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**Richard Windsor/DC/USEPA/US**  
10/05/2009 05:02 PM

To Craig Hooks  
cc Seth Oster, Allyn Brooks-LaSure, Diane Thompson  
bcc  
Subject Fw: President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance

Curious - [REDACTED] (b) (5) Deliberative

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Date: 10/05/2009 03:45 PM  
Subject: Fw: President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance

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From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
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Subject: President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE:  
October 5, 2009

**President Obama signs an Executive Order Focused on Federal Leadership in Environmental, Energy, and Economic Performance**

WASHINGTON, DC – Demonstrating a commitment to lead by example, President Obama signed an Executive Order (attached) today that sets sustainability goals for Federal agencies and focuses on making improvements in their environmental, energy and economic performance. The Executive Order requires Federal agencies to set a 2020

greenhouse gas emissions reduction target within 90 days; increase energy efficiency; reduce fleet petroleum consumption; conserve water; reduce waste; support sustainable communities; and leverage Federal purchasing power to promote environmentally-responsible products and technologies.

“As the largest consumer of energy in the U.S. economy, the Federal government can and should lead by example when it comes to creating innovative ways to reduce greenhouse gas emissions, increase energy efficiency, conserve water, reduce waste, and use environmentally-responsible products and technologies,” said President Obama. “This Executive Order builds on the momentum of the Recovery Act to help create a clean energy economy and demonstrates the Federal government’s commitment, over and above what is already being done, to reducing emissions and saving money.”

The Federal government occupies nearly 500,000 buildings, operates more than 600,000 vehicles, employs more than 1.8 million civilians, and purchases more than \$500 billion per year in goods and services. The Executive Order builds on and expands the energy reduction and environmental requirements of Executive Order 13423 by making reductions of greenhouse gas emissions a priority of the Federal government, and by requiring agencies to develop sustainability plans focused on cost-effective projects and programs.

Projected benefits to the taxpayer include substantial energy savings and avoided costs from improved efficiency. The Executive Order was developed by the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB) and the Office of the Federal Environmental Executive, with input from the Federal agencies that are represented on the Steering Committee established by Executive Order 13423.

The new Executive Order requires agencies to measure, manage, and reduce greenhouse gas emissions toward agency-defined targets. It describes a process by which agency goals will be set and reported to the President by the Chair of CEQ. The Executive Order also requires agencies to meet a number of energy, water, and waste reduction targets, including:

- 30% reduction in vehicle fleet petroleum use by 2020;
- 26% improvement in water efficiency by 2020;
- 50% recycling and waste diversion by 2015;
- 95% of all applicable contracts will meet sustainability requirements;
- Implementation of the 2030 net-zero-energy building requirement;
- Implementation of the stormwater provisions of the Energy Independence and Security Act of 2007, section 438; and
- Development of guidance for sustainable Federal building locations in alignment with the Livability Principles put forward by the Department of Housing and Urban Development, the Department of Transportation, and the Environmental

## Protection Agency.

Implementation of the Executive Order will focus on integrating achievement of sustainability goals with agency mission and strategic planning to optimize performance and minimize implementation costs. Each agency will develop and carry out an integrated Strategic Sustainability Performance Plan that prioritizes the agency's actions toward the goals of the Executive Order based on lifecycle return on investments. Implementation will be managed through the previously-established Office of the Federal Environmental Executive, working in close partnership with OMB, CEQ and the agencies.

Examples of Federal employees and their facilities promoting environmental stewardship exist throughout the country. The U.S. Department of Veterans Affairs National Energy Business Center has recently awarded a design-build contract for a wind turbine electric generation system to serve their Medical Center in St. Cloud, Minnesota. The 600-kW turbine installation, to be completed in spring 2011, is projected to supply up to 15 percent of the facility's annual electricity usage.

The U.S. General Services Administration's Denver Federal Center (DFC) in Lakewood, Colorado will be installing an 8 megawatt photovoltaic system as part of a large modernization effort. The primary goal of the project is to provide a reliable utility infrastructure to service tenant agencies for the next 50 years. This facility will feed renewable energy back into the grid at night and cover 30-40 acres.

Many federal agencies have received recognition for their work to integrate environmental considerations into their daily operations and management decisions including: the Air Force Sheppard Air Force Base in Texas for their "Sheppard Puts the R in Recycling" program, the Department of Treasury for their petroleum use reduction, the Department of Energy Y-12 National Security Complex in Tennessee for pollution prevention, the United States Postal Service for their Green Purchasing Program, U.S. Department of Agriculture "Sowing the Seeds for Change" Extreme Makeover Team in Deer River Ranger District in Minnesota; and the Department of Health & Human Services National Institutes of Health in Maryland for their laboratory decommissioning protocol.



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## THE WHITE HOUSE

## Office of the Press Secretary

For Immediate Release

October 5, 2009

## EXECUTIVE ORDER

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FEDERAL LEADERSHIP IN ENVIRONMENTAL, ENERGY,  
AND ECONOMIC PERFORMANCE

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to establish an integrated strategy towards sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies, it is hereby ordered as follows:

Section 1. Policy. In order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals.

It is further the policy of the United States that to achieve these goals and support their respective missions, agencies shall prioritize actions based on a full accounting of both economic and social benefits and costs and shall drive continuous improvement by annually evaluating performance, extending or expanding projects that have net benefits, and reassessing or discontinuing under-performing projects.

Finally, it is also the policy of the United States that agencies' efforts and outcomes in implementing this order shall be transparent and that agencies shall therefore disclose results associated with the actions taken pursuant to this order on publicly available Federal websites.

Sec. 2. Goals for Agencies. In implementing the policy set forth in section 1 of this order, and preparing and implementing the Strategic Sustainability Performance Plan called for in section 8 of this order, the head of each agency shall:

(a) within 90 days of the date of this order, establish and report to the Chair of the Council on Environmental Quality (CEQ Chair) and the Director of the Office of Management and Budget (OMB Director) a percentage reduction target for agency-wide

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reductions of scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of the agency's scope 1 and 2 greenhouse gas emissions. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties in the course of regular business. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

- (i) reducing energy intensity in agency buildings;
- (ii) increasing agency use of renewable energy and implementing renewable energy generation projects on agency property; and
- (iii) reducing the use of fossil fuels by:
  - (A) using low greenhouse gas emitting vehicles including alternative fuel vehicles;
  - (B) optimizing the number of vehicles in the agency fleet; and
  - (C) reducing, if the agency operates a fleet of at least 20 motor vehicles, the agency fleet's total consumption of petroleum products by a minimum of 2 percent annually through the end of fiscal year 2020, relative to a baseline of fiscal year 2005;

(b) within 240 days of the date of this order and concurrent with submission of the Strategic Sustainability Performance Plan as described in section 8 of this order, establish and report to the CEQ Chair and the OMB Director a percentage reduction target for reducing agency-wide scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of agency scope 3 emissions. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

- (i) pursuing opportunities with vendors and contractors to address and incorporate incentives to reduce greenhouse gas emissions (such as changes to manufacturing, utility or delivery services, modes of transportation used, or other changes in supply chain activities);
- (ii) implementing strategies and accommodations for transit, travel, training, and conferencing that actively support lower-carbon commuting and travel by agency staff;
- (iii) greenhouse gas emission reductions associated with pursuing other relevant goals in this section; and
- (iv) developing and implementing innovative policies and practices to address scope 3 greenhouse gas emissions unique to agency operations;

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(c) establish and report to the CEQ Chair and OMB Director a comprehensive inventory of absolute greenhouse gas emissions, including scope 1, scope 2, and specified scope 3 emissions (i) within 15 months of the date of this order for fiscal year 2010, and (ii) thereafter, annually at the end of January, for the preceding fiscal year.

(d) improve water use efficiency and management by:

- (i) reducing potable water consumption intensity by 2 percent annually through fiscal year 2020, or 26 percent by the end of fiscal year 2020, relative to a baseline of the agency's water consumption in fiscal year 2007, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers;
- (ii) reducing agency industrial, landscaping, and agricultural water consumption by 2 percent annually or 20 percent by the end of fiscal year 2020 relative to a baseline of the agency's industrial, landscaping, and agricultural water consumption in fiscal year 2010;
- (iii) consistent with State law, identifying, promoting, and implementing water reuse strategies that reduce potable water consumption; and
- (iv) implementing and achieving the objectives identified in the stormwater management guidance referenced in section 14 of this order;

(e) promote pollution prevention and eliminate waste by:

- (i) minimizing the generation of waste and pollutants through source reduction;
- (ii) diverting at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of fiscal year 2015;
- (iii) diverting at least 50 percent of construction and demolition materials and debris by the end of fiscal year 2015;
- (iv) reducing printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer fiber;
- (v) reducing and minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of;
- (vi) increasing diversion of compostable and organic material from the waste stream;
- (vii) implementing integrated pest management and other appropriate landscape management practices;

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- (viii) increasing agency use of acceptable alternative chemicals and processes in keeping with the agency's procurement policies;
  - (ix) decreasing agency use of chemicals where such decrease will assist the agency in achieving greenhouse gas emission reduction targets under section 2(a) and (b) of this order; and
  - (x) reporting in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 *et seq.*);
- (f) advance regional and local integrated planning by:
- (i) participating in regional transportation planning and recognizing existing community transportation infrastructure;
  - (ii) aligning Federal policies to increase the effectiveness of local planning for energy choices such as locally generated renewable energy;
  - (iii) ensuring that planning for new Federal facilities or new leases includes consideration of sites that are pedestrian friendly, near existing employment centers, and accessible to public transit, and emphasizes existing central cities and, in rural communities, existing or planned town centers;
  - (iv) identifying and analyzing impacts from energy usage and alternative energy sources in all Environmental Impact Statements and Environmental Assessments for proposals for new or expanded Federal facilities under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); and
  - (v) coordinating with regional programs for Federal, State, tribal, and local ecosystem, watershed, and environmental management;
- (g) implement high performance sustainable Federal building design, construction, operation and management, maintenance, and deconstruction including by:
- (i) beginning in 2020 and thereafter, ensuring that all new Federal buildings that enter the planning process are designed to achieve zero-net-energy by 2030;
  - (ii) ensuring that all new construction, major renovation, or repair and alteration of Federal buildings complies with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (Guiding Principles);
  - (iii) ensuring that at least 15 percent of the agency's existing buildings (above 5,000 gross square feet) and building leases (above 5,000

gross square feet) meet the Guiding Principles by fiscal year 2015 and that the agency makes annual progress toward 100-percent conformance with the Guiding Principles for its building inventory;

- (iv) pursuing cost-effective, innovative strategies, such as highly reflective and vegetated roofs, to minimize consumption of energy, water, and materials;
- (v) managing existing building systems to reduce the consumption of energy, water, and materials, and identifying alternatives to renovation that reduce existing assets' deferred maintenance costs;
- (vi) when adding assets to the agency's real property inventory, identifying opportunities to consolidate and dispose of existing assets, optimize the performance of the agency's real-property portfolio, and reduce associated environmental impacts; and
- (vii) ensuring that rehabilitation of federally owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings;

(h) advance sustainable acquisition to ensure that 95 percent of new contract actions including task and delivery orders, for products and services with the exception of acquisition of weapon systems, are energy-efficient (Energy Star or Federal Energy Management Program (FEMP) designated), water-efficient, biobased, environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT) certified), non-ozone depleting, contain recycled content, or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements;

(i) promote electronics stewardship, in particular by:

- (i) ensuring procurement preference for EPEAT-registered electronic products;
- (ii) establishing and implementing policies to enable power management, duplex printing, and other energy-efficient or environmentally preferable features on all eligible agency electronic products;
- (iii) employing environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products;
- (iv) ensuring the procurement of Energy Star and FEMP designated electronic equipment;
- (v) implementing best management practices for energy-efficient management of servers and Federal data centers; and

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- (j) sustain environmental management, including by:
- (i) continuing implementation of formal environmental management systems at all appropriate organizational levels; and
  - (ii) ensuring these formal systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of this order.

Sec. 3. Steering Committee on Federal Sustainability. The OMB Director and the CEQ Chair shall:

(a) establish an interagency Steering Committee (Steering Committee) on Federal Sustainability composed of the Federal Environmental Executive, designated under section 6 of Executive Order 13423 of January 24, 2007, and Agency Senior Sustainability Officers, designated under section 7 of this order, and that shall:

- (i) serve in the dual capacity of the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management designated by the CEQ Chair pursuant to section 4 of Executive Order 13423;
- (ii) advise the OMB Director and the CEQ Chair on implementation of this order;
- (iii) facilitate the implementation of each agency's Strategic Sustainability Performance Plan; and
- (iv) share information and promote progress towards the goals of this order;

(b) enlist the support of other organizations within the Federal Government to assist the Steering Committee in addressing the goals of this order;

(c) establish and disband, as appropriate, interagency subcommittees of the Steering Committee, to assist the Steering Committee in carrying out its responsibilities;

(d) determine appropriate Federal actions to achieve the policy of section 1 and the goals of section 2 of this order;

(e) ensure that Federal agencies are held accountable for conformance with the requirements of this order; and

(f) in coordination with the Department of Energy's Federal Energy Management Program and the Office of the Federal Environmental Executive designated under section 6 of Executive Order 13423, provide guidance and assistance to facilitate the development of agency targets for greenhouse gas emission reductions required under subsections 2(a) and (b) of this order.

Sec. 4. Additional Duties of the Director of the Office of Management and Budget. In addition to the duties of the OMB Director specified elsewhere in this order, the OMB Director shall:

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(a) review and approve each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan. The Director shall, where feasible, review each agency's Plan concurrently with OMB's review and evaluation of the agency's budget request;

(b) prepare scorecards providing periodic evaluation of Federal agency performance in implementing this order and publish scorecard results on a publicly available website; and

(c) approve and issue instructions to the heads of agencies concerning budget and appropriations matters relating to implementation of this order.

Sec. 5. Additional Duties of the Chair of the Council on Environmental Quality. In addition to the duties of the CEQ Chair specified elsewhere in this order, the CEQ Chair shall:

(a) issue guidance for greenhouse gas accounting and reporting required under section 2 of this order;

(b) issue instructions to implement this order, in addition to instructions within the authority of the OMB Director to issue under subsection 4(c) of this order;

(c) review and approve each agency's targets, in consultation with the OMB Director, for agency-wide reductions of greenhouse gas emissions under section 2 of this order;

(d) prepare, in coordination with the OMB Director, streamlined reporting metrics to determine each agency's progress under section 2 of this order;

(e) review and evaluate each agency's multi-year Strategic Sustainability Performance Plan under section 8 of this order and each update of the Plan;

(f) assess agency progress toward achieving the goals and policies of this order, and provide its assessment of the agency's progress to the OMB Director;

(g) within 120 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(h) within 270 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(i) establish and disband, as appropriate, interagency working groups to provide recommendations to the CEQ for areas of Federal agency operational and managerial improvement associated with the goals of this order; and

(j) administer the Presidential leadership awards program, established under subsection 4(c) of Executive Order 13423, to recognize exceptional and outstanding agency performance with respect to achieving the goals of this order and to recognize extraordinary innovation, technologies, and practices employed to achieve the goals of this order.

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Sec. 6. Duties of the Federal Environmental Executive. The Federal Environmental Executive designated by the President to head the Office of the Federal Environmental Executive, pursuant to section 6 of Executive Order 13423, shall:

(a) identify strategies and tools to assist Federal implementation efforts under this order, including through the sharing of best practices from successful Federal sustainability efforts; and

(b) monitor and advise the CEQ Chair and the OMB Director on the agencies' implementation of this order and their progress in achieving the order's policies and goals.

Sec. 7. Agency Senior Sustainability Officers. (a) Within 30 days of the date of this order, the head of each agency shall designate from among the agency's senior management officials a Senior Sustainability Officer who shall be accountable for agency conformance with the requirements of this order; and shall report such designation to the OMB Director and the CEQ Chair.

(b) The Senior Sustainability Officer for each agency shall perform the functions of the senior agency official designated by the head of each agency pursuant to section 3(d)(i) of Executive Order 13423 and shall be responsible for:

- (i) preparing the targets for agency-wide reductions and the inventory of greenhouse gas emissions required under subsections 2(a), (b), and (c) of this order;
- (ii) within 240 days of the date of this order, and annually thereafter, preparing and submitting to the CEQ Chair and the OMB Director, for their review and approval, a multi-year Strategic Sustainability Performance Plan (Sustainability Plan or Plan) as described in section 8 of this order;
- (iii) preparing and implementing the approved Plan in coordination with appropriate offices and organizations within the agency including the General Counsel, Chief Information Officer, Chief Acquisition Officer, Chief Financial Officer, and Senior Real Property Officers, and in coordination with other agency plans, policies, and activities;
- (iv) monitoring the agency's performance and progress in implementing the Plan, and reporting the performance and progress to the CEQ Chair and the OMB Director, on such schedule and in such format as the Chair and the Director may require; and
- (v) reporting annually to the head of the agency on the adequacy and effectiveness of the agency's Plan in implementing this order.

Sec. 8. Agency Strategic Sustainability Performance Plan. Each agency shall develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions based on lifecycle return

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on investment. Each agency Plan and update shall be subject to approval by the OMB Director under section 4 of this order. With respect to the period beginning in fiscal year 2011 and continuing through the end of fiscal year 2021, each agency Plan shall:

(a) include a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and Executive Orders;

(b) achieve the sustainability goals and targets, including greenhouse gas reduction targets, established under section 2 of this order;

(c) be integrated into the agency's strategic planning and budget process, including the agency's strategic plan under section 3 of the Government Performance and Results Act of 1993, as amended (5 U.S.C. 306);

(d) identify agency activities, policies, plans, procedures, and practices that are relevant to the agency's implementation of this order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices;

(e) identify specific agency goals, a schedule, milestones, and approaches for achieving results, and quantifiable metrics for agency implementation of this order;

(f) take into consideration environmental measures as well as economic and social benefits and costs in evaluating projects and activities based on lifecycle return on investment;

(g) outline planned actions to provide information about agency progress and performance with respect to achieving the goals of this order on a publicly available Federal website;

(h) incorporate actions for achieving progress metrics identified by the OMB Director and the CEQ Chair;

(i) evaluate agency climate-change risks and vulnerabilities to manage the effects of climate change on the agency's operations and mission in both the short and long term; and

(j) identify in annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects.

Sec. 9. Recommendations for Greenhouse Gas Accounting and Reporting. The Department of Energy, through its Federal Energy Management Program, and in coordination with the Environmental Protection Agency, the Department of Defense, the General Services Administration, the Department of the Interior, the Department of Commerce, and other agencies as appropriate, shall:

(a) within 180 days of the date of this order develop and provide to the CEQ Chair recommended Federal greenhouse gas reporting and accounting procedures for agencies to use in carrying out their obligations under subsections 2(a), (b), and (c) of this order, including procedures that will ensure that agencies:

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- (i) accurately and consistently quantify and account for greenhouse gas emissions from all scope 1, 2, and 3 sources, using accepted greenhouse gas accounting and reporting principles, and identify appropriate opportunities to revise the fiscal year 2008 baseline to address significant changes in factors affecting agency emissions such as reorganization and improvements in accuracy of data collection and estimation procedures or other major changes that would otherwise render the initial baseline information unsuitable;
- (ii) consider past Federal agency efforts to reduce greenhouse gas emissions; and
- (iii) consider and account for sequestration and emissions of greenhouse gases resulting from Federal land management practices;

(b) within 1 year of the date of this order, to ensure consistent and accurate reporting under this section, provide electronic accounting and reporting capability for the Federal greenhouse gas reporting procedures developed under subsection (a) of this section, and to the extent practicable, ensure compatibility between this capability and existing Federal agency reporting systems; and

(c) every 3 years from the date of the CEQ Chair's issuance of the initial version of the reporting guidance, and as otherwise necessary, develop and provide recommendations to the CEQ Chair for revised Federal greenhouse gas reporting procedures for agencies to use in implementing subsections 2(a), (b), and (c) of this order.

Sec. 10. Recommendations for Sustainable Locations for Federal Facilities. Within 180 days of the date of this order, the Department of Transportation, in accordance with its Sustainable Partnership Agreement with the Department of Housing and Urban Development and the Environmental Protection Agency, and in coordination with the General Services Administration, the Department of Homeland Security, the Department of Defense, and other agencies as appropriate, shall:

(a) review existing policies and practices associated with site selection for Federal facilities; and

(b) provide recommendations to the CEQ Chair regarding sustainable location strategies for consideration in Sustainability Plans. The recommendations shall be consistent with principles of sustainable development including prioritizing central business district and rural town center locations, prioritizing sites well served by transit, including site design elements that ensure safe and convenient pedestrian access, consideration of transit access and proximity to housing affordable to a wide range of Federal employees, adaptive reuse or renovation of buildings, avoidance of development of sensitive land resources, and evaluation of parking management strategies.

Sec. 11. Recommendations for Federal Local Transportation Logistics. Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Transportation, the Department of the Treasury, the Department of Energy, the Office of Personnel Management,

and other agencies as appropriate, shall review current policies and practices associated with use of public transportation by Federal personnel, Federal shuttle bus and vehicle transportation routes supported by multiple Federal agencies, and use of alternative fuel vehicles in Federal shuttle bus fleets, and shall provide recommendations to the CEQ Chair on how these policies and practices could be revised to support the implementation of this order and the achievement of its policies and goals.

Sec. 12. Guidance for Federal Fleet Management. Within 180 days of the date of this order, the Department of Energy, in coordination with the General Services Administration, shall issue guidance on Federal fleet management that addresses the acquisition of alternative fuel vehicles and use of alternative fuels; the use of biodiesel blends in diesel vehicles; the acquisition of electric vehicles for appropriate functions; improvement of fleet fuel economy; the optimizing of fleets to the agency mission; petroleum reduction strategies, such as the acquisition of low greenhouse gas emitting vehicles and the reduction of vehicle miles traveled; and the installation of renewable fuel pumps at Federal fleet fueling centers.

Sec. 13. Recommendations for Vendor and Contractor Emissions. Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Defense, the Environmental Protection Agency, and other agencies as appropriate, shall review and provide recommendations to the CEQ Chair and the Administrator of OMB's Office of Federal Procurement Policy regarding the feasibility of working with the Federal vendor and contractor community to provide information that will assist Federal agencies in tracking and reducing scope 3 greenhouse gas emissions related to the supply of products and services to the Government. These recommendations should consider the potential impacts on the procurement process, and the Federal vendor and contractor community including small businesses and other socioeconomic procurement programs. Recommendations should also explore the feasibility of:

(a) requiring vendors and contractors to register with a voluntary registry or organization for reporting greenhouse gas emissions;

(b) requiring contractors, as part of a new or revised registration under the Central Contractor Registration or other tracking system, to develop and make available its greenhouse gas inventory and description of efforts to mitigate greenhouse gas emissions;

(c) using Federal Government purchasing preferences or other incentives for products manufactured using processes that minimize greenhouse gas emissions; and

(d) other options for encouraging sustainable practices and reducing greenhouse gas emissions.

Sec. 14. Stormwater Guidance for Federal Facilities. Within 60 days of the date of this order, the Environmental Protection Agency, in coordination with other Federal agencies as appropriate, shall issue guidance on the implementation of section 438 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17094).

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Sec. 15. Regional Coordination. Within 180 days of the date of this order, the Federal Environmental Executive shall develop and implement a regional implementation plan to support the goals of this order taking into account energy and environmental priorities of particular regions of the United States.

Sec. 16. Agency Roles in Support of Federal Adaptation Strategy. In addition to other roles and responsibilities of agencies with respect to environmental leadership as specified in this order, the agencies shall participate actively in the interagency Climate Change Adaptation Task Force, which is already engaged in developing the domestic and international dimensions of a U.S. strategy for adaptation to climate change, and shall develop approaches through which the policies and practices of the agencies can be made compatible with and reinforce that strategy. Within 1 year of the date of this order the CEQ Chair shall provide to the President, following consultation with the agencies and the Climate Change Adaptation Task Force, as appropriate, a progress report on agency actions in support of the national adaptation strategy and recommendations for any further such measures as the CEQ Chair may deem necessary.

Sec. 17. Limitations. (a) This order shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.

(b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States, and with respect to which the head of the agency has not made a determination under subsection (a) of this section, in a manner consistent with the policy set forth in section 1 of this order to the extent the head of the agency determines practicable.

Sec. 18. Exemption Authority.

(a) The Director of National Intelligence may exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the Director determines necessary to protect intelligence sources and methods from unauthorized disclosure.

(b) The head of an agency may exempt law enforcement activities of that agency, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the head of an agency determines necessary to protect undercover operations from unauthorized disclosure.

(c) (i) The head of an agency may exempt law enforcement, protective, emergency response, or military tactical vehicle fleets of that agency from the provisions of this order, other than this subsection and section 20.

- (ii) Heads of agencies shall manage fleets to which paragraph (i) of this subsection refers in a manner consistent with the policy set forth in section 1 of this order to the extent they determine practicable.

(d) The head of an agency may exempt particular agency activities and facilities from the provisions of this order, other than this subsection and section 20, where it is in the interest of national security. If the head of an agency issues an exemption under this section, the agency must notify the CEQ Chair in writing within 30 days of issuance of the exemption under this subsection. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order.

(e) The head of an agency may submit to the President, through the CEQ Chair, a request for an exemption of an agency activity, and related personnel, resources, and facilities, from this order.

Sec. 19. Definitions. As used in this order:

(a) "absolute greenhouse gas emissions" means total greenhouse gas emissions without normalization for activity levels and includes any allowable consideration of sequestration;

(b) "agency" means an executive agency as defined in section 105 of title 5, United States Code, excluding the Government Accountability Office;

(c) "alternative fuel vehicle" means vehicles defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric fueled vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, self-propelled vehicles such as bicycles and any other alternative fuel vehicles that are defined by statute;

(d) "construction and demolition materials and debris" means materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure;

(e) "divert" and "diverting" means redirecting materials that might otherwise be placed in the waste stream to recycling or recovery, excluding diversion to waste-to-energy facilities;

(f) "energy intensity" means energy consumption per square foot of building space, including industrial or laboratory facilities;

(g) "environmental" means environmental aspects of internal agency operations and activities, including those aspects related to energy and transportation functions;

(h) "excluded vehicles and equipment" means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in:

more

(OVER)



- (i) combat support, combat service support, tactical or relief operations, or training for such operations;
- (ii) Federal law enforcement (including protective service and investigation);
- (iii) emergency response (including fire and rescue);  
or
- (iv) spaceflight vehicles (including associated ground-support equipment);

(i) "greenhouse gases" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride;

(j) "renewable energy" means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

(k) "scope 1, 2, and 3" mean;

- (i) scope 1: direct greenhouse gas emissions from sources that are owned or controlled by the Federal agency;
- (ii) scope 2: direct greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a Federal agency; and
- (iii) scope 3: greenhouse gas emissions from sources not owned or directly controlled by a Federal agency but related to agency activities such as vendor supply chains, delivery services, and employee travel and commuting;

(l) "sustainability" and "sustainable" mean to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations;

(m) "United States" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands, and associated territorial waters and airspace;

(n) "water consumption intensity" means water consumption per square foot of building space; and

(o) "zero-net-energy building" means a building that is designed, constructed, and operated to require a greatly reduced quantity of energy to operate, meet the balance of energy needs from sources of energy that do not produce greenhouse gases, and therefore result in no net emissions of greenhouse gases and be economically viable.

#### Sec. 20. General Provisions.

(a) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

15

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the OMB Director relating to budgetary, administrative, or legislative proposals.

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

BARACK OBAMA

THE WHITE HOUSE,  
October 5, 2009.

# # #

01268-EPA-2937

**Richard Windsor/DC/USEPA/US**  
10/07/2009 12:51 PM

To Scott Fulton, Diane Thompson, Bob Perciasepe, Bob Sussman, Lisa Heinzerling  
cc  
bcc

Subject Re: Judge Tatel on Agency rulemaking

**(b) (5) Deliberative**

Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 10/07/2009 12:48 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling  
**Subject:** Fw: Judge Tatel on Agency rulemaking

**(b) (5) Deliberative**

----- Forwarded by Scott Fulton/DC/USEPA/US on 10/07/2009 12:46 PM -----

**From:** Mary-Kay Lynch/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
**Date:** 10/07/2009 12:38 PM  
**Subject:** Judge Tatel on Agency rulemaking

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[Appeals Court Judge Tatel Urges Regulation Based on Law First, Policy Goals Second](#)

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192 DEN A-16

***Regulatory Policy***

### **Appeals Court Judge Tatel Urges Regulation Based on Law First, Policy Goals Second**

Federal appeals court Judge David S. Tatel, in a rare public speaking engagement, said Oct. 6 that regulatory agencies too often seem to choose policy goals without adequate regard for the law, and he offered examples from several recent decisions overturning Environmental Protection Agency regulations.

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"It's at times like these, when a new administration is determined to change the environmental policy, that our commitment to the fundamental principles of administrative law is really tested," Tatel told the audience.

"It is basic administrative law that maintains the vital connection between democratic governance and the regulatory state," he said.

In the vast majority of cases, regulatory agencies do a commendable job of addressing complex environmental issues, the judge said.

"That said, in both Republican and Democratic administrations, I have too often seen agencies failing to display the kind of careful and lawyerly attention one would expect from those required to obey federal statutes and to follow principles of administrative law," Tatel said. "In such cases, it looks for all the world like agencies choose their policy first, then later seek to defend its

legality.”

He then emphatically added: “That gets it entirely backwards.”

### **Massachusetts v. EPA**

Tatel filed an important dissent from a D.C. Circuit ruling that accepted EPA's decision during the Bush administration that the agency would not regulate greenhouse gases. The importance of that dissent became clear when the Supreme Court, in 2007, overturned the appeals court and told EPA it must make a finding on whether greenhouse gases endanger public health or welfare ( *Massachusetts v. EPA* 549 U.S. 497, 63 ERC 2057 (2007); [63 DEN A-3, 4/3/07](#)).

“No case has done more to accelerate serious policy decision-making on global warming both in the executive and the legislative branches,” Leslie Carothers, Environmental Law Institute president, told the symposium.

The case also served as one of several from the Bush administration that Tatel held up as examples of seeming to put policy ahead of the requirements of the law.

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“I couldn't tell whether EPA was claiming that its uncertainty prevented it from making an endangerment finding, or whether that uncertainty relieved it of the obligation to regulate even if it had made a finding, or both,” Tatel said.

EPA under the Obama administration has now proposed that greenhouse gases do pose a danger, although it has not issued a final decision on the finding.

Among the other cases Tatel cited was a D.C. Circuit decision in 2006 that found EPA erroneously interpreted the Clean Water Act by approving seasonal and annual total maximum daily loads for water pollution, rather than daily limits, as specified in the Clean Water Act (*Friends of the Earth Inc. v. EPA* , 62 ERC 1161 (D.C. Cir. 2006); [80 DEN A-1, 4/26/06](#)).

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Tatel stressed the need for agencies to do a clear job of providing reasons for their actions. The principles of administrative law boil down to two rules, he said: “Follow the law, and give sound explanations for what you do.”

It is the explanations that allow judges to avoid substituting their own judgment for agency expertise, in keeping with the two-decades-old legal precedent of *Chevron v. NRDC* for giving deference to federal agencies, he said.

“The reason-giving requirement allows courts to determine whether agencies have, in fact, acted on the basis of that expertise,” he said.

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He expressed his hope that EPA would make a policy of involving lawyers early enough in regulatory planning to avoid developing plans that set policy before the law.

By Alan Kovski

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01268-EPA-2938

**Lisa  
Heinzerling/DC/USEPA/US**  
10/07/2009 12:55 PM

To Richard Windsor  
cc  
bcc

Subject Re: Judge Tatel on Agency rulemaking

(b) (5) Deliberative

Richard Windsor Not as ominous as was decribed. --... 10/07/2009 12:51:26 PM

From: Richard Windsor/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
Date: 10/07/2009 12:51 PM  
Subject: Re: Judge Tatel on Agency rulemaking

(b) (5) Deliberative

Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 10/07/2009 12:48 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling  
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**[Appeals Court Judge Tatel Urges Regulation Based on Law First, Policy Goals Second](#)**

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By Alan Kovski

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01268-EPA-2939

**Bob Sussman/DC/USEPA/US**

10/07/2009 04:55 PM

To Richard Windsor, Scott Fulton, Diane Thompson, Bob Perciasepe, Lisa Heinzerling

cc

bcc

Subject Re: Judge Tatel on Agency rulemaking

**(b) (5) Deliberative**

Richard Windsor

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

**From:** Richard Windsor**Sent:** 10/07/2009 12:51 PM EDT**To:** Scott Fulton; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling**Subject:** Re: Judge Tatel on Agency rulemaking**(b) (5) Deliberative**

Scott Fulton

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

**From:** Scott Fulton**Sent:** 10/07/2009 12:48 PM EDT**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling**Subject:** Fw: Judge Tatel on Agency rulemaking**(b) (5) Deliberative**

----- Forwarded by Scott Fulton/DC/USEPA/US on 10/07/2009 12:46 PM -----

From: Mary-Kay Lynch/DC/USEPA/US  
 To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
 Date: 10/07/2009 12:38 PM  
 Subject: Judge Tatel on Agency rulemaking

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By Alan Kovski

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01268-EPA-3090

**Richard Windsor/DC/USEPA/US**  
11/16/2009 07:06 PM

To Seth Oster  
cc  
bcc

Subject Re: Going to Copenhagen

The first question is [redacted] (b) (5) Deliberative  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 11/16/2009 07:02 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Going to Copenhagen

Ok. [redacted] (b) (5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 11/16/2009 06:43 PM EST  
**To:** Seth Oster  
**Subject:** Re: Going to Copenhagen

[redacted] (b) (5) Deliberative . I may  
call later.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 11/16/2009 06:22 PM EST  
**To:** Richard Windsor  
**Subject:** Going to Copenhagen

[redacted] (b) (5) Deliberative

[redacted]

[redacted] ?

