

01268-EPA-5717

**"Sutley, Nancy H."**

&lt;[REDACTED] (b) (6)&gt;

ov&gt;

07/28/2011 11:56 AM

To Richard Windsor, "Cutter, Stephanie", "Carson, Jon"

"Zichal, Heather R.", "Stevens, Clark"

cc "Boots, Michael J.", "Kasdan, Matthew J.", "Wali, Sahar",

"Glunz, Christine M."

bcc

Subject

FYI – This is the Public Policy Institute of California’s annual environmental survey. Always interesting.

## Press Release

### Support Drops for More Nuclear Plants, Rises for Offshore Drilling

On Global Warming, Most Say Effects Have Begun, Favor State Policies

SAN FRANCISCO, July 27, 2011□In the wake of the Japanese nuclear crisis, support for building more nuclear power plants in California has dropped sharply in a statewide survey released today by the Public Policy Institute of California (PPIC), with funding from The William and Flora Hewlett Foundation. Today, 65 percent of adults oppose building more plants and 30 percent are in favor□the lowest level of support since PPIC began asking the question and a 14-point drop since last July (44□ in favor).

Californians are more divided on another key question of energy policy: whether to allow more oil drilling off the California coast. With gas prices high□but not as high as the peak in summer 2008□46 percent favor more drilling and 49 percent are opposed. In the year since the BP oil spill, support for drilling has increased 12 points (34□ in favor, July 2010). There is a partisan divide on this question. Today, Republicans (71□) are twice as likely as Democrats (35□) and far more likely than independents (40□) to favor more drilling. Regional differences also emerge, with residents in the Central Valley (56□), Orange□San Diego Counties (52□), and the Inland Empire (52□) much more likely than those in Los Angeles County (39□) and the San Francisco Bay Area (37□) to favor more drilling. More than half of residents who live in inland counties (54□) support more drilling compared to 42 percent of those who live in coastal counties.

As the Obama administration prepares to announce new fuel-efficiency standards for the U.S. auto industry, there is much more agreement among Californians on this aspect of U.S. energy policy: state residents overwhelmingly (84□) favor requiring automakers to improve fuel efficiency significantly, as do majorities across parties (90□ Democrats, 81□ independents, 76□ Republicans).

"With spikes in gas prices at home and nuclear power failures in Japan, Californians are strongly supportive of policies that encourage more fuel efficiency and renewable energy,□says Mark Baldassare, president and CEO of PPIC.

Support is also strong (80□) for increased federal funding to develop renewable energy sources such as wind, solar, and hydrogen technology. Solid majorities across parties, regions, and demographic groups hold this view. California policy requires that one-third of the state’s electricity come from renewable energy sources by 2020. It gets the support of 77 percent of Californians. What if this policy results in higher electricity bills? Just under half (46□) of adults favor it.

#### **Support for State’s Climate Change Policy**

In a year that has seen both lingering economic distress and extreme weather across the nation, most Californians continue to support the state’s climate change policy. Most believe global warming is a serious threat to the state’s future economy, with 47 percent seeing it as a very serious threat and 28 percent saying it is somewhat serious.

The principle behind AB 32□the California law requiring the state to reduce greenhouse gas emissions to 1990 levels by 2020□enjoys majority support (67□ favor, 21□ oppose, 11□ don’t know). Most (57□) believe that the state government should make its own policies, separate from the federal government’s, to address global warming.

The effects of global warming have already begun in the view of 61 percent of adults. This is an increase

of 7 points since last July (54%) but similar to previous years (61% in 2009, 64% in 2008, 66% in 2007, and 63% in 2006). Another 22 percent say the impact of global warming will occur sometime in the future: 4 percent say it will start within a few years, 7 percent say within their lifetime, and 11 percent say it will affect future generations. Twelve percent say it will never occur. Across parties, Democrats (69%) and independents (62%) are far more likely than Republicans (40%) to say the effects of global warming have already begun. The view that the effects of global warming have begun is up 10 points among Republicans, up 7 points among independents, and similar to last year among Democrats.

#### **Majority Favor State Action to Cut Emissions Now**

Most adults (58%) say California should act now to reduce emissions, while 38 percent prefer to wait until the economy and job situation improve. How do Californians think action to reduce global warming would affect employment? Nearly half (47%) say state action would result in more jobs and 23 percent say it would result in fewer, while 20 percent foresee no change in employment.

"Californians are holding steady in the belief that global warming is underway and threatens the state's future," Baldassare says. "In the wake of federal inaction on the issue, they strongly support the state's climate change policies. With unemployment high, many also see a potential for job creation."

As to their specific concerns about the effects of global warming, Californians are more concerned about increased severity of wildfires (56%), air pollution (48%), and droughts (45%) than about increased flooding (28%). Blacks and Latinos are more likely than Asians and whites to say they are very concerned about each possibility. Less than half of whites are very concerned about any of these potential effects. Residents overwhelmingly favor (79%) government regulation of the release of greenhouse gases from sources such as power plants, cars, and factories to reduce global warming. But they are more divided on one method to do so that is under consideration in California: a cap and trade system. Just over half (54%) favor cap and trade and 36 percent are opposed. One other method, a carbon tax, is somewhat more popular, with 60 percent in favor.

Strong majorities favor several options under discussion at the state and federal level to address climate change: requiring utilities to increase their use of renewable energy (82%), industry to reduce emissions (82%), and automakers to reduce emissions from new cars (81%); encouraging local governments to change the way they plan so as to reduce driving (79%); and requiring buildings and appliances to be more efficient (74%).

#### **Two-Thirds See Regional Air Pollution as a Problem**

Sixty-six percent of Californians consider air pollution in their region a big problem (29%) or somewhat of a problem (37%); 33 percent say it is not a problem. Residents of Los Angeles County (45%), the Central Valley (37%), and the Inland Empire (28%) are more likely than those living in the San Francisco Bay Area (19%) and Orange/San Diego Counties (15%) to say air pollution is a big problem in their regions. Asked about regional air quality over time, 44 percent of adults say it has gotten worse in the last 10 years, 23 percent say it has gotten better, and 18 percent volunteer that it has stayed the same. At the same time, two-thirds of adults are very satisfied (23%) or somewhat satisfied (43%) with the air quality in their region. A third are very dissatisfied (12%) or somewhat dissatisfied (21%).

Californians identify vehicle emissions (23% personal vehicles, 19% commercial vehicles) as contributing the most to air pollution in their region, followed by industry and agriculture (15%), population growth and development (14%), pollution from outside the area (8%), and weather and geography (7%).

Half of Californians say regional air pollution is a serious health threat (19% very serious, 34% somewhat serious, 43% not too serious). And 42 percent of adults report having asthma or an asthmatic family member. Residents are divided when asked if air pollution is a more serious health threat in lower-income areas than in other areas in their region (50% yes, 45% no).

#### **Blacks, Latinos Less Satisfied With Air Quality**

Perceptions of air quality differ among racial groups, with blacks and Latinos having more negative views. Blacks (42%) and Latinos (41%) are more likely than Asians (28%) and far more likely than whites (19%) to say that regional air pollution is a big problem. Latinos and blacks (61% each) are much more likely than Asians (46%) and whites (30%) to say regional quality is worse today than it was 10 years ago. And most blacks (59%) are dissatisfied with regional air quality; just 6 percent are very satisfied, compared to 12 percent of Latinos, 18 percent of Asians, and 34 percent of whites. Blacks (36%) and Latinos (26%) are more likely than whites (14%) or Asians (11%) to see regional air pollution as a very serious health threat.

#### **Depending on Cars, Feeling Pain at the Pump**

A solid majority of Californians (70%) who work part- or full-time say they commute by driving alone. Just 12 percent carpool and even fewer take public transit (8%), walk (3%), or bike (2%) to work. Recent gas price hikes have caused households financial hardship, according to 76 percent. Most (59%) report cutting back significantly on driving, a change that is far more common among lower-income Californians (68%)



than among upper-income residents (47%). Blacks (76%) and Latinos (66%) are more likely than whites (55%) and Asians (54%) to say they have reduced their driving. Across regions, Central Valley and Inland Empire residents (68% each) are the most likely to report cutting back on driving, with residents of the San Francisco Bay Area (51%) the least likely.

### **Brown's Approval Rating at 42 Percent 35 Percent on Environment**

Despite passage of an on-time budget, the job approval ratings of Governor Jerry Brown (42%) and the state legislature (23%) are identical to their ratings in May. When it comes to handling environmental issues, Californians are as likely to be unsure of how the governor is doing (37%) as they are to approve (35%), with 27 percent disapproving. They are more likely to approve of the way the legislature is handling environmental issues (31%) than of the way it is handling issues overall. Still, more than half of Republicans (59%) and independents (54%) and a plurality of Democrats (41%) disapprove of the way the legislature is handling environmental issues.

About half of Californians (52%) approve of President Barack Obama's job performance, similar to March this year (56%) and July 2010 (56%), but down 13 points since July 2009 (65%). When it comes to handling environmental issues, Obama's rating (47%) is similar to July 2010 (49%), but is down 11 points since 2009 (58%).

Congress gets a 25-percent approval rating overall and a 25-percent rating on handling environmental issues.

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### **ABOUT THE SURVEY**

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[Mark Baldassare](#) is president and CEO of PPIC, where he holds the Arjay and Frances Fearing Miller Chair in Public Policy. He is founder of the PPIC Statewide Survey, which he has directed since 1998.

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01268-EPA-5718

**Richard Windsor/DC/USEPA/US**  
07/28/2011 02:55 PM

To "Sutley, Nancy H."  
cc  
bcc  
Subject Re:

Tx

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**From:** "Sutley, Nancy H." [REDACTED] (b) (6)  
**Sent:** 07/28/2011 11:56 AM AST  
**To:** Richard Windsor; "Cutter, Stephanie" [REDACTED] (b) (6); "Carson, Jon" [REDACTED] (b) (6); "Zichal, Heather R." [REDACTED] (b) (6); "Stevens, Clark" [REDACTED] (b) (6)  
**Cc:** "Boots, Michael J." [REDACTED] (b) (6); "Kasdan, Matthew J." [REDACTED] (b) (6); "Wali, Sahar" [REDACTED] (b) (6); "Glunz, Christine M." [REDACTED] (b) (6)

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Support is also strong (80 percent) for increased federal funding to develop renewable energy sources such as wind, solar, and hydrogen technology. Solid majorities across parties, regions, and demographic groups hold this view. California policy requires that one-third of the state’s electricity come from renewable energy sources by 2020. It gets the support of 77 percent of Californians. What if this policy results in higher electricity bills? Just under half (46 percent) of adults favor it.

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01268-EPA-5719

**Steve Owens/DC/USEPA/US**

07/28/2011 06:04 PM

To Richard Windsor

cc Bob Perciasepe, Bob Sussman, Diane Thompson, Aaron  
Dickerson

bcc

Subject OCSPP Update

Ex.5 - Deliberative

OCSPP HIT List.7-28-11.docx

01268-EPA-5720

Diane  
Thompson/DC/USEPA/US  
07/29/2011 07:28 PM

To "Richard Windsor", "Bob Perciasepe"  
cc "Aaron Dickerson", "Dan Kanninen"  
bcc  
Subject Fw: EMBARGOED: WEEKLY ADDRESS: Acting  
Responsibly on Behalf of the American People

FYI

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**From:** "King, Colleen" [REDACTED] (b) (6)  
**Sent:** 07/29/2011 07:17 PM AST  
**To:** "King, Colleen" <[REDACTED]> (b) (6)  
**Subject:** EMBARGOED: WEEKLY ADDRESS: Acting Responsibly on Behalf of the American People

Dear Chiefs of Staff and White House Liaisons,

Please see the President's Weekly Address below, embargoed until 6:00 AM tomorrow.

Thank you.

-- Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

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EMBARGOED UNTIL 6:00 AM ET, SATURDAY, July 30, 2011

## **WEEKLY ADDRESS: Acting Responsibly on Behalf of the American People**

WASHINGTON — In this week's address, President Obama urged both Republicans and Democrats to take action to avoid defaulting for the first time in our nation's history. While the two parties are not far apart in their goals, they must resolve their differences quickly so that the United States can continue paying its Social Security checks, veterans' benefits, and contracts with thousands of American businesses. The time has come to stop endangering the Triple A bond rating of the United States, put aside partisan politics, and behave responsibly to ensure a balanced approach to reducing our nation's deficit.

The audio of the address and video of the address will be available online at [www.whitehouse.gov](http://www.whitehouse.gov) at 6:00 a.m. ET, Saturday, July 30, 2011.

**Remarks of President Barack Obama  
Weekly Address**

**Saturday, July 30, 2011  
Washington, DC**

Today, I'd like to speak with you about the ongoing and urgent efforts to avoid a first-ever default and get our fiscal house in order.

Republicans in the House of Representatives just spent precious days trying to pass a plan that a majority of Republicans and Democrats in the Senate had already said they wouldn't vote for. It's a plan that wouldn't solve our fiscal problems, but would force us to re-live this crisis in just a few short months. It would hold our economy captive to Washington politics once again. If anything, the past few weeks have demonstrated that's unacceptable.

Any solution to avoid default must be bipartisan. It must have the support of both parties that were sent here to represent the American people – not just one faction of one party. There are multiple ways to resolve this problem. Congress must find common ground on a plan that can get support from both parties in the House. And it's got to be a plan that I can sign by Tuesday.

Look, the parties are not that far apart here. We're in rough agreement on how much spending we need to cut to reduce our deficit. We agree on a process to tackle tax reform and entitlement reform. There are plenty of ways out of this mess. But there is very little time.

We need to reach a compromise by Tuesday so that our country will have the ability to pay its bills on time – bills like Social Security checks, veterans' benefits, and contracts we've signed with thousands of American businesses. If we don't, for the first time ever, we could lose our country's Triple A credit rating. Not because we didn't have the capacity to pay our bills – we do – but because we didn't have a Triple A political system to match it. And make no mistake – for those who reflexively oppose tax increases on anyone, a lower credit rating would be a tax increase on everyone – we'd pay higher interest rates on mortgages, car loans, and credit cards.

That would be inexcusable, and entirely self-inflicted by Washington. The power to solve this is in our hands. All that's needed is a simple vote that Democrats and Republicans have taken for decades, including all of the leaders in Congress today. It was done 18 times under President Reagan. 7 times under George W. Bush. And it must be done again now. It's not a vote that allows Congress to spend more money. Raising the debt ceiling simply gives our country the ability to pay the bills Congress has already racked up. It gives the United States of America the ability to keep its word. And it will let businesses and our economy breathe a sigh of relief.

On Monday night, I asked you to make your voice heard in this debate. And the response was overwhelming. One of the emails we received was from a woman named Kelly Smith, who wanted to send this message to Washington:

"I keep my home clean, work hard at a full time job, give my parents any monies I can so they can afford their medications, I pay my bills and by all appearances I am a responsible person. All I'm asking is that you be responsible. I have my house in order and all I'm asking is that you get yours the same way."

Here in Washington, we need to get our house in order. And I have to say, Democrats in Congress and some Senate Republicans have been listening and have shown themselves willing



to make compromises to solve this crisis. Now all of us – including Republicans in the House of Representatives – need to demonstrate the same kind of responsibility that the American people show every day. The time for putting party first is over. The time for compromise on behalf of the American people is now. Thank you.

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01268-EPA-5721

**Diane  
Thompson/DC/USEPA/US**  
08/01/2011 03:41 PM

To Richard Windsor  
cc Aaron Dickerson  
bcc

Subject FW: Fw: Transmittal of writing team work product

Diane E. Thompson  
Chief of Staff  
U.S. Environmental Protection Agency

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/01/2011 03:41:31 PM-----

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

From : Christopher Busch/DC/USEPA/US  
To : Diane Thompson/DC/USEPA/US@EPA  
Cc :  
Sent on : 08/01/2011 03:36:07 PM  
Subject : Fw: Transmittal of writing team work product

-----  
Chris L. Busch  
Policy Analyst & Special Assistant to the Chief of Staff | US EPA  
Office: (202) 250-8798  
Mobile: (202) 450-0968

----- Forwarded by Christopher Busch/DC/USEPA/US on 08/01/2011 03:35 PM -----

From: John Hankinson/DC/USEPA/US  
To: LisaP.Jackson/DC/USEPA/US@EPA, Rachel.Jacobson@sol.doi.gov, lrobinson@noaa.gov, joellen.darcy@us.army.mil, harris.sherman@osec.usda.gov, sericsson (b) (6), Nancy\_H.\_Sutley (b) (6), hzicha (b) (6), Mimi.Drew@dep.state.fl.us, Garret@la.gov, Alice\_Perry@deq.state.ms.us, jp@glo.state.tx.us, dcnr.commissioner@dcnr.alabama.gov, ignacia.moreno@usdoj.gov, david.murk@dot.gov, Steven\_A.\_Fetter (b) (6), bruce.gelber@usdoj.gov, cynthia\_dohner@fws.gov, sally.yozell@noaa.gov, jaineey.bavishi@noaa.gov, julianna.groganbrown@wdc.usda.gov, andrew.hagelin@us.army.mil, Jerry\_L.\_Miller (b) (6), Patrick.casey@usdoj.gov, Carlos\_A.\_Monje (b) (6), Erika\_M.\_Feller (b) (6), kmiller (b) (6), patti.powell@dcnr.alabama.gov, Belva.Schmalfuss@dep.state.fl.us, Kyle.graham@la.gov, helen.young@glo.state.tx.us, trudy\_fisher@deq.state.ms.us, Alice\_Perry@deq.state.ms.us, Eileen\_sobeck@ios.doi.gov, Donald\_Jodrey@ios.doi.gov, rock.salt@us.army.mil, Ellen Gilinsky/DC/USEPA/US@EPA  
Cc: Paulo.Palugod@usdoj.gov, Cheryl.Yates@noaa.gov, allandra.washington@noaa.gov, Rosalind\_Gray@ios.doi.gov, r.townsendtreleaven@conus.army.mil, amanda.lockwood@osec.usda.gov, camille.mittelholtz@dot.gov, kathryn.thomson@dot.gov, Nicholas\_R.\_Har (b) (6), Pramos (b) (6), landerser (b) (6), azelmar (b) (6), Enger.Kinchen@la.gov, sandra.ortiz@glo.state.tx.us, larry.laine@glo.state.tx.us, shanedda.bogan@usdoj.gov, heather.young@noaa.gov, robin.nummy@dcnr.alabama.gov, Robert\_S.\_Nuzum (b) (6), Philip\_M.\_Hernandez (b) (6), Bob.Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Janet.Woodka/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Jose.Lozano/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Ryan.Robison/DC/USEPA/US@EPA, Gulf Coast Task Force Staff  
Date: 07/29/2011 12:46 PM

Subject: Fw: Transmittal of writing team work product

**Task Force Members and Staff,**

I would first like to thank Don Jodrey and all the members of the writing team for their great work over the last two weeks to "draft an actionable, lean, document" from the documents provided by the Task Force staff. I would particularly like to thank Alice Perry for her work coordinating the state elements that will be folded into the Strategy. Obviously we do not have a finished product at this point. As Erika Feller notes in her transmittal document below, we need the input of the Task Force members on behalf of their agencies on the major actions that should be included and on the scope of the document overall.

[REDACTED]

Again, my thanks to the writing team, and I will follow up with them on the additional work that needs to be done to get us across the finish line.

Regards,

John

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

----- Forwarded by John Hankinson/DC/USEPA/US on 07/29/2011 12:02 PM -----

From: "Feller, Erika" <(b) (6)>  
To: John Hankinson/DC/USEPA/US@EPA  
Cc: "Donald\_Jodrey@ios.doi.gov" <Donald\_Jodrey@ios.doi.gov>, "Feller, Erika" <(b) (6)>, "Nuzum, R. Scott" <(b) (6)>, Janet Woodka/DC/USEPA/US@EPA, "alice\_perry@deq.state.ms.us" <alice\_perry@deq.state.ms.us>, Joe Redican/DC/USEPA/US@EPA, "julianna.groganbrown@wdc.usda.gov" <julianna.groganbrown@wdc.usda.gov>, Mary-Kay Lynch/DC/USEPA/US@EPA, Meredith Berger/DC/USEPA/US@EPA, Buck Sutter/DC/USEPA/US@EPA, "Patrick.Casey@usdoj.gov" <Patrick.Casey@usdoj.gov>, "Jainey.Bavishi@noaa.gov" <Jainey.Bavishi@noaa.gov>  
Date: 07/28/2011 06:21 PM  
Subject: Transmittal of writing team work product

John,

On behalf of the writing team, I submit the attached draft of the Gulf Coast Ecosystem Restoration Strategy. We appreciate the support provided by your staff. The remainder of this email outlines the process that the writing team undertook and provides a list of specific areas requiring further Task Force input. We propose that this list serve as the basis for discussion at the Assembly on Monday, August 1<sup>st</sup> and at the Executive Session on August, 12<sup>th</sup>.

Writing team process:

The work of the writing team stems from your request to Don Jodrey to draft an actionable, lean

Strategy document that would fulfill the charge of Executive Order 13554 and that would draw from the documents provided by the Task Force staff. The staff began by outlining the elements of the document and then drafted an executive summary, which served as the basis of discussion at our Assembly meeting earlier this month. The executive summary has since been redrafted to reflect agency and writing team discussions.

In developing the goal sections of this Strategy, several writing team members took the Task Force working paper and condensed it to a suite of goals and "major actions." Work included editing to eliminate redundancy, to make the document less technical, and to make the document more readable. Additionally, a new "state summaries" section was added based on input from Alabama, Mississippi, and Texas (we are still waiting on feedback from Louisiana and Florida). State drafted documents are also attached for your review. These state summaries were important source material for the writing team.

The writing team still has work to do – section IV, which will outline next steps and strategy implementation, has not yet been drafted. We have left a placeholder to indicate the need for additional work and the team would like to develop a draft. We believe that we cannot adequately address this section without direction from Task Force members. We would also appreciate the opportunity to review any additional materials developed by the staff that might inform our efforts.

#### Areas requiring additional Task Force member input

Specific requests and questions (detailed explanations below):

1. Each state and agency is asked to provide specific examples for the major actions in each goal area.
2. Is this the right number and composition of actions? Is this meant to be a comprehensive strategy that outlines the full range of actions needed to restore the Gulf OR is this a lean strategy targeting only the most pressing issues afflicting the Gulf?
3. Should these actions include mechanics and timelines for implementation?

**State examples** – As I mentioned above, the states drafted documents which profiled the key habitats and industries within their jurisdictions. These state documents also outlined state-specific priority actions for each goal. For many of these actions there was overlap – both across states and with the Federal agencies. Moreover, some of these actions were true "actions" while others were examples. The writing team struggled with the best way to implement these "actions," and has ultimately decided to leave out state specific actions from this draft. ***However, the writing team requests that each state and agency review the goals and related action and advise on state- or agency-specific examples for the next iteration of the Strategy.***


**Scope of actions in strategy** – In condensing the working paper, the writing team made some editorial and policy decisions regarding actions to include. Some actions have fallen out, while some actions have been edited to reflect discussions at Assembly and writing team meetings. In part, this process reflects a debate among the writing team and the greater Task Force over the scope of actions in the strategy – is this document meant to be a comprehensive strategy that outlines the full range of actions needed to restore the Gulf? Or is this meant to be a lean strategy targeting only the most pressing issues in the Gulf. At this point, I think the Strategy is a hybrid – it is neither excessively broad, nor is it targeted at one or two actions per goal. ***The Task Force members should review the actions included and consider each on their merits as well as discuss the expected scope and breadth of the Strategy.***


**Nature of actions in strategy** – This current draft does not outline mechanics to implement Strategy


actions. Executive Order 13554 orders the Task Force to “define ecosystem restoration goals and describe milestone for making progress toward attaining these goals.” At this point, it would likely be very difficult to outline specific milestones, performance measures, etc. Developing those elements will take additional time, but the *Task Force members should provide guidance regarding the specific actionability.*


Thank you for your time.


-Erika

 Ex.5 - Deliberative  
Gulf Coast Task Force - Combined Strategy - 2011-07-28 DRAFT.docx

 Ex.5 - Deliberative  
Florida Element Description & Goals (3).doc

 Ex.5 - Deliberative  
msgulfcoast2.doc

 Ex.5 - Deliberative  
Alabama Task Force draft priorities (4) -goals (2) v2.doc

 Ex.5 - Deliberative  
Texas Task Force Goals and Priorities 7-22-11.docx

01268-EPA-5722

**Diane  
Thompson/DC/USEPA/US**  
08/05/2011 08:33 PM

To "Richard Windsor", "Bob Perciasepe"  
cc "Aaron Dickerson", "Dan Kanninen"  
bcc

Subject Fw: EMBARGOED: WEEKLY ADDRESS: Creating Jobs and  
Getting All Americans Back to Work

FYI

---

**From:** "King, Colleen" [REDACTED] (b) (6)  
**Sent:** 08/05/2011 07:29 PM AST  
**To:** "King, Colleen" <[REDACTED]> (b) (6)  
**Subject:** EMBARGOED: WEEKLY ADDRESS: Creating Jobs and Getting All Americans  
Back to Work

Dear Chiefs of Staff and White House Liaisons,

Please see the President's Weekly Address below, embargoed until 6:00 AM tomorrow.

Thank you.

-- Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

---

EMBARGOED UNTIL 6:00 AM ET, SATURDAY, August 6, 2011

## **WEEKLY ADDRESS: Creating Jobs and Getting All Americans Back to Work**

WASHINGTON—In this week's address, President Obama called on Democrats and Republicans to work together to grow the economy and get Americans back to work. The President has outlined a number of steps Congress can take right now to spur growth and create jobs, including extending tax cuts for working and middle class families, cutting red tape to encourage new businesses to grow and hire, passing trade deals that will support tens of thousands of jobs, and giving our out-of-work construction workers opportunities to rebuild our nation's infrastructure.

The audio of the address and video of the address will be available online at [www.whitehouse.gov](http://www.whitehouse.gov) at 6:00 a.m. ET, Saturday, August 6, 2011.

**Remarks of President Barack Obama  
Weekly Address  
Saturday, August 6, 2011**

## Washington, DC

This week, Congress reached an agreement that's going to allow us to make some progress in reducing our nation's budget deficit. And through this compromise, both parties are going to have to work together on a larger plan to get our nation's finances in order. That's important. We've got to make sure that Washington lives within its means, just like families do. In the long term, the health of our economy depends on it.

But in the short term, our urgent mission has to be getting this economy growing faster and creating jobs. That's what's on people's minds; that's what matters to families in this country. And the fact is, this has been a tumultuous year for the economy. We've weathered the Arab Spring's effect on oil and gas prices. The Japanese earthquake and tsunami's effect on supply chains. The economic situation in Europe. And in Washington, there was a contentious debate over our nation's budget that nearly dragged our country into financial crisis.

So our job right now has to be doing whatever we can to help folks find work; to help create the climate where a business can put up that job listing; where incomes are rising again for people. We've got to rebuild this economy and the sense of security that middle class has felt slipping away for years. And while deficit reduction has to be part of our economic strategy, it's not the only thing we have to do.

We need Democrats and Republicans to work together to help grow this economy. We've got to put politics aside to get some things done. That's what the American people expect of us. And there are a number of steps that Congress can take right away, when they return in September.

We need to extend tax cuts for working and middle class families so you have more money in your paychecks next year. That would help millions of people to make ends meet. And that extra money for expenses means businesses will have more customers, and will be in a better position to hire.

Yesterday, I proposed a new tax credit for companies that hire veterans who are looking for work after serving their country. We've got a lot of honorable and skilled people returning from Iraq and Afghanistan, and companies that could benefit from their abilities. Let's put them together.

We need to make sure that millions of workers who are still pounding the pavement looking for jobs are not denied unemployment benefits to carry them through hard times.

We've got to cut the red tape that stops too many inventors and entrepreneurs from quickly turning new ideas into thriving businesses – which holds back our whole economy.

It's time Congress finally passed a set of trade deals that would help displaced workers looking for new jobs, and that would allow our businesses to sell more products in countries in Asia and South America – products stamped with three words: Made in America.

And we ought to give more opportunities to all those construction workers who lost their jobs when the housing boom went bust. We could put them to work right now, by giving loans to



companies that want to repair our roads and bridges and airports, helping to rebuild America.

Those are a few commonsense steps that would help the economy. And these are ideas that have been supported by both Democrats and Republicans in the past. So I'm going to keep calling on both parties in Congress to put aside their differences and send these bills to my desk so I can sign them right away. After all, both parties share power. Both parties share responsibility for our progress. Moving our economy and our country forward is not a Democratic or a Republican responsibility; it is our responsibility as Americans.

That's the spirit we need in Washington right now. That's how we'll get this economy growing faster and reach a brighter day.

Thanks for listening, and have a great weekend.

###

-----

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01268-EPA-5723

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Seth Oster", "Bob Perciasepe", "Diane Thompson", "Laura Vaught"

08/09/2011 02:31 AM

cc

bcc

Subject Fw: NRDC blog post: Out-of-Control Criticism of EPA

Fyi.

Sent from my Blackberry Wireless Device

---

**From:** "Walke, John" [jwalke@nrdc.org]  
**Sent:** 08/08/2011 05:01 PM AST  
**To:** Gina McCarthy; Janet McCabe; <goffman.joe@epa.gov>; <jackson.lis@epa.gov>; Arvin Ganesan; Ellen Kurlansky; Adam Kushner; Steve Page; Peter Tsigotis; "Drew McConville"  
<(b) (6)>; Patricia Embrey; Kevin Mclean; Sam Napolitano; Lydia Wegman; Jonathan Averbach; Mike Thrift; Lea Anderson; Lorie Schmidt; Michael Goo; Nancy Ketcham-Colwill; <ketcham-colwill@epa.gov>; Carol Holmes; Wendy Blake; "Monica Derbes Gibson" <Monica.Gibson@usdoj.gov>; "Thomas Lorenzen \ (ENRD)" <Thomas.Lorenzen@usdoj.gov>  
**Subject:** NRDC blog post: Out-of-Control Criticism of EPA

**John Walke's Blog**

## Out-of-Control Criticism of EPA

Posted August 8, 2011 in [Curbing Pollution](#), [Health and the Environment](#), [U.S. Law and Policy](#)

Tags:

[bushadministration](#), [CAA](#), [cleanairact](#), [congress](#), [mercury](#), [ozone](#), [pnp](#)

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House Republicans insist on accusing the Obama administration of suffering from some kind of regulatory spasm. But they refuse to acknowledge that the Obama Environmental Protection Agency is following federal laws and court orders -- orders issued when the Bush administration failed to abide by the law. By following the law today we will save tens of thousands of lives and avoid hundreds of thousands of illnesses.

In order to understand the basic falsehood of conservative complaints that the Obama administration Environmental Protection Agency is out-of-control, it is vital to understand first the Bush administration's history of adverse judicial rulings and failed regulatory responsibilities.

Only then can you understand the legal obligations facing EPA at the start of the Obama administration. And only then can you begin to appreciate the hypocrisy,

dishonesty and pure partisanship behind most conservative criticism of EPA's actions today.

Here is just a sampling of some of the moderate rhetoric employed by House Republicans today to express their respectful disagreement with the substance of recent EPA health safeguards:

"[T]he scariest agency in the federal government is the EPA. . . . an agency that has lost its bearings." ([Mike Simpson](#) (R-ID))

"[T]he epitome of the continued and damaging regulatory overreach of this Administration" ([Harold Rogers](#) (R-KY))

"EPA's regulatory jihad" ([John L. Mica](#) (R-FL))

"The out-of-control regulation authority" ([Shelley Moore Capito](#) (R-WV))

Similar statements from House or Senate Republicans were notably absent during the prior Republican administration. This despite the fact that federal courts found the Bush administration EPA to have violated federal environmental laws repeatedly and egregiously.

In April 2008, the Bush EPA released a *20-page spreadsheet* of 94 EPA rules or actions under just the Clean Air Act that had been challenged in court until that point during the Bush administration.

As of August 2011, 37 of those cases have been decided by a court, and in nearly two-thirds of those cases (23) the courts overturned the Bush EPA rules. (The remaining 57 cases have either settled, been voluntarily dismissed, voluntarily remanded, or are still pending in court.)

In 15 of those 23 adverse rulings, the courts found that the Bush EPA had contradicted or disregarded the plain language of the Clean Air Act. This is the worst way for EPA to lose a federal environmental lawsuit, because it reflects a court's judgment that the agency defied the plain instructions of the law. Public health and environmental groups were the prevailing parties in 18 of those 23 Clean Air Act rulings against the Bush EPA. These groups prevailed in 13 of the 15 "plain language" court decisions. EPA lost this startling number of Clean Air Act cases because the Bush administration had adopted unlawful regulations that benefited polluting industries at the expense of human health and the environment, despite unambiguous statutory directives requiring otherwise. *This* was truly out-of-control behavior.

These adverse court rulings occurred primarily in the Bush administration's second term, because it took this long for unlawful, deregulatory regulations issued during the first term to wind their way through the courts. When federal courts returned these unlawful regulations to EPA for correction, the Bush administration then failed to re-promulgate these "remanded" rules before leaving office.

Sometimes this failure was for understandable reasons, as the second term was coming to an end. And sometimes the failure was rooted in the same ideological defiance that had resulted in the original court rulings against EPA. A good example of this is the April 2007 Supreme Court ruling in [Massachusetts v. EPA](#) that carbon dioxide is a pollutant under the Clean Air Act; the Bush administration ran the clock out for the last two years of its second term, refusing to respond to the Supreme Court's remand.

When the Obama administration took office in January 2009, it inherited the legal obligation to respond to court orders in not just these 23 Clean Air Act cases, but also in numerous other losing cases under other environmental statutes that EPA administers. The current administration inherited the responsibility to fix a decade-long mess consciously created by the Bush administration and industry

supporters out of a shared ideological-economic agenda to violate environmental laws and weaken public health safeguards.

It is striking how thoroughly today's fiercest EPA critics ignore this history and its implications. Conservative politicians like the House members quoted above, pundits like the [Wall Street Journal editorial board](#), and industry lobbyists ignore this unprecedented wave of Bush administration lawbreaking that the Obama EPA now must rectify.

These EPA critics disregard the multiple years of delay by the Bush administration (and in some cases the Clinton administration before it) that led to missed statutory deadlines for clean air safeguards and other protections. These delays occurred before the Bush administration even got around to adopting rules that the courts then found unlawful.

