

01268-EPA-1590

Janet McCabe/DC/USEPA/US

02/11/2012 02:46 PM

To Richard Windsor

cc Gina McCarthy, Sarah Pallone

bcc

Subject Re: Re: Call w Gov Markell

Administrator, here is some background on the rule:

This rule will limit emissions of air toxics from polyvinyl chloride and copolymer production (PVC production) facilities. PVC production includes the manufacture of resins that are used to make a large number of commercial and industrial products at other manufacturing facilities (e.g., latex paints and rigid plastics). The final rule would replace the PVC production rule that EPA issued in July 2002. That rule was vacated by the D.C. Circuit Court as a result of a petition from environmental groups. EPA will also issue a final rule that amends the existing air toxics rule for area source PVC production facilities that was issued in 2007.

Like other rules, this is data driven--the standards are based on data from existing sources. Industry was quite concerned with the limits we proposed, but provided significant additional information and data during the comment period. (b)(5) d.p.

I hope that's helpful--let me know if you have other specific questions and I will run down answers....

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 02/11/2012 01:53PM
Subject: Re: Call w Gov Markell

Sure. I'd like to speak to him by 3 pm please. Tx.

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

From: Janet McCabe
Sent: 02/11/2012 01:39 PM EST
To: Sarah Pallone; Richard Windsor; Gina McCarthy
Subject: Re: Call w Gov Markell

(b)(5) d.p.

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

From: Sarah Pallone
Sent: 02/11/2012 01:23 PM EST
To: Janet McCabe
Subject: Fw: Call w Gov Markell

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

From: Richard Windsor
Sent: 02/11/2012 01:20 PM EST
To: Sarah Pallone
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Subject: Re: Call w Gov Markell

I will call him. Gina - did I sign this yesterday?

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

From: Sarah Pallone
Sent: 02/11/2012 12:13 PM EST
To: Richard Windsor
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]
Sent: 02/11/2012 04:09 PM GMT
To: Sarah Pallone
Subject: Re: Call w Gov Markell

Fyi- his cell doesn't have service at his home, so she should try the home line first. Thanks!

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From: Wier Missy (Governor)
To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>
Sent: Sat Feb 11 11:07:13 2012
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: (b) (6) or on his cell: (b) (6). Thank you so much.

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

From: Sarah Pallone <Pallone.Sarah@epamail.epa.gov>
To: Wier Missy (Governor)
Sent: Sat Feb 11 10:54:07 2012
Subject: Re: Call w Gov Markell

Missy,

I am waiting to hear back from Adm Jackson on her availability over the weekend. I know she would be happy to speak with the Gov. In the mean time, it would be best to get a number where she could call, as she will be likely doing it from home.

Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

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Missy

From: Sarah Pallone [Pallone.Sarah@epamail.epa.gov]
Sent: Friday, February 10, 2012 11:17 PM
To: Wier Missy (Governor)
Subject: Re: Call w Gov Markell

Hi Missy,

I'm sorry, just seeing this now. Is this an urgent request, or can the call be

scheduled next week?

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From: "Wier Missy (Governor)" [missy.wier@state.de.us]

Sent: 02/10/2012 09:04 PM GMT

To: Sarah Pallone

Subject: Call w Gov Markell

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01268-EPA-1592

Scott Fulton/DC/USEPA/US

To Richard Windsor

02/11/2012 07:02 PM

cc

bcc

Subject Fw: Portland Cement

Hiya -- I don't know why this can't wait (b)(5) d.p.

[Redacted]

-----Forwarded by Scott Fulton/DC/USEPA/US on 02/11/2012 06:58PM -----

To: Richard Windsor/DC/USEPA/US@EPA

From: Gina McCarthy/DC/USEPA/US

Date: 02/11/2012 03:22PM

Cc: "Scott Fulton" <Fulton.Scott@EPA.GOV>

Subject: Portland Cement

I hate to step on your weekend but is there a time for us to talk for 15-20 minutes so I can fill you in on (b)(5) d.p.

[Redacted]

At the end of this email is a background summary of the legal situation, but let me give you the even shorter version. Our delay in finalizing the definition of solid waste led the court to remand the final Portland Cement rule back to us for reconsideration. (b)(5) d.p.

[Redacted]

(b)(5) d.p.

[Redacted]

(b)(5) d.p.

[Redacted]

At this point (b)(5) d.p.

[Redacted]

[Redacted] ?

Background Summary: (b)(5) d.p.

[Redacted]

In the court decision issued in December the D.C. Circuit held that we had improperly denied reconsideration (with respect to the effect of the solid waste definition) of the NESHAP rule and remanded the rule to us to conduct such reconsideration. Under the CAA, sources that burn "solid waste", are considered to be incinerators.

Some cement kilns burn 'secondary materials' like tires as fuels. At the time we did the NESHAP, there

was no regulatory definition of solid waste that determined whether or not these secondary materials were solid waste. In proposing and promulgating the NESHAP, we noted this issue and said that we were classifying all cement kilns, including those burning secondary materials, as cement kilns.

After the NESHAP was promulgated, EPA issued a final definition of solid waste that had the effect of classifying some cement kilns as incinerators. PCA petitioned for reconsideration of the NESHAP arguing that the definition was new information of central relevance to the rulemaking and that it was impractical for PCA to have raised the issue to EPA during the rulemaking. We denied the petition.

Although it was a "very close" question as to whether PCA could have raised the issue during the rulemaking, the court held that the promulgated definition changed the landscape sufficiently as to allow the reconsideration petition. The court then held, in sharp language, that data from cement kilns which are incinerators cannot be used to establish standards for cement kilns, that EPA's post-NESHAP reclassification of cement kilns as incinerators was therefore relevant, and that the staggered timing of the parallel rulemakings (NESHAP and solid waste definition) did not alter this principle.

In denying reconsideration, we had analyzed the effect on the rule if incinerators were removed. We found that the effect on the standards would be minimal. Partially relying on this analysis that the rule would not be altered substantially by reconsidering this issue the court remanded our denial of reconsideration rather than vacating the rule. This leaves the rule in place. However, the court also "urge [d] EPA to act expeditiously on remand."

(b)(5) d.p.



01268-EPA-1593

Richard Windsor/DC/USEPA/US
02/13/2012 10:07 AM

To Sarah Pallone
cc Gina McCarthy, Janet McCabe
bcc
Subject Re: Call w Gov Markell

check in with Arvin for an update please. tx

Sarah Pallone Also the name of company: Formosa Pl... 02/11/2012 01:22:10 PM

From: Sarah Pallone/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Date: 02/11/2012 01:22 PM
Subject: Re: Call w Gov Markell

Also the name of company: Formosa Plastics

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

From: Richard Windsor
Sent: 02/11/2012 01:20 PM EST
To: Sarah Pallone
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Subject: Re: Call w Gov Markell

(b) (5) Deliberative ?

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

From: Sarah Pallone
Sent: 02/11/2012 12:13 PM EST
To: Richard Windsor
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]
Sent: 02/11/2012 04:09 PM GMT
To: Sarah Pallone
Subject: Re: Call w Gov Markell

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

From: Wier Missy (Governor)

To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>
Sent: Sat Feb 11 11:07:13 2012
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: (b) (6) or on his cell: (b) (6). Thank you so much.

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To: Wier Missy (Governor)
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Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

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01268-EPA-1594

Sarah Pallone/DC/USEPA/US To Richard Windsor
 02/13/2012 10:25 AM cc
 bcc
 Subject Re: Call w Gov Markell

Yes, have done so.
Richard Windsor

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

From: Richard Windsor
Sent: 02/13/2012 10:07 AM EST
To: Sarah Pallone
Cc: Gina McCarthy; Janet McCabe
Subject: Re: Call w Gov Markell

check in with Arvin for an update please. tx

Sarah Pallone	Also the name of company: Formosa Pl...	02/11/2012 01:22:10 PM
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 Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
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01268-EPA-1595

Sarah Pallone/DC/USEPA/US
 02/13/2012 12:12 PM

To Richard Windsor
 cc Arvin Ganesan
 bcc
 Subject Re: Call w Gov Markell

Administrator,

(b)(5) d.p.
 [Redacted]
 [Redacted] Janet
 McCabe and I will connect on the follow up.

(b)(5) d.p. [Redacted]. I will keep you
 informed on any follow up as well.

Sarah Hospodor-Pallone
 Deputy Associate Administrator
 for Intergovernmental Relations
 Office of the Administrator
 202-564-7178
 pallone.sarah@epa.gov

Richard Windsor check in with Arvin for an update plea... 02/13/2012 10:07:13 AM

From: Richard Windsor/DC/USEPA/US
 To: Sarah Pallone/DC/USEPA/US@EPA
 Cc: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
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Missy

From: Sarah Pallone [Pallone.Sarah@epamail.epa.gov]
Sent: Friday, February 10, 2012 11:17 PM
To: Wier Missy (Governor)
Subject: Re: Call w Gov Markell

Hi Missy,

I'm sorry, just seeing this now. Is this an urgent request, or can the call be scheduled next week?

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]
Sent: 02/10/2012 09:04 PM GMT
To: Sarah Pallone
Subject: Call w Gov Markell

Hi Sarah- hope you are well. Can you give me a call on my cell at your earliest convenience to discuss a time sensitive matter for Gov Markell? Thank you so much. My cell is (b) (6) .

To: Sarah Pallone/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 02/13/2012 10:07 AM
Subject: Re: Call w Gov Markell

check in with Arvin for an update please. tx

Sarah Pallone Also the name of company: Formosa Pl... 02/11/2012 01:22:10 PM

From: Sarah Pallone/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Date: 02/11/2012 01:22 PM
Subject: Re: Call w Gov Markell

Also the name of company: Formosa Plastics

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

From: Richard Windsor
Sent: 02/11/2012 01:20 PM EST
To: Sarah Pallone
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Subject: Re: Call w Gov Markell

(b)(5) d.p. ?

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

From: Sarah Pallone
Sent: 02/11/2012 12:13 PM EST
To: Richard Windsor
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]
Sent: 02/11/2012 04:09 PM GMT
To: Sarah Pallone
Subject: Re: Call w Gov Markell

Fyi- his cell doesn't have service at his home, so she should try the home line first. Thanks!

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

From: Wier Missy (Governor)
To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>
Sent: Sat Feb 11 11:07:13 2012
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: (b) (6) or on his cell: (b) (6). Thank you so much.

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

From: Sarah Pallone <Pallone.Sarah@epamail.epa.gov>
To: Wier Missy (Governor)
Sent: Sat Feb 11 10:54:07 2012
Subject: Re: Call w Gov Markell

Missy,

I am waiting to hear back from Adm Jackson on her availability over the weekend. I know she would be happy to speak with the Gov. In the mean time, it would be best to get a number where she could call, as she will be likely doing it from home.

Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]
Sent: 02/11/2012 02:22 PM GMT
To: Sarah Pallone
Subject: RE: Call w Gov Markell

Hi Sarah- Thanks for getting back to me. He would like to talk to her before the PVC MACT standards are finalized. I heard that is Monday, but let me know if it's later in the week. The reason is because we have a company in DE that has raised some very serious concerns with him about the impact that this could have on their DE plant, which would result in job losses. It would be very helpful if he could chat with her before that. Feel free to call my cell at any point this weekend if it would help to chat- (b) (6). Thanks so much for your help.

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Sent: Friday, February 10, 2012 11:17 PM
To: Wier Missy (Governor)
Subject: Re: Call w Gov Markell

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Subject: Call w Gov Markell

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01268-EPA-1601

Bicky Corman/DC/USEPA/US
02/15/2012 06:51 PM

To Richard Windsor
cc
bcc

Subject Fw: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

i have a 6:30 a.m flight tomorrow! (b) (6)

Bicky Corman
Deputy Associate Administrator
Office of Policy
U.S. Environmental Protection Agency
desk: 202-564-2202
cell: 202-465-5966
Corman.Bicky@epamail.epa.gov.

----- Forwarded by Bicky Corman/DC/USEPA/US on 02/15/2012 06:51 PM -----

From: Noah Dubin/DC/USEPA/US
To:
Date: 02/15/2012 06:17 PM
Subject: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

**Schedule for Lisa P. Jackson EPA Administrator
Thursday, February 16, 2012**

Notes:		
Drivers	Shift Leaders	Staff Contact
AM (b) (6)	AM (b) (6)	Elizabeth Ashwell
PM (b) (6)	PM (b) (6)	(b) (6)
08:00 AM - 09:15 AM	Out of Office	Out of Office
08:45 AM - 09:15 AM	Administrator's Office	FYI Daily Briefing
09:15 AM - 09:30 AM	Monroe Room, U. S. Department of State 2201 C Street, NW Washington, DC	Pre-Launch Meet and Greet State Ct: Jeff Miotke - 202-294-2545 Press: Closed Attendees: -Secretary Hillary Rodham Clinton -Administrator Lisa Jackson -Special Envoy Todd Stern -Minister Hasan Mahmud (Bangladesh)

-Minister Peter Kent (Canada)
 -Minister Juan Elvira (Mexico)
 -Minister Juan Elvira (Mexico)
 -Minister Lena Ek (Sweden)
 -Dr. G. Achim Steiner (UNEP)

09:30 AM - 10:15 AM	Benjamin Franklin Room U. S. Department of State	Short-lived Climate Forcers Launch with Secretary Clinton State Ct: Jeff Miotke - (b) (6) EPA Ct: Maurice LeFranc - (b) (6) Adv. Ct: Jeff Tate - (b) (6)
		<p>Press: Open</p> <p>Run of Show/Participants:</p> <ul style="list-style-type: none"> -Special Envoy Todd Stern welcomes everyone -The Administrator gives remarks -Minister Hasan Mahmud, Bangladesh, gives remarks -Minister Peter Kent, Canada, gives remarks -Ambassador Agyekum , Ghana, gives remarks -Minister Juan Elvira, Mexico, gives remarks -Minister Lena Ek, Sweden, gives remarks -Dr. Achim Steiner, UNEP, gives remarks -Secretary Clinton gives closing remarks (5-7 minutes in length) from the podium and the program concludes <p>Attendees: Invited guests, 200-300 people</p>
10:15 AM - 10:30 AM	State Dept.	Depart for Ariel Rios
10:30 AM - 11:00 AM	Administrator's Office	Office Time
11:00 AM - 11:10 AM	Administrator's Office	<p>Phone Call with Karl Brooks Ct: Aaron Dickerson - (b) (6)</p> <p>**The Administrator will dial (b) (6) to reach Karl</p>
11:15 AM - 11:30 AM	Ariel Rios	Depart for White House

11:30 AM - 12:00 PM	White House, South Court Auditorium	<p>Mocha Moms Summit hosted by WH OPE Ct: Dru Ealons - (b) (6)</p> <p>Press: Closed</p> <p>Run of Show:</p> <p>11:20-11:30AM: Remarks from Kuae Mattox, National President, Mocha Moms</p> <p>11:30-12:00AM: Mom Talk (Interview)</p> <p>**Dru Ealons will introduce the Administrator</p> <p>**The Administrator will engage in a discussion moderated by Kuae Mattox</p>
12:00 PM - 12:15 PM	White House	Depart for Ariel Rios
12:15 PM - 01:15 PM	Administrator's Office	No Meetings
01:15 PM - 02:00 PM	Bullet Room	<p>Post-Short Lived Climate Forcers Launch Meeting of Ministers State Ct: Jeff Miotke - (b) (6) EPA Ct: Maurice LeFranc - 2 (b) (6)</p> <p>Press: Closed</p> <p>Attendees (Minister +2):</p> <ul style="list-style-type: none"> -The Administrator -Special Envoy Todd Stern -Minister Hasan Mahmud (Bangladesh) -Minster Peter Kent (Canada) -Ambassador Daniel Ohene Agyekum (Ghana) -Minister Juan Elvira (Mexico) -Minister Lena Ek (Sweden) -Executive Director Mr. G. Achim Steiner (UNEP)
02:15 PM - 03:15 PM	Bullet Room	<p>Commission for Environmental Cooperation US-Mexico-Canada Trilateral Meeting EPA Ct: Jane Nishida - (b) (6) Canada: stephanie.johnson@ec.gc.ca Mexico: Alejandro Posadas, alejandro.posadas@semarnat.gob.mx</p> <p>Attendees from Canada:</p>

-Minister Peter Kent

-Daniel McDougall Assistant Deputy Minister, International Affairs,
Environment Canada

-Mollie Johnson, Director General, America Branch, Environment Canada

-Adam William Sweet, Press Secretary to the Minister

-Catherine Iliouchka Godin, Counsellor/Head of Section, Embassy of
Canada

Attendees from Mexico:

-Juan Rafael Elvira Quesada, Environment Secretary

-Mauricio Limón Aguirre, Under Secretary for Environmental Protection

-Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecologia
(INE)

-Enrique Lendo Fuentes, Director, International Affairs Coordination Unit
(UCAI)

-Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loredo, Director, Information and Social Communications
Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

Attendees from CEC Secretariat:

-Nathalie Daoust, Council Secretary

-Evan Lloyd, Executive Director

Staff:

Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)

Optional:

Diane Thompson (OA)

03:15 PM - 03:45 PM Bullet Room

CEC Mexico-US Bilateral Meeting

EPA Ct: Jane Nishida - (b) (6)

Mexico Ct: Alejandro Posadas, alejandro.posadas@semarnat.gob.mx

Attendees from Mexico:

-Juan Rafael Elvira Quesada, Environment Secretary

- Mauricio Limón Aguirre, Under Secretary for Environmental Protection
 - Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecologia (INE)
 - Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)
 - Alejandro Posadas Urtusuastegui, Environmental Attache
 - Laura Aguilar Loredo, Director, Information and Social Communications Unit
 - Antonio Ortiz-Mena, Economics Officer/Foreign Affairs
 - Gerardo Tamayo, Economics Attache/Foreign Affairs
- Staff:
Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)
Eric Vance (OEAE)
- Optional:
Diane Thompson (OA)

01268-EPA-1602

Bicky Corman/DC/USEPA/US

To Richard Windsor

02/16/2012 05:20 AM

cc

bcc

Subject Re: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

Hope all is well. Reminds me of an unfinished conversation. Let me know if tomorrow is feasible, don't remember your friday schedule, (b) (6).

