatest promise to accelerate efforts and realize cost-savings.

- By August 5, 2011, the identified lead organizations (and Lead Regions) for each area will provide to OCFO a list of contacts and a senior champion.
- By October 1, lead organizations will submit to OCFO project plans that include key activities, milestones, and anticipated results, including those to be carried out in FY 2012 to accelerate activities and savings planned in FY 2013 and beyond.

Please submit your information by e-mail to Barbara Bennett, CFO, with copies to David Bloom and Kathy O’Brien. Workgroup ideas not identified below will factor into future discussions of EPA workforce and efficiencies.

Reconfiguring Space and Improving Collaboration Tools

OARM	Update Telework Policy and conduct workplace studies to determine job function suitability
OARM, R7, R9	Move forward with Regions 7 & 9 space reconfiguration: Beginning with the upcoming moves of Region 7 and 9, OARM will begin to design EPA office space in a more efficient, collaborative, and technically sophisticated manner to reduce the Agency's physical and environmental footprint. Specifically, assigned Agency work spaces will be smaller in size with mobile and flexible furniture. Open, collaborative work areas will be provided as will numerous meeting and conference rooms. In addition, unassigned flexible work areas will be designed in order to accommodate drop-in, plug-in work.
OEI	Develop collaboration tools for One EPA Workplace.

Centers of Expertise

OARM, R7, R10	Develop Contracting Service Centers.
OHS, OSWER & OW	Develop Homeland Security/Emergency Response Centers of Expertise for Water Teams and Chemical Warfare Agent Laboratories (leverage other Feds)
ORD	Include request for consolidation options in NAS charge for EPA’s Laboratory Study
OARM with Regions and ORD	Pilot EPA, State, or Tribal lab consolidation to achieve efficiencies

Employing 21st Century Technology

OEI and OP Incorporate e-reporting into Regulatory Look-Back & future rules and work with program offices and states to incorporate into systems.

Leveraging and Streamlining

OP Consolidate reporting systems (SCOUT and policy tracking)
OARM Improve Agency recruitment through continuous, open announcements
OP Conduct 3 LEAN projects in priority areas including implementation options and strategy in discussions of next steps.
OCFO Implement Agency “SAVE” award

Analytics

Small Offices

As part of the on-going effort to reduce EPA’s space footprint, the Agency will, to the extent possible, work to eliminate EPA offices that house 10 or fewer employees. OARM will work with regions and headquarters offices, beginning right away, to develop a strategy that yields cost savings, with a status report due to OCFO in March 2012.

IT guidance

Unless directed investments have been made in FY 2012 or are indicated in this guidance for FY 2013, offices are to remain within the 2011 operating plan overall levels. Offices are asked to begin evaluating their system portfolios to identify those that can be retired and those that may have redundant or obsolete data or functions.

Workload Analytics

Thanks again to Regions 6 and 1 for your hard work on the air and water program workload analytics. Over the next few months, OCFO will work with OAR, OW and regions on options for an estimation process that captures more detail than the 2010 managers’ survey but less detail than the original set of analytics. In addition, this effort will consider potential core activities for review and factors that may signal workload shift concerns. OCFO also will consult with other offices as needed.

NPM Submission Instructions

To facilitate review of your final decisions, NPMs are being asked to submit 3 products plus a cover letter addressed to Chief Financial Officer Barbara Bennett. The 3 products are: 1) Overview of Submission including, disinvestment and redirection summaries and significant programmatic and performance impacts as applicable; 2) Resource input form; 3) Eliminations and Associated Redirections template(s). Your submissions are due **August 5 by 5:00 pm** to the Data Call and Response Database.

Overview of Submission: The Overview of Submission is intended to be a brief high-level discussion using summary bullets on the choices and strategy followed in meeting the resource targets and should be no more than two pages long. A template (Attachment E-1) has been provided.

Resource Input Form: The resource input form (Attachment E-2) will provide details regarding resource changes made to hit your target. This includes reductions, redirections, and redirections specifically associated with eliminations. A minimum of budget information (NPM, Appropriation, Program Project, Non-pay, and FTE) is required in this document given that BAS data entry is occurring almost simultaneously. To provide a direct link back to the more detailed information provide earlier this summer, please provide the Index Number and Activity/Program information from the associated line in your Prioritization Submission. For your reference, the Index Numbers from the consolidated prioritization table provided by OCFO can be found on the Office of Budget Quickplace. For changes without an Index Number (e.g. investments) enter "None" in this column.

For disinvestments or redirections that include FTE, assume \$130K per FTE for payroll. Note, our starting point for the FY 2013 process restores the 221 FTE reduction taken in the FY 2012 President's Budget. Redirection data not associated with a program elimination should be entered into BAS SP 5.0 2013 OMB v2.4 for FTE and 3.4 for non-Travel Resources. Travel resources associated with Centers of Expertise should be entered into in BAS SP 5.0 2013 OMB v3.5.

Eliminations and Associated Redirections Template: The template in Attachment E-3 is to be completed if an NPM chooses to eliminate an entire program and redirect 50% of the resources to a higher priority. This template requires summary-level information about the program being eliminated and the program or activity where resources are being redirected to. In identifying programs for elimination, consideration should be given to mature programs whose function can be devolved to state or local governments or programs that are less effective than others in achieving an environmental outcome or objective. Redirection data associated with a program elimination should be entered into BAS SP 5.0 2013 OMB v2.6 for FTE and 3.6 for non-Travel Resources.

FY 2013 OMB Submission: Resource Decisions Input Form

Index#	DESCRIPTION	NPM	APPROP	PP_CODE	\$0.0	\$0.0	\$0.0	0.0	0.0	0.0
					HQ_NONPAY	RT_NONPAY	TOT	HQ_FTE	RT_FTE	TOT_FTE

FY 2013 OMB Submission: Elimination/Redirection Template

(\$ in thousands)

Submitting NPM:

Identify eliminated program and redirection target. Provide brief rationale.

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Attachment F

Technical Instructions and Milestones for FY 2013 OMB Submission

I. Timeline to OMB Submission

Date	Product
August 5, 2011	NPM information on funding decisions due to OCFO
August 5, 2011	Technical Adjustment forms for FTE and Resources due in OB Database and Duplicative or Outdated Congressional Reports Template due in OB Database
August 8, 2011	FTE and Resource data due in BAS
August 9, 2011	OCFO provides concurrence on NPM funding decisions
August 12, 2011	Performance information due in OB Database
August 17, 2011	Narratives due in OB Database
August 26, 2011	Proposed FY 2012 Key Performance Indicators (KPIs) due to OPAA and Draft FY 2012 Cross-Cutting Fundamental Strategy Action Plans due to OPAA
September 6, 2011	NPM review
September 12, 2011	FY 2013 Annual Performance Plan and Budget Submission to OMB

II. General Guidance:

- Travel has been reduced. These ceilings are firm. All travel changes must be made in BAS SP 5.0 2013 OMB v3.5.
- A table for fixed costs Attachment A.ii has also been provided. Data entry in BAS should be in accordance with resource amounts in this table.
- No reductions to the Working Capital Fund levels unless associated with reduced FTE or other specific reduced costs.

III. Workforce Planning:

Workforce planning is a fundamental planning tool, critical to the achievement of the Agency's mission. In conjunction with the FY13 budget request, each regional and program office will assess its current workforce using prescribed FTE levels established through the budget process to determine the optimal mix of occupations needed to meet Agency strategic goals and priorities. This analysis will help organizations to better align staff resources with mission critical occupations, leverage the strengths of EPA's talent pool, project future workforce skills needs, and ultimately align our workforce to meet strategic objectives.

The Assistant Administrator/OARM, will issue guidance providing further information on the Agency-wide workforce planning process. Preliminary information is available on the Agency's intranet website, [EPA Workforce Plans](#). OHR subject matter experts are available to answer any questions you may have and to provide assistance. For further information, please contact John Taylor, Director, Human Capital Management Division at (202) 564-0948 (taylor.john@epa.gov) or Debbi Hart, Chief, Human Capital Planning Branch at (202) 564-2011 (hart.debbi@epa.gov).

IV. BAS versions for 2013 OMB Submission

SP 5.0 2013 OMB versions:	Version Name	Comment
0.9	X-files and key programs	Initialized with 2012 PRS v1.0. offices to make changes
1.0	2013 OMB Submission	Merge of other Versions.
2.0	FTE Starting point	Copy of FTE from 2012 PRS v1.0
2.1	FTE Policy Changes	
2.2	FTE Tech Adj—FORMS required	
2.3	FTE Tech Adj-NO FORMS	Net-zero
2.4	FTE Investments	
2.5	Not used	
2.6	FTE Elimination and Redirection	
3.0	Resource (non-pay) Starting Point	Copy of Non-pay, non-FTE from 2012 PRS v1.0
3.1	Resource Policy Changes	
3.2	Resource Tech Adj-FORMS required	
3.3	Resource Tech Adj-NO FORMS	Net-zero
3.4	Resources- Investments	
3.5	Travel Reduction	
3.6	Resource Elimination and Redirection	



Correspondence Management System

Control Number: AX-11-001-2420

Printing Date: July 29, 2011 01:46:13



Citizen Information

Citizen/Originator: Curry, Tierra R

Organization: Center for Biological Diversity
Address: Oost Office Box 1178, Flagstaff, AZ 86001

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2420 Alternate Number: N/A
 Status: Pending Closed Date: Jul 26, 2011
 Due Date: Aug 12, 2011 # of Extensions: 0
 Letter Date: Jul 26, 2011 Received Date: Jul 26, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File Mountaintop Removal Mining Docket Comment - EPA-HQ-OW-2010-0315
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 R3 - Region 3 - Immediate Office
 R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Jul 26, 2011
Diane Jones-Coleman	OW	OW-OWOW	Jul 26, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Jul 26, 2011
Diane Jones-Coleman	OW	Forwarded control to OW-OWOW	Jul 26, 2011



CENTER for BIOLOGICAL DIVERSITY

July 18, 2011

Secretary Kathleen Sebelius
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Director Thomas R. Frieden, MD, MPH
Center for Disease Control and Prevention
1600 Clifton Rd
Atlanta, GA 30333

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

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Secretary Sebelius, Director Frieden, Administrator Jackson, and Attorney General Holder:

I am writing to ask that you enact an immediate moratorium on mountaintop removal coal mining in Appalachia, and that the federal government undertake a comprehensive study of the public health effects of this devastating form of mining. Recent peer-reviewed scientific studies have found that mountaintop removal is associated with increased incidence of birth defects, cancer clusters, increased mortality rates, and lower quality of physical and mental health for citizens living near mountaintop removal mine sites. In light of this new information, I urge you to study and mitigate the public health crisis in Appalachia being caused by mountaintop removal. I also request that a federal investigation of environmental crimes in Appalachia be undertaken.

Recent scientific information, summarized below, demonstrates that mountaintop removal has serious negative health impacts on residents. A new study of birth defects found that, after controlling for socioeconomic and other factors, the rate of birth defects is significantly higher in mountaintop removal areas overall and for six types of birth

defects: circulatory/respiratory, central nervous system, musculoskeletal, gastrointestinal, urogenital and other (Ahern et al. 2011). Another recent study found that residents of mountaintop mining counties experience significant reductions in health-related quality of life including poorer physical and mental health (Zullig and Hendryx 2011). Coal mining in Appalachia has also been shown to be significantly associated with higher rates of cancer mortality and to cancer clusters corresponding to areas of high coal mining intensity (Hitt and Hendryx 2010). A study in the journal Science concluded that the impacts of mountaintop removal are pervasive and irreversible, that mitigation cannot compensate for losses, and that current regulations are inadequate to regulate mountaintop mining (Palmer et al. 2010).

The human cost of the Appalachian coal mining economy outweighs its economic benefits, as the areas with the highest levels of mining also have the highest human mortality rates (Hendryx and Ahern 2009). The environmental and public health effects of mountaintop removal are unacceptable and I ask that you take immediate action to ban this form of mining and to protect Appalachian communities from further harm.


Sincerely,



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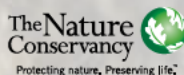
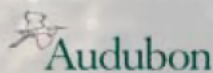
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STRATEGY FOR
**Restoring the
Gulf of Mexico**

Recommendations to the Gulf Coast
Ecosystem Restoration Task Force



This document presents a strategy that maps the road to recovery for a healthy and resilient Gulf of Mexico.* This Strategy identifies four priorities for protection and restoration of the Gulf of Mexico with goals and outcomes supporting each priority. Several supporting activities are also identified that will create enabling conditions for a successful restoration program. These priorities and activities are intended to contribute to the protection and restoration of the Gulf after the Deepwater Horizon Oil Spill, while addressing the more systemic problems that are the result of decades of environmental decline. This Strategy integrates the vast knowledge of the numerous institutions and individuals that have been conserving and restoring the Gulf for more than 40 years.

Restoring the Gulf of Mexico for People and Nature

The Gulf of Mexico is ecologically and economically one of the most productive bodies of water on earth (Beck et al. 2000, Tunnell 2009). It provides the nation with valuable energy resources, abundant seafood, beautiful beaches, productive coastal wetlands, and a rich cultural heritage (Yoskowitz et al. 2010). But the Gulf has been mistreated for decades, as can be seen in degraded habitats, poor water quality, stressed fisheries, and altered coastal freshwater inflows (NOAA 2008, GOMA 2009).



St. Joseph Peninsula, Florida. © Jeff Ripple

This history of diminished ecological capacity in the Gulf has direct impacts on human communities. A weak, unhealthy Gulf ecosystem increases the vulnerability of human communities to a multitude of hazards. We call this reduced ‘resilience,’ or the reduced ability of biophysical and socioeconomic systems to adapt to and recover from change. In recent years, diminished coastal habitat has magnified hurricane impacts on remaining habitats, wildlife, and Gulf residents, and in 2010 the world’s largest unintentional marine oil spill occurred here.

The coastal communities dotting the Gulf shoreline know well the threats that rising seas and habitat loss pose to their safety and livelihoods. All told, over half of the Gulf of Mexico’s coastal habitats, roughly 4 million acres, have vanished—barrier islands, coastal marshes, mangroves and other coastal forests, seagrass beds and oyster reefs. For generations these habitats not only supported robust fisheries-based economies, but they also intercepted the surge created by strong storms, lessening their impact on human settlements. With sea levels rising and storms becoming more intense, the existence and health of these coastal habitats is more critical now than ever before. Unless society embraces a bold new restoration vision—one that restores habitats at an ecosystem scale—the future of the Gulf Coast is tenuous.

With public awareness of the Gulf of Mexico’s economic and environmental value at an all-time high, now is the time for cohesive action to protect and restore this national treasure for future generations. The Gulf Coast Ecosystem Restoration Task Force has been established to address the damage caused by the Deepwater Horizon Oil Spill and begin planning for a more resilient Gulf Coast ecosystem. Development and implementation of a Gulf Coast Ecosystem Restoration Strategy (“Strategy”) is the first step in this process. Our organizations offer these recommendations in the spirit of assisting the Task Force in the difficult job of coming up with a comprehensive strategy to restore the Gulf.

*The authors of this report recognize that the Gulf of Mexico system functions as a whole and activities in all countries are important, but, because the scope of work of the Gulf Coast Ecosystem Task Force is the northern Gulf, this report is limited to recommendations for the northern Gulf. In this report, “Gulf of Mexico” and “northern Gulf of Mexico” are often used interchangeably.

Background on the Strategy

VISION FOR A HEALTHY GULF OF MEXICO

In developing the ‘Strategy for Restoring the Gulf,’ the authors of this document first envisioned what a healthy Gulf of Mexico would look like. Doing so allowed for focusing the strategy and setting measurable goals that inform progress toward recovery. The following is a proposed vision statement for a healthy Gulf of Mexico.

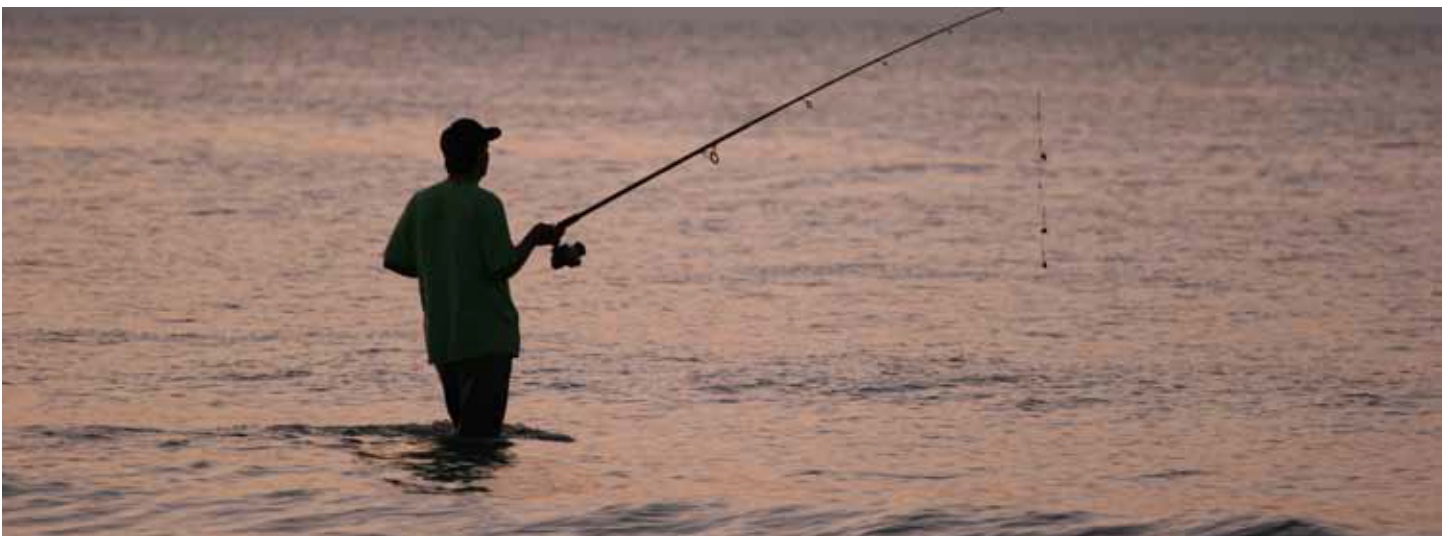
A healthy Gulf of Mexico ecosystem supports:

- sustainable populations of the full suite of native biodiversity;
- productive habitats that characterize a healthy Gulf, such as wetlands, coastal forests, mangroves, oyster reefs, seagrass beds, coral reefs, offshore banks and deep-water reefs, and other deep-water habitats, including deep-water corals, sponges and cold-seep communities, that benefit both the economy and local cultures;
- sustainable, healthy populations of commercially and recreationally important species;
- ample access to places and resources that provide for public benefit, including clean waters that are swimmable and beaches that sustain vibrant tourism-based economies in balance with nature;
- connectivity with coastal rivers and adequate freshwater inflows to maintain productive bays, estuaries and Gulf communities;
- healthy coastal habitats that are resilient to impacts from development, storms, and climate change, and;
- thriving cities, towns, and neighborhoods where citizens appreciate the full range of goods and services provided by a healthy Gulf ecosystem and are good stewards of nature.

GUIDING PRINCIPLES

Scientists and conservationists agree that an overarching goal of this Strategy should be restoration of the Gulf of Mexico ecosystem to a healthy and productive status, which maintains a full complement of biodiversity and sustains appropriate human uses. Development of the Strategy must be aligned with the reality that the Gulf knows no political boundaries. Indeed, it is one interconnected system from the barrier islands to the coral reefs and from the inner reaches of coastal marshes to the abyssal plain deep in the central Gulf.

Hence, the Gulf Coast Ecosystem Restoration Strategy should be Gulf-wide in scope and be based upon a clear synthesis of a functioning and productive Gulf ecosystem. While the Strategy should provide an overarching



Fisherman in late afternoon surf in Galveston, Texas. © Ron Wooten

framework to address injured natural resources and lost ecological services due to the Deepwater Horizon Oil Spill, the Strategy should also address more systemic problems, such as the on-going loss of coastal wetlands and formation of the hypoxic zone at the mouth of the Mississippi River, both of which are the result of decades of environmental degradation. Restoration and recovery of some resources, such as migratory birds and fishes, may require actions beyond United States' boundaries.

In light of the breadth and depth of past and ongoing degradation of the Gulf ecosystem, the authors of this report believe the Gulf Coast Ecosystem Restoration Strategy should recommend and support restoration action at the greatest scale practicable. Available funds for restoration should not be divided up among many small, isolated projects that will not, even when aggregated, address the scale of the problem.

We also stress the urgency of undertaking comprehensive Gulf-wide restoration. Although we support a robust investment in science to increase our collective understanding of Gulf processes, to assess the status of particular Gulf resources, to document possible longer term damage from the Deepwater Horizon Spill, and to monitor the effectiveness of restoration activities, we do not believe restoration should be delayed until we have perfect baseline data or complete knowledge of spill impacts. The decline of the Gulf ecosystem must be arrested; we know enough to take appropriate action in the near term. The monitoring and assessment can and should take place simultaneously.

To accomplish restoration at scale and with lasting impact will require cooperation and coordination across many boundaries, both geographic and organizational. Traditional lines of authority, jurisdiction and responsibility have limited the more holistic approach to Gulf-wide, ecosystem-based conservation required by this Strategy. Federal and state agencies should work together toward this common vision with perhaps unprecedented sharing of data, resources and responsibilities.

UNDERSTANDING ECOSYSTEM DRIVERS AND THREATS

Understanding the drivers and threats to the Gulf of Mexico ecosystem is critically important to the development and design of the Strategy. Varying kinds of drivers and threats from physical, chemical, geological, and biological/ecological, as well as socio-economic sources should all be considered, since any of them can have an influence on the success (or failure) of restoration efforts.

Major natural drivers in the Gulf of Mexico include the Loop Current, freshwater inflows (most notably the Mississippi River drainage), hurricanes/tropical storms, and ecological buffers and filters. These are all large scale drivers that effect large areas of the Gulf. Smaller scale currents, river drainages, and storms also have effects in more localized areas of the Gulf. Anthropogenic drivers often couple with natural drivers to compound threats and affects.

- **Loop Current**—source water and biologic connectivity enters from the Caribbean Sea into the Gulf of Mexico; trash and pollutants also follow this major current system.
- **Freshwater inflow**—freshwater, nutrients and sediments enter the Gulf via a number of drainages, bays estuaries, and rivers. These freshwater inflows provide nutrients to the Gulf system, and the freshwater/saltwater mix provides habitat conditions necessary for wintering waterfowl, reproductive nurseries for many marine species, and the brackish-water conditions needed for species such as oysters. There are negative effects as well with the massive Mississippi drainage providing an over-abundance of nutrients that has created a “dead zone” in the Gulf; as well as reduced sediments due to levying and damming that has starved Louisiana coastal marshes.
- **Hurricanes/tropical storms**—these large storms impact coastal natural resources and also damage or destroy the human built environment.
- **Ecological buffers and filters**—the Gulf’s wetlands, oyster reefs, barrier islands and mangrove forests provide important buffers in the Gulf ecosystems, filtering nutrients, and providing unique habitats for many coastal species.

It was clear even before the Deepwater Horizon incident that the Gulf was in decline and that its future ability to sustain healthy fish and wildlife populations, economies and cultures is in question. Many threats at multiple scales have exerted a cumulative negative impact upon the Gulf (Kumpf et al. 1999). In some cases, the linkage between those factors and sources of stress is known, and in other cases, that linkage remains complex and elusive. Below is a list of threats to the Gulf of Mexico ecosystem, as well as some comments on direct effects on natural systems and resources.

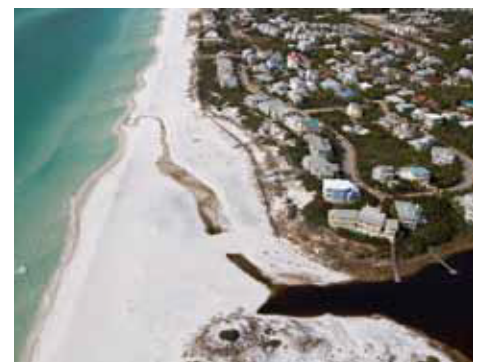
- **Agricultural**—can cause problems with water quality and quantity, and habitat fragmentation and conversion.
- **Changes in freshwater inflow/discharge** (amount/rate/timing/channelization) into estuaries around the Gulf—Affects turbidity and salinity regimes and thus reproduction and recruitment of many estuarine-dependent species such as crabs, shrimp, fish and bivalves, and survival and recruitment of many habitats including seagrass, salt marsh/wetlands, and oyster reefs.
- **Channelization and dredging for navigation**—disrupts water flow; sediment disposal can cause sedimentation of natural habitats; constructing levees along rivers also affects sediment dispersion; affects deltaic (marsh) communities, their well-being, growth, and preservation; also sediment management programs not fully effective.
- **Coastal development and industrial development/expansion**—causes habitat loss due to land conversion from natural to human-built environment; reduces biodiversity, connectivity and resilience; increases habitat fragmentation and stormwater run-off.
- **Damaging fishing techniques**—habitat destruction, unintentional catches, and wasted by-catch.
- **Endocrine disruptors, pesticides, and other forms of pollution**—have their largest effect in estuaries and nearshore, primarily affecting early life history stages.
- **Engineered shoreline structures**—disrupts long-shore sediment flow, causes erosion elsewhere.
- **Global climate change**—affects intensity and duration of cold fronts, storm intensities, ranges and reproductive periods, and success of species, precipitation patterns and resulting freshwater inflows.
- **Harmful algal blooms**—can cause massive fish/invertebrate kills; often interact with increased nutrient discharge.
- **Invasive species**—includes non-native or invasive wetland and marine organisms as well as native species occurring outside of their natural range or in excess of historic abundance due to anthropogenic activities; food web disruption, displacement of native species.
- **Nutrient discharge into rivers and outflows into estuaries and the Gulf**—affects well-being of estuaries; generates oxygen minimum-zone and dead (or hypoxic, low oxygen) zones, both in estuaries and offshore.



