

Aaron  
Dickerson/DC/USEPA/US  
06/17/2011 09:42 PM

To "Lisa Jackson"  
cc  
bcc








Subject Fw: Letters to the Administrator Regarding the Las Brisas Energy Center

**From:** "Segal, Scott" [Scott.Segal@bglp.com]  
**Sent:** 06/17/2011 08:27 PM EST  
**To:** Aaron Dickerson  
**Subject:** Letters to the Administrator Regarding the Las Brisas Energy Center

Aaron - it is my understanding that the Administrator is expecting urgently communications regarding the Las Brisas Energy Center (LBEC) in Corpus Christi, TX. Because the letters have come at various times, I thought it might be best to put them together in one email. The first two attached letters are the Congressional letters from nine members of Congress supporting LBEC on a bipartisan basis and asking for clarification of EPA's position. The second two are from major hispanic organizations (the Corpus Christi Hispanic Chamber and the Texas Association of Mexican American chambers) and also express strong support to the Administrator. The last documents are from labor organizations, including a letter from the IBEW local 278 as well as resolutions from the local AFL-CIO and the Plumbers/Pipefitters local. I hope this information is useful - and please let me know if the Administrator needs further information. Thanks. ss/

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CONFIDENTIALITY STATEMENT This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. BRACEWELL & GIULIANI L.L.P. Please visit our

- website at [www.bracewellgiuliani.com](http://www.bracewellgiuliani.com)
-  Las Brisas Letter.pdf
  -  CBF\_IBEC.pdf
  -  CC Hispanic Chamber Letter.pdf
  -  TAMACC Letter to Administrator Jackson.pdf
  -  Local 278 Letter to Administrator Jackson.pdf
  -  02-16-09 Coastal Bend Labor Council.pdf
  -  02-18-09 United Association of Plumbers & Pipefitters Local Union 823 Letter of Support.pdf

Al Armendariz/R6/USEPA/US

09/11/2011 11:16 AM

To Gina McCarthy, Seth Oster, Janet McCabe

cc "Richard Windsor", Bob Perciasepe, Bob Sussman, Cynthia Giles-AA

bcc

Subject Dallas Morning News: "Perrys warning of Texas job losses from EPA action fell flat "

Nice article about last year's work. It starts on the front page of today's paper (front page image attached).

Al

---

Perry's warning of Texas job losses from EPA action fell flat

Published: 10 September 2011 10:39 PM

By RANDY LEE LOFTIS

Environmental Writer

rloftis@dallasnews.com

Central to Gov. Rick Perry's presidential campaign message is attacking federal regulations as job killers.

But one of Perry's most detailed and specific job-loss predictions turns out to be wrong.

Perry warned last year that "tens of thousands" of Texas jobs would vanish because the Environmental Protection Agency, under President Barack Obama, was demanding changes in dozens of Texas industrial plants' state air permits.

Washington's latest attempt to intrude on the state's authority not only undermines Texas' successful clean-air programs, but it will cost the state tens of thousands of jobs," Perry said in a news release on June 15, 2010.

Perry repeated the "tens of thousands" figure in speeches, statements and news releases.

The actual number of jobs lost, however, was zero.

No plants shut down, cut production or left Texas, permit records and interviews with Texas and federal officials, company representatives and business advocates show. All the plants have made or are making what a consultant called a fairly smooth transition to a different type of permit.

"Running as normal";

"We're running as normal," said Elizabeth Kimbrough, a spokeswoman for Garland Power & Light.

Perry singled out the city-owned utility last year as a Texas venture that was in danger of a shutdown when the EPA demanded that it change one plant's permit. The new permit is not finished, but GP&L has not curtailed operations, she said.

Perry's aides say his warnings were justified at the time based on what was known about the EPA policy's potential impact. EPA officials say they had no intention of penalizing any plant that had been operating in good faith, a point they made publicly when they announced their Texas permit orders.

The failure of Perry's prediction demonstrates the risk of forecasting the effect of any government policy. It also highlights a debate over economics and philosophy that has become a main point in the run up to next year's presidential election.

Republican candidates have attacked federal regulations in general and EPA air-pollution rules in particular as attempts to cripple the economy and extend government control without scientific justification.

Environmental advocates say a cleaner environment yields economic benefits far beyond the costs of compliance. Annual regulatory reports to Congress, submitted by both Democratic and Republican presidents since 1997, have reached the same conclusion.

Economists, environmental groups and industry organizations routinely produce studies pronouncing every conceivable verdict upon the costs of regulation and the benefits of public health. Most predictions fade from memory, with little after-the-fact verification, when the debate over a new law or rule is finished.

Rarely does the public get as swift and certain a look at the outcome of an economic forecast as it has with Texas's flexible permits.

Under the federal Clean Air Act, Congress sets policy, the EPA writes overall rules and, in most cases, states enforce them. States can adopt their own permit procedures within federal requirements.

In summer 2010, the EPA's regional administrator in Dallas, Obama appointee Al Armendariz, rejected Texas's flexible-permit program, saying the state's way of

regulating big industrial plants since 1994 violated the Clean Air Act.

The EPA said the flexible permits Texas issued were unclear and confusing and obscured the true nature and amount of plants' emissions. Texas assigned a single big number to a plant, some covering more than a square mile; the EPA demanded a separate number for each emission source in the plant in order to boost clarity and make enforcement easier. The EPA disputed other technical aspects as well.

Payback?

Armendariz ordered the affected plants, eventually numbering about 140, to respond with plans to seek permits in line with federal law. If Texas refused to change its permit system, the EPA would take the permits over and issue them itself.

For Perry, the EPA's effort epitomized an overreaching, command-and-control approach that put a target on the back of a state where he maintained business-friendly ways had created jobs and cut pollution while the national economy suffered.

His supporters said federal censure of Texas' air-pollution policies also masked Democratic payback to a solidly Republican state.

That's when Perry issued his warning that the EPA's rejection of Texas' flexible permits would kill tens of thousands of Texas jobs. He cited the number repeatedly, at one point even blasting the EPA in a news release datelined Shanghai while on a trade visit there.

A year later, no Texas industrial calamity materialized. By this summer, all the companies had received new state permits acceptable to the EPA or were in the process of doing so. None ever stopped operating.

Lucy Nashed, deputy press secretary in the governor's office, said Perry's point was that a weak economy does not need more fetters on business.

"Now is not the time for government to be placing costly and burdensome mandates on job creators, especially given the success of Texas' flex-permit program," she said.

The Texas approach helped reduce emissions of nitrogen oxides by nearly 58 percent and emissions of smog-causing pollution in general by 27 percent since 2000 — more than any other state in the nation," Nashed said.

Environmental advocates, who contend the pollution cuts came mostly from federal mandates, said the collapse of Perry's doomsday scenario was expected. They said the governor and other Texas officials were trying to scare people for political purposes.

"It was absolutely no surprise," said Elena Craft, a health scientist in the Austin office of the Environmental Defense Fund, a national environmental group.

"We've heard the same statements many, many times out of the governor's office," said Craft, a Ph.D. toxicologist. "We hear this cry of 'wolf' every single time, and it never comes to fruition."

As the public political fighting continued, officials from the EPA and the Texas Commission on Environmental Quality worked quietly on procedures to "deflex" the disputed permits. Some of those actually affected "the managers of oil and chemical plants, power plants and factories" wondered whether to defy the EPA, and a number of business groups joined the state in a federal lawsuit that is still pending.

Most companies, however, seemed less interested in making legal or political points than in getting whatever permits the agencies decided they needed. Some, such as British chemicals maker Ineos, decided to cooperate quickly and aggressively and later were pleased they did.

"We worked really closely with the EPA," spokesman Charles Saunders said. "We felt it was within the best interests of the company to get out ahead of this thing so as not to interrupt things operationally."

After some back and forth with the federal agency, "in the end we both came out with an outcome that we could live with," Saunders said. "So everybody moved on."

Not much difference

A company analysis found that the permit system really didn't make much difference. "The data that we were able to demonstrate to the EPA showed that we could really exist quite well under either permitting regime," Saunders said.

"And so for us, it was academic just to move forward."

Professionals helping companies with deflexing their permits said

the process was occasionally complex but not particularly difficult. Robert Liles, a principal consultant with Dallas-based Trinity Consultants, is walking clients through the process now.

"It was about as expected, I would say, just going back and reversing past permit actions and re-permitting them under the EPA's preferred, non-flexed approach," Liles said. Texas environmental officials gave invaluable help, he said.

Liles, like others involved in the process, said he has heard of no shutdowns or relocations because of the EPA's demands.

"Their regulations are definitely getting tougher, not just in Texas but just everywhere," he said.

"There's no doubt about that. But no results like that that I have heard of yet." The EPA action, he said, turned out to be "more of a nuisance."

Some companies that Perry singled out as being at risk from the EPA also said the transitions have proved smoother than the governor's warning implied. In the June news release, Perry held up Garland Power & Light, a Chevron Phillips Chemical plant and a Flint Hills Resources refinery as endangered.

GP&L's Kimbrough said that as the utility awaits a deflexed state permit for its Ray Olinger plant, the EPA has extended each deadline so the plant didn't stop operating or slip into noncompliance.

"I guess it sounded scarier than what it turned out to be," she said. "We were taking their lead & whatever we needed to do for them."

New deal completed quickly

Flint Hills Resources, owned by Koch Industries, completed a new deal with the EPA and the state within three months of Perry's statement. In a news release in October, president and CEO Brad Razook cited "the agencies' cooperation and hard work in developing a process for Flint Hills to move forward with transitioning our permits in the state."

The company declined to comment for this story, as did Chevron Phillips, whose permit change is pending.

With the charge that a permit dispute would lead to an economic Armageddon for Texas now disproved, the EPA's critics still complain that the federal agency made Texas companies jump through hoops without reason.

"It is both troubling and telling that the EPA's demand to deflex these permits essentially resulted in nothing more than a bureaucratic paper shuffle to reclassify the permits, a costly and time-consuming action that produced no environmental benefit," said Nashed, the governor's spokeswoman.

The EPA says public accountability for industries and compliance with federal law were ample justification. The agency also believes improved permits will result in less pollution.

Bill Hammond, president and CEO of the Texas Association of Business, the state's biggest business lobby, said he wasn't aware of any job losses from the EPA's rejection of flexible permits. Such predictions are always based on assumptions that can turn out wrong, he said.

Failure to comply with EPA orders would have cost too much, he said, while lawsuits might not succeed. His group was among those that sued to block the EPA policy.

"I think it's a bad idea, but basically, the companies have agreed to play by their [EPA officials'] rules," Hammond said.

"They didn't have much choice. They just sucked it up."

Do EPA rules cost money or save it?

Do environmental regulations cost money or save it?

They save it, the White House Office of Budget and Management has said under Democratic and Republican presidents.

Since 1997, the OMB has reported to Congress on costs and benefits of federal regulations. The estimates are ranges, frequently large ones.

In all but two years since 1997, the OMB has said economic benefits — through avoided illnesses or deaths and avoided work and school absences — exceeded compliance costs.

In 2011, the Obama administration said regulations cost between \$23.3 billion and \$28.5 billion a year. Health benefits ran between \$81.8 billion and \$550 billion. That meant at least \$2.87 in benefits for each \$1 spent on compliance.

The OMB under President George W. Bush reported possible net costs in 2001 and 2002, Bush's first two years. But each

of those years might also have produced net benefits, the OMB said then. From 2003-2008, Bush's White House said each year that environmental rules helped the economy, producing an average of at least \$2.48 in benefits for each \$1 in compliance costs.

Economists have refined the estimates over the years. Early reports from the Clinton administration contained sky-high estimates of clean-air benefits. Those estimates returned to earth in later years.

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twitter: @al\_armendariz  - DMN Front Page 9112011 EPA.pdf



**Al Armendariz/R6/USEPA/US**  
08/02/2011 07:32 PM

To mccabe.janet, McCarthy.Gina, windsor.richard, Oster.Seth,  
Bob Perciasepe, sussman.bob, Thompson.Diane  
cc  
bcc  
Subject Wall street research firm: U.S. Utilities: Can Texas Comply  
With The Cross-State Air Pollution Rule? Yes, If Existing  
Scrubbers Are Turned On.

Independent Wall street analysts looking at Texas utilities have put out this report for investors.  
--Al

U.S. Utilities: Can Texas Comply With The Cross-State Air  
Pollution Rule? Yes, If Existing Scrubbers Are Turned On.

Investment Conclusion

In this research note, we analyze the potential for the state of Texas to comply with CSAPR without costly upgrades or plant closures. We find that if Texas utilities were simply to run their existing scrubbers continuously, and switch unscrubbed units to lower sulfur coal, Texas could likely comply with its SO2 budget under CSAPR in 2012.

Link to report (also attached):

<http://www.supportcleanair.com/resources/studies/file/Bernstein-on-Texas-EPA.pdf>

Texas media discussing report:

<http://texasclimateneeds.org/wp/?p=2317>

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twitter: @al\_armendariz CSAPR Texas.pdf

Al Armendariz/R6/USEPA/US  
08/01/2011 12:01 PM

To sussman.bob, Oster.Seth, alcantara.betsaida, "Nancy Stoner", stanislaus.mathy, Bob Perciasepe, dietrich.debbie, windsor.richard

cc

bcc

Subject DMN front page: "Corps fears that fracking Barnett Shale gas wells may hurt dams"

# Corps fears that fracking Barnett Shale gas wells may hurt dams

By RANDY LEE LOFTIS

Published Jul 31, 2011 10:50 PM

[rloftis@dallasnews.com](mailto:rloftis@dallasnews.com)

Published 31 July 2011 10:50 PM

The U.S. [Army Corps of Engineers](#) is concerned that hydraulic fracturing of natural-gas wells near its dams – such as the one at Joe Pool Lake in southwestern Dallas County – could threaten dam safety.

In most of Texas and several other states, the corps has declared a 3,000-foot buffer around its dams and water-control structures within which it will not allow new wells, drilling pads or pipelines.

The corps also has a national team studying potential risks to dam safety from minerals extraction.

“We want to feel confident that our projects are safe,” said Anita Branch, regional technical specialist in geotechnical engineering for the corps’ [Fort Worth](#) office. “That’s always our No. 1 priority.”

Hydraulic fracturing, or fracking, in which drillers inject millions of gallons of water at extreme pressures to fracture rock and release gas, tops the corps’ list of worries.

The corps wants to know whether increased geological pressures from fracking could cause differential movement, or shifts along natural faults, weakening dam foundations.

“That could precipitate a fairly quick failure if it was not detected in time,” Branch said.

Two less worrisome possibilities are also under review. One is whether extracting large volumes of gas beneath or near a dam might make rock and soil subside.

Another is whether huge amounts of liquid waste from drilling, pumped into disposal wells, can trigger earthquakes.

Questions about dam safety could add another potential complication to shale gas, which has become a major source of natural gas nationwide.

The combination of fracturing and horizontal drilling – running pipe a mile or more from the wellhead to

reach the gas – has made possible tens of thousands of new wells, including in North Texas' [Barnett Shale](#) region.

At least in the case of dam safety, the corps' questions suggest there might be little or no research supporting blanket assurances that the practice poses no public risk.

It also shows that the government has been slow to study the potential threat.

New wells have been drilled or permitted within the 3,000-foot zone around Joe Pool Lake's dam, for example, but only recently has the corps responded to complaints that wells might harm dams.

Federal jurisdiction is limited by the corps' incomplete ownership of surface title and mineral rights beneath its own reservoirs – decisions made decades ago to save money.

For that reason and others, including the nearly complete lack of scientific research to prove or disprove a risk, any national policy on wells near dams seems far off.

Caution advised

The [Texas Railroad Commission](#), the state's oil and gas regulator, said the corps had not contacted it about dam safety concerns or told it about a 3,000-foot buffer around corps dams.

Spokeswoman Ramona Nye said in an email the agency was not aware of cases in which oil or gas wells harmed dams.

Texas has no general rule keeping wells a certain distance from dams but would consider a scientifically and factually valid request to do so from the corps, Nye said.

In 2009, the Railroad Commission set a no-drilling buffer zone around an underground gas-storage depot in Jack County, she said.

The [American Petroleum Institute](#), the largest U.S. oil and gas trade group and a strong supporter of fracking in natural-gas production, did not respond to a request for comment on the corps' inquiries.

The organization says on its website that "a comprehensive set of federal, [state](#), and local laws addresses every aspect of exploration and production operations. These include well design, location, spacing, operation, water and waste management and disposal, air emissions, wildlife protection, surface impacts and health and safety."

A check of institute publications on fracking did not turn up discussions of dam safety.

Two dam safety experts said they believe the corps is asking valid questions.

Bruce Tschantz, professor emeritus of civil and environmental engineering at [the University of Tennessee](#), said the lack of scientific research or published studies on fracking's potential effects on dams justified special care.

Tschantz is also a former [White House](#) adviser and the first chief of dam safety at the [Federal Emergency Management Agency](#).

"Until the science involving any short- and long-term relationship between hydraulic fracturing and foundation destabilization, dam safety and reservoir stability is better understood," he said in an email, "it

is my general opinion as a hydraulic engineer that we should approach hydrofracturing in the vicinity of these structures very cautiously.

"This wisdom is especially important for hydrofracturing around high-hazard classes of dams." A high-hazard dam is one with great potential for loss of life and property in case of a failure. It does not mean that a dam failure is likely.

[Stephen Wright](#), professor of civil, architectural and environmental engineering at the [University of Texas](#), noted that problems with clay shales have led to at least two dam failures in Texas, although neither resulted in deaths. He said the corps was right to err on the side of safety.

"It seems reasonable that the corps is researching this issue," Wright said, adding that the search for answers could be long and complex.

"I am pleased that the corps takes the position of placing public safety of paramount importance. I hope everyone would be as conscientious."

Marc McCord of Dallas, an opponent of fracking, also welcomed the corps' interest in possible threats to its dams.

However, after talking with corps officials for months about natural-gas wells near Joe Pool Lake's dam, he said he's seen little movement toward action by either federal or Texas agencies.

"We have multiple agencies failing to enforce the law and each blaming it on another so that nothing is done to protect the general public from commercial enterprises that seek to profit at citizen expense," McCord said.

Most of the public dispute over the expansion of natural-gas drilling has been over fracking's possible water-quality impacts.

The Texas Railroad Commission and the gas industry say there is no documented case of fracking polluting drinking water. Environmentalists dispute that.

In December, the [Environmental Protection Agency](#) accused Range Production of polluting drinking-water wells in Parker County. Range denies that its wells are to blame. The company is contesting an EPA order before the U.S. Fifth Circuit Court of Appeals in [New Orleans](#).

Increased pressures

The corps' concern with gas wells isn't over water quality.

"Ours is specifically associated with the safety and integrity of our projects," said the corps' Branch. "It's a different way of looking at it than most folks have done in the past."

Fracking usually takes place thousands of feet underground, so deep that many experts say it can have little or no effect near the surface.

But corps experts have envisioned a scenario in which naturally occurring faults might transfer the high-pressure force of fracking upward toward a dam's foundation.

"They're basically changing the stress state of the existing geology," Branch said. "You've got the geology as it exists today, and they're going in and changing that by increasing the pressures that are in that."

“And those increased pressures are associated with those high pressures used as part of the hydrofracturing process.”

The weight of a reservoir’s water also applies great pressure to the earth, but in a uniform load rather than the concentrated force of fracking, Branch said.

“The fracture pressures they’re using are in the neighborhood of 8,000 pounds per square inch, and that’s a much more significant load than you get from the weight of the pool,” she said.

Potential damage to a dam from differential movement of the earth shifting along a fault would probably be gradual, allowing repairs as it happens, Branch said. But it could be quick, posing immediate risks, she added.

“We know that based on experiences elsewhere, these are concerns that have been noted,” Branch said. “That’s why we want to make sure that we fully understand the mechanisms that are developed so we can develop appropriate policy to address those.” Finding those answers will be complicated because every dam has different local geology. The variations may be great enough to prevent the adoption of a national buffer zone to cover all federal dams.

The 3,000-foot buffer that Brig. Gen. Thomas Kula, commander of the corps’ Southwestern Division, ordered March 17 is not impermeable. It does not prevent wells on land where the corps did not obtain ownership or mineral rights when it built a dam and reservoir.

No current law or rule lets the corps ban all drilling on land it does not control through ownership or mineral rights, Kula noted in his order.

Kula ordered corps offices in his division to examine oil and gas projects within 3,000 feet of a corps dam or water-control structure. Regardless of ownership, if the agency determines that a well would endanger dam safety, it can take legal action.

Kula’s order covers corps operations in all or parts of Texas, Oklahoma, [Louisiana](#), Arkansas, Kansas and Missouri.

McCord, the Dallas environmentalist who has pressed the corps to take a tougher stance on wells near its dams, said corps officials told him some companies had complied voluntarily with the 3,000-foot buffer zone, but others had not.

“This leads me to wonder why no governmental agency is doing its job in regulating the oil and gas industry by forcing compliance with legal restrictions on their operations,” he said.

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USArmyCorps Fracking and Dam Safety TX\_DMN.pdf

**Al Armendariz/R6/USEPA/US**  
12/18/2010 08:35 AM

To "Diane Thompson", "Gina McCarthy", "Bob Sussman",  
"Richard Windsor"

cc

bcc

Subject Fw: LDEQ Secretary Peggy Hatch letter to EPA Lisa Jackson  
outlining concerns

As a data point, yesterday Gina's office and mine set-up a conference call with Peggy Hatch for the coming week.

Al

---

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---

**From:** Marian Mergist [Marian.Mergist@LA.GOV]

**Sent:** 12/17/2010 03:52 PM CST

**To:** LisaP Jackson; Gina McCarthy

**Cc:** Al Armendariz; Lawrence Starfield; Robert Gouilding; Cheryl Nolan <Cheryl.Nolan@LA.GOV>; Javier Balli

**Subject:** LDEQ Secretary Peggy Hatch letter to EPA Lisa Jackson outlining concerns

Administrator Jackson,

Attached please find a letter from LDEQ Secretary Peggy Hatch regarding NUCOR. She is looking forward to your phone call Tuesday, December 21 at 1:00pm EST.

Thank you for your time and assistance.

Marian Mergist  
Executive Assistant to the Secretary  
LA Department of Environmental Quality



(225) 219-3950 GHG\_EPA Lisa Jackson\_121710.pdf

**Al Armendariz/R6/USEPA/US**  
12/20/2010 09:46 AM

To "Lisa Garcia", "Richard Windsor", "Scott Fulton", "Seth Oster", "Bob Perciasepe"  
cc  
bcc

Subject Fw: Mossville Brief Filed by State with IACHR

Hello: State Dept has filed the government's brief with the IACHR on the Mossville human rights complaint. Attached are the documents.

I am not sure if Michelle D is conflicted from this matter. If not, Scott, could you see that she gets a copy?

Thanks.

Al

---

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---

**From:** Marcia Moncrieffe  
**Sent:** 12/20/2010 08:38 AM CST  
**To:** Al Armendariz; starfield.larry@epa.gov; coleman.sam@epa.gov; murray.suzanne@epa.gov  
**Cc:** Carl Edlund; Jeannine Hale; John Blevins; Miguel Flores; William Honker; William Luthans  
**Subject:** Fw: Mossville Brief Filed

Al, Larry, Sam, and Suzanne,  
Please see below, the e-mail with the filed Mossville Brief and the referenced attachments.  
I will continue to keep you current as we proceed to the next steps on this matter.  
Marcia

-----Forwarded by Marcia Moncrieffe/R6/USEPA/US on 12/20/2010 08:27AM -----

To: "Smith, Justin \ (ENRD\)" <Justin.Smith@usdoj.gov>, "Bowers, Kate \ (ENRD\)" <Kate.Bowers@usdoj.gov>, "Gualtieri, David S \ (ENRD\)" <David.Gualtieri@usdoj.gov>, David Coursen/DC/USEPA/US@EPA, Marcia Moncrieffe/R6/USEPA/US@EPA, David Gravalles/DC/USEPA/US@EPA, "Sullivan, David B" <SullivanDB@state.gov>  
From: "Lahne, Richard K" <LahneRK@state.gov>  
Date: 12/17/2010 03:02PM  
Subject: Mossville Brief Filed  
(See attached file: US Observations 12-17-2010.pdf)  
(See attached file: Exhibit A EPA J Plan 2014.pdf)  
(See attached file: Exhibit B - EPA EJ Guidance Document.pdf)  
(See attached file: Exhibit C - Timeline of Actions.pdf)  
(See attached file: Exhibit D - EPA Summary of Actions.pdf)  
(See attached file: Exhibit E - CAA Admin petition.pdf)  
(See attached file: Exhibit F - LEXIS comeaux\_and\_vista settlement.pdf)  
(See attached file: Exhibit G - 12-14-2010 EPA Title VI Complaint-PPG.pdf)  
(See attached file: Exhibit H - EPA response to subra report.pdf)



*(See attached file: 2010-12-17 USG Cover letter.PDF)*  
*(See attached file: 2010-12-17 USG Cover letter.PDF)*

Colleagues: Attached is the email transmitting our Brief and Exhibits to the Inter-American Commission on Human Rights. Thanks to all for your incredible work on this joint effort. State's was the smallest contribution, I really appreciate your help in pulling this off.

Best regards,

Richard Lahne

Department of State

Office of the Legal Adviser

This email is UNCLASSIFIED.

----- Message from "Holm, Chaz M" <HolmCM@state.gov> on Fri, 17 Dec 2010 15:51:00 -0500 -----

**To:** "Molina, Gloria" <GMolina@oas.org>  
"Brouillette-Rodriguez, Andrea R" <RodriguezAR@state.gov>,  
**cc:** "Lahne, Richard K" <LahneRK@state.gov>,  
"Sullivan, David B" <SullivanDB@state.gov>

**Subject:** USG Submission - Case 12.755 Mossville Environmental Action Now

Dear Ms. Molina,

Please find attached a submission from the United States Government regarding the above cited case. Hard copy will follow via courier.

Warm regards,

Chaz Holm

SBU

This email is UNCLASSIFIED.



US Observations 12-17-2010.pdf



Exhibit A EPA J Plan 2014.pdf



Exhibit B - EPA EJ Guidance Document.pdf



Exhibit C - Timeline of Actions.pdf



Exhibit D - EPA Summary of Actions.pdf



Exhibit E - CAA Admin petition.pdf



Exhibit F - LEXIS comeaux and vista settlement.pdf



Exhibit G - 12-14-2010 EPA Title VI Complaint-PPG.pdf



Exhibit H - EPA response to subra report.pdf



2010-12-17 USG Cover letter.PDF



2010-12-17 USG Cover letter.PDF.001

**Bob  
Perciasepe/DC/USEPA/US**  
04/22/2011 02:43 PM

To Richard Windsor  
cc  
bcc  
Subject EPA Strategic Plan

Here it is



FY 2011-2015 EPA Strategic Plan.pdf

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) + [REDACTED] (b) (6)

**Bob Sussman/DC/USEPA/US** To "Richard Windsor"  
12/18/2011 08:20 PM cc  
bcc  
Subject Fw: clean air op-ed

From Ken Kimmell.

---

**From:** "Kimmell, Ken (DEP)" [ken.kimmell@state.ma.us]  
**Sent:** 12/17/2011 08:29 PM EST  
**To:** LisaP Jackson  
**Cc:** Bob Sussman  
**Subject:** clean air op-ed

Dear Administrator Jackson:

As you remember, I spent a morning with you at Thermo Fisher in Massachusetts earlier this fall. I am writing because today, the Boston Globe published an op-ed that I authored applauding EPA's leadership in issuing new clean air rules. I forwarded a copy to Gina, but wanted to make sure you received a copy as well. I know that EPA is under fire right now for these rules, and I thought it was important to speak out and try to articulate from a New England perspective why these rules are so important.

Bob, I am not certain that this is the right e-mail address for Administrator Jackson. Can you make sure she receives this?

Thank you both and Happy Holidays,

Ken Kimmell

## **Cleaning the air**

### **New air quality rules would build on the state's pollution limits**

#### **By Kenneth Kimmell**

|

December 17, 2011

FOR YEARS, the Northeast has been called the "tailpipe of the United States" - a place where air pollutants from across the country foul our skies and lungs. That negative moniker is due to no fault of our own, but is a casualty of our location downwind of pollution sources in other regions.

Under Governor Deval Patrick, Massachusetts has led the nation in reducing pollution from power plants, cars and trucks, industrial sources and consumer products. For example, strict mercury limits for coal plants went into effect in 2008, and the plants have reported dramatic reductions in mercury emissions.

Yet, despite these efforts, the Commonwealth still has too many days each year of unhealthy air. This is largely due to the pollutants that are produced by power plants in upwind states in the Midwest and Southeast, and carried by prevailing winds into our backyards. Pollution from cars and trucks also continues to be a significant factor.

Fortunately, new rules from the US Environmental Protection Agency would require upwind power plants to cut pollution the way we have done here, which will level the playing field and ensure that Massachusetts reaps the benefits of its clean air rules. The EPA is also expected to propose rules to cut pollution from cars and light trucks through tighter vehicle standards and cleaner gasoline. These rules deserve our support.

The EPA's Cross-State Air Pollution Rule, finalized in July, requires power plants to reduce emissions that cause ozone and fine particulates that can be drawn deep into one's lungs. This will cut down on the number of days that we need to warn our residents that our air is unhealthy, something that happened 10 times last summer.

The EPA estimates that nationwide, up to \$280 billion in health benefits will result from the new rule, due to 34,000 fewer premature deaths each year, 15,000 fewer non-fatal heart attacks, thousands of fewer hospitalizations, and 400,000 fewer cases of aggravated asthma throughout the eastern, central, and southern United States.

In addition, the EPA is expected to soon finalize a rule to reduce toxic emissions from large power plants - the Mercury and Air Toxics Rule. Mercury is a potent neurotoxin, particularly to the developing brain of the fetus and young child. Even small amounts of mercury are harmful. Extensive scientific research shows widespread mercury pollution across New England, largely due to air deposition of mercury from upwind states. Because of high mercury levels, all New England states warn against eating certain types of locally caught fish.

Massachusetts has been leading national and international efforts to reduce mercury pollution since the 1990s. It has achieved a 91-percent reduction in toxic mercury releases by focusing on sources such as coal-fired electric generating plants. But we can't do it alone. Other states need to do their part, which is what the new the EPA rule will require.

To complement these efforts on stationary sources, the EPA's forthcoming "Tier 3" vehicle standards will require cleaner cars and light trucks, likely beginning with model year 2017. EPA also plans to reduce the sulfur content of gasoline, which alone would dramatically reduce smog-forming emissions at a cost of less than a penny per gallon.

Despite the many benefits of these rules, the EPA is under attack for proposing them, with some claiming that environmental protection kills jobs. Just the opposite is our experience in Massachusetts. As we imposed some of the strictest controls in the nation, our economy performed far better than the national average. In addition, companies such as Thermo Fisher Scientific in Franklin, which has 365 employees and manufactures air quality monitoring devices, are prospering by manufacturing the equipment that businesses will need to comply with these new rules.

The Massachusetts experience shows that health-protective emission limits are feasible, and foster innovation and job growth. But despite our best efforts, we still live with pollution crossing our borders daily from upwind sources. It's time for other states to take similar steps to address pollution they export, and the EPA's new rules will make this happen.

*Kenneth Kimmell is commissioner of the Massachusetts Department of Environmental Protection.*

Kenneth L. Kimmell  
Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108  
617 292-5856

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Cleaning the air.docx

David  
McIntosh/DC/USEPA/US  
03/11/2011 05:43 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Barbara Bennett, Arvin Ganesan, Laura Vaught, Scott Fulton, Bob Sussman, Janet Woodka, Lawrence Elworth, Seth Oster, Adora Andy, Michael Goo, Bicky Corman

cc

bcc

Subject The House Rs have introduced their next short-term CR

The House Republicans have introduced their next 3-week CR. It includes some specific cuts directed at EPA. Please see the article below and the actual introduced bill, which is attached.

## **CONTINUING RESOLUTION: New House GOP proposal includes another \$6B in cuts** *(Friday, March 11, 2011)*

**Sarah Abruzzese, E&E reporter**

House Republicans introduced this afternoon a three-week continuing resolution (CR) to fund the government that includes an additional \$6 billion in spending cuts, including \$238 million from U.S. EPA.

The current measure to fund the government expires March 18. The new measure, **House Joint Resolution 48**, would run through April 8 and ensure that the government does not shut down while the House and Senate continue to debate on a resolution that would fund the government for the rest of the fiscal year.

"A government shutdown is not an option, period," House Appropriations Chairman Hal Rogers (R-Ky.) said in releasing the new CR. "While short-term funding measures are not the preferable way to fund the government, we must maintain critical programs and services for the American people until Congress comes to a final, long-term agreement."

As written, the resolution would cut \$3.5 billion by reducing or terminating 25 programs. These cuts include three EPA programs: "Greenhouse Gas Cap and Trade Funding" would lose \$5 million, "Local Government Climate Change Grants" would lose \$10 million, and "Targeted Airshed Grants" would lose \$10 million. Republicans said none of these initiatives was funded in President Obama's budget proposal.

The Climate Effects Network-Science Application run by the U.S. Geological Survey would lose \$10.5 million in funding.

The National Park Service would also lose \$25 million for constructing funding rescission. And two of the park service's grant programs that also weren't funded in the president's budget request would lose funding -- \$4.6 million from Preserve America and \$14.8 million from Save America's Treasures.

The U.S. Forest Service would lose \$200 million in wild-land fire suppression rescission funds that were carried over from last year, a proposal that was included in the Democratic-controlled Senate's CR measure.

Republicans said they were reaching an additional \$2.6 billion in savings by cutting "earmark" programs from various agencies.

EPA cuts include \$6 million from science and technology, \$26 million from environmental programs and management, \$1 million from buildings and facilities, and \$172 million from tribal assistance grants.

Other cuts included:

- The Bureau of Land Management would lose \$1 million for management of land and resources, \$2 million for construction and \$3 million for land acquisition.
- The Fish and Wildlife Service would lose \$12 million from resource management, \$10 million from construction and \$22 million from land acquisition.
- The National Institute of Food and Agriculture would lose \$122 million for research and education and an additional \$11 million for extension.
- From the National Oceanic and Atmospheric Administration, \$99 million was cut for operations, research and facilities and an additional \$18 million for procurement, acquisition and construction.
- NASA would see a \$63 million cut from cross-agency support.

The CR will be considered by the House next week.

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hires48\_xml.pdf

David  
McIntosh/DC/USEPA/US

04/01/2011 08:36 AM

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

cc

bcc

Subject Fw: Notice of 040711 Energy & Power Subcmte  
Hrg-Transparency in Regulatory Analysis

Heads up. I'll discuss at 8:45.

----- Forwarded by David McIntosh/DC/USEPA/US on 04/01/2011 08:35 AM -----

From: "Dotson, Greg" <Greg.Dotson@mail.house.gov>  
To: David McIntosh/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Michael  
Goo/DC/USEPA/US@EPA  
Date: 03/31/2011 10:10 PM  
Subject: Fw: Notice of 040711 Energy & Power Subcmte Hrg-Transparency in Regulatory Analysis

-----  
[Sent using BlackBerry](#)

**From:** Berenholz, Jennifer  
**To:** Beavin, Shana; Connolly, Matt; Cunningham, Celina; DeGraff, Kenneth; Delgado, Pat; Dinkel, Matt; Duncan, Jeff; Fischhoff, Ilya; Freedhoff, Michal; Joseph, Avenel; Levenshus, Jonathan; Lucas, David; Mail, Norah; Marshall, John; Martin, Ashley; Meyer, Patrick; Mosshart, Lindsay; Muniz, Brenda; Munoz, Leo; Murtha, Katie; Myers, Lenette; Osborne, Beth; Ott, Katie; Pinkele, Abigail; Robbins, Michael; Robinson, Timothy; Salerno, Jennifer; Saroff, Laurie; Skretny, Brian; Unruh-Cohen, Ana; Watkins, Stanley; Davis, Sharon; Estler, Heather; Katims, Casey; Linhardt, Andrew; Mail, Norah; Matthews, Macey; Merritt, Timothy; Morrissey, Nancy; Rubinfeld, Sarah; Siniawsky, Beth; Torres, Sophie; Young, Ellen  
**Cc:** E&C Dem All Staffs  
**Sent:** Thu Mar 31 21:54:42 2011  
**Subject:** Notice of 040711 Energy & Power Subcmte Hrg-Transparency in Regulatory Analysis

*Please forward to the appropriate staff in your office:*

**The attached hearing notice and discussion draft were received from the Majority Committee staff:**

*Jennifer Berenholz  
Democratic Chief Clerk  
Committee on Energy and Commerce  
2322A Rayburn House Office Building  
Washington, D.C. 20515  
Phone (202) 225-3641*



img-3311844-0001.pdf TRAIN- Discussion Draft.pdf





David  
McIntosh/DC/USEPA/US  
12/15/2010 07:25 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott  
Fulton, Seth Oster, Bob Sussman

cc

bcc

Subject Fw: Study - Embargoed

At 9am this morning, the National Association of Forest Owners will release its analysis of EPA's approach to biomass CO2 emissions. I've pasted the executive summary immediately below. In related news, Senator Rockefeller has asked Majority Leader Reid to make time for a vote on his anti-EPA bill as an amendment to the appropriations omnibus.

## Executive Summary

This study assesses potential economic impacts to renewable energy and wood biomass markets and regional impacts on the production of renewable energy to meet national energy goals associated with EPA's final Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule). The stated intent of the Tailoring Rule is to reduce the number of facilities required to obtain New Source Review and Title V operating permits under the Clean Air Act based on greenhouse gas (GHG) emissions. However, the rule discourages capital investment in wood-based renewable electricity generation through two mechanisms. First, the rule treats carbon emissions from biomass combustion identically to fossil fuels emissions, thereby expanding the rule's reach to include fuel sources previously considered to not emit net carbon. Second, EPA's permitting process under the Tailoring Rule places three discrete economic burdens on regulated entities: 1) costs associated with obtaining permits; 2) increased capital costs for facility investments due to delays while obtaining permits; and 3) costs associated with technology requirements, such as Best Available Control Technology (BACT).

Key conclusions of the analysis include:

### I. Economic Impacts on the Renewable Energy and Biomass Markets

Nationwide the Tailoring Rule captures in the PSD permitting program 87% of the currently operating and announced wood-to-electricity projects and 92% of cogeneration facilities at forest products mills in the continental US. **Of these projects and facilities, the Tailoring Rule puts 134 projects directly "at-risk" for cancellation or delays with the following impacts by the year 2021:**

- **5,384 fewer MW of renewable electricity generation in the US;**
- **11,844 to 26,380 fewer renewable energy jobs;**
- **\$18.0 billion fewer dollars of capital investment in renewable electricity generation; and**
- **53.8 million tons of wood biomass per year removed from the renewable energy marketplace.**

Economic modeling indicates that a 10% increase in capital and variable costs associated with compliance technologies can reduce an independent power producers' ability to pay for wood raw material by 40-45%, assuming the producer is seeking to avoid increasing kilowatt hour costs. Such costs often determine the economic viability of a project. For example, year-to-date public information confirms that 23 developing projects representing 1,519 megawatts of potential electrical capacity have delayed plans, are on hold, or have idled. Reasons cited by project developers for delayed plans or closures include low electricity prices/market conditions, uncertainty surrounding federal policies, such as the Tailoring Rule<sup>1</sup> (including extended permitting timelines and other administrative requirements<sup>2</sup>), state-level RPS guidelines and difficulties securing financing.

### II. Regional Impacts on Renewable Energy Production

State-level analysis and projections of renewable energy generation through 2021 indicate up to 19 states would fail to satisfy a national renewable energy target of 15% notwithstanding the impacts of the

**Tailoring Rule. Because of the Tailoring Rule's potential to delay or stop the development of woody biomass electricity projects, up to 30 states would fail to meet a 15% renewable target in 2021 if the Rule is implemented in its present form. Investment delays or curtailments in wood electricity projects under the Tailoring Rule will create particular challenges for states located in wood-rich regions with limited renewable energy options—such as the South and Northeast—to meet any national renewable energy goal.**

----- Forwarded by David McIntosh/DC/USEPA/US on 12/15/2010 07:22 AM -----

**From:** Joseph Goffman/DC/USEPA/US  
**To:** Gina McCarthy/DC/USEPA/US@EPA, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, Steve Page/RTP/USEPA/US@EPA, "David McIntosh" <McIntosh.David@epamail.epa.gov>, Jeffrey Clark/RTP/USEPA/US@EPA, "Rob Brenner" <Brenner.Rob@epamail.epa.gov>, Juan Santiago/RTP/USEPA/US@EPA, Anna Wood/DC/USEPA/US@EPA, "John Millett" <Millett.John@epamail.epa.gov>  
**Date:** 12/15/2010 07:13 AM  
**Subject:** Fw: Study - Embargoed

---

NAFO Tailoring Rule jobs study. Please note sender's 9:00 AM embargo stipulation. Thanks.

---

**From:** "Karen, Catherine" [ckaren@nafoalliance.org]  
**Sent:** 12/14/2010 09:18 PM PST  
**To:** Joseph Goffman  
**Subject:** Study - Embargoed

Hi Joe,

My apologies that we were unable to connect tonight. I tried you back twice but was unable to get you. **(b) (6) Privacy**

Anyhow, as promised, I am attaching the embargoed final study which will not be released until 9 am tomorrow. I trust your commitment to me yesterday that you will not distribute it or share it's information with anyone until it is public tomorrow at 9 a.m. The Agency will also receive it officially tomorrow. I hope that you all find the information helpful and that it will help us get to where we need to go.

I am happy to connect with you tomorrow or get the FORISK guys in front of you asap if that is helpful.

Catherine

Catherine Karen

Vice President for Government Affairs

National Alliance of Forest Owners

122 C Street, NW Suite 630

Washington, DC 20001

202.747.0741 (VM)

703.477.3449 (cell)

[ckaren@nafoalliance.org](mailto:ckaren@nafoalliance.org)



Tailoring\_Rule\_Economic\_Impact\_Study[1].pdf

David  
McIntosh/DC/USEPA/US  
05/26/2011 03:54 PM

To Richard Windsor, Seth Oster, Adora Andy, Brendan Gilfillan  
cc  
bcc  
Subject Fw: PSEG statement on RGGI

----- Forwarded by David McIntosh/DC/USEPA/US on 05/26/2011 03:54 PM -----

From: "Ludecke, Kristen M." <Kristen.Ludecke@pseg.com>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 05/26/2011 03:52 PM  
Subject: PSEG statement on RGGI

---

Hey – wanted to make sure you guys had this. Our statement on RGGI today.

**Kristen Ludecke**  
**Vice President, Federal Affairs**  
**Public Service Enterprise Group**  
**(202) 408-0800**

---

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**Thank you for your cooperation.** RGGI update.doc

David  
McIntosh/DC/USEPA/US  
04/28/2011 06:46 AM

To Windsor.Richard, thompson.diane, Perciasepe.Bob,  
Sussman.Bob, Fulton.Scott, "Seth Oster", "Michael Goo",  
"Bicky Corman", "Arvin Ganesan", "Laura Vaught"  
cc  
bcc

Subject Fw: Exelon Merging with Constellation Energy Group

---

**From:** [davidc.brown@exeloncorp.com]  
**Sent:** 04/28/2011 05:11 AM EST  
**To:** <davidc.brown@exeloncorp.com>  
**Subject:** Exelon Merging with Constellation Energy Group

I am excited to share our announcement with you that Exelon has entered into an agreement to merge with Constellation Energy Group to create the nation's top competitive energy supplier. The Exelon-Constellation combination will also add 5 nuclear units to Exelon's existing fleet of 17 reactors to enhance our position as the top nuclear utility in the U.S.

Details of the agreement are outlined in the attached release.

Additional information is available at [www.exelonconstellationmerger.com](http://www.exelonconstellationmerger.com).

Please let me know if you have any questions.

David

=====

David C. Brown  
Senior Vice President, Federal Government Affairs and Public Policy  
Exelon Corporation  
101 Constitution Ave. NW  
Suite 400 East  
Washington, DC 20001  
(202) 347-0808  
[davidc.brown@exeloncorp.com](mailto:davidc.brown@exeloncorp.com)

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EXC-CEG RELEASE FINAL 04 28 11.pdf

**David  
McIntosh/DC/USEPA/US**  
03/25/2011 10:54 AM

To windsor.richard, mccarthy.gina, andy.adora,  
Gilfillan.Brendan, "Michael Goo", "Bicky Corman", "Arvin  
Ganesan", "Laura Vaught", "Bob Sussman"  
cc  
bcc

Subject Fw: Toxics Rule - Public Release

---

**From:** "Michael Bradley" [mbradley@mjbradley.com]  
**Sent:** 03/25/2011 10:48 AM AST  
**To:** David McIntosh  
**Cc:** "Darlene Ryan" <dryan@mjbradley.com>  
**Subject:** Toxics Rule - Public Release

David,

Attached is the CEG statement of support for EPA's Utility Toxics proposal which was approved by the CEOs last evening.

Thanks,



Michael CEG Toxic Rule Statement Final.pdf

Diane  
Thompson/DC/USEPA/US  
05/21/2009 08:37 AM

To Richard Windsor  
cc Eric Wachter, David McIntosh  
bcc

Subject Fw: IRIS Memo and attachments.

Good morning. Hope the trip is going well. Getting good press coverage.  
Final IRIS memo is pasted below and included in attachments. This is going out this am. Diane

## **MEMORANDUM**

**SUBJECT:** New Process for Development of Integrated Risk Information System Health Assessments

**TO:** Assistant Administrators  
General Counsel  
Inspector General  
Chief Financial Officer  
Chief of Staff  
Associate Administrators  
Regional Administrators

I have long recognized the critical role that EPA plays in disseminating timely, high-quality, and accessible human health risk information on environmental contaminants that may endanger the health of the American public. Central to this aspect of EPA's mission is its highly regarded Integrated Risk Information System program that provides health effects information on chemicals to which the public is exposed from releases to air, water, and land at contaminated sites and through use and disposal of products. IRIS assessments provide a scientific foundation for actions to protect public health across EPA's programs and regions under a broad array of environmental laws. IRIS is also a critical resource for risk assessors and environmental and health professionals in state and local governments and other countries.

It is of utmost importance that the process used to develop the IRIS risk information, and the resulting assessments posted on IRIS, reflect the highest possible standards for scientific quality and integrity and provide a timely basis for government actions to protect public health. Unfortunately, recent changes to the IRIS process, including the procedures formalized in an April 10, 2008, memorandum from the former Deputy Administrator, have reduced the transparency, timeliness, and scientific integrity of the IRIS process. The President's strong emphasis on the importance of transparency and scientific integrity in government decision-making compelled a rethinking of the IRIS process.

Therefore, after consulting with EPA scientists, I have asked the Office of Research and Development to immediately implement a new IRIS process that will be more responsive to the needs of the Agency and its government partners in protecting the health of Americans. This new IRIS assessment development process is reflected in the enclosed chart and background paper. It will be more transparent and timely, and it will ensure the highest level of scientific

integrity. The process will be entirely managed by EPA, which will have final responsibility for the content of all IRIS assessments after considering the scientific input of experts at other agencies and White House offices. To guarantee the scientific quality of the IRIS assessments, the process will include the opportunity for public comment and rely on a rigorous, open, and independent external peer review. Changes in EPA's scientific judgments during this public process will be clearly documented and explained, maximizing the transparency of the final product. While still robust, the assessment development process will be shortened to 23 months, speeding the availability of IRIS assessments to the risk assessor community and the public and providing for more timely action to protect public health. In addition, to give this new process an added boost, I have directed that for fiscal year 2010, resources for the IRIS program will be increased. I am pleased to announce that the President's budget request includes an additional \$5 million and 10 FTEs for the IRIS program.

EPA remains dedicated to listening and being responsive to the public, independent experts, and scientists in other federal agencies as it develops IRIS human health assessments. I believe the new process will achieve this goal while providing timely and high-quality human health risk information to EPA's programs and regions that ensures that the Agency's actions protect the public health.

Lisa P. Jackson

#### Attachment

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 05/21/2009 08:34 AM -----

From: Robert Polin/DC/USEPA/US  
To: Diane Thompson/DC/USEPA/US@EPA  
Date: 05/21/2009 08:28 AM  
Subject: IRIS Memo and attachments.

IRIS Memo and attachments. These are the versions that went into the red folder.



IRIS Memo.doc



2009 IRIS Process\_Final 05 19 09.doc



New IRIS Process\_flowchart\_final 05 19 09.ppt

\*\*\*\*\*

Bob Polin  
U.S. Environmental Protection Agency  
Special Assistant  
Office of the Administrator



1200 Pennsylvania Ave, NW (1101 A)  
Washington, DC 20460  
202.564.6961

**John  
Hankinson/DC/USEPA/US**  
09/15/2011 10:58 AM

To Richard Windsor, Bob Perciasepe, Bryon Griffith  
cc  
bcc

Subject Fw: Ports Statement on ECA

More from LA. I have been on the phone

----- Original Message -----  
From: Garret Graves [Garret@GOV.STATE.LA.US]  
Sent: 09/15/2011 09:45 AM EST  
To: John Hankinson  
Subject: RE: Ports Statement on ECA

John,

The comments we submitted are intended to be constructive -- not inflammatory or contentious.

There are two major motivations for my comments:

1) We have watched for too long as resources have been mismanaged and policy conflicts have wrecked our coastal ecosystem. In the past, the state played a role in that mismanagement. However, the state's flawed policies have been fixed. We view this report as the only opportunity we have to finally slow down, stop and reverse the adverse impacts continuing to result from federal policy challenges. We are going to invest all we have into shaping a functional report that achieves that goal. I attached a report from USFWS that identifies a number of these challenges that have impeded progress.

2) As a member of the task force, we take our role seriously. Our state's name is on this thing too. The two questions that we ponder when thinking of the report are: a) what change will this report effectuate in six months to a year after being issued? b) if you had to communicate why this was a great report in 30 seconds or in three bullets, what would that response look like? Personally, I don't think we are where we need to be or can be on either of those questions right now.

You can refer to it as a warpath or whatever else you'd like, but we're trying to do our part to push the line a bit. I recognize the parameters you are working under and think that our efforts are helpful to our common goals. If you feel otherwise, let's chat about that.

Thanks,  
g

-----Original Message-----  
From: Hankinson.John@epamail.epa.gov [mailto:Hankinson.John@epamail.epa.gov]  
Sent: Thursday, September 15, 2011 7:56 AM  
To: Garret Graves  
Subject: Re: Ports Statement on ECA

No, I think of you as a passionate partner. Thanks for your energy.  
John

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

From: Garret Graves [Garret@GOV.STATE.LA.US]  
Sent: 09/14/2011 11:08 PM EST  
To: John Hankinson  
Subject: RE: Ports Statement on ECA

Thanks for sending.

You haven't seen me on a warpath.

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

From: Hankinson.John@epamail.epa.gov [mailto:Hankinson.John@epamail.epa.gov]  
Sent: Wednesday, September 14, 2011 2:23 PM  
To: Garret Graves  
Subject: Fw: Ports Statement on ECA

Thought you might have an interest in this. Thanks for your comments. I will be in touch.

John

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

From: Alice\_Perry  
Sent: 09/14/2011 02:03 PM EST  
To: John Hankinson  
Subject: Re: Ports Statement on ECA

This is what was sent to me:

AAPA: EPA's Actions To Reduce Ship Emissions

On behalf of its U.S. member ports, the American Association of Port Authorities (AAPA) supports the U.S. Environmental Protection Agency's joint proposal with Canada to the International Maritime Organization (IMO) to designate specific coastal water areas as an Emission Control Area, or ECA. Such action would reduce the allowable emission of nitrogen oxides (NOx), sulfur oxides (SOx), and particulate matter (PM) from ocean-going ships, most of which are registered outside of the U.S.

U.S. ports have encouraged an ECA designation for all three pollutants (SOx, NOx and PM) under the international MARPOL Annex VI treaty. "Considering that emissions from ocean-going ships are significant contributors to our national mobile-source emission inventory, it's imperative that, going forward, tighter emission controls be put in place," said Kurt Nagle, AAPA's president and CEO.

"Seaports, which support millions of jobs, deliver significant economic prosperity and serve as coastal environment stewards, are investing millions of dollars annually to significantly reduce the environmental impact on their surrounding communities and natural resources," he added.

The proposed area of the ECA includes waters adjacent to the Pacific coast,

the Atlantic/Gulf coast and the eight main Hawaiian Islands. The ECA would extend 200 nautical miles from the coastal baseline, except that it would not extend into marine areas subject to the sovereignty, sovereign rights, or jurisdiction of any state other than the United States or Canada.

From: Hankinson.John@epamail.epa.gov  
To: Alice\_Perry@deq.state.ms.us  
Date: 09/14/2011 12:40 PM  
Subject: Ports Statement on ECA

Alice,  
Good to chat with you yesterday. I was wondering if you could shoot me that Ports Association position paper you mentioned? Garret is still on the warpath on that and other things!

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



**USFWS Fed Policy Conflict document 11-08.docx**

**Laura Vaught/DC/USEPA/US**

11/14/2011 05:20 PM

To Richard Windsor, Bob Perciasepe

cc

bcc

Subject Fw: NRECA and APPA

FYI - in case you haven't seen these. The coop letter that the Toms referenced earlier on the call and an outline that APPA was (maybe still is?) using in meetings they have been doing on MATS.



.MACT NRECA ltr.pdf MACT APPA.doc

**Laura Vaught/DC/USEPA/US**  
09/22/2011 05:29 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Michael  
Goo, Arvin Ganesan

cc

bcc

Subject Fw: 14 House Members write to CEG CEOs

FYI - Letter from 14 House members (coal state, primarily Ohio) to CEG company CEO's. Basically complaining about the CEG company view of EPA regs, saying they stand to profit at the expense of their rate payers and concluding that the CEG companies cannot possibly believe that reliability will not be a problem.



CSAPR CEG\_letter\_9-22-11.pdf

**Laura Vaught/DC/USEPA/US**  
12/09/2011 05:27 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Scott  
Fulton, Michael Goo, Gina McCarthy

cc

bcc

Subject Fw: Delay MATS letter to POTUS from EEI/Chamber of  
Commerce et al

per conversation - FYI



111205\_Multi-Industry\_UtilityMACT\_President.pdf

**Mathy  
Stanislaus/DC/USEPA/US**  
07/11/2010 11:21 AM

To "Richard Windsor", "Bob Perciasepe", "Dana Tulis", "Sarah  
Pallone", "Lisa Garcia", "Seth Oster", "Stephanie Owens"  
cc  
bcc  
Subject Fw: Letter to BP

NAACP ltr to BP

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

From: Sam Coleman  
Sent: 07/11/2010 11:07 AM EDT  
To: "Mathy Stanislaus" <stanislaus.mathy@epa.gov>  
Subject: Fw: Letter to BP

Samuel Coleman, PE  
Superfund Div Region 6  
214.665.6701 Ofc  
214.789.2016 Cell

Sent by EPA Wireless E-Mail Services

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

From: "Patterson, Jacqueline" [jpatterson@naacpnet.org]  
Sent: 07/11/2010 07:48 AM MST  
To: Sam Coleman  
Subject: RE: Letter to BP

Hey Sam,

I should, since I wrote it. :-) Please find it attached.

Most warmly,  
Jacqui

Jacqui Patterson  
Director, Climate Justice Initiative  
NAACP  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
443-465-9809

---

From: Coleman.Sam@epamail.epa.gov [Coleman.Sam@epamail.epa.gov]  
Sent: Sunday, July 11, 2010 10:45 AM  
To: musheerc@wwmcinc.com; Patterson, Jacqueline  
Cc: Gregory Lyssy  
Subject: Letter to BP

Do you have access to a letter that NAACP sent to BP concerning



diversity?

Samuel Coleman, PE  
Superfund Div Region 6  
214.665.6701 Ofc  
214.789.2016 Cell



Sent by EPA Wireless E-Mail Services

BP\_Letter FINAL with Letterhead.pdf

**Richard Windsor/DC/USEPA/US**  
05/10/2011 08:38 AM

To "Gina (Sheila) McCarthy", "Margo Oge"  
cc  
bcc

Subject Fw: CEO Letter to President Obama on Vehicle Standards

FYI.

Aaron Dickerson

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

**From:** Aaron Dickerson  
**Sent:** 05/10/2011 08:35 AM EDT  
**To:** Richard Windsor  
**Subject:** Fw: CEO Letter to President Obama on Vehicle Standards

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 05/10/2011 08:34 AM -----

From: Brendan Bell <BBell@ucsusa.org>  
To: LisaP Jackson/DC/USEPA/US@EPA  
Cc: Aaron Dickerson/DC/USEPA/US@EPA  
Date: 05/09/2011 05:36 PM  
Subject: CEO Letter to President Obama on Vehicle Standards

---

Administrator Jackson,

Please accept a copy of the attached letter sent to President Obama today from the leaders of 33 environmental, public health, science, auto safety, and faith organizations regarding the 2017-2025 fuel efficiency and global warming pollution standards for new light duty vehicles.

The letter calls on the President to seize this historic opportunity to save consumers money at the gas pump, curb global warming pollution and cut America's oil dependence by setting the strongest standards under consideration – a 6% annual reduction in global warming pollution and fuel efficiency standards of 60 miles-per-gallon by 2025.

As the letter indicates, setting strong standards is a key priority for our organizations and the broader environmental community. We see these standards as the President's best opportunity to meet his oil savings goal, while protecting consumers against rising gas prices and confronting the threat of climate change.

As always, we deeply appreciate all the work that you and your staff are doing to develop the next round of standards for 2017-2025.

Sincerely,  
Brendan

Brendan Bell  
Senior Washington Representative  
Clean Vehicles Program

Union of Concerned Scientists  
202.331.5451  
[bbell@ucsusa.org](mailto:bbell@ucsusa.org)

Founded in 1969, the Union of Concerned Scientists is an independent, science-based nonprofit working for a healthy environment and a safer world.

[www.ucsusa.org](http://www.ucsusa.org)

Join our [citizen action network](#) or [expert network](#).

[Support our work](#).

Follow us on [Twitter](#) and [Facebook](#).



Obama CEO ltr 5-11 (Final).pdf

**Richard Windsor/DC/USEPA/US**  
04/11/2011 05:48 PM

To "Larry Elworth", "Karl Brooks"  
cc  
bcc

Subject Fw: State of Kansas Resolution on EPA

FYI

Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 04/11/2011 03:38 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; David McIntosh  
**Subject:** State of Kansas Resolution on EPA

FYI

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



State of Kansas Resolution Opposing the EPA Regulatory Train Wreck 11-000-5420.pdf

**Richard Windsor/DC/USEPA/US**  
11/23/2010 02:03 PM

To "Scott Fulton"  
cc  
bcc  
Subject Fw: Lead Petition Lawsuit

Steve Owens

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

**From:** Steve Owens  
**Sent:** 11/23/2010 01:56 PM EST  
**To:** Bob Sussman; Bob Perciasepe  
**Cc:** Richard Windsor  
**Subject:** Lead Petition Lawsuit

FYI: The CBD filed its lawsuit re the lead ammo/sinkers petition.

[http://www.biologicaldiversity.org/news/press\\_releases/2010/lead-11-23-2010.html](http://www.biologicaldiversity.org/news/press_releases/2010/lead-11-23-2010.html)



TSCA complaint[1].pdf

**Adora Andy/DC/USEPA/US**  
04/03/2010 12:26 AM

To Richard Windsor, "Richard Windsor"  
cc "Seth Oster", "Allyn Brooks-LaSure"  
bcc  
Subject Re: NEWSWEEK: Regulate, Baby, Regulate

Regulators! Mount up!  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/02/2010 11:02 PM EDT  
**To:** Adora Andy; "Lisa Jackson" <windsor.richard@epa.gov>  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>  
**Subject:** Re: NEWSWEEK: Regulate, Baby, Regulate

Same article. Fun title.  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 04/02/2010 10:56 PM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>  
**Subject:** NEWSWEEK: Regulate, Baby, Regulate

See below. :)  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 04/02/2010 05:09 PM EDT  
**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Alisha Johnson; Michael Moats  
**Subject:** NEWSWEEK: Regulate, Baby, Regulate  
(Magazine version)

Regulate, Baby, Regulate

EPA chief Lisa Jackson is taking on the president's next big challenge: climate change. Will her hardball tactics persuade Congress to play along?

By Daniel Stone | NEWSWEEK

Published Apr 2, 2010

From the magazine issue dated Apr 12, 2010

Washington, D.C., is littered with the careers of bright, well-meaning public servants who came to the capital to do good but fell victim to politics. Lisa Jackson is determined not to become one of them. As head of the U.S. Environmental Protection Agency, Jackson oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and people who like clean air and water)—but it also puts her at odds with some of the nation's largest, richest industries.

For decades, big manufacturers and commercial farmers, who retain powerful lobbyists and make large

contributions to the election campaigns of members of Congress, have pushed back against the EPA's efforts to enact stricter controls on pollution. In the years when George W. Bush was president they often got their way, as the EPA rolled back on enforcement to suit the administration's pro-industry politics.

Some of those industry heads have also been heard in the Obama White House, which last week announced plans to open parts of Alaska and the East Coast to new offshore drilling—a gambit the president hopes will build support for a climate-change bill in Congress. But if that conciliatory approach doesn't work, Obama can count on Jackson as his climate enforcer. Unless Congress acts by next January, Jackson says, the EPA will use its authority under America's Clean Air Act to phase in new restrictions on carbon dioxide, the greenhouse gas that contributes to global climate change. The U.S. emits nearly a quarter of the world's carbon dioxide; the EPA has identified it and five other greenhouse gases as a threat to public health. "The difference between this administration and the last is that we don't believe we have an option to do nothing," Jackson told NEWSWEEK.

Despite the rage of environmentalists, the drilling decision didn't bother Jackson much. Just weeks before, she admitted that any energy policy "should include offshore drilling" so long as it doesn't harm the environment—a condition that would seem nearly impossible to fulfill. If anything, energy companies unearthing more fossil fuels would only boost the emissions she's aiming to cut, giving her fight more urgency. But that doesn't mean her job will be easy. Three months after announcing her intent, Jackson, a chemical engineer who spent years working within the EPA bureaucracy, is starting to see just how difficult it may be. For starters, the Nixon-era Clean Air Act was never intended to regulate a pollutant as pervasive as carbon. Both environmentalists and industry heads also acknowledge that Congress would be able to address the problem better. "The only thing everyone agrees on is that a regulatory approach would be more extensive and less effective than legislation," says Paul Bledsoe, spokesman for the National Commission on Energy Policy, a Washington think tank. But until Congress takes up the question, Obama holds the only key to sweeping carbon cuts.

Jackson doesn't seem to mind that the job has been deputized to her, yet she knows her agency's credibility—and her own—could be at stake. Already, powerful interests are lining up against the anticipated changes, which she and agency scientists have promised to detail later this year. Industry groups like the American Public Power Association are readying lobbying campaigns to kill or at least slow the impending regulations, and more than 100 agriculture and energy groups have demanded that Jackson back off. "It will create a huge competitive disadvantage to our industry," says Nancy Gravatt, a spokesperson for the American Iron and Steel Institute. "We already filed a legal challenge. The further this gets, the more of that we will be doing. We will continue to contest this."

Politicians on Capitol Hill are also agitating against the carbon cuts. "Getting climate policy right will take a lot of work and should rightfully be done by those elected to Congress," says Republican Sen. Lisa Murkowski of Alaska, one of the nation's largest producers of oil and gas. "We may not be moving as fast as some would like, but we are working." Murkowski says that Obama's pivot on drilling sounds nice to the media, but won't be enough to bring her to the table.

Jackson knew that threatening to act by executive fiat wouldn't be popular. But she also knew it would get people's attention and, along with Obama's drilling plan, maybe prod Congress to act. She says that she would prefer to go through—instead of around—Congress. "You can definitely cut emissions through regulation, but a much more efficient way is through legislation," she says. For one thing, Congress would sugarcoat any carbon-cutting bill with tax breaks and other incentives for industries to go along.

Jackson's do-it-or-else version will contain none of that. Yet despite protests by members of Congress that Jackson is infringing on their turf, leaders on Capitol Hill—mistrustful after the passage of health care and worried about a double-dip recession—have shown little interest in taking up the issue. Republicans, largely skeptical of climate change, are opposed to steep emissions cuts, and even many Democrats who are sympathetic to the cause in principle don't want to make trouble with big employers (and donors) back in their home districts. (Some lawmakers have introduced protest bills that threaten to rewrite the Clean Air Act to curtail the EPA's power, and even to dry up funding for the agency. They aren't expected to go anywhere, although Jackson says she's prepared to fight such measures.)

The few members of Congress who do want to take up global warming recognize that pushing for carbon regulations is the last way to win the support of their colleagues. In the Senate, Democrats John Kerry and Joe Lieberman and Republican Lindsey Graham are working on a broad energy bill that will include government subsidies for businesses to use renewable energy sources. But the measure is expected to be lax on carbon reductions, and is unlikely to make a meaningful dent in the nation's greenhouse-gas emissions.

The big question in Washington isn't whether the EPA has the authority to singlehandedly force polluters to radically cut their carbon emissions; the U.S. Supreme Court ruled in 2007 that it does. It's whether the White House is actually serious about carrying out Jackson's plan—or if it is just noisily bluffing to get Congress to take some action, even if it falls short of Jackson's ambitious cuts.

The one to watch for that answer isn't Jackson, but Obama. With a health-care victory under his belt, the president has new clout, both with Congress and with a growing number of voters. But if the January deadline approaches and Congress still hasn't taken up a plan to reduce carbon, Obama will have to decide if he has the political stomach to make good on Jackson's ultimatum—a move unpopular enough that it could land him back in the trenches. It wouldn't be a quiet fight. The other side would attack him as anti-business and anti-jobs, and it wouldn't all be Republicans.

Already there are signs that it may not come to that. As Jackson talks tough about deadlines and cuts—trying to convince industry that the administration is standing behind her plan—the president himself has been notably quiet on her threat. Obama's openness to drilling and new nuclear plants, two things he at first opposed during his campaign, signals he's willing to make broad concessions to avoid such a showdown. "The president understands that EPA must follow the science and its legal obligations," says a White House official who spoke under the usual rules of anonymity. "But he has made abundantly clear that his strong preference is for Congress to pass energy and climate legislation." Hardball Washington translation: let's make a deal.