These critics ignore the subsequent delays that occurred when the Bush administration failed to correct its own illegal actions before leaving office. They show no concern for the delays that have continued while the present EPA re-proposes and re-issues lawful standards. Ones that will not even take place for several more years. All of this adds up to more than a decade denying the American people health safeguards promised by Congress in the Clean Air Act. Worse, these anti-EPA critics show no evident regard for the massive health toll to the American people -- the tens of thousands of deaths, tens of thousands of heart attacks, hundreds of thousands of asthma attacks and other diseases -- that resulted from this campaign of delay and law-breaking by the prior administration.

Where are these current critics' concern for public health, for clean air and water? Where is their concern for congressionally required standards and prescribed statutory deadlines? Where is these lawmakers' concern for the Rule of Law itself?

Where were the outraged press statements and quotes in the media during the last decade from Representatives Whitfield, Upton, and Barton, and Senators Cornyn, DeMint and Inhofe, when a genuinely "out-of-control" Bush EPA broke the law [again](#) and [again](#) and [again](#) and [again](#) and [again](#) and [again](#)? When it repeatedly missed statutory deadlines? When the Bush EPA disregarded science and facts in pursuit of the White House's ideological agenda? (I invite readers to point me to any statements from these members of Congress condemning the Bush EPA for violating the Clean Air Act by adopting insufficiently protective health standards that were overturned in court.)

And for their part, today's industry critics of EPA not only supported the Bush administration's law-breaking, by intervening on the administration's behalf in virtually every lawsuit in which the courts found inadequate standards to have violated the Clean Air Act. Some of these industry groups actively [facilitated](#) the Bush administration's law-breaking, by supplying EPA political appointees with the bogus legal theories that the Bush appointees adopted over the [objections](#) of career EPA staff and attorneys. (It is surely the case that the expert career attorneys in EPA's Office of General Counsel had advised Bush political appointees in advance that some or many of these rules faced very high legal risks or were indefensible on precisely the grounds for which the rules were subsequently invalidated.)

No, these political, pundit-class and industry critics show concern (only when EPA finally follows the law and issues long-overdue health standards to protect the American people. These members of Congress and industry lobbyists reserve their disdain and over-the-top rhetoric for instances in which EPA is responding,

as it must, to court instructions to obey the law. For example, when EPA is following the [unanimous recommendations](#) [pdf] of its science advisors and a [unanimous Supreme Court decision](#) to protect the American people against dangerous smog pollution. When EPA is following a [Supreme Court decision](#) recognizing carbon pollution is pollution, and scientific consensus that this pollution is [dangerous to health and the environment](#) [pdf].

It is especially cynical that congressional conservatives are waging their most hostile assaults against three particular Clean Air Act safeguards: mercury and air toxics standards for [power plants](#), [industrial boilers and incinerators](#), and [cement plants](#). The Bush administration issued illegal standards for each of these industrial sectors, the largest remaining uncontrolled sources of toxic air pollution in the U.S.

These standards already were overdue when issued, and now toxics standards for these sectors are over a decade overdue as a result of the Bush administration's lawbreaking. Yet congressional conservatives want to deny the American people the benefits of enormous mercury and toxic pollution reductions -- tens of thousands of lives saved, and have responded with fury to the Obama EPA's proposal or adoption of lawful standards.

Where is the searching legal analysis from these critics that explains why or how EPA is not following the law? Where is their explanation for why solid and consensus science is wrong? They don't bother. Those are not their concerns. What has become of our political discourse, of basic honesty even, when these vituperative EPA critics do not so much as acknowledge this history of law-breaking that brought us to where we are today? When they do not acknowledge that EPA has a responsibility to follow court orders and federal statutes to adopt long-overdue health protections for Americans?

These critics are advancing a fundamentally dishonest story line. They would have one believe that the Obama administration walked into office and decided to undertake a regulatory jihad against industry, a campaign to end the use of coal.

That is utter nonsense. It ignores the history discussed above and the Rule of Law 101. And it's insulting to the intelligence of people everywhere who care more about the facts and law than political grandstanding and divisive rhetoric. EPA's primary jobs are to implement and enforce federal environmental laws passed by Congress. Yet it is striking how very little of the overheated criticism by congressional conservatives even tries to make the case that EPA is failing to properly carry out our nation's environmental laws.

The next time you read an anti-EPA editorial in the Wall Street Journal, or the hypercritical press statements by conservative congressional critics, try this mental exercise. Estimate what portion of the criticism is a thoughtful explanation why the criticized EPA action is inconsistent with the federal laws that EPA is bound to enforce. Then estimate what portion of the criticism is a conservative-libertarian rhetorical insult that might as well be a macro on the Right's computers.

Once you strip away the rhetoric and the EPA insults, here is the dirty little secret behind the majority of this criticism. When you compare the criticism to the facts of what EPA is actually doing, the laws that EPA is enforcing and defending -- it is precisely *because* EPA is carrying out duly enacted laws that the criticism is so virulent.

And that is why House Republicans have launched [unprecedented assaults](#) to weaken as many of those environmental laws as possible. They know EPA is

enforcing the law and it burns them up.  
These critics resent EPA. But they really *really* resent America's environmental laws.  
So who is more out-of-control?

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Comments (*please note comment policy, below*):

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01268-EPA-5724

**Richard Windsor/DC/USEPA/US**  
08/09/2011 06:54 AM

To Arvin Ganesan  
cc  
bcc

Subject Re: NRDC blog post: Out-of-Control Criticism of EPA

Nice post. Tx.

---

**From:** Arvin Ganesan  
**Sent:** 08/09/2011 02:31 AM EDT  
**To:** Richard Windsor; Seth Oster; Bob Perciasepe; Diane Thompson; Laura Vaught  
**Subject:** Fw: NRDC blog post: Out-of-Control Criticism of EPA

Fyi.

Sent from my Blackberry Wireless Device

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**From:** "Walke, John" [jwalke@nrdc.org]  
**Sent:** 08/08/2011 05:01 PM AST  
**To:** Gina McCarthy; Janet McCabe; <goffman.joe@epa.gov>; <jackson.lis@epa.gov>; Arvin Ganesan; Ellen Kurlansky; Adam Kushner; Steve Page; Peter Tsirigotis; "Drew McConville"  
<(b) (6)>; Patricia Embrey; Kevin Mclean; Sam Napolitano; Lydia Wegman; Jonathan Averbach; Mike Thrift; Lea Anderson; Lorie Schmidt; Michael Goo; Nancy Ketcham-Colwill; <ketcham-colwill@epa.gov>; Carol Holmes; Wendy Blake; "Monica Derbes Gibson" <Monica.Gibson@usdoj.gov>; "Thomas Lorenzen \((ENRD)\)" <Thomas.Lorenzen@usdoj.gov>  
**Subject:** NRDC blog post: Out-of-Control Criticism of EPA

## John Walke's Blog Out-of-Control Criticism of EPA

Posted August 8, 2011 in [Curbing Pollution](#), [Health and the Environment](#), [U.S. Law and Policy](#)

Tags:

[bushadministration](#), [CAA](#), [cleanairact](#), [congress](#), [mercury](#), [ozone](#), [pnp](#)

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that carbon dioxide is a pollutant under the Clean Air Act; the Bush administration ran the clock out for the last two years of its second term, refusing to respond to the Supreme Court's remand.

When the Obama administration took office in January 2009, it inherited the legal obligation to respond to court orders in not just these 23 Clean Air Act cases, but also in numerous other losing cases under other environmental statutes that EPA administers. The current administration inherited the responsibility to fix a decade-long mess consciously created by the Bush administration and industry supporters out of a shared ideological-economic agenda to violate environmental laws and weaken public health safeguards.

It is striking how thoroughly today's fiercest EPA critics ignore this history and its implications. Conservative politicians like the House members quoted above, pundits like the [Wall Street Journal editorial board](#), and industry lobbyists ignore this unprecedented wave of Bush administration lawbreaking that the Obama EPA now must rectify.

These EPA critics disregard the multiple years of delay by the Bush administration (and in some cases the Clinton administration before it) that led to missed statutory deadlines for clean air safeguards and other protections. These delays occurred before the Bush administration even got around to adopting rules that the courts then found unlawful.

These critics ignore the subsequent delays that occurred when the Bush administration failed to correct its own illegal actions before leaving office. They show no concern for the delays that have continued while the present EPA re-proposes and re-issues lawful standards. Ones that will not even take place for several more years. All of this adds up to more than a decade denying the American people health safeguards promised by Congress in the Clean Air Act. Worse, these anti-EPA critics show no evident regard for the massive health toll to the American people -- the tens of thousands of deaths, tens of thousands of heart attacks, hundreds of thousands of asthma attacks and other diseases -- that resulted from this campaign of delay and law-breaking by the prior administration.

Where are these current critics' concern for public health, for clean air and water? Where is their concern for congressionally required standards and prescribed statutory deadlines? Where is these lawmakers' concern for the Rule of Law itself?

Where were the outraged press statements and quotes in the media during the last decade from Representatives Whitfield, Upton, and Barton, and Senators Cornyn, DeMint and Inhofe, when a genuinely "out-of-control" Bush EPA broke the law [again](#) and [again](#) and [again](#) and [again](#) and [again](#) and [again](#)? When it repeatedly missed statutory deadlines? When the Bush EPA disregarded science and facts in pursuit of the White House's ideological agenda? (I invite readers to point me to any statements from these members of Congress condemning the Bush EPA for violating the Clean Air Act by adopting insufficiently protective health standards that were overturned in court.)

And for their part, today's industry critics of EPA not only supported the Bush administration's law-breaking, by intervening on the administration's behalf in virtually every lawsuit in which the courts found inadequate standards to have violated the Clean Air Act. Some of these industry groups actively [facilitated](#) the Bush administration's law-breaking, by supplying EPA political appointees with the bogus legal theories that the Bush appointees adopted over the [objections](#) of career EPA staff and attorneys. (It is surely the case that the expert career

attorneys in EPA's Office of General Counsel had advised Bush political appointees in advance that some or many of these rules faced very high legal risks or were indefensible on precisely the grounds for which the rules were subsequently invalidated.)

No, these political, pundit-class and industry critics show concern only when EPA finally follows the law and issues long-overdue health standards to protect the American people. These members of Congress and industry lobbyists reserve their disdain and over-the-top rhetoric for instances in which EPA is responding, as it must, to court instructions to obey the law. For example, when EPA is following the [unanimous recommendations](#) [pdf] of its science advisors and a [unanimous Supreme Court decision](#) to protect the American people against dangerous smog pollution. When EPA is following a [Supreme Court decision](#) recognizing carbon pollution is pollution, and scientific consensus that this pollution is [dangerous to health and the environment](#) [pdf].

It is especially cynical that congressional conservatives are waging their most hostile assaults against three particular Clean Air Act safeguards: mercury and air toxics standards for [power plants](#), [industrial boilers and incinerators](#), and [cement plants](#). The Bush administration issued illegal standards for each of these industrial sectors, the largest remaining uncontrolled sources of toxic air pollution in the U.S.

These standards already were overdue when issued, and now toxics standards for these sectors are over a decade overdue as a result of the Bush administration's lawbreaking. Yet congressional conservatives want to deny the American people the benefits of enormous mercury and toxic pollution reductions -- tens of thousands of lives saved, and have responded with fury to the Obama EPA's proposal or adoption of lawful standards.

Where is the searching legal analysis from these critics that explains why or how EPA is not following the law? Where is their explanation for why solid and consensus science is wrong? They don't bother. Those are not their concerns. What has become of our political discourse, of basic honesty even, when these vituperative EPA critics do not so much as acknowledge this history of law-breaking that brought us to where we are today? When they do not acknowledge that EPA has a responsibility to follow court orders and federal statutes to adopt long-overdue health protections for Americans?

These critics are advancing a fundamentally dishonest story line. They would have one believe that the Obama administration walked into office and decided to undertake a regulatory jihad against industry, a campaign to end the use of coal.

That is utter nonsense. It ignores the history discussed above and the Rule of Law 101. And it's insulting to the intelligence of people everywhere who care more about the facts and law than political grandstanding and divisive rhetoric. EPA's primary jobs are to implement and enforce federal environmental laws passed by Congress. Yet it is striking how very little of the overheated criticism by congressional conservatives even tries to make the case that EPA is failing to properly carry out our nation's environmental laws.

The next time you read an anti-EPA editorial in the Wall Street Journal, or the hypercritical press statements by conservative congressional critics, try this mental exercise. Estimate what portion of the criticism is a thoughtful explanation why the criticized EPA action is inconsistent with the federal laws that EPA is bound to enforce. Then estimate what portion of the criticism is a conservative-libertarian rhetorical insult that might as well be a macro on the

Right's computers.

Once you strip away the rhetoric and the EPA insults, here is the dirty little secret behind the majority of this criticism. When you compare the criticism to the facts of what EPA is actually doing, the laws that EPA is enforcing and defending -- it is precisely *because* EPA is carrying out duly enacted laws that the criticism is so virulent.

And that is why House Republicans have launched [unprecedented assaults](#) to weaken as many of those environmental laws as possible. They know EPA is enforcing the law and it burns them up.

These critics resent EPA. But they really *really* resent America's environmental laws.

So who is more out-of-control?

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Comment on this post:

Sign in, or just leave a comment below.

First and Last Name:

Email (*Your email address will not be published or shared*):

URL (*optional*):

Comments (*please note comment policy, below*):

Sent from my iPad

01268-EPA-5725

John  
Hankinson/DC/USEPA/US  
08/10/2011 09:13 AM

To Richard Windsor  
cc Diane Thompson, Bob Perciasepe  
bcc  
Subject USDA Initiative

(b) (5)

Attached is a draft agenda (b) (5)

(b) (5)

John

Ex.5 - Deliberative

August 12 Executive Session Agenda 8-9-11 v3.docx

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

01268-EPA-5726

**Diane  
Thompson/DC/USEPA/US**  
08/11/2011 10:32 PM

To "Richard Windsor"  
cc "Michelle DePass", "Jose Lozano"  
bcc  
Subject Fw: Jackson + Poneman Brazil trips

I think u kno this already, but just in case...

---

**From:** "Greenawalt, Andrei" [REDACTED] (b) (6)  
**Sent:** 08/11/2011 08:43 PM AST  
**To:** "Hurlbut, Brandon" <Brandon.Hurlbut@hq.doe.gov>; "Navin, Jeff" <Jeff.Navin@Hq.Doe.Gov>; Diane Thompson; Daniel Kanninen  
**Subject:** Jackson + Poneman Brazil trips

Editing reports and wanted to make sure you all were aware of each other's trips next week. Here are the summaries you sent in:

August 14-19, Administrator Jackson is scheduled to travel to Brazil to launch the US-Brazil Joint Initiative on Urban Sustainability pursuant to President Obama and President Rouseff's announcement in March. The initiative is designed to leverage infrastructure and construction investment associated with the upcoming 2014 World Cup and 2016 Olympic Games for mutually beneficial economic and environmental outcomes. The itinerary includes the first meeting of the Joint Initiative as well as events designed to advance initiatives focused on urban sustainability, economic development and the implementation of community based solutions. The full U.S. delegation will include Philadelphia Mayor Michael Nutter and representatives from the Brazil-US Business Council including Morgan Stanley, Colorado based CH2M Hill (Cornell, Howland, Hayes, Merryfield and Hill), Alcoa, Microsoft Corporation, The Rockefeller Foundation, C40 Climate Leadership Initiative, the MegaCities Project, EKO Asset Management, Wolfensohn & Co., and Harvard University.

—

On August 15, Deputy Secretary Poneman will deliver the keynote address at the Federation of Industries of Sao Paulo (FIESP) Energy Conference to approximately 1,000 industry representatives. In the speech Poneman will underscore U.S.-Brazil energy cooperation. The Deputy Secretary will also use the speech to announce the launch of the U.S.-Brazil Strategic Energy Dialogue and potentially announce a new trade mission to Brazil on behalf of the Department of Commerce. Following the speech, Poneman will host a media roundtable with Brazilian and international reporters based in Sao Paulo.

On August 17, Deputy Secretary Poneman will join with his Brazilian counterparts to launch the U.S.-Brazil Strategic Energy Dialogue. The press plan for the event is still tentative, but is likely to include a photo spray at the top of the event and a one-on-one interview with a key reporter at the end of the day.

Also tentatively on August 17, pending agreement on the language of the Memorandum of

Understanding, Deputy Secretary Poneman may host a signing ceremony for the U.S.-Brazil Megaports Initiative – a National Nuclear Security Administration (NNSA) program focused on enhancing detection capabilities for nuclear and radioactive materials among maritime shipments.




01268-EPA-5727

**Richard Windsor/DC/USEPA/US**  
08/30/2011 03:28 PM

To "Stephanie Cutter"  
cc "Seth Oster"  
bcc  
Subject Blog

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter,  Ex.5 - Deliberative





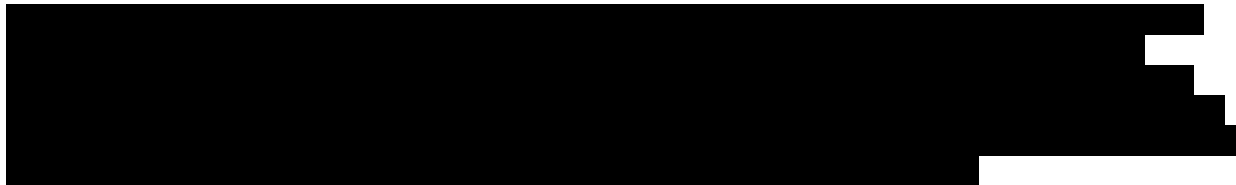
Thanks, Lisa

=====

 Ex.5 - Deliberative

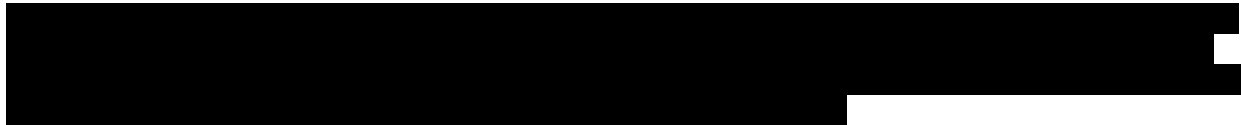














Ex.5 - Deliberative



01268-EPA-5728

"Cutter, Stephanie"

<[REDACTED] (b) (6)>

08/30/2011 03:30 PM

To Richard Windsor

cc Seth Oster

bcc

Subject RE: Blog

Thanks. Are you open to edits on it?

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]

Sent: Tuesday, August 30, 2011 3:29 PM

To: Cutter, Stephanie

Cc: Seth Oster

Subject: Blog

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter, Ex.5 - Deliberative

[REDACTED]

[REDACTED]

Thanks, Lisa

=====

[REDACTED] Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Ex.5 - Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ex.5 - Deliberative



01268-EPA-5729

Richard Windsor/DC/USEPA/US  
08/30/2011 03:33 PM

To "Cutter, Stephanie"  
cc Seth Oster  
bcc  
Subject Re: Blog

Sure. But would really like to get it out soon. Clark has had it and may already have given edits. Lisa

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

From: "Cutter, Stephanie" [REDACTED (b) (6)]  
Sent: 08/30/2011 03:30 PM AST  
To: Richard Windsor  
Cc: Seth Oster  
Subject: RE: Blog

Thanks. Are you open to edits on it?

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 3:29 PM  
To: Cutter, Stephanie  
Cc: Seth Oster  
Subject: Blog

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter, I believe there is a need to put context to EPA rules beyond their cost

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

Thanks, Lisa

=====

[REDACTED] Ex.5 - Deliberative

[REDACTED]

Ex.5 - Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ex.5 - Deliberative





01268-EPA-5730

"Cutter, Stephanie"

<[REDACTED] (b) (6)>

08/30/2011 03:40 PM

To Richard Windsor

cc Seth Oster

bcc

Subject RE: Blog

I don't think he has -- we've all been stuck in meetings. But we are working on it now....

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 3:34 PM  
To: Cutter, Stephanie  
Cc: Oster.Seth@epamail.epa.gov  
Subject: Re: Blog

Sure. But would really like to get it out soon. Clark has had it and may already have given edits. Lisa

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

From: "Cutter, Stephanie" [REDACTED] (b) (6)  
Sent: 08/30/2011 03:30 PM AST  
To: Richard Windsor  
Cc: Seth Oster  
Subject: RE: Blog

Thanks. Are you open to edits on it?

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 3:29 PM  
To: Cutter, Stephanie  
Cc: Seth Oster  
Subject: Blog

Stephanie,

I hope you enjoyed your vacation. Welcome back.

I just read the President's letter to Speaker Boehner. Following yesterday's release of Majority Leader Cantor's letter, Ex.5 - Deliberative

[REDACTED]

[Redacted] Ex.5 - Deliberative [Redacted]

Thanks, Lisa  
=====

[Redacted] Ex.5 - Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ex.5 - Deliberative



01268-EPA-5731

**Daniel  
Kanninen/DC/USEPA/US**  
08/30/2011 04:16 PM

To Richard Windsor  
cc  
bcc

Subject Re: Letter from the President to the Speaker of the House of Representatives.

No problem-

The error was in the Boiler Mact number...they used the proposal total of \$3B as opposed to the final rule which was half the cost (\$1.4B).

Dan Kanninen  
White House Liaison  
U.S. Environmental Protection Agency  
202.564.7960  
kanninen.daniel@epa.gov

Richard Windsor [P.S. Thanks](#) ----- Original Message... 08/30/2011 04:14:40 PM

From: Richard Windsor/DC/USEPA/US  
To: Daniel Kanninen/DC/USEPA/US@EPA  
Date: 08/30/2011 04:14 PM  
Subject: Re: Letter from the President to the Speaker of the House of Representatives.

P.S. Thanks

Daniel Kanninen

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

**From:** Daniel Kanninen  
**Sent:** 08/30/2011 04:00 PM EDT  
**To:** Bob Perciasepe  
**Cc:** Alisha Johnson; Arvin Ganesan; Betsaida Alcantara; Bicky Corman; Bob Sussman; Gina McCarthy; Janet Woodka; Laura Vaught; Michael Goo; Richard Windsor; Sarah Pallone; Seth Oster; Diane Thompson  
**Subject:** Re: Letter from the President to the Speaker of the House of Representatives.

Ex.5 - Deliberative

[Redacted]

[Redacted]

[Redacted]

dk

Dan Kanninen

White House Liaison  
 U.S. Environmental Protection Agency  
 202.564.7960  
 kanninen.daniel@epa.gov

Bob Perciasepe Ex.5 - Deliberative Bob Perciasepe 08/30/2011 02:53:07 PM

From: Bob Perciasepe/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA  
 Date: 08/30/2011 02:53 PM  
 Subject: Re: Letter from the President to the Speaker of the House of Representatives.

Ex.5 - Deliberative

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

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 08/30/2011 02:05 PM EDT  
**To:** Betsaida Alcantara; Bob Sussman; Bob Perciasepe; Gina McCarthy; Arvin Ganesan; Laura Vaught; Daniel Kanninen; Janet Woodka; Sarah Pallone; Seth Oster; Alisha Johnson; Michael Goo; Bicky Corman  
**Subject:** Re: Letter from the President to the Speaker of the House of Representatives.

Ex.5 - Deliberative

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 08/30/2011 12:47 PM EDT  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Gina McCarthy; Arvin Ganesan; Laura Vaught; Daniel Kanninen; Janet Woodka; Sarah Pallone; Seth Oster; Alisha Johnson; David Bloomgren; Michael Goo; Bicky Corman  
**Subject:** Fw: Letter from the President to the Speaker of the House of Representatives.

This just went out, it focuses heavily on the executive order to reduce burdens of regulation.

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 08/30/2011 12:45 PM -----

From: White House Press Office <noreply@messages.whitehouse.gov>  
 To: Betsaida Alcantara/DC/USEPA/US@EPA  
 Date: 08/30/2011 12:28 PM  
 Subject: Letter from the President to the Speaker of the House of Representatives.

THE WHITE HOUSE

Office of the Press Secretary

---

FOR IMMEDIATE RELEASE

August 30, 2011

Attached is the text of a letter from the President to the Speaker of the House of Representatives.

###

-----

[Unsubscribe](#)

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[attachment "2011reg.boehner.ltr.rel.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-5732

**Richard Windsor/DC/USEPA/US**  
08/30/2011 04:23 PM

To "Cass Sunstein"  
cc "Stephanie Cutter", "Bob Perciasepe", "Heather Zichal"  
bcc  
Subject POTUS Letter

Hi Cass,

Ex.5 - Deliberative



Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5733

"Sunstein, Cass R."  
<[REDACTED] (b) (6) [REDACTED]  
.gov>  
08/30/2011 04:27 PM

To Richard Windsor  
cc  
bcc  
Subject RE: POTUS Letter

[REDACTED] Ex.5 - Deliberative

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
]  
Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

[REDACTED] Ex.5 - Deliberative

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa



01268-EPA-5734

"Zichal, Heather R." To Richard Windsor  
<(b) (6)> cc  
.gov> bcc  
08/30/2011 04:27 PM  
Subject RE: POTUS Letter

This is an embarrassing question to ask...but do you have the letter? I don't know what you are referring to (b) (5)

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

(b) (5)

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5735

**Richard Windsor/DC/USEPA/US**  
08/30/2011 04:31 PM

To "Zichal, Heather R."  
cc  
bcc

Subject Re: POTUS Letter

Its the POTUS letter to Speaker Boehner today.

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

From: "Zichal, Heather R." [redacted] (b) (6)  
Sent: 08/30/2011 04:27 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

This is an embarrassing question to ask...but do you have the letter? I don't know what you are referring to (b) (5)

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

(b) (5)

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5736

**Richard Windsor/DC/USEPA/US**  
08/30/2011 04:33 PM

To "Seth Oster", "Bob Perciasepe", "Michael Goo", "Laura Vaught", "Arvin Ganesan"  
cc  
bcc

Subject Fw: POTUS Letter

(b) (5)

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

From: "Sunstein, Cass R." [redacted] (b) (6)  
Sent: 08/30/2011 04:27 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

Ex.5 - Deliberative

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
] Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

(b) (5)

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5737

"Zichal, Heather R." To Richard Windsor  
 <(b) (6)> cc  
 .gov> bcc  
 08/30/2011 04:34 PM  
 Subject RE: POTUS Letter

[REDACTED] Ex.5 - Deliberative

-----Original Message-----  
 From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
 ]  
 Sent: Tuesday, August 30, 2011 4:32 PM  
 To: Zichal, Heather R.  
 Subject: Re: POTUS Letter

Its the POTUS letter to Speaker Boehner today.

----- Original Message -----  
 From: "Zichal, Heather R." [(b) (6)]  
 Sent: 08/30/2011 04:27 PM AST  
 To: Richard Windsor  
 Subject: RE: POTUS Letter

This is an embarrassing question to ask...but do you have the letter? I don't know what you are referring to (b) (5)

-----Original Message-----  
 From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
 ]  
 Sent: Tuesday, August 30, 2011 4:23 PM  
 To: Sunstein, Cass R.  
 Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
 Subject: POTUS Letter

Hi Cass,

(b) (5)

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5738

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
08/30/2011 04:36 PM cc  
bcc  
Subject Re: POTUS Letter

(b) (5)

Sent from my Blackberry Wireless Device

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

From: Richard Windsor  
Sent: 08/30/2011 04:33 PM EDT  
To: "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; Laura Vaught; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Subject: Fw: POTUS Letter

(b) (5)

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

From: "Sunstein, Cass R." [redacted] (b) (6)  
Sent: 08/30/2011 04:27 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

Ex.5 - Deliberative

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

(b) (5)

Please be aware that there is a fairly significant error in the letter with

respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5739

**Bob Perciasepe/DC/USEPA/US**  
08/30/2011 04:39 PM

To Richard Windsor, "Seth Oster", "Bob Perciasepe", "Michael Goo", Laura Vaught, "Arvin Ganesan"  
cc  
bcc

Subject Re: POTUS Letter

(b) (5)

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

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

From: Richard Windsor  
Sent: 08/30/2011 04:33 PM EDT  
To: "Seth Oster" <oster.seth@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; Laura Vaught; "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Subject: Fw: POTUS Letter

(b) (5)

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

From: "Sunstein, Cass R." [redacted] (b) (6)  
Sent: 08/30/2011 04:27 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

[redacted] Ex.5 - Deliberative

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

[redacted] Ex.5 - Deliberative



(b) (5)

A large black rectangular redaction box covers the top portion of the page, starting below the header and extending across most of the width. The text "(b) (5)" is printed in red at the top left corner of this redacted area.

Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5740

Richard Windsor/DC/USEPA/US  
08/30/2011 04:41 PM

To "Seth Oster", "Bob Perciasepe", "Arvin Ganesan"  
cc  
bcc  
Subject Fw: POTUS Letter

(b) (5)

----- Original Message -----  
From: "Zichal, Heather R." [REDACTED] (b) (6)  
Sent: 08/30/2011 04:34 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

[REDACTED] Ex.5 - Deliberative

-----Original Message-----  
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
] Sent: Tuesday, August 30, 2011 4:32 PM  
To: Zichal, Heather R.  
Subject: Re: POTUS Letter

Its the POTUS letter to Speaker Boehner today.

----- Original Message -----  
From: "Zichal, Heather R." [REDACTED] (b) (6)  
Sent: 08/30/2011 04:27 PM AST  
To: Richard Windsor  
Subject: RE: POTUS Letter

This is an embarrassing question to ask...but do you have the letter? I don't know what you are referring to (b) (5)

-----Original Message-----  
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
] Sent: Tuesday, August 30, 2011 4:23 PM  
To: Sunstein, Cass R.  
Cc: Cutter, Stephanie; Bob Perciasepe; Zichal, Heather R.  
Subject: POTUS Letter

Hi Cass,

[REDACTED] Ex.5 - Deliberative

(b) (5)



Please be aware that there is a fairly significant error in the letter with respect to the Boiler MACT rules. As I am in Mississippi at a Gulf Coast Task Force meeting, my folks are contacting yours and WH comms about it.

Lisa

01268-EPA-5741

**EPAExecSec**

Sent by: (b) (6) Personal Privacy

09/02/2011 04:22 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch

cc

bcc

Subject Daily Reading File: September 2, 2011



Daily Reading File 9.2.11.pdf



# Correspondence Management System

Control Number: AX-11-001-4753

Printing Date: September 02, 2011 12:17:36



## Citizen Information

Citizen/Originator: Zafar, Shaarik H

Organization: U.S. Department of Homeland Security  
Address: 245 Murray Drive, SW, Washington, DC 20528

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-4753      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 1, 2011      Received Date: Sep 2, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: EML (E-Mail)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Budget Data Collection for National Counterterrorism Budget - Domestic Countering Violent Extremism

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: Brigid Lowery - OSWER-CPA  
 Kecia Thornton - OSWER  
 Michelle Crews - OSWER  
 OCFO - OCFO -- Immediate Office  
 OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 OSWER - OSWER -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OHS	Sep 2, 2011

## History



**Budget Data Collection for National Counterterrorism Budget - Domestic Countering Violent Extremism**

SES-O@state.gov, DOIExecSec@ios.doi.gov,  
**Zafar, Shaarik** to: USDAExecSec@usda.gov, 09/01/2011 03:53 PM  
DOCExecSec@doc.gov,  
Cc: "Wiktorowicz, Quintan", "roberan@ucia.gov", "bridgeem@nctc.gov"  
,"DANIELWS@nctc.gov", "bridgeem@nctc.gov"

From: "Zafar, Shaarik" <Shaarik\_H\_Zafar@nss.eop.gov>  
To: "SES-O@state.gov" <SES-O@state.gov>, "DOIExecSec@ios.doi.gov" <DOIExecSec@ios.doi.gov>, "USDAExecSec@usda.gov" <USDAExecSec@usda.gov>, "DOCExecSec@doc.gov" <DOCExecSec@doc.gov>, "DOLExecSec@dol.gov"  
Cc: "Wiktorowicz, Quintan" <Quintan\_Wiktorowicz@nss.eop.gov>, "roberan@ucia.gov" <roberan@ucia.gov>, "bridgeem@nctc.gov" <bridgeem@nctc.gov>, "DANIELWS@nctc.gov" <DANIELWS@nctc.gov>, "bridgeem@nctc.gov" <bridgeem@nctc.gov>

Colleagues,

As you know, in support of the National Security Staff and the Office of Management and Budget, the National Counterterrorism Center (NCTC) is working collaboratively with departments and agencies to collect, analyze, and display the U.S. Government's level of investment and planned funding for counterterrorism. As your respective departments and agencies continue to work on the data collection, I wanted to ensure that you were aware of the recently-released National Strategy on Empowering Local Partners to Prevent Violent Extremism in the United States, which is attached.


This document expands on the "Homeland" section of the National Strategy for Counterterrorism and – in particular – the language provided at the end of this email. As such, it may help in determining which programs/initiatives to provide to NCTC. I would appreciate it if you could pass the Strategy on to the appropriate individuals who are working on the NCTC data call.

V/R,

Shaarik H. Zafar  
Director for Countering Violent Extremism  
National Security Staff  
(202) 456-9272

RECEIVED  
2011 SEP -2 AM 5:44  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

szafar@nss.eop.gov

“We are working to bring to bear many of these capabilities to build resilience within our communities here at home against al-Qa‘ida inspired radicalization, recruitment, and mobilization to violence. Although increasing our engagement and partnership with communities can help protect them from the influence of al- Qa‘ida and its affiliates and adherents, we must ensure that we remain engaged in the full range of community concerns and interests. Just as the terrorist threat we face in the United States is multifaceted and cannot be boiled down to a single group or community, so must our efforts to counter it not be reduced to a one-size-fits-all approach. Supporting community leaders and influential local stakeholders as they develop solutions tailored to their own particular circumstances is a critical part of our whole-of-government approach that contributes to our counterterrorism goals. As we refine our efforts in support of communities, state and local governments, and across the Federal government, we will continue to institutionalize successful practices and provide advice and guidance where appropriate, with the goal of preventing al-Qa‘ida inspired radicalization.  - empowering\_local\_partners.pdf



EMPOWERING LOCAL  
PARTNERS TO PREVENT  
VIOLENT EXTREMISM  
IN THE UNITED STATES

AUGUST 2011





THE WHITE HOUSE  
WASHINGTON

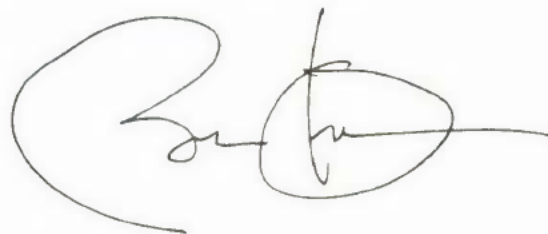
Sadly, the threat of violent extremism in America is nothing new. Throughout our history, misguided groups – including international and domestic terrorist organizations, neo-Nazis and anti-Semitic hate groups – have engaged in horrific violence to kill our citizens and threaten our way of life. Most recently, al-Qa'ida and its affiliates have attempted to recruit and radicalize people to terrorism here in the United States, as we have seen in several plots and attacks, including the deadly attack two years ago on our service members at Fort Hood.