Richard Windsor

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

From: Richard Windsor

Sent: 02/15/2012 10:28 PM EST

To: Bicky Corman

Subject: Re: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

(b) (6)

Bicky Corman

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

From: Bicky Corman

Sent: 02/15/2012 06:51 PM EST

To: Richard Windsor

Subject: Fw: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

i have a 6:30 a.m flight tomorrow! (b) (6)

Bicky Corman
Deputy Associate Administrator
Office of Policy
U.S. Environmental Protection Agency
desk: 202-564-2202
cell: 202-465-5966
Corman.Bicky@epamail.epa.gov.

----- Forwarded by Bicky Corman/DC/USEPA/US on 02/15/2012 06:51 PM -----

From: Noah Dubin/DC/USEPA/US
To:
Date: 02/15/2012 06:17 PM
Subject: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

**Schedule for Lisa P. Jackson EPA Administrator
Thursday, February 16, 2012**

Notes:

Drivers

AM (b) (6)
PM (b) (6)

Shift Leaders

AM (b) (6)
PM (b) (6)

Staff Contact

Elizabeth Ashwell
(b) (6)

08:00 AM - 09:15 AM Out of Office Out of Office

08:45 AM - 09:15 AM Administrator's FYI Daily Briefing

AM	Office	
09:15 AM - 09:30 AM	Monroe Room, U. S. Department of State 2201 C Street, NW Washington, DC	<p>Pre-Launch Meet and Greet State Ct: Jeff Miotke - (b) (6)</p> <p>Press: Closed</p> <p>Attendees:</p> <ul style="list-style-type: none"> -Secretary Hillary Rodham Clinton -Administrator Lisa Jackson -Special Envoy Todd Stern -Minister Hasan Mahmud (Bangladesh) -Minister Peter Kent (Canada) -Minister Juan Elvira (Mexico) -Minister Juan Elvira (Mexico) -Minister Lena Ek (Sweden) -Dr. G. Achim Steiner (UNEP)
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-Secretary Clinton gives closing remarks (5-7 minutes in length) from the podium and the program concludes

Attendees: Invited guests, 200-300 people

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		**The Administrator will dial (b) (6) to reach Karl
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		Press: Closed
		Run of Show:
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12:15 PM - 01:15 PM	Administrator's Office	No Meetings
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		Press: Closed
		Attendees (Minister +2):

- The Administrator
- Special Envoy Todd Stern
- Minister Hasan Mahmud (Bangladesh)
- Minster Peter Kent (Canada)
- Ambassador Daniel Ohene Agyekum (Ghana)
- Minister Juan Elvira (Mexico)
- Minister Lena Ek (Sweden)
- Executive Director Mr. G. Achim Steiner (UNEP)

02:15 PM - 03:15 PM Bullet Room

Commission for Environmental Cooperation
US-Mexico-Canada Trilateral Meeting
EPA Ct: Jane Nishida - (b) (6) 1
Canada: stephanie.johnson@ec.gc.ca
Mexico: Alejandro Posadas,
alejandro.posadas@semarnat.gob.mx

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- Mollie Johnson, Director General, America Branch, Environment Canada
- Adam William Sweet, Press Secretary to the Minister
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- Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loreda, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

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-Evan Lloyd, Executive Director

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Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)

Optional:

Diane Thompson (OA)

03:15 PM - 03:45 PM Bullet Room

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EPA Ct: Jane Nishida - (b) (6)
Mexico Ct: Alejandro Posadas,
alejandro.posadas@semarnat.gob.mx

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-Mauricio Limón Aguirre, Under Secretary for Environmental Protection

-Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecologia (INE)

-Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)

-Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loreda, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

Staff:

Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)
Eric Vance (OEAE)

Optional:
Diane Thompson (OA)

*** 02/15/2012 06:18:08 PM ***

01268-EPA-1603

**Brendan
Gilfillan/DC/USEPA/US**
02/16/2012 08:52 AM

To Bob Perciasepe, Richard Windsor
cc
bcc
Subject Re: Coal

(b)(5) d.p. [REDACTED]

Bob Perciasepe

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

From: Bob Perciasepe
Sent: 02/16/2012 08:47 AM EST
To: Brendan Gilfillan; Richard Windsor
Subject: Coal

Just a note.

Last evening while waiting for my plane, the airport TV was playing CNN.

(b)(5) d.p. [REDACTED]

Clearly playing this to a national stage.

Bob Perciasepe
Deputy Administrator
(o) 202 564 4711
(c) (b) (6) Privacy

01268-EPA-1604

Elizabeth
Ashwell/DC/USEPA/US
02/16/2012 04:32 PM

To Richard Windsor
cc "Jose Lozano", "Diane Thompson"
bcc

Subject Re: Short Lived Climate Pollution Ministerial

Hi-- from a scheduling perspective:

Sunday, April 22 is Earth Day

Monday, April 23 (b) (6)

Tuesday, April 24 *Time 100* event in NYC (we only have a save the date, not sure if you're going to be honored again this year)

Wednesday, April 25 morning hearing with Senate Approps Committee

Richard Windsor (b)(5) d.p. 02/16/2012 03:40:23 PM

From: Richard Windsor/DC/USEPA/US
To: "Jose Lozano" <lozano.jose@epa.gov>, "Michelle DePass" <depass.michelle@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Elizabeth Ashwell" <Ashwell.Elizabeth@epamail.epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>
Date: 02/16/2012 03:40 PM
Subject: Short Lived Climate Pollution Ministerial

(b)(5) d.p.

01268-EPA-1607

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Perciasepe

02/21/2012 09:47 AM

cc "Laura Vaught"

bcc

Subject Re: Fw: Unions - MATS

Adding Laura to this thread.

Sent from my Blackberry Wireless Device

From: Richard Windsor
Sent: 02/21/2012 09:43 AM EST
To: Bob Perciasepe
Cc: Arvin Ganesan
Subject: Re: Fw: Unions - MATS

(b)(5) d.p.

From: Bob Perciasepe/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>
Date: 02/21/2012 06:23 AM
Subject: Fw: Unions - MATS

Adding Arvin.

(b)(5) d.p.

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy

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

From: Gina McCarthy
Sent: 02/20/2012 11:34 PM EST
To: Richard Windsor
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Bob Perciasepe"

<perciasepe.bob@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>

Subject: Unions - MATS

Administrator - As part of OAR's outreach effort on MATS (b)(5) d.p.

[REDACTED]

(b)(5) d.p.

[REDACTED]

(b)(5) d.p.

[REDACTED]

The Executive Committee of the AFL-CIO is meeting in Orlando in mid-March. (b)(5) d.p.

[REDACTED]

the election.

GOP committee members will first need to inoculate themselves against Ms. Jackson's charms. They may like her personally, but her agency's junk science-fueled regulatory war against American jobs, families, businesses and the economy as a whole ought to transcend any warm and cuddly feelings. There is nothing to be gained from the one-way respect and collegiality that allows her to lie, temporize and filibuster her way out of answering tough questions.

Next, GOP committee members need to internalize the reality that American air is already clean and safe, and was so before the Frankenstein that is the Obama EPA came to life. There is no one being harmed by ambient air quality in America and the EPA cannot produce anyone that has been harmed.

JunkScience.com, for example, obtained through the Freedom of Information Act emergency hospital admissions data for 2010-11 from the large Department of Veterans Affairs hospital in West Los Angeles. The data show no correlation between hospital admissions for asthma and air quality measurements for ground-level ozone (smog) and fine particulate matter (soot) in Los Angeles, which supposedly has some of the "worst" air quality in America.

Finally, committee members need to be aware of the massive scientific conflict-of-interest going on in the EPA air office. The EPA not only commissions research that fits its agenda, it then pays the reviewers who rubber-stamp the quality of that research. The EPA also allows its researchers to deny outside scientists access to key data that would allow confirmation of claimed results.

The dubiousness of this process and EPA air quality science in general is best exposed and debunked by a recent study published in the U.S. government journal Environmental Health Perspectives. That study shockingly reported that air quality in the Chinese city of Xi'an, one of the dirtiest cities in the world, is safer than the air in U.S. cities. Either air pollution is not as harmful as the EPA asserts or the agency's self-funded multitude of statistical analyses on air quality are suspect - or both.

No doubt Ms. Jackson will try to deflect questions about the probity of EPA science by saying that scores of "independent" researchers can't possibly be wrong, or worse, part of a conspiracy. But bought-and-paid-for statistics based on secret data really ought to raise a Republican eyebrow.

At a recent House hearing on the EPA MATS rule, Rep. Joe Barton, Texas Republican, successfully interrogated EPA air chief Lisa McCarthy into stunned silence about the absence of health effects from power plant mercury emissions - a dramatic first. Coach Inhofe should get the video for his team

01268-EPA-1609

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

02/22/2012 07:37 AM

bcc

Subject Re: washington times piece

(b)(5) d.p.

Sent from my Blackberry Wireless Device

From: Richard Windsor
Sent: 02/22/2012 12:11 AM EST
To: Arvin Ganesan
Subject: Re: washington times piece

(b)(5) d.p.

From: Arvin Ganesan
Sent: 02/21/2012 09:50 PM EST
To: Richard Windsor
Subject: washington times piece

(b)(5) d.p.

March 2 should be a date that lives in infamy for the Obama Environmental Protection Agency. That day will most likely be the last opportunity for congressional Republicans to apply meaningful pressure on EPA Administrator Lisa P. Jackson as she testifies before the Senate Environment and Public Works Committee on the agency's 2013 budget.

Over the past three years, the Obama EPA has conducted a scorched earth campaign against fossil fuel producers and users, especially the coal-fired power industry, with multibillion-dollar rules that provide no meaningful environmental or public-health benefits, like the Cross-State Air Pollution Rule and the Mercury Air Toxics Standard (MATS).

The EPA will soon propose its greenhouse gas emission standards for power plants - rules that will attempt to make it financially impossible to construct new coal-fired power plants in the United States.

It seems that President Obama was deadly serious when he told the San Francisco Chronicle in January 2008, "So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted."

And while nothing short of a change of administration will change the fate of coal-fired power in the United States, Senate Republicans should use the March 2 Senate hearing as an opportunity to put Ms. Jackson on the hot seat.

To stoke their blood pressure, Republican committee members should remember that Ms. Jackson has delivered numerous speeches and written newspaper Op-Eds over the past year denouncing Republicans as trying to sicken and kill hundreds of thousands of Americans.

Last October, for example, Ms. Jackson wrote in the Los Angeles Times, "Since the beginning

of this year, Republicans in the House have averaged roughly a vote every day the chamber has been in session to undermine the EPA and our nation's environmental laws. ... How we respond to this assault on our environmental and public health protections will mean the difference between sickness and health - in some cases, life and death - for hundreds of thousands of citizens."

Ms. Jackson has taken the gloves off, and it's time for Sen. Jim Inhofe, Oklahoma Republican, the ranking minority member on the Senate Environment and Public Works Committee, to whip his team into shape and to do the same for this final showdown before the election.

GOP committee members will first need to inoculate themselves against Ms. Jackson's charms. They may like her personally, but her agency's junk science-fueled regulatory war against American jobs, families, businesses and the economy as a whole ought to transcend any warm and cuddly feelings. There is nothing to be gained from the one-way respect and collegiality that allows her to lie, temporize and filibuster her way out of answering tough questions.

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No doubt Ms. Jackson will try to deflect questions about the probity of EPA science by saying that scores of "independent" researchers can't possibly be wrong, or worse, part of a conspiracy. But bought-and-paid-for statistics based on secret data really ought to raise a Republican eyebrow.

At a recent House hearing on the EPA MATS rule, Rep. Joe Barton, Texas Republican, successfully interrogated EPA air chief Lisa McCarthy into stunned silence about the absence of health effects from power plant mercury emissions - a dramatic first. Coach Inhofe should get the video for his team

01268-EPA-1611

Stephanie
Owens/DC/USEPA/US
02/22/2012 03:01 PM

To: Richard Windsor
cc: "Stephanie Owens"
bcc:
Subject: Re: Fw: washington times piece

A call with?

Stephanie Owens
Deputy Associate Administrator
Office of External Affairs and Environmental Education
U.S. EPA
Phone: 202.564.6879
Fax: 202.501.1789

Richard Windsor Asking for a call to discuss please. F... 02/22/2012 02:07:29 PM

From: Richard Windsor/DC/USEPA/US
To: "Stephanie Owens" <Owens.Stephanie@epa.gov>
Date: 02/22/2012 02:07 PM
Subject: Fw: washington times piece

Asking for a call to discuss please.

From: Arvin Ganesan
Sent: 02/21/2012 09:50 PM EST
To: Richard Windsor
Subject: washington times piece

(b)(5) d.p.

March 2 should be a date that lives in infamy for the Obama Environmental Protection Agency. That day will most likely be the last opportunity for congressional Republicans to apply meaningful pressure on EPA Administrator Lisa P. Jackson as she testifies before the Senate Environment and Public Works Committee on the agency's 2013 budget.

Over the past three years, the Obama EPA has conducted a scorched earth campaign against fossil fuel producers and users, especially the coal-fired power industry, with multibillion-dollar rules that provide no meaningful environmental or public-health benefits, like the Cross-State Air Pollution Rule and the Mercury Air Toxics Standard (MATS).

The EPA will soon propose its greenhouse gas emission standards for power plants - rules that will attempt to make it financially impossible to construct new coal-fired power plants in the United States.

It seems that President Obama was deadly serious when he told the San Francisco Chronicle in January 2008, "So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted."

And while nothing short of a change of administration will change the fate of coal-fired power in the United States, Senate Republicans should use the March 2 Senate hearing as an opportunity to put Ms. Jackson on the hot seat.

To stoke their blood pressure, Republican committee members should remember that Ms. Jackson has delivered numerous speeches and written newspaper Op-Eds over the past year denouncing Republicans as trying to sicken and kill hundreds of thousands of Americans.

Last October, for example, Ms. Jackson wrote in the Los Angeles Times, "Since the beginning of this year, Republicans in the House have averaged roughly a vote every day the chamber has been in session to undermine the EPA and our nation's environmental laws. ... How we respond to this assault on our environmental and public health protections will mean the difference between sickness and health - in some cases, life and death - for hundreds of thousands of citizens."

Ms. Jackson has taken the gloves off, and it's time for Sen. Jim Inhofe, Oklahoma Republican, the ranking minority member on the Senate Environment and Public Works Committee, to whip his team into shape and to do the same for this final showdown before the election.

GOP committee members will first need to inoculate themselves against Ms. Jackson's charms. They may like her personally, but her agency's junk science-fueled regulatory war against American jobs, families, businesses and the economy as a whole ought to transcend any warm and cuddly feelings. There is nothing to be gained from the one-way respect and collegiality that allows her to lie, temporize and filibuster her way out of answering tough questions.

Next, GOP committee members need to internalize the reality that American air is already clean and safe, and was so before the Frankenstein that is the Obama EPA came to life. There is no one being harmed by ambient air quality in America and the EPA cannot produce anyone that has been harmed.

JunkScience.com, for example, obtained through the Freedom of Information Act emergency hospital admissions data for 2010-11 from the large Department of Veterans Affairs hospital in West Los Angeles. The data show no correlation between hospital admissions for asthma and air quality measurements for ground-level ozone (smog) and fine particulate matter (soot) in Los Angeles, which supposedly has some of the "worst" air quality in America.

Finally, committee members need to be aware of the massive scientific conflict-of-interest going on in the EPA air office. The EPA not only commissions research that fits its agenda, it then pays the reviewers who rubber-stamp the quality of that research. The EPA also allows its researchers to deny outside scientists access to key data that would allow confirmation of claimed results.

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01268-EPA-1613

**Brendan
Gilfillan/DC/USEPA/US**
02/23/2012 05:30 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Bob Perciasepe, Diane Thompson, Gina
McCarthy, Laura Vaught, Richard Windsor
bcc:
Subject: Re: EPA response to the GHG letter to OMB from the Energy
and Power Subcommittee?

All -

Thought here is that b(b)(5) d.p.

- Brendan

Brendan Gilfillan Omb is saying they wouldn't respond t... 02/23/2012 04:01:01 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob
Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin
Ganesan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Laura
Vaught/DC/USEPA/US@EPA
Date: 02/23/2012 04:01 PM
Subject: Re: EPA response to the GHG letter to OMB from the Energy and Power Subcommittee?