01268-EPA-7365

Al Armendariz/R6/USEPA/US  
12/04/2010 03:27 PM

To Bob Sussman, Cynthia Giles-AA  
cc Richard Windsor, Seth Oster  
bcc

Subject Re: Update on Range drinking water case in Texas

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Al

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
office: 214-665-2100  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 12/04/2010 02:57 PM EST  
**To:** Cynthia Giles-AA  
**Cc:** Al Armendariz; Richard Windsor; Seth Oster  
**Subject:** Re: Update on Range drinking water case in Texas

(b) (5) Deliberative

Cynthia Giles-AA ENFORCEMENT CONFIDENTIAL W... 12/04/2010 02:36:23 PM

From: Cynthia Giles-AA/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Al Armendariz/R6/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/04/2010 02:36 PM  
Subject: Update on Range drinking water case in Texas

ENFORCEMENT CONFIDENTIAL

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative



Cynthia

Cynthia Giles  
Assistant Administrator  
U.S. EPA, Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Al Armendariz/R6/USEPA/US

10/09/2011 10:19 AM

To Gina McCarthy, David Bloomgren, Joseph Goffman, Sam Napolitano

cc Bob Sussman, Seth Oster, Brendan Gilfillan, Bob Perciasepe, "Richard Windsor", David Gray, "Carl Edlund", Chrissy Mann, "Suzanne Murray"

bcc

Subject Austin American Statesman (CSAPR/Tx): "Cross-State Air Pollution Rule energy warnings unfounded"

"Cross-State Air Pollution Rule energy warnings unfounded"

Jim Marston, Local Contributor

Published: 9:14 p.m. Friday, Oct. 7, 2011

Oscar season is months away, but the Texas Legislature and regulators are doing their best to campaign for Best Picture.

A hearing before the Texas House State Affairs Committee in September played like a horror movie &#8212; a scary script about a federal takeover of the Texas economy, starring everybody's favorite bad guy, the Environmental Protection Agency.

Jobs will be lost, they said. Blackouts will result. And the only way to stop this nightmare is to overturn laws designed to protect our health and promote clean air.

Mind you, this is pure fantasy. Virtually every major utility in every state in the union &#8212; Exelon, PPL Generation, NRG &#8212; is working to comply with these clean air laws without blackouts or layoffs. "NRG can comply through an integrated strategy," a company spokesman said this week. "We do not anticipate any plant closures nor layoffs."

The same is true for most utilities in Texas, including Dynegy.

In fact, these energy providers are worried about the impact of delaying new clean air rules. Dynegy CEO Robert Flexon recently said that "any efforts to delay or derail the Cross-State Air Pollution Rule would undermine the reasonable, investment-based expectations of Dynegy."

There are just two Texas utilities, Luminant and GenOn, fighting the new clean air laws, and an awful lot of politicians are piling on. If their dire warnings sound familiar, it's because we've seen this movie before, and we know how it ends.

In 2006, Luminant was still called TXU, and its position was that Texas needed more coal plants. The state's largest grid operator, the Electric Reliability Council of Texas, jumped on board,

warning of blackouts if TXU didn't get to build all 11 of the new coal plants it wanted. Gov. Rick Perry signed an executive order, speeding up TXU's permit process so that Texans wouldn't suffer electricity shortages.

And then a funny thing happened. TXU was bought, and plans for eight of the 11 new plants were scrapped. You'd expect ERCOT and state officials to panic, right? What about all those blackouts that were coming? Well, no one panicked, and the blackouts never came.

In fact, just a few months after the TXU buyout, ERCOT said to Rep. Joe Barton, "ERCOT is confident that even without the eight new coal plants previously announced by TXU, adequate reserve margins will be met."

There was no crisis. The movie flopped.

Yet here we are again.

This go-round, Luminant has spent nearly a decade fighting new clean air laws instead of planning for the future.

And now that the future has arrived, and as the EPA deadline approaches, the company is turning up the volume, claiming that complying will require it to close its dirtiest plants and lay off 500 employees. Never mind that other Texas utilities are able to comply. Never mind that these rules have been in the works for years &#8212; since George W. Bush was president. Never mind that EPA is required to take immediate action to protect human health and has already demonstrated its willingness to adjust the rule as better information becomes available.

The truth is that the Texas power grid will be fine without the dirty plants that Luminant says it will close rather than clean up. There's plenty of new power to meet the demand &#8212; in fact, energy providers are preparing to interconnect to the Texas grid four times as much new generation as ERCOT will need through 2015.

But that's not as exciting to our elected officials and regulators. They are making dramatic speeches about how "we can't let this happen, something must be done," and issuing dire warnings about how following the law will cripple Texas.

Same movie. Same tired plot. That approach might work for Hollywood sequels, but the people of Texas deserve better from their elected officials, regulators and local employers.

Marston is regional director of the Environmental Defense Fund.

[http://www.statesman.com/opinion/cross-state-air-pollution-rule-energy-warnings-unfounded-1902055.html?cxtype=rss\\_ece\\_frontpage](http://www.statesman.com/opinion/cross-state-air-pollution-rule-energy-warnings-unfounded-1902055.html?cxtype=rss_ece_frontpage)

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Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

Al Armendariz/R6/USEPA/US  
10/09/2011 10:22 AM

To Gina McCarthy, David Bloomgren, Joseph Goffman, Sam Napolitano  
cc Bob Sussman, Seth Oster, Brendan Gilfillan, Bob Perciasepe, "Richard Windsor", David Gray, "Carl Edlund", Chrissy Mann, "Suzanne Murray"  
bcc

Subject Corpus-Christi Caller Times Ed Board (CSAPR/Tx):  
"Understanding the EPA's 'easing' of cross-state rule"

"Understanding the EPA's 'easing' of cross-state rule"

By Editorial Board  
Corpus Christi Caller Times  
Posted October 9, 2011 at 3 a.m.

CORPUS CHRISTI &#8212; The Environmental Protection Agency's plan to ease up on the cross-state pollution rule is good news and misleading news.

The good news is that jobs connected to coal-fired power plants are safe and the industry's ability to meet demand for electricity won't be hampered. Rolling brownouts across North Texas, where the most heavily affected plants are located, weren't a pretty prospect.

The misleading news is ... well, there's a bunch. But foremost is the tendency to interpret the EPA's move as a capitulation to political and industry pressure, which it's not.

On Wednesday, The Wall Street Journal reported that the EPA, "under pressure from some states, industry and Congress, is expected to ease an air quality rule that would require power plants in 27 states to slash emissions."

It's a hundred percent true that the EPA has been under pressure from states, industry and Congress. Also from Gov. Rick Perry and Attorney General Greg Abbott, who sued the EPA on Texas' behalf &#8212; again.

The Journal also reported that the move "comes amid a backlash over the rule." Also true. The Journal didn't establish a cause-effect relationship between backlash and EPA revision. Readers of the Journal's and other credible, responsible reports by other publications had to make the connection, and surely did.

What the EPA did was to revise its plan based on further review of its information, which includes a lot of industry-provided information. For example, Texas power provider Luminant initially overestimated the efficiency of its scrubbers.

When the EPA found out &#8212; from Luminant &#8212; that those scrubbers couldn't scrub as much as the EPA had been led to believe, the EPA adjusted accordingly to represent what Luminant was unable to do. This sounds like suspiciously reasonable behavior for an agency that has been portrayed as a primary conspirator in a plot to wreck the Texas economy through runaway over-regulation.

Perry, in a statement Thursday, said the EPA's proposed changes "prove there are undeniable flaws with the (cross-state pollution) rule that would cause job losses and higher energy costs with no definitive environmental benefit to Texas." The governor's statement is misleading because industry, not EPA, was the source of the flaws. He can tell us how harmless nitrogen oxide and sulfur dioxide are to the environment after he has had some for breakfast.

U.S. Rep. Joe Barton, R-Arlington, also misleadingly portrayed the EPA's revision: "I am pleased to see that the EPA has admitted that they were wrong in their assumptions in the first place," according to a statement Barton issued Thursday. "Hopefully the second time around they will look at the true facts and act accordingly." They already did, Rep. Barton, immediately after industry gave them truer facts than the ones it previously submitted.

"Any changes to the Cross State standard ... would have no impact on the health benefits we expect this rule to achieve," EPA associate administrator Seth Oster wrote in response to the Journal report. Those benefits include a reduction of premature deaths by 34,000 and health and environmental costs by \$280 billion by 2014.

"The EPA is not 'easing' the standards of the Cross State Air Pollution Rule," according to Oster. "We are doing what we always do under the Clean Air Act: taking steps to gather the best data and information, and moving forward with a common sense standard based on everything we know."

Sounds reasonable.

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<http://www.caller.com/news/2011/oct/09/understanding-the-epas-easing-of-cross-state/>

Al Armendariz/R6/USEPA/US  
04/24/2012 11:57 AM

To "McCarthy, Gina", "McCabe, Janet", Brendan Gilfillan,  
"Sussman, Bob", Bob Perciasepe, "Windsor, Richard"  
cc  
bcc

Subject Fw: Sierra Club press release on OK agreement.

Fyi. Al

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz  
Layla Mansuri

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

**From:** Layla Mansuri  
**Sent:** 04/24/2012 10:48 AM CDT  
**To:** gray.david@epa.gov; Al Armendariz; Sam Coleman; Suzanne Murray; Carl Edlund  
**Cc:** blevins.john@epa.gov; Chrissy Mann  
**Subject:** Fw: Sierra Club press release on OK agreement.

----- Forwarded by Layla Mansuri/R6/USEPA/US on 04/24/2012 10:47 AM -----

From: Bruce Nilles <bruce.nilles@sierraclub.org>  
To: Layla Mansuri/R6/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 04/24/2012 10:45 AM  
Subject: Sierra Club press release on OK agreement.

---

For Immediate Release: April 24, 2012

Contact: Jenna Garland, [\(404\) 607-1262 x 222](tel:4046071262x222), [\(404\) 281-6398](tel:4042816398)  
Whitney Pearson, [\(405\) 286-2277](tel:4052862277)

## Sierra Club Applauds Northeastern Coal Plant Retirement Announcement

Oklahoma City, OK - Today Sierra Club joins Governor Fallin, Attorney General Scott Pruitt, US EPA, and American Electric Power subsidiary Public Service Co. of Oklahoma (AEP-PSO), in announcing an agreement in principle in pending federal court litigation over the state's clean air protections. The agreement sets firm dates for retiring both units at AEP-PSO's Northeastern coal-fired power plant near Oologah, Oklahoma. The plant's retirement is a major victory for public health in Oklahoma, as reducing the number of coal-fired power plants will both reduce harmful emissions and will pave the way for clean energy.

"Oklahoma must move beyond coal, and AEP-PSO is taking a strong first step here," said Whitney Pearson with Sierra Club. "Today's announcement paves the way for



resolving long-standing public health concerns about PSO's Northeastern coal plant, and shines a bright spotlight on the other two coal plants owned by OGE. Litigation over OGE's two coal plants continues."

Pearson added, "EPA has done a great job here working with a utility to create a responsible retirement plan. We commend the EPA and Governor Mary Fallin for their leadership in this settlement. AEP-PSO has set a good example for OG&E, which is now the biggest polluter in Oklahoma."

Under the agreement between the U.S. EPA and Public Services Company of Oklahoma, the first 473 megawatt coal-burning unit at the Northeastern Plant will be retired by December 31, 2017. The second unit, also 473 megawatts, will remain online but will have pollution controls installed by December 31, 2017. Between 2017 and 2026, AEP-PSO will dramatically reduce the amount of coal burned at the unit until it is decommissioned no later than December 31, 2026.

"This retirement schedule creates ample opportunity for AEP-PSO to prioritize its workers," said Charles Wesner, Chair of the Oklahoma Chapter of the Sierra Club. "Sierra Club calls on AEP-PSO to keep existing workers employed while decommissioning the plant and strive to keep as many workers as possible employed in new, clean energy projects in Oklahoma. With our tremendous wind, solar, and energy efficiency potential, AEP-PSO should be able to create jobs and keep these workers employed."

Currently, Oklahoma has six coal-fired power plants that collectively emit significant amounts of soot, smog, and mercury pollution. Coal-fired power plants are a major contributor of ozone-forming pollution, and 2011 air quality data has shown that Tulsa and Oklahoma City exceeded federal limits on ozone pollution, threatening Oklahoma's most vulnerable citizens, such as children, the elderly, and people who work or exercise outdoors. Ozone pollution is worsened during periods of high temperatures, meaning the summer of 2012 may be one of the worst ozone seasons in Oklahoma history.

Oklahoma has significant clean energy potential, which could power the state while protecting public health. Oklahoma's wind resources rank ninth in the United States, with more than 50,000 megawatts of wind power potential. Wind power in Oklahoma supports thousands of jobs, and according to the National Renewable Energy Laboratory, wind can provide more than 31 times as much electricity as Oklahoma currently uses. States such as Alabama are already purchasing Oklahoma wind power.

###

**Al Armendariz/R6/USEPA/US**

04/15/2011 07:20 PM

To "Richard Windsor", "Gina McCarthy", "Seth Oster", "Bob Perciasepe", "Bob Sussman", "Lisa Garcia"

cc

bcc

Subject The Environmentalisms of Baptists & More - Weaver's Weekly Wrap-up - Baptists Today, The Source for Daily Baptist News for You and Your Church

Fascinating statement about our recent work and FIP on regional haze in Oklahoma and its impact on 6 coal units.

<http://www.baptiststoday.org/weavers-weekly-wrap-up/2011/4/14/the-environmentalisms-of-baptists-more.html>

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
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office: 214-665-2100  
twitter: @al\_armendariz

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/31/2011 05:39 PM

cc

bcc

Subject DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

Ha!

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/31/2011 05:38 PM -----

From: "Connolly, Hal (Menendez)" <Hal\_Connolly@menendez.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 03/31/2011 05:38 PM  
Subject: Big win for Christie

---

From: [depnews@dep.state.nj.us](mailto:depnews@dep.state.nj.us) [<mailto:depnews@dep.state.nj.us>]  
Sent: Thursday, March 31, 2011 4:40 PM  
To: [depnews@listserv.state.nj.us](mailto:depnews@listserv.state.nj.us)  
Subject: DEP Release: Christie Administration Wins Battle for EPA Action on Polluting PA Power Plant

IMMEDIATE RELEASE:  
March 31, 2011

Contact: Lawrence Ragonese (609) 292-2994  
Lawrence Hajna (609) 984-1795

CHRISTIE ADMINISTRATION WINS BATTLE FOR EPA ACTION ON  
POLLUTING PENNSYLVANIA POWER PLANT

(11/P43) TRENTON - The federal Environmental Protection Agency accepted New Jersey's Clean Air Act petition that seeks to force a Pennsylvania coal-fired power plant to dramatically reduce harmful air pollutants that drift over the Delaware River and into North Jersey, and which has caused longstanding public health concerns for residents living in that region, DEP Commissioner Bob Martin announced today.

The EPA, in accepting the State's petition, has proposed a rule to require the power plant, operated by GenOn Energy (formerly Reliant or RRI Energy) in

Portland, Pa., to cut its sulfur dioxide (SO<sub>2</sub>) emissions by 81 percent over a three-year period, significantly reducing pollutants that can aggravate asthma and cause other respiratory difficulties.

"It is a priority of this Administration to achieve improved air quality for all residents of New Jersey," said Governor Christie. "Targeting out-of-state air pollution that negatively impacts our State is just one of many initiatives we are undertaking to benefit the public health and improve our environment."

"I commend the federal government for taking positive action on the State's petition," said Commissioner Martin. "Most important, this is a win for the public health and welfare of North Jersey residents, and especially people in Knowlton Township and Warren County, who have long been directly in the path of these unhealthy emissions. That situation is not acceptable."

Commissioner Martin vowed to ensure that the federal process - prompted by the State's filing of a Section 126 Clean Air Act petition -- continues to move along as quickly as possible. He plans to testify in person at a public hearing which has been scheduled by the EPA on April 27 in Oxford, Warren County.

The DEP had pressed for a public hearing in Warren County to afford the greatest opportunity for the residents most affected by the air emissions to relate the effects of GenOn Energy plant's pollution on their lives.

The 126 Petition filed by the DEP in 2010 included evidence to show that damaging sulfur dioxide pollution produced by the GenOn power plant adversely impacts most of Warren County and sections of Sussex, Morris and Hunterdon counties, as well as at least three counties in Pennsylvania. The sulfur dioxide coming from the plant is known to cause a variety of adverse health effects, including asthma and respiratory failure, and environmental impacts such as acid rain.

RRI's power plant emitted more than 30,000 tons of sulfur dioxide in 2009, which is more than all seven of New Jersey's coal-fired power plants combined in that year.

The DEP believes modern air pollution controls, including a scrubber, should be installed to substantially reduce the Portland plant's emissions. Improved sulfur dioxide and particle control also would reduce other hazardous air pollutant emissions, including hydrochloric acid, lead and mercury.

In addition to the 126 Petition to limit air pollution from this plant, the State also has an ongoing legal action against GenOn to reduce emissions of nitrogen oxides, as well as sulfur dioxide, at the Portland facility.

Also, the State is battling out-of-state air pollution in two ongoing pending federal court cases. The DEP is attempting to require Pennsylvania-based Allegheny Energy Inc. and subsidiaries to reduce emissions of sulfur dioxide and nitrogen oxide at three power plants in western Pennsylvania. The

Department also is seeking to substantially cut the amount of sulfur dioxide pollution pouring from the massive Homer City Station power plant in western Pennsylvania.

Those emissions, in the form of nitrogen oxides and fine particulate matter, are carried eastward by prevailing winds towards New Jersey, causing ozone smog pollution, visible haze and acid rain.

EPA will accept written comments on the State's 126 Petition until May 27. For more information on the petition and the scheduled April 27 public hearing visit: <http://www.epa.gov/ttn/oarpg/new.html>

Full text of New Jersey's 126 petitions on the Portland/RRI issue can be found at: <http://www.nj.gov/dep/baqp/petition/126petition.htm>

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This message has been sent by the New Jersey Department of Environmental Protection. To unsubscribe from this list, please go to: <http://www.nj.gov/dep/newsrel/unsub.htm>

Arvin Ganesan/DC/USEPA/US      To Richard Windsor  
10/23/2010 08:40 AM      cc  
Subject interview with rahall

there are some choice quotes in here.

## [Rahall vows to fight for coal, W.Va. with seniority](#)

By CHARLES OWENS [Bluefield Daily Telegraph](#) [The Bluefield Daily Telegraph](#) Sat Oct 23, 2010, 05:00 AM EDT

BLUEFIELD — U.S. Rep. Nick Rahall, D-W.Va., is quick to admit that coal is under attack from Washington.

"Oh yes, it's real," Rahall told members of the Daily Telegraph's editorial board last week. "But it's not new. The war on coal has been going on for 700 years since the king of England tried to ban the burning of coal when it was first discovered. Coal has always been under attack, is under attack and always will be under attack."

Rahall said coal was under attack during his first year in the U.S. House of Representatives under Jimmy Carter's administration. At the time, Rahall said there was a move underway to abandon strip mining.

Rahall said he was able to save the practice in 1977 at the time while working with both Republicans and Democrats, along with Carter. Today, coal is once again under attack by the Obama administration, and the Environmental Protection Agency Administrator Lisa Jackson, Rahall said.

"The Al Gore EPA was also after us, and we survived that," Rahall said. "And so now we are in another battle over coal especially with the practice known as mountaintop removal."

When mountaintop mining is mentioned, many across the country see an inaccurate image of West Virginia blowing up mountaintops and the overburden being dumped in the streams, Rahall said.

"So coal is not popular in Washington," Rahall said. "My acts have been defensive in nature. I've had to hold off many threats. It's kind of like fighting terrorism. When you are successful in fighting off the threat, but the threat is never published it isn't known."

When asked to elaborate, Rahall said bills have recently been introduced in both houses of Congress to make valley fills illegal. Rahall said such valley fills are essential not only to mountaintop mining, but also highway construction. Both of the bills in question have been co-sponsored by Republicans who want to abolish the practice, Rahall said.

However, in order for valley fills to be abolished, legislation would have to come through one of two committees currently chaired and vice chaired by Rahall — the Committee on Natural Resources and the Committee on Transportation and Infrastructure.

"I'm the chair," Rahall said. "I set the agenda. It's not going to make it on my agenda. It's not coming through my committees. It's dead. It has been for years."

If such legislation were to make it out of committee, it would pass the full House in overwhelming numbers with both Republican and Democratic support, Rahall said.

"You've got Republicans across the country who don't have mountaintop mining in their district," Rahall said. "It's a freebie for them to throw to environmentalists. I've been holding this off the floor for years."

If Republicans were to take control of the House on Nov. 2, Rahall said his seniority and influence in both the Committee on Natural Resources and the Committee on Transportation and Infrastructure will not be diminished.

"Should my party not be able to maintain control this fall as much of the pundits are predicting, I will still be the top Democrat on the Natural Resources Committee, and the second top Democrat on the Infrastructure committee. The last time the Republicans were in control, I was still able to maintain funds for the King Coal Highway, the Coalfields Expressway, the Shawnee Parkway and many infrastructure projects for southern West Virginia. I do that again by partnering with and using my seniority to partner with government at all levels. And what is becoming more important nowadays is we partner with the private sector. We need to form more of these public-private partnerships in order to further our economic base. So I want the opportunity to continue to use that seniority and experience based upon West Virginia values working for West Virginia."

With the passing of Robert C. Byrd and the defeat of U.S. Rep. Mike Mollohan in the 1st District, Rahall said it is more important now than ever for West Virginia to have a lawmaker with seniority in Washington.

"I believe for the state of West Virginia, this year's election is probably more important than any other state in the nation," Rahall said. "I say that because we lost 58 years of seniority in Sen. Robert Byrd, plus a top Democratic position on the Senate Appropriations Committee. The state of West Virginia also has lost 28 years of service in Representative Mollohan's defeat this year. Seniority is important in the House of Representatives. If we were to lose another 34 years of seniority as in my case, I believe it would be an immense setback to the state of West Virginia. Seniority is important in the House."

Rahall said he has tried hard to work with the EPA and administrator Lisa Jackson. However, he said he is angered by the agency's decision two weeks ago to revoke a previously approved permit for West Virginia's largest mountain removal mine. The EPA argued that Arch Coal's Spruce No. 1 mine in Logan County would have caused irreversible damage to the environment and wildlife.

"I've tried to work with them," Rahall said. "Our coal industries have tried to work with them. But now I've had it. Here on the Spruce permit, Arch Coal, and the industry, has done what I had been advocating for the past year — negotiating with the EPA. Arch has negotiated with the EPA for the past 10 years ago. The EPA agreed and granted them the permit three years. Now they have revoked a permit that had been negotiated in good faith. It's not a final decision yet, but it has become clear that they are going to revoke that Spruce permit."

Rahall said he met personally with Jackson to express his extreme dissatisfaction with this decision.

"I've told Lisa Jackson herself when I presented her the volume of negotiations over the past 10 years," Rahall said. "I told her you are wrong. You are now reneging on this

permit.”

Rahall said he has now gone to the Office of Regulatory Permits in Washington in hopes of stopping the EPA.

“I said please look at what it means to our community and way of life, and coal communities that depend upon it to keep the lights on,” Rahall said.

Rahall said if enough support can be garnered from fellow lawmakers, the EPA may have to be defunded by Congress.

In the meantime, Boucher said he and U.S. Rep. Rick Boucher, D-Va., have issued their own bill that would defund the guidance procedures whereas the EPA is making decisions without public input.

“We would defund that part of the process, and not the entire EPA,” Rahall said. “That’s one effort we’ve made to try to reign in the EPA. Another effort is we are trying to put a two-year moratorium on EPA efforts to control Co2 emissions. I know my opponent hits me on this. He says we don’t need a two-year moratorium. He says we need a permanent moratorium. But a permanent moratorium isn’t going to pass. So what I’m trying to do is what is realistic, and what has a better chance of passing. We still have to get it through the president, and he can veto it. We still have to get enough votes to pass a presidential veto. Realistically, it isn’t going to happen. But at least we send a message.”

Rahall said he will work in the he meantime with other members of Congress to build a coalition of lawmakers who are willing to defund the EPA.

“The ways (to control the EPA) are through the purse,” Rahall said. “That is when we do our normal appropriations bill. Many of my colleagues in Washington, when they hear Nick Rahall is being attacked back home for being anti-coal — they are scratching their heads. They consider me to be the most pro-coal member of Congress. I have always believed coal is will always be our foundation.”

However, diversification will remain critical for West Virginia, Rahall said.

“I won’t turn my back for one second on the coal industry,” Rahall said. “But I’ve said this once, and I’ll say it again. We just can’t put all of our eggs in the coal basket. So diversification is key to our future.”

Rahall said he will continue his fight for the King Coal Highway, the Coalfields Expressway and the Colonial Intermodal Center in Bluefield, among other local projects. He says the reauthorization of a new six-year transportation bill by Congress will be critical toward securing new federal funds for the King Coal Highway, the Coalfields Expressway and the Colonial Intermodal Center.

Rahall said federal earmarks — a word many consider to be dirty — also will be important for the highway projects.

“The \$900,000 just announced recently for the intersection of the King Coal Highway and Coalfields Expressway (in McDowell County) — that was an earmark request of mine,” Rahall said.

Rahall said a new six-year highway bill will do much more good in terms of job creation and stimulating the economy than a new stimulus bill.



"For every dollar we invest in infrastructure, it means good-paying jobs," Rahall said. "So I think that is the first step we ought to take is the reauthorization of the federal highway bill."

Rahall said the controversial \$787 billion stimulus bill didn't create as many new jobs as it was supposed, but did keep unemployment numbers from climbing.

"I firmly believe it keeps unemployment from being higher," Rahall said. "The other charge is they are only short-term jobs. That's right. But they are still jobs."

Rahall said he supports a continuation of the Bush tax cuts for the 98 percent of middle class Americans that make \$250,000 or less for singles and couples.

"But that's not to say I wouldn't vote to give the upper class an extension of their tax benefits as a compromise," Rahall said. "If that's necessary in order to get the permanent tax cut for the other 98 percent Americans — I would."

Rahall said his campaign isn't being financed by terrorists — despite a controversial television ad by his opponent claiming otherwise.

"This is not the first time I've been subjected to this," Rahall said. "But this particular ad, you refer to I will respond to it. Fourteen years ago in 1996, I received a \$500 contribution from the individual. So did George Bush, Hillary Clinton and the National Republican Committee. That was 1996. In 2003, I believe is when the first suspicion or media reports cropped up about this individual. I immediately gave the money to a charity in Raleigh County."

However, the Republican National Committee didn't return the campaign donation it had received, according to Rahall.

Rahall, who voted in support of the controversial health care reform bill, said the new legislation isn't perfect, and can be "tweaked" as needed.

"But the cost of doing nothing to our economy and our deficit is much higher," Rahall said. "The status quo is not acceptable. Is it the perfect bill? No. But I haven't seen a perfect bill in Congress. If we do need to tweak it, and go back and make some changes, let's do it."

Rahall said Congress had to do something as it relates to health care.

"We had health insurance companies rationing health care," Rahall said. "We had them raising their deductibles. We had them raising co-pays and cutting back on their coverage. They were cutting off children with pre-existing conditions."

Rahall said Republicans continue to promote falsehoods regarding the health reform bill, including allegations of death panels, Medicare cuts to seniors and claims that the legislation will finance abortions.

Rahall said the new legislation allows parents to keep children on their health care coverage until age 26; closes the so-called donut-hole on prescription drug coverage for seniors; provides for additional doctor training; and prevents insurance companies from denying coverage for those with pre-existing conditions.

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

12/14/2011 02:54 PM

cc

bcc

Subject now the references from this am make sense...

5.

**SENATE:****Lawmakers give, receive coal in Secret Santa exchange***Published: Wednesday, December 14, 2011*

When Sen. Joe Manchin (D-W.Va.) opened his holiday gift from Sen. Mark Udall (D-Colo.), he was happy to find three lumps of Colorado coal tucked between hiking socks and a six-pack of beer.

Although coal is traditionally seen as a poorly behaved child's punishment from Santa Claus, Manchin, a mining advocate, was delighted by the gift.

In fact, coal was also part of Manchin's gift to Sen. Chuck Schumer: The New York Democrat received a donkey and an elephant sculpted from West Virginia coal.

"With an eight percent approval rating, both Democrats and Republicans in Congress deserve to have coal in their stocking this year," Manchin wrote on the gift's tag. "Lucky for us, my state has more than enough to go around."

According to a Fox News report, Schumer smiled and exclaimed, "Look! Carved out of coal!" as he opened his gift.

Sen. Al Franken (D-Minn.) proposed Monday night's informal, bipartisan, interfaith gift exchange as a way to unite lawmakers for the holidays. Sixty-one senators participated (Jared Hunt, [\*Charleston \[W.Va.\] Daily Mail\*](#), Dec. 14). -- PK

**Arvin Ganesan/DC/USEPA/US** To Richard Windsor  
12/16/2011 07:35 PM cc  
bcc  
Subject Re: Boiler MACT out of payroll tax cut deal

You too.

Sent from my Blackberry Wireless Device

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**From:** Richard Windsor  
**Sent:** 12/16/2011 07:32 PM EST  
**To:** Arvin Ganesan  
**Subject:** Re: Boiler MACT out of payroll tax cut deal

Congrats!

---

**From:** Arvin Ganesan  
**Sent:** 12/16/2011 07:11 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Boiler MACT out of payroll tax cut deal

Fyi.

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro Whiteboard [proalerts@politicopro.com]  
**Sent:** 12/16/2011 07:09 PM EST  
**To:** Arvin Ganesan  
**Subject:** Boiler MACT out of payroll tax cut deal

12/16/11 7:09 PM EST

The Senate payroll tax cut deal won't include House-passed language blocking EPA boiler MACT regulations, according to a spokesman for Majority Leader Harry Reid. That provision would have delayed the rule for 15 months, shifted requirements to focus on the least costly option available and extended the compliance period. An updated boiler MACT rule issued earlier this month had already [quelled some concerns](#) on Capitol Hill.

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Arvin Ganesan/DC/USEPA/US

To Richard Windsor

11/08/2011 10:00 AM

cc

bcc

Subject Re: SL editorial attacking Christie's position on CSAPR

Star Ledger! Awesome.

Richard Windsor

-----Original Message----- From: Lisa...

11/08/2011 09:56:35 AM

From: Richard Windsor/DC/USEPA/US  
 To: "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
 Date: 11/08/2011 09:56 AM  
 Subject: SL editorial attacking Christie's position on CSAPR

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

From: Lisa Plevin

To: Lisa At Home

Subject: Great SL editorial attacking Christie's position on CSAPR

Sent: Nov 8, 2011 8:56 AM

Christie abandoning big fight to protect the environment

Published: Tuesday, November 08, 2011, 7:09 AM

By Star-Ledger Editorial Board The Star-Ledger

Gov. Chris Christie made it official yesterday: He is abandoning New Jersey's longtime bipartisan effort to force a cleanup of dirty coal plants in states to our west and south.

The governor tried to spin his way out of this by pointing to smaller steps he's taken to guard against air pollution. But make no mistake: This is the big fight and he is sounding a retreat.

Roughly one-third of New Jersey's air pollution comes from states such as Pennsylvania and Ohio, where coal plant operators are not required to install modern pollution controls. So even though New Jersey requires those controls on plants within our borders, the air here remains dirty.

Now, the Environmental Protection Agency has proposed rules that would require a cleanup in those states. For New Jersey, this should be a no-brainer.

Scientists at the EPA say the new rules will prevent up to 1,200 deaths per year in New Jersey, and much larger numbers of heart attacks and asthma cases. And by making the rules more uniform, businesses here will no longer be at such a competitive disadvantage on energy costs, which is why the state Chamber of Commerce supports the EPA position. So do reasonable Republicans, such as former Gov. Tom Kean.

Christie's position is an intellectual muddle. He supports EPA efforts to force cleanups at individual plants in other states, a process that takes years and has uncertain outcomes. (In the past month, New Jersey won one such case and lost another.) But he opposes EPA moves to force a broader cleanup, and won't join a lawsuit defending the agency. What sense does that make?

Our suspicion is that this is all about the governor's standing in the Republican Party. He apparently wants to be vice president, and his party is engaged in a broad assault against EPA authority. So rather than protect the health of New Jersey residents, he is protecting his political prospects.

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Adora Andy

02/23/2010 03:50 PM

cc

bcc

Subject Re: Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

This is great.

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 02/23/2010 03:48 PM EST

**To:** Adora Andy

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>

**Subject:** Re: Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

Arvin's headline.

Adora Andy

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

**From:** Adora Andy

**Sent:** 02/23/2010 03:36 PM EST

**To:** "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; Gina McCarthy

**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Seth Oster" <oster.seth@epa.gov>

**Subject:** Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 02/23/2010 02:59 PM EST

**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara; Michael Moats

**Subject:** Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

## **CLIMATE: EPA chief goes toe-to-toe with Senate GOP over warming science (02/23/2010)**

**Robin Bravender, E&E reporter**

U.S. EPA Administrator Lisa Jackson today defended the science underpinning pending climate regulations despite Senate Republicans' claims that global warming data has been thrown into doubt.

"The science behind climate change is settled, and human activity is responsible for global warming," Jackson told the Senate Environment and Public Works Committee. "That conclusion

is not a partisan one."

Jackson's comments came as the Senate panel scrutinized President Obama's \$10 billion budget request for EPA. The administration's fiscal 2011 proposal would cut the agency's total funding by about \$300 million from 2010 levels while allotting \$56 million -- including \$43 million in new funding -- for regulatory programs to curb greenhouse gas emissions.

Senate Republicans used the hearing as a platform to blast EPA over its plans to begin rolling out greenhouse gas regulations next month after it determined last year that the heat-trapping emissions endanger human health and welfare.

Sen. James Inhofe (R-Okla.), the panel's ranking member, called on EPA to reconsider that determination after recent reports have revealed errors in the reports from the Intergovernmental Panel on Climate Change (IPCC) that were used to underpin EPA's finding and a recent controversy surrounding e-mails stolen from climate scientists that some have dubbed "Climategate."

"We've been told that the science still stands," Inhofe said. "We've been told that the IPCC's mistakes are trivial. We've been told that Climategate is just gossipy e-mails between a few scientists.

"But now we know there's no objective basis for these claims," he added. "Furthermore, Climategate shows there's no 'consensus;' the science is far from settled."

Committee Republicans released a [report](#) today detailing concerns over the content of the e-mails that were lifted last year from computers at the Climatic Research Unit of the University of East Anglia, a research institute whose studies help form the basis of the IPCC reports.

Some of the e-mails reveal frustration with attacks from global warming skeptics, and opponents of greenhouse gas regulations have pointed to several of the exchanges as proof that scientists intentionally withheld climate data.

The Obama administration, as well as the majority of climate scientists and Democratic lawmakers, have maintained that nothing in the e-mails upends the scientific consensus that man-made emissions are contributing to climate change.

Jackson said that although science "can be a bit messy, the dust will settle" and that she has not seen anything at this point to show that the endangerment finding is not on solid ground.

"I do not agree that the IPCC has been totally discredited in any way," Jackson said, adding that it is important to understand that the IPCC is a body that follows open and impartial practices.

"Let me be very clear," said Sen. Barbara Boxer (D-Calif.) the committee chairwoman. "The majority of this committee believes in strong numbers that we must act," on global warming, she added.

Sen. Bernie Sanders (I-Vt.) angrily blasted his Republican colleagues for their implications that global warming science had not been settled. "This country faces many many problems, not the least of which, we have national leaders rejecting basic science," Sanders said. "I find it incredible, I really do, that in the year 2010 on this committee, there are people who are saying there is a doubt about global warming. There is no doubt about global warming."



**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor, David McIntosh

01/18/2011 07:29 AM

cc

bcc

Subject schedule

**MARK YOU CALENDARS** – House Republicans itching to do battle with EPA will likely need to wait until next month to get their first shot at Lisa Jackson and the rest of the agency. GOP aides close to the Energy and Commerce panel tell ME that Fred Upton and Co. aren't expecting to hold their first hearing on Obama's climate policies until mid- to late-February at the earliest (after an initial two-week-or-so barrage on health care and the budget). According to the aides, Republicans are planning on hauling Jackson before the full committee while sending EPA air chief Gina McCarthy to testify before two subcommittees: Ed Whitfield's Energy and Power and John Shimkus's Environment and the Economy.

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

03/04/2010 05:58 AM

cc

bcc

Subject Fw: Google Alert - lisa jackson, epa

Like this headline?

Sent from my Blackberry Wireless Device

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**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 03/04/2010 10:34 AM GMT

**To:** Arvin Ganesan

**Subject:** Google Alert - lisa jackson, epa

## Google News Alert for: **lisa jackson, epa**

### [EPA head blasts effort to block regs](#)

The Hill

Testifying before a Senate Appropriations panel, **Lisa Jackson** defended **EPA's** finding that carbon dioxide and other so-called greenhouse gases endanger human ...

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Tip: Use a plus sign (+) to match a term in your query exactly as is. [Learn more](#).

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**Arvin Ganesan/DC/USEPA/US**

07/26/2011 08:00 PM

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

cc

bcc

Subject Fw: Bill Nelson will cosponsor the Wyden Collins boiler MACT bill, FYI

Unfortunate...

Sent from my Blackberry Wireless Device

---

**From:** "Gonzalez-Rothi, Sara (Bill Nelson)" [Sara\_Gonzalez-Rothi@billnelson.senate.gov]

**Sent:** 07/26/2011 07:15 PM AST

**To:** Arvin Ganesan

**Subject:** BN will cosponsor the Wyden Collins MACT bill, FYI

Sara Gonzalez-Rothi, Esq.  
Legislative Counsel  
Office of Senator Bill Nelson  
(202)224-5274 (ph)  
(202)228-1632 (fax)

**Connect with Bill:**



**Arvin Ganesan/DC/USEPA/US**

To "Seth Oster", Richard Windsor, David McIntosh, "Diane Thompson", Adora Andy

02/12/2011 09:35 AM

cc

bcc

Subject Las Vegas Sun Editorial

I love this.

# The politics of attack

## They don't have the facts, so House Republicans try to skewer the EPA

Saturday, Feb. 12, 2011 | 2:01 a.m.

Republicans in the House of Representatives opened an assault on the Environmental Protection Agency this week, calling for more than \$1.6 billion in budget cuts and introducing legislation to undercut the agency's authority.

On Wednesday, a House panel held a hearing on a bill that would prevent the EPA from considering rules to curtail greenhouse gases due to concerns about climate change. As The New York Times reported Thursday, EPA chief Lisa Jackson testified for more than two hours, enduring questioning that was often hostile and rude.

Republicans said the EPA was wrongly trying to regulate greenhouse gases and claimed that the science supporting climate change, which is accepted in the scientific community as fact, was essentially a hoax. In the process, they attacked Jackson, her agency and President Barack Obama's administration. Their charges were often ridiculous. For example:

- Rep. Joe Barton, R-Texas, claimed the "EPA and the Obama administration have decided that they want to put the American economy in a straitjacket costing us millions of jobs and billions of dollars a year." Barton can't really think that any president would want to intentionally hurt the economy, can he? Of course, Barton is the congressman who fawned over BP executives, apologizing to them because the president last year rightly demanded the company clean up the Gulf of Mexico oil spill.
- Rep. John Shimkus, R-Ill., wanted to know if Jackson believed in the law of supply and demand, as if she didn't have enough sense to understand basic economics. After Jackson, who has a master's degree in chemical engineering from Princeton, told him she had been trained in it, he demanded, "But do you believe that as costs go up, supply goes down?" Jackson's response was priceless: "It depends on the elasticity of the cost curve."
- Rep. Lee Terry, R-Neb., asked her if she liked puppies. When she started answering the ridiculous question that, yes, she does like puppies that are housebroken, she was rudely interrupted. Terry said he was just mocking Democrats' friendly questioning.

Seriously? This is what passes for a hearing in Congress?

Republicans need to do better than this. If they don't like the law or the way the administration is carrying it out, that's one thing. But they're only trying to make the administration look bad to further their own agenda, and that's terrible.

The fact of the matter is that Republicans don't have facts on their side, nor do they have the public's best interest in mind. They want to erase scientific findings and roll back regulations to protect their supporters in industry who whine when government approves a regulation. The oil industry, which has a champion in Barton, says that regulation hobbles its work and creates a tremendous financial burden. Yet that hasn't stopped oil companies from making huge profits.

Slashing the EPA and then legally barring it from doing its job is dangerous, but Republicans have fought science for years whenever it crosses their ideological beliefs, as Nevadans have witnessed firsthand with Republican efforts to place a nuclear dump in Nevada despite serious scientific problems with the site. They can't just wish that science would go away, so they try to undercut it or distract people's attention from the facts by using dubious "scientific" claims trumped up by industry-backed groups.

The result is that issues get confused and bogged down in politics. The science on climate change is clear, but regardless, isn't it good to have clean air and water? Shouldn't the government be protecting both given that pollution can cause major health problems, which, in addition to the physical and emotional tolls, cost people and the economy money?

Instead of dealing with these issues honestly, Republicans' disingenuous attacks are wasting time and needlessly holding the country back from improving standards. They should be embarrassed.

Bob &lt;(b) (6) Personal Privacy&gt;

08/28/2011 07:32 AM

To Richard Windsor, sussman.robert

cc

bcc

Subject

## USGS scientist: 'We're only starting to learn' about fracking, fluid injection, earthquakes

By **David O. Williams** | 08.27.11 | 10:41 am

40

A U.S. Geological Survey scientist Friday said large earthquakes in unusual places like Virginia and southern Colorado earlier this week aren't typically associated with the controversial natural gas drilling process called hydraulic fracturing.

"That process can cause very small earthquakes, but the fracking process doesn't really, we think, induce large earthquakes," USGS scientist Mike Blanpied said on a video chat. "The thing that can induce larger earthquakes is the high-pressure waste fluid injection that's done in some places."

Blanpied was answering questions from the public in the wake of Tuesday's 5.8-magnitude earthquake in Louisa County, Va., and Monday's 5.3-magnitude earthquake in Las Animas County, Colo.

Questions have been raised about the possible connection between earthquake swarms and fracking – a process in which water, sand and often undisclosed chemicals are injected under high pressure deep into natural gas wells to fracture tight geological formations and free up more gas. Fracking occurs in about 90 percent of all natural gas wells in the United States.

The fluids are often brought back up and stored on the surface for re-use and later disposed of in separate deep-injection wells. And it's those disposal wells that in the past have **prompted investigations by the USGS** after rare earthquake swarms in southern Colorado, where in 2001 officials said they could "not rule out the possibility" the wells caused the quakes.

Tuesday's Virginia earthquake, felt in Washington, D.C., and farther north along the East Coast, was not in a heavy gas-drilling area but is fairly close to the border of West Virginia, a state with major coal-bed methane reserves and a great deal of drilling and mining activity.

"However, as far as we're aware, there's not really the mining or the fluid injection processes going on in Virginia that would have connected this earthquake with anything like that," Blanpied said Friday. "Just to be clear, the connection between fracking and fluid injection and earthquakes is an area of active research and really we're only starting to learn about how those things are connected."

Last month, the Arkansas Oil and Gas Commission **identified four disposal wells** it says need to be shut down in the wake of earthquake swarms in that state last spring. The state also ordered a moratorium on new disposal wells in the area.

The USGS cites a Colorado case in the 1960s as the most famous example of deep-injection wells causing an earthquake.

"The largest and most widely known resulted from fluid injection at the Rocky Mountain Arsenal near Denver, Colo.," **the USGS states**. "In 1967, an earthquake of magnitude 5.5 followed a series of smaller earthquakes. Injection had been discontinued at the site in the previous year once the link between the fluid injection and the earlier series of earthquakes was established."

The U.S. Army had been **disposing of toxic fluids** at depths of nearly 12,000 feet but had to discontinue the process after the quakes.

Some gas-drilling proponents say the concern about fracking, fluid disposal and earthquakes is yet another attempt by the environmental community to sound unwarranted alarms about the industry.

Although she was speaking before the Colorado and Virginia quakes and not addressing those specific concerns, Colorado Oil and Gas Association President and CEO Tisha Schuller recently told an energy conference in Aspen that public concern about fracking — blasted by some on the Western Slope for potentially contaminating groundwater supplies — is akin to skepticism by others about climate change.

"In the same way that the climate movement has to deal with this unimaginable conflict about people not believing in science, we have to do that in the conversation about hydraulic fracturing," Schuller said, **according to the Aspen**

**Daily News.** "And the nature of the conversation is as important as the information ... The public must be willing to hear that it's safe when it's demonstrated."

**Bob  
Sussman/DC/USEPA/US@EP  
A**

08/16/2011 02:15 PM

To Paul Anastas, Richard Windsor, Bob Perciasepe

cc

bcc

Subject From Greenwire -- NATURAL GAS: Obama frack panel to weigh link between drilling and health

**This Greenwire story was sent to you by:** [sussman.bob@epa.gov](mailto:sussman.bob@epa.gov)

**Personal message:** This is potentially tricky -- EAB will be looking at issues that the ORD study is addressing.

### An E&E Publishing Service

## **NATURAL GAS: Obama frack panel to weigh link between drilling and health** *(Tuesday, August 16, 2011)*

### **Mike Soraghan, E&E reporter**

The leader of the Obama administration's initiative on the safety of shale gas drilling and hydraulic fracturing has commissioned a review of what information is available about the relationship between shale drilling and health.

"We want to see what data is available on connections between the effects of shale drilling on water, the effects of shale drilling on air and public health," said John Deutch, a professor at Massachusetts Institute of Technology and chairman of a Department of Energy advisory panel on natural gas. "That will be a very significant area of our future work."

Deutch said he has asked his colleague, MIT economist Michael Greenstone, to find what information is available and what trends that data might show.

Industry has long claimed that fracturing is perfectly safe and drilling in general is subject to a strict regulatory regime that protects the public and workers. But critics have pointed to numerous spills, blowouts and groundwater contamination, along with findings of significant air pollution from drilling. Many drill-site neighbors have complained of acute health effects, such as difficulty breathing. Numerous environmental concerns have risen as advances in fracturing technology have opened up gas reserves in more densely populated areas that are less accustomed to petroleum production. But the surge in drilling has also brought jobs and royalty wealth to rural areas with struggling economies.

Deutch's panel, officially the Natural Gas Subcommittee of the Secretary of Energy Advisory Board, last week released its initial report, finding that complaints of environmental problems with drilling are real, that they threaten public support for the boom in drilling and therefore pose a risk to natural gas production, or at least its continued growth ([Greenwire](#), Aug. 11). The subcommittee yesterday submitted its report to the full advisory board in a public teleconference, which is where Deutch mentioned the health review.

In a public comment period before yesterday's presentation, a major oil and gas industry group said Deutch's panel should have given more weight to the sufficiency of existing regulations and the industry's effort to improve its practices.

"It would be good to see the subcommittee make recognition of the strong state regulatory system," said Erik Milito, upstream director at the American Petroleum Institute.

Greenstone, an economics professor, was the chief economist for President Obama's Council of Economic Advisors in the first year of his term and has served on the EPA Science Advisory Board's Environmental Economics Advisory Committee.

Greenstone's research has focused on human health and the environment, in particular estimating the costs and benefits of environmental quality. According to his MIT Web page, he examined the Clean Air Act's effect on air quality, manufacturing activity, housing prices and infant mortality to assess its costs and benefits. He is currently engaged in a large-scale project to estimate the economic costs of climate change.



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**Bob Sussman/DC/USEPA/US** To Richard Windsor  
04/08/2011 03:54 PM cc  
bcc  
Subject OSM Rulemaking

Per our discussion --

***Mining***

**Interior's Work on Stream Protection Rule  
Called Into Question After Contractor Departs**

Congressional Republicans questioned a Department of the Interior official April 7 over a [planned stream protection rule](#) that, in the view of its critics, appears to be a serious threat to thousands of jobs in coal mining and related sectors.

Joseph G. Pizarchik, director of Interior's Office of Surface Mining Reclamation and Enforcement, faced aggressive questioning and criticism about the agency's development of the rule during a hearing of the House Natural Resources Subcommittee on Energy and Mineral Resources. The rule does not yet have a draft text or a draft environmental impact statement.

Pizarchik deflected repeated questions about the contract for the drafting of the EIS. Interior and the contractor, Polu Kai Services LLC, agreed to terminate the contract after Polu Kai had been paid about \$3.7 million of what was to be almost \$10 million for the work.

Rep. Bill Johnson (R-Ohio) asked whether the contract was terminated because the draft EIS was producing estimates that the planned regulations would eliminate thousands of jobs—estimates that might be inconvenient to Interior's purposes.

Pizarchik said the contract was not terminated because of job loss estimates. He said there were "a number of other factors," but he would not say what those other factors were.

**Investigation Begun on Rulemaking**

Interior officials have not heard the end of the subject of the contract termination. Rep. Doug Lamborn (R-Colo.), chairman of the subcommittee, said he and Rep. Doc Hastings (R-Wash.), chairman of the full committee, had launched an investigation into the Office of Surface Mining's effort to write the stream protection rule "and the ongoing fiasco resulted from the administration's rushed effort to fast track major changes to an existing and significant rule."

The speed of the effort was a recurrent subject during the hearing, along with the question of whether any replacement rule was needed for the 2008 "stream buffer zone" rule. The 2008 rule, a Bush administration rewrite of a Reagan administration rule, was taken to court by environmental advocates who argued that it would reduce stream protections unreasonably.

Rather than continue the court fight, the Obama administration reached a settlement in which it agreed to revise the rule in June 2012 (*Coal River Mountain Watch v. Salazar*, D.D.C., No. 1:08-cv-2212, 3/19/10; [54 DEN A-2, 3/23/10](#)).

During the hearing, Rep. Rush Holt (D-N.J.), ranking member of the subcommittee, said the 2008 rule was "an egregious rollback" of environmental protections.

Details of draft chapters for the environmental impact statement were leaked to the media in January, following months of harsh criticism from state officials. The draft stream protection rule and accompanying draft EIS, now slowed by the rift between Interior and its contractor, will be issued later this year, Pizarchik said in February after the leaks ([30 DEN A-2, 2/14/11](#)).

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

**Bob Sussman/DC/USEPA/US**  
05/02/2011 08:27 AM

To Richard Windsor, Bob Perciasepe, Seth Oster, Diane Thompson, Gina McCarthy  
cc  
bcc  
Subject From Inside EPA -- note suggestion for DOE analysis of GHG emissions

# The Inside Story

## Gas Group Fights GHG Claims

**Posted: April 29, 2011**

The American Gas Association (AGA) is calling for the Energy Department (DOE) to aggressively analyze the lifecycle greenhouse gas of natural gas, which AGA argues would create data rebutting findings that gas generation could have a greater adverse climate impact. At an April 28 Natural Gas Roundtable, AGA President David McCurdy said more work by DOE and "credible third party analysts" is needed to respond to recent concerns raised about the life cycle GHG impacts of natural gas. "We want DOE, we want credible third party analysts to answer the question," of climate impacts of gas, McCurdy said, adding that, "We are going to support that and are working with them to make sure the truth is out."

McCurdy's comments come in the wake of a recent Cornell University study alleging that the climate impact of using natural gas to generate power approaches or could even be worse than coal, due in large measure to the impact of methane released from natural gas production. That the [author firmly defends](#).

McCurdy said that the recent Cornell study playing up the GHG footprint of natural gas is "not credible," and to support his contention alluded to a recent [analysis](#) by DOE's National Energy Technology Laboratory that he said shows the higher environmental benefits of natural gas compared to other fuels.

McCurdy's suggestion for more DOE analysis was part of broader remarks that included a call for "responsible development" of natural gas. In response to a query on recent remarks by EPA Administrator Lisa Jackson expressing concern over the role of diesel in natural gas extraction, McCurdy criticized any use of diesel fuel in the hydraulic fracturing process. He told reporters that he had a "hard time imagining" that diesel was necessary, and cited an agreement to phase out diesel use that included the American Petroleum Institute.

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Bob  
Sussman/DC/USEPA/US@EP  
A

06/09/2011 01:40 PM

To Steve Owens, Richard Windsor, Bob Perciasepe

cc

bcc

Subject From Greenwire -- CHEMICALS: U.S. Chamber asks White House to delay action on BPA, phthalates

This Greenwire story was sent to you by: [sussman.bob@epa.gov](mailto:sussman.bob@epa.gov)

Personal message:

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## **CHEMICALS: U.S. Chamber asks White House to delay action on BPA, phthalates** *(Thursday, June 9, 2011)*

**Jeremy P. Jacobs, E&E reporter**

The U.S. Chamber of Commerce is urging the White House to suspend consideration of U.S. EPA's plan to add plastic additives bisphenol A (BPA) and phthalates to its chemicals of concern list. In a letter to the Office of Information and Regulatory Affairs Administrator Cass Sunstein, the U.S. Chamber's William Kovacs said Tuesday that EPA lacks scientific evidence needed to justify listing the substances.

The list is intended to track chemicals that might pose an "unreasonable risk of injury to health or the environment" under the 1976 Toxic Substances Control Act (TSCA).

"It appears EPA lacks the sound regulatory science needed to meet the statutory threshold for a restriction or ban of the targeted chemicals," Kovacs wrote. "Consequently, it seems to have resorted to other, less scientifically rigorous devices."

Saying the proposal represents a "tectonic shift in EPA policy," Kovacs cites a recent executive order from President Obama that requires new regulations to both protect public health but also promote economic growth and job creation.

"There is no evidence," Kovacs wrote, "that EPA has considered economic cost and jobs impact of its actions, developed a reasoned balance of benefits and costs, evaluated a range of lesser burdensome alternatives, determined whether there are viable alternatives to the subject chemical or evaluated how a listing might affect the quality, performance and safety of various products." Further, Kovacs said that EPA must seek the views of stakeholders and manufacturers before taking action.

"EPA, however, has chosen not to do so," Kovacs said.

Adding phthalates and BPA to the chemicals of concern list could pave the way to stricter regulations on the substances. Environmental watchdogs and some lawmakers have long called for EPA to limit the use of the compounds, citing studies linking the chemicals to endocrine problems. Many state legislatures have passed their own bans on BPA ([Greenwire](#), Feb. 24).

Congressional Democrats recently called for action on BPA after a Food and Drug Administration study found the chemical in 71 of the 78 canned foods it tested ([E&E Daily](#), June 2).

EPA's efforts to add BPA to the chemicals of concern list remain stalled. OIRA extended its review of the request last September and has not acted on it since ([Greenwire](#), Sept. 28, 2010).

### **Greens decry chamber effort**

Green groups have recently focused their fire on industry for delays in BPA regulations.

The Center for Progressive Reform last week accused industry of promulgating five "myths" on BPA, charges that industry firmly denied ([Greenwire](#), June 2).

Ken Cook, the president of the Environmental Working Group, expressed outrage yesterday about the chamber's letter.

"From climate change legislation, to affordable health care and paltry increases to the minimum wage, the U.S. Chamber of Commerce opposes virtually any initiative that would make our quality

of life a little bit better, including EPA's efforts to protect children from toxic chemicals," Cook said. In addition to BPA and phthalates, the chamber urged OIRA to suspend consideration of all substances EPA wants to add to its chemicals of concern list. Those include substances that have long been the focus of environmental watchdogs like long-chain perfluorinated compounds (PFCs) -- which are used in nonstick and stain-resistant products -- and polybrominated diphenyl ethers (PBDEs) -- which are used in flame retardants.

[Click here](#) for the U.S. Chamber's letter.

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**Bob Sussman/DC/USEPA/US**  
03/30/2012 04:17 PM

To "Bob Perciasepe", "Richard Windsor"  
cc  
bcc  
Subject Fw: Statement by Texas Railroad Commissioner David Porter  
on EPA's Withdrawal of Order Against Range Resources

Al Armendariz

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

**From:** Al Armendariz  
**Sent:** 03/30/2012 03:46 PM EDT  
**To:** "Giles, Cynthia" <giles-AA.cynthia@epa.gov>; "Sussman, Bob" <sussman.bob@epa.gov>; Brendan Gilfillan; "Alcantara, Betsaida" <alcantara.betsaida@epa.gov>; "Garbow, Avi" <garbow.avi@epa.gov>; Steven Chester  
**Subject:** Fw: Statement by Texas Railroad Commissioner David Porter on EPA's Withdrawal of Order Against Range Resources

---

Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz  
David Gray

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

**From:** David Gray  
**Sent:** 03/30/2012 02:42 PM CDT  
**To:** Al Armendariz; coleman.sam@epa.gov  
**Cc:** Layla Mansuri  
**Subject:** Statement by Texas Railroad Commissioner David Porter on EPA's Withdrawal of Order Against Range Resources

FOR IMMEDIATE RELEASE

March 30, 2011

CONTACT: Katie Carmichael  
[katie.carmichael@rrc.state.tx.us](mailto:katie.carmichael@rrc.state.tx.us)

512.463.7133

## **Statement by Texas Railroad Commissioner David Porter on EPA's Withdrawal of Order Against Range Resources**

**AUSTIN** — Texas Railroad Commissioner David Porter today applauded the United States Environmental Protection Agency for its decision to withdraw the Imminent and Substantial Endangerment Order, issued on December 7, 2010, to Range Resources Corporation.

"Today the EPA finally made a decision based on science and fact versus playing politics with the Texas economy," said Commissioner Porter. "The EPA's withdrawal of the emergency order against Range Resources upholds the Railroad Commission Final Order that I signed concluding that Range is not responsible for any water contamination in Parker County."

"Al Armanderiz and the EPA's Region Six office are guilty of fear mongering, gross negligence and severe mishandling of this case. I hope to see drastic changes made in the way the regional office conducts business in the future – starting with the termination of Al Armanderiz."

"Today's decision reflects my long standing position that the EPA and the Obama administration should stay out of regulatory matters in Texas and let us remain in charge of protecting our own natural resources."

###

**Bob Sussman/DC/USEPA/US** To "Richard Windsor"  
07/14/2011 09:48 AM cc  
bcc  
Subject Fw: Birth Defects Study

Fyi  
Gregory Peck

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

**From:** Gregory Peck  
**Sent:** 07/14/2011 09:44 AM EDT  
**To:** stoner.nancy@epa.gov; sussman.bob@epa.gov; ganesan.arvin@epa.gov  
**Cc:** Matthew Klasen; Gautam Srinivasan  
**Subject:** Birth Defects Study

----- Forwarded by Gregory Peck/DC/USEPA/US on 07/14/2011 09:43 AM -----

From: "Ken Ward Jr." <kward@wvgazette.com>  
To: Gregory Peck/DC/USEPA/US@EPA  
Date: 07/14/2011 08:42 AM  
Subject:

---

One of our statehouse reporters put the question to Tomblin:  
<http://wvgazette.com/News/MiningtheMountains/201107131001>

"There's reports every day on something causing some kind of illness,"  
Tomblin told the Gazette on Wednesday.

Ken Ward Jr.  
Staff Writer  
The Charleston Gazette  
1001 Virginia St., East  
Charleston, W.Va. 25301  
(304) 348-1702  
Fax: (304) 348-1233

<http://wvgazette.com> or <http://wvgazette.com/News/MiningtheMountains>

Read my blog, Coal Tattoo at <http://blogs.wvgazette.com/coaltattoo/> and  
follow me on Twitter, <http://twitter.com/Kenwardjr>  
And check out Sustained Outrage, a Gazette watchdog journalism blog,  
<http://blogs.wvgazette.com/watchdog/>



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

10/21/2011 07:11 PM

To "Richard Windsor"

cc "Seth Oster", "Diane Thompson", "Brendan Gilfillan"

bcc

Subject Fw: RA Shawn Garvin WV/VA MTM Itinerary, 10/24-26/11

Note the trip with Randy Huffman on the WVa helicopter  
Shawn Garvin

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

**From:** Shawn Garvin**Sent:** 10/21/2011 06:30 PM EDT**To:** Bob Sussman**Cc:** Donald Maddox; William Early**Subject:** RA Shawn Garvin WV/VA MTM Itinerary, 10/24-26/11

Bob,

Below is the itinerary for my trip to West Virginia and Virginia on 10/24-26/11. FYI - I will be participating in an aerial tour with WVDEP Secretary Randy Huffman in WVDEP's helicopter. Justina Fugh has received and approved appropriate documentation for this tour. Please let me know if you have any questions.

Thank you - Shawn

Shawn M. Garvin  
Regional Administrator  
EPA Region III

### **Monday, October 24**

1:23 p.m. Arrive in Charleston, WV  
1:45 p.m. Participate in aerial tour with WVDEP Secretary Randy Huffman of a finished portion of the King Coal Highway in Mingo County, and new consolidated school built on reclaimed mine lands  
5:45 p.m. Travel to downtown Charleston to meet with WV enviros for presentations on MTM, environmental justice. Groups will include Coal River Mountain Watch ([www.crmw.net](http://www.crmw.net)), the WV Highlands Conservancy ([www.wvhighlands.org](http://www.wvhighlands.org)), Ohio Valley Environmental Coalition ([www.ohvec.org](http://www.ohvec.org)). Sierra Club- WV Chapter, Mountain Help and Heritage Association

### **Tuesday, October 25**

7 a.m. Leave Charleston for southern WV coalfields and brief tour of EJ community in Lindytown and then to Twilight park to meet with Lindytown residents. (NY Times article on this area at <http://www.nytimes.com/2011/04/13/us/13lindytown.html?pagewanted=all>)  
2 p.m. Meet with Sierra Club of southern WV/Southern Appalachian Mountain Stewards to tour Ison Rock Ridge area  
4 p.m. Meet with Virginia enviros for presentations on MTM, environmental justice

**Wednesday, October 26**

Depart for Philadelphia.

**Craig Hooks/DC/USEPA/US**  
04/30/2009 07:59 AM

To Daniel Gerasimowicz, "Richard Windsor"  
cc  
bcc

Subject Re: 04/30/2009 thru 05/13/2009 Schedule for Lisa P. Jackson

Pls cancel my 1-on-1 with Lisa this morning. OPM has called an interagency conf call on swine flu that I should be on. Thx.

Craig E. Hooks, Acting Assistant Administrator  
Office of Administration and Resources Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW (3101A)  
Rm 3330 Ariel Rios North  
Phone - 202 564-4600  
Fax - 202 564-0233

-----  
Sent by EPA Wireless E-Mail Services.  
Daniel Gerasimowicz

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

**From:** Daniel Gerasimowicz

**Sent:** 04/29/2009 05:51 PM EDT

**To:** Marcia Mulkey; Michael Moats; KevinJ Bailey; David Cohen; Mike Shapiro; Barry Breen; Lek Kadeli; James Jones; Pat Hirsch; Maryann Froehlich; Linda Travers; Catherine McCabe; Beth Craig; Craig Hooks; Marta Montoro; Colleen Flaherty; Robert Polin; Lynn Zipf; Juan Reyes; Joyce Frank; Louise Wise; Emil Knutti

**Subject:** 04/30/2009 thru 05/13/2009 Schedule for Lisa P. Jackson

\*\*\* Do not copy or forward this information \*\*\*

**EPA Administrator  
Lisa P. Jackson  
GENERAL SCHEDULE**

04/29/2009 05:49:34 PM

Thursday, 4/30/2009

07:45 AM-08:15 AM	Coffee
08:30 AM-09:00 AM	Daily Briefing
09:00 AM-09:15 AM	Remarks to EPA's National Tribal Caucus
09:15 AM-09:45 AM	1 on 1 with Bob Sussman
10:00 AM-10:15 AM	Remarks at the EPA Administrative Professionals Day Program
10:30 AM-10:55 AM	Meeting with Craig Hooks
11:10 AM-12:15 PM	Auto Task Force Announcement with POTUS
12:30 PM-01:00 PM	No Meetings
01:00 PM-01:45 PM	Appropriations Hearing Prep AA Briefing with OSWER
02:00 PM-02:30 PM	Meeting with David Parker, President and CEO of the American Gas Association
02:45 PM-03:00 PM	Appropriations Hearing Prep AA Briefing with OGC

-----  
**03:15 PM-03:30 PM**    **Appropriations Hearing Prep AA Briefing with OHS**  
 -----  
**03:45 PM-04:00 PM**    **Appropriations Hearing Prep AA Briefing OEI**  
 -----  
**04:15 PM-05:00 PM**    **Appropriations Hearing Prep AA Briefing with OW**  
 -----  
**06:00 PM-08:00 PM**    **Hold**  
 -----

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**Friday, 5/1/2009**


---

**07:30 AM-08:15 AM**    **Breakfast**  
 -----  
**08:45 AM-09:15 AM**    **Daily Briefing**  
 -----  
**09:30 AM-10:00 AM**    **Appropriations Hearing Prep AA Briefing with OIA**  
 -----  
**10:30 AM-11:30 AM**    **Meeting to discuss IRIS**  
 -----  
**01:00 PM-01:45 PM**    **Appropriations Hearing Prep AA Briefing with OPPTS**  
 -----  
**02:00 PM-02:30 PM**    **Appropriations Hearing Prep AA Briefing with OARM**  
 -----  
**02:45 PM-03:30 PM**    **Appropriations Hearing Prep AA Briefing with OECA**  
 -----  
**03:30 PM-04:00 PM**    **Appropriations Hearing Prep AA Briefing with OA**  
 -----  
**04:15 PM-04:45 PM**    **Appropriations Hearing Prep AA Briefing with OPEI**  
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**Saturday, 5/2/2009**


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**Sunday, 5/3/2009**


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**02:00 PM-05:00 PM**    **Hold**  
 -----

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**Monday, 5/4/2009**


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**09:15 AM-09:45 AM**    **Meeting with Mayor Gavin Newsom**  
 -----  
**10:00 AM-10:30 AM**    **OCFO Mtg**  
 -----  
**10:30 AM-11:30 AM**    **Meeting with Japanese Minister of the Environment Saito**  
 -----  
**11:45 AM-12:00 PM**    **Phone Interview**  
 -----  
**01:00 PM-02:15 PM**    **Senior Staff**  
 -----  
**02:30 PM-03:15 PM**    **Meeting with NOAA Administrator Dr. Jane Lubchenco**  
 -----  
**03:30 PM-04:00 PM**    **OPA Time**

-----  
**04:15 PM-04:30 PM**    **1 on 1 with Arvin Ganesan**  
 -----

**Tuesday, 5/5/2009**

**08:00 AM-05:00 PM**    **100th Day**  
 -----  
**08:30 AM-09:00 AM**    **Remarks at National Assoc. of Clean Water Policy Forum Conference**  
 -----  
**10:00 AM-10:30 AM**    **OEI Briefing**  
 -----  
**11:00 AM-11:45 AM**    **Homeland Security Briefing on EPA's Responsibilities and Capabilities**  
 -----  
**12:00 PM-01:00 PM**    **No Meetings**  
 -----  
**01:00 PM-01:30 PM**    **HOLD Meeting with the Silicon Valley Leadership Group**  
 -----  
**01:30 PM-02:00 PM**    **OW Meeting**  
 -----  
**02:00 PM-02:30 PM**    **OSWER Meeting**  
 -----  
**02:45 PM-03:15 PM**    **OECA Briefing**  
 -----  
**03:30 PM-04:00 PM**    **OPA Time**  
 -----  
**04:30 PM-05:00 PM**    **OPPTS Briefing**  
 -----  
**06:30 PM-08:00 PM**    **Meeting with John Spinello**  
 -----

**Wednesday, 5/6/2009**

**10:30 AM-11:30 AM**    **VPOTUS ARRA mtg**  
 -----

**Thursday, 5/7/2009**

**09:15 AM-09:45 AM**    **1 on 1 with Bob Sussman**  
 -----  
**10:00 AM-10:15 AM**    **Interview**  
 -----  
**10:30 AM-11:00 AM**    **NO2 NAAQS Option Selection Briefing**  
 -----  
**11:30 AM-12:00 PM**    **OIA Briefing**  
 -----  
**01:00 PM-01:45 PM**    **Meeting with Ralph Nader**  
 -----  
**02:00 PM-02:30 PM**    **OGC Briefing**  
 -----  
**03:00 PM-03:30 PM**    **Mtg with Jack Gerard, President, American Petroleum Institute**  
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**03:30 PM-04:00 PM**    **OPA Time**  
 -----  
**04:00 PM-04:45 PM**    **Briefing to discuss Risk Assessment and Clean Up Issues - Libby, MT**

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**05:00 PM-07:00 PM**    **HOLD SES CDP Gathering**  
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**Friday, 5/8/2009**

**03:30 PM-07:00 PM**    **HOLD Princeton Blairstown Talk**  
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**Saturday, 5/9/2009**

**Sunday, 5/10/2009**

**Monday, 5/11/2009**

**01:00 PM-02:15 PM**    **Senior Staff**  
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**07:00 PM-09:00 PM**    **NJ Governor's Conference on Women**  
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**Tuesday, 5/12/2009**

**09:45 AM-11:45 AM**    **SEPW Hearing**  
 -----

**10:00 AM-03:00 PM**    **HOLD Chesapeake Executive Council Meeting**  
 -----

**01:00 PM-02:30 PM**    **FYI - Energy/Climate Lunch**  
 -----

**03:00 PM-03:30 PM**    **Taping Remarks NJ Council on Gender Parity in Labor and Education Summit**  
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**03:30 PM-04:00 PM**    **OPA Time**  
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**Wednesday, 5/13/2009**

**08:00 AM-08:30 AM**    **Speech at the Meeting of the environmental chiefs of each state Attorney General's Office**  
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**10:00 AM-12:00 PM**    **SAC Hearing**  
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**02:00 PM-02:30 PM**    **Remarks at the Sierra Club Climate Recovery Symposium**  
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**03:00 PM-03:30 PM**    **OAR Briefing**  
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**03:00 PM-05:00 PM**    **HOLD PEYA**  
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**05:00 PM-05:30 PM**    **Meeting with Gail McGovern, President American Red Cross**  
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**06:00 PM-08:00 PM**    **Dinner**  
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\*\*\* END \*\*\*

**Curt Spalding/R1/USEPA/US**

07/11/2010 10:55 AM

To Craig Hooks

cc Diane Thompson, Richard Windsor, Bob Perciasepe

bcc

Subject Unusual rain storm in Boston damages Region I Office

Craig,

A more detailed report will be coming to your team late this PM. Just want to give you an early heads-up that a severe rain storm in Boston seriously damaged the Region I office. The cisterns on the green roof overflowed and the drainage pipe for the overflow failed - either designed too small or broke. The failure of the drain pipe caused serious flooding on floors 3,2, and 1. EPA and GSA teams are assessing the damage. I will get a full report at 4:00 PM today. According news reports, 3.5 inches rain fell in very short time. This storm followed several days of unusually high humidity - felt like we were living in the Gulf coast. Many of the storm water and combine sewer systems in the Boston area failed. My wife's company is dealing with a flood of sewage and storm water in their basement. The storm is a major pollution event for area waters.