As a government, we are working to prevent all types of extremism that leads to violence, regardless of who inspires it. At the same time, countering al-Qa'ida's violent ideology is one part of our comprehensive strategy to defeat al-Qa'ida. Over the past 2 1/2 years, more key al-Qa'ida leaders – including Usama bin Laden – have been eliminated in rapid succession than at any time since the September 11 attacks. We have strengthened homeland security and improved information sharing. Thanks to coordinated intelligence and law enforcement, numerous terrorist plots have been thwarted, saving many American lives.

Protecting American communities from al-Qa'ida's hateful ideology is not the work of government alone. Communities – especially Muslim American communities whose children, families and neighbors are being targeted for recruitment by al-Qa'ida – are often best positioned to take the lead because they know their communities best. Indeed, Muslim American communities have categorically condemned terrorism, worked with law enforcement to help prevent terrorist attacks, and forged creative programs to protect their sons and daughters from al-Qa'ida's murderous ideology.

The strategy that follows outlines how the Federal Government will support and help empower American communities and their local partners in their grassroots efforts to prevent violent extremism. This strategy commits the Federal Government to improving support to communities, including sharing more information about the threat of radicalization; strengthening cooperation with local law enforcement, who work with these communities every day; and helping communities to better understand and protect themselves against violent extremist propaganda, especially online.

Most of all, this strategy reaffirms the fundamental American principles that guide our efforts. As we approach the 10th anniversary of the September 11 attacks, we remember that al-Qa'ida tried to spark a conflict between faiths and divide us as Americans. But they failed. As this strategy makes clear, we will not waver in defense of our country or our communities. We will defeat al-Qa'ida and its affiliates. We will uphold the civil rights and civil liberties of every American. And we will go forward together, as Americans, knowing that our rich diversity of backgrounds and faiths makes us stronger and is a key to our national security.

A handwritten signature in black ink, appearing to read "Richard Windsor". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke extending to the right.



# Empowering Local Partners to Prevent Violent Extremism in the United States

“Several recent incidences of violent extremists in the United States who are committed to fighting here and abroad have underscored the threat to the United States and our interests posed by individuals radicalized at home. Our best defenses against this threat are well informed and equipped families, local communities, and institutions. The Federal Government will invest in intelligence to understand this threat and expand community engagement and development programs to empower local communities. And the Federal Government, drawing on the expertise and resources from all relevant agencies, will clearly communicate our policies and intentions, listening to local concerns, tailoring policies to address regional concerns, and making clear that our diversity is part of our strength—not a source of division or insecurity.”

—*National Security Strategy, May 2010*

## A. THE CHALLENGE

The seal of the United States of America is inscribed with the Latin dictum *E Pluribus Unum*—out of many, one. It is our great strength that the American social fabric continues to weave together waves of immigrants to the United States and people from all backgrounds and walks of life as part of an indivisible community. We are a pluralistic Nation and a society that does not just accept diversity; we embrace it, and we are stronger as a result. We surmount the many challenges that we face by remaining committed to the American ideals of freedom, equality, and democracy, which transcend differences of religion, ethnicity, and place of birth. Since America’s founding, our country and our ideals have been assailed by forces of hate and division, yet we remain strong, unified, and resilient.

Throughout history, violent extremists—individuals who support or commit ideologically-motivated violence to further political goals—have promoted messages of divisiveness and justified the killing of innocents. The United States Constitution recognizes freedom of expression, even for individuals who espouse unpopular or even hateful views. But when individuals or groups choose to further their grievances or ideologies through violence, by engaging in violence themselves or by recruiting and encouraging others to do so, it becomes the collective responsibility of the U.S. Government and the American people to take a stand. In recent history, our country has faced plots by neo-Nazis and other anti-Semitic hate groups, racial supremacists, and international and domestic terrorist groups; and since the September 11 attacks, we have faced an expanded range of plots and attacks in the United States inspired or directed by al-Qa’ida and its affiliates and adherents as well as other violent extremists. Supporters of these groups and their associated ideologies come from different socioeconomic backgrounds, ethnic and religious communities, and areas of the country, making it difficult to predict where violent extremist narratives will resonate. And as history has shown, the prevalence of particular violent extremist ideologies changes over time, and new threats will undoubtedly arise in the future.



**EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES**

We rely on our local, state, and Federal law enforcement to deter individuals from using violence and to protect communities from harm. But we also must ensure that the right tools are applied at the right time to the right situation. Countering radicalization to violence is frequently best achieved by engaging and empowering individuals and groups at the local level to build resilience against violent extremism. Law enforcement plays an essential role in keeping us safe, but so too does engagement and partnership with communities.

While we can and must prioritize our efforts, our approach should be enduring and flexible enough to address a variety of current and possible future threats. Individuals from a broad array of communities and walks of life in the United States have been radicalized to support or commit acts of ideologically-inspired violence. Any solution that focuses on a single, current form of violent extremism, without regard to other threats, will fail to secure our country and communities. Our threat environment is constantly evolving, which is why we must consistently revisit our priorities and ensure our domestic approach can address multiple types of violent extremism.

Today, as detailed in the *National Security Strategy* and the *National Strategy for Counterterrorism*, al-Qa'ida and its affiliates and adherents represent the preeminent terrorist threat to our country. We know that these groups are actively seeking to recruit or inspire Americans to carry out attacks against the United States, particularly as they are facing greater pressure in their safe-havens abroad. The past several years have seen increased numbers of American citizens or residents inspired by al-Qa'ida's ideology and involved in terrorism. Some have traveled overseas to train or fight, while others have been involved in supporting, financing, or plotting attacks in the homeland. The number of individuals remains limited, but the fact that al-Qa'ida and its affiliates and adherents are openly and specifically inciting Americans to support or commit acts of violence—through videos, magazines, and online forums—poses an ongoing and real threat.

This type of violent extremism is a complicated challenge for the United States, not only because of the threat of attacks, but also because of its potential to divide us. Groups and individuals supporting al-Qa'ida's vision are attempting to lure Americans to terrorism in order to create support networks and facilitate attack planning, but this also has potential to create a backlash against Muslim Americans. Such a backlash would feed al-Qa'ida's propaganda that our country is anti-Muslim and at war against Islam, handing our enemies a strategic victory by turning our communities against one another; eroding our shared sense of identity as Americans; feeding terrorist recruitment abroad; and threatening our fundamental values of religious freedom and pluralism. Violent extremists prey on the disenchantment and alienation that discrimination creates, and they have a vested interest in anti-Muslim sentiment. It is for this reason that our security—preventing radicalization that leads to violence—is inextricably linked to our values: the protection of civil rights and civil liberties and the promotion of an inclusive society.

**B. A COMMUNITY-BASED APPROACH**

The United States relies on a broad range of tools and capabilities that are essential to prevent violent extremism in the United States, emphasizing, in particular, the strength of communities as central to our approach. The best defenses against violent extremist ideologies are well-informed and equipped families, local communities, and local institutions. Their awareness of the threat and willingness to

**EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES**

work with one another and government is part of our long history of community-based initiatives and partnerships dealing with a range of public safety challenges. Communities are best placed to recognize and confront the threat because violent extremists are targeting their children, families, and neighbors. Rather than blame particular communities, it is essential that we find ways to help them protect themselves. To do so, we must continue to ensure that all Americans understand that they are an essential part of our civic life and partners in our efforts to combat violent extremist ideologies and organizations that seek to weaken our society.

We are fortunate that our experience with community-based problem solving, local partnerships, and community-oriented policing provides a basis for addressing violent extremism as part of a broader mandate of community safety. We therefore are building our efforts to counter radicalization that leads to violence in the United States from existing structures, while creating capacity to fill gaps as we implement programs and initiatives. Rather than creating a new architecture of institutions and funding, we are utilizing successful models, increasing their scope and scale where appropriate.

While communities must often lead this effort, the Federal Government has a significant responsibility. Our research and consultations with local stakeholders, communities, and foreign partners have underscored that the Federal Government's most effective role in strengthening community partnerships and preventing violent extremism is as a facilitator, convener, and source of information. The Federal Government will often be ill-suited to intervene in the niches of society where radicalization to violence takes place, but it can foster partnerships to support communities through its connections to local government, law enforcement, Mayor's offices, the private sector, local service providers, academia, and many others who can help prevent violent extremism. Federal departments and agencies have begun expanding support to local stakeholders and practitioners who are on the ground and positioned to develop grassroots partnerships with the communities they serve.

**C. GOAL AND AREAS OF PRIORITY ACTION**

Our central goal in this effort is to prevent violent extremists and their supporters from inspiring, radicalizing, financing, or recruiting individuals or groups in the United States to commit acts of violence. The U.S. Government will work tirelessly to counter support for violent extremism and to ensure that, as new violent groups and ideologies emerge, they fail to gain a foothold in our country. Achieving this aim requires that we all work together—government, communities, the private sector, the general public, and others—to develop effective programs and initiatives.

*“As extremists try to inspire acts of violence within our borders, we are responding with the strength of our communities, with the respect for the rule of law, and with the conviction that Muslim Americans are part of our American family.”*

*—President Barack Obama,  
State of the Union, January 2011*

To support a community-based approach, the Federal Government is working to strengthen partnerships and networks among local stakeholders. There is no single issue or grievance that pushes individuals toward supporting or committing violence, and the path to violent extremism can vary considerably. As a result, it is essential that we empower local partners, who can more readily identify problems as they emerge and customize responses so that they are appropriate and effective for



### Leveraging Existing Models

The United States has rich experience in supporting locally-based initiatives that connect communities and government to address community challenges through collaboration and the development of stakeholder networks. While recognizing that different challenges require the involvement of different stakeholders, we view community-based problem solving as an effective model of organizing communities and government to counter violent extremism in the homeland. The following provides three examples of this model in practice.

#### **Example One: Comprehensive Gang Model**

The Department of Justice's *Comprehensive Gang Model* is a flexible framework that communities can use to reduce or prevent gang activity, involving strategies of community mobilization, social intervention, opportunities for educational and vocational advancements, and organizational change. Local community organizations and government offices responsible for addressing gangs—police, schools, probation officers, youth agencies, grassroots organizations, government, and others—help identify causes, recommend appropriate responses, and select activities for local implementation, supported by integrated Federal, state, and local resources to incorporate state-of-the-art practices in gang prevention, intervention, and suppression. This multi-dimensional, community-led response to gangs—driven by local stakeholders and supported by the Federal Government—has reduced serious gang-related crimes in affected locations across the country.

#### **Example Two: Building Communities of Trust Initiative**

The Departments of Justice and Homeland Security established the *Building Communities of Trust (BCOT) Initiative* to improve trust among police, fusion centers, and the communities they serve in order to address the challenges of crime and terrorism prevention. In support of BCOT, a National Planning Team comprised of representatives from Federal, state, and local governments; community organizations; and privacy and civil liberties groups convened and, in select locations, conducted roundtables to explore how to build and maintain relationships of trust. Lessons learned from these roundtables have resulted in official guidance highlighting the importance of meaningful information sharing, responding to community concerns, and distinguishing between innocent cultural behaviors and conduct that may legitimately reflect criminal activity or terrorism precursors.

#### **Example Three: Safe Schools/Healthy Students Initiative**

Responding to a series of lethal school shootings in the late 1990's, which culminated with the tragedy at Columbine High School, the Departments of Education, Justice, and Health and Human Services launched the *Safe Schools/Healthy Students (SS/HS) Initiative* to create broader, more comprehensive local programs to prevent violence and substance abuse among our Nation's youth, schools, and communities. In order to receive an SS/HS grant, school districts must partner with local mental health experts, juvenile justice officials, and law enforcement. Proposals must include programs that address violence and substance abuse prevention; social, emotional, and behavioral development; school and community-based mental health services; and early childhood development. According to an ongoing evaluation, the Initiative has resulted in fewer students experiencing or witnessing violence, increased school safety, and an overall decrease in violence in communities where the program is active.

**EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES**

particular individuals, groups, and locations. To that end, we have prioritized three broad areas of action where we believe the Federal Government can provide value to supporting partnerships at the local level and countering violent extremism. Our work will evolve over time as we enhance partnerships and further our understanding of what tools and methods are most effective.

***1. Enhancing Federal Engagement with and Support to Local Communities that May be Targeted by Violent Extremists***

Communication and meaningful engagement with the American public is an essential part of the Federal Government's work. Our open system of governance requires that we respond to inquiries; educate and share information on our programs, policies, and initiatives; and provide a platform for communities to air grievances and contribute their views on policy and government. We do this consistently in a variety of ways: we convene forums, develop brochures, respond to correspondence, post information on websites, and we make available for comment proposed regulations in the *Federal Register*. We also reach out to communities directly to answer questions and provide information and guidance, offering opportunities for communities to provide valuable suggestions about how government can be more effective and responsive in addressing their concerns. As such, engagement with local communities provides an opportunity for us to reexamine and improve how we perform our functions. For these reasons, we view effective community engagement as an essential part of good governance and an important end in itself.

The vast majority of our engagement work relates to issues outside the national security arena, such as jobs, education, health, and civil rights. We must ensure that in our efforts to support community-based partnerships to counter violent extremism, we remain engaged in the full range of community concerns and interests, and do not narrowly build relationships around national security issues alone. Where appropriate, we are relying on preexisting Federal Government engagement efforts to discuss violent extremism, ensuring that these forums continue to focus on a wide variety of issues. There are instances when the government needs to build new relationships to address security issues, but these must be predicated upon multifaceted engagement. Indeed, we refuse to limit our engagement to what we are against, because we need to support active engagement in civic and democratic life and help forge partnerships that advance what we are for, including opportunity and equal treatment for all.

Engagement is essential for supporting community-based efforts to prevent violent extremism because it allows government and communities to share information, concerns, and potential solutions. Our aims in engaging with communities to discuss violent extremism are to (1) share sound, meaningful, and timely information about the threat of radicalization to violence with a wide range of community groups and organizations, particularly those involved in public safety issues; (2) respond to community concerns about government policies and actions; and (3) better understand how we can effectively support community-based solutions.

In addition to engaging communities on a wide range of issues, the Federal Government is using its convening power to help build a network of individuals, groups, civil society organizations, and private sector actors to support community-based efforts to counter violent extremism. Myriad groups with tools and capabilities to counter radicalization to violence often operate in separate spheres of activity and therefore do not know one another. The Federal Government, with its connections to diverse



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networks across the country, has a unique ability to draw together the constellation of previously unconnected efforts and programs to form a more cohesive enterprise against violent extremism.

***2. Building Government and Law Enforcement Expertise for Preventing Violent Extremism***

Although we have learned a great deal about radicalization that leads to violence, we can never assume that the dynamics will remain the same. We must be vigilant in identifying, predicting, and preempting new developments. This necessitates ongoing research and analysis, as well as exchanges with individuals, communities, and government officials who work on the frontlines to counter the threats we all face. In addition, we will continue to hold meetings with foreign partners to share experiences and best practices, recognizing that while not all lessons are transferable to the American context, this sharing can help us improve our approach and avoid common pitfalls.

Government and law enforcement at the local level have well-established relationships with communities, developed through years of consistent engagement, and therefore can effectively build partnerships and take action on the ground. To help facilitate local partnerships to prevent violent extremism, the Federal Government is building a robust training program with rigorous curriculum standards to ensure that the training that communities; local, state, and tribal governments; prison officials; and law enforcement receive is based on intelligence, research, and accurate information about how people are radicalized to accept violence, and what has worked to prevent violent extremism. Misinformation about the threat and dynamics of radicalization to violence can harm our security by sending local stakeholders in the wrong direction and unnecessarily creating tensions with potential community partners. We also are working to support and expand community-oriented policing efforts by our state, local, and tribal partners, and to assist them in enhancing cultural proficiency and other foundations for effective community engagement.

***3. Countering Violent Extremist Propaganda While Promoting Our Ideals***

Radicalization that leads to violent extremism includes the diffusion of ideologies and narratives that feed on grievances, assign blame, and legitimize the use of violence against those deemed responsible. We must actively and aggressively counter the range of ideologies violent extremists employ to radicalize and recruit individuals by challenging justifications for violence and by actively promoting the unifying and inclusive vision of our American ideals.

Toward this end, we will continue to closely monitor the important role the internet and social networking sites play in advancing violent extremist narratives. We protect our communities from a variety of online threats, such as sexual predators, by educating them about safety on the internet, and we are using a similar approach to thwart violent extremists. We will work to empower families and communities to counter online violent extremist propaganda, which is increasingly in English and targeted at American audiences.

For example, in the case of our current priority, we must counter al-Qa'ida's propaganda that the United States is somehow at war with Islam. There is no single profile of an al-Qa'ida-inspired terrorist, but extensive investigations and research show that they all believe: (1) the United States is out to destroy Islam; and (2) this justifies violence against Americans. Al-Qa'ida and its supporters spread messages of

## EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES

hate, twist facts, and distort religious principles to weave together a false narrative that Muslims must attack Americans everywhere because the United States is waging a global war against Islam. While al-Qa'ida claims to be the vanguard of Islam, the overwhelming majority of its victims are Muslim.

We will challenge this propaganda through our words and deeds, defined by the very ideals of who we are as Americans. As the President has stated repeatedly, the United States is not, and never will be, at war with Islam. Islam is part of America, a country that cherishes the active participation of all its citizens, regardless of background and belief. We live what al-Qa'ida violently rejects—religious freedom and pluralism. We have emphasized a paradigm of engagement with Muslim communities around the world, based on mutual respect and interest manifest in our new partnerships and programming to promote entrepreneurship, health, science and technology, educational exchanges, and opportunities for women.

But we must remember that just as our words and deeds can either fuel or counter violent ideologies abroad, so too can they here at home. Actions and statements that cast suspicion toward entire communities, promote hatred and division, and send messages to certain Americans that they are somehow less American because of their faith or how they look, reinforce violent extremist propaganda and feed the sense of disenchantment and disenfranchisement that may spur violent extremist radicalization. The Federal Government will work to communicate clearly about al-Qa'ida's destructive and bankrupt ideology, while dispelling myths and misperceptions that blame communities for the actions of a small number of violent extremists.

## D. GUIDING PRINCIPLES

How we define and discuss the challenge of radicalization to violence matters. Violent extremism, while of paramount importance given the potential for harm, is only one among a number of threats our Nation is facing. Communities face an array of challenges to their safety, including gang violence, school shootings, drugs, hate crimes, and many others. Just as we respond to community safety issues through partnerships and networks of government officials, Mayor's offices, law enforcement, community organizations, and private sector actors, so must we address radicalization to violence and terrorist recruitment through similar relationships and by leveraging some of the same tools and solutions. In doing so, we are guided by the following principles:

*We must continually enhance our understanding of the threat posed by violent extremism and the ways in which individuals or groups seek to radicalize Americans, adapting our approach as needed.* As al-Qa'ida and its affiliates and adherents increasingly aim to inspire people within the United States to commit acts of terrorism, we must closely monitor and understand their tactics, both online and offline, remaining nimble in our response, increasing our understanding of the factors that lead individuals to turn to violence, and calibrating our efforts.

*We must do everything in our power to protect the American people from violent extremism while protecting the civil rights and civil liberties of every American.* Protecting our fundamental rights and liberties is an important end in itself, and also helps counter violent extremism by ensuring nonviolent means for addressing policy concerns; safeguarding equal and fair treatment; and making it more difficult for violent extremists to divide our communities.



## EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES

As the President said at the National Archives in May 2009, "We uphold our fundamental principles and values not just because we choose to, but because we swear to. Not because they feel good, but because they help keep us safe. They keep us true to who we are . . . So as Americans, we reject the false choice between our security and our ideals. We can and we must and we will protect both."

*We must build partnerships and provide support to communities based on mutual trust, respect, and understanding.* We must have honest dialogue between communities and government that is transparent and promotes community-based problem solving.

*We must use a wide range of good governance programs—including those that promote immigrant integration and civic engagement, protect civil rights, and provide social services—that may help prevent radicalization that leads to violence.* This necessitates a whole-of-government approach, based on the expertise of our traditional national security departments and agencies, as well as other parts of the government, including those with experience in addressing community safety issues.

*We must support local capabilities and programs to address problems of national concern.* While the demographics of communities and the priorities of local government, communities, and law enforcement vary, our efforts to prevent radicalization to violence and terrorist recruitment must harness the knowledge, expertise, and relationships of local actors, both in and out of government.

*Government officials and the American public should not stigmatize or blame communities because of the actions of a handful of individuals.* We must instead support communities as partners, recognizing that a particular ethnic, religious, or national background does not necessarily equate to special knowledge or expertise in addressing violent extremism. Where communities have been active in condemning terrorism and confronting violent extremism, we must recognize their efforts; help them build upon their work; and connect them with other communities and stakeholders in order to share best practices.

*Strong religious beliefs should never be confused with violent extremism.* Freedom of religion is a fundamental American right and one of our most strongly held values. Since our founding, people of diverse and strongly held religious faiths have thrived in America.

*Though we will not tolerate illegal activities, opposition to government policy is neither illegal nor unpatriotic and does not make someone a violent extremist.* It is a basic tenet of our democracy that citizens of good conscience can respectfully disagree with one another and resolve their differences through peaceful means. Our Nation is built upon the principles of debate, dialogue, and cooperation.



# Correspondence Management System

Control Number: AX-11-001-4760

Printing Date: September 02, 2011 01:32:48



## Citizen Information

Citizen/Originator: Westing, Duane

Organization: City of Pawnee City, Nebraska  
Address: 445 6th Street, P.O. Box 206, Pawnee City, NE 68420

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-4760      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Aug 18, 2011      Received Date: Sep 2, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Proposed Electric Generating Unit Maximum Achievable Control Technology Rules  
 Docket ID No. EPA-HQ-OAR-2009-0234  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OCIR - Office of Congressional and Intergovernmental Relations  
 OEAE - Office of External Affairs and Environmental Education  
 R7 - Region 7 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 2, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Sep 2, 2011

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

**Re: Proposed Electric Generating Unit Maximum Achievable Control Technology Rules  
Docket ID No. EPA-HQ-OAR-2009-0234**

August 18, 2011

Dear Administrator Jackson:


As Mayor of Pawnee City, Nebraska, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our community purchases its total electricity requirements from the Nebraska Public Power District ("NPPD"). NPPD's energy mix is approximately 50 percent coal, 40 percent nuclear, with the remainder made up of wind, natural gas and hydro power. NPPD's two coal-fired power plants, which consist of two units each, use low-sulfur Powder River Basin coal and have installed state-of-the-art baghouses which have virtually eliminated visual emissions and have reduced mercury emissions by approximately 50 percent.

On behalf of my community's customer base, we have serious concerns with the proposed rules. We are concerned that the rules do not provide NPPD with enough time to comply, and that the short time frame for compliance puts us at risk of having to absorb dramatic increases in electricity rates that could cause our customers severe economic harm. We are also concerned about reliability of supply, should our provider have to decrease generation or prematurely retire generation. Our power supplier has informed us that if scrubbers are required, the preliminary cost estimate for the two largest units could reach one billion dollars. Our share of these costs will cause significant rate increases.

While my community supports reasonable initiatives to cost-effectively enhance air quality, we are aware that every form of electric generation comes with certain environmental consequences. Our customers expect and demand reliable, affordable electricity, and we are opposed to rules and deadlines that unreasonably increase costs, impact reliability and ultimately reduce American jobs.

We respectfully request the EPA rethink its overly aggressive rules and deadlines under the proposed EGU MACT rules, and consider the mandates' negative impacts to the economy. Similar to our power supplier, almost half of the U.S. electric generation is fired by coal. The rules as proposed will affect a significant portion of the industry and impact reliability. In addition, we also request the agency reconsider regulating acid gases. This is not required under the Clean Air Act, and its inclusion will make it much more costly and difficult to comply, under existing compliance timelines.

Thank you for your consideration of this request.



Duane Westing  
Mayor of Pawnee City, Nebraska

Cc: Governor Dave Heineman  
Mike Linder, Director, Nebraska Department of Environmental Quality  
Nebraska Congressional Delegation

01268-EPA-5742

**John  
Hankinson/DC/USEPA/US**  
09/05/2011 09:08 PM

To Richard Windsor  
cc  
bcc

Subject Fw: Fw: EOP edits to 8/19 Draft Strategy

Mary Kay's summary of the collective White House comments. I was to meet with them in the morning to discuss, but the meeting conflicts with the call with Jo-Ellen, so I have offered Mary Kay.

Ex.5 - Deliberative



John  
Mary-Kay Lynch

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

**From:** Mary-Kay Lynch  
**Sent:** 09/05/2011 08:47 PM EDT  
**To:** John Hankinson  
**Cc:** Bryon Griffith; Lynda Goodgame; Mary-Kay Lynch; Meredith Berger  
**Subject:** Re: Fw: EOP edits to 8/19 Draft Strategy

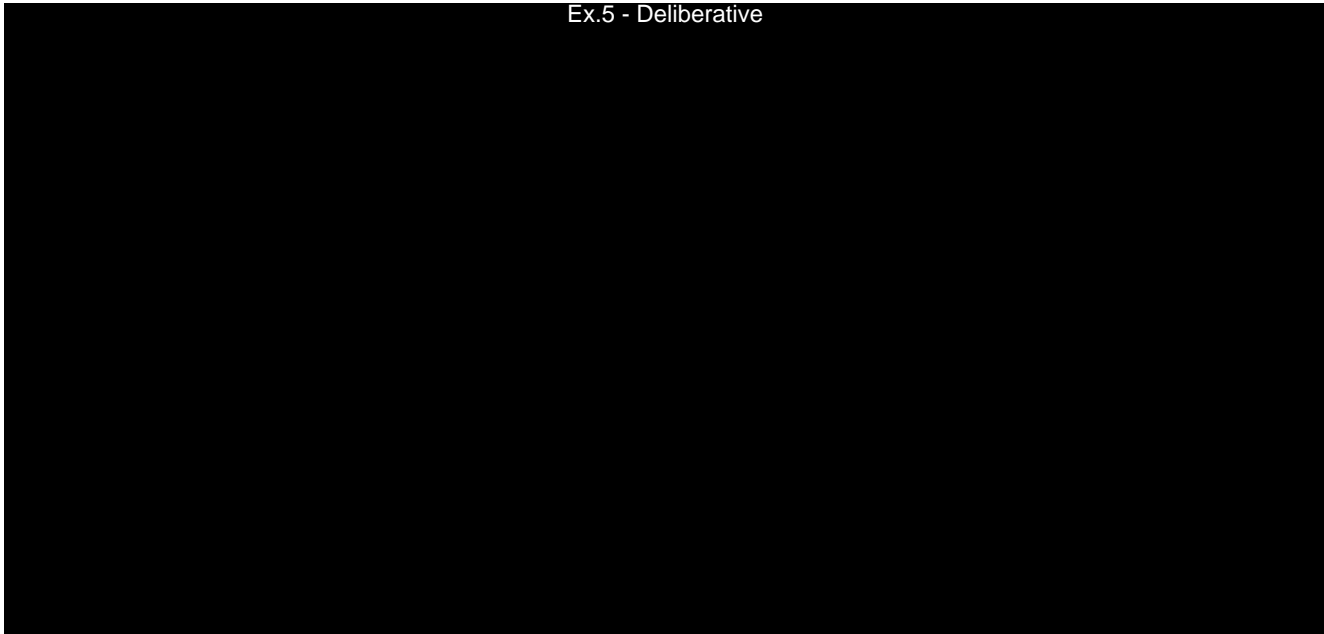
attorney client privilege

I took a look at the comments. Some things to note and some that you may want to discuss with the Administrator.

Ex.5 - Deliberative



Ex.5 - Deliberative



John Hankinson    Mary Kay, I left you a message about...    09/03/2011 11:37:07 AM

From: John Hankinson/DC/USEPA/US  
To: Bryon Griffith/GMPO/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Lynda Goodgame/DC/USEPA/US@EPA, "Meredith Berger" <Berger.Meredith@epamail.epa.gov>  
Date: 09/03/2011 11:37 AM  
Subject: Fw: EOP edits to 8/19 Draft Strategy

Mary Kay,  
I left you a message about Tuesday. I will email Erika on her preferences for meeting.  
John

---

**From:** "Comisky, Nicole E." (b) (6)  
**Sent:** 09/02/2011 04:25 PM AST  
**To:** John Hankinson; Meredith Berger  
**Cc:** "Miller, Kimberly A." <(b) (6)> "Roach, Emma" <(b) (6)> "Feller, Erika" <(b) (6)> "Nuzum, R. Scott" <(b) (6)> "Lew, Shoshana M. (WHO)" <(b) (6)> "Sanchez, Roque" <(b) (6)> "Miller, Jerry L." <(b) (6)>  
**Subject:** EOP edits to 8/19 Draft Strategy


John, Meredith –

Attached are EOP (OMB, CEQ, DPC, OSTP) edits and comments on the latest draft of the Gulf Coast Strategy. We look forward to discussing on Tuesday.

Have a good weekend,  
Nicole

--

Nicole Comisky  
Environment Branch  
Office of Management and Budget  
202-395-4822

  
Ex.5 - Deliberative

Draft strategy EOP comments- 9-2-11.docx

01268-EPA-5743

Gina McCarthy/DC/USEPA/US

To Richard Windsor, perciasepe.bob, Thompson.Diane

09/13/2011 02:00 PM

cc

bcc

Subject Fw: Utility company announces that #EPA reg is forcing them to close a facility and add 500 to list of unemployed Americans <http://ow.ly/6sh4b>

Ex.5 - Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/13/2011 01:59 PM -----

From: "Sunstein, Cass R." <(b) (6)>  
 To: Gina McCarthy/DC/USEPA/US@EPA  
 Date: 09/13/2011 01:36 PM  
 Subject: FW: Utility company announces that #EPA reg is forcing them to close a facility and add 500 to list of unemployed Americans <http://ow.ly/6sh4b>

Gina, can you call me about this asap, in connection with my hearing tomorrow am? (b) (6)

**From:** Menter, Jessica**Sent:** Tuesday, September 13, 2011 1:27 PM**To:** Sunstein, Cass R.; Fitzpatrick, Michael A.; Strom, Shayna L.**Subject:** FW: Utility company announces that #EPA reg is forcing them to close a facility and add 500 to list of unemployed Americans <http://ow.ly/6sh4b>

Flagging

**From:** Cunnane, Pat**Sent:** Tuesday, September 13, 2011 12:01 PM

**To:** Abrevaya, Sandra; August, Hannah; Carney, Jay; Connors, Celeste A.; Cunnane, Pat; DeParle, Nancy-Ann; Fisher, Alyssa; Greenawalt, Andrei; Hernandez, Phil; Hughes, Caroline E.; Inouye, Shin; Jenkins, Brad; Keohane, Nathaniel; Kohn, Lisa; Lehigh, Matt; Lew, Shoshana M. (WHO); Maher, Jessica A.; McCullough, Victoria; Monje, Carlos A.; Nelson, Greg; Nesi, Andrew; Ogden, Peter; Papa, Jim; Pfeiffer, Dan; Phillips, Macon; Ruemmler, Kathryn H.; Siskel, Edward; Smith, Jamie; Stevens, Clark; Utech, Dan G.; Webster1, Meridith; Whithorne, Bobby; Wilson, Denise R.; Zichal, Heather R.; Anderson, Amanda D.; Bartoloni, Kristen; Bates, Andrew J.; Bedingfield, Kate; Cutter, Stephanie; Earnest, Joshua R.; Gavin, Tom; Holzer, Benjamin; Lee, Jesse C.; Psaki, Jennifer R.; Schultz, Eric; Selak, Dawn; Smith, Marissa; Webster, Meridith A.; Allen, Elizabeth M.; Apsel, Sarah; Astor, Marissa (Intern); Baer, Kenneth S.; Barkoff, Kendra; Beechem, Stephanie; Beliveau, Emmett; Bernard, Sarah C.; Bianchi, Sarah; Brown, Lisa; Brundage, Amy; Burke, Jordan; Carson, Jon; Cobbina, Awenate; Conrad, Shasti; Curtis, Colleen; De, Rajesh; Dealy, Loren; Deese, Brian C.; DL-WHO-Financial; Dudley, Amy; Favreau, Jon; Feldman, Stefanie G.; Filipic, Anne; Friedlander, Robert; Furman, Jason L.; Gilson, Shannon; Gottlieb, Mike; Hartnett, Kathleen R.; Higginbottom, Heather A.; Hopkins, Marissa C.; Isaac, Nicole M.; Kelly, Allison K.; Kolachalam, Namrata; Kumar, Aditya; Langner, Emily R.; Lu, Chris; Mack, Moira K.; Mastromonaco, Alyssa; Menter, Jessica; Nabors, Robert L.; Ortiz, Michael; Plouffe, David; Rangel, Antoinette N.; Reed, Bruce N.; Reilly, Meg; Russell, Racquel; Schiliro, Philip M.; Shapiro, Michael P.; Siegel, Julie; Siegel2, Julia; Tamarin, Nate; Tseggai, Gannet; Vogel, Matthew A.; Whitty, Patrick; Wu, Portia

**Subject:** Utility company announces that #EPA reg is forcing them to close a facility and add 500 to list of unemployed Americans <http://ow.ly/6sh4b>

[SmallBizGOP](#) SmallBizGOP

by *SpeakerBoehner*

Utility company announces that [#EPA](#) reg is forcing them to close a facility and add 500 to list of unemployed Americans <http://ow.ly/6sh4b>

<http://www.bradenton.com/2011/09/12/3487676/luminant-announces-facility-closures.html>

## Luminant Announces Facility Closures, Job Reductions in Response to EPA Rule

### Company Forced to Take Difficult Steps; Files Suit to Protect Jobs, Reliability

Business Wire

tool name

[close](#)

tool goes here

In employee meetings today across its Texas operations, Luminant leadership announced the need to close facilities to comply with the Environmental Protection Agency's Cross-State Air Pollution Rule, which will cause the loss of approximately 500 jobs.