Seth

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov



01268-EPA-3131

**David McIntosh/DC/USEPA/US**  
12/03/2009 03:54 PM

To Allyn Brooks-LaSure  
cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Diane Thompson, Lisa Heinzerling, Richard Windsor, Scott Fulton, Seth Oster  
bcc

Subject Re: Senator Byrd editorial on coal

Wow is right. (b) (5) Deliberative

Allyn Brooks-LaSure Wow. ----- M. Allyn Brooks-LaSu... 12/03/2009 02:48:13 PM

From: Allyn Brooks-LaSure/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA  
Date: 12/03/2009 02:48 PM  
Subject: Senator Byrd editorial on coal

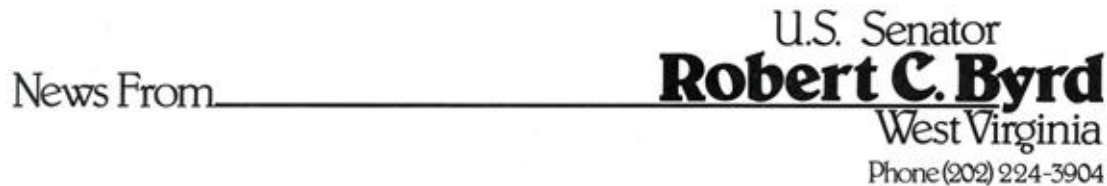
Wow.

-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov



**COAL MUST EMBRACE THE FUTURE**

**Senator Robert C. Byrd (D-W.Va.)**

For more than 100 years, coal has been the backbone of the Appalachian economy. Even today, the economies of more than 20 states depend to some degree on the mining of coal. About half of all the electricity generated in America and about one quarter of all the energy consumed globally is generated by coal.

Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has

eliminated jobs, hurting the economies of coal communities. In 1979, there were 62,500 coal miners in the Mountain State. Today there are about 22,000. In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But when coal industry representatives stir up public anger toward federal regulatory agencies, it can damage the state's ability to work with those agencies to West Virginia's benefit. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering, grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident supporters of mountaintop removal mining.

I have spent the past six months working with a [group of coal state Democrats](#) in the Senate, led by West Virginia native Senator Tom Carper (D-Del.), drafting provisions to assist the coal industry in more easily transitioning to a lower-carbon economy. These include increasing funding for clean coal projects and easing emission standards and timelines, setting aside billions of dollars for coal plants that install new technology and continue using coal. These are among the achievable ways coal can continue its major role in our national energy portfolio. It is the best way to step up to the challenge and help lead change.

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The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions.

Fortunately, West Virginia has a running head-start as an innovator. Low-carbon and renewable energy projects are already under development in West Virginia, including: America's first integrated carbon capture and sequestration project on a conventional coal-fired power plant in Mason County; the largest wind power facility in the eastern United States; a bio-fuel refinery in Nitro; three large wood pellet plants in Fayette, Randolph, and Gilmer Counties; and major dams capable of generating substantial electricity.

Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it. One thing is clear. The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose.

###

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*Christine M. Glunz*  
*Director of Communications*  
*White House Council on Environmental Quality*

**(b) (6) Privacy**





01268-EPA-3132

**Bob Perciasepe/DC/USEPA/US**  
12/03/2009 04:01 PM

To David McIntosh  
cc Adora Andy, Allyn Brooks-LaSure, Arvin Ganesan, Bob Sussman, Diane Thompson, Lisa Heinzerling, Richard Windsor, Scott Fulton, Seth Oster  
bcc

Subject Re: Senator Byrd editorial on coal

**(b) (5) Deliberative**

Bob Perciasepe  
US EPA  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
(o)202 564 2410  
(c)**(b) (6) Privacy**

David McIntosh [Wow is right.](#) **(b) (5) Deliberative** 12/03/2009 03:54:04 PM

From: David McIntosh/DC/USEPA/US  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/03/2009 03:54 PM  
Subject: Re: Senator Byrd editorial on coal

Wow is right. **(b) (5) Deliberative**

Allyn Brooks-LaSure [Wow. ----- M. Allyn Brooks-LaSu...](#) 12/03/2009 02:48:13 PM

From: Allyn Brooks-LaSure/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA  
Date: 12/03/2009 02:48 PM  
Subject: Senator Byrd editorial on coal

Wow.

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs  
U.S. Environmental Protection Agency | Office of the Administrator  
Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov



## COAL MUST EMBRACE THE FUTURE

**Senator Robert C. Byrd (D-W.Va.)**

For more than 100 years, coal has been the backbone of the Appalachian economy. Even today, the economies of more than [20 states](#) depend to some degree on the mining of coal. About half of all the electricity generated in America and about [one quarter](#) of all the energy consumed globally is generated by coal.

Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has eliminated jobs, hurting the economies of coal communities. In 1979, there were [62,500](#) coal miners in the Mountain State. Today there are about [22,000](#). In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But when coal industry representatives stir up public anger toward federal regulatory agencies, it can damage the state's ability to work with those agencies to West Virginia's benefit. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most

members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering, grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident supporters of mountaintop removal mining.

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###

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*Christine M. Glunz*  
*Director of Communications*  
*White House Council on Environmental Quality*  
**(b) (6) Privacy**

01268-EPA-3137

David  
McIntosh/DC/USEPA/US  
12/05/2009 03:27 PM

To Adora Andy, Gina McCarthy, Lisa Heinzerling, "Richard Windsor", Bob Perciasepe, Diane Thompson, "Bob Sussman", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc

bcc

Subject Re: WSJ: EPA Poised to Declare CO2 a Public Danger

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy

**Sent:** 12/05/2009 03:22 PM EST

**To:** Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>

**Subject:** WSJ: EPA Poised to Declare CO2 a Public Danger

EPA Poised to Declare CO2 a Public Danger

By IAN TALLEY

WASHINGTON--The U.S. Environmental Protection Agency will early next week, possibly as soon as Monday, officially declare carbon dioxide a public danger, a trigger that could mean regulation for emitters across the economy, according to several people close to the matter. Such an "endangerment" decision is necessary for the EPA to move ahead early next year with new emission standards for cars. EPA Administrator Lisa Jackson has said it could also mean large emitters such as power stations, cement kilns, crude-oil refineries and chemical plants would have to curb their greenhouse gas output. The announcement would also give President Barack Obama and his climate envoy negotiating leverage at a global climate summit starting next week in Copenhagen, Denmark and increase pressure on Congress to pass a climate bill that would modify the price of polluting. While environmentalists celebrate EPA's authority to regulate greenhouse gases, it has caused many large emitters to cringe at the potential costs of compliance. According to a preliminary endangerment finding published in April, EPA scientists fear that man-made carbon dioxide and other greenhouse gases are contributing to a warming of the global climate. Senior EPA officials said in November the agency would likely make a final decision in December around the time of the summit. Joe Mendelson, Global Warming Policy Director for National Wildlife Federation, said the endangerment decision, would happen at "absolutely the right time." "With House legislation passed, a bipartisan Senate bill in the works, and strong EPA action a virtual certainty, the president goes to Copenhagen with a very strong hand to play," Mr. Mendelson said. The EPA declaration would also ratchet up the pressure on U.S. lawmakers to pass legislation that analysts say would cut emissions in a more economically efficient way. Although the House has passed a climate bill, movement of similar legislation in the Senate has faced much more resistance and passage becomes more difficult in an election year. The EPA's Ms. Jackson and President Obama's energy and climate czar Carol Browner have said they would prefer Congress to take action but are prepared to move ahead in the absence of lawmakers crafting their own law. Industry experts say the Clean Air Act--under which the EPA is making its endangerment finding--was designed to regulate more regional and localized air pollution, and would be a much more blunt tool than Congress could craft. Critics, such as the U.S. Chamber of Commerce, say the endangerment declaration could spark a cascade of litigation and regulation that could harm the economy. The EPA, meanwhile, says it would regulate in a sensible way. The agency has already moved forward on two rules that would guide regulation of greenhouse-gas emissions, primarily through a proposal to set the threshold level at 25,000 tons a year and requiring such large emitters to report their emissions. If the EPA decided to move ahead with emission regulations for stationary sources

such as utilities, new rules would likely be in place by 2012 and could set stringent emission standards to require firms to install the best available technology. Two people close to the matter who met with White House officials earlier this week said one change between the proposed endangerment finding issued earlier this year and the final announcement expected next week is the inclusion of the potential cost to society of no emission regulations.

01268-EPA-3138

**Richard Windsor/DC/USEPA/US**  
12/05/2009 03:33 PM

To David McIntosh, Adora Andy, Gina McCarthy, Lisa Heinzerling, "Lisa Jackson", Bob Perciasepe, Diane Thompson, "Bob Sussman", "Seth Oster", "Allyn Brooks-Lasure", "Arvin Ganesan"

cc

bcc

Subject Re: WSJ: EPA Poised to Declare CO2 a Public Danger

(b) (5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/05/2009 03:27 PM EST  
**To:** Adora Andy; Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
**Subject:** Re: WSJ: EPA Poised to Declare CO2 a Public Danger

(b) (5) Deliberative

Adora Andy

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

**From:** Adora Andy  
**Sent:** 12/05/2009 03:22 PM EST  
**To:** Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
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01268-EPA-3139

**Richard Windsor/DC/USEPA/US**  
12/05/2009 03:40 PM

To David McIntosh, Adora Andy, Gina McCarthy, Lisa Heinzerling, "Lisa Jackson", Bob Perciasepe, Diane Thompson, "Bob Sussman", "Seth Oster", "Allyn Brooks-Lasure", "Arvin Ganesan"

cc

bcc

Subject Re: WSJ: EPA Poised to Declare CO2 a Public Danger

More balanced than expected but this will allow the editorial writers to be extra over the top tomorrow or Monday.

David McIntosh

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

**From:** David McIntosh**Sent:** 12/05/2009 03:27 PM EST

**To:** Adora Andy; Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>

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(b) (5) Deliberative

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**From:** Adora Andy**Sent:** 12/05/2009 03:22 PM EST

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01268-EPA-3153

**Richard Windsor/DC/USEPA/US**  
12/07/2009 10:20 AM

To "Aaron Dickerson"  
cc  
bcc

Subject Fw: predicted tough questions and suggested responses

David McIntosh

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

**From:** David McIntosh  
**Sent:** 12/05/2009 04:41 PM EST  
**To:** windsor.richard@epa.gov  
**Cc:** Aaron Dickerson; goulding.robert@epa.gov; heinzerling.lisa@epa.gov; mccarthy.gina@epa.gov; oster.seth@epa.gov; wachter.eric@epa.gov  
**Subject:** Re: predicted tough questions and suggested responses  
Here (attached and pasted immediately below) is a clean version that makes Gina's deletion and also incorporates the edits that just came in from Lisa H (and that Gina supports too).

(b) (5) Deliberative

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**(b) (5) Deliberative**

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[Redacted]

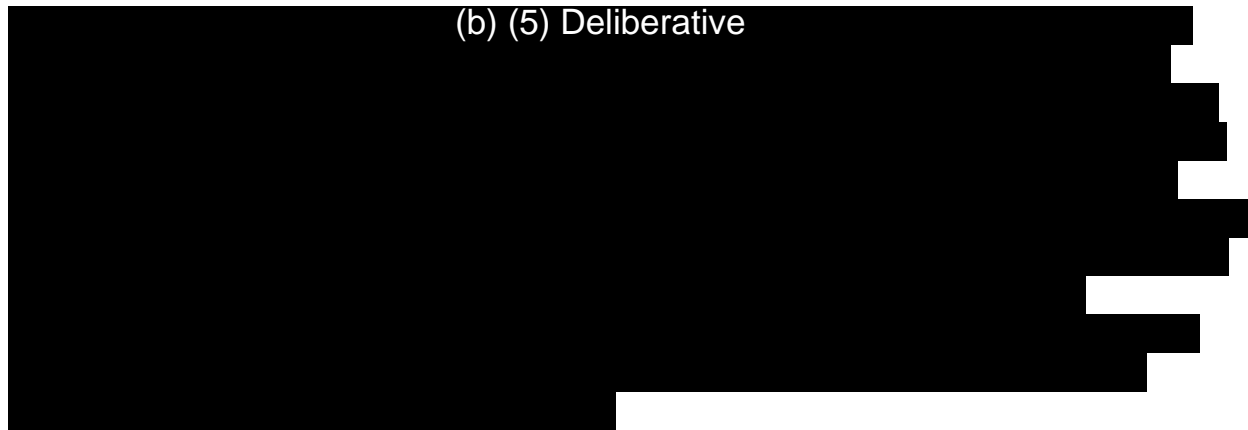
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(b) (5) Deliberative

Tough Qs\_and\_As.doc

David McIntosh (b) (5) Deliberative 12/05/2009 04:18:14 PM

From: David McIntosh/DC/USEPA/US  
To: windsor.richard@epa.gov  
Cc: Aaron Dickerson/DC/USEPA/US@EPA, goulding.robert@epa.gov, heinzerling.lisa@epa.gov, mccarthy.gina@epa.gov, oster.seth@epa.gov, wachter.eric@epa.gov  
Date: 12/05/2009 04:18 PM  
Subject: Re: predicted tough questions and suggested responses

(b) (5) Deliberative

David McIntosh Administrator, Attached and pasted bel... 12/05/2009 03:52:56 PM

From: David McIntosh/DC/USEPA/US  
To: windsor.richard@epa.gov  
Cc: oster.seth@epa.gov, mccarthy.gina@epa.gov, heinzerling.lisa@epa.gov, goulding.robert@epa.gov, wachter.eric@epa.gov, Aaron Dickerson/DC/USEPA/US@EPA  
Date: 12/05/2009 03:52 PM  
Subject: predicted tough questions and suggested responses

Administrator,  
Attached and pasted below are predicted tough questions and suggested responses. I recommend that this document be the primary focus of your preparation for the Q&A portion of Monday's press conference.  
-David

(b) (5) Deliberative

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(b) (5) Deliberative

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(b) (5) Deliberative

01268-EPA-3191

**Richard Windsor/DC/USEPA/US**  
12/14/2009 01:39 PM

To Seth Oster  
cc  
bcc  
Subject Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

(b) (5)

---

**From:** Seth Oster  
**Sent:** 12/14/2009 01:10 PM EST  
**To:** "Lisa Jackson" <windsor richard@epa.gov>; Arvin Ganesan; "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>; Bob Sussman; Charles Imohiosen; David McIntosh; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe  
**Subject:** Fw: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Just FYI.

---

**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 12/14/2009 01:06 PM EST  
**To:** Seth Oster  
**Subject:** TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

THE WHITE HOUSE  
Office of the Vice President

FOR IMMEDIATE RELEASE  
December 14, 2009

**TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress**  
*\*\*Call is Embargoed for 12:00 AM EST\*\**

WASHINGTON - **TODAY** at 3:45pm ET, Chief Economic Adviser to the Vice President Jared Bernstein and Director of the White House Office of Energy and Climate Change Policy Carol Browner will hold a conference call with reporters to discuss the Vice President's memo to the President on Administration progress building a clean energy economy through the Recovery Act and other initiatives. The memo was produced at the request of the Vice President by the White House Office of Energy and Climate Change, the Office of the Vice President, the Council of Economic Advisors and the Department of Energy.

**WHO:** Jared Bernstein, Chief Economic Adviser to the Vice President  
Carol Browner, Director of the White House Office of Energy and Climate Change Policy

**WHAT:** Conference Call on Vice President's memo to the President on Clean Energy Progress

**WHEN:** TODAY, 3:45pm ET  
EMBARGOED FOR 12:00 PM ET

**HOW:** Reporters wishing to join this call should use the call information below. No pass code is necessary.

United States: (800) 230-1092  
International: (612) 234-9959

##

01268-EPA-3192

**Richard Windsor/DC/USEPA/US**  
12/14/2009 02:06 PM

To Seth Oster  
cc  
bcc  
Subject Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Weird.

---

**From:** Seth Oster  
**Sent:** 12/14/2009 02:04 PM EST  
**To:** Richard Windsor  
**Subject:** Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

[REDACTED] (b) (5) Deliberative

---

**From:** Richard Windsor  
**Sent:** 12/14/2009 01:39 PM EST  
**To:** Seth Oster  
**Subject:** Re: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

(b) (5)

---

**From:** Seth Oster  
**Sent:** 12/14/2009 01:10 PM EST  
**To:** "Lisa Jackson" <windsor richard@epa.gov>; Arvin Ganesan; "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>; Bob Sussman; Charles Imohiosen; David McIntosh; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe  
**Subject:** Fw: TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

Just FYI.

---

**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 12/14/2009 01:06 PM EST  
**To:** Seth Oster  
**Subject:** TODAY: Jared Bernstein and Carol Browner to Hold Conference Call on Vice President Biden's Memo to the President on Clean Energy Progress

THE WHITE HOUSE

Office of the Vice President

FOR IMMEDIATE RELEASE  
December 14, 2009

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Biden's Memo to the President on Clean Energy Progress**  
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Policy

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International: (612) 234-9959

##

01268-EPA-3197

**Bob Sussman/DC/USEPA/US**  
12/14/2009 10:36 PM

To: '(b) (6) Privacy' "Lisa P. Jackson", "Bob Perciasepe"  
cc  
bcc

Subject: Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[Redacted]

---

**From:** (b) (6) Privacy  
**Sent:** 12/15/2009 02:11 AM GMT  
**To:** Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
**Cc:** Arvin Ganesan; David McIntosh  
**Subject:** Fw: Google Alert - EPA Lisa jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting (b) (5) Deliberative  
[Redacted]. Lj

Sent via BlackBerry by AT&T

---

**From:** Google Alerts <googlealerts-noreply@google.com>  
**Date:** Tue, 15 Dec 2009 01:10:03 +0000  
**To:** <(b) (6) Privacyrivity [Redacted]>  
**Subject:** Google Alert - EPA Lisa jackson

Google News Alert for: **EPA Lisa jackson**

[EPA to spend \\$13 million to help stop Asian carp](#)

Milwaukee Journal Sentinel

"The challenge at hand requires the immediate action we're taking today," Environmental Protection Agency boss **Lisa P. Jackson** said in a news release. "EPA ...

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[GHG Ruling Opens Door for EPA Limits](#)

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**EPA Administrator Lisa Jackson** announced the endangerment finding at a Dec. 7 news conference. The announcement does not impose any new requirements on ...

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[Remembering the Kingston, Tenn., coal-ash disaster](#)

Charleston Gazette (blog)

**Lisa Jackson**, the Obama administration's EPA administrator, has indicated her agency intends to have a proposed new rule on coal-ash disposal ready for ...

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01268-EPA-3200

**Richard Windsor/DC/USEPA/US**  
12/14/2009 11:18 PM

To Bob Sussman  
cc "(b) (6) Privacy" "Bob Perciasepe"  
bcc  
Subject Re: Google Alert - EPA Lisa jackson

ok

Bob Sussman (b) (5) Deliberative 12/14/2009 10:36:04 PM

From: Bob Sussman/DC/USEPA/US  
To: "(b) (6) Privacy" <(b) (6) Privacy rivacy [redacted]> "Lisa P. Jackson" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>  
Date: 12/14/2009 10:36 PM  
Subject: Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[redacted]  
?

From: (b) (6) Privacy  
Sent: 12/15/2009 02:11 AM GMT  
To: Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
Cc: Arvin Ganesan; David McIntosh  
Subject: Fw: Google Alert - EPA Lisa jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting (b) (5) Deliberative  
[redacted] Lj

Sent via BlackBerry by AT&T

From: Google Alerts <googlealerts-noreply@google.com>  
Date: Tue, 15 Dec 2009 01:10:03 +0000  
To: <(b) (6) Privacyrivacy [redacted]>  
Subject: Google Alert - EPA Lisa jackson

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Transport Topics Online

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## [Remembering the Kingston, Tenn., coal-ash disaster](#)

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01268-EPA-3201

**Bob Perciasepe/DC/USEPA/US**  
12/14/2009 11:19 PM

To Bob Sussman, (b) (6) Privacy Richard Windsor  
cc  
bcc

Subject Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] ? Really.

Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) (b) (6) Privacy

---

**From:** Bob Sussman  
**Sent:** 12/14/2009 10:36 PM EST  
**To:** (b) (6) Privacy <(b) (6) Privacy> Richard Windsor; Bob Perciasepe  
**Subject:** Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[Redacted]  
[Redacted]  
[Redacted] ?

---

**From:** (b) (6) Privacy  
**Sent:** 12/15/2009 02:11 AM GMT  
**To:** Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus  
**Cc:** Arvin Ganesan; David McIntosh  
**Subject:** Fw: Google Alert - EPA Lisa jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting (b) (5) Deliberative

**(b) (5) Deliberative** . Lj

Sent via BlackBerry by AT&T

---

**From:** Google Alerts <googlealerts-noreply@google.com>

**Date:** Tue, 15 Dec 2009 01:10:03 +0000

**To:** <**(b) (6) Privacy**>

**Subject:** Google Alert - EPA Lisa jackson

## Google News Alert for: **EPA Lisa jackson**

### [EPA to spend \\$13 million to help stop Asian carp](#)

Milwaukee Journal Sentinel

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---

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01268-EPA-3202

**Bob Sussman/DC/USEPA/US**  
12/15/2009 06:38 AM

To Bob Perciasepe, (b) (6) Privacy Richard Windsor  
cc  
bcc

Subject Re: Google Alert - EPA Lisa jackson

Bob. (b) (5) Deliberative  
[Redacted]

---

**From:** Bob Perciasepe  
**Sent:** 12/14/2009 11:19 PM EST  
**To:** Bob Sussman; (b) (6) Privacy <(b) (6) Privacy?privacy> Richard Windsor  
**Subject:** Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] ? Really.

Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c)(b) (6) Privacy

---

**From:** Bob Sussman  
**Sent:** 12/14/2009 10:36 PM EST  
**To:** (b) (6) Privacy <(b) (6) Privacy?privacy> Richard Windsor; Bob Perciasepe  
**Subject:** Re: Google Alert - EPA Lisa jackson

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative

?

---

**From:** (b) (6) Privacy

**Sent:** 12/15/2009 02:11 AM GMT

**To:** Bob Perciasepe; Bob Sussman; Diane Thompson; Mathy Stanislaus

**Cc:** Arvin Ganesan; David McIntosh

**Subject:** Fw: Google Alert - EPA Lisa jackson

See 3rd article on coal ash. Let's review status at tomorrow morning's meeting (b) (5)

Lj

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**Subject:** Google Alert - EPA Lisa jackson

## Google News Alert for: **EPA Lisa jackson**

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01268-EPA-3241

**Bob  
Perciasepe/DC/USEPA/US**  
12/23/2009 08:10 AM

To Richard Windsor, Barbara Bennett, Scott Fulton, Diane  
Thompson  
cc  
bcc  
Subject Draft TPs for Peter O

(b) (5) Deliberative

BUDGET POINTS 2.doc

and sliced here

BUDGET POINTS

■ (b) (5) Deliberative

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(b) (5) Deliberative

[Redacted]

- [Redacted]
- [Redacted]

Bob Perciasepe  
US EPA  
Office of the Administrator  
1200 Pennsylvania Ave., ARN  
(o)202 564 2410  
(c)(b) (6) Privacy



01268-EPA-3261

**Bob  
Perciasepe/DC/USEPA/US**  
01/03/2010 07:02 PM

To Adora Andy, Allyn Brooks-LaSure, Arvin Ganesan, Bob Sussman, Richard Windsor, Cameron Davis, Heidi Ellis, Chuck Fox, Craig Hooks, Cynthia Giles-AA, David McIntosh, Diane Thompson, Eric Wachter, Gina McCarthy, Lawrence Elworth, Lisa Heinzerling, Mathy Stanislaus, Michelle DePass, Peter Silva, Seth Oster, Robert Goulding, Sarah Pallone, Scott Fulton, Steve Owens, Barbara Bennett, Peter Grevatt, Paul Anastas, Lisa Garcia

cc

bcc

Subject Retreat Follow-up Status:

Hi Everyone:

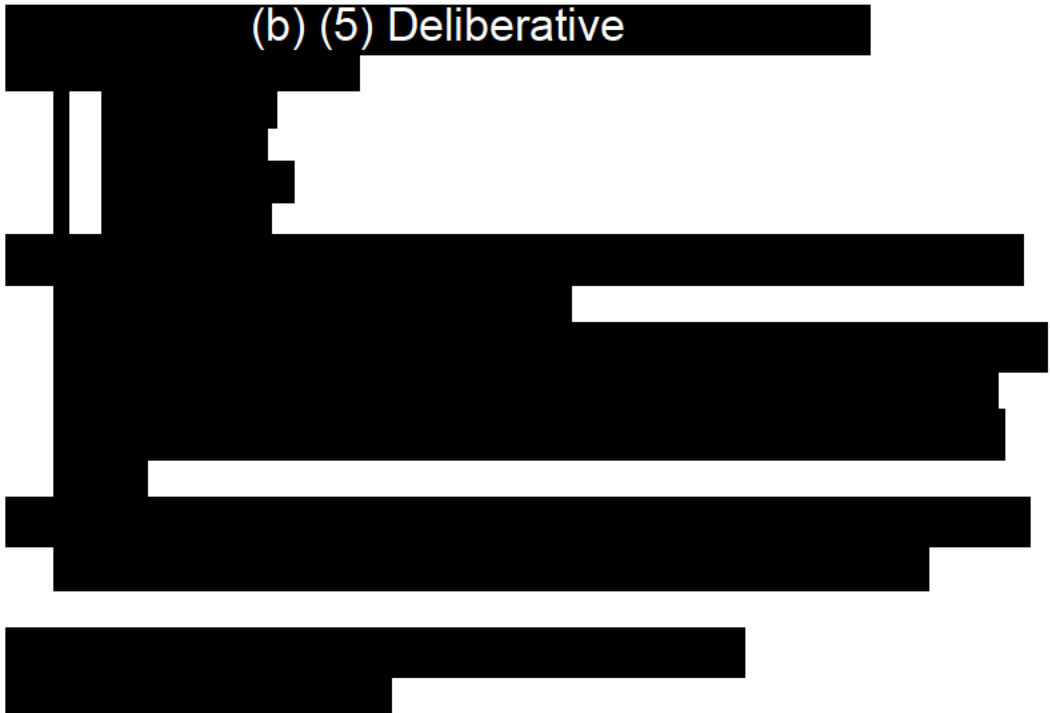
We have made some progress following up from the retreat at the beginning of November and I wanted to bring us all up to date. We identified 8 work groups and each was to prepare a follow-up action plan and there has been some drafting and I wanted to share that with all of you as well.

When we ended and summarized the work from the retreat the work groups were to articulate each of the key areas. There are three follow-up retreat reports or outlines that have been prepared so far out of 8. These are meant to help further refine the work we did at the retreat. While this has been underway, we have been taking the retreat work and moving forward. This is a rough outline of some of that and a quick update on budget status that is related.

Finally, in the next several weeks as we have discussed in our Policy Meetings, the Administrator will be further outlining priorities.

Teams and status outline, I have not been comprehensive here and one of the primary reasons for the note is to share the work that has been done and to "nudge" along the rest.

**(b) (5) Deliberative**



o (b) (5) Deliberative

[Redacted]

(b) (5) Deliberative

Action for climate protection -revised dec.doc

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted text block]

(b) (5) Deliberative

Retreat Follow Up Community Focus.doc

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) Deliberative

EJ work plan 12-18-09.doc

[Redacted text block]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

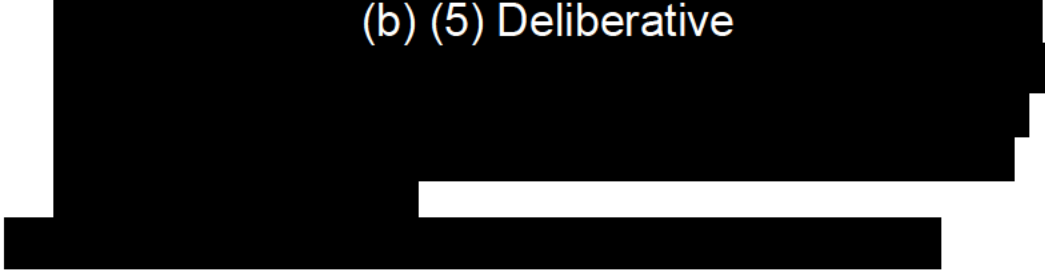
[Redacted]

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(b) (5) Deliberative



As we continue to add more definition to these retreat outcomes, the Administrator's communication of priorities this month will provide the frame for communicating and managing and the emerging details and budget capacity will form the basis for our (not too hot not too cold) update of the Strategic Plan.

Thanks everyone !!!

Bob.

01268-EPA-3335

**Lisa  
Heinzerling/DC/USEPA/US**  
01/18/2010 02:23 PM

To Richard Windsor  
cc Bob Perciasepe, Diane Thompson  
bcc

Subject upcoming rules and expedited OMB review

Lisa,

A few weeks ago, I mentioned that Mathy, Steve, Gina, Pete, and I are going to have a meeting with OIRA at which we talk to them about the schedule for regulatory review for the next three months or so. This meeting is now scheduled for February 2. The main task at this meeting is to identify the rules for which we are seeking expedited review.

I promised I would send you the programs' list of rules and requests for expedited review. I am attaching that list to this email. This list is a compilation of lists developed by each of the programs. (b) (5) Deliberative

[Redacted]

[Redacted]

Let me know if you have any reactions to this. Thanks.

Lisa

(b) (5) Deliberative

01268-EPA-3346

**Bob Sussman/DC/USEPA/US**  
01/20/2010 06:47 PM

To Richard Windsor  
cc Peter Silva, Bob Perciasepe  
bcc

Subject Fw: Managing mining wastes in waters of US discussion with several outside organizations

(b) (6) Privacy  
[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency  
----- Forwarded by Bob Sussman/DC/USEPA/US on 01/20/2010 06:43 PM -----

**Managing mining wastes in waters of US discussion with several outside organizations**

**Tue 01/26/2010 2:30 PM - 3:15 PM**

Attendance is for Bob Sussman

Chair: **Peter Silva/DC/USEPA/US**  
Sent By: **Lori Keyton/DC/USEPA/US**  
Location: 3233 East

Required:	Bob Sussman/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA
Optional:	Darren Reid/DC/USEPA/US@EPA, Elizabeth Skane/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA

**Description**

OWOW: OD plus one only please.  
PURPOSE: Several organizations are interested in working with the Environmental Protection Agency to develop a responsible approach for managing mining wastes in waters of the United States. We are following up on a letter from the national environmental community CEO's to President Obama and Administrator Lisa Jackson, which is attached. Administrator Jackson expressed her interest in addressing this issue last summer. Representatives of the organizations would like to have a conversation with Mr. Silva about the agency's efforts to date and discuss opportunities to work on a common framework for regulating mining wastes in waters of the U.S.

Expected participants:

- Cathy Carlson, EARTHWORKS (b) (6) Privacy )
- Jan Goldman-Carter, National Wildlife Federation (goldman-carter@nwf.org)
- Shoren Brown, Trout Unlimited (sbrown@tu.org)
- Velma Smith, Pew Environmental Group (vsmith@pewtrusts.org)
- Joan Mulhern, Earthjustice (jmulhern@earthjustice.org)
- Jon Devine, NRDC (jdevine@nrdc.org)
- Ed Hopkins, Sierra Club (Ed.Hopkins@sierraclub.org)

POINT OF CONTACT: Cathy Carlson, Policy Advisor, EARTHWORKS,

E-mail address: (b) (6) Privacy  
Telephone Number: 303-449-5792 / (b) (6) Privacy (cell)



Green Group letter to President Obama 7-17-2009-1.pdf

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**Personal Notes**

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**American Bird Conservancy · American Rivers · Clean Water Action ·  
Earthjustice · EARTHWORKS · Environment America · Friends of the Earth ·  
Greenpeace · League of Conservation Voters · National Wildlife Federation · Native  
American Rights Fund · Natural Resource Defense Council · Sierra Club · Southeast  
Alaska Conservation Council · Union of Concerned Scientists · Waterkeeper Alliance**

July 17, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

We write to request that you direct the Environmental Protection Agency (EPA), the Army Corps of Engineers (Corps), and the Council on Environmental Quality (CEQ) to take immediate coordinated action to avert the adverse effects of the Supreme Court's recent decision in *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council*, No. 07-984 (June 22, 2009). This decision has significant national implications, threatening to undo decades of progress in improving water quality. We urge you to act quickly to prevent this threat to our nation's waters.

In *Coeur Alaska*, the Court upheld a Bush-era decision by the Corps to permit the discharge of over 200,000 gallons per day of toxic wastewater from a gold ore processing mill directly into a lake, with the effect of killing all the lake's fish and nearly all other aquatic life, despite the fact that the discharge violates EPA rules for the mining industry in effect since 1975. The agencies accomplished this by a ruse: they redefined the wastewater as "fill material." For about three decades, Corps regulations allowed "fill material" permits only for discharges intended for constructive purposes, typically to build useful structures like docks and levees in water. In 2002, however, EPA and the Corps jointly redefined "fill material" to include anything that would raise the bottom elevation of a water body, even industrial pollution and other wastes. The Supreme Court upheld the Bush Administration's position that any such "fill material" discharges are now exempt from the effluent limitations painstakingly adopted by EPA over the last 37 years to provide maximum feasible protection of water quality.

This decision poses a grave threat to the nation's lakes, rivers, streams, and wetlands. There are innumerable manufacturing industries that, like ore mills, generate pollution containing significant levels of suspended solids. To name just a few examples, coal-fired power plants, aluminum and copper smelters, cement manufacturing plants, beef cattle feedlots, and chemical manufacturers have, until now, been subject to EPA effluent limitations requiring settling ponds and other technologies to remove solids from their wastewater. The untreated effluents from these sources now frequently could meet the definition of "fill material" and are therefore potentially eligible for Corps permits that do not have to comply with EPA's effluent limitations. This approach turns the Clean Water Act on its head: pollution discharges with the highest levels of suspended solids are exempt from EPA's rules, providing a strong incentive for

polluters *not* to treat their wastewater. As the *Coeur Alaska* case illustrates, “fill material” permits can allow even massive discharges of toxic pollutants that may kill an entire water body.

This destructive result is entirely unnecessary. The growth of the nation’s economy and the simultaneous great improvement in water quality since enactment of the Clean Water Act in 1972 show that clean water is good for business. For example, for the Kensington Mine at issue in *Coeur Alaska*, there is an alternative waste disposal option—a “paste tailings” facility—supported by conservation groups and EPA, which would require no discharge of process wastewater into any waters. We were pleased that EPA Region 10 recently wrote a letter asking the Corps to consider this viable and less damaging alternative. The use of a lake as a mine tailing disposal site is irresponsible, both in the case of the Kensington and for future mines.

Fortunately, the Court’s decision provides a clear roadmap to solve the problem. The Court found that the Act as well as the agencies’ regulations are ambiguous on the questions at issue in the case and therefore simply deferred to an internal 2004 Bush-era EPA guidance memorandum, called the Regas Memo. The *Coeur Alaska* ruling cries out for the agencies to amend and clarify their regulations and guidance.