For 5 Post Office Square, GSA should have recourse with either the design engineer or general contractor. On the other hand, this could be viewed as an extreme weather event falling outside of the limits of insurance policies.

Adapting to climate change ain't going to be easy.


- Curt

Curt Spalding  
EPA New England  
Regional Administrator  
Phone: 617-918-1012



David  
McIntosh/DC/USEPA/US  
05/13/2011 08:27 AM

To Richard Windsor  
cc  
bcc  
Subject 'CLEAN' UTILITIES, ACTIVISTS FIGHT DRAFT BILL  
WEAKENING EPA'S POWER SECTOR RULES

**News Headline:** 'CLEAN' UTILITIES, ACTIVISTS FIGHT DRAFT BILL WEAKENING  
EPA'S POWER SECTOR RULES | 

**Outlet Full Name:** Inside EPA Weekly Report

**News OCR Text:** Electric utilities that are broadly supportive of proposed EPA rules limiting air toxics and other emissions from fossil-fuel power plants are pushing back against a draft bill now circulating in the Senate that would weaken the regulations, saying the bill protects only a small number of power generators and hence stands little chance of enactment.

At a briefing May 9 sponsored by the Clean Energy Group -- an alliance of utilities with a diversified generation portfolio -- consultant Michael Bradley said the draft bill authored by American Electric Power (AEP) does not represent the interests of the power sector as a whole.

It is "very very unlikely" that a majority in Congress could get behind such a bill designed to support the market position of only a few companies, Bradley said. He noted that at least two Midwestern utilities that are not members of his group -- Wisconsin Electric and First Energy -- have already announced publicly that they can comply with the rules, citing this as evidence of dissent among even heavily coal-dependent utilities over the fuel-switching bill.

"You are getting a sense that not everybody is thinking like AEP," Bradley said.

Public health advocates are also attacking the draft bill as an "outrageous roll back of environment and public health protections," given that it weakens planned EPA-mandated controls on mercury and other pollutants by freezing existing environmental regulation in place.

The bill, titled the "Electric Power Regulatory Coordination Act of 2011," was drafted by AEP reportedly at the request of Sens. Joe Manchin (D-WV) and Rob Portman (R-OH). It is unclear, however, to what degree the two senators currently support the proposed language, and an AEP source says the company has no commitment the bill will be introduced.

Among other things, the draft bill would delay coal-fired power plants' compliance with several major EPA rules, pending a switch to a cleaner-burning fuel or retirement by older, uncontrolled facilities by 2020. The rules targeted by the bill include maximum achievable control technology (MACT) standards to cut utility air toxics emissions; the Clean Air Transport Rule (CATR) cap-and-trade program to cut power plant air emissions in 31 Eastern states; greenhouse gas permit rules; a cooling water intake structures rule and EPA's coal combustion waste rule.

The bill would also give the Department of Energy (DOE) a leading role in

environmental regulation, with responsibility for leading the permitting process for power plants.

The AEP official is defending the draft bill, saying the company is concerned about EPA's schedule for implementing its rules. "We are not looking to turn back the Clean Air Act," the source says. However, EPA's schedule is too aggressive. "Ultimately the same long-term environmental goals would be achieved" using AEP's longer compliance schedule, "as scheduled retirements and additional retrofits of coal plants occur," the source says.

The official says natural gas-fired utilities want to see the EPA rules in force because that would drive up the price of coal-fired power. The resulting price increases would impact some of the poorest electricity consumers in the country.

The bill's supporters say it is needed to head off a "train wreck" that would result from generation losses as utilities shutter plants rather than comply with EPA's rules. For example, a widely-circulated report by the North American Electric Reliability Corporation (NERC) warned that 46 to 76 gigawatts (GW) of generation could become "economically vulnerable" as a result of the utility air toxics, CATR, coal ash and cooling water intake rules by 2018.

The Edison Electric Institute (EEI) issued an analysis earlier this year that estimated that under some scenarios, EPA's cooling water, air toxics and CATR rules, along with the Waxman-Markey climate change legislation that passed the House but fell in the Senate, could cause 70-80 GWs of coal plant retirements by 2015, a finding that has been cited in congressional testimony attacking the regulations.

But competing studies have found significantly smaller impacts. Susan Tierney, a former DOE official and a consultant to the Clean Energy Group, together with Charles Cichetti of Navigant Consulting, May 10 released a "peer review" of the EEI analysis -- based on proposed versions of EPA's cooling water and utility air toxics rules -- that charges the industry study significantly overstates the rules' effects. The review is available on [InsideEPA.com](http://InsideEPA.com).

"We conclude that the Report was based upon worst-case assumptions which have not materialized and upon climate change legislation never enacted into law," the peer review says. Tierney's document adds that EEI failed to consider "non-environmental" drivers for changes in generation, such as cheap natural gas, and did not adequately discuss other relevant issues, such as initiatives underway to strengthen the resiliency and reliability of the grid.

At the May 9 briefing, Tierney also downplayed the effectiveness of the NERC study, saying it is based on a "static" model that assumes power companies will not respond to EPA regulation -- or just as important, market forces such as the cheap price of natural gas. A more reasonable assumption would be that 25 to 35 GW of old, inefficient coal-fired generation will shutter, a level the electric grid can sustain without reliability worries, she said, arguing that 25 GW of generation would close in the near future even without EPA rules in place.

Tierney and other speakers at the May 9 briefing argued that the draft bill undermining EPA's rules is unnecessary because the record shows that some utilities can comply. "I think it would be misrepresenting the facts to say that the industry can't comply," Tierney said.

Bradley noted that the "vast majority" of players in the utility sector have anticipated long-delayed rules on air toxics, interstate transport of ozone-forming pollutants and cooling water intake structures, among others, and made "good faith efforts" to prepare for them. One has to ask "is this [draft bill] really for the industry, or is it just for one or two companies" that have deliberately dragged their feet in upgrading their facilities, Bradley said.

He pointed to recent statements from officials at First Energy and Wisconsin Electric indicating their utilities are prepared to comply with EPA's rules. In a statement to a shareholder meeting May 3, Anthony Alexander, president and CEO of First Energy, said that despite uncertainty over the fate of the company's smaller coal-fired plants, as EPA prepares new mandates, the company is "better positioned than many other companies, to address these new mandates" since it has a diversified generating fleet, including several clean coal plants.

Gale E. Klappa, chairman, president and CEO of Wisconsin Electric, made similar arguments about his company during a recent conference call with industry analysts.

Bradley further questioned recent assertions by Southern Company that EPA's rules will require major expenditures on pollution control equipment, prompting a significant level of plant closures. "There is an intentional sense of ringing alarms now" on the part of Southern Company and others, he said.

And Paul Allen, chief environmental officer of Constellation Energy, said at the briefing that the EPA rules in question were years in the making, have been "super watched and super analyzed" by utilities and are hence "as far from a surprise as one can imagine." Constellation, one of eleven utilities in the Clean Energy Group, has a significant proportion of gas-fired power plants and has made significant investments in pollution control technologies in anticipation of the rules that opponents have characterized as a regulatory "train wreck." Allen denied there is any such train wreck in the offing.

Allen said of the draft bill that he could not believe Congress would accept the bill to protect the interests of a few "vertically-integrated" utilities -- those subject to state or regional regulation that control all aspects of generation and distribution, unlike Constellation, which operates in deregulated markets.

Meanwhile, several national environmental groups launched a new campaign challenging AEP to "publicly name" the number of lives it wants Congress to sacrifice to give AEP and other polluters delays and rollbacks of national limits on toxic air pollution. "While other utilities are investing in technology and jobs to clean up toxic air pollution from coal-fired power plants and meet new national pollution standards on time, AEP is promoting . . . a sweeping, 56-page bill it drafted to weaken and delay federal clean air standards," the groups said in a May 10 press release. -- Stuart Parker

David  
McIntosh/DC/USEPA/US  
05/23/2011 08:29 AM

To Richard Windsor  
cc  
bcc

Subject and 2 more must-read stories for tomorrow's hearing

## **AIR POLLUTION: Panel to vote on bills targeting EPA drilling, power plant rules (Monday, May 23, 2011)**

Gabriel Nelson, E&E reporter

In a bid to knock down barriers to offshore drilling and protect coal-fired power plants from costly new requirements, a House Energy and Commerce subcommittee will vote tomorrow on two bills aimed at U.S. EPA air pollution rules.

The panel's Energy and Power Subcommittee will mark up a bill from Rep. Cory Gardner (R-Colo.) that would tweak the Clean Air Act to ease the permitting process for offshore drilling. Those air permits would be spared from review by the Environmental Appeals Board and would not need to consider whether a project would cause air quality problems at sea.

The measure comes as a response to the five-year struggle by Royal Dutch Shell PLC to start drilling in federal waters off the northern coast of Alaska.

Administrative judges at the appeals board sent the project's air pollution permit back to EPA in December. Though the Obama administration and Shell are close to an agreement, EPA air chief Gina McCarthy said at a hearing earlier this month, Energy and Commerce Chairman Fred Upton (R-Mich.) said the delay shows that the review process is broken.

"Because of this byzantine system of permits, reviews and appeals -- supposedly in the name of environmental stewardship -- we are continuing to import more oil from countries that don't like us, many of them with environmental standards much lower than our own," Upton said in a statement ([Greenwire](#) , May 13).

Also set to be marked up tomorrow is a bill that would form a commission of Cabinet-level officials to study the cumulative economic impact of EPA rules on the power sector. The measure from Reps. John Sullivan (R-Okla.) and Jim Matheson (D-Utah) focuses on several new and proposed rules that would require coal-fired power plants to spend money on new technology to prevent air pollution and water contamination.

Democrats have questioned whether the study is needed, since EPA is already required to perform a cost-benefit analysis for each of its major rules. Energy and Commerce ranking member Henry Waxman (D-Calif.) said at a recent hearing

that the study would be slanted because it would not require the commission to determine the cumulative health and environmental benefits of the rules.

House Republicans have been busy trying to stop new rules from EPA. The House has already approved a bill that would bar the agency from regulating greenhouse gases, and now, the GOP is turning its sights to other rules that could, collectively, have an even greater impact on where the nation gets its electricity.

"The use of coal and other cheaper fuel sources are being threatened by the Environmental Protection Agency, who have issued a number of rules that require a large investment from the energy and manufacturing sectors, without fully understanding the economic impact and the potential benefits of their rules," Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) said before holding a hearing on the study bill earlier this month.

EPA, backed by public health groups and environmental advocates, has argued that the rules are long overdue. Though they will cost tens of billions of dollars, the rules will also save tens of thousands of lives each year and prevent a variety of health problems that are associated with air pollution.

"We can't look at just the costs of federal regulation without considering its benefits, just as we shouldn't look at only the benefits without considering the costs," Waxman said at the hearing on the bill. "We need to understand the benefits ... so Congress and the public get a balanced assessment of the value of the regulations."

**Schedule:** The markup is tomorrow, May 24, at 10 a.m. in 2123 Rayburn.

## **OIL AND GAS: EPA, Interior to defend regs as GOP laments 'pain at the pump' (Monday, May 23, 2011)**

Gabriel Nelson, E&E reporter

EPA Administrator Lisa Jackson and a top deputy from the Interior Department will appear on Capitol Hill this week to explain their stance on oil and gas development as House Republicans seek to link the Obama administration's policies to the high prices that vacationers will pay at the gas pump this Memorial Day weekend.

Jackson and Deputy Interior Secretary David Hayes will testify tomorrow before the House Oversight Committee, where Chairman Darrell Issa (R-Calif.) is planning to focus on new technologies such as hydraulic fracturing for natural gas drilling, he said in a statement.

"The United States' combined energy resources are the largest on earth -- eclipsing Saudi Arabia, China, and Canada combined," Issa said in the statement.

"Are we committed to developing these resources to their fullest extent and creating jobs for American workers? Will this administration work with Congress to clear regulatory impediments to safe, clean domestic energy production and job creation?"

The next day, members of the House Natural Resources Committee will hold a hearing to examine how the nation's energy development rules are affecting "seniors, working families and Memorial Day vacations."

Though the administration has little power to address current gas prices, which are based on global market forces and the reality that it takes years to develop any new supplies, both Democrats and Republicans are continuing to make their case for policy changes as the summer driving season approaches.

Most Democrats want to get rid of tax breaks and subsidies for the oil industry, which reaps big profits when the price of oil spikes. When gas is selling for \$4, they say, those tax expenditures should be used to reduce demand for fossil fuels and develop cleaner alternatives.

"I think many in the public think we ought to be able to legislate a reduction in oil prices, but it's really not possible," Sen. Jeff Bingaman (D-N.M.) said earlier this month. "The best thing in the long term is to reduce the amount of oil used" ( [E&E Daily](#) , May 19).

Meanwhile, most Republicans want to produce more fossil fuels domestically. Earlier this month, the House cleared a trio of proposals from Natural Resources Chairman Doc Hastings (R-Wash.) to allow for new exploration off the coasts of the United States.

Republicans on the committee also have other ideas in mind, such as opening up the Arctic National Wildlife Refuge and leasing more Western lands for oil and gas drilling after the Obama administration canceled the sales.

"Even though we've passed the three offshore bills, there's still onshore production to look at," a Republican committee aide said.

## **Coal mining rules**

While the Oversight Committee hearing is billed as a look at oil and gas development, some lawmakers are planning to focus on EPA rules affecting coal mining as well.

Sitting in on the hearing will be freshman Rep. Bob Gibbs (R-Ohio), who has battled the Obama administration on clean water rules as chairman of the House Transportation and Infrastructure Committee's water resources and environment subpanel.

In a statement touting tomorrow's hearing, Gibbs blasted EPA's use of "guidance," which reinterprets existing regulations, to address the agency's concerns about water contamination from mountaintop-removal coal mining.

"EPA's continued imposition of interim guidance, interim rules, draft policy or reinterpretation of policy has led to economic uncertainty, dealing a devastating blow to job creation and economic development at the worst possible time," Gibbs said. "EPA is taking these actions with little regard to economic consequences, with little regard to national security, and most importantly, with little regard to the law."

**House Oversight schedule:** The hearing is tomorrow at 9 a.m. in 2154 Rayburn.

**Witnesses:** EPA Administrator Lisa Jackson, Deputy Interior Secretary David Hayes.

David  
McIntosh/DC/USEPA/US  
05/12/2011 08:34 AM

To Richard Windsor  
cc  
bcc

Subject for your meeting this morning with Dave McCurdy

Hi Administrator,

In the memo I submitted for your meeting this morning with Dave McCurdy, president of the American Gas Association, I said that I would send you a press story on Paul Anastas's fracking appearance before the House Science Committee yesterday. Please see the story pasted below.

-David

## **OIL AND GAS: EPA to research fracking and methane contamination (Wednesday, May 11, 2011)**

Mike Soraghan, E&E reporter

U.S. EPA expects to spend \$12 million on its study of the safety of hydraulic fracturing and will also research problems with methane contaminating water wells.

Methane contamination, which can cause houses to explode and make faucets flammable, has commonly been associated with leaking drill pipes, not the underground injection of fluids in hydraulic fracturing.

But Paul Anastas, EPA's science adviser and assistant administrator for the Office of Research and Development, told a House panel today that it will be included in the agency's study, which is to be completed in 2014, with a preliminary report in 2012.

House Science Chairman Ralph Hall (R-Texas) pressed Anastas on why EPA was focusing on hydraulic fracturing. He noted that a recent academic study found no problems with fracturing but suggested that shale gas drilling is causing widespread methane contamination in rural Pennsylvania.

"This study is looking at both of those questions," Anastas said.

EPA's study has been contentious from the start, as drilling critics packed hearing halls for the "scoping" process, environmental groups and industry lobbied to get their favored scientists on the peer review panel, and the agency tangled with Halliburton Co. about what information the company should hand over.

In today's hearing, Republicans attacked the study as yet another example of overreach by the Obama administration.

Rep. Paul Broun (R-Ga.) compared it to EPA's decision to regulate greenhouse gas emissions. "I believe this administration is trying to stop domestic oil and gas



production and is using this [study] as part of that effort," he said.

Rep. Dana Rohrabacher (R-Calif.) said the study was being driven by "a bunch of bureaucrats and left-wingers from universities who want to scare people."

But Democrats defended the study. Rep. Eddie Bernice Johnson (D-Texas) said it is not yet clear whether Congress should enact stronger regulations on shale drilling.

"Maybe we do, maybe we don't," Johnson said. "We simply do not have enough data yet to say, nor will we if industry is not forthcoming in disclosing the chemicals it uses and if Congress does not allow EPA to do its job of determining the risks of these practices."

Broun and Hall also lashed out at EPA for setting ground rules on Anastas' participation in the hearing. EPA was not going to send Anastas to testify unless he testified separately from other witnesses at the hearing. The committee scheduled him to appear alone after five other witnesses finished testifying.

Hall said he had contacted EPA Administrator Lisa Jackson to express his concerns but she did not reply.

Letters from EPA show that Arvin Ganesan, deputy associate administrator for congressional affairs, wrote to the committee's top staffer three times in March and April explaining that it was a custom observed by many other committees.

"It minimizes any appearance of inappropriate confrontation or communication between administration officials and other witnesses regarding pending litigation or enforcement action," Ganesan wrote. He added that at the time the letter was written, April 1, he did not know who the witnesses would be.

## **EPA sets stage for study**

EPA's Scientific Advisory Board is currently reviewing the draft study plan that the agency put together for the study. And EPA has requested information from nine companies that provide fracturing services to well operators.

EPA got \$1.9 million for the study in fiscal 2010 and requested \$4.3 million in fiscal 2011 and \$6 million for 2012.

EPA has already studied fracturing once, concluding it was safe because the toxins in fracturing fluid either are sucked back up or degrade underground. But Anastas said that the 2004 study is "not relevant" to the current study, because it looked only at coal-bed methane wells.

A regulator whose state is grappling with new shale gas drilling welcomed the

information it could bring and said he saw a role for the federal government in the regulation of fracturing and drilling.

"A federal regulatory floor would ensure at least minimal protection," Maryland Department of the Environment Secretary Robert Summers said.

In that, he is unlike most state regulators in gas-producing states.

"We feel like we have a good handle on fracturing in Michigan," said Harold Fitch, Michigan's state geologist and a board member of the Ground Water Protection Council.

The academic report cited by Hall was done by scientists at Duke University. It found that methane levels were 17 times higher in water wells near gas drilling operations in Pennsylvania and New York than those farther than 3,000 feet away.

But Michael Economides, a University of Houston professor of chemical and biomolecular engineering, rejected the findings, saying the researchers failed to collect baseline data.

"If they were my students, I would give them an F," Economides said.

Under questioning by Democrats, Economides explained that he gets a dollar a year for teaching but \$1 million a year in consulting for oil and gas producers on fracturing.

"I'm the guy who has written the textbooks on fracturing," Economides said.

David  
McIntosh/DC/USEPA/US  
11/29/2010 05:53 PM

To Richard Windsor  
cc  
bcc

Subject Re: Newsweek Q and A; 'The EPA is Not the Villain'

Very nicely done. These are very compelling.

Brendan Gilfillan 'The EPA is Not the Villain' Administra... 11/29/2010 05:01:38 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 11/29/2010 05:01 PM  
Subject: Newsweek Q and A; 'The EPA is Not the Villain'

## 'The EPA is Not the Villain'

### Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

**People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response?** I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

**House Republicans have said they're going to subpoena you every week. What will be your defense?** I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

**Would there be room for a compromise to push all these regulations back one or two years?** I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO

in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

**One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations.** They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

**Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do?** It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

**Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging?** I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

**How much support have you gotten from the president?** It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
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David  
McIntosh/DC/USEPA/US  
05/10/2011 10:40 AM

To Richard Windsor  
cc  
bcc

Subject The Yes Men target Peabody with a satirical campaign.

## **Peabody Energy (NYSE: BTU) Announces "Coal Cares™" Initiative, New Nationwide Campaign Against Stigma of Childhood Asthma**

ST. LOUIS, May 10, 2011 / PRNewswire via COMTEX/ -- Peabody Energy today announced the creation of an innovative new public health initiative designed to combat the stigma of asthma among American children ages 0-18. With Coal Cares™ ([www.coalcares.org](http://www.coalcares.org)), Peabody will offer free, custom-branded [inhaler actuators](#) to children living within 200 miles of a coal plant, along with coupons worth \$10 towards the purchase of the asthma medication itself.

"Too many young Americans face daily schoolyard taunting and bullying because of a condition over which they have no control," said Gregory H. Boyce, Chairman and Chief Executive Officer of Peabody Energy. "By re-branding the inhaler as a cool, individualized, must-have accessory, Coal Cares™ will empower children to tell bullies: 'suck it up.'" Children can choose from a variety of youth-themed inhaler cases, from tween faves like "the Bieber" and "My Little Pony," to the "Emo" and "Diamond" inhalers for older, style-conscious youth. There's even "My First Inhaler," for tots.

Coal Cares™ launches today in commemoration of [Asthma Awareness Month](#), the Environmental Protection Agency's effort to call attention to [rising asthma rates](#), especially among children. Coal Cares™ and its Puff-Puff™ line of inhalers is the first, and most ambitious, market-friendly public health initiative of this scope of any privately-owned American company, and testifies to the energy industry's commitment to the well-being of all citizens, including the youngest.

"Our actions are guided by a singular mission: to be a leading worldwide producer and supplier of balanced energy solutions, which power economic prosperity and well-being," said Boyce. "Coal Cares™ brings this mission to life, empowering children everywhere to take control of their destinies, beginning with their own lungs."

"Coal Cares™ is emblematic of the return to self-reliance that healthy entrepreneurship demands," said James Miasmus, Vice President of Government Affairs at Peabody USA. "Costly 'scrubbing' technology, on the other hand, is an untested and heavy-handed intrusion into our still-vulnerable economy. At Peabody, we're thinking globally but acting locally, and locating preventive action at the point of consumption, where it belongs."

"Coal Cares™ isn't just the name of a campaign," said Kevin Briesslau, Vice President of Communications at Peabody Coal. "It's a philosophy, a way of doing business in harmony with the community we are a part of. After all, coal is the fastest-growing fuel in the world. We're part of America's heritage, and we're here to stay."

To learn more about Peabody's Coal Cares™ initiative, visit: [www.coalcares.org](http://www.coalcares.org).

Peabody Energy (NYSE: BTU) is the world's largest private-sector coal company and a global leader in clean coal solutions. With 2010 sales of 246 million tons and nearly \$7 billion in revenues, Peabody fuels 10 percent of U.S. power and 2 percent of worldwide electricity.

**CONTACT:**

Vic Ganey

Phone (314) 472-5539

**SOURCE** Peabody Energy

David  
McIntosh/DC/USEPA/US

05/10/2011 05:37 PM

To Richard Windsor, Adora Andy, Brendan Gilfillan, Betsaida  
Alcantara

cc

bcc

Subject all the more reason for us to be hard-hitting

## **AIR POLLUTION: Health groups 'shocked' by Barton's mercury claim** (Tuesday, May 10, 2011)

### **Gabriel Nelson, E&E reporter**

Several public health groups are going after former House Energy and Commerce Chairman Joe Barton (R-Texas) for claiming that pollution from coal-fired power plants does not hurt anybody.

During a recent hearing on U.S. EPA's toxic pollution standards for the power sector, Barton said mercury and other chemicals released into the air by coal plants do not present a "medical negative."

Doctors from groups such as the American Academy of Pediatrics, American Lung Association and American Public Health Association were "shocked" by the claim because there is clear evidence that the emissions kill people and cause health problems, they say in a [letter](#) sent to Barton today. They included a list of studies to back up their point. "We strongly urge you and your staff to read through the volumes of work that have been published over the decades on this topic," the letter says. "Once you do, we trust that you will agree that the EPA is on strong footing when it assesses and states the health benefits of measures to reduce air pollution."

Mercury, a trace ingredient in coal that can cause developmental problems in children, is released into the air when the fuel is burned. When it falls into oceans, lakes and streams, it undergoes a chemical transformation that allows the toxic metal to accumulate in fish and other types of wildlife.

Scientists say that eating mercury-tainted fish presents a risk to pregnant women and children, though they have continued to argue about how much of the problem is caused by U.S. coal plants.

While conceding he is "not a medical doctor," Barton said he is skeptical about the federal rules because the average power plant releases just a few pounds of mercury per year.

"You're not going to get enough mercury exposure, or [sulfur dioxide] exposure, or even particulate matter exposure. I think the EPA numbers are pulled out of the thin air," Barton said at an Energy and Commerce hearing. "If their benefits are not real and the costs are real, we're absolutely wrong to force these standards," he added.

The emissions standards that EPA proposed earlier this year would require coal plants without pollution controls to release about 91 percent less mercury. They would also require controls for acid gases and fine particles, which would reduce the amount of sulfur dioxide (SO<sub>2</sub>) and soot that power plants release into the air.

### **Utilities see problems**

Meeting the proposed mercury limits would require coal plants to add pollution controls or find coal with a lower mercury content. It can cost hundreds of millions of dollars to add the controls needed to trap mercury, but the same filtering equipment captures fine particles, which EPA says are responsible for tens of thousands of early deaths each year.

The toxic pollution rules are being resisted by coal-dependent power companies, which say the requirements are too stringent and would take effect too quickly. Among them is American Electric Power Co. Inc., which is circulating draft legislation on Capitol Hill that would delay and scale back the toxics rules, along with other new EPA regulations ([Greenwire](#), April 29).

New and proposed EPA rules would raise electricity rates by about 25 percent, the heads of Atlanta-based Southern Co. and Detroit-based DTE Energy Co. predicted last month during the Energy and Commerce Committee hearing. Juggling the various shutdowns and upgrades will make the rules more expensive and could hurt the reliability of the electric grid, they said.

The mercury rules in particular contain "egregious errors" that justify taking the proposal back to the drawing board, says the Utility Air Regulatory Group, a coalition of power companies represented by attorneys at Hunton & Williams LLP.

In a [letter](#) sent to EPA late last week, the group claims that at least half of the 40 coal-fired boilers that the agency pegged as the best performers have actual mercury emissions that are 1,000 times higher than the agency estimated. That means the emissions standards in the proposed rule are "obviously wrong," the letter says.

Environmental groups say power companies are trying to stall rules that were due under the Clean Air Act more than a decade ago. EPA predicts that the toxic pollution rules would cost \$10.9 billion per year and would yield annual health benefits of \$59 billion to \$140 billion, mainly by preventing about 17,000 premature deaths each year.

"How many lives does AEP believe it is worth risking?" wrote Frances Beinecke, president of the Natural Resources Defense Council, in a blog post today.

[Click here](#) to read the health groups' letter.



[Click here](#) to read the utilities' letter.



David  
McIntosh/DC/USEPA/US  
12/08/2010 08:27 AM

To Richard Windsor  
cc Barbara Bennett  
bcc  
Subject News Headline: Rockefeller eyes omnibus to block EPA  
climate rules

I'm keeping an eye on this.

**News Headline:** Rockefeller eyes omnibus to block EPA climate rules |  

**Outlet Full Name:** Hill - Online, The  
**News OCR Text:** - 12/07/10 02:48 PM ET

Sen. Jay Rockefeller (D-W.Va.) is pinning his hopes for blocking Environmental Protection Agency climate change rules on the highly uncertain prospect that lawmakers will move a massive omnibus federal spending package this year.

Majority Leader Harry Reid (D-Nev.) earlier this year said he would give Rockefeller a vote on the West Virginian's proposal to freeze looming EPA regulations covering power plants, refineries and other industrial plants for two years.

But Reid has since equivocated, and Rockefeller faces a number of hurdles. Rockefeller told reporters Tuesday he still believes Reid wants to allow the vote, and that including the measure in a catch-all spending bill is the best option.

"If we could get an omnibus appropriations that would really help," Rockefeller said in the Capitol. "I know what I would like and I know what he would like, and that is the omnibus appropriations [bill]," he later added.

Asked if that was the only option, Rockefeller said no, but added: "That would be the best, that would be the easiest."

<http://thehill.com/blogs/e2-wire/677-e2-wire/132443-rockefeller-eyes-omnibus-to-block-epa-climate-rules>

David  
McIntosh/DC/USEPA/US  
05/20/2011 01:06 PM

To Richard Windsor, Bob Perciasepe  
cc Arvin Ganesan, Laura Vaught  
bcc  
Subject OIL AND GAS: Frack study's safety findings exaggerated,  
Bush EPA official says

## **OIL AND GAS: Frack study's safety findings exaggerated, Bush EPA official says (Friday, May 20, 2011)**

Mike Soraghan, E&E reporter

The U.S. EPA official who oversaw the George W. Bush administration's 2004 study of hydraulic fracturing says its conclusions about safety have been exaggerated for years.

The study found that in certain circumstances, fracturing presented "little or no threat" to drinking water. But Ben Grumbles, who ran EPA's Office of Water, says the study didn't deem all "fracking" to be safe, and it didn't justify exempting all forms of it from drinking water protections.

"EPA, however never intended for the report to be interpreted as a perpetual clean bill of health for fracking or to justify a broad statutory exemption from any future regulation under the Safe Drinking Water Act," Grumbles wrote in an [article](#) this week for the nonprofit he now runs, the Clean Water Action Alliance.

The former assistant EPA administrator also says that after five years and a nationwide surge in drilling, it might be time to take another look at the exemption, which was included in a 2005 energy bill.

"A lot has happened since 2005 and, in my view, it makes sense to review the Safe Drinking Water Act landscape as well as the relevance of Clean Water Act programs," he said.

The surge in drilling made possible by advances in fracturing technology is in shale gas, he said, "which is different from fracking for coal bed methane, the primary subject of EPA's 2004 report."

Grumbles was assistant administrator at EPA from January 2004 until January 2009, when President Bush left office. Before that, he was deputy assistant administrator and acting assistant administrator.

Grumbles became president of the alliance, which includes water utilities and companies that work with them, earlier this year after having served for two years as director of the Arizona Department of Environmental Quality.

His column -- "Drill, Maybe, Drill" -- was posted on the alliance website. But Grumbles stressed that the organization doesn't have a position on fracturing.

"'Drill, maybe, drill' means more review along a more thoughtful path, one that can include fracking, even in large amounts, but in the right place, at the right time, with the right amount of government oversight," he wrote.

It's not the first time that Grumbles expressed reservations about the broad exemption. In September 2003, while at EPA, he told *The Denver Post* the agency should retain some of the control Republicans in Congress were preparing to strip away.

"The members might want to consider a situation that if there were instances of endangerment on a case-by-case basis, we could step in," Grumbles said.

An industry spokesman said Grumbles' remarks simply show that EPA tries to expand regulation whether it's run by a Democratic or Republican administration.

"If the story here is that EPA didn't like that decision, that it wasn't supportive of Congress clearly delineating where its authority ended and the states' authority began, then here's another story for you: The sun rose today," said Chris Tucker, spokesman for Energy in Depth, which was created by the Independent Petroleum Association of America to fend off federal regulation of fracturing.

### **'Little or no threat'**

The previous study began in 2000 and concluded with a report in 2004. The report said fracturing may release potentially hazardous chemicals into sources of drinking water but said there was no reason to study it further.

It found that fracturing posed "little or no threat" because the water is sucked back up out of the ground and the hazardous chemicals would likely be diluted or biodegrade on their own.

The study bolstered the case of gas producers, which asked Congress for a specific exemption from the Underground Injection Control provisions of the Safe Drinking Water Act for fracturing and received it in the 2005 Energy Policy Act.

The exemption has become known as the "Halliburton loophole." Halliburton Co. had lobbied for the exemption while Dick Cheney ran the company. As vice president, Cheney touted it in the energy plan he shepherded for the Bush administration.

But the study has been criticized, most prominently by Denver-based EPA environmental engineer Weston Wilson, who wrote to Congress that the study's

findings were "unsupportable," prominently citing the alleged conflicts of interest of five of the seven peer reviewers. One was an employee of Halliburton.

A year ago, EPA announced a new study of fracturing. Preliminary results from the \$12 million research are expected next year, with a final report in 2014 ([E&ENews PM](#), May 11).

EPA officials have said they plan to take a "life cycle" approach to the fracturing study, an approach promoted by environmentalists but opposed by industry. They also say they will study drilling issues that don't involve the specific technique of fracturing, such as shoddy well construction allowing gas to leak into aquifers.

Gas drillers have complained that EPA shouldn't examine parts of the drilling process that don't directly involve fracturing.

EPA is also planning to do case studies of places where critics reported problems with fracturing during "scoping hearings" last summer. The case studies could involve field sampling, modeling and parallel laboratory investigations to determine the potential relationship between complaints and fracturing.

That is broader than the 2004 fracturing study, which relied on a survey of state officials to determine what problems had occurred during fracturing operations rather than EPA testing of drinking water.

David  
McIntosh/DC/USEPA/US  
03/11/2011 01:54 PM

To Richard Windsor  
cc Brendan Gilfillan, Laura Vaught  
bcc  
Subject good initial trade press story on the hearing

----- Forwarded by David McIntosh/DC/USEPA/US on 03/11/2011 01:54 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/11/2011 01:52 PM  
Subject: From Greenwire -- CLIMATE: House EPA bill would force U.S. consumers to waste oil -- Jackson

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:



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**CLIMATE: House EPA bill would force U.S. consumers to waste oil -- Jackson** *(Friday, March 11, 2011)*  
**Gabriel Nelson and Jean Chemnick, E&E reporters**

Though top House Republicans have argued that U.S. EPA's climate rules will slam consumers by raising the cost of gasoline, a bill to reject the agency's greenhouse gas regulations would backfire by causing Americans to waste hundreds of millions of barrels of oil, U.S. EPA Administrator Lisa Jackson said today.

She made the comments in testimony before members of the House Energy and Commerce Committee, one day after the bill ([H.R. 910](#)) cleared the Energy and Power Subcommittee. The full panel is expected to pass the legislation next week.

House Energy and Commerce Chairman Fred Upton (R-Mich.) and his colleagues have tried to tie the bill to high gas prices, which are flirting with \$4 per gallon and are expected to go even higher as summer driving season approaches. They say the new limits on greenhouse gas emissions from power plants, refineries and other large industrial plants will cause a spike in energy prices, but Jackson said today that people would need to spend more money on gas if EPA is not allowed to set new fuel efficiency standards for cars and trucks.

"It would increase our oil dependence by hundreds of millions of barrels," she said of the bill. "It would do so by blocking EPA's common-sense steps under the Clean Air Act on vehicle standards, because that bill -- although it recognizes past standards -- undoes the endangerment finding on which those standards are based, and then takes EPA out of the process for years 2016 and beyond."

During debate on the bill, Republicans cited a 2009 statement by Jackson in which she said Clean Air Act limits on greenhouse gases would cost more than a cap-and-trade bill setting an overall limit on carbon emissions. And according to Republican estimates, the climate bill would already cost households thousands of dollars a year.

"Per Lisa Jackson herself, greenhouse gas regulation is expected to impose even greater economic costs than the bills that ultimately failed in Congress," Upton and Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) said in a letter that was circulated before yesterday's vote. Republicans slammed Jackson on her comments today, pointing to the bill's exemption for tailpipe emissions rules through 2016.

But it would bar the agency from setting future limits on the amount of carbon dioxide that cars and trucks can release for every mile traveled. The measure would not affect the Department of Transportation's ability to set corporate average fuel economy standards for future years, but

advocates for the standards say they would likely be less stringent than EPA's tailpipe standards because DOT looks at different criteria when it sets them.

### The budget divide

Republicans are hoping to roll back EPA's spending to 2008 levels, which would require a cut of about \$3 billion from the \$10.2 billion that the agency was given in fiscal 2010. There is a \$2 billion gap between their target and the \$9 billion budget President Obama has put forward for fiscal 2012, setting up a spending clash beyond the current spat over funding for the rest of fiscal 2011.

But as the Republicans seek to shrink the deficit, they are also hoping to cut regulations they say are holding back the economy.

EPA's spending request of \$9 billion is a relatively small price tag, considering that this year's deficit is expected to total about \$1.5 trillion, but "the less transparent and vastly larger cost that job creators must pay to comply with your regulations is especially concerning," Upton said in his opening statement.

"We want to trim both," he added.

Democrats on the panel criticized the Republicans' spending plans as well as the bill blocking EPA's climate rules, describing it as a broader assault on environmental programs.

The new Republican majority of the House is both "anti-environment" and "anti-science," Energy and Commerce ranking member Henry Waxman (D-Calif.) said today. Their spending bill for the rest of the current fiscal year, which included a number of amendments to stop EPA from using its funding to follow through on certain programs, was the "most sweeping and reckless assault on health and the environment that we have seen in decades," he said.

Jackson echoed that criticism, cautioning the committee about overriding the scientific finding that greenhouse gases are a threat to human health and welfare.

"You might well be remembered more for that than for anything else you do," she said.

### Jackson replies on climate settlements

Yesterday, Jackson sent a [letter](#) to Energy and Commerce Chairman Fred Upton (R-Mich.) rebutting his claim that EPA had gone against the rules of President Obama's new regulatory review initiative by agreeing to create another round of greenhouse gas limits for power plants and refineries behind closed doors.

The agency announced its plan to set the rules, called New Source Performance Standards, after reaching a settlement with environmentalists in December. Industry groups grumbled that they had been left out of the settlement talks, which led to deadlines for the new rules, but EPA and the Justice Department followed the usual process for legal negotiations, Jackson wrote yesterday. EPA agrees that it is obligated to set the new greenhouse gas limits, she added, saying the settlement was necessary "to avoid wasting taxpayer money on further pointless litigation, and to follow the law as interpreted by the Supreme Court."

Upton and Sen. James Inhofe (R-Okla.) said EPA should have consulted with industry groups before agreeing to the stricter rules for greenhouse gas emissions ([E&E Daily](#), March 3).

But the agency has not chosen any rules yet, Jackson wrote. Since striking the deadline deal, EPA has held five "listening sessions" to get advice on the new rules from businesses, advocacy groups and the states.

"By reaching a settlement that provides deadlines by which EPA will complete a rulemaking process," Jackson added, "the agency avoided the risk that court-ordered schedules would be shorter and prevent EPA from proceeding in a measured and careful manner with the full involvement of all interested persons."

At today's hearing, Jackson said lawsuits could eventually make the agency agree to set the standards for other pollution sources. She was responding to Rep. Lee Terry (R-Neb.), who quizzed the administrator on her plans to formulate similar standards for the electric arc furnaces used in metal production.

"We will have to come out with a schedule at some point to regulate them, but we believe we don't have to do that in the near future," Jackson said.

[Click here](#) to read the letter.

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David  
McIntosh/DC/USEPA/US  
03/31/2011 05:15 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Barbara  
Bennett, Seth Oster  
cc  
bcc  
Subject EPA votes pushed back to next week

## **EPA votes pushed back to next week**

**Jean Chemnick and John McArdle, E&E reporters**

Senate leaders have delayed until next week votes on up to four amendments to limit U.S. EPA's carbon regulatory powers.

Leadership has been attempting to work out a deal on amendments to a small business assistance bill. It is still unclear whether the upper chamber will vote on only one amendment by Senate Minority Leader Mitch McConnell (R-Ky.) that would permanently strip EPA of its power to regulate carbon dioxide, or whether there will be votes on less stringent Democratic alternatives, as well.

"It's definitely not outside the realm of possibilities that McConnell would be the only amendment," said Reid spokesman Adam Jentleson. He said conversations were ongoing between leadership and the three sponsors of the Democratic alternatives: Sens. Jay Rockefeller (D-W.Va.), Max Baucus (D-Mont.) and Debbie Stabenow (D-Mich.).

Republicans welcomed the news. "I think it's a good sign, and we hear there's a lot of discussions going on," said Rep. Ed Whitfield (R-Ky.) "I haven't been a part of any of them, but I understand that we may be making some progress, hopefully."

But moderate Democrats who support the alternatives might not take kindly to a plan that bypassed their amendments. Rockefeller said this afternoon that he is still confident his amendment -- which would delay EPA climate rules for stationary sources for two years -- would receive a vote. He reiterated that Reid had promised him a vote.

"He told me that two days ago, and he told me that today," Rockefeller said.

Sen. Sherrod Brown (D-Ohio) today said he is co-sponsoring the Stabenow amendment, which among other things would reauthorize financial assistance for fuel-efficient cars.

"It's got the beginnings of manufacturing policy. That's what matters to me," he said.

## **White House support?**



Meanwhile, a news report indicating that the Obama administration had told members of the Congressional Black Caucus that it was poised to sacrifice EPA regulatory authority in a quest for a budget deal was likely based on a mistake, a key congressman said today.

Rep. Emanuel Cleaver (D-Mo.) told E&E that the group talked about enterprise community zones, or ECZs, not about EPA.

The Associated Press story quoted an anonymous Democratic lawmaker "familiar" with the CBC meeting yesterday as saying that the administration indicated some anti-EPA provisions currently in the House-passed continuing resolution would "have to make it into the final bill." Asked whether EPA was mentioned at all at the CBC meeting, Cleaver said "no."

The AP story has been corrected to remove any reference to the caucus meeting. It now cites "a Democratic lawmaker familiar with discussions between members of Congress and administration officials."

Whatever its source, the AP story struck a nerve with members of the environmental community, who immediately scolded Obama for apparently abandoning EPA. The Sierra Club fired off an email to members today, calling on them to put pressure on the White House.

"Right now, the Obama Administration is considering a deal with Republicans to give up key EPA pollution safeguards in order to gain cooperation on passing a government funding bill," said Sarah Hodgdon, Sierra Club conservation director, in the message. "The President must not sacrifice the health of our children and communities. He must not succumb to Big Oil and Coal and their cronies in Congress."

As the fate of the House budget bill's environmental riders remained unclear, 53 Democrats who joined the GOP in approving recent stopgap government funding bills -- which were free of policy proscriptions -- sent House Speaker John Boehner (R-Ohio) a letter urging him to keep EPA restrictions out of a final deal.

"While these riders do not reduce federal spending, they would precipitously alter 40 years of environmental statute," members of the House Sustainable Energy & Environment Coalition wrote. "A budget bill is not the appropriate venue to make significant policy changes without going through the proper hearing and markup process in committees of authorization."

*Reporter Elana Schor contributed.*

**David  
McIntosh/DC/USEPA/US**  
03/15/2011 08:38 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Bob Sussman, Scott Fulton, Michael Goo, Bicky Corman, Seth Oster, Adora Andy, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Lisa Garcia, Janet Woodka, Eric Wachter, Lawrence Elworth

cc

bcc

Subject Fw: Barton to Launch Air Permit Task Force, Schedules Hearing on EPA-Texas Dispute

----- Forwarded by David McIntosh/DC/USEPA/US on 03/15/2011 08:37 AM -----

From: Lorie Schmidt/DC/USEPA/US  
To: "mcintosh david" <mcintosh.david@epa.gov>, "ganesan arvin" <ganesan.arvin@epa.gov>, "vaught laura" <vaught.laura@epa.gov>, "Josh Lewis" <Lewis.Josh@epamail.epa.gov>, "Diann Frantz" <Frantz.Diann@epamail.epa.gov>, "Cheryl Mackay" <Mackay.Cheryl@epamail.epa.gov>  
Date: 03/15/2011 08:34 AM  
Subject: Fw: Barton to Launch Air Permit Task Force, Schedules Hearing on EPA-Texas Dispute

Anna Wood

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

**From:** Anna Wood  
**Sent:** 03/15/2011 08:31 AM EDT  
**To:** Janet McCabe; Joseph Goffman; Lorie Schmidt; Carl Edlund; Thomas Diggs; Raj Rao; Juan Santiago; Dave Svendsgaard  
**Subject:** Barton to Launch Air Permit Task Force, Schedules Hearing on EPA-Texas Dispute  
FYI, in case you have not seen this, Anna

### *Climate Change*

## **Barton to Launch Air Permit Task Force, Schedules Hearing on EPA-Texas Dispute**

Rep. Joe Barton (R-Texas), former chairman of the House Energy and Commerce Committee, will launch a task force of regulators and industry next week to address complaints that the Environmental Protection Agency's Clean Air act permitting requirements are overly burdensome for Texas coal-fired power plants and other industries, Barton aides told BNA March 14. Barton has scheduled the first meeting of the task force for March 21 in Austin, to be followed by a March 24 field hearing by an Energy and Commerce subcommittee in Houston. Barton, who chaired the energy committee from 2004–2007, has invited regulators from the Texas Commission on Environmental Quality to participate in the task force, Barton aides said.

The task force is primarily concerned with greenhouse gas permitting requirements, although it could address other permitting issues as well, according to aides.

The scope of the field hearing will be "broader than issues raised by EPA permitting in Texas, with a focus on regulatory obstacles generally for plants in Texas," one Barton aide said.

"They are also inviting industry witnesses, state regulators, as well as state and federal officials" to the Houston hearing, the aide said. These include Energy and Commerce Committee members Pete Olson (R-Texas) and Gene Green (D-Texas).

Rep. Ed Whitfield (R-Ky.), who chairs the energy committee's Subcommittee on Energy and Power, has been asked to chair the Houston field hearing, Barton aides said.

The launching of the task force and field hearing are meant to address industry concerns following EPA's takeover in December of Texas' air quality permitting authority. EPA announced a rule Dec. 23 declaring that it was imposing a federal implementation plan on greenhouse gas emissions permitting that went into effect Jan. 2 for new and modified sources and that it would take over

state permitting to ensure that sources could get greenhouse gas emissions permits ( 75 Fed. Reg. 82,430).

#### **Solution Sought on EPA-Texas Clash**

The EPA greenhouse gas rules, promulgated in 2010, require new and modified large sources of regulated air pollutants to obtain Clean Air Act prevention of significant deterioration permits for increased greenhouse gas emissions and to control them using best available control technology (BACT).

The launch of the task force and field hearing is the culmination of weeks of preparations by Barton and staff on how to sort through that regulatory conflict as well as increasing legal obstacles for power plants and other large emitters of greenhouse gases in the state, such as cement kilns.

Environmental groups argue that the Texas Commission on Environmental Quality has failed to enforce the Clean Air Act in its granting of air quality permits, including those issued for a coal-fired power plant in Limestone County.

The regulatory dispute came to a head in December when EPA moved to take over Texas air permitting authority with publication of a Dec. 30 interim final rule that disapproved part of the Texas state implementation plan for enforcing Clean Air Act requirements.

While the agency's rule was initially stayed, a federal appeals court Jan. 12 reversed that decision, allowing the agency to wield its permitting authority in the state pending a review of the merits of a lawsuit challenging the interim rule (*Texas v. EPA*, D.C. Cir., No. 10-1425, 1/12/11; [9 DEN A-12, 1/13/11](#)).

By [Dean Scott](#)

[◀ Previous](#) | [Next ▶](#)

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David  
McIntosh/DC/USEPA/US  
05/16/2011 11:53 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Gina  
McCarthy, Seth Oster, Arvin Ganesan, Laura Vaught, Bob  
Sussman, Michael Goo, Bicky Corman, Scott Fulton  
cc  
bcc  
Subject a press release that the International Brotherhood of  
Electrical Workers is putting out today

**Statement of Edwin D. Hill, International President  
International Brotherhood of Electrical Workers, on the Need for Legislative Action to  
Phase in EPA Regulations on Clean Air Act**

We have reviewed the Environmental Protection Agency's proposed Mercury and Air Toxics Standard, also known as maximum achievable control technology (MACT), for utilities and firmly believe that the three-year timeframe for reducing emissions of carbon, mercury and other pollutants is not realistic. We agree with those who are seeking legislative action to phase in the impact of the regulations in a manner that will preserve jobs and reliable electric power.

We have met with the EPA to discuss our concerns and recognize that the EPA has limited discretion and flexibility in addressing compliance timelines because it is bound by the mandates of a federal court. We believe that realistic and reasonable standards will only be achieved through legislation.

We support reducing emissions and we have publicly supported a diverse energy portfolio. However, new nuclear plants take years to permit and construct. Despite efforts to introduce more renewables into our nation's energy mix – efforts the IBEW fully supports – the Department of Energy estimates that only 2 percent of our electricity was derived from wind, solar and geothermal in 2009.

Many of the affected coal plants, aged 50 to 60 years or older, are located in the Midwest, a region that is not well served by renewable energy sources. Early shutdowns of coal-fired plants could lead to the loss of 50,000 workers in utilities, mining, railroad and related occupations and 200,000 more in indirect losses. If – as most credible estimates predict – the utilities have to close 50,000 megawatts or more of coal plants, rates will soar and reliability will be dramatically affected in many parts of the country.

We agree with those who are calling on Congress to act. We will work with those who will craft a balanced approach to emissions limits with the need for jobs and reliable electricity.

###

*The [International Brotherhood of Electrical Workers](#) (IBEW) represents approximately 725,000 members who work in a wide variety of fields, including manufacturing, utilities, construction, telecommunications, broadcasting, railroads and government*

David  
McIntosh/DC/USEPA/US  
11/17/2010 07:15 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth  
Oster

cc

bcc

Subject Sen Baucus says he won't support the Rockefeller bill

Excerpt from the story that is pasted below:

But Sen. Max Baucus (D-Mont.), who previously expressed concerns about EPA's regulations, said he would not support the resolution on the floor. "I'm a little nervous about EPA making a sweeping decision," he said. "On the other hand, I don't support the Rockefeller bill. I don't even know if we are going to get to vote on that subject, because we have other issues that are more imminent."

## **CLIMATE: No schedule yet for Senate vote on EPA resolution (Tuesday, November 16, 2010)**

**Katherine Ling, E&E reporter**

A Senate floor vote on a resolution delaying U.S. EPA regulation of greenhouse gas emissions will depend on Republican cooperation on unemployment insurance extension and other issues, the EPA measure's lead sponsor said today.

Sen. Jay Rockefeller (D-W.Va.) said he plans to meet with Majority Leader Harry Reid (D-Nev.) later today to discuss the timing of a vote on his resolution, but that its consideration could largely depend on Republicans.

Rockefeller cautioned that the GOP could effectively "shut everything down" on the unemployment insurance extension, which is set to expire on Nov. 30. That issue, he said, could mean the difference between an abridged lame-duck session -- with little time to vote on an EPA delay -- and a longer stretch of legislating.

Reid also expressed uncertainty that a vote on the Rockefeller resolution would happen. "It is real hard just to say 'Yeah, we can do this,' because we have limited time to go through all the procedural motions," Reid said after the Democratic caucus meeting today. "But if there is a way we can do it, I will be happy to work with him."

Sen. Kit Bond (R-Mo.), who tried to pass Rockefeller's resolution by unanimous consent in September, said Republicans are going to try and bring up the resolution on legislation that is moving in the lame duck, although he said he was not sure what that would be.

If Rockefeller's resolution is brought up, Sen. Bob Casey (D-Pa.) said, he and other EPA supporters are weighing an effort to counteract the measure. Casey and

Sen. Tom Carper (D-Del.) have floated a countermeasure similar to EPA's "tailoring" rule that would exempt small emission sources while allowing regulation of the largest polluters.

A vote on the Rockefeller resolution "might provide an opportunity for an alternative," Casey said.

"It depends on if there's a vote, what that vote looks like, floor time, agreements -- I mean all the variables that even the leaders can't control," Casey said.

There is disagreement among moderate Democrats, as well.

Sen. Claire McCaskill (D-Mo.), a co-sponsor of the Rockefeller resolution, said earlier today that she was hopeful it would be brought up. But Sen. Max Baucus (D-Mont.), who previously expressed concerns about EPA's regulations, said he would not support the resolution on the floor.

"I'm a little nervous about EPA making a sweeping decision," he said. "On the other hand, I don't support the Rockefeller bill. I don't even know if we are going to get to vote on that subject, because we have other issues that are more imminent."

David  
McIntosh/DC/USEPA/US  
04/15/2011 10:34 AM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject Fw: Whitfield TVA statement - fyi

----- Forwarded by David McIntosh/DC/USEPA/US on 04/15/2011 10:34 AM -----

From: Laura Vaught/DC/USEPA/US  
To: Lorie Schmidt/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David  
McIntosh/DC/USEPA/US@EPA  
Date: 04/15/2011 08:31 AM  
Subject: Whitfield TVA statement - fyi

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# Whitfield Slams TVA Settlement with EPA Over Clean Air Act Litigation

April 14, 2011 4:35 PM

WASHINGTON, D.C. - U.S. Rep. Ed Whitfield, (KY-01), Chairman of the House Subcommittee on Energy and Power, today issued the following statement regarding today's announcement by the Tennessee Valley Authority (TVA) that it has settled legal challenges with the Environmental Protection Agency (EPA) and various advocacy groups:

“As Chairman of the House Subcommittee on Energy and Power, one issue that I have watched closely is the actions of those who seek to dictate national energy policy by targeting energy producers with lawsuits brought in concert with EPA. A prime example of what is wrong with national environmental policy in the United States – it is being determined by unelected bureaucrats and payoffs with absolutely no input from elected representatives in the Congress. We intend for this to stop.

“In this settlement, I note that TVA has agreed to pay nearly \$10 million in legal fees to EPA and \$350 million to EPA for greenhouse gas reductions not required by federal law, at a time when TVA has debt ceiling constraints and is seeking a debt ceiling increase. I find this outrageous.

“I am immensely concerned that this judgment will result in higher costs for electricity ratepayers and will affect their living in Kentucky’s coal industry. I am visited regularly by businesses and individuals expressing concern that TVA must do better and I will insist on that.”

###

David  
McIntosh/DC/USEPA/US  
03/30/2011 06:17 PM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject Senate delays vote on EPA amendments for at least one more day

wheeee

## **CLIMATE: Senate delays vote on EPA amendments for at least one more day (Wednesday, March 30, 2011)**

Jean Chemnick, E&E reporter

The Senate won't vote until tomorrow evening -- at the earliest -- on competing measures to limit EPA's power to regulate greenhouse gases.

Four proposals have been offered as amendments to a small business bill, but Senate leaders spent much of the day trying to hammer out a unanimous consent agreement over the objections of Sen. Tom Coburn (R-Okla.), who has held up the bill while he pushes for a vote on his amendment to strip the ethanol tax credit.

"I think realistically we won't have any votes this afternoon," said Senate Majority Leader Harry Reid (D-Nev.) this afternoon.

The Senate won't meet until tomorrow afternoon to accommodate members who will be attending the funeral of former Rep. Geraldine Ferraro (D-N.Y.) in New York. Reid said the chamber could hold as many as 10 votes -- including one or more votes related to EPA -- tomorrow afternoon and early Friday.

Four senators have proposed amendments to rein in EPA regulation or to delay it. All have been panned by environmentalists, while industry groups favor an amendment by Senate Minority Leader Mitch McConnell (R-Ky.) that would take EPA climate change regulations off the table permanently.

McConnell's amendment, which is derived from a bill sponsored by Sen. James Inhofe (R-Okla.), would provide a temporary exemption for tailpipe emissions rules for greenhouse gases through model year 2016.

Sen. Jay Rockefeller (D-W.Va.) has proposed a two-year delay for greenhouse gas rules, while Sen. Max Baucus (D-Mont.) would reinforce the current EPA strategy of exempting small emitters and agriculture from rules. Baucus would make some additional changes to Clean Air Act rules and would strike a 2007 energy bill requirement that EPA consider the effects of biofuels production on international land-use change when calculating whether a fuel qualifies as "advanced" under the renewable fuel standard.



A new amendment by Sen. Debbie Stabenow (D-Mich.) would delay EPA rules for two years, strike the indirect land-use provision for biofuels, permanently exempt agriculture and prohibit EPA from offering a waiver to states like California to formulate tailpipe emissions standards, among other provisions.

None of these amendments appear likely to clear the Senate, which nonetheless spent much of today discussing them.

Sen. John Barrasso (R-Wyo.), who has introduced his own bill to bar the federal government broadly from regulating greenhouse gas emissions, said "the McConnell-Inhofe amendment, the one I support, is an amendment that will block the EPA's attempt to enact the same 'cap and tax' bill that has been defeated time and time again on Capitol Hill."

Meanwhile, Sen. Barbara Boxer (D-Calif.), chairwoman of the Environment and Public Works Committee, said all the amendments represent a rollback of needed protections.

"There's a lot of talk about how this is bad for business, but the fact is, every time the polluters got up and said, 'Don't pass any more Clean Air act amendments; it's going to be bad for jobs,' we found out that cleaning the environment actually creates jobs," she said. "Not only does it create jobs, it creates new technologies."

David  
McIntosh/DC/USEPA/US  
05/24/2011 07:04 AM

To Richard Windsor  
cc Seth Oster, Adora Andy, Brendan Gilfillan  
bcc  
Subject PLEASE READ: Issa rpt is out - here are the EPA-related excerpts

[http://oversight.house.gov/images/stories/Testimony/REPORT\\_-\\_Rising\\_Energy\\_Costs\\_An\\_Intentional\\_Result\\_of\\_Government\\_Action.pdf](http://oversight.house.gov/images/stories/Testimony/REPORT_-_Rising_Energy_Costs_An_Intentional_Result_of_Government_Action.pdf)

EPA has collaborated with environmental groups to target independent energy producers for environmental concerns not related to their operations. *In an email message reviewed by the Committee, environmental advocates and EPA's Texas-based regional director exchanged celebratory accolades for efforts that create barriers to energy production. One exchange concluded: "Yee haw! Hats off to the new Sheriff and his deputies!"*

*The Obama Administration has advanced an agenda that discourages development of domestic carbon-based energy resources. Administration actions include the threat of new*

*federal regulation of hydraulic fracturing, withdrawal of federal lands, both on and offshore,*

*from energy production, increasingly burdensome requirements for oil shale research and development leases, and a de facto moratorium on drilling permits. This strategy has added to*

*permitting delays, created additional layers of review, and prolonged study periods. In addition,*

*other laws such as the Endangered Species Act and the Clean Air Act have been used to further*

*suppress domestic oil and gas production, leading to higher gasoline prices and growing*

*dependence on foreign oil.*

*Before EPA issued the Endangerment Finding for Greenhouse Gasses under the Clean A*

*ir Act (CAA), the White House and the agency had been warned by economists, legislators,*

*and their own advisors that the GHG regulations would impose a high cost on the economy via*

*higher energy prices and increased uncertainty. Former Energy and Commerce Chairman Dingell*

*famously stated in April 2008 that regulating GHGs under the CAA would result in a "glorious*

*mess"*

*Failing to pass cap-and-trade, the Administration turned to regulation to do what it*

*couldn't via Congress. Namely, EPA issued the controversial endangerment finding for CO2 and*

*other greenhouse gases (GHGs). This finding put in motion the onerous mechanisms of the*

*Clean Air Act which imposes enormous costs on consumers of carbon-based fuel.*

*Before EPA issued the Endangerment Finding for Greenhouse Gasses under the Clean*

*Air Act (CAA), the White House and the agency had been warned by economists, legislators,*

*and their own advisors that the GHG regulations would impose a high cost on the economy via*

*higher energy prices and increased uncertainty. Former Energy and Commerce Chairman Dingell*

*famously stated in April 2008 that regulating GHGs under the CAA would result in a "glorious*

*mess"*

*that would wreak havoc on the economy. In March 2009, then-Ranking Member Issa*

*warned EPA that, . . . the immediate result of issuing an endangerment finding is that thousands*

*of American small businesses, already struggling in one of the toughest economic [climates] our*

*generation has ever seen, will be thrown into a sea of legal uncertainty, further depressing their*

*ability to stay viable.*

*Bottom line: the Administration knew that the implementation of EPA's*

*GHG regulations would have a large economic impact. During consideration of cap-and-trade*

*legislation, a top White House economic official warned that, "if you don't pass this [cap-and-*

*trade] legislation then...the EPA is going to have to regulate in this area. And it is not going to*

*be able to regulate in a market-based way, so it's going to have to regulate in a command-and-*

*control way, which will probably generate even more uncertainty."*

Despite the success of fracking, federal agencies appear to be in a race to see which one can regulate it first. The Department of Interior announced last November that it will consider r

egulating fracking on federal lands.

The EPA, which concluded seven years ago that fracking

"poses little or no threat" to drinking water supplies, is revisiting the issue. Having found no

evidence that fracking chemicals reach drinking water, EPA now wants to study the entire

lifecycle of the water used. In addition, DOE has convened a study group to review the fracking

process. In a written statement, DOE Secretary Steven Chu stated, "I am looking forward to

hearing from this diverse, respected group of experts on best practices for safe and responsible

natural gas production." Although the study groups members are certainly highly respected, a

survey of their biographies indicates none has recent industry experience with the advancements

in the technology.