The rule, which the EPA released earlier this summer, requires Texas power generators to make dramatic reductions in emissions beginning January 1, 2012. While Luminant is making preparations to meet the rule's compliance deadline, this morning it also filed a legal challenge in an effort to protect facilities and employees, and to minimize the harm this rule will cause to electric reliability in Texas. To meet the rule's unrealistic deadline and requirements, Luminant reluctantly must take the difficult steps of idling two generating units and ceasing mining Texas lignite at three mines. Luminant will also implement several other actions to reduce emissions, including making substantial investments in its facilities.

Luminant supports continued efforts to improve air quality across the state and nation. Since 2005, for example, Luminant has achieved a 21 percent reduction in SO<sub>2</sub> emissions, while at the same time increasing generation by 13 percent.

#### CEO Statement

"As always, Luminant is committed to complying fully with EPA regulations. We have spent the last two months identifying all possible options to meet the requirements of this new rule, and we are launching a significant investment program to reduce emissions across our facilities," said David Campbell, Luminant's chief executive officer. "However, meeting this unrealistic deadline also forces us to take steps that will idle facilities and result in the loss of jobs," said Campbell.

"We have hundreds of employees who have spent their entire professional careers at Luminant and its predecessor companies," added Campbell. "At every step of this process, we have tried to minimize these impacts, and it truly saddens me that we are being compelled to take the actions we've announced today. We have filed suit to try to avoid these consequences."

#### Legal Basis and Support

The company's legal action is part of a broader effort, supported by a large and bipartisan contingent of political and community leaders, to achieve these goals without harming critically important Texas jobs and electric reliability.

Luminant, like several other affected companies and governmental entities, believes the rule's mandates for Texas are unlawful. A year ago, the EPA's proposed rule did not include Texas in the annual SO<sub>2</sub> and NO<sub>x</sub> reductions programs. Now, one year later, the CSAPR imposes a 47 percent SO<sub>2</sub> reduction and substantial NO<sub>x</sub> reductions by Texas sources beginning in January 2012. And notably, the rule requires a 64 percent reduction of SO<sub>2</sub> emissions to Luminant's fossil fuel generating units.



Luminant's suit in the United States Court of Appeals for the District of Columbia Circuit seeks to invalidate the CSAPR as to Texas. Further, to try to stop the adverse effects on Luminant, its employees, and its customers in advance of the compliance deadline, Luminant will seek a judicial stay of this rule because of the immediate and irreparable harm that it will inflict.

### **Operational Response Plan**

To ensure compliance in this extremely compressed time frame, production and operational changes will have to be made at two of the company's large power plant and mining complexes. Under the Electric Reliability Council of Texas's protocol, these decisions must be communicated to the Council by October 3 so they can adequately prepare for 2012.

At the Monticello Power Plant and supporting Thermo and Winfield mines in Northeast Texas, the following steps will be necessary:

- Monticello Units 1 and 2 will be idled. These units have a capacity of approximately 1,200 megawatts.
- Monticello Unit 3 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- Thermo and Winfield mines will cease mining Texas lignite with the idling of Monticello units 1 and 2 and the fuel switching at Monticello Unit 3, but Luminant will continue reclamation activities at these sites.

At Big Brown Power Plant and its supporting mine in Freestone County, the following steps will be necessary:

- Big Brown units 1 and 2 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- The Big Brown-Turlington Mine will cease mining Texas lignite, but Luminant will continue reclamation activities there.

In addition to these job losses at Luminant, the closures will mean that the counties and communities around the company's affected operations will see decreased tax contributions, indirect employment, support of local small businesses and other economic activity.

### **Investment Program**

At Monticello Unit 3 and two of Luminant's other coal generating facilities, the Martin Lake Power Plant in Rusk County and the Sandow 4 Power Plant in Milam County, the company will immediately begin a substantial investment program to upgrade the capabilities of existing environmental control equipment, install new environmental control equipment and implement programs to reduce emissions.

The company expects to invest approximately \$280 million by the end of 2012 and estimates that it will spend more than \$1.5 billion before the end of the decade in environmental control equipment to comply with regulatory requirements. Unfortunately, the rule's 2012 deadline will not allow for the permitting, construction and installation of new equipment in time to avoid the announced closures.

These investments in environmental control equipment represent the latest in a series of significant investments across Energy Future Holdings, parent company to Luminant, and its subsidiaries. Since 2007, EFH companies have invested over \$1 billion in the state's infrastructure and created 1,500 net new jobs with about 675 of those at Luminant.

The emissions reduction installations Luminant has underway across its fleet follow a series of voluntary actions the company has taken to reduce emissions - actions that have already produced positive results.

### **Federal Legal Action Outlined**

Luminant submitted to the EPA a request for reconsideration and stay of the new rule on August 5, on which the agency has not acted. This morning, the company filed a petition with the U.S. Court of Appeals for the District of Columbia Circuit asking the court to invalidate CSAPR as to Texas. As part of its action, Luminant also plans to ask the court to stay the applicability of the EPA rule. In its request for a stay, the company will demonstrate that:

- Without fair notice and the opportunity to provide comment, the EPA has mandated that Texas slash its SO<sub>2</sub> emissions by half and greatly reduce NO<sub>x</sub> emissions in less than five months - a compliance timetable that is impossible to meet without facility closures and job cuts.
- The standard time frame for permitting, constructing, and installing new emission controls is several years, yet the rule allowed less than six months.
- The state would bear 25 percent of the SO<sub>2</sub> reduction burden imposed under this rule, which is more than twice the state's contribution to the total SO<sub>2</sub> emissions of all states included in the rule. Before these mandates go into effect, current SO<sub>2</sub> emissions rates for the state's power generation plants are already

lower than the average of the other states included in the rule.

- Having less than a year ago concluded that Texas SO<sub>2</sub> emissions have no significant downwind effects, the EPA is now mandating these CSAPR reductions because the agency predicts, through its modeling, a small contribution from Texas to the air quality at a single monitor 500 miles away in Madison County, Illinois □ a location EPA itself has concluded is in air-quality attainment based on actual air sample monitoring. In effect, the rule improperly elevates the EPA's hypothetical modeling over actual monitored conditions.
- Similarly, the rule imposes severe NO<sub>x</sub> emission reductions on Luminant, based on modeling that conflicts with actual monitored conditions.
- These requirements will seriously jeopardize the ability of the state's electric grid to supply power to Texas businesses and consumers and cause the loss of hundreds of jobs with corresponding effects on local communities whose economies depend on Luminant's facilities.

### About Luminant

Luminant, a subsidiary of Energy Future Holdings Corp., is a competitive power generation business, including mining, wholesale marketing and trading, and development operations. Luminant has more than 15,400 megawatts of generation in Texas, including 2,300 MW fueled by nuclear power and 8,000 MW fueled by coal. The company is also the largest purchaser of wind-generated electricity in Texas and fifth largest in the United States. EFH is a Dallas-based energy holding company that has a portfolio of competitive and regulated energy subsidiaries, primarily in Texas. Visit [www.luminant.com](http://www.luminant.com) or [www.energyfutureholdings.com](http://www.energyfutureholdings.com) for additional information.

### Related Fact Sheet for September 12, 2011 News Release

#### Luminant

- Largest power generator in Texas.
- Approximately 4,400 employees throughout the state.
- 2,580 are employed across the company's coal plant and mining operations.
- Created about 675 net new jobs since the beginning of 2008.

#### Big Brown Power Plant

**Location:** Freestone County, Texas

**Power Plant and Mine Employees:** 332

**Operating Capacity:** Two units with approximately 1,200 megawatts

**Supporting Mine:** Big Brown □ Turlington

**2010 Tax Contribution:** □ \$8.6 million

#### Monticello Power Plant

**Location:** Titus, Camp, Hopkins and Franklin County, Texas

**Power Plant and Mine Employees:** 473

**Operating Capacity:** Three units with 1,880 megawatts

**Supporting Mines:** Thermo, Winfield

**2010 Tax Contribution:** □ \$17.4 million

#### Capacity Reduction

The idling of Monticello Units 1 and 2 and the derates that result from switching to 100 percent Powder River Basin coal at Monticello 3 and Big Brown units 1 and 2 will reduce Luminant's generating capacity by approximately 1,300 megawatts □ about 9 percent of the company's total.

Read more:

<http://www.bradenton.com/2011/09/12/3487676/p4/luminant-announces-facility-closures.html> □ xzz1Xqh1QSWI

01268-EPA-5744

Gina McCarthy/DC/USEPA/US

To Richard Windsor, oster.seth, gilfillan.brendan,  
perciasepe.bob, Sussman.bob, Laura Vaught

09/13/2011 07:58 PM

cc

bcc

Subject Fw: fyi....

Testimony from Sue for tomorrow's hearing.

Ex.5 - Deliberative

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/13/2011 07:56 PM -----

From: "Tierney, Susan" <STierney@analysisgroup.com>  
To: Ellen Kurlansky/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Gina  
McCarthy/DC/USEPA/US@EPA  
Date: 09/13/2011 05:57 PM  
Subject: Fw: fyi....

Sue Tierney | Managing Principal  
Analysis Group, Inc. | Economic, Financial, and Strategy Consulting  
Celebrating 30 Years  
111 Huntington Avenue, Tenth Floor, Boston, MA 02199  
617-425-8114 (direct) | 617-425-8000 (main) | 617-901-6921 (mobile)

[www.analysisgroup.com](http://www.analysisgroup.com)

**From:** Tierney, Susan  
**Sent:** Tuesday, September 13, 2011 05:43 PM  
**To:** Keohane, Nathaniel <(b) (6)> Bordoff, Jason E.  
<(b) (6)>  
**Subject:** fyi....

**Sue Tierney** | Managing Principal  
**Analysis Group, Inc.** | Economic, Financial, and Strategy Consulting  
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[www.analysisgroup.com](http://www.analysisgroup.com)

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Tierney Testimony - House Energy and Power Subcommittee Hearing - 9-14-2011.pdf

**Testimony of Susan F. Tierney, Ph.D.**  
**Before the U.S. House of Representatives**  
**Committee on Energy and Commerce, Subcommittee on Energy and Power**  
  
**Hearing on the Impacts of EPA Regulations on Electric System Reliability**  
**September 14, 2011**  
**Summary of Testimony**

Good morning, Chairman Whitfield, Ranking Member Rush, and Members of the Subcommittee. My testimony focuses on the impacts of the Environmental Protection Agency's recent air regulations, since these are the regulations that most affect power plants in the near term. These are important regulations from a public health point of view, but can the nation get both the benefits of improved air quality while also keeping the lights on? Will jobs and other economic activity flow from the timely issuance of these regulations? I strongly believe that the answer to these questions is yes, and that the rules should proceed to implementation.

My opinion is grounded in several facts and reasonably certain conditions in energy markets:

1. The U.S. electric industry has a proven track record of doing what it takes to provide reliable power supplies.
2. EPA's Cross-State Air Pollution Rule and Utility Air Toxics come after more than a decade of notice, and allow for more technology options and approaches than expected.
3. The owners of a substantial portion of affected plants have already taken steps to modernize their facilities so that these companies will be ready for the new EPA air regulations.
4. Current fuel market conditions are already putting economic pressure on the older, least-efficient coal plants, which are now operating infrequently and can be replaced with much more efficient power plants. The nation's abundant natural gas supply will help support the modernization of the nation's electric system. .
5. The more reasonable estimates of coal plant retirements are the more recent ones, since they are better informed of EPA's proposals. These indicate that the impacts are manageable.
6. There are various tools already in place to assure that reliability will not be adversely affected. The tools include normal electric system planning, reliability assessments and requirements, diverse market and utility responses, and fundamental safeguards in existing federal laws. This rich set of tools and resources will help lead to economical electricity supplies.
7. Recent market developments provide practical evidence that the impacts of the EPA clean air regulations are manageable.
8. The industry's response to the EPA regulations and market conditions – in the form of investments in environmental control technologies, new power plants, and other responses – will stimulate much-needed economic activity and modernization of the electric system.

**Testimony of  
Susan F. Tierney, Ph.D.  
Managing Principal, Analysis Group, Boston  
Before the  
U.S. House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Energy and Power**

**Hearing:  
Impacts of EPA Regulations on Electric System Reliability**

**September 14, 2011**

Good morning, Chairman Whitfield, Ranking Member Rush, and Members of the Subcommittee.

My name is Susan Tierney, and I am a Managing Principal at Analysis Group, Inc., a 500-person economic consulting firm headquartered in Boston, Massachusetts.<sup>1</sup>

I appreciate the opportunity to testify on whether the U. S. Environmental Protection Agency's new and proposed regulations will have adverse reliability impacts on the power sector and electricity users in the United States. I do not think that they will.

Under various existing federal environmental laws, the EPA has made proposals and/or issued final rules to regulate various air emissions, discharges into waterways, and other environmental issues associated with electricity production. The EPA's proposals to replace prior rules (as required by federal courts) do not put the nation in a position of having to choose between public health and keeping the lights on. Both of these important critical national

---

<sup>1</sup> As indicated on my "Truth in Testimony" form, I am testifying on my own behalf, and neither on behalf of a governmental entity nor a non-governmental entity (other than myself). I have not received a federal grant (or subgrant) or contract (or subcontract) during the current fiscal year or either of the two preceding fiscal years.

objectives can be achieved as EPA moves to implement the Clean Air Act and as the industry responds creatively, responsibly, and cost-effectively so that Americans can get the benefit of clean air and reliable electricity.

This is do-able. My opinion is based on my nearly three decades of public and private-sector experience<sup>2</sup> in electric system economics and regulation and on issues at the intersection of electric system planning, system operations, economic and environmental regulation and performance, and system reliability. My opinion also stems from my analyses<sup>3</sup> of various

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<sup>2</sup> As indicated in my attached CV, I have been involved in issues related to public utilities, ratemaking and regulation, and energy and environmental economics and policy for over 25 years. During this period, I have worked on electric and gas industry issues as a utility regulator and energy/environmental policy maker, consultant, academic, and expert witness. I have been a consultant and advisor to private energy companies, grid operators, government agencies, large and small energy consumers, environmental organizations, foundations, Indian tribes, and other organizations on a variety of economic and policy issues in the energy sector. Before becoming a consultant, I held several senior governmental policy positions in state and federal government, having been appointed by elected executives from both political parties. I served as the Assistant Secretary for Policy at the U.S. Department of Energy from early 1993 through summer 1995, having been nominated by President Bill Clinton and confirmed by the U.S. Senate. I held senior positions in the Massachusetts state government as Secretary of Environmental Affairs (1991-1993); Commissioner of the Department of Public Utilities (1988-1991); Executive Director of the Energy Facilities Siting Council (during the mid-1980s); and Senior Economist for the Executive Office of Energy Resources (during the early 1980s). My Ph.D. in regional planning is from Cornell University. I previously taught at the University of California at Irvine, and recently at the Massachusetts Institute of Technology. I currently sit on several corporate and non-profit boards and commissions, including as a director of EnerNOC, Inc.; chair of the Advisory Council of the National Renewable Energy Laboratory and the Energy Foundation's Board of Directors; a director of the Clean Air Task Force, the World Resources Institute, Clean Air – Cool Planet, and the Alliance to Save Energy; and a member of the Bipartisan Policy Center's energy project, and of the NYISO's Environmental Advisory Council. I serve on the Secretary of Energy's Advisory Board, where I am a member of its Shale Gas Production Subcommittee; and I chair of the Policy Subgroup of the National Petroleum Council's study of the North American natural gas and oil resource base (which is being released on September 15, 2011). Previously, I served as co-chair of the National Commission on Energy Policy; a member of the Advisory Council of the Independent System Operator – New England; a representative to committees of the North American Electric Reliability Council; a member of the National Academy of Sciences' Committee on Enhancing the Robustness and Resilience of Electrical Transmission and Distribution in the United States to Terrorist Attack; and a member of the U.S. Secretary of Energy's Electric Reliability Task Force.

<sup>3</sup> I have published several analyses on this topic in the last year, some of which are co-authored: M. J. Bradley & Associates, LLC and Analysis Group, *Ensuring a Clean, Modern Electric Generating Fleet while Maintaining Electric System Reliability: Summer Update 2011 Update*, June 2011 (hereafter referred to as "MBA/Analysis Group Summer Reliability 2011 Update")(available at [http://www.analysisgroup.com/uploadedFiles/News\\_and\\_Events/News/MJBA\\_Reliability\\_Report\\_Update\\_Summer2011.pdf](http://www.analysisgroup.com/uploadedFiles/News_and_Events/News/MJBA_Reliability_Report_Update_Summer2011.pdf)); Susan Tierney and Charles Cicchetti, "The Results in Context: A Peer Review of EEI's 'Potential Impacts of Environmental Regulation on the U.S. Generation Fleet,'" May 2011 (available at <http://www.analysisgroup.com/article.aspx?id=12468>); Susan F. Tierney, "Electric Reliability under New

studies of electric reliability that have been carried out in the past year, combined with my knowledge of competitive power markets, fuel markets (including natural gas), the processes for permitting and development new energy facilities, and the diversity of ways that the electric industry provides reliable electricity to consumers.

I focus my comments principally on the impacts of two air regulations: EPA's Cross-State Air Pollution Rule ("CSAPR") (previously called the Clean Air Transport Rule ("CATR")), which affects emissions of sulfur dioxide ("SO<sub>2</sub>") and nitrogen oxides ("NO<sub>x</sub>") from fossil-fuel power plants in the Eastern half of the U.S.; and the proposed "Mercury and Air Toxics Rule" ("Utility Toxics Rule"), which affects emissions of hazardous air pollutants emitted from most coal- and oil-fired power plants throughout the country. Together, these regulations would replace two rules (the Clean Air Interstate Rule ("CAIR") and the Clean Air Mercury Rule ("CAMR")) previously proposed by the Bush Administration and sent back to EPA by federal courts in order for EPA to revise the regulations to comply with the Clean Air Act. I focus on these two final/proposed air regulations because they will affect existing power plants within the next few years, and EPA's proposed water regulations under "316(b)" of the Clean Water Act would allow for a much-longer compliance time frame and a relatively flexible framework for

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EPA Power Plant Regulations: A Field Guide," January 18, 2011 (available at <http://www.wri.org/stories/2011/01/electric-reliability-under-new-epa-power-plant-regulations-field-guide>); and M. J. Bradley & Associates, LLC and Analysis Group., *Ensuring a Clean, Modern Electric Generating Fleet while Maintaining Electric System Reliability*, 2010 (hereinafter referred to as "MJBA/Analysis Group 2010 Reliability Analysis") (available at [http://www.analysisgroup.com/uploadedFiles/News\\_and\\_Events/News/MJBA\\_Reliability\\_Report\\_Update\\_Summer2011.pdf](http://www.analysisgroup.com/uploadedFiles/News_and_Events/News/MJBA_Reliability_Report_Update_Summer2011.pdf)). Additionally over the past year, I have been invited to speak on this topic at conferences sponsored by the National Association of Regulatory Utility Commissioners, the Bipartisan Policy Center, the Massachusetts Institute of Technology, the National Association of Clean Air Agencies, and other organizations.



determining on a case-by-case basis whether thermal power plants will need to install new cooling systems.

The CSAPR and the proposed Utility Toxics Rule are important from a public health point of view. But are they achievable? Can the industry respond effectively on time so that Americans don't have to choose between achievement of the health benefits the Clean Air Act envision and the electric system reliability that underpins the functioning of the U.S. economy? Will jobs and other economic activity flow from the nation's responses to these regulations? I strongly believe that the answer to all of these questions is yes, and that the regulations should proceed to implementation.

Several facts and reasonably certain conditions in energy markets support this conclusion, as I describe in my testimony below:

1. The U.S. electric industry has a proven track record of doing what it takes to provide reliable power supplies to consumers.
2. EPA's CSAPR and Air Toxics come after more than a decade of notice, and allow for more technology options and approaches than previously expected.
3. The owners of a substantial portion of affected plants have already taken steps to modernize their facilities so that these companies will be ready for the new EPA regulations.
4. Current fuel market conditions are already putting economic pressure on the older, least-efficient coal plants, which are now operating infrequently and can be replaced with much

more efficient power plants. The nation's abundant domestic natural gas supply and efficiency resources will help support the modernization of the electric system.

5. The more reasonable estimates of coal plant retirements are the more recent ones, since they are better informed of EPA's actual proposals. These more-recent estimates of coal plant retirements and market responses indicate strongly that the impacts are manageable.
6. There are various tools in place in the industry to assure that reliability will not be adversely affected. The tools include normal electric industry planning, reliability assessments and requirements, diverse market and utility responses, and fundamental safeguards in existing federal authorities. This rich set of tools and resources will help lead to economical electricity supplies.
7. Recent market developments provide practical evidence that the impacts of the EPA clean air regulations are manageable.
8. The industry's response to the EPA regulations and market conditions – in the form of investments in environmental control technologies, new power plants, and other responses – will stimulate much-needed economic activity and modernization of the electric system.

### **THE INDUSTRY HAS A PROVEN TRACK RECORD ON RELIABILITY ISSUES**

The starting point is that the U.S. electric industry has a proven track record of doing what it takes to provide the reliable power supplies. Regulated electric utilities, competitive electric companies, grid operators, and regulators have a strong mission orientation, which combines with regulatory requirements to ensure that reliable electricity supply is a priority.

For many decades, the U.S. electric industry has developed institutions, operating and planning requirements, system plans, operating approaches, emergency response protocols, and billions of dollars of investment to assure reliable electricity supply. The industry is keenly aware that the American economy and standard of living depend upon reliable power supplies. With some notable exceptions, utilities and other electric companies, and their workers, investors, and suppliers, have provided what Americans take for granted and what public officials insist upon: that electricity be reliably available around the clock, with increasing levels of performance to assure worker and community safety and public health.

It is normal practice in the electric industry to look ahead several years to ensure that there will be sufficient supplies available to meet anticipated customer demand under a wide range of contingencies. It can take several years to put in place the new generating equipment, transmission facilities, and other resources needed to ensure adequate supply. Forward-looking assessments by a wide variety of public and private entities provide information about future needs to decision makers in utilities, power generation companies, providers of energy efficiency services, equipment manufacturers, investment organizations, fuel suppliers, public agencies, and others. The norm is decision-making under conditions of uncertainty, given that capital commitments are made years in advance of need, and with only estimates of future fuel prices, demand levels, public policies, and other important factors.

The electric industry has responded well in prior periods (such as the mid-1990s) when Clean Air Act requirements led to investments in new pollution-control equipment and new additions to generating capacity. There were no reliability problems arising from those actions, in spite of

concerns raised that there would be equipment shortages and difficulties adding control equipment on so many power plants in a constrained period of time.

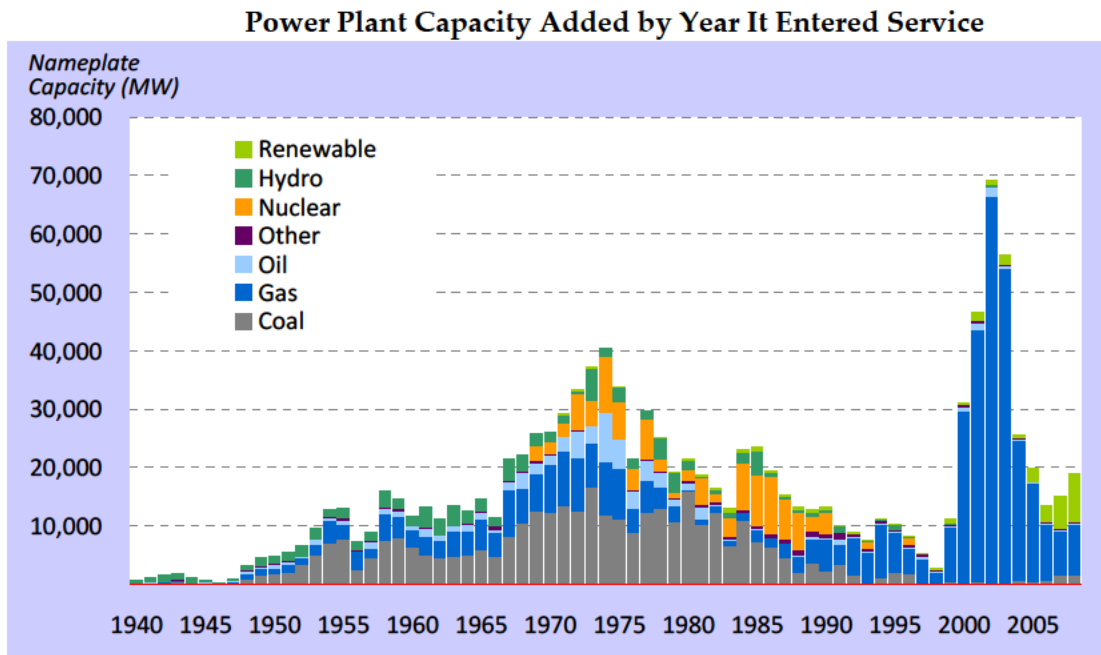
Developers of power plant have been able to attract sufficient investment and receive approvals to build far more generating capacity than is anticipated to be needed in the next decade:

Between 1999 and 2008, for example, in response to a variety of market, regulatory and economic signals, the electric sector added almost 270 gigawatts ("GW") of natural gas-fired generating capacity, the equivalent of more than 80 percent of the entire existing U.S. coal fleet.<sup>4</sup> Indeed, in just three years between 2001 and 2003, the electric industry built over 160 GW of new generation,<sup>5</sup> many times the amount that analysts project will retire over the next five years (as I describe further below). Much of this capacity remains underutilized today – a fact that can also assist in managing power plant outages required to install pollution-control systems.

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<sup>4</sup> EIA, *Annual Electric Generator Report: Form EIA-860*, 2008. Currently, there are more than 17,000 electric generation units in the U.S. with over 1,030 GW of capacity. Using other EIA data, coal-fired generation produced 45 percent of the nation's electricity in 2010, followed by natural gas (24 percent) and nuclear (20 percent), with the remaining amount produced through a combination of hydroelectric power, oil, wind and other miscellaneous fuel types.

<sup>5</sup> *Analysis from: MJBA/Analysis Group 2010 Reliability Analysis*, page 9.



Source: Figure 3 from MJBA/Analysis Group 2010 Reliability Analysis, page 9, with figure sourced from Ceres, et al., *Benchmarking Air Emissions of the 100 Largest Electric Power Producers in the United States*, June 2010.

**EPA'S NEW CLEAN AIR RULES HAVE BEEN ANTICIPATED FOR A LONG TIME, AND EPA HAS PROPOSED RELATIVELY FLEXIBLE COMPLIANCE OPTIONS**

By 2011, EPA's CSAPR and Utility Toxics Rule cannot reasonably be viewed as unexpected or a surprise. These regulations have been in the works for several years, with prior incarnations of these regulations (in the form of CAIR/CATR and CAMR) having been known to the industry for many years. And there are many reasons why these regulations will introduce less incremental change than has sometimes been reported:

- The proposed CSAPR would replace EPA's 2005 CAIR, which was initially proposed in December of 2003.<sup>6</sup> In December 2008, the U.S. Court of Appeals for the D.C. Circuit ruled that EPA reconsider its CAIR proposal, but had the rule remain in place until EPA

<sup>6</sup> <http://www.epa.gov/cair/rule.html>

issued a replacement (which EPA believed, at the time, would take two years to do) to address the Clean Air Act's provisions relating to the transport of air pollutant across state boundaries.<sup>7</sup> EPA issued its newly proposed CATR in July 2010, and finalized the CSAPR in July, 2011.

- Similarly, EPA began its regulatory process relating to mercury emissions in 2003, with the CAMR proposal finalized in March 2005.<sup>8</sup> The Court of Appeals also vacated the CAMR rule in December 2008, and sent it back to the EPA for replacement. EPA issued in newly proposed Utility Toxics rule in March 2011, and is expected to finalize the regulation in November of 2011.
- Several elements of the new proposals allow for flexibility in affected companies' responses. For example:
  - The CSAPR allows intrastate and limited interstate trading of emission allowances for SO<sub>2</sub> and NO<sub>x</sub>, consistent with the Clean Air Act:
  - The Utility Toxics rule allows companies with multiple boilers and generating units at a single station to comply by averaging emissions across the units.
  - EPA has proposed a "work practice standard" (with annual performance testing of units using "good combustion practices") to control emissions of dioxins and

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<sup>7</sup> <http://www.epa.gov/cair/>. Also, EPA, "Factsheet: Proposed Transport Rule Would Reduce Interstate Transport of Ozone and Fine Particle Pollution" (available at <http://www.epa.gov/airtransport/pdfs/FactsheetTR7-6-10.pdf>).

<sup>8</sup> <http://www.epa.gov/oar/mercuryrule/rule.html>

furans, rather than setting a numeric emissions limit. Together, these various provisions allow for flexibility in meeting the new regulations.

The bottom line is that these new clean-air requirements have been anticipated for a long time. EPA has proposed relatively flexible compliance options to ensure satisfactory compliance by affected companies, the majority of which have already taken steps to reduce their emissions of regulated air pollutants.

### **MANY PLANTS ARE ALREADY – OR SOON WILL BE – EQUIPPED WITH NEEDED CONTROLS**

Many factors besides the current issuance of these clean air regulations have caused owners of many affected plants to take steps to modernize their facilities to reduce their air emissions: many states have already adopted regulations ahead of the federal standards; many of the pollution-control technologies have been tested and are in commercial application; some companies (such as AEP) with facilities affected by the CSAPR and Air Toxics rules, are already under court orders to achieve these outcomes; and many companies have already taken steps to install control appropriate equipments.

EPA's proposed standards for the Utility Toxics rule – which were based on an extensive data collection effort from companies owning coal plants – are do-able.

- Several states – including Illinois, Massachusetts, New Jersey, Connecticut, Delaware, and New York – already impose more stringent mercury-emissions limits on coal-fired power plants than have been proposed by EPA.

- Many of the technologies that are available to satisfy EPA requirements are already in commercially application, with the industry having extensive experience with the installation and operation of these control systems.
- The power plants meeting the proposed standard have a wide variety of pollution-control systems and configurations that are reducing their mercury emissions. Nearly 60 percent of these plants are currently achieving the proposed mercury-emissions standard; nearly 70 percent currently achieve the proposed emissions standard for particulate matter ("PM") emissions; and 73 percent are currently achieving the proposed hydrogen chloride ("HCl") emissions standard.<sup>9</sup>

Many of the companies that own a substantial amount of the nation's coal-fired generating units have recently reported that they are well positioned to comply with the upcoming EPA regulations. Recent corporate earnings statements by chief executive officers of electric generating companies highlight several important themes : (1) companies have long anticipated these rules; (2) early investments have positioned these companies well for compliance; and (3) the impact on electricity rates can be managed. The excerpts below are from the recent analysis

I co-authored with MJ Bradley Associates for the Clean Energy Group in June 2011:

- Benjamin G.S. Fowke, III, President and Chief Operating Officer of Xcel Energy, said:  
"Like many of our peers, we are in the process of evaluating what if any impact [EPA's

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<sup>9</sup> This translates to more than 100 units (out of a total of 178) for mercury; more than 119 units (out of a total of 172) for PM emissions; and 158 units (out of a total of 217) for HCl emissions. Note that rather than requiring companies to comply with standards for each individual hazardous air pollutant emitted from coal-fired generating units, however, EPA has proposed the use of "surrogates," simplifying the monitoring and compliance requirements of the rule. For example, PM has been proposed as a surrogate for all non-mercury metal HAPs, including arsenic, cadmium, chromium, and lead. HCl is being used as a surrogate for all acid gas HAPs. No surrogate was used for mercury. MJBA/Analysis Summer 2011 Reliability Update.



Utility Toxics Rule] may have on our operations. Based on our preliminary review we do not anticipate that the rule will require extensive changes to our plans at [Northern States Power] and [Public Service Company of Colorado]...Our proactive steps to reduce emissions through the MERP project in Minnesota and our plans for the Clean Air-Clean Jobs Act in Colorado put us in good position to comply with these rules." April 28, 2011, Xcel Energy Inc. 1st Quarter 2011 Earnings Call.

- Jim Rogers, President and CEO of Duke Energy, said: "[T]he anticipation of more stringent environmental rules has long been part of our business plan. Over the past 10 years, we have spent \$5 billion retrofitting existing units with updated emissions controls...Today, approximately 75% of our current coal generation capacity has scrubbers in operation. This will increase to approximately 90%, once our fleet modernization program and related retirements are completed... We have really mitigated a lot of the risk and the cost associated with this program by the early steps that we took." May 3, 2011, Duke Energy 1st Quarter 2011 Earnings Call
- According to Gale Klappa, Chairman, President and CEO of Wisconsin Energy: "We really see very little impact on customer electric rates or our capital plan between now and 2015 as a result of all the new EPA regulations that have been proposed...We might see 1% to 2% increase our best guess. So that gives you an example of how well we are positioned from the environmental standpoint in terms of complying with even the new proposed rule." May 3, 2011, Wisconsin Energy Corporation 1st Quarter 2011 Earnings Call
- Theodore Craver, chairman, president and CEO of Edison International said: "We installed the necessary equipment back in 2009 and are already achieving these [mercury] limits. U.S. EPA's rule contained other draft provisions covering acid gases and non-mercury metals, which we can meet by installing the pollution control equipment we have been planning to use at Midwest Gen to meet our SO<sub>2</sub> emissions commitments to the Illinois EPA." May 2, 2011, Edison International 1st Quarter 2011 Earnings Call
- William Spence, Chief Operating Officer, Executive Vice President and President of PPL Generation, said: "Our proactive approach to environmental compliance positions the PPL fleet favorably for future EPA regulation. Ninety-six percent of the competitive coal generation is scrubbed, 88 percent has NO<sub>x</sub> controls already installed." February 4, 2011, PPL 4th Quarter 2010 Earnings Call

- Mauricio Gutierrez, Executive Vice President and Chief Operating Officer of NRG reports that: "The proposed [Utility Toxics Rule] provides flexibility in that compliance can be achieved through facility averaging and company selected control technology. It also recognizes the inherent differences in mercury emissions from lignite coal...[t]he key takeaway is that we do not expect at this time any additional environmental CapEx beyond what we have previously announced." May 5, 2011, NRG Energy 1st Quarter 2011 Earnings Call
- The Tennessee Valley Authority ("TVA"), which owns 17,000 MW of coal-fired generating capacity, announced plans in April 2011 to retire 18 older coal-fired generation units at three power plants (2,700 MW) as part of the utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020. The utility will replace "older and less-economical generation with cleaner sources." Tom Kilgore, TVA's President and CEO, said that a "variety of electricity sources, rather than heavy reliance on any single source, reduces long-term risks and helps keep costs steady and predictable....In the longer term, these actions reinforce our vision to keep bills low, keep our service reliability high and further improve air quality as we modernize the TVA power system." TVA Press Release, April 14, 2011.