Algae bloom © NOAA



Agricultural fertilizer © Thirteen of Clubs/Flickr creative commons



Coastal development © Gerry Ellis

- **Ocean acidification**—general decrease in ocean water pH due to elevated atmospheric carbon dioxide levels; another corollary of global climate change; will affect larval and adult survival; will affect sound transmission in water, hence sensory capabilities of many species.
- **Oil and gas exploration and development**—affects land use, causes environmental degradation in ways both direct (e.g., pollutants) and indirect (e.g., canals accelerating coastal erosion); offshore releases of oil can affect coastal lands and marine environments well beyond geography of source.
- **Overfishing**—affects food webs and trophic cascades; many non-target species are affected; biodiversity reduced.
- **Sea level rise**—another aspect of global climate change; impacts enhanced by groundwater and petroleum product extraction causing subsidence.
- **Treated and untreated sewage discharge**—untreated discharges cause water quality problems and diseases. Sewage treatment does not degrade many of the chemicals and drugs placed in waste water, e.g., prescription drugs, caffeine, and other chemicals that may have already passed through humans; can have unintended consequences on marine life.

USE OF THE STRATEGY

Restoration activities and projects that result from this Strategy should have demonstrable environmental and societal benefits and have clear, measurable, and feasible endpoints. Long-term monitoring and measurement should be a key element of restoring the Gulf of Mexico, and a Gulf of Mexico Ecosystem Scorecard is suggested as a relevant, and now widely used tool for judging the progress of implemented restoration projects. Sustaining a sound Gulf economy depends on a healthy Gulf ecosystem, and it is very important to coordinate and link state projects so that the sum of all projects advances progress towards a desired future condition in the Gulf.

The successful implementation of this Strategy or any other plan that targets recovery, resiliency, and long-term sustainability will depend on a strong recognition of the natural and socio-economic diversity of the Gulf. Long-term success will most likely be achieved when local, community-based approaches emerge from the regions and when local, regional and national efforts are all aligned and all parties are accountable for achieving the goals. Inter- and intra-agency approaches that break through traditional organizational and political silos are necessary to ensure the most comprehensive planning and implementation.

Development and implementation of restoration plans should be coordinated with external, independent peer review as an integral part of the planning and evaluation processes. This peer review should be periodically conducted by an interdisciplinary panel of scientists and practitioners—professionals who have no financial or professional stake in the decisions made.

The Strategy for Restoring the Gulf of Mexico

Focus of the Strategy—It is clear that achieving a healthy Gulf of Mexico will require a combination of well-defined goals and measurable outcomes, strong investment in scientific monitoring and adaptive management, and bold action with increased accountability.

The Strategy for Restoring the Gulf of Mexico focuses on:

- defining **essential priorities** to address threats and move toward a healthy Gulf,
- developing measurable **goals** using the best science available,
- identifying important **supporting activities**, and
- using a comprehensive approach that includes wildlife, people, and the places they live.

A NOTE ON OUTCOMES: This document attempts to identify specific, quantitative restoration outcomes in order to set clear, measurable goals. These numbers are derived from a consideration of the scale and magnitude of the habitats, species, and functions that have been lost from the Gulf over the last several decades. Thus, the outcomes represent an approach to restoration at a scale that will make a difference in the recovery of the Gulf.

Essential Priorities

The strategy proposes to focus on achieving tangible results in the following essential priorities:



RECOVER HABITAT

Goal: Restore priority upland, coastal and submerged ocean habitats that sustain biodiversity and ecosystem function and provide essential benefits to humans.

Why is it important? Healthy habitats provide essential supportive, provisioning, and regulating services that sustain human well-being (MEA 2005). Habitats provide the necessary structure for biodiversity to perform important functions that maintain system balance. Interconnectivity among habitats maintains the flow of resources and is essential to the health of the larger environment. Recovery of damaged and degraded habitats can bolster existing ecosystem services, increase resilience within and among habitats, and augment biodiversity. Thoughtful restoration may require shifts in management priorities, and the implementation of ecosystem-based strategies.

OUTCOMES:

WETLANDS

Coastal wetlands are an essential component of a healthy Gulf of Mexico ecosystem. They trap and filter sediment and nutrients, moderate freshwater inflows, provide habitat for millions of resident and migratory wildlife, serve as nursery grounds for fish and shellfish, and help protect coastal communities by buffering storm surges. Wetlands have been documented as being one of the most productive habitats on earth, producing tons of organic matter per acre—as much productivity as a cornfield, providing the basis of a food-web that supports hundreds of wildlife species. According to the Gulf Coast Joint Venture, more than half the coastal wetlands in the lower 48 states lie along the Gulf of Mexico. These wetlands are disappearing at an alarming rate—8.9 square miles per year in Texas, 16.5 square miles per year in Louisiana—as a consequence of saltwater intrusion, channelization, erosion, subsidence, pollution, invasive species, sea level rise, and importantly, residential and commercial development. Unfortunately, over the past several decades, the Gulf has lost over 50 percent of its wetlands. Restoration strategies include acquisition and protection of key areas, restoration of hydrological processes to nourish and rebuild wetlands, creation and maintenance of salt water barriers, invasive species control, revegetation of key areas, pollution control measures, and others.

- **Outcome:** By 2013, develop an inventory (types, locations, status) of Gulf Coast wetlands, identify causes of wetland loss (including but not limited to development, sea level rise, and interference with deltaic processes of sediment deposition) and develop restoration goals and strategies to prevent further wetland loss and to recover and sustain fisheries and other populations of wildlife historically supported by these coastal waters.
- **Outcome:** Restore hydrological processes of Mississippi River to make available 80 percent of the sediment coming down the river to restore 5,000 acres per year to sustainability and create 500 acres of new wetlands per year by 2020.
- **Outcome:** To the maximum extent possible, prevent the loss of additional wetlands to sea level rise by creating buffer zones and otherwise managing coastal areas to enable coastal wetlands to migrate inland.
- **Outcome:** Prevent the loss of additional coastal wetlands to development through strict enforcement of section 404 permitting requirements.

COASTAL FORESTS

As evidenced by hurricanes that have hit the Gulf Coast in recent years, coastal forests are an extremely important component of the coastal landscape for the ecosystem services they provide. Published studies bear this out (Danielsen et al. 2005; Kathiresan and Rajendran 2005; Reid and Whitaker 1976; Raupach and Thom 1981). In addition to protection against storms and surge, coastal forests offer important habitat for myriad wildlife species. The Gulf of Mexico provides critically important habitat for neotropical migratory bird species that utilize Gulf Coast forests as “stop-over” habitat before migrating further inland to nest and reproduce. Coastal forests provide habitat for numerous common and imperiled species, including black bear, and will attenuate climate change impacts through ongoing carbon sequestration.

Wholesale changes in hydrology, subsidence, and human development threaten the viability of these coastal forest systems. For example, while the chenier-plain coastal live oak-hackberry forests have been recognized as important for mitigating storm surge and preventing saltwater intrusion into freshwater ecosystems, many have been cleared and developed for mineral extraction, residential purposes, roads and utility construction. Likewise, dramatic changes in coastal hydrology and the coastal landscape in Louisiana have prevented many bald cypress swamps from naturally regenerating.

Transitional forested communities can play a critical role in supporting productivity, diversity and stability within the adjacent open marsh, as well as supporting their own endemic species. These forested areas are critical “stop-over” habitat for neotropical migrants, and serve to filter surface water entering the coastal systems. Relatively little attention has been directed to these integral habitats as compared to open marsh systems, ultimately with both the forested marsh and the open marsh habitats losing ground.

THE MISSISSIPPI RIVER DELTA

The Mississippi River Delta coastal ecosystem is the 7th largest in the world, reflecting sediment delivery from a watershed that is the 4th



largest, encompassing 40 percent of the landmass of the continental US, and providing 65–90 percent of all riverborne freshwater to the U.S. Gulf coast. Most fish and wildlife species of the northern Gulf, particularly those that are commercially or recreationally important, are dependent on estuaries at some point in their life cycle. Sixty percent of the remaining U.S. estuarine wetlands along the Gulf are found within the Deltaic complex. (F. Moretzsohn et al. 2011; Binnering, J. and J. Allen 2010; Couvillion et al. 2011).

Pursuant to the 1928 Flood Control Act, the Corps of Engineers constructed flood control levees, navigation canals, and other works that extend from Cairo, Illinois, to the mouth of the Mississippi River. This program has prevented catastrophic river flooding for nearly a century, yet has starved the Delta of sediments and fresh water, leading to exacerbated wetland loss. Threats from hurricane flooding have become more severe and deep-draft navigation at the mouth of the river has required increased dredging. This system has also shunted inorganic nutrients from the vast agricultural areas of the Mississippi Basin into the Gulf, bypassing natural assimilation of nutrients by wetlands and creating a large anoxic or “dead zone” offshore that extends into Texas waters during summer months. Additionally, the vast supporting network of energy pipelines and canals has cumulatively contributed to saltwater intrusion and wetland loss.

The loss of 30 percent of Deltaic wetlands over the past century—1900 square miles—and ongoing annual loss rates of 16 square miles (Penland, S. and Campbell, T. 2004; Couvillion et al. 2011), has diminished the sustainability of the navigation, flood control and storm protection systems, as well as oil and gas, and transportation infrastructure. This loss is now understood to have acute regional impacts but also threatens nationally important economic and environmental assets.

Unleashing and leveraging the power of the Mississippi River to serve more fully as an engine for restoration should clearly be a part of the Gulf Coast restoration strategy.

Aerial view of wetlands and marshlands that comprise the Mississippi River Delta on the Louisiana Gulf Coast.
© 2010 Bridget Besaw

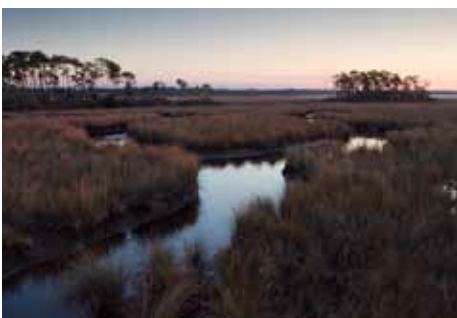
- **Outcome:** Restore and protect sufficient coastal forest habitats to provide for protection of human communities and recover and sustain populations of wildlife historically supported by these habitats.
- **Outcome:** Utilize existing programs such as the Forest Legacy Program, the Coastal and Estuarine Land Conservation Program, Forest Stewardship Program, Forest Productivity Program, Forest Land Enhancement Program, Wildlife Habitat Incentives Program, and Coastal Impacts Assistance Program so that management of private forests is optimized to provide wildlife habitat and protection from storms.
- **Outcome:** Restore hydrology of coastal forests to conditions that support regeneration and maintenance of bald cypress swamps.
- **Outcome:** Pursue non-traditional sources of funding for coastal forest protection and restoration such as mitigation banking, carbon banking, and hazard avoidance funding (FEMA).

MANGROVES

Mangroves dominate large coastal areas in the Gulf below 29°N latitude, and smaller stands of dwarf black mangroves can be found in areas above 29°N in Texas and Louisiana. However, the populations in Texas and Louisiana are occasionally reduced by stress from cold snaps, so are not generally included in management plans. It should be noted, however, that many predictions call for a significant increase in mangrove distribution as a result of elevated global temperatures in the future. Mangroves provide habitat to a wide variety of animals including two endangered species, the Key deer and the West Indian manatee (Spalding et al. 2010).

Mangrove loss in some areas has been significant. For example, in Tampa Bay mangrove area losses were estimated to be 44 percent in the late 1990s (Spalding et al. eds. 1997). Major threats to this habitat include development pressure, altered freshwater and tidal flow regimes, land-based sources of pollution, unsustainable pruning, and climate change (Florida Fish and Wildlife Conservation Commission 2005). Relevant strategies for conserving mangroves in the U.S. include management plans for the Florida Keys National Marine Sanctuary, Everglades National Park, Rookery Bay National Estuarine Research Reserve, Charlotte Harbor National Estuary Program, and the Tampa Bay National Estuary Program.

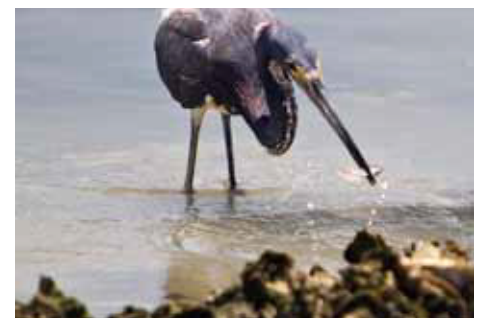
- **Outcome:** Fund and implement existing management plans.
- **Outcome:** Develop state plans to reduce land-based sources of pollution in Gulf coastal waters by 2015.
- **Outcome:** Reduce habitat loss and fragmentation resulting from conversion of natural or minimally impacted habitats.
- **Outcome:** Develop a plan to restore natural hydrology to impaired mangrove swamps by 2015.
- **Outcome:** Expand public education and law enforcement programs by 25 percent—focused on proper mangrove pruning and trimming in high priority areas by 2015.



Coastal wetland in Mississippi. Erika Nortemann/© 2010 The Nature Conservancy



A brown pelican with chicks, nesting in a mangrove forest rookery in Barataria Bay along the Louisiana Gulf Coast. © 2010 Bridget Besaw



A tricolored Heron hunts for small fish at low tide among the exposed oyster reefs along the Texas Gulf Coast. Erika Nortemann/© 2010 The Nature Conservancy

OYSTER REEFS

Globally, oyster reefs are the single most impacted marine habitat (85 percent loss) due to overharvest, disease, sedimentation, pollution, and changing salinities. The Gulf of Mexico supports the only remaining significant wild oyster harvest in the world and has some of the best of the few remaining reefs. These reefs provide high quality habitat for aquatic life, benefit water quality, and protect shorelines. Oyster reefs also act as ecosystem engineers that allow for other plant and animal species to thrive. Even with significant reductions from the historic extent of oyster reefs, the Gulf of Mexico likely represents the last place in the world where large scale oyster reef conservation and sustainable fisheries may be possible now; as such it is of global significance (Beck et al. 2009; Beck et al. 2011).

- **Outcome:** By 2030, restore more than 50 percent of the historical area of oyster reefs Gulf-wide so that there are sufficient recruitment and densities of oysters that enable them to maintain a positive accretion rate (i.e., their growth exceeds local sedimentation rates and keeps pace with relative sea level rise).
- **Outcome:** Oyster reefs should be managed to support a suite of ecosystem services, including sustainable harvest, fish production, water filtration, nitrogen removal, and protection of shorelines and wetlands.
- **Outcome:** Improve protection measures for native oyster reefs by making them a priority for habitat restoration and conservation plans.



An aerial view of prop scar damage on a seagrass bed in Florida.
© Florida Department of Environmental Protection



Kemp's Ridley turtle hatchling on Padre Island along the Texas coast.
Erika Nortemann/© 2010 The Nature Conservancy

SEAGRASSES

Seagrass in the northern Gulf of Mexico represent more than 50 percent of the total U.S. distribution and is a valuable habitat in the Gulf because it provides a variety of benefits ranging from habitat for commercially, recreationally and ecologically important species to sediment stabilization (reducing turbidity) to providing important forage material for endangered species like the West Indian manatee and sea turtles. It has been estimated that 20 percent to 50 percent of seagrass beds have been lost in the Gulf in the past 50 years (Handley et al. 2007). This habitat is threatened by several factors including poor water quality and direct destruction by boat propellers. In 1992 it was estimated that the northern Gulf historically had 2.5 million acres of seagrass (Duke and Kruczynski 1992).

In 1999, the EPA Gulf of Mexico Program committed to restoring, enhancing, and protecting 20,000 acres of important coastal seagrass habitats within the northern Gulf of Mexico region by the year 2009 (Handley et al. 2007). Handley et al. (2007) estimated that in 2002 there were 1,246,408 acres in 14 of the largest estuaries in the northern Gulf. All 14 estuaries assessed have experienced some declines in seagrass habitat.

There are places in the Gulf where restoration of seagrass beds would be of Gulf and global significance. Big Bend, Florida, for example, and Laguna Madre, Texas, contain some of the largest and least impacted beds in the Gulf (Beck et al. 2000).

- **Outcome:** Develop an inventory (types, locations, status, etc.) to facilitate establishment of seagrass restoration goals.
- **Outcome:** Ensure protection of existing seagrass beds by decreasing new scarring of seagrass beds resulting from boat activity, reducing dredging and improving water quality in bays and estuaries.
- **Outcome:** Given losses of 20 percent to 50 percent of the historic estimate of 2.5 million acres in bays in the Gulf, restore at least 500,000 acres of seagrass by 2030.

BARRIER ISLANDS AND BEACHES

Barrier islands are formations of sand, shell, and gravel that exist along coasts, forming a defense against winds and waves and providing habitat for many species of animals. An undisturbed beach community has a unique faunal and floral composition. The organisms in this habitat are important for the biological functionality and physical stability of natural beach habitats. Activities such as development, beach raking, and vehicle traffic have a direct negative effect on the viability of these communities, thus many species endemic to beaches have experienced dramatic population declines.

Beaches and barrier islands in the Gulf of Mexico provide globally important habitat for a variety of wildlife and are critical to the survival of 13 federally threatened and endangered species. Padre Island, Texas, is 113 miles long and is the world's longest barrier island. The Kemp's Ridley sea turtle, which has long been considered the most endangered sea turtle in the world, is known to nest there. About 80 percent of the threatened loggerhead turtles in the southeastern U.S. nest in only six Florida counties, making this their most important nesting site in the western hemisphere (Erhart et al. 2003). The northern Gulf of Mexico also provides critical breeding, wintering, and migratory habitat for a number of birds with high conservation concern including Wilson's plover, snowy plover, red knot, and least tern. This region is home to about 70 percent of the wintering population of the threatened piping plover (Elliott-Smith et al. 2009).

Things to consider in protecting beaches and barrier islands are the uniqueness of beach communities, potential nesting areas for sea turtles and diamond back terrapins, shorebird foraging and nesting habitat (e.g. plovers, red knots, wading birds), species of tiger beetles, and other interstitial invertebrate organisms that are functionally important to the physical environment. Dune habitat should be included as well, and species like beach mice, kangaroo rats and sea oats should be considered. Beaches are habitat and should be managed as such whenever possible.

- **Outcome:** Increase publicly owned beach property via fee simple and conservation easements for the protection of beach invertebrate communities, associated flora and fauna, and long term public use by 2020.
- **Outcome:** Maintain, re-establish or mitigate anthropogenically disrupted upland and coastal sand source systems to allow barrier islands the ability to maintain their natural sand budget and natural geomorphology by 2020.
- **Outcome:** Have 50 percent of Gulf Coast public beaches follow best management practices for beach maintenance by 2020.

CORAL REEFS

The Gulf of Mexico is home to a variety of coral habitats including hard-bottom, patch reefs, deep-sea, offshore mid-water reefs, and shallow water reefs (Tunnell et al. 2007). Shallow water reefs can be found in the U.S. in the Florida Keys National Marine Sanctuary (FKNMS), which includes roughly 6,000 coral reefs between Key Biscayne and Dry Tortugas as well as the only emergent coral reefs in the continental U.S. (Florida Dept of Environmental Protection 2009) Mid-water corals are generally found in waters between 100 to 600 feet deep along the western coast of Florida (US Coral Reef Task Force 2011) and in waters between 60 to 400 feet deep directly south of the Texas, Louisiana, and Alabama border at the edge of the continental shelf (Waddell

and Clarke eds, 2008). The latter area includes a unique ecological feature known as the Flower Garden Banks National Marine Sanctuary (FGBNMS). The banks are composed of coral reef structures that have grown on salt domes, and have the highest coral cover in the western hemisphere, with greater than 50 percent cover (Puglise and Kelty eds. 2007). Deep-sea corals are found distributed throughout the Gulf at depths of 600 feet or greater (NOAA 2008), and are generally slow growing and fragile (CoRIS 2011). In some cases little is known about the biology of these corals and the extent of their distribution. Worldwide, coral reefs are considered biodiversity hotspots, providing habitat, spawning, and nursery ground for a wide variety of animals, including many economically valuable reef fish (US Dept of Commerce 2010). Coral reefs below the southern tip of Florida are also habitat for threatened elkhorn and staghorn corals.

Coral cover in South Florida has dramatically declined over the last 30 years. Some fishing practices have impacted deep-sea, mid-, and shallow-water corals through mechanical damage from gear. Furthermore, overfishing of predators and grazing fish has had negative impacts on Florida's mid- and shallow-water coral. Additional threats to shallow- and mid-water coral reefs in the Gulf include boat groundings and anchoring, coastal development, land-based sources of pollution, and climate change. Relevant strategies for conserving coral reefs in the U.S. include the Florida Keys National Marine Sanctuary Management Plan, Flower Garden Banks National Marine Sanctuary Plan, Dry Tortugas National Park Management Plan, NOAA Coral Reef Ecosystem Research Plan, the National Action Plan to Conserve Coral Reefs, and Florida's Comprehensive Wildlife Conservation Strategy (Waddell and Clarke eds. 2008; Florida Fish and Wildlife Conservation Commission 2005).

- **Outcome:** Fund and implement existing management plans.
- **Outcome:** Complete coral habitat mapping in the Gulf of Mexico using high-resolution bathymetric surveys, to document and track distribution of all coral reefs by 2020.
- **Outcome:** Identify priority areas for expanding current, or create new measures to protect corals in the Gulf by 2015.
- **Outcome:** Finish development of recovery plans for threatened elkhorn and staghorn corals, implement and fund the plans.
- **Outcome:** Develop a research plan and fund scientists to investigate the range and biology of deep-sea corals.



Tending to a crop of staghorn coral in the waters off Key Largo, Florida.
© 2009 Tim Calver

OCEAN HABITATS (including pelagic and deep-water benthic)

Healthy and diverse offshore ocean environments should be sustained as major components of a biologically diverse, productive, and resilient Gulf ecosystem. Existing management plans that can be used to inform this conservation effort include those of the National Marine Sanctuaries in the Gulf of Mexico and federal fishery management plans (identify essential fish habitat, habitat areas of particular concern and minimize the impacts of fishing on essential fish habitat).

- **Outcome:** Using existing information, identify sensitive and outstanding habitats by 2012 and protect from incompatible human uses by 2015. Based on the mapping and monitoring outcome below, protect a matrix of offshore habitats, including sensitive and outstanding habitats, from incompatible human uses by 2025.
- **Outcome:** Document the Gulf-wide distribution, diversity, condition, and management status of offshore habitats in Mexican, Cuban and U.S. waters by 2020. Identify and prioritize sensitive and outstanding habitats by 2020.

SUSTAIN NATIVE FISH AND WILDLIFE POPULATIONS

Goal: Sustain healthy populations of fish and other wildlife that contribute to a productive and diverse ecosystem and thriving economy.

Why is it important? The Gulf of Mexico is home to valuable finfish and shellfish species that contribute to a large regional fishing-based economy (Yoskowitz 2008). Therefore, the human communities in the Gulf States are substantially dependent on the productivity of living resources and ecosystems in the region. Over the past several decades some species have been over-fished, and this unsustainable activity has contributed to a decline in the health of the Gulf's resources.

The Gulf is home to more than 15,000 marine species (Felder and Camp 2009) from bacteria to invertebrates to marine mammals. The Gulf supports globally significant populations of many species of migratory birds, colonial nesting birds, commercially important finfish, sharks and marine mammals. This diversity contributes to the stability and resilience of these wildlife species. Significant reductions in populations of fish and wildlife negatively impact on this stability and resilience, and often cause cascading effects throughout ecosystems.