*As Chairman Fred Upton of the Energy and Commerce Committee pointed out,*

*the*

*duplicative efforts of DOI, DOE, and EPA run contrary to the Administration's pledge to*

*eliminate government waste and streamline processes. It mirrors the President's favorite example*

*of the headache caused by agency jurisdiction, "The Interior Department is in charge of salmon*

*while they're in fresh water, but the Commerce Department handles them when they're in*

*saltwater. I hear it gets even more complicated once they're smoked."*

*Additional regulation of fracking is unnecessary because, as EPA Administrator Lisa*

*Jackson pointed out, fracking is not an unregulated activity.*

*Federal regulation by*

*EPA, DOE, and DOI would cause needless delay and uncertainty along with multiple additional*

*layers of red tape. Ultimately, federal intervention will chill investment and decrease energy*

*independence.*

*Quite the opposite - the states, not*

*the federal government, have always regulated the process and have done so with a solid track*

*record. Officials in state after state have gone on the record to say that fracking has not caused*

*any problems and any reports to the contrary are inaccurate.*

*One of the principal obstacles to drilling is EPA's failure to issue an air pollution permit for the project. Since most new offshore drilling has occurred in the Gulf of Mexico under Interior jurisdiction, EPA has little experience with offshore permitting. That inexperience seems to be amounting to incompetence. Alaska Senator Lisa Murkowski testified before*

*the*

*House Energy and Commerce Committee, "If EPA cannot demonstrate some competency ...*

*then EPA should not expect to keep its authority for long."*

*After years of studying the issue,*

*EPA granted an air permit last summer only to have it remanded by the EPA's Environmental*

*Appeals Board in January for not adequately reviewing the potential health effects on people*

*living on shore. The closest village, located 70 miles from the proposed drill site and occupying one square mile, is home to 245 people. EPA Administrator Lisa Jackson told the*

*Senate Energy Committee, "I believe that the analysis will clearly show that there is no public*

*health concern here."*

*Shell continues to wait for the rest of EPA to conclude what its*

*Administrator already has.*

*A "curious" twist in the quest to develop NPR-A is the related action of other agencies.*

*EPA and the U.S. Fish and Wildlife Service both designated the Colville River Delta as an "Aquatic Resource of National Significance," a decision they made without notice and comment,*

*but one that potentially has great consequences. Sen. Murkowski's spokesman called the move "capricious and done only to interfere with development."*

*EPA's Contribution to NEPA Delays*

*EPA is also responsible for delays at the project approval stage. A couple of examples best illustrate the effect of EPA's pressure on land managers conducting NEPA analyses. In*



*one*

*case, involving a large project of 1,250 wells in Wyoming, EPA inexplicably changed the type of*

*air study it required. The companies involved in the EIS for the large project had already spent*

*\$2.5 million based on prior guidance from EPA. In a second case, EPA asked a small*

*business operating in Utah, Gasco Energy, to complete three rounds of air modeling for its 1,500*

*well project. EPA changed its request three times as to what type of air study it required, which*

*resulted in years of delay and hundreds of thousands of dollars in unnecessary expenses. EPA*

*made these requests despite Gasco Energy agreeing to controls and other mitigation measures*

*above and beyond those the law requires.*

*Texas has weathered the recession better than most states,*

*Last June, the EPA decided to strike down the "flex permit" system Texas has used since 1996, rejecting Texas-issued air-quality permits for refiners and other industrial plants.*

*due in no small part to a*

*booming oil and gas production, and the state is fighting to keep EPA from interfering with its*

*success. Under Obama, EPA put a spotlight on the state, seemingly assuming that a profitable*

*oil and gas industry is an indication of insufficient regulation.*

*Then,*

*in December, EPA sent Texas regulators a letter saying it had "no choice" but to seize control of*

*permitting in the state.*

## **EPA Oversteps Texas Regulator**

*Another high profile example of the EPA overstepping Texas regulators based on false claims of urgency came last December. The issue began when a landowner filed a complaint*

*with the Texas Railroad Commission (RRC), the state oil and gas regulator, on August 6, 2010,*

*stating that methane had contaminated water wells. The RRC commenced a full investigation*

*into the source of the methane within days of the complaint. Over the next several months, the*

*RRC – with full cooperation from Range, the company that owned gas production wells nearby –*

*collected samples, performed tests, and conducted interviews. The investigation found that*

*homeowners in the area had reported gas in their water for decades. Chemical fingerprinting of*

*the gas in the well indicated that it did not come from Range's wells but from a shallow gas*

*formation where wells were drilled in the early 1980s. After finishing its investigation in March 2011, the RRC officially concluded that Range did not cause the water well contamination and that it likely came from the shallow gas formation.<sup>225</sup>*

*EPA, on the other hand, raced to issue an emergency order in December 2010, assuming the culpability of Range without the benefit of all the facts. EPA did not allow the RRC to finish*

*its investigation,*

*did not discuss the results of independent EPA sampling with the RRC as the*

*organizations had planned, and did not give Range an opportunity to present important*

*objective facts. The Order directed Range to provide drinking water to the residents and to*

*begin taking actions to correct the problem within 48 hours. The Order imposed costly*

*requirements on Range, yet EPA has been unable to provide data indicating Range production*

*activities contributed to the contamination of the wells. In addition to the cost of its voluntary*

*cooperation with the Texas RRC, Range is incurring significant expenses defending itself –*

*between \$1.5 million to \$1.75 million so far.*

*The Committee has reviewed documents indicating that this action was coordinated with*

*local environmental activists. EPA Regional Administrator Al Armendariz wrote in an email to*

*his friends at the Environmental Defense Fund and Public Citizen just before issuing the press*

*release, "We're about to make a lot of news [...] [T]ime to Tivo Channel 8."*

*Such an act was unprecedented in Texas.*

*He went on,*

*"Thank you both for helping to educate me on the public's perspective of these issues."  
"Yee*

*haw! Hats off to the new Sheriff and his deputies!" one activist replied.<sup>231</sup>*

*After issuing the emergency order, EPA shifted rapidly into spin mode, exaggerating the  
circumstances and misrepresenting the work already conducted by the RRC. "I believe  
we've got*

*two people whose houses could explode. So we've got to move," the Administrator told  
the*

*Dallas Morning News ,*

*attempting to justify his declaration of an "imminent and substantial*

*endangerment to a public drinking water aquifer through methane contamination" from  
Range's*

*"fracked" production well.*

*EPA also played into environmental rhetoric by highlighting that Range utilized*

*hydraulic fracturing to produce natural gas. The Order did not allege the gas was a*

*consequence*

*of hydraulic fracturing, and EPA technical staff admitted that hydraulic fracturing in the Barnett*

*Shale deep below the well could not be the cause of the gas occurring in the water wells.*

*In reality, the emergency basis was false. As the findings of fact*

*attached to the order stated, the threat to the homes had already been evaluated, and one of the*

*water wells had been disconnected from the home months earlier.*

*Despite the well contamination having no connection to hydraulic fracturing, EPA included in*

*their press release announcing the emergency order, "EPA believes that natural gas plays a key*

*role in our nation's clean energy future and the process known as hydraulic fracturing is one way*

*of accessing that vital resource. However, we want to make sure natural gas development is*

*safe."*

*EPA has refused to cooperate with either the Range or the RRC to resolve the dispute. In*

*January, the RRC held an open hearing to receive expert testimony on the issue. Several experts*

*explained flaws in EPA's methodology, explaining that deep Barnett Shale had very low levels*

*of nitrogen compared to the shallow Strawn formation.*

*Possibly not so coincidentally, Range is also a very active driller in the Marcellus Shale*

*of Pennsylvania.*

*Nitrogen, therefore, was the*

*distinguishing fingerprint. If the well had high levels of nitrogen, then the contamination was*

*not coming from the Barnett Shale where Range had drilled. EPA had failed to conduct this*

*analysis, but RRC took the time to do it. EPA declined to participate in the open hearing. Some*

*critics joked that "EPA had better things to do – like asking the Department of Justice to impose*

*a \$16,500-a-day fine on the company for failing to comply with an order that EPA itself has*

*neither the interest nor ability to defend or explain in an open forum."237*

*One Texas Railroad Commissioner called EPA's action "Washington politics of the*

*worst kind. The EPA's act is nothing more than grandstanding in an effort to interject the federal*

*government into Texas business. The Railroad Commission has been on top of this issue from*

*Day 1. We will continue to take all necessary action to protect Texas lakes, rivers and aquifers.*

*Texans have no interest in Washington doing for Texas what it did for Louisiana fishermen."*

**David  
McIntosh/DC/USEPA/US**  
04/14/2011 06:39 PM

To Richard Windsor, Seth Oster, Adora Andy, Brendan Gilfillan,  
Michael Moats, Arvin Ganesan, Laura Vaught, Michael Goo,  
Bicky Corman

cc

bcc

Subject Speech by Southern Company CEO Tom Fanning yesterday

Fanning quote: Nationally, those energy costs could rise as much as 20% as a result of this new proposed regulation. And reliability could suffer.

How a reasonable person might respond: It is equally true to say that I could earn as much as 100 million dollars by singing show tunes on the street.

Fanning quote: There are predictions that as a result of the proposed regulations, as much as 70,000 megawatts of coal generation could be shut down by 2015, potentially impacting 35,000 jobs.

How a reasonable person might respond: It is equally true to say that, as a result on an upcoming alien invasion, as much as half of Planet Earth could be incinerated by 2015, potentially exterminating three quarters of the human population.



David  
McIntosh/DC/USEPA/US  
03/14/2011 12:32 PM

To Richard Windsor, Seth Oster, Arvin Ganesan, Diane  
Thompson, Bob Perciasepe, Laura Vaught, Adora Andy,  
Brendan Gilfillan

cc

bcc

Subject Fw: Politifact: Upton Claim That Halting EPA Regs Would  
"Stop Rising Gas Prices" FALSE

----- Forwarded by David McIntosh/DC/USEPA/US on 03/14/2011 12:32 PM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients;;  
Date: 03/14/2011 12:30 PM  
Subject: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

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Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
(b) (6) Personal Privacy M  
*dweiss@americanprogress.org*

<http://www.politifact.com/truth-o-meter/statements/2011/mar/14/fred-upton/fred-upton-says-pending-bill-block-epa-curbs-green/>

**A bill that would halt the EPA from regulating greenhouse gases would help "stop rising gas prices."**

[Fred Upton](#) on Tuesday, March 8th, 2011 in a letter to fellow Members of Congress

**Fred Upton says pending bill to block EPA curbs of greenhouse gases will 'stop rising gas prices'**



**Share this story:**

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued

in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The [measure](#) -- [which Whitfield's subcommittee approved on March 10, 2011](#), and which now heads to the full committee -- would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the [March 8, 2011, letter](#), which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!"

"Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas," the lawmakers wrote. "Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. ...

"H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on ... all of our nation's fuels producers.... If small refiners are forced out of business, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

"We ... have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise."

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of U.S. refineries would indeed be affected.)

"It's Economics 101," said John Felmy, chief economist at the American Petroleum Institute. "The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally."

Others argue the refining industry could adapt to new regulations.

"Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act," said Amy Myers Jaffe, a fellow in energy studies at Rice University.

"So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust," Jaffe said. "It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.'"

Indeed, while a shift to overseas refiners could have negative consequences for the nation -- it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security -- it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question -- when any impact might be felt -- the rules wouldn't take effect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo -- not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill -- if there is an one -- would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs -- up or down -- will influence gasoline prices, which are subject to a wide array of influences. We find their claim False.

--

**Matt Trojan**

(c) (b) (6) Personal Privacy

**David  
McIntosh/DC/USEPA/US**  
12/25/2010 11:17 AM

To Richard Windsor, "Diane Thompson", Bob Perciasepe, "Seth  
Oster", Bob Sussman, ganesan.arvin, andy.adora  
cc  
bcc

Subject NYTimes Editorial: A Coming Assault on the EPA

## A Coming Assault on the E.P.A.

Republicans in the next Congress are obviously set on limiting the Environmental Protection Agency's authority under the Clean Air Act to regulate a wide range of air pollutants — even if it means denying the agency money to run its programs and chaining its administrator, Lisa Jackson, to the witness stand. Fred Upton, who will become the next chairman of the House Energy and Commerce Committee, says he plans to call Ms. Jackson so often for questioning that he'll guarantee her a permanent parking space on Capitol Hill.

It is equally plain that Ms. Jackson has no intention of abandoning her agenda or her defense of one of the most successful of America's landmark environmental statutes. What is not clear is where the White House stands and whether it is prepared to resist industry's standard litany that E.P.A. is as an out-of-control agency threatening jobs with unnecessary rules.

President Obama's political advisers have shown little enthusiasm for environmental issues. Mr. Obama himself ceded leadership on the climate-change issue to Congress, which ended up doing nothing. On the other hand, his chief environmental adviser is Carol Browner, herself a former E.P.A. administrator whose aggressive clean-air initiatives in the Clinton years would never have prevailed without Oval Office support.

Which is just what Ms. Jackson will need in the months ahead. On her plate is: a proposed rule reducing pollutants like sulfur dioxide, the acid rain gas, from power plants east of the Mississippi River; a first-of-its-kind rule limiting toxic pollutants like mercury, which the agency has been ducking for years; and, most problematic, proposals imposing new "performance standards" on power plants to limit greenhouse gases.

Taken together, these and other pending rules should lead to a dramatically less polluting fleet of power plants, a process already set in motion by the rapid decline in natural gas prices. That has encouraged industry to retire dirtier coal-burning facilities. Everyone will benefit: citizens from cleaner air, lakes and fish from reduced mercury deposits, the atmosphere from lower greenhouse gases.

Some important players in industry are ready for change. In a recent letter in The Wall Street Journal, a group of powerful utilities including Pacific Gas and Electric and New Jersey's Public Service said that industry had had plenty of time to prepare, that pollution could be reduced in cost-effective ways and that newer and cleaner plants will create jobs, not destroy them.

But this is hardly a universal view in industry and in Congress. Although the Supreme Court ruled in 2007 that the Clean Air Act gives the E.P.A. not just the right but the obligation to regulate greenhouse gases, the Senate tried to subvert that authority once. Senator John Rockefeller IV, a Democrat who represents West Virginia coal interests, will surely try again.

Ms. Jackson will have to be tactically smart, lest overreaching on one rule brings the whole house down. She has already delayed new air-quality standards for ozone. She says she needs more scientific evidence to set precise limits. Historically, clean-air rules are almost always litigated, so having sound science on her side is essential.

But she won't get far without Mr. Obama's backing. Ms. Browner could remind the president that it was after a dispiriting Republican midterm victory that President Bill Clinton found his feet on environmental issues. In 1995, the Newt Gingrich crowd came to town promising to overturn a whole body of environmental law. Mr. Clinton rose up, not only winning the big battles, but eventually compiling a sterling record. Mr. Obama should emulate him.

David  
McIntosh/DC/USEPA/US  
04/09/2011 05:55 PM

To Windsor.Richard, thompson.diane, Perciasepe.Bob,  
Fulton.Scott, "Bob Sussman", "Seth Oster", andy.adora,  
"Barbara Bennett", "Arvin Ganesan", "Laura Vaught",  
"Michael Goo", corman.bicky

cc

bcc

Subject Fw: [POSSIBLE SPAM] The Hill today at 302pm EDT: No  
study of EPA regulations in final spending agreement

---

**From:** Vickie Patton [vpatton@edf.org]  
**Sent:** 04/09/2011 05:52 PM AST  
**To:** Vickie Patton <vpatton@edf.org>  
**Subject:** [POSSIBLE SPAM] The Hill today at 302pm EDT: No study of EPA regulations in final spending agreement

Neither the study nor the EPA riders are included in the final agreement, Reid spokesman Jon Summers told The Hill Saturday.

## **No study of EPA regulations in final spending agreement**

By Andrew Restuccia - 04/09/11 03:02 PM ET

A last-minute spending deal to avoid a government shutdown reached late Friday night does not include a requirement to study the effects of Environmental Protection Agency's regulations, a spokesman for Senate Majority Leader Harry Reid (D-Nev.) said.

Key Senate Democrats said Friday afternoon that they were [considering accepting such a study](#) in exchange for Republicans dropping policy riders restricting various EPA rules.

Neither the study nor the EPA riders are included in the final agreement, Reid spokesman Jon Summers told The Hill Saturday.

Republicans had been pushing for the inclusion of a series of policy riders that would prohibit EPA from implementing climate and other regulations in the legislation to fund the government through the end of the fiscal year.

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David  
McIntosh/DC/USEPA/US  
04/04/2011 04:35 PM

To "Richard Windsor"  
cc  
bcc

Subject Fw: From E&ENews PM -- EPA: Agency's supporters weigh  
in ahead of House vote

Pls note the reference below to a new, and helpful, UAW letter.

---

**From:** David McIntosh  
**Sent:** 04/04/2011 04:30 PM AST  
**To:** David McIntosh  
**Subject:** From E&ENews PM -- EPA: Agency's supporters weigh in ahead of House vote

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

**Personal message:**

### An E&E Publishing Service

**EPA: Agency's supporters weigh in ahead of House vote** *(Monday, April 4, 2011)*

**Jean Chemnick, E&E reporter**

Congress has been debating for months whether to strip U.S. EPA of its power to regulate greenhouse gas emissions, and the arguments for and against such legislation have been visited time and again.

But with the House planning a Wednesday vote on the EPA pre-emption bill sponsored by Energy and Commerce Chairman Fred Upton (R-Mich.), Democrats and other proponents of carbon regulation are rushing to register their disapproval.

In a letter to House Speaker John Boehner (R-Ohio), more than 150 Democrats -- enough to sustain a presidential veto -- led by Energy and Commerce ranking member Henry Waxman (D-Calif.) touted the bipartisan history of the Clean Air Act, the law that EPA would use to regulate carbon.

"The law has led to unprecedented environmental and public health strides, while at the same time our economy has more than tripled," they said.

Supporters of the Upton bill have said EPA's current and proposed greenhouse gas regulations are an example of runaway regulation, but EPA backers counter that the agency has shown a willingness to consider industry interests in crafting rules.

"Indeed, EPA has already wisely used this authority to implement one notational automobile standard to reduce our dependence on foreign oil and reduce carbon emissions," the group wrote, referring to a 2009 agreement brokered by the Obama administration with input from automakers, states and environmentalists.

That agreement calls for a 35.5-mile-per-gallon standard for motor vehicles by model year 2016. The Upton bill would allow that agreement to proceed, but it would bar EPA and the states from crafting similar tailpipe emissions standards in the future.

The letter supporting EPA was signed by Rep. John Dingell (D-Mich.), a supporter of his home state's auto industry and a longtime opponent of increased fuel economy standards for cars and trucks.

United Auto Workers also released a letter to lawmakers today asking them not to pass the Upton bill, in part because it would jeopardize future agreements like the tailpipe emissions rule.

"When announced, this national program was applauded by all participants," the union said. "We



view this federal regulation as a 'win-win,' providing certainty to the auto industry, while leading to significant oil savings and a cleaner, healthier environment. Moreover, this regulation, in combination with federal policies to support domestic manufacturing of advanced technology vehicles and their key components, is leading to the creation of tens of thousands of new jobs in the auto sector."

Finally, more than 500 environmental, public health and other advocacy organizations signed a letter to Congress asking lawmakers not to tinker with EPA's regulatory authorities. The group stressed the effect emissions have on public health, an argument that proponents of EPA regulation have focused on throughout this year's congressional debate.

"Over the coming years the EPA will be fulfilling its duty to reduce the smog and soot pollution, air toxics, and global warming pollution that are the cause of these public health threats," the coalition said. "We urge you to fully support the EPA in fulfilling this responsibility. Doing so is quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more."

Environmentalists say rising temperatures linked to greenhouse gas emissions contribute to the formation of smog, but opponents of EPA climate rules note that direct exposure to carbon does not present a threat to human health.

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**Diane  
Thompson/DC/USEPA/US**  
11/19/2010 10:58 AM

To "Richard Windsor"  
cc  
bcc  
Subject Mrng mtg

Scott will be calling u abt yesterdays mtg. Bob and I said there was nothing new yet. Also discussed boiler MACT and challenge with ct ordered deadline. We hv brfgs scheduled for Monday. Call if u need anything.

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor, perciasepe.bob, oster.seth

08/15/2011 12:05 PM

cc

bcc

Subject Fw: APPEAL TO CHAMBER BOARD MEMBERS TO REVIEW THEIR CHALLENGES TO EPA ON CLIMATE CHANGE

Interesting reading.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 08/15/2011 12:04 PM -----

From: "Smith, Timothy" <tsmith@bostontrust.com>  
To: Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Cc: David Gardiner <david@dgardiner.com>, <Stu.Dalheim@Calvert.com>, Mindy Lubber <lubber@ceres.org>, Chris Fox <fox@ceres.org>, Anne Kelly <kelly@ceres.org>, Rob Berridge <berridge@ceres.org>, Erica Scharn <scharn@ceres.org>  
Date: 08/15/2011 10:43 AM  
Subject: FW: APPEAL TO CHAMBER BOARD MEMBERS TO REVIEW THEIR CHALLENGES TO EPA ON CLIMATE CHANGE

---

Dear Gina and Joe,

I write you at the suggestion of our mutual friend David Gardiner who as you know works closely with Ceres, a coalition of investors deeply committed to address the environment and climate issues.

We know both of you, as well as Lisa Jackson, who so ably leads the EPA, are deeply aware of the ongoing challenges to the EPA from the U.S. Chamber of Commerce and some of its members who are persistently working to limit the powers of the EPA to do their job and address Greenhouse Gas Emissions and climate change.

This has been a long time concern of our company as well as other pension funds and firms which work with Ceres. Since we own shares in companies sitting on the Chamber Board, many of which state publicly they are supportive of environmental sustainability, we have challenged them to deal with the disconnect between their public stance on the environment and their role on the Chamber Board.

As you can imagine this has led to dozens of interesting dialogues and has led us to file resolutions with a number of companies on this exact topic.

I wanted you to have a copy of a letter that was just sent to over 20 companies urging them as Chamber Board members to demand that the Chamber "retreat to a neutral corner" now that the Supreme Court has once again ruled this is your legal and job responsibility. We hope this letter and alert which we circulated widely, can be shared within the EPA with colleagues so that you can see many investors are supportive of your leadership on climate change and are pressing this issue with businesses directly.

We look forward to hearing your reaction.

Timothy Smith  
Senior Vice President  
Director of ESG Shareowner Engagement  
Walden Asset Management, a division of Boston Trust & Investment Management  
33rd floor, One Beacon St.,  
Boston, MA. 02108  
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[www.waldenassetmgmt.com](http://www.waldenassetmgmt.com)

*Walden Asset Management has been a leader in integrating environmental, social and governance (ESG) analysis into investment decision-making since 1975. Walden offers separately managed accounts tailored to meet client-specific investment guidelines and works to strengthen corporate ESG performance, transparency and accountability. Walden Asset Management is a division of Boston Trust & Investment Management Company.*

August 12, 2011

## INVESTORS CALL ON COMPANIES SERVING ON CHAMBER AND NAM BOARDS TO END THEIR CHALLENGES TO THE SEC ON CLIMATE CHANGE AND OVERSIGHT OF GREENHOUSE GAS EMISSIONS

In January an Open Letter signed by 44 investors with \$43 Billion of AUM was sent to 35 companies. These companies all serve on the Board of the U.S. Chamber of Commerce and most were also leaders in sustainability. The letter also was the foundation for a number of dialogues. But only 15 companies wrote back or responded verbally. Investors also raised this issue at about a dozen shareholder meetings this last season.

One of the standard, oft seen responses from companies was that Congress should set policy on climate change and GHG and the EPA should not "legislate" for the Government. Thus there was widespread opposition to the EPA's role in dealing with climate change led both by the Chamber and National Association of Manufacturers (NAM).

From our point of view the grounds for that opposition changed dramatically with the Supreme Court decision (8 to 0) on AEP v. Connecticut where the Supreme Court clearly stated it was the responsibility of the EPA under the Clean Air Act to deal with this issue. The Chamber may not like this fact but it is a reality !

Thus Walden Asset Management and Calvert, led by Stu Dalheim, followed up with a letter to over 20 companies on the Chamber Board and 24 companies on the NAM board (there was some overlap with companies on both ) and urged them to review their own company position on the EPA's role and to ask the Chamber and NAM to "retreat to a neutral corner" and end their campaign . The Chamber version of the letter went to Pfizer, PepsiCo, WellPoint, Kodak, UPS, FedEx, Anheuser Busch, Xerox, Deere, IBM, CVS Caremark, New York Life, Spencer Stuart, Charles Schwab, Peabody Energy, State Farm, A.O. Smith, The Travelers, Allstate, Accenture, Duke Energy.

We enclose a sample copy of the letter below, this one to IBM.

We believe this is an important public policy request to companies who state they are leaders in sustainability yet work through the Chamber to oppose the EPA and other government intervention on climate change. We wanted to alert you to this initiative.

Timothy Smith  
Senior Vice President  
Director of ESG Shareowner Engagement  
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-----  
-----  
August 10, 2011

Mr. Samuel J. Palmisano  
Chairman and CEO  
International Business Machines Corporation  
1 New Orchard Road  
Armonk, NY 10504-1722

Dear Mr. Palmisano

We are writing to follow up on our earlier correspondence about your role on the U.S. Chamber of Commerce ("Chamber") Board and the Chamber's position on EPA leadership on climate change. You will recall that 44 investors representing approximately \$43 billion in assets under management wrote in January to **IBM** to highlight our concern about the misalignment between your company's leadership on climate change and other sustainability issues and your role on the Board of the Chamber.

As you know from past letters, we have a great deal of respect for the leadership provided by IBM on a wide range of environmental, social and governance issues.

We also are appreciative of the ongoing dialogue led by Diana Lyons and Andrew Bonzari and the respectful hearing you have this issue at the IBM stockholder meeting.

We are writing today to IBM and other companies on the Chamber Board with a specific proposal.

As a Board member, we believe **IBM** is obligated to play an active role, since the Chamber states that it represents its members when it takes policy stands and actively lobbies. In addition, the Chamber's website clearly states that the Board makes policy and advises on strategies and implementation plans.

If the Chamber's positions differ significantly from your company's sustainability policies and practices, we believe it is important for your company to clearly state what it stands for at both the Chamber Board and Committee level. We understand that you cannot be involved in each and every issue that the Chamber lobbies for. However, sustainability and the environment are so central today to your company's brand that it seems imperative for you to be visible and vocal on the Chamber Board. Some issues are so crucial and high-profile that they require a company to publicly differentiate its position from the Chamber's.

We write today to specifically address the Chamber's position on the Clean Air Act and EPA's role. In light of the recent U.S. Supreme Court decision, we request that you update your company's position on EPA leadership on climate and also request that you use your position on the Board to urge the Chamber to step back from its challenges to the EPA and retreat to a "neutral corner." The Chamber's position is no longer defensible.

The recent 8-0 Supreme Court decision in *AEP v. Connecticut* reemphasized that carbon dioxide emissions qualify as air pollution under the Clean Air Act, reaffirming the Court's 2007 decision in *Massachusetts v. EPA*. In its decision the Court explained that the plaintiff states could not bring a nuisance suit seeking a reduction in emissions from power plants because the Clean Air Act already addressed that. As the Court explained, "The critical point is that Congress delegated to EPA the decision whether and how to regulate carbon-dioxide emissions from power plants." The Court noted that setting emissions standards requires an assessment of environmental, energy, and economic interests, and that the "Clean Air Act entrusts such complex balancing to EPA in the first instance."

The Supreme Court has therefore once again made clear that addressing greenhouse gas emissions falls under the authority that the Clean Air Act gives EPA. The Chamber may wish that this was not the case, but it is a present reality.

It is clear that EPA is acting under a Congressional statute. If your company truly believes the Clean Air Act is not the best statute for addressing climate change, we would gladly work with you in support of efforts to get a new comprehensive climate and energy bill through Congress. Rather than trying to block EPA, we would ask that you encourage Congress to adopt explicit measures to reduce greenhouse gas emissions. This should include low-carbon strategies focused on energy efficiency, renewable energy, clean transportation, and fuel efficiency. However, to favor repeal of EPA's authority, as the Chamber has, while failing to support a meaningful alternative is not a responsible approach.

In the near term, any serious work on climate change at the federal level will not come from Congress but will be lead by EPA. Thus we write to ask **IBM** to take two steps:

1. Update and publicly disclose your position on the Clean Air Act and EPA's role on climate change, incorporating this new reality.
2. Indicate to the Chamber that this is your revised position and request that it step back from further public challenges of EPA or further lobbying to strip EPA of its authority.

We look forward to further conversation on this issue.

Sincerely,

Timothy Smith  
Senior Vice President  
Director of ESG Shareholder Engagement

Stu Dalheim  
Director, Shareholder Advocacy  
Calvert Investments, Inc.

Cc: Original letter signers

Andrew Bonzani  
Diana Lyons

---

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Walden Asset Management  
BTIM, Inc.**

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Gina McCarthy/DC/USEPA/US

To Richard Windsor, "Bob Perciasepe", "Bob Sussman",  
"Michael Goo", "Scott Fulton"

11/14/2011 01:15 PM

cc

bcc

Subject Fw: States' Report Predicts Stricter Fuel Sulfur Cap Will Help  
Bid To Cut Ozone (Inside EPA)

Just an fyi related to Tier 3.  
Margo Oge

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

**From:** Margo Oge

**Sent:** 11/14/2011 10:41 AM EST

**To:** Gina McCarthy

**Subject:** Fw: States' Report Predicts Stricter Fuel Sulfur Cap Will Help  
Bid To Cut Ozone (Inside EPA)

This the NESCAUM report. May want to share with Bob and Administrator. Thx  
Justin Cohen

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

**From:** Justin Cohen

**Sent:** 11/14/2011 10:29 AM EST

**To:** Margo Oge

**Cc:** Chet France

**Subject:** Fw: States' Report Predicts Stricter Fuel Sulfur Cap Will Help  
Bid To Cut Ozone (Inside EPA)

per your request

Justin Cohen  
U.S. Environmental Protection Agency  
Office of Transportation and Air Quality  
phone: (202) 564-1643  
fax: (202) 564-1686

----- Forwarded by Justin Cohen/DC/USEPA/US on 11/14/2011 10:28 AM -----

From: Justin Cohen/DC/USEPA/US

To: Kathryn Sargeant/AA/USEPA/US@EPA, Paul Argyropoulos/DC/USEPA/US@EPA

Cc: Lori Stewart/DC/USEPA/US@EPA

Date: 11/14/2011 09:12 AM

Subject: States' Report Predicts Stricter Fuel Sulfur Cap Will Help Bid To Cut Ozone (Inside EPA)

fyi

<http://insideepa.com/201111112382131/EPA-Daily-News/Daily-News/states-report-predicts-stricter-fuel-sulfur-cap>

-will-help-bid-to-cut-ozone/menu-id-95.html

## States' Report Predicts Stricter Fuel Sulfur Cap Will Help Bid To Cut Ozone (Inside EPA)

Posted: November 11, 2011

WILMINGTON, DE -- Northeast air regulators are touting a soon-to-be-released report that finds if EPA imposes strict new limits on the amount of sulfur allowed in fuel it would lead to major cuts in ozone-forming emissions, giving a huge boost to Northeast states struggling to identify options for pollution cuts to meet EPA's ozone standard.

In a presentation to the Nov. 10 meeting of the Ozone Transport Commission (OTC) here, two Northeast air officials outlined the pending Northeast States for Coordinated Air Use Management (NESCAUM) report -- due for release within days -- that analyzes the benefits and costs of tightening the average sulfur cap from 30 parts per million (ppm) to 10 ppm. EPA is weighing a stricter sulfur cap in its upcoming "Tier III" revisions to fuel and vehicle rules.

The oil industry is pushing back on EPA's apparent consideration of a tighter sulfur cap, warning that it could cause adverse economic impacts on the sector and increase refineries' emissions of greenhouse gases.

States, environmentalists and automakers counter that a stricter sulfur cap will produce the significant environmental benefits in a cost effective fashion. Margo Oge, director of EPA's Office of Transportation and Air Quality, told a Nov. 2 hearing of the House Science Committee's energy panel that [the agency is "concentrating" on sulfur](#) in its Tier III rule.

Ahead of the proposed Tier III rule's release -- expected by the end of the year or early January -- supporters of a stricter fuel cap have been making the case for their preferred option. The National Association of Clean Air Agencies (NACAA) [last month issued a report](#) finding a cap of 10 ppm could be achieved at a costs of less than a penny a gallon, countering oil industry claims that the cost to produce gasoline would rise more significantly under Tier III rules.

NESCAUM is now readying for release a study that aims to make the environmental case for a strict sulfur cap, according to a presentation at the OTC meeting by NESCAUM's Arthur Marin and Nancy Seidman of the Massachusetts Department of Environmental Protection. The report will argue that reductions in fuel sulfur content will lower vehicles' nitrogen oxides (NOx) emissions that lead to ozone formation, in turn reducing ozone levels.

Reductions in ozone are crucial for the OTC states, which have long struggled to identify industrial and other sources of ozone-forming pollutants to regulate in order to cut emissions down to a level that will help the states attain EPA's strict ozone national ambient air quality standard. OTC states and others are looking to EPA to issue a stringent Tier III proposal because the Clean Air Act largely preempts the states from regulating mobile sources.

State officials have also warned that reductions not made through Tier III rules would have to be made elsewhere, including requiring additional and more expensive reductions at local sources or targeting minor sources such as dry cleaners to garner reductions -- an approach that states are unwilling to take due to the adverse economic impacts.

## **NOx Reductions**

The NESCAUM study finds that a 10 ppm sulfur limit would mean reductions of 51,600 tons per year of NOx in the OTC region in 2017. Marin also said that the rule would also reduce NOx emissions in the Midwest and South, which in turn would reduce transport of NOx emissions from those regions across to the Northeast states.

Marin said that the Tier III proposal could represent “one of the largest near term reductions we could expect from any measure” and represents why federal pollution control measures are so important. Marin told *Inside EPA* on the sidelines of the meeting that NESCAUM will formally release the report in the coming days.

Seidman echoed these points, saying that “lowering the sulfur content of gasoline to an average of 10 ppm would cost effectively reduce NOx emissions” and that the rule “represents one of the most significant strategies available to protect public health by addressing ozone nonattainment” in the OTC region.

In line with NACAA study -- which said a 10 ppm limit could be met at a cost of less than a penny a gallon -- the NESCAUM study finds that the rule would cost from between 0.5 cents and 1.4 cents per gallon, Marin said, at a price of between \$2,500 to \$7,000 per ton NOx reduced. This price puts it in the range of the existing Tier II standards, as well as NOx controls like selective catalytic reduction on coal plants, Marin noted, making it cost effective.

Oil industry sources say [their study](#) predicting fuel costs will increase 12 to 25 cents -- issued in July by energy consulting firm Baker & O'Brien -- is more accurate, because it considers not only a stricter sulfur cap but also fuel volatility limits EPA could set. Neither the NACAA nor NESCAUM study address volatility limits.

But Marin argued at the meeting that industry has often used conservative estimates but usually finds much more cost effective ways to comply with rules, and that he expects little impact on the capacities of refineries in the United States, based on low sulfur gasoline and other rules. -- *Bobby McMahon* ( [bmcMahon@iwppnews.com](mailto:bmcMahon@iwppnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

Related News: [Air Energy](#)

2382131

Justin Cohen  
U.S. Environmental Protection Agency  
Office of Transportation and Air Quality  
phone: (202) 564-1643  
fax: (202) 564-1686

**Gwendolyn  
KeyesFleming/R4/USEPA/US**  
04/05/2012 07:35 PM

To Richard Windsor, Michael Moats, Brendan Gilfillan, Bob  
Perciasepe  
cc  
bcc  
Subject Re: Georgia power plant and a small town's fears

Wow! I'll look into this more  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/05/2012 02:33 PM EDT  
**To:** Michael Moats; Gwendolyn KeyesFleming; Brendan Gilfillan; Bob  
Perciasepe  
**Subject:** Fw: Georgia power plant and a small town's fears

I found this fascinating...

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/05/2012 02:32 PM -----

From: Lisa At Home <(b) (6) Personal Privacy  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/01/2012 12:06 AM  
Subject: Georgia power plant and a small town's fears

---

Hey, check this out from CNN:  
Georgia power plant and a small town's fears  
<http://www.cnn.com/2012/03/31/us/georgia-coal-power/index.html>

Sent from my iPad

**Katharine  
Gage/DC/USEPA/US**  
05/14/2009 05:53 PM

To  
cc  
bcc

Subject Interview with The Environment Report

**Meeting**

Date 05/15/2009  
Time 03:00:00 PM to 03:15:00 PM  
Chair Katharine Gage  
Invitees  
Required  
Optional  
FYI  
Location By Phone

Ct: Brendan Gilfillan (Office: 202-564-2081/Cell: (b) (6) Personal Privacy)

The Administrator should call Brendan at 202-564-2081 a few minutes before 3:00 p.m. to be connected to the interviewer

The topics include:  
Endangerment finding/potential regulation of greenhouse gases  
Cap and Trade legislation  
Other plans/priorities for EPA

Laura Vaught/DC/USEPA/US  
08/12/2011 09:21 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Michael Goo, Lisa Garcia, Lawrence Elworth, Janet Woodka, Brendan Gilfillan

cc

bcc

Subject Fw: Huntsman denounces EPA 'reign of terror'

----- Forwarded by Laura Vaught/DC/USEPA/US on 08/12/2011 09:19 AM -----

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Laura Vaught/DC/USEPA/US@EPA  
Date: 08/12/2011 06:34 AM  
Subject: Huntsman denounces EPA 'reign of terror'

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## Huntsman denounces EPA 'reign of terror'

By Darren Samuelsohn  
8/12/11 6:32 AM EDT

Jon Huntsman is veering right on the environment.

The former Utah governor and Obama ambassador made the sharp turn Thursday night by piling on with the rest of the Republican presidential pack to trash the Obama administration's climate change agenda.

"If you want to build a facility in the United States, you can't because of the EPA's regulatory reign of terror," Huntsman said during the GOP presidential debate in Ames, Iowa.

Last month, Huntsman wooed a roomful of GOP greens in Washington by saying he'd stick to the science on global warming, adding, "Conservation is conservative."

But with all of his White House rivals racking up points on the campaign trail with jabs at the EPA, Huntsman followed suit Thursday. He voluntarily brought up the issue when asked about his economic agenda and how it squared with his record of hiring large numbers of workers in China and India while serving as a top executive with his family's chemical company, Huntsman Corp.

"We don't make things anymore in this country," said Huntsman, who served until this spring as President Barack Obama's ambassador to China. "We need to start making things in this country. And in order to do that, we need serious regulatory reform, not just repealing Obamacare, but ending the EPA's regulatory reign of terror."

Huntsman had shied away from commenting specifically on EPA regulations, although he has said he wouldn't pursue cap-and-trade policies at the state level — as he once did in Utah — because of the current tough economy.

He also has used the “regulatory reign of terror” line before — in 2004 to [describe](#) the economic climate in California.

Huntsman’s remarks were no doubt aimed at easing tension with conservatives. For now, moderate Republicans also may be willing to give him some wiggle room.

"The 30-second sound bite did not offer any opportunity for details, but if he was talking about ensuring that EPA regulations are efficient, sensible and effective instead of cumbersome and overly bureaucratic, I think that would be a laudable objective," said David Jenkins, vice president for government and political affairs at Republicans for Environmental Protection, the group that hosted Huntsman last month in Washington.

While Huntsman was swinging at his former boss, climate change surfaced in a confrontation between two of his GOP counterparts.

Early in the debate, Rep. Michele Bachmann (R-Minn.) picked a fight with Tim Pawlenty for his implementation of a cap-and-trade program while serving as Minnesota governor. Lumping the environmental program in with health care and government growth, Bachmann said, "That sounds a lot like Barack Obama if you ask me."

Pawlenty pushed back at Bachmann by going after her own record. "That's not the kinds of things she said when I was governor of the state of Minnesota," he said. "And moreover, she's got a record of misstating and making false statements, and that's another example of that list."

Defending her record, Bachmann insisted she was a leading voice in the opposition to the 2009 Waxman-Markey climate bill.

"When it came to cap and trade, I fought it with everything that was in me, including I introduced the Light Bulb Freedom of Choice Act so people could choose the light bulb of their choice," she said.

Actually, Bachmann's light bulb bill had little to do with the cap-and-trade effort and was not tied to the climate debate. Her proposal would have undone a 2007 law signed by President George W. Bush that included a provision setting tougher efficiency standards for incandescent light bulbs.

Businessman Herman Cain got the only energy-specific question in Thursday’s debate when he was asked to clarify a past comment that more U.S. energy production would encourage Iran to abandon plans to obtain nuclear weapons.

"I believe that our energy strategy is directly related to national security as well as stopping Iran in their efforts," Cain said.

"If we get serious about maximizing all of our energy resources in this country, we can become a player on the world market," he added. "As the price of oil goes down, it puts an economic

squeeze on Iran."

Cain said he supported "not just oil, but all of our resources, to become energy independent."

Without getting direct questions, former Massachusetts Gov. Mitt Romney and former Pennsylvania Sen. Rick Santorum both cited energy as part of their economic platforms. Neither gave any specifics.

Before the debate, the American Wind Energy Association posted a [picture](#) on Twitter of Romney signing his name on a 130-foot wind turbine blade made in Iowa.

To read and comment online:

<https://www.politicopro.com/go/?id=5241>

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Laura Vaught/DC/USEPA/US  
11/23/2011 09:52 AM

To: Richard Windsor, Bob Perciasepe, "Bob Sussman", Michael Goo, "Scott Fulton"  
cc  
bcc  
Subject: Fw: Inside EPA piece on MATS

Joel Beauvais

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

**From:** Joel Beauvais  
**Sent:** 11/23/2011 09:11 AM EST  
**To:** Laura Vaught; Joseph Goffman  
**Subject:** Inside EPA piece on MATS

ICYMI

## White House Seeks Deal With Utilities To Win Support For Air Toxics Rule

Posted: November 22, 2011

White House officials are quietly reaching out to the power industry in a bid to strike a "grand bargain" on EPA's utility air toxics rule that could include industry-sought compliance deadline extensions, in order to win prominent power sector backing for the rule, help rebut criticisms of its costs and reliability impacts, and turn it into an issue President Obama can campaign on in 2012, sources say.

The effort echoes successful Obama administration bids to secure industry buy-in on major environmental rules, including two landmark deals with the automobile sector that led to greenhouse gas (GHG) and fuel economy limits for [light-duty vehicles](#) through 2025. EPA similarly struck a pact with a majority of the trucking industry, which endorsed the roll-out of the agency's GHG limits for heavy-duty trucks in 2014-2016.

Sources say the administration wants to secure broad backing from the power sector, labor unions and environmentalists on the air toxics rule that could potentially head off litigation playing out during the 2012 election, depriving agency critics of the opportunity to hammer on conflicts over the rule, which must be finalized by Dec. 16.

"They would like to have this put to bed and not be talking about it during the campaign," according to one informed source. "In their ideal world, everyone holds hands at a press conference . . . and announces a bold new step forward where they protect ratepayers and reliability and improve air quality."

EPA's final maximum achievable control technology standard (MACT) for coal- and oil-fired power plants is undergoing White House Office of Management and Budget (OMB) review, ahead of the Dec. 16 consent decree deadline for the agency to finalize the regulation. Once the

rule is final, power companies will have to meet a three-year statutory deadline to reduce mercury and other air toxics from their plants. Plants can seek up to a one-year extension under the Clean Air Act, meaning all plants would have to comply by 2016.

But the power industry has long complained that the Clean Air Act's three- or four-year deadline for compliance with the pending MACT will be logistically impossible to meet, given the amount of retrofits needed to be completed. Companies have been pursuing other competing options, including enforceable deadline extensions in consent decrees, blanket categorical extensions and presidential national security exemptions.

Sources note it is the White House, more than EPA, that has been reaching out to the industry about last-minute changes to win industry's support ahead of the rule's release. A second source says White House officials have been "asking if there was anything that would satisfy the utilities toward attaining agreement among labor, environmental . . . groups and industry."

Winning industry backing could also potentially help dilute some political criticism of the rule, led most recently by congressional Republicans who claim that the proposed version of the MACT has impossible deadlines and would force some facilities to shutter, in turn creating major problems for [electric grid reliability](#).

Sources suggest the issues surrounding the MACT rule may be too complicated to reach a broad deal, similar to those achieved with auto and engine makers, and that there may be splits between EPA and the White House on how to craft any agreement.

White House officials did not respond to requests for comment by press time and an EPA source would only say the agency is "on track to make the deadline for completing the rule."

### **Harmonizing Priorities**

The second source says EPA and the White House "are trying to manage their different priorities, seeking to harmonize them without an ugly split. The White House is, naturally, focused on re-election, and EPA is populated with people whose urgency is to get these rules in place knowing full well such things do get reversed. Enactment [of the MACT] was the objective, not an eight-year administration."

The first source calls it "instructive" that OMB meetings with industry over the rule during the past few weeks have included both high-level administration officials from key West Wing offices and top company executives, including general counsels. People, the source notes, who are "able to cut deals."

These sources and others agree that the most likely pathway to any agreement is to extend compliance timelines, but the sticking point is how to do so in a way that will satisfy all parties and prevent legal challenges from environmentalists.

Another industry source questions how aggressively the administration is pushing a deal, given the hurdles to reaching consensus. "The administration hasn't asked for any of this," the source

says. "They are completely in the listening mode right now." The source notes that even if power companies agree not to sue over the rule, there are other parties that could pursue litigation on their behalf. "All of these issues will get litigated. We all know that."

EPA has been pushing for companies that cannot meet the deadline to come to the agency and seek an enforceable consent decree, which would have to be negotiated between EPA and each company, possibly setting operational limits in exchange for additional compliance time, industry sources say.

Other options being floated are an [electricity reliability "safety valve"](#) that would allow plants to continue operating without complying with the MACT if the power is deemed necessary to protect the grid, a presidential national security exemption that would allow an additional two years for compliance, and modifications to Title V clean air operating permits to incorporate a compliance schedule for meeting the MACT.

"If agreed, it must be sold to the greens so the courts aren't used to further the political heartburn. . . . The outstanding issue is whether the administration will be able to [find] some way to satisfy their green and labor constituencies currently at odds, relieving a key election year pressure," the second source says.

### **Compliance Extensions**

The first source adds that environmentalists are almost certain to oppose any compliance extensions that are long enough to satisfy industry. "It is difficult to see how the environmental community would take a 2018-2019 fully phased-in compliance plan and not go bonkers."

One environmentalist says groups would oppose any blanket extension to the rule's compliance deadlines, but would be willing to accept individual compliance delays as long as those plants' operational hours are limited. The source adds that the Clean Air Act already grants EPA authority to allow such extensions. "We all have to wait and see what EPA does in the final rule before we decide whether it's legal or not," the source says.

A state source, however, expects that EPA will find a way to extend compliance deadlines because more time to meet the stringent limits is seen as the only acceptable concession. "You can't give on the levels" of pollution reductions. "We have to have these controls." But a negotiated deadline extension with "something extra in return . . . to sweeten the pot" would be "the kind of argument we would look at favorably," the source says.

Another major sticking point is what the companies would have to give up in exchange for more time to comply, and options would be designed to satisfy environmentalists -- such as providing money for supplemental environmental projects that benefit communities where plants will continue to run uncontrolled, and expansion of renewable energy, sources note. -- Dawn Reeves ( [dreeves@iwpnews.com](mailto:dreeves@iwpnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

**Laura Vaught/DC/USEPA/US**  
12/21/2011 02:43 PM

To Richard Windsor, Brendan Gilfillan, Bob Perciasepe, "goo michael", "Gina McCarthy"  
cc  
bcc  
Subject EEI statement

December 21, 2011

The Edison Electric Institute today released the following statement on the U.S. Environmental Protection Agency's final utility MACT rule:

WASHINGTON - EPA's MACT rule is the most expensive rule in the agency's history. It will require a significant number of electric generating units to design, obtain approval for and install complex controls or replacements in a very short timeframe. In some cases, it will mean that new transmission and natural gas pipelines will have to be built.

EPA has made useful technical changes from its original proposal. Nevertheless, we believe the Administration is underestimating the complexity of implementing this rule in such a short period of time, which can create reliability challenges and even higher costs to customers. The Administration is not using all the available authorities in the Clean Air Act to coordinate implementation, to ensure electric reliability, and to avoid excessive costs.

Brian V. McCormack

Vice President, Political and External Affairs

Edison Electric Institute

701 Pennsylvania Avenue NW

Washington DC 20004

**Laura Vaught/DC/USEPA/US**

04/13/2011 01:23 PM

To Richard Windsor

cc David McIntosh, Aaron Dickerson

bcc

Subject FYI for 3:00 meeting

FYI for your 3:00 meeting with Tom Fanning - CEO of Southern. He has evidently now agreed to testify on Friday at their hearing entitled "Recent EPA Rulemakings Relating to Boilers, Cement Manufacturing Plants, and Utilities".

We expect the hearing to focus on yet to be seen draft legislation to delay at least the utility air toxics rule, the boiler rule, and the cement rule.

Aaron - would you mind printing this out if more appropriate given timing? Thanks.

From: "Cheatham, Melissa Bez" <Melissa.Cheatham@mail.house.gov>  
To: Diann Frantz/DC/USEPA/US@EPA  
Date: 04/13/2011 12:47 PM  
Subject: Witness list for Friday

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**Michael J. Bradley** (invited at the request of the Minority)

Executive Director  
Clean Energy Group

**John Walke** (invited at the request of the Minority)

Senior Attorney and Clean Air Director  
Natural Resources Defense Council

**Anthony S. Early, Jr.**

Executive Chairman  
DTE Energy

**Tom Fanning**

Chairman, President and Chief Executive Officer  
Southern Company

**Paul Kempf**

Director of Utilities  
University of Notre Dame

**Dirk Krouskop**

Vice President, Safety, Health & Environment  
MeadWestvaco Corporation

**Aris Papadopoulos**

President and CEO  
Titan America LLC



**Laura Vaught/DC/USEPA/US**  
04/25/2012 07:41 PM

To: Richard Windsor  
cc: "Arvin Ganesan"  
bcc:  
Subject: Fw: Rockefeller: Coal ash language 'going down'

FYI - some nice Rockefeller quotes in this.

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 04/25/2012 07:35 PM AST  
**To:** Laura Vaught  
**Subject:** Rockefeller: Coal ash language 'going down'

### **Rockefeller: Coal ash language 'going down'**

By Darren Goode  
4/25/12 7:34 PM EDT

Sen. Jay Rockefeller (D-W.Va.) said a coal ash provision he once supported and now opposes won't make it through House-Senate talks on the transportation bill.

"It's going down," Rockefeller told POLITICO on Wednesday.

He was referring to language included in a House-passed 90-day transportation extension that would give states oversight of coal ash residue from power plants and block EPA from regulating it as a hazardous waste.

A proposed EPA regulation has been collecting dust for a couple of years after heavy edits made at the White House Office of Management and Budget.

But the House's 90-day extension included coal ash language from a bill by Rep. David McKinley (R-W.Va.) that was co-sponsored by Rep. Nick Rahall (D-W.Va.) and won support from 37 House Democrats in October. It was tacked onto the extension last week on a voice vote.

A related coal ash bill in the Senate, introduced by Sen. John Hoeven (R-N.D.) on Oct. 20, had won the backing of five Democrats — including Rockefeller.

But now Rockefeller said he's not backing the bill itself or as part of a final transportation agreement.

"I was subject to evolution, something like that," he said. "I didn't feel comfortable with it."

He spoke of how the mercury in the coal ash causes damage, including lowering the IQ of fetuses.

"The health effects are stupendously awful. Nobody ever talks about it," he said.

Rockefeller used the issue as an example of how his voting record of late perhaps has taken a greener hue.

"The coal ash thing is one of those things I was intrigued by, but if you'll notice my voting record in the last year, it's been very environmental, or what I would say is very pro-health," he said.

Rockefeller and Hoenen are two of the 14 Senate members on the transportation conference.

Hoenen noted the bipartisan backing for his bill to reporters Wednesday.

"It's going to depend on the conferees," he said of its chances in the bicameral transportation talks.

"Obviously there's very strong support on our side and there's very strong support in the House.

"So you start on the merits. On the merits it just makes sense," he said, emphasizing that the bill would encourage recycling of coal ash as a material to build highways.

Other Democratic co-sponsors of Hoenen's bill were Sens. Kent Conrad of North Dakota, Mary Landrieu of Louisiana, Joe Manchin of West Virginia and Ben Nelson of Nebraska.

To read and comment online:

<https://www.politicopro.com/go/?id=11023>

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Laura Vaught/DC/USEPA/US  
12/02/2011 07:23 AM

To Richard Windsor, "Bob Perciasepe", "Bob Sussman", "goo michael"  
cc  
bcc

Subject Fw: Issa asks White House to punt utility MACT

FYI

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 12/02/2011 05:30 AM EST  
**To:** Laura Vaught  
**Subject:** Issa asks White House to punt utility MACT

## Issa asks White House to punt utility MACT

By Erica Martinson  
12/2/11 5:29 AM EST

GOP lawmakers and industry are turning up the heat on EPA's upcoming power plant rule, with Rep. Darrell Issa of California pushing the White House to hand the rule back to EPA for more analysis on its economic effects.

The chairman of the House Oversight and Government Reform Committee [asked](#) the White House on Thursday to "return the rule to the agency with instruction to study the impact that the rule will have on job creation as a result of higher energy costs, and analyze the impact the rule could have on the reliability of the grid, and complete an adequate analysis of comments received."

Such a postponement would be similar to what happened in September, when White House regulatory chief Cass Sunstein successfully [recommended](#) that the president pull back EPA's proposed ozone rule.

Now, Issa wants Sunstein to push the same type of delay for EPA's mercury and air toxics standards for power plants, known as the utility MACT, which is due to be finalized Dec. 16.

EPA intends to finish the rule as expected, an agency spokesman said. He added that using readily available technology, the rule "provides up to 4 years for facilities to meet the standards and, once fully implemented, will prevent 91 percent of mercury in coal from being released into the air."

But Issa said EPA has not done a clear cost-benefit analysis. Among other things, he cited testimony Nov. 1 from EPA Deputy Administrator Bob Perciasepe that, while the rule will create 9,000 net jobs, "EPA's jobs analysis failed to look at the impact that higher energy prices would have on employment," the letter says.

Issa also cited a study from the National Economic Research Associates that "found that average retail electricity prices will increase by an average of 6.5 percent and result in a loss of 186,000 jobs per year due to the cumulative impacts of the rules."

EPA contends the rule "will provide employment for thousands by supporting 31,000 short-term construction jobs and 9,000 long-term utility jobs," according to an agency spokesman.

Beyond job loss, Issa charged that EPA has done an inadequate job in determining how the utility MACT could affect the reliability of the power grid, because numerous older power generators will probably be retired in its wake.

He also charged that the EPA and FERC halted their research on how the rule would affect reliability.

But EPA has previously noted that the agency did a reliability study and found that the rule, combined with another recent air rule for power plants, will not affect reliability. On Thursday, the Energy Department released its own [analysis](#) of EPA clean air rules, finding that they will not create reliability problems.

However, that follows widespread disagreement on the issue. On Monday, the North American Electric Reliability Corp. released a [report](#) saying EPA clean air and water regulations could significantly affect bulk power reliability. EPA criticized that report as misinterpreting the rules and the agency's flexibility to ensure the power stays on.

Issa also wants Sunstein to answer for the role of his Office of Information and Regulatory Affairs in the rulemaking, questioning why the office did not insist on 60 days to review the rule.

"In addition to its own lack of meaningful analysis, it appears that EPA has negotiated a deadline for promulgation of this rule that effectively truncates OIRA's analysis of the rulemaking," Issa wrote.

OIRA spokeswoman Meg Reilly says standard practice for regulatory review is 60 to 90 days.

EPA sent the utility MACT regulations to the Office of Management and Budget, which oversees OIRA, in late October.

Just this week, the Center for Progressive Reform issued a [report](#) that called OIRA the place for industry to go to sway EPA rules. It said OIRA makes changes to more than 80 percent of rules it reviews.

While Reilly said Thursday that the agency does not comment on rules under review, she said in response to Monday's report that OMB review "exists to improve rules in their draft form by testing every assumption and considering every possible effect."

Reilly also noted the need to "to support economic recovery and job creation with smarter

rulemaking.”

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<https://www.politicopro.com/go/?id=7664>

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Laura Vaught/DC/USEPA/US  
12/09/2011 07:09 AM

To Richard Windsor, "Bob Perciasepe", "goo michael"  
cc  
bcc  
Subject Fw: National Journal: EPA Mercury Rule Ruffles Utility Group

---

**From:** Vickie Patton [vpatton@edf.org]  
**Sent:** 12/09/2011 12:55 AM EST  
**To:** Vickie Patton <vpatton@edf.org>  
**Subject:** National Journal: EPA Mercury Rule Ruffles Utility Group

# NationalJournalMember

ENERGY

## EPA Mercury Rule Ruffles Utility Group

by Amy Harder

Updated: December 8, 2011 | 7:33 p.m.

December 8, 2011 | 6:30 p.m.

Internal rifts within the nation's largest utility trade group keep popping up as the Obama administration's new rules for mercury emissions loom.

An executive of a major power company told *National Journal* he is pulling away from the formal position the Edison Electric Institute has taken in objecting to the Environmental Protection Agency's mercury standard for power plants, which EPA plans to finalize on Dec. 16. Ralph Izzo, chairman and CEO of Public Service Enterprise Group, a New Jersey-based utility, said in an interview on Thursday that his company was willing to compromise on delays to the rule, but when EEI started discussing increasing by 20 percent the amount of mercury pollution allowable under the rule, that was the last straw. His company pulled out of the internal negotiations and consensus position two weeks ago.

It remains unclear whether EEI, which chose not to comment for this story, ultimately ended up pitching the higher allowable pollution level to the White House or EPA. The rule is currently going through regulatory review at the White House's Office of Management and Budget.

"The cumulative weight of the concessions finally came crashing down when the mercury standard began entering into debate," Izzo said. PSEG's power generation mostly comes from natural gas and nuclear power—energy sources not affected by EPA's mercury rule—and about 18 percent from coal, the dirtiest form of electricity, which will be affected the most by EPA's mercury rule. Coal is also the cheapest and most prevalent, providing nearly half of the nation's electricity.

Current law requires companies to comply with the rule by 2015.

Izzo said that his company was originally part of a group of EEI member companies that had agreed to EEI's consensus position despite not being wholeheartedly on board with some of those provisions. Those provisions include a one-year blanket delay for all power companies to comply and the possibility of invoking a presidential exemption that would allow for two or more

years to comply if national security was at risk. If a power plant that generates electricity for a military base is shut down because of an EPA rule and grid reliability is jeopardized, the reasoning goes, that could present a national-security concern.

"We weren't fond of the one-year delay and we weren't fond of the presidential exemption," Izzo said. "But in the interest of compromise and getting a rule we could all live with and not spend the rest of eternity battling in the courts ... we were willing to compromise on several of those provisions."

Izzo, who has been with PSEG in various executive positions since 1992, said he has never known a time when his company departed from EEI's consensus position before.

"EEI does a lot of very good things that we're supportive of," Izzo said. "This disagreement would not push me to leave the organization."

Internal divisions with a trade group as diverse as EEI are not uncommon and should not be surprising despite the media attention such rifts generate. Unity is critical when trying to convince the White House and EPA to delay or change the rule in any significant way, such as whether companies should have blanket extensions to comply or whether mercury pollution levels should be weakened.

While coal utilities like Southern Company and American Electric Power have been the most vocal about asking for more time, even some clean-burning utilities that will be able to comply within three years are fully on board with EEI's request for more time, further complicating the internal dynamics of the group.

"It's hard to get anybody's assurances that they will get the flexibility they need the way the draft rule proposal has been written," Lewis Hay, chairman and CEO of NextEra Energy, said in a phone interview last week. "That's why I strongly support the one-year blanket extension." NextEra Energy is the largest generator of wind and solar power in the country.

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Lisa Garcia/DC/USEPA/US  
04/12/2011 05:42 PM

To Richard Windsor, Seth Oster, Gina McCarthy  
cc Scott Fulton  
bcc  
Subject Fw: Earthjustice Press Release: EPA Plans to Exempt CA  
Power Plant from Pollution Laws

fyi- Avenal public hearing is this evening..

----- Forwarded by Lisa Garcia/DC/USEPA/US on 04/12/2011 05:41 PM -----

From: Deldi Reyes/R9/USEPA/US  
To: "Enrique Manzanilla" <Manzanilla.Enrique@epamail.epa.gov>, "Sheryl Bilbrey" <Bilbrey.Sheryl@epamail.epa.gov>, "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>  
Date: 04/12/2011 05:34 PM  
Subject: Fw: Earthjustice Press Release: EPA Plans to Exempt CA Power Plant from Pollution Laws

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Debbie Lowe

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

**From:** Debbie Lowe  
**Sent:** 04/12/2011 02:30 PM PDT  
**To:** Kerry Drake; Julie Walters; Deldi Reyes; Sheryl Bilbrey; Shirley Rivera  
**Subject:** Earthjustice Press Release: EPA Plans to Exempt CA Power Plant from Pollution Laws

## EPA Plans to Exempt CA Power Plant from Pollution Laws

Proposed waiver could lead to 'grandfather' exemptions nationwide  
April 12, 2011  
Oakland, CA —

In a decision that could set a precedent for proposed polluting industries across the country, the U.S. Environmental Protection Agency has determined that a proposed gas-fired power plant in California would not be subject to current pollution regulations because the EPA failed to enforce those laws in a timely manner.

The planned Avenal Power Plant, to be built by Texas-based Macquarie Energy, would be located in California's San Joaquin Valley, near the rural communities of Avenal and Kettleman City. The plant would burn natural gas to generate 600 megawatts of electricity. According to the EPA, the San Joaquin Valley has some of the highest levels of air pollution in the country.

The EPA received completed plans for the plant in March 2008 but did not hold public hearings on the proposed project until October 2009. In the meantime, in 2009, the agency adopted new national standards to address harmful pollution caused by nitrogen dioxide and sulfur dioxide emissions. EPA also adopted new rules regulating power plant emissions of carbon dioxide and other greenhouse gases. Because the construction plans for the Avenal Plant did not meet these new pollution regulations, EPA delayed the final permit further.

In an unprecedented administrative decision reversing previous EPA policy, Gina McCarthy, EPA's Assistant Administrator for Air and Radiation in Washington, D.C., announced last month that the plant would not be required to meet these new air pollution requirements. Ms. McCarthy blamed her own agency for "the factors that have contributed to the extended delay in this case." The announcement overruled plans by EPA's regional office in San Francisco, which normally has jurisdiction in issuing permits for projects in California.

"This decision is bad not only for the residents of Avenal and Kettleman City, who will be breathing the emissions from this plant; it's also a bad precedent for the rest of the country," said Paul Cort, an attorney for the public interest law firm Earthjustice, which filed comments today opposing EPA's proposed exemption for the Avenal plant. "It would allow similar projects to be built even when we know that they will result in harmful pollution and even when they admit that they will not have best available pollution controls installed."

EPA estimates that ten to twenty other proposed major industrial projects with current applications before the EPA could be "grandfathered in" under this new EPA policy. Earthjustice attorney Cort worries that the precedent could also roll back hard-won pollution controls at the proposed Sunflower coal-burning plant in Kansas.

"Across the country, people have demanded a reduction in air pollution and greenhouse gases. They should be distressed by EPA's proposed decision here to cave to pressure by industrial polluters seeking to undo that progress," Cort said.

The EPA is holding a final public hearing on the plant permit on Tuesday, April 12 at 7 p.m. at the Avenal Theater, 233 East King Street, in Avenal, California.

[Read the EPA supplemental statement for the basis of the permit decision.](#)

**Contact:**

Paul Cort, Earthjustice, (510) 550-6700

Sarah Jackson, Earthjustice, (510) 550-6794

Malcolm  
Jackson/DC/USEPA/US  
04/28/2011 01:46 PM

To Bob Perciasepe  
cc "Bob Perciasepe", Richard Windsor  
bcc  
Subject Re: Software demo on Monday

Not sure we can get the software loaded in time but we will try. Send me the names of the others you want to add and I will get it to the guys on my team. We would need to get cams and headsets as well.

Finally, I will call you in the morning to chat more about the demo.  
Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 04/28/2011 01:23 PM EDT  
**To:** Malcolm Jackson  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor  
**Subject:** Re: Software demo on Monday

Great !!

Hey, let's talk before Friday about trying a few in addition to AI and Jared's demo, that would be tied to our work that day.

Bob Perciasepe  
Deputy Administrator

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

Malcolm Jackson    Lisa, I wanted to make you aware I h...    04/28/2011 10:34:47 AM

From: Malcolm Jackson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US  
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>  
Date: 04/28/2011 10:34 AM  
Subject: Software demo on Monday

Lisa,

I wanted to make you aware I have been working with Bob P. to demo the Microsoft suite of tools Monday in the Green Room.

This will be done using a wireless network to access Microsoft's network. We will have the ability to use Microsoft software for document sharing, video conferencing and their email system. I have enlisted the help of the Gwen, AI and Jared to demonstrate the power of collaboration. Additionally, we are setting up a machine for you to use and participate.

It is my hope to educate our leadership team to the opportunities available and to help everyone better understand what technology is available and how it might help drive down cost while improving productivity across the Agency.

I feel strongly this is an opportunity even in the difficult budget climate the Agency is in. Let me know if you have any questions.



Malcolm

**Malcolm  
Jackson/DC/USEPA/US**  
04/28/2011 10:34 AM

To Richard Windsor  
cc "Bob Perciasepe"  
bcc  
Subject Software demo on Monday

Lisa,

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I feel strongly this is an opportunity even in the difficult budget climate the Agency is in. Let me know if you have any questions.

Malcolm

**Margo Oge/DC/USEPA/US**  
02/08/2012 11:11 AM

To Richard Windsor  
cc  
bcc

Subject Re: Bloomberg Fuel Fix Blog: Americans gaining energy independence

Great. Thanks  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 02/08/2012 10:54 AM EST  
**To:** "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; Margo Oge; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Fw: Bloomberg Fuel Fix Blog: Americans gaining energy independence

Good story. Congrats on EPA's role. Lisa  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 02/08/2012 10:17 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Michael Goo; Arvin Ganesan; Laura Vaught; Bicky Corman; Scott Fulton; Janet Woodka; Janet McCabe; Joseph Goffman; Stephanie Owens; Dru Ealons; Heidi Ellis; Jose Lozano; Christopher Busch; Charles Imohiosen  
**Subject:** Bloomberg Fuel Fix Blog: Americans gaining energy independence

## Americans gaining energy independence

<http://fuelfix.com/blog/2012/02/07/americans-gaining-energy-independence/>

The U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency, a goal the nation has been pursuing since the 1973 Arab oil embargo triggered a recession and led to lines at gasoline stations.

Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal.

Methanex Corp., the world's biggest methanol maker, said it will dismantle a factory in Chile and reassemble it in Louisiana to take advantage of low natural gas prices. And higher mileage standards and federally mandated ethanol use, along with slow economic growth, have curbed demand.

The result: The U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011, according to data compiled by Bloomberg from the U.S. Department of Energy. That would be the highest level since 1992.

"For 40 years, only politicians and the occasional author in Popular Mechanics magazine talked about achieving energy independence," said Adam Sieminski, who has been nominated by President Barack Obama to head the U.S. Energy Information Administration. "Now it doesn't seem such an outlandish idea."

The transformation, which could see the country become the world's top energy producer by 2020, has implications for the economy and national security — boosting household incomes, jobs and government revenue; cutting the trade deficit; enhancing manufacturers' competitiveness; and

allowing greater flexibility in dealing with unrest in the Middle East.

### **Output Rising**

U.S. energy self-sufficiency has been steadily rising since 2005, when it hit a low of 70 percent, the data compiled by Bloomberg show. Domestic crude oil production rose 3.6 percent last year to an average 5.7 million barrels a day, the highest since 2003, according to the Energy Department. Natural gas output climbed to 22.4 trillion cubic feet in 2010 from 20.2 trillion in 2007, when the Federal Energy Regulatory Commission warned of the need for more imports. Prices have fallen more than 80 percent since 2008.

At the same time, the efficiency of the average U.S. passenger vehicle has helped limit demand. It increased to 29.6 miles per gallon in 2011 from 19.9 mpg in 1978, according to the National Highway Traffic Safety Administration.

The last time the U.S. achieved energy independence was in 1952. While it still imported some petroleum, the country's exports, including of coal, more than offset its imports.