(b)(5) d.p.

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 02/23/2012 02:58 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Gina
McCarthy; Laura Vaught
Subject: Fw: EPA response to the GHG letter to OMB from the Energy and
Power Subcommittee?

FYI - (b)(5) d.p.

From: Schiermeyer, Corry [mailto:Corry.Schiermeyer@mail.house.gov]
Sent: Thursday, February 23, 2012 2:38 PM
To: Schiermeyer, Corry
Subject: RELEASE: Bi-Partisan Majority of the House of Representatives ask OMB to block Costly EPA
Greenhouse Gas Regulation



**Congress of the United States
House of Representatives
Washington, DC 20515**

FOR IMMEDIATE RELEASE

Thursday, February 23, 2012

CONTACT: Corry Schiermeyer (Whitfield)

(202) 225-3115

Peyton Bell (Barrow)

(202) 225-2823

**Bi-Partisan Majority of the House of Representatives ask OMB to
block Costly EPA Greenhouse Gas Regulation**

WASHINGTON, D.C. – U.S. Rep. Ed Whitfield, (R-KY-01), Chairman of the House Subcommittee on Energy and Power, and U.S. Rep. John Barrow (D-GA-12), Member of the Energy and Commerce Committee, along with 221 colleagues in the House, sent a letter to President Obama’s acting director of the Office of Management and Budget (OMB) requesting him to stop the Environmental Protection Agency’s greenhouse gas (GHG) rulemaking.

These costly new standards would dramatically increase electricity rates in the United States, stop new coal plants from being built, and phase out or potentially eliminate existing coal-fired electricity, which currently accounts for nearly half of our nation’s electricity supply.

“Affordable, reliable electricity is critical to keeping and growing jobs in the United States and such a standard will likely drive up energy prices and threaten domestic jobs,” Representatives Whitfield and Barrow said. “Forcing a transition to commercially unproven technologies could send thousands of U.S. jobs overseas and raise electricity rates on families and seniors at a time when the nation can least afford it.”

EPA’s efforts to regulate greenhouse gases could increase the cost of everything from gasoline to household utilities to groceries. During a hearing in the House Energy and Commerce Committee on Feb. 9, 2011, Dr. Margo Thorning, Senior Vice President and Chief Economist at American Council for Capital Formation, testified that the first wave of EPA’s greenhouse gas regulations could result in as many as 1.4 million job losses.

Last year, the House of Representatives passed the Energy Tax Prevention Act to stop the EPA from implementing these regulations. The Senate has failed to act on this important legislation that would permanently remove the threat of these regulations. The legislation passed in the House will:

- **Prohibit EPA from targeting greenhouse gases as related to climate change under the Clean Air Act.** EPA would not be permitted to unilaterally regulate greenhouse gases, chiefly carbon dioxide emissions from using fossil fuels – the coal, oil, and natural gas that provides America with 85 percent of its energy.
- **Prevent the American economy from being placed at a competitive disadvantage.** U.S. energy prices, including electricity prices, and production costs will rise across numerous industries as a result of EPA's permitting requirements (by forcing the switch to more expensive fuels and/or changes in technologies and production processes). As a consequence, business investments will move overseas to developing countries whose industries produce more GHGs than the U.S.

The text of the letter is attached.

###

Corry Schiermeyer
Press Secretary
Rep. Ed Whitfield (KY-01)
202-225-3115
corry.schiermeyer@mail.house.gov

Follow Rep. Whitfield on the web:



[Click here](#) to sign up for Rep. Ed Whitfield's e-newsletter.

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For more information please visit <http://www.symanteccloud.com>

[attachment "GHG Whitfield Barrow letter.pdf" deleted by Brendan Gilfillan/DC/USEPA/US]

01268-EPA-1620

Scott Fulton/DC/USEPA/US

02/28/2012 01:09 PM

To "Brendan Gilfillan", "Arvin Ganesan"

cc "Richard Windsor", "Bob Perciasepe", goo.michael, "Diane Thompson", "Avi Garbow", "Joel Beauvais", Gina McCarthy
bcc

Subject Oral Argument on the Endangerment Finding and Cars Rule

Today's oral argument at the DC Circuit Court went well for us. (b)(5) a.c.p. [REDACTED]. Tomorrow the Court hear argument on the Tailoring Rule, the triggering effect of the cars rule, and related issues.

Suggested response if inquiries come in about today's argument: (b)(5) d.p. [REDACTED]

01268-EPA-1621

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/28/2012 08:37 PM

cc

bcc

Subject Re: Re: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) d.p.

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA

From: Richard Windsor/DC/USEPA/US

Date: 02/28/2012 08:04PM

Subject: Re: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) d.p.

Inactive hide details for Arvin GanesanArvin Ganesan

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

From: Arvin Ganesan

Sent: 02/28/2012 05:28 PM EST

To: Richard Windsor; Bob Perciasepe; Laura Vaught; Brendan Gilfillan

Subject: Fw: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) d.p. the attached came out of the WH this afternoon and the release below just came out of DoI. .

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/28/2012 05:27 PM -----

From: White House Press Office [<mailto:noreply@messages.whitehouse.gov>]

Sent: Tuesday, February 28, 2012 3:23 PM

To: Maher, Jessica A.

Subject: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

February 28, 2012

Attached is a memorandum from the President for the Secretary of the Interior regarding a proposed revised habitat for the Spotted Owl: Minimizing Regulatory Burdens.

###

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

[attachment "2012spottedowl+mem+final+rel.pdf" deleted by Richard Windsor/DC/USEPA/US]

Service Identifies Areas to Be Assessed for Potential Northern Spotted Owl Critical Habitat, Proposes Broad Exclusions, Ecological Forestry, and Barred Owl Control

Service will now undertake important economic assessment to inform final designation

Washington, DC – Today, in compliance with an order from a U.S. District Court, the U.S. Fish and Wildlife Service announced a science-based critical habitat proposal for the northern spotted owl that begins a public review process to determine what forest lands should be designated as critical habitat in a final rule that will be published in November. This proposal recommends substantially increasing active management of forests, consistent with ecological forestry principles, in areas designated as critical habitat. Today’s announcement, which identifies areas that may be considered for the final designation, also emphasizes significant benefits of excluding private lands, and that consideration along with the important economic assessment will help inform areas that will be excluded from the final designation.

The proposal continues protections for remaining old growth forests while recommending ecological timber harvests to improve habitat, as well as resilience to wildfire and insect infestations. In addition, the Fish and Wildlife Service today took an important step toward experimental removal of the encroaching barred owl from certain areas. These are all key actions identified in the 2011 revised Recovery Plan for the Northern Spotted Owl. Overall, northern spotted owl numbers have been declining 2.9% on average per year – leading to an estimated 40% decline in numbers over the last 25 years. The presumed causes of the decline are the continuing effects of lost old growth forest habitat prior to the 1990s and increasing competition from the barred owl.

“We must move forward with a science-based approach to forestry that restores the health of our lands and wildlife and supports jobs and revenue for local communities,” said Secretary of the Interior Ken Salazar. “By confronting the growing impact of the invasive barred owl and expanding the scientific foundation for wise management of our forests, we can give communities, foresters, and land managers additional tools they need to forge a healthier and more productive future for our forests. Today’s announcement provides a foundation from which we can assess the appropriate areas for final designation – a decision which will be based on

science and informed by the important economic analysis and public feedback to be conducted over the coming months.”

Today’s announcements follow [a visit last week](#) by Secretary Salazar to one of three ecological [forestry pilot projects](#) in Oregon, where – as suggested by Dr. Norm Johnson and Dr. Jerry Franklin - he proposed an expansion of active forest management in Western Oregon to provide sustainable timber and healthier habitat for wildlife and fish.

“The forestry pilot projects that our research has helped inform and implement will result in good size timber for local mills, and will leave behind dry forests that are healthier and more fire resistant and moist forests that are more diverse and provide better habitat for wildlife,” said Dr. Franklin and Dr. Johnson. “The endorsement of ecological forestry in today’s announcement provides a strong foundation to apply these balanced principles across the Northwest forests and help demonstrate that we can both protect old growth and provide sustainable timber jobs while restoring the health of our forests.”

During that trip, Salazar discussed the 150 timber sales planned by the Bureau of Land Management (BLM) over the next two years in Oregon, including a target of 197 million board feet of proposed sales in western Oregon in FY 2013. Salazar announced that as part of this target, the BLM will plan for at [least five additional timber sales](#) (totaling approximately 15 million board feet) using ecological forestry principles. In addition– as part of the commitment to restoring healthy habitat and providing sustainable timber harvest and revenues – the BLM will undertake Resource Management Plan revisions which will provide goals, objectives, and direction for the management of approximately 2,500,000 acres of BLM-administered lands in western Oregon.

Interior is also working closely with USDA’s Forest Service, which recently announced steps to improve forest restoration through active management and increase forest products sold by the National Forests from 2.4 billion board feet in 2011 to 3 billion board feet no later than 2014.

"The Fish and Wildlife Service's critical habitat proposal recognizes the need for active management of forests and provides a solid scientific foundation for work that needs to be done to improve forest health," said Tom Tidwell, Chief of the U.S. Forest Service. “Increased restoration work will benefit the environment and people, with more resilient ecosystems and improved wildlife habitats while providing outputs of forest products that contribute to local economies.”

As part of this Administration’s commitment to ensuring that rules comply with President Obama’s Executive Order on regulatory reform, today’s announcement is accompanied by a Presidential Memorandum that directs Interior to take a number of steps before the final plan is identified, with a focus on maximizing flexibility and promoting economic growth. Specifically, the memorandum directs Interior to provide clear direction for industry and other stakeholders on how logging can be conducted in critical habitat as part of the final rule, and directs Interior to give careful consideration, to the extent permitted by law and science, to providing the maximum exclusion of areas from the final rule – with a particular focus on maximizing eligible exclusion of private and State lands. Additionally, the President is directing Interior to revise a nearly three-decade old rule so that, rather than conducting economic analysis *after* critical

habitat is proposed, economic analyses are completed and made available for public comment at the *same time* as a critical habitat proposal is published.

Critical Habitat Proposal

Today's proposal – which is based on the best available science and the revised 2011 Recovery Plan for the Northern Spotted Owl – identifies lands that are potentially eligible for critical habitat designation, but does not mean that they will be included in the final designation. Over the coming months the Service will conduct an economic analysis, assess scientific information, and receive public input that will help inform which of these potential areas may be included in the final critical habitat. The proposal recommends that in areas that are currently designated as critical habitat as well as any that are designated as a result of this process, appropriate timber harvests consistent with ecological forestry principles be encouraged, a major change from previous critical habitat designations.

“The science is telling us that unmanaged, fire-prone forests aren't healthy for either the landscape or the spotted owl,” said Director of the Fish and Wildlife Service Dan Ashe. “In fact, the Fish and Wildlife Service is strongly recommending an active forest management approach – like the forestry practices that the Forest Service and BLM are expanding - to restore forest health, increase resilience, and foster diversity.”

The Fish and Wildlife Service has already taken the step of proposing to exclude several categories of land from the final critical habitat designation, including approximately 4 million acres of state lands, private lands, and federal lands – such as national parks and wilderness areas – much of which is already managed for conservation. The Service will also use public and stakeholder feedback, as well as the information from the economic analysis, to assess additional areas for exclusion from the remaining approximately 10 million acres that are initially eligible for potential critical habitat designation. It is expected that as a result of these additional exclusions, the size of the final designation would be reduced further.

Critical habitat designation only pertains to federal activities in designated areas. Critical habitat designations do not provide additional protection on non-federal lands unless proposed activities involve federal funding or permitting.

Today's critical habitat proposal revises a 2008 critical habitat designation in response to a court order.

Barred Owl Control

A draft Environmental Impact Statement (EIS) also announced today outlines options for experimental removal of barred owls from certain areas throughout the spotted owl's range to test the effect of such removal on spotted owl population trends. The Service is considering combinations of both lethal and non-lethal (capturing and relocating or placing in permanent captivity) methods for removing barred owls.

“We can't ignore the mounting evidence that competition from barred owls is a major factor in the spotted owl's decline, and we have a clear obligation to do all we can to prevent the spotted owl's extinction and help it rebound,” said Ashe.

If the barred owl removal experiment proceeds and the effects of removal are positive, the Service may consider the feasibility and efficacy of barred owl removal on a broader scale. This action would involve a separate National Environmental Policy Act process. For more information about the barred owl draft EIS, click [here](#).

The Service will be accepting public comments for 90 days on both the proposed critical habitat and barred owl draft EIS upon publication in the Federal Register, anticipated within the next two weeks. There will also be an additional public comment period later this spring on the economic analysis information for the critical habitat proposal. For additional information regarding critical habitat and the Endangered Species Act, click [here](#).

01268-EPA-1623

Scott Fulton/DC/USEPA/US

02/29/2012 06:36 PM

To "Richard Windsor"

cc "Brendan Gilfillan", "Arvin Ganesan"

bcc

Subject Tailoring Rule oral argument

Hi -- I did a download at Senior Policy on today's argument on the Tailoring Rule, and will do another in the morning, but I wanted you to know that I thought that (b)(5) d.p., (b)(5) a.c.p.

[REDACTED] based on my read of judges' engagement on the issues.

Scott

01268-EPA-1624

Scott Fulton/DC/USEPA/US

To Richard Windsor

02/29/2012 06:47 PM

cc

bcc

Subject Re: Tailoring Rule oral argument

(b)(5) d.p.

Richard Windsor

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

From: Richard Windsor

Sent: 02/29/2012 06:39 PM EST

To: Scott Fulton

Subject: Re: Tailoring Rule oral argument

Tx. (b)(5) d.p.!

Scott Fulton

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

From: Scott Fulton

Sent: 02/29/2012 06:36 PM EST

To: Richard Windsor

Cc: Brendan Gilfillan; Arvin Ganesan

Subject: Tailoring Rule oral argument

Hi -- I did a download at Senior Policy on today's argument on the Tailoring Rule, and will do another in the morning, but I wanted you to know that I thought (b)(5) d.p., (b)(5) a.c.p.

[REDACTED] based on my read of judges' engagement on the issues.

Scott

01268-EPA-1626

Brendan
Gilfillan/DC/USEPA/US
03/01/2012 01:40 PM

To Richard Windsor
cc Bob Perciasepe, Betsaida Alcantara
bcc
Subject GHG NSPS Topline messages

Administrator -

Below are a set of topline messages that Bob (P and S), Gina and OP have signed off on.

Please let us know what you think - (b)(5) d.p.

Thanks.

- Brendan

(b)(5) d.p.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) d.p.

01268-EPA-1629

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

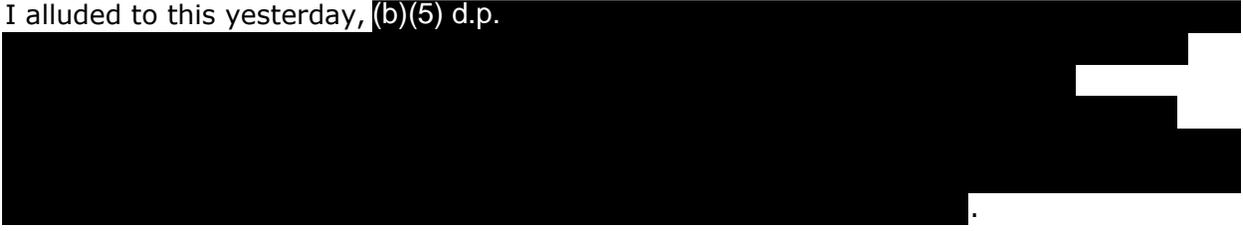
03/03/2012 09:34 AM

bcc

Subject wyden and boiler mact

hi administrator,

I alluded to this yesterday, (b)(5) d.p.



I'll get you more when I have it.

A

01268-EPA-1631

Arvin Ganesan/DC/USEPA/US

To Bob Perciasepe, Richard Windsor

cc

03/05/2012 07:02 AM

bcc

Subject Re: Wyden exchange

Yes. (b)(5) d.p.
[Redacted]

Sent from my Blackberry Wireless Device

From: Bob Perciasepe
Sent: 03/05/2012 05:55 AM EST
To: Arvin Ganesan; Richard Windsor
Subject: Re: Wyden exchange

I have a few edit thoughts on (b)(5) d.p.
[Redacted]

?

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c) (b) (6) Privacy

From: Arvin Ganesan
Sent: 03/04/2012 07:33 PM EST
To: Richard Windsor; Bob Perciasepe
Subject: Wyden exchange

As I alluded to both of you, we've been working on a letter (b)(5) d.p.
[Redacted]

The letter is attached. (b)(5) d.p.
[Redacted]

Thanks.