The threatened Gulf sturgeon can live over 60 years and are found in coastal rivers from Louisiana to Florida. In the winter they use bays, estuaries and the open waters of the Gulf.
© Paul A. Lang/USFWS

OUTCOMES:

FISH

The Gulf of Mexico is home to an outstanding collection of marine and coastal fish species, many of them commercially and recreationally important. Unfortunately past management and fishing practices and the reduction and degradation of essential fish habitat has taken a toll on the region's fish populations, impacting coastal communities dependent upon these resources. For example, red snapper spawning abundance has been reduced to less than five percent of historic spawning abundance. The Gulf is also home to several federally protected fish species. In addition, migratory species such as the Alabama shad—a NOAA “species of concern”—were likely a historically important prey species and trophic link between marine and fresh waters before severe population declines in

the Gulf of Mexico. In 2000 the American Fisheries Society identified species at risk of extinction in the U.S. and identified the northern Gulf of Mexico as a “hot spot” of at-risk species. Fortunately, it's not too late to reverse this trend. While Gulf fisheries currently support \$22 billion in economic activity, future sustainable yields and economic benefits can be much higher if fisheries are restored to and maintained at optimal levels. Several existing management plans can help support this goal: management plans for federally managed fish species developed by the National Marine Fisheries Service and U.S. Fish & Wildlife Service; fishery management plans developed by the Gulf States Marine Fisheries Commission and Gulf states; the Smalltooth Sawfish Recovery Plan; and the Gulf Sturgeon Recovery/Management Plan.

- **Outcome:** Management of Target Populations—All federally managed fish species are managed at optimum yield, overfishing is prevented, and rebuilding of depleted populations is completed within the timelines designated in fishery management plans. All state managed species are managed to achieve optimum yields, end and prevent overfishing, and rebuild depleted populations.
- **Outcome:** Management of at-risk populations—Identify at-risk marine and coastal species and develop restoration plans by 2015. Restore the smalltooth sawfish population consistent with the federal recovery plan pursuant to the Endangered Species Act. Reduce fishery by-catch including fishing interactions with protected species. Restore Gulf sturgeon consistent with the Gulf Sturgeon Recovery and Management

Plan, including conserving and restoring habitat, reducing incidental mortality, and minimizing dredging impacts on Gulf sturgeon habitats.

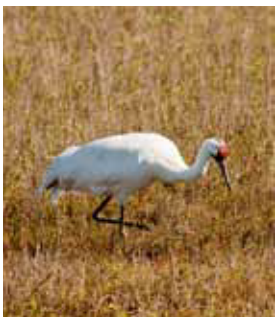
- **Outcome:** Population Health Assessment—By 2015, double the number of formal assessments for managed fish species annually. By 2020, double the number of managed species with formal assessments. Identify management metrics for unmanaged, incidentally caught fish species by 2020. Develop a data-poor species management framework by 2012.
- **Outcome:** Future of Fisheries Management—By 2020, ensure U.S. fishery policy better accounts for ecological interactions in decision-making.
- **Outcome:** Conservation and Restoration of Migratory Fish Species—By 2020, improve migratory fish populations by stabilizing at least 25 percent of unpaved roads and riverbanks at sites impairing riverine spawning habitat. By 2020, develop a conservation action plan for providing longitudinal connectivity at every dam or in-stream barrier impeding migratory fish access to essential riverine habitat. By 2020, determine the impact of recreational and commercial fisheries and by-catch of Alabama shad, Gulf sturgeon, and other migratory fishes.

BIRDS

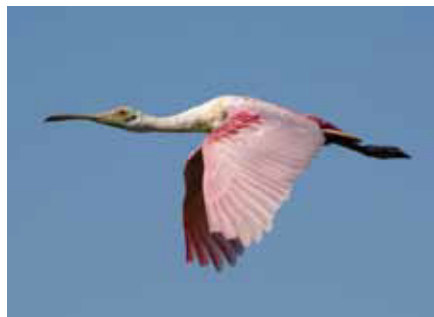
The Gulf of Mexico is important for 395 migratory, breeding, wintering, and resident bird species (National Biological Information Infrastructure). Specifically, the Gulf Coast provides critical breeding, stopover, or wintering habitat for 34 species of shorebirds, five of which are Highly Imperiled, including the snowy plover, Threatened piping plover, and possibly extinct Eskimo curlew. Another 13 species are of High Concern (Brown et al. 2001). There are an additional 36 waterbirds with high regional conservation priority, and 17 of these, including American oystercatcher and sanderling, are of continental concern (Hunter et al. 2006). Gulf of Mexico wetlands have been identified as critical for migratory waterfowl and support globally important populations of rapidly declining species like redhead, northern pintail, and lesser scaup. The resident mottled duck relies upon these wetlands as well, in addition to upland prairies and associated grasslands (U.S. Fish and Wildlife Service 1986, Abraham et al. 2007).

In the northern Gulf of Mexico, National Audubon Society has identified 71 Important Bird Areas (IBA) with a total area the size of Maryland and Connecticut combined. Many of these IBAs support globally important populations of birds, including waterfowl, pelagic birds, pelicans, wading birds, birds of prey, rails, plovers, shorebirds, gulls, terns, and sparrows. Beach-nesting birds and marsh birds, in particular, are already in decline in the Gulf, and other species will be at increasing risk due to threats such as climate change. Many of the species meet the criteria as birds of conservation concern and appear on a number of watch lists.

There is a critical need to increase monitoring of all coastal waterbirds and restoration of imperiled habitats on which they depend. Birds are a relatively well-studied group, and regional population declines in some species are well documented. Even in species experiencing population increases since banning DDT and similar organochlorines (e.g. brown pelican; Butcher et al. 2007), nest sites are limited, making them vulnerable to catastrophic events like hurricanes and oil spills. Unfortunately, efforts to restore coastal habitats have been



Whooping crane. © Kendal Larson



Roseate spoonbill. © Bill Stripling



Brown pelican.
© Bill Stripling



Surveying waterbirds © Gerry Ellis

too localized and small scale to have significant impacts on population growth. Capacity is lacking to detect population changes for all species of conservation concern. It is critical to support and establish standardized regional monitoring for all species, especially for those of conservation concern, and to restore and create sufficient habitat to support stable populations at a level that reduces extinction risk.

- **Outcome:** Protect and restore critical bird habitats. Restoring natural hydrologic processes will renourish and reestablish productive marshes, stabilize and restore barrier islands, and provide additional breeding, wintering, foraging, and migratory stopover habitat to compensate for historic habitat loss. The National Audubon Society has identified 71 Important Bird Areas along the Gulf coastal as focal areas for conservation.
- **Outcome:** Develop and implement standardized regional monitoring protocols and integrate into a centralized, publicly accessible database to monitor coastal bird populations at scale by 2015. Science-based monitoring and conservation will follow recommendations from regional and national recovery plans, including the North American Waterfowl Management Plan, Southeast U.S. Regional Waterbird Plan, U.S. Shorebird Conservation Plan, and Endangered Species Plans.
- **Outcome:** Identify and protect critical habitat for threatened and endangered species, such as least tern and piping plover, whose habitats are at greatest risk of development, by acquiring appropriate and available lands by 2030, with the goal of reducing probability of extinction in 100 years to <1 percent.
- **Outcome:** Stabilize and recover populations of declining and vulnerable species, including threatened and endangered species, marsh- and beach-nesting birds, and other conservation priority species, to healthy levels by 2030. Assess population size of declining species and possible need for listing under Endangered Species Act for candidate species, like Wilson's plover; ensure listing where appropriate by 2020.
- **Outcome:** Identify and protect colonially nesting and beach-nesting bird sites, which include at-risk species like reddish egret, brown pelican, black skimmer, and snowy plover, from human and nuisance animal disturbance through stewardship, public education programs, and science-based monitoring at critical sites (IBAs) by 2020.
- **Outcome:** Maintain stable populations of birds, assessed through effective monitoring.



Dolphins in Galveston, Texas. © Ron Wooten



Florida manatee. © Ethan Daniels

MARINE MAMMALS

The Gulf of Mexico is home to a variety of marine mammals including two species protected under the Endangered Species Act, sperm whales and the West Indian manatee, and 20 of which are managed pursuant to the Marine Mammal Protection Act. These species include: Bryde's whale, Cuvier's beaked whale, Blainville's beaked whale, Gervais' beaked whale, bottlenose dolphin (including 38 distinct stocks), Atlantic spotted dolphin, Pantropical spotted dolphin, striped dolphin, spinner dolphin, rough toothed dolphin, Clymene dolphin, Fraser's

dolphin, killer whale, False killer whale, pygmy killer whale, dwarf sperm whale, pygmy sperm whale, melon-headed whale, Risso's dolphin and pilot whale (short-finned) (Wursig et al 2000). For the majority of these species, there are insufficient data to determine stock structure, abundance, distribution, trends, health status or vital rates (survival and reproduction); obtaining this information requires coordinated and cooperative efforts at the state, federal and international level.

- **Outcome:** For ESA-listed species (sperm whale and manatee), restore populations to a level at which the probability of extinction in the next 100 years is less than 1 percent, consistent with federal recovery plans, by 2025. This includes acquiring additional information on population size and trends in abundance; protecting designated critical habitat; minimizing anthropogenic threats that may result in serious injury or mortality; and implementing measures to monitor recovery over the long-term (until 2025).
- **Outcome:** For non ESA-listed marine mammals, ensure populations are at or above optimum sustainable population levels by 2025. This includes acquiring additional information on stock structure, population size, spatial distribution, and movement patterns; minimizing anthropogenic threats that may result in serious injury or mortality; and implementing measures to monitor trends in abundance.

SEA TURTLES AND TERRAPINS

The five species of sea turtles found in the Gulf of Mexico are protected by the Endangered Species Act as threatened or endangered species and include Kemp's Ridleys, loggerheads, leatherbacks, greens and hawksbills. These sea turtles migrate to within and outside the Gulf from nesting beaches to foraging grounds (Girard et al. 2009). Threats to all species include loss and alteration of nesting and foraging habitat, interactions with fishing, encounters with dredging equipment, and marine pollution. The current status of loggerheads and Ridleys, the majority of which spend their lives in the Gulf, are of special concern. Sea turtles are long-lived species which require many years to mature (12-35 years). Recovering these populations is complicated by a lack of information on growth rates and survival at different life stages and the need to safeguard both terrestrial and marine turtle habitat.

- **Outcome:** Consistent with federal recovery plans, restore green, hawksbill, leatherback, loggerhead, and Kemp's Ridley sea turtle populations to levels that support removal from the federal list of endangered and threatened wildlife.
- **Outcome:** In turtle nesting areas, reduce artificial beachfront lighting, which confuses the sea-finding ability of hatchlings emerging from their nests, by 50 percent by 2020.
- **Outcome:** In turtle nesting areas, reduce mammalian predation of nests to less than 10 percent by 2020.
- **Outcome:** Eliminate vehicular driving on major sea turtle nesting beaches during nesting season.
- **Outcome:** Arrest nesting declines for the four loggerhead recovery units in U.S. waters and ensure the annual rate of increase over a 50-year generation is 1-3 percent or greater.
- **Outcome:** Consistent with the Kemp's Ridley turtle federal recovery plan, achieve 10,000 nesting females in a season by 2015 and on average 40,000 nesting females per season over a six-year period by 2038.
- **Outcome:** Categorize all beach armoring and shoreline stabilization on sea turtle nesting beaches and develop and implement a strategy to ensure that an adequate number remain available for nesting; maintain at least 1,000 miles of loggerhead nesting beaches and adjacent uplands within public or private conservation lands for sea turtles.
- **Outcome:** Reduce sea turtle mortalities cause by interactions with fisheries in the Gulf of Mexico.

Four of seven subspecies of the diamondback terrapin can be found in the Gulf of Mexico. The species is under pressure from a variety of sources including drowning in commercial crab traps and loss of suitable nesting habitat. Terrapin drowning deaths have been well documented throughout their range. Excluder devices have been tested in several states along the Atlantic Coast and have led to some states adopting excluder regulations



Kemp's Ridley hatchlings. Erika Nortemann/© 2010 The Nature Conservancy

of one type or another. For example, the Mississippi Department of Marine Resources (DMR) has introduced excluders to local fishermen by including them on crab traps that DMR distributed after Hurricane Katrina. In addition to drowning deaths, lack of nesting habitat is likely to be the greatest limiting factor on the species. Purchase of appropriate nesting habitat will provide Louisiana protection. Terrapin nesting areas are not always sandy beaches and terrapins have been documented nesting in a variety of habitats.

- **Outcome:** Protect terrapin habitat by minimizing anthropogenic disruption of habitat and by acquiring appropriate and available lands from willing sellers.
- **Outcome:** Reduce by-catch drowning in crab traps through implementation of a terrapin excluder device program. Encourage compatible fishing practices and proper disposal of derelict crab traps.

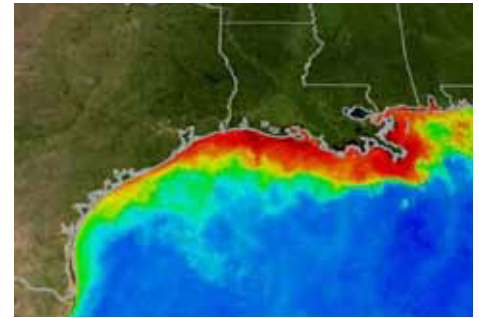
RESTORE WATER QUALITY AND HYDROLOGIC FUNCTION

Goal: Improve water quality in coastal, near-shore, and offshore waters and ensure sufficient freshwater inflows into coastal waters and sediment deposition into coastal wetlands to maintain healthy, productive habitat for fish and wildlife.

Why is it important? Freshwater flow is critical to healthy coastal ecosystems. In the Gulf of Mexico, the existence and health of many estuaries is directly linked with riverine processes that deliver fresh water, sediment, and nutrients to coastal waters to moderate salinity, build and sustain floodplain habitats, and support coastal fisheries. Without this connection, the effects of saltwater intrusion and subsidence seriously threaten wetland habitat. The quality of the water flowing into the Gulf is likewise important. At present, a hypoxic zone covering 6,000 to 8,000 square miles develops in the Gulf each summer just off the Mississippi River Delta. This “dead zone” arises from a combination of agriculture-driven nutrient loading upstream and levee-induced funneling of water, sediment, and nutrients into the deep waters of the Gulf of Mexico (Rabalais and Turner 1996). Without these alterations, a good amount of these nutrients would be distributed (along with water and sediment) into the Mississippi Delta wetlands. The “dead zone,” disappearing wetlands, and imperiled estuaries all demonstrate the importance of managing rivers, streams, floodplains and watersheds (both coastal and upstream) to re-establish healthy freshwater inflow processes and ensure the beneficial delivery of sediments and nutrients to coastal systems. These corrections are particularly important in light of the fact that the population of this region is expected to double in the next 40 years.

- **Outcome:** Review, revise, and implement the Environmental Protection Agency’s Hypoxia Action Plan to dramatically reduce the size and harmful impact of the “dead zone” in the Gulf of Mexico.
- **Outcome:** Meet water quality standards for pathogens and nutrients, using Total Maximum Daily Loads (TMDLs) established for bay systems all along the Gulf Coast to reduce hypoxic zones and harmful algal blooms.

- **Outcome:** Guided by a scientifically sound flow regime established for each bay and estuary system along the Gulf Coast, ensure the delivery of freshwater inflows sufficient to maintain healthy populations of ecologically and economically important species characteristic of each bay, and sufficient to maintain estuaries as functional ecosystems.
- **Outcome:** In Louisiana, improve the management of existing freshwater diversion structures to increase their ability to build and sustain wetlands.
- **Outcome:** In Louisiana, construct and operate a series of large-scale diversions of freshwater and sediment from the Mississippi River capable of building and sustaining Delta wetlands. (See section on Wetlands.)
- **Outcome:** In Louisiana, improve water management in the Atchafalaya River to improve water quality, benefit coastal forest and wetland habitats, and reduce Gulf hypoxia.



"Dead zone" in the Gulf. © NASA

CONSERVE SPECIAL PLACES ON LAND AND IN WATER

Goal: Conserve a network of special landscapes and seascapes in the Gulf to reverse the trend of habitat loss and to serve as special examples of Gulf habitats and cultural values associated with the Gulf's communities. Increase area-based conservation and public access to special places through adequate policy.

Why is it important? Connectivity is a process of ecological linkage resulting from geographical movement of individuals of a population from one habitat site to another during any life stage. In conserving marine biodiversity in the Gulf of Mexico, connectivity helps maintain a network of functional seascapes that support a healthy flow of benefits to biodiversity (e.g. marine aggregations in nursery areas and feeding grounds), and to human communities (e.g. regulating biological interactions that lead to healthy fish stocks). Connectivity represents an ecological insurance policy providing populations with resilience to substantial disturbances, whether they are natural or anthropogenic.

In the Gulf, near-shore coastal (e.g. bays and estuaries) and offshore oceanic habitats (e.g. reefs and banks) constitute 'stepping stones,' representing ecological nodes that are connected via passive and active movements throughout the Gulf and Caribbean (Ritchie and Keller 2008). In addition to planktonic organisms, some highly migratory species demonstrate active movement throughout the Gulf and Wider Caribbean following connectivity paths that include local and regional post-settlement movement and larger migrations that can span long distances. Good examples of such are whale sharks movements along the Northern Gulf, the Yucatan Straight and the Mesoamerican Barrier Reef in the Caribbean (Hueter et al. 2009); and sea turtles, movements between foraging grounds and nesting beaches from the U.S., Mexico and Cuba (Girard et al. 2009).

Decades of significant development and degradation of the Gulf's coastal areas have led to large-scale loss of habitats and their associated species and services. Conservation efforts should focus on key sites and areas, as well as functional networks of protected areas (Ritchie and Keller 2008) defined by stakeholders and informed by science to sustain social, economic and environmental values.

The Gulf region has a vast maritime heritage that is a vital economic engine for the nation, supplying trillions of dollars to the economy of the United States. These special cultural and maritime sites should be protected so that their cultural and ecological "sense of place" is maintained.

- **Outcome:** Form and empower local and regional partnerships to promote sustainable management of coastal landscapes, seascapes, and cultural areas for conservation and public access.

- **Outcome:** Using the best available science and an open and transparent stakeholder process, identify key marine aggregations and stepping stone areas that are connected in the Gulf that need additional conservation efforts. Conserve 30 percent of these key areas by 2020. These areas support critical processes and provide essential benefits to biodiversity and human communities.
- **Outcome:** Identify key marine aggregations and stepping stone areas in Mexican and Cuban waters, together with stakeholders and partners from these two countries, and promote and support their conservation by 2015.
- **Outcome:** Support and develop an international network of coastal and marine managed areas in the Gulf of Mexico, with different levels of protection, that in total provide essential benefits to biodiversity and human communities by 2030.



Oyster tonging at Grand Bay National Wildlife Refuge. © Lynda Richardson



Fishing off the Texas coast. Erika Nortemann/© 2010 The Nature Conservancy

Supporting Activities

DEVELOP AN ENVIRONMENTAL REPORT CARD AND LONG-TERM MONITORING PLAN

Objective: To assure that there are scientifically sound measures to monitor and report the progress of restoration projects and to report on the health of the Gulf of Mexico.

Why is it important? Monitoring and reporting the outcomes of restoration projects and meeting long-term ecosystem goals for the Gulf of Mexico are critical tools for informing policy makers and the public. Transparency in planning, restoration, monitoring, and reporting keeps all parties informed about large investments in ecosystem processes and services. Since monitoring all aspects of an ecosystem is impractical, even impossible, certain ecological indicators can be monitored that represent the entire system. Leading Gulf of Mexico scientists should select these indicators, and all of them should have strong scientific data to support their long-term analysis and utilization. The Harte Research Institute for Gulf of Mexico Studies at Texas A&M University-Corpus Christi has initiated the development of just such a Gulf of Mexico report card framework (McKinney et al. 2011).

STRENGTHEN SCIENCE-BASED ADAPTIVE MANAGEMENT

Objective: Support science-based adaptive management through the establishment of a long-term and stable research and monitoring program. Use monitoring and science results to evaluate the effectiveness of restoration activities and make adjustments to future plans and priorities based on the results.

Why is it important? We must continually look at the results the Strategy is achieving and make whatever adjustments are necessary to ensure that Gulf restoration makes good progress and improves results over time. This will require setting measurable goals, ensuring sufficient monitoring programs are in place, and developing processes where the monitoring results are fed back into future decision-making. This will promote accountability and ensure that we are getting the best results for the Gulf that we can with the resources available to implement the Strategy.

INCORPORATE THE IMPACTS OF CLIMATE CHANGE INTO RESTORATION PLANNING, DESIGN AND IMPLEMENTATION

Objective: Incorporate impacts from climate change into planning, design and implementation, and promote the use of ecosystems' infrastructure for natural and human communities to adapt to the threats posed by climate change.

Why is it important? Climate change will continue to exert a growing influence on the Gulf of Mexico. Changes such as sea level rise, ocean acidification, warming waters, more intense storms, altered precipitation patterns, and other climate-related impacts will need to be taken into account both in the development of the Strategy and the implementation of projects. Promoting resilience of natural systems will need to be an important part of this consideration because healthy ecosystems benefit humans and other natural systems by regulating the disturbances created by climate-related hazards. Functional ecosystems can enhance the resilience of communities living in the coastal areas by reducing the vulnerability of the threats posed by storms, sea level rise and other climate-related impacts. Promoting the resilience of natural systems will help promote the resilience of human communities along the Gulf coast. To promote resilience, local decision-makers are in need of high resolution topographic information and accurate models so they can easily visualize and assess the vulnerability of communities, habitats, and infrastructure. Decision-makers also need decision support tools so they can fully account for costs and benefits to thoughtfully make tradeoffs between policy options.

DEVELOP A RESTORATION ECONOMY

Objective: Ensure that there is a local infrastructure in place to support restoration activities.

Why is it important? The Gulf Coast region is potentially facing a major opportunity to create a restoration economy that could inextricably link economic development, such as job creation and technological innovation, to restoration activities. Much work needs to be done to prepare the region for a large influx of restoration funding such as identifying and determining how to meet the potential need for labor, materials, and technologies to support restoration activities on a large scale. By supporting economic development and job development on the front end, we can ensure that we have the infrastructure ready to support large-scale restoration and the restoration dollars that flow into the Gulf are putting people in the region to work.



Boat People SOS and other members of the 100-1000: Restore Coastal Alabama coalition are partnering to employ out-of-work members of the local Southeast Asian fishing community to help construct materials for oyster reef restoration in Mobile Bay. © 2010 Andrew Kornylak

DEVELOP MARKET-BASED SOLUTIONS TO HELP PROTECT THE VALUE OF NATURE

Objective: Investigate and develop market-based solutions to incorporate the value of ecosystem services the Gulf of Mexico provides.

Why is it important? Ecosystem services are the benefits that humans obtain from natural infrastructure. In the Gulf, people benefit from abundant fisheries, coastal wetlands that increase protection from storm surge, and clean beaches that provide recreational opportunities, just to name a few. Due to the lack of economic markets for most of these services, they are usually not adequately taken into account in the decision-making process, which can result in the unaccounted for degradation of the services natural systems provide. Market-based approaches (e.g. carbon sequestration) may provide innovative solutions to adequately capture the values that nature provides to society. The Strategy should include a component where market-based solutions are investigated, developed and incorporated where appropriate in relevant decision-making processes related to Gulf natural resources



Paddling in Aransas Pass, Texas. Erika Nortemann/© 2010 The Nature Conservancy

PROMOTE CITIZEN SCIENCE AND STEWARDSHIP THROUGH EXPANDING ENVIRONMENTAL EDUCATION AND OUTREACH

Objective: Foster environmental education and outreach needed to increase the number of citizens participating in science and stewardship initiatives.

Why is it important? People value what they know. Education programs that help people understand linkages between nature and their own well-being engage citizens in appreciating and stewarding their environment. Likewise, when citizens acquire specific expertise through data collection—a process known as citizen science—they are more likely to develop a strong stewardship ethic toward nature. The value of citizen science is to facilitate the collection of reliable data across extensive geographic areas as a critical component of understanding anthropogenic effects on wildlife and habitats.

Engaging citizens in stewardship through habitat restoration, wildlife and habitat monitoring, trail maintenance, and beach clean-ups will also create relationships between communities and their environment, enhancing an appreciation of natural communities. Existing programs that engage citizens in stewardship utilizing partnerships between state and federal agencies, universities, non-profits, and community organizations form the basis for ongoing citizen science, which should be expanded to address current and future conservation needs.



Correspondence Management System

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Citizen Information

Citizen/Originator: West, Shelton

Organization: Mount Pleasant/Titus County Chamber of Commerce

Address: 1604 North Jefferson, Mount Pleasant, TX 75455

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2693

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jul 20, 2011

Received Date: Jul 29, 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-The Mount Pleasant/Titus County Chamber of Commerce is writing in support of AEP and against the time regulations set out in the US EPA Hazardous Air Pollutants Rule.

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

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	Jul 29, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jul 29, 2011



Mount Pleasant / Titus County
CHAMBER of COMMERCE

RECEIVED

2011 JUL 28 PM 12:19

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

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

Dear Administrator Jackson:

The Mount Pleasant/Titus County Chamber of Commerce is writing in support of AEP and against the time regulations set out in the U.S. EPA's Hazardous Air Pollutants Rule. The EPA's proposed HAPs rule does not provide AEP with enough time to permit, design, construct and install the pollution controls needed to comply.

By not providing AEP with the needed extension of time, Mount Pleasant and Titus County will be directly affected. In order to comply with these unrealistic time constraints, AEP will be forced to retire one of the existing units from Welsh Power Plant located in Titus County. This will have devastating effects on Titus County and Northeast Texas including lost jobs, property tax decreases, raise in electricity costs and potential for a shortage of electricity. These effects are only a small part of the massive impact this type of regulation within this time frame would cause.