At least one more company with a substantial amount of coal-fired generating capacity affected by these air rules is already under court orders to achieve similar outcomes as the new regulations:

- American Electric Power signed a consent decree with EPA and other parties in 2007 in which AEP agreed to retire, retrofit, or re-power most of the units that AEP has recently announced it plans to retire.<sup>10</sup> This reinforces the view that many environmental improvements (and potential plant retirements) have been in the works for some time. In response to questions from an investment analyst, AEP's chief executive officer

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<sup>10</sup> Consent Decree entered in the U.S. District Court for the Southern District of Ohio, Eastern Division, with respect to U.S.A and State of New York, et. al. v. American Electric Power et al. (Civil Action No C2-99-1250 (Consolidated with C2-99-1182)), U.S.A. v. American Electric Power (Civil Action No C2-05-360), and Ohio Citizen Action, et. al. v. American Electric Power, et. al. (Civil Action No. C2-04-1098), 2007. The 2007 Consent Decree required AEP to retire, retrofit or re-power, by no later than 12/31/2015, 3,900 MWs of the units covered under the decree; of those units, AEP has chosen to retire 3,055 MW and re-power 845 MW. In the 2007 Consent Decree, AEP agreed to retire, retrofit or re-power 4,500 MWs of its generating capacity. The 2007 Consent Decree covered all units AEP has now proposed for retirement, with the exception of the Welsh unit, whose retirement appears to be related to permitting commitments associated with other generating units in Texas.

recently suggested that the retirements were reasonable: "Throughout I think almost all of 2009 those plants probably didn't run 5% of the time because natural gas prices were such that they simply weren't dispatching. When we shut those down there will be some cost savings as well. And on balance we think that that's the appropriate way to go not only to treat our customers but also to treat our shareholders near and long term with that small amount of the fleet going offline."<sup>11</sup>

## **ECONOMIC CONDITIONS IN FOSSIL FUEL MARKETS FAVOR NATURAL GAS RELATIVE TO MANY EXISTING COAL-FIRED POWER PLANTS**

New, lower natural gas prices are already putting economic pressure on coal facilities even in the absence of EPA regulations. There are many existing and under-utilized gas-fired power plants in the regions that will be affected by the clean air rules. Even taking into account the effects of the post-2008 economic downturn on power plant output, lower gas natural gas prices and higher coal prices to utilities and independent power producers (as shown in the figure below) have meant that gas-fired power plants increased their output from 20 percent of all

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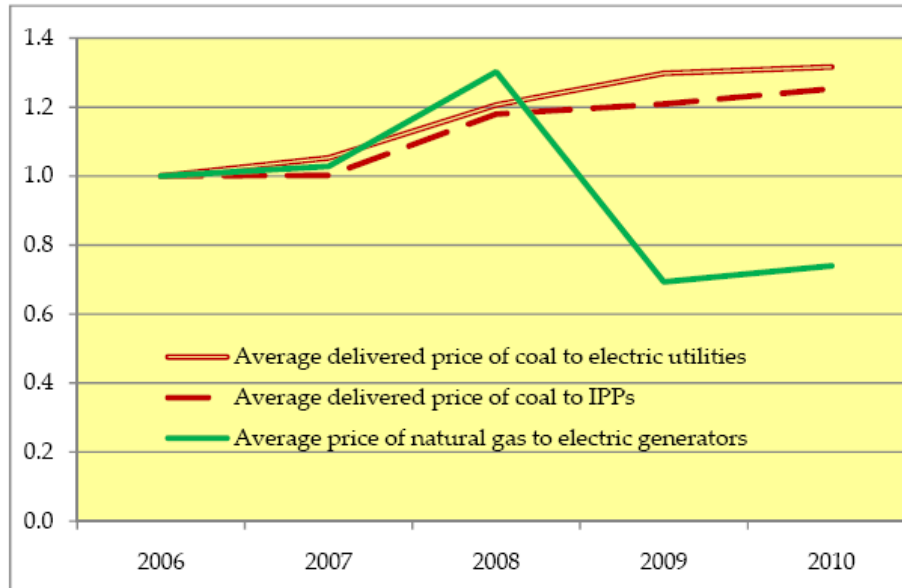
<sup>11</sup> Transcript of Sanford C. Bernstein & Co. Strategic Decisions Conference, June 1, 2011 (available at <http://ofchq.snl.com/Cache/A43E47486F11287831.pdf>):

Question (by Hugh N. Wynne, Senior Analyst, Sanford Bernstein): "So those [CATR and Mercury and Air Toxics] rules come into effect in 2014 and 2015. AEP disclosed that as a result of those rules there's about 5.5 gigawatts of coal-fired generation capacity that would be vulnerable to closure due to the high cost of compliance. We estimate the output of those plants at about 12 million megawatt hours annually. The generation gross margin associated with AEP's off-system sales would seem to imply that that generation is worth about \$150 million or maybe \$0.20 a share to AEP. Similarly if you were to lose the capacity revenues owned by Ohio Power on the sale of capacity from those plants it seems to me that about \$180 million of annual revenue should be at risk or about \$0.25 per share. Does AEP view the risk of the closure of these plants in similar terms? And if so what are your plans to mitigate these potential losses?"

Answer: (Michael G. Morris, Chairman & Chief Executive Officer) "Well this is probably one of those places where I saddle up with the team from FE. If in fact 80 gigawatts close, most of it in the central section of the United States, capacity prices and energy prices will more than adequately compensate us for the 5,500 megawatts going off the line. As you know those are high-cost plants and dispatch infrequently, I am not sure on your 12 million megawatt hours, we can surely supply you with data on that going forward. But, I think that going forward prices of capacity and energy would take care of that. Today - in fact, throughout I think almost all of 2009 those plants probably didn't run 5% of the time because natural gas prices were such that they simply weren't dispatching. When we shut those down there will be some cost savings as well. And on balance we think that that's the appropriate way to go not only to treat our customers but also to treat our shareholders near and long term with that small amount of the fleet going offline."

power production in the U.S. in 2007, to 24 percent in 2010, while coal-fired generation decreased from 50 percent in 2007 to 45 percent in 2010. Gas-fired generation increased in absolute terms, while coal-fired generation decreased in absolute levels over that period.

Change in Coal and Natural Gas Prices to Electric Generators  
Relative to 2006 prices

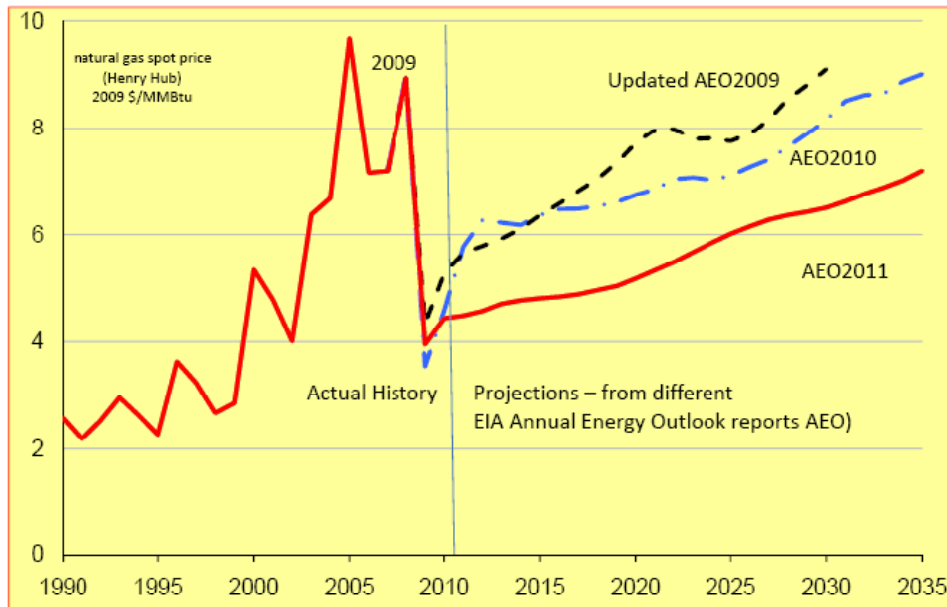


Source: Natural gas prices: EIA, [http://www.eia.gov/dnav/ng/ng\\_pri\\_sum\\_dcunusa.htm](http://www.eia.gov/dnav/ng/ng_pri_sum_dcunusa.htm);  
Coal prices: William Watson, Nicholas Paduano, Tejasvi Raghuvver and Sundar Thapa, EIA, "U.S. Coal Supply and Demand: 2010 Year in Review," June 1, 2011 (available at <http://www.eia.gov/coal/review/pdf/feature10.pdf>)

The expectation and availability of relatively low natural gas prices in the future also help favor the replacement of much of the older, less efficient coal-fired power plants that lack emissions controls with new gas-fired generating capacity. The figure below shows the extent to which the availability of greater supplies of natural gas has lowered the Energy Information Administration's outlook for natural gas prices over the last three years (from the 2009 forecast to the 2011 forecast). If conditions were different, the gas-to-coal price differential might mean that it would be economical for the owners of many of the older coal plants to retrofit them with

pollution control equipment rather than retire them. Retirement of many of these old, inefficient coal units that lack environmental controls is simply good economic sense.

Natural Gas Prices: Actual (1990-2010) and Forecast (2010-2035)



R. Newall, EIA, The Long-term Outlook for Natural Gas, presentation to the Saudi Arabia - United States Energy Consultation, February 2, 2011

**MANY STUDIES HAVE CALLED ATTENTION TO ELECTRIC RELIABILITY ISSUES, WITH THE MORE REASONABLE STUDIES SUGGESTING THAT THE IMPACTS ARE MANAGEABLE.**

Many assessments have been published, calling attention to the potential power plant retirements and sending useful information to the markets about needed investment in new capacity in different parts of the country. These studies highlight ranges of impacts under quite-different sets of assumptions. The more reasonable estimates indicate strongly that the impacts are manageable, especially in light of responses already visible in the electric industry. The studies' results do not mean that there will be inadequate resources in the end: rather, they

serve as a sort of “call to action” in the marketplace, and several are explicit in saying that they have identified resource gaps in order to signal that action is needed.

My colleagues at MJ Bradley Associates and I performed a review of many such studies last year,<sup>12</sup> on behalf of the Clean Energy Group, and we updated it three months ago, in June of 2011.<sup>13</sup> Additionally, I have analyzed carefully many other reports written on this topic and prepared a “field guide” to their results.<sup>14</sup>

As shown in the table below, many if not most of the studies were performed prior to EPA’s issuance of both proposed clean air rules, so did not assume the amount of flexibility built into those proposals.<sup>15</sup> Most assumed a range of scenarios in which there were three basic types of analyses: (a) a base case (no EPA rules, and coal-plant retirements driven by unfavorable economics); (b) a series of “moderate” cases (in which a report’s author assumed relative flexibility in compliance options); and (c) “strict” cases (in which the reports’ analyses assumed strict, inflexible regulatory compliance). Few if any of the studies examined the extent to which new electric resource options not already formally announced would come forward, and in no case that I am aware of did a study assume that there would be a *robust* market response (including new power plants, implementation of new energy-efficiency and other demand-side

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<sup>12</sup> MJBA/Analysis Group 2010 Reliability Analysis.

<sup>13</sup> MBJA/Analysis Group Summer 2011 Reliability Update.

<sup>14</sup> See also S. Tierney and C. Cicchetti, “The Results in Context: A Peer Review of EEI’s “Potential Impacts of Environmental Regulation on the U.S. Generation Fleet,” May 2011; and S. Tierney, “Electric Reliability under New EPA Power Plant Regulations: A Field Guide,” January 18, 2011, <http://www.wri.org/stories/2011/01/electric-reliability-under-new-epa-power-plant-regulations-field-guide>.

<sup>15</sup> This point is made in a recent report published by the Congressional Research Service: “EPA’s Regulation of Coal-Fired Power: Is a “Train Wreck” Coming?” (authored by James E. McCarthy and Claudia Copeland), August 8, 2011. See page 40.

measures that may now become economical, or even transmission reconfigurations) in combination with the more moderate cases consistent with EPA regulations. Even the results I report below<sup>16</sup>, which select the more moderate cases, overstate these impacts for this reason.

Studies of Potential Retirements in Response to Upcoming EPA Air (and Other) Regulations		
Study:	Estimated Coal Retirements:	Notes and document title
PIRA (4/2010)	30-40 GW	PIRA, "North American Environmental Markets Service: EPA's Upcoming MACT: Strict Non-Hg Regs Can Have Far-Reaching Market Impacts."
ICF for INGAA (5/2010)	50 MW	Report prepared by ICF for Interstate Natural Gas Association of America, "Coal-Fired Electric Generation Unit Retirement Analysis."
ICF for EEI (5/2010)	25 GW	(Scenario 1 – CAIR and MACT) Report prepared by ICF for Edison Electric Institute, "Preliminary Reference Case and Scenario Results."
CS (7/2010)	50 GW	Credit Suisse, "A Thought...CATR is First Step in Changing the Coal Fleet."
Bernstein (10/2010)	65 GW	Hugh Wynne et al., Bernstein Research, "U.S. Utilities: Coal-Fired Generation Is Squeezed in the Vice of EPA Regulation; Who Wins and Who Loses?"
NERC (10/2010)	6 GW	Based on the "moderate" CATR and MACT cases. North American Electric Reliability Corporation, "2010 Special Reliability Scenario Assessment: Resource Adequacy Impacts of Potential U.S. Environmental Regulation."
	25 GW	Based on the "strict" CATR and MACT cases. Same document.
CRA (12/2010)	35 GW	Ira Shavel & Barclay Gibbs (Charles River Associates), "A Reliability Assessment of EPA's Proposed Transport Rule and Forthcoming Utility MACT."
ICF for EEI (1/2011)	24 GW	Scenario with CATR and MACT (flexibility) Report prepared by ICF for EEI, "Potential Impacts of Environmental Regulation on the U.S. Generation Fleet."
BPC (6/2011)	15-18 GW	BPC's estimate of incremental retirements by 2015, beyond the amount expected by economic conditions; taking into account 316(b) water impacts.
Note: Currently there are approximately 1,030 GW of generating capacity in the U.S., of which approximately 330 GW is coal-fired generation.		

<sup>16</sup> Note that my table does not include an internal "informal staff assessment" prepared by the staff of the Federal Energy Regulatory Commission during the Fall of 2010, and described in an August 1, 2011 letter to Senator Lisa Murkowski from FERC Chairman Jon Wellinghoff and Commissioners Cheryl LaFleur and John Norris.

In my opinion, these estimates likely overstate the impacts of EPA's proposed clean air regulations: for one thing, EPA's regulations are more flexible than had been anticipated by the less-recent studies. And the industry has a wider range of options for responding to capacity needs than was assumed in the studies above. Finally, low gas prices are a fundamental disadvantage for owners of older and inefficient and uncontrolled coal-fired generating capacity.

### **MANY TOOLS EXIST TO ASSURE RELIABILITY**

The industry has various tools to assure that reliability will not be adversely affected. Among others, these include:

- Well in advance of need for new electric capacity resources, there is considerable information available to decision makers to provide signals about new investment opportunities and needs:
  - Federal administrative procedures inherently provide significant advanced notice of pending changes in environmental requirements.
  - EPA has built into its proposals a reasonable level of flexibility from a technology point of view.
  - Various organizations in the electric industry routinely publish short-term and long-term assessments of resource adequacy, which call attention to situations where additional actions are needed to assure reliable electric supply. Some of these have identified regional markets where inefficient or uneconomic coal



plants may retire. They also indicate amounts of capacity needed from the market (i.e., utilities, competitive power companies and other resource suppliers (e.g., companies providing demand-side measures that reduce the amount of needed new generating capacity)).

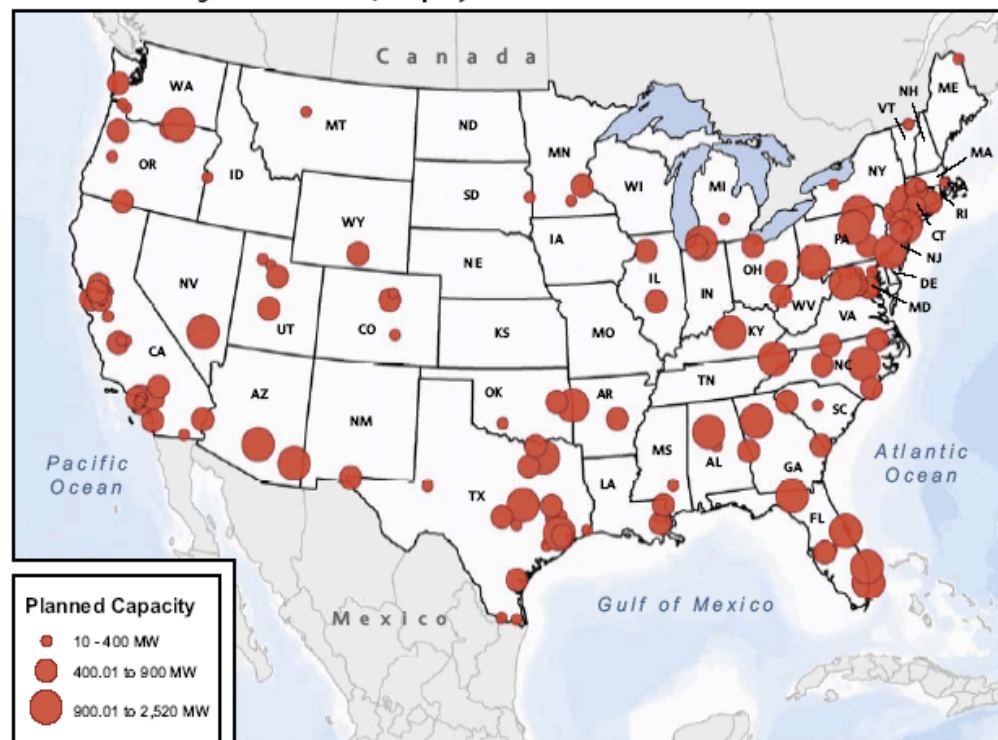
- o There are long-term capacity planning processes in many of the nation's regional wholesale markets (such as in PJM, NYISO, and ISO-NE) and in virtually all of the areas where state regulators review the resource plans of traditionally regulated utility companies.
- o The electric industry has proven experience in adding additional generating capacity, transmission solutions and demand-side measures when and where needed, and in coordinating effectively to address reliability concerns when and where they arise. As shown in the table below, already, 41.5 GW of new plant capacity is under construction in various regions of the country for an in-service date up through 2014 – the year when both the CSAPR and Utility Toxics Rules would be in effect. Another 26.7 GW of generating capacity is in advanced phases of permitting and in-service dates by 2014. (An additional 388 GW of new plant capacity has been announced but I have not included it here, in light of its less-advanced status.) While experience tells us that not all of this capacity will make it into commercial operation, there is a relatively high likelihood of plants already under construction moving forward to completion.

New Planned Generating Capacity Additions by Region (as of 9-2011)							
<p style="text-align: center;">Regional Reliability Councils</p>							
Reliability region	Generating Capacity (MW) Under Construction by Region						
	2011	2012	2013	2014	2015+	Total	Total by end of 2014:
TRE	453	1,003	-	-	302	1,758	1,456
FRCC	6	46	1,295	-	26	1,373	1,347
MRO	1,094	601	261	-	2	1,957	1,956
NPCC	2,057	1,788	647	640	1,404	6,536	5,132
RFC	2,646	1,892	198	139	47	4,922	4,874
SERC	2,165	6,457	3,615	681	61	12,979	12,918
SPP	580	645	7	-	-	1,232	1,232
WECC	1,613	5,449	4,379	1,109	517	13,066	12,550
Total	10,614	17,881	10,401	2,569	2,358	43,823	41,465
	Generating Capacity (MW) in Advanced Development Phases but Not Under Construction						
	2011	2012	2013	2014	2015+	Total	Total by end of 2014:
TRE	1	2,030	-	1,000	3,635	6,666	3,031
FRCC	30	48	117	1,395	4,638	6,228	1,590
MRO	225	600	-	-	1,068	1,892	825
NPCC	203	917	1,324	1,187	1,416	5,046	3,631
RFC	101	1,036	859	15	5,250	7,262	2,011
SERC	-	939	29	1,452	10,698	13,117	2,419
SPP	8	777	-	-	763	1,547	784
WECC	944	1,901	4,244	5,341	14,146	26,576	12,430
Total	1,512	8,246	6,572	10,390	41,614	68,334	26,720
Source of data: SNL Financial							

- o Much of the new power plant capacity under construction or in advanced development is natural-gas combined cycle facilities, which are power plants

that are highly efficient and capable of providing power not only around the clock but also in ways that work well with other resources (like wind and solar power) that provide intermittent power. Such facilities take capital investment and less time to permit than new baseload coal or nuclear facilities. As of August 2011, approximately 11.6 GW of new gas-fired combined cycle were under construction with an expected commercial operation by the end of 2014, with another 6.4 GW in advanced permitting. The map below shows this capacity, including another 18.4 GW of announced projects.<sup>17</sup>

**Planned natural gas combined-cycle projects in the US**



As of Aug. 24, 2011  
Source: SNL Energy

<sup>17</sup> Source: SNL Energy, as of August 24, 2011. An additional 10.8 GW of gas-fired combined cycle projects that are in advanced permitting or announced by project developers, for an in-service date of 2015.

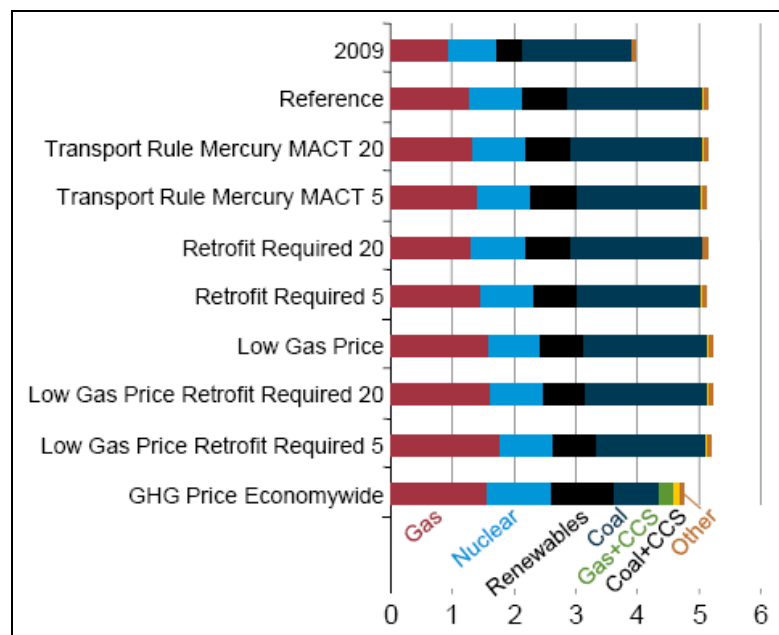
- The availability of abundant domestic natural gas supply is important for enabling the U.S. to rely on currently under-utilized capacity at existing gas-fired power plants (described previously) and on new combined-cycle plants to help meet reliable electricity supplies. The size of the technically recoverable resource base has grown dramatically over the past decade, with the application of new technologies that allow economical access to unconventional gas supply. These abundant resources will be characterized in the new study to be issued publicly by the National Petroleum Council tomorrow,<sup>18</sup> and have been previously reported by various organizations including the U.S. Geological Service and the EIA.
- The availability of natural gas, however, does not mean that coal is not expected to play a significant role in the nation's energy mix. As stated in a recent Congressional Research Service study of the impact of the EPA regulations on the power sector, "Virtually all the analyses agree that coal will continue to play a substantial role in powering electric generation for decades to come. EPA, for example, in the Utility MACT RIA, concluded that coal-fired generation will be roughly the same in 2015 as it was in 2008, despite the impact of the MACT and other rules.[footnote in the original] .... EEI [Edison Electric Institute] projected that coal will be responsible for 36% to 46% of electricity generation in 2020,

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<sup>18</sup> As I noted above, I have served as chair of the Policy Subgroup of the National Petroleum Council's fuel study over the past year. The study will be presented to the Secretary of Energy on September 15, 2011, and reflects the work of over 400 participants from industry, academia, states, environmental, and other organizations.

depending on the scenario.”<sup>19</sup> Additionally, in the most recent Annual Energy Outlook (2011, released in April 2011), the EIA examined the implications for coal-fired generation under varying assumptions about the degree of stringency in upcoming EPA regulations. EIA concluded that “[d]espite the decline in coal-fired capacity in all the analysis cases above, coal remains the largest single source of generation through 2035 in all but one of the cases” (with the latter case assuming an economy-wide cap on greenhouse gas emissions, which is not part of the EPA proposals and has not been adopted by Congress). These scenarios are depicted in the figure below, from EIA’s study:

Electricity generation by fuel in nine cases, 2009 and 2035 (trillion Kwh)



Source: EIA, Annual Energy Outlook 2011, page 51.

<sup>19</sup> Congressional Research Service, “EPA’s Regulation of Coal-Fired Power: Is a “Train Wreck” Coming?,” (authored by James E. McCarthy and Claudia Copeland), August 8, 2011. See page 40.

- Other tools are available to ensure reliability as time gets closer to compliance deadlines in the EPA regulations:
  - State and federal regulators, and grid operators:
    - State and federal regulations have a strong track record of taking steps necessary to ensure that the companies they supervise are meeting their obligation to provide reliable electric service.
    - As noted in a recent letter by leadership at the FERC,<sup>20</sup> there are active discussions underway by many federal agencies (EPA, FERC, the Department of Energy) with an interest in reliability issues and the EPA regulations.
    - State agencies with responsibility for energy, utility and environmental regulations are in discussions to learn about each others' authorities and potential actions that the various agencies in affected states may take to assure smooth industry responses in their states. The national associations of public officials in those states (the National Association of Regulatory Utility Commissioners, the National Association of State Energy Offices, and the National Association of Clean Air Agencies) are assisting the states in these efforts.

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<sup>20</sup> These discussions are described in three letters sent on August 1, 2011 letter to Senator Lisa Murkowski from members of the FERC: from Chairman Wellinghoff and Commissioners LaFleur and Norris; from Commissioner Philip Moeller; and from Commissioner Marc Spitzer.

- At its July 2011 summer meeting, NARUC adopted a second resolution on electric reliability and the EPA regulations, in which NARUC's Board supported a number of actions to assure reliable electricity supply without calling for a delay in implementation of the EPA rules.<sup>21</sup>
- Grid operators (e.g., Regional Transmission Organizations) and regional reliability councils in various regions are conducting studies to assess the timing of reliability issues, and to get ready for additional actions in later years. The grid operators will be able to coordinate scheduling of outages to support reliable operations. Notably, on August 4, 2011, the grid operators that represent systems that serve approximately 146 million Americans requested that EPA include in its final regulations on the Utility Toxics Rule a provision that would "authorizing a targeted

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<sup>21</sup> The July 2001 NARUC Resolution closes with the following "resolves" – that NARUC's Board "supports efforts to promote State and federal environmental and energy policies that will enhance the reliability of the nation's energy supply and minimize cost impacts to consumers by:

- Allowing utilities to coordinate the closure and/or retrofitting of existing electric generating units in an orderly manner that will ensure the continued supply of electricity and that will allow power generators to upgrade their facilities in the most cost effective way, while at the same time achieving attainable efficiency gains and environmental compliance; *and*
- Allowing regulatory options for units that are necessary for grid reliability that commit to retire or repower; *and*
- Allowing an EPA-directed phasing-in of the regulation requirements; *and*
- Establishing interim progress standards that ensure generation units meet EPA regulations in an orderly, cost-effective manner; *and be it further*

**RESOLVED**, That commissions should encourage utilities to plan for EPA regulations, and explore all options for complying with such regulations, in order to minimize costs to ratepayers; *and be it further*

**RESOLVED**, That FERC should work with the EPA to develop a process that requires generators to provide notice to FERC, system operators, and State regulators of expected effects of forthcoming EPA regulations on operating plants to allow an opportunity for meaningful assessment and response to reliability issues; *and be it further*

**RESOLVED**, That NARUC and its members should actively coordinate with their environmental regulatory counterparts, FERC, and the electric power sector ensuring electric system reliability and encourage the use of all available tools that provide flexibility in EPA regulation requirements reflecting the timeline and cost efficiency concerns embodied in this resolution to ensure continuing emission reduction progress while minimizing capital costs, rate increases and other economic impacts while meeting public health and environmental goals."

backstop reliability safeguard, on a unit-specific basis, to ensure that the compliance deadlines set forth in the Proposed Rule do not cause electric grid reliability issues that cannot be remedied within the proposed compliance deadline.” Notably, these grid operators (including ERCOT, MISO, NYISO, PJM, and the SPP<sup>22</sup>) called for this provision to be included in the final regulations, and not for a wholesale delay in the implementation of the rule.<sup>23</sup>

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<sup>22</sup> ERCOT is the Electric Reliability Council of Texas; MISO is the Midwest Independent Transmission System Operator; NYISO is the New York Independent System Operator; PJM is PJM Interconnection; and SPP is the Southwest Power Pool. These correspond roughly with the following regional reliability councils noted on the map above: TRE (ERCOT); RFC (PJM); SPP (SPP); MRO (MISO); NPCC (includes NYISO, among other regions).

<sup>23</sup> As noted in the comments of ERCOT, MISO, NYISO, PJM and SPP, “RTOs and ISOs are responsible for ensuring the continued reliability of the bulk power system in order to “keep the lights on” to millions of Americans in our respective footprints. ...The RTOs and ISOs are independent entities with no financial stake in any generator or other market participant....[The RTOs and ISOs] urge that the EPA consider authorizing a targeted backstop reliability safeguard, on a unit-specific basis, to ensure that the compliance deadlines set forth in the Proposed Rule do not cause electric grid reliability issues that cannot be remedied within the proposed compliance deadline.....FERC has indicated that due to the deregulated status of generation, the RTOs do not have authority to simply prohibit units from retiring.[Footnote in original] Similarly, under the deregulated structure of the ERCOT market, ERCOT does not have the authority to outright prohibit generation retirements. When an ISO/RTO receives notice of a generation retirement, it assesses the reliability impact....Admittedly, it is difficult to assess the full scope of local and regional reliability impacts absent information from each of the asset owners as to their intentions to retrofit or retire their units. Unfortunately, those decisions are not fully known at this point because they will be driven, in part, by the provisions of the final EPA rules, their relationship to other environmental rules and future market conditions such as the projected costs of competing fuels and forms of generation. Even if overall regional or national levels of capacity remain sufficient, local reliability impacts, the extent of which are still unknown, can have a profound effect on ensuring system reliability within specific areas that can serve substantial load, such as urban areas.[footnote in original] Although the impacts cannot be stated with certainty, given the potential reliability issues that could result from the impact of this rule within the context of several EPA rulemakings, the Joint RTO Commentors respectfully request that the EPA consider revisions that provide for an extension process that would, in essence, allow for the continued operation of units – “Reliability Critical Units” -- identified by the ISO/RTO through its retirement analysis as necessary to maintain grid reliability. ...[T]he extension would be tailored to the specific reliability need, and would only be effective until such time the reliability issue is remedied via the most expeditious and efficient means available, whether that is transmission reinforcements and/or through replacement resources.” Joint Comments submitted to the EPA regarding “National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units, EPA-HQ-OAR-2009-0234, EPA-HQ-OAR-2011-0044, FRL-9286-1, August 4, 2011.



- Some states have begun to call for and review utility plans to comply with EPA regulations and to assure local reliability requirements. Some states (like New York State) have recently updated statutes to support timely reviews of proposals to site new power plant projects. Other states (e.g., California) have experience with streamlining permitting processes to assure timely state agency reviews of plans.
  
- As a bottom line, there are several fundamental safeguards that prevent reliability problems from occurring in the end. There are many existing statutory authorities and regulatory/risk-management tools that exist to ensure that electric system reliability can be maintained, even as the industry responds to the EPA regulations. Congress has already provided the tools needed to ensure that implementation of regulations designed to protect public health do not end us in a clash with other critical objectives, such as reliable electricity supply. The principal tools that can provide for extra time for compliance, in order to ensure electric reliability, are as follows:
  - Under Section 112(i)(3)(B) of the Clean Air Act,<sup>24</sup> EPA has the ability to extend the compliance deadlines in the Utility Toxics Rule for individual companies for one year on a case-by-case basis, for affected generating units where the owner

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<sup>24</sup> "(B) The Administrator (or a State with a program approved under subchapter V of this chapter) may issue a permit that grants an extension permitting an existing source up to 1 additional year to comply with standards under subsection (d) of this section if such additional period is necessary for the installation of controls. An additional extension of up to 3 years may be added for mining waste operations, if the 4-year compliance time is insufficient to dry and cover mining waste in order to reduce emissions of any pollutant listed under subsection (b) of this section."

has taken steps to comply in a timely fashion but still needs more time to assure reliable system operations.