01268-EPA-1632

Arvin Ganesan/DC/USEPA/US To "Richard Windsor"
03/05/2012 07:22 AM cc
bcc
Subject Fw: Wyden exchange

Hi. Not to rush you, but (b)(5) d.p. [REDACTED]

Sent from my Blackberry Wireless Device

From: Arvin Ganesan
Sent: 03/05/2012 07:02 AM EST
To: Bob Perciasepe; Richard Windsor
Subject: Re: Wyden exchange

Yes. (b)(5) d.p. [REDACTED]

Sent from my Blackberry Wireless Device

From: Bob Perciasepe
Sent: 03/05/2012 05:55 AM EST
To: Arvin Ganesan; Richard Windsor
Subject: Re: Wyden exchange

I have a few edit thoughts (b)(5) d.p. [REDACTED]

[REDACTED] ?
Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy

From: Arvin Ganesan
Sent: 03/04/2012 07:33 PM EST
To: Richard Windsor; Bob Perciasepe
Subject: Wyden exchange

As I alluded to both of you, (b)(5) d.p. [REDACTED]

(b)(5) d.p.

The letter is attached. (b)(5) d.p.

Thanks.

01268-EPA-1633

Arvin Ganesan/DC/USEPA/US To Richard Windsor
03/05/2012 08:07 AM cc
bcc
Subject Re: Wyden exchange

Thank you!

Sent from my Blackberry Wireless Device

From: Richard Windsor
Sent: 03/05/2012 08:05 AM EST
To: Arvin Ganesan
Subject: Re: Wyden exchange

Yes

From: Arvin Ganesan
Sent: 03/05/2012 07:22 AM EST
To: Richard Windsor
Subject: Fw: Wyden exchange

Hi. Not to rush you, (b)(5) d.p.

Sent from my Blackberry Wireless Device

From: Arvin Ganesan
Sent: 03/05/2012 07:02 AM EST
To: Bob Perciasepe; Richard Windsor
Subject: Re: Wyden exchange

Yes. (b)(5) d.p.

Sent from my Blackberry Wireless Device

From: Bob Perciasepe
Sent: 03/05/2012 05:55 AM EST
To: Arvin Ganesan; Richard Windsor
Subject: Re: Wyden exchange

I have a few edit thoughts (b)(5) d.p.

[REDACTED] ?

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy

From: Arvin Ganesan
Sent: 03/04/2012 07:33 PM EST
To: Richard Windsor; Bob Perciasepe
Subject: Wyden exchange

As I alluded to both of you, (b)(5) d.p.

[REDACTED]

Thanks.

Sent: 03/05/2012 07:02 AM EST
To: Bob Perciasepe; Richard Windsor
Subject: Re: Wyden exchange

(b)(5) d.p.

Sent from my Blackberry Wireless Device

From: Bob Perciasepe
Sent: 03/05/2012 05:55 AM EST
To: Arvin Ganesan; Richard Windsor
Subject: Re: Wyden exchange

(b)(5) d.p.

?

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy

From: Arvin Ganesan
Sent: 03/04/2012 07:33 PM EST
To: Richard Windsor; Bob Perciasepe
Subject: Wyden exchange

As I alluded to both of you, (b)(5) d.p.

Thanks.

01268-EPA-1635

Bicky Corman/DC/USEPA/US

To Richard Windsor

03/05/2012 07:39 PM

cc

bcc

Subject follow-up

Hello. I am following up on our discussion on Saturday, in which you mentioned that (b)(5) d.p.

[REDACTED]

Thanks!

PLEASE NOTE: If you are sending me an e-mail or an attachment you wish for me to read immediately, and/or that is material for a forthcoming meeting, please send the e-mail as well to Verna Irving (irving.verna@epa.gov) and Janet Means-Thomas (means-thomas.janet@epa.gov). Please indicate the relevant date that you wish me to complete review, and/or the meeting to which the material pertains. If your e-mail pertains to travel or any meeting, please send the request to Janet Means-Thomas.

Bicky Corman
Deputy Associate Administrator
Office of Policy
U.S. Environmental Protection Agency
desk: 202-564-2202
cell: 202-465-5966
Corman.Bicky@epamail.epa.gov.

01268-EPA-1636

Bicky Corman/DC/USEPA/US To Richard Windsor
 03/05/2012 08:04 PM cc "Diane Thompson"
 bcc
 Subject Re: follow-up

Great, thanks. I'll be in Chicago during this week's sr. policy meeting. I can see if I can rearrange my meeting (b)(5) d.p. Thanks!

PLEASE NOTE: If you are sending me an e-mail or an attachment you wish for me to read immediately, and/or that is material for a forthcoming meeting, please send the e-mail as well to Verna Irving (irving.verna@epa.gov) and Janet Means-Thomas (means-thomas.janet@epa.gov). Please indicate the relevant date that you wish me to complete review, and/or the meeting to which the material pertains. If your e-mail pertains to travel or any meeting, please send the request to Janet Means-Thomas.

Bicky Corman
 Deputy Associate Administrator
 Office of Policy
 U.S. Environmental Protection Agency
 desk: 202-564-2202
 cell: 202-465-5966
 Corman.Bicky@epamail.epa.gov.

Richard Windsor (b)(5) d.p. 03/05/2012 07:58:39 PM

From: Richard Windsor/DC/USEPA/US
 To: Bicky Corman/DC/USEPA/US@EPA
 Cc: "Diane Thompson" <thompson.diane@epa.gov>
 Date: 03/05/2012 07:58 PM
 Subject: Re: follow-up

(b)(5) d.p. Tx. Lisa

Bicky Corman

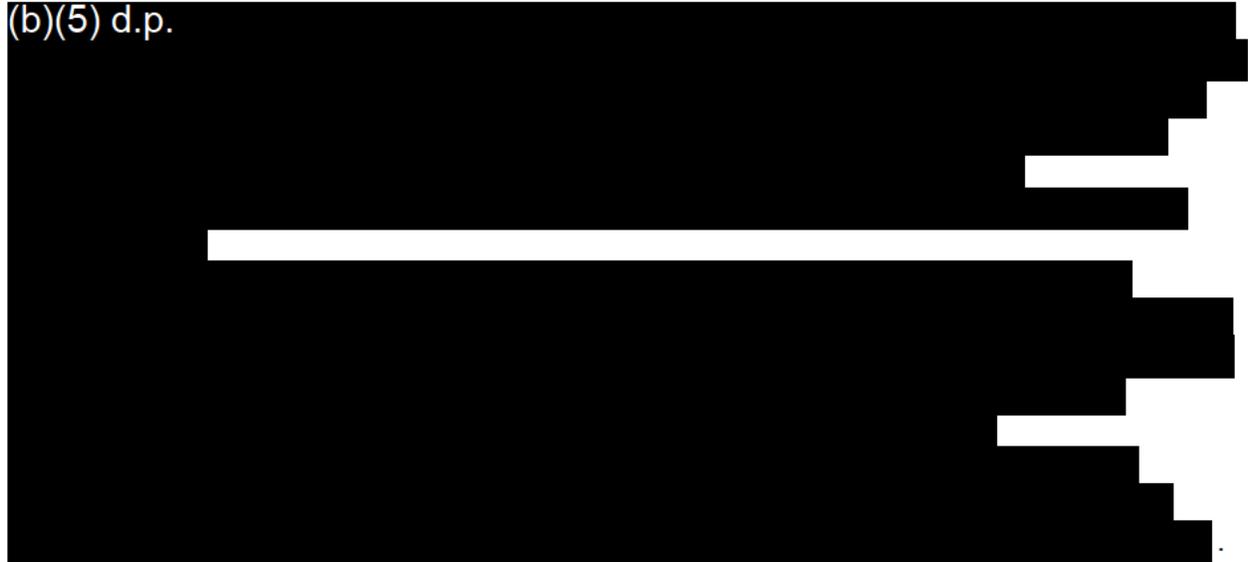
----- Original Message -----

From: Bicky Corman
Sent: 03/05/2012 07:39 PM EST
To: Richard Windsor
Subject: follow-up

Hello. I am following up on our discussion on Saturday, in which you mentioned that (b)(5) d.p.

[Large redacted area]

(b)(5) d.p.



Thanks!

PLEASE NOTE: If you are sending me an e-mail or an attachment you wish for me to read immediately, and/or that is material for a forthcoming meeting, please send the e-mail as well to Verna Irving (irving.verna@epa.gov) and Janet Means-Thomas (means-thomas.janet@epa.gov). Please indicate the relevant date that you wish me to complete review, and/or the meeting to which the material pertains. If your e-mail pertains to travel or any meeting, please send the request to Janet Means-Thomas.

Bicky Corman
Deputy Associate Administrator
Office of Policy
U.S. Environmental Protection Agency
desk: 202-564-2202
cell: 202-465-5966
Corman.Bicky@epamail.epa.gov.

01268-EPA-1637

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

03/06/2012 04:42 PM

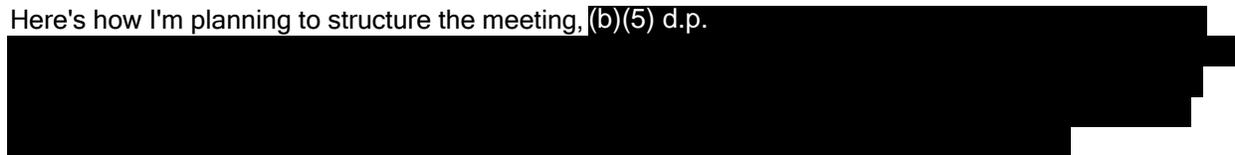
bcc

Subject new page

(b)(5) d.p.



Here's how I'm planning to structure the meeting, (b)(5) d.p.




01268-EPA-1640

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/07/2012 09:08 PM

cc

bcc

Subject Re: Re: boiler mact letters

all good. BTW - (b)(5) d.p.
[REDACTED]

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA

From: Richard Windsor/DC/USEPA/US

Date: 03/07/2012 09:06PM

Subject: Re: boiler mact letters

Sorry. Just saw this. Glad it went out. Tx.

Inactive hide details for Arvin GanesanArvin Ganesan

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

From: Arvin Ganesan

Sent: 03/07/2012 04:20 PM EST

To: Richard Windsor

Subject: boiler mact letters

FYI - (b)(5) d.p.
[REDACTED]

Thanks.

01268-EPA-1641

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/07/2012 09:34 PM

cc

bcc

Subject Re: Re: Re: boiler mact letters

(b)(5) d.p.
I'll send it to you late tonight. Can you look at it as soon as possible?

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 03/07/2012 09:31PM
Subject: Re: Re: boiler mact letters

I'll be in by 9 or 915 at the latest.

From: Arvin Ganesan
Sent: 03/07/2012 09:23 PM EST
To: Richard Windsor
Subject: Re: Re: boiler mact letters

(b)(5) d.p.

Arvin

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 03/07/2012 09:06PM
Subject: Re: boiler mact letters

Sorry. Just saw this. Glad it went out. Tx.

Inactive hide details for Arvin GanesanArvin Ganesan

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

From: Arvin Ganesan
Sent: 03/07/2012 04:20 PM EST
To: Richard Windsor
Subject: boiler mact letters

FYI - (b)(5) d.p.

(b)(5) d.p.

Thanks.

01268-EPA-1642

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/08/2012 01:40 PM

cc Elizabeth Ashwell, Aaron Dickerson

bcc

Subject boilers and floor schedule

It looks like the boiler vote will be approximately between 245 and 3 pm, if you want to watch. Note that there will also be a RESTORE Act vote shortly thereafter.

(b)(5) d.p.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/08/2012 01:37 PM -----

From: "Neimeyer, Sarah (Durbin)" <Sarah_Neimeyer@durbin.senate.gov>
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/08/2012 01:35 PM
Subject:

Correction: there will be up to 9 roll call votes at 2pm today. Please note that we will vote in relation to the Baucus amendment #1825 (rural schools) **today**. The series of votes is below. There will be up to 9 roll call votes.

- Vitter #1535 (OCS) (60-vote threshold);
- Baucus #1825 (Rural Schools)
- Boxer motion to waive the Corker Budget point of order against the bill, S.1813
- Collins #1660 (Boiler MACT) (60-vote threshold);
- Coburn #1738 (OMB/Duplicative Programs) (60-vote threshold);
- Nelson(FL)-Shelby-Landrieu #1822 (RESTORE) (60-vote threshold);
- Wyden #1817 (Keystone pipeline) (60-vote threshold);
- Hoeven #1537 (Keystone pipeline) (60-vote threshold);
- Boxer motion to waive Corker Budget point of order with respect to S.1813, Surface Transportation

Sarah C. Neimeyer
Senior Domestic Policy Advisor
U.S. Senator Richard J. Durbin

202/224-3650

01268-EPA-1644

Bob
Perciasepe/DC/USEPA/US
03/09/2012 09:19 PM

To Jim Martin
cc Gina McCarthy, Janet McCabe, Richard Windsor
bcc
Subject Re: Press releases on Colorado Regional Haze SIP

well done - team "haze"

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +(b) (6) Privacy

-----Jim Martin/R8/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
From: Jim Martin/R8/USEPA/US
Date: 03/09/2012 05:13PM
Subject: Press releases on Colorado Regional Haze SIP



FOR IMMEDIATE RELEASE

Office of Gov. John Hickenlooper

Mark Salley, 303-692-2013 w

Mark.Salley@state.co.us

Tisha Conoly Schuller, 303-861-0362 w

tisha.schuller@coga.org

Sharyn Stein, 202-572-3396 w

sstein@edf.org

Michelle Aguayo, 303-294-2300 w

michelle.aguayo@xcelenergy.com

Colorado's air quality plan receives initial approval from U.S. Environment Protection Agency

DENVER — Friday, March 9, 2012 — Gov. John Hickenlooper announced today that Colorado's State Implementation Plan for Regional Haze, a comprehensive package of pollutant emissions reduction strategies designed to provide sweeping public health and

environmental protections, has received preliminary approval from the U.S. Environmental Protection Agency.

“The EPA’s proposal to approve the Regional Haze Plan is a ringing endorsement of a comprehensive and collaborative effort to address this issue,” Hickenlooper said. “This plan is a major step in the state’s efforts to comply with the federal Regional Haze rule, a congressionally-established air quality goal that seeks to improve visibility in national parks and wilderness areas across the country, while also providing public health benefits.”

A key component of the overall plan is the 2010 Clean Air-Clean Jobs Act passed by the Colorado General Assembly that will reduce harmful pollution through emissions controls; retire old, inefficient coal-fired power plants; and convert certain electric generating units from coal to cleaner-burning natural gas.

By 2018, the plan will result in more than 70,000 tons of pollutant reductions annually, including 35,000 tons of nitrogen oxides, which leads to ground-level ozone formation. In total, the plan covers 30 units at 16 facilities throughout Colorado, including coal-fired power plants and cement kilns.

“Our plan will lead to less haze and improved visibility in some of Colorado’s most treasured and scenic areas, including Rocky Mountain National Park, Mesa Verde, Maroon Bells and the Great Sand Dunes,” said Dr. Christopher E. Urbina, Executive Director and Chief Medical Officer of the Colorado Department of Public Health and Environment. “Colorado has long recognized the importance of protecting air quality in national parks and wilderness areas, and has taken a leadership role in developing a plan that reduces emissions of pollutants that adversely impact visibility. The tremendous pollution reductions will also have significant public health benefits.”

“EPA’s proposal to approve Colorado’s plan works for both the environment and our customers,” **said David Eves, president and CEO of Public Service Co. of Colorado**, an Xcel Energy company. “EPA has now joined the Public Utilities Commission, the Department of Public Health and Environment, the Colorado legislature and other stakeholders in endorsing our plan under the Clean Air-Clean Jobs Act. EPA’s action helps assure we can significantly reduce emissions while keeping electricity affordable.”

“This approval is an important endorsement of Colorado’s state-led collaboration,” **said Tisha Conoly Schuller, President & CEO of the Colorado Oil & Gas Association**. “The Clean Air-Clean Jobs Act will support job creation in Colorado’s natural gas sector while measurably reducing air pollutant emissions,”

“Colorado’s bipartisan clean air plan will provide healthier air for our children and help clear the brown cloud over Denver while strengthening our economy,” **said Pamela Campos, an attorney in the Environmental Defense Fund’s Colorado office**. “EPA has shown strong leadership by proposing approval, clearing the way for historic pollution reductions from the single largest emitters in Colorado so that we can all breathe easier.”

“In the eyes of the American Lung Association, policies such as this that clean up our air

will help prevent disease, save lives, reduce hospitalizations and improve our overall health, which also has measurable benefits in terms of health-care costs,” said **Curt Huber, Executive Director for the American Lung Association in Colorado**. “Each year, the total benefits of EPA’s air pollution regulations outweigh the costs by as much as 40 to 1,”

EPA will take public comment on its proposed approval and intends to finalize its decision no later than Sept. 10, 2012. The plan, as approved by the Colorado Air Quality Control Commission and submitted to the EPA, can be viewed at <http://www.cdphe.state.co.us/ap/regionalhaze.html>.

###

UNITED STATES CONGRESS

**FOR IMMEDIATE
RELEASE**

Friday, March 9, 2012

CONTACT: Adam Bozzi (Bennet) – 202-228-5905

Tara Trujillo (Udall) – 202-224-4334

Juliet Johnson (DeGette) – 202-225-4431

Catherine Mortensen (Lamborn) – 202-841-2653

Leslie Oliver (Perlmutter) – 303-810-6326

Joe Megyesy (Coffman) – 202-744-0288

Chris Fitzgerald (Polis) – 202-225-2161

Rachel Boxer (Gardner) – 970-221-7153

Josh Green (Tipton) – 202-225-4761

**EPA Gives Initial Approval to Colorado’s Plan
– Backed by Delegation – to Reduce Regional
Haze Pollution**

Washington, DC – The Colorado Congressional delegation today applauded the U.S. Environmental Protection Agency’s (EPA) preliminary approval of Colorado’s State Implementation Plan (SIP) to reduce regional haze pollution in Colorado’s national parks and wilderness areas. The EPA’s proposal to adopt the plan would approve the Colorado strategy through 2018.