### **Environmental Concern**

The expansion in oil and natural gas production isn't without a downside. Environmentalists say hydraulic fracturing, or fracking — in which a mixture of water, sand and chemicals is shot underground to blast apart rock and free fossil fuels — is tainting drinking water.

The drop in natural gas prices is also making the use of alternative energy sources such as solar, wind and nuclear power less attractive, threatening to link the U.S.'s future even more to hydrocarbons to run the world's largest economy.

Still, those concerns probably won't be enough to outweigh the benefits of greater energy independence.

Stepped-up oil output and restrained consumption will lessen demand for imports, cutting the nation's trade deficit and buttressing the dollar, said Sieminski, who is currently chief energy economist at Deutsche Bank AG in Washington.

### **Cutting Trade Deficit**

With the price of a barrel of oil at about \$100, a drop of 4 million barrels a day in oil imports — which he said could happen by 2020, if not before — would shave \$145 billion off the deficit. Through the first 11 months of last year, the trade gap was \$513 billion, according to the Commerce Department. Crude for March delivery settled at \$96.91 a barrel yesterday on the New York Mercantile Exchange.

The impact on national security also could be significant as the U.S. relies less on oil from the Mideast. Persian Gulf countries accounted for 15 percent of U.S. imports of crude oil and petroleum products in 2010, down from 23 percent in 1999.

"The past image of the United States as helplessly dependent on imported oil and gas from politically unstable and unfriendly regions of the world no longer holds," former Central Intelligence Agency Director John Deutch told an energy conference last month.

### **Arab Oil Embargo**

That dependence was underscored in October 1973, when Arab oil producers declared an embargo in retaliation for U.S. help for Israel in the Yom Kippur war. The U.S. economy contracted at an annualized 3.5 percent rate in the first quarter of the next year. Stock prices plunged, with the Standard & Poor's 500 Index dropping more than 40 percent in the year following the embargo.

Car owners were forced to line up at gasoline stations to buy fuel. President Richard Nixon announced in December that because of the energy crisis the lights on the national Christmas tree wouldn't be turned on.

Today, signs of what former North Dakota Senator Byron Dorgan says could be a "new normal" in energy are proliferating. The U.S. likely became a net exporter of refined oil products last year for the first time since 1949. And it will probably become a net exporter of natural gas early in the next decade, said Howard Gruenspecht, the acting administrator of the EIA, the statistical arm of the Energy Department.

Cheniere Energy Partners LP may receive a construction and operating permit as early this month from the Federal Energy Regulatory Commission for the first new plant capable of exporting natural gas by ship to be built since 1969 in the U.S.

Houston-based Cheniere said it expects the \$6 billion plant to export as much as 2.6 billion cubic feet of gas per day.

### **Mitchell the Pioneer**

The shale-gas technology that's boosting U.S. natural gas production was spawned in the Barnett Shale around Dallas and Fort Worth by George P. Mitchell, who was chairman and chief executive officer of Mitchell Energy & Development Corp.

Helped by a provision inserted in the 1980 windfall oil profits tax bill to encourage drilling for unconventional natural gas, the Houston-based oil man pursued a trial-and-error approach for years before succeeding in the late-1990s. The fracking method he devised cracked the rock deep underground, propping open small seams that allowed natural gas trapped in tiny pores to flow into the well and up to the surface.

Recognizing that Mitchell was on to something, Devon Energy Corp. bought his company in 2002 for about \$3.3 billion and combined it with its own expertise in directional drilling, a method derived from offshore exploration.

### **Hunting for Oil**

Traditional vertical drilling bores straight down, like a straw stuck straight in the earth. Directional drilling bends the straw, boring horizontally sometimes a mile or more through the richest layer of rock, allowing more of the trapped fuel to make it into the well. This slice of rock is like the kitchen, where ancient plants and creatures came under so much pressure that they cooked into natural gas and oil.

The oil boom a century ago tapped reservoirs of fuel that rose out of those layers and got trapped in large pockets closer to the earth's surface, or used vertical wells that could get out only a portion of the fuel stored in the rock. The new technology has Devon and its competitors hunting beneath decades-old oil plays long thought depleted.

About an hour's drive north from where Devon's soon-to-be-completed new glass headquarters towers 50 stories above downtown Oklahoma City, the company is exploring for oil in the Mississippian and other formations, where oil majors once made their fortunes. It's racing companies such as Chesapeake Energy Corp. and SandRidge Energy Inc. to buy leases and drill wells.

### **North Dakota Booming**

Crude production in the U.S. is already increasing. Within three years, domestic output could reach 7 million barrels a day, the highest in 20 years, said Andy Lipow, president of Lipow Oil Associates in Houston, a consulting firm. The U.S. produced 5.9 million barrels of crude oil a day in December, while consuming 18.5 million barrels of petroleum products, according to the Energy Department.

North Dakota — the center of the so-called tight-oil transformation — is now the fourth largest oil-producing state, behind Texas, Alaska and California.

The growth in oil and gas output means the U.S. will overtake Russia as the world's largest energy

producer in the next eight years, said Jamie Webster, senior manager for the markets and country strategy group at PFC Energy, a Washington- based consultant.

While U.S. consumers would still be susceptible to surges in global oil prices, "we'd end up sending some of that cash to North Dakota" rather than to Saudi Arabia, said Richard Schmalensee, a professor of economics and management at the Massachusetts Institute of Technology in Cambridge.

### **1.6 Million Jobs**

The shale gas expansion is already benefiting the economy. In 2010, the industry supported more than 600,000 jobs, according to a report that consultants IHS Global Insight prepared for America's Natural Gas Alliance, a group that represents companies such as Devon Energy and Chesapeake Energy.

More than half were in the companies directly involved and their suppliers, with the balance coming at restaurants, hotels and other firms. By 2035, the number of jobs supported by the industry will rise to more than 1.6 million, IHS said. Some 360,000 will be directly employed in the shale gas industry.

The oil boom is also pushing up payrolls. Unemployment in North Dakota was 3.3 percent in December, the lowest of any state. Hiring is so frantic that the McDonald's Corp. restaurant in Dickinson is offering \$300 signing bonuses.

State governments are reaping benefits, too. Ohio is considering a new impact fee on drillers and increasing the tax charged on natural gas and other natural resources extracted, Governor John Kasich has said.

In Texas, DeWitt County Judge Daryl Fowler has negotiated an \$8,000-per-well fee from drilling companies to pay for roads in the district, southeast of San Antonio.

### **Lot of Traffic**

"It takes 270 loads of gravel just to build a pad used for drilling a well, which means a lot of truck traffic on a lot of roads that nobody except Grandpa Schultz and some deer hunters may have used in the past," said Fowler, whose non-judicial post gives him administrative control over the county.

The federal government will see tax payments from shale gas rise to \$14.5 billion in 2015 from \$9.6 billion in 2010, according to IHS. Over the period 2010 to 2035, revenue will total \$464.9 billion, it said.

Manufacturing companies, particularly chemical makers, also stand to win as the shale bonanza keeps natural gas cheaper in the U.S. than in Asia or Europe.

Dow Chemical Co., which spent a decade moving production to the Middle East and Asia, is leading the biggest expansion ever in the U.S. The chemical industry is one of the top consumers of natural gas, using it both as a fuel and feedstock to produce the compounds it sells.

### **First Since 2001**

Midland, Michigan-based Dow is among companies planning to build crackers, industrial plants typically costing \$1.5 billion that process hydrocarbons into ethylene, a plastics ingredient.

The new crackers will be the first in the U.S. since 2001, said John Stekla, a director at Chemical Market Associates Inc., a Houston-based consultant.

Vancouver-based Methanex said last month it plans to take apart the idled Chilean factory and ship it to Louisiana to capitalize on natural gas prices.

The shift to increased energy independence is also the result of government policies to depress oil demand.

"Vehicles are getting more efficient, and people who travel won't be driving more miles," said Daniel Yergin, chairman of IHS Cambridge Energy Research Associates.

Automakers have agreed to raise the fuel economy of the vehicles they sell in the U.S. to a fleetwide average of 54.5 miles per gallon by 2025 under an agreement last year with the Obama administration.

### **No 'Silver Bullet'**

The 2008-09 recession helped lower oil demand, and consumption has lagged even as the economy has recovered, said Judith Dwarin, director of energy research for ITG Investment Research in Calgary. Coupled with higher domestic output, "this has translated into an import requirement of some 15.4 barrels per person per year — about on par with the mid-1990s."

She cautioned against thinking that rising oil and gas production is a "silver bullet" for solving U.S. economic woes.

Michael Feroli, chief U.S. economist at JPMorgan Chase & Co. in New York, agreed, saying in a Jan. 20 note to clients that oil and gas output accounts for just 1 percent of gross domestic production and isn't likely on its own to be able to pull the economy into above-trend growth.

### **Cooling on Wind**

Some companies are hurting from the shale gas glut. With abundant supplies making it the cheapest option for new power generation, Exelon Corp. scrapped plans to expand capacity at two nuclear plants, while Michigan utility CMS Energy Corp. canceled a \$2 billion coal plant after deciding it wasn't financially viable. NextEra Energy Inc., the largest U.S. wind energy producer, shelved plans for new U.S. wind projects next year.

Investors also are cooling on wind investment, partly because of falling power prices. T. Boone Pickens, one of wind power's biggest boosters, decided to focus on promoting natural gas-fueled trucking fleets after dropping plans for a Texas wind farm in 2010.

"Wind on its own without incentives is far from economic unless gas is north of \$6.50," said Travis Miller, a Chicago-based utility analyst at Morningstar Inc. Natural gas for March delivery settled at \$2.55 per million British thermal units on New York Mercantile Exchange yesterday.

When Obama lauded increased energy production in his State of the Union speech on Jan. 24, he drew criticism from some environmentalists opposed to fracking.

### **Waning Confidence**

"We're disappointed in his enthusiasm for shale gas," said Iris Marie Bloom, director of Protecting Our Waters in Philadelphia. Obama "spoke about gas as if it's better for the environment, which it's not."

Deutch, who headed an advisory panel on fracking for the Energy Department, voiced concern that public confidence in the technology will wane if action isn't taken to address environmental concerns. The potential positive impact of increased North American production are "enormous," he said.

Higher U.S. output lessens the ability of countries like Iran and Russia to use "energy diplomacy" as a means of strengthening their influence, Amy Myers Jaffe, director of the Baker Institute Energy Forum at Rice University, and her colleagues wrote in a report last year.

While the U.S. will still have to pay attention to issues such as Israel's security and Islamic fundamentalism in the Mideast, which could affect oil prices, it won't have to be as worried about its supplies.

### **Positive 'Shock'**

Carlos Pascual, special envoy and coordinator for international energy affairs at the State Department, suggested at a Council on Foreign Relations conference in December that the increased production in the U.S. and elsewhere gives Washington more "maneuverability" in using sanctions to deal with Iran and its nuclear aspirations.

The increased U.S. production of oil and natural gas is a "positive supply shock" for the economy and for national security, said Philip Verleger, a former director of the office of energy policy at the Treasury Department and founder of PKVerleger LLC, a consulting firm in Aspen, Colorado.

"We aren't there yet, but it looks like we're blundering into a solution for the energy problem," he said.



01268-EPA-7366

**Mathy Stanislaus/DC/USEPA/US**  
06/15/2011 06:35 PM

To Bob Sussman, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Richard Windsor  
cc  
bcc  
Subject Fw: House Energy and Commerce Subcommittee mark up of CCR legislation

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response  
----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 06/15/2011 06:34 PM -----

From: Randy Deitz/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Cc: Suzanne Rudzinski/DC/USEPA/US@EPA, Sandra Connors/DC/USEPA/US@EPA, Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Shawna Bergman/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Becky Brooks/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Date: 06/15/2011 09:44 AM  
Subject: House Energy and Commerce Subcommittee mark up of CCR legislation

A House Energy and Commerce Subcommittee filed a notice (below) on the committee's web site this morning that there will be a mark up of HR 1391 tomorrow, the Rep. McKinley bill which prohibits EPA from regulating CCR under RCRA subtitle C or a mark up of the RCRA Act of 2011 (presumably amending RCRA to regulate CCR under subtitle D based upon the proposal sent to EPA yesterday). OSWER/ORCR and OGC reviewed draft legislative text yesterday and OCIR submitted our technical assistance comments to committee majority staff. (b) (5) Deliberative

June 16, 2011

The Subcommittee on Environment and the Economy has scheduled a markup on Thursday, June 16, 2011, at 9:00 a.m. in room 2123 of the Rayburn House Office Building. The markup will be on H.R. 1391, the "Recycling Coal Combustion Residuals Accessibility Act of 2011" or the "RCRA Act of 2011.

Randy Deitz  
Attorney Advisor  
U.S. EPA  
Office of Solid Waste and Emergency Response (OSWER)  
(202) 566-0197

**Mathy  
Stanislaus/DC/USEPA/US**  
03/25/2011 04:34 PM

To Bob Sussman, Bob Perciasepe, Richard Windsor, Arvin  
Ganesan, Seth Oster  
cc Lisa Feldt  
bcc  
Subject CCR Article

**News Headline:** Inspector General says EPA failed to properly test coal ash risks before touting uses

**Outlet Full Name:** Washington Post - Online(3/25)

**News OCR Text:** LOUISVILLE, Ky. — The federal government promoted some uses of coal ash, including wallboard or filler in road embankments, without properly testing the environmental risks, according to a report from the Environmental Protection Agency's inspector general.

The inspector general's report released Wednesday said sites where coal ash was used for earthworks, like road embankments or berms, "may represent a large universe of inappropriate disposal applications with unknown potential for adverse environmental and human health impacts."

The EPA is considering imposing stricter regulations for coal ash, or fly ash, a byproduct of burning coal at power plants. The rule changes were prompted by a 2008 environmental disaster at a Tennessee power plant that released more than 5 million cubic yards of ash into a river and nearby lands.

The agency has said coal ash contains arsenic, selenium, lead and mercury in low concentrations, and those contaminants can pose health risks if they leach into groundwater.

Agency officials relied on state programs to approve beneficial uses of coal ash, the report said, and the federal agency never implemented its own plans set up in 2005 to determine environmentally safe uses. The report recommended the EPA establish new guidelines to determine beneficial uses, and investigate whether action is needed at sites where the substance has been used as structural filler.

Coal ash recyclers and manufacturers that use it have argued that tougher federal regulations would place a stigma on the substance and hinder efforts to reuse some of the 130 million tons produced at U.S. coal-fired power plants each year.

"We have many decades of beneficial use of these products with no damage cases that have resulted from this beneficial use," said Thomas Adams, executive director of the American Coal Ash Association, in Aurora, Colo.

The EPA halted a program last year that promoted beneficial uses of coal ash, and took down a related website. The program, called the Coal Combustion Products Partnership, was started in 2001 with a goal of increasing the recycling of coal ash for use in other applications.

Adams said he was concerned the inspector general's report is a harbinger of EPA plans to impose tougher standards on the substance.

"You can kind of read between the lines that they truly don't support recycling anymore," Adams said.

The EPA's proposed rule would deem coal ash hazardous waste, bringing it under direct federal enforcement. Under a second option, favored by the industry, the ash would be considered non-hazardous and regulation of standards set by the EPA would be left to the states. Several public input hearings held around the country last year on the proposed changes attracted hundreds of citizens, activists and energy and manufacturing workers.

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Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

Mathy  
Stanislaus/DC/USEPA/US  
12/09/2011 05:48 PM

To Richard Windsor  
cc  
bcc  
Subject Fw: coverage in the Duke student newspaper

(b) (6) Personal Privacy

----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 12/09/2011 05:48 PM -----

From: Barry Breen/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA  
Date: 12/08/2011 11:02 AM  
Subject: coverage in the Duke student newspaper

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Environmental Protection Agency Administrator Lisa Jackson speaks at Reynolds Industries Theater to a crowd of more than 500 people Tuesday afternoon.

By [Matt Barnett](#) [4]  
December 7, 2011

A leader in environmental policy highlighted pressing concerns facing the Environmental Protection Agency Tuesday.

EPA Administrator Lisa Jackson addressed more than 500 people about environmental policies and challenges the EPA faces, particularly given the economic downturn and political climate. Jackson leads an 18,000-person department in an effort to protect and enhance the environment and public health. Deemed the 2011 Duke Environment and Society Lecture, Jackson's talk was sponsored by the Nicholas School of the Environment and took place at Reynolds Industries Theater.

Jackson commended the Obama administration's stance on environmental issues, discounting the notion that economic productivity and environmental health are mutually exclusive.

"President [Barack] Obama knows and has said the choice between the economy being healthy and the environment being healthy is a false choice," Jackson said.

She noted that both economists and industry groups recognize that regulations are almost never the cause of economic problems or layoffs. The opposite is often true, as regulations encourage innovation and often result in a net increase in job creation, Jackson said.

Environmental health has traditionally been a bipartisan issue. The EPA, which was created by Republican former President Richard Nixon, saw some of its greatest advances under Republican administrations, Jackson said.

"People of all parties and opinions want swift action whenever they see a threat in their communities," she said.

Jackson outlined some of the EPA's recent works, including steps to reduce toxic air pollution and cross-state air pollution, as well as investments in water infrastructure and community cleanups. She noted that the Obama administration was the first to recognize the adverse effects of greenhouse gases.

Nicholas School Dean Bill Chameides introduced Jackson, adding that environmental health is deeply connected with human health. He also noted the EPA's importance globally.

"The myth that the environment is an issue for greens... is just that—a myth," Chameides said. "Anyone who questions the value of the EPA should spend a week in China or India."

In an interview after the event, Jackson said many people do not remember what it was like before the establishment of the EPA, which may lead to uninformed criticism about the environment. Jackson said she wants to remind people about the environment's impact on public health.

"There's just no incentive in our system that's built in to price pollution or deal with it or minimize it," she said. "EPA has protection in its name—it's not unlike a police force or a defensive unit of our government."

Tim Profeta, director of the Nicholas Institute for Environmental Policy Solutions, said he is thrilled that Jackson came to Duke and commended her skills as the EPA administrator.

"We aren't moving backwards on environmental protection, but we are moving backwards on political will," Profeta said. "She's the perfect administrator for this time—her ability to be pragmatic and to really roll with the punches in the middle of a political maelstrom has been essential for her to allow the agency to continue to function."

Profeta said Jackson's talk has wide-reaching effects beyond the University.

"[The talk] was a strong and forceful defense of the agency's actions," he said. "It's not any surprise she came to this state and to this campus to make her voice heard, given the importance of the state in the politics of 2012."

Justin Garland, a first-year Master of Environmental Management student at the Nicholas School, said he is impressed by Jackson's talk.

"She was inspiring," Garland said. "It was the first time I'd ever seen her, and I was surprised to come away feeling pumped up and excited about environmental work."

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**Mathy  
Stanislaus/DC/USEPA/US**  
12/08/2011 01:00 PM

To Richard Windsor  
cc  
bcc

Subject Fw: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse  
Risk Analysis Ahead Of Final Rule

I'd like to speak to you about this in the next day or so.  
Andra Belknap

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

**From:** Andra Belknap

**Sent:** 12/08/2011 10:13 AM EST

**To:** Lisa Feldt; Mathy Stanislaus

**Cc:** Betsaida Alcantara

**Subject:** Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis  
Ahead Of Final Rule

## **EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis Ahead Of Final Rule**

Posted: December 7, 2011

EPA Administrator Lisa Jackson is for the first time outlining a target late 2012 date for issuing an analysis on the potential health risks from beneficial reuse of coal ash in products such as cement, a study long sought by proponents of strong ash controls that could inform the agency's final coal ash disposal rule also due late next year.

EPA plans to release the study ahead of the final rule, meaning it could help shape the agency's final decision on whether to regulate coal combustion residuals (CCRs) as solid waste under subtitle D of the Resource Conservation & Recovery Act (RCRA) or subject to stricter hazardous waste controls under subtitle C of the waste law. But proponents of stricter ash disposal regulations say that the agency needs to offer more details on its pending risk study.

"I think it's going to be towards the end of the year," Jackson said of the final rule, in remarks at a Dec. 6 Duke University event in Durham, NC. Jackson also said that the agency is conducting a risk analysis on the beneficial reuse of coal ash, with an eye toward releasing the analysis before the agency releases the final rule.

As to why the agency is doing the analysis, Jackson said "We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgments without information."

Jackson's comments appear to mark the first time EPA has provided any indication of when the agency would move forward with a risk analysis for the material. EPA told the agency's Inspector General (IG) in June that it would roll an assessment of beneficial reuse into its CCR rule, despite a March IG report that recommended the agency "define an implement risk evaluation practices to determine the safety of CCR beneficial uses EPA promotes."

EPA until recently promoted beneficial reuse of coal ash through its suspended Coal Combustion Products Partnership (C2P2) website. The site included details on environmental benefits of reuse of coal ash, including reduced land disposal, but EPA has suspended the C2P2 website while it works to complete the RCRA rule.

The IG report said EPA applied "significantly limited" risk screening, testing and modeling for the 15 categories of beneficial reuse it promoted through C2P2. Without adequate safeguards, coal waste contaminants can leach into ground water and migrate to drinking water sources, posing a potential human health risk, the report says.

Whistleblower group Public Employees for Environmental Responsibility (PEER) has called on EPA to strictly regulate beneficial reuse of CCRs as part of the agency's ongoing efforts to regulate disposal of the wastes.

Companies that beneficially reuse coal ash in wallboard, cement and other products have, however, argued that EPA should ensure the final rule does not harm the industry. The companies fear that a hazardous waste subtitle C rule would give coal ash a stigma harming its prospects as a reuse

material, decimating their industry.

EPA waste chief Mathy Stanislaus in a June 16 response to the IG report said, "Since we are still evaluating the comments received on the CCR proposed rule, and making decisions on how best to proceed, we do not yet have a timeline for developing the evaluation process regarding the beneficial use of CCRs."

The IG in a July 6 reply criticized the agency's response, noting "without a corrective action plan and estimated milestone completion dates, your response to the subject report is incomplete."

Jackson in her comments at the Dec. 6 Duke University event noted the IG's report on the issue, and that the final risk analysis "should help to clarify whether or not there's any concern there."

**A PEER source says, "We don't know the scope of what they're doing," noting that** while EPA's intent to do an analysis has been known, the timing or direction of the report remains largely unclear. The source says that many including PEER believe that EPA's failure to do a risk analysis while at the same time promoting CCR reuse is "utterly irresponsible," saying as well that "if there are no standards, we don't know if these uses are safe."

The source worries as well that EPA appears to be "putting the cart before the horse" and may be making assumptions about the benefits of material before finding out whether or not it is detrimental to human health. The source also worries that as new mercury standards on power plants are put in place through EPA's utility air toxics rule, the mercury content of coal ash is likely to rise significantly, raising renewed questions about its safety.

Sources have said EPA's RCRA proposal walks a "fine line" on CCR reuse, because it rejects industry claims that a strict hazardous designation for the waste would harm the reuse industry but also questions the safety of some reuses and seeks comment on "potential refinements for certain beneficial uses" (*Inside EPA*, June 11).

Jackson in her remarks also noted that the CCR is politically charged issue, citing push-back from states and the GOP on the proposed option of hazardous waste ash rules. Critics of the proposal want EPA to follow through on the alternative subtitle D solid waste plan, which would give states primary authority on ash regulations. The House Oct. 14 approved a bill that would preempt EPA action on coal ash in favor of establishing state-based programs.

However, the legislative push to restrict EPA's CCR rules faces a tough road to passage in the Democrat-controlled Senate, particularly as environmental groups have raised broad concerns about the House approach.

Jackson criticized the House-passed bill, calling it ironic that just a few years after a massive coal ash spill at a Tennessee Valley Authority facility in late 2008, the House has approved a bill to largely prevent EPA from regulating coal ash. She also said that while a majority of states have said "please let us handle it" with regards to regulating coal ash, "that by the way is what was happening when the Tennessee spill happened."

**During the Duke University event, Jackson also touched on a number of other challenges** facing environmental regulators in the coming years. For instance, she argued that "one of the biggest threats to our environmental health . . . are the huge numbers of cuts we're seeing across the country at the state level" in state environmental budgets.

Noting that states perform the vast majority of delegated federal environmental permit writing and enforcement, she feared that cuts in staffing and funding levels could significantly impair states' ability to do this work. "It is fine to have epic battles about what the mercury and air toxics standard should say, but then not having one single qualified person in the state who can write the permit to ensure that it gets implemented would be a huge problem," she said.

Jackson expressed concern that the combination of cuts to EPA's budget that Congress is pursuing, plus losses in state resources, could mean that "What you start to see is EPA fighting with states -- who I think are well-motivated at the career level -- to say 'thanks, we'd love to, but we can't take on one more single thing.'"

She added that the numbers of state professionals working in the field are dropping off, saying that "it's like 30 percent less doctors in some ways. These are public health professionals."

Jackson also spoke to the challenge of how to approach nonpoint source pollution from stormwater runoff. Calling runoff "the number one threat," she said, "I'm still hopeful that we find solutions to that issue, but that is a program that is much less adaptable to a regulatory solution than to community partnerships."

Rather, Jackson said that energy within communities to address those issues should be there given broad support for environmental protections, adding, "I think the breakthrough is going to be a series of regional breakthroughs."

These comments are in line with Jackson's comments to the Milwaukee Water Summit on Sept. 20,

where she touted the regional successes of efforts to clean up the Great Lakes, the Chesapeake Bay and the Puget Sound. -- *Bobby McMahon*

2384246

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

Betsaida Alcantara + Stacy who received it. Stacy is he... 12/08/2011 09:23:29 AM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Lisa Feldt/DC/USEPA/US@EPA, Stacy Kika/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 09:23 AM  
 Subject: Re: Important: coal ash

+ Stacy who received it. Stacy is he holding off on writing until we get an answer?

Lisa Feldt Also since his deadline was noon yeste... 12/08/2011 08:59:32 AM

From: Lisa Feldt/DC/USEPA/US  
 To: Betsaida Alcantara/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 08:59 AM  
 Subject: Re: Important: coal ash

Also since his deadline was noon yesterday, did we send anything over or are we working on different deadline?

Lisa Feldt  
 Deputy Assistant Administrator  
 Office of Solid Waste & Emergency Response  
 U.S. Environmental Protection Agency  
 Phone: (202) 566-0200:  
 Fax: (202) 566-0207  
 feldt.lisa@epa.gov

Betsaida Alcantara Mathy and Lisa, I think this rises to... 12/08/2011 08:52:45 AM

From: Betsaida Alcantara/DC/USEPA/US  
 To: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>  
 Date: 12/08/2011 08:52 AM  
 Subject: Important: coal ash

Mathy and Lisa,  
 I think this rises to you because inside epa is alleging that Mathy and LPJ have contradicted eachother. See below. What's the answer here?

Hi Stacy,

Administrator Jackson at the Duke University event today said that the agency as part of the coal ash



proposed rule was working on a risk analysis of ash as a beneficial reuse material. Here's the quote from her answer to a question.

"We've been doing a risk analysis of the beneficial reuse material. We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgements without information." She added that this issue was brought up in a report by the IG and that the analysis should "help to clarify whether or not there's any concern there."

But it's my understanding that EPA in the response to the IG's report said it did not have plans to undertake such an analysis on the risks of beneficial reuse of coal ash. In a June 16 response, Mathy Stanislaus said, "Since we are still evaluating the comments received on the CCR proposed rule, and making decisions on how best to proceed, we do not yet have a timeline for developing the evaluation process regarding the beneficial use of CCRs."

This would appear to me that EPA reversed its view on a risk analysis on beneficial reuse was warranted, so here are my questions -- what changed for EPA to decide that a risk analysis on beneficial reuse material was necessary? Has EPA previously announced that such an analysis was being undertaken and was slated for release before the final CCR rule? Was there subsequent correspondence between the IG and EPA about this risk analysis? Is EPA planning to release a draft version of the analysis for comment?

My deadline on this is noon tomorrow (Wednesday), and I appreciate your efforts on this. Thanks, and I look forward to hearing from you soon.

Best,  
Bobby

--

Bobby McMahon  
Associate Editor

Inside EPA [www.insideepa.com](http://www.insideepa.com) <<http://www.insideepa.com>> phone: 703-416-8536  
fax: 703-416-8543 [bmcmahon@iwpnews.com](mailto:bmcmahon@iwpnews.com) <<mailto:bmcmahon@iwpnews.com>>

~~~~~

**Mathy  
Stanislaus/DC/USEPA/US**  
05/11/2011 07:42 AM

To: Richard Windsor  
cc  
bcc  
Subject: Re: Google Alert - lisa jackson epa

Tx

---

**From:** Richard Windsor  
**Sent:** 05/11/2011 07:16 AM EDT  
**To:** "Mathy Stanislaus" <stanislaus.mathy@epa.gov>  
**Subject:** Fw: Google Alert - lisa jackson epa

FYI

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/11/2011 05:13 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

[Editorial: EPA should act on coal ash regulations](#)

Knoxville News Sentinel

The delay is frustrating, especially in light of US Environmental Protection Agency Administrator **Lisa Jackson's** promise to expedite the rule-making process after the massive spill at the Kingston Fossil Plant in December 2008. The **EPA** put developing ...

[See all stories on this topic »](#)

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[Manage](#) your alerts.

**Mathy  
Stanislaus/DC/USEPA/US**  
12/09/2011 03:54 PM

To Richard Windsor  
cc  
bcc

Subject Re: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse  
Risk Analysis Ahead Of Final Rule

Do you have a few minutes this afternoon to discuss  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/08/2011 01:06 PM EST  
**To:** Mathy Stanislaus  
**Subject:** Re: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk  
Analysis Ahead Of Final Rule  
Sure  
Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 12/08/2011 01:00 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk  
Analysis Ahead Of Final Rule  
I'd like to speak to you about this in the next day or so.  
Andra Belknap

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

**From:** Andra Belknap  
**Sent:** 12/08/2011 10:13 AM EST  
**To:** Lisa Feldt; Mathy Stanislaus  
**Cc:** Betsaida Alcantara  
**Subject:** Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis  
Ahead Of Final Rule

## **EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis Ahead Of Final Rule**

Posted: December 7, 2011

EPA Administrator Lisa Jackson is for the first time outlining a target late 2012 date for issuing an analysis on the potential health risks from beneficial reuse of coal ash in products such as cement, a study long sought by proponents of strong ash controls that could inform the agency's final coal ash disposal rule also due late next year.

EPA plans to release the study ahead of the final rule, meaning it could help shape the agency's final decision on whether to regulate coal combustion residuals (CCRs) as solid waste under subtitle D of the Resource Conservation & Recovery Act (RCRA) or subject to stricter hazardous waste controls under subtitle C of the waste law. But proponents of stricter ash disposal regulations say that the agency needs to offer more details on its pending risk study.

"I think it's going to be towards the end of the year," Jackson said of the final rule, in remarks at a Dec. 6 Duke University event in Durham, NC. Jackson also said that the agency is conducting a risk analysis on the beneficial reuse of coal ash, with an eye toward releasing the analysis before the agency releases the final rule.

As to why the agency is doing the analysis, Jackson said "We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgments without information."

Jackson's comments appear to mark the first time EPA has provided any indication of when the agency would move forward with a risk analysis for the material. EPA told the agency's Inspector General (IG) in June that it would roll an assessment of beneficial reuse into its CCR rule, despite a March IG report that recommended the agency "define an implement risk evaluation practices to determine the safety of CCR beneficial uses EPA promotes."

EPA until recently promoted beneficial reuse of coal ash through its suspended Coal Combustion Products Partnership (C2P2) website. The site included details on environmental benefits of reuse of coal ash, including reduced land disposal, but EPA has suspended the C2P2 website while it works to complete the RCRA rule.

The IG report said EPA applied "significantly limited" risk screening, testing and modeling for the 15 categories of beneficial reuse it promoted through C2P2. Without adequate safeguards, coal waste contaminants can leach into ground water and migrate to drinking water sources, posing a potential human health risk, the report says.

Whistleblower group Public Employees for Environmental Responsibility (PEER) has called on EPA to strictly regulate beneficial reuse of CCRs as part of the agency's ongoing efforts to regulate disposal of the wastes.

Companies that beneficially reuse coal ash in wallboard, cement and other products have, however, argued that EPA should ensure the final rule does not harm the industry. The companies fear that a hazardous waste subtitle C rule would give coal ash a stigma harming its prospects as a reuse material, decimating their industry.

EPA waste chief Mathy Stanislaus in a June 16 response to the IG report said, "Since we are still evaluating the comments received on the CCR proposed rule, and making decisions on how best to proceed, we do not yet have a timeline for developing the evaluation process regarding the beneficial use of CCRs."

The IG in a July 6 reply criticized the agency's response, noting "without a corrective action plan and estimated milestone completion dates, your response to the subject report is incomplete."

Jackson in her comments at the Dec. 6 Duke University event noted the IG's report on the issue, and that the final risk analysis "should help to clarify whether or not there's any concern there."

**A PEER source says, "We don't know the scope of what they're doing," noting that** while EPA's intent to do an analysis has been known, the timing or direction of the report remains largely unclear. The source says that many including PEER believe that EPA's failure to do a risk analysis while at the same time promoting CCR reuse is "utterly irresponsible," saying as well that "if there are no standards, we don't know if these uses are safe."

The source worries as well that EPA appears to be "putting the cart before the horse" and may be making assumptions about the benefits of material before finding out whether or not it is detrimental to human health. The source also worries that as new mercury standards on power plants are put in place through EPA's utility air toxics rule, the mercury content of coal ash is likely to rise significantly, raising renewed questions about its safety.

Sources have said EPA's RCRA proposal walks a "fine line" on CCR reuse, because it rejects industry claims that a strict hazardous designation for the waste would harm the reuse industry but also questions the safety of some reuses and seeks comment on "potential refinements for certain beneficial uses" (*Inside EPA*, June 11).

Jackson in her remarks also noted that the CCR is politically charged issue, citing push-back from states and the GOP on the proposed option of hazardous waste ash rules. Critics of the proposal want EPA to follow through on the alternative subtitle D solid waste plan, which would give states primary authority on ash regulations. The House Oct. 14 approved a bill that would preempt EPA action on coal ash in favor of establishing state-based programs.

However, the legislative push to restrict EPA's CCR rules faces a tough road to passage in the Democrat-controlled Senate, particularly as environmental groups have raised broad concerns about the House approach.

Jackson criticized the House-passed bill, calling it ironic that just a few years after a massive coal ash spill at a Tennessee Valley Authority facility in late 2008, the House has approved a bill to largely prevent EPA from regulating coal ash. She also said that while a majority of states have said "please let us handle it" with regards to regulating coal ash, "that by the way is what was happening when the Tennessee spill happened."

**During the Duke University event, Jackson also touched on a number of other challenges** facing environmental regulators in the coming years. For instance, she argued that "one of the biggest threats to our environmental health . . . are the huge numbers of cuts we're seeing across the country at the state level" in state environmental budgets.

Noting that states perform the vast majority of delegated federal environmental permit writing and enforcement, she feared that cuts in staffing and funding levels could significantly impair states' ability to do this work. "It is fine to have epic battles about what the mercury and air toxics standard should say, but then not having one single qualified person in the state who can write the permit to ensure that it gets implemented would be a huge problem," she said.

Jackson expressed concern that the combination of cuts to EPA's budget that Congress is pursuing, plus losses in state resources, could mean that "What you start to see is EPA fighting with states -- who I think are well-motivated at the career level -- to say 'thanks, we'd love to, but we can't take on one more single thing.'"

She added that the numbers of state professionals working in the field are dropping off, saying that "it's like 30 percent less doctors in some ways. These are public health professionals."

Jackson also spoke to the challenge of how to approach nonpoint source pollution from stormwater runoff. Calling runoff "the number one threat," she said, "I'm still hopeful that we find solutions to that issue, but that is a program that is much less adaptable to a regulatory solution than to community partnerships."

Rather, Jackson said that energy within communities to address those issues should be there given broad support for environmental protections, adding, "I think the breakthrough is going to be a series of regional breakthroughs."

These comments are in line with Jackson's comments to the Milwaukee Water Summit on Sept. 20, where she touted the regional successes of efforts to clean up the Great Lakes, the Chesapeake Bay and the Puget Sound. -- *Bobby McMahon*

2384246

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

Betsaida Alcantara + Stacy who received it. Stacy is he... 12/08/2011 09:23:29 AM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Lisa Feldt/DC/USEPA/US@EPA, Stacy Kika/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 09:23 AM  
 Subject: Re: Important: coal ash

+ Stacy who received it. Stacy is he holding off on writing until we get an answer?

Lisa Feldt Also since his deadline was noon yeste... 12/08/2011 08:59:32 AM

From: Lisa Feldt/DC/USEPA/US  
 To: Betsaida Alcantara/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 08:59 AM  
 Subject: Re: Important: coal ash

Also since his deadline was noon yesterday, did we send anything over or are we working on different deadline?

Lisa Feldt  
 Deputy Assistant Administrator  
 Office of Solid Waste & Emergency Response  
 U.S. Environmental Protection Agency  
 Phone: (202) 566-0200:  
 Fax: (202) 566-0207  
 feldt.lisa@epa.gov

Betsaida Alcantara    Mathy and Lisa, I think this rises to...    12/08/2011 08:52:45 AM

From: Betsaida Alcantara/DC/USEPA/US  
To: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>  
Date: 12/08/2011 08:52 AM  
Subject: Important: coal ash

---

Mathy and Lisa,  
I think this rises to you because inside epa is alleging that Mathy and LPJ have contradicted eachother. See below. What's the answer here?

Hi Stacy,

Administrator Jackson at the Duke University event today said that the agency as part of the coal ash proposed rule was working on a risk analysis of ash as a beneficial reuse material. Here's the quote from her answer to a question.

"We've been doing a risk analysis of the beneficial reuse material. We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgements without information." She added that this issue was brought up in a report by the IG and that the analysis should "help to clarify whether or not there's any concern there."

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This would appear to me that EPA reversed its view on a risk analysis on beneficial reuse was warranted, so here are my questions -- what changed for EPA to decide that a risk analysis on beneficial reuse material was necessary? Has EPA previously announced that such an analysis was being undertaken and was slated for release before the final CCR rule? Was there subsequent correspondence between the IG and EPA about this risk analysis? Is EPA planning to release a draft version of the analysis for comment?

My deadline on this is noon tomorrow (Wednesday), and I appreciate your efforts on this. Thanks, and I look forward to hearing from you soon.

Best,  
Bobby

--

Bobby McMahon  
Associate Editor  
Inside EPA [www.insideepa.com](http://www.insideepa.com) <<http://www.insideepa.com>> phone: 703-416-8536  
fax: 703-416-8543 [bcmcmahon@iwpnews.com](mailto:bcmcmahon@iwpnews.com) <<mailto:bcmcmahon@iwpnews.com>>

~~~~~



**Mathy  
Stanislaus/DC/USEPA/US**  
01/20/2012 11:13 AM

To "Bob Perciasepe", "Bob Sussman", Richard Windsor  
cc  
bcc  
Subject Fw: Bloomberg: Environmentalists Send EPA Intent-to-Sue  
Notice on Coal Ash

Nancy Cohen

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

**From:** Nancy Cohen  
**Sent:** 01/20/2012 11:01 AM EST  
**To:** Mathy Stanislaus; Barry Breen; Lisa Feldt; Shawna Bergman  
**Cc:** Becky Brooks; Marsha Minter; Rachel Bassler; Randy Deitz; George Hull;  
Jeremy Ames; Ellie Kanipe  
**Subject:** Bloomberg: Environmentalists Send EPA Intent-to-Sue Notice on  
Coal Ash  
Good morning and FYI:

### **Environmentalists Send EPA Intent-to-Sue Notice on Coal Ash**

Bloomberg BusinessWeek

Jan. 18 (Bloomberg) -- Earthjustice and 11 environmental groups notified the U.S. Environmental Protection Agency today that they intend to sue the agency to force it to issue regulations for the disposal of coal ash.

The groups said that three years after 1 billion gallons (3.79 billion liters) of the power-plant waste spilled from a disposal pond in Kentucky, the agency hasn't followed through on its pledge to issue new regulations.

"A major disaster has occurred, and it's past time to act," Lisa Evans, an attorney for Earthjustice, said on a conference call with reporters. The groups plan to sue the agency in 60 days to force the EPA to set a "date certain" for issuing its rules, she said.

The EPA said in 2000 it wouldn't regulate coal ash as hazardous. The agency began re-examining that decision after a 2008 spill from a Tennessee Valley Authority sludge pond in Kingston, Tennessee, which flooded 300 acres (121 hectares), destroying homes and contaminating waterways.

In 2010, the EPA proposed two ways to handle disposal of coal ash: classifying it with hazardous materials, giving the agency direct authority over permits and enforcement, and requiring liners for sludge ponds; or establishing standards, while leaving enforcement to the states.

### Call for Regulations

The environmental groups say the intent-to-sue notice is only seeking to get the EPA to issue the regulations, and doesn't call for either of the two approaches.



While the EPA has pledged to issue its rules this year, "these timetables can slip," Evans said. Alisha Johnson, a spokeswoman for the EPA, didn't return e-mail and telephone messages asking for comment.

Coal-burning power plants generated 136 million tons of ash in 2008, up from 118 million tons in 2001. The ash can be disposed of as a liquid in large ponds or as a solid in landfills. It can also be recycled. Industry groups say that labeling it a hazardous waste will mean the end of the recycling opportunities.

The U.S. House of Representatives voted last year to block the EPA from regulating coal ash, and asked states to take charge of preventing disasters.

--Editors: Daniel Enoch, Steve Geimann.

**Mathy**  
**Stanislaus/DC/USEPA/US**  
05/06/2011 01:34 PM

To "Richard Windsor"  
cc  
bcc  
Subject Fw: My apologies

This relates to the Rolling Stone article

----- Original Message -----  
From: Lisa Feldt  
Sent: 05/06/2011 01:04 PM EDT  
To: Mathy Stanislaus; Barry Breen  
Subject: Fw: My apologies

Lisa Evans e-mail

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 05/05/2011 03:15 PM MST  
To: Lisa Feldt  
Subject: My apologies

Lisa--

I want you to know that I sincerely appreciate the time and effort that you have dedicated to the coal ash rule. I believe Emily has spoken with Dru and explained how I was misquoted by Jeff Goodell in his Rolling Stone blog today. I have contacted Jeff, and I am hoping that he will publish a clarification. While I stated in a brief email to Jeff, in response to his query, that EPA was working hard to complete the rule, I also relayed your statement that completion this year was unlikely-- not that the rule would not be completed until 2013.

I hope that we can continue to have frank conversations and work together productively on this important issue. I regret any problems this blog created.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
www.earthjustice.org

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**Mathy  
Stanislaus/DC/USEPA/US**  
04/28/2011 11:47 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman", Arvin  
Ganesan, "David McIntosh", "Michael Goo"  
cc "Lisa Feldt"  
bcc

Subject Fw: ECOS support of HR 1391 that would prohibit regulation  
of CCR under subtitle C of RCRA

Randy Deitz

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

**From:** Randy Deitz  
**Sent:** 04/28/2011 11:45 AM EDT  
**To:** Mathy Stanislaus; Barry Breen; Lisa Feldt  
**Cc:** Marsha Minter; Suzanne Rudzinski; Sandra Connors; Robert Dellinger;  
Betsy Devlin; Matt Straus; Jeffrey Kohn; Shawna Bergman; Ellyn Fine; Becky  
Brooks

**Subject:** ECOS support of HR 1391 that would prohibit regulation of CCR  
under subtitle C of RCRA

Mathy, I am forwarding a letter and accompanying resolution from ECOS to  
Environment and Economy Subcommittee Chairman John Shimkus and Ranking  
Subcommittee Member Gene Green of the House Energy and Commerce Committee  
supporting the goal of HR 1391, to prohibit EPA from regulating CCR under subtitle  
C of RCRA.

April 13, 2011

The Honorable John Shimkus  
Chairman  
Subcommittee on Environment and the Economy  
2452 Rayburn House Office Building  
Washington, DC 20515

The Honorable Gene Green  
Ranking Member  
Subcommittee on Environment and the Economy  
2470 Rayburn HOB  
Washington, DC 20515

RE: H.R. 1391 - To prohibit regulation of fossil fuel combustion  
waste under RCRA Subtitle C

Dear Congressmen:

The Environmental Council of the States (ECOS) is writing to support  
the concepts included in H.R. 1391 as drafted today regarding the  
regulation of coal combustion residuals (CCR).

ECOS' members are the leaders of the states' environmental agencies.  
Our members passed a resolution on this matter last year (attached,  
and also found at:

[http://www.ecos.org/files/4018\\_file\\_Resolution\\_08\\_14\\_2010\\_version.doc](http://www.ecos.org/files/4018_file_Resolution_08_14_2010_version.doc)

)

ECOS supports the goal of H. R. 1391 to prevent the regulation of coal combustion residuals as a hazardous waste under the Solid Waste Disposal Act (42 U.S.C. 6901).

We understand that you will receive testimony this week from our sister association, the Association of State and Territorial Solid Waste Management Officials. These are the men and women who implement the waste programs within the states' environmental agencies, and we have worked closely with them on this issue. I urge you to carefully consider their testimony which we support.

We ask that you include this letter in the record on this matter. If there is anything else that ECOS can do to assist you in this matter, please do not hesitate to ask.

Regards,

A handwritten signature in black ink, appearing to read "Richard Windsor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Executive Director

Attachment



Resolution Number 08-14  
Approved September 22, 2008  
Branson, Missouri

Revised March 23, 2010  
Sausalito, California

As certified by  
R. Steven Brown  
Executive Director

### **The Regulation of Coal Combustion Products**

WHEREAS, The 1980 Bevill Amendment to the Resource Conservation and Recovery Act (RCRA) requires the U.S. Environmental Protection Agency (U.S. EPA) to "conduct a detailed and comprehensive study and submit a report" to U.S. Congress on the "adverse effects on human health and the environment, if any, of the disposal and utilization" of fly ash, bottom ash, slag, flue gas emission control wastes, and other byproducts from the combustion of coal and other fossil fuels and "to consider actions of state and other federal agencies with a view to avoiding duplication of effort;" and

WHEREAS, U.S. EPA conducted the comprehensive study required by the Bevill Amendment and reported its findings to U.S. Congress on March 8, 1988 and on March 31, 1999, and in both Reports that recommended that coal combustion wastes (CCW) not be regulated as hazardous waste under RCRA Subtitle C; and

WHEREAS, on August 9, 1993, U.S. EPA published a regulatory determination that regulation of the four large volume coal combustion wastes (fly ash, bottom ash, boiler slag, and flue gas emission control waste) as hazardous waste under RCRA Subtitle C is "unwarranted;" and

WHEREAS, on May 22, 2000, U.S. EPA published a final regulatory determination that fossil fuel combustion wastes, including coal combustion wastes, "do not warrant regulation [as hazardous waste] under Subtitle C of RCRA," and that "the regulatory infrastructure is generally in place at the state level to ensure adequate management of these wastes;" and

WHEREAS, U.S. EPA is under no statutory obligation to promulgate federal regulations applicable to CCW disposal following the regulatory determination that hazardous waste regulation of CCW disposal is not warranted, and throughout the entire Bevill regulatory process, CCW disposal has remained a state regulatory responsibility and the states have developed and implemented robust regulatory programs tailored to the wide-ranging circumstances of CCW management

throughout the country; and

WHEREAS, in 2005, U.S. EPA and the U.S. Department of Energy published a study of CCW disposal facilities constructed or expanded since 1994 and evolving state regulatory programs that found: state CCW regulatory requirements have become more stringent in recent years, the vast majority of new and expanded CCW disposal facilities have state-of-the-art environmental controls, and deviations from state regulatory requirements were being granted only on the basis of sound technical criteria; and

WHEREAS, the states have demonstrated a continuing commitment to ensure proper management of CCWs and several states have announced proposals for revising and upgrading their state CCW regulatory programs.

NOW, THEREFORE BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Agrees with U.S. EPA's repeated assessments in 1988, 1993, 1999, 2000, and 2005 that CCW disposal does not warrant regulation as hazardous wastes under RCRA Subtitle C;

Agrees with U.S. EPA's finding in the 2005 study previously cited that "the regulatory infrastructure is generally in place at the state level to ensure adequate management of these wastes" and believes that states should continue to be the principal regulatory authority for regulating CCW as they are best suited to develop and implement CCW regulatory programs tailored to specific climate and geological conditions designed to protect human health and the environment;

Supports safe, beneficial reuse of CCW, including for geotechnical and civil engineering purposes;

Believes that the adoption and implementation of a federal CCW regulatory program would create an additional level of oversight that is not warranted, duplicate existing state regulatory programs, and require additional resources to revise or amend existing state programs to conform to new federal regulatory programs and to seek U.S. EPA program approval;

Believes that if U.S. EPA promulgates a federal regulatory program for state CCW waste management programs, the regulations must be developed under RCRA Subtitle D rather than RCRA Subtitle C;

Believes that designating CCW a hazardous waste under RCRA Subtitle C could create stigma and liability concerns that could impact the beneficial use of CCW; and

Therefore calls upon U.S. EPA to conclude that additional federal CCW regulations would be duplicative of most state programs, are unnecessary, and should not be adopted, but if adopted must be developed under RCRA Subtitle D rather than RCRA Subtitle C, and in addition, urges U.S. EPA to make a timely decision, and calls upon U.S. EPA to begin a collaborative dialogue with the states to develop

and promote a national framework for beneficial use of CCW including use principles and guidelines, and to accelerate the development of markets for this material.

Randy Deitz  
Attorney Advisor  
U.S. EPA  
Office of Solid Waste and Emergency Response (OSWER)  
(202) 566-0197



**Mathy  
Stanislaus/DC/USEPA/US**

12/09/2010 10:31 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman", "Lisa Garcia"

cc

bcc

Subject Community involvement poll and article in USAToday

From USA Today -

<http://www.thestarpress.com/article/20101208/NEWS06/101208049/1002/rss>

People say they need involvement in communities  
USA TODAY • DECEMBER 8, 2010

An overwhelming majority of Americans say it's important for them to be involved in their community amid concern that technological gadgets and harried schedules are fraying human connections, a new USA TODAY/Gallup poll shows.

Almost half say it's "very important" and 41 percent say it's "somewhat important," according to the poll, taken Oct. 21-24.

"I would go for being able to have a nice, over-the-fence conversation over barely nodding to each other," says Josh Pointer, 32, of Springfield, Ill. "You want to help out the people that you live next to to make things as nice as possible. The back you scratch today is connected to the hand that scratches your back tomorrow."

The sentiment cuts across most educational, gender and regional lines, according to the poll of 1,021 adults.

"There's a growing interest across all sectors - from businesses to regular citizens - in being more involved," says Jonathan Weiss, director of sustainability at ManTech International, a global consulting firm based in Fairfax, Va.

Weiss sees it in the growing push for sustainable communities - places where people work together to create a sound economic, environmental and social climate. "Broad-based local involvement is key to having a thriving sustainable community," he says. "New social networking and Web 2.0 tools have allowed more and more community residents to come together."

A recent survey of 895 Internet experts shows that despite worries that technology creates a social disconnect, the social benefits of Internet use will far outweigh the negatives over the next decade. The survey by the Pew Internet & American Life Project found that online tools offer "low-friction" opportunities to make a difference in people's lives.

Tough economic times and mounting anti-government sentiment may fuel the desire to get involved.

"Think about the national debates that are happening," says Chris Hoene, director of the center for research and innovation at the National League of Cities. "On the one hand, there's discussion about anti-government. On the other side, there is this kind of underlying populism out there, people wanting to be more engaged in what government is doing or not doing."

Cities, faced with cutting their budgets, are reaching out to residents to help them through the economic crunch.

"They're having to make very tough choices between services they provide and how those services are funded," Hoene says. "They can make these decisions in a vacuum, or they can actually take the

decisions to the citizens themselves.”

Efforts such as Connecting with the Community in Longmont, Colo., and Portsmouth Listens in Portsmouth, N.H., have engaged residents who might not have gotten involved otherwise.

**Mathy  
Stanislaus/DC/USEPA/US**  
11/09/2011 06:49 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman", "Seth Oster"  
cc "Lisa Feldt"  
bcc  
Subject Fw: NEWS: Groups Call on Senate to Prevent Another Toxic Coal Ash Spill

---

**From:** Emily Enderle [eenderle@earthjustice.org]  
**Sent:** 11/08/2011 04:17 PM PST  
**To:** Mathy Stanislaus; Stephanie Owens  
**Subject:** NEWS: Groups Call on Senate to Prevent Another Toxic Coal Ash Spill

Dear Assistant Administrator Stanislaus and Ms. Owens,  
Earthjustice and the Sierra Club have started running ads in MI, WI and VA last week to compliment a fly-in with 19 affected citizens and leaders from 10 states. Additionally, we phone banked Senators. We'll likely undertake similar efforts other states.  
Please find below the press release with links to the ads and the E&E coverage.  
Emily

## **FOR IMMEDIATE RELEASE**

November 8, 2011

Contacts: Jared Saylor, Earthjustice (202) 667-4500 ext. 213  
Maggie Kao, Sierra Club (202) 675-2384

### **Groups Call on Senate to Prevent Another Toxic Coal Ash Spill**

*TV ads in Wisc., Mich. and Va. highlight threat of coal ash after Great Lakes spill*

**Washington, D.C.** – Earthjustice and Sierra Club launched a television ad campaign in three states urging Senators to reject legislation that prevents the Environmental Protection Agency from regulating toxic coal ash. The ads are launching on the heels of a toxic coal ash spill into Lake Michigan, and are airing in Wisc., Mich. and Va. All three states have been plagued by toxic coal ash contamination onto their land and into drinking water sources. The bill, which was passed by the U.S. House of Representatives, is before the Senate now.

The 30-second spots take a humorous look at a very serious problem. Coal ash contains dangerous pollutants such as lead, arsenic, mercury, hexavalent chromium, selenium and much more. Though the EPA reports that drinking water contaminated with arsenic from a coal ash site increases cancer risk to 1 in 50 – 2,000 times greater than acceptable risk levels – there are still no federally enforceable standards to protect nearby communities from this toxic menace.

View the Wisconsin ad here: <http://youtu.be/d3M3PNJayDk>

View the Michigan ad here: <http://youtu.be/YGCBXsftPbI>

View the Virginia ad here: <http://youtu.be/bUhMIUlb0j0>

“A vote against this dangerous Senate legislation is a vote to protect public health and our environment,” said **Martin Hayden, vice president of policy and legislation for Earthjustice**. “This bill creates fewer safeguards to protect people from toxic coal ash than currently exist for a banana peel in the town dump. It passes on tackling the national problem of coal ash contamination, thus threatening human lives, irreparably harming our drinking water and ensuring that future generations have an even larger mess to clean up. The only right vote is one that would kill this legislation and stop it from passage. We are calling on our senators to vote for the people, not for the polluting industries. We do not need another disaster to show us the very real threat of coal ash.”

“This spill in the Great Lakes is a tragic reminder of why the status quo is not good enough,” said **Mary Anne Hitt, Sierra Club’s Beyond Coal campaign director**. “As long as politicians interfere, spills like this are going to happen, communities across the country are at risk. Congress needs to back off and allow the EPA to finalize strong protections and the Senate should stop their work to block the EPA from protecting Americans from toxic coal ash.”

#####

## 11. COAL: Enviros launch TV ads in bid to derail Senate ash bill

Manuel Quinones, E&E reporter

Published: Tuesday, November 8, 2011

Environmentalists have launched a television ad campaign against House-passed legislation that would limit U.S. EPA oversight of combustion waste from coal-burning power plants.

The legislation -- now in front of the Senate -- would prohibit EPA from regulating coal ash as a hazardous substance and give states broad oversight powers ([E&E Daily](#), Oct. 21). The ads airing in Wisconsin, Virginia and Michigan are meant to pressure Senate Democrats who may be inclined to support the measure.

The ads show a man wearing a hazardous-materials suit. "Coal ash contaminates our lives," the ad says, in text shown on the screen. "We need strong protections from toxic coal ash." It then urges residents to press Democratic Sens. Mark Warner and Jim Webb of Virginia, Carl Levin and Debbie Stabenow of Michigan and Wisconsin's Herb Kohl to reject the proposal.

The ad is sponsored by the Sierra Club and Earthjustice.

"A vote against this dangerous Senate legislation is a vote to protect public health and our environment," said Martin Hayden, Earthjustice's vice president of policy and legislation, in a statement. "This bill creates fewer safeguards to protect people from toxic coal ash than currently exist for a banana peel in the town dump."

Last week, Wisconsin Democratic Reps. Tammy Baldwin and Ron Kind pledged their continued support for the legislation in the Senate ([E&E Daily](#), Nov. 4). Despite a coal ash spill in their state, the lawmakers echo industry advocates in saying the bill will add new safeguards while protecting efforts to promote coal ash recycling for numerous uses like construction.

The bill's supporters believe it has a chance in the Senate. And while the White House has expressed

opposition, it has stopped short of issuing a veto threat. However, Sen. Barbara Boxer (D-Calif.), chairwoman of the Environment and Public Works Committee, has dismissed its chances and suggested she opposes holding a hearing on the measure.

"We've already had hearings on the problems of coal ash," Boxer said in an interview. "We've produced a lot of important documentation that shows that coal ash is dangerous."

[Click here](#) to watch one of the ads.

*Reporter Jason Plautz contributed*

Mathy  
Stanislaus/DC/USEPA/US  
09/21/2011 03:24 PM

To "Richard Windsor", "Diane Thompson", "Craig Hooks", "Seth Oster", Arvin Ganesan, "Michael Goo", "Michelle DePass", "Cynthia Giles-AA", "Nancy Stoner", "Gina McCarthy", "Malcolm Jackson", "Bob Perciasepe", "Bob Sussman", "Lisa Garcia", "Bicky Corman", "Janet Woodka"

cc

bcc

Subject Fw: Heightened attention on Department and Agency conference spending

In case haven't seen this  
Randy Deitz

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

**From:** Randy Deitz

**Sent:** 09/21/2011 01:35 PM EDT

**To:** Mathy Stanislaus; Barry Breen; Lisa Feldt

**Cc:** Marsha Minter; Rachel Bassler; Shawna Bergman; Becky Brooks

**Subject:** Heightened attention on Department and Agency conference spending

FYI - Another example of attention being directed at Department and Agency spending during this difficult budget climate.

## A \$16 muffin? Justice Dept. audit finds 'wasteful' and extravagant spending

By [Jerry Markon](#), Published: September 20

Where does a muffin cost more than \$16?

At a government conference, it turns out.

They may run just over \$2 at your average coffee shop, but the Justice Department paid seven to eight times as much at a gathering it held at the Capital Hilton in Washington. And on Tuesday, the muffins seemed well on their way to joining the Pentagon's \$600 toilet seat as symbols of wasteful spending.

Justice Department auditors also criticized a \$76-per-person lunch at a conference at a Hilton in San Francisco, featuring slow-cooked Berkshire pork carnitas, hearts-of-romaine salad — and coffee at \$8.24 a cup.

A [report](#) released Tuesday by the department's acting inspector general, [Cynthia A. Schnedar](#), is full of what she called "wasteful or extravagant spending" at 10 law enforcement conferences spanning the George W. Bush and Obama administrations. Descriptions of cookies and brownies costing the government nearly \$10 each and beef Wellington hors d'oeuvres at \$7.32 per serving struck a nerve in Washington, where austerity and belt-tightening are the watchwords at a time of economic hardship.

The reaction was blistering — and bipartisan.

“Sixteen-dollar muffins and \$600,000 for event planning services are what make Americans cynical about government and why they are demanding change,” said Sen. [Charles E. Grassley](#) (Iowa), the ranking Republican on the Senate Judiciary Committee. “The Justice Department appears to be blind to the economic realities our country is facing. People are outraged, and rightly so.”

His Democratic counterpart, Judiciary Committee Chairman [Patrick J. Leahy](#) (Vt.), added that “wasteful spending is never justified” and that “like all agencies, the Justice Department will be asked to trim its spending.”

Even the auditor’s report noted the irony that Justice was failing to fully “minimize” costs as required under guidelines put in place after an [audit](#) in 2007, when the department had drawn criticism for serving platters of Swedish meatballs costing nearly \$5 each.

Justice officials did not dispute most of the findings. The department did not offer an official to speak by name, but a spokeswoman who was not authorized to comment publicly said the agency “agrees that excessive spending of the types identified in the report should not occur” and has taken steps to prevent it. She said conference costs have been cut this year as part of an effort to curtail non-essential spending, though she could not specify an amount.

Justice Department officials gave auditors a variety of explanations for the expenses, saying consultants they hired to help plan events had valuable knowledge and that the department had done its best to control costs. Officials from one Justice office said they thought they were saving money by serving muffins and other snacks instead of full meals.

Overall, in 2008 and 2009, the Justice Department held or participated in 1,832 conferences at a cost of \$121 million, the report said. The conferences examined by auditors, on topics from drug enforcement to violence against women, were held at elite hotels — including the Omni Shoreham and the J.W. Marriott in Washington and the Grand Hyatt in Denver — that added service fees of roughly 20 percent to the food costs.

Most of the conferences studied were held or planned during the Bush administration, and the report included a May 2009 memo from then-Deputy Attorney General David W. Ogden vowing that the Obama administration would crack down on conferences and other “extravagant spending, especially during these challenging financial times.”

The event that raised the most eyebrows — the 2009 legal training conference in Washington sponsored by Justice’s Executive Office for Immigration Review — was held three months after the Ogden memo. It featured 250 assorted muffins for \$4,200, or \$16.80 apiece, and \$2,880 for 300 cookies and brownies, along with various pastries and snacks.

That prompted Rep. [Frank R. Wolf](#) (R-Va.) to write a letter to Attorney General Eric H. Holder Jr. on Tuesday, pointing out that the muffins were served “during your tenure as Attorney General.”

“It is clear that while American taxpayers were tightening their belts and making difficult financial decisions, the department was splurging on wasteful snacks,” the letter said.

Sen. [Jeff Sessions](#) (R-Ala.), a former federal prosecutor, called the expenditures revealed in the report “outrageous” and said Justice officials “spend too much time attending conferences.”

The report criticized the Justice Department for spending about \$600,000 in grant funds for “event planning services” by outside firms at five of the conferences. Schnedar, the acting inspector general, also found that the department spent nearly \$3,500 in “unallowable and unnecessary” costs to fly a consultant three times between Alaska and California to help plan a 2008 conference on reducing violence on Indian lands

Justice officials defended that expenditure. “The consultant was the only event planner who had the expertise and knowledge” in areas such as “substantive knowledge of Native American traditions and cultures,” Laurie O. Robinson, assistant attorney general for the Office of Justice Programs, wrote in response to the report.

Randy Deitz  
Attorney Advisor  
U.S. EPA  
Office of Solid Waste and Emergency Response (OSWER)  
(202) 566-0197



**Michael Goo/DC/USEPA/US**  
11/28/2011 09:37 AM

To fulton.scott, "Laura Vaught", "Bob Sussman", "Bob Perciasepe", "Richard Windsor"  
cc  
bcc  
Subject Fw: Ready or not, here MACT comes

Here is the piece on the CEG report.

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 11/28/2011 05:34 AM EST  
**To:** Michael Goo  
**Subject:** Ready or not, here MACT comes

## **Ready or not, here MACT comes**

By Erica Martinson  
11/28/11 5:33 AM EST

Most energy companies are prepared to meet the EPA's upcoming mercury and air toxics rule for power plants, a [study](#) to be released Monday says.

The Clean Energy Group, a coalition of utilities in favor of the EPA's regulations, is releasing the updated report assessing the impact of the agency's utility MACT rule on the reliability of the electric grid. The rule is due Dec. 16.

Thirty companies, including Ameren, Constellation, Exelon and NextEra, are quoted in the report — mainly based on corporate quarterly earnings calls this year — as saying they will be able to meet the EPA rule deadlines without problems. Many of the companies say they have been planning for this eventuality for nearly a decade, and others say increased demand stemming from likely coal plant retirements will bolster their profits.

The report argues against a number of contentions that critics have made about the EPA's air rules, including claims that the rules don't allow enough time for plants to upgrade or shut down; that they don't take power reliability concerns seriously; that the rules will be too expensive; or that the rules will leave power customers in the dark.

The EPA's stringent new rule to cut toxic emissions from power plants is expected to be costly for many companies, and too costly for numerous old coal-fired power plants. Most of those plants will be retired in the three-year period allowed to implement the rule.

But some utility critics and energy planners have [charged](#) that the EPA has not done enough to consider whether the rule, along with other upcoming regulations, could affect the ability of power plants to deliver electricity to customers, particularly during peak demand periods.

On the contrary, though, the new report argues that 38 gigawatts of generating capacity is under

construction, which will bolster capacity in the face of coal plant shutdowns. While those could typically take two to four years to develop, “demand side resources (e.g., emergency generators)” could be brought online in much shorter time frames if necessary.

Beyond that, the report says the EPA has plenty of authority under the Clean Air Act to allow unit-by-unit extensions of one year to install pollution controls. The EPA has done it before, the report says, noting plants in Maine, North Carolina, Iowa and Washington that were given 10- to 12-month extensions to comply with previous air toxics rules.

Beyond a four-year time frame, the report says, the EPA could enter into consent orders or consent decrees with power plant operators to allow more time to install the controls.

The report also says corporate earnings statements show that at least 30 power generating companies, including 11 of the top 15 largest coal fleet owners in the U.S., have assured investors that they “are well positioned to comply [with EPA air rules] because of earlier investments in their fleets.”

And the report says critics’ contentions that EPA rules will lead to mass power outages are incorrect.

Beyond allowing additional time for plants that are key to some power grids, the report says that reserve margins — capacity above actual used power — are well above targets for most FERC regions. All regions have at least 5 percent additional gigawatts of reserve margin projected for 2014, the report says.

To read and comment online:

<https://www.politicopro.com/go/?id=7526>

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Michael Goo/DC/USEPA/US  
12/22/2011 08:39 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Laura Vaught  
cc  
bcc  
Subject NYT--with Izzo Quote

I assume you have already seen, but just in case not.

### **E.P.A. Issues Limits on Mercury Emissions**

**Outlet Full Name:** New York Times - Online, The

**News Text:** WASHINGTON — The Environmental Protection Agency unveiled new standards on Wednesday sharply limiting emissions of mercury and other toxic pollutants from the nation's coal- and oil-burning power plants.

The new rule, unless blocked by Congress or the courts, will be the first time the federal government has enforced limits on mercury, arsenic, acid gases and other poisonous and carcinogenic chemicals emitted by the burning of fossil fuels.

Lisa P. Jackson, the E.P.A. administrator, said the regulations, which have taken more than 20 years to formulate, would save thousands of lives and return economic and health benefits many times their estimated \$9.6 billion annual cost.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health — and especially for the health of our children," Ms. Jackson said in statement.