- Under FERC supervision, grid operators can provide financial incentives to companies that file a request to retire a power plant, where such plant closures would raise reliability concerns. There are examples where the parties have negotiated consent decrees to allow continued operation while steps are taken to mitigate the reliability issues. Examples are: PJM's provision of financial incentives to Exelon, the owner of the Eddystone plant in Pennsylvania, to keep that plant in operator pending resolution of reliability issues; and ISO-NE's provision of financial incentives to Dominion, to support continued operation of the Salem Harbor power plant in Massachusetts while steps were taken to address local reliability issues that would arise in the event the plant retired.
- The Clean Air Act (Section 112(i)(4))<sup>25</sup> gives the President of the United States the authority to extend compliance deadlines for the Toxics Rule where such extensions are necessary to assure electric system reliability.
- The Federal Power Act (Section 202(c)) gives the U.S. DOE the authority to override Clean Air Act control requirements in limited emergency circumstances where there is a finding that an electric emergency exists.<sup>26</sup>

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<sup>25</sup> "(4) Presidential exemption. The President may exempt any stationary source from compliance with any standard or limitation under this section for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years. The President shall report to Congress with respect to each exemption (or extension thereof) made under this paragraph. "

- Under such existing legal authority, even a power plant planned to be retired for economic reasons – and not because of EPA regulations – could be required to remain in service pending actions to mitigate the reliability issues. For example, there is a notable recent situation in which the Secretary of Energy used this authority to order that that the Potomac River Generating Station remain in operation so as to assure reliability of the electric supply to the District of Columbia, even though the plant had been found to be in violation of state air pollution requirements. The plant was ordered to remain open until the regional grid operator provided a plan to assure electric reliability. As described in regulatory orders at the time:

On December 20, 2005, the Secretary of Energy entered an order finding that an emergency exists under section 202(c), and ordered the Plant to generate electricity.<sup>27</sup> The December 20 Order found that an emergency situation exists in

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<sup>26</sup> “§ 205.371 Definition of emergency. “Emergency,” as used herein, is defined as an unexpected inadequate supply of electric energy which may result from the unexpected outage or breakdown of facilities for the generation, transmission or distribution of electric power. Such events may be the result of weather conditions, acts of God, or unforeseen occurrences not reasonably within the power of the affected “entity” to prevent. An emergency also can result from a sudden increase in customer demand, an inability to obtain adequate amounts of the necessary fuels to generate electricity, or a regulatory action which prohibits the use of certain electric power supply facilities. Actions under this authority are envisioned as meeting a specific inadequate power supply situation. Extended periods of insufficient power supply as a result of inadequate planning or the failure to construct necessary facilities can result in an emergency as contemplated in these regulations. In such cases, the impacted “entity” will be expected to make firm arrangements to resolve the problem until new facilities become available, so that a continuing emergency order is not needed. Situations where a shortage of electric energy is projected due solely to the failure of parties to agree to terms, conditions or other economic factors relating to service, generally will not be considered as emergencies unless the inability to supply electric service is imminent. Where an electricity outage or service inadequacy qualifies for a section 202(c) order, contractual difficulties alone will not be sufficient to preclude the issuance of an emergency order.”

<sup>27</sup> Footnote 2 in the original: “U.S. Department of Energy, Order No. 202-05-2 (December 20, 2005) (December 20 Order). Authority under section 202(c) was transferred to the Secretary of Energy in 1980 by the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. § 7101). *Public Utility District No. 2 of Grant County, Washington*, 95 FERC ¶ 61,338 at n. 49 (2001). Here, we will therefore substitute “Secretary of Energy” for references to the Commission. Section 202(c) states that “[d]uring the continuance of any war in which the United States is engaged, or whenever the [Secretary of Energy] determines that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, the [Secretary of Energy] shall have the authority, either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by

the Washington, D.C. area, due to shortages in electric energy, facilities for the generation of electric energy, and facilities for the transmission of electric energy, as well as other causes. The Secretary of Energy directed Mirant to operate in a manner that provides reasonable electric reliability but that also minimizes any environmental harm from operation of the Plant.<sup>28</sup>

## **RECENT MARKET DEVELOPMENTS PROVIDE PRACTICAL EVIDENCE THAT THE IMPACTS ARE MANAGEABLE.**

There are already practical signs that the market is responding to the expectation that the EPA clean air regulations will go into effect. Examples include:

- The previously mentioned recent statements of CEOs of companies that own coal-fired generating units, which indicate that their companies are reasonably well-positioned and that the impacts are manageable.
- The expeditious actions of states and utility companies to implement steps deemed to be important for cleaner energy production and public health. A prime example is the recent effort in Colorado to implement a state law (the Colorado Clean Energy – Clean Jobs Law) that required the state’s utilities to take actions similar to those required by the EPA’s clean air regulations. Within one year of enactment of that act, the state’s largest utility (Xcel Energy) had filed plans to comply by shutting down a coal plant and replacing it with a new gas-fired generating station, which the state’s public health

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order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest.”

<sup>28</sup> Source: Federal Energy Regulatory Commission, *District of Columbia Public Service Commission*, 114 FERC ¶ 61, 017 (Docket No. EL05-145-000), Order on Petition and Complaint, January 9, 2006.

agency and utility commission reviewed for compliance with that new law as well as the state's long-standing requirements for least-cost planning.

- The recent results of the PJM May 2011 "forward capacity auction," which confirm that the 13-state PJM region will have ample electricity supply after proposed EPA clean air rules take effect on or before January 2015. This last example deserves a longer explanation, below, because it exemplifies some of the creative ways that the industry is responding to the EPA regulations in conjunction with other long-standing electric requirements.
  - PJM operates the nation's largest integrated power market that includes hundreds of generating units providing electric power to 54 million customers in 13 mid-Atlantic and Midwestern states, as well as the District of Columbia. With over one-sixth of total U.S. generating capacity, PJM is also home to many of the plants that will be affected by the CSAPR and the Utility Toxics rules. Each year, to assure that there is sufficient generating capacity to meet future demand in upcoming years, PJM solicits proposals from power suppliers willing to provide capacity to the market three years forward. The winners in each year's PJM Reliability Pricing Model ("RPM") auction commit to being available to provide electric service during that future time period, and to receive compensation (capacity payments) for doing so.
  - As indicated by the results of the May 2011 RPM auction for power supply for the period from May 31, 2014 through June 1, 2015, PJM will have more than enough

capacity to meet federal reliability standards set by NERC in the year in which both the EPA's proposed clean air rules would be in effect. Notably, more than 4 GW of new capacity came into the market with this auction, including new generation and new demand-side resources such as energy efficiency and demand response. This outcome shows the variety of ways in which market participants are providing efficient responses to power requirements as well as environmental requirements.

- In addition, power companies in PJM (such as AEP and Duke-Ohio) that do not participate in the capacity auction are required to certify that they have adequate capacity to ensure reliable service. These companies have confirmed that they have sufficient electric capacity to meet their needs through June 1, 2015 – more than five months after the EPA rules are expected to take effect.
- In my opinion, the PJM auction results reinforce the fundamental point that the electric industry has the tools to address the retirement of old, inefficient coal-fired units, preserve reliable service for customers.

#### **INVESTMENT BENEFITS RESULT FROM THE INDUSTRY'S RESPONSE TO EPA REGULATIONS, WITH A MORE MODERN ELECTRIC SYSTEM A FEW YEARS FROM NOW**

In my experience as a state utility regulator and a state cabinet officer responsible for implementing environmental regulations, I am aware of the tensions that often exist on the eve of implementing new regulations that will impose costs of an industry (and sometimes on the

consumers of its products), and the fears that such regulations will lead to jobs losses. Often, though, the very capital investments and expenditures that will be made by the industry to respond to regulatory requirement can – and do - produce positive economic activities in the local and regional communities affected.

I note two recent studies that have examined the job impacts of the EPA's air regulations. One is a report ("New Jobs, Cleaner Air: Employment Effects Under the Planned Changes to the EPA's Air Pollution Rules") published in February 2011 by CERES, and co-authored by J. Heintz, H. Garrett-Peltier and B. Zipperer of the Political Economy Research Institute (PERI) of the University of Massachusetts). The other is a report ("Why EPA's Mercury and Air Toxics Rule is Good for the Economy and America's Workforce") is authored by Charles Cicchetti, Navigant Consulting, July 2011.

The forward to the CERES/PERI study summarizes that "Since 1970, investments to comply with the Clean Air Act have provided \$4 to \$8 in economic benefits for every \$1 spent on compliance, according to the nonpartisan Office of Management and Budget. Since the passage of the Clean Air Act Amendments in 1990, U.S. average electricity rates (real) have remained flat even as electric utilities have invested hundreds of billions of dollars to cut their air pollution emissions. During the same period, America's overall GDP increased by 60 percent in inflation-adjusted terms."

The PERI researchers found that if the electric industry were required to comply with "stringent" EPA compliance rules with capital investments reaching almost \$200 billion

between 2010-2015 ("including almost \$94 billion on pollution controls and over \$100 billion on about 68,000 megawatts of new generation capacity), there would likely be net positive benefits:

Constructing such new capacity and installing pollution controls will create a wide array of skilled, high-paying jobs, including engineers, project managers, electricians, boilermakers, pipefitters, millwrights and iron workers....[B]etween 2010 and 2015, these capital investments in pollution controls and new generation will create an estimated 1.46 million jobs or about 291,577 year-round jobs on average for each of those five years....[T]ransforming to a cleaner, modern fleet through retirement of older, less efficient plants, installation of pollution controls and construction of new capacity will result in a net gain of over 4,254 operation and maintenance (O&M) jobs across the Eastern Interconnection. Distribution of these O&M jobs will vary from state-to-state, depending on where coal plants are retired (O&M job reduction) and where new generation capacity is installed (O&M job gains)."

- Over the five years, investments in pollution controls and new generation capacity will create significant numbers of new jobs in each of the states within the Eastern Interconnection, more than offsetting any job reductions from projected coal plant closures.
- The largest estimated job gains are in Illinois, (122,695), Virginia, (123,014), Tennessee, (113,138), North Carolina (76,966) and Ohio (76,240).
- In states with net O&M job reductions, projected gains in capital improvement jobs will provide enough work to fully offset the O&M job reductions. The construction of pollution controls will create a significant, near-term increase in new jobs. O&M job reductions are likely to occur later in the period."<sup>29</sup>

Dr. Cicchetti's study reviewed the EPA's benefit/cost estimates prepared as part of the proposed Utility Toxics Rule, and concluded that the methodology understated the net economic benefits of the proposed rule:

This report evaluates EPA's benefit-cost analysis as well as quantifies additional benefits that EPA chose not to monetize or include in their final benefit-cost results. EPA's analysis is both comprehensive and conservative, and the proposed Toxics Rule would

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<sup>29</sup> CERES/PERI report, Executive Summary.



result in an additional \$10.5 billion in annual benefits that EPA did not quantify or include in its analysis.

EPA, nevertheless, concluded that the annual benefits of the proposed Toxics Rule would dwarf the compliance costs, yielding net benefits (benefits minus costs) of about \$42 billion to \$129 billion per year. Some have argued that EPA's benefit-cost analysis is faulty because it includes co-benefits from SO<sub>2</sub>, NO<sub>X</sub>, particulate matter (PM), and greenhouse gas (GHG) emissions, which are not directly regulated by the proposed Toxics Rule. Those who suggest that it is improper for EPA to calculate co-benefits from reductions of non-hazardous pollutants, which are regulated under other sections of the Clean Air Act, have a fundamental lack of knowledge of the core economic concept of opportunity benefits and a poor understanding of how to conduct an benefit-cost or economic impact analysis.<sup>1</sup> EPA's benefit-cost analysis is comprehensive and relies upon sound and proven scientific methods and data.

Moreover, EPA's benefit-cost analysis was extremely conservative. EPA ignores the likely overestimate of compliance costs and likely underestimate of realized benefits of the proposed Toxics Rule and fails to substitute a reasonable degree of new energy efficiency and demand-side management. Because it already had enough information to conclude that the benefits of the proposed Rule far outweigh the costs, EPA also chose not to quantify many additional benefits. In this Report, we identify an additional \$8.2 billion in annual benefits plus \$2.3 billion in likely energy efficiency savings resulting from EPA's proposed Toxics Rule. These include the combined employer business savings for lost workdays, employee recruiting, training, integration, and replacement, and avoided restricted outdoor activities; reduced health care and insurance costs, and increased employment at a time when the economy is stressed. ...This study also examines some of the second and third order effects that EPA did not calculate. The additional analysis in this Report shows that the proposed Toxics Rule would add 115,520 jobs, GDP growth of \$7.170 billion, and additional tax receipts of \$2.689 billion.

These results are summarized in the following table from the Cichetti study (executive summary):

	EPA Calculations in Regulation Impact Analysis	Adding Energy Efficiency (\$2.3 million in 2015)	Adding Additional Analysis in this Report
Net Benefits	\$42 - \$129 billion	\$44.3 - \$131.3 billion	\$52.5-\$139.5 billion
Job Increases	35,970	n/a	115,520
Healthcare Savings	\$3.445 billion	n/a	\$4,513 billion
GDP Increases	n/a	n/a	\$7.170 billion
Increased Tax Revenues	n/a	n/a	\$2.689 billion

## CONCLUSION

For these reasons, I strongly believe that the nation does not need to trade off improvements in public health for lower electric reliability. Both of these are essential “givens” for Americans.

I urge the Committee to continue to take interest in this important topic, but to do so with an expectation that the industry will respond innovatively and effectively, and with confidence that Americans can get the benefits of both clean air and reliable electricity. This investment in cleaning up and modernizing the nation’s power supply system is important and do-able. In my opinion, there is no reason to delay the implementation of the Clean Air Transport Rule or the Utility Toxics Rule.

01268-EPA-5745

**Richard Windsor/DC/USEPA/US**  
09/14/2011 04:15 PM

To "David Plouffe", "Stephanie Cutter"  
cc  
bcc

Subject Fw: Rolling Stone: Ten Things Obama Must Do

FYI

Seth Oster

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

**From:** Seth Oster  
**Sent:** 09/14/2011 04:12 PM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe  
**Subject:** Fw: Rolling Stone: Ten Things Obama Must Do

Andra Belknap

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

**From:** Andra Belknap  
**Sent:** 09/14/2011 04:03 PM EDT  
**To:** Alisha Johnson; Betsaida Alcantara; Brendan Gilfillan; Dru Ealons; Michael Moats; Seth Oster; Shira Sternberg; Stephanie Owens; Vicki Ekstrom; David Bloomgren  
**Subject:** Rolling Stone: Ten Things Obama Must Do

# **Environment: Ten Things Obama Must Do**

## **How the president can help slow the rise of the oceans and heal the planet - without waiting for Congress**

**by: Jeff Goodell**



President Barack Obama walks in the White House rose garden.

Mark Wilson/Getty Images

When Barack Obama won the Democratic nomination for president in 2008, he declared that future generations would remember it as "the moment when the rise of the oceans began to slow and our planet began to heal." More than three years later, the oceans are still rising and our planet has done more howling – in the form of extreme weather – than healing. In fact, the current political climate is actually headed in the wrong direction: The most heated talk in Washington right now is not about reducing carbon pollution or expanding renewable energy, but whether to dismantle the Environmental Protection Agency. Michele Bachmann has pledged to see the EPA's "doors locked and lights turned off." Rep. Louie Gohmert, a Republican from Texas, wants to "let EPA go the way of the dinosaurs that became fossil fuels."

Not that Obama hasn't overseen some progress on the environment. He struck a deal with automakers to double fuel-efficiency standards by 2025. He boosted funding for clean-energy research. And he made some impressive appointments to key positions, including Lisa Jackson as head of the EPA and Steven Chu as secretary of energy. But overall, Obama's record on the environment has been uninspired – and that's putting it kindly. He hasn't stopped coal companies from blowing up mountaintops and devastating large regions of Appalachia. He caved in on tightening federal standards for ozone pollution, putting the lives of millions of Americans at risk. And the biggest tragedy: He has done almost nothing to rein in carbon pollution – or even to convince Americans that, in the long run, cooking the planet with coal and oil is a bad idea.

It's not all Obama's fault: His plans to rebuild America's energy infrastructure have been hampered by the recession, and his efforts on global warming have been stymied by Tea Party wackos and weak-kneed Democrats in Congress. But the president has spent far too much time blaming others, when he could have been taking action on his own. Here are 10 things Obama could do right now – without any say-so from Congress – to slow the rise of the oceans and heal the planet. All it takes is the will – and some political courage.

### **ONE: Stop the Pipeline**

Is it in our national interest to overheat the planet? That's the question Obama faces in deciding whether to approve Keystone XL, a 2,000-mile-long pipeline that will bring 500,000 barrels of tar-sand oil from Canada to oil refineries on the Gulf of Mexico. Greenlighting the \$7 billion pipeline would help feed America's addiction to oil – but it would also send a clear signal that Obama ranks cheap gas as a higher priority than a stable climate. Activist and writer Bill McKibben, who organized protests at the White House to stop the pipeline, calls the decision "a defining moment of the Obama years."

There are two big problems with Keystone XL. First, mining and refining the tar sands of Alberta – the second-largest repository of carbon on the planet – requires huge amounts of energy. That's why carbon pollution from tar-sand oil is up to 20 percent higher than from conventional crude. If we burn through the tar sands, warns NASA expert James Hansen, it's "game over" for the climate. Second, an oil spill from the pipeline could devastate the Midwest: A recent study by the University of Nebraska estimates that a worst-case spill in the Platte River would create an oil slick that would stretch for hundreds of miles and contaminate drinking water for millions of Americans.

There are signs the pipeline may already be a done deal: The State Department's environmental review of the project recently concluded that the pipeline would have "no significant impacts." But Obama can still stop the project all by himself, simply by refusing to sign the certificate of national interest required to allow the pipeline to cross the U.S. border. But blocking Keystone XL means saying no to Big Oil. Among the companies with the most to gain if the pipeline is built: Koch Industries, a major backer of the Tea Party. To put pressure on the State Department, which must sign off on the pipeline, Keystone's operator has hired the former deputy director of Hillary Clinton's presidential campaign as a lead lobbyist.

Environmental choices don't get much starker than this. "Obama is alone at the top of the key," McKibben recently wrote. "Will he take the 20-foot jumper – or pass the ball?"

### **TWO: Prevent Oil Spills**

Last year, after an explosion at BP's deepwater Horizon rig killed 11 workers and spewed nearly 5 million barrels of crude oil into the Gulf of Mexico, Obama convened a national commission to examine the causes of the spill and recommend reforms. "The question is," the president said, "what lessons we can learn from this disaster to make sure it never happens again?"

Not many, apparently. The oil-spill commission, whose chairman called the disaster "both foreseeable and preventable," released its full report last January, along with a long list of recommendations to improve the oversight and safety of offshore drilling. Among them: Involve top scientists at the National Oceanic and Atmospheric Administration in decisions about where and how to drill, and boost the industry's liability for environmental and economic damages above \$75 million.

But so far, Obama has failed to act. "Most of the recommendations have now been buried," says Rick Steiner, an Alaska oil-spill expert. "It's a travesty." Part of the blame lies with Republicans in the House, who are pushing to open up large swaths of the Atlantic Coast and the Arctic to offshore drilling. But Obama can implement many of the reforms by executive order: Improve training for federal inspectors, impose a fee on the oil industry to cover the cost of regulation, put a stop to the Interior Department's cozy relationship with drillers, and establish Regional Citizens Advisory Councils for both the Gulf and the Arctic to give local communities a voice in how the industry is regulated.

### **THREE: Crack Down on Carbon**

NASA climate scientist James Hansen has called coal, the most carbon-intensive of all fossil fuels, "the single greatest threat to civilization and all life on our planet." But Obama has failed to curb carbon pollution from coal plants. He didn't manage to push a program to cap and trade carbon emissions through Congress when he had the chance, and there's no way he can win approval for a straight-up carbon tax. But now he has a chance to do it the old-fashioned way: by wielding the power of the executive branch.

Following a 2007 ruling by the Supreme Court, the EPA has the responsibility to regulate greenhouse gases as a pollutant. The agency is working on new rules that would cut carbon

pollution from power plants – the country's single biggest source of planet-warming emissions. The question is: How tough will they be? To make Big Coal really clean up its act, the standards need to be set at roughly the same pollution levels produced by natural gas – about 1,100 pounds of pollution per megawatt hour of electricity. "That would essentially end the construction of conventional coal plants in America," says Vickie Patton, general counsel for the Environmental Defense Fund. "But if the standards are significantly looser, they could have the perverse effect of actually encouraging the construction of a new generation of plants." The ultimate outcome – no more coal plants, or far too many – is entirely in Obama's hands.

#### **FOUR: Strike a Deal With China**

Thanks to America's failure to provide leadership in climate negotiations over the past two decades, the idea that the nations of the world will come together and strike a deal to reduce carbon pollution is an increasingly far-fetched fantasy. But rather than struggle to get global negotiations back on track, why not just cut a deal with the only other country that really matters? Given that the two nations combined emit more than 40 percent of the carbon pollution released into the atmosphere every year, a bilateral agreement with China could have a huge impact on the climate. "Deals among the major emitters are a lot more practical than global treaty-based talks through the United Nations," says David Victor, an expert in international treaties at the University of California in San Diego. A bilateral deal would also remove one of the major roadblocks to congressional action: the fear that driving up the price of oil and gas at home would send more manufacturing jobs scurrying to China.

But even if China didn't agree to a carbon cap – or if Congress refused to follow suit – climate talks with the world's biggest carbon polluter could help shift the debate over global warming. David Doniger, policy director of the National Resources Defense Council's climate center, believes a deal with China to phase out so-called "super greenhouse gases," such as hydrofluorocarbons, is within reach. "It's not going to solve the problem of climate change," he says. "But it's a step in the right direction."

#### **FIVE: Make Coal Clean Up Its Mess**

A month before Obama took the oath of office, an earthen dam ruptured at a coal-waste storage pond near Kingston, Tennessee, sending a billion gallons of gray-black sludge into the Emory River, destroying homes, killing wildlife, and contaminating the soil and water. It was the second-largest industrial disaster in American history after BP, a flood of waste 100 times bigger than the Exxon Valdez oil spill in 1989.

Each year, coal plants in the U.S. generate nearly 140 million tons of coal ash, a toxic sludge laced with chemicals like arsenic, cadmium and mercury. Disposal of the ash is regulated – when it is regulated at all – by state laws, most of which are weak and filled with loopholes. For decades, the industry has poured the toxic sludge into lagoons and mines, used it to pave roads and fertilize crops, even recycled it into bowling balls and toothpaste. There are currently more than 1,000 sites that store coal ash in 35 states, and the vast majority of them are unmonitored. According to the EPA, residents who live near unlined ash ponds run a risk of cancer from arsenic contamination 2,000 times greater than federal standards permit.

None of this is any secret to EPA chief Lisa Jackson. At her confirmation hearing in 2009, just a

few weeks after the Kingston spill, she was asked what she would do to protect the public from coal-waste pollution. Jackson suggested that it was time for the EPA to step in and issue new rules for disposal of the toxic waste. "The EPA currently has, and has in the past, assessed its regulatory options," she said. "I think it is time to re-ask those questions." Three years later, the EPA is still dragging its feet. New rules have been proposed to treat coal ash as "special waste" – jargon for "hazardous" – and subject it to stricter standards. But Jackson says the new regulations can't be finalized this year because the agency has to sift through 450,000 public comments submitted by opponents and advocates. It's a lame excuse for inaction – one that puts the public at risk.

"Obama needs to tackle this issue head-on," says Lisa Evans, a senior attorney at Earthjustice who has been involved in the fight over coal ash for more than a decade. "Allowing the proposal to languish is harming communities where the ash is disposed, and it is harming the coal-ash recycling industry, which needs regulatory certainty about how this material will be handled in the future."

### **SIX: Hang Tough on Fuel Standards**

In July, Obama announced that the administration has reached an agreement with the auto industry that would nearly double fuel standards to 54 miles per gallon by 2025. Environmental advocates hailed it as the biggest step ever taken to reduce American dependence on foreign oil and cut planet-warming pollution. "If we can lock in these gains," says David Friedman, a clean-vehicles researcher at the Union of Concerned Scientists, "it's a huge, huge deal."

The key word is "if." Although automakers have agreed to the new standards in principle, the rules could be festooned with loopholes before they are finalized next year. Obama needs to insist on three key elements. First, vehicles should not be granted fuel exemptions for supposedly "green" moves like installing cleaner air conditioners. Second, cars with four-wheel drive should be required to meet the new standards, rather than being classified as trucks. And third, automakers must not be given a pass for developing electric vehicles. As it stands now, electric cars count as zero-emission vehicles, even though most aren't. "The electricity that powers electric cars has to come from somewhere," says Dan Becker, head of the Safe Climate Campaign. "In many states, it comes from burning coal. That certainly creates greenhouse-gas pollution." If electric vehicles take off, we could end up substituting coal for oil – undercutting the environmental impact of the new fuel standards before they even take effect.

### **SEVEN: Make Conservation Patriotic**

Ever since Jimmy Carter asked Americans to put on a sweater and turn down the thermostat, the idea of taking voluntary steps to reduce energy consumption has been seen as something of a joke. In fact, conservation and improved efficiency measures are not only the simplest ways to cut our energy use – they're also the least expensive. Amory Lovins, co-founder of the Rocky Mountain Institute, has long argued that it's eight times cheaper on average to save a kilowatt of electricity than it is to make one.

During the 2008 campaign, Obama was nearly laughed off the campaign trail when he floated the idea that keeping car tires properly inflated should be part of a national plan for energy

conservation. Turns out he was right: California now requires repair shops to check the tire pressure on every car they service – a move projected to save motorists 75 million gallons of gasoline every year.

As president, Obama should act immediately to make energy efficiency a patriotic cause. Create a Climate Corps, modeled on Teach for America, to inspire college kids to spend their summers installing insulation in old homes and buildings. Pass out compact fluorescent light bulbs at every public appearance. Convince the cast of True Blood to wage an ad campaign against "energy vampires" – electronic devices like DVD players that continually suck up small but significant amounts of electricity. Decree that the federal government buy only hybrids and electric vehicles, and that all federal buildings be equipped with energy-saving lights. Park Air Force One once in a while and take Amtrak – or ride a bike. Write a children's book about why wasting energy is bad.

### **EIGHT: Give Fish a Chance**

Our addiction to fossil fuels is making the world's oceans more acidic – which in turn makes it harder for marine life to thrive and reproduce. But there is a simple step that Obama can take to protect the oceans: Issue an executive order establishing strategic "fish production zones." Fishing would be prohibited in the zones, helping to boost the world's population of fish, dolphins, whales, sea turtles and even seabirds. "Many fish populations remain deeply depleted, resulting in lost jobs and depressed fishing communities," says Carl Safina, founder of the Blue Ocean Institute. "But just as you can't have only retail stores – you need factories to produce what will go into those stores – we need to have places in the ocean where fish can grow big, breed prolifically and then disperse to stock nearby fishing areas."

Even George W. Bush understood the need to restock the pond: To his credit – and reportedly over the strenuous objections of Dick Cheney – he created three new marine reserves before he left office. Obama should go much further, creating production zones that cover 20 percent of U.S. waters. "Studies show that this works," says Safina. "And it works best if the reserves – the fish-producing factories – are large."

### **NINE: Pardon Tim DeChristopher**

Back in 2008, as the Bush administration was scrambling to open up millions of acres of federal land to oil and gas drilling, DeChristopher staged a daring act of civil disobedience, posing as a bidder to disrupt a federal auction that would have damaged wilderness areas like the Arches and Canyonlands national parks in Utah. For this, the 29-year-old activist was sentenced in July to two years in federal prison. Obama has since declared many of Bush's last-minute leases invalid. Now he should make a small but important symbolic gesture by pardoning DeChristopher, sending a signal that a citizen-activist should not be singled out for punishment when the government itself disrespects the rule of law. "If Nixon can pardon Haldeman," asks Wendy Abrams, founder of a global-warming project called Cool Globes, "why can't Obama pardon DeChristopher?"

### **TEN: Use the Bully Pulpit**

Ever notice how often the phrase "climate change" pops up in Obama's speeches? Not much – only 20 times in the past year, and fewer than half as many as the year before. The president has



failed to make a big issue-defining speech on global warming, failed to defend the climate scientists being attacked by Big Oil, and failed to blast congressional climate deniers like Sen. James Inhofe, who shamelessly and stupidly dismiss global warming as a "hoax."

In fact, Obama's refusal to speak out on the risks and moral obligations of climate change may well be his biggest failure as president. "He has been silent on the defining issue of our time, letting Big Oil and the deniers define the debate," says Joe Romm, a leading climate advocate who served as assistant energy secretary under Bill Clinton. "In some sense, he has been a bigger failure than Bush – because Obama knows better. He knows exactly what is at stake."

Insiders insist the president is running a "stealth campaign" on climate change, quietly going after coal and oil by tightening air-pollution and fuel-efficiency standards. But Obama alone has the power to elevate global warming to the forefront of the international agenda, where it belongs. He must use his remarkable rhetorical skill to explain to the world that the fossil-fuel era is coming to an end – and inspire us all to take action, no matter what the cost. "Obama needs to make a decision," Romm says. "Does he want to be remembered as the president who had the best chance of taking action on climate – but who failed to stop the catastrophe?"

*This story is from the September 29, 2011 issue of Rolling Stone.*

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**

01268-EPA-5746

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Seth Oster, Diane Thompson, Laura Vaught, Brendan Gilfillan

09/15/2011 04:08 PM

cc

bcc

Subject Zichal blog post

Heather Zichal is about to issue the following blog post on the bills to indefinitely delay the boiler and cement MACT's. Ex.5 - Deliberative

### **Attacks to the Clean Air Act & the False Choice between a Healthy Environment and Healthy Economy**

Over the past four decades, the Clean Air Act has proven to be an invaluable tool in our nation's efforts to reduce dangerous air pollution and promote public health. The track record of the Clean Air Act also shows that strong environmental safeguards and strong economic growth go hand in hand.

In fact, the history of the Clean Air Act clearly shows that its benefits – in the form of longer lives, healthier kids, greater workforce productivity, and ecosystem protections – have outweighed the costs by more than 30 to 1. And in the time since the Clean Air Act was passed, air pollution has been reduced by more than 60 percent and the Gross Domestic Product of the United States has grown by more than 200 percent.

To build on the successes of the Clean Air Act, the Obama Administration has taken the most aggressive steps in a generation to protect the health of American families by reducing harmful pollution. Our actions to date, both historic and comprehensive, include new standards for cleaner, more efficient vehicles, common-sense regulations to curb pollution from power plants and industrial sources, and efforts to deploy cleaner sources of energy across the country.

Despite the compelling record of the Clean Air Act, some still believe that we cannot clean up pollution, create jobs, and grow our economy all at the same time.

Just this week, House Republicans voted on two separate bills that would roll back existing Clean Air Act public health protections. Notably, these bills would indefinitely delay the health benefits associated with rules that establish national limits on emissions of toxic air pollution— like mercury —from a variety of sources, including incinerators, industrial boilers and cement plants.

Let's take a closer look at what these bills would mean for American families.

#### **H.R. 2250, the "EPA Regulatory Relief Act of 2011"**

According to EPA's analysis, this bill would allow up to:

- 20,000 additional premature deaths;
- 12,000 additional heart attacks; and
- 123,000 additional asthma attacks that could have been avoided.

#### **H.R. 2681, the "Cement Sector Regulatory Relief Act of 2011"**

According to EPA's analysis, this bill would allow tens of thousands of adverse health effects from particulate matter exposure alone, including up to:

- 12,500 additional premature deaths;
- 7,500 additional heart attacks; and,

- 85,000 additional asthma attacks that could have been avoided.

Efforts like these to halt important safeguards for Americans are based on claims we have heard before, claims that EPA standards are harmful to the economy and employment. But based on the Clean Air Act's forty year history, this Administration rejects the notion that a healthy environment and a healthy economy are two conflicting goals.

Families should never have to choose between a job and healthy air, because they deserve both. That's why we will fight against attempts to weaken and undermine the Clean Air Act moving forward, and continue to build on our strong record of clean air achievements to date.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 09/15/2011 04:05 PM -----

From: "Utech, Dan G." <(b) (6)>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 09/15/2011 04:00 PM  
Subject: can you send me your draft blog post?

---



Backup of Clean Air Post\_Subcommittee Response.wbk

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01268-EPA-5747

**EPAExecSec**

Sent by: (b) (6) Personal Privacy

09/15/2011 05:02 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch, Veronica Burley, Janet Woodka

cc

bcc

Subject Daily Reading File: September 15, 2011



Daily Reading File.9.15.11.pdf





Natural Resources Conservation Service  
200 North High Street, Room 522  
Columbus, Ohio 43215  
614-255-2472 Fax: 614-255-2549

September 1, 2011

Ms. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

2011 SEP 13 AM 6:20  
OFFICE OF THE  
EXECUTIVE SECRETARIAT  
RECEIVED

Dear Ms. Jackson:

In support of the Great Lakes Restoration Initiative, please see the enclosed description of our proposed Green Corps project for your review. Ohio's Natural Resources Conservation Service is dedicated to water quality improvements across the state but uniquely the western basin of Lake Erie. Projects like the one described herein are critical to solving the long term water quality issues, promoting near-shore health by protecting watersheds from polluted run-off, and engaging our communities in our efforts. Ohio NRCS fully supports the grass-roots, community-based focus this project has and hopes this work inspires other communities to promote these urban conservation practices.

The partnership described herein has a successful track record of employing disenfranchised youth and creating a community building program. The requested dollars will serve to expand the existing employment capacity of the program and allow new areas to grow. The resources will allow for the expansion of a tree nursery and further the production of greenhouse materials.

Thank you for your full consideration and we look to hear from your office.

Sincerely,

TERRY J. COSBY  
State Conservationist

Enclosure

cc: w/o enclosure

Michelle Lohstroh, Assistant State Conservationist for Special Projects, NRCS, Columbus, OH  
Cheryl Rice, Urban Conservationist, NRCS, Wauseon, OH  
Steve Davis, ACES Watershed Specialist, NRCS, Lima, Ohio



## **Building and Growing the Green Corps in Support of the Lake**

The proposed project is an established partnership between the USDA Natural Resources Conservation Service (NRCS), CITE (Community Integration and Training for Employment) program of the Lucas County Juvenile Justice Division, Toledo GROWS program (Toledo Botanical Garden), the City of Toledo, and the Toledo-Lucas County Rain Garden Initiative (Lucas Soil and Water Conservation District-LSWCD). Over the past two years the Green Corps have successfully planted more than a dozen rain gardens, built over one hundred of rain barrels and planted dozens of trees. Additional hires will serve as an extension of this successful and prominent existing program. The following project work plan describes the expansion of these efforts to include production greenhouse and tree nursery work for the project participants:

### **1) Workshops**

Workshops will train and educate participants in the proper installation and application of each of the Urban Conservation and Urban Stormwater Practices. Each aspect of this program will provide youth participants with a workshop. Such workshops will include job training to ensure proper execution of the assigned work and provide meaningful on-the-job experience for potential future employment. Trainers will come from local NRCS staff, Toledo Lucas County Rain Garden Initiative, the City of Toledo and other local conservation partners.