For these reasons, we respectfully ask that you direct EPA, the Corps, and CEQ to work together to: (1) rescind immediately the Regas Memo, which directed that discharges of waste meeting the definition of “fill material” be exempt from applicable effluent limitations; and (2) initiate a process to amend the 2002 fill rule to reinstate the longstanding rule that “fill material” permits may not be used for waste disposal.

We would welcome the opportunity to meet with your staff and the heads of the relevant agencies at their earliest convenience to address the problems created by the *Coeur Alaska* decision.

Thank you for your prompt attention to this matter.

Respectfully Yours,

Carl Pope  
Executive Director  
Sierra Club

Larry Schweiger  
President and CEO  
National Wildlife Federation

Payal Sampat  
Acting Executive Director  
EARTHWORKS

Trip Van Noppen  
President  
Earthjustice

Kristine Stratton  
Executive Director  
Waterkeeper Alliance

Lindsey Ketchel  
Executive Director  
Southeast Alaska Conservation Council

Release 4 - HQ-FOI-01268-12  
President Barack Obama  
July 17, 2009  
Page 3 of 3

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

George Fenwick  
President  
American Bird Conservancy

John E. Echohawk  
Executive Director  
Native American Rights Fund

Brent Blackwelder  
President  
Friends of the Earth

Kevin Knobloch  
President  
Union of Concerned Scientists

Rebecca R. Wodder  
President  
American Rivers

Margie Alt  
Executive Director  
Environment America

John DeCock  
President  
Clean Water Action

Phil Radford  
Executive Director  
Greenpeace

Frances Beinecke  
President  
Natural Resource Defense Council

Gene Karpinski  
President  
League of Conservation Voters

cc: Lisa Jackson, Administrator, U.S. Environmental Protection Agency  
Nancy Sutley, Chair, White House Council on Environmental Quality  
Terrence Salt, Principal Deputy to the Assistant Secretary of the Army, Civil Works

01268-EPA-3376

**Bob Perciasepe/DC/USEPA/US**  
01/28/2010 06:27 PM

To Seth Oster  
cc Allyn Brooks-LaSure, David McIntosh, Diane Thompson, Heidi Ellis, Lawrence Elworth, Richard Windsor  
bcc  
Subject Re: RFS2 Rollout

[Redacted] (b) (5) Deliberative

Bob Perciasepe  
Deputy Administrator

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

Seth Oster Administrator, I received a call earlier fr... 01/28/2010 06:14:41 PM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 01/28/2010 06:14 PM  
Subject: RFS2 Rollout

Administrator,

I received a call earlier from Browner's office and they have given us a bit more detail about the plans for the RFS2 rollout next Wednesday.

This is not yet locked down on their end, [Redacted] (b) (5) Deliberative

[Redacted]

[Redacted]

Below is a summary of the flow that David received.

More on this to come.

Seth

(b) (5)



(b) (5)



(b) (5)



(b) (5)

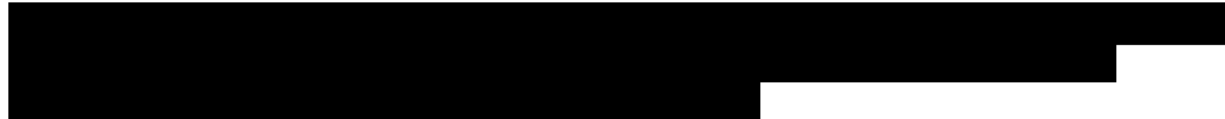




(b) (5)

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(b) (5) Deliberative

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## **The New Energy Frontier**

### **Promise: Build a Comprehensive Energy Plan that Embraces Renewable Energy**

*“President Obama has a comprehensive plan to chart a new energy future by embracing alternative and renewable energy, ending our addiction to foreign oil, addressing the global climate crisis, and creating millions of new jobs that can’t be shipped overseas.”*

[www.barackobama.com/issues](http://www.barackobama.com/issues)

- **Accomplishment: Make Renewable Energy a Priority for the Department of the Interior**

In March, Secretary Salazar issued his [first secretarial order](#), establishing renewable energy development as a top priority for the Department.

- **Accomplishment: Responsibly Developing America’s Oil and Gas Supplies**

In 2009, Interior held 35 onshore oil and gas lease sales and two offshore auctions. Together, these sales offered more than 2,542 parcels covering 2.9 million acres in the West and over 52 million acres in the Outer Continental Shelf. The sales generated more than \$941 million in revenues that are shared between the states and federal government.

- **Accomplishment: Fast-Tracking Solar and Wind Projects on Public Lands**

The Bureau of Land Management (BLM) is facilitating a rapid and responsible move to large-scale production of renewables on public lands by fast-tracking reviews on the most ready-to-go solar, wind, geothermal, and biomass projects on public lands. [The 31 projects identified](#) for fast-tracking could potentially be cleared for approval by December 2010.

- **Accomplishment: Launching New “Rules of the Road” for Offshore Renewable Energy Development**

On Earth Day, April 2009, President Obama and Secretary Salazar announced that the Department of the Interior has created the [first-ever framework](#) for offshore renewable energy development. These long-delayed rules open the gates for the responsible development of significant offshore wind energy potential.

- **Accomplishment: Establish Solar Energy Study Areas on Public Lands**

For the first time ever, the federal government has set aside public lands for the express purpose of developing renewable energy—[1,000 square miles](#) in 24 designated Solar Energy Study Areas. Interior is evaluating these areas for environmentally responsible, large-scale solar energy development across the West.

- **Accomplishment: Expediting Power Transmission on Federal Lands**

The Obama Administration developed a [first-ever Memorandum of Understanding](#) (MOU) between nine federal agencies to expedite the siting and permitting of electronic transmission projects on federal lands. Interior has already identified and designated more than 5,000 miles of energy transport corridors on the lands it manages to facilitate

the siting and permitting of energy transport projects, and Interior agencies are working to identify the best places on the landscape for transmission facilities.

- **Accomplishment: Development and Preservation of the Biofuels Industry**  
Secretary Vilsack worked to restructure existing investments in renewable fuels and to develop a comprehensive approach in increasing the investment in and production of American biofuels and reducing dependence on fossil fuels through the timely deployment of several Farm Bill Energy Programs.

**Coal Combustion Wastes (CCW):** EPA proposes to regulate coal combustion wastes/residues (i.e. coal ash) as RCRA Subtitle C Hazardous waste, largely because it is a federally enforceable standard. The proposed rule is still in interagency review but may be publically released soon. One of the key issues with classifying flyash as RCRA Hazardous waste involves flyash in a boiler. Boiler flyash would, unless somehow exempted, constitute a hazard that would prevent entry to the boiler setting by laborers and welders without Hazmat training and equipment. Regardless of cost, the increases in outage length would create generation problems for unplanned outages. DOE, OMB, and other agencies involved in the interagency review are opposed to this for a variety of reasons. EPA may be revising its suggested approach, but DOE has not yet seen a new draft with any revisions.

**§ 316(b) of the Clean Water Act: Cooling Water Intake Structures.** EPA is revising its rules for cooling water intake structures at “existing” facilities, including electric power generating stations. A proposal is expected by September 2010 and a final rule is to be promulgated by July 2012. In order to protect the country’s electric power supply, it is critical that the new rule consider the costs and benefits of cooling water intake technologies and avoid requiring retrofits of cooling towers at plants that were not designed for them. This rule could have major implications for both fossil-fueled and nuclear-fueled power stations nationwide. Some plants- especially nuclear powered- are must run base load and make no commercial sense as peakers, so implementing this rule adds uncertainty and will change the dispatch curve to favor less economic units.

**New Rules expected under EPA’s Clean Air Act authority:** EPA is working on several regulations concerning air emissions from coal-fired power plants, including replacement rules for the remanded Clean Air Interstate Rule (CAIR) and the vacated Clean Air Mercury Rule (CAMR), new Maximum Achievable Control Technology (MACT) standards, etc. Uncertainty regarding the CAIR and CAMR rules has essentially halted industry progress on emissions reduction projects. New Source Review (NSR) as currently enacted adds a degree of uncertainty to efficiency improvement projects, making any marginal project unlikely to go forward, and raising the hurdle rates for all projects. In today's climate, no utility will spend money if the path to recoup the investment is unclear. EPA is also drafting regulations to limit carbon dioxide emissions under its Clean Air Act authority, which would change major aspects the electric power industry and our economy. Whether EPA regulation of carbon dioxide emissions will be overtaken by legislation is uncertain at this time. All of these new rules under the Clean Air Act will have major implications for fossil-fueled power generation.

**Large-scale injection of carbon dioxide:** EPA has proposed rules to regulate the injection of carbon dioxide underground, under the authority of the Safe Drinking Water Act's Underground Injection Control (UIC) program. DOE staff has been working closely with EPA staff as these proposed regulations have matured. These rules will help provide the regulatory certainty needed before widespread commercial deployment of Carbon Capture and Storage (CCS) technologies can occur. Final rules are expected in November/December 2010.

01268-EPA-3377

Mathy  
Stanislaus/DC/USEPA/US  
01/28/2010 11:25 PM

To Richard Windsor  
cc Bob Perciasepe, Bob Sussman, Charles Imohiosen  
bcc  
Subject EPA-DOT-HUD

Lisa - This is follow up on our conversation regarding the selection EPA-HUD-DOT Pilots and the possibility of you announcing it at the New Partners for Smart Growth Conference in Seattle next week. I understand that Secretaries LaHood and Donovan will also be participating.

- In September, when you announced the Partnership, OSWER committed to start a "sustainable sites" pilot program in 5 locations where EPA could work directly with HUD and DOT to address contaminated land, in conjunction with transit oriented development and affordable housing. The number of 5 pilots was selected because that number was viewed as a representative number that the could test out the Partnership on an actual project basis given existing resource limitations.

**(b) (5) Deliberative**

Proposals Selected 1-28-10.doc

- **(b) (5) Deliberative**  
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[Redacted]

- OSWER will be sending up the final project descriptions to you by Thursday. **(b) (5) Deliberative**  
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[Redacted]

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[Redacted]

Please let me know if you have any questions or want to discuss - I'll be back tomorrow mid-day from the NECJAC meeting **(b) (5) Deliberative**  
Please note I will be giving a key note that links sustainability, community based planning and EJ the prior day but will not be there for the announcement.

Thanks - Mathy

01268-EPA-3388

Richard Windsor/DC/USEPA/US  
02/01/2010 12:54 PM

To Michael Moats  
cc Allyn Brooks-LaSure  
bcc

Subject Re: ACTION draft budget mailer for today

(b) (5) Deliberative - tx.

Michael Moats Administrator, attached and pasted below 02/01/2010 11:28:08 AM

From: Michael Moats/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 02/01/2010 11:28 AM  
Subject: ACTION draft budget mailer for today

Administrator, attached and pasted below is a draft mailer on the budget. Allyn has looked over, and we want to get your thoughts/sign-off. Thanks.

(b) (5) Deliberative

20100201 Budget Mass Mailer (2).doc

-----

**DRAFT**

(b) (5) Deliberative

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(b) (5) Deliberative

A large section of the document is redacted with four thick black horizontal bars. The text "(b) (5) Deliberative" is centered within the first bar.

Sincerely,

Lisa P. Jackson, Administrator

-----

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

01268-EPA-3402

**David  
McIntosh/DC/USEPA/US**

02/02/2010 05:22 PM

To Richard Windsor, Arvin Ganesan, Gina McCarthy, Lawrence  
Elworth, Seth Oster, Allyn Brooks-LaSure, Adora Andy

cc

bcc

Subject Fw: From E&ENews PM -- BIOFUELS: White House clears  
rules on indirect GHG emissions

Just FYI. The fact that OMB has cleared the final RFS2 rule is now public. We knew that that fact would become public today, and the WH knew it too. It just means that, as expected, our phones will start to light up now.

----- Forwarded by David McIntosh/DC/USEPA/US on 02/02/2010 05:20 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 02/02/2010 05:20 PM  
Subject: From E&ENews PM -- BIOFUELS: White House clears rules on indirect GHG emissions

**This E&ENews PM story was sent to you by:** mcintosh.david@epa.gov

**Personal message:**



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## **BIOFUELS: White House clears rules on indirect GHG emissions**

*(Tuesday, February 2, 2010)*

**Allison Winter, E&E reporter**

The White House has completed its review of controversial U.S. EPA regulations aimed at curbing renewable fuels' greenhouse gas emissions.

The Office of Management and Budget signed off on the rule yesterday, OMB records show, clearing EPA to finalize the long-delayed implementation of the renewable fuels standard that Congress included in the 2007 energy bill.

The bill expanded the renewable fuels standard (RFS) and set escalating goals for the use of ethanol and other biofuels in U.S. transportation fuels, reaching 36 billion gallons a year in 2022.

The standard requires EPA to assess the "lifecycle" emissions of biofuels -- weighing the emissions from growing crops, producing fuels made from them, and distributing and using the fuels.

The draft regulations EPA proposed last year sparked outrage from biofuels advocates and farm-state lawmakers who maintained the agency was unfair to ethanol.

Environmental groups and the biofuels industry have been in a tug of war -- with EPA in the middle -- on the inclusion of indirect international emissions caused when farmers produce fuel instead of food.

The EPA proposal measures emissions from "indirect" land-use changes associated with biofuels -- such as land that is deforested in other countries because of increased crop growth in the United States. The agency concluded, depending on the time frames modeled, that traditional corn ethanol could have a slightly larger emissions footprint than gasoline when land-use changes are factored in.

House and Senate Agriculture committee members and renewable-fuels industry representatives blasted the proposal, saying it would be too difficult to make those links between corn grown in the United States and international deforestation. Further, they said EPA's analysis did not consider indirect emissions from gasoline, such as emissions related to shipping the fuel or procuring it overseas, making the comparison unfair.

House Agriculture Chairman Collin Peterson (D-Minn.) added language to the House climate and

energy bill in June that would bar EPA from considering including emissions from indirect land-use changes abroad for five years.

And Sen. Tom Harkin (D-Iowa) threatened to add an amendment to an appropriations bill last year that would have stopped EPA's work on the measure. But he backed down after EPA Administrator Lisa Jackson told him the agency was taking his concerns into account and would conduct an "uncertainty analysis" on the land-use issue.

The biofuels industry and environmental groups have lobbied OMB fiercely. Public records show OMB meetings over the past year with representatives from the National Biodiesel Board, Environmental Defense, the Sierra Club, the Union of Concerned Scientists, Friends of the Earth, the American Petroleum Institute, the American Soybean Association, the Petroleum Institute, Bio and Royal Dutch Shell PLC.

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01268-EPA-3425

**Bob Sussman/DC/USEPA/US**

02/07/2010 11:55 AM

To Richard Windsor

cc Bob Perciasepe, Lisa Heinzerling, Diane Thompson, Mathy Stanislaus

bcc

Subject CCR 1-pager

Lisa -- I'm enclosing some suggested changes in the CCR one-pager (now a bit longer). See what you think. We continue to work on a longer overview document and of course may need to shift gears

(b) (5) Deliberative

(b) (5) Deliberative

OVERVIEW OF EPA PROPOSAL TO REGULATE COAL COMBUSTION RESIDUEv2.doc

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3434

**Bob Sussman/DC/USEPA/US**

02/10/2010 06:55 AM

To "Mathy Stanislaus", "Lisa Heinzerling", "Lisa P. Jackson"

cc

bcc

Subject Fw: Latest News From InsideEPA.com

See article below on industry efforts to use recent assessments and action plans to argue that safety concerns can be addressed without Subtitle C listing. **(b) (5) Deliberative**

---

**From:** "InsideEPA.com" [epa-alerts@iwpnews.com]

**Sent:** 02/10/2010 05:19 AM EST

**To:** Bob Sussman

**Subject:** Latest News From InsideEPA.com

## Latest News - 2/10/2010

### [Rejecting EPA Call, NAS Panel Seeks Rewrite Of Long-Delayed Perc Study](#)

A National Academy of Sciences' (NAS) panel is calling on EPA to rewrite key portions of its long-delayed assessment of the risks posed by the dry-cleaning chemical tetrachloroethylene (perc), advice that backs EPA calls to avoid broad changes to risk methods but that will nevertheless delay completion of a study that a key official says is urgently needed to quickly regulate the ubiquitous chemical.

### [Refiners, Truckers File Lawsuit Over California Low-Carbon Fuel Standard](#)

The National Petrochemical & Refiners Association (NPRRA), American Trucking Association and other industry groups have filed suit over California's low-carbon fuel standard (LCFS), alleging it violates the U.S. Constitution's supremacy and commerce clauses by regulating interstate and foreign commerce.

### [Industry To Press EPA, Congress For Relief From California Diesel Rules](#)

State construction and trucking industry groups plan to partner with national industry associations to press EPA and Congress for relief from the California air board's controversial diesel regulations governing construction equipment and trucks, possibly by asking EPA to relax air quality mandates and deadlines for California.

### [EPA To Play Key Role In Obama CCS Plan Drawing From Stalled Bills](#)

President Obama's call for a new interagency task force to examine regulatory and other barriers to carbon capture and storage (CCS) sets the stage for greater engagement by EPA and other agencies on the issue, echoing similar mandates for a federal plan on boosting CCS included in climate and energy bills that remain stalled on Capitol Hill.

### [Agencies Take Small Steps To Increase Focus On Environmental Justice](#)

Obama administration officials are taking some small steps toward increased consideration of environmental justice in federal decisions but are not yet taking the bigger steps activists say are needed to address historical discrimination resulting from environmental decisions in poor and minority communities.

## The Inside Story

### [Industry Touts EPA Coal Ash Review](#)

Industry officials say utility companies' coal ash disposal plans -- recently released by EPA -- show that additional hazardous waste regulations are unnecessary because the industry is moving quickly to address any safety concerns with coal ash disposal ponds.

### [Filling Top EPA Enforcement Slot](#)

A key California EPA (Cal/EPA) enforcement official who helped in the early stages of designing the state's climate cap-and-trade program is moving to the federal EPA to fill the role of deputy assistant administrator in the agency's Office of Enforcement & Compliance Assurance (OECA).

### [Defending EPA's Climate Rules](#)

Proponents of climate controls may have to shift their strategy away from describing EPA Clean Air Act greenhouse gas (GHGs) as a last-resort threat to spur Congress to pass a climate bill and toward arguing that agency climate rules may be a defensible option to reduce GHGs.

---

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01268-EPA-3455

**Bob Sussman/DC/USEPA/US**

02/15/2010 03:54 PM

To Lisa at Home, Richard Windsor

cc Mathy Stanislaus, Seth Oster, Bob Perciasepe, Diane Thompson, Scott Fulton, Lisa Heinzerling

bcc

Subject CCR Review Process

As Rena points out, the 30 day extension of the 90 day regulatory review period we granted OIRA expired on Saturday. The Executive Order authorizes only one extension of the 30 day period. After that extension, the EO contemplates that OMB would return the rule to EPA with instructions for revision, EPA would withdraw the proposal or OMB would approve it for signature. (b) (5) Deliberative

(b) (5)

My own inclination would be (b) (5) Deliberative

What do others think?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Lisa at Home Lj Begin forwarded message: 02/15/2010 04:53:39 AM

From: Lisa at Home <(b) (6) Privacyivacy>  
To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 02/15/2010 04:53 AM  
Subject: Fwd: Google Alert - EPA Lisa jackson

Lj

Begin forwarded message:

**From:** Google Alerts <[googlealerts-noreply@google.com](mailto:googlealerts-noreply@google.com)>  
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Google News Alert for: **EPA Lisa jackson**

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01268-EPA-3456

**Lisa  
Heinzerling/DC/USEPA/US**  
02/15/2010 04:12 PM

To Bob Sussman, "Lisa at Home", Richard Windsor  
cc Mathy Stanislaus, Seth Oster, Bob Perciasepe, Diane  
Thompson, Scott Fulton  
bcc  
Subject Re: CCR Review Process

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 02/15/2010 03:54 PM EST  
**To:** Lisa at Home <(b) (6) Privacy Privacy> Richard Windsor  
**Cc:** Mathy Stanislaus; Seth Oster; Bob Perciasepe; Diane Thompson; Scott  
Fulton; Lisa Heinzerling  
**Subject:** CCR Review Process

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[Redacted]

My own inclination would be (b) (5) Deliberative  
[Redacted]

[Redacted] What do others think?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

From: Lisa at Home <(b) (6) Privacyivacy>  
To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 02/15/2010 04:53 AM  
Subject: Fwd: Google Alert - EPA Lisa jackson

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Lj

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**Date:** February 12, 2010 7:15:06 PM EST  
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**Subject:** Google Alert - EPA Lisa jackson

### Google News Alert for: **EPA Lisa jackson**

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01268-EPA-3457

**Bob Sussman/DC/USEPA/US**

02/15/2010 05:20 PM

To Richard Windsor

cc Bob Perciasepe, Seth Oster, Lisa Heinzerling, Mathy Stanislaus, Diane Thompson, Scott Fulton

bcc

Subject Matrix of CCR Policy Options

Administrator -- here is the matrix of policy options for the CCR rulemaking. There are a few small issues to be resolved but it's ready for your review and feedback.

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

(b) (5) Deliberative

Policy Options\_feb\_14\_v3.doc

01268-EPA-3458

**Bob Sussman/DC/USEPA/US**  
02/15/2010 05:37 PM

To Lisa Heinzerling  
cc Bob Perciasepe, Diane Thompson, "Lisa at Home", Mathy Stanislaus, Richard Windsor, Scott Fulton, Seth Oster  
bcc  
Subject Re: CCR Review Process

(b) (5) Deliberative  
[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Lisa Heinzerling (b) (5) Deliberative 02/15/2010 04:12:13 PM

From: Lisa Heinzerling/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, "Lisa at Home" <(b) (6) Privacy rivacy [Redacted]> Richard Windsor/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 02/15/2010 04:12 PM  
Subject: Re: CCR Review Process

(b) (5) Deliberative  
[Redacted]

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 02/15/2010 03:54 PM EST  
**To:** Lisa at Home <(b) (6) Privacy Privacy [Redacted]> Richard Windsor  
**Cc:** Mathy Stanislaus; Seth Oster; Bob Perciasepe; Diane Thompson; Scott Fulton; Lisa Heinzerling

**Subject:** CCR Review Process

As Rena points out, the 30 day extension of the 90 day regulatory review period we granted OIRA expired on Saturday. The Executive Order authorizes only one extension of the 30 day period. After that extension, the EO contemplates that OMB would return the rule to EPA with instructions for revision, EPA would withdraw the proposal or OMB would approve it for signature. (b) (5) Deliberative

?

My own inclination would be (b) (5) Deliberative

What do others think?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Lisa at Home

Lj Begin forwarded message:

02/15/2010 04:53:39 AM

From: Lisa at Home <(b) (6) Privacyivacy>  
To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 02/15/2010 04:53 AM  
Subject: Fwd: Google Alert - EPA Lisa jackson

Lj

Begin forwarded message:

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**To:** (b) (6) Privacyivacy  
**Subject:** Google Alert - EPA Lisa jackson

Google News Alert for: **EPA Lisa jackson**

[OIRA's Time Is Up on Coal Ash Review](#)

Huffington Post (blog)

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01268-EPA-3459

Mathy Stanislaus/DC/USEPA/US  
02/15/2010 06:42 PM

To Bob Sussman, Lisa Heinzerling  
cc Bob Perciasepe, Diane Thompson, "Lisa at Home", Richard Windsor, Scott Fulton, Seth Oster  
bcc

Subject Re: CCR Review Process

[Redacted] (b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman  
Sent: 02/15/2010 05:37 PM EST  
To: Lisa Heinzerling  
Cc: Bob Perciasepe; Diane Thompson; "Lisa at Home"

<(b) (6) Privacy Privacy [Redacted] Mathy Stanislaus; Richard Windsor; Scott Fulton; Seth Oster

Subject: Re: CCR Review Process

[Redacted] (b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Lisa Heinzerling [Redacted] (b) (5) Deliberative 02/15/2010 04:12:13 PM

From: Lisa Heinzerling/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, "Lisa at Home" <(b) (6) Privacy rivity [Redacted] Richard Windsor/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 02/15/2010 04:12 PM  
Subject: Re: CCR Review Process

[Redacted] (b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

Bob Sussman

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

**From:** Bob Sussman

**Sent:** 02/15/2010 03:54 PM EST

**To:** Lisa at Home <(b) (6) Privacy Privacy> Richard Windsor

**Cc:** Mathy Stanislaus; Seth Oster; Bob Perciasepe; Diane Thompson; Scott Fulton; Lisa Heinzerling

**Subject:** CCR Review Process

As Rena points out, the 30 day extension of the 90 day regulatory review period we granted OIRA expired on Saturday. The Executive Order authorizes only one extension of the 30 day period. After that extension, the EO contemplates that OMB would return the rule to EPA with instructions for revision, EPA would withdraw the proposal or OMB would approve it for signature. (b) (5) Deliberative

[Redacted]

My own inclination would be [Redacted] (b) (5) Deliberative

[Redacted] What do others think?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Lisa at Home Lj Begin forwarded message: 02/15/2010 04:53:39 AM

**From:** Lisa at Home <(b) (6) Privacyrivity>  
**To:** Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
**Date:** 02/15/2010 04:53 AM  
**Subject:** Fwd: Google Alert - EPA Lisa jackson

Lj

Begin forwarded message:

**From:** Google Alerts <[googlealerts-noreply@google.com](mailto:googlealerts-noreply@google.com)>  
**Date:** February 12, 2010 7:15:06 PM EST  
**To:** (b) (6) Privacyrivity  
**Subject:** Google Alert - EPA Lisa jackson

## Google News Alert for: **EPA Lisa jackson**

### [OIRA's Time Is Up on Coal Ash Review](#)

Huffington Post (blog)

The second best outcome would be for **EPA Administrator Lisa Jackson** to take the courageous step of publishing the proposed rule in the Federal Register, ...

[See all stories on this topic](#)

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[Create](#) another alert.

[Manage](#) your alerts.

01268-EPA-3477

**Lisa  
Heinzerling/DC/USEPA/US**  
02/17/2010 03:45 PM

To Richard Windsor  
cc Bob Perciasepe, Diane Thompson, Bob Sussman  
bcc

Subject CEQ guidance on NEPA and climate change

CEQ plans to issue its guidance on NEPA and climate change tomorrow. (b) (5) Deliberative, in my view. (b) (5) Deliberative. In case you're interested, I'm attaching a summary of the documents CEQ will be issuing, plus a summary of our comments on the last version of the documents.

(b) (5) Deliberative

NEPA Guidance summary OPEI.doc

01268-EPA-3527

**Michael Moats/DC/USEPA/US**

02/24/2010 06:18 PM

To Richard Windsor

cc Allyn Brooks-LaSure, Arvin Ganesan

bcc

Subject ACTION draft Earth Day POTUS proclamation for review

Administrator, OMB has asked us to draft the President's Earth Day proclamation this year. I've attached the draft, which Allyn has reviewed. Want to make sure you're comfortable with the language and the general direction before we submit this for their review. Thanks.

**(b) (5) Deliberative**

2010 EARTH DAY PROCLAMATION (2).doc

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

01268-EPA-3530

Michael Moats/DC/USEPA/US  
02/26/2010 01:14 PM

To Richard Windsor  
cc Allyn Brooks-LaSure, Arvin Ganesan  
bcc

Subject Re: ACTION draft Earth Day POTUS proclamation for review

Just a reminder to review this when you get a chance. Thanks.

Mike

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

Michael Moats Administrator, OMB has asked us to dr... 02/24/2010 06:18:50 PM

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To: Richard Windsor/DC/USEPA/US@EPA  
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Date: 02/24/2010 06:18 PM  
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US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436



**(b) (5) Deliberative**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**(b) (5) Deliberative**

2010-02-19 Draft Roadmap.pdf

Bob Perciasepe  
Deputy Administrator

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



01268-EPA-3579

**Richard Windsor/DC/USEPA/US**  
03/04/2010 12:18 PM

To David McIntosh  
cc  
bcc

Subject Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative ?  
David McIntosh

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

**From:** David McIntosh

**Sent:** 03/04/2010 12:17 PM EST

**To:** Richard Windsor; Gina McCarthy; Seth Oster; Scott Fulton

**Subject:** Fw: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

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To: Diann Frantz/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Nancy Ketcham-Colwill/DC/USEPA/US@EPA  
Date: 03/04/2010 12:14 PM  
Subject: FW: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

FYI

For Immediate Release  
Lamie  
March 4, 2010  
225-3861

Contact: Courtney  
(202)

## **BOUCHER INTRODUCES MEASURE TO HALT EPA REGULATION OF GREENHOUSE GAS EMISSIONS**

### ***Legislation Would Suspend for 2 Years Any EPA Action Regulating CO<sub>2</sub>***

**(WASHINGTON, D.C.)** – U.S. Representative Rick Boucher (D-VA) today introduced legislation to suspend for two years action by the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions. Boucher joined his colleagues Nick Rahall (D-WV), Chairman of the Natural Resources Committee, and Alan Mollohan (D-WV) in introducing the measure entitled the Stationary Source Regulations Delay Act. A companion measure has been introduced in the U.S. Senate by Jay Rockefeller (D-WV).

The Stationary Source Regulations Delay Act would delay for two years EPA action with regard to carbon dioxide or methane regulations for stationary sources, while allowing the consensus

mobile sources regulations to move forward. This approach differs from other proposals to halt or delay EPA action on greenhouse gas regulation. **“By structuring the measure in this manner, we are seeing to find a responsible middle ground that can be enacted,”** Boucher said.

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**“In June, the U.S. House of Representatives approved a balanced measure which will control greenhouse gas emissions while preventing economic disruption. While this measure is far from perfect, I was able to secure a number of important changes to the bill which allow for the continued and robust use of coal and the deployment of carbon capture and storage technologies necessary for the coal industry’s future success. If EPA is allowed to regulate greenhouse gas emissions, economic considerations simply cannot be taken into account. EPA regulation would be costly and cumbersome,”** Boucher said. **“The measure I have introduced will prevent the EPA from acting to regulate greenhouse gas emissions for two years, providing Congress time to approve a thoughtful regulatory program,”** he added.

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~~###~~

---

**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
202-225-3861 (office)  
202-538-0720 (cell)

[Visit Congressman Boucher's Website](#)



01268-EPA-3580

David McIntosh/DC/USEPA/US  
03/04/2010 12:23 PM

To Richard Windsor  
cc  
bcc

Subject Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative ? ----- Ori... 03/04/2010 12:18:58 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 12:18 PM  
Subject: Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative ?

David McIntosh

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

From: David McIntosh  
Sent: 03/04/2010 12:17 PM EST  
To: Richard Windsor; Gina McCarthy; Seth Oster; Scott Fulton  
Subject: Fw: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

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Date: 03/04/2010 12:14 PM  
Subject: FW: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

FYI

For Immediate Release  
March 4, 2010

Contact

Courtney Lamie  
(202) 225-3861

BOUCHER INTRODUCES MEASURE TO HALT EPA REGULATION OF GREENHOUSE GAS EMISSIONS

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-###-

---

**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
202-225-3861 (office)  
202-538-0720 (cell)

[Visit Congressman Boucher's Website](#)



01268-EPA-3581

Richard Windsor/DC/USEPA/US  
03/04/2010 12:26 PM

To David McIntosh  
cc  
bcc

Subject Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh  
Sent: 03/04/2010 12:23 PM EST  
To: Richard Windsor

Subject: Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative ? ----- Ori... 03/04/2010 12:18:58 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 12:18 PM  
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Date: 03/04/2010 12:14 PM  
Subject: FW: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

FYI

For Immediate Release  
Lamie  
March 4, 2010  
225-3861

Contact: Courtney  
(202)

## **BOUCHER INTRODUCES MEASURE TO HALT EPA REGULATION OF GREENHOUSE GAS EMISSIONS**

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-###-

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**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
202-225-3861 (office)  
202-538-0720 (cell)

[Visit Congressman Boucher's Website](#)



01268-EPA-3582

Richard Windsor/DC/USEPA/US  
03/04/2010 12:27 PM

To David McIntosh  
cc  
bcc

Subject Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh  
Sent: 03/04/2010 12:23 PM EST  
To: Richard Windsor

Subject: Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative ? ----- Ori... 03/04/2010 12:18:58 PM

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FYI

For Immediate Release  
Lamie  
March 4, 2010  
225-3861

Contact: Courtney  
(202)

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-###-

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**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
202-225-3861 (office)  
202-538-0720 (cell)

[Visit Congressman Boucher's Website](#)



01268-EPA-3583

David McIntosh/DC/USEPA/US  
03/04/2010 12:27 PM

To Richard Windsor, Seth Oster  
cc  
bcc

Subject Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

OK. Seth, FYI.

Richard Windsor (b) (5) Deliberative 03/04/2010 12:26:46 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 12:26 PM  
Subject: Re: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas Emissions

(b) (5) Deliberative

David McIntosh

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FYI

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Contact: Courtney Lamie  
(202) 225-3861

## **BOUCHER INTRODUCES MEASURE TO HALT EPA REGULATION OF GREENHOUSE GAS EMISSIONS**

### ***Legislation Would Suspend for 2 Years Any EPA Action Regulating CO<sub>2</sub>***

**(WASHINGTON, D.C.)** – U.S. Representative Rick Boucher (D-VA) today introduced legislation to suspend for two years action by the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions. Boucher joined his colleagues Nick Rahall (D-WV), Chairman of the Natural Resources Committee, and Alan Mollohan (D-WV) in introducing the measure entitled the Stationary Source Regulations Delay Act. A companion measure has been introduced in the U.S. Senate by Jay Rockefeller (D-WV).

The Stationary Source Regulations Delay Act would delay for two years EPA action with regard to carbon dioxide or methane regulations for stationary sources, while allowing the consensus mobile sources regulations to move forward. This approach differs from other proposals to halt or delay EPA action on greenhouse gas regulation. **“By structuring the measure in this manner, we are seeing to find a responsible middle ground that can be enacted,”** Boucher said.

Following the decision by the U.S. Supreme Court that greenhouse gases are a pollutant, the Environmental Protection Agency is now legally compelled to regulate greenhouse gases under the existing Clean Air Act. That law is not well suited for such action since it disables EPA from taking into account the unique needs of the coal industry and electric utilities that burn coal. **“EPA regulation of greenhouse gases would be the worst outcome for the coal industry and coal related jobs,”** Boucher said.