The same results can be achieved at much lower cost if the compliance deadline is extended and more latitude is given on how plants operate. As an agency dedicated to the public welfare, please enact regulations that involve the least cost to the public.

Please do everything you can to keep energy prices affordable and keep the economy alive in Northeast Texas.

Sincerely,

Mount Pleasant/Titus County Chamber of Commerce
Board of Directors

Mark Coker
John Hill
Tracy Hill
John Hill

Raye Dwie
Jaco Natfules
Sheila Donnelly
Dr. Lynn Rehart

Shannon Norfleet
Shelton West

1604 N. Jefferson Mount Pleasant, TX 75455

Phone 903.572.8567 Fax 903.572.0613 e-mail info@mtpleasanttx.com web site www.mtpleasanttx.com



Correspondence Management System

Control Number: AX-11-001-2694

Printing Date: July 29, 2011 12:18:28



Citizen Information

Citizen/Originator: Bell, Michael P

Organization: City of Toledo

Address: Our Government Center, Toledo, OH 43604

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2694

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 12, 2011

of Extensions: 0

Letter Date: Jul 20, 2011

Received Date: Jul 28, 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: Daily Reading File DOT and EPA developing national fuel economy standards for 2017-2025 share views.

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
OSBP - Office of Small Business Programs
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jul 29, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OTAQ	Jul 29, 2011	Aug 9, 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



MICHAEL P. BELL
MAYOR
City of Toledo

RECEIVED
2011 JUL 28 PM 12:19
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

In today's economy, jobs and energy security are upmost on the minds of every American. As the mayor of the city of Toledo, I am focused on creating proactive policies to address these critical issues and to thereby grow my city toward a more secure future. Transportation is a critical component in our economic vitality and, given that your agencies are now developing national fuel economy standards for 2017-2025, I want to share my views with you.

Safe, efficient and reliable transportation greatly impacts each individual, family and business in my city. Regardless of industry or commercial sector, all jobs are tied to cost effective transportation. With the recent increase in gas prices and the turmoil in the Middle East, reducing fuel use and dependence upon foreign oil are also important. While I support your efforts to improve fuel economy by "laying out" a long-term program, I must encourage you to carefully consider a balanced and comprehensive approach.

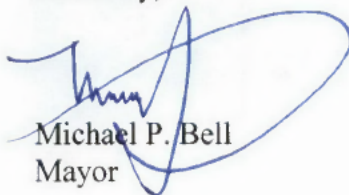
I encourage NHTSA and USEPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while still preserving the choices for families and business people to meet their transportation needs without sacrificing affordability, safety or jobs. NHTSA and USEPA have already set strong standards for 2012-2016 that raise the fleet mileage average by 40% to 35 miles per gallon. Looking forward, technological improvements should continue to support increases in fuel economy and greenhouse gas standards. Nevertheless, I recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in my city.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickups as do the construction industry and local trades. The auto industry is an important source of revenue for my city and its success depends on appropriate vehicles to carry out our day-to-day business needs.

My residents all share the need for affordable transportation. The next phase of fuel economy standards should not pick "winners and losers," but should support a variety of technologies and diversity of fuels to ultimately preserve affordability. If fuel economy standards increase too quickly, it may result in more expensive vehicles being produced. If so, many consumers can be expected to defer buying new cars which again could put auto jobs across the country at risk and ultimately delay compliance with federal air quality standards. Affordability, customer choice and job preservation should be as high a priority as raising fuel economy.

As a mayor, I must think about job creation and security for my city every day. As policymakers, you know that effective regulations and laws are often a "balancing act" which must satisfy competing demands. Therefore, I encourage you to carefully balance the factors that will impact sensible fuel economy standards including consumer choice, affordability and the overall economic concerns that will impact our nation's fragile recovery.

Sincerely,



Michael P. Bell
Mayor



Mississippi Manufacturers Association

RECEIVED
2011 JUL 28 PM 12:19



July 22, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

As the economy continues to slowly pull out of the recent downturn, the focus of every American remains firmly on jobs, the economy and energy security. As President and CEO of the Mississippi Manufacturers Association (MMA), representing over 2,200 manufacturers and affiliated companies, I am also focused on policies that will improve the business climate and protect jobs and investment in the State of Mississippi. Given that transportation is such a critical component of our economic vitality, I wanted to express my views on your agencies' efforts to develop national fuel economy standards for 2017-2025.

Safe, efficient and reliable transportation is a top priority of the MMA because it affects every one of our members, large and small. Economic development and expansion in Mississippi is directly tied to effective transportation. The current movement toward reducing our dependence on foreign sources of oil is a welcome trend, not only because this promotes domestic energy development, but also because we will break our reliance on unstable areas of the world for our energy needs. Therefore, we support your efforts to improve fuel economy by developing a long-term program, but we encourage you to carefully consider a balanced and thoughtful approach.

We encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy without sacrificing affordability, safety or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raised the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we want to emphasize that onerous regulations can place a significant cost burden on business and industry that will make us less competitive in the global economy.

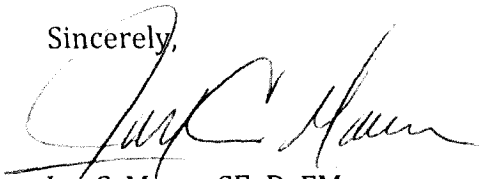
The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, resulting in more expensive vehicles, many of our state's

consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put jobs across the country at risk and delay compliance with new federal air quality standards. Economic considerations such as affordability, consumer choice and job preservation should be given just as much consideration in these deliberations as raising fuel economy.

The Mississippi Manufacturers Association continually strives to promote and protect business and industry in our state, which ultimately translates into jobs. We encourage you to carefully balance any changes to the national fuel economy standards, with the negative impact on job creation that overreaching regulations may cause.

Thank you for your time and consideration of my views.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay C. Moon". The signature is fluid and cursive, with a large initial "J" and "M".

Jay C. Moon, CEcD, FM
President and CEO



NOBLE COUNTY COMMISSIONERS

ROOM 210 - COURT HOUSE
CALDWELL, OHIO 43724-1294
PHONE (740) 732-2969

July 14, 2011

The Hon. Ray LaHood
Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Hon. Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 JUL 28 PM 12:19

RECEIVED

Dear Mr. LaHood and Ms. Jackson,

I am writing to express my concern about the new corporate average fuel efficiency (CAFE) standards being proposed for 2017 through 2025. This policy will inevitably have a major impact on our public services, as well as businesses in Noble County that rely on fleets of cars and trucks.

Like most parts of the U.S, we have struggled through the recent economic difficulties. I am astounded that the administration would even consider these new regulations at a time when local government services are struggling to cope with depleted budgets. The last thing we need in Noble County is to have to replace all our public sector vehicles at an extortionate cost to the taxpayer so that they conform to new CAFE standards. We cannot afford it, and there is no urgent need for it.

Small business owners and companies in the county that use fleets of cars and trucks are furious. Many are not aware of the proposals or their financial consequences, but they too are still struggling to get back onto a sure footing following the recession. Businesses cannot afford to replace functioning vehicles; any attempt to force them to do so will, I am sure, lead to job losses and closures.

I urge you not to pursue this course of action, and at the very least delay the introduction of the new policy until a comprehensive consultation has taken place between the government, the car industry and those people like those in my county, who will be affected most.

Yours sincerely,

Gary Rossiter
Commissioner
Noble County, Ohio



Correspondence Management System

Control Number: AX-11-001-2711

Printing Date: July 29, 2011 09:49:39



Citizen Information

Citizen/Originator: Wilson, Woodrow

Organization: The Parish of Caddo Administration
 Address: 505 Travis Street, P.O. Box 1127, Shreveport, LA 71163-1127

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2711 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Aug 12, 2011 # of Extensions: 0
 Letter Date: Jul 21, 2011 Received Date: Jul 28, 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 - Docket No. EPA-HQ-OAR-2011-0044
 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
 R6 - Region 6 -- 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	Jul 28, 2011	Aug 12, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Sabrina Hamilton	OAR	OAR-OAQPS	Jul 29, 2011	Aug 10, 2011	N/A
Instruction: OAQPS - Prepare response for the signature of Steven Page, Director of the Office of Air Quality Planning and Standards (OAQPS).					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

7/28 47 DAT

DAILY READING FILE
THE PARISH OF CADDO
ADMINISTRATION



Woodrow Wilson, Jr.
ADMINISTRATOR/CEO

Randy M. Lucky
ASSISTANT ADMINISTRATOR

July 21, 2011

Telephone • 318.226.6900
Fax • 318.429.7630

GOVERNMENT PLAZA
505 Travis Street • Suite 800
P.O. Box 1127
Shreveport, Louisiana 71163-1127

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

Dear Administrator Jackson:

Re: Docket No. EPA-HQ-OAR-2011-0044

On behalf of the Caddo Parish Commission and the citizens of Northwest Louisiana, in which we represent, I am writing to express my concerns about new environmental proposals that will negatively impact the price of electricity.

We understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utilities that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

For the public sector, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity will cost the city and our citizens tens, if not hundreds, of thousands of dollars and can mean the difference between economic vitality and adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply. We suggest that you extend the time to adopt any proposed rules until 2020 to spread the impact of these changes over a longer time frame.

EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 JUL 28 PM 12:19

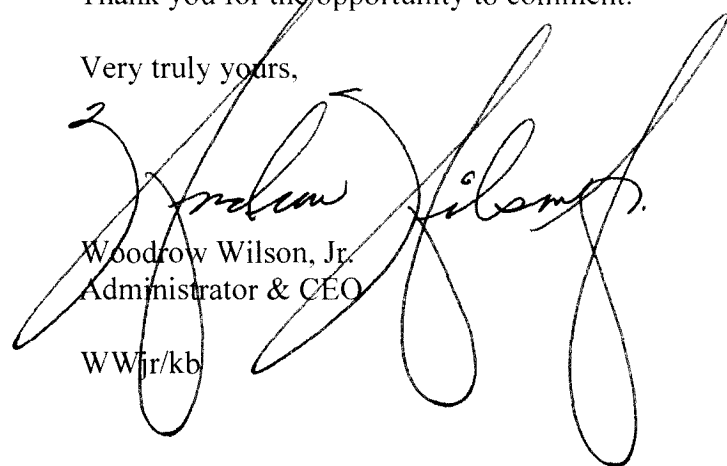
RECORDED

The Honorable Lisa Jackson
July 21, 2011
p.2

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our businesses, our communities, and our nation.

Thank you for the opportunity to comment.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "Woodrow Wilson, Jr.", is written over the typed name and title. The signature is highly cursive and loops around the text.

Woodrow Wilson, Jr.
Administrator & CEO

WWjr/kb



Correspondence Management System

Control Number: AX-11-001-2737

Printing Date: July 29, 2011 11:05:29



Citizen Information

Citizen/Originator: Kerlikowske, R. G.

Organization: Executive Office of the President Office of National Drug Control Policy
Address: 750 17th N.W., Washington, D.C. 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2737 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jul 21, 2011 Received Date: Jul 29, 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 - 2011 National Drug Control Strategy
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OARM - OARM -- Immediate Office
OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OSWER	Jul 29, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jul 29, 2011
(b) (6) Personal Privacy	OEX	Forward control to OSWER	Jul 29, 2011



Correspondence Management System

Control Number: AX-11-001-2737

Printing Date: July 29, 2011 03:07:08



Citizen Information

Citizen/Originator: Kerlikowske, R. G.

Organization: Executive Office of the President Office of National Drug Control Policy
Address: 750 17th N.W., Washington, D.C. 20503

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2737 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Jul 21, 2011 Received Date: Jul 29, 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 - 2011 National Drug Control Strategy
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OARM - OARM -- Immediate Office
OCSP - OCSP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- 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	OSWER	Jul 29, 2011
Wanda McLendon	OSWER	OSWER-ORCR	Jul 29, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Jul 29, 2011



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY

Washington, D.C. 20503

July 21, 2011

RECEIVED

2011 JUL 29 AM 9:43

DAILY READING FILE
OFFICE OF THE
EXECUTIVE SECRETARIAT

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

Dear Administrator Jackson:

I am pleased to transmit the 2011 *National Drug Control Strategy (Strategy)*. In the inaugural *Strategy* published last year, our Administration embarked upon a new approach to the problem of drug use in the United States, an approach founded on scientific evidence and informed by extensive consultation with substance abuse experts, representatives of law enforcement, and our Federal, state, tribal, and local partners. This year, we continue our call for a balanced approach—one that draws upon prevention, treatment, recovery support, law enforcement, interdiction, and international partnerships—to achieve a 15 percent reduction in the rate of drug use and its consequences over 5 years. The *Strategy* is available online at www.whitehousedrugpolicy.gov/strategy. Thank you for your assistance in the *Strategy*'s development and your continued partnership in its effective implementation.

The Administration is focusing its drug-control efforts in three areas: (1) reducing prescription drug abuse; (2) reducing drugged driving; and (3) expanding community-based prevention. We are also focusing on populations with unique challenges and needs in addressing their substance use issues, such as: active duty military, veterans, and their families; women and their families; college and university students; and those in the criminal justice system.

Prescription drug abuse is the Nation's fastest growing drug problem. With your help, the Obama Administration is educating parents, prescribers, and patients about the dangers of prescription drug abuse; enhancing prescription drug monitoring programs; allowing for easier, environmentally sound disposal of controlled substances; and reducing the number of pill mills.

Drugged driving is a serious threat to public safety and public health. To help reduce this challenge, the Administration is encouraging states to explore legal responses, such as *per se* laws which make it illegal to drive with illicit drugs in the system. We are also providing increased training to law enforcement to better identify drugged drivers and promoting efforts to develop standard screening methodologies for drug-testing labs to detect drugs among drivers.

Lastly, scientific evidence has made it clear that substance abuse prevention is the most cost-effective, common-sense approach to promoting safe and healthy communities. Substance abuse prevention is unique from other kinds of prevention and requires drug-focused approaches.

I appreciate your continued support of ONDCP, and again thank you for your commitment and help in the development and implementation of the *National Drug Control Strategy*. With your assistance, we can expand the collaborative and balanced approach necessary for the achievement of the *Strategy's* 115 action items. I look forward to furthering our partnership and working together for the development of the 2012 *National Drug Control Strategy*.

Respectfully,

A handwritten signature in cursive script, reading "R. Gil Kerlikowske".

R. Gil Kerlikowske
Director



Correspondence Management System

Control Number: AX-11-001-2739

Printing Date: July 29, 2011 02:36:40



Citizen Information

Citizen/Originator: Peterson, Dana J

Organization: National Association of Wheat Growers
Address: 415 Second Street NE, Washington, DC 20002

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2739 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jul 22, 2011 Received Date: Jul 29, 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 Thank you for hearing concerns and to continue periodic discussions between USDA EPA and your farmer stakeholders.
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: Lawrence Elworth - AO-IO
 Noah Dubin - OEX
 OCIR - Office of Congressional and Intergovernmental Relations

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	Jul 29, 2011
Zelma Taylor	OCSP	OCSP-OPP	Jul 29, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Jul 29, 2011
Zelma Taylor	OCSP	Forwarded control to OCSP-OPP	Jul 29, 2011



National Association of Wheat Growers

415 Second Street, N.E., Suite 300 • Washington, D.C. 20002 • (202) 547-7800 • www.wheatworld.org

DAILY READING FILE

July 22, 2011

Lisa Perez Jackson, Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, N.W. Rm. 3000
Washington, DC 20460

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 JUL 29 AM 9:43

RECEIVED

Dear Administrator Jackson:

Thank you for meeting with Wayne Hurst, Mark Gaede and I last month. We appreciate the opportunity to discuss with you directly our concerns about the impact of EPA regulations on the wheat industry.

As we mentioned during the meeting, NAWG places a high priority on bolstering the ESA consultation process on pesticide approvals that is under attack. While we recognize that the EPA's pesticide approval process is science based, some environmental groups are using uncertainties in the process to ultimately skew perceptions around the approval of many of our essential crop protection tools. This puts both EPA and agricultural producers at risk.

We are encouraging the Department of Commerce and the National Marine Fisheries Service in particular, to modify its pesticide review process with regard to endangered species consultation. We would like them to make it transparent, open to stakeholder input and based on actual environmental data on the effects of the pesticides on endangered species.

To this end, we would like to take this opportunity to again strongly encourage you to convene a cabinet level meeting between yourselves, Secretary of Commerce, Secretary of Interior and stakeholders to discuss this consultation process. We have very much appreciated the opportunity to discuss our concerns with you one-on-one and would look forward to establishing similarly strong relationships with the Commerce and Interior secretaries.

On behalf of wheat growers across the United States thank you for taking time to hear our concerns and to continue periodic discussions between USDA, EPA and your farmer stakeholders.

Sincerely,

Dana J. Peterson
Chief Executive Officer

cc: Senator Debbie Stabenow, Senator Pat Roberts, Congressman Collin Peterson, Congressman Frank Lucas



Correspondence Management System

Control Number: AX-11-001-2741

Printing Date: July 29, 2011 11:34:50



Citizen Information

Citizen/Originator: Gant, Jon L

Organization: HUD
Address: 451 7th St S. W., Washington, DC 20410

Constituent: N/A

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

Control Information

Control Number: AX-11-001-2741 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jul 22, 2011 Received Date: Jul 29, 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 your personal involvement in the National Healthy Homes Conference
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAE	Jul 29, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	Jul 29, 2011

Comments



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF HEALTHY HOMES AND
LEAD HAZARD CONTROL

July 22, 2011

DAILY READING FILE

Mr. Bob Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency
EPA Headquarters Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code 1101A
Washington, DC 20460

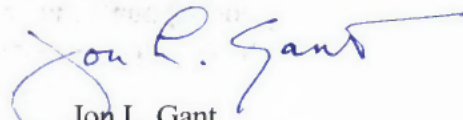
RECEIVED
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OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Bob:

I want to thank you for your personal involvement in the National Healthy Homes Conference. Your keynote was inspiring and greatly appreciated by all. We know that the mission to create healthy housing for American families cannot be achieved without the efforts of many. Having the U.S. Environmental Protection Agency (EPA) co-host the Conference is a testament to that fact, and serves as a reminder that our concerns are shared by such highly respected organizations as EPA. Together we can continue to reduce health hazards in housing for children and our most vulnerable.

I appreciate all you did for us at the Department of Housing and Urban Development. Please share my gratitude with your team for their part in making the Conference so exceptional. I look forward to future collaboration with you and the Environmental Protection Agency in this important endeavor.

Sincerely,


Jon L. Gant
Director

Cc:

Peter Grevatt, Director, Office of Children's Health Protection
Michael P. Flynn, Director, Office of Radiation and Indoor Air
Tala Henry, Director, Office of Pollution Prevention and Toxics, Chemical Control Division



July 16, 2011

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

DAILY READING FILE

EXECUTIVE SECRETARIAT

OFFICE OF THE

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RECORDED

Dear Administrator Jackson

Today jobs, the economy and energy security are on the minds of every American. The Yuma County Chamber of Commerce and its' 1,000 members, we are focused on proactive policies to address these critical issues and grow Southwestern Arizona toward a more secure future. Transportation is a critical component of our economic vitality and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.

Safe, efficient and reliable transportation impacts each individual, family and business in my city. Jobs in Yuma County are all tied to cost effective transportation. With the recent increase in fuel prices and turmoil in the Middle East, reducing fuel use and dependence on foreign oil are on all our minds. We support your efforts to improve fuel economy by laying out a long-term program, but encourage you to carefully consider a balanced and thoughtful approach.

We encourage NHTSA and EPA to adopt a **single, national fuel economy standard** that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in our region.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickups, both light and heavy duty, as does the construction industry and local trades. Agriculture and logistics are an important source of revenue for my city, and it depends on vehicles to carry out day-to-day business needs.

Our region's businesses all share the need for affordable transportation. The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, it will result in more expensive vehicles, many of our region's consumers can be expected to hold on to their older vehicles longer and defer buying a new car or truck, which could put jobs across the country at risk and delay compliance with federal air quality standards. Affordability, customer choice and job preservation is as much as priority as rising fuel economy.

As the "Business Voice of Yuma County", we think every day about ways to promote job creation and security for our region. We encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery. Please don't over regulate during these tough economic times.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Rosevear", written over a horizontal line.

Ken Rosevear
Executive Director

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

DAILY READING FILE

William R. Rhodes
Governor



Joseph Manuel
Lieutenant Governor

July 14, 2011

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

Re: Request for Consultation Regarding the Utility MACT Rulemaking

Dear Administrator Jackson:

On May 3, 2011, the U.S. Environmental Protection Agency (EPA) published its Proposed Rule, *National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units*, in the Federal Register (76 Fed. Reg. 24976) (commonly known as the Utility MACT). As a tribe that will be dramatically affected by this proposed rule, the Gila River Indian Community ("Community") hereby requests that consultation be initiated on the Utility MACT rulemaking pursuant to the May 4, 2011 EPA *Policy on Consultation and Coordination with Indian Tribes*.

As discussed in more detail below, government-to government consultation on the Utility MACT is appropriate and necessary prior to EPA taking any further action to advance the rulemaking, given the grave implications that EPA's rule could have on the economies and cultures of tribes, the continued viability of Congressionally-approved water rights settlements, and EPA's federal trust obligations. Consistent with EPA's Consultation Policy, the gravity of tribal concerns necessitates that this consultation take place with tribal leaders through a series of face to face meetings with the most senior EPA officials.

The Community's grave concerns regarding the Utility MACT and the need for consultation stem directly from the assumptions included in the Proposed Rule and its accompanying Regulatory Impact Analysis (RIA) regarding the closure of the Navajo Generating Station (NGS). Specifically, the RIA and supporting documentation presume that two of the three NGS generation units will retire in 2015 even without implementation of the Utility MACT and that

the economic and regulatory burdens imposed by the Utility MACT will force the third and final NGS unit to close.¹

NGS is located on the Navajo Indian Reservation, and is fueled by coal jointly owned by the Navajo Nation and Hopi Tribe from the Kayenta Coal mine, which is also located on the Navajo Reservation. NGS provides the majority of the power for the Central Arizona Project (CAP), which pumps Colorado River water to Central and Southern Arizona. The implementation of eight Congressionally-approved Indian water rights settlements, where tribes relinquished their long-held Federal Indian reserved water rights, rely upon the continued availability and delivery of affordable CAP water. Closure of NGS, as stated in the RIA, would deprive the tribes of their CAP water allocations. In addition, revenue would be lost from NGS power not needed for CAP pumping, which is sold pursuant to federal law and policy to help repay the construction costs of the CAP and fund water delivery costs pursuant to the Indian water rights settlements. Thus, the Utility MACT presents a very real threat to the economies and cultures of tribes, the continued viability of existing water rights settlements in Arizona, and the ability of the United States to settle with other Tribes in on-going water rights settlement negotiations.

In short, there is no other electrical generating facility in the Nation with such strong and vital ties to tribal economies and ways of life, to tribes' legal rights guaranteed by Federal legislation, and to EPA's fiduciary obligations to protect trust resources and responsibilities. The need for consultation with the Community, and other affected tribes, is undeniable.

EPA should be well aware of the importance of NGS to the Community and other tribes from EPA's ongoing Best Available Retrofit Technology (BART) Rulemaking for NGS. In connection with that rulemaking, the Community has submitted a detailed consultation request letter that explained the significance of NGS to the Community, and you have since determined that consultation should occur. In addition, the U.S. House of Representatives Subcommittee on Water and Power and the Subcommittee on Indian and Alaskan Native Affairs held a Joint Subcommittee Oversight Hearing on NGS ("*Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station*"). In connection with that hearing, EPA sent a letter to Congressman Markey responding directly to questions concerning NGS.² More recently, EPA sent a letter to the Community expressly acknowledging the important role NGS serves to the Central Arizona Project.³

Despite what EPA must clearly know about the significance of NGS from the BART rulemaking, EPA is now proposing another rule that by EPA's own admissions, will force NGS to close. Of equal concern is EPA's assumption that even absent the Utility MACT, two of the three NGS

¹ See EPA, *Regulatory Impact Analysis of the Proposed Toxics Rule: Final Report* (March 2011) at 8-18, Figure 8-8 (Geographic Distribution of Incremental Retirements from Proposed Toxics Rule, 20150); see also Technical Support Document entitled "planned projected_retire_03211.xlsx" (projecting NGS Units 1 and 2 to retire in 2015 as "base retirements" – irrespective of the Utility MACT - and projecting NGS Unit 3 to close as a result of the Utility MACT requirements).

² Letter from Gina McCarthy, EPA, to Congressman Ed Markey (D-MA), dated May 20, 2011 ("Markey Letter") (attached as Exhibit A), at 3.