The SIP is designed to significantly reduce harmful emissions of sulfur dioxide, nitrogen oxide and other pollutants in Class I areas in Colorado, which are national parks and wilderness areas protected under the Regional Haze Program. The SIP was reviewed and endorsed by a broad, bipartisan coalition of stakeholder groups and elected officials in Colorado before Governor John Hickenlooper submitted it to the EPA.

“EPA’s announcement marks a significant endorsement of Colorado’s plan aimed at improving public health, increasing visibility and reducing haze pollution in our great national parks and wilderness areas, which drive so much of Colorado’s tourism and recreation economy,” **said Senator Michael Bennet**. “I am pleased that the EPA has recognized the broad support for this plan in Colorado from conservation groups to electric utilities to both houses of the state legislature.”

“Air pollution in Colorado’s iconic national parks and wilderness areas puts at risk not only the health and enjoyment of our state’s special places – but also the people who depend on recreation and tourism for their livelihoods,” **Senator Mark Udall said**. “I’m extremely thankful for the work of the broad, bipartisan group of Coloradans who worked hard to develop the SIP. And I applaud EPA’s decision to advance the plan to final approval and implementation.”

“Today’s decision by the EPA will help ensure Colorado’s air is cleaner and our families’ health is protected,” **said Representative Diana DeGette**.

“As someone who’s worked tirelessly to protect our natural heritage, I’m extremely pleased that the plan will address visibility concerns in our parks and wilderness areas. The exemplary local process to craft the SIP brought together diverse and bipartisan stakeholders like the state’s electric utilities, conservation organizations, state legislature, the governor, and others, and the result is a decision today that will help us all breathe easier.”

"Colorado's plan to meet regional haze requirements under the Clean Air Act is a carefully designed approach that is the result of a wide ranging public process that included numerous state agencies, environmental groups, industry and the Colorado legislature," **said Representative Doug Lamborn**. "The plan is consistent with Colorado's efforts to develop a balanced electricity portfolio that includes well-controlled coal, natural gas and renewable energy and I am pleased to see the EPA indicate it is proposing approving the Colorado plan."

"Every year pollution costs Coloradans millions of dollars in healthcare costs," **said Representative Ed Perlmutter**. "I am pleased to work with the EPA to find innovative ways to reduce pollution in our state."

"Our national parks and wilderness areas are some of our state's greatest treasures and I am pleased the EPA is going to allow Colorado to proceed with our own plan to reduce air pollution and improve public health in those areas," **Representative Mike Coffman said**.

"Colorado is known for its special places and crisp Rocky Mountain air," **said Representative Jared Polis**. "The EPA's approval of Colorado's plan is a testament to stakeholder collaboration and the shared understanding that keeping our state's celebrated landscapes pristine means protecting Colorado's health, culture and economy."

"Colorado's Regional Haze SIP has had broad, bi-partisan support and will enhance visibility through the reduction in various emissions across Colorado," **said Representative Cory Gardner**. "I am thrilled that EPA has decided to accept the Colorado plan and look forward to the benefits Coloradoans and their visitors will experience as a result of this decision."

In December, the delegation sent a [letter to EPA Administrator Lisa P. Jackson](#) in support of Colorado's State Implementation Plan to reduce regional haze pollution.

#

March 9, 2012
Contact: Daniel Whitten
Phone: [\(202\) 789-8490](tel:2027898490)
E-Mail: dwhitten@anga.us

ANGA Statement on Colorado's State Implementation Plan for Regional Haze

Background: *Following is a statement by Daniel Whitten, Vice President for Strategic Communications at America's Natural Gas Alliance, on today's announcement that the Environmental Protection Agency gave preliminary approval to Colorado's State Implementation Plan for Regional Haze.*

“ANGA commends the Environmental Protection Agency on its initial approval of Colorado's State Implementation Plan for Regional Haze.”

“Through the efforts of two governors and two general assemblies and with input from a diverse set of stakeholders –including Colorado's natural gas producers – the state has developed and is implementing the bipartisan Clean Air Clean Jobs Act. This is a responsible and innovative Colorado-based solution, which will lead to more domestic production of clean-burning natural gas, strong job growth, and cleaner air.

Today's development is another important step toward greater use of natural gas and toward reduction of emissions of mercury and smog-forming compounds such as NOX and SOX. Natural gas power plants produce virtually no emissions of mercury or SOX, and this plan will reduce NOX emissions at metro-area power plants along the state's Front Range by 70 to 80 percent by 2018.

“Natural gas is substantially cleaner than dominant alternatives for power generation and transportation, and its increased use will lead to better air quality and more jobs. We're proud of the contributions the natural gas community is making today to provide a clean, abundant, American source of fuel that can help protect Colorado's majestic outdoors, which are central to Colorado's tourism industry and advance the state's economy.”

#

America's Natural Gas Alliance (ANGA) represents 30 of the nation's leading independent natural gas exploration and production companies. ANGA members are dedicated to increasing the appreciation of the environmental, economic and national security benefits of clean, abundant, American natural gas. Learn more about ANGA at www.anga.us

James Martin
Regional Administrator
Region 8
U.S. Environmental Protection Agency

01268-EPA-1650

Scott Fulton/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Bob Sussman

03/14/2012 10:48 AM

cc

bcc

Subject Fw: NJ adopting waiver rule

May be worth a read re (b)(5) d.p.

----- Forwarded by Scott Fulton/DC/USEPA/US on 03/14/2012 10:46 AM -----

From: Eric Schaaf/R2/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA
Cc: CarolAnn Siciliano/DC/USEPA/US@EPA, Phyllis Feinmark/R2/USEPA/US@EPA, Marcia Mulkey/R3/USEPA/US@EPA
Date: 03/14/2012 10:17 AM
Subject: Fw: NJ adopting waiver rule

Scott: Sorry I had to miss yesterday's staff meeting. I'm forwarding a summary of the NJ waiver rule prepared by Phyllis Feinmark, who sat in for me yesterday. (b)(5) d.p.

[REDACTED] If you have any questions, or would like to discuss further, please give me a call at 212-637-3107. Thanks.
Eric

On March 8, 2012, NJDEP adopted a new rule allowing for the waiver of compliance with certain environmental regulations. NJDEP characterizes this action as in furtherance of Governor Christie's Executive Order No. 2 that directs state agencies to implement "Common Sense Principals" of government reform, wherein all State agencies were directed to adopt rules that allow for waivers of requirements that conflict or are unduly burdensome. This rule is intended to enable NJDEP to remove unreasonable impediments to economic growth while ensuring net environmental benefit for the state. The rule was first proposed on March 7, 2011. A public hearing was held on the proposed rule on April 1, 2011, and written comments were accepted through May 6, 2011. The public comment period for the original rule closed on May 6, 2011, and NJDEP had one year to make the decision whether to adopt the rule. The operative date of the rule (the date upon which waiver requests will first be accepted) is August 1, 2012, to allow time for NJDEP to put an electronic system in place for waiver requests as well as for the posting of information to facilitate the timely processing of waivers.

The rule sets forth conditions and procedures for DEP to approve waivers from strict compliance with its rules in order to address situations where (1) rules conflict, so as to make compliance with both rules impossible or impractical (two or more NJDEP rules, or an NJDEP rule and the rule of another state agency or a Federal agency) ; (2) a rule is unduly burdensome because it imposes exceptional hardship or excessive cost in relation to an alternate measure of compliance that achieves comparable or greater benefits; (3) a net environmental benefit would be realized through the waiver; and/or (4) a public emergency has been declared by a Federal or State official (if so doing best ensures protection of the public health, safety, and welfare, and the environment).

Certain rules cannot be waived, including (1) a requirement of, or duty imposed by, a Federal or State statute or Federal regulation, unless that statute or regulation provides for such a waiver, (2) a rule providing for a Federally delegated, authorized, or assumed program where the waiver would not be consistent with New Jersey's delegation, authorization, or assumption of authority pursuant to a Federal program, (3) a rule that implements a Federally enforceable program pursuant to a State Implementation Plan, (4) a rule that is part of a collaborative program where the waiver would not be consistent with New Jersey's participation in the multi-state or multi-jurisdictional program, (5) a rule concerning the air

emissions trading program, (6) a rule providing for a numeric or narrative standard protective of human health, (7) a rule concerning the designation of rare, threatened, or endangered status of any species of flora or fauna, or habitat for such species, (8) a rule providing for a remediation funding source, claim, or other reimbursement, grant, loan, or other financial assistance, (9) a rule providing for a license, certification, or registration for a vehicle, boat, individual, or business, (10) a rule providing for a license or approval for hunting, fishing, or trapping, (11) a rule providing for public participation or notice, or (12) a rule providing for a fee, oversight cost, or other Department cost.

The criteria to be used in determining whether a waiver should be approved include whether (1) the public has been given notice that a waiver is being considered; (2) NJDEP has been given sufficient data and information to support a waiver; (3) circumstances support the need for a waiver; (4) the person seeking the waiver has caused the circumstances that have resulted in a rule being unduly burdensome; (5) there is a net environmental benefit from the waiver (including the impact of the waiver on remediation or redevelopment of a contaminated site, or on expansion of an existing development); (6) the waiver is consistent with NJDEP's core missions to maintain, protect, and enhance New Jersey's natural resources and to protect public health, safety, and welfare, and the environment; and (7) the waiver would result in a reasonable and effective response to a public emergency.

NJDEP must publish notice of its determination to consider a waiver as well as its decision on each waiver. Where the waiver relates to rules for which NJDEP publishes notice of permits in the DEP Bulletin, the waiver notice is to be published there. Where the waiver relates to rules for which NJDEP does not publish notice of permit decisions in the DEP Bulletin, the notice is to be published on the NJDEP website. Both approval and denial of a waiver require documentation by NJDEP of its decision to the person requesting the waiver. Any waiver that is granted does not constitute a waiver of the rule generally, but rather is a waiver of only the application of the particular rule provision that the Department identifies in its documentation. It is only valid as to that project and that person identified in the request, and is not automatically renewable. Finally, a waiver will not constitute a defense to a judicial or administrative enforcement action for a violation that predates the waiver, but it may be used to resolve contested cases or other disputes.

Eric Schaaf
Regional Counsel
U.S. Environmental Protection Agency, Region 2
212-637-3107

01268-EPA-1653

**Brendan
Gilfillan/DC/USEPA/US**
03/15/2012 12:27 PM

To Michael Moats
cc Andra Belknap, Richard Windsor
bcc

Subject Re: ACTION draft Energy Star blog post

Hey boss - just bumping this up in your inbox. Pls let us know if you have any thoughts/concerns - (b)(5) d.p.
[Redacted]. Thanks!

Michael Moats Administrator, pasted below is a draft bl... 03/14/2012 08:09:03 PM

From: Michael Moats/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA
Date: 03/14/2012 08:09 PM
Subject: ACTION draft Energy Star blog post

Administrator, pasted below is a draft blog post for Energy Star's 20th anniversary. (b)(5) d.p.
[Redacted]

For your review, thanks.

DRAFT

Celebrating Energy Star: 20 Years of Partnership, Promise, and Progress
Byline: Name, Title, U.S. Environmental Protection Agency

(b)(5) d.p.
[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) d.p.



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

01268-EPA-1655

**Betsaida
Alcantara/DC/USEPA/US**
03/16/2012 08:28 AM

To Richard Windsor, Brendan Gilfillan, Arvin Ganesan, Alisha Johnson, Andra Belknap, Laura Vaught
cc
bcc

Subject Re: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

Gotta love Inhofe!
Richard Windsor

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

From: Richard Windsor
Sent: 03/16/2012 08:24 AM EDT
To: Betsaida Alcantara; Brendan Gilfillan; Arvin Ganesan; Alisha Johnson; Andra Belknap; Laura Vaught
Subject: Re: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

Om goodness.

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/16/2012 08:20 AM EDT
To: Richard Windsor; Brendan Gilfillan; Arvin Ganesan; Alisha Johnson; Andra Belknap; Laura Vaught
Subject: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'
Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

by Ben Geman
03/16/12

Conservative Sen. James Inhofe (R-Okla.) offered high praise Thursday night for a trio of ideological foes, including MSNBC host Rachel Maddow.

"By the way, you and Lisa Jackson and Barbara Boxer are my three favorite liberals, because I enjoy watching you very much," Inhofe told Maddow during an interview about global warming.

EPA Administrator Lisa Jackson and Sen. Barbara Boxer (D-Calif.), the chairwoman of the Senate Environment and Public Works Committee, are frequent sparring partners for Inhofe, the panel's top Republican.

However, Inhofe frequently points out that he has a friendly relationship with them.

"Lisa, she even has a picture of my 20 kids and grandkids hanging on her wall. She and I get along fine," Inhofe said on MSNBC. (An EPA spokeswoman confirmed his comment about the picture.)

Inhofe has long battled EPA and Democratic efforts to curb greenhouse gas emissions through cap-and-trade legislation, which collapsed in 2010, or regulations.

He's Capitol Hill's most outspoken opponent of mainstream climate science. "You say something over and over again and sooner or later, people, particularly your audience, there's a liberal audience, they want to believe it," Inhofe told Maddow.

The overwhelming majority of climate scientists say the planet is warming and that human activities - including the burning of fossil fuels - are a major cause.

A small minority of scientists argue that data on warming trends and the human contribution is inaccurate or inconclusive.

01268-EPA-1656

**Brendan
Gilfillan/DC/USEPA/US**
03/16/2012 08:28 AM

To Richard Windsor, Betsaida Alcantara, Arvin Ganesan, Alisha
Johnson, Andra Belknap, Laura Vaught
cc
bcc

Subject Re: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of
his 'three favorite liberals'

It's an honor.
Richard Windsor

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

From: Richard Windsor
Sent: 03/16/2012 08:24 AM EDT
To: Betsaida Alcantara; Brendan Gilfillan; Arvin Ganesan; Alisha Johnson;
Andra Belknap; Laura Vaught
Subject: Re: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his
'three favorite liberals'

Om goodness.
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/16/2012 08:20 AM EDT
To: Richard Windsor; Brendan Gilfillan; Arvin Ganesan; Alisha Johnson;
Andra Belknap; Laura Vaught
Subject: The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his
'three favorite liberals'
Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

by Ben Geman
03/16/12

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The overwhelming majority of climate scientists say the planet is warming and that human activities - including the burning of fossil fuels - are a major cause.

A small minority of scientists argue that data on warming trends and the human contribution is inaccurate or inconclusive.

01268-EPA-1661

Scott Fulton/DC/USEPA/US
03/21/2012 06:20 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
Sussman, Nancy Stoner, Gina McCarthy, Michael Goo
cc
bcc

Subject Re: A Few Updates Needed -

On EGU NSPS, I had a conversation with (b)(5) d.p., (b)(5) a.c.p.

Richard Windsor

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

From: Richard Windsor
Sent: 03/21/2012 05:16 PM EDT
To: Bob Perciasepe; Diane Thompson; Bob Sussman; Nancy Stoner; Gina
McCarthy; Scott Fulton; Michael Goo
Subject: A Few Updates Needed -
Folks,

I have an update meeting (b)(5) d.p.

hanks.

(b)(5) d.p.

Thanks folks. Please keep these brief. Lisa

01268-EPA-1662

Scott Fulton/DC/USEPA/US
03/21/2012 06:42 PM

To Bob Perciasepe, Richard Windsor, Diane Thompson, Bob Sussman, Nancy Stoner, Gina McCarthy, Michael Goo
cc
bcc

Subject Re: A Few Updates Needed -

(b)(5) d.p.
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 03/21/2012 06:23 PM EDT
To: Scott Fulton; Richard Windsor; Diane Thompson; Bob Sussman; Nancy Stoner; Gina McCarthy; Michael Goo
Subject: Re: A Few Updates Needed -

(b)(5) d.p.

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy
Scott Fulton

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

From: Scott Fulton
Sent: 03/21/2012 06:20 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Nancy Stoner; Gina McCarthy; Michael Goo
Subject: Re: A Few Updates Needed -

On EGU NSPS, I had a conversation (b)(5) d.p., (b)(5) a.c.p.
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 03/21/2012 05:16 PM EDT
To: Bob Perciasepe; Diane Thompson; Bob Sussman; Nancy Stoner; Gina McCarthy; Scott Fulton; Michael Goo
Subject: A Few Updates Needed -

Folks,

I have an update meeting (b)(5) d.p.
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) d.p. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks folks. Please keep these brief. Lisa

01268-EPA-1664

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Gina McCarthy

03/25/2012 10:36 PM

cc "Arvin Ganesan", "Bob Perciasepe", "Michael Goo", "Robert Sussman", "Diane Thompson"

bcc

Subject Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) d.p.