**“In June, the U.S. House of Representatives approved a balanced measure which will control greenhouse gas emissions while preventing economic disruption. While this measure is far from perfect, I was able to secure a number of important changes to the bill which allow for the continued and robust use of coal and the deployment of carbon capture and storage technologies necessary for the coal industry’s future success. If EPA is allowed to regulate greenhouse gas emissions, economic considerations simply cannot be taken into account. EPA regulation would be costly and cumbersome,”** Boucher said. **“The measure I have introduced will prevent the EPA from acting to regulate greenhouse gas emissions for two years, providing Congress time to approve a thoughtful**

**regulatory program,"** he added.

Last year, the U.S. House of Representatives approved the American Clean Energy and Security Act, which establishes a program to regulate greenhouse gas emissions. Congressman Boucher added key provisions to the measure which protects the coal industry by enabling utilities to continue using coal while greenhouse emissions are reduced. His amendments assure funding for carbon capture and storage technologies and enable utilities to keep burning coal while paying others to reduce emissions. Specifically his key changes to the bill provide:

- Free allowances to emitters, keeping the program affordable and encouraging coal use..
- An assured \$10 billion in funding for carbon separation and storage (CCS) technology development and an additional \$150 billion to incent its use by coal burning utilities. These funds will ensure that the technologies are fully developed and available at commercial scale.
- 2 billion tons of offset credits which enable utilities to keep burning coal while paying others to reduce emissions. This number is roughly equal to all the greenhouse gas emissions from coal use nationwide.
- Modifications to the performance standards which require new coal plants to meet certain CCS requirements. Congressman Boucher has succeeded in changing those to ensure that new coal plants will not be required to use CCS technology before it is widely commercially available and affordable.

While these changes make critical improvements to the bill, Boucher continues to work for further improvements as the bill moves through the legislative process. The measure introduced today would give Congress time to approve this balanced approach before EPA acts with costly regulations.

**"While some may prefer to halt EPA action permanently, the votes do not exist in the Senate or the House to remove all EPA regulatory authority. Our bill is a responsible, achievable approach which prevents the EPA from enacting regulations that would harm coal and gives Congress time to establish a balanced program,"** Boucher concluded.

-###-

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**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
202-225-3861 (office)  
202-538-0720 (cell)

[Visit Congressman Boucher's Website](#)







01268-EPA-3625

David  
McIntosh/DC/USEPA/US  
03/08/2010 07:26 PM

To Richard Windsor  
cc  
bcc

Subject Fw: AEP Analysis of Cantwell-Collins

(b) (5) Deliberative

attached is a

very good, concise summary of it, written by AEP's lawyers and economists.

----- Forwarded by David McIntosh/DC/USEPA/US on 03/08/2010 07:24 PM -----

From: mamcbroom@aep.com  
To: "McBroom" <mamcbroom@aep.com>  
Date: 03/04/2010 11:32 AM  
Subject: Fw: AEP Analysis of Cantwell-Collins

Please find attached our analysis of S. 2877 -- the Carbon Limits and Energy for America's Renewal (CLEAR) Act as introduced by Senators Cantwell and Collins.

Please call if you have any questions. I apologize if any of you receive this more than once.

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

From: Rodney D Nespeca  
Sent: 03/04/2010 10:14 AM EST  
To: Martin McBroom  
Subject: AEP Analysis of Cantwell-Collins  
(See attached file: AEP Analysis of CLEAR Proposal - S.2877.doc)

Rodney Nespeca  
American Electric Power



(614) 716-1299 AEP Analysis of CLEAR Proposal - S.2877.doc

## AEP Review of S. 2877 Proposal

### Policy Summary

- S. 2877 -- the Carbon Limits and Energy for America's Renewal (CLEAR) Act as introduced by Senators Cantwell and Collins would establish an economy-wide CO<sub>2</sub> cap and limited trade system.
- 100% of the allowances would be auctioned off to "capped" regulated entities (upstream fossil fuel providers) only.
- 75% of the revenues from the auction would be recycled to consumers thru a cash refund on a per capita basis with every man, woman and child receiving the same \$ rebate.
- 25% of revenues would be used to fund GHG reductions in additional sectors, alternative energy, climate adaptation and industry compensation. However, the distribution of the revenues for such purposes would be authorized only to the extent available through the normal appropriation process.
- Allowance trading is restricted exclusively to entities with a compliance obligation. No third parties (i.e. utilities, industry or financial firms) can partake in allowance market.
- Emission cap is set at 2012 levels in 2012 and declines at an accelerating rate (starting at 0.25% each year beginning in 2015). The overall GHG reduction goals start at 20% reduction from 2005 emissions in 2020 and decline over time until an 83% reduction is achieved in 2050.
- Price collar for allowances is established with a minimum price of \$7 (escalates at inflation + 6.5%/yr) and a maximum price of \$21 (escalates at inflation + 5.5%/yr).
- No use of offsets is allowed for compliance purposes.

### Major Negative Feature of S.2877

- Bill would effectively **tax** all fossil based electricity consumption due to the 100% auction of allowances, which would dramatically raise customer rates.
  - **AEP customers would face about a \$3 billion increase in electric rates in the first year alone. This amounts to an immediate 20% - 30% rate increase in 2012 in all of the 11 states that AEP serves.**
- Fossil-fuel producers probably will not be able to pass on these entire enormous auction costs to end use consumers. For example, the effective **tax** on coal producers is on the order of **\$50 billion per year** at the beginning of the program.
- Proposal would create **major regional disparities** in cost impacts to the electric sector, particularly between states dependent on coal versus those more reliant on nuclear, hydro and gas, as described above.

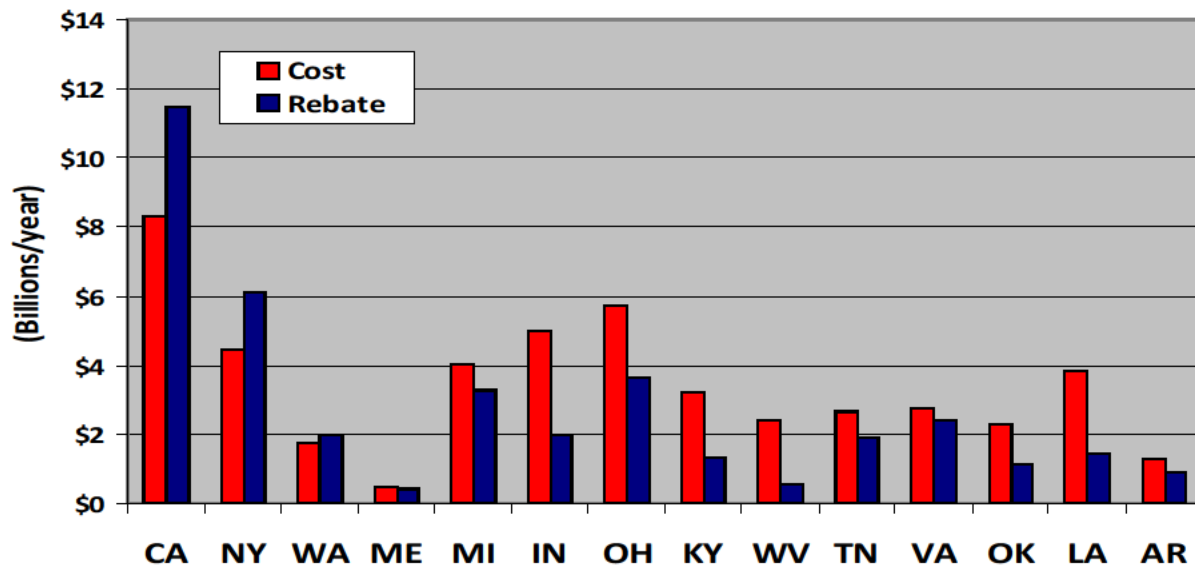
- The auction program (which raises the money for the cash refunds to consumers) does NOT reflect the significant differences in carbon and energy intensity between the various states due to (1) mild versus severe weather patterns; (2) use of energy by heavy industry and commerce within the states; and (3) the degree to which states are powered by coal versus states powered by nuclear or hydro with zero carbon emissions from those sources. **As a result, there are significant inequities with regards to the costs that would be borne by the various states.**
- For example, West Virginia electricity is almost all powered by coal and would bear extremely high costs under the auction. But in this **inequitable redistribution of wealth**, West Virginians will unfairly receive the same per capita payment as residents of Idaho, who would receive a windfall payment out of proportion to what they really need, since Idaho has among the lowest CO<sub>2</sub> emissions with almost all of their power generated from hydro. West Virginia is hit hard by S.2877 because geography mandates that its energy needs must be powered by coal rather than hydro; while Idaho is rewarded because it is blessed with high mountains and hydro as an accident of geography.
- Another example would be Ohio that would be hit hard by the auction due to a large proportion of coal-fired generation and relatively high energy use due to a concentration of heavy industry, and hot summers and cold winters. Yet, Ohio residents would receive the same per capita payment as Californians, or residents of the Pacific Northwest, who benefit from a mild climate and low energy costs, lower concentration of heavy industry, and greater access to hydro power.
- **Climate legislation should provide transitional and economic assistance to those states which are hit the hardest. S. 2877 does just the opposite, and redistributes wealth by taking it from the states who will be hit the hardest under the auction, and then redistributes those auction revenues on a flat per capita formula, so that those affected the least and can most easily adjust to the cost of climate legislation receive the same payment. Put simply, the states that are hit the hardest and must adjust to the severe impact of auctions under S.2877 would receive the same per capita payments as states that are affected the least and can most easily adjust to the bill's cost.** See attached charts.
- Coal dependant states will pay much more in per capita terms when the emission costs passed thru to all sectors are considered. This will cause **major reductions in industrial and commercial employment** in these states as result of the increased cost of production / doing business.
- 17% of US GHG emissions, many with low cost abatement potential, are not directly addressed as **offsets cannot be used for compliance.**
- **The elimination of all offsets significantly increases costs for AEP as well as all companies covered by the bill.** A wide range of studies demonstrate that verified and monitored offsets will directly reduce the cost of compliance by an order of magnitude, approximately 30% at the low end to 50% at the upper end and provide real and additional GHG reductions outside of capped sectors. These studies are from US government agencies, the European Union, European governments, academic institutions, international organizations, non-governmental organizations, and think tanks. The importance of verified and monitored offsets has been confirmed across a wide spectrum of stakeholders. S. 2877 throws the baby out with the bathwater by banning offsets.

- The bill greatly restricts the use and ability of emissions trading to keep overall compliance costs down. The bill **ONLY** allows those directly affected by the allowance cap (e.g. coal and gas producers, oil refiners) to buy, sell and use emission allowances. Electric power companies, gas utilities, banks, industrial and commercial companies are **not** allowed to participate in the markets. This restriction on trading makes it difficult to hedge against the risks of high compliance costs or invest in capital and new technologies such as carbon capture in order to more cost effectively reduce CO<sub>2</sub> emissions.

### **COST IMPACTS OF S.2877**

The analysis shown below represents early year annual costs associated with S. 2877. It assumes: (1) allowance price of \$21 and (2) 2005 emission levels as representative of potential annual impacts in the early years of program. Costs were calculated based on upstream allowance purchases associated with direct in-state CO<sub>2</sub> emissions assuming all costs borne by energy producers are flowed thru to fossil fuel consumers. (**Note:** This is a simplifying assumption. To the extent these costs cannot be flowed through completely to fossil fuel consumers, energy producers and employment will be harmed and the regional cost disparities shown will be exacerbated further because most of the states harmed are also energy producing states). A general equilibrium macro economic analysis would be required to fully assess the full economic impacts on state output and employment. Total per capita rebates received by state residents based on current population data and 75% revenue rebate assumption in the bill.

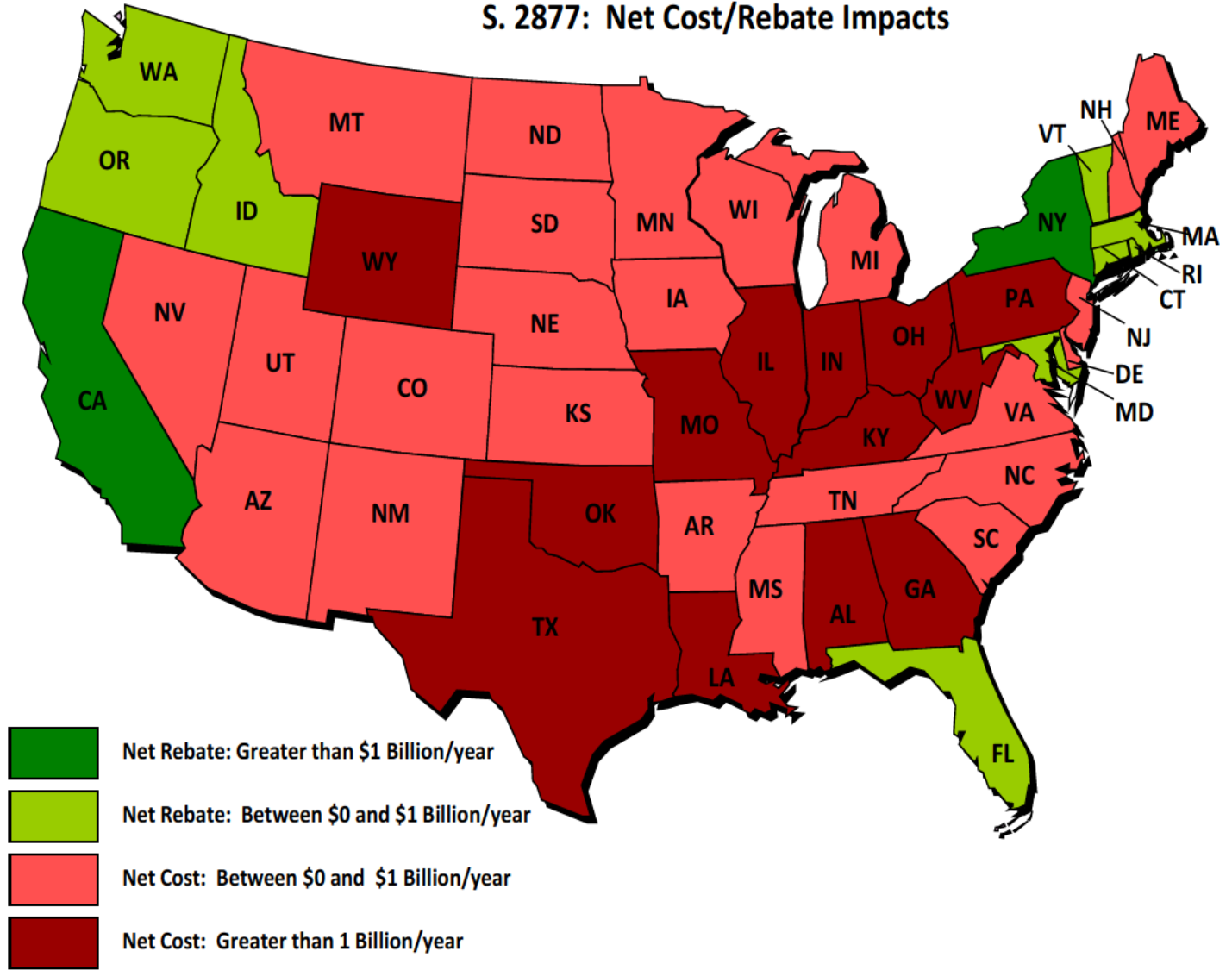
**S. 2877: Annual Costs vs. Annual Rebates**



Shown: All AEP Service Territory States, plus California, New York, Washington (Cantwell) and Maine (Collins)  
 Source: EIA\_2005 State Emissions Data: EIA\_861 (2005 Data)

\* Assumes a \$21/ton CO<sub>2</sub> allowance price

### S. 2877: Net Cost/Rebate Impacts



Emissions Data: EIA\_2005 State Emissions Data - by Sector  
Electricity Rate & Sales Data: EIA\_861 (2005 Data)

01268-EPA-3634

David McIntosh

(b) (6) Privacy

03/09/2010 08:12 PM

To Richard Windsor

cc Robert Goulding, Heidi Ellis

bcc

Subject Memo for Thursday's Long Green Cabinet Meeting

Hi Administrator (cc'ing Rob and Heidi). Attached and pasted below, please find a two-page memo intended to prepare you for tomorrow's long Green Cabinet meeting. (b) (5) Deliberative

[Redacted]

. But Ariel Rios North was evacuated this evening (don't know why), so I've needed to finish this memo off-site, and the remote access has not been cooperating on the computer that I was able to find off-site.

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative  
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]


[Redacted]

[Redacted]

[Redacted]



(b) (5) Deliberative



**(b) (5) Deliberative**

Memo for March Green Cabinet Retreat.doc

01268-EPA-3636

Richard Windsor/DC/USEPA/US  
03/10/2010 06:38 AM

To "David McIntosh"  
cc  
bcc

Subject Re: Memo for Thursday's Long Green Cabinet Meeting

Tx again

---

**From:** David McIntosh [REDACTED] (b) (6) Privacy  
**Sent:** 03/09/2010 05:12 PM PST  
**To:** Richard Windsor  
**Cc:** Robert Goulding; Heidi Ellis  
**Subject:** Memo for Thursday's Long Green Cabinet Meeting

Hi Administrator (cc'ing Rob and Heidi). Attached and pasted below, please find a two-page memo intended to prepare you for tomorrow's long Green Cabinet meeting. (b) (5) Deliberative

[REDACTED]

But Ariel Rios North was evacuated this evening (don't know why), so I've needed to finish this memo off-site, and the remote access has not been cooperating on the computer that I was able to find off-site.

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

01268-EPA-3638

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
03/10/2010 10:27 AM cc  
bcc  
Subject Re: WH mtg

(b) (5) [redacted] ?  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/10/2010 09:37 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: WH mtg

(b) (5) Deliberative [redacted]  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/10/2010 09:24 AM EST  
**To:** Richard Windsor  
**Subject:** WH mtg

(b) (5) [redacted] ? I am heading to exec comm of API - (b) (5) Deliberative [redacted] ?

01268-EPA-3639

**Richard Windsor/DC/USEPA/US**  
03/10/2010 10:29 AM

To Gina McCarthy  
cc  
bcc

Subject Re: WH mtg

Yes! I'm stuck in green cab mtg in OEOB til 1 pm. After that?  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/10/2010 10:27 AM EST  
**To:** Richard Windsor  
**Subject:** Re: WH mtg

(b) (5) [REDACTED] ?  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/10/2010 09:37 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: WH mtg

(b) (5) Deliberative [REDACTED]  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/10/2010 09:24 AM EST  
**To:** Richard Windsor  
**Subject:** WH mtg

(b) (5) [REDACTED] ? I am heading to exec comm of API - (b) (5) Deliberative [REDACTED] ?

01268-EPA-3640

Gina McCarthy/DC/USEPA/US To Richard Windsor  
03/10/2010 11:51 AM cc  
bcc  
Subject Re: WH mtg

Sure. I can always find time to talk to you. I have an event at 2:30 to 3:15. Other than that, I'm yours.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/10/2010 10:29 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: WH mtg

Yes! I'm stuck in green cab mtg in OEOB til 1 pm. After that?  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/10/2010 10:27 AM EST  
**To:** Richard Windsor  
**Subject:** Re: WH mtg

(b) (5) [redacted] ?  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/10/2010 09:37 AM EST  
**To:** Gina McCarthy  
**Subject:** Re: WH mtg

(b) (5) Deliberative [redacted]  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/10/2010 09:24 AM EST  
**To:** Richard Windsor  
**Subject:** WH mtg

(b) (5) [redacted] ? I am heading to exec comm of API - (b) (5) Deliberative [redacted] ?



01268-EPA-3650

**Richard Windsor/DC/USEPA/US**  
03/11/2010 07:17 AM

To "Robert Goulding"  
cc  
bcc

Subject Fw: Delivery Status Notification (Delay)

I can fill you in on who he is tomorrow.

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

From: Michael Martin [mm@musicmatters.net]  
Sent: 03/10/2010 10:16 PM CST  
To: Richard Windsor  
Subject: Re: Delivery Status Notification (Delay)

Thanks Richard!

I will be on the road, so if possible, please have Robert call me on my cell tomorrow, my number is: (b) (6) Privacy

Thanks.

Michael Martin  
Founder and CEO

Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 • www.effectpartners.com • w. 952.426.7800  
Effect Marketing • Strategy and Field Execution • MusicMatters™

Reduce. Reuse. Recycle. Respond. Please think twice before printing this email.

--

> From: <Windsor.Richard@epamail.epa.gov>  
> Date: Wed, 10 Mar 2010 21:53:01 -0500  
> To: michael martin <mm@musicmatters.net>  
> Subject: Re: Delivery Status Notification (Delay)

>  
> Michael,  
>  
> Robert Goulding will call you tomorrow. Sorry. I'm just now seeing this.

>  
>  
>  
> ----- Original Message -----  
> From: Michael Martin [mm@musicmatters.net]  
> Sent: 03/10/2010 04:27 PM CST  
> To: Richard Windsor  
> Subject: Re: Delivery Status Notification (Delay)  
>

>  
>  
> Hi Richard,  
>  
> Thanks for your help in getting this information to Lisa this last week.  
>  
> Hey, I have a quick, minor, but important piece of information for you.  
>  
> If you are still there, could you please call me at (b) (6)  
>  
> Thank you!  
>  
> M  
>  
>  
> Michael Martin  
> Founder and CEO  
>  
> Michael Martin □ Chief Effect Officer □ EFFECT Partners□, Inc. □ 4208 Park  
> Glen Road, Minneapolis, Minnesota 55416 □ www.effectpartners.com □ w.  
> 952.426.7800  
> Effect Marketing □ Strategy and Field Execution □ MusicMatters□  
>  
> Reduce. Reuse. Recycle. Respond. Please think twice before printing this  
> email.  
> --  
>  
>  
>  
>> From: <Windsor.Richard@epamail.epa.gov>  
>> Date: Thu, 4 Mar 2010 10:43:23 -0500  
>> To: michael martin <mm@musicmatters.net>  
>> Subject: Re: FW: Delivery Status Notification (Delay)  
>>  
>> Will do. Tx  
>>  
>>  
>>  
>>  
>> From: Michael Martin <mm@musicmatters.net>  
>>  
>> To: Richard Windsor/DC/USEPA/US@EPA  
>>  
>> Date: 03/04/2010 10:38 AM  
>>  
>> Subject: FW: Delivery Status Notification (Delay)  
>>  
>>  
>>  
>>  
>> Richard,  
>>  
>> Please pass this on to Lisa Jackson. For some reason, her personal  
>> email does not seem to like to get emails from me!  
>>  
>> Thank you.  
>>  
>> M

>>  
 >> Michael Martin  
 >> Founder and CEO  
 >>  
 >> Michael Martin □ Chief Effect Officer □ EFFECT Partners□, Inc. □ 4208  
 >> Park Glen Road, Minneapolis, Minnesota 55416 □ www.effectpartners.com □  
 >> w. 952.426.7800  
 >> Effect Marketing □ Strategy and Field Execution □ MusicMatters□  
 >>  
 >> Reduce. Reuse. Recycle. Respond. Please think twice before printing  
 >> this email.  
 >> --

>> ----- Message from postmaster@musicmatters.net on Thu, 4 Mar 2010  
 >> 09:04:54 -0600 -----

>> To: MM@EffectPartners.com  
 >>  
 >> Subject: Delivery Status  
 >> Notification (Delay)  
 >>

>> This is an automatically generated Delivery Status Notification.

>> THIS IS A WARNING MESSAGE ONLY.

>> YOU DO NOT NEED TO RESEND YOUR MESSAGE.

>> Delivery to the following recipients has been delayed.

>> **(b) (6) Privacy rivacy**

>> Reporting-MTA: dns;mail.musicmatters.net

>> Final-Recipient: rfc822; **(b) (6) Privacy rivacy**

>> Action: delayed

>> Status: 4.4.7

>> Will-Retry-Until: Fri, 5 Mar 2010 20:57:56 -0600

>> ----- Message from Michael Martin <mm@musicmatters.net> on Wed, 03 Mar  
 >> 2010 20:57:54 -0600 -----

>> To: "**(b) (6) Privacy rivacy**  
 >> <**(b) (6) Privacy rivacy**

>> Subject: Some thoughts for your speech

>> Lisa,

>> It is great to get to know you a little bit. I am so glad we ran into  
 >> each other last week.

>>  
 >> The speech you are going to give on Monday can be a pivotal moment for  
 >> our nation's environmental progress. Seriously. In response to our  
 >> conversation, please allow me to provide you with a point of view from  
 >> an insider that has been part of the 'green + business movement' for  
 >> over two decades. I think some of these observations and facts might be

>> helpful as you are assembling your speech. This topic has been the core  
>> of our work at Effect and I look forward to being part of the change  
>> that helps shape the future of sustainability.

>> 1) It is clear from recent research that consumers WANT companies to  
>> do the right thing for the planet.

>> a. All things being equal, 70% of consumers will choose brands  
>> that are doing good things for people and the planet. (Cone  
>> Communications, 2009)

>> b. 74% of Americans believe companies should do more to  
>> protect the planet. (NMI Research, 2009)

>> c. 57% of Americans will look for environmentally friendly  
>> attributes of a product in their next purchase decision. (USA  
>> Today Research)

>>

>> 2) From the corporate point of view, 82% of corporate executives  
>> believe that good corporate citizenship helps the bottom line. (Boston  
>> College Report, 2009)

>>

>> 3) The notion that doing the right thing for the planet will increase  
>> shareholder value is just starting to take hold. This model (what we  
>> call <sup>3</sup>EFFECT Marketing<sup>2</sup>) is what we've worked under for over a decade.  
>> The power of capitalism can be harnessed to actually leverage point #1  
>> to achieve point #2. This is happening today and my company is helping  
>> this happen with some of America's largest companies.

>>

>> I believe if you can shine a positive spotlight on this reality for  
>> companies, you will be able to turbocharge the movement towards doing  
>> what is right for the planet AND the bottom line simultaneously. Free  
>> market forces are really the only long-term way to create sustainability  
>> in a capitalistic framework. The <sup>3</sup>bad guys<sup>2</sup> are only <sup>3</sup>bad guys<sup>2</sup> because  
>> they are looking at the old models (profits OR planet) and do not yet  
>> see how they can actually make more money by operating in a more  
>> sustainable manner. You and I know this perspective all too well.  
>> Multiple that by tens of millions individuals and that is how we get the  
>> environmental problems we now face

>>

>> The good news is a slightly changed perspective by corporations can be  
>> multiplied by those same tens of millions of individuals who ultimately  
>> can help solve the problem through their actions and buying behavior.

>>

>> Here are some other examples to support this point:

>>

>> Consider Climate Counts. Since 2007, ClimateCounts.org has been using  
>> its corporate Climate Scorecard to bring consumers and companies  
>> together to address the climate crisis. The idea behind Climate Counts  
>> is simple -- let the market drive the kind of innovation that leads to  
>> large-scale reduction in greenhouse gas emissions. When consumers make  
>> it very clear they want to support companies that take climate change  
>> seriously, companies will respond in dramatic ways to earn their  
>> business. Then, when those consumers find what they were looking for,  
>> businesses begin to realize a return on their investments in climate  
>> action. That's the market working to solve this incredible challenge.

>>

>> We have a roster of clients that are reaching stride at addressing the  
>> issues of sustainability:

>>

>> 1) Procter and Gamble's <sup>3</sup>Future Friendly<sup>2</sup> brand is being formally  
>> launched in the U.S. next week. As part of P&G's corporate  
>> sustainability commitment, they have created an internal campaign to

>> encourage all of their brands to identify steps that can be taken to  
>> reduce their environmental impact. The first examples include: Tide  
>> Cold water detergent, Dawn Direct Foam (a no-water soap), Duracell  
>> rechargeable batteries and PUR water filters. Over 3 billion people a  
>> day touch P&G products worldwide so by creating products with less  
>> environmental impact, just through regular use, P&G will literally take  
>> millions of tons of CO2 out of the atmosphere and hundreds of tons of  
>> waste out of landfills. The upcoming U.S. launch of Future Friendly is  
>> designed to inspire more sustainable consumption behaviors for  
>> mainstream consumers. The purpose of Future Friendly is to make  
>> conservation of natural resources, specifically energy, water and waste,  
>> more user friendly for mainstream consumers.

>>  
>> 2) The General Mills oat milling facility in Fridley, Minn., will soon  
>> become the company's first biomass-powered plant. Construction has  
>> begun on a biomass burner that will consume about 12 percent of the oat  
>> hulls left over from the milling process to make food like Cheerios. The  
>> energy produced from the burning of the oat hulls will be enough to  
>> produce 90 percent of the steam needed for heating the plant and making  
>> oat flour. Not only will this reduce the plant's carbon footprint by an  
>> estimated 21 percent, it will also save more than \$500,000 in natural  
>> gas costs every year. Their Green Giant brand has dramatically  
>> reduced their use of pesticides, chemicals and water by focusing on  
>> their sustainable farming practices.

>>  
>> 3) Sellars Absorbent Materials (a small manufacturing company based in  
>> Milwaukee) developed a technology that allows them to produce a paper  
>> towel made out of recycled fibers that has a lower raw material cost,  
>> lower environmental impact, and a higher absorbency than virgin fiber.  
>> A product that is better for the environment, higher performing, that is  
>> lower cost than existing product options. This product is rolling out  
>> in grocery stores nationally this quarter.

>>  
>> 4) Stonyfield yogurt has reduced costs and waste by eliminating the  
>> use of plastic tops on their yogurt lids, saving 100 million tons of  
>> solid waste annually and increasing their profits in the process.

>>  
>> 5) Artists such as Jack Johnson and Dave Matthews Band have changed  
>> how they tour to be green and have grown their businesses as a result of  
>> these programs.

>>  
>> Additionally, there are the well-documented cases of companies taking on  
>> a sustainability focus that has created economic and competitive  
>> advantages for them: Walmart, Toyota Prius, General Electric, etc. Or  
>> companies such as Terracycle, Native Energy, Pangea Organics that have  
>> embedded sustainability into their core business model from day 1.

>>  
>> In addition to working with the leading companies on sustainability and  
>> social change marketing, I lecture at universities around the country  
>> and am writing a book about Effect Marketing. Here is my summary: The  
>> planet operates on a path of sustainability. The current form of  
>> capitalism focuses on quarterly growth. The delta between the two  
>> represents the hole we are in, as a people and a planet. We, as a  
>> society, need to close that gap, ensuring that companies can still  
>> flourish thereby encouraging additional actions, and providing future  
>> generations with a world they can thrive in.

>>  
>> At the core, these examples above all look at the premise of full-cost  
>> accounting. Business leaders aren't ready to embrace full-cost  
>> accounting but, because consumers support those companies doing the

>> right thing for the planet and consumers drive the capitalism equation,  
>> the solution to make a free market -based sustainable economic model  
>> goes as follows:  
>>  
>> 1) Educate consumers on what is best for the planet.  
>>  
>> 2) Provide transparent and honest information to consumers as to which  
>> companies are doing the right thing for the planet.  
>>  
>> 3) Consumer will gravitate towards those responsible companies.  
>>  
>> 4) Companies will produce products that are environmentally superior  
>> because consumers show they want them.  
>>  
>>  
>> Thank you for allowing me to share my experience and passion for this  
>> topic and, I am available if you have any other questions or want to  
>> discuss this in greater detail. You can reach me at this email address  
>> or via phone at (b) (6) ,  
>>  
>> All the best,  
>>  
>> Michael Martin  
>>  
>> PS: I have another couple of examples coming your way tomorrow but need  
>> to get company's approval first. Stand by!  
>>  
>>  
>> Michael Martin  
>> Founder and CEO  
>>  
>> Michael Martin □ Chief Effect Officer □ EFFECT Partners□, Inc. □ 4208  
>> Park Glen Road, Minneapolis, Minnesota 55416 □ www.effectpartners.com □  
>> w. 952.426.7800  
>> Effect Marketing □ Strategy and Field Execution □ MusicMatters□  
>>  
>> Reduce. Reuse. Recycle. Respond. Please think twice before printing  
>> this email.  
>> --  
>>  
>

01268-EPA-3656

**David  
McIntosh/DC/USEPA/US**  
03/11/2010 12:08 PM

To Richard Windsor  
cc Diane Thompson  
bcc

Subject draft reply to Senator Murkowski

Hi Administrator,

Attached, please find a draft of your reply to Senator Murkowski's March 3 letter. Also attached, for your reference, are her March 3 letter, Senator Rockefeller's earlier letter, and your reply to Senator Rockefeller.

(b) (5) Deliberative



-David

(b) (5) Deliberative

March Adm Jackson Reply to Sen Murkowski.doc



Murkowski-Jackson Letter.pdf



2010\_0219 Letter to Lisa Jackson.pdf



Rockefeller.pdf



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

FEB 22 2010

THE ADMINISTRATOR

The Honorable Jay D. Rockefeller IV  
United States Senate  
Washington, D.C. 20510

Dear Senator Rockefeller:

Thank you for your letter of February 19, 2010, concerning the Environmental Protection Agency's (EPA's) work to comply with the Supreme Court's decision in *Massachusetts v. EPA* while providing a manageable path forward for businesses and state governments. I share your goals of ensuring economic recovery at this critical time and of addressing greenhouse-gas emissions in sensible ways that are consistent with the call for comprehensive energy and climate legislation. My full response to your letter appears below and in the enclosed document.

Many of the comments and questions you offer are similar to ones that EPA received during recent public comment periods. As EPA staff works to respond to those comments, I am happy to share information with you here in order to answer the questions in your letter as completely as I can. The decision-making process has moved far enough along that I can make several central points based on modifications I expect to make in finalizing EPA's previous proposals:

- The United States Supreme Court held three years ago in *Massachusetts v. EPA* that greenhouse gases are air pollution and are subject to regulation under the Clean Air Act. EPA must follow the Supreme Court's holding, as you recognize in your letter.
- By April of this year, I expect to take actions to ensure that no stationary source will be required to get a Clean Air Act permit to cover its greenhouse gas emissions in calendar year 2010.
- Based on those anticipated actions, I expect that EPA will phase-in permit requirements and regulation of greenhouse gases for large stationary sources beginning in calendar year 2011. In the first half of 2011, only those facilities that already must apply for Clean Air Act permits as a result of their non-greenhouse gas emissions will need to address their greenhouse gas emissions in their permit applications.
- Further, I am expecting that greenhouse gas emissions from other large sources will phase in starting in the latter half of 2011. Between the latter half of 2011 and 2013, I expect that the threshold for permitting will be substantially higher than the 25,000-ton limit that EPA originally proposed. In any event, EPA does not intend to subject the smallest sources to Clean Air Act permitting for greenhouse-gas emissions any sooner than 2016.