### **2) Tree Planting**

The partnership will plant trees on five highly visible sites, with the focus on larger site applications. These plantings improve water management practices, reduce runoff, moderate urban temperatures, and sequester carbon, while beautifying neighborhoods and improving the environment. Urban sites will be selected for not only the viability of the practice but also in regard to the need to restore the urban canopy for the benefit of better stormwater management. This effort will also serve to support the further expansion greenhouse production and tree nursery efforts.

### **3) Rain Garden**

The partnership will install seven rain gardens as a soft engineering method to deal with stormwater runoff. The project areas will be close to existing community gardens to allow the partnership to maintain the rain gardens in perpetuity. These projects will create immediate benefit within the community and demonstrate the need for further improvements in stormwater management.

### **4) Rain Barrels**

The partnership will build and install 75 rain barrels in neighborhoods with stormwater management issues. Participating citizens will have the opportunity to attend a free rain barrel workshop. Engaging citizens and neighborhood groups in the education program will demonstrate a means to involve local landowners in taking ownership of urban conservation issues and a way to involve citizens in the conservation planning process at the grass roots level.

### **5) Educate the Public of the Installed Conservation Practices and the Associated Benefits**

The partnership will work with the local media (Newspapers, Television, Radio, WLEB Eco-Track TV Project, etc) to publicize the completed projects and educate the public as to the need for these Urban Stormwater Management Practices and the associated benefits. Education will employ a variety of appropriate means including articles, interviews, conservation partner newsletters, tours and/or field days.



**Budget Description**

## Personnel

Youth, new hires	(12 wks x 20 youth x 20 hours/wk @\$9.00/hr)	\$43,200.00
Supervisory staff, new hires	(12 wks x 2 staff x 25 hours/wk @\$14.00/hr)	\$ 8,400.00
Project coordinators (extension of current hours) (LSWCD)	(14 wks x 2 staff x 12 hours/wk @\$29.00/hr)	\$ 9,744.00
Project coordinator (extension of current hours) (Toledo GROWs)	(14 wks x 2 staff x 12 hours/wk @\$22.00/hr)	\$ 7,392.00
Equipment, plant materials, training materials, etc.		\$31,264.00
	<b>Total</b>	<b>\$100,000.00</b>



# Correspondence Management System

Control Number: AX-11-001-5298

Printing Date: September 14, 2011 02:46:25



## Citizen Information

Citizen/Originator: Mills, Karen G.

Organization: United States Small Business Administration  
Address: 409 3rd S.W., Washington, D.C. 20416

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5298      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 12, 2011      Received Date: Sep 14, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: EML (E-Mail)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Small Business Act Section 15(k) - Reporting Structure of the Office of Small and Disadvantaged Business Utilization

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

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OSBP	Sep 14, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OSBP	Sep 14, 2011

**Fw: Memorandum regarding Small Business Act Section 15(k)**

Eric Wachter to: (b) (6) Personal Privacy

09/12/2011 05:48 PM

----- Forwarded by Eric Wachter/DC/USEPA/US on 09/12/2011 05:48 PM -----

From: "Mills, Karen G." <Karen.Mills@sba.gov>  
To: <Daniel\_Gordon@omb.eop.gov>, "Johns, Marie" <Marie.Johns@sba.gov>, "Swain, Jonathan L." <Jonathan.Swain@sba.gov>, "Jordan, Joseph G." <joseph.jordan@sba.gov>, "Chang, Michele" <Michele.Chang@sba.gov>  
Date: 09/12/2011 04:18 PM  
Subject: Memorandum regarding Small Business Act Section 15(k)

---

To Agency Heads and Deputy Heads:

As you know, Small Business Contracting has been and continues to be a top priority for the White House. In order to achieve our government-wide 23% goal, agencies need direct support from their senior leadership. In fact, Section 15(k) of the Small Business Act requires that all federal agencies with procurement powers establish an Office of Small and Disadvantaged Business Utilization (OSDBU) to advocate for small businesses. This statute mandates that the OSDBU directors, "...be responsible only to and report directly to agency heads or deputy agency heads."

The attached Memorandum outlines details regarding this statute and asks that any agency that is not in compliance takes action to meet the requirements of Section 15(k). We at the SBA understand that being in compliance with this statute may create unique challenges at each agency. We are available to support your agency with this reorganization, as well as share best practices on structuring your department to maximize opportunities for small businesses.

Please feel free to contact me or my team if you have any questions. Thank you for your continued leadership on this essential priority for small businesses.

Warm regards,

Karen Mills  
Administrator  
U.S. Small Business Administration



OSDBU Reporting Structure Memo\_2011.pdf

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2011 SEP 14 AM 9:38

RECEIVED



U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

Date: September 9, 2011

To: Agency Heads  
Deputy Agency Heads

From: Karen G. Mills *Karen G. Mills*  
Administrator  
Small Business Administration

Subject: Small Business Act Section 15(k) – Reporting Structure of the Office of Small and Disadvantaged Business Utilization

---

As you know, small business contracting is a top priority for the White House due to the tremendous opportunity for growth and job creation which federal contracts provide to small businesses. In addition, Congress passed the Small Business Jobs Act of 2010, which helps level the playing field for small businesses in the federal procurement arena. The Small Business Administration (SBA), as required by the Small Business Act, oversees small business contracting programs across the federal government. One of our primary goals for federal procurement is to ensure the government achieves its statutory goal of awarding 23% of federal contracting dollars to small businesses and to make sure only eligible small businesses benefit from our programs.

To achieve these goals, we need to ensure that the advocates for small business within each agency are actively engaged with and have access to senior leadership in accordance with the provisions of the Small Business Act. In fact, Section 15(k) of the Small Business Act requires that all federal agencies with procurement powers establish an Office of Small and Disadvantaged Business Utilization (OSDBU) to advocate for small businesses and mandates that the directors of these offices "...be responsible only to and report directly to agency heads or deputy agency heads."

This past June, the Government Accountability Office (GAO) published a report, GAO-11-418, which evaluated agency compliance with Section 15(k) of the Small Business Act. According to that report, nine of the 16 federal agencies reviewed were in compliance, while the remaining seven were not.

SBA strongly supports the underlying policy set forth in Section 15(k) of the Small Business Act and is asking all agencies who are not in compliance to revise their reporting structure to meet the statutory requirements. Open and direct communication between the OSDBU Director and

the Secretary, Deputy Secretary or their equivalent is paramount to ensure that small businesses receive the maximum practicable opportunity to compete for and win federal contracts that allow them to grow their business and create jobs. The OSDDBU Director and staff manage your agency's small business programs and work with procurement staff, program staff, and small businesses to identify opportunities for small business contracting. Having the direct support and oversight at your level will help your agency to achieve its small business contracting goals and help us reach our 23% federal goal.

We at the SBA understand that being in compliance with this statute may create unique challenges at each agency and we would be happy to support your agency with this reorganization, as well as share best practices on how to structure your department to maximize opportunities for small businesses.

Please feel free to contact me or my team if you have any questions.





# Correspondence Management System

Control Number: AX-11-001-5306

Printing Date: September 14, 2011 04:32:14



## Citizen Information

**Citizen/Originator:** Johnsen, Steven

Organization: U.S. Department of Energy  
Address: 1000 Independence Avenue, SW, Washington, DC 20585

**Chu, Steven**

Organization: United States Department of Energy  
Address: 1000 Independence Avenue, SW, Washington, DC 20585

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-11-001-5306      **Alternate Number:** N/A  
**Status:** For Your Information      **Closed Date:** N/A  
**Due Date:** N/A      **# of Extensions:** 0  
**Letter Date:** Sep 13, 2011      **Received Date:** Sep 14, 2011  
**Addressee:** AD-Administrator      **Addressee Org:** EPA  
**Contact Type:** EML (E-Mail)      **Priority Code:** Normal  
**Signature:** SNR-Signature Not Required      **Signature Date:** N/A  
**File Code:** 401\_127\_a General Correspondence Files Record copy  
**Subject:** Daily Reading File - Letter for Administrator Jackson regarding Solar Decathlon;  
SCH002-Scheduling Request - Invitation - Department of Energy's Fifth Solar Decathlon from  
September 23 to October 2 on the National Mall's West Potomac Park

**Instructions:** For Your Information -- No action required  
**Instruction Note:** N/A  
**General Notes:** Event Date: 9/23/11 - 10/2/11 Location: National Mall, West Potomac Park Contact: Jane  
Wise, jane.wise@hq.doe.gov  
**CC:** OAR - Office of Air and Radiation -- Immediate Office  
OEAEE - Office of External Affairs and Environmental Education  
OP - Office of Policy

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

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

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	Noah Dubin	Sep 14, 2011



**The Secretary of Energy**  
Washington, DC 20585

September 9, 2011

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

Dear Madam Administrator:

As the summer draws to a close, I want to highlight an exciting event coming up at the end of September: the Department of Energy's Fifth Solar Decathlon from September 23 to October 2 on the National Mall's West Potomac Park. This competition brings together college teams from across the United States and around the world for an innovative and exciting competition to construct energy-efficient, solar-powered houses that will be on display to the public. I invite you and your agency staff to visit and participate. There are ample opportunities for volunteers.

If you would like to attend, please contact Ms. Jane Wise at [jane.wise@hq.doe.gov](mailto:jane.wise@hq.doe.gov) for more information. For those in your agency who might like to volunteer, I am enclosing additional details and contact information.

Sincerely,

A handwritten signature in black ink that reads "Steven Chu".

Steven Chu

Enclosures .





# U.S. DEPARTMENT OF ENERGY SOLAR DECATHLON

SEPT 23 - OCT 2

# 2011

## MARK YOUR CALENDARS

### U.S. Department of Energy Solar Decathlon 2011

#### WHAT:

A competition that challenges college and university teams from across the globe to design, build and operate solar-powered houses that are affordable, energy efficient, attractive and easy to live in.

#### WHEN:

##### VIP OPENING

Thursday, September 22, 2011

10 am - 11 am: Opening Ceremony  
(open to the public)

11 am - 3 pm: VIP Tours

12 pm - 2 pm: Congressional Staff Reception

##### SOLAR VILLAGE OPEN TO THE PUBLIC

September 23 - October 2, 2011

#### WHERE:

National Mall | West Potomac Park  
Washington, D.C.

#### WHO:

Collegiate teams showcasing the next generation of architects, engineers and entrepreneurs and the innovative spirit of students.

#### CONTACT:

Contact Kerry Duggan with your RSVP and questions at (202) 287- 6740 or LegAffairs@ee.doe.gov.

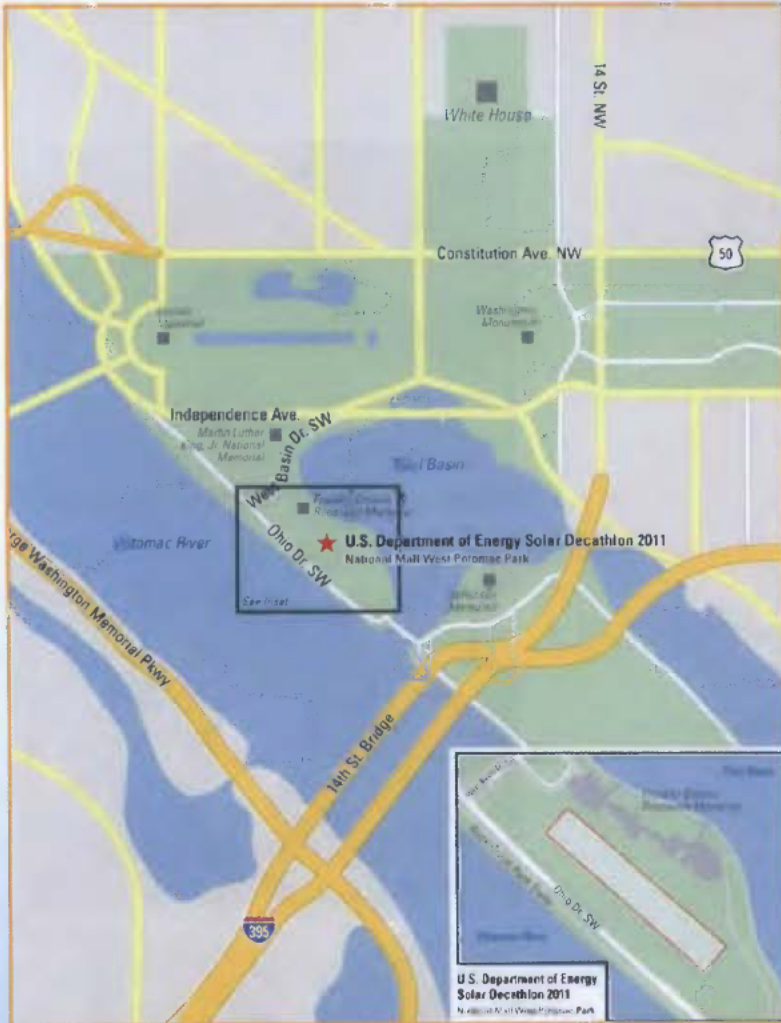


Facebook.com/DOESolarDecathlon



@solar\_decathlon






## 2011 TEAMS

- Appalachian State
- Florida Int'l
- Illinois
- Maryland
- Middlebury College
- New Zealand
- Ohio State
- Parsons NS Stevens
- Purdue
- SCI-Arc/Caltech
- Team Belgium
- Team Canada
- Team China
- Team Florida
- Team Massachusetts
- Team New Jersey
- Team New York
- Tennessee
- Tidewater Virginia

### Follow the Competition

To learn more, visit [www.solardecathlon.gov](http://www.solardecathlon.gov)

 [Facebook.com/DOESolarDecathlon](https://www.facebook.com/DOESolarDecathlon)

 [@solar\\_decathlon](https://twitter.com/solar_decathlon)



U.S. DEPARTMENT OF ENERGY  
**SOLAR DECATHLON**

NATIONAL MALL, WEST POTOMAC PARK, WASHINGTON, D.C.  
SEPT. 23-OCT. 2, 2011

## Online Volunteer Registration Is Now Available

### Be Part of Something Special

This is our fifth Department of Energy Solar Decathlon, a unique competition in which 20 college- and university-led teams from across the U.S., Canada, New Zealand, China, and Belgium compete to design, finance, construct, and operate energy-efficient, solar-powered houses at West Potomac Park on the National Mall. A simple idea to test students' ingenuity in 10 contests has grown into an ambitious and inspiring international event.

#### Volunteers Needed

- Greeters
- Docents (expert tour guides)
- Special event assistants
- Walking route assistants
- Solar and building efficiency experts
- School Day mentors

Teams arrive on September 13 to begin assembly. The competition is open to the public from September 23 – October 2.

Please register at [www.solardecathlon.gov/volunteers.html](http://www.solardecathlon.gov/volunteers.html). A shuttle bus will be available for DOE employees to get to and from the Solar Decathlon at West Potomac Park.

If you registered in 2009, you **do not** need to register again, but **do** need to request that the Solar Decathlon Volunteer Department add you to the Solar Decathlon 2011 DOE team. Send your request to [solarvolunteers@linderassociates.com](mailto:solarvolunteers@linderassociates.com).

DOE employees volunteering during their normal duty hours must submit a request for absence or leave from their Leave Approving Officials.

To find out more about roles, guidelines, and other helpful information, please go to [www.solardecathlon.gov/volunteers.html](http://www.solardecathlon.gov/volunteers.html) or contact:

Mary-Lyn Chambers, Volunteer Coordinator  
202-459-0861  
[solarvolunteers@linderassociates.com](mailto:solarvolunteers@linderassociates.com)

We look forward to seeing you at the U.S. Department of Energy Solar Decathlon 2011 this September!

U.S. DEPARTMENT OF  
**ENERGY**

**NREL**



# Correspondence Management System

Control Number: AX-11-001-5307

Printing Date: September 14, 2011 02:26:00



## Citizen Information

Citizen/Originator: Mull, Stephen D

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

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5307      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 12, 2011      Received Date: Sep 14, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: EML (E-Mail)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File The National Security Affairs Calendar for the upcoming months  
 September 12, 2011- November 30, 2012  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: Noah Dubin - OEX  
 OEAE - Office of External Affairs and Environmental Education  
 OHS - Office of Homeland Security

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OITA	Sep 14, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Control Created	Sep 14, 2011
(b) (6) Privacy	OEX	Forward control to OITA	Sep 14, 2011





SBU/FOUO: Memo from Department of State Exec Sec Stephen D. Mull:  
National Security Affairs Calendar SENSITIVE BUT UNCLASSIFIED/FOR  
OFFICIAL GOVERNMENT USE ONLY - S/ES No. 201116178

**Brown, Jewel M** to: ABlinken, anneem, balline, Brenda.Mackall,  
carol.darr, carol.kennedy, carol.matthews, Charles.H.Scales, Charley.L.Diaz, 09/12/2011 09:18 PM

**SENSITIVE BUT UNCLASSIFIED**  
**FOR OFFICIAL GOVERNMENT USE ONLY**

MEMORANDUM FOR NATHAN D. TIBBITS

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

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

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

<<Final Dist 201116178>> <<Final Dist 201116178>>

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2011 SEP 14 PM 12:36  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

SES 201116178



**United States Department of State**

*Washington, D.C. 20520*

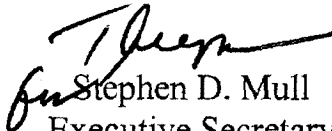
September 12, 2011

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FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR NATHAN D. TIBBITS  
EXECUTIVE SECRETARY  
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

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

  
Stephen D. Mull  
Executive Secretary

Attachment:  
As stated.

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September 12, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- |            |  |
|------------|--|
| Sep 12-16  | International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna   |
| Sep 12-30  | 18th Regular Session of the Human Rights Council, Geneva   |
| Sep 12-13* | Visit of President Basescu of Romania to Washington  |
| Sep 12-14  | Economic Community of West African States (ECOWAS) Ministerial Conference, Bamako  |
| Sep 12-14* | Visit of President Kikwete of Tanzania to Washington   |
| Sep 13-16  | 9th Asia-Pacific Economic Cooperation (APEC) Women and Economy Summit, San Francisco   |
| Sep 13     | 66th United Nations General Assembly Commences, New York   |
| Sep 13     | Asia-Pacific Economic Cooperation (APEC) High-Level Meeting on Energy Efficiency and Sustainable Transportation, San Francisco |
| Sep 13*    | Meeting of the Advisory Committee on International Economic Policy, Washington   |
| Sep 14-16  | Annual Meeting of the New Champions 2011, Dailian  |

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- Sep 14 Asia-Pacific Economic Cooperation (APEC) Transportation and Energy Ministerial, San Francisco
- Sep 14-15 U.S.-Pakistan Energy Dialogue, Islamabad
- Sep 14-15\* President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board Meeting, Washington
- Sep 15 Australia-U.S. Ministerial (AUSMIN) 2011, San Francisco
- Sep 17-19\* Visit of Crown Prince Al-Mutahdee Billah of Brunei to Washington
- Sep 17 Parliamentary Elections in Latvia (Snap)
- Sep 18-23 ASEAN Ministers of Energy Meeting, Brunei
- Sep 19-20 66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
- Sep 19-23 International Atomic Energy Agency (IAEA) General Conference, 55th Session, Vienna
- Sep 19 Haiti Partners Ministerial Meeting, New York

**LOOKING FORWARD**

- Sep 20 66th United Nations General Assembly Desertification High-Level Session, New York
- Sep 20 Presidential and Legislative Elections in Zambia
- Sep 20 Open Government Partnership (OGP) Summit, New York
- Sep 21 66th United Nations General Assembly General Debate begins, New York

- Sep 22 Subnational Legislative Elections in Saudi Arabia (Snap)
- Sep 22 Official Launch of the Global Counterterrorism Forum (GCTF), New York
- Sep 23 UN Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, New York
- Sep 23-25\* 2011 World Bank/IMF Annual Meetings, Washington
- Sep 24 Legislative Elections in the United Arab Emirates
- Sep 24 Parliamentary Elections in Bahrain (Snap)-1st Round
- Sep 25-26 Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3, San Francisco
- Sep 25\* Visit of Prime Minister Barrow of Belize to Washington
- Sep 25-28 World Food Program (WFP) Conference, Bamako
- Sep 26 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 26-27\* International Engagement Conference in Support of Republic of South Sudan (IEC), Washington
- Sep 27-30 6th UN Internet Governance Forum (IGF), Nairobi
- Sep 27\* Visit of Foreign Minister Portas of Portugal to Washington
- Sep 27-28\* Visit of Foreign Minister Zarifi of Tajikistan to Washington
- Sep 28\* Visit of Foreign Minister Amr of Egypt to Washington



Sep 28 - Oct 1 4th Review Conference of the Treaty on Conventional Forces in Europe, Vienna

Oct TBD Election of UN Security Council Non-Permanent Members

Oct 1 Parliamentary Elections in Bahrain (Snap)-2nd Round

Oct 2-5 2nd Meeting of the Sub-Group on Media Exchanges under the U.S.-Russia Bilateral Presidential Commission's Working on Education, Culture, Sports and Media, Moscow

Oct 3-28 UNGA First (Disarmament and International Security) Committee, New York

Oct 3\* U.S.-Japan Economic Harmonization Initiative High-Level Meeting, Washington

Oct 4-5\* (T) 2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington

Oct 5-6 North Atlantic Treaty Organization (NATO) Defense Ministers Meeting, Brussels

Oct 5-6 4th Pathways to Prosperity Ministerial Meeting, Santo Domingo

Oct 5-7 The Americas Competitiveness Forum, Santo Domingo

Oct 9 Parliamentary Elections in Poland

Oct 9 Presidential Elections in Cameroon

Oct 9-13 ASEAN Ministerial Meeting on Transnational Crimes (AMMTC), Bali

Oct 10-11 Summit on the Global Agenda 2011, Abu Dhabi

Oct 11 Presidential and Legislative Elections in Liberia

Oct 13\* U.S.-India Higher Education Summit, Washington

Oct 13\* Visit of President Lee Myung-Bak for the Republic of Korea to Washington

Oct 13-14 Council of Europe Forum for the Future of Democracy, Limassol, Cyprus

Oct 14-15 G-20 Finance Ministerial, Paris

Oct 16-17 APEC Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur

Oct 16 Parliamentary Elections in Mauritania

Oct 17-18 International Congress on Energy Security, Geneva

Oct 17-21 IAEA: International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna

Oct 17-20 7th UNESCO Youth Forum, Paris

Oct 18-22 ASEAN Defense Ministers' Meeting (ADMM) Retreat, Bali

Oct 18-19 International Energy Agency (IEA) Governing Board and Management Committee Ministerial-Level Meeting, Paris

Oct 21-23 World Economic Forum on the Middle East, Dead Sea, Jordan

Oct 23 Legislative Elections in Tunisia (Snap)

Oct 23 Presidential Elections in Bulgaria

Oct 23 Presidential and Legislative Elections in Argentina

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

Oct 27 Presidential Elections in Ireland

Oct 30 Presidential Elections in Kyrgyzstan

Oct 31\* U.S.-Indonesia Higher Education Summit, Washington

Nov TBD (T) Presidential and Parliamentary Elections in Egypt

Nov TBD\* U.S.-Israel Strategic Dialogue, Washington

Nov 1-2 London International Cyber Conference, London

Nov 2 Regional Summit on Afghanistan, Istanbul

Nov 3-4 G-20 Summit, Cannes

Nov 5-6 Presidential and Legislative Elections in Nicaragua

Nov 7-9 APEC Business Advisory Council (ABAC) IV, Honolulu

Nov 8-9 Asia-Pacific Economic Cooperation (APEC) Concluding Senior Officials Meeting and Related Meetings, Honolulu

Nov 9\* U.S.-Vietnam Human Rights Dialogue, Washington

Nov 10 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial, Honolulu

Nov 10-11 Asia-Pacific Economic Cooperation (APEC) CEO Summit, Honolulu

Nov 11 Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu

Nov 12-13 19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu

Nov 12 Parliamentary Elections in Denmark

Nov 13-15 India Economic Summit, Mumbai

Nov 14-18 International Atomic Energy Agency (IAEA) International Conference on Research Reactors, Rabat

Nov 14-18 International Education Week

Nov 14 (T) Parliamentary Elections in Guyana

Nov 17-18 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Nov 17-19 ASEAN Summit and Related Meetings, Bali

Nov 17-18 2011 Black Sea Energy and Economic Forum, Istanbul

Nov 17 Plenary Meeting of the Contact Group on Piracy Off the Coast of Somalia, New York

Nov 19 East Asia Summit (EAS) Meeting, Bali

Nov 20 Parliamentary Elections in Spain

Nov 22 International Energy Forum (IEF) Executive Board Meeting, Riyadh

Nov 24 Presidential Elections in Gambia

Nov 25 Parliamentary Elections in Morocco

Nov 26 Parliamentary Elections in New Zealand

Nov 28 (T) Presidential and Legislative Elections in the Democratic Republic of Congo

Nov 28 - Dec 9 17th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 7) to the Kyoto Protocol, Durban

Nov 29 - Dec 1 4th High-Level Forum on Aid Effectiveness, Busan

Dec 4 Parliamentary Elections in Croatia

Dec 4 Parliamentary Elections in Russia

Dec 5-22 Biological Weapons Convention 7th Review Conference, Geneva

Dec 5 International Afghanistan Conference, Bonn

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

Dec 7-8 North Atlantic Treaty Organization (NATO) Foreign Ministers Meeting, Brussels

Dec 10 Presidential Inauguration in Argentina

Dec 12-19 World Trade Organization (WTO) Ministerial Conference, Geneva

**2012** Jan 16-19 5th World Future Energy Summit, Abu Dhabi

Jan 22 Presidential Elections in Finland-1st Round

Jan 23 - Feb 17 World Radiocommunications Conference 2012 (WRC-12), Geneva

Jan 25-29 World Economic Forum Annual Meeting, Davos-Klosters

Feb 3 48th Munich Security Conference, Munich

Feb 5 Presidential Elections in Finland-2nd Round

Feb 12 Presidential Elections in Turkmenistan

Feb 26 Presidential Elections in Senegal

Feb 27-28 Mobile World Conference, Barcelona

Mar 4 Presidential Elections in Russia

Mar 5-9 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Mar 10-11 Legislative Elections in El Salvador

Mar 12-17 6th World Water Forum, Marseille

Mar 12-14 International Energy Forum (IEF) Ministerial Meeting, Kuwait City

Mar 26-27 2nd Nuclear Security Summit, Seoul

Mar 29 Parliamentary Elections in Iraq

Apr 14-15 6th Summit of the Americas, Cartagena

Apr 22 Presidential Elections in France-1st Round

May TBD NATO Summit, Chicago

May TBD 38th G-8 Summit, Chicago

May 6 Presidential Elections in France-2nd Round

May 16 Presidential Elections in the Dominican Republic

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

May 20 Presidential Elections in the Dominican Republic

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

Jun 4-6 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

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

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

Jun 10 Legislative Elections in France-1st Round

Jun 17 Legislative Elections in France-2nd Round

Jul 1 Presidential and Legislative Elections in Mexico

Jul 8-10 Organization of American States (OAS) General Assembly, Cochabamba

Jul 21-25 (T) 19th Annual ASEAN Regional Forum, Phnom Penh

Jul 27 - Aug 12 XXX Summer Olympic Games, London

Aug 14 Presidential Elections in Kenya-1st Round

- Aug 29 - Sep 9 Paralympic Games, London
- Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna
- Oct 8 Legislative Elections in Slovenia
- Oct 28 Parliamentary Elections in Ukraine
- Nov 18-20 (T) 21st Annual ASEAN Summit, Phnom Penh
- Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

\* = Taking Place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes:

Please email Saadia Sarkis at [sarkiss@state.sgov.gov](mailto:sarkiss@state.sgov.gov) or [sarkiss@state.gov](mailto:sarkiss@state.gov).





# Correspondence Management System

Control Number: AX-11-001-5319

Printing Date: September 14, 2011 02:41:19



## Citizen Information

**Citizen/Originator:** White, Arnette C

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

**Lew, Jacob J**

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

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

<b>Control Number:</b>	AX-11-001-5319	<b>Alternate Number:</b>	N/A
<b>Status:</b>	Pending	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	Sep 29, 2011	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Sep 14, 2011	<b>Received Date:</b>	Sep 14, 2011
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	EML (E-Mail)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	AD-Administrator	<b>Signature Date:</b>	N/A
<b>File Code:</b>	404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.		

**Subject:** DRF - Accelerating Payments to Small Businesses for Goods and Services

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

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OARM - OARM -- Immediate Office  
OEAEE - Office of External Affairs and Environmental Education  
OSBP - Office of Small Business Programs

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OCFO	Sep 14, 2011	Sep 29, 2011	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
No Record Found.			



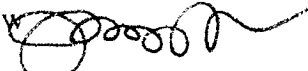
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

THE DIRECTOR

September 14, 2011

M-11-32

## MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew   
Director

SUBJECT: Accelerating Payments to Small Businesses for Goods and Services

As critical drivers of job creation and economic growth across the country, small businesses must receive, in a timely and efficient manner, the money that the Federal Government owes them for the goods and services that the Government has accepted. All told, the Federal Government pays small businesses nearly \$100 billion each year for goods and services. By taking actions that will enable these payments to be made as promptly as possible, we will improve cash flow for small businesses and provide them with a more predictable stream of resources, thereby preserving and increasing small business participation in Federal contracting.

Accordingly, the following memorandum establishes the Executive Branch's policy regarding the acceleration by Federal agencies of their payments to small business contractors. The Prompt Payment Act (PPA) generally requires an agency to pay its contractors within 30 days of receipt of relevant documents, including a proper invoice for the amount due and confirmation that the goods and services have been received and accepted by the Federal Government. This memorandum outlines the Executive Branch policy that, to the full extent permitted by law, agencies shall make their payments to small business contractors as soon as practicable, with the goal of making payments within 15 days of such receipt.

**BACKGROUND:**

Under the PPA and OMB's implementing regulations,<sup>1</sup> a Federal agency is generally required to make payments within 30 days from when the agency receives proper documentation. If an agency does not pay a vendor the amount due by the "required payment date" prescribed by the PPA, the agency must pay the vendor a late-payment interest penalty.

In accordance with prudent cash management practices, agencies generally pay contractors no earlier than seven days in advance of this 30-day deadline. However, the PPA and OMB's implementing regulations authorize agencies to make accelerated payments when the agency determines that doing so is "necessary." In addition, OMB's regulations specifically support agencies in making accelerated payments to small businesses, stating that "[a]gencies

<sup>1</sup> The PPA is at 31 U.S.C. Chapter 39. OMB's implementing regulations are at 5 C.F.R. Part 1315

may pay a small business as quickly as possible, when all proper documentation, including acceptance, is received in the payment office and before the payment due date."<sup>2</sup>

### **ACCELERATING AGENCY PAYMENTS TO SMALL BUSINESS CONTRACTORS:**

It is the policy of the Executive Branch that agencies shall exercise their PPA authority, to the full extent permitted by law, to establish an earlier, accelerated date for their making of payments to small business contractors.<sup>3</sup> To the extent practicable, Federal agencies shall establish a goal of paying small business contractors within 15 days of receiving proper documentation, including an invoice for the amount due and confirmation that the goods or services have been received and accepted by the Federal Government. At the same time, agencies need to ensure expeditious processing throughout (including in inspection and acceptance) to facilitate prompt payment to small businesses, while also maintaining necessary internal controls.

As noted above, the PPA authorizes agencies to accelerate the timeline for their making of payments, based upon a determination by the agency that an accelerated timeline is "necessary." Moreover, as also noted above, OMB's PPA regulations support agencies in making earlier payments to their small business vendors. These regulations, and the policy in this memorandum, are based on OMB's conclusion that an agency may lawfully determine, under the PPA, that it is "necessary" for the agency to make accelerated payments to small business vendors. The acceleration of payments to small businesses is necessary because, as is previously indicated, this acceleration improves cash flow for small businesses and provides them with a more predictable stream of resources. These outcomes have the effect of preserving and increasing small business participation in Federal contracting, which benefits Federal agencies and the taxpayers.

OMB recognizes that agencies, in their implementation of this accelerated-payment policy, will not be able to guarantee that they will make payments to small business contractors within the accelerated (15 day) period. Moreover, the establishment of this accelerated-payment policy, and its implementation by Federal agencies, does not change the application of the PPA's late-payment interest penalty provisions. Under the PPA and OMB's implementing regulations, the late-payment interest penalty is triggered when an agency does not pay the contractor the amount due by "the required payment date." This policy and its implementation do not modify the "required payment date" and do not otherwise modify the operation of the PPA's late-payment interest penalty.

Agencies shall begin making accelerated payments to small businesses as soon as practicable, in accordance with this memorandum. By November 1, 2011, each agency shall notify OMB of (1) the date by which the agency will begin making accelerated payments, along with the agency's explanation for why an earlier date is not practicable, and (2) the name and

---

<sup>2</sup> 5 C.F.R. § 1315.5(b). The provision also explains that earlier payments to small businesses "are not subject to payment restrictions stated elsewhere" in OMB's PPA regulations. These restrictions include the instruction to agencies that their PPA authority to make an earlier payment "must be used cautiously." 5 C.F.R. § 1315.4(j).

<sup>3</sup> This policy applies to all small businesses, including small disadvantaged businesses, service-disabled veteran-owned small businesses, women-owned small businesses, and small businesses operating in Historically Underutilized Business (HUB) Zones, as these terms are defined in Part 2 of the Federal Acquisition Regulation (48 C.F.R. § 2.101).

contact information for the agency senior official assigned the responsibility for overseeing implementation of this policy. Notifications should be sent to Daniel Werfel, OMB Controller.

If you have any questions regarding this memorandum, please contact Debra Bond, OMB Deputy Controller, at (202) 395-3993.