Sent from my Blackberry Wireless Device
Richard Windsor

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

From: Richard Windsor

Sent: 03/25/2012 10:33 PM EDT

To: Gina McCarthy

Cc: "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

Subject: Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) d.p.

I am also happy to talk it through w you tomorrow.

Gina McCarthy

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

From: Gina McCarthy

Sent: 03/25/2012 10:18 PM EDT

To: Richard Windsor

Cc: "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>

Subject: Wednesday's Gas Price Hearing at House Energy and Commerce

Administrator - (b)(5) d.p.

I am testifying at a hearing on Wed regarding a bill that would hinder EPA's ability to deliver much needed public health protections required under the CAA by preventing the finalization of Tier 3, refinery-related NSPS and MACTS, RFS, and Ozone NAAQS until studies of cumulative impacts associated with these rules (in combination with permitting actions) have been conducted, commented on and finalized. These rules were targeted because the bill's sponsors have identified them as impacting gas and diesel prices, jobs and the economy.

The bill is an obvious intent to take away EPA's authority to properly implement the CAA - it even revises the NAAQS process by requiring you to consider feasibility and cost. (b)(5) d.p.

(b)(5) d.p.

(b)(5) d.p.

(b)(5) d.p. [Redacted]

(b)(5) d.p. [Redacted]

01268-EPA-1670

**Brendan
Gilfillan/DC/USEPA/US**
04/03/2012 11:00 AM

To Richard Windsor
cc
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

He did. This is worth reaching out to them on - (b)(5) d.p.

Cecil Roberts: 'Lisa Jackson Shot Us'

MetroNews Talkline
Statewide



The President of the United Mine Workers of America says the regulation of carbon emissions from coal is not just an American issue.

"You have to eliminate greenhouse gas emissions throughout the world. You can't just regulate them through the EPA of the United States," Cecil Roberts said on Tuesday's MetroNews Talkline.

Roberts says he thinks the federal Environmental Protection Agency is exceeding its authority with proposed new regulations for required greenhouse gas limits for all new coal fired power plants.

He says those limits will shut down the development of new plants since the levels cannot be reached without the help of carbon carbon technology. That technology is not yet widely available.

"Coal is the fastest growing energy source in the world and they've decided, at the EPA, well, we're going to control what goes into the atmosphere worldwide by halting the construction of coal fired facilities in the United States," Roberts said.

"It doesn't work, for one thing, and, the second thing, it is just devastating for our economy."

The EPA is now accepting comments on the proposed new emissions limits which, if finalized, would be 1,000 pounds of carbon dioxide per megawatt hour of power produced.

When they were released last week, EPA Administrator Lisa Jackson said the regulations are necessary.

She said the following: "Right now, there are no limits to the amount of carbon pollution that future power plants will be able to put into our skies and the health and economic threats of a changing climate continue to grow."

But Roberts says Jackson's EPA will kill the U.S. coal industry with the move.

Richard Windsor (b)(5) d.p. 04/03/2012 10:58:57 AM

From: Richard Windsor/DC/USEPA/US
To: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>
Date: 04/03/2012 10:58 AM
Subject: Fw: Google Alert - lisa jackson epa

(b)(5) d.p.

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 04/03/2012 02:53 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Web

1 new result for lisa jackson epa

[Cecil Roberts Lisa Jackson Shot Us West Virginia Headline News and ...](#)

When they were released last week EPA Administrator Lisa Jackson said the regulations are necessary. She said the following Right now there are no limits to ...

www.wvmetronews.com/news.cfm?func=displayfullstory...

Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more.](#)

[Delete](#) this alert.
[Create](#) another alert.
[Manage](#) your alerts.

01268-EPA-1671

**Brendan
Gilfillan/DC/USEPA/US**
04/03/2012 11:02 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane
Thompson, Stephanie Owens, Arvin Ganesan
cc
bcc

Subject MetroNews: Cecil Roberts: 'Lisa Jackson Shot Us'

All -

(b)(5) d.p. [Redacted]

- Brendan

Cecil Roberts: 'Lisa Jackson Shot Us'

MetroNews Talkline
Statewide



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She said the following: "Right now, there are no limits to the amount of carbon pollution that future power plants will be able to put into our skies and the health and economic threats of a

changing climate continue to grow.

But Roberts says Jackson's EPA will kill the U.S. coal industry with the move.

"The Navy SEALs shot Osama bin Laden in Pakistan and Lisa Jackson shot us in Washington," he said.

01268-EPA-1676

Arvin Ganesan/DC/USEPA/US To Richard Windsor
04/05/2012 04:00 PM cc
bcc
Subject Re: FYI

(b)(5) d.p.

Sent from my Blackberry Wireless Device
Richard Windsor

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

From: Richard Windsor
Sent: 04/05/2012 03:58 PM EDT
To: Arvin Ganesan
Subject: Re: FYI

(b)(5) d.p.

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 04/05/2012 03:57 PM EDT
To: Richard Windsor
Cc: Laura Vaught
Subject: Re: FYI

Yeah, pretty great, especially when compared to other statements made by other Members of the WV delegation. For instance:

"As today's announcement shows, this EPA is fully engaging in a war on coal, even though this country will continue to rely on coal as an affordable, stable and abundant energy source for decades to come," Senator Manchin said. "This approach relies totally on cheap natural gas and we've seen that bubble burst before. It might sound good now, but what happens if those prices go up? Your average hardworking families and manufacturers will be left holding the bag of uncertainty – either in the prices they pay or in the reliability of our electrical system. Either way, they'll face enormous disruptions in their ability to do business and go about their everyday lives.

"This is what happens when this country doesn't have a true all-of-the-above energy approach. Instead of trying to completely eliminate coal in the long-term, the EPA should be trying to work with industry. The EPA should have learned from the federal court decision last week on Spruce Mine that they're overreaching their authority. But this ill-advised proposal to prevent new coal-fueled generation will move this country away from using all our domestic resources, and I will fight it every step of the way."

Richard Windsor <http://blogs.wvgazette.com/coalattoo/...> 04/05/2012 03:53:04 PM

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA
Date: 04/05/2012 03:53 PM

Subject: FYI

<http://blogs.wvgazette.com/coaltattoo/2012/03/28/sen-rockefeller-on-epa-greenhouse-gas-proposal-we-need-to-grab-hold-of-our-own-future/>

01268-EPA-1681

Arvin Ganesan/DC/USEPA/US

To mccarthy.gina

04/11/2012 02:14 PM

cc gilfillan.brendan, perciasepe.bob, Richard Windsor, Thompson.Diane, Laura Vaught

bcc

Subject Re: Fw: Issa inquiry

(b)(5) d.p. [redacted] ?

Gina McCarthy

Everyone - (b)(5) d.p. [redacted]

04/11/2012 02:01:23 PM

From: Gina McCarthy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, gilfillan.brendan@epa.gov, Ganesan.Arvin@EPA.GOV, Thompson.Diane@EPA.GOV
Date: 04/11/2012 02:01 PM
Subject: Fw: Issa inquiry

Everyone - (b)(5) d.p. [redacted]

[redacted] would appreciate your sage advice.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 04/11/2012 01:58 PM -----

From: Sarah Dunham/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US
Cc: "Lorie Schmidt" <schmidt.lorie@epa.gov>, "Paul Gunning" <gunning.paul@epa.gov>, Rona Birnbaum/DC/USEPA/US@EPA
Date: 04/11/2012 01:53 PM
Subject: Issa inquiry

Gina-

Lorie wanted to make sure we flagged this incoming Issa letter for you (she might have already flagged this). (b)(5) d.p. [redacted]

We will provide the further information below to help respond to the inquiry.

Sarah

What is the CMOP conference?

The US Coal Mine Methane Conference is hosted by EPA's Coalbed Methane Outreach Program

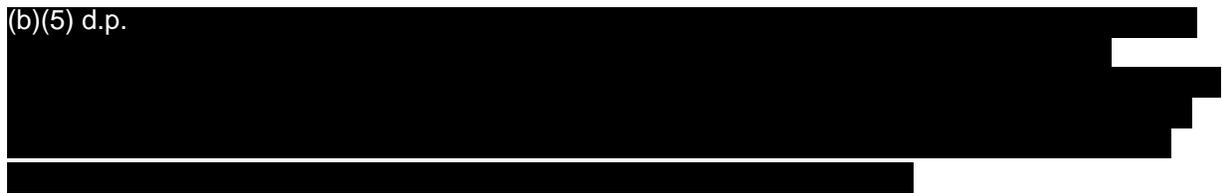
(CMOP) on an annual basis (since 2007). CMOP is one of EPA's voluntary programs that works in cooperation with industry to reduce methane emissions from US coal mining. The conference is a technology transfer event focused on advancing technology and practices that recover and beneficially use methane as a clean energy source. This year's conference is scheduled to be a one-day event.

Who attends the conference?

Participation in the conference includes 100 - 150 people, mostly the coal mining community and related coalbed methane industry sectors --both US and international attendees. Only two or three US EPA employees (CMOP staff) participate in the event - running event logistics, giving presentations and moderating technical sessions.

How is location determined and why is this year's event in Las Vegas?

(b)(5) d.p.



What does the conference cost?

This year's conference will cost an estimated \$76 K

01268-EPA-1683

**Elizabeth
Ashwell/DC/USEPA/US**
04/12/2012 09:58 AM

To
cc
bcc

Subject Meet with C40 CEO, Jay Carson

Meeting

Date 05/21/2012
Time 09:50:00 AM to 10:25:00 AM
Chair Elizabeth Ashwell

Invitees
Required
Optional
FYI

Location Administrator's Office

Ct: Ryan Robison - 202-564-2856

C40 Ct: Patrick 'PD' Thomas - (b) (6)

Attendees:

Jay Carson, C40 CEO
Rohit Aggarwala, the C40 Chair's representative and Senior Advisor

Staff:

Bicky Corman (OP)
Charles Imohiosen (OA)
Shalini Vajjjhala (OCFO)

O

01268-EPA-1684

Janet Woodka/DC/USEPA/US
04/12/2012 11:38 AM

To Richard Windsor
cc Bob Perciasepe, Brendan Gilfillan, "Gina (Sheila) McCarthy"
bcc
Subject Re: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

(b)(5) d.p.
[Redacted]

Janet

Richard Windsor (b)(5) d.p. 04/12/2012 11:32:44 AM

From: Richard Windsor/DC/USEPA/US
To: Janet Woodka/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>
Date: 04/12/2012 11:32 AM
Subject: Re: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

(b)(5) d.p. ? Tx.

Janet Woodka

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

From: Janet Woodka
Sent: 04/12/2012 11:30 AM EDT
To: Bob Perciasepe; Richard Windsor; Brendan Gilfillan
Subject: Fw: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

(b)(5) d.p.
[Redacted]

Janet

From: Khary Cauthen
Sent: Thursday, April 12, 2012 9:31 AM
To: jackson.lisa@epa.gov
Cc: thompson.diane@epa.gov; sussman.bob@epa.gov; mccarthy.gina@epa.gov; Cindy Huang; Heidi Ellis; Amy Dewey
Subject: Jack Gerard letter on New Source Performance Standards for the Oil and Gas Sector

Administrator: Jack wanted to share with you the following thoughts on the Oil and Gas Sector NSPS Rule.

Jack N. Gerard
President and Chief Executive Officer



1220 L Street, NW
Washington, DC 20005-4070
USA
Telephone (202) 682-8500
Fax (202) 682-8110
Email gerardj@api.org
www.api.org

April 12 , 2011

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

Re: New Source Performance Standards for the Oil and Gas Sector

Dear Administrator Jackson:

API and its member companies have urged EPA to improve the final rule to ensure it is both achievable and environmentally beneficial. API does not oppose the rule if changes can be made to ensure it can be reasonably implemented to avoid negative impacts to domestic oil and gas production and job creation. Now that EPA has obtained a short extension of the deadline for completing this rule, we would like to reiterate two important points.

I. NSPS requires consideration of cost in the selection of control measures.

In our comments on the proposed rule, we explained that, when the VOC content of gas is low, control measures (such as reduced emissions completions, or RECs) achieve very little VOC emissions reduction and are extraordinarily expensive (i.e., not cost-effective). Therefore, imposing control measures on low-VOC gas is not practicable and cannot be justified under the Clean Air Act.

EPA's cost analysis for the proposed rule assumed a fixed gas VOC content of about 18% by weight, which clearly is substantially higher than the VOC content of gas from many of the shale gas formations currently under development around the country. Our analysis shows that the estimated cost of control measures that EPA developed in support of the proposed rule was unrealistically low. For example, EPA's cost estimate for RECs did not take into account the time needed to transport needed equipment to a site and to set up the equipment once it arrives on site.

As a result of high VOC content and low equipment cost assumptions, EPA concluded that control measures, such as RECs, could be cost-effectively implemented at all affected facilities when, in fact, they can not. When applying the cost-effectiveness criteria EPA has routinely used in prior NSPS rules, control measures are not cost-effective unless the VOC content of the gas is 10% or higher.

In addition, even assuming EPA's cost estimates are correct, RECs still would not be cost-effective for a vast number of oil and gas productions sites. For example, we explained in our comments that the average VOC content of gas from coal bed methane wells is close to zero. Using EPA's own REC cost estimates, assumptions about the VOC reductions achieved, and the value of methane that would be captured, the net cost effectiveness of VOC control would still be hundreds of thousands of dollars per ton of VOC reduced. This is plainly not cost-effective.

EPA does not have unlimited authority under § 111. EPA may regulate only to the extent that its rule can be justified under the prescribed statutory factors. A rule that applies

without regard to VOC content is beyond EPA's authority.

II. A phase-in period for reduced emissions completions is needed.

In our comments on the proposed rule, we explained that a phase-in period will be needed to assure successful implementation of the new REC requirement where it will apply. We pointed out that about 25,000 new wells are completed each year and that there are approximately 300 REC sets currently in use in the industry. Assuming each REC set can be used to complete 25 wells per year, this means that about 1000 new REC sets will be needed to ensure that the rule can be implemented without unreasonably delaying new well development. In addition, many existing REC sets likely will need to be retrofitted to meet the new standards. This means that all 300 existing sets will not be immediately available upon the effective date of the rule. For these reasons, the REC requirement should become effective two years after the rule is issued.

If EPA requires immediate compliance with the REC requirement, the rule will cause substantial delays in most oil and gas development projects. Not only is this bad energy and economic policy, such an outcome is not supported by the law (e.g., a standard that cannot be met by most affected sources plainly cannot be shown to be achievable). This situation can and should be avoided by providing a two-year phase-in period for the REC requirement.

While this letter focuses on the REC requirements, similar situations apply to storage vessels and pneumatic controllers. A VOC applicability limit and phase-in period should be included for these two affected sources as well.

Thank you for the opportunity to submit these supplemental comments. Please feel free to contact me if you have questions or need additional information.

Sincerely,



Jack Gerard
President and CEO
American Petroleum Institute

[attachment "O&GAdministratorLtr.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-1689

Cynthia
Giles-AA/DC/USEPA/US
04/18/2012 04:59 PM

To Richard Windsor
cc Bob Perciasepe, Scott Fulton
bcc

Subject Factcheck.org: Romney Misfires with EPA Anecdote

Thought you might find this interesting. Would also add, although the article does not address this, that the Supreme Court said nothing about the Constitution on this - purely a statutory interpretation case.

Romney Misfires with EPA Anecdote

Posted on April 17, 2012

Mitt Romney railed against the “Obama EPA” and “how the Obama government interferes with personal freedom” — using as his example an EPA action taken in 2007, under President George W. Bush.

Furthermore, it was a Republican-nominated federal judge who made the initial ruling — in EPA’s favor — that was overturned recently by the Supreme Court.

At issue was a longstanding Environmental Protection Agency precedent regarding a property owner’s right to challenge an EPA compliance order in court, a policy that had been upheld in at least four other court challenges over the last two decades.

Romney outlined the case during [an address](#) to the National Rifle Association on April 13.

Romney, April 13: Mike and Chantell Sackett have seen firsthand how the Obama government interferes with personal freedom. They run a small business in Idaho. They saved enough money to buy a piece of property and build a home. But days after they broke ground, an EPA regulator told them to stop digging. The EPA said they were building on a wetland. But the Sackett’s property isn’t on the wetlands register. It sits in a residential area. Nevertheless, the EPA wouldn’t even let them appeal the decision. Fortunately, the Constitution confronted the Obama administration: The Supreme Court ruled unanimously for the Sacketts and against the Obama EPA.

The Sacketts purchased a vacant lot in a residential subdivision in 2005 with the intent of building a new home on it. The controversy erupted in the spring of 2007, shortly after the Sacketts began to fill in the property with gravel in preparation for building a foundation for their new home. Officials with the EPA arrived and ordered construction workers to halt, saying they were building on wetlands. The EPA threatened to [fine](#) the couple up to \$32,500 a day for violating the Clean Water Act if they didn’t restore the small wetlands by removing the gravel.

The Sacketts tried to sue, arguing there were no protected wetlands on the property. But a federal judge, Edward Lodge, ruled in the fall of 2008 (when George W. Bush was still president) that they were not entitled to a hearing on their appeal of the EPA’s compliance order, at least not until the EPA went to a judge to seek enforcement of the

order. Lodge was [recommended](#) by Republican Idaho Sen. James McClure to be a U.S. district judge, and he was nominated by President George H.W. Bush. Lodge's ruling was later upheld by the U.S. 9th Circuit Court of Appeals in 2010.