President Obama, who in September rejected a proposed E.P.A. rule covering smog-causing emissions as too burdensome to industry, said he fully supported the new rule. He directed the agency to ensure that companies were given sufficient time and flexibility to comply.

He said the new set of regulations, formally known as the Mercury and Air Toxics Standards, "represents a major step forward in my administration's efforts to protect public health and the environment."

Although the release of the rule had been delayed several times, the final version looked much like the proposed regulations published in March. White House officials consulted extensively with industry representatives about the impact of the new standards but in the end asked the E.P.A. for only minor changes.

Republican officials and a number of plant operators criticized the rule and are likely to challenge it in court and in Congress. They said it was too expensive and would force the premature closing of scores of power plants, eliminate hundreds of thousands of jobs and threaten the supply of electricity in some parts of the country.

Scott H. Segal, who represents utilities that would be affected by the rule, said the E.P.A. was playing down the costs and double-counting the benefits. "The bottom line," he said in an analysis of the regulation, is that "this rule is the most expensive air rule that E.P.A. has ever proposed in terms of direct costs."

He added, "It is certainly the most extensive intervention into the power market and job market that E.P.A. has ever attempted to implement."

Environmental advocates challenged Mr. Segal's analysis, and his views are not universally shared in the power industry. Ralph Izzo, the chief executive of the Public Service Enterprise Group, the parent of New Jersey's largest electric utility, said his company had spent \$1.3 billion to bring his plants into compliance with New Jersey's air quality rules, which are as stringent as the new federal standards. He said other utilities had had more than enough notice to clean up their facilities in advance of the federal rule announced on Wednesday.

Mr. Izzo said that the E.P.A. action was "long overdue," and that the Clean Air Act, under which the new standards were issued, provided enough flexibility to allow all power generators to come into compliance without a threat to the electric supply.

Mercury is a neurotoxin, harming the nervous systems of fetuses and young children and causing lifelong developmental problems, according to the E.P.A. Other pollutants covered by the new rule, including dioxin, can cause cancer, premature death, heart disease and asthma, the agency said.

Power plants generally have up to four years to comply, although waivers can be granted in individual cases to ensure that the lights stay on. The E.P.A. estimated that utilities would be forced to retire plants that currently provide less than one-half of 1 percent of the nation's generating capacity.

The rule is the first national one to put limits on emissions of mercury and other toxic gases from power plants, although more than a dozen states have imposed such regulations. The George W. Bush administration proposed a rule covering mercury emissions, but environmental and health groups blocked it in court on the ground that it did not meet the minimum standards of the Clean Air Act.

Senator James M. Inhofe of Oklahoma, the senior Republican on the Environment and Public Works Committee, vowed to block the new regulations.

"Sadly, this rule isn't about public health," he said in a statement. "It is a thinly veiled electricity tax that continues the Obama administration's war on affordable energy and is the latest in an unprecedented barrage of regulations that make up E.P.A.'s job-killing regulatory agenda."

The E.P.A. said that when the rule was fully in effect, it would prevent 90 percent of the mercury in coal burned in power plants from being emitted into the air and reduce acid gas emissions from power plants by 88 percent.

The rule applies to 1,400 power-generation units at 600 coal- or oil-burning plants. About half the coal boilers lack what the E.P.A. calls "advanced pollution control equipment"; some are more than 50 years old.

The E.P.A. estimated that the rules would eliminate "up to 11,000 premature deaths" per year, along with thousands of heart attacks, asthma attacks and emergency room visits.

The impact on the electric system is difficult to quantify, in part because the administration is moving forward on two other major rules affecting power plants, one for plants east of the Rockies that send pollution across state borders, and another governing discharges of warm water. Plant owners may calculate that it is cheaper to build a new plant burning natural gas than to upgrade an old coal-burner.

Susan F. Tierney, a consultant who was an assistant secretary of energy for policy during the Clinton administration and a utility regulator in Massachusetts, said the cross-state rule and the new mercury rule might push out of business plants that were "on the margin" financially.

Plants with stronger economics may upgrade to control mercury and other hazardous pollutants, she said, because the water rule is still several years in the future.

Ms. Tierney said the mercury rule was the biggest E.P.A. rule on power plants since the mid-1990s, although other changes could be coming. "Under existing rules, it's really the next big action-forcing regulation," she said. Eventually, she said, E.P.A. regulation of greenhouse gases could have a broader impact, but that rule is still being written.

Michael Goo/DC/USEPA/US  
12/09/2011 01:46 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",  
"Laura Vaught"

cc

bcc

Subject Another story Re PSEG position

More of the same but worth a look.

#### AIR POLLUTION:

N.J. utility splits from high-level talks on mercury rules

Gabriel Nelson, E&E reporter

Published: Friday, December 9, 2011

New Jersey's largest power producer has backed out of industry talks on U.S. EPA's upcoming standards for toxic air pollution to protest a stance taken by the utilities' largest trade group on mercury.

Newark-based Public Service Enterprise Group Inc. (PSEG) could live with delays to the air pollution standards that are due Dec. 16, but the company won't accept a loosening of the mercury emissions limits that were being sought by the Edison Electric Institute (EEI), said Eric Svenson, PSEG's vice president of policy, environment, health and safety, in an interview.

"We've made the investment, we believe it's very doable and to be straight-up about it, we believe that others should do the same," Svenson told Greenwire.

The company's departure from the negotiations, which was first reported today by National Journal, is the latest sign of the deep rift within the industry on the Obama administration's air pollution rules, dividing companies that rely more heavily on coal and those that have taken more steps to control their emissions. As the White House started reviewing EPA's final rule, the trade group gathered top executives from more than a half-dozen power companies to hash out a compromise position and perhaps avoid some of the litigation that typically snarls major EPA rules. There was agreement on all but two topics, Svenson said. One was timing. Under the Clean Air Act, companies get three years to comply with new toxic emissions standards, but the state or federal government can allow them a fourth year if needed. The president can also grant a two-year extension if the technology needed to comply is not available or the power plants are key to national security.

PSEG did not agree that the administration should offer both types of extensions in the final rule, but it was willing to go along with some delays as part of a compromise, Svenson said.

The other issue was mercury; industry would face the first-ever federal limits under the rules.

EPA is required to calculate the average mercury emissions from the cleanest 12 percent of power plants and set a pollution limit accordingly. While some power companies and EEI have argued that EPA miscalculated the emissions limit based on the data that were submitted by the utility industry, PSEG agrees with the agency's methods.

The New Jersey utility gets most of its electricity from nuclear and natural gas plants. About 15 percent of the company's power generation comes from coal, which is roughly a third of the U.S. average in recent years.

EPA's proposal would allow power plants to release 1.2 pounds of mercury for every trillion British thermal units of energy they produce, but EEI argues the standard should be 1.42 pounds. While the stricter proposed standard would reduce the industry's total mercury emissions by about 90 percent, the standard discussed by EEI would mean an industrywide reduction of about 80 to 82 percent, Svenson said.

That change would allow some companies that flunk the proposed standard to meet them using existing equipment, or by switching to lower-sulfur coal. They would not have to add the newest pollution controls, as PSEG was required to do over the past few years at two coal-burning plants in New Jersey to comply with a legal settlement.

But allowing a few thousand more pounds of mercury to be released into the air each year could prompt an outcry from environmental and health groups. Mercury is a potent neurotoxin that can travel up the food chain to humans, causing developmental problems in children who eat fish.

It is unclear whether EEI urged the White House to make the changes discussed during the talks or whether the administration has pursued them. Svenson said he did not know, and a spokesman for EEI did not respond to a message seeking comment.

OMB spokeswoman Meg Reilly declined to comment on possible changes to the emissions rules because

a final decision has not been made, and EPA press secretary Brendan Gilfillan echoed that sentiment. "Rather than reacting to rumors that are likely to continue to arise as this process nears its end, we hope those interested in these standards will withhold judgment until they are actually finalized and released," Gilfillan wrote in an email.

Michael Goo/DC/USEPA/US  
12/05/2011 08:26 AM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman", "Arvin Ganesan"  
cc  
bcc

Subject Fw: Friedman: This is a Big Deal

In case folks haven't seen. Refers to our "Great" EPA Administrator.  
Sandy Germann

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

**From:** Sandy Germann  
**Sent:** 12/05/2011 07:56 AM EST  
**To:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland; Alexander Cristofaro; Robin Kime  
**Subject:** Friedman: This is a Big Deal

December 3, 2011

## This Is a Big Deal

By **THOMAS L. FRIEDMAN**

IN many ways, President Obama has been a disappointment on energy and the environment. He has been completely missing in action on the climate debate. His decision to block his own Environmental Protection Agency from setting new rules to cut smog levels was disappointing. And, while I believe in using the balance sheet of the U.S. government to spur clean-tech research and start-ups, Solyndra was a case of embarrassing excess — precisely what happens when you rely too much on government push not consumer pull, spurred by price and regulatory signals.

But, for me, all is forgiven — because Obama came through big-time last month.

He backed his great E.P.A. administrator, Lisa Jackson, and Department of Transportation secretary, Ray LaHood, in producing a deal with all the top U.S.-based automakers that will go into effect in 2017 and require annual mileage improvements of 5 percent for cars, and a little less for light trucks and S.U.V.'s, until 2025 — when U.S. automakers will have to reach a total fleet average of 54.5 miles per gallon. The current average is 27.5 m.p.g.

This deal will help America's cars and trucks approach the mileage levels of Europe and Japan and spur innovation in power trains, aerodynamics, batteries, electric cars and steel and aluminum that will make cars lighter and safer.

The E.P.A. and the Transportation Department estimate that these new innovations will gradually add about \$2,000 to the cost of an average vehicle by 2025 and will



save more than \$6,000 in gasoline purchases over the life of that car — savings that will go into the rest of the economy. And all that assumes that gasoline prices will only moderately increase and there are no innovation breakthroughs beyond what we anticipate. If gasoline prices soar higher and innovation goes faster — both highly likely — the savings would be even more.

The new vehicles sold over the life of the program — including its first phase between 2012 and 2016 — are expected to save a total of four billion barrels of oil and prevent two billion metric tons of greenhouse gas pollution.

This is a big deal — a legacy deal for Obama that will make a significant, long-term contribution to America's energy, environmental, health and national security agendas.

The compromise was worked out between the E.P.A. and the Transportation Department with General Motors, Ford, Chrysler, Toyota, Honda, Nissan, BMW and six other major car companies. It was announced Nov. 16 and came about largely because once the Supreme Court ruled that carbon dioxide was a pollutant — and once California made clear that it and several other states were going to impose their own improved auto emissions standards, if the federal government didn't — the major auto companies saw the handwriting on the wall and entered into talks with the Obama administration on a deal that will transform the industry.

The Global Automakers trade association — which endorsed the deal because it gives the industry long-term regulatory certainty to do research and invest — called the Obama plan a “comprehensive and harmonized national approach to reducing greenhouse gas emissions and improve fuel economy ... while providing manufacturers the needed flexibility and lead time to design and build advanced technology vehicles.”

Dan Becker, director of the Safe Climate Campaign of the Center for Auto Safety, said the mileage deal “is the biggest single step that any nation has taken to cut global warming pollution,” but he cautioned that, like any Washington compromise, it does contain loopholes that “give the auto companies opportunities to behave irresponsibly — if they choose.” If the companies' total fleet mix of cars and trucks stays roughly as projected, they would hit the 54.5 m.p.g. target by 2025. But, because the deal allows for a weaker mileage standard for trucks than cars, Becker added, “if the industry as a whole decides to make many more trucks than now projected, we will not achieve the 54.5 m.p.g. target, although average

mileage would still improve significantly from today's levels.”

Naturally, the E.P.A.-haters hate the deal. They focus on the increase in vehicle costs that will phase in over 13 years — and ignore the net savings to consumers, plus the national security, innovation, jobs, climate and health benefits. These critics are the same “conservatives for OPEC” who, after Congress agreed in 1975 on a 10-year program to raise the fleet average mileage of American cars from 15 m.p.g. to 27.5 m.p.g., got together not only to halt mileage improvements in American vehicles during the Reagan administration, but to roll them back. This helped to drastically slow U.S. auto mileage innovation and ultimately helped to bankrupt the American auto industry and make sure the United States remained addicted to oil.

Of course, today's G.O.P., whose energy policy was best described by Lisa Jackson as “too dirty to fail” — i.e., we can't close any polluting power plants or impose cleaner air rules because it might cost jobs — is fighting a last-ditch effort to scuttle the deal. Representative Darrell Issa, a California Republican and chairman of the House oversight committee, is leading the charge to kill it. What a thing to be proud of.

**Michelle  
DePass/DC/USEPA/US**  
03/22/2011 08:45 AM

To Richard Windsor  
cc  
bcc

Subject Fw: Join Gov. Arnold Schwarzenegger at NACW 2011

Interesting .....Gina trumped Nancy in the line-up.....  
enjoy CA!

---

Michelle DePass  
Assistant Administrator

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Ronald Reagan Building/MC 2610R  
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Email: [stewart.lakita@epa.gov](mailto:stewart.lakita@epa.gov)

----- Forwarded by Michelle DePass/DC/USEPA/US on 03/22/2011 08:43 AM -----

From: Climate Action Reserve <[newsletter@climateactionreserve.org](mailto:newsletter@climateactionreserve.org)>  
To: Michelle DePass/DC/USEPA/US@EPA  
Date: 03/21/2011 03:08 PM  
Subject: Join Gov. Arnold Schwarzenegger at NACW 2011  
Sent by: Climate Action Reserve <[newsletter@climateactionreserve.ccsend.com](mailto:newsletter@climateactionreserve.ccsend.com)>

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You may [unsubscribe](#) if you no longer wish to receive our emails.

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Navigating the American Carbon World (NACW) 2011 is the can't-miss event for entities that will be regulated under California's AB 32 and participants in the carbon landscape. The conference will feature experts and leaders in carbon policy and regulation, including:



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Secretary  
California Department of Food and Agriculture



**Linda Adams**  
Secretary for Environmental Protection  
California Environmental Protection Agency



**Mary Nichols (invited)**  
Chair  
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Michelle  
DePass/DC/USEPA/US  
04/23/2012 05:25 PM

To Richard Windsor  
cc  
bcc

Subject Fw: Sustainability: Secretary-General Says Obama Attendance At Rio+20 Summit 'Crucial' to its Success

FYI  
Walker Smith

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

**From:** Walker Smith  
**Sent:** 04/23/2012 05:10 PM EDT  
**To:** "Michelle Depass" <Depass.Michelle@epa.gov>  
**Cc:** Michael Stahl  
**Subject:** Fw: Sustainability: Secretary-General Says Obama Attendance At Rio+20 Summit 'Crucial' to its Success

In casee you haven't seen this.

-----  
Sent by EPA Wireless E-Mail Services  
Anna Phillips

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

**From:** Anna Phillips  
**Sent:** 04/23/2012 11:30 AM EDT  
**To:** OITA-ORBA; OITA-OGAP; Gary Waxmonsky; Elle Beard; Kathy Hurd  
**Subject:** Sustainability: Secretary-General Says Obama Attendance At Rio+20 Summit 'Crucial' to its Success



LATEST NEWS BNA INSIGHTS PDF ISSUE SEARCH FULL PUBLICATION

Monday, April 23, 2012 · Number 77

**Sustainability**

**Secretary-General Says Obama Attendance At Rio+20 Summit 'Crucial' to its Success**

By [Dean Scott](#)

President Obama's attendance at the upcoming [U.N. Conference on Sustainable Development](#) is "crucial" to its success, U.N. Secretary-General Ban Ki-moon said April 20, adding that world leaders "count on the United States for leadership in world environmental and poverty reduction efforts.

Ban said more than 130 heads of state are planning to attend the June sustainability summit, known as Rio+20, which will mark the 20th anniversary of a Rio de Janeiro summit that launched U.N. conventions on climate change, desertification, and biodiversity.

Obama has not committed to appear at the conference, and administration officials have suggested he most likely

not do so ([74 DEN A-9, 4/18/12](#)).

The heads of state and other government officials attending the June 20-22 summit are not expected to produce a significant new agreement, but the United Nations hopes for a “focused political document” at the meeting's conclusion that paves the way for broad acceptance of global sustainability goals down the road.

### **Ban Calls Leaders' Role ‘Most Important.’**

Ban, who spoke at a forum held by the Center for Global Development, said the success of the summit has always hinged on the “political will and leadership” provided by world leaders actually present at the meeting.

“The most important part [will] depend on how leaders of a country or of the world commit themselves—that is, how they have been convening [the] summit,” Ban said.

The U.N. secretary-general praised Obama's commitment to the broad issues of sustainability and combating global climate change, and said organizers of the summit had made it easy for the U.S. president and other leaders to attend by holding it in Brazil just after a Group of 20 summit in Mexico later the same month. “I hope he [Obama] will participate himself immediately after the G-20 summit,” Ban said, noting that Rio de Janeiro is “just a few hours away from Cabo San Lucas, Mexico, the site of the Group of 20 meeting.

### **Mixed Record of Attendance**

U.S. presidents have a mixed record of attending similar summits. President George H.W. Bush attended the 1992 Earth Summit, which led to his signing of the U.N. Framework Convention on Climate Change under which the world's nations pledged to address global warming. But President George W. Bush declined to attend the 10th anniversary of that summit, known as the World Summit on Sustainable Development, in Johannesburg in 2002.

Obama's attendance at the 2009 U.N. climate talks in Copenhagen helped avert a near-collapse of those negotiations when he and heads of state from China, India, and South Africa produced a last-minute “Copenhagen Accord.” Under the accord, nations pledged to keep global temperatures from rising more than 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels. The agreement also included commitments from China and other rapidly developing nations to monitor, report, and verify their greenhouse gas emissions ([242 DEN A-10, 12/21/09](#)).

### **Role of Private Capital Emphasized**

Carlos Pascual, the State Department's special envoy and coordinator for international energy affairs who also spoke at the April 20 forum, said achieving some of the Rio+20 goals such as providing electricity to the world's poor will require more than commitment of public funding given budget constraints around the world. To achieve “universal energy access” would cost countries \$48 billion a year through 2030, Pascual said, well beyond what nations are currently committing to that effort now or are likely to commit in the future.

But that \$48 billion annual sum is only about 3 percent of private sector investments made in energy projects each year, Pascual said. The solution, he said, is to create incentives and other policies that guide more of that private capital into projects that expand poor communities' access to electricity.

The Center for Global Development April 20 released a [report](#), *Energizing Rio+20: How the United States Can Promote Sustainable Energy for All* at the 2012 Earth Summit, which urges the United States to develop new ways to link large investors, such as pension funds, to specific sustainable energy projects.

The report calls on U.S. representatives at the Rio+20 meeting to propose a “deal flow generator”—a new mechanism that could be constructed within existing international financial institutions—that would connect long-term investors with developers of those projects.

### **For More Information**

The report, *Energizing Rio+20: How the United States Can Promote Sustainable Energy for All at the 2012 Earth Summit*

Summit, is available at <http://www.cgdev.org/content/publications/detail/1426110>.  
More information on the Rio+20 summit is available at <http://www.uncsd2012.org>.

~~~~~  
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<http://www.epa.gov/international/>

~~~~~  
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**Richard Windsor/DC/USEPA/US**  
07/11/2011 07:25 AM

To Adora Andy  
cc  
bcc

Subject Re: St. Pete Times: Republicans take dead aim on EPA

Cool!

Adora Andy

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

**From:** Adora Andy

**Sent:** 07/11/2011 07:20 AM EDT

**To:** Scott Fulton; Daniel Kanninen; "Richard Windsor"

<windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Sarah Pallone

**Cc:** Stephanie Owens; Shira Sternberg; Alisha Johnson; Dru Ealons; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Andra Belknap; Michael Moats; Vicki Ekstrom; "Seth Oster" <oster.seth@epa.gov>

**Subject:** St. Pete Times: Republicans take dead aim on EPA



Appeared in: St. Petersburg Times and Pocono Record

Republicans take dead aim on EPA

By Robyn Blumner

July 11, 2011 12:00 AM

The best way to appreciate the benefits of environmental regulation is to travel internationally. I don't mean to First World cities like Toronto or Paris but to places where government is unable or unwilling to rein in polluters.

When I was in Beijing about 10 years ago, travelers could expect days of thick smog and locals sporting facemasks to protect their lungs. What I saw in Lagos, Nigeria, were waterways piled high with garbage, while children played nearby. And the tap water? Don't even brush your teeth with it. In my experience, anywhere pollution was allowed to exist, it did, ruining the outdoors, not to mention the health of human beings.

But in America we have the Environmental Protection Agency.

Yes, the EPA, the great "Job-Killing Organization of America" as Republican presidential candidate Michele Bachmann dubbed it. She'd repeal it if she could. So would former House Speaker Newt Gingrich, another GOP presidential hopeful, who would replace it with the "Environmental Solutions Agency," that would work cooperatively with industry. Because that's worked so well in the past.

The EPA is under assault right now by Republicans on the campaign trail as well as in Congress. Last week, House Republicans outlined new cuts they will seek, representing an 18 percent reduction from current spending. EPA administrator Lisa Jackson has been called before a congressional energy subcommittee to be pilloried by its chairman Rep. Edward Whitfield, R-Ky. She's a Republican punching bag.

There is a fever pitch of hysteria coming from conservatives against a host of regulations that would tighten rules on harmful emissions from coal-burning power plants, mining operations and vehicles. The new rules are needed in light of the latest scientific data on the dangers posed to human health by various

pollutants. Even former Republican EPA administrators, William Ruckelshaus and Christine Todd Whitman, have been publicly defending the Obama administration's efforts, including on the regulation of greenhouse gas emissions.

But current congressional Republicans, representing their industry donors and climate-change deniers, are in full-attack mode. As always, the science is irrelevant, and when profits are at risk, so is human health.

What a far cry from the bipartisanship that surrounded the EPA's beginnings in 1970, when Republican President Richard Nixon established it. That year, a Democratic controlled Congress passed the Clean Air Act by a vote of 73-to-0 in the Senate, and 374-to-1 in the House. Everyone understood that the time had come to put the Earth first.

America desperately needed heavy-handed, top-down environmental regulation. As Ruckelshaus and Whitman noted in a Washington Post op-ed, air in major cities was so smog-filled that Bob Hope joked, "I don't trust air I can't see." The Cuyahoga River in Cleveland, Ohio, caught fire in 1969, and Lake Erie was declared dead a year later.

Obviously, the concept of leaving industry to police itself was an unmitigated failure. Even free market proponents realized that, without government-imposed pollution controls, businesses won't invest in clean technologies since they'd be at a competitive disadvantage. The state-by-state approach didn't work either. Powerful industries simply co-opted local politicians.

Last year marked the EPA's 40th anniversary. A report card issued by the nonpartisan Aspen Institute highlighted 10 ways the agency has strengthened America. These include removing lead from gasoline, as well as from the air, controlling car emissions, managing toxic chemicals such as DDT and asbestos, and cleaning the water. We all live stunningly better lives due to the agency's work.

But there are signs that the Obama EPA is bowing to the constant haranguing. In Florida, the agency just dropped its years-long effort to establish clean water standards for the state's waterways, leaving it to the state to police nutrient runoff from farms and industrial plants. The backward lesson is, create enough of a ruckus over cost, and polluters win.

And around the world, when polluters win, life is miserable. In China, thousands of villagers and their children suffer from exposure to lead released from nearby factories. Without a robust government regulator, it can happen here, too. Again.

You can respond to Robyn's column at [blumner@sptimes.com](mailto:blumner@sptimes.com)

**Richard Windsor/DC/USEPA/US**  
04/01/2011 11:42 AM

To Adora Andy  
cc  
bcc

Subject Re: TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson

Like. Tweet worthy.  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 04/01/2011 11:21 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Arvin Ganesan; David McIntosh; Sarah Pallone; Stephanie Owens; Dru Ealons; Seth Oster  
**Cc:** Brendan Gilfillan; Betsaida Alcantara  
**Subject:** TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson  
Under Pressure—Q & A With EPA Head Lisa Jackson  
Time (blog)  
Bryan Walsh  
April 1, 2011 at 10:38 am

EPA Administrator Lisa Jackson—who has emerged as the Republicans' favorite target as the party looks to dismantle environmental protections—sat down with us for a 10 Questions in this week's issue. That interview was condensed to fit one page—click below for the full transcript:

To of your Republican predecessors recently wrote in the Post that the EPA is under siege from Republicans. Do you see that as the case? Do you see a war going on against the EPA?

There are certainly some members of Congress who I think have come in with an agenda that includes this agency, and we hear words like scaling back and you even hear things like defunding. I really appreciate two former Republican heads of this agency who point out that this agency plays an extremely important role in protecting American's health and the environment.

The key point of argument is really these EPA regulations that could be coming on climate change. Can you outline quickly, what is the agency going to be looking to do on this issue?

As I've said before, we're talking about common sense steps that get us started. Using the Clean Air Act, updating standards under the Clean Air Act to address pollution, in this case, greenhouse-gas pollution. In a common sense way, the Clean Air Act history, not the rhetoric, but the history of the Clean Air Act is that it moves in moderate steps that add up over time to pollution reduction. I think we can use the Clean Air Act to get started on greenhouse-gas pollution, as we have on other types of pollution, very successfully.

In the past, both you and President Obama have said that you much prefer Congress to take the lead on greenhouse gases, probably preferably through a cap and trade program as opposed to regulation. Why should the EPA be in the business of doing this regulation?

Well first off because it's the law. The Clean Air Act and Supreme Court cases have said that EPA must determine whether or not greenhouse gases endanger public health. We have determined, based on multiple lines of scientific evidence, that they do. And the Clean Air Act then requires us to act. The second reason is more of a common sense approach. Although I joined the President in calling for legislation, that doesn't mean we can't get started using the Clean Air Act to make a series of moderate steps that would add up to real reduction. And third, and certainly not the least important, but a little bit different, is that industry needs to know what the rules of the game are going to be. So in the absence of legislation, the Clean Air Act and the requirements of the Clean Air Act, touch certainly the power sector.

No one's ever denied that. Require them to make pollution control investments, so we don't have unlimited amounts of pollution, including carbon pollution, entering our air.

You've called Congressional attempts underway right now to restrict the EPA's ability to regulate these gases draconian. If some of the legislation that's out there right now were to go through, what would it mean for the agency?

The biggest criticism that I've leveled - and I've done it in my hearing testimony - is that what the current efforts do is overrule scientists on a scientific finding. Congress is essentially passing a law that says, We, a bunch of lawmakers, have decided what the science is on this issue. And that to me is what this Congress could be remembered for, more than anything else. History will forget a lot of the day-to-day, inside the beltway discussions about riders and budget and trying to get rid of or defund the EPA, but I don't think that history will forget the first time that politicians made a law to overrule scientists.

Speaking of testifying, you've been called upon frequently since the Republicans have taken over the House to testify on Capitol Hill. They said that you might need your own parking space there. Do you feel that you are being targeted personally?

I certainly hope not. I have no reason to think that. But, listen, I have so far and continue to - although getting ready for hearings is - I certainly take time out - I see it as part of my job. I should be able to explain our actions to Congress, and I should be able to explain them to the American people. I think facts matter. So one of the things that we've used these hearings to do is point out the facts of what the EPA's doing, not what special interests are saying we're doing. They're very different things. In the countryside, Americans want a strong EPA that protects public health, that reins in polluters. Inside the beltway, they may be bombarded with different messages. It's an opportunity for me, as head of this agency, to speak to what we are doing.

Are there other ways you can go around that mouthpiece and actually make that case to the American people? Do they understand what it is the EPA's mission really is?

It isn't our job to poll them, but polling data, there's a new one out to do from the League of Conservation Voters, showing that the American people want a strong EPA. We have another Gallup poll out today saying that Americans remain unchanged in their concern about environmental issues, particularly clean water issues. Events of the day, as usual, point out the things that we don't think about until we need them. One of them is our RadNet monitoring system, which has been out there monitoring air quality and now is coming into highlight because of the horrible tragedy in Japan. So it's also my job as head of this agency to try to manage the budget that we get, so we squeeze every drop of environmental protection out. It's also my job to point out when I think either cuts or legislation or proposals are going to tie the hands of this agency and let industries that want to pollute, go unchecked.

If indeed we do see legislation that would block the EPA's regulatory ability on greenhouse gases actually go through Congress, are you confident the President would veto?

Listen, the President's been really clear all along that he supports this agency following the law. Whenever he's talked about it, he and I have said we call for legislation, but we also need to follow the Supreme Court decision. The other issue here is that these are not thumbs up, thumbs down issues. We are happy to work with Congress to insure that we work on a common sense timetable to address the largest polluting industries. We've proposed rules that are actually deregulatory to insure small and medium size businesses aren't covered. We've had wonderful success in moving this country toward more efficient cars, and we're working on more efficient trucks. So it's my hope that we can get into the discussion, some real facts about what we have accomplished and try to allay real or imagined fears about what we might do.

Speaking of that fear, we often see in bad economic times like we have now, this argument that America can't afford both strong environmental protection and policies that would promote job creation. Can those needs be balanced? How should they be balanced?

They have been balanced in this country for 40 years, as long as there's been an Environmental Protection Agency, as long as there's been a Clean Air Act, a Clean Water Act. We've shown the world that it can and should be done. We have cleaned the air. We're not done. We have cleaned the water. We're not done. But we've done it while our country prospered. So I don't think we should minimize the concerns of the average American, but I think the proof - it's important to look at what has been done, not these doomsday scenarios that special interests trump up about what might happen. Well what has happened? It's also important to - I get a chance to do a little bit of work internationally and I think we've also seen, and it's pretty stark what happens when you try to pick economic development over clean air or clean water. It may seem like a short-term gain, but once air is dirty, once water is dirty, it is extremely expensive to clean it up and untold lives have been impacted or untold illness and cost have been accrued.

Another somewhat controversial subject the EPA's going to be getting into soon is that study that's being formulated on hydraulic fracturing and shale-gas drilling. The EPA did a study on this back in 2004. A lot of people in the industry ask, Why do we need a new one?

The study back in 2004 was what scientists might call a review of the existing literature. No samples were taken, no independent studies were done. It was a very narrow look at a very specific set of data. This is a much different study. This is a comprehensive look at the impact of hydraulic fracturing on drinking water, which means surface water and groundwater resources. Even the [inaudible] of the study is going through a peer review. We've been very transparent and open about it. It's important to understand that no one in this agency, including recently we had the former head of the water program who said he believed that the 2004 study was over-interpreted, that people were drawing conclusions from it that the study itself did not warn, and I agree with that.

We're nearing the one-year anniversary of the BP oil spill. At this point, is it possible to begin to really get a fix on how much environmental damage was done to that region by the spill?

Scientists will tell you that the picture will continue to emerge over several seasons. Those who study the ecosystem and the food chain out in the Gulf will tell you that we need to see what happens this year, but not only this year. It may take several years to manifest itself. I think in general the science that's coming back is somewhat reassuring, which is that, I think, partially because of the distance from shore, partially because of the efforts that were made the government and the private sector to respond to the explosion and the spills and the ongoing spill afterward, that we may see a situation where the ecosystem can recover quite well. But there will be studies for years and years, and you know what, the ecosystem deserves to be studied because I think that there's a skeptical group of people down there and they deserve to know that real resources are going into understanding their resource and any impact on it.

You grew up in that region. For you to go back when that spill was happening, personally to see Louisiana and that region getting hit by disaster again, another one that like Katrina, that had issues of manmade problems that went along with it. What did that mean to you?

It was an honor to be able to go back and serve a region I call home. In this job and in the jobs I've had before, I've had to respond to major crises - either environmental crises or crises that had environmental components. And in all the cases, the work I came here to do, I mean no one wants a crisis, but my belief is that we can protect the environment even when we're responding to a crisis. So it's an honor to be able to do it. It was - the only difference with the Gulf spill is that I would go home and see people I knew and hear from people I knew who would reach out to me and want to make sure that their voices were being heard. It made me feel good to know that they knew that they had a person at a very high level in their government, who they could reach out to and who was hearing them. If it brought them any comfort, I'm happy, but it's also my job.

You're chairing the Gulf Coast Ecosystem Restoration Taskforce. What are your plans for that? Is it going to go beyond just looking at what happened with the oil spill and also take on the other environmental damages, hypoxia, erosion to coastal wetlands? Are we really going to be able to make that region better than it was before the spill?

That is the intent of the taskforce. This is not about a response to the oil spill. In fact there's separate work

going on. This is about the President's other promise, which was to make the Gulf ecosystem stronger and more resilient than it was when the oil spill happened, the day before it, if you will. So to me this taskforce is an opportunity to give voice to people in that region who have been working literally for decades trying to be a voice for coastal restoration, for the ecosystem as a whole, how to balance the myriad needs of a working Gulf with the demands of a tourist-based economy that exists many times in the exact same spot. As head of this agency I chair the taskforce for Chesapeake Bay. I've sit on a Commission for the Great Lakes. I sit on the National Oceans Commission. This is the opportunity for the Gulf Coast, the Gulf of Mexico to get that same level of attention, and it's long overdue.

Are we ready for another spill of this nature, should it happen again? Have we learned something from this first experience to make sure either it doesn't happen again or if it does we can respond better and faster?

We are more ready. The thing I have learned in this career of mine is that you can never anticipate all the ins and outs of any crisis. Part of this is having really experience and bright people who can respond to what the crisis is on the ground, but yes we're more ready. We've dealt with some issues in the course of that crisis that have highlighted work that can be done. Here at the EPA we've gone back to our National Response Team and offered additional guidance and questions on everything from the use of dispersants to the preparation of the response plans that are in place in every region of the country to deal with releases to water. We've also looked at facilities on land and beefed that up. We're doing additional research on dispersant chemistry and the use in general. So I never like to say we're 100% ready because the next emergency, if and when it comes, could be entirely different. But we learned and we're certainly more ready. Probably, in my experience, this crisis more than any other was an example of a team effort by government. Certainly on a federal level, this far surpasses any response I've been involved with in terms of how we worked as a team, our whole government approach.

The EPA recently had its 40th birthday. Where do you see the agency in another 10 years time? How will it change from what it is now?

If history's any guide, the American people will continue to support a strong, independent agency that protects their health and the environment for future generations. I think this agency, if history is any guide, will continue to need to be both a strong protector, but also incorporate the kind of flexibility that responds to the issues of the day. For us whether it's an agency that through the Energy Star program saw the need for us to deal with energy efficiency voluntarily, I think the world has caught up with that. We'll see this agency moving into issues of sustainability that cross any individual media even more and more, where we look at pollution, is it sustainable for water, air and land? We'll continue to deal with issues of adaptation to climate change. I think because of the change in demographics in this country, we will see issues that are important to Latinos and African Americans come to forefront, and those tend to be issues of environmental justice, longstanding pockets of pollution that just haven't been addressed, the unfinished business of this agency.

With the agency coming in for a lot of criticism in the press and some members of Congress, how do you keep your workers feeling optimistic, keeping from feeling that they're under attack as well?

My job is to go to the hearings and talk about their great work, but the other thing I say to them - I worked in this agency for over 15 years as a career employee, non-political and it's not about us. It's not about this agency. It's not about any individual effort. It's about reminding us what it is we come here to do. And that's to uphold the environmental laws of this country. This agency has lived through tough times before, where it seemed as though the politics in Washington were aligned against it. What has always made a difference in the environmental field is that the public, the people of this country, know that clean air and clean water are important, that were it not for the work of this agency, there would be more sickness, more illness, more incidences of water that can't be used, that doesn't support fishing or can't be used for drinking. So what I tell them is to keep their eye on their jobs, to do their jobs with impeccable science and integrity and I feel confident that the American people will then turn to us as they should.



**Richard Windsor/DC/USEPA/US**  
12/13/2010 02:14 PM

To Adora Andy, "Lisa Jackson", Bob Perciasepe, "Bob Sussman", Diane Thompson, Peter Silva, "Arvin Ganesan", Sarah Pallone

cc

bcc

Subject Re: Oped and Editorial on FL nutrient stds

My!

Adora Andy

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

**From:** Adora Andy

**Sent:** 12/13/2010 01:42 PM EST

**To:** "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; Peter Silva; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Sarah Pallone

**Subject:** Oped and Editorial on FL nutrient stds

The one by Carl Hiaasen is first.

Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 12/13/2010 01:06 PM EST

**To:** Adora Andy; Seth Oster; Betsaida Alcantara; Brendan Gilfillan; Andra Belknap; Michael Moats; Vicki Ekstrom; Stephanie Owens; Dru Ealons

**Subject:** Oped and Editorial on FL nutrient stds

## Miami Herald

### Florida fights for rights of polluters

By Carl Hiaasen

11 December 2010

Farms, mills and municipalities that use Florida waterways as a latrine got more good news last week from their stooges in Tallahassee. The latest battle to stop the enforcement of federal pollution laws will be paid for by state taxpayers.

Outgoing Agriculture Commissioner Charles Bronson — backed by Attorney General Bill McCollum — has sued to prevent the Environmental Protection Agency from imposing revised clean-water standards for Florida's rivers, creeks and lakes.

Standing stoically in support of the polluters, McCollum and Bronson say the new water rules are too costly, and based on flawed science (interestingly, data provided by the state itself). Endorsing that lame position are their successors, Attorney General-elect Pam Bondi and Agriculture



Commissioner-elect Adam Putnam.

To hear all this whining, you'd think the EPA had ambushed Florida businesses with the new water regulations. Not even close.

Back in 1998, the EPA ordered all states to cut back pollution of so-called surface waters with damaging nutrients from farms, ranches, septic tanks and sewage-treatment facilities. The agency set a deadline of 2004 and then — in the anti-regulatory spirit of the Bush era — basically did nothing to follow up.

In 2008, environmental groups finally sued the EPA in order to compel enforcement of the federal Clean Water Act.

It's not some new piece of radical legislation. It was born in 1948 as the Federal Water Pollution Control Act, and expanded significantly under Richard Nixon in 1972, and again in 1977.

Floridians who aren't familiar with Clean Water Act can be forgiven, because it has never been taken seriously here by companies that dump massive volumes of waste into public waters, or by the politicians who are supposed to care about such crimes.

The Everglades wouldn't be in its current dire condition if authorities at all levels hadn't skirted and even ignored the law, permitting ranchers, sugar farmers and developing cities to flush billions of dirty gallons of runoff into the state's most important watershed.

With good reason, after decades of getting their way, polluters became cocky and complacent. But they're not stupid, and the writing has been on the wall for some time. The EPA has worked with the administrations of both Jeb Bush and Charlie Crist to come up with new water rules, often bowing to industry concerns.

Under fire in court, the EPA in 2009 finally agreed to set pollution standards for lakes and streams this year, with regulations for saltwater bays and estuaries to take effect in 2011. The agency estimates only about 10 percent of Florida's farms and less than half the waste-treatment plants would be affected.

Still, the outcry from heavy industry and agricultural interests was instant and predictable, as was the agency's response: another delay.

Both of Florida's U.S. senators, Democrat Bill Nelson and Republican George

LeMieux, pushed for the EPA to back off, and polluters won a 15-month reprieve.

Heck, it's only water.

Try not to think of the crud in it as fertilizers, pesticides and human waste. Embrace more benign terms, like phosphorus and nitrogen. That's what the industry lobbyists prefer.

And while they haggle with scientists over how many numeric parts-per-billion is a tolerable stream of pollution, try not to worry about its impact on the public waters that your children and grandchildren will inherit, and rely on.

It's not easy if you live along the St. Johns River, the St. Lucie waterway, the Caloosahatchee, or any number of Florida rivers and streams that for generations have been used to transport manmade waste. Nutrient pollutants spawn algae blooms, kill wildlife, choke out native vegetation and cause nasty health problems for humans.

Because of toxic freshwater runoff, the state's southwest coast has experienced caustic red tides that littered the beaches with dead fish and sent coughing tourists scurrying back to their hotel rooms -- and then to the airport.

Among the many harsh lessons of the BP oil spill was that pollution — not regulation — is a more devastating job-killer. Florida's upper Gulf Coast received a relatively small bombardment of tar balls, but it was enough to cripple tourism and the commercial fishing trade for months. It didn't help property values, either.

The argument that it's morally indefensible to foul natural waters is futile against the outsized political clout of the polluters. Whether it's a phosphate mine, pulp mill or cane field, Florida's leaders — Democrats and Republicans — have traditionally been happy to offer our rivers and wetlands as free sewers.

However, the blowback — that dirty water is endangering the economy — is increasingly difficult to brush aside.

That didn't stop Bronson and McCollum from suing the EPA. They're not doing it for the citizens of Florida; they're doing it for the polluters.

And they're paying for it with your tax dollars, at a time when the state

budget is strapped for revenue.

Try not to think of this as pure crud. Just try.

<http://www.miamiherald.com/2010/12/11/v-fullstory/1968178/florida-fights-for-rights-of-polluters.html>

## **Palm Beach Post**

### **Another political lawsuit: State fighting EPA for insisting on standards like ones Florida developed**

By The Palm Beach Post

10 December 2010

When it comes to pollution of Florida waters, many of the state's leading politicians would rather fight than clean.

This week, the outgoing and incoming attorneys general and agriculture commissioners gathered to announce Attorney General Bill McCollum's lawsuit against the U.S. Environmental Protection Agency. The complaint runs almost 300 pages and has such eye-glazing terms as "instream criteria." Summed up, however, Florida doesn't like what the federal government told the state to do about the state's rivers, lakes and streams.

In fact, this lawsuit looks political. It looks like Mr. McCollum's lawsuit challenging the federal health care law. He filed that one during his run for governor. Again, Mr. McCollum filed not at the federal courthouse in Tallahassee but the one in Pensacola. He claimed that the caseload in Pensacola is smaller, and the lawsuit needs quick attention. In fact, he believes that his odds are better when claiming government overreach with the more conservative judges in Pensacola.

For years, Florida has used "narrative standards" to reduce water pollution. The problem is that narrative standards basically are descriptions of the problem and a stated willingness to fix it. In 2008, environmental groups announced their intention to sue the EPA and force the agency to issue "numeric standards," actual limits on how much pollution can go into state waters without harming them. Last year, under a consent decree, the EPA agreed to set this standards by this year. A similar court ruling set pollution

standards for the Everglades.

Last month, the EPA announced those standards. Given all the controversy, the agency gave the state a 15-month extension to implement them. But many of the state's most powerful interests oppose the standards, even though the standards are pretty much what the Florida Department of Environmental Protection recommended last year.

Mr. McCollum and the others accuse the EPA of not using sound science to develop the standards. We don't see much merit in that argument. They claim that the standards will be so expensive as to cost the state lots of jobs. History shows that such regulations often cost much less than critics forecast. This lawsuit will waste a lot of time when this state could be working out the best ways to clean up Florida waters and make this state the "paradise" we brag about.

- Randy Schultz,

for The Palm Beach Post Editorial Board

<http://www.palmbeachpost.com/opinion/editorials/another-political-lawsuit-state-fighting-epa-for-insisting-1112665.html?printArticle=y>

**Richard Windsor/DC/USEPA/US**  
01/13/2012 07:59 PM

To Alisha Johnson  
cc  
bcc

Subject Re: WHY: EPA head, Nutter talk sustainability

Finally one article! Thanks!  
Alisha Johnson

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

**From:** Alisha Johnson  
**Sent:** 01/13/2012 07:50 PM EST  
**To:** Richard Windsor; Betsaida Alcantara; Brendan Gilfillan; Andra Belknap; Michelle DePass; David Bloomgren; Shalini Vajjhala; Michael Moats; Heidi Ellis; Stephanie Owens; Dru Ealons  
**Subject:** WHY: EPA head, Nutter talk sustainability  
EPA head, Nutter talk sustainability  
January 13, 2012  
WHYY  
By Carolyn Beeler

Philadelphia Mayor Michael Nutter, Environmental Protection Agency head Lisa Jackson and a top Brazilian minister met in Philadelphia Friday to talk about urban sustainability.

Nutter, who touted his "Greenworks Philadelphia" program, said the way to make cities greener is to change the culture.

"I have no expectation that hundreds of thousands of Philadelphians will suddenly ... pull out their Birkenstocks and tie-dye T-shirts, and run around hugging trees all day long," Nutter said. "But I think people are getting the message ... and everyone can do something in this space."

The EPA, Rio de Janeiro and Philadelphia have a partnership aimed at identifying and increasing investment in green infrastructure.

Nutter traveled to Brazil over the summer to share ideas with leaders there.

Judith Rodin, head of the Rockefeller Foundation, said the goal is for the two cities to be models for sustainable growth around the world.

"If we can present a kind of recipe book for what economically productive, equitable, sustainable urban development looks like," Rodin said, "imagine the impact on the cities in the developing world.

"In many parts of Asia, South and Southeast Asia, a new city is being built every 73 days," she said.

During the discussion, Jackson said it is the federal government's job to support, and not get in the way of, local sustainability efforts.

"We talk in big pillars about issues that confront us and challenge us, whether it's water quality or air quality or climate change or toxic chemicals," Jackson said. "But what touches the lives of American people is what it means to me on the ground."

Earlier Jackson told reporters the agency had taken an "unusual role" by investigating possible water contamination in Dimock, Pa.

That was after state authorities told a local natural gas-drilling company it could stop shipping water there. Residents claim their water wells have been contaminated by drilling activities.

Dimock residents and fracking protesters gathered outside the Academy of Natural Sciences before the event Friday to call on Jackson to send the community water.

**Richard Windsor/DC/USEPA/US**  
01/13/2012 07:58 PM

To Alisha Johnson, Betsaida Alcantara, Brendan Gilfillan, Andra Belknap, Michelle DePass, David Bloomgren, Shalini Vajjhala, Michael Moats, Heidi Ellis, Stephanie Owens, Dru Ealons

cc

bcc

Subject Re: WHYY: EPA head, Nutter talk sustainability

Recipes sells!  
Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 01/13/2012 07:50 PM EST

**To:** Richard Windsor; Betsaida Alcantara; Brendan Gilfillan; Andra Belknap; Michelle DePass; David Bloomgren; Shalini Vajjhala; Michael Moats; Heidi Ellis; Stephanie Owens; Dru Ealons

**Subject:** WHYY: EPA head, Nutter talk sustainability

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January 13, 2012

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Dimock residents and fracking protesters gathered outside the Academy of Natural Sciences before the event Friday to call on Jackson to send the community water.

**Richard Windsor/DC/USEPA/US**  
05/04/2011 09:31 AM

To Alisha Johnson, Brendan Gilfillan, Dru Ealons  
cc Seth Oster, Adora Andy, Lisa Garcia, Stephanie Owens  
bcc  
Subject Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

Very, very nice. Let's amplify this on social media please. Thanks. Lisa

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/04/2011 09:30 AM -----

From: "Yolanda Caraway" <ycaraway@THECARAWAYGROUP.COM>  
To: Richard Windsor/DC/USEPA/US@EPA, <(b) (6) Personal Privacy  
Date: 05/04/2011 08:57 AM  
Subject: Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

---

Yolanda Caraway  
President and CEO  
The Caraway Group, Inc.  
1010 Wisconsin Ave. NW  
Suite 550  
Washington, DC 20007  
(202) 965-2810 Office  
(202) 965-2812 Fax  
yolanda@thecarawaygroup.com

\*Sent from my BlackBerry Wireless - Please excuse any typos

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

From: Rae Robinson Trotman  
To: Yolanda Caraway; Tonya Williams (Tonya@thecarawaygroup.com); Darrell Jackson (Darrell@thecarawaygroup.com) <Darrell@thecarawaygroup.com>; Phallan Davis <phallan@thecarawaygroup.com>  
Sent: Wed May 04 08:45:41 2011  
Subject: Post article - Congregation is first black church in D.C. to be powered by solar energy

C <<image001.jpg>> ongregation is first black church in D.C. to be powered by solar energy

By Darryl Fears, Tuesday, May , 6:52 PM

A historic black church that has sat on the same corner in LeDroit Park for 99 years has become the first African American church in the District to rely on renewable solar energy for electrical power.

Florida Avenue Baptist's <<http://www.flavbc.org/>> installation of 44 solar panels was hailed at a ribbon-cutting Tuesday by Environmental Protection Agency Administrator Lisa P. Jackson and other government officials as a breakthrough in the black community, where the clean-energy divide mirrors its well-known high-tech digital divide with the white community.

"This is an important first," said Jackson, whose agency recently started a faith-based initiative to increase clean-energy awareness among religious groups. "They're saying: We're going to take the lead in helping African American homes to become energy efficient."

The church's pastor, the Rev. Earl D. Trent Jr., said the panels' installation, by a North Carolina-based company in March, was important not only because the church will save money on its \$3,000 monthly electric bill from Pepco but also because it will reduce "dirty" coal-fired energy and enable him to establish a "green ministry" that could awaken churchgoers who know little to nothing about clean energy and its benefits.

African Americans tend to live in older, less energy-efficient homes equipped with older appliances and, therefore, have higher energy bills.

According to "Energy Democracy <[http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy\\_Democracy\\_Report\\_\(WEB\).pdf](http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy_Democracy_Report_(WEB).pdf)>," a 2010 report by the Center for Social Inclusion, African Americans spent an average of \$1,439 on electric bills in 2008, more than what Latino and Asian Americans spent, and significantly higher than what white Americans paid.

"We want to be a model for green energy," Trent said in an earlier interview. "I've gotten calls from pastors who want to find out how they can do this," he added, raising his hope that the renewable-energy divide can be bridged.

African American churches have historically led social change in black communities, raising awareness of civil rights in the past and now, possibly, environmental justice, Trent said. Helping to lower coal-energy production, even marginally, at power plants is a symbolic step in a nation where, he said, many black people live near such plants and their smokestacks.

"African Americans have more sources of pollution in their neighborhoods than others," Jackson said, standing on the roof of the church near Howard University Hospital as the sun beat down. "We have mercury, neurotoxins building up in our bodies . . . mothers pass it to children. We have . . . developmental disorders. All that comes back to this," she said, pointing to the row of solar panels.

"I think it's an extraordinary thing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities. "For me, this is a big story, even if it's just one church. You know how black churches are. If one pastor does it, the others have to do it because they don't want to be outdone."

When ministers inquire about getting panels, they'll learn that they'll have to spend green to go green.

At Florida Avenue Baptist, which has 500 members, the cost was \$60,000. With prayer, and 12 members of the flock who were willing to invest money in exchange for Solar Renewable Energy Certificates <[http://www.epa.gov/greenpower/documents/gpp\\_basics-recs.pdf](http://www.epa.gov/greenpower/documents/gpp_basics-recs.pdf)>, the cost was overcome.

The certificates are a kind of energy credit that companies such as power plants buy to sidestep government regulations and penalties for producing too much pollution.

The idea to go solar came to Trent through Gilbert Campbell III, a co-owner of Volt Energy <<http://volt-energy.com/>>, a North Carolina clean-energy company with an office in Washington. Campbell, a Howard University graduate who met Trent years earlier through his father, a pastor, had a proposition.

"I want to share with you the benefits of the church looking at solar," Campbell recalled saying in December. "You have an opportunity to educate younger students in the church," he said. "There's a value associated with that."

Volt Energy helped Florida Avenue Baptist set up a business, allowing it to make the investment and receive the certificates. The investors recouped \$18,000 within 60 days from a federal tax credit that for-profit entities receive for making investments in renewable technology.



Volt Energy also customized a curriculum for the church, teaching energy efficiency, recycling, and the how-tos of using energy-efficient light bulbs and reading energy bills to children.

Last week, Pepco turned on the power generated by the panels.

The church is expected to save 15 percent, about \$450, on its monthly bill, Campbell said. More money will probably be saved after an energy audit of the church and the installation of energy-efficient doors, windows and light fixtures, he said.

The church plans to eventually install a monitor outside the sanctuary so that its members can see the amount of energy being produced and the money being saved, Trent said.

“They’re excited,” he said. “They can’t wait to see.”

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Rae Robinson Trotman | Chief of Staff | The Caraway Group, Inc. | 1010 Wisconsin Avenue, NW | Suite 550 | Washington, DC 20007 | 202-243-7653 (direct) | 202-965-2812 (fax) | [www.thecarawaygroup.com](http://www.thecarawaygroup.com)

<http://twitter.com/TheCarawayGroup> <<http://twitter.com/TheCarawayGroup>>

Please consider the environment before printing this email.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

**Richard Windsor/DC/USEPA/US**  
12/03/2009 02:49 PM

To Allyn Brooks-LaSure  
cc  
bcc

Subject Re: Senator Byrd editorial on coal

The arc of history bends toward justice ... Provided there is leadership.  
Allyn Brooks-LaSure

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

**From:** Allyn Brooks-LaSure  
**Sent:** 12/03/2009 02:48 PM EST  
**To:** Richard Windsor; Scott Fulton; Bob Perciasepe; Bob Sussman; Diane Thompson; Seth Oster; David McIntosh; Arvin Ganesan; Lisa Heinzerling  
**Cc:** Adora Andy  
**Subject:** Senator Byrd editorial on coal


Wow.

-----

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

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

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

News From  U.S. Senator  
**Robert C. Byrd**  
West Virginia  
Phone (202) 224-3904

### COAL MUST EMBRACE THE FUTURE

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

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

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

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

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

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

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

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

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

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

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal

me out." West Virginia would be much smarter to stay at the table.

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

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

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

The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment. Major coal-fired power plants and coal operators operating in West Virginia have wisely already embraced this reality, and are making [significant investments](#) to prepare.

The future of coal and indeed of our total energy picture lies in change and innovation. In fact, the future of American industrial power and our economic ability to compete globally depends on our ability to advance energy technology.

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

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

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

###

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

(b) (6) Personal Privacy

**Richard Windsor/DC/USEPA/US**  
12/21/2011 09:10 PM

To Andra Belknap  
cc  
bcc

Subject Re: MATS Press Clips

Tx!

Andra Belknap

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

**From:** Andra Belknap

**Sent:** 12/21/2011 06:31 PM EST

**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Arvin Ganesan; Laura Vaught; Diane Thompson; Janet Woodka; Janet McCabe; Joseph Goffman; Jose Lozano; Michael Goo; Bicky Corman; Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Michael Moats; David Bloomgren

**Subject:** MATS Press Clips

Below and attached.

[attachment "MATS Press Clips -- 122111.docx" deleted by Richard Windsor/DC/USEPA/US]

#### **Associated Press**

EPA forces dirtiest power plants to clean up toxic air pollution, but gives leeway on timing  
DINA CAPPIELLO

#### **WFPL News**

EPA Finalizes Rules to Limit Mercury, Other Heavy Metals, Emitted from Power Plants  
by ERICA PETERSON on DECEMBER 21, 2011

#### **CNN**

EPA requires limit on mercury emissions from power plants  
By Alex Mooney  
updated 5:20 PM EST, Wed December 21, 2011

#### **USA TODAY**

EPA rules target mercury pollution, toxics from power plants  
By Elizabeth Weise

#### **Bloomberg**

EPA Issues Arsenic, Mercury Cap for U.S. Coal-Fired Power Plants  
By Mark Drajem - Dec 21, 2011 2:58 PM ET

#### **Reuters**

U.S. rolls out tough rules on coal plant pollution  
By Ayesha Rascoe and Timothy Gardner  
WASHINGTON | Wed Dec 21, 2011 4:00pm EST

#### **LA Times**

EPA issues strong limits on mercury emissions from smokestacks  
By Neela Banerjee  
December 21, 2011, 10:35 a.m.

**The Hill E2 Wire**

EPA unveils rules limiting mercury, other power plant toxins  
By Andrew Restuccia  
12/21/11 01:30 PM ET

**National Journal**

EPA Unveils Long-Awaited Mercury Rule  
By Amy Harder  
December 21, 2011 | 2:31 p.m.

**Wall Street Journal**

EPA Sets Deeps Cuts in Power-Plant Emissions  
BY RYAN TRACY AND DEBORAH SOLOMON  
December 21, 2011

**Atlanta Journal-Constitution**

EPA issues mercury-reduction standards for power plants  
By Kristi E. Swartz  
December 21, 2011

**St. Louis Today**

EPA finalizes mercury limits for coal plants  
BY JEFFREY TOMICH  
Wednesday, December 21, 2011

**StateImpact Texas**

New Rules Approved for Pollution from Coal Plants  
December 21, 2011

**NY Times (Green Blog)**

E.P.A. Issues Limits on Mercury Emissions  
By JOHN M. BRODER  
December 21, 2011, 2:00 PM

**The Courier-Journal**

EPA mercury limits expected on coal plants  
12:31 PM, Dec. 21, 2011

**The Plain Dealer**

U.S. EPA issues tough mercury and other toxic emission standards; some coal-burning power plants may close  
Wednesday, December 21, 2011, 2:32 PM  
By John Funk

**Bangor Daily News**

Collins, Snowe urged to support clean air rules  
By Jackie Farwell, BDN Staff  
Posted Dec. 19, 2011, at 5:44 p.m.

**Time (EcoCentric Blog)**

December 21, 2011

**The Talk Radio News Service**



EPA Issues New Air Pollution Rules  
Wednesday, December 21, 2011 At 2:40PM

**Think Progress**

On Fox News, Ed Whitfield Denies 'Any Benefit' To Babies And Pregnant Women From Reducing Mercury Levels

By Brad Johnson on Dec 21, 2011 at 2:38 pm

**MSNBC**

Power plant rules unveiled: Higher bills, cleaner air  
Coal-fired power plants across U.S. will have to reduce pollutants

**EPA forces dirtiest power plants to clean up toxic air pollution, but gives leeway on timing**

**DINA CAPPIELLO**

**Associated Press**

**12:53 PM CST, December 21, 2011**

WASHINGTON (AP) — The largest remaining source of uncontrolled toxic air pollution in the United States, the nation's coal- and oil-fired power plants, will be forced to reduce their emissions or shut down, under a federal regulation released Wednesday.

The long-overdue national standards for mercury and other toxic pollutants are the first to be applied to nation's oldest and dirtiest power plants.

About half of the 1,300 coal- and oil-fired units nationwide still lack modern pollution controls, despite the Environmental Protection Agency in 1990 getting the authority from Congress to control toxic air pollution from power plant smokestacks. A decade later, in 2000, the agency concluded it was necessary to clamp down on the emissions to protect public health.

Decades of litigation and changing political winds have allowed power plants to keep running without addressing their full environmental and public health costs.

EPA administrator Lisa Jackson said in a statement that the standards "will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs."

The rule ranks as one of the most expensive in the EPA's history, with an estimated \$9.6

billion price tag.

Its release comes after intense lobbying from power producers and criticism from Republicans, who said the rule would threaten jobs and electric reliability and raise electricity prices.

To ease those concerns, the administration will encourage states to make "broadly available" an additional fourth year to comply with the rule, as allowed by the law. Case-by-case extensions could also be granted to address local reliability issues.

Some in the industry wanted an automatic and longer delay, to ensure that the combination of power plants retiring and those shutting down temporarily to install pollution control equipment would not affect reliability. But even the chair of the Federal Energy Regulatory Commission, the independent body that ensures electric reliability, did not see evidence for a blanket extension.

An AP survey of 55 power plants producers found that more than 32 mostly coal-fired power plants in a dozen states would retire because of the regulation issued Wednesday, and another rule aimed at reducing pollution downwind from power plants. The survey found, however, that the power plant retirements alone would not cause homes to go dark. Another 36 power plants may have to shut down because it would be cheaper than complying with the rule. The estimated age of the units retiring or at risk was 51 years.

For coal, which was already struggling because of low natural gas prices and lackluster demand for electricity, the environmental regulations may well be the final blow.

Two other federal environmental regulations in the works to address cooling water intakes and coal ash disposal could lead to more power plant retirements, according to experts.

#### **WFPL News**

#### **EPA Finalizes Rules to Limit Mercury, Other Heavy Metals, Emitted from Power Plants**

**by ERICA PETERSON on DECEMBER 21, 2011**

The federal Environmental Protection Agency has unveiled new rules that will reduce pollution from power plants.

The rule has been in the works for more than two decades, and the EPA was under a court

order to finalize the rules by last week. Under the rule, utilities will have to drastically reduce the amounts of toxic metals power plants emit into the air.

EPA Administrator Lisa Jackson made the announcement at the Children's National Medical Center in Washington, D.C. She says the rule will have invaluable health benefits.

"Once the rule is fully implemented in 2016, it will prevent up to 11,000 premature deaths, 4,700 heart attacks and 3,100 emergency room visits among children," she said.

Many utility companies have lobbied against the standard, but in an effort to show that not all companies are against it, the EPA invited Baltimore-based Constellation Energy Vice President Paul Allen to speak at the press conference. Allen praised the EPA for seeking input from all stakeholders, and says companies should have had time to prepare.

"Companies have had a lot of time to think about, consider, and prepare for the response to these rules depending on how the final rule shakes out," he said. "Options have been considered and options are available to companies to comply with the rule."

The EPA estimates that most plants will be able to comply in three years, and states will be allowed to extend the deadline for another year. The EPA will consider any utilities who can't comply within four years on a case-by-case basis.

The state has approved Louisville Gas and Electric and Kentucky Utilities' plan to comply with the rule. That plan—which includes shutting down several coal-fired plants—is scheduled to be fully implemented by 2016.

### **EPA requires limit on mercury emissions from power plants**

**By Alex Mooney, CNN**

**updated 5:20 PM EST, Wed December 21, 2011**

(CNN) -- The Environmental Protection Agency finalized new federal standards on toxic pollutants and mercury emissions from coal power plants Wednesday, a move being praised by environmentalists but criticized by others, who predict lost jobs and a strain on the nation's power grid.

EPA Administrator Lisa Jackson, at an event at the Children's National Medical Center in Washington, announced that for the first time U.S. coal and oil-fired power plant operators must limit their emissions of mercury and other hazardous air pollutants.

"I am glad to be here to mark the finalization of a clean air rule that has been 20 years in the making, and is now ready to start improving our health, protecting our children, and cleaning up our air," Jackson said. "Under the Clean Air Act these standards will require American power plants to put in place proven and widely available pollution control technologies to cut harmful emissions of mercury, arsenic, chromium, nickel and acid gases. In and of itself, this is a great victory for public health, especially for the health of our children."

EPA rules in place since the 1990s target acid rain and smog-forming chemicals emitting from power plants, but not mercury, a neurotoxin known to damage developing fetuses and children.

Despite federal limits on emissions of mercury from other sources, such as waste incinerators, there have been no limits on coal-fired power plants, which the EPA says constitute the single largest source of mercury emissions.

"These standards rank among the three or four most significant environmental achievements in the EPA's history," said John Walke, clean air director of the National Resources Defense Council. "This rule making represents a generational achievement."

The new regulations are among the most wide-reaching to come from the EPA during Barack Obama's administration. They include separate limits for mercury emissions, acid gasses, and other pollutants from several metals.

Specifically, the EPA will impose numerical emission limits for all existing and future coal plants and propose a range of "widely available, technical and economically reasonable practices, technologies, and compliance strategies," to meet the new demands.

According to an EPA analysis, the larger economic benefits of the reduced pollution will more than pay for the short-term clean-up costs. The EPA also predicts more jobs will be created than lost as power plants invest million of dollars in upgrades.

It also estimates the new regulations, by reducing people's exposure to these toxins, will prevent 11,000 premature deaths each year and trim health costs.

"EPA estimates that for every dollar spent to reduce pollution from power plants, the American public will see up to \$9 in health benefits. The total health and economic benefits of this standard are estimated to be as much as \$90 billion annually," the agency said in a news release.

But the EPA also acknowledges the regulations will result in increased power grid strain: by its estimate, 14.7 gigawatts of power supply will be eliminated from the U.S. power grid when the rules take effect by 2015. That figure -- enough to power well over 10 million U.S. households -- is overly optimistic, according to other industry analyses.

Several industry groups and some Republicans also disagree about the economic impact the new regulations will have.

Reps. Darrell Issa and Jim Jordan, chairmen of the House Oversight Committee and subcommittee on Regulatory affairs, respectively, sent a letter to the White House earlier this week claiming the "EPA has failed to perform a proper analysis of the rule's impact on job creation" and "consider the rule's impact on grid reliability."

The new rules have also made their way to the Republican presidential campaign trail, with Jon Huntsman recently predicting increased brownouts during the summer and Rick Perry declaring the EPA is a "job-killing" agency.

And the U.S. Chamber of Commerce, a group traditionally sympathetic to Republicans, has aired ads urging listeners not to "let the EPA turn out the lights on the American economy."

But the Obama administration has found an ally in New York City Mayor Michael Bloomberg, who argued in a recent op-ed for the Huffington Post that the new standards are gravely needed.

"We can stop this," Bloomberg wrote of mercury poisoning. "We can spare children this tragic injustice and the pain it brings their families. We can spare adults from losing years off their lives. And we can spare taxpayers the enormous health care costs that come with mercury-related-illnesses."

Environmentalists, who earlier this fall were outraged with Obama over his refusal to push for ozone emission standards the EPA supported, are also strongly on board.

"This bold new announcement means less contaminated fish -- and more protections for kids who are at risk of developing learning disabilities and other problems that have been linked to mercury poisoning," the Sierra Club said in an e-mail to CNN. "This is a big public health victory, 20 years in the making. It's one of the most important anti-pollution measures in recent memory."

Mary Anne Hitt, director of the Beyond Coal Campaign, said, "As a mom, I'm especially excited to know that millions of mothers and babies will now be protected from mercury poisoning. We all teach our kids the simple rule that if you make a mess you should clean it up -- and now polluters will have to follow that same rule."

The new rule requires that the vast majority of mercury contained in coal be captured and prevented from releasing into the air when burned for energy, and would require operators to shut down or upgrade the least efficient power plants.

Power plant operators have three years to comply with the new standards, but plant operators may be granted additional time to install the necessary emissions improvement technologies if they are able to demonstrate a valid need.

Once airborne, mercury enters bodies of water through precipitation, becomes methylmercury, and accumulates in the food chain.

The EPA and the Food and Drug Administration jointly recommend that pregnant women and young children limit their consumption of fish and shellfish to two meals a week because of the methylmercury contamination.

## **EPA rules target mercury pollution, toxics from power plants**

**By Elizabeth Weise, USA TODAY**

The Environmental Protection Agency released far-reaching air pollution regulations Wednesday, 21 years after they were first mandated by Congress and six days after they

were signed by the agency.

The rules require coal- and oil-fired power plants to lower emissions of 84 different toxic chemicals to levels no higher than those emitted by the cleanest 12% of plants. Companies have three years to achieve the standards, and EPA has made clear a fourth year and perhaps even more time are also available to them.

"We're delighted," says Janice Nolen of the American Lung Association. "After waiting 21 years, it looks like we may actually have a rule that will help to save 11,000 lives a year and reduce exposure all across the country to a bunch of really toxic substances."