³ Letter from Jared Blumenfelder, EPA's Regional Administrator, to The Honorable William Rhodes, Governor of the Gila River Indian Community, dated June 30, 2011 (attached as Exhibit B).

units will close by 2015. EPA's Utility MACT is completely at odds with the agency's position in its May 20, 2011 letter to Representative Markey, which stated that "it is not EPA's intention to require shutdown, directly or indirectly, of any boilers at NGS" and that "EPA has not proposed to close NGS."⁴ Consultation is needed to address the catastrophic impacts that the Utility MACT will have on the Community and other Arizona tribes, and to attempt to address how EPA will reconcile its diametrically-opposed positions within its two concurrent rulemakings, in a way that upholds both EPA's trust obligations and the Arizona Water Rights Settlement Act's⁵ mandates.

Consultation is needed to address other questionable aspects of the Utility MACT rulemaking as well. For example, the rulemaking's RIA attempts to marginalize the generation units that EPA projects will close in 2015, by describing them as "[u]neconomic units [that] are, for the most part, . . . older, smaller, and less frequently used generating units"⁶ The RIA also assumes that the retired units simply deliver power to larger grids, where the loss of such power can be easily replaced by other units within the region. EPA should be well aware from the BART Rulemaking that due to its unique nature, NGS does not properly fit within the generating units that the RIA assumes will close. Unlike EPA's classification:

- NGS is the sole generator of electricity that powers the delivery of CAP water, a trust resource, to fulfill the mandate of eight Congressionally-approved Indian water rights settlements;
- NGS is a key source of revenue for funding the infrastructure needed to deliver CAP water;
- NGS provides power used to deliver CAP water that, due to NGS' remote location, cannot be easily replaced by substitute power generation;
- NGS provides approximately 545 full-time jobs, almost 80 percent of which are held by Native Americans, and hundreds of part time jobs for Native Americans during maintenance activities;
- NGS is the sole customer – and the only viable customer – for Navajo Tribe and Hopi Nation coal from the Kayenta Coal Mine, which provides 415 jobs, 90 percent of which are held by Native Americans;
- NGS and the coal mine contributed approximately \$140 million in revenue and wages to the Navajo Nation and its tribal members; and
- Payments to the Hopi Tribe totaled \$14 million in 2009, representing eighty-eight percent of the Hopi annual budget that funds the Tribe's governmental and social programs.

⁴ Markey Letter at 3.

⁵ Arizona Water Settlements Act, Public Law 108-45-Dec. 10, 2004, Sec. 204(a)(2), 118 STAT. 3494.

⁶ RIA at 8.17.

Finally, consistent with EPA's trust obligations, consultation is critical for the agency to fully understand and properly consider the impacts of and the trust-imposed boundaries on its Utility MACT rulemaking. As a federal agency, EPA has "moral obligations of the highest responsibility and trust" when dealing with tribal monies and property.⁷ One of the key principles of EPA's formal Policy on working with Tribes is that the agency "will assure that tribal concerns and interests are considered whenever EPA's actions and/or decisions affect reservation environments."⁸ EPA must also protect trust resources in its decision-making. Here, water rights provided by the Arizona Water Settlement Act⁹ and the coal of the Hopi Tribe and Navajo Nation are trust resources. As trustee of these water rights and mineral resources, EPA can't make a regulatory determination that limits, suppresses or otherwise undermines the tribes' rights to receive and use these resources. Thus, EPA's trust obligation all but mandates further consultation.

To ensure the "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications," as required by the Consultation Policy, now is the appropriate time to initiate consultation, especially since we understand that EPA intends to complete its Utility MACT by November 2011. As the Consultation Policy states, Tribes must be given the "opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act" Consistent with the agency's trust obligations, impacts of EPA's decision on tribes must be a key factor in the Utility MACT rulemaking. In addition, given the nature of the interests at stake, the implications of EPA's BART determination, and EPA's federal trust obligations, consultation must be among senior-level EPA officials and tribal leaders. Consistent with EPA's Consultation Policy, the NGS determination is sufficiently important to require senior management attention. For the tribes, the elected leaders that are responsible for Tribal decision-making and reporting on the NGS issue to tribal members should participate in consultation meetings and discussions.

We look forward to EPA initiating this important consultation.

Sincerely,



William R. Rhodes
Governor

cc: Senator Jon Kyl
Senator John McCain
Secretary Ken Salazar

⁷ *Seminole Nation v. U.S.*, 316 U.S. 286, 297 (1942).

⁸ *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (Nov. 8, 1984).

⁹ Arizona Water Settlements Act (emphasis added). Section 204(a)(2) of the AWSA states: "the water rights and resources described in the Gila River Agreement shall be held in trust by the United States on behalf of the Community"

EXHIBIT A



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

MAY 20 2011

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
United States House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter of May 17, 2011, to Administrator Lisa Jackson regarding questions in preparation for a joint oversight hearing on "Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station," scheduled for May 24, 2011 by the Subcommittees on Water and Power and Indian and Alaska Native Affairs. The Administrator asked that I respond on her behalf.

We reproduced your questions below in italicized text and provided our responses below each question.

Navajo Generating Station

What is the current pollution emissions profile of the Navajo Generating Station (NGS)? How does it compare to other power plants in the United States? How many Class I Federal areas (national parks greater than six thousand acres in size and national wilderness areas) does NGS emissions impact?

- Based on 2010 emissions, NGS was the third largest emitter of oxides of nitrogen (NO_x) in the nation (24,000 tons), with a facility-wide average NO_x emission rate of 0.28 lb/MMBtu, with two of three units operating new combustion controls, Low NO_x Burners and Separated Overfire Air (LNB/SOFA), installed in 2009 and 2010.
- NGS impacts eleven Class I Federal areas, including Grand Canyon National Park.

Has EPA made a Best Available Retrofit Technology (BART) determination for the Navajo Generating Station (NGS) yet? What is the estimated timeline in which EPA is expected to release a draft and final BART determination? Once a final BART determination is made, what is the approximate time that the owners will have to retrofit the plant with the pollution abatement technology?

- EPA has not yet proposed a BART determination for NGS. We intend to issue a proposal in 2011 and a final BART determination in 2012.
- The Clean Air Act requires facilities to comply with a final BART determination within 5 years of the effective date of the final rule. Emissions reductions that are required under an alternative to the BART program must be achieved within the first regional haze planning period, which ends July 31, 2018.

Is EPA aware of a stakeholder process initiated by the Salt River Project (SRP), the operator and partial owner of NGS, to develop a BART proposal? Should a BART proposal emerge from the SRP process, will the EPA assess their proposal as a part of EPA's BART determination process? What other opportunities will the public have to comment on EPA's BART determination?

- EPA is aware of the stakeholder process initiated by SRP. If the stakeholders develop a proposal and submit it to EPA, EPA will take the information into consideration. When EPA proposes our BART determination in the Federal Register, EPA will request public comment on our proposal. We plan to hold open houses and public hearings in locations near Navajo Generating Station, both on the Navajo Nation, and in Arizona. All information will be available on www.regulations.gov.

Given that the electricity generated by NGS is used for both power and water delivery in Arizona and other Western states, what is the EPA doing to evaluate the impact on electricity and water prices as part of the "five factor" analysis for BART determinations?

- EPA is evaluating the potential impact on electricity prices to consumers of NGS power and the potential impact on water prices to consumers of water from the Central Arizona Project (CAP). Under the Regional Haze Rule, a BART analysis must include consideration of five factors: (1) the costs of compliance, (2) the energy and non-air quality environmental impacts of compliance, (3) the existing pollution controls at the source, (4) the remaining useful life of the source and (5) the degree of visibility improvement which may reasonably be anticipated to result from the use of such technology. EPA will evaluate the impacts to electricity and water consumers under Factor 2: Energy and Non-Air Quality Environmental Impacts of Compliance.

Could you please outline the process in which that EPA has consulted, and will continue to consult, with the tribes regarding the NGS BART determination? How will EPA take into account the potential economic impact on the tribes of a proposed BART determination?

- During EPA's preliminary work on its BART determination for the Four-Corners Power Plant (FCPP) and NGS, EPA periodically updated Navajo Nation EPA on our analyses during annual meetings on air issues. Before signing the ANPRM in 2009, our Acting Regional Administrator called President Shirley to inform him of the ANPRM and offer consultation. We understand the importance of FCPP to the Navajo Nation, and the importance of NGS to both the Navajo and the Hopi Tribe.

- EPA met with representatives of the Navajo Nation in September 2009 to initiate consultation for both power plants. In November 2009, we sent letters to all Arizona Tribes offering to consult on NGS and requested feedback on how each Tribe would like the consultation process to occur. In December 2009, EPA provided a briefing and presentation to the members of the InterTribal Council of Arizona. We received consultation requests from the Gila River Indian Community, Hopi Tribe, Ak-Chin Indian Community, and Tohono O'odham Nation and met with those Tribes individually. In addition to a direct consultation meeting with EPA, the Hopi Tribe submitted a report it commissioned from ICF International on potential impacts of several potential regulatory requirements on NGS. We are reviewing that report as part of our economic analysis for NGS. EPA extended the time period for Tribes to review and comment on the ANPRM to March 1, 2010, over 6 months after Federal Register publication of the ANPRM.
- EPA is considering the potential economic impact to Tribes in our analysis of the potential impacts to electricity and water rates. We are providing the opportunity to Tribes to submit water volume and cost information so that our analyses can specifically focus on impacts to individual Tribes, as all Tribes have different water settlement agreements and sources of water.

Concerns have been raised about closing the NGS. Has EPA proposed closing the NGS? In EPA's Advanced Notice of Proposed Rulemaking (ANPR) published in the Federal Register on August 28, 2009, none of the scenarios that EPA outlines for comment include shutting down any of the 3 boilers at NGS. As part of the BART determination, are you considering scenarios beyond those outlined in the ANPR? If so, do any of those scenarios involve shutting down any or all of the boilers at NGS?

- EPA has not proposed to close NGS. EPA's goal is to conduct a thorough analysis to determine on a case-by-case basis the appropriate level of control as BART that is cost effective, improves visibility, and does not harm Tribes. EPA did not discuss any scenarios in our ANPRM that involved closing any of the boilers at NGS because it is not EPA's intention to require shutdown, directly or indirectly, of any boilers at NGS or FCPP. If the facility's owners propose to EPA an alternative to BART, EPA will consider the alternative proposal, whether or not it involves closing one or more units.

The scenarios proposed in the August ANPR examine the impact of installing a variety of control technologies including Low NOx Burners (LNB), Separated Overfire Air (SOFA) and Selective Catalytic Reduction (SCR). Are these technologies in common use at other power plants in the United States? How many U.S. plants have these technologies installed? How many will be installing these technologies in the next 5 years? Does EPA factor in the construction jobs associated with installing these technologies in their economic analyses for the BART determination?

- The NO_x control technologies discussed in the ANPRM, LNB/SOFA and SCR, are common technologies that are used at coal-fired power plants throughout the United States and the world. LNB and SOFA are controls that reduce NO_x during the

combustion process and are often known as "combustion controls". SCR is a post-combustion control technology that removes NO_x formed during combustion by converting it to inert atmospheric nitrogen (N₂). The combined use of LNB/SOFA and SCR typically represents Best Available Control Technology (BACT), required for the construction of any new coal-fired power plant.

- In the United States, based on 2010 total coal steam capacity (315,900 MW), LNB was installed on 240,627 MW (76% of capacity) to reduce emissions of NO_x. As stated previously, several NO_x control technologies are often used in combination with each other. Because many coal-fired power plants using LNB also employ other technologies to further reduce NO_x, the reported percentages will exceed 100%. Overfire air is used on 80,339 MW (25% of the coal steam capacity), and SCR is used on 122,947 MW (39% of capacity). In 2014, EPA expects the total coal steam capacity equipped with LNB to increase to 263,834 MW (83% of expected 2014 coal steam capacity of 317,700 MW), OFA to increase to 100,814 MW (32%), and SCR to increase to 147,986 MW (47%).
- EPA does not factor the construction jobs associated with installing these technologies into the economic analysis for BART.

Four Corners Power Plant and Desert Rock

Did EPA require the shutting down of any boilers at the Four Corners Power Plant (FCPP) in its proposed October 2010 BART determination? Did the proposal to shut boilers 1-3 at FCPP originate with EPA or the owners of FCPP? How is the EPA evaluating the alternative proposal put forward by the FCPP owners? What opportunities have the public had to comment on the two proposals? What consultation has EPA done with the affected tribes?

- EPA did not require the closure of any boilers at FCPP in the October 2010 proposed BART determination. The proposal to close Units 1 – 3 at FCPP originated with the owners of FCPP, and was facilitated by, and is contingent upon, the sale of Southern California Edison's 48% share of Units 4 & 5 (1500 MW total) to Arizona Public Service, which owns 100% of Units 1 – 3 (560 MW total). EPA evaluated the alternative proposal put forth by the owners of FCPP in our February 25, 2011 Supplemental Notice, which proposed to allow the owners of FCPP the flexibility to either comply with our October 2010 proposed BART determination, or the Alternative to BART proposed by FCPP's owners. EPA determined that the alternative proposal put forth by the owners of FCPP, if implemented by July 31, 2018, meets the requirements of a BART Alternative under the Regional Haze Rule because it will result in more emissions reductions, not only of NO_x, but also sulfur dioxide, particulate matter, and mercury, compared to our October 2010 proposed BART determination.
- The comment period for the October 2010 proposal and the February 2011 Supplemental proposal closed on May 2, 2011. Thus, the public had over 6 months to review and comment on the October 2010 BART proposal and over 3 months to review and comment on the February 2011 Supplemental proposal. EPA held four open house and public hearing events in March 2011: two events were held on the Navajo Nation, in

Shiprock and Fruitland, New Mexico, near FCPP, one event was held in Farmington, New Mexico, also near FCPP, and the final event was held in Durango, Colorado, at the request of environmental groups due to its location downwind of FCPP. We provided Dine Interpretation services at the Shiprock, Fruitland, and Farmington events. Three of the events were held in the late afternoon and evening (e.g., open house from 3 – 5 PM, public hearing from 6 – 9PM), and one event, at the Nenahnezad Chapter House (Fruitland, New Mexico), was held in the morning (combined open house and public hearing 9 AM – 1PM). All open house and public hearing events were well attended. The Navajo Nation EPA attended the open house and public hearing events at all four locations.

- EPA consulted with the Navajo Nation EPA on the format, locations, and timeframes for the open house and public hearings, and Navajo Nation EPA participated in all events with EPA representatives. The Navajo Nation recently requested formal government-to-government consultation with EPA on the Four Corners Power Plant, and EPA Region 9 will be meeting the President Shelly and other representatives of the Navajo Nation on May 19, 2011.

There has been controversy surrounding the issuing and rescinding of the air permits for the Desert Rock power plant that was proposed to be built on Navajo land near Farmington, New Mexico. Please outline the major milestones in permitting the plant. Has EPA indicated to the developers what additional actions are needed to secure the necessary air permits to move forward with the development of the plant? Are there actions EPA needs to take before the developers can complete the requirements to secure the necessary permits?

- EPA wishes to clarify that its air program staff did not rescind the Prevention of Significant Deterioration (PSD) permit for the Desert Rock Energy Facility. Rather, after EPA issued the permit on July 31, 2008, several environmental organizations and the State of New Mexico (petitioners) appealed the decision to EPA's Environmental Appeals Board (EAB), which subsequently remanded the permit back to EPA's Region 9 office for further review on September 24, 2009. The EAB's remand was based on two separate grounds. First, the EAB concluded that it was appropriate to grant a motion filed by EPA for a voluntary remand of the permit. Second, based on the administrative record for the permit, the EAB independently concluded that the entire permit should be remanded because of one overarching issue related to the Best Available Control Technology (BACT) analysis conducted by the Region.
- The EAB was established in 1992 to function as an administrative appeals court within EPA and serves as the final Agency decision maker on administrative appeals under all major environmental statutes that the Agency administers. The EAB consists of four environmental appeals judges, which generally sit in a three-judge panel for a particular case. The EAB is an impartial body independent of all Agency components outside the immediate Office of the Administrator.
- Upon review of the facts contained in the permit record for this case, briefs filed by the Petitioners, and reply briefs submitted by both the permit applicant (Sithe Global Power,

LLC) and counsel for EPA, the EAB independently found that the permit was deficient because the applicant and the Region failed to properly consider the use of integrated gasification combined cycle (IGCC) technology as an emissions control measure in the required BACT analysis. Because of the fundamental nature of this deficiency, in September 2009, the EAB remanded the permit in its entirety to the Region for further review. In addition, the EAB granted a motion filed by Region 9 at the request of staff in the Administrator's office in April 2009 that the EAB remand the permit to Region 9 so EPA could voluntarily reconsider its approach to several issues raised in the appeal of the permit; the consideration of IGCC technology in the BACT analysis was also among the issues cited in Region 9's voluntary remand request. Before granting the Region's remand request, the EAB considered arguments about fairness and due process that had been made by the permit applicant in a written motion in opposition to the April 2009 request. The EAB concluded that the April 2009 request was not made in bad faith and that granting the request would not violate the due process requirements of the United States Constitution.

- Following issuance of the remand order from the EAB in September 2009, EPA made several attempts to work with the permit applicant to discuss how it could amend its permit application to address the deficiencies identified by the EAB, the matters that EPA had sought to reconsider, and other requirements that had arisen since the permit was initially proposed. The applicant has not amended its permit application to provide the information that EPA must have in order to proceed. We note that no further action on EPA's part is necessary before the applicant can submit its amended application. Nevertheless, EPA remains willing to work with the applicant to address these issues at any time. Upon receipt of an amended permit application, EPA would have to review that application, revise its analyses and the permit to address the issues identified in the EAB's remand order and applicable Clean Air Act requirements, provide the public with notice of the revised permit and an opportunity for comment, and make a final permit decision. In addition, prior to making a final decision to issue the permit, EPA would also have to ensure that its obligations under Section 7 of the Endangered Species Act (ESA) were met. Throughout our permitting process for this facility, the Bureau of Indian Affairs has been the lead federal agency with respect to the Section 7 ESA consultation with the Fish and Wildlife Service. It is our understanding that consultation has not been completed.

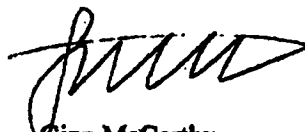
Could you please outline the process in which that EPA has consulted, and will continue to consult, with the tribes regarding the development of the Desert Rock power plant?

- Leading up to issuance of the permit on July 31, 2008, EPA conducted an extensive public involvement process, during which we contacted 41 Native American Indian Tribes to offer tribal consultation. Seven tribes responded to our consultation letter and/or submitted comments on the proposed permit. In addition, representatives of the Navajo Nation's Dine Power Authority regularly participated in meetings and conference calls between EPA staff and the permit applicant, and EPA Administrator Jackson had a number of conference calls with (then) President Shirley of the Navajo Nation. In the event the permit applicant submits an amended application for the Desert Rock facility,

EPA will continue to work closely with the Native American Tribes in the area as we have in the past.

We trust that this information will be responsive to your questions. If you need further information, please contact me, or have your staff contact Cheryl Mackay in the Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

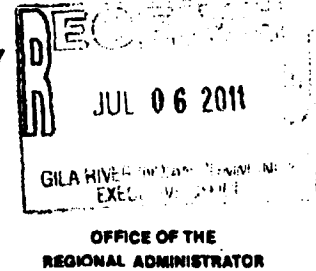
A handwritten signature in black ink, appearing to read 'Gina McCarthy', written in a cursive style.

Gina McCarthy
Assistant Administrator

EXHIBIT B



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



JUN 30 2011

The Honorable William Rhodes
Governor of the Gila River Indian Community
525 West Gu u Ki
P.O. Box 97
Sacaton, Arizona 85147

Dear Governor Rhodes:

Thank you for your letter of May 20, 2011 to Administrator Lisa P. Jackson requesting government-to-government consultation to discuss the potential impacts to Indian Tribes of an upcoming rulemaking on the Navajo Generating Station and for your letter of February 23, 2010 providing comments on the U.S. Environmental Protection Agency's Advanced Notice of Proposed Rulemaking on NGS. Because, the EPA Region IX office is developing the Federal Implementation Plan to implement the Best Available Retrofit Technology requirement of the Regional Haze Rule for NGS, Administrator Jackson has determined that consultation should occur within the Region. My staff will be working with your office to schedule a meeting with you and your advisors to initiate consultation, to occur in August 2011 in Phoenix, Arizona.

By letter dated November 13, 2009, the Acting Regional Administrator of Region IX invited each Tribe in Arizona to engage in consultation on NGS. From the resulting discussions in 2009 and 2010 and from your recent letter, I understand that the Gila River Indian Community and other Federally-recognized Indian Tribes may be affected by the EPA's implementation of BART for NGS. For this reason, and in accordance with the Federal trust obligation to Indian Tribes and the EPA's May 4, 2011 consultation policy, consultation between Tribal leaders and senior management at the EPA is critical for the EPA to fully understand the unique impact this rulemaking may have on Tribes.

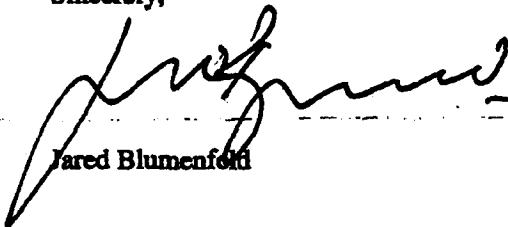
As suggested in your letter, my staff will be notifying the other Indian Tribes in Arizona of our upcoming rulemaking on NGS to provide another opportunity for government-to-government consultation to Tribes that may also be affected by our action. I understand that in your letter of June 21, 2011 to Ms. Colleen McKaughan, Associate Director for the Air Division at the EPA Region IX, you proposed a detailed consultation format comprised of four phases: initiation, scoping sessions, substantive sessions, and reconciliation prior to EPA action. Thank you for providing this outline. To facilitate efficient consultation with Tribes concerned about our rulemaking, my staff will coordinate individual meetings for me with each interested Tribe during my visit to Phoenix in August. At your request, my staff will also invite representatives from the Department of Interior to participate in any or all of our consultation meetings.

We understand the important role NGS serves to the Central Arizona Project, and my staff is working to more fully understand the relationship between CAP and the water settlement agreements that are unique to each Tribe in Arizona. To that end, I am enclosing a spreadsheet that requests information on

your Tribe's water sources, as well as projected volume and cost estimates from 2009 – 2035 for each water source. This information will help us document and assess the potential impacts of our rulemaking options on all Indian Tribes receiving water from CAP. We respectfully request to receive this information early in the consultation process and we are committed to consulting with all affected Tribes that request government-to-government consultation prior to our proposed rulemaking.

I look forward to our upcoming discussions as a continuation of the relationship between the Gila River Indian Community and the EPA. In the meantime, please do not hesitate to contact me at (415) 947-8702, or have your staff contact Ms. McKaughan at (520) 498-0118, or Mr. Nate Lau, Associate Director for the Communities and Ecosystems Division, at (415) 972-3839.

Sincerely,



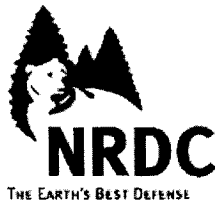
Jared Blumenfeld

Enclosure

cc: **The Honorable Ken Salazar**
Secretary, United States Department of Interior
The Honorable Jon Kyl
United States Senate
The Honorable John McCain
United States Senate
The Honorable Jeff Flake
United States House of Representatives
The Honorable Paul Gosar
United States House of Representatives
The Honorable Raul Grijalva
United States House of Representatives
The Honorable Ed Pastor
United States House of Representatives
The Honorable David Schweikert
United States House of Representatives
The Honorable Trent Franks
United States House of Representatives
The Honorable Ben Quayle
United States House of Representatives
The Honorable Gabrielle Giffords
United States House of Representatives

Water Sources & Costs by Year

VOLUMES (pathened in acre feet per year)												
Source & Description	2027	2028	2029	2030	2031	2032	2033	2034	2035			
CAP Supply												
All Non-CAP Supply												
#1 Description												
#2 Description												
#3 Description												
#4 Description												
#5 Description												
Subtotal (Non-CAP Deliveries)												
Total Deliveries												
ANNUAL COST (dollars per year)												
Source & Description	2027	2028	2029	2030	2031	2032	2033	2034	2035			
CAP Supply (from above)	\$	\$	\$	\$	\$	\$	\$	\$	\$			
CAP Water \$/AF	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI			
All Non-CAP Supply (from above)	\$	\$	\$	\$	\$	\$	\$	\$	\$			
#1	\$	\$	\$	\$	\$	\$	\$	\$	\$			
#2	\$	\$	\$	\$	\$	\$	\$	\$	\$			
#3	\$	\$	\$	\$	\$	\$	\$	\$	\$			
#4	\$	\$	\$	\$	\$	\$	\$	\$	\$			
#5	\$	\$	\$	\$	\$	\$	\$	\$	\$			
Subtotal (Non-CAP Cost)	\$	\$	\$	\$	\$	\$	\$	\$	\$			
Non-CAP Water \$/AF	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI			
Total Cost	\$	\$	\$	\$	\$	\$	\$	\$	\$			
All Water Sources \$/AF	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI	RDV/OI			



NATURAL RESOURCES DEFENSE COUNCIL

June 28, 2011

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

Dear President Obama:

As you consider the next round of carbon pollution and fuel economy standards for new cars and light trucks, the undersigned members of the Natural Resources Defense Council's Global Leadership Council are writing today to urge you to set strong standards that deliver 60 miles per gallon.