- You asked in your letter what the result would be if Senator Lisa Murkowski's resolution of disapproval of EPA's endangerment finding were enacted. One result would be to prevent EPA from issuing its greenhouse gas standard for light-duty vehicles, because the endangerment finding is a legal prerequisite of that standard. The impacts of that result would be significant. In particular, it would undo an historic agreement among states, automakers, the federal government, and other stakeholders. California and at least thirteen other states that have adopted California's emissions standards likely would enforce those standards within their jurisdictions,<sup>1</sup> leaving the automobile industry without the explicit nationwide uniformity that it has described as important to its business.<sup>2</sup>

## Background

Three years ago, the Supreme Court held in *Massachusetts v. EPA* that the term "air pollutant" in the Clean Air Act includes greenhouse gases.<sup>3</sup> The Court also held that the Act requires EPA to consider the science of climate change meaningfully in determining whether greenhouse-gas pollution endangers public health or welfare.<sup>4</sup> As a result of the Court's decision, EPA became obligated to treat greenhouse-gas emissions as air pollution under the Clean Air Act and to engage with the best available science in determining whether those emissions endanger Americans' health or welfare. After EPA staff conducted a comprehensive survey of the soundest available science and carefully reviewed hundreds of thousands of public comments, I determined last December that greenhouse-gas emissions do endanger Americans' health and welfare.<sup>5</sup>

As you know, I am not alone in having reached that conclusion. The U.S. Global Change Research Program, which consists of thirteen federal departments – including the National Science Foundation, the Department of Health and Human Services, and the Departments of Commerce, Agriculture, Defense, Energy, and the Interior – found last June that risks to human health will increase as a result of human-induced global warming.<sup>6</sup> The U.S. Senate itself has twice passed, on a bipartisan basis, a resolution finding that greenhouse-gas accumulation from human activity poses a substantial risk of increased frequency and severity of floods and droughts.<sup>7</sup>

EPA's endangerment finding obligates the agency, under Section 202(a) of the Clean Air Act, to issue greenhouse-gas emissions standards for motor vehicles.<sup>8</sup> EPA will begin to discharge that

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<sup>1</sup> <http://www.epa.gov/otaq/climate/regulations/air-resources-board.pdf>.

<sup>2</sup> See *Patchwork Proven*, National Automobile Dealers Association (January 2009).

<sup>3</sup> 549 U.S. 497, 528-29, 532-33 (2007).

<sup>4</sup> *Id.* at 534-35.

<sup>5</sup> 74 Fed. Reg. 66495, *et seq.* (December 15, 2009).

<sup>6</sup> <http://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf>

<sup>7</sup> See Energy Policy Act of 2005; Energy Independence and Security Act of 2007.

<sup>8</sup> See Clean Air Act Section (202)(a)(1), 42 U.S.C. § 7521(a)(1).

duty late next month, by issuing greenhouse-gas emissions standards for Model Year 2012-2016 light-duty motor vehicles.<sup>9</sup>

At the same time that EPA issues its light-duty-vehicle emissions standard, the Department of Transportation will issue a rule raising the existing fuel-economy standards for the same vehicles.<sup>10</sup> Together, the EPA and DOT standards will reduce the lifetime oil consumption of the affected vehicles by 1.8 billion barrels while eliminating 950 million metric tons of greenhouse-gas pollution.<sup>11</sup> The government of California has agreed to recognize vehicles that comply with the EPA rule as complying with the state's greenhouse-gas emissions standard. As a result, the automakers will be able to operate with the nation-wide regulatory uniformity that they have sought.

The implementation of EPA's light-duty vehicle standard will make greenhouse-gas emissions subject to regulation under the Clean Air Act for the first time. Under the Act's text, air pollutants that are subject to regulation under the statute are subject to the Act's "prevention of significant deterioration" and operating-permit provisions for stationary sources.<sup>12</sup>

Mindful of that legal consequence, and in order to provide clarity for states and businesses, EPA has been working to complete two rulemakings. The agency has received many thoughtful comments on those two rulemakings – from citizens, States, localities, industry representatives, and environmental groups. The agency's upcoming actions will reflect and incorporate valuable information and constructive suggestions that EPA received during the public comment periods, and thus will improve substantially upon the agency's initial proposals.

The first action will conclude EPA's reconsideration of a memorandum that former EPA Administrator Stephen Johnson issued in 2008. I anticipate that the final action on reconsideration will explain that greenhouse-gas emissions will become "subject to regulation" under the Clean Air Act, such as to make them a part of the Act's stationary-source permitting programs, in January of 2011, when Model Year 2012 light-duty vehicles will need to comply with EPA's greenhouse-gas emissions standard. As a result of that final action, no facility will need to address greenhouse-gas emissions in Clean Air Act permitting before 2011.

The second action will promulgate what has become known as the tailoring rule. I describe that action in detail at the outset of this letter.

I have already described the impact of enactment of Senator Lisa Murkowski's resolution of disapproval of EPA's endangerment finding on the light-duty vehicle standard and the historic agreement among states, automakers, the federal government, and other stakeholders. Moreover, a vote to vitiate the greenhouse-gas endangerment finding would be viewed as a vote to reject the

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<sup>9</sup> See 74 Fed. Reg. 49453, *et seq.* (September 28, 2009).

<sup>10</sup> See *id.*

<sup>11</sup> <http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/522d0a809f6b7f9c8525763200562534!OpenDocument>

<sup>12</sup> See, e.g., Clean Air Act Section 169(3), 42 U.S.C. § 7479(3) ("each pollutant subject to regulation under this chapter").

scientific work of the thirteen U.S. government departments that contribute to the U.S. Global Change Research Program. It also would be viewed by many as a vote to move the United States to a position behind that of China on the issue of climate change, and more in line with the position of Saudi Arabia.

Attached, please find responses to those of your questions that are not addressed above. Thank you again for your letter. I appreciate this opportunity to update you on EPA's work to comply with the Supreme Court's decision in *Massachusetts v. EPA* while providing a manageable path forward for businesses and state governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a long horizontal flourish extending to the right.

Lisa P. Jackson

Enclosure

**What is your assessment of the likelihood of the tailoring rule surviving already announced legal challenges?**

EPA would not have issued its initial tailoring rule proposal if I did not believe that it was lawful. Oddly, certain advocacy organizations that purport to speak for businesses are the only ones who have threatened to challenge the tailoring rule in court. My assessment is that those challenges, if they are filed, will fail. If my assessment were otherwise, I would not promulgate the tailoring rule.

**Currently, PSD regulations are applied to fewer than 400 facilities per year for pollutants such as ozone. How many facilities would be required to obtain permits under GHG regulation under the Clean Air Act?**

None in 2010. For the first half of 2011, fewer than 400, because only facilities undergoing permitting for other pollutants would need to address greenhouse-gas emissions in permitting.

**Large electric generators using domestically produced coal and natural gas are uncertain about potential "Best Available Control Technology" or "BACT" standards for carbon dioxide (CO<sub>2</sub>). What does EPA expect coal and natural gas plant operators to do if there is no standard? What process will you use to determine such standards and the range of options for such facilities given the pre-commercial standing of current CO<sub>2</sub> abatement technologies such as carbon capture and storage (CCS)?**

EPA continues to review and analyze options for defining Best Available Control Technology (BACT) for greenhouse-gas emissions. The additional time that EPA will have before permitting requirements will take effect will enable the agency and stakeholders to consider this issue carefully and thoughtfully. EPA's goal will be to identify practical, achievable, and cost-effective strategies for minimizing emissions increases from new facilities and major modifications, recognizing the importance of those projects to the economy and job creation. The agency would of course apply the well-developed framework that exists for determining BACT for non-greenhouse-gas pollutants. One of the factors that is applied under that framework is the commercial availability of a given control technology. EPA is closely following efforts to make integrated systems for capturing, transporting, and storing CO<sub>2</sub> from coal-fueled electricity generating facilities commercially available. The agency would expect to carefully consider the state of development of this technology in considering options for BACT.

**There is genuine concern from the domestic oil and gas industries, from entities operating at the wellhead to pipeline operators, processing plants, and refiners, that they will be severely disadvantaged in the world marketplace by stationary source regulations. Can you characterize how these regulations will translate into costs for these industries? Has your agency analyzed or will you consider the impacts on competitiveness that these costs could have on these industries?**

The feasibility and commercial availability of a technology are certainly analyzed in any BACT process, and both feasibility and commercial availability are relevant to competitiveness.

**Comprehensive clean energy legislation must ensure a robust US manufacturing base for clean energy production, invest in US research and development of new clean energy technologies, and mitigate costs to energy-intensive and trade-exposed industries. If EPA regulates GHGs for stationary sources, what are the direct and indirect cost implications for industrial sources of Clean Air Act prevention of significant deterioration (PSD) regulations? Has your agency analyzed or will you consider so-called "carbon leakage" and the competitiveness impacts of these costs on these industries? Will your agency public impact analyses on these critical issues prior to implementing the regulation?**

EPA has evaluated the impacts of clean energy legislation on energy-intensive and trade-exposed industries as a part of our larger analysis of the Waxman-Markey bill (H.R. 2454) in June 2009. In addition, EPA participated in the Administration's interagency assessment of the implications of climate policy on U.S. competitiveness, titled "The Effects of H.R. 2454 on International Competitiveness and Emission Leakage in Energy-Intensive Trade-Exposed Industries" (December 2009). The report shows that under the allowance allocations made available in H.R. 2454 for the energy-intensive trade-exposed industries, the impact of comprehensive energy and climate legislation is effectively nil on the production costs for these industries. Even in the absence of the H.R. 2454 allowance allocations, these industries would bear only modest impacts on production costs (less than 3 percent increase) under an allowance price of \$20 per ton. PSD costs would be only a small factor in the cost structure of the industry. Moreover, facilities in these sectors are already subject to PSD for other pollutants.

**How would a resolution striking down the endangerment finding affect EPA's ability to provide resources or technical expertise intended to address and adapt to climate change effects, including, but not limited to: Efforts to analyze climate and weather variability and its effects on agriculture, fisheries, species habitats, and coastal development among communities along the Gulf Coast and elsewhere; research programs related to climate change effects on mountain snowpack throughout the Pacific Coast and Mountain West regions; and the infrastructure, energy, and socioeconomic implications of relocating Alaska communities due to historically unprecedented coastal erosion?**

You raise a very significant question. EPA has not had time to determine the answer. EPA would certainly try to help those threatened communities even if Congress vitiated the endangerment finding. As of this writing, however, I cannot guarantee that enactment of such a resolution would have no negative impact on those efforts.

**United States Senate**  
WASHINGTON, DC 20510

March 5, 2010

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

Dear Administrator Jackson:

I appreciated the opportunity to discuss your agency's efforts to impose climate regulations under the Clean Air Act at the Wednesday, March 3<sup>rd</sup>, hearing in the Appropriations Subcommittee on Interior, Environment, and Related Agencies. I understand the difficult task that you are confronted with in responding to the U.S. Supreme Court's decision in *Massachusetts vs. EPA*, and I am thankful for your efforts to ensure that Congress can exercise full and appropriate oversight of this matter.

I share the concerns of Senators Rockefeller, Brown (OH), Casey, McCaskill, Begich, Levin, Byrd and Baucus regarding the serious economic and energy security consequences that regulation of greenhouse gases (GHGs) under the Clean Air Act will have. Those Senators sent you a letter on February 19, 2010, and you attempted to allay their fears in a response dated February 22, 2010. I believe you did your best to clarify EPA's intentions with me at Wednesday's hearing as well, but I'm compelled to follow up on some of my questions.

Even after that hearing, I am left with a less-than-clear understanding of how your agency intends to regulate the emissions blamed for climate change. At its core, this confusion stems from the FY 2011 budget request, which was the subject of the hearing. It appears the Administration is trying to have it both ways. On one hand, the budget request assumes that a cap-and-trade bill will pass, and on the other hand, it seeks tens of millions of dollars to impose climate regulations without any input from Congress.

I remain hopeful that the Administration will become more specific about the energy and environmental policies it supports, and work with all members of Congress to pass a balanced bill. It is now clear that the threat of EPA climate regulations has not and will not coerce legislative action on climate change. Whatever bill may pass, it should advance because it is a good idea, and not because it is merely less problematic than the alternative.

The growing, bipartisan and bicameral opposition to EPA's climate regulations may very well result in legislative action to halt certain activities at your agency. In the event that does not occur, however, it remains incumbent upon EPA to provide Congress with sufficient information on how you plan to interpret and implement the Clean Air Act. This is critically important to

ensure that elected representatives can make appropriate legislative decisions. For that reason, I would ask that you answer a handful of questions.

According to the timeline you laid out in your February 22<sup>nd</sup> letter to Senator Rockefeller, "fewer than 400" stationary source emitters will face regulation under the Clean Air Act for their GHG emissions in the first half of 2011. Pursuant to that same timeline:

- a.) Approximately how many stationary sources would be regulated in the second half of 2011?
- b.) Approximately how many stationary sources would be regulated by the end of 2013?
- c.) Approximately how many stationary sources would be regulated starting in 2016 and beyond, when you've explained that the smallest sources will be phased in?
- d.) How do these numbers compare to the current level of regulation under the Clean Air Act?
- e.) Can you provide a comprehensive and specific list of examples of the smallest sources that EPA will regulate after 2016?
- f.) In 2016 and beyond, what is the smallest threshold (in tons per year) for regulated entities that EPA intends to subject to Clean Air Act permitting for GHG emissions?
- g.) It appears that the most intrusive and economically damaging regulations are the ones we have the least information on, so I would ask you to please provide the statutory definition of entities you designate as the "smallest sources" in the fourth bullet on page one of your February 22<sup>nd</sup> letter to Senator Rockefeller.
- h.) There currently does not appear to be any Best Available Control Technology (BACT) for many of the emitters you propose to regulate. Will you please identify emitters you propose to regulate for which no BACT exists and how you intend to implement the Clean Air Act in such circumstances?

Additional clarification is also requested on the full range of economic and employment impacts that EPA anticipates as a result of GHG regulations under the Clean Air Act. Despite requests from members of the House and Senate, your agency still has not released a full analysis of the impacts that stationary source regulations – when fully phased in – will have on the economy, or the potential job losses that could result from them. EPA has instead claimed, in a "Regulatory Impact Analysis for the Proposed Greenhouse Gas Tailoring Rule," that it is providing "temporary regulatory relief" before it has even imposed regulations. It defies logic that an agency would purport to provide relief from a regulation while simultaneously claiming that it is not imposing "any new burden."

This contradiction seems to indicate that EPA officials understand that these regulations will have significant adverse impacts on the economy. Last week in the February 22<sup>nd</sup> letter to Senator Rockefeller, you simply noted that "[t]he feasibility and commercial availability of a technology are certainly analyzed in any BACT process, and both feasibility and commercial availability are relevant to competitiveness." This is an opaque answer to a very serious

question, and would ask you to provide some additional details in response to the following questions:

- a.) Has EPA conducted a full analysis of the economic costs and job losses that would accompany regulation of stationary sources of GHG emissions under the Clean Air Act, once EPA has fully phased in those regulations to cover the "smallest sources"?
- b.) If yes, will you provide the full analysis to Congress, and if not, will you conduct such an analysis?

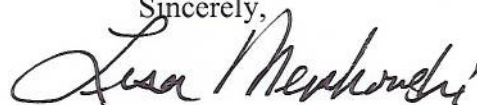
One question that did not come up at Wednesday's hearing is the issue of "carbon leakage." As I'm sure you are aware, no effort to limit GHG emissions within the United States will appreciably reduce global concentrations of GHGs unless the rest of the world is a partner in the effort. Making matters even more complicated, if the United States acts alone, we risk pushing our businesses overseas, where they can operate more competitively.

Carbon leakage is again an issue that Senator Rockefeller and his co-signers raised in their February 19<sup>th</sup> letter that was largely sidestepped in your response. Your February 22<sup>nd</sup> letter directs those eight Senators to EPA's pre-existing analysis of the issue in the context of H.R. 2454, legislation that remains pending in the United States Senate and has not been signed into law. Please provide answers to the following questions:

- a.) Has the EPA conducted a full analysis of the economic costs and job losses that would be caused by "carbon leakage" as domestic products are further disadvantaged against imports and U.S. companies move abroad to avoid the additional costs proposed by the EPA?
- b.) If yes, will you provide the full analysis to Congress, and if not, will you conduct such an analysis?
- c.) In the absence of new legal authority provided by Congress, can your agency stop carbon leakage from occurring under the authorities provided by the Clean Air Act?

In previous correspondence related to the endangerment finding and associated regulations, you laudably provided a response within three calendar days. I would ask that you provide a similarly prompt response to the questions I have asked here, and hope to hear back no later than Tuesday, March 9, 2010.

Sincerely,



Lisa A. Murkowski



# United States Senate

WASHINGTON, D.C. 20510

February 19, 2010

The Honorable Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
Washington, DC 20460

Dear Administrator Jackson:

We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases (GHGs) from stationary sources under the Clean Air Act. Ill-timed or imprudent regulation of GHGs may squander critical opportunities for our nation, impeding the investment necessary to create jobs and position our nation to develop and produce its own clean energy. We need a clear understanding of how you view your agency's responsibilities and the processes by which you intend to carry them out in order to represent the workers, industries, taxpayers, and economic interests of our states.

We understand that in order to comply with the 2007 Supreme Court decision in *Massachusetts v. EPA*, your agency issued a determination that greenhouse gases may reasonably be anticipated to endanger public health and welfare. We also understand that this determination, also known as an endangerment finding, is the first step in the rulemaking process for regulation of greenhouse gas emissions from new motor vehicles, which was the subject of *Massachusetts v. EPA*, and we support moving forward with a single national standard for this purpose.

Nevertheless, we remain concerned about the possible impacts on American workers and businesses in a number of industrial sectors, along with the farmers, miners, and small business owners who could be affected as your agency moves beyond regulations for vehicle greenhouse gas emissions to implement regulations to curtail GHG pollution from stationary sources. We understand that with the endangerment finding in place, the EPA has the obligation to regulate GHG emissions from stationary sources under the Act's prevention of significant deterioration (PSD) provisions related to existing operating permit programs. We have a responsibility to the workers and industries in our states to address both your agency's timetable for the implementation of these stationary source regulations, and what you intend the exact requirements for businesses to be.

As you are undoubtedly aware, there are legislative efforts in the House and Senate seeking to disallow further agency action based on the endangerment finding. As we consider those legislative initiatives and the larger issues of economic stability and carbon regulation, we need clarification from you on a number of key questions to provide certainty to stakeholders in our states who out of necessity must make long-term capital investment decisions. Putting these investments at risk would further destabilize the economy. Therefore, we request that you promptly respond to the following information requests and questions to assist us in taking the proper course of action for our constituents:

- 1) Given the serious nature of potential regulation and businesses' need for certainty, please provide us with a precise understanding of when you plan to proceed with any regulation of greenhouse gas emissions from stationary sources, and when and how the U.S. Congress would be able to review and address these regulations.
- 2) Is it your reading of Senate Joint Resolution 26 (introduced on January 21, 2010) that it would essentially nullify EPA's endangerment finding? If so, how would this affect EPA's ability to regulate both mobile sources as well as stationary sources?
- 3) Please describe what EPA intends to accomplish with the "tailoring rule," which you announced on September 30, 2009. How will this rule affect your implementation of the Clean Air Act on stationary sources of emissions? Do smaller-scale emitters of these gases, from family farms to neighborhood dry cleaners to hospital power plants, need to be concerned with these regulations? What is your assessment of the likelihood of the tailoring rule surviving already announced legal challenges? Currently, PSD regulations are applied to fewer than 400 facilities per year for pollutants such as ozone. How many facilities would be required to obtain permits under GHG regulation under the Clean Air Act?
- 4) In light of the multiple legislative options before Congress related to EPA's endangerment finding, what is EPA's plan to respond to concerns these proposals raise? How would passage of various resolutions affect the agency's ongoing efforts to engage in preparatory work designed to help policymakers understand how future comprehensive climate and energy legislation would affect potentially regulated entities?
- 5) Large electric generators using domestically produced coal and natural gas are uncertain about potential "Best Available Control Technology" or "BACT" standards for carbon dioxide (CO<sub>2</sub>). What does EPA expect coal and natural gas plant operators to do if there is no standard? What process will you use to determine such standards and the range of options for such facilities given the pre-commercial standing of current CO<sub>2</sub> abatement technologies such as carbon capture and storage (CCS)?
- 6) There is genuine concern from the domestic oil and gas industries, from entities operating at the wellhead to pipeline operators, processing plants, and refiners, that they will be severely disadvantaged in the world marketplace by stationary source regulations. Can you characterize how these regulations will translate into costs for these industries? Has your agency analyzed or will you consider the impacts on competitiveness that these costs could have on these industries?
- 7) Comprehensive clean energy legislation must ensure a robust US manufacturing base for clean energy production, invest in US research and development of new clean energy technologies, and mitigate costs to energy-intensive and trade-exposed industries. If EPA regulates GHGs for stationary sources, what are the direct and indirect cost implications for industrial sources of Clean Air Act prevention of significant deterioration (PSD) regulations? Has your agency analyzed or will you consider so-called "carbon leakage" and the competitiveness impacts of these costs on these industries? Will your agency publish impact analyses on these critical issues prior to implementing the regulation?
- 8) How would a resolution striking down the endangerment finding affect EPA's ability to provide resources or technical expertise intended to address and adapt to climate change effects, including,

but not limited to: Efforts to analyze climate and weather variability and its effects on agriculture, fisheries, species habitats, and coastal development among communities along the Gulf Coast and elsewhere; research programs related to climate change effects on mountain snowpack throughout the Pacific Coast and Mountain West regions; and the infrastructure, energy, and socioeconomic implications of relocating Alaska communities due to historically unprecedented coastal erosion?

The President and you have been explicit in calling on Congress to pass comprehensive legislation that would enhance our nation's energy and climate security. We strongly believe this is ultimately Congress' responsibility, and if done properly, will create jobs, spur new clean energy industries, and greatly advance the goal of U.S. energy independence. If done improperly, these opportunities could be lost.

Thank you for your attention to this matter. We look forward to your prompt response.

Jay Byrnes

Mark Boych

Shirley Brown

Calden

Bob Wray, Jr.

Robert Byrd

Gene McCardell

My Baines

01268-EPA-3657

David  
McIntosh/DC/USEPA/US  
03/11/2010 03:26 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: Coal Ash

FYI. EEI shopping around a RCRA amendment bill to allow/compel EPA to handle coal ash in the way that EEI wants EPA to handle coal ash.

----- Forwarded by David McIntosh/DC/USEPA/US on 03/11/2010 03:25 PM -----

From: David McIntosh/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 03/11/2010 03:25 PM  
Subject: Fw: Coal Ash

---

FYI. I received an unsolicited call from Quin about this earlier today, giving me a heads up that he would be sending this to me. I told him not to expect any EPA feedback on this, and he said that he was not expecting any for the time being. He mentioned that either has met or will be meeting with Joe Aldy in WH OECC/NEC about this. Presumably EEI is shopping this to others in the White House and -- of course -- on the Hill as well. I told Quin that I would simply circulate the documents to the right EPA people.

----- Forwarded by David McIntosh/DC/USEPA/US on 03/11/2010 03:21 PM -----

From: "Shea, Quin" <QShea@eei.org>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/11/2010 03:15 PM  
Subject: Coal Ash

---

Hi David. Thanks for taking time to discuss the coal ash issue with me earlier. Attached is draft legislative language for your consideration. It's my understanding that this language is in limited circulation, including among members of the American Coal Ash Association, i.e., the folks that Mathy met with recently. Cheers, Quin

Quinlan J. Shea, III (Quin)  
Executive Director, Environment  
Edison Electric Institute  
701 Pennsylvania Avenue, NW  
Washington, DC 20004  
202-508-5027  
qshea@eei.org



*Finding Answers in the Electric Power Sector*

LegislationCCBs.doc    LegislationCCBsTalkingPoints.doc

**LEGISLATION DIRECTING EPA TO REGULATE COAL COMBUSTION  
BYPRODUCTS PURSUANT TO RCRA SUBTITLE D**

One of EPA's stated purposes for proposing to regulate coal combustion byproducts ("CCBs") as hazardous waste under RCRA Subtitle C is that this is the only option currently available that gives EPA enforcement authority over any federal CCB rules; EPA contends that, as currently written, the RCRA Subtitle D non-hazardous waste program does not provide it with direct federal enforcement authority. The proposed legislation addresses this concern by directing EPA to develop non-hazardous waste rules for CCBs pursuant to RCRA Subtitle D, while providing EPA with federal inspection and enforcement authority for such rules.

Paragraph one directs EPA, within 24 months of enactment, to develop performance-based controls for the management of CCBs. Included in the rules would be standards related to dam safety, integrity and inspections, to address concerns related to the type of dam failures that occurred at TVA's Kingston facility. These rules would establish a federal floor for the management of CCBs.

The states would be authorized to adopt the federal rules as part of their state non-hazardous waste programs. Under paragraph two, EPA would determine within a specified period of time whether the states have adopted state programs that adequately implement the federal CCBs rules.

Paragraph three directs that EPA is to administer the federal CCB rules in those states that (1) choose not to adopt the federal rules, or (2) EPA determines have not adopted rules that fully meet the federal standards. In this way, EPA is assured that the state rules adequately meet the federal floor for CCBs.

Paragraph four provides EPA with federal enforcement and inspection authority for the Subtitle D rules for CCBs. This legislation is modeled after the provision in RCRA Subtitle D that gives EPA direct enforcement and inspection authority for the Subtitle D rules involving the disposal of conditionally exempt small quantity generator and household hazardous waste in municipal solid waste landfills. Like that municipal solid waste provision, the legislation cross-references EPA's Subtitle C inspection and enforcement authority and provides EPA with similar authority with respect to the Subtitle D rules for CCBs.

Finally, paragraph five directs EPA that, in promulgating the performance-based standards for CCBs, it is to take steps to promote the increased utilization of CCBs and reduce and eliminate the institutional, legal and regulatory barriers to increased CCB utilization.

**42 U.S.C. § 6949b. Controls for the Management of Coal Combustion Materials**

[SWDA § 4011]

Draft 10/13/09**PRIVILEGED & CONFIDENTIAL****(a) Criteria for Management of Coal Combustion Materials**

(1) Not later than 24 months after \_\_\_\_\_, and after notice and opportunity for public comment and consultation with the states, the Administrator shall promulgate regulations containing criteria for facilities that manage coal combustion wastes for which final regulatory determinations were made by the Administrator in 1993 and 2000 pursuant to section 6921(b)(3)(C) of this title. The criteria shall consist of performance-based measures necessary to protect human health and the environment and shall include criteria pertaining to maintenance, structural integrity and emergency response at facilities that are classified as dams pursuant to the Federal Guidelines for Dam Safety. The regulations developed under this subsection should include a permit program or other system of prior approval and conditions to assure that facilities will comply with the performance-based criteria promulgated under this section.

(2) Not later than \_\_\_ months after the promulgation of the criteria under paragraph (a)(1), the Administrator shall determine whether each State has implemented a permit program or other system of prior approval and conditions to ensure that facilities that manage coal combustion wastes identified in paragraph (a)(1) will comply with the criteria developed under paragraph (a)(1). The Administrator may make such a determination in conjunction with the approval, disapproval or partial approval of a State plan under section 6947 of this title.

(3) In any State that chooses not to implement a program to administer and enforce the regulations promulgated under paragraph (a)(1) or in any State that the Administrator determines, pursuant to paragraph (a)(2), has not adopted an adequate program, the Administrator shall have the authority to administer the regulations promulgated pursuant to paragraph (a)(1).

(4) The Administrator may use the authorities available under sections 6927 and 6928 of this title to enforce the criteria developed under paragraph (a)(1) of this subsection. For the purposes of this subsection, the term "requirement of this subchapter" in section 6928 of this title shall be deemed to include the criteria promulgated by the Administrator under paragraph (a)(1) and the term "hazardous wastes" in section 6927 of this title shall be deemed to include the coal combustion wastes identified in paragraph (a)(1).

(5) In developing the criteria under paragraph (a)(1), the Administrator shall promote the increased utilization of materials generated primarily from the combustion of coal or other fossil fuels. The Administrator shall take steps to reduce and eliminate the institutional, legal and regulatory barriers to increased utilization of coal combustion byproducts.

01268-EPA-3661

Bob Sussman/DC/USEPA/US

To Seth Oster

03/12/2010 01:02 PM

cc Bob Perciasepe, Diane Thompson, Nancy Stoner, Peter Silva, Richard Windsor, Scott Fulton, Lisa Heinzerling

bcc

Subject Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Seth Oster      [Our thinking \(perhaps my thinking\) is th...](#)      03/12/2010 12:26:50 PM

From: Seth Oster/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Scott

Fulton/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA  
Date: 03/12/2010 12:26 PM  
Subject: Re: SPRUCE stay

Our thinking (perhaps my thinking) (b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

[Redacted]

Seth

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 11:22 AM EST  
**To:** Richard Windsor  
**Cc:** Adora Andy; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson; Nancy Stoner; Peter Silva; Scott Fulton; Seth Oster; Shawn Garvin  
**Subject:** Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative, (b) (5) Attorney Client 03/12/2010 10:44:38 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA  
**Date:** 03/12/2010 10:44 AM  
**Subject:** Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client ?

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 08:40 AM EST  
**To:** Richard Windsor; Scott Fulton; Diane Thompson; Bob Perciasepe; Seth



Oster; Allyn Brooks-LaSure; Adora Andy; Shawn Garvin; Peter Silva; Nancy Stoner

**Subject:** Fw: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/12/2010 08:33 AM -----

From: Karyn Wendelowski/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA  
Cc: Kevin Minoli/DC/USEPA/US@EPA  
Date: 03/12/2010 08:00 AM  
Subject: Fw: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod

[Redacted]

Karyn

----- Forwarded by Karyn Wendelowski/DC/USEPA/US on 03/12/10 07:50 AM -----

**SPRUCE stay**

**Morris, Cynthia (ENRD)** to: Karyn Wendelowski, Kevin Minoli, Stefania Shamet 03/12/10 07:45 AM

Cc: "Young, Russell (ENRD)"

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod

[Redacted]

**(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod**

[attachment "ENV\_DEFENSE-#463143-v1-SPRUCE\_-\_Mingo\_Logan\_opp\_to\_stay\_.PDF" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3662

**Richard Windsor/DC/USEPA/US**  
03/12/2010 01:24 PM

To Bob Sussman, Seth Oster  
cc Bob Perciasepe, Diane Thompson, Nancy Stoner, Peter Silva, Scott Fulton, Lisa Heinzerling, "Aaron Dickerson"  
bcc  
Subject Re: SPRUCE stay

Aaron,

Can you schedule a time for me to call JoEllen today, preferably right after my call with Diane. Tx, Lj  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 01:02 PM EST  
**To:** Seth Oster  
**Cc:** Bob Perciasepe; Diane Thompson; Nancy Stoner; Peter Silva; Richard Windsor; Scott Fulton; Lisa Heinzerling  
**Subject:** Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Seth Oster      **Our thinking (perhaps my thinking) is th...**      03/12/2010 12:26:50 PM

**From:** Seth Oster/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA  
**Date:** 03/12/2010 12:26 PM  
**Subject:** Re: SPRUCE stay

**Our thinking (perhaps my thinking)**      **(b) (5) Deliberative, (b) (5) Attorney Client**

[Redacted]

[Redacted]

Seth

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 11:22 AM EST  
**To:** Richard Windsor  
**Cc:** Adora Andy; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson; Nancy Stoner; Peter Silva; Scott Fulton; Seth Oster; Shawn Garvin  
**Subject:** Re: SPRUCE stay

**(b) (5) Deliberative, (b) (5) Attorney Client**

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor      **(b) (5) Deliberative, (b) (5) Attorney Client**      03/12/2010 10:44:38 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA

Date: 03/12/2010 10:44 AM  
Subject: Re: SPRUCE stay

[Redacted] (b) (5) Deliberative, (b) (5) Attorney Client [Redacted] ?

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 08:40 AM EST  
**To:** Richard Windsor; Scott Fulton; Diane Thompson; Bob Perciasepe; Seth Oster; Allyn Brooks-LaSure; Adora Andy; Shawn Garvin; Peter Silva; Nancy Stoner  
**Subject:** Fw: SPRUCE stay

[Redacted] (b) (5) Deliberative, (b) (5) Attorney Client [Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/12/2010 08:33 AM -----

**From:** Karyn Wendelowski/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA  
**Cc:** Kevin Minoli/DC/USEPA/US@EPA  
**Date:** 03/12/2010 08:00 AM  
**Subject:** Fw: SPRUCE stay

[Redacted] (b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod [Redacted]

Karyn

----- Forwarded by Karyn Wendelowski/DC/USEPA/US on 03/12/10 07:50 AM -----

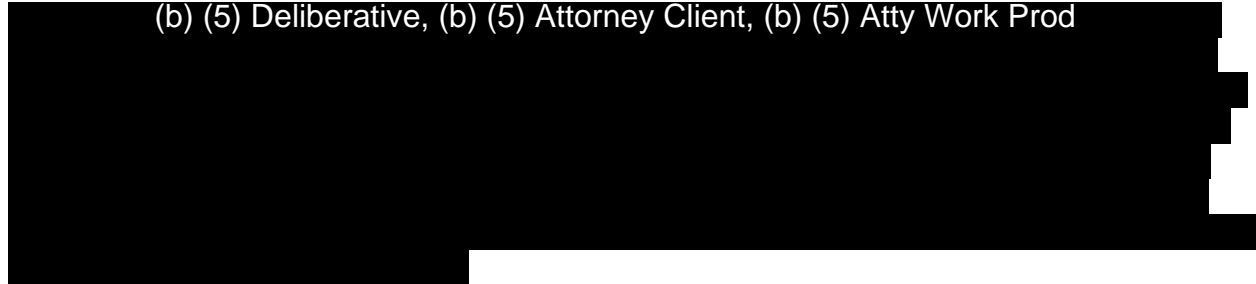
**SPRUCE stay**

**Morris, Cynthia (ENRD)** to: Karyn Wendelowski, Kevin Minoli, Stefania Shamet 03/12/10 07:45 AM

Cc: "Young, Russell (ENRD)"

---

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod



[attachment "ENV\_DEFENSE-#463143-v1-SPRUCE\_-\_Mingo\_Logan\_opp\_to\_stay\_.PDF" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3663

**Aaron Dickerson/DC/USEPA/US**  
03/12/2010 01:55 PM

To Richard Windsor  
cc Diane Thompson  
bcc  
Subject Re: SPRUCE stay

She is only available from now until 3:00est and then she is leaving for travel. You can call her at (b) (6) Privacy.