"It's hard to overstate the significance of this rule," says John Walke of the Natural Resources Defense Council, an environmental group. "This is a generational achievement, that mark's America cleaning up dirty power plants once and for all."

The EPA rules govern multiple toxics, including mercury, arsenic, nickel, selenium and cyanide.

Power plants are responsible for half of the mercury and more than 75% of the acid gas emissions in the United States, the EPA says. The EPA estimates that about half the nation's power plants already have pollution control technologies in place. This rule will "level the playing field" in the agency's words, by ensuring that the rest, about 40% of all coal-fired plants, take similar steps.

By EPA estimates, the rules will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year, as well as preventing 130,000 cases of childhood asthma symptoms.

Coal-fired burners are the main concern of the regulation, as oil-fired burners are less popular given high oil prices. There are about 1,100 coal-fired burners being used at 600 power plants nationwide, EPA Administrator Lisa Jackson told USA TODAY. Currently, 12% of the nation's coal-fired power plants already meet the standards, by definition. Another 48% have some if not all of the necessary technologies in place to meet the standards.

The remaining 40% "have done nothing, they have no controls, they emit unlimited amounts of pollutants, they have no technology in place," Jackson says. These plants are the focus of the regulations.

But the industry argues the cost of meeting these rules could bring economic hardship.

American Coalition for Clean Coal Electricity President and CEO Steve Miller said Wednesday. "The EPA is out of touch with the hard reality facing American families and businesses. This latest rule will destroy jobs, raise the cost of energy and could even make electricity less reliable."

The coalition plans to study the new rule but says it may risk jobs and access to affordable electricity. If so, it will ask Congress to "step in," Miller says. "People's jobs, their family budgets and their access to affordable electricity are at stake."

There was a furious eleventh-hour push by some utility groups in the past two weeks "to try to kill this, but in the end too many pieces of the power industry were saying, 'We can do this,' " says Jim Pew of Earthjustice, a public interest law group.

Advertisements suggesting that the United States will experience power blackouts because

of the new rules "are greatly overblown," EPA's Jackson says. Modeling done by EPA, Congress and the Department of Energy all suggest there's no danger of that.

"This is just a scare tactic," she says. Utilities are crassly "asking Americans to choose between mercury in their and their children's bodies, and power." That's not what's happening, Jackson says.

There's nothing in the rule requiring these plants to be shut down, only that they need to be cleaned up, she says. Analysis has shown that these plants are, on average, 50 years old.

"It's just like your car. You have to make a determination of how much you want to put into a clunker when it starts to see the end of its useful life. Companies will have to make business decisions," Jackson says.

## **Bloomberg**

### **EPA Issues Arsenic, Mercury Cap for U.S. Coal-Fired Power Plants**

**By Mark Drajem - Dec 21, 2011 2:58 PM ET**

President Barack Obama's administration issued the first U.S. standards to cut mercury and other toxic emissions from coal-fired power plants, winning praise from health advocates who say the step is long overdue.

The Environmental Protection Agency rule, the most expensive under review by Obama's administration, would force producers such as Southern Co. (SO) to install pollution-control devices or close coal plants and substitute natural gas or wind generation. Most of the 1,100 U.S. plants already comply.

"This has been 20 years in the making," Lisa Jackson, the EPA administrator, said today at Children's National Medical Center in Washington. "This is a great victory for public health, especially for the health of our children."

The rule, proposed in March, caused a split within the electric industry, with companies such as Atlanta-based Southern and American Electric Power Co. (AEP) saying it would force them to retire needed plants. Proponents such as Chicago-based Exelon Corp. (EXC) say they spent billions of dollars on pollution controls and natural-gas plants, anticipating new rules, and want competitors to make the same investments.

The EPA says the standard, estimated to cost \$9.6 billion a year, will save lives and create \$90 billion in annual benefits. It will also boost employment as power producers install scrubbing systems made by companies such as Babcock & Wilcox Co. (BWC) or Alstom SA (ALO), the agency said.

## Mercury, Acid Gases

The EPA proposal incorporates three separate limits: one for mercury, a second for acid gases and a third for particulate matter, which is used to target emissions of metals such as chromium, selenium and cadmium.

In its March proposal, it said the regulation could prevent 17,000 premature deaths from toxic emissions. Today it lowered that estimate to 11,000, according to the statement. Jackson said improved estimates for benefits from a rule to combat pollution across state

borders leaves the mercury standard with fewer toxics to remove.

The changes announced today include easing off on mandatory controls for particulate matter, dispatching with pollution caps when plants are starting up or shutting down, and allowing companies greater leeway to average mercury emissions across units. Those changes will save utilities about \$1 billion annually, EPA said in a fact sheet.

#### Presidential Memorandum

The rule was accompanied by a presidential memorandum that directs the EPA to use authority in the law to give power companies more time beyond the three-year deadline to install equipment or shut old plants. The EPA said in its statement that it wants to make "broadly available" a fourth year, and will offer more time to deal with local reliability issues. In most cases that extra time will not be necessary, the EPA said.

Critics say the rule will force plant closures, raising the cost of electricity and endangering the reliability of the distribution grid. In addition, they have said the health benefits the EPA is claiming are overstated, as they have already been accounted for in previous pollution measures.

"It will increase the cost of power, undermining the international competitiveness of almost two dozen manufacturing industries, and it will reduce employment upstream in the mining sectors," Scott Segal, a lobbyist at Bracewell & Giuliani LLP in Washington representing companies such as Southern, said in an e-mail before the rule was released. "Given that the rule is one of the most expensive air rules ever, the American public deserves better."

#### Pollution Controls

About 40 percent of coal-fired power plants don't have the pollution controls necessary to comply with these rules, according to the EPA.

A separate EPA measure on power-plant emissions of sulfur dioxide and nitrogen oxide that float across state lines is set to take effect in 2012, and is being challenged by power companies in court. This rule is likely to face challenges in court and in Congress as well.

The two rules together are the most far-reaching actions to curb pollution since Clean Air Act was amended in 1990, according to the American Lung Association.

This is a "huge victory for public health," Albert A. Rizzo, chief of pulmonary and critical-care medicine at Christiana Care Health System in Wilmington, Delaware, and the association's national volunteer chairman, said in the EPA's statement.

#### **Reuters: U.S. rolls out tough rules on coal plant pollution**

**By Ayesha Rascoe and Timothy Gardner**

**WASHINGTON | Wed Dec 21, 2011 4:00pm EST**

(Reuters) - The Obama administration on Wednesday unveiled the first-ever standards to slash mercury emissions from coal-fired plants, a move aimed at protecting public health that critics say will kill jobs as plants shut down.

Facing fierce opposition from industry groups and lawmakers from coal-intensive states, the



Environmental Protection Agency said the benefits of the Mercury and Air Toxics Standards, or MATS, will greatly outweigh the costs.

EPA Administrator Lisa Jackson revealed the rules, which have been about 20 years in the making, at a Washington, D.C. children's hospital. Mercury can harm the nervous systems of developing fetuses and infants and can enter the food stream through contaminated fish.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health," said Jackson, whose agency hopes to start enforcing the rules over the next several years.

While the rule mostly adhered to the tough proposal on mercury, arsenic, chromium and other pollutants made earlier in the year, there were some differences.

The rules will cost utilities about \$9.6 billion annually, down more than \$1 billion from the EPA's earlier estimate due to "flexibilities" that were added to the final regulation, the agency said.

The EPA also said it will push permitting authorities in the states and cities to make "broadly available" a fourth year for polluters to invest in technology needed to cut the emissions.

One of a raft of clean air standards the agency is launching, the mercury standards have divided the power industry.

Companies including Exelon and NextEra that generate most of their power with "clean" fuel sources such as nuclear, natural gas and renewables have supported the mercury standards, while those that get most of their power from coal, including American Electric Power and Southern have vigorously fought them.

The standards pleased environmentalists and public health advocates, an important part of President Barack Obama's voter base, who slammed his decision in September to delay a landmark rule on smog emissions.

#### DRIVING PLANT CLOSINGS

While the EPA stressed the flexibility of the final rules, power industry lobbyists said the agency still did not allow enough time for compliance.

Scott Segal, a lobbyist at Bracewell & Giuliani, said the rules will result in the loss of more than 1.4 million jobs by 2020 as utilities are forced to shut old coal-fired power plants. He estimated that for every temporary job created in technologies to clean up power plants four higher paying jobs, often union ones, will be lost.

"The bottom line: this rule is the most expensive air rule that EPA has ever proposed in terms of direct costs," Segal said. "It is certainly the most extensive intervention into the power market and job market that EPA has ever attempted to implement."

Rob Patrylak, a managing director of Black & Veatch, a consulting, engineering and construction company, said of all the EPA clean air rules, the MATS rule will force the largest number of coal-plant retirements. Unlike other recent clean air standards, such the Cross State Air Pollution Rule that seeks to cut emissions that move downwind from power plants, the MATS rule does not allow utilities to trade pollution credits to comply.

"MATS is really what's driving the decision," for companies to shut some of their coal plants, he said.

Energy analysts have said the EPA's mercury rule, along with the cross state, cooling water and coal ash rules could shut up to 70,000 megawatts of coal-fired generation.

The EPA estimated that MATS will save \$90 billion in healthcare costs by 2016 as technology to cut mercury emissions also reduces emissions of fine particulates, which can damage hearts and lungs. When combined with other EPA rules, thousands of lives will also be saved, it said.

Environmentalists praised the administration for pushing through tough rules. "EPA will take a significant step toward cleaner air, and we hope to see more progress to protect public health from air pollutants, including greenhouse gases, in the New Year," said Kevin Kennedy, US climate director at the World Resources Institute, said in an email.

Republican lawmakers quickly pounced on the new mercury rules, vowing to stop the regulations.

James Inhofe, the senior Republican senator on the Environment Committee, said he would try to overturn the rule using a "joint resolution of disapproval," a tool that faces an uphill battle in the Democratic-controlled Senate. Inhofe called the rule "a thinly veiled electricity tax" that will hurt jobs.

Jackson, who spoke during her announcement about her two sons' struggles with asthma, said she was not surprised that lawmakers were threatening to derail the regulations, but ultimately these rules were long overdue.

"These standards are 22 years in making. They are what the American people deserve after waiting so long," Jackson said. "My belief is that if we started hiring engineers instead of lobbyists and...scientists instead of lawyers, we would be able to do our job for the American people."

## **LA Times**

### **EPA issues strong limits on mercury emissions from smokestacks**

**By Neela Banerjee**

**December 21, 2011, 10:35 a.m.**

WASHINGTON -- The Obama administration on Wednesday announced a tough new rule to limit emissions of mercury, arsenic and other toxic substances from sources such as power plants, a landmark measure that could prevent up to 11,000 premature deaths annually, according to the Environmental Protection Agency.

Though mercury is a known neurotoxin that can be profoundly harmful to children and pregnant women, there has never been a federal rule setting a standard for its release into the air from power plants. The current rule has been more than 20 years in the making, stymied repeatedly by objections from coal-burning utilities -- the biggest source of mercury and other acid gases -- and about the cost of installing pollution-control equipment.

The new regulation does not differ markedly in its rigorous emissions targets and timetable from a draft rule proposed in March, despite fierce lobbying to change it. It gives utilities three years to install pollution control equipment called scrubbers, with the opportunity for extensions from regulators on a case-by-case basis.

The rule follows on the heels of several Obama administration decisions to shelve environmental standards to mollify a sharply critical business community, including a high-profile decision this summer to halt new standards to cut smog. The long-awaited rule governing air toxins is sure to rile powerful utilities and their congressional allies who have doggedly lobbied the administration over the last few weeks to weaken or delay the standards.

Said EPA Administrator Lisa P. Jackson said in a statement: "The Mercury and Air Toxics Standards will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance."

Environmentalists applauded the step as a historic leap in efforts to curtail air pollution. "We can breathe easier today," said Frances Beinecke, president of the Natural Resources Defense Council, in an emailed statement. "Dirty coal-fired power plants will have to clean up the toxic soup of emissions that is polluting our air and making people sick, especially children. This critical update to the Clean Air Act will reduce child developmental delays, asthma attacks, heart attacks, and cancer; and save tens of thousands of lives."

Scott Segal, director of the Electric Reliability Coordinating Council, an industry lobbying group, said the sweeping implications of the new rule mean that utilities would not accept them easily.

Under the new rule, power plants can emit 1.2 pounds of mercury per million BTUs of energy produced. Industry had sought a limit of 1.4 pounds. But the EPA arrived at its figure based on a formula set out under the Clean Air Act, and analysts said the agency could not deviate from it.

"The final rule appears to be pretty close to the proposed rule, which is unfortunate. The rule suffers from statistical errors, inaccurate technological assumptions, and inadequate economic and reliability analysis. Given that the rule is one of the most expensive air rules ever, the American public deserves better."

Companies would have three years to clean up their emissions of mercury and about 70 other toxic substances, and utilities could appeal for at least one more year as they install the necessary equipment. Much of industry has argued that the timetable is too tight and

could lead to rolling blackouts. One group, the American Public Power Assn., told the White House that its members needed more than seven years to comply with the mercury rule.

About a dozen states have already approved rules to cut mercury and other toxic substances. A recent study by air quality regulators in the Northeast showed that Massachusetts' aggressive efforts since 1998 to reduce mercury emissions have slashed emissions by more than 90%. Industry has argued that the health benefits of reducing mercury through a federal standard are overstated.

But the estimated public health effects had played a considerable role so far in getting the administration to stick to standards it proposed in March, environmentalists said. Power plants account for about half of mercury emissions and more than 70% of acid gases.

People get exposed to mercury mainly by eating contaminated fish. Mercury exposure damages the developing brains of fetuses and children.

The EPA estimates that by 2016, the proposed rules could avert 4,700 heart attacks a year and prevent 130,000 cases of childhood asthma symptoms.

### **The Hill E2 Wire**

#### **EPA unveils rules limiting mercury, other power plant toxins**

**By Andrew Restuccia**

**12/21/11 01:30 PM ET**

The Environmental Protection Agency on Wednesday unveiled highly anticipated national standards to limit power plant output of mercury and other toxic air pollutants that have been linked to developmental disorders and childhood asthma.

The long-delayed final standards have been the subject of a ferocious lobbying and public relations battle. And it's a fight that could spill onto the presidential campaign trail at a time when GOP candidates routinely accuse Obama of pursuing an overzealous green agenda.

The regulations are a victory for environmental groups, who are still recovering from the bitter disappointment of the White House's decision to scuttle much-anticipated smog regulations. But they face vehement opposition from Republicans and industry groups, who argue the rules will harm the economy, force the closure of coal-fired power plants and threaten the reliability of the country's power grid.

The administration took pains Wednesday to limit the political fallout from the regulations. President Obama intends to issue a memorandum later Wednesday directing EPA to ensure the standards impose the least possible cost on industry and don't threaten electric

reliability.

EPA said Wednesday that the regulations – which require coal- and oil-fired power plants to install technology to reduce harmful air pollution – will offer massive public health benefits at limited cost to industry.

The agency estimates that the standards will prevent 11,000 premature deaths, 4,700 heart attacks and 130,000 cases of childhood asthma per year.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health– and especially for the health of our children," EPA Administrator Lisa Jackson said in a statement.

"With these standards that were two decades in the making, EPA is rounding out a year of incredible progress on clean air in America with another action that will benefit the American people for years to come," Jackson said.

In an effort to drive home the regulations' health benefits, Jackson is set to unveil the standards Wednesday at the Children's National Medical Center in Washington, D.C. She was joined at the event by officials from the American Lung Association and other supporters of the standards.

The agency made an effort to show that the power industry is not uniformly against the standards. Paul Allen, a senior official with power giant Constellation Energy, is slated to appear at Wednesday's rollout.

EPA said that more than half of the country's existing coal-fired power plants have already installed the necessary technology to meet the new standards. About 40 percent of the country's coal-fired plants will be required to update their facilities under the rules, according to the agency.

Plant operators have three years to comply with the standards and EPA encouraged states to "make a fourth year broadly available for technology installations" in an effort to stem criticism of the regulations. The agency also said it would allow more time to comply with the standards on a case-by-case basis if electric reliability issues arise on a localized level.

EPA also said the regulations will help create 46,000 temporary construction jobs and 8,000

permanent utility jobs.

Environmental groups cheered the new standards Wednesday.

"We can breathe easier today. After decades of industry-induced delay, the Environmental Protection Agency did exactly what it was designed to do: look out for our health and our environment," said Frances Beinecke, president of the Natural Resources Defense Council, in a statement.

"Dirty coal-fired power plants will have to clean up the toxic soup of emissions that is polluting our air and making people sick, especially children," she said.

The rules come over the protest of House Republicans, who shepherded legislation through their chamber in September that would indefinitely delay the rules and force EPA to rewrite them.

Major utilities with coal-fired generation like American Electric Power and Southern Company have also fought the standards, holding a series of meetings with White House Office of Management and Budget officials as recently as mid-December warning the rules will force layoffs and hurt power reliability by forcing the closure of a massive number of plants.

Industry groups blasted the regulations Wednesday. Scott Segal, Director of the Electric Reliability Coordinating Council, a group of utilities, said the rules will "undermine job creation in the United States," force the retirement of power plants and increase the cost of electricity.

"The bottom line: this rule is the most expensive air rule that EPA has ever proposed in terms of direct costs," Segal said in a statement. "It is certainly the most extensive intervention into the power market and job market that EPA has ever attempted to implement."

The Obama administration has pushed back in recent weeks on allegations that the rules will cause power outages. The Energy Department issued a report earlier this month that said the regulations will not threaten the reliability of the country's electric grid.

The regulations, which were first mandated in 1990 as part of a series of amendments to the Clean Air Act, will reduce toxic air pollutants like mercury, arsenic, acid gas, nickel, selenium, and cyanide. The air toxics have been shown to cause developmental problems in children as well as respiratory problems like asthma and bronchitis.

EPA had been ordered to complete the rule Friday under a court-ordered deadline, but delayed public rollout until this week.

**National Journal**  
**EPA Unveils Long-Awaited Mercury Rule**  
**By Amy Harder**  
**December 21, 2011 | 2:31 p.m.**

Appearing at Washington's Children's Hospital with public health leaders at her side, Environmental Protection Agency Administrator Lisa Jackson on Wednesday unveiled the nation's first-ever national standards for mercury and other toxic air pollution from power plants.

The sweeping regulations—mandated by Congress in 1990 and delayed by prolonged litigation, lobbying, and legislative battles—will require utilities to cut at least 90 percent of their emissions of mercury, a neurotoxin known to cause brain damage and other health problems, particularly in developing fetuses and young children.

"The Mercury and Air Toxics Standards will help protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance," Jackson said.

EPA says the rule will prevent up to 11,000 premature deaths and prevent thousands of respiratory illnesses, which could translate into \$90 billion in health and economic benefits a year.

"EPA estimates that manufacturing, engineering, installing, and maintaining the pollution controls to meet these standards will provide employment for thousands, potentially including 46,000 short-term construction jobs and 8,000 long-term utility jobs," according to the agency.

Critics are bound to take issue with those numbers, which ignore the likely job losses in the coal-utility sector. Indeed, utilities that burn coal, such as American Electric Power and Southern Company, will be affected the most since coal is the dirtiest fuel used to generate electricity and accounts for 99 percent of the mercury pollution from the power sector. Coal is also the cheapest and most abundant fuel source, though, providing nearly 50 percent of the country's electricity.

Consumer groups praised the new rules. "The health benefits of this rule are clear, and today's announcement follows the example set by the Clean Air Act by protecting public

health in a cost effective manner," said Shannon Baker-Branstetter of Consumers Union.

"Exposure to air pollution and toxic chemicals can cause asthma and heart attacks, harm those suffering from respiratory illness, and in some cases lead to death," said Alan Baker, interim executive director of the American Public Health Association. "Implementing these critically needed standards could mean the difference between a chronic debilitating, expensive illness or healthy life for hundreds of thousands of American children and adults."

**Wall Street Journal**  
**EPA Sets Deep Cuts in Power-Plant Emissions**  
**BY RYAN TRACY AND DEBORAH SOLOMON**  
**December 21, 2011**

WASHINGTON—The Environmental Protection Agency on Wednesday made final new limits on emissions from power-plant smokestacks, requiring deep cuts in toxic pollution at hundreds of generating units that burn coal or fuel oil to make electricity.

The agency said the rules, set to take effect in about 60 days, will prevent up to 11,000 premature deaths each year.

The rules will also cost about \$10 billion annually while power companies install pollution controls or shut down aging plants that can't comply, and they are expected to reshape the power sector as companies switch to cleaner-burning fuels such as natural gas.

The Obama administration, eager for a victory on its environmental resume after a delay in a separate rule on smog-forming ozone pollution earlier this year, announced the rule Wednesday at a Washington ceremony. EPA Administrator Lisa Jackson was flanked by public-health advocates and some power-industry representatives.

The new standards "will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance," Ms. Jackson said in a statement.

The administration held its ground on the air-toxins rule despite objections from congressional Republicans and some power companies that said the rules will go too far, too quickly and would potentially put the reliability of the electric grid at risk as plants close down. Efforts to delay the rules in Congress over the past year have failed.

In a nod to the reliability concerns, the EPA said Wednesday it was encouraging state authorities to allow four years if necessary for companies to install retrofits at plants to comply with the rules, instead of the statutory three. If even more time is needed, the agency said the rule provides "a well-defined pathway to address any localized reliability problems should they arise."

Several Republican lawmakers said Wednesday they were preparing legislation that would block the rules or allow a "safety valve" for plants that can't comply in time. The Edison Electric Institute, the utility industry's main trade group, said the EPA made useful changes but still was creating "the most expensive rule in the agency's history."

Those gestures fall short of the industry's requests. Power companies had wanted an automatic four-year compliance time frame and a presidential executive order to secure a



fifth year, if necessary, to keep the grid online.

The rules will make power companies slash emissions of gases that contribute to soot and acid rain and can worsen heart and lung problems. They also require cuts of mercury and other toxic metals. The agency said about 60% of affected power plants already comply with the rules.

In a related memorandum to Ms. Jackson, President Barack Obama directed the EPA to be flexible "where justified" in enforcing the new rule.

Mr. Obama said the fourth year should "broadly available to sources, consistent with law," and should be invoked "expeditiously where justified."

The president also said the EPA should "promote early, coordinated, and orderly planning and execution of the measures needed to implement" the rule.

**Atlanta Journal-Constitution**  
**EPA issues mercury-reduction standards for power plants**  
**By Kristi E. Swartz**  
**December 21, 2011**

The U.S. Environmental Protection Agency released new power plant emissions rules designed to remove mercury and other toxins from the air.

The agency said reducing toxic pollutants would cut thousands of cases of chronic bronchitis, heart attacks, aggravated asthma and other health problems.

Georgia Power and other utilities have said the new rules would cause them to close or significantly alter several coal-fired power plants, costing time, money and jobs. Complying with the new regulations could cost Georgia Power \$741 million to nearly \$3 billion and lead it to close or refit six additional coal or oil-fired plants by 2015, the utility has said.

Customers eventually will pay for these costs in the form of higher electricity bills.

The regulations have been part of a political tug-of-war between the utility industry and environmentalists. Utilities have lobbied heavily for the EPA to make changes to the proposed rule, released in March.

A small drop of mercury can contaminate a lake and the fish that live in it, according to a report from Environment Georgia. All 50 states have advisories warning women and children not to eat local fish because they may be contaminated with mercury, the report said.

The EPA's rules were signed Dec. 13 but were not made public until just before a news conference at 2 p.m. Wednesday. Environmental and industry groups already had lined up their prepared statements praising or chastising the rules.

"The EPA is out of touch with the hard reality facing American families and businesses. This latest rule will destroy jobs, raise the cost of energy and could even make electricity less reliable," said Steve Miller, President and CEO of the American Coalition for Clean Coal Electricity.

**St. Louis Today**  
**EPA finalizes mercury limits for coal plants**  
**BY JEFFREY TOMICH**  
**Wednesday, December 21, 2011**

Read more:

[http://www.stltoday.com/news/local/metro/epa-finalizes-mercury-limits-for-coal-plants/article\\_0d614802-2c01-11e1-befc-0019bb30f31a.html#ixzz1hDEMDXHo](http://www.stltoday.com/news/local/metro/epa-finalizes-mercury-limits-for-coal-plants/article_0d614802-2c01-11e1-befc-0019bb30f31a.html#ixzz1hDEMDXHo)

Federal regulators on Wednesday announced landmark new rules that put nationwide limits on the amount of mercury and other toxic pollutants emitted by power plants.

The regulations were finalized by the Environmental Protection Agency under a court deadline. They were proposed in March, re-igniting a vigorous debate between the power industry and environmental and public health advocates.

The rules replace less aggressive limits on mercury established by the George W. Bush administration that were later thrown out by the federal courts. The Bush rules had established a cap-and-trade program that allowed utilities that reduced emissions to sell credits to those that didn't.

Under the new regulations, coal-burning power plants will have up to four years to slash mercury emissions and make deep cuts in the release of acid gases and metals like arsenic and chromium for which there are currently no national standards.

The rules "will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance," EPA Administrator Lisa P. Jackson said in a statement.

The agency said pollution control technology needed to meet the standards are widely available and already in use at more than half of the nation's coal-fired power plants.

The rules will bring changes to states like Missouri, where there are presently no state-imposed limits on mercury emissions. Illinois, meanwhile, put more stringent mercury standards in place several years ago.

The EPA rules on mercury come just months after the agency finalized another set of tough regulations that require steep reductions of sulfur dioxide and nitrogen oxide emissions in 27 eastern states, including Missouri, beginning next year.

EPA estimates the mercury and air toxics regulations will prevent as many as 11,000 premature deaths each year and help avoid thousands of heart attacks and cases of asthma and acute bronchitis in children.

**StateImpact Texas**  
**New Rules Approved for Pollution from Coal Plants**  
**December 21, 2011**

In a move the Environmental Protection Agency (EPA) is calling "historic," new rules were approved today that mandate reduced emissions of mercury and other pollutants from U.S.

coal power plants. In a statement released today, the agency says that these are the first national standards that "will slash emissions of these dangerous pollutants by relying on widely available, proven pollution controls that are already in use at more than half of the nation's coal-fired power plants."

The agency estimates that the new rules "will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year." It also says that the rules will reduce childhood asthma symptoms and result in less acute bronchitis in children.

"Power plants are the largest remaining source of several toxic air pollutants, including mercury, arsenic, cyanide, and a range of other dangerous pollutants," the agency says. They "are responsible for half of the mercury and over 75 percent of the acid gas emissions in the United States."

About forty percent of Texas' power comes from coal, and several companies in the state will have to upgrade their plants in order to comply with the new rules. At the Fayette Power Project in La Grange, Texas, the Lower Colorado River Authority (LCRA) and Austin Energy have spent \$400 million on upgrades to scrubbers at the plant, but they'll have to spend more to comply with the new rules.

"We're evaluating it right now, there is definitely a cost to remove mercury," Andrew Valencia, Manager of Power and Gas Operations for LCRA told StateImpact Texas today. "But the technologies that will be deployed will depend on what the final rules are."

The EPA is giving three years for companies to comply with the new standards and is "also encouraging permitting authorities to make a fourth year broadly available for technology installations." In short, the agency does not expect any power outages to result because of the new rules. A recent independent study by the Associated Press reached the same conclusion.

**NY Times (Green Blog)**  
**E.P.A. Issues Limits on Mercury Emissions**  
**By JOHN M. BRODER**  
**December 21, 2011, 2:00 PM**

The Environmental Protection Agency introduced new standards on Wednesday sharply limiting emissions of mercury and other toxic pollutants from the nation's 1,400 coal- and oil-burning power plants.

If and when the new rule takes effect, it will be the first time the federal government has enforced limits on mercury, arsenic, acid gases and other poisonous and carcinogenic chemicals emitted by the burning of fossil fuels.

Lisa P. Jackson, the E.P.A. administrator, said that the regulations, which have taken more than 20 years to formulate, would save thousands of lives and return financial benefits many times their estimated \$9.6 billion annual cost.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health – and especially for the health of our children," Ms. Jackson said.

President Obama, who in September rejected a proposed E.P.A. rule covering smog-causing emissions as too burdensome to industry, said he was fully supportive of the new regulation. He directed the agency to ensure that companies were given sufficient time and flexibility to meet the new rule.

He said the new rule, formally known as the Mercury and Air Toxics Standards, "represents a major step forward in my administration's efforts to protect public health and the environment." (The White House released a video in which the president discusses the rules.)

A number of power plant operators are likely to challenge the new rules in court, saying they are too expensive and will force the premature closing of scores of power plants, eliminating hundreds of thousands of jobs and threatening the supply of electricity in some parts of the country.

Scott H. Segal, who represents utilities that will be affected by the new rule, said that the E.P.A. was playing down the costs and double-counting the benefits. "The bottom line," he said in an analysis of the regulation, "this rule is the most expensive air rule that E.P.A. has ever proposed in terms of direct costs. It is certainly the most extensive intervention into the power market and job market that E.P.A. has ever attempted to implement."

Environmental advocates challenged Mr. Segal's analysis, and his views are not universally shared in the power industry. Ralph Izzo, the chief executive of Public Service Enterprise Group, the parent of New Jersey's largest electric utility, said that his company had spent \$1.3 billion to bring his plants into compliance with New Jersey's air quality rules, which are as stringent as the new federal standard. He said that other utilities had had more than enough notice to clean up their plants in advance of the federal rule announced on Wednesday.

He said the E.P.A. action was "long overdue." He noted that the Clean Air Act, under which the new standards are issued, gives enough flexibility to allow all power generators to come into compliance without any threat to the reliability of electric supply.

Mercury is a potent neurotoxin, harming the nervous systems of fetuses and young children and causing lifelong developmental problems. Other pollutants covered by the new rule, including dioxin, can cause cancer, premature death, heart disease, and asthma.

Power plants generally will have up to four years to comply, although waivers can be granted in individual cases to ensure that the lights stay on. The E.P.A. estimates that utilities will be forced to retire plants that currently provide less than one-half of 1 percent of the nation's total generating capacity.

The rule is the first national one to put limits on emissions of mercury and other toxic gases from power plants, although more than a dozen states have already imposed such rules on plants within their borders. The George W. Bush administration proposed a rule covering mercury emissions, but environmental and health groups successfully blocked it in court on the ground that it did not meet the minimum standards of the Clean Air Act.

The new federal rule is not based on simple numbers, like pounds per year or per megawatt-hour, but on a scale based on the performance of other power plants; uncontrolled sources will have to do as well as the best-performing sources do now. The rule, in effect, specifies a group of proven cleanup technologies – such as scrubbers or carbon injection systems – rather than precise emissions goals.

Senator James Inhofe of Oklahoma, the senior Republican on the Environment and Public Works Committee, vowed to block the new regulation.

“Sadly, this rule isn’t about public health,” he said in a statement. “It is a thinly veiled electricity tax that continues the Obama administration’s war on affordable energy and is the latest in an unprecedented barrage of regulations that make up E.P.A.’s job-killing regulatory agenda.”

The E.P.A. said that when the rules are fully put into effect, they will prevent 90 percent of the mercury in coal burned in power plants from being emitted into the air and reduce 88 percent of acid gas emissions from power plants.

The rule will apply to about 1,400 units that generate electricity by burning coal or oil at 600 separate power plants. (Some have more than one power-generation unit.) About half the coal boilers lack what the E.P.A. calls “advanced pollution control equipment”; some are more than 50 years old.

Other relatively large mercury sources, like medical waste incinerators and municipal waste combustors, are already controlled and have released their emissions by 95 percent, according to the E.P.A. Some of the reduction was from simple steps like ceasing to incinerate batteries.

The E.P.A. estimated that the rules would eliminate "up to 11,000 premature deaths" per year, along with thousands of heart attacks, asthma attacks and emergency room visits.

The impact on the electric system is difficult to quantify, in part because the administration is moving forward on two other major rules affecting power plants, one for plants east of the Rockies that send pollution across state borders, and another governing discharges of warm water. Plant owners may calculate that it is cheaper to build a new plant burning natural gas than to upgrade an old coal-burner.

Susan F. Tierney, a consultant who was an assistant secretary of energy for policy during the Clinton administration and a utility regulator in Massachusetts, said that for plants that were "on the margin" financially, the cross-state rule and the new mercury rule might push them under.

Plants with stronger economics might upgrade to control mercury and other hazardous pollutants, she said, because the water rule was still several years in the future.

Ms. Tierney said the mercury rule was the biggest E.P.A. rule on power plants since the mid-1990s, although other changes could be coming. "Under existing rules, it's really the next big action-forcing regulation," she said. Eventually, she said, E.P.A. regulation of greenhouse gases could have a broader impact, but that rule is still being written.

**The Courier-Journal**  
**EPA mercury limits expected on coal plants**  
**12:31 PM, Dec. 21, 2011**

The U.S. Environmental Protection Agency is expected Wednesday to make final its rule aimed at cutting emissions of mercury and other toxic chemicals from coal-fired power plants.

The agency has scheduled a 2 p.m. press conference at a Washington, D.C., hospital, promising a major Clean Air Act announcement, and environmentalists and industry officials who closely monitor the EPA said they expect action on mercury and other toxic-air emissions to be unveiled.

If the agency's final rule is as strong as the one it proposed in March, it would reduce mercury emissions from power plants by as much as 91 percent over the next three or four years, saving lives and reducing health-care bills, while costing the nation's utilities about \$11 billion annually and driving electricity rates higher.

The new rule would replace Bush-era regulations thrown out by the federal courts that had relied on a cap-and-trade strategy, where utilities that made cuts could sell credits to those that didn't. At the time, the Bush administration predicted its rule would reduce mercury pollution from coal-fired power plants 70 percent over 13 years

EPA in March said its rule would apply to all power plants and other industrial sources of mercury emissions, while also seeking to toxic air pollutants such as arsenic, lead, chromium and acid gases.

The rule is expected to have particular impact in Kentucky and Indiana, where coal-fired power plants supply more than 90 percent of the states' electricity.

Environmentalists and some medical doctors have called the Louisville area a mercury "hot spot" because of its concentration of coal-fired plants. Two are within the city limits, and another is across the Ohio River in New Albany, Ind.

### **The Plain Dealer**

**U.S. EPA issues tough mercury and other toxic emission standards; some coal-burning power plants may close**

**Wednesday, December 21, 2011, 2:32 PM**

**By John Funk**

The U.S. Environmental Protection Agency (EPA) today issued the first rules regulating power plant smoke stack emissions of mercury and other toxic metals.

The rules will probably force utilities that rely on coal-fired boilers, including FirstEnergy Corp. and Columbus-based American Electric Power, to shut down older, smaller power plants because installing clean-up equipment would not only be costly but would also reduce

the output of the plants.

Among FirstEnergy power plants that face upgrades or closures are Lake Shore, Ashtabula and Bay Shore.

The standards will regulate power plant emissions of mercury and other toxic pollutants such as arsenic, acid gas, nickel, selenium, and cyanide.

The pollution controls to eliminate these materials are proven and widely available, said EPA administrator Lisa Jackson. But only about half of the nation's 1,100 coal-burning utility power plants are equipped with technology today.

The impact of the new rules on consumer power prices has yet to be determined. EPA estimates that the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year and prevent about 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health- and especially for the health of our children," said Jackson.

**Bangor Daily News**  
**Collins, Snowe urged to support clean air rules**  
**By Jackie Farwell, BDN Staff**  
**Posted Dec. 19, 2011, at 5:44 p.m.**

PORTLAND, Maine — A group of doctors, sportsmen, scientists and parents led by the American Lung Association gathered Monday to urge Maine's senators to support clean air legislation.

The coalition called on Sens. Susan Collins and Olympia Snowe to back tougher federal rules on mercury and air pollution from power plants and oppose efforts to delay stricter emissions standards for industrial boilers.

At a press conference, Mark Conley of Raymond said he sometimes has to keep his asthmatic son, Jake, indoors because air pollution compromises the 12-year-old's breathing.

"Do we want our kids walking around in the future with masks on?" Conley said.

The Environmental Protection Agency is expected this week to unveil first-ever national standards for mercury and other toxic pollutants released from power plant smokestacks. The agency says the standards will keep 91 percent of the mercury in coal from entering



the air, preventing an estimated 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"While many parts of the country rely on coal power, the health effects from this relatively inexpensive resource are borne by the people of Maine," Snowe said in a statement. "It is unacceptable that these costs are simply transferred from one region to another and that is why I have long supported reducing mercury pollution with cost-effective technologies."

Art Cerullo, a member of the American Lung Association of Maine board, said at the press conference that Maine's senators hold the key to preventing out-of-state polluters from dirtying Maine's air. Behind him, an actor dressed as Santa placed gift boxes labeled "healthy air" and "healthy kids" into a stocking while a man dressed as the Grinch replaced them with chunks of coal.

"But it's not just about health," Cerullo said. "It's about our ability to create jobs and grow Maine's economy. And let's face it, when you think of Maine as Vacationland, you don't think of dirty, unhealthy air."

Collins co-sponsored a bill this summer to postpone implementation of the new industrial boiler regulations, giving the EPA 15 months to review the issue and extending compliance deadlines from three years to five.

Pulp and paper industry officials in Maine have said the plants are crucial to their businesses and that the regulations are costly to comply with and overly strict. Opponents argue the delay will allow harmful toxins into the air.

Collins' bipartisan legislation now has more than 40 co-sponsors and will give the EPA time to analyze the best ways to implement the standards, known as Boiler MACT rules, according to Kevin Kelley, a spokesman for Collins.

"Maine has lost more than a third of its manufacturing jobs during the past decade, and Sen. Collins remains committed to helping ensure that the Boiler MACT rules are crafted to protect public health without harming the forest products industry, which is the lifeblood of many small, rural communities," Kelley said in a statement.

**Time (EcoCentric Blog)**  
**December 21, 2011**

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health— and especially for the health of our children. The Mercury and Air Toxics Standards will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance."

Environmental Protection Agency (EPA) Administrator LISA JACKSON, in a statement announcing the release of the EPA's long-awaited rules on mercury and other air toxics. The regulations—which have been in the works for two decades—are the first to restrict emissions of mercury, a potent neurotoxin, from power plants. According to the EPA, the new rules—with which coal-fired power plants will have at least three years to comply—will prevent at least 11,000 premature deaths and 4,700 heart attacks a year, along with 130,000 childhood asthma symptoms and 6,300 fewer cases of acute bronchitis in children.

**The Talk Radio News Service**  
**EPA Issues New Air Pollution Rules**  
**Wednesday, December 21, 2011 At 2:40PM**

The Obama administration announced Wednesday new rules aimed at reducing air pollution caused by coal power plants.

The Mercury and Air Toxics Standards unveiled today are designed to curb emissions via a series of pollution controls.

According to a news release, "the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America's children grow up healthier – preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year."

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health— and especially for the health of our children," said EPA Administrator Lisa P. Jackson. "The Mercury and Air Toxics Standards will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance."

The EPA estimates that "the two rules are estimated to prevent up to 46,000 premature deaths, 540,000 asthma attacks among children, 24,500 emergency room visits and hospital admissions." The administration also believes that the new standards will net the nation's economy \$90 billion per year.

Critics of the new standards, however, say that they will result in job loss and higher electricity bills for customers.

Power plant lobbyist Scott Segal told MSNBC that "this rule is the most expensive air rule that EPA has ever proposed in terms of direct costs."

"Much is made of the current debate over extending the payroll tax holiday," Segal said. "The irony is that a middle class family may end up giving that entire tax benefit back in the form of higher utility bills."

### **Think Progress**

#### **On Fox News, Ed Whitfield Denies 'Any Benefit' To Babies And Pregnant Women From Reducing Mercury Levels**

**By Brad Johnson on Dec 21, 2011 at 2:38 pm**

As U.S. Environmental Protection Agency Administration Lisa Jackson announces the first-ever Clean Air Act rules to limit mercury pollution from coal-fired power plants, Republicans are already attacking this historic advance for public health. The health risks of this potent neurotoxin are enormously well-documented. Methylmercury from coal pollution accumulates in fish, poisoning pregnant women and small children. Mercury can harm children's developing brains, including effects on memory, attention, language, and fine motor and visual spatial skills. But Republicans are willing to argue that the profits of the coal industry outweigh the well-being of America's children.

"There are already strict regulations relating to mercury emissions," Rep. Ed Whitfield (R-KY), the chair of the House energy and power subcommittee, falsely claimed in an interview today with Fox News. "Obviously whatever controls the EPA has in place are not working if our fish are tainted," Fox's Alisyn Camerota shot back. Whitfield then made the false claim that "there is not going to be any benefit from this new regulation in reducing mercury levels":

CAMEROTA: As I'm sure you know, for the past years doctors have been advising pregnant women not to eat any fish when they are pregnant because the mercury levels are so high in fish. So what to do about this? Obviously whatever controls the EPA has in place are not working if our fish are tainted.

WHITFIELD: Well, let me just say this to you, the scientists that testified before our committee were unanimous in the view that there is not going to be any benefit from this new regulation in reducing mercury levels. All of the benefits were calculated from the reduction of particulate matter, which is already covered under ambient air quality standard regulations. This is about closing coal plants, and that's precisely what it is about.

Whitfield and energy committee chair Fred Upton (R-MI) have assiduously avoided having medical experts testify about the EPA's mercury rules, instead parading utility and coal

industry officials before their committee to make exaggerated claims about the costs of upgrading power plants to protect children's health. At one such hearing, Rep. Joe Barton denied the "medical negative" of mercury exposure.

The glimmer of fact in Whitfield's claims is that the health costs of mercury poisoning of our nation's children over decades of unlimited coal pollution are difficult to quantify. Mercury poisoning is rarely fatal and hard to detect, but causes undeniable, insidious developmental harm to fetuses and babies.

Cost-benefit analyses conducted by epidemiologists for the new rule emphasize the equally real live-saving impact of cutting the deadly soot pollution from the few dozen ancient coal plants that emit most of the nation's mercury pollution. By conceding that cutting the particulate matter would save thousands of lives, Whitfield was in effect admitting that current ambient air quality standards are not sufficient to protect American health either.

Economists are beginning to recognize that the costs of coal pollution outweigh the benefits of "cheap" coal electricity. Unless the coal industry cleans up its act, coal power is making the American economy sick.

## **MSNBC**

### **Power plant rules unveiled: Higher bills, cleaner air Coal-fired power plants across U.S. will have to reduce pollutants**

WASHINGTON — The Obama administration on Wednesday unveiled rules for coal-fired power plants that mean costly investments passed on to consumers, but also health benefits.

Hundreds of older plants — which together make up the largest remaining source of unchecked toxic air pollution in the United States — will have to cut emissions or shut down.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health," Lisa Jackson, head of the Environmental Protection Agency, said in a statement.

The American Lung Association added its support, calling it a "huge victory for public health" and echoing EPA estimates that the rules will prevent 130,000 child asthma attacks and 11,000 premature deaths each year.

Power plant operators who have trouble meeting a three-year deadline to reduce emissions of mercury and other toxics will be given some flexibility under a deal struck between the White House and the EPA, the Washington Post reported last Friday.

The EPA estimates the rules will cost utilities \$9.6 billion by 2016 to install special equipment known as "scrubbers."

About 40 percent of the 1,400 coal-fired units nationwide still lack modern pollution controls, despite the EPA in 1990 getting the authority from Congress to control toxic air pollution from power plant smokestacks. A decade later, in 2000, the agency concluded it was necessary to clamp down on the emissions to protect public health.

The administration was under court order to issue a new rule, after a court threw out an attempt by the Bush administration to exempt power plants from toxic air pollution controls.

In a video released Wednesday afternoon, President Barack Obama said the decades of delays caused by special interest groups that resulted in standards never being put into place for power "was wrong."

"Today, my administration is saying, 'Enough'," he said.

When fully implemented in 2016, the standards will slash mercury pollution from burning coal by 90 percent, lung-damaging acid gases by 88 percent and soot-producing sulfur dioxide by 41 percent.

Companies that generate most of their power with "clean" fuel sources like nuclear, natural gas and renewables have supported the standards, while those that get most of their power from coal, including American Electric Power and Southern, have vigorously fought the rules.

Scott Segal, an energy industry lobbyist at Bracewell & Giuliani, said the rules will result in the loss of more than 1.4 million jobs by 2020 as utilities are forced to shutter old coal-fired plants. He estimated that for every temporary job created in technologies to clean up power plants four higher paying jobs, often union ones, will be lost.

"The bottom line: this rule is the most expensive air rule that EPA has ever proposed in terms of direct costs," he added. "It is certainly the most extensive intervention into the power market and job market that EPA has ever attempted to implement."

He also cited an industry-sponsored study that estimated areas with the most coal power plants could see electricity prices rise by 19 percent.

"Much is made of the current debate over extending the payroll tax holiday," he told msnbc.com. "The irony is that a middle class family may end up giving that entire tax benefit back in the form of higher utility bills."

EPA spokeswoman Enesta Jones countered that "EPA modeling indicates that these standards will result in relatively small changes in the average retail price of electricity (approximately 3 percent)."

Republicans had joined opponents, and in October the EPA delayed approval, saying it needed more time to review the 960,000 comments it received on a draft of the measure.

In response to concerns about the costs, the EPA has said the money saved in health care costs will be greater than the amount polluters will need to invest in retooling their plants to meet the new standards.

A group of 25 states has launched a court case over the rules, seeking a delay of at least a year for what they argue is an expensive measure that will shut down old coal-fired power plants.

Analysts have said American Electric Power and Duke Energy could see temporary shutdowns because of the rules.

To ease those concerns, the EPA will encourage states to make "broadly available" an

additional fourth year to comply. Case-by-case extensions could also be granted to address local reliability issues.

The EPA, which had also been sued by environmental groups to finalize the rule, has maintained that the regulation is needed to prevent illnesses and deaths caused by air pollution.

Environmentalists were pleased with the final rules.

"After decades of industry-induced delay, the Environmental Protection Agency did exactly what it was designed to do: look out for our health and our environment," said Frances Beinecke, president of the Natural Resources Defense Council.

The EPA estimates the rules will save \$37 billion to \$90 billion in health care costs each year by 2016 as technology to cut mercury emissions also reduces emissions of fine particulates, which can damage hearts and lungs.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**[belknap.andra@epa.gov](mailto:belknap.andra@epa.gov)**

**Richard Windsor/DC/USEPA/US**  
07/29/2011 02:56 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Dems ask GOP moms to help strike mercury rider

Yup!

---

**From:** Arvin Ganesan  
**Sent:** 07/29/2011 02:53 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Dems ask GOP moms to help strike mercury rider

Great messaging.

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 07/29/2011 02:52 PM AST  
**To:** Arvin Ganesan  
**Subject:** Dems ask GOP moms to help strike mercury rider

## **Dems ask GOP moms to help strike mercury rider**

By Robin Bravender  
7/29/11 2:51 PM EDT

Democratic congresswomen are appealing to Republican moms as they try to eliminate a GOP spending bill rider that blocks mercury limits for power plants.

California Democratic Rep. Lois Capps and several other congresswomen will lead the effort on the House floor as early as this weekend to repeal the controversial language on the Interior-EPA 2012 spending bill.

“We’ve been talking with mothers and parents on the other side of the aisle, and we will continue to do that,” Capps said. “We’re going to work our tails off to get this amendment passed and get this rider out.”

The House Appropriations Committee adopted the rider, proposed by Rep. Cynthia Lummis (R-Wyo.), that would block EPA from finalizing draft rules to limit mercury and other air toxics from the utility sector for at least six months after the agency completes a comprehensive study of the economic impact of the regulations.

Power plants are responsible for about 50 percent of annual U.S. emissions. The EPA's draft rule

sets a target of keeping 91 percent of the mercury in coal from being emitted into the air.

Mercury is a toxic heavy metal that can harm children's developing brains, including effects on memory and attention, according to EPA. Other toxic metals targeted by the rule — such as arsenic, chromium and nickel — can cause cancer.

Rep. Debbie Wasserman Schultz, chairwoman of the Democratic National Committee, said she and her colleagues will be talking to parents on both sides of the aisle as the vote approaches.

“I’d like to hope that it’s just that the parents that are members of Congress — no matter what side of the aisle they’re on — don’t realize that this language is in there, and hopefully we’ll try to shake some sense into them.”

Opponents of EPA’s draft mercury rule have argued that it could threaten the reliability of the electric grid by forcing the early retirement of older coal-fired plants. They also say the rule would force electricity costs up for consumers.

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**Richard Windsor/DC/USEPA/US**  
12/25/2010 01:40 AM

To Arvin Ganesan  
cc  
bcc  
Subject Re: NYT OpEd

hohoho

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**From:** Arvin Ganesan  
**Sent:** 12/24/2010 11:00 PM EST  
**To:** Richard Windsor; Seth Oster  
**Subject:** NYT OpEd

## A Coming Assault on the E.P.A.

Republicans in the next Congress are obviously set on limiting the Environmental Protection Agency's authority under the Clean Air Act to regulate a wide range of air pollutants – even if it means denying the agency money to run its programs and chaining its administrator, Lisa Jackson, to the witness stand. Fred Upton, who will become the next chairman of the House Energy and Commerce Committee, says he plans to call Ms. Jackson so often for questioning that he'll guarantee her a permanent parking space on Capitol Hill.

It is equally plain that Ms. Jackson has no intention of abandoning her agenda or her defense of one of the most successful of America's landmark environmental statutes. What is not clear is where the White House stands and whether it is prepared to resist industry's standard litany that E.P.A. is as an out-of-control agency threatening jobs with unnecessary rules.

President Obama's political advisers have shown little enthusiasm for environmental issues. Mr. Obama himself ceded leadership on the climate-change issue to Congress, which ended up doing nothing. On the other hand, his chief environmental adviser is Carol Browner, herself a former E.P.A. administrator whose aggressive clean-air initiatives in the Clinton years would never have prevailed without Oval Office support.

Which is just what Ms. Jackson will need in the months ahead. On her plate is: a proposed rule reducing pollutants like sulfur dioxide, the acid rain gas, from power plants east of the Mississippi River; a first-of-its-kind rule limiting toxic pollutants like mercury, which the agency has been ducking for years; and, most problematic, proposals imposing new "performance standards" on power plants to limit greenhouse gases.

Taken together, these and other pending rules should lead to a dramatically less polluting fleet of power plants, a process already set in motion by the rapid decline in natural gas prices. That has encouraged industry to retire dirtier coal-burning facilities. Everyone will benefit: citizens from cleaner air, lakes and fish from reduced mercury deposits, the atmosphere from lower greenhouse gases.

Some important players in industry are ready for change. In a recent letter in The Wall Street Journal, a group of powerful utilities including Pacific Gas and Electric and New Jersey's Public Service said that industry had had plenty of time to prepare, that pollution could be reduced in cost-effective ways and that newer and cleaner plants will create jobs, not destroy them.

But this is hardly a universal view in industry and in Congress. Although the Supreme Court ruled in 2007 that the Clean Air Act gives the E.P.A. not just the right but the obligation to regulate greenhouse gases, the Senate tried to subvert that authority once. Senator John Rockefeller IV, a Democrat who represents

West Virginia coal interests, will surely try again.

Ms. Jackson will have to be tactically smart, lest overreaching on one rule brings the whole house down. She has already delayed new air-quality standards for ozone. She says she needs more scientific evidence to set precise limits. Historically, clean-air rules are almost always litigated, so having sound science on her side is essential.

But she won't get far without Mr. Obama's backing. Ms. Browner could remind the president that it was after a dispiriting Republican midterm victory that President Bill Clinton found his feet on environmental issues. In 1995, the Newt Gingrich crowd came to town promising to overturn a whole body of environmental law. Mr. Clinton rose up, not only winning the big battles, but eventually compiling a sterling record. Mr. Obama should emulate him.

**Richard Windsor/DC/USEPA/US**  
06/13/2011 02:54 PM

To Arvin Ganesan  
cc  
bcc

Subject Re: POSTED: American Electric Power's Dirty Trick; response to AEP threat to fire employees if mercury, toxics standards are implemented

Tx  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 06/13/2011 12:45 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: POSTED: American Electric Power's Dirty Trick; response to AEP threat to fire employees if mercury, toxics standards are implemented  
This is very good work by CAP.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/13/2011 12:45 PM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients;;  
Date: 06/13/2011 12:43 PM  
Subject: POSTED: American Electric Power's Dirty Trick; response to AEP threat to fire employees if mercury, toxics standards are implemented

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Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

American Electric Power's threat to close coal-fired power plants rather than comply with EPA requirements to reduce air toxics is designed to bring opposition to pollution controls, write Daniel J. Weiss and Valeri Vasquez.

[http://www.americanprogress.org/issues/2011/06/dirty\\_trick.html](http://www.americanprogress.org/issues/2011/06/dirty_trick.html)

On June 9, [American Electric Power](#), a major utility company that owns plants from Texas to Virginia, announced that it plans to close 21 coal-fired electricity units rather than invest in reducing their toxic air pollution to comply with the [forthcoming Environmental Protection Agency reduction requirements](#). In reality, AEP is threatening to shut down these plants to stoke congressional and public opposition to EPA's efforts to reduce toxic air pollution. So far, several [legislators](#) have risen to the bait, including Sen. Joe Manchin (D-WV) and Rep. Shelly Moore Capito (R-WV). Both have again attacked EPA for attempting to protect children and others from cancer-causing air pollution. Other utilities, however, support EPA's requirements, which are also job creators.

AEP would prefer to shutter these plants because it claims that the cost of reducing the arsenic, lead, mercury, acid gases, and other toxic pollutants is prohibitive. What AEP did *not* say is that the cost of cleanup is expensive because these units are very old and dirtier than newer plants—50 years old on average. (see [attached spreadsheet](#)) One of the units was built during World War II, and the newest one was completed during the Carter administration. Most of the other units were built in the 1950s.

AEP's threat to close these plants due to the pending EPA air toxics rules is also somewhat misleading. Last year, it announced a plan to close five units at the Phillip Sporn Plant in New Haven, West Virginia. [Source Watch](#), a nonprofit that publishes "documented information about the corporations, industries, and people trying to sway public opinion," reported on AEP's 2010 retirement plans.

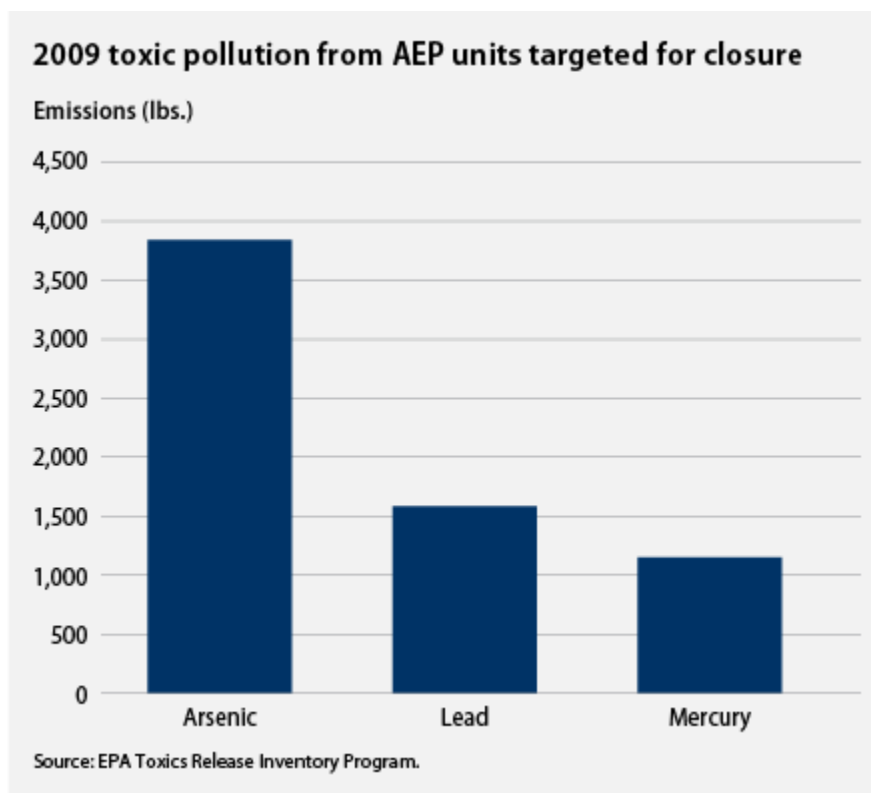
"In October 2010, Ohio Power Co. filed an application with the Public Utilities Commission of Ohio for the approval of a December 2010 closure of the coal-fired Philip Sporn Power Plant unit 5... In September 2009, Appalachian Power filed an integrated resource plan (IRP) in Virginia that projected a 2010 shutdown for Sporn unit 5. The same IRP projected that Sporn units 1-4, with 580 MW of total capacity, would be retired in 2018."

In other words, AEP planned to close this plant five months *before* EPA's March 2011 proposal to reduce toxic air pollution from coal-fired utilities. Yet AEP has included closing these units under "AEP's current plan for compliance with the [EPA] rules as proposed includes permanently retiring the following coal-fueled power plants."

The plants on the AEP chopping block are large emitters of toxic air pollution. For instance, in 2009, the Welsh Plant in Pittsburg, Texas emitted 462 pounds of mercury, according to the 2009 Toxic Release Inventory program run by EPA. (see [attached spreadsheet](#) for links to all TRI power plant data) This level is second only to the 53-year-old Kammer Plant in Moundsville, West Virginia, which during the same year spewed 364 pounds of mercury. This [heavy metal](#) causes severe developmental disabilities, deafness, and blindness in cases of prenatal and infant exposure. The chemical can lower fertility rates and raise chances of heart disease in adults.

AEP's aging power plants flood the sky with a deadly list of other toxic substances as well. The Big Sandy Plant contributed more than 1,300 pounds of cancer-causing arsenic to the air over Louisa, Kentucky, in 2009.

But these are just the tip of the toxic iceberg. In 2009, the 21 AEP units marked for closing pumped nearly 1,200 pounds of mercury into the air (see [attached spreadsheet](#) for links to Toxic Relief Inventory data on these pollutants from individual plants) They also emitted 3,842 of [arsenic](#), which is used for rat poison. And these plants emitted nearly 1,600 pounds of [lead](#), which causes learning disabilities in children as well as organ failure. Most shockingly, these 21 plants spewed 4.7 million pounds of acid gases. The [American Lung Association](#) reports that these gases trigger "irritation to skin, eye, nose throat, [and] breathing passages."



AEP acknowledges that EPA's standards would add employment. It noted that "jobs would be created from the installation of emissions reduction equipment." In fact, the [Wall Street Journal](#) reports that: "AEP, whose utility operations stretch from Texas to Ohio, said high demands for labor and materials could drive the potential capital investment higher owing to a constrained time allowed to make changes required under the plan." In other words, the reduction to toxic air pollution will drive *more* capital investment in other aging power plants, which will create jobs.

This prediction is supported by a University of Massachusetts analysis for [CERES](#) of the net job impact of the EPA's air transport and utility air toxics rules. It found that

there would be significant job creation—nearly 360,000—due to “construction, installation, & professional job gains over 5 years” from capital expenditures to reduce these pollutants. In addition, many of the AEP-affected states with closing plants would still experience a *net increase* in operation and maintenance jobs. (see chart below)

**EPA's air toxics rules would lead to significant job creation in states with AEP plants**

State	Construction, installation, and professional job gains over five years	Net change in operation and maintenance jobs
Indiana	95,193	850
Kentucky	31,477	(107)
Ohio	76,240	(407)
Virginia	123,014	856
West Virginia	32,253	92
<b>Total</b>	<b>358,177</b>	<b>1,284</b>

Source: CERES.

Closing aging, dirty power plants will certainly end employment for some workers. Those affected by this should receive assistance with job placement, retraining, and education. But that is no excuse for blocking or delaying reductions in cancer-causing chemicals from coal-fired power plants.

What's more, many utilities believe that EPA's proposed reduction in air toxics can be met without significant rate increases or a decline in electricity reliability. In fact, many coal-fired power plants are already meeting the proposed mercury reduction standard. The [Clean Energy Group](#)—an electric company coalition that has 146,000 megawatts of the United States' total electric generating capacity—conducted an analysis that found that:

“Nearly 60 percent of all coal fired boilers that submitted stack test data to EPA are currently achieving the Utility Toxics Rule's proposed mercury emissions standard... Many states already impose more stringent mercury emissions limits on coal fired power plants than have been proposed by EPA.”

The Clean Energy Group also evaluated PJM Interconnection's—a regional transmission organization—recent “future capacity auction” that ensures:

“...future electric system reliability [with] PJM's forward capacity auction [that] requires power plant operators and other participating companies to offer (i.e., commit) resources, including both generating capacity and demand side resources, three years in advance of when they are needed.”

This auction was an early test of whether there would continue to be adequate electricity generation to meet demand. The success of the auction proves that utilities do not anticipate any shortage of electricity in the PJM region and thus have capacity to meet the forthcoming EPA requirements:

"The results of PJM's most recent Reliability Pricing Model ("RPM") forward capacity auction clearly indicate the industry can meet future electricity demand while maintaining electric system reliability in one of the most coal dependent regions of the country [the Mid-atlantic and Midwestern states]."

[Tennessee Valley Authority](#) owns and operates 11 coal-fired power plants with nearly 60 electricity generation units, with some nearly 70 years old. [In April it announced plans](#) to retire:

"...18 older coal generation units...as part of the federal utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020.

Its President and CEO Tom Kilgore affirmed that the EPA's standards will help TVA rejuvenate its fleet."

"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."

A half dozen major utilities—including Exelon, the nation's largest—also believe that the proposed air toxics reductions from coal-fired utilities are affordable and will have little impact on reliability. CEOs from Exelon, PG&E, Calpine, NextEra Energy, Public Service Enterprise Group, Constellation Energy Group, and others wrote in [The Wall Street Journal](#) that:

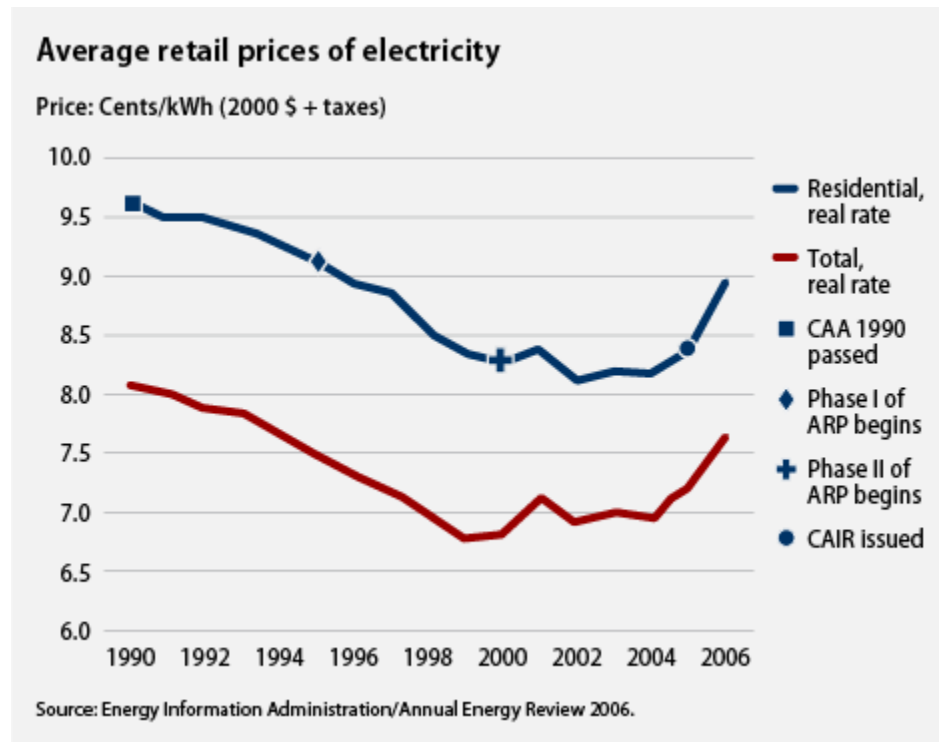
"For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases."

"To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue."

"Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability."

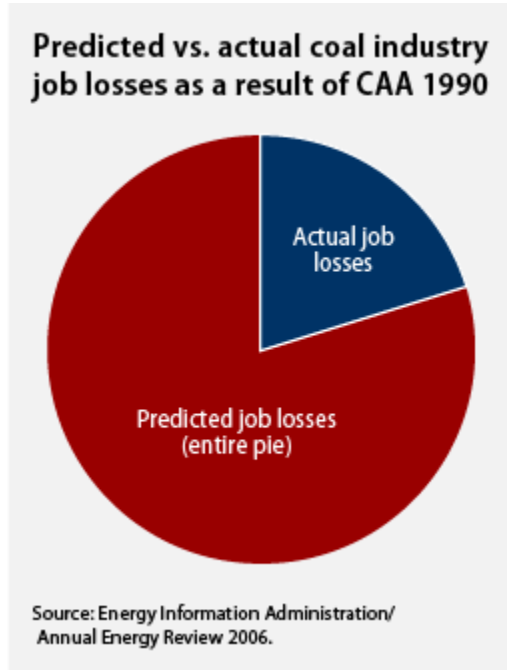
EPA's proposed air toxics standards will make a real difference in Americans' lives. The [American Lung Association](#) determined that "EPA's proposed mercury and air

toxics reduction rule will prevent 17,000 premature deaths and 120,000 asthma attacks each year."



AEP is making the same tired arguments polluters used over the past 40 years to frighten legislators and the public about pollution safeguards. In the 1980s the utility industry predicted that reducing acid rain pollution from coal-fired power plants would spark horrific rate increases. In fact, [utility rates were lower](#) in most states in 2006 compared to 1989. Acid rain polluters also predicted huge [job losses that didn't occur](#) either. And the cost of cutting acid rain pollution was one-quarter of EPA's prediction.





AEP's threatened job losses are little more than holding their employees hostage to allow the company to keep polluting. AEP's announcement is an economic kidnap note that reads, "Let me keep poisoning your air if you want to see these workers' jobs again." The ransom AEP demands is continued mercury, arsenic, and other cancer-causing pollution.

The president, Congress, and the media should disregard AEP's phony threats by allowing EPA to protect our children, seniors, and everyone else from deadly toxic air pollution from coal-fired power plants.

[Download data on all the American Electric Power plants the company plans to close \(.xls\)](#)

**Richard Windsor/DC/USEPA/US**  
06/08/2011 10:18 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: Romney draws early fire from conservatives over views on climate change

Tx

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**From:** Arvin Ganesan  
**Sent:** 06/08/2011 10:11 PM EDT  
**To:** Richard Windsor  
**Subject:** Romney draws early fire from conservatives over views on climate change

It will be interesting to see how this plays out.