The Global Leadership Council is a group of leaders from the business, entertainment, philanthropic, academic and media communities who are committed to advancing solutions to the most urgent issues facing the environment. One of our top priorities as advocates is reducing our dependence on oil and advancing a clean, safe energy economy for future generations.

With increasing gas prices weighing heavily on the minds and wallets of citizens across the country, we must look to the one solution that has continually driven American growth and prosperity – our ingenuity and entrepreneurial spirit – to help transform our fleet from gas guzzlers into highly efficient vehicles.

Setting ambitious but attainable standards that deliver 60 miles per gallon would cut drivers' costs at the pump in half, slash our dependence on foreign oil, restore the technological leadership of American automakers, and markedly reduce carbon pollution. Strong standards would halve greenhouse gas emission from cars on the road, which makes this one of the best opportunities we will have in the next few years to reduce carbon pollution and the threat of climate change. Further, by 2030, a 60 miles-per-gallon standard would save more oil than we currently import from Saudi Arabia, Nigeria, Iraq and Libya combined and keep billions of dollars in our economy.

Some in the auto industry are opposing this needed step forward, claiming that it's too expensive to make high-mileage vehicles. But this is an industry that has consistently resisted needed changes that have ultimately proven to be to the public's and the industry's advantage. Whether the call was for seatbelts, airbags, or catalytic converters, the auto industry repeatedly warned that new innovations would put them out of business and raise costs for consumers.

In each case, the industry was proven wrong. In fact, NRDC analysis found their cost projections are typically two to ten times higher than real-world costs.ⁱ

Setting strong new fuel efficiency and global warming pollution standards is a historic opportunity to harness American ingenuity to move the country forward. Building and selling clean, fuel-efficient vehicles will encourage greater innovation and put America on the path to a stronger economy, a safer climate, and less reliance on oil. We urge you to set strong standards that deliver 60 miles per gallon.

Sincerely,

John Adams
NRDC Founding Director
Global Leadership Council Co-Chair
New York, NY

Wendy Gordon Rockefeller
Global Leadership Council Co-Chair
New York, NY

Celestine Arndt
Encino, CA

Christopher Arndt
New York, NY

Claire Bernard
Mariposa Foundation
New York, NY

Andrew Blank
Miami, FL

Dayna Bochco
California

Katie Carpenter
Film/TV Producer
Bahati Productions
New York, NY

Mr. & Mrs. Graydon Carter
New York, New York

Patricia Durham
Oakland, CA

Christopher Elliman
Open Space Institute
New York, NY

John Esposito
President/CEO, Warner Music Nashville
Nashville, TN

John Gates
Founder, Nashoba Brook Bakery
Cambridge, MA

Douglas L. Hammer
Oakland, California

Barbarina Heyerdahl
Shelburne, VT

Jill Tate Higgins and James P. Higgins
Lakeside Enterprises
Burbank, CA

Fred Hipp
Richmond, VA

Lawrence Lunt
Greenwich, CT



Correspondence Management System

Control Number: AX-11-001-0584

Printing Date: July 05, 2011 03:07:26



Citizen Information

Citizen/Originator: Boom, Marc

Organization: Environmental Entrepreneurs (E2)
Address: 40 West 20th Street, New York, NY 10011

Constituent: N/A

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

Control Information

Control Number: AX-11-001-0584 Alternate Number: N/A
Status: Closed Closed Date: Jul 5, 2011
Due Date: N/A # of Extensions: 0
Letter Date: Jun 30, 2011 Received Date: Jul 5, 2011
Addressee: POTUS-President of the United States Addressee Org: White House

Contact Type: LTR (Letter) Priority Code: Normal

Signature: SNR-Signature Not Required Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- As members of Environmental Entrepreneurs (E2), we urge you to set strong standards that deliver 60 miles per gallon in the next round of carbon pollution and fuel economy standards for new cars and light trucks

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

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	Jul 5, 2011
Gloria Hammond	OAR	OAR-OTAQ	Jul 5, 2011

History

Action By	Office	Action	Date
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ENVIRONMENTAL ENTREPRENEURS[®]

The Independent Business Voice for the Environment

www.e2.org

June 30, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

As members of Environmental Entrepreneurs (E2), we urge you to set strong standards that deliver 60 miles per gallon in the next round of carbon pollution and fuel economy standards for new cars and light trucks. With gas prices rising, we must look to solutions that not only free us of our dependence on oil but also drive American economic growth and prosperity. This strong standard will help to unleash American innovation to create new jobs, ensure energy security, and help secure America's position as a leader in the global economy.

E2 represents a non-partisan, national community of 850 business leaders who promote strong environmental policy to grow the economy. We are entrepreneurs, investors and professionals from every sector of the economy who collectively have been involved in financing, creating or working in the early development of more than 1,100 companies, which have created over 500,000 jobs. Our members manage over \$90 billion in private equity capital that will flow over the next several years into new companies.

Improving vehicle efficiency is the single biggest step the U.S. can take to revitalize our economy, protect our environment, save money at the gas pump, and enhance America's security by reducing our need for imported oil and technology. History has shown setting strong standards work. The country's first fuel efficiency standards went into effect in 1978 as a response to the 1973-1974 OPEC oil embargo and those standards roughly doubled the fuel efficiency of new cars in the 10 years following the embargo. Today, the country is continuing that lesson by requiring automakers to build vehicles that average approximately 35 miles per gallon by 2016 and emit roughly 30 percent less global warming pollution.

Because of these policies Americans are again leaders in clean energy innovation, but without consistent and sustained support for these strong policies investments and jobs could falter in the U.S. and seek more hospitable policy environments elsewhere. Strengthening pollution and fuel economy standards for cars that deliver 60 miles per gallon by 2025 would serve as the strong signal the market needs to continue investing in America.

NORTHERN CALIFORNIA, PACIFIC NORTHWEST
& ROCKY MOUNTAINS
111 Sutter Street, Fl 20
San Francisco, CA 94104
TEL 415 875-6100 FAX 415 875-6161

NEW YORK & NEW ENGLAND
40 West 20th Street
New York, NY 10011
TEL 212 727-2700 FAX 212 727-1773

SOUTHERN CALIFORNIA & SAN DIEGO
1314 Second Street
Santa Monica, CA 90401
TEL 310 434-2300 FAX 310 434-2399

Building and selling clean, fuel-efficient vehicles will encourage greater innovation and put America on the right path to a stronger economy, a safer climate, and less reliance on oil. Analysis by EPA, the Department of Transportation and the California Air Resources Board, shows that a fleet average of 60 mpg in 2025 is achievable and cost-effective for consumers, saving drivers \$6,000 over a vehicle's lifetime. Additionally this standard will cut America's oil dependence by at least 44 billion gallons of fuel and prevent at least 465 million metric tons of heat trapping carbon pollution in the year 2030. Your administration should embrace the enormous benefits to the American economy from these oil savings.

We urge you to set strong standards that deliver 60 miles per gallon.

Respectfully yours,

The following 305 E2 members have signed this letter:

Curtis Abbott (CA)

CEO, Lucesco Lighting Inc

Maryvonne Abbott (CA)

Bill Acevedo (CA)

Attorney, Wendel, Rosen, Black & Dean

Clifford Adams (NY)

Managing Director, Coady Diemar Partners

Brian Baird (WA)

John Balbach (CA)

Managing Director, CleanPath Ventures

Jay Baldwin (MA)

Partner, Wind River Capital Partners, LLC

Frank Balluffi (NJ)

Vice President Application Security, Morgan Stanley

Dora Barlaz Hanft (NY)

Environmental Science Teacher, Horace Mann School

Frederick Baron (CA)

Partner, Cooley LLP

Kathy Baron (CA)

Marriage Family Counselor, self-employed

Patricia Bauman (DC)

Co-director, Bauman Foundation

Lisa Bennett (CO)

Jeff Bennett, Ph.D (CO)

Founder, Big Kid Science

Paul Berberian (CO)

Founder and Former CEO, Raindance Communications, Inc.

Renee Berberian (CO)

Laura Berland-Shane (CA)
Business Development Manager - Solar Vertical Market Management, Siemens Industry

Tony Bernhardt (CA)

Physicist; Angel Investor

Aron Bernstein (MA)

Professor of physics, MIT

Stuart Bernstein (CT)

Goldman Sachs

Larry Birenbaum (CA)

Former SVP, Cisco Systems

Ann Bordetsky (CA)

Better Place

David Bowen (CA)

Eric Bowen (CA)

Director Business Development & Legal Affairs, Renewable Energy Group

Barbara Brenner Buder (CA)

CFO, VP - Operations, The San Francisco Theological Seminary

Diane Brinkmann (CO)

John Bryant (DC)

Reid Buckley

Orion Energy Group

Alan Buder (CA)

Marisa Bueno (MT)

Doctoral Student, Stanford University

Dianne Callan (MA)

Independent Legal Consulting, Green Tech Legal

Hamilton Candee (CA)

Partner, Altshuler Berzon LLP

Cynthia Cannady (CA)

Principal and Founder, IP*SEVA

Bill Capp (MA)

President & CEO, Beacon Power Corporation

Jackie Capp (MA)

Oil Painter (retired dentist), JHC Studio

Warner Chabot (CA)

CEO, California League of Conservation Voters

Steve Chadima (CA)

Chief Marketing Officer, TweetUp

John Cheney (CA)

CEO, Silverado Power, LLC

Matt Cheney (CA)

CEO, CleanPath Ventures LLC

David Cheng (CA)

Director, Advisory, The Cleantech Group

Stacie Cheng (CA)

Strategic Director; Cheskin

Roger Choplin (CA)

Proprietor / Owner, Our Earth Music, Inc.

Deborah Cincotta (CA)

Tom Cole (CA)

CEO, Consuming, Inc.



Correspondence Management System

Control Number: AX-11-001-0595

Printing Date: July 05, 2011 02:32:49



Citizen Information

Citizen/Originator: Fang, Evelyn

Organization: American Lung Association

Address: 500 W International Airport Road, Anchorage, AK 95518

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0595

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 21, 2011

Received Date: Jul 5, 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- we are writing to support the proposed Mercury and Air Toxics Standards

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCSPP - OCSPP - Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Jul 5, 2011
Gloria Hammond	OAR	OAR-OAQPS	Jul 5, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jul 5, 2011
Gloria Hammond	OAR	Forwarded control to OAR-OAQPS	Jul 5, 2011

 **AMERICAN LUNG ASSOCIATION**[®]
IN ALASKA

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Phone: (907) 276-5864
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www.aklung.org
www.LungUSA.org

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
EPA Docket Center
Air and Radiation Docket, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Docket ID No. EPA-HQ-OAR-2009-0234

Dear Administrator Jackson:

As members of the Leadership Council of the American Lung Association in Alaska we are writing to support the proposed Mercury and Air Toxics Standards. We are pleased that this rule would finally close the two-decade old loophole that has allowed power plants to avoid having to clean up, unlike all other industries. The cleanup of toxic air pollution from power plants is long overdue. We urge the U.S. Environmental Protection Agency to make final strict standards on toxic pollution from all oil and coal-fired power plants to improve air quality and protect public health.

Toxic air pollutants emitted to the atmosphere by oil and coal-fired power plants cause a wide range of harm to human health including damage to the lungs and breathing passages and to the kidneys, eyes, skin, and nervous system. Even more serious effects are their potential to cause cancer, impairment of neurological function and ability to learn, worsen pulmonary and cardiovascular disease, and cause premature death. Toxic air pollution harms the health of people who live adjacent to the power plants and hundreds of miles away.

Cleaning up these power plants can save 17,000 lives a year, all across the country. There are more than 400 coal-fired power plants located in 46 states across the country that release in excess of 386,000 tons of hazardous air pollutants into the atmosphere each year. It is time for them to be cleaned up.

All oil and coal-fired power plants must be required to reduce these hazardous air pollutants, including the toxic metals, acid gases and other pollutants, by the maximum achievable amount. Only with such measures will the health of children and other vulnerable individuals be protected. The pollution control technologies needed to meet these requirements are commercially available and widely in use. Plant owners have flexibility under the law to select an appropriate combination of controls that will enable greater protection of human health and the environment.

Over 20 years ago, a bipartisan Congress directed EPA to set limits on toxic air pollutants. As we have waited for limits to be established, children and adults have gotten sick and some have lost their lives.

We support EPA's efforts to save lives and protect public health by cleaning up power plants with stricter standards on toxic pollution. We support the strongest possible Mercury and Air Toxics standards for power plants and urge you to make them final on schedule by November 16, 2011.

Sincerely yours,
Evelyn Fang, MD MPH
Leadership Council Alaska

800-LUNG-USA
(800-586-4872)



U.S. Department of the Interior • Office of the Secretary (OS/SIO/NISC) • 1849 C Street, N.W. • Washington, DC 20240
Phone: (202) 513-7243 • Fax: (202) 371-1751 • www.invasivespecies.gov

June 22, 2011

TO: Members of the National Invasive Species Council (NISC)

SUBJECT: Recommendations to NISC from the ISAC Meeting held June 14-16, 2011

During the June 14-16, 2011 meeting at the Magnolia Hotel in Denver, Colorado, ISAC agreed upon the following recommendations:

Recommendation #1: To enhance the effectiveness of biological control programs at their inception, ISAC recommends that NISC Departments and Agencies working on biological control of invasive organisms, plan, conduct, and evaluate their programs in the context of an Integrated Pest Management (IPM) approach. This may require integrating biological control in concert with other management options (i.e., physical, cultural, and chemical) to achieve maximum effectiveness. For example, many invasive species are susceptible to both biological control agents and competitive interactions. As a result, using these approaches in concert can provide synergy towards achieving the desired land management objectives.

ISAC has previously recommended an IPM approach to invasive management strategies. While most biological control efforts often consider themselves a stand-alone, silver bullet solution, a more integrated approach should increase the probability of success.

This recommendation addresses the National Invasive Species Management Plan, Implementation Task CM.1.2: Identify and address strategic gaps in regional invasive species control and management efforts and tools.

Recommendation #2: To further enhance the potential effectiveness of biological control programs, ISAC recommends federal land management agencies that oversee and conduct control operations utilizing biological control agents become more fully engaged in adaptive management by collecting and sharing post-release monitoring data. This Integrated Pest Management (IPM) approach should emphasize partnerships with local controlling authorities, post-release monitoring and collaborative programs with land managers and other federal, state and university scientists in other pest management disciplines to develop principles and technical guidance and recommendations for invasive species management. As examples, such efforts have already been established by Team Leafy Spurge and the areawide melaleuca project.

This recommendation addresses the National Invasive Species Management Plan, Implementation Task CM.4.1: Enhance ecosystem recovery decision tools and conduct ecosystem assessments.

Recommendation #3: ISAC recommends that NISC support www.invasivespecies.gov, established according to Executive Order 13112, Section 4, Item F, as the primary website that coordinates critical and unique information on national invasive species and serves as a link for accessing all federal invasive species programs.

Recommendation #4: In accordance with the National Environmental Policy Act (NEPA), ISAC recommends that NISC Departments, Agencies and their contractors assess the risk of invasiveness whenever their activities lead to the introduction of [non-native] species or their subsets (i.e. moving organisms from where they occur to where they have never occurred historically).

Department of the Interior • Department of Agriculture • Department of Commerce • Department of State
Department of Defense • Department of Homeland Security • Department of Transportation
Department of the Treasury • Department of Health and Human Services • Environmental Protection Agency
U.S. Agency for International Development • U.S. Trade Representative • National Aeronautics and Space Agency

Recommendation #5: That NISC adopt the attached ISAC White paper entitled, *Marine Bioinvasions and Climate Change*, and recommendations therein.

Sincerely,

A handwritten signature in black ink that reads "E Ann Gibbs". The signature is written in a cursive, slightly slanted style.

E. Ann Gibbs
Chair, Invasive Species Advisory Committee
Maine Department of Agriculture

Attachment(s):

1. ISAC White Paper: "Marine Bioinvasions and Climate Change"
Dated: 6/16/2011
2. NISC Distribution List

U.S. Department of the Interior • Office of the Secretary (OS/SIO/NISC) • 1849 C Street, N.W. • Washington, DC 20240
 Phone: (202) 513-7243 • Fax: (202) 371-1751 • www.invasivespecies.gov

Marine Bioinvasions and Climate Change¹

Approved by ISAC on June 16, 2011

Issue

No ocean area is unaffected by human impact². Marine bioinvasions are one of the greatest threats from human activity on this environment³. However, our knowledge of the impacts of invasions is severely lacking for many key regions of the country and the world, and very little is known of the impacts from invasive species in relation to climate change⁴. Environmental consequences may include loss of marine biodiversity as oceans freshen, warm and sea level rises. Additional impacts to native communities may occur as a result of ocean acidification and/or changing current and wind patterns.

An overall warming between 2.0 and 4.5°C is predicted in the next century as a result of global climate change⁵. This shift in temperature will affect marine ecosystems by raising water temperatures, decreasing oceanic pH, altering stream flow patterns, increasing storm events, and contributing to sea level rise. These changes are expected to have a substantial impact on the abundance and distribution of marine species as well ecosystem functioning and food webs. The Intergovernmental Panel on Climate Change (IPCC) has confirmed that range shifts among marine flora and fauna have already begun to occur in response to warming trends and include poleward and elevational shifts⁴.

Non-native species are those that evolved elsewhere and have been transported by natural processes or human activities, either intentionally or accidentally, into a new region. Invasive species are the subset of introduced species that persist, reproduce, and spread rapidly into new locations, causing economic or ecosystem harm or harm to human health⁶.

Invasive species share traits that may allow them to capitalize on the impacts of global climate change including fast growth, rapid reproduction, and the ability to survive in a wide range of environmental conditions.

Further, species that have long been "in motion", but were failed invasions as a result of too-cold waters, will now likely invade these once 'off limits' thermal regimes⁴. Consequently, a decline in cold-

¹ This paper was drafted by James T. Carlton, Williams college; Sandra C. Lindstrom, University of British Columbia; Celia M. Smith, University of Hawaii; Jennifer E. Smith, Scripps Institution of Oceanography and reviewed by a range of stakeholders with expertise in marine invasive species issues.

² Halpern, B., S. Walbridge, K. Selkoe, C. Kappel, F. Micheli, C. D'Agrosa, J. Bruno, K. Casey, C. Ebert, H. Fox, R. Fujita, D. Heinemann, H. Lenihan, E. Madin, M. Perry, E. Selig, M. Spalding, R. Steneck and Watson, R. 2008. A global map of human impact on marine ecosystems. *Science*. 319. 948-952.

³ Carlton, J.T. 1996. Marine bioinvasions: The alternation of marine ecosystems by nonindigenous species. *Oceanography*. 9: 36-43.

⁴ Sorte, C.J.B., S.L. Williams, and J.T. Carlton. 2010. Marine range shifts and species introductions: comparative spread rates and community impacts. *Global Ecology and Biogeography*. 14 pp

⁵ IPCC (2007) *Climate Change 2007: The physical science basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, pp 1-996.

⁶ Williams, S.L., J.E. Smith. 2007. A global review of the distribution, taxonomy, and impacts of introduced seaweeds. *Annual Review of Ecology, Evolution, and Systematics*. 38: 327-359.

affinity or even 'typical' resident species and an increase in warm-affinity residents can be expected, which will change species proportions as well as community structure and dynamics.

An estimated **10,000** marine species are transported around the world in ballast water **every day**⁷. Biological invasions will be further aided by global climate change through increased dispersal of non-native species via ballast and hull fouling resulting from changes in maritime or recreational routes. Other consequences of global climate change may include increased diseases⁸, increased loss of calcified species from ocean acidification⁹, opening of new habitat via inundation¹⁰ with increased disturbance to existing habitat from increased pollution and terrestrial runoff. Synergies among all of these processes are most likely. These outcomes will result in the decline of native species, create open space and deliver new invasive competitors to habitats once held off limits by natural processes.

Background

Invasive species are second only to habitat destruction as the greatest cause of species endangerment and global biodiversity loss. Invasive species can cause severe and permanent damage to the ecosystems they invade. Consequences of invasion include competition with or predation upon native species, hybridization, carrying or supporting harmful pathogens and parasites that may affect wildlife and human health, disturbing ecosystem function through alteration of food webs and nutrient recycling rates, acting as ecosystem engineers and altering habitat structure, and degradation of the aesthetic quality of our natural resources. In many cases we may not fully know the native animals and plants, in an area. For example, *Aureophycus aleuticus*, a large kelp was just described with similar discoveries of new taxa in many other latitudes. Invasive species have the potential to permanently change ecosystems before we fully understand the native communities.

Recent studies suggest that invasive species share similar traits that allow for easier establishment in habitats that become disrupted by climate change. The examples below highlight some of the ongoing and expected changes to marine ecosystems that may occur as a result of the interactions between global climate change and biological invasion.

Sea Level Rise

Sea level rise has been estimated at 3.1 ± 0.7 mm yr⁻¹ as a result of thermal expansion of water and the melting of continental ice sheets⁵. A rise in sea level of less than 1 m would submerge an estimated 10,000 square miles of land¹⁰. Existing wetland and salt marshes will be flooded and die, calling into question the types of communities that will replace these lost ecosystems.

Inundation could also disrupt groundwater flow from aquifers to ocean by altering the water table level relative to the sea level, potentially diminishing the delivery of essential nutrients to at least, tropical reef communities and disrupting coastal wetlands¹⁰. Native marine species will likely be subjected to increased turbidity and pollution resulting from runoff from the land. Although some native species will be able to adapt to the newly created habitats, the high level of disturbance caused by sea level rise will render marine communities particularly vulnerable to the introduction of opportunistic invasive species.

⁷ Carlton, J.T. 1999. The scale and ecological consequences of biological invasions in the world's oceans. In: Invasive Species and Biodiversity management, pp195-212. Ed. By O.T. Sandlund, P.J. Schei, and P. Viken. Kluwer Academic Publishers, Dordrecht, The Netherlands.

⁸ Lawrence, K. 2008. Furtive foes: Algal viruses as potential invaders. ICES Journal of Marine Science. 65. 716-725.

⁹ Doney, S., V. Fabry, R. Feeley, J. Kleypas. 2009. Ocean acidification: The other CO₂ problem. Annual Review Marine Science. 1. 169-192.

¹⁰ http://www.epa.gov/climatechange/effects/downloads/rtc_sealevelrise.pdf

Increased Ocean Temperatures

Since 1961, ocean temperatures have risen 0.10°C from the surface to a depth of 700 m⁵. Warmer water conditions may facilitate the successful establishment of invasive species adapted to warmer environments. Such species may prey on or compete for food resources with native species, possibly leading to extinction unless the native species are able to find refuge at higher latitudes. Many regions have already experienced the impacts of warming coastal waters, demonstrating an alteration in species ranges. This alteration includes an expansion of organisms tolerant to warm waters, thus migrating poleward, and a reduction in ranges of cold water species, thus shrinking poleward⁴. For example, tropical algae have already successfully invaded now-warmer temperate locations and it is expected that tropical-to-temperate algal invasions may become more common. Some temperate invasive algae have been noted to become less seasonal and are now reproducing all year round whereas in their native ranges they have retained much stronger seasonality.

Increased ocean temperatures may result in the extinction of several species, which may lead to a complete alteration of ecosystems. For example, a shift in ocean temperatures by as little as 1° C above the maximum monthly mean results in coral bleaching, which negatively impacts the entire coral reef ecosystem. Animals, plants and seagrasses that rely on the low-lying habitat provided by coral reefs are likely to be significantly affected, although these potential impacts are just beginning to be explored. Loss of coral will likely create open spaces, rendering the ecosystem vulnerable to invasion. Some invasive seaweeds are not as thermally sensitive as corals¹¹, thus warmer ocean temperatures may set a stage for these “weedy” species to thrive.

Changes to Salinity

Salinity trends are characterized by decreased salinity in oceans within subpolar latitudes whereas shallower waters of the tropical and subtropical oceans have shown increased salinity levels. Freshening is pronounced in the Pacific Ocean while increased salinity is found in the Atlantic and Indian Oceans. These trends are consistent with changes in precipitation that are a possible consequence of global climate change⁵.

Major shifts in the abiotic environment will result in a change in the existing species composition as there will be some organisms that will be unable to adapt to their new environment; therefore these species will be forced to disperse to adjacent habitats or become extinct. This loss of biodiversity may facilitate the establishment of new weedy / invasive species that are able to thrive in the changing environment.

Successful invasion may also be assisted by a change in the vectors responsible for introduction. For example, ballast water has been a major transport carrier for invasive species since the late 20th century as a result of the increased scale of global trade. This increase has encouraged the need for larger ships, traveling at faster speeds. As open water exchange is the most common ballast management practice used today, increased salinity in coastal waters may enhance the probability of survival of propagules in ballast water. Higher survival rates will increase the probable number of individuals released at a given place at a given time as well as the number of transported organisms that are capable of survival and reproduction following release.