Richard Windsor Aaron, Can you schedule a time for m... 03/12/2010 01:25:00 PM

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 03/12/2010 01:25 PM  
Subject: Re: SPRUCE stay

Aaron,

Can you schedule a time for me to call JoEllen today, preferably right after my call with Diane. Tx, Lj

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 01:02 PM EST  
**To:** Seth Oster  
**Cc:** Bob Perciasepe; Diane Thompson; Nancy Stoner; Peter Silva; Richard Windsor; Scott Fulton; Lisa Heinzerling  
**Subject:** Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client  
[Redacted]

(b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Seth Oster      Our thinking (perhaps my thinking) is th...      03/12/2010 12:26:50 PM

From: Seth Oster/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA  
Date: 03/12/2010 12:26 PM  
Subject: Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

[Redacted]

[Redacted]

Seth

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 11:22 AM EST  
**To:** Richard Windsor  
**Cc:** Adora Andy; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson; Nancy Stoner; Peter Silva; Scott Fulton; Seth Oster; Shawn Garvin  
**Subject:** Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client



(b) (5) Deliberative, (b) (5) Attorney Client

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative, (b) (5) Attorney Client 03/12/2010 10:44:38 AM

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA  
Date: 03/12/2010 10:44 AM  
Subject: Re: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client ?

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/12/2010 08:40 AM EST  
**To:** Richard Windsor; Scott Fulton; Diane Thompson; Bob Perciasepe; Seth Oster; Allyn Brooks-LaSure; Adora Andy; Shawn Garvin; Peter Silva; Nancy Stoner  
**Subject:** Fw: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client

(b) (5) Deliberative, (b) (5) Attorney Client

(b) (5) Deliberative, (b) (5) Attorney Client

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/12/2010 08:33 AM -----

From: Karyn Wendelowski/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA  
Cc: Kevin Minoli/DC/USEPA/US@EPA  
Date: 03/12/2010 08:00 AM  
Subject: Fw: SPRUCE stay

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod

Karyn

----- Forwarded by Karyn Wendelowski/DC/USEPA/US on 03/12/10 07:50 AM -----

**SPRUCE stay**

**Morris, Cynthia (ENRD)** to: Karyn Wendelowski, Kevin Minoli, Stefania Shamet 03/12/10 07:45 AM

Cc: "Young, Russell (ENRD)"

---

(b) (5) Deliberative, (b) (5) Attorney Client, (b) (5) Atty Work Prod

[attachment "ENV\_DEFENSE-#463143-v1-SPRUCE\_-\_Mingo\_Logan\_opp\_to\_stay\_.PDF" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3684

**Bob Sussman/DC/USEPA/US**

To Richard Windsor

03/19/2010 10:13 AM

cc

bcc

Subject Boiler MACT

(b) (5) Deliberative



Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3685

**Richard Windsor/DC/USEPA/US**  
03/19/2010 02:04 PM

To Bob Sussman  
cc  
bcc

Subject Re: Boiler MACT

Bob,

(b) (5) Deliberative

. Lisa

Bob Sussman

(b) (5) Deliberative

03/19/2010 10:13:36 AM

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/19/2010 10:13 AM  
Subject: Boiler MACT

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3686

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
03/19/2010 04:53 PM cc  
bcc  
Subject Re: Boiler MACT

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 03/19/2010 02:04:30 PM

From: Richard Windsor/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Date: 03/19/2010 02:04 PM  
Subject: Re: Boiler MACT

Bob,

(b) (5) Deliberative . Lisa

Bob Sussman (b) (5) Deliberative 03/19/2010 10:13:36 AM

From: Bob Sussman/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/19/2010 10:13 AM  
Subject: Boiler MACT

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3689

**Richard Windsor/DC/USEPA/US**  
03/19/2010 10:12 PM

To "Bob Sussman"  
cc  
bcc

Subject Fw: Boiler MACT

K

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/19/2010 04:53 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Boiler MACT

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 03/19/2010 02:04:30 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Date:** 03/19/2010 02:04 PM  
**Subject:** Re: Boiler MACT

Bob,

(b) (5) Deliberative . Lisa

Bob Sussman (b) (5) Deliberative 03/19/2010 10:13:36 AM

**From:** Bob Sussman/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Date:** 03/19/2010 10:13 AM  
**Subject:** Boiler MACT

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3692

**Michael Moats/DC/USEPA/US**  
03/21/2010 04:35 PM

To "Richard Windsor", Allyn Brooks-LaSure, "Adora Andy"  
cc  
bcc

Subject ACTION Sunday updated AMWA

LPJ -- I made a few small tweaks in the draft attached. (b) (5) Deliberative ?

---

**From:** Michael Moats [(b) (6) Privacy]  
**Sent:** 03/21/2010 04:32 PM AST  
**To:** Michael Moats  
**Subject:** ACTION Sunday updated AMWA

(b) (5) Deliberative

20100322 Metropolitan Water Agencies (4).doc

01268-EPA-3697

Michelle  
DePass/DC/USEPA/US  
03/24/2010 09:29 AM

To Richard Windsor, Diane Thompson  
cc Heidi Ellis, Seth Oster  
bcc  
Subject S&ED

Administrator,

The attached letter from Secretaries Clinton and Geithner invites you to participate in the second Strategic and Economic Dialogue session in Beijing on May 24-25 (b) (5) Deliberative

■ [Redacted]

■ [Redacted]

[Redacted]

■ [Redacted]



S&ED Invitation.pdf

■ (b) (5) [Redacted] (b) (5) Deliberative

Thank you,  
Michelle

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW



Washington, DC 20004

Phone: 202-564-6600

Fax: 202-565-2407

Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Vanessa Fleeton

Administrative Specialist

Executive Assistant to Michelle DePass

Phone: 202-564-4762

Fax: 202-565-2407

Email: [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov)



March 16, 2010



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

Dear Ms. Jackson:

We invite you to participate in the second round of the U.S.-China Strategic and Economic Dialogue (S&ED) in Beijing, China on May 24-25, 2010. Since its establishment in 2009, President Obama and Chinese President Hu have placed the S&ED at the center of our bilateral relationship to address our shared opportunities and challenges in the twenty-first century. The second meeting of the S&ED will provide the opportunity to advance the U.S. policy agenda in a range of areas including job creation, international security, trade and investment, financial regulation and reform, counterterrorism, law enforcement, science and technology, human rights, education, culture, and health.

As you know, the S&ED offers U.S. policymakers the highest-level platform for direct engagement with Cabinet-level Chinese decision-makers. We look forward to working with you within the S&ED framework to sustain strategic and economic cooperation with China that benefits the American people.

To confirm your participation, please have your staff contact our respective S&ED coordinators: Ms. Courtney Nemroff at the Department of State, (202) 647-6813, or Ms. Casey Owens at the Department of the Treasury, (202) 622-1191. We ask that you reply by April 10, and please note that the dates of the second S&ED have not yet been announced to the public. We appreciate your participation and your agency's contributions to U.S.-China relations.

Sincerely,

Handwritten signature of Timothy F. Geithner in black ink.

Timothy F. Geithner  
Secretary of the Treasury

Handwritten signature of Hillary Rodham Clinton in black ink.

Hillary Rodham Clinton  
Secretary of State

01268-EPA-3704

**Richard Windsor/DC/USEPA/US**  
03/26/2010 05:07 PM

To Betsaida Alcantara, Adora Andy, Bob Perciasepe  
cc  
bcc

Subject Re: Spruce Clips - Part 1 of 2

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/26/2010 05:01 PM EDT  
**To:** Adora Andy; Bob Perciasepe; Richard Windsor  
**Subject:** Re: Spruce Clips - Part 1 of 2

FYI - we asked AP to change their headline, it is now "EPA proposes veto of W.VA. mining permit" instead of "recommends veto". We had no such luck with our friends at the Wall Street Journal.

Betsaida Alcantara Spruce Clips - Part 1 of 2 Washing... 03/26/2010 04:58:31 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA  
Date: 03/26/2010 04:58 PM  
Subject: Spruce Clips - Part 1 of 2

## **Spruce Clips – Part 1 of 2**

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### **Washington Post: EPA proposes stopping West Virginia 'mountaintop' coal mine that has permit**

By David A. Fahrenthold  
Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

The U.S. Environmental Protection Agency on Friday took a rare step against a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

The move is one of the most aggressive to come out of the Obama administration's reexamination of mountaintop mining, where peaks are scraped and blasted away to reach coal seams inside. The EPA has reviewed dozens of permits and approved one large mine in January after environmental improvements were promised.

### **AP: EPA recommends veto of W.Va. mining permit**

By BRIAN FARKAS

Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, which includes mountaintop removal and valley fills, would cover 2,278 acres, and would bury 7 miles of headwater streams and degrade water quality.

## [[FULL TEXT BELOW]]

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Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

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But, in this case, the agency is threatening to stop the Spruce Number One mine in Logan County, W.Va., entirely -- or at least stop it from using "valley fills," depositing excess rock and rubble in nearby streams. Under the federal Clean Water Act, the EPA has the power to veto projects that would cause an "unacceptable adverse impact," but it has only used that power 12 times since 1972.

And it has never used the power in a case like this, where the mine already has a permit.

EPA will now take public comments on the proposal for 60 days and hold a

hearing on the proposal in West Virginia.

The EPA says the Spruce Number One mine, in a region of southern West Virginia about 300 miles from Washington, would bury about seven miles of streams. As toxic chemicals flow downstream from the mine rubble, the agency said, they could harm aquatic life including one of the richest concentrations of salamanders in the world.

The mine was issued a federal permit in 2007, under the Bush administration, but major mining was delayed by lawsuits from environmental groups. After the Obama White House raised questions about the mine's environmental consequences last year, the EPA began negotiations with Arch Coal, the mine's St. Louis-based parent company.

The EPA said Friday that those negotiations had failed to resolve the impasse.

"Coal, and coal mining, is part of our nation's energy future, and for that reason EPA has made repeated efforts to foster dialogue and find a responsible path forward," Shawn Garvin, EPA's regional administrator for the mid-Atlantic, said in a written press release. "But we must prevent the significant and irreversible damage that comes from mining pollution -- and the damage from this project would be irreversible."

In a statement, Arch Coal said it was "disappointed" with the decision.

"We are evaluating all possible options for relief from the government's actions and intend to vigorously defend the Spruce permit by all legal means," a company statement said.

West Virginia Gov. Joe Manchin III, who has advocated for the coal industry on this issue, issued a statement saying "I am obviously very disappointed, because, the way it stands now, it means a major loss of potential jobs."

The news was cheered by environmental groups -- some of whom had criticized the federal government for sending mixed messages, for and against mountaintop mining.

"It seems that EPA Administrator [Lisa P.] Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," the Rainforest Action Network said in a statement. "We hope that the Spruce Mine veto is a sign that EPA is going to begin using its full authority to stop this devastating practice."

Mountaintop mining -- also called "mountaintop removal" mining -- accounts for about 10 percent of U.S. coal production, though it plays an outsized role in parts of Appalachia. Coal companies say the practice is essential, extracting coal that could not be reached another way.

But environmentalists say the practice destroys mountain ecosystems, buries stream valleys under tons of rubble and poisons stream life for miles downstream.

## **EPA recommends veto of W.Va. mining permit**

By BRIAN FARKAS  
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, which includes mountaintop removal and valley fills, would cover 2,278 acres, and would bury 7 miles of headwater streams and degrade water quality.

The U.S. Army Corps of Engineers issued the permit in 2007. But EPA said it wanted to exercise its authority under the federal Clean Water Act to review the permit further.

EPA's proposal was issued Friday, the deadline set by a federal judge for the agency to make a decision.

"This recommendation is consistent with our broader Clean Water Act efforts in Central Appalachia. EPA has a duty under the law to protect water quality and safeguard the people who rely on these waters for drinking, fishing and swimming," Garvin said in a prepared statement.

The permit is the subject of a federal lawsuit challenging the corps' authority to issue clean water permits for large mountaintop removal mines. U.S. District Judge Robert Chambers has allowed mining to occur at the Logan County mine until the case is resolved.

The Ohio Valley Environmental Coalition is a plaintiff in the lawsuit. Co-Director Dianne Bady said she was pleased by EPA's decision.

"We are so glad to see the Obama administration based its decision on sound science," she said.

Several members of West Virginia's congressional delegation said they were upset by the decision.

Mingo Logan is a subsidiary of St. Louis-based Arch Coal. The company said it was disappointed by EPA's action and was assessing its legal options.

"The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history," the company said in statement. "The 13-year permitting process included the preparation of a full environmental impact statement, the only permit in the eastern coal fields to ever undergo such review."

Arch Coal said it would ask Chambers to rule on the company's request for summary judgment in the lawsuit. The Department of Justice asked Chambers on Friday to delay any decisions until EPA issues a final decision following a 60-day public comment period.

It's the first time since 1972 that EPA has used its authority to veto a permitted project. In nearly four decades the agency has used its authority only 12 times before a permit was issued.

Garvin said EPA determined that rock, dirt and other mining wastes from Spruce No. 1 would affect water quality, fish and wildlife in the Coal River watershed. The watershed is already one of the state's more heavily mined areas.

The mine would release high levels of total dissolved solids and selenium, which in high concentrations can create birth defects in fish and other aquatic life.

Also, the plan to replace ecological resources lost during mining was inadequate, EPA said.

The federal agency has focused on coal mining in Central Appalachia since President Barack Obama took office. The agency has concentrated on mines where mountaintop removal mining is used to expose multiple coal seams. Studies have shown the mining practice has buried hundreds of miles of streams under valley fills, that were permitted under the dredge and fill section of the Clean Water Act.

Last fall, EPA said it had identified 79 permits in West Virginia, Virginia, Kentucky and Tennessee where the mining practice is used. In September, EPA said it wanted to review the Spruce No. 1 permit.

Garvin said EPA will hold a 60-day comment period on its recommendation before it makes a final decision. The agency also plans to hold a public hearing in the state.



01268-EPA-3705

**Bob Sussman/DC/USEPA/US**

03/26/2010 06:19 PM

To David McIntosh

cc Arvin Ganesan, Bob Perciasepe, Gina McCarthy, Lisa  
Heinzerling, Richard Windsor, Seth Oster

bcc

Subject Re: Senators' letter to you about the boiler MACT rulemaking

**(b) (5) Deliberative**

Robert M. Sussman  
 Senior Policy Counsel to the Administrator  
 Office of the Administrator  
 US Environmental Protection Agency

David McIntosh Administrator: Attached is a letter about... 03/26/2010 03:54:32 PM

From: David McIntosh/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Cc: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob  
 Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth  
 Oster/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
 Date: 03/26/2010 03:54 PM  
 Subject: Senators' letter to you about the boiler MACT rulemaking

Administrator: Attached is a letter about the boiler MACT rulemaking that Senators Voinovich, Brown, Cornyn, Lugar, Alexander, Bayh, Bond, Warner, and Webb have just send to you, cc'ing Gina, Bob, Bob, Cass Sunstein, and Larry Summers.

-David

----- Forwarded by David McIntosh/DC/USEPA/US on 03/26/2010 03:50 PM -----

From: "Johnston, Todd (Voinovich)" <Todd\_Johnston@voinovich.senate.gov>  
 To: David McIntosh/DC/USEPA/US@EPA  
 Date: 03/26/2010 03:48 PM  
 Subject: Letter to Administrator Jackson

David – This letter has several CCs at EPA, including: Gina McCarthy, Robert Perciasepe and Robert Sussman.

Thanks,

Todd

[attachment "Letter to Administrator Lisa Jackson, March 26, 20100001.pdf" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3708

**Richard Windsor/DC/USEPA/US**  
03/26/2010 08:12 PM

To Adora Andy, Betsaida Alcantara, Bob Perciasepe  
cc  
bcc

Subject Re: Dow Jones corrected story

Well done BA. !  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 03/26/2010 07:30 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Bob Perciasepe  
**Subject:** Re: Dow Jones corrected story

Betsaida duked it out with that Ian Talley and... Success!  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/26/2010 07:01 PM EDT  
**To:** Richard Windsor; Adora Andy; Bob Perciasepe  
**Subject:** Dow Jones corrected story

we got them to make some good changes to their original piece.

EPA Moves to Deny Arch Coal Permit

· By Ian Talley  
· Of DOW JONES NEWSWIRES  
·

¶ WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency said Friday it plans to revoke Arch Coal's (ACI) Spruce No. 1 coal mining permit, saying it would have adverse environmental impacts.

¶ The agency said its decision would "significantly restrict or prohibit" operations at the mine. The proposed permit veto is subject to public comment for 60 days before the agency can finalize the ruling.

¶ The EPA denial of the project--which would have been the largest mountaintop coal mine in central Appalachia--follows failed negotiations with the company, the EPA said.

¶ The company said it would vigorously defend the permit "by all legal means."

¶ "Arch Coal is disappointed that EPA has chosen to take the unprecedented action to initiate the veto process ... against a validly issued and existing permit," the company said in a statement.

¶ The announcement reflects a tough stance from the Obama administration on mountain top coal mining, which involves blasting off mountain tops to get at the coal underneath. The agency has received sharp criticism from environmentalists seeking to curb the industry, but has also faced strong pressure from the coal lobby and coal-state Democrats.

¶ West Virginia politicians condemned the decision. Sen. Jay Rockefeller, a Democrat, said he would push EPA officials to find a long-term solution. Gov. Joe Manchin, also a Democrat, said it would mean a major loss of jobs.

¶ "However, it is my understanding that the door is not completely closed on this process and Arch Coal will now need to look at its options on moving forward with continued discussions," Manchin said.

¶ The agency last year put a hold on the Spruce No. 1 permit in Logan County, W.Va., and this is the first time in 37 years the EPA has used its power to revoke a previously issued mountaintop mining permit.

¶ The agency is reviewing dozens of coal-mine permits and has allowed others to go forward.

¶ Shawn Garvin, an EPA regional administrator for the Mid-Atlantic, said while coal and coal mining is part of the nation's future, "we must prevent the significant and irreversible damage that comes from mining pollution, and the damage from this project would be irreversible."

¶ The agency said the project would adversely affect drinking water, human communities and the

surrounding ecosystems.

¶ EPA said it "believes that the Spruce No. 1 project, in conjunction with numerous other mining operations either under construction or proposed for the Coal River basin, will contribute to the cumulative loss of water quality, aquatic systems, and forest resources."

¶ While environmentalists saw the decision as a victory, industry said it inserted additional uncertainty about the future of coal mining in the area.

¶ "It seems that EPA Administrator Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," said Amanda Starbuck, global finance campaign director for Rainforest Action Network.

¶ Ed Hopkins, Sierra Club's Director of Environmental Quality, said he hoped the agency would follow through on the recommendation.

¶ "This massive mine would bury seven miles of streams, destroy thousands of acres of land and disrupt local communities," he said.

¶ The National Mining Association said EPA's proposed action "adds further uncertainty for jobs and economic security throughout Appalachia. We remain hopeful this and other permitting obstacles can be favorably resolved in the near future."

¶ -By Ian Talley, Dow Jones Newswires; (202) 862 9285; ian.talley@dowjones.com;

·-0-

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 03/26/2010 05:07 PM EDT

**To:** Betsaida Alcantara; Adora Andy; Bob Perciasepe

**Subject:** Re: Spruce Clips - Part 1 of 2

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 03/26/2010 05:01 PM EDT

**To:** Adora Andy; Bob Perciasepe; Richard Windsor

**Subject:** Re: Spruce Clips - Part 1 of 2

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 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
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 Date: 03/26/2010 04:58 PM  
 Subject: Spruce Clips - Part 1 of 2

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01268-EPA-3715

Bob Sussman/DC/USEPA/US  
03/30/2010 10:04 AM

To Richard Windsor  
cc Seth Oster, Diane Thompson, Heidi Ellis, Arvin Ganesan  
bcc

Subject Fw: Final Drafts of Mining Memos

Administrator -- here are the latest drafts of the MTM guidance and summary document. (b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/30/2010 10:02 AM -----

From: Gregory Peck/DC/USEPA/US  
To: Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 03/29/2010 06:47 PM  
Subject: Final Drafts of Mining Memos

Attached are the current drafts of the short and long versions of the mining memos. (b) (5) Deliberative

Let me know if you have any questions.

Greg

(b) (5) Deliberative

(b) (5) Deliberative

2010-03-29 630 pm Silva-Giles Memo Short Version - Clean.doc 2010-03-29 630 pm Draft Silva-Giles Memo - Clean.doc

(b) (5)

Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202-564-5778

01268-EPA-3724

Gina McCarthy/DC/USEPA/US

To "Richard Windsor"

04/02/2010 03:34 PM

cc "Seth Oster", "Diane Thompson", "Bob Perciasepe", "Beth  
Craig", "Don Zinger"

bcc

Subject Fw: E\* memo attached

Here is the Energy Star memo signed by both Cathy and I. I will not share with staff until I hear otherwise.  
Thanks.

Drew McConville

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

**From:** Drew McConville**Sent:** 04/02/2010 03:21 PM EDT**To:** Gina McCarthy**Cc:** Don Zinger; Brian Mclean; Beth Craig; Ross Natoli; Andrea Drinkard;  
Janet McCabe; Joseph Goffman**Subject:** E\* memo attached

Gina -- a pdf of the signed Energy Star memo is attached. This has not been circulated within EPA yet  
(beyond those cc'd on this email), so I'm assuming you will send to both the Administrator and Seth.

Also attaching the final (unsigned) version in word.



Energy Star Memo - FINAL FINAL.doc

Drew McConville

PMF Special Assistant to the Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

office: 202.564.7437

cell: 202.713.7823

mcconville.drew@epa.gov

----- Forwarded by Drew McConville/DC/USEPA/US on 04/02/2010 03:17 PM -----

From: "Lever, Adrienne" &lt;Adrienne.Lever@ee.doe.gov&gt;

To: Drew McConville/DC/USEPA/US@EPA

Date: 04/02/2010 03:14 PM

Subject: FW: Joint Letter with DOE - EPA - Building a Stronger Energy Star Program

[Here you are.](#)

Thanks!

Adrienne Lever

Special Assistant to the Assistant Secretary

Office of Energy Efficiency and Renewable Energy

U.S. Department of Energy

1000 Independence Ave - North Building 6A-013

202-586-9220

[adrienne.lever@hq.doe.gov](mailto:adrienne.lever@hq.doe.gov)



Joint Letter with DOE-EPA - Building a Stronger Energy Star Program - 4-2-2010.pdf



April 2, 2010

**MEMORANDUM**

**FROM:** Cathy Zoi  
Assistant Secretary  
U.S. Department of Energy

*[Handwritten signature]*

Gina McCarthy  
Assistant Administrator  
U.S. Environmental Protection Agency

**TO:** Steven Chu  
Secretary  
U.S. Department of Energy

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

**RE:** Building a Stronger Energy Star Program

As you know, Energy Star began many years ago as a small voluntary effort to help consumers save money by making it easy for them to identify energy efficient products. The Energy Star is now one of the most recognized brands in America. Last year alone Americans saved \$17 billion on their energy bills with the help of Energy Star and, today, many states provide significant rebates to consumers for the purchase of Energy Star products.

Unfortunately, a recently released GAO Report has provided some compelling evidence that the measures we have in place to protect the value of the Energy Star label are simply insufficient. So, in response to the report, we have taken a number of clear, decisive and transparent steps to move Energy Star away from self-certification to a program that requires testing, review and approval of all products before they can earn the label. This means a rapid 180-degree shift in the way manufacturers apply for, earn and keep the Energy Star label on products sold to the American consumer. Our hope is that these actions, outlined below, will help reassure the public, Congress, manufacturers and other stakeholders that Energy Star remains a trusted brand and can be used to reliably identify energy-efficient products.

**Immediate Actions Taken:**

- We temporarily shut down the pipeline for approvals of new Energy Star products. The web page notes that the automated qualification and self-certification system are temporarily unavailable while certification procedures are under review.
- The automated qualification system that existed for certain electronic product areas will not be reactivated. This system allowed GAO to receive electronic approval of products as well as access to the Energy Star label – without staff review. Never again will we allow a computer system to approve a product or provide access to the Energy Star label without proper staff scrutiny.
- The pipeline will be reopened only after the product review process has been strengthened. We will ensure that staff are available and trained appropriately to review and approve all applications submitted before the pipeline is reopened. We estimate that these improvements will be in place within a week.
- The Energy Star web page is being updated to clarify the new product review process. Partners have been informed that they must submit data showing that their product meets the set of clear, measurable energy efficiency program requirements outlined on the web page - including a lab report. Then these product submittals will be reviewed and approved by one of our Energy Star representatives who will officially notify the partner prior to any use of the Energy Star label.
- Manufacturers are being put on notice that independent testing of all new Energy Star products will be required no later than the end of this year, when an infrastructure of accredited labs is in place. Efforts are underway to phase in requirements for independent testing of all new Energy Star products, as well as requirements for labs and accreditation bodies, with full implementation as soon as practicable.
- Partners are being put on notice that all Energy Star product manufacturers must participate in an ongoing verification testing program to ensure continued compliance. This enhanced mandatory testing will complement our “off the shelf” and third-party testing of products bearing the Energy Star label.
- Mandatory participation will continue to be required in industry certification programs, when such testing is available.

As you well know, these steps complement recent actions we have taken to promote confidence in the Energy Star brand by strengthening product testing and enforcement. While no voluntary program can require its label to be affixed to all the most energy efficient products, we can - and we must - ensure that the products that bear our label are energy efficient and provide the expected cost savings.

- Compliance: We launched a new two-step process to immediately expand the testing of Energy Star qualified products. In fact, just last week we began testing of some of the most

commonly used appliances (freezers, refrigerator-freezers, washers, dishwashers, water heaters and room air conditioners) which account for more than 25 percent of a household's energy bill while we are developing a system to test all products that earn the Energy Star label. In this phase we will test approximately 200 basic models at third-party, independent test laboratories over the next few months.

- **Enforcement:** We have taken a series of actions in recent months to ensure compliance with both Energy Star and appliance efficiency standards, including taking action against 35 manufacturers in the past four months as well as the formation of a new enforcement team. To improve transparency and emphasize our renewed commitment to enforcement, we outlined a process for revoking the right to use the Energy Star label on the web page as part of our compliance and enforcement strategy. We also announced that we would be aggressively enforcing reporting requirements that manufacturers are required to submit to the Department of Energy certifying the energy use of residential appliance models and compliance with energy efficiency standards.

While the media attention has been difficult for all of us, we know that public scrutiny provides a strong disincentive for companies to skirt the system. At the same time, we should remind ourselves and consumers that the number of actual violations within the Energy Star Program has been quite small, especially given that more than 40,000 individual products carry the Energy Star label. In fact, in 2009, EPA's independent Inspector General (IG) conducted a "spot check" of the program, testing 60 Energy Star products, and found that 98% of the products tested met or exceeded Energy Star requirements.

One of the challenges faced by the program has been the vacant Climate Protection Partnership Division Director position at EPA. While EPA's Energy Star staff is doing a great job and working hard to fill the gap, we know that the program deserves to have a permanent director. This position has been posted inside and outside the agency and we now have applications in hand. We will do our best to fill this important position as quickly as possible. In the meantime, a senior manager will be detailed to help lead the program on a full time basis until the new director is on board.

Please let us know if you have any questions or concerns. We thank you all for your support and want to assure you that Energy Star will emerge from this period stronger than ever before.



## MEMORANDUM

**FROM:** Cathy Zoi  
Assistant Secretary  
U.S. Department of Energy

Gina McCarthy  
Assistant Administrator  
U.S. Environmental Protection Agency

**TO:** Steven Chu  
Secretary  
U.S. Department of Energy

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

**RE:** Building a Stronger Energy Star Program

As you know, Energy Star began many years ago as a small voluntary effort to help consumers save money by making it easy for them to identify energy efficient products. The Energy Star is now one of the most recognized brands in America. Last year alone Americans saved \$17 billion on their energy bills with the help of Energy Star and, today, many states provide significant rebates to consumers for the purchase of Energy Star products.

Unfortunately, a recently released GAO Report has provided some compelling evidence that the measures we have in place to protect the value of the Energy Star label are simply insufficient. So, in response to the report, we have taken a number of clear, decisive and transparent steps to move Energy Star away from self-certification to a program that requires testing, review and approval of all products before they can earn the label. This means a rapid 180-degree shift in the way manufacturers apply for, earn and keep the Energy Star label on products sold to the American consumer. Our hope is that these actions, outlined below, will help reassure the public, Congress, manufacturers and other stakeholders that Energy Star remains a trusted brand and can be used to reliably identify energy-efficient products.

**Immediate Actions Taken:**

- We temporarily shut down the pipeline for approvals of new Energy Star products. The web page notes that the automated qualification and self-certification system are temporarily unavailable while certification procedures are under review.
- The automated qualification system that existed for certain electronic product areas will not be reactivated. This system allowed GAO to receive electronic approval of products as well as access to the Energy Star label – without staff review. Never again will we allow a computer system to approve a product or provide access to the Energy Star label without proper staff scrutiny.
- The pipeline will be reopened only after the product review process has been strengthened. We will ensure that staff are available and trained appropriately to review and approve all applications submitted before the pipeline is reopened. We estimate that these improvements will be in place within a week.
- The Energy Star web page is being updated to clarify the new product review process. Partners have been informed that they must submit data showing that their product meets the set of clear, measurable energy efficiency program requirements outlined on the web page - including a lab report. Then these product submittals will be reviewed and approved by one of our Energy Star representatives who will officially notify the partner prior to any use of the Energy Star label.
- Manufacturers are being put on notice that independent testing of all new Energy Star products will be required no later than the end of this year, when an infrastructure of accredited labs is in place. Efforts are underway to phase in requirements for independent testing of all new Energy Star products, as well as requirements for labs and accreditation bodies, with full implementation as soon as practicable.
- Partners are being put on notice that all Energy Star product manufacturers must participate in an ongoing verification testing program to ensure continued compliance. This enhanced mandatory testing will complement our “off the shelf” and third-party testing of products bearing the Energy Star label.
- Mandatory participation will continue to be required in industry certification programs, when such testing is available.

As you well know, these steps complement recent actions we have taken to promote confidence in the Energy Star brand by strengthening product testing and enforcement. While no voluntary program can require its label to be affixed to all the most energy efficient products, we can - and we must - ensure that the products that bear our label are energy efficient and provide the expected cost savings.

- Compliance: We launched a new two-step process to immediately expand the testing of Energy Star qualified products. In fact, just last week we began testing of some of the most



commonly used appliances (freezers, refrigerator-freezers, washers, dishwashers, water heaters and room air conditioners) which account for more than 25 percent of a household's energy bill while we are developing a system to test all products that earn the Energy Star label. In this phase we will test approximately 200 basic models at third-party, independent test laboratories over the next few months.

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One of the challenges faced by the program has been the vacant Climate Protection Partnership Division Director position at EPA. While EPA's Energy Star staff is doing a great job and working hard to fill the gap, we know that the program deserves to have a permanent director. This position has been posted inside and outside the agency and we now have applications in hand. We will do our best to fill this important position as quickly as possible. In the meantime, a senior manager will be detailed to help lead the program on a full time basis until the new director is on board.

Please let us know if you have any questions or concerns. We thank you all for your support and want to assure you that Energy Star will emerge from this period stronger than ever before.

01268-EPA-3741

Gina McCarthy/DC/USEPA/US

To Heinzerling.Lisa, Sussman.bob, Bob Perciasepe

04/08/2010 07:04 PM

cc Richard Windsor

bcc

Subject Area Source Boiler MACT

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

We would like to get this to them asap. Thanks

(b) (5) Deliberative

areasourceboilers.doc

01268-EPA-3742

Bob Sussman/DC/USEPA/US

To Gina McCarthy

04/08/2010 08:10 PM

cc Bob Perciasepe, Heinzerling.Lisa, Richard Windsor, Sussman.bob

bcc

Subject Re: Area Source Boiler MACT

thanks gina. might tomorrow morning work for a briefing?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy

(b) (5) Deliberative

04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/08/2010 07:04 PM  
Subject: Area Source Boiler MACT

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3743

Gina McCarthy/DC/USEPA/US

To Bob Sussman

04/08/2010 08:21 PM

cc Bob Perciasepe, Heinzerling.Lisa, Richard Windsor, Sussman.bob

bcc

Subject Re: Area Source Boiler MACT

I can be back from an event by 11:15 and I am free until 1 or so. If anytime in that period would work - and you think an more in-depth briefing is needed - it would be great to do it in that time slot. If not, I can always see if Janet can cover it and connect Steve and Peter by phone.

Bob Sussman

thanks gina. might tomorrow morning w...

04/08/2010 08:10:14 PM

From: Bob Sussman/DC/USEPA/US  
 To: Gina McCarthy/DC/USEPA/US@EPA  
 Cc: Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
 Date: 04/08/2010 08:10 PM  
 Subject: Re: Area Source Boiler MACT

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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy

(b) (5) Deliberative

04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
 To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
 Cc: Richard Windsor/DC/USEPA/US@EPA  
 Date: 04/08/2010 07:04 PM  
 Subject: Area Source Boiler MACT

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5)

[Redacted]. We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3744

Richard Windsor/DC/USEPA/US  
04/08/2010 08:30 PM

To: Gina McCarthy  
cc  
bcc: Diane Thompson  
Subject: Re: Area Source Boiler MACT

tx Gina.

Gina McCarthy

(b) (5) Deliberative

04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/08/2010 07:04 PM  
Subject: Area Source Boiler MACT

(b) (5) Deliberative

(b) (5)

We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3745

**Lisa  
Heinzerling/DC/USEPA/US**  
04/08/2010 08:46 PM

To Gina McCarthy, Bob Sussman  
cc Bob Perciasepe, "Heinzerling Lisa", Richard Windsor, "Bob Sussman"  
bcc

Subject Re: Area Source Boiler MACT

I'm free to meet any time in the time you're available. Thanks, Gina.  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 04/08/2010 08:21 PM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Heinzerling.Lisa@EPA.GOV; Richard Windsor; Sussman.bob@EPA.GOV  
**Subject:** Re: Area Source Boiler MACT

I can be back from an event by 11:15 and I am free until 1 or so. If anytime in that period would work - and you think an more in-depth briefing is needed - it would be great to do it in that time slot. If not, I can always see if Janet can cover it and connect Steve and Peter by phone.