# Correspondence Management System

**Control Number: AX-11-001-5326****Printing Date: September 15, 2011 02:05:59**

## Citizen Information

**Citizen/Originator: Brunson, David**

Organization: City of Muleshoe  
 Address: 215 S Street, Muleshoe, TX 79347

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

## Control Information

**Control Number:** AX-11-001-5326 **Alternate Number:** N/A  
**Status:** For Your Information **Closed Date:** N/A  
**Due Date:** N/A **# of Extensions:** 0  
**Letter Date:** Sep 8, 2011 **Received Date:** Sep 14, 2011  
**Addressee:** AD-Administrator **Addressee Org:** EPA  
**Contact Type:** LTR (Letter) **Priority Code:** Normal  
**Signature:** SNR-Signature Not Required **Signature Date:** N/A  
**File Code:** 401\_127\_a General Correspondence Files Record copy  
**Subject:** Daily Reading File - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491  
**Instructions:** For Your Information -- No action required  
**Instruction Note:** N/A  
**General Notes:** N/A  
**CC:** OCIR - Office of Congressional and Intergovernmental Relations  
 OEAEE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

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

## Supporting Information

**Supporting Author:** N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign OAR as lead office	Sep 15, 2011
Martha Faulkner	OAR	Accepted the group assignment	Sep 15, 2011

# City of Muleshoe

RECEIVED

2011 SEP 14 PM 3:35

OFFICE OF THE  
EXECUTIVE SECRETARIAT

September 8, 2011

Cliff Black  
MayorRichard Orozco  
District 1Irene Mason  
District 2  
Mayor Pro-TemEric McElroy  
District 3Gary Parker  
District 4David Brunson  
City ManagerLeAnn Gallman  
City Secretary

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAE-2009-0491

Dear Administrator Jackson:

I am writing on behalf to the Mayor and City Council for the City of Muleshoe and the citizens of Muleshoe, Texas in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the well being of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by January 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Muleshoe that ultimately pay this cost.

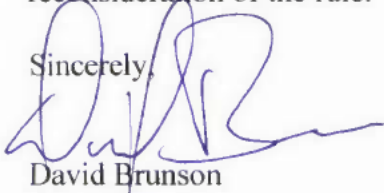
We estimate that the increased energy costs to the City of Muleshoe's will be 30%. That increase will significantly affect the city's ability to provide services to our citizens.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it

is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,



David Brunson  
City Manager





# Correspondence Management System

Control Number: AX-11-001-5331

Printing Date: September 15, 2011 02:58:17



## Citizen Information

Citizen/Originator: Ware, William J.

Organization: Amarillo National Bank  
Address: P.O. Box 1, Amarillo, TX 79105-0001

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5331      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 6, 2011      Received Date: Sep 15, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

## History

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





Amarillo National Bank

RECORDED

2011 SEP 14 PM 3:35

WILLIAM J. WARE  
VICE PRESIDENT

OFFICE OF THE  
EXECUTIVE SECRETARIAT  
September 6, 2011

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Amarillo National Bank in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

First, we noticed that there was no public comment period and are concerned about the increase to our energy costs. We are also frustrated with short phase in period of 5 months after the rule was finalized.


SPS serves our local area and about half its power comes from coal. SPS costs of increasing its reliance on natural gas plants could be up to \$250 million in 2012 alone. It is companies like us that ultimately pay this cost. This could be detrimental to our local economy.

In fact, we estimate that our electric bills will increase by \$250,000 to \$1,250,000 per year beginning next year.

Last, we are concerned that CSAPR could harm the reliability of the electric system. With record temperatures this year, we relied upon our coal fired plants for stable and efficient power. A change to a hybrid system could be too costly and unreliable in the short term.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

  
William J. Ware



# Correspondence Management System

Control Number: AX-11-001-5332

Printing Date: September 15, 2011 02:09:29



## Citizen Information

Citizen/Originator: Schroder, Rod

Organization: Amarillo Independent School District  
Address: 7200 I-40 West, Amarillo, TX 79106

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5332      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 9, 2011      Received Date: Sep 14, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011

## History

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



7200 I-40 West • Amarillo, TX 79106 • (806) 326-1420 • Fax (806) 354-4303

Rod Schroder, Superintendent

September 9, 2011

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

RECEIVED  
2011 SEP 14 PM 3:35  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of the Amarillo Independent School District in support of the August 23, 2011, Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Amarillo ISD that ultimately pay this cost.

**We estimate that the increased energy costs will be \$300,000 - \$450,000 annually. Amarillo ISD is a public education entity that is experiencing historic budget reductions. Such an increase will result in reduced funds available for our core classroom mission at the most financially demanding time in our district.**

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

Rod Schroder





# Correspondence Management System

Control Number: AX-11-001-5339

Printing Date: September 15, 2011 09:26:58



## Citizen Information

Citizen/Originator: Quinn, Hal

Organization: National Mining Association  
Address: 101 Constitution Avenue NW, Washington, DC 20001

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5339 Alternate Number: 7951 7928 2078  
Status: Pending Closed Date: N/A  
Due Date: Sep 29, 2011 # of Extensions: 0  
Letter Date: Sep 13, 2011 Received Date: Sep 15, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OAR-Assistant Administrator Signature Date: N/A  
- OAR

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- NMA respectfully urges EPA to: Fully disclose all documents of consultations between EPA and FERC, Initiate with FERC and others with responsibility for grid reliability

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

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011	Sep 29, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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HAL QUINN  
President & CEO

September 13, 2011

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue  
Washington, DC 20460  
(jackson.lisa@epa.gov)

RECEIVED  
2011 SEP 15 AM 5:48  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

**Re: National Emission Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Proposed Rule, Docket Nos. EPA-HQ-OAR-2009-0234 and EPA-HQ-OAR-2011-0044**

**Request of the National Mining Association for: (1) Disclosure of all Information Resulting from Consultations Between EPA and the Federal Energy Regulatory Commission on the above referenced proposed regulation; (2) Re-opening of the Public Comment Period for the Submission of Comments on the Proposed Rule; and (3) Convening an Open and Transparent Inter-Agency Process to Assess Reliability and Economic Impact of the agency's Power Sector Regulations**

Dear Administrator Jackson:

The National Mining Association ("NMA") writes to express concern that the rulemaking process used to develop the above-referenced regulations lacks the transparency required by the Clean Air Act ("CAA") and President Obama's Executive Order 13563. In the preamble to these regulations, EPA states that the Agency has collaborated with key stakeholders, including the Federal Energy Regulatory Commission ("FERC") and other governmental and non-governmental

entities with responsibility for grid reliability and electric resource adequacy in order to ensure that these and the agency's other power sector regulations will not compromise the reliability of the electric utility grid by forcing numerous coal-fired electric generating units ("EGUs") into premature retirement. Contrary to the requirements of section 307(d) of the CAA, however, there was no evidence of this collaboration in the rulemaking docket.

The day before the close of the Aug. 4 comment period, Senator Lisa Murkowski publicly released responses from the five FERC Commissioners to the Senator's information request detailing the activities FERC has undertaken to assess the impact of EPA's power sector regulations on grid reliability. These responses undermine confidence both that EPA and FERC have engaged in the necessary consultations and that EPA's regulations will not affect grid reliability.

While some commenters were able to include some preliminary comments on this vital information in their Aug. 4 submittals on the above regulations, there was not sufficient time to analyze the full implications of FERC's responses. Moreover, Chairman Wellinghoff's response included an attachment describing several meetings, data and information, evidence of which was not and is not currently available for public inspection and comment. We therefore request EPA supplement the record with all information, including FERC's responses, related to the agency's consultations with government and non-government entities concerning the impact EPA's power sector regulations will have on the reliability of electric power supply in this country. Following this supplementation, EPA must provide a reasonable opportunity for the public to inspect these documents and provide comments.

Failure to permit inspection of these important documents and provide a reasonable opportunity for public comment violates section 307(d) of the CAA.<sup>1</sup> In addition, the response letters of Commissioners Moeller and Spitzer recommend FERC and EPA conduct an open and transparent process to assess the impact of EPA's regulations on grid reliability. NMA urges EPA to join FERC in such a process before finalizing any further power sector regulations. Ensuring a transparent process in which to assess whether or not EPA's regulations will impair the affordability and reliability of electric power, and therefore the overall economic well-being of this country, far outweighs the agency's adherence to its highly expedited rulemaking schedule.

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<sup>1</sup> 307(d) requires that "[a]ll data, information, and documents referred to in this paragraph on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule." EPA has not followed this statutory command, as "all data" on which the proposal is based were not included in the docket at the time the proposed rule was published in the *Federal Register*.



## **Background**

One of EPA's primary objectives in this rulemaking is to "level the playing field"<sup>2</sup> for electric power generation in the United States. The preamble states, "...the proposed rule will require companies to make a decision—control HAP emissions from virtually uncontrolled sources or retire these sometimes 60 year old units and *shift their emphasis to more efficient, cleaner modern methods of generation*, including modern coal-fired generation."<sup>3</sup> Although EPA concludes that such "level[ing]" will not lead to a significant number of retirements and materially impact electric rates, many others disagree.

For instance, the National Economic Research Associates ("NERA") recently projected that electric sector compliance costs for the proposed MACT rule and the recently finalized CSAPR<sup>4</sup> will be a staggering \$18 billion per year. The study also estimates nationwide average retail electricity prices will rise by 11.5 percent, and heavy manufacturing states such as Ohio can expect electricity prices to rise by approximately 23 percent. Many other credible studies also find that EPA's regulations will cause a large number of coal-fueled power plants to retire.

In the proposed rule, EPA addresses concerns about the impact of its rules on grid reliability and electric rates by stating it has begun consulting with government and non-government entities with direct responsibility in this area. The agency states that, "[i]n addition, EPA itself has already begun reaching out to key stakeholders including not only sources with direct compliance obligations, but also groups with responsibility to assure an affordable and reliable supply of electricity including state Public Utility Commissions (PUC), Regional Transmission Organizations (RTOs), the National Electric Reliability Council (NERC), the Federal Energy Regulatory Commission (FERC), and DOE."<sup>5</sup>

With no evidence in the rulemaking docket demonstrating the reality of these consultations, Senator Murkowski on May 17, 2011 sent the FERC Commissioners a set of information requests designed to elicit information concerning FERC assessment of EPA regulations and consultation between FERC and EPA on this

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<sup>2</sup> 76 Fed. Reg. 24976, 24979.

<sup>3</sup> *Id.* at 24,979 (emphasis added).

<sup>4</sup> See [http://www.americaspower.org/NERA\\_CATR\\_MACT\\_29.pdf](http://www.americaspower.org/NERA_CATR_MACT_29.pdf) for study results.

<sup>5</sup> 76 Fed. Reg. at 25,054.

important matter. The Commissioners responded to the Senator on Aug. 1, 2011, and those responses were publically released on the afternoon of Aug. 3, 2011.

### **The Current Rulemaking Docket is Incomplete and Does Not Provide for Meaningful Public Comment**

It is wholly inappropriate for EPA to claim its rule will not create reliability problems based on discussions the agency states it is having with government and non-government entities with direct authority over electric reliability and yet not include a record of those discussions in the rulemaking docket at the time of publication, thus affording the public an opportunity to review and comment on these discussions.

At this point, it appears that all of these consultations are being conducted behind closed doors without public input. Indeed, the responses of the FERC Commissioners raise considerable concerns not only with the lack of rulemaking transparency, but also the lack of full FERC analysis of the effect EPA's regulations will have on grid reliability. Of great concern, Chairman Wellinghoff pointedly conceded in his letter that FERC's assessment to date, "offered only a *preliminary look* at how coal-fired generating units could be impacted by EPA rules, and is *inadequate* to use as a basis for decision-making, given that it used information and assumptions that have changed." (emphasis added) In other words, FERC has not undertaken the kind of necessary analysis to assure EPA and the public that the agency's regulations will not damage grid integrity.

Equally concerning is that the preliminary assessment work FERC has completed reveals 81 GW of capacity are "likely" or "very likely" to retire—far exceeding any of EPA's projections and significantly outpacing forecasts made by financial institutions and industry. This assessment, preliminary though it may be, highlights the need for a more open and transparent process to deal with these important issues. At the very least, this assessment invites legitimate criticism of EPA's cost and retirement projections.

It also appears that EPA is not justified in concluding that there is sufficient excess capacity on the grid to absorb early retirements caused by the agency's regulations. Commissioner Moeller's letter observed that:

The recent and enduring heat wave that simultaneously impacted a large portion of the population of the United States underscores the essential and life-saving importance of electric reliability. With economic weakness and closed factories throughout the nation, you might have expected the available power plants to easily handle the heat wave. Yet the operators



of the power grid relied on all of their available resources, *including coal plants that are expected to be shut down because of EPA decisions*, in order to ensure the reliability of the grid and health and safety of the public. (emphasis added)

In light of the lack of public process to date and to assess the reliability impacts of EPA's regulations, Commissioner Spitzer's letter recommended that "FERC and EPA continue their dialogue but in a more formalized and expansive fashion."

Commissioner Moeller similarly concluded that "the federal government needs to convene an open and transparent process to assess the reliability implications of the EPA rules individually and in the aggregate."<sup>6</sup>

Given these FERC responses, the agency must slow down its overly aggressive regulatory schedule so the proper analyses, with stakeholder input, can be undertaken before—not after—the regulations are adopted. The current consent-decree schedule to promulgate this rule does not prevent EPA from assuring its process comports with the public participation provisions contained in the CAA. In granting EPA's Motion to Enter Consent Decree, Judge Collyer stated, "[i]f EPA needs more time to get it right, it can seek more time."<sup>7</sup> EPA must act on the Judge's invitation and establish a more realistic rulemaking schedule to resolve these important issues.

### **Requested Action**

In sum, NMA respectfully urges EPA to do the following:

1. Fully disclose the all documents resulting from consultations between EPA and FERC and other government and non-government entities and re-open the comment period to allow for comment on this information. This information is highly material to the proposed rule.
2. Initiate with FERC and other government and non-government agencies with responsibility for grid reliability and resource adequacy an open and

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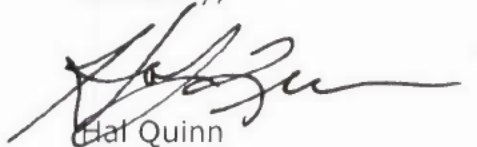
<sup>6</sup> Commissioner Moeller recommended that FERC should: (1) use its expertise to perform an analysis of EPA's rules that could impact reliability of electricity—and *disclose that analysis for public comment*—and then hold a technical conference for public input; and (2) have EPA extend the timing of these regulations as the agency's schedule "does not conform to the relevant planning horizons in the electric sector of our economy, one of the most capital-intensive sectors of the industry."

<sup>7</sup> See Memorandum Opinion, *American Nurses Assoc. v. Lisa Jackson*, Civil Action No. 08-2198 (RMC) p. 4 (Apr. 15, 2010).

transparent process, with public participation, for assessing the effect of EPA power sector regulations on the reliability of the electric grid and on electricity prices.

Thank you in advance for your consideration of this request.

Sincerely,

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

Hal Quinn  
President & CEO





# Louisiana Public Service Commission

POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154

## COMMISSIONERS

Jimmy Field, Chairman  
District II  
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District I

Telephone: (225)342-4999

EVE KAHAO GONZALEZ  
Executive Secretary

DENNIS WEBER  
Executive Counsel

JOHNNY E. SNELLGROVE, JR  
Deputy Undersecretary

September 7, 2011

Administrator Lisa P. Jackson  
U.S. Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave NW  
Washington, DC 20004

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2011 SEP 15 AM 5:46

RE: Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, Proposed rule, 76 Federal Register 48,208, August 8, 2011, Docket ID No. EPA-HQ-OAR-2009-0491  
LPSC Docket No. R-29380 Subdocket B

Dear Administrator Jackson:

The Louisiana Public Service Commission ("LPSC" or "Commission") is deeply concerned that the recently issued Cross State Air Pollution Rule ("CSAPR") will have an unnecessary detrimental impact on our state's utility customers with its short time frame for implementation and the strict penalties for noncompliance.

While we have recently authorized our Staff to file a formal request for reconsideration and request for a stay of the implementation of CSAPR, we wanted to alert you at this time to our specific concerns regarding reliability and ratepayer impacts, which can be summarized as follows:

- CSAPR requires LPSC-jurisdictional utilities to reduce their air emissions by 42% as early as May 2012.
- The model used by EPA in formulating its rule does not sufficiently account for the challenges of Louisiana's bulk power system and this leads to a variety of erroneous allocations for individual generating units.

- Due to transmission constraints in several "load pockets" in South Louisiana, generators are often required to run higher cost "regulatory must run" generation to avoid curtailments and rolling blackouts.
- EPA's models did not account for the generation of these units, and is therefore fatally flawed.
- Every utility in Louisiana is negatively impacted and "short" on emission allowances during the highest usage months of the year (summer).
- Consumers are likely to see extreme volatility in their bills in the short run if utilities attempt to meet their compliance obligations through the purchase of tradable credits.
- Due to the conditions imposed by CSAPR, there is a lack of a liquid and adequate credit market for emissions allowances. Therefore, credits could either be artificially expensive, imposing the costs on Louisiana ratepayers, or they could be entirely non-existent.
- As CSAPR imposes a limitation on NOx emissions in Louisiana from May 1 until October 1, the rule negatively effects the generation of electricity during the hottest months of the year. Accordingly, if credits are non-existent, and utilities are unable to obtain sufficient alternative generation, generation may be curtailed at the worst possible time.
- If curtailments are required, ripple effects throughout the grid could create a summer availability challenge comparable to those experienced throughout the summer of 1999.
- LPSC-jurisdictional utilities are still evaluating the implications of the final rule, and have not had sufficient opportunity to devise a plan for compliance, let alone advise the Commission regarding appropriate measures that it should take to ensure that that the public interest is protected throughout this process.
- In addition to direct impacts on electricity reliability and prices, we are concerned that there is a potential for indirect economic impacts, including job loss throughout the state of Louisiana, if the implementation period for this rule is not delayed.


We have limited our comments to the detrimental impacts of this and other EPA rules on electric reliability and electricity prices, while deferring to the comments of the Louisiana Department of Environmental Quality and others with respect to issues more appropriately discussed by those parties.

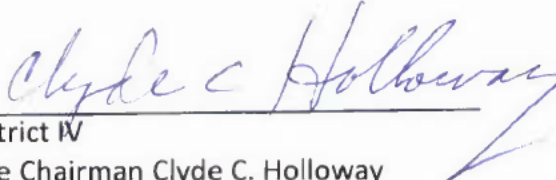


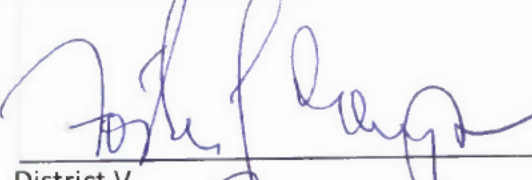
Administrator Jackson  
September 7, 2011  
EPA-HQ-OAR-2009-0491  
Page 3


We trust that you will consider these comments and any future filings we make in this matter, in conjunction with those of other Louisiana stakeholders, and hope that you will consider the unintended consequences that could occur if the implementation of this rule is not delayed.


Sincerely,

  
District II  
Chairman James M. Field

  
District IV  
Vice Chairman Clyde C. Holloway

  
District V  
Commissioner Foster L. Campbell

  
District III  
Commissioner Lambert C. Boissiere III

  
District I  
Commissioner Eric F. Skrmetta

cc: LPSC Docket No. R-29380 Subdocket B service list  
Terri Lemoine, Records Division



# Correspondence Management System

Control Number: AX-11-001-5354

Printing Date: September 15, 2011 10:24:28



## Citizen Information

Citizen/Originator: **Elkins, Arthur A**

Organization: U.S. Environmental Protection Agency  
Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5354      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Dec 29, 2011      # of Extensions: 0  
 Letter Date: Sep 13, 2011      Received Date: Sep 15, 2011  
 Addressee: DA-Deputy Administrator      Addressee Org: EPA  
 Contact Type: MEM (Memo)      Priority Code: Normal  
 Signature: DA-Deputy Administrator      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.  
 Subject: DRF - EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System Report No. 11-P-0616  
 Instructions: DA-Prepare draft response for the Deputy Administrator's signature  
 Instruction Note: N/A  
 General Notes: cc provided to Jose Lozano via Lotus Notes (jl)  
 CC: OCFO - OCFO -- Immediate Office  
 OEAE - Office of External Affairs and Environmental Education  
 OHS - Office of Homeland Security  
 OP - Office of Policy

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OSWER	Sep 15, 2011	Dec 29, 2011	N/A
Instruction: DA-Prepare draft response for the Deputy Administrator's signature					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History



U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

*Catalyst for Improving the Environment*

# EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System

Report No. 11-P-0616

September 13, 2011

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2011 SEP 15 AM 6:33

RECEIVED



**Report Contributors:**

Richard Eyermann  
Mike Davis  
Jennifer Hutkoff  
Heather Layne  
Gul Sharma

**Abbreviations**

CPIC	Capital Planning and Investment Control
EMP	Emergency Management Portal
EPA	U.S. Environmental Protection Agency
ERT	Environmental Response Team
NDT	National Decontamination Team
NEMS	National Equipment Management System
OEM	Office of Emergency Management
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSWER	Office of Solid Waste and Emergency Response
SLCM	System Life Cycle Management

## Hotline

To report fraud, waste, or abuse, contact us through one of the following methods:

**e-mail:** [OIG\\_Hotline@epa.gov](mailto:OIG_Hotline@epa.gov)  
**phone:** 1-888-546-8740  
**fax:** 703-347-8330  
**online:** <http://www.epa.gov/oig/hotline.htm>

**write:** EPA Inspector General Hotline  
1200 Pennsylvania Avenue NW  
Mailcode 8431P (Room N-4330)  
Washington, DC 20460



U.S. Environmental Protection Agency  
Office of Inspector General

11-P-0616  
September 13, 2011

# At a Glance

*Catalyst for Improving the Environment*

## Why We Did This Review

We initiated this audit based on a Hotline complaint related to the Emergency Management Portal (EMP) equipment tracking module. Our objectives were to determine the extent to which the U.S. Environmental Protection Agency (EPA) implemented the EMP equipment tracking software, what efforts EPA has made to assess functionality and cost effectiveness, and how the EMP equipment module compared to the previous interim system.

## Background

Since September 11, 2001, EPA's emergency response focus has expanded to better coincide with its new role in homeland security. In May 2002, EPA determined that it needed to create a national equipment tracking system to be better prepared for terrorist acts and nationally significant incidents.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

The full report is at:  
[www.epa.gov/oig/reports/2011/20110913-11-P-0616.pdf](http://www.epa.gov/oig/reports/2011/20110913-11-P-0616.pdf)

## **EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System**

### What We Found

Although EPA spent \$2.8 million as of October 2010 to develop and implement an EMP emergency equipment tracking module, EPA has not fully implemented the module, and the module suffers from operational issues. Our review of allegations in a Hotline complaint found that:

- EPA does not fully use the EMP equipment tracking module because no EPA office with overall authority has mandated its use.
- EPA has made no formal effort to assess functionality and cost effectiveness due to its decision to perform such assessments only after fully implementing the EMP equipment module.
- The EMP equipment module is cumbersome and slow, and may not be the most efficient and effective emergency equipment tracking alternative.

EPA has guidance and policies that require the Agency to develop and implement a plan for a national equipment tracking system. Both the Office of Management and Budget and EPA require performance measurement of such systems. However, EPA has not fulfilled this requirement. In addition to the \$2.8 million it has already spent, EPA plans to spend another \$5.5 million over the next 15 years on the EMP equipment module's maintenance. Further, the regions that are using the module continue to maintain their own tracking systems, resulting in wasted resources. Because EPA has not fully implemented the EMP equipment module and the module is cumbersome and slow, EPA's ability to protect public health and the environment in the event of a nationally significant incident may be impaired.

### What We Recommend

We recommend that the Assistant Administrator for Solid Waste and Emergency Response ensure that only essential equipment tracking data are required to be recorded and determine whether the EMP equipment module is the most cost-efficient alternative. We also recommend that the EPA Deputy Administrator mandate that regions and emergency response teams employ the national tracking system that EPA decides to use for emergency response equipment. The Agency concurred with the findings and recommendations, but did not provide a corrective action date for the first recommendation. The Assistant Administrator for Solid Waste and Emergency Response will hire an outside contractor to conduct an alternative analysis to determine the most efficient and effective national emergency response equipment tracking alternative. The Deputy Administrator also plans to issue a memo requiring the use of the EMP equipment module for tracking equipment.



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

THE INSPECTOR GENERAL

September 13, 2011

**MEMORANDUM**

**SUBJECT:** EPA Has Not Fully Implemented a National Emergency Response  
Equipment Tracking System  
Report No. 11-P-0616

**FROM:** Arthur A. Elkins, Jr.  
Inspector General

A handwritten signature in black ink, appearing to read "Arthur A. Elkins, Jr.", written over the typed name.

**TO:** Bob Perciasepe  
Deputy Administrator

Mathy Stanislaus  
Assistant Administrator for Solid Waste and Emergency Response

This is our report on the subject audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The estimated direct labor and travel costs for this report are \$197,352.

**Action Required**

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a corrective action plan for agreed-upon actions, including milestone dates. Your response will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal. We have no objections to the further release of this report to the public. We will post this report to our website at <http://www.epa.gov/oig>.

If you or your staff have any questions regarding this report, please contact Melissa Heist, Assistant Inspector General for Audit, at (202) 566-0899 or [heist.melissa@epa.gov](mailto:heist.melissa@epa.gov); or Richard Eyermann at (202) 566-0565 or [eyermann.richard@epa.gov](mailto:eyermann.richard@epa.gov).





# Correspondence Management System

Control Number: AX-11-001-5372

Printing Date: September 15, 2011 02:46:39



## Citizen Information

Citizen/Originator: Hansen, Edward M

Organization: City of Spearman Texas  
Address: Post Office Box 37, Spearman, TX 79081

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5372      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 7, 2011      Received Date: Sep 15, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OCIR - Office of Congressional and Intergovernmental Relations  
 OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

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

## Supporting Information

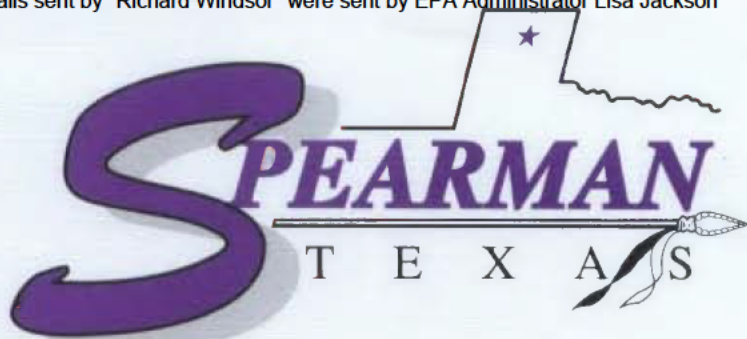
Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign OAR as lead office	Sep 15, 2011
Martha Faulkner	OAR	Accepted the group assignment	Sep 15, 2011



September 7, 2011

Lisa P. Jackson

Environmental Protection Agency

Rm. 3000, Ariel Rios Building

1200 Pennsylvania Ave. NW

Washington, DC 20004

Cross State Air pollution Rule – Petition for Reconsideration

Docket No. EPA-HQ-OAR-2009-0491

RECEIVED  
2011 SEP 15 AM 7:52  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

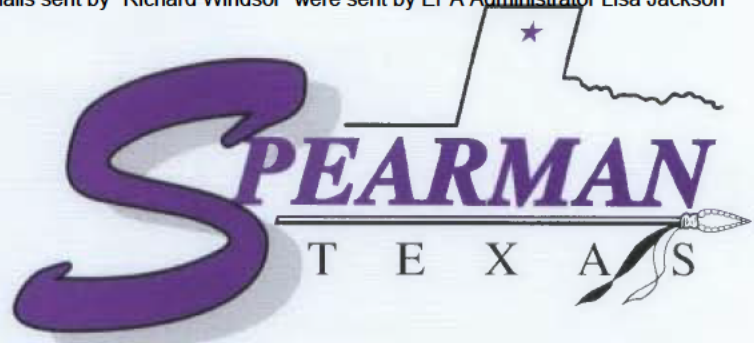
Dear Administrator Jackson:

I am writing on behalf of the citizens of Spearman, Texas, in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule.

It has come to our attention that the EPA has chosen to include Texas in the CSAPR year-round emission reduction program, without providing the public with an opportunity to comment on the issue. The requirement that SPS and the other utilities of Texas must be in compliance with the rule within five short months of finalization creates a hardship upon our citizens and our local economies.

SPS serves the needs of its customers here in West Texas very well, providing clean economical energy. Most of this energy is created from clean burning coal fired plants. CSAPR will drive up the cost of electricity significantly. SPS has shown in its petition that the cost of increasing its reliance on natural gas fired plants could be \$200 to \$250 million just in 2012 alone. This increase would be passed to the energy consumers of West Texas; this cost will be measured in lost jobs and a decrease in productivity of our citizens.

We here in the Texas Panhandle rely on SPS electric system for our livelihood and well-being. What will we have to cut out to meet the new higher cost of energy if this rule is permitted to stay? The cost will be more than just dollars and cents. For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.



Sincerely

Edward M. Hansen

City Manager

Spearman, TX 79081



# Correspondence Management System

Control Number: AX-11-001-5375

Printing Date: September 15, 2011 11:25:38



## Citizen Information

Citizen/Originator: Johnson, Harvey

Organization: City of Jackson Mississippi

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

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-11-001-5375

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Sep 8, 2011

Received Date: Sep 15, 2011

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: DRF - Expression of gratitude for Jackson, Mississippi being selected to participate in the Greening America's Capitals Program

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	R4	Sep 15, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to R4	Sep 15, 2011



# DAILY READING FILE

Release 4 - HQ-FOI-01268-12

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

Office of the Mayor  
Harvey Johnson, Jr., Mayor



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

September 8, 2011

Mr. Bob Perciasepe, Deputy Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Mr. Perciasepe:

On behalf of the citizens of Jackson and as Mayor, I would like to personally express my gratitude for Jackson being selected to participate in the Greening America's Capitals Program. This is truly an honor and we look forward to working with the U.S. Environmental Protection Agency, the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation in making improvements to one of Downtown Jackson's historic corridors, Congress Street.

The City of Jackson is very fortunate to have been chosen for this exciting program and we look forward to the remarkable transformation that is sure to take place. In addition, to Congress Street, we anticipate using the plans and ideas for this project to enhance our entire City.

Again, thank you for choosing the City of Jackson for the Greening America's Capitals program and I commend you and your agency for the outstanding work you do all across the country.

Sincerely,

Harvey Johnson, Jr.

c: Gwendolyn Keyes Fleming, Region 4 Administrator

RECEIVED  
2011 SEP 15 AM 7:51  
OFFICE OF THE  
EXECUTIVE SECRETARIAL



# Correspondence Management System

Control Number: AX-11-001-5376

Printing Date: September 15, 2011 02:17:11



## Citizen Information

Citizen/Originator: Satterwhite, Kent

Organization: Canadian River Municipal Water Authority  
Address: P.O. Box 9, 9875 Water Authority Road, Sanford, TX 79078

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5376      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 6, 2011      Received Date: Sep 15, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011

## History

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



**Canadian River Municipal Water Authority**  
P.O. Box 9, 9875 Water Authority Rd  
Sanford, Texas 79078  
Phone (806) 865-3325  
Fax (806) 865-3314  
www.crmwa.com

**EXECUTIVE COMMITTEE**

Norman Wright, President  
Steve Tucker, Vice-President  
Kent Satterwhite, General Mgr.  
and Secretary-Treasurer

**MEMBER CITIES DIRECTORS**

**AMARILLO**

William Hallerberg  
Robert Keys

**BORGER**

Tom Edmonds  
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**PLAINVIEW**

Norman Wright  
Glenn Bickel

**LUBBOCK**

James Collins  
Robert Rodgers

**SLATON**

Steve Tucker

**TAHOKA**

Jay Dee House

**O'DONNELL**

Bruce Vaughn

**LAMESA**

Dale Newberry

**BROWNFIELD**

L.J. Richardson

**LEVELLAND**

Richard Ellis  
Shannon Himango

September 6, 2011

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of the Canadian River Municipal Water Authority (CRMWA) in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like CRMWA that ultimately pay this cost.

2011 SEP 15 AM 7:52  
OFFICE OF THE  
EXECUTIVE SECRETARIAT  
RECEIVED

We estimate that the increased energy costs to CRMWA could be as much as \$1.2 million each year.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in cursive script that reads "Kent Satterwhite".

Kent Satterwhite, P.E.  
General Manager





# Correspondence Management System

Control Number: AX-11-001-5378

Printing Date: September 15, 2011 02:59:57



## Citizen Information

Citizen/Originator: Pettit, Donny

Organization: Dallam-Hartley Counties Hospital District  
Address: 1411 Denver Avenue, P.O. Box 2014, Dalhart, TX 79022

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5378      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 7, 2011      Received Date: Sep 15, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

## History

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

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

RECEIVED  
2011 SEP 15 AM 7:52  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Dallam-Hartley Counties Hospital District in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like *Dallam-Hartley Counties Hospital District and the residents of the counties that we serve* that ultimately pay this cost.

*We estimate that the increased energy costs will be as high as 25%, as a small acute-care hospital, we can hardly afford such an increase in our energy costs..*

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,



Donny Pettit, CFO DHCHD, Dalhart, TX 79022



# Correspondence Management System

Control Number: AX-11-001-5398

Printing Date: September 15, 2011 03:01:18



## Citizen Information

Citizen/Originator: Mitchell, Greg

Organization: Toot'nTotum  
Address: 1201 S. Taylor, Amarillo, TX 79101-4313

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5398      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Sep 8, 2011      Received Date: Sep 15, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

## History

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



September 8, 2011

Lisa P. Jackson  
Office of the Administrator  
Environmental Protection Agency  
Room 3000, Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

RECEIVED  
2011 SEP 15 AM 10:33  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Re: Cross State Air Pollution Rule – Petition for Reconsideration  
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Toot'n Totum in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Toot'n Totum that ultimately pay this cost.

We estimate that the increased energy costs will increase our annual expense by approximately 15%, or over \$200,000.00 per year.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.



For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in black ink that reads "Greg Mitchell". The signature is written in a cursive style with a large, stylized initial "G".

Greg Mitchell  
President and CEO



# Correspondence Management System

Control Number: AX-11-001-5434

Printing Date: September 15, 2011 02:04:02



## Citizen Information

Citizen/Originator: Minick, Stephen

Organization: Texas Association of Business  
Address: 1209 Nueces, Austin, TX 78701

Constituent: N/A

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

## Control Information

Control Number: AX-11-001-5434 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Sep 29, 2011 # of Extensions: 0  
Letter Date: Sep 6, 2011 Received Date: Sep 15, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OAR-Assistant Administrator Signature Date: N/A  
- OAR

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Request for Reconsideration and Stay; Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals

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

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Sep 15, 2011	Sep 29, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History