Ocean Acidification

Uptake of atmospheric carbon dioxide by the oceans has already lowered the pH of coastal waters in urbanized regions and is expected to substantially lower oceanic pH over the next decades. The increase in total inorganic carbon causes a decrease in the depth at which calcium carbonate dissolves, causing a decrease in surface ocean pH⁷.

¹¹ Smith, J.E., C.L. Hunter, E.J. Conklin, R. Most, T. Sauvage, C. Sagar, C.M. Smith. 2004. Ecology of the invasive red alga (*Gelidium salicornioides*) in Oahu, Hawaii. *Pacific Science*. 58:325-343.

In tropical regions, entire (non-living) calcareous reef structures are at risk⁹. In terms of the food web for these ecosystems, all organisms that photosynthesize, phytoplankton and seaweeds, will be impacted via changed concentrations and species of carbon for photosynthesis. Further, acidification directly harms the ocean's plants and animals that build shells composed of calcium carbonate. Calcifying species include corals, mollusks, crustaceans, and coralline algae that provide critical habitat and food sources for other organisms. Declining number and/or abundances of these species may promote the success of existing invaders or the colonization of new invaders - namely fleshy/non-calcified algae. The introduction of competitive non-native species into an ecosystem may have a substantial, and often irreversible, influence on biodiversity, habitat quality, and ecosystem functioning.

Change in Ocean Circulation and Currents

Decreased upwelling due to warmer waters will result in fewer nutrients being transported from deep in the water column to the water surface⁵. The productivity of marine ecosystems will be reduced as these areas depend on the delivery of nutrients from upwelling areas and ocean currents. Species that depend on ocean currents for reproduction and migration will also be affected. For example, many coral and fish species rely on dispersal of their larvae by currents; therefore, changes in circulation will result in lower recruitment into new areas, reducing species dispersal as well as overall habitat diversity. The disruption of recruitment could facilitate the establishment of invasive species as newly opened areas will be vulnerable to the introduction of these opportunistic species.

Evidence that change has already occurred

There is evidence that some marine species have already responded to climate change. For example, in 1999 the marine diatom, *Neodenticula seminae*, was found in the Atlantic Ocean during routine plankton surveys¹². This diatom migrated from the North Pacific to the Atlantic Ocean as a result of the diminishing ice cover in the Arctic which opened up a temporary passageway between the Arctic and Pacific Oceans. The presence of the diatom in the North Atlantic, establishing itself in areas where it was last found during the Pleistocene, indicates a change in the circulation between the North Pacific and North Atlantic oceans as a response to the major climatic and oceanographic changes that have taken place in the Arctic in recent years¹². As sea ice diminishes, we will continue to see changes in the distribution, composition and abundance of algal species. Algae are the foundation of most of Arctic trophodynamics, and thus these changes will produce a cascading effect through the food web.

Range shifts are defined as changes in the distribution of native species that are not directly human mediated. As a result of global climate change, many species will migrate to maintain the temperature conditions needed for reproduction, growth, and feeding. There is a growing concern that these shifting species will begin to function as invasive species, disrupting the structure and function of their new community. Over 100 marine range shifts have already been documented; these cases are likely only a fraction of the marine species that have moved or are in the process of moving⁴. This trend, illustrated in the examples below, has been seen in a broad range of taxa including algae, bryozoans, cnidarians, crustaceans, and mollusks:

- *Caulerpa taxifolia*, the "killer algae", is a tropical seaweed that has already been able to invade temperate regions. This algal species has rapidly colonized the Mediterranean, where it covers the bottom and fills the water column with hundreds of tons of plant biomass per hectare. Infestations in California took 6 years and over \$7M to eradicate. With warming seas around many temperate coastlines, *Caulerpa* invasions may become more common.
- The Pacific Lionfish (*Pterois volitans*) was first detected in Florida in 1990s and is now common off the Carolinas. As of 2009, the tropical fish was found in north to Cape Cod during the

¹² Reid, P.C., D.G. Johns, M. Edwards, M. Starr, M. Poulins, P. Snoeijs. 2007. A biological consequence of reducing Arctic ice cover: arrival of the Pacific diatom *Neodenticula seminae*, in the North Atlantic for the first time in 300,000 years. *Global Change Biology* 13: 1910-1921.

summer months. Warming conditions probably will permanently expand the range of this fish along much of the eastern coast of the United States. The broad diet of the lionfish suggests that this invasive species may become a real threat to many native reef fish populations through direct predation as well as competition for food resources with native piscivores. Further, its voracious feeding behavior may impact the abundance of ecologically important species such as herbivorous fishes that keep seaweeds and macroalgae from overgrowing corals.

- "Caribbean Creep" is defined by the invasion of Georgia, the Carolinas, and Chesapeake Bay by tropical and subtropical species. Species that have successfully invaded these temperate areas include the Brazilian green porcelain crab (*Petrolisthes armatus*), Florida rocksnail (*Stramonita haemastoma*), the Indian caprellid crustacean (*Caprella scaura*), and the Asian-Pacific Titan acorn barnacle (*Megabalanus coccopoma*). These are not one-off occurrences of individuals of southern species; these examples represent permanently established populations of species that previously found the South Atlantic Bight and Chesapeake Bay too cold to live in.
- The New Zealand pillbug, *Sphaeroma quoianum*, invaded Oregon in the 1990's. This isopod crustacean creates burrows within banks composed of mud, clay, or peat. The system of interconnected burrows within the banks has led to an increase in erosion rates by as much as 250% in many estuarine environments. The burrows also damage docks, wooden structures, levees and dikes. The invasion into substances such as Styrofoam can disperse microscopic polystyrene particles into local waterways; 100,000 isopods in a Styrofoam float release more than 20,000,000 styrene particles per day into the ocean.

Recommendations

Changes in the Earth's climate will likely continue, or even accelerate, over the next century. The economic, energy, social, and environmental impacts of invasions mediated by climate change may be profound. Our understanding of climate-driven species movements is only the tip of the iceberg: a great many more species are in motion. Predictions of how species and their habitats will respond to climate change will assist in making conservation decisions and managing our natural resources. Invasive species management will need to develop tools that include both invasion biology and climate change impacts. The following are recommendations to assist the development of such tools:

- **Fund Research Programs.** Dedicated research programs across a diversity of regions (e.g. high, mid and low latitude sites) must be developed and adequately funded to detect species movements and likely interspecies interactions, in order to predict, and possibly prevent, the impact of invasion resulting from global climate change. These goals will best be accomplished via focused, mechanistic studies of invasive species to inform and predict how global climate change factors may impact native species, invasive species and interact with local stressors to affect invasion success.
- **Increased Coordination.** Build partnerships among federal agencies and academic institutions to enhance capacity for detecting, responding to, and managing invasive species.
- **Develop Rapid Response Plans.** Risk assessments are needed to prioritize species that deserve rapid responses. Strategies need to be developed for rapid response to these species. Further, an emergency fund for such efforts should also be established.
- **Vector Management.** These scenarios of the "ghost of Christmas future" support the need to strikingly enhance vector management policies to prevent future invasions.
- **Expand Educational and Outreach Programs.** It is imperative for the public to understand the implications of their actions, with or without the climate change message. Increased efforts should be initiated to translate the combined risks from climate change and biological invasion to the public through real-world examples.

- ***National strategy for monitoring.*** Global climate change will result in the loss of species; yet without adequate monitoring the extent of this loss may not be known. For example, some species are endemic to Alaska; however, as a result of the large size and remoteness of the state, many species still are unknown. Extensive monitoring across environments is needed to document the distribution of native species, identify range shifts, and detect invasions.

DAILY READING FILE



KILGORE
* T E X A S *
ECONOMIC DEVELOPMENT CORPORATION

June 21, 2011

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

RE: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson:

I am the President of the Kilgore, Texas, Economic Development Corporation (KEDC). I want to inform you of concerns I have regarding the proposed new environmental regulations that will result in an increase in the cost of electricity to citizens and businesses in our region.

Our mission at KEDC is to grow our economy by working to bring additional tax base to our city through the expansion of existing primary employers and the location of new primary businesses. When these employers expand, the number of available jobs increases, lowering our unemployment rates and raising the standard of living for those who fill the new positions. This is good not only for Kilgore, Texas, but also for the national economy.

Kilgore's business community understands the need to improve air quality and to protect our environment. Our region's commitment to this is evident through the cooperative efforts of Northeast Texas Air Care (www.netac.org). It is a voluntary, cooperative association of governmental entities and industries working together to address common environmental needs. NETAC is making a difference.

I am concerned about the cost of proposed new requirements you are considering, particularly if the cost of implementing those requirements results in a 10 to 20-percent increase in the price of electricity. This type of increase would negatively impact local businesses in cost of operations, loss of profits and the ability to sustain itself or grow in our city.

We request that you work with the electric utilities throughout the United States to enact environmental regulations that allow the utilities to operate as efficiently as possible. Please establish and publicize the conditions under which you will grant a one-year compliance extension so that the utilities will know what is required and be able to plan for compliance. Our need for a cleaner environment should be balanced by a common sense approach to regulations that will allow our economy to grow, particularly following our nation's recent experience with job loss and a shrinking economy.

I appreciate the opportunity to comment.

Sincerely,

Bobby Beane
Bobby Beane, President

KILGORE ECONOMIC DEVELOPMENT CORPORATION
903.983.3522 | Fax: 903.984.2746 | info@kilgore-edc.com
1001 Synergy Blvd., Suite 100, Kilgore, Texas 75662
www.kilgore-edc.com



Correspondence Management System

Control Number: AX-11-001-0634

Printing Date: July 05, 2011 03:34:31



Citizen Information

Citizen/Originator: Catlin, Terry

Organization: Santa Ana Watershed Project Authority
Address: 11615 Sterling Avenue, Riverside, CA 92503

Constituent: N/A

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

Control Information

Control Number: AX-11-001-0634 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jun 21, 2011 Received Date: Jul 5, 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-Draft Clean Water Act Guidance for April 27, 2011
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Jul 5, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Jul 5, 2011

Comments



DAILY READING FILE
Santa Ana Watershed Project Authority
CELEBRATING 40 YEARS OF INNOVATION, VISION, AND WATERSHED LEADERSHIP

June 21, 2011

Terry Catlin
Commission
Chair

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

Celeste Cantú
General
Manager

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army, Civil Works
108 Army Pentagon
Room 3E446
Washington, DC 20310-0108

Eastern
Municipal
Water
District

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Re: Draft Clean Water Act Guidance of April 27, 2011

Inland
Empire
Utilities
Agency

Dear Administrator Jackson and Assistant Secretary Darcy:

Orange
County
Water
District

The Santa Ana Watershed Project Authority (SAWPA) is committed to clean water and the protection of beneficial uses, and understands the need for clear regulations as part of the a successful stewardship program. SAWPA also supports a transparent and participatory decision process for significant policy determinations. The draft guidance on jurisdictional waters published last April raises concerns about the extent of federal jurisdiction being asserted and the administrative process being used.

San
Bernardino
Valley
Municipal
Water
District

SAWPA is a joint powers public agency, exercising powers common to its member agencies, which include Eastern Municipal Water District, Inland Empire Utilities Agency, Orange County Water District, San Bernardino Valley Municipal Water District, and Western Municipal Water District. Since 1975, SAWPA has provided regional planning and coordination for water quality and water supply in the Santa Ana River Watershed and has been a leader in implementing the watershed approach to water resources stewardship.

Western
Municipal
Water
District

The draft guidance would assert federal jurisdiction in some instances where it appears the environmental benefit would be quite small or even questionable. Unfortunately, the regulatory burden on projects that trigger federal jurisdiction does not reflect the degree of environmental risk. Therefore, the effect of the guidance would be to create unnecessary regulatory burdens for some projects. This concern is particularly acute with regard to man-made structures like roadside ditches and surface storage reservoirs. It is even more of an issue in arid environments, where the storage, transfer, and recycling of water



Administrator Jackson and Assistant Secretary Darcy
June 21, 2011
Page 2

require reservoirs and pipelines, the construction and operation of which could be significantly burdened by such an expansive view of jurisdiction.

Promulgating guidance before conducting a rulemaking would be inappropriate for an issue of such demonstrated controversy. The fact that the Supreme Court has addressed the issue twice in the last decade demonstrates the significance of the policy determination involved. A rulemaking process would provide procedural safeguards to the decision process, would develop a clear record, and would allow judicial review if appropriate. Publishing new guidance would have the practical effect of imposing the burdens described above, perhaps with unintended consequences, without first using the thorough procedures of rulemaking.

The appropriate procedure for setting policy in a matter this important and controversial is a rulemaking. EPA and the Corps should not publish the new guidance before going through the rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Catlin". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Terry Catlin
Chair

TC:LM:pb



ROGERS-LOWELL AREA Chamber of Commerce

Growing Business. Building *Community*.

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

Re: Docket No. EPA-HQ-OAR-2011-0044

RECEIVED
2011 JUL -5 PM 12:30
OFFICE OF THE
EXECUTIVE SECRETARIAT
June 24, 2011

Dear Administrator Jackson,

The Rogers-Lowell Area Chamber of Commerce has serious concerns about the impact on our more than 1,900 members by new regulations being considered by the Environmental Protection Agency for the nation's coal-fired power plants. Being responsible stewards of the environment is an important duty that we all share, but we must also use common sense and take into consideration economic and fiscal impacts before making rush judgments whose achievements are minimal and costs are excessive.

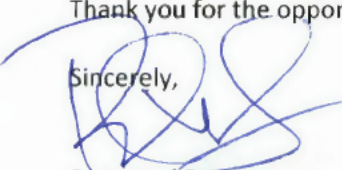
Electricity is a major expense for most businesses especially our manufacturing industry in Northwest Arkansas. Our manufacturers are competing on a global stage and cannot succeed if the cost of doing business continues to escalate beyond reasonable levels. There is a method to implement new regulations that address the EPA's concerns while minimizing the impact to business and allowing our members to remain competitive.

The primary issue with the proposed regulations is the three-year compliance deadline. It takes longer than three years to design, fabricate and install much of the equipment that would be needed to meet the rules. Power companies throughout the country will be vying for the same pool of labor to fabricate the new equipment and build the plants. This high demand for labor and materials could cause costs to soar. Projections show that these additional regulations and the proposed implementation schedule will increase electricity costs by up to 23% in Arkansas. Imposing this level of cost increase on our businesses could be the difference between success or failure for many – especially those utility-intensive manufacturers, which are already under tremendous pressure.

Instead of requiring compliance with these new regulations within three years, it makes more sense to phase them in over a slightly longer time period. With a 2020 deadline to comply with the exact same regulations, the transition to a cleaner environment with much lower power plant emissions would be more coordinated, efficient and cost effective. Please consider these dynamics as you devise the final rules. There is no reason to burden our economy with costs that can be avoided by being flexible and cooperative. A strong economy is the best tool we have to protect our environment and our future.

Thank you for the opportunity to comment.

Sincerely,


Raymond Burns
President and CEO

317 West Walnut • Rogers, Arkansas 72756
Phone 479.636.1240 • Fax 479.636.5485
www.RogersLowell.com

506 Enterprise, Ste. 102 • Lowell, Arkansas 72745
Phone 479.770.4400 • Fax 479.770.0210
www.RogersLowell.com



The City of Carthage

RECEIVED

CARTHAGE, TEXAS

CARSON JOINES
MAYOR

2011 JUL -5 PM 12:55

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, DC 20460
June 20, 2011

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

I represent the City of Carthage and write to express my concern about new environmental proposals that will affect the price of electricity.

My citizens understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utility that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

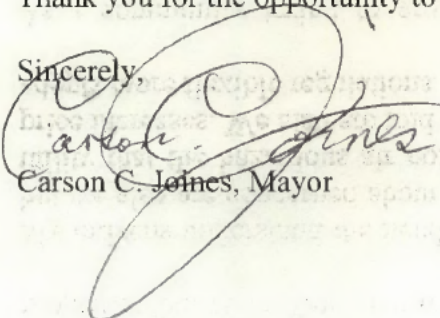
As a community trying to grow jobs and business investment, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity can cost some of our existing businesses thousands of dollars and can mean the difference between profit and loss, adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our communities, our businesses, and our nation.

Thank you for the opportunity to comment.

Sincerely,


Carson C. Joines, Mayor

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, DC 20460
June xx, 2011

RECEIVED

2011 JUL -5 PM 12:44

OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

On behalf of Stonewall, Louisiana Town Council and our citizens, I am writing to express our concerns about new environmental proposals that will affect the price of electricity.

We understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utilities that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

For the public sector, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity will cost the city and our citizens tens, if not hundreds, of thousands of dollars and can mean the difference between economic vitality and adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply. We suggest that you extend the time to adopt any proposed rules until 2020 to spread the impact of these changes over a longer time frame.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our businesses, our communities, and our nation.

Thank you for the opportunity to comment.

Sincerely,


Mayor Charles Waldon

July 5, 2011

RECEIVED

2011 JUL -6 AM 7:59

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

We, the undersigned members of the National Academy of Sciences, write today to voice our concern over the latest proposal from the U.S. Environmental Protection Agency (EPA) to further expand its regulatory coverage over transgenic crops in a way that cannot be justified on the basis of either scientific evidence or experience gained over the past several decades, both of which support the conclusion that molecular modification techniques are no more dangerous than any modification technique now in use. The increased regulatory burdens that would result from this expansion would impose steep barriers to scientific innovation and product development across all sectors of our economy and would not only fail to enhance safety, but would likely prolong reliance on less safe and obsolete practices.

Twenty-five years ago, on June 26, 1986, the Office of Science and Technology Policy (OSTP) put forth a policy statement that created a "Coordinated Framework for the Regulation of Biotechnology" in the United States. At the time the Coordinated Framework was articulated, a degree of caution seemed reasonable, while seeking to achieve "a balance between regulation adequate to ensure health and environmental safety while maintaining sufficient regulatory flexibility to avoid impeding the growth of an infant industry". At that time it was acknowledged that the framework should be "expected to evolve in accord with the experiences of the industry and the agencies, and, thus, modifications may need to be made".

Since then, extensive research, coupled with years of experience, led to the conclusion that there is no scientific basis to single out plants produced by transgene insertion for a special regulatory review, nor to distinguish these products from others on the basis of the process used to create them. There is now abundant evidence that the most appropriate regulatory approach would be to require review only of truly novel traits introduced into plants without regard to the methods used for their introduction. Yet the regulatory apparatus in the U.S. has increasingly moved in the opposite direction towards ever greater regulation and increased data requirements for transgenic plants, despite the abundant accumulation of data attesting to their safety.

The scientific community has a strong interest in keeping regulations science-based and commensurate with the risk of the products at issue. This past March, EPA announced in the Federal Register a draft proposed rule to codify data requirements for plant incorporated protectants (PIPs). This draft was forwarded by EPA to the U.S. Department of Agriculture (USDA), Department of Health and Human Services and Congress for review in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act. Based on initial reviews of that draft proposal and recent EPA actions associated with biotechnology-derived crops, it is clear that the Agency is departing from a science-based regulatory process, walking down a path towards one based on the controversial European "precautionary

principle" that goes beyond codifying data requirements for substances regulated as PIPs for the past 15 years.

We are particularly troubled by proposals to expand EPA's current oversight into areas such as virus resistance and weediness that have been adequately addressed by USDA since 1986. Already, EPA has expanded its oversight into virus resistance, which previously had been the purview of USDA's Animal and Plant Health Inspection Service (APHIS) and which EPA prudently proposed in 1994 to exempt from its regulations. With the draft proposed rules, EPA would further expand its regulations and data demands to other areas historically covered by USDA-APHIS without the slightest justification based on either data or experience.

It is most troubling that EPA is also proposing to increase its regulation to cover matters which are still not deemed to be threats even after years of study, such as potential gene transfer from plants to soil microorganisms. In other actions, EPA has expressed its right to regulate plants engineered for altered growth (e.g., by suppression of ethylene production), the same way it regulates synthetic plant growth regulators. The Agency does so based on a generous interpretation of the enabling legislation, despite the absence of any scientifically credible hazard.

Such an expansion in regulatory purview would reverse long established and highly successful policy under the Coordinated Framework. Such a shift would (1) create a duplicative regulatory system for very low risk products delivering substantial, demonstrated environmental benefits; (2) increase costs, reduce efficiency and prolong the review timelines thereby discouraging innovation; (3) dramatically increase the hurdles already facing academic institutions and companies attempting to improve so-called minor use or specialty crops through modern biotechnology; and (4) adversely impact trade in safe and wholesome commodities produced by U.S. growers because of the stigma attached to anything characterized as a "pesticide" — a regulatory label for DNA that is unique to the U.S. — and with no concomitant increase in product safety. In addition, any expansion in regulatory oversight not resulting from documented risk could have global ramifications, as policymakers in other countries routinely consider U.S. policymakers as leaders in the regulation of crops derived from biotechnology.

Indeed, it is astonishing that EPA would attempt such an expansion of its regulatory activity in this sphere. We now have more than 25 years of experience with biotechnology-derived crop plants. None of the hypothetical risks articulated at the dawn of this era has been realized and caused new environmental problems. On the contrary, billions upon billions of meals derived from these crops have been eaten by humans and livestock around the world with no ill effects. Moreover, environmental impacts of production agriculture and the carbon footprint of agriculture have been significantly reduced through the use of transgenic crops. At the same time, farmers have benefited economically, socially, and through improved health. These indisputable results make a compelling case that existing regulatory burdens should be reduced and refocused. There is absolutely no justification in either scientific data or experience for the regulatory expansion proposed by EPA.

Over the last two decades, advances in sequencing and genomic analysis have revealed that biotechnology is more precise and less disruptive to the genome than traditional plant breeding. In point of fact, recent genomic, proteomic and metabolomic comparisons of varieties bred through conventional and transgenic methods demonstrate that transgenic plants with incorporated novel traits more closely resemble the parental variety than do new varieties of the same plant produced by more

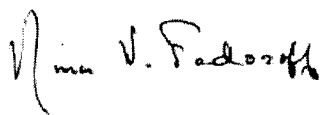
traditional breeding or mutagenesis techniques. These findings confirm that transgene insertion is not inherently risky nor does it present new and greater hazards than conventional plant breeding.

In conclusion, recent EPA actions signal an intent to expand the Agency's regulatory oversight into products regulated by USDA for over two decades and to products for which there has never been a justification for regulation. These actions are not only inconsistent with regulatory directives mandated by the current Administration, they also erode the integrity of the Coordinated Framework. Such expanded regulation would serve only to increase costs, hinder research, undermine the long-term viability of public university research programs, and limit product development from the private sector. The proposed actions would threaten our ability to produce high quality food at an affordable price and feed a growing population. They would also weaken the competitive advantage of U.S. public research programs in the global research arena, all with no increase in safety for consumers, farmers, or the environment — indeed, the contrary would be the case in many instances.

The academic community is committed to ensuring that the environmental and food safety benefits of biotechnology-derived plants continue to accrue, and it is essential that all agencies respect the scientific basis for regulation and division of regulatory responsibilities established by the Coordinated Framework. It is critical that regulations focus on scientifically demonstrated hazards, rather than being driven by issues of perception or political expediency. Therefore, Administrator Jackson, we urge you to reconsider the pending EPA regulatory actions and limit the rulemaking proposal to requirements for substances that have traditionally been regulated by EPA as PIPs, and then to only those requirements that are fully justified on the basis of safety and sound science.

I sign this letter on behalf of the more than 60 members of the U.S. National Academy of Sciences listed below. The list includes many of America's most eminent biological scientists, including Nobel Laureates Dr. James Watson and Dr. Günter Blobel.

Sincerely,

A handwritten signature in black ink that reads "Nina V. Fedoroff". The signature is written in a cursive style with a large initial "N".

Dr. Nina V. Fedoroff
Member, National Academy of Sciences
2006 National Medal of Science Laureate
Science and Technology Adviser to the Secretary of State and to the Administrator of
USAID, 2007-10
Evan Pugh Professor, Pennsylvania State University
Huck Institutes of the Life Sciences
211 Wartik
State College, PA 16801
nvf1@psu.edu



Correspondence Management System

Control Number: AX-11-001-0800

Printing Date: July 07, 2011 02:01:17



Citizen Information

Citizen/Originator: Johnson, Harvey

Organization: City of Jackson Mississippi

Address: 219 South President Street Post office Box 17, Jackson, MS 32505-0017

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0800

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 21, 2011

of Extensions: 0

Letter Date: Jul 1, 2011

Received Date: Jul 7, 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: Daily Reading File EPA allow Mississippi the flexibility in determining the most cost-effective combination of collection system repairs and upgrades, and treatment plant repairs and upgrades necessary to comply with its NPDES permit.

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

Instruction Note: N/A

General Notes: N/A

CC: Lisa Garcia - OECA-OEJ

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OGC - Office of General Counsel -- Immediate Office

OP - Office of Policy

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R4	Jul 7, 2011	Jul 21, 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.			