Bob Sussman [thanks gina. might tomorrow morning w...](#) 04/08/2010 08:10:14 PM

From: Bob Sussman/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
Date: 04/08/2010 08:10 PM  
Subject: Re: Area Source Boiler MACT

thanks gina. might tomorrow morning work for a briefing?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy [Attached is the one-page summary that...](#) 04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/08/2010 07:04 PM  
Subject: Area Source Boiler MACT

(b) (5) Deliberative  
[Redacted]

(b) (5)

We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3748

**Lisa  
Heinzerling/DC/USEPA/US**  
04/08/2010 09:27 PM

To Richard Windsor, David McIntosh  
cc  
bcc  
Subject Re: interesting

(b) (5) Deliberative  
[Redacted]

Etc.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/08/2010 09:15 PM EDT  
**To:** David McIntosh; Lisa Heinzerling  
**Subject:** Re: interesting

(b) (5) Deliberative  
[Redacted]

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/08/2010 08:58 PM EDT  
**To:** Richard Windsor; Lisa Heinzerling  
**Subject:** Re: interesting

(b) (5) Deliberative  
[Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/08/2010 08:23 PM EDT  
**To:** Lisa Heinzerling; David McIntosh  
**Subject:** interesting

<http://www.grist.org/article/2010-04-08-the-problem-with-a-green-economy-economics-hates-the-environment/>



01268-EPA-3749

**Bob Sussman/DC/USEPA/US**

To Gina McCarthy

04/09/2010 08:43 AM

cc Bob Perciasepe, Heinzerling.Lisa, Richard Windsor,  
Sussman.bob

bcc

Subject Re: Area Source Boiler MACT

I can do 11:30 and would like the briefing. Bob P is in Boston and may not be able to participate although we can give him a call-in option. lisa?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy | I can be back from an event by 11:15 a... 04/08/2010 08:21:27 PM

From: Gina McCarthy/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
Date: 04/08/2010 08:21 PM  
Subject: Re: Area Source Boiler MACT

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Bob Sussman | thanks gina. might tomorrow morning w... 04/08/2010 08:10:14 PM

From: Bob Sussman/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
Date: 04/08/2010 08:10 PM  
Subject: Re: Area Source Boiler MACT

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Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy | Attached is the one-page summary that... 04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/08/2010 07:04 PM  
Subject: Area Source Boiler MACT

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5)

. We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3750

**Lisa  
Heinzerling/DC/USEPA/US**  
04/09/2010 08:46 AM

To Bob Sussman, Gina McCarthy  
cc Bob Perciasepe, "Heinzerling Lisa", Richard Windsor, "Bob Sussman"  
bcc  
Subject Re: Area Source Boiler MACT

11:30 works for me.  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 04/09/2010 08:43 AM EDT  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Heinzerling.Lisa@EPA.GOV; Richard Windsor; Sussman.bob@EPA.GOV  
**Subject:** Re: Area Source Boiler MACT

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Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy [I can be back from an event by 11:15 a...](#) 04/08/2010 08:21:27 PM

**From:** Gina McCarthy/DC/USEPA/US  
**To:** Bob Sussman/DC/USEPA/US@EPA  
**Cc:** Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
**Date:** 04/08/2010 08:21 PM  
**Subject:** Re: Area Source Boiler MACT

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**To:** Gina McCarthy/DC/USEPA/US@EPA  
**Cc:** Bob Perciasepe/DC/USEPA/US@EPA, Heinzerling.Lisa@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA, Sussman.bob@EPA.GOV  
**Date:** 04/08/2010 08:10 PM  
**Subject:** Re: Area Source Boiler MACT

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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Gina McCarthy [\(b\) \(5\) Deliberative](#) ... 04/08/2010 07:04:36 PM

From: Gina McCarthy/DC/USEPA/US  
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/08/2010 07:04 PM  
Subject: Area Source Boiler MACT

---

(b) (5) Deliberative



(b) (5)

We would like to get this to them asap. Thanks

[attachment "areasourceboliers.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3752

**Richard Windsor/DC/USEPA/US**  
04/12/2010 07:15 PM

To Scott Fulton, Bob Perciasepe, Gina McCarthy, Lisa Heinzerling, Bob Sussman  
cc  
bcc

Subject Re: Boiler MACT

Thanks. (b) (5) Deliberative, (b) (5) Attorney Client  
Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 04/12/2010 07:05 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Gina McCarthy; Lisa Heinzerling; Bob Sussman  
**Subject:** Boiler MACT

(b) (5) Deliberative, (b) (5) Attorney Client

01268-EPA-3753

**Bob Perciasepe/DC/USEPA/US**  
04/12/2010 08:04 PM

To Richard Windsor  
cc Bob Sussman, Gina McCarthy, Lisa Heinzerling, Scott Fulton  
bcc  
Subject Re: Boiler MACT

Thanks Scott, and thank any one on the team who was involved.

(b) (5) Deliberative, (b) (5) Attorney Client  
Scott, Lisa thoughts?

Bob Perciasepe  
Deputy Administrator

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

Richard Windsor [Thanks.](#) (b) (5) Deliberative, (b) (5) Attorney Client 04/12/2010 07:15:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 04/12/2010 07:15 PM  
Subject: Re: Boiler MACT

Thanks. (b) (5) Deliberative, (b) (5) Attorney Client

Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 04/12/2010 07:05 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Gina McCarthy; Lisa Heinzerling; Bob Sussman  
**Subject:** Boiler MACT

(b) (5) Deliberative, (b) (5) Attorney Client

01268-EPA-3754

**Richard Windsor/DC/USEPA/US**  
04/12/2010 08:17 PM

To Bob Perciasepe  
cc Bob Sussman, Gina McCarthy, Lisa Heinzerling, Scott Fulton  
bcc  
Subject Re: Boiler MACT

Sounds fine to me.  
Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 04/12/2010 08:04 PM EDT  
**To:** Richard Windsor  
**Cc:** Bob Sussman; Gina McCarthy; Lisa Heinzerling; Scott Fulton  
**Subject:** Re: Boiler MACT

Thanks Scott, and thank any one on the team who was involved.

(b) (5) Deliberative, (b) (5) Attorney Client  
?

Bob Perciasepe  
Deputy Administrator

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

Richard Windsor (b) (5) Deliberative, (b) (5) Attorney Client -----... 04/12/2010 07:15:31 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Date:** 04/12/2010 07:15 PM  
**Subject:** Re: Boiler MACT

Thanks. (b) (5) Deliberative, (b) (5) Attorney Client

Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 04/12/2010 07:05 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Gina McCarthy; Lisa Heinzerling; Bob Sussman  
**Subject:** Boiler MACT

(b) (5) Deliberative, (b) (5) Attorney Client





01268-EPA-3760

**Mathy  
Stanislaus/DC/USEPA/US**  
04/14/2010 07:51 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman"  
cc  
bcc

Subject Fw: Final Draft

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

From: Lisa Evans [levans@earthjustice.org]  
Sent: 04/13/2010 06:41 PM MST  
To: Mathy Stanislaus  
Subject: Final Draft

Mathy:

Attached please find the final draft of tomorrow's letter. The date and final total of groups will be added. I'll send the final as soon as possible tomorrow morning.

Best,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

\*please consider the environment before printing

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President Obama CEO Coal Ash Letter\_FINAL DRAFT.docx

April 14, 2010

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

Dear Mr. President:

The undersigned groups represent more than 240 public interest organizations in all 50 states plus the District of Columbia. On behalf of our millions of members and supporters, we urge you to protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment – and for which there are no current federal regulations.

Following the disastrous spill of more than 1 billion gallons of coal ash from the Tennessee Valley Authority's Kingston Fossil Plant in December 2008, 109 directors of environmental groups called upon EPA Administrator Lisa Jackson to develop federally enforceable standards for regulating coal combustion waste. Shortly thereafter, Administrator Jackson pledged to publish a regulatory proposal by December 2009. In keeping with her commitment, Administrator Jackson submitted a draft coal ash rule to the White House Office of Management and Budget (OMB) in October 2009 – but over five months later, this rule remains under review at OMB. The undersigned 243 public interest groups ask you to side with the public and sound science to ensure a rule that protects people and the environment is released in April.

Continued delay in the issuance of federal regulations for the disposal of the 136 million tons of toxic coal combustion waste generated annually is dangerous and unacceptable. Unmitigated harm, often to poor and minority communities, continues to threaten the lives and environment of millions of Americans. Communities near America's thousands of coal ash dumps are threatened with poisoned drinking water, polluted waterways, and life-threatening failures of decades-old dams. The failure to act makes another catastrophic failure, like the disaster in Kingston, ever more likely, and it makes the poisoning of additional water sources a near certainty.

Releasing the draft rule would trigger the public process of rulemaking, thereby ensuring a fair and open process in which all stakeholders have an equal opportunity to address the complexities of the proposed rule. Until the draft rule is released for public comment, the debate occurs almost entirely behind closed doors. Industry groups that oppose mandatory federal standards have had more than 30 meetings with OMB on this rule – more than ever before on any single topic. These groups continue to present unfounded claims of power plant closures and exaggerated cost estimates as "fact," thereby fomenting widespread but unwarranted fear of EPA regulations.

One of the issues industry is using to slow down the rulemaking process is the argument that the regulation of coal combustion waste will place a stigma on the recycling of fly

ash. We believe this argument is overstated. Our groups support the beneficial use of fly ash. We do not expect the reuse of fly ash to decrease if the disposal of ash is regulated as hazardous waste. On the contrary, companies will be able to avoid the hazardous waste requirements by using coal ash beneficially. Therefore, we think coal ash regulation will promote more beneficial use. However, if the coal ash is not going to be reused or recycled, then it needs to be disposed of following tailored hazardous waste rules.

The EPA's latest scientific findings lend urgency to the promulgation of federally enforceable standards. New EPA leach tests, specifically designed for coal ash, reveal that toxic chemicals such as arsenic, chromium and selenium, can leak from coal combustion waste in concentrations far exceeding the threshold that the EPA uses to identify hazardous waste. The EPA also found that the cancer risk for children exposed to arsenic in drinking water from unlined ash ponds is as high as 1 in 50, which is 2,000 times the EPA's goal of reducing cancer risk to 1 in 100,000 individuals.

Further, leading coal combustion waste (CCW) scientists, with more than 100 years of combined research experience on the environmental fate and toxic impacts of coal ash, recommend federally enforceable standards. Drs. E. Dennis Lemly and Christopher Rowe, among others, recently submitted a letter to OMB stating "Make no mistake about it, CCW is a deadly poison to fish and wildlife, and a threat to human health when improperly managed." They conclude:

Some of the most destructive and pressing environmental problems with CCW are not 'in the distant past' but are taking place NOW using 'state approved' disposal practices. Threats and impacts are not being addressed by the coal power industry and they will not go away. They will be a recurring, escalating problem unless adequate regulatory controls are put in place. State efforts are inadequate .... federal regulatory oversight is necessary. Experience shows that CCW's will need to carry a hazardous waste 'C' designation if they are to be regulated and disposed in a manner that will afford adequate protection to fish and wildlife, as well as humankind.

We urge you to consider the EPA's latest scientific findings and the recommendations of scientific experts and put an end to further delay.

Thus the undersigned [number] public interest organizations, representing several million citizens, respectfully ask the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect all United States citizens and their environment from a truly toxic substance.

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John McFadden, Ph.D.  
Executive Director  
Tennessee Environmental Council  
Nashville, TN

The Rev. Douglas B. Hunt  
Executive Director  
Tennessee Interfaith Power and Light  
Knoxville, TN

Paloma Galindo  
President  
United Mountain Defense  
Knoxville, TN

TEXAS

Travis Brown  
President  
Neighbors for Neighbors  
Austin, TX

Susana Almanza  
Co-Director  
PODER  
Austin, TX

Karen Hadden  
Sustainable Energy and Economic  
Development Coalition  
Austin, Texas

UTAH

Brian Moench, MD  
President  
Utah Physicians for a Healthy  
Environment  
Salt Lake City, UT

Paul Van Dam  
Executive Director  
Citizens for Dixie's Future  
Hurricane, UT

VERMONT

David K. Mears  
Director  
Environmental and Natural Resources  
Law Clinic at Vermont Law School  
South Royalton, VT

Sam Swanson  
President  
Vermont Interfaith Power and Light  
Burlington, VT

Elizabeth Courtney  
Executive Director  
Vermont Natural Resources Council  
Montpelier, VT

Paul Burns  
Executive Director  
Vermont Public Interest Research Group  
Montpelier, VT

VIRGINIA

Jeff Turner  
Riverkeeper  
Blackwater Nottoway Riverkeeper  
Program  
Sedley, VA

James A. McGrath  
Chair  
Concerned Citizens of Giles County  
Pearisburg, VA

Sam Broach  
President  
Southern Appalachian Stewards  
Big Stone Gap, VA

Frederick S. Middleton III  
Executive Director and President  
Southern Environmental Law Center  
Charlottesville, VA

WASHINGTON

LeeAnne Beres  
Executive Director  
Earth Ministry/Washington Interfaith  
Power and Light  
Seattle, WA

Heather Shute  
Advocate  
Environment Washington  
Seattle, WA

Rick Eichstaedt  
Attorney  
Spokane Riverkeeper  
Spokane, WA

Crina Hoyer,  
Interim Executive Director  
North Sound Baykeeper  
RE Sources for Sustainable  
Communities  
Bellingham, WA

WEST VIRGINIA

Judy Bonds  
Executive Director  
Coal River Mountain Watch  
Whitesville, WV

Duane G. Nichols, Ph.D.  
Spokesperson  
Mon Valley Clean Air Coalition  
Morgantown, WV

Janet Keating  
Executive Director  
Ohio Valley Environmental Coalition  
Huntington, WV

Cindy Rank  
Mining Committee Chair  
West Virginia Highlands Conservancy  
Charleston, WV

Shanda Minney  
Executive Director  
West Virginia Rivers Coalition  
Elkins, WV

WISCONSIN

Mark Redsten  
Executive Director  
Clean Wisconsin  
Madison, WI

Cheryl Nenn  
Riverkeeper  
Milwaukee Riverkeeper  
Milwaukee, WI

Michael Vickerman  
Executive Director  
RENEW Wisconsin  
Madison, WI

WYOMING

Bob LeResche  
Chair  
Powder River Basin Resource Council  
Sheridan, WY

Kate Wright  
Executive Director  
Wyoming Conservation Voters  
Cheyenne, WY

01268-EPA-3775

**Richard Windsor/DC/USEPA/US**  
04/15/2010 06:48 PM

To Craig Hooks  
cc  
bcc

Subject Re: Friday, April 16, 2010 Schedule for Lisa P. Jackson

Who?

Craig Hooks

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

**From:** Craig Hooks  
**Sent:** 04/15/2010 06:21 PM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; "Scott Fulton" <fulton.scott@epa.gov>; "Bob PERCIASEPE" <PERCIASEPE.bob@epa.gov>  
**Subject:** Fw: Friday, April 16, 2010 Schedule for Lisa P. Jackson  
Did you see who is introducing Salazar at 8:55am!!?? That's impressive. He obviously has some serious connections.  
Daniel Gerasimowicz

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

**From:** Daniel Gerasimowicz  
**Sent:** 04/15/2010 05:36 PM EDT  
**To:** Darlene Yuhas; Ann Campbell; Nena Shaw; Beth Zelenski; Venu Ghanta; Colleen Flaherty; Dennis James; Gladys Stroman; Aaron Dickerson; Charles Imohiosen; Matt Bogoshian; Clay Diette; Megan Cryan; Adora Andy; Candace White; Nancy Stoner; Daniel Kanninen; Marygrace Galston; Debbie Dietrich; Lisa Garcia; Paul Anastas; Alecia Allston; Barbara Bennett; Heidi Ellis; Christopher Busch; Clay Diette; Stephanie Owens; Bob Perciasepe; Craig Hooks; Michelle DePass; Steve Owens; Peter Silva; Peter Grevatt; Sarah Pallone; Mathy Stanislaus; Cynthia Giles-AA; Gina McCarthy; Alicia Kaiser; Lawrence Elworth; Seth Oster; Katharine Gage; Stephanie Washington; Diane Thompson; Arvin Ganesan; Marcus McClendon; Ray Spears; Sarah Dale; Georgia Bednar; Carla Veney; Scott Fulton; Bob Sussman; Allyn Brooks-LaSure; Richard Windsor; Eric Wachter; (b) (6) Privacy Robert Goulding; Lisa Heinzerling; David McIntosh  
**Subject:** Friday, April 16, 2010 Schedule for Lisa P. Jackson  
\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator  
Friday, April 16, 2010**

Notes:

Drivers

AM (b) (6) Privacy

Shift Leaders

AM (b) (6) Privacy 2 (b) (6) Privacy  
PM (b) (6) Privacy

Staff Contact

Robert Goulding 202-596-0245

08:00 AM - 08:45 AM Residence

Depart for DOI

08:15 AM - 08:45 AM En Route

1 on 1 with Cynthia Giles (Call)  
Ct: Linda Huffman (OECA) 564-2440

Call-in information:

(b) (6) Privacy  
code: (b) (6) Privacy

Optional attendees: Bob Perciasepe, Diane Thompson, Bob

## Sussman (OA)

08:45 AM - 09:15 AM	Administrator's Office	FYI Daily Meeting
08:45 AM - 08:55 AM	DOI- MIB Library	<p>Arrival of Principals</p> <p>8:45am- Arrival of Secretary Vilsack, Chair Sutley, and Administrator Jackson</p> <p>-Tim Hartz and Steve Hargrave will greet the above principals and take them to the holding room back stage</p> <p>-Jordan will escort Secretary Salazar, Tom Strickland, and David Hayes down to the auditorium</p> <p>8:55am- Jordan will brief the speakers on morning program and movements</p> <p>-Voice of God will introduce Secretary Salazar</p>
09:00 AM - 09:10 AM		<p>Welcome from Sec Salazar</p> <p>-After remarks, Secretary Salazar will return back stage</p>
09:10 AM - 09:20 AM		<p>Opening Remarks from Chair Sutley</p> <p>-After remarks, Chair Sutley will return back stage</p>
09:20 AM - 09:30 AM		<p>Opening Remarks from Sec Vilsack</p> <p>After remarks, Secretary Vilsack will return back stage</p>
09:30 AM - 09:40 AM		<p>Opening Remarsk from Admin. Jackson</p> <p>-After remarks, Administrator Jackson will return back stage</p> <p>-Salazar, Vilsack, Sutley, and Jackson will remain back stage until POTUS departs</p> <p>-Voice of God will introduce the AGO video</p>
09:40 AM - 09:50 AM		<p>America's Great Outdoors Video</p> <p>-Salazar, Vilsack, Sutley, and Jackson will be able to view the video on the back stage monitor</p> <p>-Tim escorts Dr. Jane Lubchenco, Jo-Ellen Darcy, and Dorothy Robyn to backstage (Kallie will help identify the above people in the audience)</p>
10:05 AM - 10:10 AM		<p>POTUS Arrives MIB</p> <p>-POTUS will be greeted by Salazar, Vilsack, Sutley, Jackson, Lubchenco, Darcy, and Robyn upon arrival</p> <p>-Following the greeting, Lubchenco, Darcy, Robyn, Jackson, Vilsack, and Salazar will walk onto the stage together and take their position behind the signing table (there will be toe marks with principal's last name)</p>

10:10 AM - 10:15 AM	Chair Sutley Introduces POTUS Sutley will acknowledge all the principal's on stage and then she will introduce POTUS
10:15 AM - 10:45 AM	POTUS Speaks and signs AGO Memorandum
10:45 AM - 11:15 AM	Break -Salazar remains on stage to make the "housekeeping announcements" -Jackson, Vilsack, and Sutley will return backstage. Jordan will escort them back into the hold room
11:15 AM - 12:20 PM	Panel 1 & Q&A Panel 1: Connecting lands and people through private lands  11:15 - 12 PM  Secretary Vilsack, moderator 1. Mayor Cory Booker, Mayor of Newark, New Jersey 2. Ray McCormick, VP of the Indiana Association of Soil and Water Conservation Districts 3. Jaime Pinkham, VP of the Archibald Bush Foundation 4. Lynne Sherrod, Western Policy Manager at the Land Trust Alliance  Panel 1 Q&A 12 PM - 12:20 PM -Secretary Vilsack will moderate the Q & A from the podium -Following the Q & A, Vilsack will announce a 10 minute break for the panel change -Jordan will escort Panel 1 speakers back stage and then Tim will escort panel 1 speakers to their front row seats
12:20 PM - 12:30 PM	Break
12:30 PM - 01:30 PM	Panel 2 & Q&A Panel 2: Connecting lands and people through public lands 12:30 - 1:15 PM  Secretary Salazar, moderator 1. Governor Bill Richardson, New Mexico 2. Bill Cronon, Professor of History, Geography, and Environmental Studies at the University of Wisconsin-Madison 3. Sally Jewell, CEO of REI 4. Gary Myers, Former Executive Director of Tennessee Wildlife Resources Agency

5. Ernesto Pepito, Youth Program Director at Golden Gate National Parks Conservancy

Panel 2 Q&A 1:15 - 1:30 PM

-Secretary Salazar will moderate the Q & A from the podium

-Following the Q & A, Salazar will deliver the conference wrap up

-Panelists remain on stage and in chairs

---

01:30 PM - 01:35 PM

Sec Salazar - Conference wrap up

Secretary Salazar delivers Conference Wrap up and invites Brian Srenar to podium

-Following wrap up, Salazar and remaining panelists will be escorted back stage

by Jordan

-Tim escorts Sutley, Vilsack, Jackson, and Richardson near the back stage

---

01:35 PM - 01:40 PM

Breakout Announcements - Brian Srenar

Brian Srenar delivers the breakout announcements

-Salazar, Sutley, Vilsack, Jackson, and Richardson will be escorted to the

library and will take the library elevator to Salazar's office (they will hold

in Salazar's office, until it is time to go to the penthouse)

-first wave on the elevator will be one member of Salazar's security detail and the following principals: Salazar, Sutley, Vilsack, Jackson, Richardson

---

01:40 PM - 02:00 PM

South Penthouse, MIB

VIP Luncheon

VIP and panelists lunch-

Informal remarks from Administrator Jackson

---

02:00 PM - 02:15 PM

DOI

Depart for Ariel Rios

---

02:15 PM - 02:45 PM

Administrator's Office

Meeting w/ James Cameron

Ct: Michael Martin (b) (6) Privacy

Subj: Climate change and Silent Taxation

Attendees:

James Cameron

Magda Rod, Ricahrd Green (Cameron's Publicists)

Michael Martin

Staff:

Diane Thompson (OA)

Seth Oster (OPA)

Lisa Heinzerling (OPEI)



Optional Attendee:  
Bob Perciasepe (OA)

---

03:00 PM - 03:30 PM Administrator's Office 1 on 1 with (b) (6) Privacy  
Ct: (b) (6) Privacy (b) (6) Privacy

---

03:30 PM - 04:00 PM Administrator's Office 1 on 1 Silva  
Ct: Lori Keyton (OW) 564-5768

Optional attendees:  
Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Pete may attend in person or by calling 564-4700

---

04:00 PM - 04:30 PM Administrator's Office TSCA Briefing  
Ct: Georgia Bednar (OA) 564-9816

Staff:  
Bob Sussman (OA)  
Steve Owens (OPPTS)  
Seth Oster (OPA)  
Arvin Ganesan (OCIR)

---

05:00 PM - 05:05 PM Administrator's Office Call with Senator Whitehouse  
Ct: Sarah Nixon, (b) (6) Privacy

Staff:  
Arvin Ganesan (OCIR)

The Administrator will call Katie Tsimikas at (b) (6) Privacy  
to be connected to the Senator

---

\*\*\* 04/15/2010 05:33:51 PM \*\*\*

01268-EPA-3776

**Richard Windsor/DC/USEPA/US**  
04/15/2010 06:49 PM

To Craig Hooks  
cc  
bcc

Subject Re: Friday, April 16, 2010 Schedule for Lisa P. Jackson

Oh. Got it!  
Craig Hooks

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

**From:** Craig Hooks  
**Sent:** 04/15/2010 06:21 PM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; "Scott Fulton" <fulton.scott@epa.gov>; "Bob PERCIASEPE" <PERCIASEPE.bob@epa.gov>  
**Subject:** Fw: Friday, April 16, 2010 Schedule for Lisa P. Jackson  
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**Sent:** 04/15/2010 05:36 PM EDT  
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**Subject:** Friday, April 16, 2010 Schedule for Lisa P. Jackson  
\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator  
Friday, April 16, 2010**

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AM (b) (6) Privacy

Shift Leaders

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

Staff Contact

Robert Goulding 202-596-0245

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Depart for DOI

08:15 AM - 08:45 AM En Route

1 on 1 with Cynthia Giles (Call)  
Ct: Linda Huffman (OECA) 564-2440

Call-in information:

(b) (6) Privacy  
code: (b) (6) Privacy

Optional attendees: Bob Perciasepe, Diane Thompson, Bob

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Breakout Announcements - Brian Srenar

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---

01:40 PM - 02:00 PM

South Penthouse, MIB

VIP Luncheon

VIP and panelists lunch-

Informal remarks from Administrator Jackson

---

02:00 PM - 02:15 PM

DOI

Depart for Ariel Rios

---

02:15 PM - 02:45 PM

Administrator's Office

Meeting w/ James Cameron

Ct: Michael Martin 612-940-1281

Subj: Climate change and Silent Taxation

Attendees:

James Cameron

Magda Rod, Ricahrd Green (Cameron's Publicists)

Michael Martin

Staff:

Diane Thompson (OA)

Seth Oster (OPA)

Lisa Heinzerling (OPEI)

Optional Attendee:  
Bob Perciasepe (OA)

---

03:00 PM - 03:30 PM	Administrator's Office	1 on 1 with (b) (6) Privacy Ct: (b) (6) Privacy (b) (6) Privacy
---------------------	------------------------	--

---

03:30 PM - 04:00 PM	Administrator's Office	1 on 1 Silva Ct: Lori Keyton (OW) 564-5768
---------------------	------------------------	---

Optional attendees:  
Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Pete may attend in person or by calling 564-4700

---

04:00 PM - 04:30 PM	Administrator's Office	TSCA Briefing Ct: Georgia Bednar (OA) 564-9816
---------------------	------------------------	---

Staff:  
Bob Sussman (OA)  
Steve Owens (OPPTS)  
Seth Oster (OPA)  
Arvin Ganesan (OCIR)

---

05:00 PM - 05:05 PM	Administrator's Office	Call with Senator Whitehouse Ct: Sarah Nixon, (b) (6) Privacy
---------------------	------------------------	--

Staff:  
Arvin Ganesan (OCIR)

The Administrator will call Katie Tsimikas at (b) (6) Privacy to be connected to the Senator

---

\*\*\* 04/15/2010 05:33:51 PM \*\*\*

01268-EPA-3778

**Bob Sussman/DC/USEPA/US**

04/19/2010 10:52 AM

To Gina McCarthy, Mathy Stanislaus

cc Bob Perciasepe, Lisa Heinzerling, Scott Fulton, Avi Garbow,  
Janet McCabe, Lisa Feldt, Lisa Garcia, Diane Thompson

bcc Richard Windsor

Subject Boiler Rulemaking Status

Mathy/Gina --

We talked to the Administrator this morning about the status of the boiler MACT proposal and she expressed a desire to be updated on our progress in addressing the unresolved issues.

Our sense is that the state of play is as follows:

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3779

**Richard Windsor/DC/USEPA/US**  
04/19/2010 11:42 AM

To Bob Sussman  
cc  
bcc  
Subject Re: Boiler Rulemaking Status

Tx Bob!  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 04/19/2010 10:52 AM EDT  
**To:** Gina McCarthy; Mathy Stanislaus  
**Cc:** Bob Perciasepe; Lisa Heinzerling; Scott Fulton; Avi Garbow; Janet McCabe; Lisa Feldt; Lisa Garcia; Diane Thompson  
**Subject:** Boiler Rulemaking Status  
Mathy/Gina --

We talked to the Administrator this morning about the status of the boiler MACT proposal and she expressed a desire to be updated on our progress in addressing the unresolved issues.

Our sense is that the state of play is as follows:

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency



01268-EPA-3791

**Richard Windsor/DC/USEPA/US**  
04/20/2010 09:54 PM

To Allyn Brooks-LaSure  
cc  
bcc

Subject Re: Top Blog Posts for Tues., April 20 - 7:30 pm

You can't know how much that meant to me...  
Allyn Brooks-LaSure

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

**From:** Allyn Brooks-LaSure  
**Sent:** 04/20/2010 09:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Top Blog Posts for Tues., April 20 - 7:30 pm

Some of the running commentary while you were at GW.

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Suzanne Ackerman

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

**From:** Suzanne Ackerman  
**Sent:** 04/20/2010 07:52 PM EDT  
**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin  
**Cc:** Janice Sinclair  
**Subject:** Top Blog Posts for Tues., April 20 - 7:30 pm

[Lisa Jackson](#)

[@LisaPJackson](#) stands up for the environmental movement against Breakthrough -esque concern trolling. Just awesome.

Posted by: [drgrist](#): 7:52 pm Full post:

Funny American Idol joke from [@LisaPJackson](#)! Lord I love this woman.

Posted by: [drgrist](#): 7:45 pm Full post:

Message to [#Obama](#), [@whitehouse](#): put [@lisapjackson](#) on road (with Stephen Chu as opening act) and you will win ...

Posted by: [jisham](#): 7:50 pm Full post:

[@LisaPJackson](#) wants to bring more people into the conversation of climate - I like it!

Posted by: [angelaishere](#): 7:33 pm Full post:

[@LisaPJackson](#): When I look out at an audience of young people, I know this is coming.

Posted by: [Consequence09](#): 7:30 pm Full post:

[@LisaPJackson](#): "I think we're looking at a future where we'll be sued. That's not unusual for the EPA"

Posted by: [climatebrad](#): 7:25 pm Full post:

**Q: You prepared to shut down coal ? @LisaPJackson "I'm prepared to do my job . I'm prepared to enforce the law"**

Posted by: [Consequence09](#) 7:20 pm Full post:

**NYC - Join us in Harlem on Earth Day w/ actor Anthony Mackie , EPA's Lisa Jackson , for a community garden planting!**

Posted by: [greenforall](#): 7:15 pm Full post: <http://bit.ly/bAZY7d>

## **Earth Day**

**Earth Day, April 22, 2010 | US EPA**

Posted by: [ekologica](#) 7:30 pm Full post: <http://bit.ly/aa5p8t>

**USA earth day. More relevant with Icelandic ash causing choas .**

Posted by: [singlemumsmoney](#): 6:15 pm Full post: <http://www.epa.gov/earthday/>

**Watch Earth Day Live on 4/21 at 3:30 p.m. EDT and ask YOUR questions to a team of EPA experts at**

Posted by: [EuropeTechCom](#): 4:25 pm Full post: <http://fbcdn.net/energystar>

**The 40th anniversary of earth day is this Thursday , April 22nd. To find out how little things can mean a lot, go to [www.epa.gov/earthday](http://www.epa.gov/earthday).**

Posted by: [SuziQZ](#): 4:25 pm Full post: <http://www.epa.gov/earthday>

01268-EPA-3792

**Richard Windsor/DC/USEPA/US**  
04/21/2010 11:27 AM

To Allyn Brooks-LaSure  
cc  
bcc

Subject Re: Vice President Biden Kicks Off Five Days of Earth Day Activities with Announcement of Major New Energy Efficiency Effort

(b) (5) Deliberative

Allyn Brooks-LaSure

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

**From:** Allyn Brooks-LaSure  
**Sent:** 04/21/2010 10:09 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Scott Fulton; Diane Thompson  
**Cc:** Seth Oster; Adora Andy; David McIntosh; Arvin Ganesan; Janet Woodka  
**Subject:** Fw: Vice President Biden Kicks Off Five Days of Earth Day Activities with Announcement of Major New Energy Efficiency Effort

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 04/21/2010 10:08 AM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 04/21/2010 10:02 AM  
Subject: Vice President Biden Kicks Off Five Days of Earth Day Activities with Announcement of Major New Energy Efficiency Effort

---

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE  
April 21, 2010

**Vice President Biden Kicks Off Five Days of Earth Day Activities with Announcement of Major New Energy Efficiency Effort**  
***25 Communities Selected for Recovery Act "Retrofit Ramp-Up" Awards***

Washington, D.C. - Vice President Biden will today kick off five days of Administration events around the 40<sup>th</sup> anniversary of Earth Day with the announcement of the selection of 25 communities for up to \$452 million in Recovery Act funding to "ramp-up" energy efficiency building retrofits. Under the Department of Energy's Retrofit Ramp-Up initiative, communities, governments, private sector companies and non-profit organizations will work together on pioneering and innovative programs for concentrated and broad-based retrofits of neighborhoods

and towns – and eventually entire states. These partnerships will support large-scale retrofits and make energy efficiency accessible to hundreds of thousands of homeowners and businesses. The models created through this program are expected to save households and businesses about a \$100 million annually in utility bills, while leveraging private sector resources, to create what funding recipients estimate at about 30,000 jobs across the country during the next three years.

"For forty years, Earth Day has focused on transforming the way we use energy and reducing our dependence on fossil fuel - but this year, because of the historic clean energy investments in the Recovery Act, we're poised to make greater strides than ever in building a nationwide clean energy economy," said **Vice President Biden**. "This investment in some of the most innovative energy-efficiency projects across the country will not only help homeowners and businesses make cost-cutting retrofit improvements, but also create jobs right here in America."

"This initiative will help overcome the barriers to making energy efficiency easy and accessible to all – inconvenience, lack of information, and lack of financing," said **Energy Secretary Steven Chu**. "Block by block, neighborhood by neighborhood, we will make our communities more energy efficient and help families save money. At the same time, we'll create thousands of jobs and strengthen our economy."

In addition to the \$452 million Recovery Act investment, the 25 projects announced today will leverage an estimated \$2.8 billion from other sources over the next 3 years to retrofit hundreds of thousands of homes and businesses across the country. Overall, the program funding was eight times oversubscribed, with more than \$3.5 billion in applications received for the just over \$450 million in Recovery Act funds available, indicating significant demand for investment in energy-saving and job-creating projects like these nationwide.