The case drew the attention of groups such as General Electric, the American Petroleum Institute, the National Association of Home Builders and 10 states, all of which filed court briefs in support of the Idaho couple.

Environmental groups warned that a ruling in favor of the Sacketts could allow corporate polluters to jam up the EPA in court while continuing to violate federal regulations. But during a Supreme Court hearing, one justice [called](#) the EPA's conduct "outrageous" and another labelled it "high-handedness."

In March, the Supreme Court [ruled unanimously](#) in favor of the Sacketts that property owners are entitled to a hearing to challenge an EPA compliance order. The Supreme Court specifically did not, however, weigh in on the underlying issue about whether there are wetlands on the Sacketts' property and whether the couple violated the Clean Water Act. The Sacketts will now be given an opportunity to argue that issue in a federal court in Idaho.

"It's a victory, but just Step 1," said Damien Schiff, an attorney for the conservative Pacific Legal Foundation, which represented the Sacketts for free, in a phone interview with FactCheck.org.

Romney largely got the facts of the case correct, Schiff said, but he was off-base when singling it out as a problem of the Obama administration.

"I think it's fair to say the problem is the EPA, writ large, not so much an Obama administration or Bush administration," Schiff said.

It was a case that was begun by the EPA under the Bush administration, and it continued under the Obama administration. But that doesn't let the Obama administration off the hook, he said.

"I'm sure that the Obama administration, if they had wanted to, could have ended the enforcement case a long time ago, and they opted not to," Schiff said.

Of course, the same thing could be said about the Bush administration.

At issue was an EPA policy that has been challenged and upheld repeatedly over the last 20 years. In fact, there have been at least four challenges in federal circuit courts similar to the Sacketts' and in every case, the circuit court sided with the EPA, ruling that landowners were not entitled to an immediate hearing regarding a compliance order ([Laguna Gatuna Inc. v. Browner](#), 1995, 10th Circuit; [Southern Ohio Coal Co. v. the Office of Surface Mining Reclamation and Enforcement](#), 1994, 6th Circuit; [Southern Pines Associated v. U.S.](#), 1990, 4th Circuit; and [Hoffman Group Inc. vs EPA](#), 1990, 7th Circuit).

We're not offering any judgments about the proper reach of wetlands regulations, or

what EPA did in this case. But this wasn't solely an "Obama EPA" battle, as Romney said. It was an enforcement action initiated by the EPA under the Bush administration, and a legal dispute over a ruling made by a Republican-appointed federal judge during the Bush administration. Moreover, it was a ruling that had been reached at least four times by other federal courts over the last two decades.

– *Robert Farley*

01268-EPA-1690

**Brendan
Gilfillan/DC/USEPA/US**
04/19/2012 06:58 AM

To "Richard Windsor"
cc "Alisha Johnson"
bcc
Subject Fw: USA Today

Hey boss -

If this comes up in any of your events today, (b)(5) d.p.

[REDACTED]

[REDACTED]

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

From: Brendan Gilfillan
Sent: 04/19/2012 06:46 AM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Betsaida Alcantara; David Bloomgren; Mathy Stanislaus; Lisa Feldt; Arvin Ganesan; Laura Vaught; Sarah Pallone; Janet Woodka
Subject: Fw: USA Today

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

From: David Bloomgren
Sent: 04/19/2012 06:05 AM EDT
To: Brendan Gilfillan; Betsaida Alcantara; Larry Jackson; Stacy Kika
Subject: USA Today

Here it is:

<http://www.usatoday.com/news/nation/story/2012-04-19/smelting-lead-contaminati-on-government-failure/54399578/1>

By Alison Young, USA TODAY

Published: 4/18/2012 9:39:36 PM

Ken Shefton is furious about what the government knew eight years ago and never told him - that the neighborhood where his five sons have been playing is contaminated with lead.

Their Cleveland home is a few blocks from a long-forgotten factory that spewed toxic lead dust for about 30 years.

The Environmental Protection Agency and state regulators clearly knew of the danger. They tested soil throughout the neighborhood and documented hazardous levels of contamination. They never did a cleanup. They didn't warn people living nearby that the tainted soil endangers their children.

"I needed to know that," Shefton said. "I've got a couple of kids that don't like to do nothing but roll around in the dirt."

More than a decade ago, government regulators received specific warnings that the soil in hundreds of U.S. neighborhoods might be contaminated with dangerous levels of lead from factories operating in the 1930s to 1960s, including the smelter near Shefton's house, Tyroler Metals, which closed around 1957.

Despite warnings, federal and state officials repeatedly failed to find out just how bad the problems were. A 14-month USA TODAY investigation has found that the EPA and state regulators left thousands of families and children in harm's way, doing little to assess the danger around many of the more than 400 potential lead smelter locations on a list compiled by a researcher from old industry directories and given to the EPA in 2001.

In some cases, government officials failed to order cleanups when inspectors detected hazardous amounts of lead in local neighborhoods. People who live nearby – sometimes directly on top of – old smelters were not warned, left unaware in many cases of the factories' existence and the dangers that remain. Instead, they bought and sold homes and let their children play in contaminated yards.

The USA TODAY investigation shows widespread government failures taking several forms:

- A failure to look. At dozens of sites, government officials performed cursory inquiries at best. In Minnesota, Indiana and Washington, state regulators told the EPA they could find no evidence that some smelters ever existed.

Yet in those states and others, reporters found the factories clearly documented in old insurance maps, town council minutes, city directories and telephone books – even in historical photos posted on the Web.

- A failure to act. In Pennsylvania, Maryland and Wisconsin, the EPA sent investigators to scores of sites from 2004 to 2006 after verifying a lead smelter once operated. The investigators recommended soil tests in the neighborhoods. Most of the tests were not done.

- A failure to protect. Even when state and federal regulators tested soil and found high levels of lead, as they did around sites in Philadelphia, Cleveland, Chicago and Portland, Ore., they failed for years to alert neighbors or order cleanups. Some kids who played in yards with heavily contaminated soil have dangerous levels of lead in their bodies, according to medical records obtained by USA TODAY.

In response to the investigation and USA TODAY's soil tests in 21 neighborhoods, government officials are taking action at old smelter sites in 14 states, ranging from reopening flawed investigations to testing soil to cleaning up contaminated property. In March, New York City officials closed four ball fields in a Brooklyn park after learning from USA TODAY that the

area was a former smelter site with elevated levels of lead.

"EPA and our state and local partners have overseen thousands of cleanups, through a variety of programs," said Mathy Stanislaus, an EPA assistant administrator. "Unfortunately, some of the sites USA TODAY identified have not yet been addressed or investigated by EPA. EPA will review USA TODAY's information to determine what steps can be taken to ensure Americans are not being exposed to dangerous levels of lead."

The EPA says it has worked with states to assess most of the sites on the 2001 list but that record-keeping is "incomplete" for many. Eighteen sites received some kind of cleanup but most weren't considered dangerous enough to qualify for federal action.

"I am convinced we have addressed the highest-risk sites," said Elizabeth Southerland, director of assessment and remediation for the EPA's Superfund program. "Absolutely and positively, we are open to reassessing sites that we now feel, based on your information, need another look."

EPA staff members said additional site reviews are underway, including checks of 48 sites the agency determined were never assessed. And the EPA said it will work with Ohio environmental regulators to re-examine the Cleveland neighborhood near Shefton's home to see whether a cleanup evaluation there is appropriate.

Ken Shefton and his family aren't waiting for the government to do a cleanup. His 6-year-old son, Jonathan, was diagnosed this spring with having an elevated level of lead in his body, Shefton said: "That was the last straw." He's in the process of selling his home. The family moved to another neighborhood last week. "Somebody needs to take care of this problem, or inform the people in this neighborhood," he said.

Concerns surfaced a decade ago

Most of the nation's lead factories – some huge manufacturing complexes and others tiny storefront melting shops – had been largely shuttered by the 1970s and 1980s. Often known as smelters, they emitted thousands of pounds of lead and other toxic metal particles into the air as they melted down batteries and other products containing lead.

The particles would land on nearby properties, potentially mixing with lead dust from automobile exhaust or paint chips – significant sources, says the government – to create a hazard. Children who play in lead-contaminated soil, sticking dust-covered hands or toys in their mouths, over time can suffer lost intelligence and other irreversible health problems.

In April 2001, environmental scientist William Eckel published a research article in the American Journal of Public Health warning about the dangers of old smelting factories. While working on his Ph.D. dissertation, Eckel had identified a historical smelting site unknown to federal and state regulators and wondered how many other sites had been forgotten over time, their buildings demolished or absorbed by other businesses.

Eckel used old industry directories, which he cross-referenced with EPA databases, to come up with a list of more than 400 potential lead-smelting sites that appeared to be unknown to federal regulators.

Eckel confirmed that 20 of the sites' addresses were factories – and not just business offices – using Sanborn fire insurance maps, which detail the historical uses of individual pieces of property. An additional 86 sites were

specifically listed in directories as "plant" locations. He paid to have soil samples tested from three sites in Baltimore and five in Philadelphia. All but one of the samples exceeded the EPA's residential hazard level for lead in areas where children play.

Eckel's article warned that the findings "should create some sense of urgency for the investigation of the other sites identified here because they may represent a significant source of exposure to lead in their local environments." The research indicates "a significant fraction" of the forgotten sites will require cleanups – likely at state and federal expense – because most of the companies went out of business long ago.

Buried by bureaucracy?

Eckel's research caught the attention of the EPA, which in 2001 asked him for a copy of his unpublished list, then shared it with EPA regional offices.

Records obtained under the Freedom of Information Act offer few details of the exact instructions the EPA gave to those receiving the list. Southerland, the EPA Superfund official, said the agency didn't provide regional offices any additional money or people to evaluate the old smelter locations. It asked only that the sites be put in their queues for possible assessment.

"We only have about 80 people and \$20 million each year to do our site assessment program," Southerland said. About half of that money is sent by the EPA to state agencies.

Cleaning up contamination left by a smelter can be expensive. In Omaha, the EPA has cleaned up 10,000 residential yards and spent nearly \$250 million addressing a former smelter there that wasn't on Eckel's list because it was already known to the agency. Many of the factories on Eckel's list were smaller operations.

With limited resources and many contaminated sites, state and federal environmental officials have to prioritize assessing sites they consider of greatest risk, Southerland said, and drinking-water contamination tends to trump soil contamination.

In addition, Southerland said, the EPA is authorized to clean up contamination only if it can show it came from an industrial release. That can be tricky to determine in some urban areas, where the agency says it's not uncommon to find high levels of lead contamination in soil, "particularly in large cities ... due to historic gasoline emissions from vehicles, aerial deposition from industrial facilities, and lead paint," the EPA said in a statement.

The government's efforts to investigate the sites on Eckel's list varied widely, records show. Dozens were never investigated. Others received a cursory records review or a "windshield survey" – a drive-by type of visit. Soil was tested at some sites, but the testing in some cases was limited to the former smelter's property boundaries and ignored where the wind might have carried airborne contamination; in other cases, testing was also done in nearby neighborhoods.

By 2005, concerned the list of 464 sites had been too large of a workload for the regions, officials at EPA headquarters launched their own assessment effort, Southerland said. The focus was on having regions examine a sampling of 31 sites from Eckel's list. They concluded many lacked evidence that they were ever smelters, according to a 2007 report obtained under FOIA marked "For Internal EPA Use Only." The report said only one of the sites determined to have been factories, Loewenthal Metals in Chicago, might qualify for a federal

cleanup and the rest were being addressed by state regulators. Southerland said a North Carolina site ultimately received a federal cleanup.

Only six of EPA's 10 regional offices had undertaken some sort of smelter discovery initiative, according to the 2007 internal EPA report. Two of those initiatives – one by federal officials in Pennsylvania and Maryland, the other by EPA Region 5 and Michigan state officials – focused on sites from Eckel's list, the report said.

Michigan regulators took actions at some Detroit smelters after the Detroit Free Press in 2003 did historical research into 16 Detroit sites on Eckel's list and found smelting or foundry work at most of them. Only one site was being cleaned up at the time of the report. In 2006-07, cleanups occurred in two more neighborhoods, according to a state contractor's report.

But in scores of other cases, USA TODAY found government agencies didn't do much to protect families and children – even when their own tests showed dangerous levels of lead where people live.

Reporters scour 464 sites

The USA TODAY investigation set out to determine which sites remained unaddressed and to examine the depth and quality of any government assessments.

Reporters researched all 464 sites in 31 states that were on Eckel's list to determine how many were factories, rather than just business offices – and what, if anything, had been done to clean up those hazardous enough to threaten people living nearby.

Reporters spent weeks in the basement of the Library of Congress, researching its extensive collection of Sanborn maps. Maps showing smelting or factories were located for more than 160 sites – including many that regulators never looked for because they lacked exact street addresses. Reporters researched old phone books and city directories, archival photograph collections, old business directories, property records and corporation filings. They filed more than 140 federal, state and local public records requests with environmental, health and other government agencies to determine what, if any, assessments had been done of the sites and the risks posed to people nearby.

As a result, the investigation found evidence of smelting, foundries or lead manufacturing at more than 230 sites in 25 states on the list of forgotten factories.

The failure to protect

Ken Shefton, his wife and five boys lived until last week in a Cleveland neighborhood a few blocks northeast of the former site of the Tyroler Metals smelter. The area's two-story wood homes, mainly built around 1900, are flanked by factories, both operating and abandoned.

A smelter operated at the Tyroler site from about 1927 through 1957, according to the state's report. Smelting no longer occurs at the site, which is now a scrap yard with a different owner.

In 2002 and 2003, state regulators from the Ohio Environmental Protection Agency— working at the request of the federal EPA – tested 12 samples of soil around the old site and in the nearby neighborhood. All but one showed lead contamination above the EPA's residential hazard level of 400 parts per million (ppm) of lead in bare soil where children play. Nine of the samples

had lead levels ranging from twice to five times the hazard level, according to the state's report.

The results indicated a possible "airborne depositional pattern or plume towards the northeast," the report said. In layman's terms: a fallout zone.

The state's research also identified that other smelters had been on adjacent properties dating to 1912, as well as a currently operating lead-manufacturing plant nearby. "A problem interfering with future investigation is attribution of lead contamination, due to multiple sources," the state's report said.

No matter the source, regulators never warned residents about what they found, and no cleanup occurred.

State regulators at the Ohio EPA said that without a specific polluter to blame – and force to pay for cleanup costs – there was nothing more they could do. "There are no Ohio EPA monies set aside and dedicated for this type of cleanup," the agency said in written responses to questions. "Our enforcement program focuses on responsible parties with the authority to legally compel them to fund cleanup."

Still, state regulators said that more than seven years ago they "recognized there could be potential for a health concern based on the sampling results." They said they fulfilled their duty by putting their findings about the neighborhood in a report and sending it to the EPA's regional office in Chicago. The state says it sent the report about Tyroler Metals, along with reports on eight other historical Cleveland smelter sites, to the director of the Cleveland Department of Public Health in June 2004.

Either agency could have followed up, the state said. Neither did.

Officials at the EPA regional office said that because the site didn't meet criteria for federal Superfund action, it was the state's responsibility. Federal and state officials now plan to review the site to see whether a cleanup evaluation is appropriate, the EPA said in a written statement.

Current and former Cleveland health department officials – including Matt Carroll, who at the time was health director, and Wayne Slota, who at the time was in charge of the lead poisoning prevention division – said they don't remember receiving the state's letter and reports about Tyroler Metals.

The only smelter issue they remember involved a different site on Eckel's list: Atlas Metals, where a city park had been built atop the old smelter site and state investigators had observed children playing in dirt that tests showed was significantly contaminated.

Of the 17 Ohio sites on Eckel's list – in Cleveland, Cincinnati, Columbus and Toledo – Atlas Metals was the only one records indicate received a cleanup.

A neighborhood suffers

"I'm concerned. I really don't know what to do," said McKinley Woodby, as he held his then-15-month-old son, Damien, on his lap. "I'm just a renter. I'm on a fixed income, so it ain't like I can dig the front yard up and bring in new dirt."

"I'm not going to let (Damien) back in the yard, I know that," he said, sitting on the front steps of their home about four blocks from the Tyroler Metals site.

When USA TODAY tested soil in the family's yard where Damien played, the results showed potentially dangerous contamination in four of five samples, ranging from 577 to 1,035 ppm. Although the EPA uses 400 ppm as its residential hazard level, California's environmental health agency has set 80 ppm as the level it says will protect children who regularly play in the dirt from losing up to 1 IQ point over time.

Damien's blood was checked a few weeks before USA TODAY tested the yard. Health department records show he had a blood-lead level of 4. That's below the federal action level – set in 1991 – but current science indicates children with levels below 5 are at risk of having decreased academic achievement.

Blood test results filed with the Ohio Department of Health show that during 2007 through mid-2011 in the smelter's ZIP code about 350 kids under age 6 had reported blood-lead levels of 5 or higher. About the same number had blood-lead levels of 2 to 4. There is not a definitive way to know how prevalent lead poisoning is in the area because not all children are screened and some tests are less accurate than others.