Office of the Mayor
Harvey Johnson, Jr., Mayor



July 1, 2011

219 South President Street
Post Office Box 17
Jackson, Mississippi 39205-0017
Telephone: 601-960-1084
Facsimile: 601-960-2193

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 JUL -6 PM 2:22

RECEIVED

RE: City of Jackson, Mississippi

Dear Administrator Jackson:

As Mayor of the City of Jackson, Mississippi, I am writing to ask for your assistance in extending the length of the compliance schedule to be imposed upon the City to fulfill its obligations under the Clean Water Act (CWA) consent decree that is now being negotiated. I also ask for your consideration in setting any civil penalty that the United States determines to assess for asserted violations of the CWA in the operation and maintenance of the City's wastewater collection and treatment system, which serves both the City and surrounding communities in Hinds, Madison, and Rankin counties in our metropolitan area.

I feel very strongly that the increases in the City's sewer rate structure that would be necessary to implement the mandates of the proposed consent decree would impose a harsh and disproportionate burden on the City's low-income families. Because of both the increasing percentage of our disadvantaged families among our overall population and their distressingly low incomes, I am very concerned that implementation of the currently proposed consent decree using rote, rigid computer models would result in gross inequities for those least able to shoulder the financial load.

During your visit to Jackson in January, 2010, I presented a detailed briefing on the extremely difficult issues the City faces. As you may recall, the City has been experiencing decreasing population since 1980 as more affluent residents move to the surrounding suburbs. In 1980, Jackson's population topped 200,000, but has since declined to 173,514, a loss of nearly 30,000 persons. This loss is even more profound when set against the population growth in the surrounding suburban communities, including Ridgeland, Madison, Flowood, Brandon, Pearl, and Madison and Rankin Counties, generally.

The Honorable Lisa P. Jackson
July 1, 2011
Page Two

For the most part, suburban areas typically have a significantly lower burden of repairing and replacing infrastructure than adjacent urban areas. New infrastructure—roads, water lines, and sewer lines—is added in those areas by the developers who are constructing new subdivisions and commercial developments. But within the urban areas, which are mostly mature and previously developed, the developers who city leaders are able to attract do not expect to incur the cost of replacing the existing infrastructure. Consequently, urban taxpayers and rate payers are saddled with the burden of repairing and replacing crumbling infrastructure.

The City of Jackson has water lines in its downtown area that are nearly one hundred years old. Many sewer lines, while not as old, are decades beyond their intended life. Moreover, streets may be overlaid only so many times before they must be rebuilt. The expense of replacing these streets is compounded by the requirement that sidewalks must be installed or replaced to comply with the Americans with Disabilities Act. Ultimately, it is the lower income households remaining within the City who are asked to bear the brunt of the expense for bringing the City's overloaded and deteriorating infrastructure into compliance with federal laws and regulations.

In Jackson, the median household income (MHI) is only \$31,748, compared to a national MHI of \$50,020. According to the American Community Survey Estimates for 2005-2009 compiled by the U.S. Census Bureau, nearly 27% of the City's population lives below the poverty level. The percentage is even more distressing for children, of whom 39% live below the poverty level. Of the City's families with related children under 18 years old, 31.7% live below the poverty level. Of families with related children under 5 years old, the percentage rises to 34.2%. These numbers paint a stark, bleak picture, and calls to question the ability of our poorest families to bear the potentially crushing burden of the rate hikes that will become necessary under the consent decree currently being negotiated.

The October 28, 2010 report by the United States Conference of Mayors (USCM), Local Government Recommendations to Increase CSO/SSO Flexibility in Achieving Clean Water Goals (the "Recommendations"), points to several strategies available to EPA that would acknowledge the burden that the proposed consent decree would impose on taxpayers and ratepayers within the City. Rather than arbitrarily applying the 'ability to pay' formula using 2% of MHI as the key benchmark, EPA has the authority to apply a lesser percentage (1.5% or even 1%), which would take into account the large number of the City's families living below the poverty level.

In Jackson's Financial Capability Assessment, we estimated that the annual cost per ratepayer necessary to pay for increased operation and maintenance costs and capital costs would be \$703.00. For a family of four living below the poverty level of \$22,350, this amounts to 3.1% of their annual income. Consequently, a benchmark of 2% of MHI

The Honorable Lisa P. Jackson
July 1, 2011
Page Three

does not accurately reflect the disproportionate burden that would be imposed on the third of our families with children living below the poverty level.

While EPA's conventional analysis should place Jackson in the high burden category of the capability assessment matrix, it still fails to adequately recognize the real burden imposed on our poor. As already noted above, for a third of our families—those living below the poverty level—the percentage of their income that would be allocated to pay their sewer bill would be at least 3.1%. This amount must also be considered in the context of the City's need to again increase water rates to pay for essential improvements in our water system. The City has already increased water rates by over 100% since 1997. Due to the City's aging water distribution system, during the harsh winter of 2010, Jackson lost water service as a result of numerous, significant breaks in water lines. Thus, when the needs for water and sewer system improvements are combined, the percentage of household income devoted to these improvements could easily exceed 5%, which, would be an unbearable burden on our residents living below the poverty level.

I ask you that EPA take these factors into consideration as it evaluates the length of the compliance schedule in the proposed consent decree. To relieve the burden placed on the large number of poor ratepayers in our City, EPA should allow us at least 20 years to bring our sewage collection and treatment system into an appropriate level of compliance. Indeed, under your leadership, EPA has already approved compliance schedules reaching 25 years. Consideration of these factors is the type of flexibility the USCM Recommendations report suggests, and which EPA's December 8, 2010 response letter from Cynthia Giles acknowledges as appropriate. I ask only that EPA consider the totality of the circumstances the City is facing in determining the amount of time allowed for compliance with the mandates of the proposed consent decree.

Also, the proposed consent decree would impose an undue burden on poor taxpayers and ratepayers if an excessive civil penalty is levied and stipulated penalties are imposed without recognition of the realities of the present state of the City's wastewater collection and treatment system. I ask that you exercise your utmost discretion in calculating the amount of any proposed civil penalty and stipulated penalties schedule in the proposed consent decree.

Further, I ask that, in going forward with implementation of any consent decree that is ultimately finalized, EPA allow the City flexibility in determining the most cost-effective combination of collection system repairs and upgrades, and treatment plant repairs and upgrades that will be necessary to comply with its NPDES permit. This flexibility must begin with the permit itself. The new permit currently proposed by the Mississippi Department of Environmental Quality (MDEQ) is flawed, because it is rooted in a flawed TMDL. We have asked MDEQ to conduct a segment-specific TMDL and a mixing zone

The Honorable Lisa P. Jackson

July 1, 2011

Page Four

study to determine if the proposed permit limits accurately reflect the loading necessary to protect water quality in the Pearl River at Jackson. We are hopeful that conducting these studies will yield reasonably achievable NPDES permit limits.

While premature at this point because the requested studies have not been done, we believe that the studies could indicate the need for a Use Attainability Analysis (UAA) for this segment of the Pearl River, recognizing that compliance with even the existing water quality standards would result in "substantial and widespread economic and social impacts." This is one of the strategies suggested by the USCM Recommendations report that should be considered, if necessary. As a result of the current uncertainty as to the appropriate permit limits, which are not likely to be resolved before consent decree negotiations are complete, I ask that the existing permit be used as an interim permit. This strategy will allow MDEQ to conduct the requested studies and allow the City to complete the Phase 1 Comprehensive Performance Evaluation (CPE) for the Savanna Street Wastewater Treatment Facility.

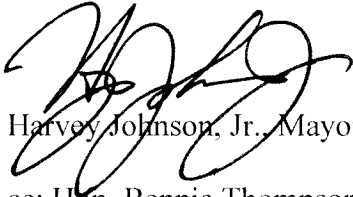
Additionally, I also ask that, as we develop strategies for each of the City's sewersheds during the Prioritization Work Plan phase and in determining the rehabilitation work to be done, EPA consider green infrastructure solutions to minimize episodic SSOs and mitigate the effects of any chronic SSOs. We ask for the flexibility to explore the possible role of green infrastructure as a cost-effective approach to some of the rehabilitation found to be necessary in the collection system.

The negotiations between the City of Jackson and EPA have proceeded thus far in an open, productive fashion in which those persons negotiating on behalf of EPA have listened attentively to presentations about the technical challenges the City faces. I am encouraged by the flexibility already shown by EPA on these technical issues, and I look forward to continuing that approach as we work to resolve the remaining technical issues and move forward together to finalize a consent decree that is fair, implementable, and affordable. We are also hopeful that EPA will exhibit the same degree of flexibility and openness as we confront the very difficult financial challenges the City faces.

Finally, Administrator Jackson, I deeply appreciate and support your passion for advancing the cause of Environmental Justice across our country, and all of us in Jackson were honored when you chose our City as the very first stop on your first national trip to launch what has already been hailed as the hallmark of your service as EPA Administrator. As you departed that day, you expressed your clear appreciation of our needs and circumstances, and your recognition that Jackson is a very significant Environmental Justice community. It is in that spirit of understanding and cooperation that I now ask again for your personal consideration and assistance.

The Honorable Lisa P. Jackson
July 1, 2011
Page Five

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Johnson, Jr.', written in a cursive style.

Harvey Johnson, Jr., Mayor

cc: Hon. Bennie Thompson, United States House of Representatives
Gwendolyn Keyes Fleming, Regional Administrator, USEPA Region 4
Bill Bush, Esq., USEPA Region 4
Karl Fingerhood, Esq., United States Department of Justice
Pieter Teeuwissen, Esq., City Attorney
Dan Gaillet, Director, Department of Public Works



DAILY READING FILE

7/

DAT

city of center

Office of the Mayor

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

June 29, 2011

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

I represent the City of Center and write to express my concern about new environmental proposals that will affect the price of electricity.

My citizens understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utility that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

As a community trying to grow jobs and business investment, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity can cost some of our existing businesses thousands of dollars and can mean the difference between profit and loss, adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our communities, our businesses, and our nation.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Chadwick', is written over the typed name.

David Chadwick
Mayor

2011 JUL -6 PM 2:21
OFFICE OF THE
EXECUTIVE SECRETARIAT
RECORDED



Correspondence Management System

Control Number: AX-11-001-0804

Printing Date: July 07, 2011 11:26:08



Citizen Information

Citizen/Originator: Nofs, Mike

Organization: Michigan Senate
Address: 19th District S-132 Capitol Building P.O. Box 30036, Lansing, MI
48909-7536

Constituent: N/A

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

Control Information

Control Number: AX-11-001-0804 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Jul 21, 2011 **# of Extensions:** 0
Letter Date: Jun 30, 2011 **Received Date:** Jul 6, 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- The Environmental Protection Agency tightened the ozone standard in 2008. The agency will now decide on a new standard in July. A poorly timed change to the ozone standard will place undue burden on Michigan's local governments and small businesses still attempting to navigate a meager economic climate.

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
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jul 7, 2011	Jul 21, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A



Michigan Senate

MIKE NOFS

State Senator

June 30, 2011

COMMITTEES:
ENERGY AND TECHNOLOGY, CHAIR
BANKING AND FINANCIAL INSTITUTIONS, VICE CHAIR
ECONOMIC DEVELOPMENT
FAMILIES, SENIORS AND HUMAN SERVICES

19TH DISTRICT
S-132 CAPITOL BUILDING
P.O. BOX 30036
LANSING, MI 48909-7536
PHONE: (517) 373-2426
TOLL-FREE: (888) 962-6275
FAX: (517) 373-2964
senmnofs@senate.michigan.gov

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

Dear Administrator Jackson,

The Environmental Protection Agency tightened the ozone standard in 2008. I understand that the agency will now decide on a new standard in July. I would respectfully encourage you not to set a new standard so close on the heels of the 2008 decision.

Parts of Michigan are still struggling to attain the 2008 level. A poorly timed change to the ozone standard will place undue burden on Michigan's local governments and small businesses still attempting to navigate a meager economic climate.

Michigan has been severely affected by the recession. With one of the nation's highest unemployment rates, we are making every effort to bring businesses and jobs to Michigan. A new regulatory mandate that involves the kinds of burdens we have realized in fulfilling the past two ozone decisions would stymie our efforts.

I have seen estimates that project Michigan will lose more than 100,000 jobs and tens of billions of dollars in domestic product if this standard is put in place. These numbers are not surprising considering the onerous administrative and procedural requirements necessary for compliance.

Our priority right now is to create a business-friendly environment while maintaining the environmental progress that Michigan, with the EPA's leadership, has achieved. I do not believe, however, that this is the time for new mandates. Thank you for your time and consideration. If you would like to discuss this issue further, please do not hesitate to contact me.

Sincerely,

MIKE NOFS
State Senator
District 19

CC: Michigan Congressional Delegation
Mr. William M. Daley, Assistant to the President & Chief of Staff
Ms. Valerie Jarrett, Office of Public Engagement & intergovernmental Affairs

2011 JUL -6 PM 2:21
RECEIVED
OFFICE OF THE
EXECUTIVE SECRETARIAT





Correspondence Management System

Control Number: AX-11-001-0806

Printing Date: July 07, 2011 11:34:17



Citizen Information

Citizen/Originator: Sewell, Judy

Organization: Henderson Area Chamber of Commerce

Address: 201 North Main, Henderson, TX 75652

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0806

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 21, 2011

of Extensions: 0

Letter Date: Jun 29, 2011

Received Date: Jul 6, 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: Daily Reading File- I represent the Henderson Area Chamber of Commerce and write to express my concern about new environmental proposals that will affect the price of electricity.

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
R6 - Region 6 -- 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	Jul 7, 2011	Jul 21, 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

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

RECEIVED
2011 JUL -6 PM 2:21
OFFICE OF THE
EXECUTIVE SECRETARIAT

June 29, 2011

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

I represent the Henderson Area Chamber of Commerce and write to express my concern about new environmental proposals that will affect the price of electricity.

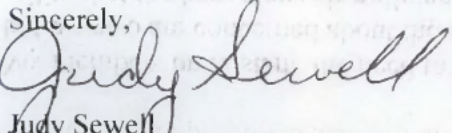
My members understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utility that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

As our community tries to grow jobs and increase business investment, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity can cost some of our existing businesses thousands of dollars and can mean the difference between profit and loss, adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our communities, our businesses, and our nation.

Thank you for the opportunity to comment.

Sincerely,

Judy Sewell
Executive Director



Correspondence Management System

Control Number: AX-11-001-0808

Printing Date: July 07, 2011 11:29:40



Citizen Information

Citizen/Originator: Fuzz, J.W.

Organization: City of Henderson
Address: 400 West Main Street, Henderson, TX 75658-3099

Constituent: N/A

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

Control Information

Control Number: AX-11-001-0808 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Jun 29, 2011 Received Date: Jul 7, 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 represent the City of Henderson, Texas and write to express my concerns about new environmental proposals that will affect the price of electricity
 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
 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	Jul 7, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Jul 7, 2011



City of Henderson
400 West Main Street
Henderson, Texas 75652-3099

Telephone: (903) 657-6551
Fax: (903) 657-7327
www.hendersontx.us

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, DC 20460
June 29, 2011

RECEIVED
2011 JUL -6 PM 2:21
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

I represent the City of Henderson, TX and write to express my concern about new environmental proposals that will affect the price of electricity.

My citizens understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utility that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

As a community trying to grow jobs and business investment, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity can cost some of our existing businesses thousands of dollars and can mean the difference between profit and loss, adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our communities, our businesses, and our nation.

Thank you for the opportunity to comment.

Sincerely,

J.W.(Buzz)Fullen
Mayor
City of Henderson TX

A handwritten signature in blue ink, appearing to read "J.W. Fullen". The signature is fluid and cursive, with the first name "J.W." and the last name "Fullen" clearly distinguishable.



Correspondence Management System

Control Number: AX-11-001-0855

Printing Date: July 07, 2011 03:40:29



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	GCERTF	Jul 7, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to GCERTF	Jul 7, 2011

Comments

Commentator	Comment	Date
No Record Found.		

June 22, 2011

2011 JUL -6 PM 2: 21

Administrator Lisa Jackson
Chair, Gulf Coast Ecosystem
Restoration Task Force
Environmental Protection Agency
Washington, D.C.

OFFICE OF THE
EXECUTIVE SECRETARIAT

The undersigned owners, operators, employees and supporters of the commercial and for-hire fisheries industries in coastal Alabama and Mississippi share the goals advocated by the Gulf Coast Ecosystem Restoration Task Force (GCERTF), including replenishing and wisely managing the use of our living coastal and marine resources, restoring water quality, restoring and conserving habitat and enhancing the resiliency of our communities. The Gulf of Mexico working waterfront industries rely on the bounty of coastal and Gulf waters. We, more than anyone else perhaps, want healthy and sustainable fisheries. A healthy ecosystem means a healthy economy. This has never been clearer than in the wake of the Deepwater Horizon spill. We endorse the restoration of natural habitats that will help sustain our local economies over the short- and long-term. We also recognize the importance and need for high quality water in our inland, estuarine, coastal, and offshore waters. Our livelihoods depend upon it, as many of us spend a good part of our lives on and in these waters. Productive, healthy ecosystems make our communities more resilient and sustainable, putting us in a stronger position to survive current and future challenges.

Collectively, we have identified a number of major core values that we believe need to guide the GCERTF final recommendations. First and foremost, we want to make our communities stronger and better than before the oil spill. We take pride in who we are and what we do. We sincerely want to see actions taken that will lead to our communities being more environmentally, economically and culturally sustainable because sustainable communities are the foundation of resilient communities. To do this, we would like to see the public's confidence in our seafood restored, and we would like our Gulf seafood and the commercial and for-hire fisheries-related businesses that rely upon it to be celebrated as world-class. We want a balanced fisheries management and regulations system that allows for genuine input from the fishermen and the fisheries-related industry. We want to have access to the best available scientific information to inform the decision making process.

We propose the following measures of success for any actions recommended by the GCERTF. Any restoration program undertaken should benefit the environment, economy and the diverse coastal culture. For any project, we propose using the creation of long-term jobs, increased profits, and/or customers added to improve the financial security of those involved in the working waterfront as a measure of success. The success of projects should also be measured using indicators of well-being of those families and communities who are the first to suffer the effects of disasters, downturns in the economy, international competition or other risks.

We fully recognize the importance of the healthy ecosystems within the Gulf of Mexico and welcome the use of Natural Resource Damage Assessment funds to repair the ecological damage done by the Deepwater Horizon oil spill. Here, however, we want to emphasize that this was a disaster for our region, both environmentally and economically. We are the industries, communities and people that truly depend upon the Gulf of Mexico ecosystems to survive and are the most vulnerable when the ecosystem is damaged. We urge the GCERTF to consider allocating significant resources from any Clean Water Act penalty funds returned to the Gulf of Mexico to those projects that directly support our fisheries and fisheries-related businesses.

Specifically, we recommend the following new programs and actions:

1. Modernize the fisheries industry and supporting infrastructure to incorporate more innovative technologies that strengthen the global competitiveness of the Gulf seafood industry and implement additional seafood safety education and training programs for commercial and for-hire fishermen and seafood processors.
 - a. Establish a Fisheries Loan/Grant Program that will enable commercial and for-hire fishermen, seafood processors and related businesses to modernize their facilities and utilize scientific innovation to add value to their products to compete locally, regionally, nationally or globally. (e.g. Cape Ann Commercial Fisherman's loan program in Gloucester, MA)
 - b. Develop and deploy Fish Attraction Devices (FADs) that will increase habitat to bolster commercial and for-hire fishing for reef and pelagic species.
 - c. Train and pay fishermen to be first responders during natural disasters. (e.g. Alyeska Pipeline Service Company's Ship Escort Response Vessel System)
 - d. Support sustainable aquaculture development to include finfish and oyster farming.
2. Develop an endowment fund to monitor the natural resources and fisheries management.
 - a. Include a competitive grant program for university-based research to address local issues of regional importance to enhance global competitiveness.
 - b. Include fishermen and the fisheries-related industry in the research and restoration projects that will be conducted (e.g. NC Sea Grant Fishery Research Grant Program).
3. In accordance with recommendations made to the Alabama Legislature by its legislative committee, the Waterfront Access Study Committee.
 - a. Fund working waterfront inventories and encourage state and local municipalities and governments to incorporate working waterfront needs into their comprehensive and/or land use plans.
 - b. Establish a loan/grant program to implement water quality best management practices for marinas and other water dependent businesses.
 - c. Encourage local and regional planning commissions to include a balanced long-term planning process to ensure public property rights are maintained while providing the necessary public waterfront access and/or facilities, such as boat access, docks and wharves.
 - d. Support development of Safe Harbor facilities that would provide protected areas for mooring fishing boats during a hurricane or other natural disasters. The Safe Harbor will also prevent damage from fishing vessels on shore-based infrastructure.

To accomplish these programs, we recognize the need for and we support several key policy changes that include returning a large share of the Clean Water Act penalties to the Gulf of Mexico region.

We thank the members of the GCERTF for their sincere concern for and dedication to the Gulf of Mexico and those of us who live and work here. We thank you for your willingness to listen to the input from all of us that have been affected. We look forward to working together to implement these recommendations that will provide for a productive, healthy and sustainable future.

Respectfully submitted,

Eat Alabama Wild Shrimp
Brett Dungan, Chairman

American Shrimp Processors Association
David Veal, Executive Director

Bryant's Seafood
Glen Bryant, Owner

Wallace Seafood Trader, Inc.
Brent Wallace, Owner

Carolyn and Rusty Wood
Commercial Fishermen

**Zeke's Landing Marina &
Zeke's Charter Fleet**
Tom Steber, General Manger

Mississippi-Alabama Sea Grant Consortium
LaDon Swann, Director

City of Gulf Shores
Robert Craft, Mayor

Phillip West
Coastal Resources Manager
City of Orange Beach

Organized Seafood Association of Alabama
Ernie Anderson, President

Bon Secour Fisheries
Chris Nelson, Vice President

Alabama Seafood Association
Pete Barber, President

Master Marine, Inc.
Steven Roppoli

Gulf Shores and Orange Beach Tourism
Herb Malone, President and CEO

**Auburn University Marine Extension and
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LaDon Swann, Director

Town of Dauphin Island
Jeff Collier, Mayor

Charter "Necessity"
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Catalyst for Improving the Environment

Audit Report

Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency

Report No. 11-P-0315

July 6, 2011

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Abbreviations

ACS	Annual Commitment System
BPI	Business process improvement
CWA	Clean Water Act of 1972
ECOS	Environmental Council of the States
EPA	U.S. Environmental Protection Agency
FY	Fiscal year
ICIS-NPDES	Integrated Compliance Information System for the National Pollutant Discharge Elimination System
MOU	Memorandum of understanding
NEPPS	National Environmental Performance Partnership System
NPDES	National Pollutant Discharge Elimination System
NPM	National program manager
OECA	Office of Enforcement and Compliance Assurance
OIG	Office of Inspector General
OP	Office of Policy
OW	Office of Water
PCS	Permit Compliance System
PQR	Permit Quality Review
SRF	State Review Framework

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1200 Pennsylvania Avenue NW
Mailcode 8431P (Room N-4330)
Washington, DC 20460



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We conducted this audit to determine what improvements from the Region 7 Kaizen event for the National Pollutant Discharge Elimination System (NPDES) program can be applied on a wider scale, what barriers existed in the development and implementation of event results, and what lessons were learned from the event.

Background

In August 2008, U.S. Environmental Protection Agency (EPA) headquarters, Region 7, and Region 7 states conducted a Kaizen (i.e., rapid process improvement) event to improve the effectiveness and efficiency of the NPDES program. The event resulted in redesigned processes for planning inspections and issuing permits that better address crucial technical issues and provide for greater collaboration between EPA and states.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2011/20110706-11-P-0315.pdf

Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency

What We Found

Although Region 7 NPDES Kaizen event participants continued to follow up on the commitments and action items identified, no single authority was responsible for tracking the process improvement outcomes. Also, EPA did not have a process to develop and track quantifiable results and outcomes from the event. Further, EPA encountered barriers involving scope, performance measures, implementation, and accountability when planning the Kaizen event. While EPA and states collaborated to create guidance for Kaizen events, such as the lean starter kit and primer, EPA did not, nor was it required to, use them to assure that barriers were overcome in the execution of the Region 7 event.

The EPA Administrator's January 2010 memorandum, "Our Top Priorities," as well as other recent EPA and state initiatives, discuss the need to improve internal operations and/or conduct more Kaizen events with the states to more efficiently protect the environment and public health. The Region 7 Kaizen event for the NPDES program identified three process improvements (resolution of technical issues and communication, permitting and enforcement oversight reviews of states, and annual strategic planning) and one implementation action (data collection and reporting) that can potentially be implemented in other regions. Agency-wide permitting process changes could result in better communication; time and cost savings in the states; and avoidance of duplicate inspections, reviews, and data reporting. Using lessons learned from the Region 7 Kaizen event can increase the potential benefits achieved in future process improvement efforts.

What We Recommend

We recommend that the Deputy Administrator direct the Office of Water and Office of Enforcement and Compliance Assurance to identify process improvements from the Region 7 Kaizen event that can be applied elsewhere. We further recommend that the Deputy Administrator direct the Office of Policy to develop a national policy on how to plan, design, and implement business process improvement events; and direct the 10 regions to work with the Offices of Water, Enforcement and Compliance Assurance, and Policy to implement recommended process improvements. In replying to the draft report, the Deputy Administrator agreed with applying the results more widely but did not fully respond to our recommendations on developing national policy.