Grantees will employ innovative financing models to make these savings accessible, for example by offering low and no-interest loans that are repaid through property tax and utility bills. In implementing these projects, grantees will deliver verified energy savings and incorporate sustainable business models, to ensure that buildings will continue to be retrofitted after Recovery Act funds are spent. The Department will use the lessons learned from these pilot programs to develop best-practice guides to comprehensive retrofit programs that can be adopted and implemented by other communities across the country.

The Retrofit Ramp-Up projects, which are part of the overall \$80 billion Recovery Act investment in clean energy and energy efficiency, complement the Obama Administration's 'Recovery through Retrofit' initiative, which lays the groundwork for a self-sustaining and robust home energy efficiency industry. The awards are the competitive portion of DOE's Energy Efficiency and Conservation Block Grant (EECBG) Program, which was funded for the first time under the Recovery Act to help state, local, and tribal communities make strategic investments in improving energy efficiency, reduce energy use and fossil fuel emissions.

Secretary Chu, Interior Secretary Ken Salazar, and Carol Browner, Assistant to the

President for Energy and Climate Change, joined Vice President Biden today for the announcement, which was the first of more than two dozen events and activities Administration officials will participate in around Earth Day. In addition to today's event, the President will host an Earth Day reception with environmental leaders on Thursday, April 22<sup>nd</sup>, a video message from the President will air as part of events on the National Mall on Sunday, April 25<sup>th</sup>, and Administration officials will participate in educational programs with school children, visit wetland and coastal restoration projects and participate in community service projects as part of the President's Earth Day call to action. The events will highlight some of the ways the Administration is working to improve the environment, transform American infrastructure for greater energy-efficiency and build a clean energy economy that supports the jobs of the future. As part of the events, Administration officials will also continue the push for Congress to act on HOME STAR legislation and comprehensive energy and climate change legislation. A full roster of Administration Earth Day activities is below and more information on the President's Earth Day call to action is available at [www.WhiteHouse.gov/EarthDay](http://www.WhiteHouse.gov/EarthDay).

### **Retrofit Ramp-Up Awards**

The following governments and non-profit organizations have been selected for Retrofit Ramp-Up awards. These projects are planned to begin in fall 2010. Final award amounts are subject to negotiation:

Austin, Texas - \$10 million  
Boulder County, Colorado - \$25 million  
Camden, New Jersey - \$5 million  
Chicago Metropolitan Agency for Planning - \$25 million  
Greater Cincinnati Energy Alliance, Ohio - \$17 million  
Greensboro, North Carolina - \$5 million  
Indianapolis, Indiana - \$10 million  
Kansas City, Missouri - \$20 million  
Los Angeles County, California - \$30 million  
Lowell, Massachusetts - \$5 million  
State of Maine - \$30 million  
State of Maryland - \$20 million  
State of Michigan - \$30 million  
State of Missouri - \$5 million  
Omaha, Nebraska - \$10 million  
State of New Hampshire - \$10 million  
New York State Research and Development Authority - \$40 million  
Philadelphia, Pennsylvania - \$25 million  
Phoenix, Arizona - \$25 million  
Portland, Oregon - \$20 million  
San Antonio, Texas - \$10 million  
Seattle, Washington - \$20 million  
Southeast Energy Efficiency Alliance - \$20 million  
Toledo-Lucas County Port Authority, Ohio - \$15 million  
Wisconsin Energy Conservation Corporation - \$20 million

For more information on the selected projects, visit [HERE](#). A map of the selected projects is available [HERE](#).

### **Retrofit By the Numbers**

- Residential and commercial buildings consume **40 percent** of the energy and represent **40 percent** of the carbon emissions in the United States. Building efficiency represents one of the easiest, most immediate and most cost effective ways to reduce carbon emissions and save money on energy bills while creating new jobs:
- Existing techniques and technologies in energy efficiency retrofitting can reduce energy use by **up to 40 percent** per home and lower total associated greenhouse gas emissions by **up to 160 million** metric tons annually.
- Residential and commercial retrofits also have the potential to cut energy bills by **\$40 billion** annually.

### **Administration Official Earth Day Events and Activities**

#### **Interior Secretary Ken Salazar**

*Thursday, April 22 – Washington, DC*

Secretary Salazar will make remarks on the National Mall for Take a Child to Work/40th Anniversary Earth Day/Buddy the Bison Hike sponsored by the National Park Service. Five hundred local students will participate in the event.

#### **Commerce Secretary Gary Locke**

*Wednesday, April 21 – Washington, DC*

Secretary Locke will deliver keynote remarks at the Creating Climate Wealth Summit at Georgetown University's McDonough School of Business. He will address how energy reform can strengthen our security and spur economic growth.

*Thursday, April 22 – Jersey City, NJ*

Secretary Locke will speak in Jersey City, N.J., at the Lincoln Park restoration project that is turning a landfill into a healthy wetland. NOAA funded this habitat restoration project through the American Recovery and Reinvestment Act.

#### **Labor Secretary Hilda Solis**

*Thursday, April 22 – Online Webchat*

On Thursday, Secretary Hilda Solis will host a webchat to discuss issues and opportunities related to Earth Day. Also on Thursday, the Department of Labor will issue a report detailing green job training opportunities made available over the past year, including \$490 million in Recovery Act funding for green jobs training.

*Friday, April 23 – Washington, DC*

On Friday, a Job Corps ceremony will honor a winning Job Corps Center for their green construction project.

**Health and Human Services Secretary Kathleen Sebelius**

*Thursday, April 22 – Chicago, IL*

Secretary Sebelius will hold an Earth Day health event with Housing and Urban Development Deputy Secretary Ron Sims at a Chicago Public Housing Authority site.

**Housing and Urban Development Secretary Shaun Donovan**

*Thursday, April 22 – Washington, DC*

Secretary Donovan will deliver remarks at the Earth Day Network's 40th Anniversary of Earth Day rally on the National Mall, in which he will highlight the President's Earth Day Call to Action and HUD's efforts to develop more sustainable, inclusive neighborhoods, while increasing green job and green housing opportunities for families across the country.

**Transportation Secretary Ray LaHood**

*Thursday, April 22, Secretary LaHood – Chicago, IL*

Secretary LaHood will attend an Earth Day event at Daley Plaza in Chicago. The event includes a school climate video competition for participating school groups and will have alternative fuel vehicles on display.

**Energy Secretary Steven Chu**

*Thursday, April 22 - Washington, DC*

Secretary Chu will speak at an Earth Day celebration for Department of Energy employees.

*Friday, April 23 – Philadelphia, PA*

Secretary Chu will hold a clean energy event in Philadelphia, Pennsylvania, focusing on the benefits of energy efficiency.

**Education Secretary Arne Duncan**

*Thursday April 22 – Washington, DC*

Secretary of Education Arne Duncan will deliver remarks at a ceremony commemorating the 40th anniversary of Earth Day Thursday at the National Mall in Washington. Secretary Duncan will discuss how education can play a role in developing a green economy.

**Environmental Protection Agency Administrator Lisa Jackson**

*Wednesday, April 21 – Pittsburgh, PA*

Administrator Jackson will be in Pittsburgh for an Energy Star event with children from the Sarah Heinz House Boys and Girls Club. This is a club that provides children and teenagers with strong role models and a safe, fun place to go after school, on weekends, and during the summer.

*Thursday, April 22nd - New York City*

The Administrator will participate in an urban-focused community service project with [Green For All](#) at the Grant Houses Community Garden in Manhattan.

Administrator Jackson will take a tour of the garden, deliver remarks to press, students and volunteers and participate in a planting activity with volunteers. The

Administrator will also be a guest on the David Letterman Show to talk about the 40<sup>th</sup> anniversary of Earth Day and the President's clean energy and green jobs agenda.

*Friday, April 23<sup>rd</sup> to Sunday, April 25<sup>th</sup> - Washington, DC*

To commemorate the 40th anniversary of Earth Day, the EPA will be hosting a celebration event Saturday and Sunday, April 24-25, on the National Mall. The event will feature a variety of interactive, family friendly exhibits that highlight the work of the Agency and celebrate its 40th anniversary this year. Administrator Jackson will appear on The National Mall on Friday to visit the Office of Research and Development's P3 student participants and recognize winners. P3 is the next step beyond P2 – pollution prevention – and focuses on the three components of sustainability: people, prosperity, and the planet.

### **White House Council on Environmental Quality Chair Nancy Sutley**

*Sunday, April 25 – Washington, DC*

Chair Sutley will deliver remarks at the Earth Day Network's 40th Anniversary of Earth Day festivities on the National Mall. She will focus on the Obama Administration's environmental agenda, and how the transition to a clean energy economy can create millions of American jobs while reducing our dependence on foreign oil.

### **Acting Deputy Attorney General Gary Grindler**

*Thursday, April 22 – Washington, DC*

The Acting Deputy Attorney General Gary Grindler will attend the Department of Justice's Environment and Natural Resources Division's (ENRD) Earth Day 2010 event on April 22 at [Marvin Gaye Park](#) where it has held its annual Earth Day service celebration since 2004. In those five years, the Division has been able to help the park purchase over \$7,500 worth of trees and landscaping materials as part of the park revitalization event. ENRD has also devoted over 2,500 hours of employee time to planting trees, removing trash, laying sod, and gardening.

### **Deputy Agriculture Secretary Kathleen Merrigan and Agriculture Undersecretary for Rural Development Dallas Tonsager**

*Friday April 23 – Sussex County, DE*

Deputy Agriculture Secretary Kathleen Merrigan will travel to Delaware on Friday to participate in a groundbreaking ceremony for a project that will modernize water quality and public sanitation services in Sussex County through the upgrading of the Inland Bays Wastewater Treatment Facility.

*Friday April 23 – Woodland Park, CO*

Agriculture Undersecretary for Rural Development Dallas Tonsager will travel to Woodland Park, Colorado, where he will participate in an event marking the use of Recovery Act funds to improve drinking water quality in a subdivision.

### **Commerce Department Senior Officials**

*Earth Day Week - Huntington Beach, CA; Cape Hatteras, NC; Seattle, WA; Muskegon Lake, MI; Grande Isle, LA; Maunaloa Bay, HI; Jersey City, NJ; and*



*Florida Keys, FL*

April 17 through 23, the Commerce Department's National Oceanic and Atmospheric Administration (NOAA) leadership will hold events at American Recovery and Reinvestment Act coastal restoration projects in eight states. The events will highlight job creation in Huntington Beach, California; Cape Hatteras, North Carolina; Seattle, Washington; Muskegon Lake, Michigan; Grande Isle, Louisiana; Maunaloa Bay, Hawaii; Jersey City, New Jersey; and Florida Keys, Florida.

**Office of Science and Technology Policy Director John Holdren***Thursday April 22 – Berkley, California*

OSTP Director John Holdren will be in Berkeley, Calif., where he will give a free, public, evening lecture on the topic of: "Science and Technology for Sustainable Well-Being: Priorities and Policies in the Obama Administration," to be held in Sibley Auditorium in the Bechtel Engineering Center at the University of California, Berkeley.

**Veterans Affairs Officials***Week-long*

Hospital Directors and Regional Office Directors will lead Earth Day events at VA health facilities across the country including Martinsburg, WV; North Texas; Clarksburg, VA; Saginaw, MI; Battle Creek, MI; San Diego, CA; Spokane, WA; Fresno, CA; Los Angeles, CA; Long Beach, CA; Reno, NV; Tucson, AZ; Boise, ID; Menlo Park, CA; Palo Alto, CA and Ft. Harrison, MT.

**Treasury Department Initiative***Earth Day Week*

With Americans poised to celebrate the 40th anniversary of Earth Day this week, the U.S. Department of the Treasury announced a broad new initiative to dramatically increase the number of electronic transactions that involve Treasury and millions of citizens and businesses, a move that is expected to save more than \$400 million and 12 million pounds of paper in the first five years alone. Treasury will also make an announcement about a change in the Department's energy consumption that, when coupled with the move from paper to electronic transactions, will greatly reduce Treasury's environmental impact.

**NASA***Earth Day Week – Washington, DC*

NASA is taking part in the celebration of Earth Day's fortieth anniversary on the National Mall in Washington beginning Saturday, April 17. The agency's involvement includes 9 consecutive days of activities and exhibits open to the public. The 'NASA Village,' which contains three domed tents, will highlight the use of NASA science and technology to advance knowledge and awareness about our planet and sustain our environment.

###

01268-EPA-3800

**Richard Windsor/DC/USEPA/US**  
04/23/2010 04:17 PM

To Seth Oster  
cc  
bcc

Subject Re: Kerry-Lieberman -- Jon Stewart Briefing

cool.

Seth Oster

I did the pre-interview for the "Daily Sho...

04/23/2010 04:06:08 PM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/23/2010 04:06 PM  
Subject: Kerry-Lieberman -- Jon Stewart Briefing

I did the pre-interview for the "Daily Show" earlier -- went well -- no surprises. (b) (5) Deliberative

What do you think?

Seth

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

01268-EPA-3812

**David  
McIntosh/DC/USEPA/US**  
04/27/2010 02:29 PM

To Richard Windsor  
cc  
bcc

Subject Fw: Reuters: Senator Kerry says EPA to start climate bill analysis

FYI. I guess this means that we are about to receive it. But we still haven't received it. It's possible that Senator Graham has given his consent, but that his staff is nevertheless hesitant.

----- Forwarded by David McIntosh/DC/USEPA/US on 04/27/2010 02:28 PM -----

From: Brendan Gilfillan/DC/USEPA/US  
To: Seth Oster <oster.seth@epa.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA  
Date: 04/27/2010 02:27 PM  
Subject: Reuters: Senator Kerry says EPA to start climate bill analysis

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## Senator Kerry says EPA to start climate bill analysis

The EPA will examine the economic impact the bill would have from provisions aimed at reducing pollution blamed for global warming.

"We are sending the bill to be modeled now with Lindsey Graham's consent," the Democratic senator told reporters.

On Saturday, Republican Senator Graham announced that he was dropping out of the effort with Kerry and Independent Senator Joseph Lieberman to craft a climate change bill, which would also encourage U.S. production of nuclear energy and offshore oil.

Graham said he was angered by Senate Democratic leaders and the White House talking up the possibility of tackling immigration reform prematurely, complaining it could take away time in the Senate for a climate debate.

On Monday, Graham, speaking to reporters, seemed to go further by saying that any discussion of immigration reform this year, even if it is after passage of a climate bill, would be "breaking faith with me."

Kerry did not respond directly when asked whether he would go ahead with a public unveiling of climate change bill without Graham's support.

"We're working to get this back on track, that's my goal, that's other people's goal and we're sticking by that," Kerry said.

The EPA analysis is an important step in the legislative process. The Congressional Budget

Office also is likely to conduct its own analysis, and the oil industry wants the Energy Department's Energy Information Administration to take an independent look.

## JUNE DEBATE IN THE SENATE

Over the past six months, Kerry, Graham and Lieberman have been writing a bill aimed at reducing U.S. emissions of carbon dioxide and other greenhouse gases by 17 percent by 2020, from 2005 levels.

That goal is in line with commitments President Barack Obama made in Copenhagen last December during an international summit that attempted to set new global goals for tackling environmental problems associated with climate change.

The EPA analysis of their bill could take more than a month to complete and legislation could not be queued up for a full Senate debate until the results are disseminated.

That would put the climate bill on the Senate floor in June at the earliest, but more likely in July. But that assumes that political divisions, of which there are many in addition to Graham's concerns, get resolved.

Last week, the National Research Council reported that the chemistry of the world's oceans was changing at "an unprecedented rate," rapidly becoming more acidic, because of carbon dioxide pollution.

That change threatens coral reefs and some fish species.

Other looming global warming problems, according to scientists, include more severe droughts, flooding of island nations and coastal cities as sea levels rise from ice melt, and worsening refugee problems.

Kerry also has been casting the climate debate in national security tones. He joined veterans of the Iraq war to unveil a clock that counted U.S. revenues Iran would be deprived of as the United States lowers carbon emissions from burning imported oil and from fostering energy independence.

The clock, adorned with Iranian President Mahmoud Ahmadinejad's picture, is measuring \$100 million a day in potential lost revenues to Tehran, which has been engaged in a war of words with Washington over its suspected nuclear weapons program and its alleged human rights violations.

01268-EPA-3813

**Richard Windsor/DC/USEPA/US**  
04/28/2010 01:08 PM

To David McIntosh  
cc  
bcc

Subject Re: Modeling Specs

Cool

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/28/2010 01:02 PM EDT  
**To:** windsor.richard@epa.gov  
**Subject:** Fw: Modeling Specs

FYI. We just received the KGL (or now KL) modeling specs.  
Allen Fawcett

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

**From:** Allen Fawcett  
**Sent:** 04/28/2010 01:00 PM EDT  
**To:** David McIntosh  
**Subject:** Re: Modeling Specs

David,

I assume you'll check with Reid's staff to make sure these are the specs they want us to model. Assuming we get the go ahead, I'll work on scheduling an interagency meeting for early next week.

Allen

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Allen A. Fawcett, Ph.D.  
Climate Economics Branch  
Climate Change Division  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave (6207 J)  
Washington, DC 20460  
(202) 343-9436

"Risley, David (Lieberman)"	Allen, Please use these m...	04/28/2010 12:53:54 PM
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**From:** "Risley, David (Lieberman)" <David\_Risley@lieberman.senate.gov>  
**To:** Allen Fawcett/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
**Cc:** "Rosengarten, Danielle (Lieberman)" <Danielle\_Rosengarten@lieberman.senate.gov>, "Frangione, Kathleen (Foreign Relations)" <Kathleen\_Frangione@foreign.senate.gov>, "Rimkunas, Matt (L. Graham)" <Matt\_Rimkunas@lgraham.senate.gov>  
**Date:** 04/28/2010 12:53 PM  
**Subject:** Modeling Specs

Allen,

Please use these modeling specs to model the Kerry-Graham-Lieberman comprehensive energy and climate bill. I have attached the modeling specs narrative as well as the allocation. I have not included the draft legislative text at this time because we are still working through small details. However, these changes will not affect the modeling and we are requesting that you model the bill

based on these specs.

As you have questions and need clarification or additional information, please call or e-mail me and I will communicate the questions to the staffs to ensure a correct and consistent answer.

This modeling is absolutely imperative to our effort. I know that you all will do your best work. Let's be in touch once you've had a chance to digest some of this. God speed.

David

David Risley  
Office of Senator Joseph Lieberman  
202-224-9849

[attachment "EPA modeling specs 0427 2.doc" deleted by Allen Fawcett/DC/USEPA/US] [attachment "100422 Allocation table.xls" deleted by Allen Fawcett/DC/USEPA/US]

01268-EPA-3815

**Bob Sussman/DC/USEPA/US**

04/28/2010 02:59 PM

To Mathy Stanislaus, Richard Windsor, Bob Perciasepe, Lisa  
Heinzerling, "Janet McCabe"

cc Gina McCarthy, "Larry Elworth", Scott Fulton

bcc

Subject Re: 112/129-DSW; CCR

Mathy. Does [REDACTED] (b) (5) Deliberative

Mathy Stanislaus

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

**From:** Mathy Stanislaus

**Sent:** 04/28/2010 02:49 PM EDT

**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Lisa Heinzerling

**Cc:** Gina McCarthy; Larry Elworth <lelworth@agcenter.org>; Scott Fulton

**Subject:** 112/129-DSW; CCR

[REDACTED] (b) (5) Deliberative

[REDACTED]

01268-EPA-3816

Mathy Stanislaus/DC/USEPA/US  
04/28/2010 03:15 PM

To Bob Sussman  
cc Bob Perciasepe, Gina McCarthy, "Larry Elworth", Lisa Heinzerling, "Janet McCabe", Richard Windsor, Scott Fulton  
bcc  
Subject Re: 112/129-DSW; CCR

(b) (5) Deliberative

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Bob Sussman Mathy. Does the proposed rule itself stil... 04/28/2010 02:59:05 PM

From: Bob Sussman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>  
Cc: Gina McCarthy/DC/USEPA/US@EPA, "Larry Elworth" <llelworth@agcenter.org>, Scott Fulton/DC/USEPA/US@EPA  
Date: 04/28/2010 02:59 PM  
Subject: Re: 112/129-DSW; CCR

Mathy. Does (b) (5) Deliberative

Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 04/28/2010 02:49 PM EDT  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Lisa Heinzerling  
**Cc:** Gina McCarthy; Larry Elworth <llelworth@agcenter.org>; Scott Fulton  
**Subject:** 112/129-DSW; CCR

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-3817

**Bob Sussman/DC/USEPA/US**  
04/28/2010 03:31 PM

To Mathy Stanislaus  
cc Bob Perciasepe, Gina McCarthy, "Larry Elworth", Lisa  
Heinzerling, Janet McCabe, Richard Windsor, Scott Fulton  
bcc  
Subject Re: 112/129-DSW; CCR

Great. Well done.  
Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 04/28/2010 03:15 PM EDT  
**To:** Bob Sussman  
**Cc:** Bob Perciasepe; Gina McCarthy; "Larry Elworth"  
<llelworth@agcenter.org>; Lisa Heinzerling; Janet McCabe; Richard Windsor;  
Scott Fulton  
**Subject:** Re: 112/129-DSW; CCR

**(b) (5) Deliberative**

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Bob Sussman      **Mathy. Does**      **(b) (5) Deliberative**      04/28/2010 02:59:05 PM

**From:** Bob Sussman/DC/USEPA/US  
**To:** Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>  
**Cc:** Gina McCarthy/DC/USEPA/US@EPA, "Larry Elworth" <llelworth@agcenter.org>, Scott Fulton/DC/USEPA/US@EPA  
**Date:** 04/28/2010 02:59 PM  
**Subject:** Re: 112/129-DSW; CCR

Mathy. **(b) (5) Deliberative**

Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 04/28/2010 02:49 PM EDT  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Lisa Heinzerling  
**Cc:** Gina McCarthy; Larry Elworth <llelworth@agcenter.org>; Scott Fulton  
**Subject:** 112/129-DSW; CCR

**(b) (5) Deliberative**

**(b) (5) Deliberative**



01268-EPA-3818

Bob Sussman/DC/USEPA/US

To Scott Fulton

04/28/2010 05:13 PM

cc Bob Perciasepe, Gina McCarthy, Janet McCabe, "Larry Elworth", Lisa Heinzerling, Mathy Stanislaus, Richard Windsor

bcc

Subject Re: 112/129-DSW; CCR

(b) (5) Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Scott Fulton

(b) (5) Deliberative

...

04/28/2010 05:00:52 PM

From: Scott Fulton/DC/USEPA/US  
To: Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA, "Larry Elworth" <llelworth@agcenter.org>  
Date: 04/28/2010 05:00 PM  
Subject: Re: 112/129-DSW; CCR

(b) (5) Deliberative

Janet McCabe

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

From: Janet McCabe  
Sent: 04/28/2010 03:48 PM EDT  
To: Bob Sussman; Mathy Stanislaus; Richard Windsor; Bob Perciasepe; Lisa Heinzerling  
Cc: Gina McCarthy; "Larry Elworth" <llelworth@agcenter.org>; Scott Fulton  
Subject: Re: 112/129-DSW; CCR

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman  
Sent: 04/28/2010 02:59 PM EDT  
To: Mathy Stanislaus; Richard Windsor; Bob Perciasepe; Lisa Heinzerling; Janet McCabe  
Cc: Gina McCarthy; "Larry Elworth" <llelworth@agcenter.org>; Scott Fulton  
Subject: Re: 112/129-DSW; CCR

Mathy. Does (b) (5) Deliberative

Mathy Stanislaus

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

From: Mathy Stanislaus  
Sent: 04/28/2010 02:49 PM EDT

**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Lisa Heinzerling  
**Cc:** Gina McCarthy; Larry Elworth <lelworth@agcenter.org>; Scott Fulton  
**Subject:** 112/129-DSW; CCR

(b) (5) Deliberative



01268-EPA-3823

**Bob Sussman/DC/USEPA/US**

To Richard Windsor

04/29/2010 09:27 AM

cc Arvin Ganesan

bcc

Subject Fw: GAO Review of CWA Coal Permitting

FYI -- House Resources (Rahall) has asked GAO to examine coal mine permitting under Section 404 and the working relationship between EPA and the Corp.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/29/2010 09:26 AM -----

From: Gregory Peck/DC/USEPA/US  
To: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 04/29/2010 08:14 AM  
Subject: GAO Review of CWA Coal Permitting

(b) (5) Deliberative

I'll see if I can find out more.



- Notification letter 361195.pdf

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Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

202-564-5778



**United States Government Accountability Office**  
**Washington, DC 20548**

**Date:** April 28, 2010

**To:** Bob Trent, EPA

**From:** John B. Stephenson, Director, Natural Resources and Environment

**Subject:** Notification of New GAO Assignment

We are starting a new GAO assignment at your agency. Information about the assignment is provided below. If you have any questions about this assignment or need additional information, please call the GAO contacts listed below. Thank you.

Job code	361195	
Title	EPA and Corps Section 404 Review	
Source	GAO is beginning this work in response to a request made by the House Natural Resources Committee.	
Objectives	<ul style="list-style-type: none"> <li>• How many surface coal mining permits are at each stage of the review process?</li> <li>• To what extent are EPA and the Corps of Engineers communicating and cooperating during the stages of the review process?</li> <li>• To what extent has EPA clearly delineated the requirements necessary to be met for a company to receive a section 404 permit?</li> <li>• Have EPA and the Corps of Engineers devised a plan to process new permits, which were not among those listed as of June 11, 2009?</li> </ul>	
Start date	April 19, 2010	
Completion date	Anticipated early fall 2010	
GAO contacts	Assistant Director	Andrea Brown, (202) 512-3319 <a href="mailto:BrownAW@gao.gov">BrownAW@gao.gov</a>
	Analyst in Charge	Stephen Cleary, (202) 512-3740 <a href="mailto:ClearyS@gao.gov">ClearyS@gao.gov</a>
Agencies/units involved	Environmental Protection Agency: HQ and Regions 3, 4, and 5 Other agencies: Corps of Engineers, Interior's Office of Surface Mining Reclamation and Enforcement, and relevant state agencies.	
Location	Washington, DC	

01268-EPA-3828

Heidi Ellis/DC/USEPA/US  
05/04/2010 10:18 AM

To Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhus, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b) (6) Privacy Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Tuesday, May 4, 2010 Schedule for Lisa P. Jackson

Please note the following changes:

1. A pre-brief for the Gulf Coast Governors call has been added at 1:25 PM.
2. A pre-brief for the congressional briefing have been added at 2 PM.
3. The weekly GHG meeting has been pushed up to 3:15 PM today.
4. A daily call with WH Homeland Security has been added to schedule.
5. The Administrator will not return to the office after the Hill briefing.

Thank you.

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

**Schedule for Lisa P. Jackson EPA Administrator  
Tuesday, May 4, 2010**

Notes:		
Drivers	Shift Leaders	Staff Contact
AM (b) (6) Privacy	AM (b) (6) Privacy (b) (6) Privacy	Heidi Ellis
	PM (b) (6) Privacy	202-355-5212
07:30 AM - 08:00 AM	Residence	Depart for Ariel Rios
08:00 AM - 08:25 AM	Administrator's Office	Call with Senator Cardin Subj: Mountaintop Mining  Ct: Debbie Yamada (Sen. Cardin's Office) (b) (6) Privacy
		Staff: Arvin Ganesan (OCIR) Bob Sussman (OA)
		Attendees:

Senator Cardin, Mike Burke and Sarah Greenberger from Senator Cardin's Office

Chair Nancy Sutley, Jess Maher (Associate Director for Legislative Affairs) and Michael Boots (Associate Director for Land and Water) from CEQ

Mike McCabe

All participants will call into the conference line provided by the Senator's office at:

(b) (6) Privacy  
Meeting ID: (b) (6) Privacy

08:15 AM - 08:45 AM EOC Executive Conference Room

FYI - Oil Spill Update Briefing  
Ct: Erica Canzler (OEM) 564-2359

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Janet Woodka, Heidi Ellis, Robert Goulding (OA)  
Seth Oster, Allyn Brooks-LaSure, Adora Andy, Dale Perry (OPA)  
Arvin Ganesan, Sarah Pallone (OCIR)  
Barbara Bennett (OCFO)  
Al Armendariz, Larry Starfield, David Gray, Sam Coleman, Layla Mansuri (R6)  
Mathy Stanislaus, Barry Breen, Lisa Feldt, Dana Tulis, Kathy Jones, Erica Canzler (OSWER)  
Craig Hooks (OARM)  
Debbie Dietrich (OHS)  
Stan Meiburg, Franklin Hill, Shane Hitchcock (R4)  
Gina McCarthy (OAR)  
Scott Fulton, Mary-Kay Lynch (OGC)  
Pete Silva, Mike Shapiro, Nanci Gelb (OW)  
Paul Anastas, Cynthia Sonich-Mullin (ORD)  
Michelle DePass (OITA)  
Rick Greene (Gulf Breeze Office)

Call-in Number:

(b) (6) Privacy

08:45 AM - 09:15 AM Administrator's Office

Daily Meeting

10:00 AM - 10:30 AM Administrator's Office

Congressional Calls  
Ct: Arvin Ganesan (OCIR) 564-4741

\*The Administrator will call key Congressional members

Staff:

Arvin Ganesan (OCIR)  
Mathy Stanislaus (OSWER)



11:15 AM - 11:45 AM	Administrator's Office	Budget Meeting De-brief Rhonda Robinson (OCFO) 564-0126  Staff: Bob Perciasepe, Diane Thompson (OA)
12:00 PM - 12:50 PM	Bullet Room	Press Call Pre-brief and Press Call Ct: Betsaida Alcantara (OPA)  12-12:20 PM Press call pre-brief  12:30-12:50 PM Press call *the press call will continue to 1PM with Mathy Stanislaus  Staff:  Seth Oster, Adora Andy(OPA) Bob Sussman (OA) Mathy Stanislaus, Lisa Feldt, Robert Dellinger (OSWER)
01:00 PM - 01:25 PM	Administrator's Office	No Meetings
01:25 PM - 01:30 PM	Administrator's Office	Pre-brief for Calls with Gulf Coast Governors ct: Sarah Pallone (OCIR) 564-9601  Call-in: TBD
01:30 PM - 02:00 PM	Administrator's Office	Calls with Gulf Coast Governors Ct: Sarah Pallone (OCIR) 564-9601  Call-in information: (b) (6) Privacy pin: (b) (6) Privacy  Staff: Sarah Pallone (OCIR) Diane Thompson (OA) Seth Oster or Allyn Brooks-LaSure (OPA)
02:00 PM - 02:05 PM	Administrator's Office	Pre-brief for Congressional Briefings ct: Aaron Dickerson  Staff: Arvin Ganesan (OCIR)
02:30 PM - 03:15 PM	Bullet Room	Briefing to discuss Florida Everglades Ct: Carla Veney (OGC) 564-1619

Scott Fulton, Steve Neugeboren, Lee Schroer, Steve Sweeney (OGC)  
 Stan Meiburg, Philips Mancusi-Ungaro (R4)  
 Bob Perciasepe, Bob Sussman (OA)  
 Pete Silva, Nancy Stoner, Ephraim King (OW)  
 Arvin Ganesan (OCIR)  
 Optional: Diane Thompson, Rob Goulding (OA)

(hookup to Admin's conference line needed)

03:15 PM - 04:15 PM	Administrator's Office	Weekly GHG Meeting Ct: Cindy Huang (OAR) 564-7404
		Staff: Bob Perciasepe, Bob Sussman, Diane Thompson (OA) Gina McCarthy, Janet McCabe, Joe Goffman (OAR) Scott Fulton (OGC) Lisa Heinzerling (OPEI)
04:15 PM - 04:30 PM	Ariel Rios	Depart for Capitol Hill Visitors Center
04:30 PM - 06:00 PM	Capitol Visitors Center Auditorium	<p>Congressional Briefings - BP Oil Spill          Ct: Arvin Ganesan (OCIR) 564-4741</p> <p>4:30 Members Briefing          Opening Remarks and Moderator          Secretary Ken Salazar – Opening Remarks and Moderator</p> <p>Presenters</p> <p>Deputy Secretary Jane Lute</p> <p>[DHS' coordination role, spill of national significance, NIC and appointment of Commandant Allen]</p> <p>Commandant Admiral Thad Allen</p> <p>[Update on spill containment/treatment, coastal protection efforts, weather update, oil spill trajectory]</p> <p>Secretary Gary Locke          [Economic issues, fisheries]</p> <p>EPA Administrator Lisa Jackson</p> <p>[Air and water quality issues]</p> <p>Available for Q&amp;A          Carol Browner, Assistant to the President for Energy and Climate Change</p> <p>Liz Birnbaum, Director of Minerals Management Service</p> <p>Eric Schwaab, Assistant Administrator for Fisheries and David Kennedy, Acting Director of National Ocean Service</p>

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05:00 PM - 05:30 PM	EOC Executive Conference Room	FYI-Oil Spill Update Briefing Ct: Erica Canzler (OEM) 564-2359
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Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Janet Woodka, Heidi Ellis, Robert Goulding (OA)  
 Seth Oster, Allyn Brooks-LaSure, Adora Andy, Dale Perry (OPA)  
 Arvin Ganesan, Sarah Pallone (OCIR)  
 Barbara Bennett (OCFO)  
 Al Armendariz, Larry Starfield, David Gray, Sam Coleman, Layla Mansuri (R6)  
 Mathy Stanislaus, Barry Breen, Lisa Feldt, Dana Tulis, Kathy Jones, Erica Canzler(OSWER)  
 Craig Hooks (OARM)  
 Debbie Dietrich (OHS)  
 Stan Meiburg, Franklin Hill, Shane Hitchcock (R4)  
 Gina McCarthy, Janet McCabe (OAR)  
 Scott Fulton, Mary-Kay Lynch (OGC)  
 Pete Silva, Mike Shapiro, Nanci Gelb (OW)  
 Paul Anastas, Cynthia Sonich-Mullin (ORD)  
 Michelle DePass (OITA)  
 Rick Greene (Gulf Breeze Office)

Call-in Number:

(b) (6) Privacy

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06:00 PM - 06:15 PM	Capitol Hill Visitors Center	Depart for Residence
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06:45 PM - 07:15 PM	By Phone	Deepwater Horizon Oil Incident Daily White House Call Ct: Dora Kale, Assistant to John Brennan (WH) (b) (6) Privacy
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BRIDGE NUMBER (b) (6) Privacy

CONFEREE PASSCODE: (b) (6) Privacy

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\*\*\* 05/04/2010 10:10:14 AM \*\*\*