How much the lead in the dirt is contributing to the children's blood-lead levels is unclear. But experts say that soil is an important component, along with deteriorating lead-based paint in older homes and contaminated house dust.

Bruce Lanphear, a leading expert on childhood lead poisoning, said his research has estimated that for the average child about 30% of the lead in the body comes from contaminated soil, about 30% from contaminated house dust – which includes particles of flaking paint – and about 20% from water.

"Those were the major sources, so they're all fairly important," said Lanphear, a professor of children's environmental health at Simon Fraser University in British Columbia.

A child's lead exposure can be very individualized, he said, depending on geography. For some children, it might be all about paint. "If you were to look at a community that's adjacent to a smelter, it might be that it's 80% soil, or 90% soil."

'Oh, my gosh, no, I didn't know'

In Chicago, officials have known for years about a neighborhood where contamination could pose a danger and have done little to address it. Walsh Elementary School in Pilsen is just down the block from the former site of Loewenthal Metals.

Delinda Collier said she had no idea the site used to be a lead smelter and was contaminated. There were no warning signs on the property. "Oh, my gosh, no, I didn't know," said Collier, 38, who rents an apartment across the street and lets her dog play on the vacant lot. "I'll bet nobody else does either."

Federal and state regulators knew.

Tests by the state in 2006 found the former smelter's vacant lot contaminated with up to 5,900 ppm of lead – more than 14 times the amount the EPA considers potentially hazardous in areas where children play.

"Since this site is in a residential area, the possibility of exposure is high," according to the report state officials sent to the EPA, which commissioned the work. But the site wasn't bad enough to qualify for its

Superfund list, and the report was archived.

State regulators at the Illinois EPA said Loewenthal Metals was one of about 50 old smelter sites in Chicago they reviewed to varying degrees at the request of the U.S. EPA. The Loewenthal site had even been highlighted in the 2007 EPA headquarters report as the only site examined under its smelter initiative that might need a Superfund removal action.

Still, it fell through the cracks.

"We never got any follow-up instructions from them on what additional things to do with the reports we sent up to them," said Gary King, who was manager of the state agency's division of remediation management until he retired in December.

"Nonetheless, as a result, frankly, of the (open records) request that came in from USA TODAY and going back in and looking at this information ... we concluded that it would be best to send in what we call a 'removal action' referral," King said. That means the state is now formally asking the EPA to remove the contamination from the property.

The state also is formally asking the EPA to clean up a second Chicago site, Lake Calumet Smelting, where its tests in 2004 found high levels of lead – up to 768,000 ppm – on the former factory's property. The nearest homes are about a half-mile away, records show.

The failure to act

Even when officials did identify factory sites and nearby neighborhoods that could be contaminated, they failed to follow through.

The EPA's Philadelphia regional office developed one of the agency's most comprehensive smelter initiatives in response to Eckel's report. Officials there sent contractors in 2005-06 to visit most of the 71 factory sites listed in Pennsylvania, Maryland and Virginia.

The assessments confirmed dozens of the sites had had smelters, reports show, with 34 of them in troubling proximity to homes, parks and schools. As a result, EPA contractors recommended soils nearby be tested. Despite the passage of years, testing has been done at 10 sites, fewer than a third, records show.

The EPA now says the site assessment process is ongoing and the agency must prioritize its use of resources. In some cases, the EPA may not agree with its contractor's recommendations. Still, the EPA said it plans an additional assessment at several sites in late 2012 or early 2013. The "lead smelter sites at this time do not seem to pose the same threats we are encountering at other sites in the region," the EPA said.

The threat seemed serious to others in 2004.

At that time, state and federal health officials distributed a health alert to doctors with a map of the Pennsylvania locations on Eckel's list. The alert by the Pennsylvania Department of Health and the federal Agency for Toxic Substances and Disease Registry recommended doctors consider doing blood tests on children living near the sites to look for lead poisoning.

The EPA's Philadelphia regional office, however, says it sees no need to put out general warnings to neighbors of old smelter sites. "This type of approach would unnecessarily alarm residents and community members," it said. The

office also said it saw no need to tell Maryland's state environmental agency about the 11 smelter sites in its state on Eckel's list. Nor did the EPA region alert the state agency that federal contractors had recommended soil testing around five of them.

USA TODAY provided Maryland officials the locations of the sites – and copies of the EPA's reports.

The EPA's failure to share such information is unusual, said Art O'Connell, chief of the Maryland Department of the Environment's state Superfund program. "I don't know what happened in this particular case, but it's certainly not the norm," he said.

As a result of the information provided by the newspaper, O'Connell said, the state recently examined the sites and determined that two former factories in Baltimore warrant further investigation: Industrial Metal Melting and Dixie Metal Co. The state has asked the EPA for funding to do soil testing and other investigation at the sites this year.

As for the three other factory sites where EPA's contractors recommended tests, O'Connell said his department believes they were small operations and had little impact on soil.

The failure to look very hard

Philadelphia-based officials started investigations; other EPA regions did far less.

Of the 120 sites on Eckel's list in New York and New Jersey, the EPA office responsible for those states sent inspectors to 14 locations. (USA TODAY found historical fire insurance maps and other documents showing evidence of smelting at 53 sites in those states.)

And even though the entire focus of Eckel's list involved smelters that had closed long ago, the EPA in 2002-03 inexplicably sent inspectors looking for active smelters at only nine of the locations.

"On each occasion, upon reaching the site where the smelter was supposedly operating, the inspector found the smelter had been closed down long ago," said Philip Flax, an EPA senior enforcement team leader, in a letter to USA TODAY that accompanied copies of some inspection reports.

In 2005-06, the EPA visited four more sites in New York and one in New Jersey.

The New Jersey Department of Environmental Protection had files on only five of the 31 sites listed in its state, according to the department's responses to 31 separate open records requests it required USA TODAY to file. Only two of the files showed evidence the sites were smelters or lead factories. Yet USA TODAY later found evidence that 12 additional sites were factories. The state is now working with EPA to investigate, DEP spokesman Lawrence Hajna said. He also now says the department has located case files on some sites it told USA TODAY it didn't have.

In 2002 and 2003, the New York Department of Environmental Conservation did an "informal investigation" at some of the 89 sites listed in the state, spokeswoman Emily DeSantis said.

Four sites were known to the department and undergoing cleanups. At the remaining sites, the department concluded there was "no evidence" of environmental impacts or "no apparent impact," according to information

provided by DeSantis.

Yet the department provided records documenting staff visits to just 13 of those sites. Others were assessed by the department's regional offices, DeSantis said, but the department had no record of those evaluations. There was no soil testing at any of the sites, she said, but USA TODAY's findings will be reviewed for possible follow-up.

In other states, USA TODAY repeatedly located smelters that regulators said their extensive research found no evidence had existed.

The Indiana Department of Environmental Management told the EPA in 2002 they could not find the site of the former Chas. Braman & Sons factory in the north-central Indiana town of Plymouth. The list provided to them by the EPA had only a post office box as an address. "Numerous historical industrial directories, as well as Sanborn maps, were consulted without finding any reference to the site," the state said in a 2002 report sent to the EPA.

The newspaper found a street address for the plant listed in a 1959 edition of Plymouth's telephone directory. A call to Plymouth's City Hall produced council minutes beginning in 1954 showing that emissions from the plant were a source of citizen complaints. According to a 1956 article from a local newspaper that Plymouth's city attorney found in the town's history museum, the Chas. Braman & Sons "smelting plant manufactured granular aluminum, solder and lead."

In response to USA TODAY's findings, state regulators sent staff to Plymouth and took 24 off-site soil samples from various locations near the former facility. Another six samples were taken on the factory site, which is now a granular aluminum company.

All the state's tests showed lead levels below federal guidelines; many did not detect any lead. "We did not see anything we were concerned about," said Mark Jaworski, a project manager in the state's site investigations section. The current owner of the aluminum company on the property, John Oliver Sr., said there has been no lead smelting since the Bramans' sold their factory around 1965.

Minnesota regulators told the EPA in a 2002 memo they were unable to confirm whether any of the seven sites in their state had been smelters. USA TODAY found evidence of historical smelting at two of them.

A state employee checked corporation records and did a drive-by of the former Hiawatha Avenue location of Northwestern Smelting & Refining in Minneapolis and noted a construction company and a bus line were among current businesses there. "No information available as to the operation of a smelter at this location," wrote Gary Krueger in his 2002 assessment.

The newspaper found photographs from the 1940s of the smelter in operation posted on the Minnesota Historical Society's website. A reporter located a historical Sanborn fire insurance map at the Library of Congress showing three smelters there at one time.

Krueger told the EPA in 2002 he couldn't find evidence of a National Lead smelter, which had been listed in St. Paul without a street address in old industry directories. "Additional use of state resources cannot be justified based solely on name of potential facility somewhere in St. Paul," says the state's report.

A reporter located the factory by searching through old indexes to Sanborn

fire insurance maps. The map shows the National Lead plant was in a warehouse district near the Mississippi River and what is now Harriet Island Regional Park and describes it as a manufacturer of lead pipe, babbitt, solder and printers' metals; it also shows melting kettles.

After being given the photos and maps found by USA TODAY, Krueger recently visited the St. Paul site and made a second visit to the Minneapolis site. Krueger, a project manager in the state's Superfund program, noted the areas have undergone redevelopment.

"Quite honestly, it really doesn't change anything," he said. Without more proof of a danger, Krueger said, his department can't justify doing any soil sampling.

USA TODAY tested soil near the former National Lead site in St. Paul and found elevated levels in street-side public rights-of-way ranging up to 539 ppm. None of the three samples taken inside the park – which is in the river's flood plain – showed lead levels above 400 ppm, the EPA's hazard level for children's play areas. Near the Minneapolis smelter site, USA TODAY's tests found varying levels of lead.

•COMING NEXT: More tests, more contamination

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01268-EPA-1697

Jeffrey Corbin/CBP/USEPA/US

04/30/2012 08:37 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Shawn Garvin, Brendan Gilfillan, Sarah Pallone, Scott Fulton, Avi Garbow, lawrence.elworth, Diane Thompson
cc Alisha Johnson

bcc

Subject Fw: Wash Post - Bay cleanup plan has environmental groups at odds

(b)(5) d.p.



jc

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Bay cleanup plan has environmental groups at odds

By [Darryl Fears](#), Published: April 29

For more than a decade, the [Potomac Riverkeeper](#) organization has been that ant that tried to move a rubber tree plant, taking on large corporate polluters in high hopes of one day cleaning the Chesapeake Bay.

But recently, in an unlikely twist, the scrappy Potomac Riverkeeper backed away from a fight. Although it believes a controversial part of the Environmental Protection Agency's plan to clean up the bay will actually lead to more pollution, it abandoned a small coalition of environmentalists that had threatened to sue the EPA. "We do not have the resources to get involved with this particular lawsuit," said the group's leader, [Ed Merrifield](#).

It was responding to a threat — not from a corporation, its usual foe, but a friend. The [Keith Campbell Foundation for the Environment](#), which has donated millions of dollars to Riverkeeper groups over the years, threatened to withdraw future funding if they sued. Other Riverkeeper groups also dropped legal action.

It was a clear sign that environmental groups have not only squared off against the American Farm Bureau Federation, which has filed a federal lawsuit to stop the largest bay cleanup plan in

history, but also each other, [in the 16 months since the EPA approved](#) the first state proposals to reduce pollution in the watershed.

The stakes are huge. The most ardent backers of the EPA's aggressive new pollution diet — the [Choose Clean Water Coalition](#) of 230 groups, the Chesapeake Bay Foundation and the Natural Resources Defense Council — view it as the Chesapeake's last hope.

If it unravels because of a legal challenge, or lack of support from the states charged with implementing the cleanup, it might take 10 years to draft another plan to stop millions of tons of pollution from flowing into the bay, according to the bay foundation.

From the bay foundation's perspective, a challenge to the EPA's authority by the group's allies is not much different from the challenge being heard in a Pennsylvania court by its foes — the farm, pesticide, pork and home-builder lobbies that stand against the strict regulations of the pollution diet.

Riverkeeper groups also want a clean bay, but some could not stomach one of EPA's methods, a program that would turn the Chesapeake's waters into an open marketplace for farmers and corporations that create pollution.

Under a nutrient trading program, farmers who exceed pollution reduction goals set by the EPA would receive credits they could sell to corporations such as coal-fired power plants that fail to reach their own reduction goals.

In theory, the program would help farmers pay for expensive crop covers and buffers to soak up rain. Storm runoff from farms is a major problem because it carries nitrogen from fertilizers and phosphorus from animal waste into streams and rivers that flow to the bay. The pollution contributes to oxygen-depleted "dead zones" that smother oysters, crabs, mussels and other marine life in the nation's largest estuary.

But Riverkeeper group members and some other environmentalists say that nutrient trading is a shell game that will allow more pollution to creep into the bay. They say that because of lax farm regulations in bay watershed states — Virginia, Maryland, West Virginia, Pennsylvania, Delaware and New York — the EPA would have no sure way of knowing whether farmers have met pollution reduction goals.

The comprehensive plan is at a key stage. At the end of March, states submitted final proposals on how they would implement their strategies to reduce pollution in coming years.

With the threatened lawsuit, lawyers at two environmental groups, Food and Water Justice and Earthjustice, along with some Riverkeeper groups, sought to surgically remove nutrient trading from the comprehensive plan.

"People were very concerned that one of our partner organizations would sue" in a federal court, said Will Baker, president of the Chesapeake Bay Foundation.

The American Farm Bureau Federation, the National Association of Homebuilders and others [challenged the EPA's authority](#) in a lawsuit last year, saying that the agency's assessment of pollution is based on faulty science and that only states have the power to enforce a cleanup.

"We heard from a number of attorneys that when you have two pieces of federal litigation both supporting the same thing . . . they join together, and we thought that would have been terrible," Baker said.

A solidarity meeting scheduled for March was abandoned, at least one environmentalist said, because people were screaming at a mediator. Not true, Baker said: "I have never been in any meeting about this topic where people have raised their voices."

Shouting was not necessary, because money did the talking, said a member of a Riverkeeper group. Keith Campbell, founder of the Keith Campbell Foundation for the Environment, sits on the board of the Chesapeake Bay Foundation, which discussed the legal threat.

About two months ago, members of Riverkeeper groups gathered at the foundation in Annapolis for an important word from their sponsor. According to a member who attended the meeting, the foundation's director, Verna Harrison, reminded them that the foundation had donated \$4 million to their causes over the years and then issued an ultimatum.

"If you challenge nutrient trading, you're done. You won't be funded by us anymore," said the Riverkeeper member, recalling Harrison's words. The member declined to be named, fearing a funding cut. Merrifield of Potomac Riverkeeper also declined to comment on the dispute.

Harrison declined to comment on her discussions with Riverkeeper activists. In a statement, Campbell Foundation President Samantha Campbell said:

"When we find a fundamental disconnect between the principles that drive our mission and the work of a potential grant recipient, we take a number of steps to inform all parties on the priority areas that are currently being considered for funding."

Scott Edwards, co-director of Food and Water Justice, which worked with Earthjustice to draft the lawsuit, said, "I've been at this for years and years, and I've never seen this attempt to try to stop a group for asserting its position."

Without its partners, Food and Water Justice, an arm of Food and Water Watch, is trying, so far in vain, to revive the lawsuit. "You expect this from industry; you don't expect it from your friends," Edwards said.

01268-EPA-1714

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Sussman, Bob Perciasepe

05/25/2012 09:16 AM

cc

bcc

Subject Fw: Rahall: Transportation bill more important than coal ash

(b)(5) d.p.
[Redacted content]

This may warrant a quick conversation early next week.

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 05/25/2012 09:11AM

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To: Arvin Ganesan/DC/USEPA/US@EPA
From: POLITICO Pro <politicoemail@politicopro.com>
Date: 05/25/2012 05:41AM
Subject: Rahall: Transportation bill more important than coal ash
=====

Rahall: Transportation bill
more important than coal ash

By Erica Martinson

5/25/12 5:31 AM EDT

BECKLEY, W.Va. — Rep. Nick Rahall wants to stop the EPA's "war" on coal ash but not enough to stall the transportation bill. The West Virginia Democrat is a sponsor of a coal ash amendment in the transportation legislation, but he said Thursday that he would rather see the bill pass soon. He also supports the Keystone XL pipeline but doesn't want that issue to sidetrack the transportation bill either.

"Those amendments that were tacked on by the House of Representatives — Keystone, coal ash, whatever — if we cannot get it done in this bill, we should not hold up this bill to get it done," Rahall told POLITICO. "We've limped along for far too long."

Rahall said he'd just spoken to transportation conference

Chairwoman Barbara Boxer (D-Calif.) before coming to a state-sponsored forum in his district about "EPA's war on coal." But stopping the agency from promulgating a regulation that it doesn't seem excited to move on isn't the priority, Rahall said. Rahall and Rep. David McKinley (R-W.Va.) co-sponsored the coal ash amendment, which had the support of 37 House Democrats in October and was added to the House transportation extension bill last month. The language would give states oversight of coal ash residue from power plants and block the EPA from regulating it as a hazardous waste.

To read and comment online:

<https://www.politicopro.com/go/?id=11720>

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