**Romney draws early fire from conservatives over views on climate change**

By [Philip Rucker](#) and Peter Wallsten, Wednesday, June 8, 9:29 PM

It seemed like a straightforward question on a second-tier issue: Would Mitt Romney disavow the science behind global warming?

The putative Republican presidential front-runner, eager to prove his conservative bona fides, could easily have said what he knew many in his party's base wanted to hear.

Instead, the former Massachusetts governor stuck to the position he has held for many years – that he believes the world is getting warmer and that humans are contributing to it.

Romney's answer to a question about climate change last Friday during [his first town hall](#) meeting since announcing his second presidential campaign allowed him to demonstrate what he hopes voters will see as a new and improved candidate – an authentic leader with core convictions.

But the exchange in New Hampshire also served as a fresh indicator of Romney's great quandary. He must shed the flip-flopper reputation that haunted his last presidential campaign and also appeal to conservative voters wary of his past support for near-universal health care, abortion rights, same-sex marriage and other positions befitting a politician elected in liberal Massachusetts.

So far, Romney's reviews from the right are not positive. His views about climate change in particular put him at odds with many in his party's base.

"Bye-bye, nomination," Rush Limbaugh [said Tuesday](#) on his radio talk show after playing a clip of Romney's climate remark. "Another one down. We're in the midst here of discovering that this is all a hoax. The last year has established that the whole premise of man-made global warming is a hoax and we still have presidential candidates that want to buy into it."

Then came the Club for Growth, which issued [a white paper](#) criticizing Romney. "Governor Romney's regulatory record as governor contains some flaws," the report said, "including a significant one - his support of 'global warming' policies."

And Conservatives4Palin.com, a blog run by some of former Alaska governor Sarah Palin's more active supporters, posted [an item](#) charging that Romney is "simpatico" with President Obama after he "totally bought into the man-made global warming hoax."

A Romney spokeswoman declined to comment about the criticism but did provide excerpts from Romney's 2009 book, "[No Apology](#)," in which the candidate articulates the same environmental positions.

The episode suggests that Romney and his team, trying to market the candidate as authentic, see more of a political benefit by sticking with his position and taking heat than by shifting to win over a crucial segment of the conservative base.

"The fact that he doesn't change his position . . . that's the upside for us," said one Romney adviser who spoke on the condition of anonymity because he was not authorized to speak on behalf of the campaign. "He's not going to change his mind on these issues to put his finger in the wind for what scores points with these parts of the party."

Romney, in his full answer to the question about climate change, maintained his position while offering enough nuance to extend an open hand to those who disagree.

"I don't speak for the scientific community, of course, but I believe the world's getting warmer," he said. "I can't prove that, but I believe based on what I read that the world is getting warmer. And number two, I believe that humans contribute to that. I don't know how much our contribution is to that, because I know that there have been periods of greater heat and warmth in the past, but I believe we contribute to that."

Romney added that "it's important for us to reduce our emissions of pollutants and greenhouse gases that may be significant contributors." He also said he does not support a cap-and-trade policy, saying it would put American companies at a competitive

disadvantage in the world. "We don't call it America warming," he said. "We call it global warming."

But it was his line that "humans contribute" that sparked the conservative backlash.

Romney has long known that the health-care legislation he signed in Massachusetts – which, like Obama's federal health-care overhaul, includes an individual mandate – could be his Achilles heel in pursuit of the Republican nomination.

Now, some conservatives say, Romney should add climate change to that list.

"If [voters] get past Romneycare, then this will be a 'do not pass go'-type issue," said Christopher Horner, a senior fellow at the conservative Competitive Enterprise Institute and a leading global warming skeptic. "This could just be the last straw, I think."

Four years ago, Romney drew scorn from some conservatives when he appeared to veer to the right and disavow his formerly liberal positions. And after he lost the 2008 nomination, polling suggested that many Republican voters doubted his authenticity.

This time, Romney is trying to turn around that authenticity narrative. That effort began last month in Michigan with [a PowerPoint presentation](#) on health care.

Trying to stop a conservative drumbeat of criticism, Romney said that the law he signed as governor was "a state solution to a state problem" and that he stands by it. But if elected president, he said, he would issue an executive order on his first day in office paving the way for states to opt out of the new federal law.

In the 2008 presidential campaign, climate change was not a major issue. Although Sen. John McCain (Ariz.), the Republican nominee, said he believed the science behind global warming, he did little to highlight his bipartisan work earlier in the Senate on climate change.

Public opinion is politicized on the issue. [A March Gallup poll](#) found that 32 percent of Republicans think the effects of global warming are already being felt and 36 percent believe the rise in the Earth's temperatures is caused by humans, while 67 percent say the seriousness of global warming is exaggerated in the news.

The same survey found the opposite trend on the other side of the political fence. Sixty-two percent of Democrats polled said the

effects of global warming have begun and 71 percent said humans are causing the rising temperatures, while 22 percent think the situation is exaggerated.

Among independents, there was a fairly even split on those questions.

For Romney, the past few weeks have been encouraging. He raised more than \$10 million in a single day last month, and has since crisscrossed the country vacuuming up many more checks. Romney is widely expected to trounce other candidates when he posts his fundraising total for the quarter that ends June 30.

Meanwhile, [a Washington Post-ABC News poll this week](#) showed Romney as the strongest current or prospective Republican candidate in the 2012 presidential field. Among all Americans, Obama and Romney are locked in a dead heat, at 47 percent each. But the poll found that among registered voters, Romney is numerically ahead of Obama, 49 percent to 46 percent, while independents split for Romney 50 percent to 43 percent.

"I hate to disagree with Rush Limbaugh, but I don't think the campaign's over," said Katon Dawson, a former chairman of the South Carolina Republican Party, pointing to Romney's strength in fundraising and organization. As for climate change, added Dawson, who hasn't endorsed a candidate, "I'm not sure that's a deal-breaker for Mitt Romney."

Polling director Jon Cohen contributed to this report.

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**Richard Windsor/DC/USEPA/US**  
12/21/2011 04:48 PM

To Arvin Ganesan, Brendan Gilfillan  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

the third one is great...Fox taking on Mr. Whitfield?

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/21/2011 04:48 PM -----

From: Google Alerts <googlealerts-noreply@google.com>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/21/2011 02:55 PM  
Subject: Google Alert - lisa jackson epa

News

4 new results for **lisa jackson epa**

### [EPA Administrator Lisa Jackson](#)

TIME (blog)

[TIME \(blog\)](#)

**Environmental Protection Agency (EPA)** Administrator **LISA JACKSON**, in a statement announcing the release of the **EPA's** long-awaited rules on mercury and other air toxics. The regulations—which have been in the works for two decades—are the first to ...

[See all stories on this topic »](#)

### [RFA Seeks Answers in 2012 RFS Delay](#)

Domestic Fuel

Today, the Renewable Fuels Association (RFA) wrote to **Environmental Protection Agency (EPA)** Administrator **Lisa Jackson** seeking an explanation for the delay in releasing the 2012 Renewable Fuel Standard (RFS) requirements. ...

[See all stories on this topic »](#)

### [On Fox News, Ed Whitfield Denies 'Any Benefit' To Babies And Pregnant Women ...](#)

ThinkProgress

[ThinkProgress](#)

By Brad Johnson on Dec 21, 2011 at 2:38 pm As US **Environmental Protection Agency** Administration **Lisa Jackson** announces the first-ever Clean Air Act rules to limit mercury pollution from coal-fired power plants, Republicans are already attacking this ...

[See all stories on this topic »](#)

### [EPA Issues New Air Pollution Rules](#)

Talk Radio News Service

... that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health— and especially for the health of our children,” said **EPA** Administrator **Lisa P. Jackson**. ...

[See all stories on this topic »](#)

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

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[Create](#) another alert.

[Manage](#) your alerts.

**Richard Windsor/DC/USEPA/US**  
11/01/2011 04:40 PM

To: Betsaida Alcantara  
cc  
bcc  
Subject: Re: Charleston Gazette blog: Attacking EPA: What Lisa Jackson really said

Nice job! Thanks. Lisa  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 11/01/2011 03:29 PM EDT  
**To:** Richard Windsor; Seth Oster; Brendan Gilfillan  
**Subject:** Charleston Gazette blog: Attacking EPA: What Lisa Jackson really said  
Attacking EPA: What Lisa Jackson really said  
November 1, 2011 by Ken Ward Jr.

We've written before about how quick West Virginia political leaders are these days to jump in and defend the honor of the coal industry against any slight or perceived slight. Well, it happened again, this time after some comments that EPA Administrator Lisa P. Jackson. And, of course, some West Virginia media outlets jumped in to parrot the politicians' talking points ...

First, WDTV-News reported:

Reports claim that EPA Administrator Lisa Jackson allegedly attacked the coal industry at an event Thursday, and now our lawmakers are speaking out.

Jackson reportedly said the coal industry is on life support, and she supposedly attacked Representative David McKinley's coal ash legislation.

McKinley defended his legislation in a statement. He said, "Coal ash, when recycled, actually makes building materials, and other products, more affordable and environmentally-friendly, and yet, the President opposes my bipartisan bill to finally create federal standards regulating coal ash."

We caught up with Senator Joe Manchin to get his thoughts on the issue. "I'd rather choose working and rebuilding America by using the energy we have here and try to find that balance. So I guess we just philosophically disagree," he said.

Not to be outdone, MetroNews jumped in with this story:

Rep. David McKinley, R-W.Va., blasted the top environmental officer in the Obama administration Thursday after allegedly saying the coal industry is on "life support."

According to a McKinley release issued Thursday, federal Environmental Protection Agency Administrator Lisa Jackson told students at Howard University, "In their [the coal industry] entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

Calling Jackson's comments "false and offensive," McKinley blamed Jackson for many of the coal industry's problems.

McKinley apparently continued:



"The coal industry is on 'life support' for one reason only: Lisa Jackson and Barack Obama," McKinley said. "It takes a lot of gall to sit there in her cushy Washington office - lighted by coal, in a building constructed with coal ash - handing down these job-killing regulations, and then turn around and claim the coal industry owes her a favor.

"It is now unmistakably clear to me that Lisa Jackson's regulations are not intended to simply strike a proper balance between industry and the environment; rather, the hostility conveyed in her attacks betrays a radical ideologue who believes the folks who mine coal, burn coal and recycle its ash are little better than criminals."

OK ... now go back and look again at the way the MetroNews piece quoted Lisa Jackson:

In their [the coal industry] entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us.

And then, look at what Administrator Jackson actually said, according to the original press account from Greenwire (subscription required):

U.S. EPA Administrator Lisa Jackson today said her agency will fight to oversee the coal industry even as Republicans wage war on regulations, but she stopped short of explicitly supporting student-led efforts to shut down campus coal plants.

Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards – which were recently delayed a month – would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said.

"They're literally on life support. And the people keeping them on life support are all of us."

She didn't say that the "coal industry is on life support." She wasn't talking broadly about the coal industry. She was talking about aging power plants and noting, correctly, that many of them have been in service for decades and still lack the most advanced pollution controls.

**Richard Windsor/DC/USEPA/US**  
12/14/2011 04:10 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: From Politico

Moms rising!  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/14/2011 02:57 PM EST  
**To:** Richard Windsor; Arvin Ganesan; Brendan Gilfillan; Stephanie Owens; Alisha Johnson; Andra Belknap; David Bloomgren; Laura Vaught; Bob Perciasepe  
**Subject:** From Politico

LAWMAKERS WANT MERCURY PROTECTIONS: Forty-one Democratic congresswomen sent a letter Tuesday to the White House supporting EPA's upcoming mercury and air toxics standards for utilities, calling the planned rule "one of the most significant improvements in public health safeguards since the passage of the Clean Air Act Amendments in 1990." The letter was signed by all women, in an effort to highlight the particular impact mercury can have on women and children, and they also noted that the "standards will prevent 91 percent of the mercury in coal burned in power plants from being emitted to the air," saving 17,000 lives by 2016. The letter: <http://1.usa.gov/tsqLpJ><<http://1.usa.gov/tsqLpJ>>

Richard  
Windsor/DC/USEPA/US  
10/14/2011 10:35 AM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Jackson through with resignation talk after ozone  
decision

Tx  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 10/14/2011 10:33 AM EDT  
**To:** Richard Windsor

**Subject:** Fw: Jackson through with resignation talk after ozone decision

Here's the full article they've posted so far. And below that are posts they sent while while you were speaking. I'll keep you posted on any other coverage.

## **Jackson through with resignation talk after ozone decision**

By Darren Goode  
10/14/11 10:08 AM EDT

EPA Administrator Lisa Jackson said she is through talking about President Barack Obama's decision to punt a highly anticipated ozone rule until 2013 and whether she was close to resigning over the decision.

"I'm actually somewhat embarrassed" that the speculation of her resigning over the decision keeps popping up, she said when asked about it at a POLITICO Pro Energy Breakfast Briefing on Friday.

"All I can tell you is here I sit," Jackson said. "I'm not going to dissect to anybody my thoughts" on the matter, adding, "We've actually talked enough about it."

Jackson said Obama "at the end of the day ... made a tough call" on delaying the decision. The ozone rule was a major priority for Jackson, whose teenage son suffers from asthma.

But she said she doesn't have time to give it much thought in the midst of dealing with upcoming air toxics controls for power plants and other agency rules.

"I don't really have a whole lot of time to worry," she said. The EPA, she said, is "deep in the middle ... of some of the most important rules this country has ever seen."

Jackson said she plans to do more traveling around the country to clear up "lots of myths" regarding EPA regulations, including fears over regulating dust on farms. She plans to "talk about what's really happening inside the four walls of the EPA" and "about the actual state of the regulatory process," she said.

“It is always harder to go back and talk to people after they are frightened and worried about what you might do,” she said. “At the end of the day, it is getting to know them outside of the Beltway.”

Inside of the Beltway, of course, Republicans continue to hammer at EPA regulations, including a bill on the House floor Friday regarding regulating coal ash.

Of those congressional attacks, Jackson said that “there are areas where there isn’t enough understanding or enough communication” about what the EPA is doing and the benefit of the agency’s rules. But she added, “I think the real communication isn’t down Pennsylvania Avenue but with their constituencies.”

### **Jackson says climate change discussion not going away**

10/14/11 8:53 AM EDT

The national discussion on climate change will rear its head again despite the failure of cap-and-trade legislation and voices on the right questioning the science, EPA Administrator Lisa Jackson said at a POLITICO Pro Energy breakfast Friday. "I think we'll have that discussion again," she said. "I don't think most people have moved from the belief in the science."

### **Jackson: Obama 'made a tough call' on ozone standard**

10/14/11 8:41 AM EDT

EPA Administrator Lisa Jackson said President Obama "at the end of the day ... made a tough call" on delaying an ozone standard until 2013. But she added at a POLITICO Pro Energy breakfast Friday that she doesn't "have a whole lot of time to worry" about such delays as the agency is "deep in the middle" of addressing mercury and other air toxics controls for power plants amid "some of the most important rules this country has ever seen."

### **Jackson wants to 'clear up myths'**

10/14/11 8:35 AM EDT

EPA Administrator Lisa Jackson said Friday at a POLITICO Pro Energy breakfast that she plans to spend more time traveling the country to clear up "lots of myths" regarding EPA regulations, including fears over regulating dust on farms. She plans to "talk about what's really happening inside the four walls of the EPA" and "about the actual state of the regulatory process is," she said.

**Richard Windsor/DC/USEPA/US**  
12/13/2011 03:23 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: NPR Morning Edition: EPA To Unveil Stricter Rules For Power Plants

Great job.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/13/2011 03:17 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Arvin Ganesan; Laura Vaught; Brendan Gilfillan; Seth Oster; Janet Woodka; Daniel Kanninen; Michael Goo; Bicky Corman; Avi Garbow; Scott Fulton  
**Subject:** NPR Morning Edition: EPA To Unveil Stricter Rules For Power Plants

**In case you haven't seen this yet, this is a great piece NPR ran this morning ...**

### **NPR Morning Edition: EPA To Unveil Stricter Rules For Power Plants**

December 13, 2011

NPR

More than 20 years ago, Congress ordered the Environmental Protection Agency to regulate toxic air pollution. It's done that for most industries, but not the biggest polluters — coal and oil-burning power plants.

The EPA now plans to change that later this week, by setting new rules to limit mercury and other harmful pollution from power plants.

When Congress first told the EPA to regulate toxic air pollution in 1990, pediatrician Lynn Goldman was investigating the impact of mercury from mining operations on Native American families living near a contaminated lake.

"We had children that had levels that were many times higher than levels that are considered to be safe," Goldman says.

Their families caught and ate a lot of local fish, and Goldman says she had to advise them to stop. The fish had too much mercury.

### **From The Plant To Plate**

Goldman, now dean of George Washington University's school of public health, says mercury damages children's developing brains, impairing their verbal ability.

Mercury from mine tailings, medical waste and especially air pollution adds up. It accumulates in the food chain, mostly in fish; pregnant mothers pass it to their children. Studies suggest hundreds of thousands of babies each year are born with high mercury levels.

"Children who live closest to the plants are most affected by them," Goldman says.

Goldman headed the EPA's toxics office during the Clinton administration and worked on limiting mercury. It wasn't easy, and she says the power industry and its supporters resisted.

"I think from day one everybody knew that regulating mercury from especially power plants wasn't going to be easy," she says. "I don't think anybody thought that today, 21 years later, we would still be in a position where this had been controlled."

### **New Rules**

When President George W. Bush took office, the power industry persuaded his EPA to adopt soft limits on mercury, but federal courts said that regulation was too weak, so it never went into effect.

Now, the court has set a deadline of Friday for the EPA to issue a new rule. The language the EPA wants would require quick action, stating that within three years, power plants that burn coal would have to cut more than 90 percent of the mercury from their exhaust.

They'd also have to slash arsenic, acid gases and other pollutants that cause premature deaths, asthma attacks and cancer. But even now, some power companies have been furiously fighting the EPA's rule — especially its deadlines.

"It's physically impossible to build the controls, the generation, the transmission and the pipelines needed in three years," says Anthony Topazi, chief operating officer for Southern Company, which provides electricity to nearly 4 million homes and hundreds of thousands of businesses in the Southeast.

Topazi says electricity rates will go up, putting marginal companies out of business. He says unless his company gets six years, it will not be able to keep the lights on.

"We will experience rolling blackouts or rationing power if we don't have simply the time to comply," Topazi says.

Paul Allen, senior vice president of Constellation Energy, says that's not his company experience. Constellation installed controls for mercury and other pollutants on its big power plant outside Baltimore, and he says it took a little more than two years. At the peak of construction, it put 1,300 people to work as well.

"We don't believe jobs will be destroyed, and we do think that it's time to get on with this work," Allen says.

Allen says the power industry had plenty of warning that this was coming.

About a dozen states — Massachusetts for example — have already required power plants to clean up mercury.

Ken Kimmell, the commissioner of the Massachusetts Department of Environmental Protection, says though power plants in his state have slashed mercury pollution, his department still has to advise people not to eat fish caught in streams and lakes.

"The mercury levels in the fish are still too high for it to be safe to eat and that's because we're still receiving an awful lot of mercury from upwind power plants," Kimmell says.

Those upwind power plants are in other states, and Kimmell says that's why it's so important for the EPA this time to adopt strong nationwide rules with tough deadlines, despite all the political pressure its under not to do so.

**Richard Windsor/DC/USEPA/US**  
12/26/2011 03:40 PM

To Betsaida Alcantara  
cc  
bcc

Subject Re: NYTIMES: Springtime for Toxics

Nice!

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/26/2011 03:15 PM EST

**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Arvin Ganesan; Janet Woodka; Brendan Gilfillan; Stephanie Owens; Laura Vaught; David Bloomgren; Michael Goo; Alisha Johnson; Andra Belknap; Jose Lozano; Elizabeth Ashwell; Noah Dubin; Ryan Robison; Bicky Corman; Gina McCarthy; Janet McCabe; Joseph Goffman

**Subject:** NYTIMES: Springtime for Toxics

December 25, 2011

Springtime for Toxics

By PAUL KRUGMAN<

<http://topics.nytimes.com/top/opinion/editorialsandoped/oped/columnists/paulkrugman/index.html?inline=nyt-per>>

Here's what I wanted for Christmas: something that would make us both healthier and richer. And since I was just making a wish, why not ask that Americans get smarter, too?

Surprise: I got my wish, in the form of new Environmental Protection Agency standards on mercury and air toxics for power plants. These rules are long overdue: we were supposed to start regulating mercury more than 20 years ago. But the rules are finally here, and will deliver huge benefits at only modest cost.

So, naturally, Republicans are furious. But before I get to the politics, let's talk about what a good thing the E.P.A. just did.

As far as I can tell, even opponents of environmental regulation admit that mercury is nasty stuff. It's a potent neurotoxicant: the expression "mad as a hatter" emerged in the 19th century because hat makers of the time treated fur with mercury compounds, and often suffered nerve and mental damage as a result.

Hat makers no longer use mercury (and who wears hats these days?), but a lot of mercury gets into the atmosphere from old coal-burning power plants that lack modern pollution controls. From there it gets into the water, where microbes turn it into methylmercury, which builds up in fish. And what happens then? The E.P.A. explains: "Methylmercury exposure is a particular concern for women of childbearing age, unborn babies and young children, because studies have linked high levels of methylmercury to damage to the developing nervous system, which can impair children's ability to think and learn."

That sort of sounds like something we should regulate, doesn't it?

The new rules would also have the effect of reducing fine particle pollution, which is a known source of many health problems, from asthma to heart attacks. In fact, the benefits of reduced fine particle pollution account for most of the quantifiable gains from the new rules. The key word here is "quantifiable": E.P.A.'s cost-benefit analysis only considers one benefit of mercury regulation, the reduced loss in future wages for children whose I.Q.'s are damaged by eating fish caught by freshwater anglers. There are



without doubt many other benefits to cutting mercury emissions, but at this point the agency doesn't know how to put a dollar figure on those benefits.

Even so, the payoff to the new rules is huge: up to \$90 billion a year in benefits compared with around \$10 billion a year of costs in the form of slightly higher electricity prices. This is, as David Roberts of Grist says, a very big deal.

And it's a deal Republicans very much want to kill.

With everything else that has been going on in U.S. politics recently, the G.O.P.'s radical anti-environmental turn hasn't gotten the attention it deserves. But something remarkable has happened on this front. Only a few years ago, it seemed possible to be both a Republican in good standing and a serious environmentalist; during the 2008 campaign John McCain warned of the dangers of global warming and proposed a cap-and-trade system for carbon emissions. Today, however, the party line is that we must not only avoid any new environmental regulations but roll back the protection we already have.

And I'm not exaggerating: during the fight over the debt ceiling, Republicans tried to attach riders that, as Time magazine put it, would essentially have blocked the E.P.A. and the Interior Department from doing their jobs.

Oh, by the way, you may have heard reports to the effect that Jon Huntsman is different. And he did indeed once say: "Conservation is conservative. I'm not ashamed to be a conservationist." Never mind: he, too, has been assimilated by the anti-environmental Borg, denouncing the E.P.A.'s "regulatory reign of terror," and predicting that the new rules will cause blackouts by next summer, which would be a neat trick considering that the rules won't even have taken effect yet.

More generally, whenever you hear dire predictions about the effects of pollution regulation, you should know that special interests always make such predictions, and are always wrong. For example, power companies claimed that rules on acid rain would disrupt electricity supply and lead to soaring rates; none of that happened, and the acid rain program has become a shining example of how environmentalism and economic growth can go hand in hand.

But again, never mind: mindless opposition to "job killing" regulations is now part of what it means to be a Republican. And I have to admit that this puts something of a damper on my mood: the E.P.A. has just done a very good thing, but if a Republican – any Republican – wins next year's election, he or she will surely try to undo this good work.

Still, for now at least, those who care about the health of their fellow citizens, and especially of the nation's children, have something to celebrate.

Richard  
Windsor/DC/USEPA/US  
12/16/2011 11:11 AM

To Betsaida Alcantara  
cc  
bcc

Subject Re: Politico: EPA's boiler MACT may escape noose

Tx!

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/16/2011 11:07 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster  
**Subject:** Politico: EPA's boiler MACT may escape noose

### **EPA's boiler MACT may escape noose**

By Erica Martinson  
12/16/11 10:45 AM EST

Conference report language included in the omnibus bill agreed upon late Thursday night indicates that the House GOP might not succeed in using the payroll tax bill as a weapon to halt EPA's mercury emission standards for boilers.

“The conferees are encouraged by the outcome of EPA's reconsideration of the Boiler MACT rule and offer no directives regarding boiler MACT standards,” the conference report says. “The proposed rule addresses substantive concerns by including additional flexibility with respect to compliance costs and a biomass exemption.”

It is unclear yet whether the supporters of using the payroll tax bill to attack the boiler MACT have given up. But the kind words about EPA's revised rule don't seem to bode well for the legislative strategy.

The payroll tax bill's boiler language would delay for 15 months EPA's proposed boiler MACT rule, shift requirements to focus on the least costly option available and extend the compliance period.

But the updated rule the EPA [proposed](#) on Dec. 2 has limited some Senate opposition. The EPA has touted its renegotiated requirements as more affordable and practical than an earlier version: They take into account the variety of types of boilers, and the EPA peeled back some previously considered standards that the agency agreed were more onerous than effective.

And in October, EPA Administrator Lisa Jackson [sent a letter to 10 senators](#) agreeing to revise its final rules identifying the types of nonhazardous secondary materials that can be burned in boilers or solid waste incinerators. The decision was a win for senators who were concerned, in particular, about how the requirements could affect the pulp and paper industry and feared it could deter use of alternative fuels.

The rule clarifies that some biomass and other alternative fuels are to be treated as fuels rather than as waste. Those include agricultural and forest-based biomass, clean urban wood debris, sawdust and wood pellets and cellulosic biofuels.

Under the proposed rule, 86 percent of boilers are exempt from the rule, and 0.4 percent — or 5,500 of 1.3 million — will face strict new requirements. Those affected by EPA's boiler MACT rule are largely manufacturers: chemical manufacturers, food processing plants and petroleum refineries.

But for those affected, the requirements could be quite costly, as some companies may have upward of 15 boilers and would be required to spend millions of dollars.

To read and comment online:

Richard  
Windsor/DC/USEPA/US  
09/28/2011 04:10 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Politico: EPA downplays IG report on endangerment finding

Well done.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 03:46 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Brendan Gilfillan; Arvin Ganesan; Gina McCarthy; Seth Oster; Stephanie Owens; Bob Perciasepe; Bob Sussman; Diane Thompson; Laura Vaught; Richard Windsor  
**Subject:** Politico: EPA downplays IG report on endangerment finding

## **EPA downplays IG report on endangerment finding**

By Alex Guillen  
9/28/11 3:41 PM EDT

Obama administration officials are defending their work on the EPA's 2009 greenhouse gas endangerment finding following [an EPA inspector general report](#) criticizing the agency's review process on some scientific data.

[The report](#) faults EPA and the Office of Management and Budget for not treating previously peer-reviewed data as a "highly influential scientific assessment," which carries stricter review rules. However, the report does not question the underlying science of the endangerment finding or global warming.

But the EPA says it went above and beyond in assessing the research while maintaining it did not reach the level of a "highly influential" assessment.

"While we will consider the specific recommendations, we disagree strongly with the inspector general's findings and followed all the appropriate guidance in preparing this finding," the EPA said in a statement. "EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide-range of peer-reviewed science."

An EPA official said that, while the agency never classified the research as highly influential, it effectively reviewed it as such in a review process with 12 federal reviewers.

The report cited one of those reviewers, who worked for the EPA, as another procedural violation, although the EPA official said a highly influential assessment review would be performed with 11 reviewers, meaning the EPA scientist was supplementary.

"Did it really take \$300,000 to determine that while we dotted all the i's and crossed all the t's,

someone thinks we used the wrong font — especially when OMB says we didn't?" the EPA official said. "It boils down to whether we followed OMB guidance and sufficiently peer review the most heavily scrutinized and peer reviewed body of science in history — OMB says yes, and it's their guidance, so we'll take their word for it."

The OMB, which oversaw the process and maintains rules regarding review, also said the EPA acted according to its mandates.

"As we clearly stated in our letter to the inspector general several months ago, OMB — the author of the guidance — is confident that EPA reasonably interpreted the direction provided and is complying appropriately," OMB spokeswoman Meg Reilly said.

The OMB's letter, included in the IG report, says that OMB considers the document to be a scientific assessment, defined as "an evaluation of a body of scientific or technical knowledge," rather than a highly influential scientific assessment.

After the report came out, EPA Inspector General Arthur Elkins reiterated that, though his office believes procedure was violated, the report will have little or no consequences for the final finding.

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said in a statement.

However, Steve Brown, a vice president at petroleum refiner Tesoro, says the inspector general report could cause legal problems in challenges to the EPA's authority.

Of particular note, according to Brown, is the EPA's proposed tailoring rule, which would limit its greenhouse gas regulatory enforcement to the largest industrial emissions.

"For the purposes of litigation in federal court, it seriously starts to undermine the foundation that the agency relied on for the endangerment finding," Brown said. "And if you couple that with what I think is some pretty weak legal arguments on the tailoring side, I can start to see a scenario where sometime in the second quarter of next year the litigation starts to really work against the administration and their whole house of cards falls apart pretty quick."

Proponents of the law counter that the basic science is not in question and that the matter is a simple procedural dispute that won't hurt the administration in court.

"That doesn't really change anything in the court cases," Sierra Club attorney Craig Segall said. "The science says what it always said, which is unanimous and based on thousands and thousands of peer reviewed studies, that greenhouse gas pollution is a serious threat to American health and welfare."

The IG and the EPA both stressed the report did not question climate science.

“We made no determination regarding the impact that EPA’s information quality control systems may have had on the scientific information used to support the finding,” Elkins said. “We did not test the validity of the scientific or technical information used to support the endangerment finding, nor did we evaluate the merit of EPA’s conclusions or analyses.”

Further research since 2009 has only strengthened the EPA’s scientific position, the agency said.

Sens. Jim Inhofe and John Barrasso have called for a Senate Environment and Public Works Committee hearing on the report. EPW Chairwoman Barbara Boxer issued a statement saying the report “in no way questions the science underlying the endangerment finding” and it is time to “move on.”

**Richard Windsor/DC/USEPA/US**  
10/20/2011 04:10 PM

To Betsaida Alcantara  
cc  
bcc

Subject Re: Round 1: Clips on Effluent Guidelines Announcement

Nice

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 10/20/2011 03:27 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Seth Oster; Brendan Gilfillan; Alisha Johnson; Nancy Stoner; Janet Woodka; Stephanie Owens; Heidi Ellis; Brendan Gilfillan; Laura Vaught; Arvin Ganesan; Michael Goo; Daniel Kanninen; Bicky Corman  
**Subject:** Round 1: Clips on Effluent Guidelines Announcement

The Hill: EPA plans water standards for gas 'fracking'

By: Ben Geman  
October 20, 2011

Politico: EPA sets timeline for fracking rule

By Talia Buford  
October 20, 2011

Reuters: EPA working on new wastewater rules for natgas

October 20, 2011

Market Watch: EPA to develop natural gas wastewater standards

By: Tennille Tracy  
October 20, 2011

AP: EPA: To regulate disposal of fracking wastewater

By: Michael Rubinkam  
October 20, 2011

## **FULL TEXT**

The Hill: EPA plans water standards for gas 'fracking'

The Environmental Protection Agency said Thursday that it would craft standards for wastewater produced through extraction of natural gas from shale formations — a booming industry that's drawing fears of water pollution as drilling expands.

The planned rules would apply to natural gas developed from shale and coalbed methane formations.

"No comprehensive set of national standards exists at this time for the disposal of wastewater discharged from natural gas extraction activities, and over the coming

months EPA will begin the process of developing a proposed standard with the input of stakeholders — including industry and public health groups," EPA said.

The planned Clean Water Act standards come at a time when Republicans and industry groups are alleging that federal regulations, especially EPA rules, are inhibiting the energy industry and other sectors.

They drew quick skepticism from a member of the Senate's GOP leadership team.

"[EPA] just continues to make it more difficult to develop some of these domestic energy supplies," Sen. John Thune (R-S.D.), chairman of the Senate Republican Policy Committee, told The Hill in the Capitol.

Thune cautioned, though, he was just hearing of the planned rule. "While I would like to give them the benefit of the doubt, based on their track record it is hard to do that," Thune said, predicting the rules will make domestic energy development tougher and costlier.

Increasing development of natural gas through the hydraulic fracturing drilling method — dubbed "fracking" — presents politically tricky challenges for the Obama administration, which is seeking to show it backs development while heeding green concerns.

Fracking involves high-pressure injections of water, chemicals and sand into rock formations, which opens cracks that enable trapped gas to flow. The method, combined with other technologies, is enabling increased production in several regions.

The federal Energy Information Administration estimates that gas from shale formations — which energy companies are increasingly tapping in Pennsylvania, Texas and other states — will account for 47 percent of U.S. gas production in 2035, up from 16 percent in 2009.

EPA took pains Thursday to cast itself as supportive of expanded U.S. natural-gas drilling.

"The president has made clear that natural gas has a central role to play in our energy economy. That is why we are taking steps — in coordination with our federal partners and informed by the input of industry experts, states and public health organizations — to make sure the needs of our energy future are met safely and responsibly," EPA Administrator Lisa Jackson said in a statement.

EPA plans to propose rules for shale gas wastewater in 2014, while the coalbed methane rules will be proposed in 2013.

The agency noted Thursday that while some of the wastewater from shale gas extraction is re-injected or reused, some is transported to wastewater treatment plants.



EPA noted in its announcement that because many plants are not properly equipped to handle the water, the standards would address the condition of the water before it is sent to the plants.

A high-profile *New York Times* investigation [published in February](#) explored concerns that wastewater from gas wells that contains toxic and radioactive substances is reaching plants that aren't designed to treat it, and making its way into waterways.

Rep. Edward Markey (D-Mass.), who has pressed EPA on the issue, cheered the planned rules.

"The EPA is right to heed warnings that the extraction of resources buried deep below the earth can lead to the contamination of the waterways above it," Markey, a senior member of the Energy and Commerce Committee, said in a statement. "The public should not have to choose between increased natural gas production and decreased water quality; we can have both with the right rules in place."

Green groups also welcomed the plan to develop wastewater standards.

"EPA's decision today to pursue pre-treatment standards for flowback water from [hydraulic fracturing] sites is good news for the health of our communities and the environment," said Deb Nardone, who directs the Sierra Club's Natural Gas Reform Campaign.

EPA sets timeline for fracking rule

By Talia Buford  
10/20/11 2:10 PM EDT

The EPA plans to solidify rules governing wastewater disposal for shale gas and coalbed methane extraction within three years, the agency announced Thursday.

A proposed rule would be ready for public comment for coalbed methane in 2013 and for shale gas in 2014.

[The rules](#) will represent the latest federal regulatory tightening into the natural gas boom and hydraulic fracturing, and will take into account technology and operational advancements that have made extraction more efficient in recent years. The rules will be a part of the effluent guidelines program, which places limits on the things that can be found in wastewater discharged into public waters.

Currently, there is no national standard that controls wastewater discharged from natural gas extraction.

"We can protect the health of American families and communities at the same time we ensure access to all of the important resources that make up our energy economy," EPA Administrator Lisa Jackson said in a statement. "The American people expect and deserve nothing less."

At a POLITICO Pro Energy breakfast last week, Jackson tried to temper expectations that the rules would be implemented immediately. "It takes three to four years for EPA to do rules like that," she said.

"This will set a national floor so there will not be wastewater treatment plant that doesn't meet minimum standards set federally for discharges," said Deborah Goldberg, managing attorney for Earthjustice.

EarthJustice has sent a number of requests to the EPA since 2009 asking for stronger regulations governing wastewater discharges related to natural gas extraction, Goldberg said.

Current standards prohibit shale gas wastewater from being discharged directly into the nation's waters, though some of the water is reused during the extraction process. The water must be treated first, though some treatment plants aren't equipped to treat the water, according to the EPA.

Coalbed methane wastewater discharges are governed by individual states. The coalbed methane guidelines will be released sooner, the EPA said, because it already has data for that process to guide the rulemaking process. The same amount of data still needs to be collected on shale gas extraction.

"Industry has been a leader in the effective management of produced water through increased recycling efforts," said Reid Porter, spokesman for the American Petroleum Institute. "We hope to have the opportunity to review the proposals as details come in."

In promulgating the rules, the EPA should look at the amount and content of the wastewater produced at natural gas wells, said Deb Nardone, said Director of the Sierra Club's Natural Gas Reform Campaign.

"EPA's decision today to pursue pre-treatment standards for flowback water from frack sites is good news for the health of our communities and the environment," she said. "Proper treatment of this polluted water is vital to ensure clean drinking water for the millions of Americans that share water with the natural gas industry."

Reuters: EPA working on new wastewater rules for natgas  
WASHINGTON Oct 20 (Reuters) - The U.S. Environmental Protection Agency said on Thursday it will develop rules for wastewater produced by shale gas drilling that is sent to treatment plants for disposal, as well as national standards for wastewater from coalbed methane extraction.

The EPA will propose rules for coalbed methane wastewater in 2013, and rules for shale gas wastewater in 2014, Administrator Lisa Jackson said in a statement.

The EPA has found "elevated levels of pollutants" in water because of inadequate treatment, the agency said.

Market Watch: EPA to develop natural gas wastewater standards

WASHINGTON (MarketWatch) -- U.S. officials plan to create new environmental standards for natural gas production and coal bed methane extraction.

The Environmental Protection Agency said Thursday that it plans to propose new rules for wastewater associated with shale gas in 2014 and for coal bed methane extraction in 2013.

The EPA said that some wastewater from shale gas extraction is currently taken to treatment plants that are not equipped to properly handle the wastewater. The agency said that wastewater associated with coal bed methane extraction is not currently subject to national standards for discharge into waterways.

AP: EPA: To regulate disposal of fracking wastewater

ALLENTOWN, Pa. (AP) — Federal environmental regulators say they will develop national standards for the disposal of polluted wastewaters generated by hydraulic fracturing for natural gas.

Also known as fracking, the technique uses millions of gallons of water, along with sand and chemical additives, to unlock gas in deep shale formations in Pennsylvania, Texas and other states. Its use has increased dramatically in recent years, raising concerns about the potential impact on water quality.

The Environmental Protection Agency announced Thursday that it will draft standards for fracking wastewater that drillers would have to meet before sending it to treatment plants.

The industry already recycles much of the wastewater or injects it deep underground, but some of it is sent to treatment plants that are often ill-equipped to handle it.



Richard  
Windsor/DC/USEPA/US  
03/17/2011 04:15 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Specialty Media Clips - Mercury and Air Toxics  
Announcement

Cool. Great job. Tx.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/17/2011 03:48 PM EDT  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Gina McCarthy; Seth Oster; Brendan Gilfillan; Adora Andy; Stephanie Owens; Dru Ealons; Adora Andy  
**Subject:** Specialty Media Clips - Mercury and Air Toxics Announcement  
Administrator,  
Here are the specialty media clips on yesterday's announcement that have posted online so far.

## **Specialty Media Clips – Mercury and Air Toxics Announcement**

### **Indian Country Today: EPA Releases Emissions Rules for Coal-fired Power Plants**

March 16, 2011

By: ICT Staff

The federal Environmental Protection Agency (EPA) on Wednesday issued the first-ever U.S. regulations limiting mercury emissions from coal-fired power plants, a move that officials said would reduce 91 percent of the mercury in coal from being released into the air, improving public health. "Today we're taking an important step forward in EPA's efforts to safeguard the health of millions of Americans," EPA Administrator Lisa Jackson said at a press conference to sign the new order. "Under the Clean Air Act these standards will require American power plants to put in place proven and widely available pollution technologies to control and cut harmful emissions like mercury, arsenic, chromium, nickel and acid gases."

### **El Vocero: Plantas de energía tendrán que reducir la contaminación del aire**

Por: Carmen Arroyo (marzo 16, 2011)

PUERTO RICO - De acuerdo a las nuevas normas de contaminación de mercurio, arsénico y otros tóxicos, las plantas de energía tendrán que reducir la contaminación del aire que es responsables miles de muertes año, según informó la Agencia Federal de Protección Ambiental (EPA, por sus siglas en inglés).

En Estados Unidos casi 30 millones de latinos viven áreas que no cumplen con los estándares de contaminación de aire. Las nuevas guías ayudarán a esta población, en especial a los niños puertorriqueños ya que el 20 por ciento de estos padece de asma.

La EPA presentó hoy las primeras normas nacionales para el mercurio, arsénico y otros tóxicos emitidos al aire por plantas de energía como les fue requerido por una orden judicial en el 2008 y que invalidó las reglas anteriores. Sin embargo, el reglamento sobre Los Nuevos Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas estaría listo en noviembre de este año.

“Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire”, indicó la administradora de EPA, Lisa P. Jackson.

### **NOTIBLOG Onda Verde (NRDC): EPA propone primeros estándares nacionales para combatir contaminación de mercurio emitida por plantas energéticas**

Por: Adrianna Quintero

16 de Marzo 2011

WASHINGTON - Hoy, EPA propuso los primeros estándares nacionales para combatir la contaminación de mercurio emitida por plantas energéticas. Estándares de mercurio y tóxicos en el aire representa una de las protecciones de salud pública más fuertes desde que entro en vigor la Ley de Aire Limpio; tendrá grandes implicaciones para comunidad latina. Con casi 30 millones de latinos—que representan más del 70 por ciento de la población hispana en estados unidos—viviendo en lugares que no cumplen con los estándares de contaminación en el aire, estos estándares ofrecerán mayor protección a nuestras comunidades. Los niños hispanos se beneficiarán, ya que el 20 por ciento de los niños puertorriqueños y el 8 por ciento de los menores hispanos en general, sufren de asma en este país. Esta condición es provocada por el aire de calidad inferior.

### **[[FULL TEXT BELOW]]**

Indian Country Today: EPA Releases Emissions Rules for Coal-fired Power Plants

March 16, 2011

The federal Environmental Protection Agency (EPA) on Wednesday issued the first-ever U.S. regulations limiting mercury emissions from coal-fired

power plants, a move that officials said would reduce 91 percent of the mercury in coal from being released into the air, improving public health.

"Today we're taking an important step forward in EPA's efforts to safeguard the health of millions of Americans," EPA Administrator Lisa Jackson said at a press conference to sign the new order. "Under the Clean Air Act these standards will require American power plants to put in place proven and widely available pollution technologies to control and cut harmful emissions like mercury, arsenic, chromium, nickel and acid gases."

The new rules will apply to all 1,350 of the country's coal and oil-fired units that are in 525 power plants. These emit harmful pollutants that include mercury, arsenic, other toxic metals, acid gases and organic air toxics such as dioxin, the EPA said in summarizing the plan.

Two of the three industry sectors that contribute the bulk of mercury pollution—medical waste incinerators and municipal waste combustors—have already reduced their emissions by more than 95 percent, the EPA said. But power plants, as the largest source of several harmful pollutants, are responsible for 50 percent of the emissions, more than 50 percent of acid gas emissions and about 25 percent of toxic metal emissions in the U.S.

As for mercury, coal-fired power plants emit 99 percent of it and most of the other power-sector pollutants, the federal agency said.

Although dozens already meet at least some part of the proposed standards, 44 percent of the coal plants lack the advanced pollution-control equipment that these limits require.

"The updated standards will provide certainty and level the playing field so that all power plants will have to limit their toxic emissions," the EPA said. Facilities have up to four years to meet the standards.

Coal-fired power plants are scattered on Native lands all across the U.S. The Navajo Nation has three, including the Navajo Generating Station, which according to the Grand Canyon Trust produces about a fifth of Arizona's greenhouse gases, as well as being a major source of mercury and nitrogen pollution.

Read more about the Clean Air Act and today's regulations at [Grist](#).

## **El Vocero: Plantas de energía tendrán que reducir la contaminación del aire**

Por: Carmen Arroyo (marzo 16, 2011)

De acuerdo a las nuevas normas de contaminación de mercurio, arsénico y otros tóxicos, las plantas de energía tendrán que reducir la contaminación del aire que es responsables miles de muertes año, según informó la Agencia Federal de Protección Ambiental (EPA, por sus siglas en inglés).

La EPA presentó hoy las primeras normas nacionales para el mercurio, arsénico y otros tóxicos emitidos al aire por plantas de energía como les fue requerido por una orden judicial en el 2008 y que invalidó las reglas anteriores. Sin embargo, el reglamento sobre Los Nuevos Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas estaría listo en noviembre de este año.

Este reglamento sería vital en la prevención de hasta 17 mil muertes prematuras y 11 mil ataques al corazón cada año, informó la EPA en un comunicado de prensa.

En Estados Unidos casi 30 millones de latinos viven áreas que no cumplen con los estándares de contaminación de aire. Las nuevas guías ayudarán a esta población, en especial a los niños puertorriqueños ya que el 20 por ciento de estos padece de asma.

“Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire”, indicó la administradora de EPA, Lisa P. Jackson.

Los contaminantes tóxicos de las plantas de energía pueden causar problemas neurológicos, incluyendo capacidad intelectual. Las emisiones de metales tóxicos como el arsénico, cromo y níquel están vinculados al cáncer. El mercurio y otros contaminantes tóxicos afectan además los recursos naturales, informó la EPA.

“Con la ayuda de tecnologías que ya existen, podremos tomar pasos razonables que dramáticamente aumentarán la protección de nuestros hijos y seres queridos y prevendrá muertes prematuras, ataques del corazón, y ataques de asma”, agregó Jackson.

El anuncio de las guías se hizo en Washington ayer y la Asociación Americana del Pulmón avaló esta medida. “Cuando finalmente se establezca, esta regla de limpieza del aire que EPA está promoviendo hoy salvará vidas, protegerá la salud de millones de personas en EE.UU. y finalmente efectuará algo que ha demorado 20 años por cumplir. Esto tiene que desempeñarse”, afirmó Charles D. Connor, presidente de la Asociación.



Según el comunicado de prensa de la EPA, las plantas de energía son la mayor fuente de contaminante del aire. Son responsables por la mitad del mercurio y más de la mitad de las emisiones de gases ácidos en Estados Unidos.

Los nuevos estándares de contaminación se hacen necesarios porque en la actualidad no existe una norma para emisiones de mercurio en las plantas energéticas.

La EPA publicará las nuevas normas y en vías de obtener el insumo del público de cara al informe final se podrán hacer recomendaciones a las guías. La Agencia Federal también llevará a cabo audiencias públicas sobre esta propuesta.

### **NOTIBLOG Onda Verde: EPA propone primeros estándares nacionales para combatir contaminación de mercurio emitida por plantas energéticas**

Por: Adrianna Quintero

16 de Marzo 2011

Hoy, EPA propuso los primeros estándares nacionales para combatir la contaminación de mercurio emitida por plantas energéticas. Estándares de mercurio y tóxicos en el aire representa una de las protecciones de salud pública más fuertes desde que entro en vigor la Ley de Aire Limpio; tendrá grandes implicaciones para comunidad latina

WASHINGTON—En respuesta a la fecha límite impuesta por una orden judicial, hoy la Agencia de Protección Ambiental de EE.UU. (EPA, por sus siglas en inglés) propuso las primeras normas nacionales para el mercurio, arsénico y otros tóxicos emitidos al aire por plantas de energía. Los Nuevos Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas--los cuales aclaran 20 años de incertidumbre para las industrias--requerirían en muchas plantas la instalación de tecnología accesible y probada para reducir la contaminación del mercurio, arsénica, cromo, níquel, y gases ácidos mientras a la vez prevendría la muerte de hasta 17,000 muertes prematuras y 11,000 ataques del corazón cada año.

Con casi 30 millones de latinos—que representan más del 70 por ciento de la población hispana en estados unidos—viviendo en lugares que no cumplen con los estándares de contaminación en el aire, estos estándares ofrecerán mayor protección a nuestras comunidades. Los niños hispanos se beneficiarán, ya que el 20 por ciento de los niños puertorriqueños y el 8 por ciento de los menores hispanos en general, sufren de asma en este país. Esta condición es provocada por el aire de calidad inferior.

Este reglamento también proporcionará empleo para miles de personas con

el apoyo de 31,000 trabajos de construcción de corto-plazo y 9,000 trabajos de servicios públicos de electricidad a largo-plazo.

Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire," dijo la administradora de EPA, Lisa P. Jackson. "Con la ayuda de tecnologías que ya existen, podremos tomar pasos razonables que dramáticamente aumentarán la protección de nuestros hijos y seres queridos y prevendrá muertes prematuras, ataques del corazón, y ataques de asma."

Los contaminantes tóxicos como el mercurio de las plantas de energía que queman carbón y petróleo han mostrado causar problemas neurológicos, incluyendo capacidad intelectual disminuida en niños que han sido expuestos durante el embarazo y los primeros años de vida. Los estándares también abordan las emisiones de otros metales tóxicos vinculados al cáncer, tales como el arsénico, cromo, y níquel. El mercurio y muchos otros contaminantes tóxicos pueden también dañar el medio ambiente y contaminar nuestros lagos, ríos, y peces. Además, los recortes en este tipo de polución también reducen la contaminación de partículas finas, que causan muertes prematuras, enfermedades del corazón, días hábiles perdidos por enfermedad, y asma.

La Asociación Americana del Pulmón aplaude esta medida razonable para la salud pública. Cuando finalmente se establezca, esta regla de limpieza del aire que EPA está promoviendo hoy salvará vidas, protegerá la salud de millones de personas en EE.UU. y finalmente efectuará algo que ha demorado 20 años por cumplir. Esto tiene que desempeñarse," dijo Charles D. Connor, presidente de la Asociación Americana del Pulmón.

Las plantas de energía son las mayores fuentes de varios tóxicos en el aire--responsables por la mitad del mercurio y más de la mitad de las emisiones de gases ácidos en este país. Sólo en el sector energético, las plantas de energía que queman carbón son responsables por el 99 por ciento de las emisiones de mercurio. Actualmente, más de la mitad de todas las centrales energéticas que queman carbón ya emplean tecnología existente que permite cumplir con estos estándares importantes. Una vez finalizado, estos estándares asegurarán que las demás plantas energéticas que queman carbón, aproximadamente el 44 por ciento, tomen pasos similares para reducir estos contaminantes peligrosos.

Los estándares actualizados proporcionarán por primera vez igualdad entres las centrales eléctricas por toda la nación, de manera que todas las plantas estén bajo las mismas normas y a la vez haya más certeza para las empresas. Este reglamento propuesto le permite hasta cuatro años para que las instalaciones cumplan con los estándares y una vez implementado, evitará que el 91 por ciento del mercurio en el carbón sea emitido al aire. Hace más de 20 años, las enmiendas del año 1990 a la Ley de Aire Limpio

obligaron a EPA imponer el control de emisiones tóxicas de aire, tal como el mercurio. Desde ese entonces, EPA ha tomado medidas para reducir las emisiones de mercurio de muchas grandes fuentes—sin embargo, en la actualidad aún no existe una norma nacional para emisiones de mercurio en las plantas energéticas. El anuncio de hoy se ha esperado durante mucho tiempo. Se ha pronunciado 11 años después de que EPA declarara que establecería dichos estándares para las plantas de energía y luego de una decisión judicial en febrero del 2008 que invalidó el reglamento de mercurio de la anterior administración. En octubre del 2009, EPA entró en un acuerdo de consentimiento que requirió que se firmara una propuesta antes del 16 de marzo del 2011, y que se finalizara un reglamento final antes de noviembre de 2011.

Los Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas propuestos son consistentes con la Orden Ejecutiva del Presidente Obama sobre reforma regulatoria. Son basados en los datos más actualizados y le proveen a las industrias la mayor flexibilidad en implementación escalonada utilizando tecnología ya existente.

Los estándares propuestos también aseguran que los beneficios al público y a la economía sobre pasan los costos de implementación. EPA estima que por cada dólar que se gaste para reducir la contaminación de las centrales de energía, el público estadounidense y las empresas gozarán de \$13 en beneficios a la salud y economía. Se estima que los beneficios totales de estos estándares en cuanto a salud y economía podrían ascender a \$140 mil millones anualmente.

Además, conforme a la orden ejecutiva del presidente, el propuesto estándar valora el insumo de todos aquellos que puedan contribuir al estándar final. El periodo de comentario público será de 60 días a partir de ser publicado en el Registro Federal. Esto le permitirá que todas aquellas partes interesadas incluyendo el público, industria, y sectores de salud pública puedan ofrecer su insumo. Esto asegura que el estándar final disponga del máximo beneficio a la salud pública al menor costo posible.

Como parte del proceso de comentario público, EPA también llevará a cabo audiencias públicas sobre esta propuesta. Detalles adicionales acerca de estos eventos serán divulgados en un futuro.

Más información (en inglés):

<http://www.epa.gov/airquality/powerplanttoxics/>

Richard  
Windsor/DC/USEPA/US  
08/30/2011 04:58 PM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Updated AP on Boehner Response

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 08/30/2011 04:50 PM EDT  
**To:** Richard Windsor  
**Cc:** Alisha Johnson; Arvin Ganesan; Bicky Corman; Bob Perciasepe; Bob Sussman; Daniel Kanninen; Gina McCarthy; Janet Woodka; Laura Vaught; Michael Goo; Sarah Pallone; Seth Oster  
**Subject:** Updated AP on Boehner Response

this story was updated to reflect the information we sent on health benefits and information on court orders....

Obama: 7 proposed regs would each top \$1 billion

By JIM KUHNHENN, Associated Press – 4 hours ago

WASHINGTON (AP) — President Barack Obama says his administration is considering seven new government regulations that would cost the economy more than \$1 billion each a year, a tally Republicans will pounce on to argue that Congress needs the power to approve costly government rules.

In a letter to House Speaker John Boehner, R-Ohio, Obama lists four proposed Environmental Protection Agency rules and three Department of Transportation rules estimated to cost in excess of \$1 billion. One of the proposed EPA rules — an update to the health-based standard for smog — is estimated to cost the economy between \$19 billion and \$90 billion.

The letter, dated Tuesday, comes as the Republican-controlled House prepares to consider legislation that would require congressional approval for any new regulations that would impose a significant cost on industries.

The four environmental regulations, which target air pollution and coal residue primarily from coal-fired power plants, have already been attacked by House Republicans, who have said they would kill jobs and harm the economy.

A federal court ordered the Obama administration to propose two of the four environmental rules.

And while the regulations would be expensive to comply with, EPA officials say they will save billions of dollars in avoided health care costs each year by reducing asthma and other illnesses, such as cancer. In some cases, the cost savings are greater than the upfront expense, according to

EPA figures.

Obama's letter was in response to a Boehner request last week for more details from the president on the proposed costs of the most expensive regulations under consideration by his administration. Obama's administration has identified 219 proposed regulations this year with a cost to the economy of more than \$100 million.

Obama said a number of regulations being contemplated are in such preliminary stages of review that they have no reliable cost estimates.

The president said the seven proposals he did identify are not final and that his administration will "give careful consideration" to cost-savings. He said his administration already has made changes that have saved more than \$10 billion in regulatory costs over the next five years, and said new regulations must meet cost-saving requirements that he ordered earlier this year.

He also defended his regulatory record, saying the cost of final rules adopted in 2007 and 2008, during the administration of President George W. Bush, were higher than in the first two years of his administration.

"In 2009 and 2010, the benefits of such rules -- including not only monetary savings but also lives saved and illnesses prevented -- exceeded the costs by tens of billions of dollars," Obama wrote.

**Richard Windsor/DC/USEPA/US**  
12/17/2011 09:21 AM

To Betsaida Alcantara  
cc  
bcc  
Subject Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

Tx  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/17/2011 09:20 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan; Scott Fulton; Gina McCarthy; Arvin Ganesan  
**Subject:** Washington Post: EPA finalizes tough new rules on emissions by power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency, the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

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The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think

would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well: According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

**Richard Windsor/DC/USEPA/US**  
12/22/2011 04:56 PM

To Betsaida Alcantara  
cc  
bcc

Subject Re: Time's People that Mattered 2011

Please thank Brian for me and wish him happy holidays and a happy 2012.

Brendan Gilfillan Lisa Jackson by Bryan Walsh 12/14/2011 08:21:38 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/14/2011 08:21 PM  
Subject: Time's People that Mattered 2011

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Lisa Jackson  
by Bryan Walsh

The head of the Environmental Protection Agency (EPA) is never going to be a popular person, except perhaps with environmentalists — and even that's not certain. That's because the EPA spends most of its time telling business what it can't do, as it tries to protect the environment and public health. And in 2011 Jackson came in for all kinds of criticism from the business community and from Republicans in Congress, who called her in to testify so often she should have gotten a free overnight stay in Capitol Hill. But Jackson is nothing if not dogged, and even if the face of some waffling from President Obama — who watered down proposed tougher standards on ground-level ozone — the EPA Administrator managed to crack down on air pollution from coal plants and other sources. She'll face an even tougher fight in 2012 as the EPA looks to implement regulations on greenhouse gases, but I suspect Jackson — a New Orleans native and long-time New Jerseyan — is up to the challenge.

Read more:

[http://www.time.com/time/specials/packages/article/0,28804,2101745\\_2102309\\_2102328,00.html#ixzz1gYuJUfpB](http://www.time.com/time/specials/packages/article/0,28804,2101745_2102309_2102328,00.html#ixzz1gYuJUfpB)



**Richard Windsor/DC/USEPA/US**  
12/07/2010 09:13 PM

To Betsaida Alcantara, Bob Sussman, Seth Oster, Cynthia Giles-AA, David Bloomgren, David Gray, Al Armendariz, Adora Andy, Brendan Gilfillan

cc

bcc

Subject Re: Region 6 Enforcement Action - Clips

Well done!

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/07/2010 06:35 PM EST

**To:** Richard Windsor; Bob Sussman; Seth Oster; Cynthia Giles-AA; David Bloomgren; David Gray; Al Armendariz; Adora Andy; Brendan Gilfillan

**Subject:** Region 6 Enforcement Action - Clips

**Here are the initial clips...**

### **Dallas Morning News: EPA says Parker County homes at risk of explosion after aquifer near 'fracked' gas wells is contaminated**

05:01 PM CST on Tuesday, December 7, 2010

By RANDY LEE LOFTIS / The Dallas Morning News

Natural gas from drilling that used the controversial practice of hydraulic fracturing has contaminated a drinking-water aquifer in Parker County, putting two homes at risk of explosion and triggering a federal emergency order, the Environmental Protection Agency's regional chief said late this afternoon.

The EPA ordered Fort-Worth based Range Production Co. to take steps to protect the families and water supplies after the Texas Railroad Commission, which regulates natural-gas drilling, failed to act, EPA Regional Administrator Al Amendariz said.

### **EPA acts after water contaminated by drilling in Parker County**

by CHRIS HAWES

WFAA

Posted on December 7, 2010 at 4:26 PM

Updated today at 4:26 PM

PARKER COUNTY — News 8 has learned the EPA has issued an emergency order after the agency says a natural gas company's operations contaminated drinking water in Parker County.

It's the first confirmed case of its kind in the Barnett Shale. This afternoon the EPA issued an emergency order to Range Resources under the Safe Drinking Water Act.

**[[FULL TEXT BELOW]]**

**Dallas Morning News: EPA says Parker County homes at risk of explosion after aquifer near 'fracked' gas wells is contaminated**

05:01 PM CST on Tuesday, December 7, 2010

By RANDY LEE LOFTIS / The Dallas Morning News

[rloftis@dallasnews.com](mailto:rloftis@dallasnews.com)

Natural gas from drilling that used the controversial practice of hydraulic fracturing has contaminated a drinking-water aquifer in Parker County, putting two homes at risk of explosion and triggering a federal emergency order, the Environmental Protection Agency's regional chief said late this afternoon.

The EPA ordered Fort-Worth based Range Production Co. to take steps to protect the families and water supplies after the Texas Railroad Commission, which regulates natural-gas drilling, failed to act, EPA Regional Administrator Al Armendariz said.

Railroad Commission officials "acknowledge that there is natural gas in the drinking water wells," Armendariz said. "They want more data and believe that action now is premature. I believe I've got two people whose houses could explode. So we've got to move."

The Railroad Commission and Range Production had not responded to Armendariz's statements or the EPA's order.

The EPA issued an imminent and substantial endangerment order under the federal Safe Drinking Water Act after inspections confirmed natural gas in the private drinking water wells that serve two homes in southern Parker County.

Range Production drilled horizontal gas wells into Parker County, near the two homes, from a drilling pad located nearby in Hood County, Railroad Commission records show.

The gas wells were drilled using hydraulic fracturing, or fracking, in which millions of gallons of water mixed with chemicals is injected deep underground under high pressure. The pressure fractures the tight shale formation and releases trapped natural gas.

In the last five years, fracking has turned North Texas' Barnett Shale field into the nation's biggest natural gas area, with tens of thousands of wells drilled.

Critics say the practice endangers water supplies, citing examples of tapwater that can be set on fire by igniting the gas in the water. In response to such complaints, Congress ordered the EPA to conduct a nationwide study of fracking and water quality.

Industry officials and Texas regulators say fracking is safe because the chemically treated water is injected far below any usable drinking water.

They say the gas in widely distributed flaming-water videos was not a result of fracking.

Armendariz said the EPA is not alleging that fracking caused the Parker

County contamination, only that Range's gas wound up in the drinking water.

Required casing and cement that line the gas well might have failed, letting gas escape into the aquifer, he said. It's also possible that drilling struck a geological fault or an old gas well, he said.

The extent of contamination isn't known. Range must identify the affected area under the EPA order.

"We know they've polluted the aquifer," Armendariz said. "We know they're getting natural gas in there. We don't know yet how far it's spread."

The EPA instructed Range, among the nation's largest gas-producing companies, to indicate within 24 hours whether it intends to comply with the order and to provide potable water to the two families within 48 hours.

It also must install meters in the homes to check for explosion risks.

Range also must survey the local aquifer and identify any other private wells that might be contaminated. Within 14 days, the company must submit a plan for checking the homes' interior air and surrounding soil for natural gas.

Range has 60 days to tell the EPA how it will trace gas pathways through the ground, close those pathways, and clean up the aquifer.

One of the two affected homeowners declined to comment. The other could not be reached.

## **EPA acts after water contaminated by drilling in Parker County**

by CHRIS HAWES

WFAA

Posted on December 7, 2010 at 4:26 PM

Updated today at 4:26 PM

**PARKER COUNTY** — News 8 has learned the EPA has issued an emergency order after the agency says a natural gas company's operations contaminated drinking water in Parker County.

It's the first confirmed case of its kind in the Barnett Shale. This afternoon the EPA issued an emergency order to Range Resources under the Safe Drinking Water Act.

The order alleges natural gas from a Range Resources well contaminated two private drinking water wells, which draw water from the same aquifer. The company's been ordered to supply the families with clean drinking water, as well as monitors inside their homes, to assess methane levels. The EPA's also ordered Range to take the necessary action to halt the flow of methane into the water supply.

EPA regional administrator Al Armendariz tells News 8 the EPA decided to issue the order after the Railroad Commission of Texas declined to act in the case.



**Richard Windsor/DC/USEPA/US**  
12/12/2011 03:04 PM

To Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Dru Ealons, Stephanie Owens, Heidi Ellis, Alisha Johnson, Andra Belknap

cc

bcc

Subject Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need

V cool. The BUS ! Would love to met him!  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/12/2011 02:54 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; Michael Moats; Dru Ealons; Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Fw: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need  
nice

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

From: Emma Post <epost@sloanep.com>  
To: epost@sloanep.com  
At: 12/12 14:07:55

MEDIA ADVISORY

NFL Legend Jerome Bettis, Clean Air Council and Former Assistant Energy Secretary Sue Tierney to Discuss Need for Timely Implementation of EPA's Utility MACT Rule

WHO: Jerome "The Bus" Bettis, Former NFL All-Pro Player, Asthma Sufferer and Activist

Katie Feeney, Policy Analyst, Clean Air Council

Dr. Sue Tierney, Managing Principal, Analysis Group and former Assistant Secretary for Policy at the U.S. Department of Energy

WHAT: Bettis, Feeney and Tierney will discuss the need for timely implementation of the Utility MACT Rule, and the life-saving effects the rule will have - especially for those who suffer from asthma and other respiratory diseases by reducing hazardous emissions from power plants.

WHY: EPA is expected to sign the final Utility MACT rule on December 16th. The rule has faced criticism from some in the utility industry and Republican members of Congress. Bettis and Feeney are in Washington, D.C. to educate Members about the staggering health benefits that will come from the rule, including the prevention of 17,000 premature deaths and 120,000 cases of aggravated asthma annually, according to EPA. Dr. Tierney will speak to how the utility industry can comply with the rule.

WHERE: Cannon House Office Building, Room 122

WHEN: Thursday, December 15, 2011

1 PM EST

RSVP:

Please confirm attendance

Emma Post, 212 446 1878

#### About Jerome Bettis

The former Pittsburgh Steelers Running Back is one of the greatest running backs in the NFL history (5th overall in rushing). Diagnosed with asthma at age 14, Bettis is a tireless advocate for asthma awareness. Bettis also established "The Bus Stops Here Foundation" in 1996 to help improve the quality of life for disadvantaged and underprivileged children. In 2001, Jerome Bettis was the recipient of the Walter Payton Man of the Year Award.

#### About Clean Air Council

Clean Air Council is a member- supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.

# # #

Emma Post

Sloane & Company

P: 212-446-1878

E: EPost@SloanePR.com<mailto:EPost@SloanePR.com>[attachment "alt\_body.html" deleted by Betsaida Alcantara/DC/USEPA/US]

**Richard Windsor/DC/USEPA/US**  
09/28/2011 05:54 PM

To Betsaida Alcantara  
cc "Seth Oster"  
bcc  
Subject Re: Reuters: US watchdog: EPA missed steps on climate finding

Oh. Ok. Tx.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:53 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Reuters: US watchdog: EPA missed steps on climate finding apologies copied and pasted the headline incorrectly:

US watchdog: EPA missed steps on climate finding

Wed Sep 28, 2011 10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By Timothy Gardner

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

In addition, it said some of the panel's findings were not released to the public, something that was also required.

But the EPA said it did not consider the finding to be classified as a "highly influential" document in part because it relied on information that had already been peer reviewed by the National Academy of Sciences.

The White House's Office of Management and Budget agreed with the EPA. "OMB -- the author of the guidance -- is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, a spokeswoman at the office said in an email.

Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

The EPA said on Wednesday it would consider the inspector general's recommendations to revise its Peer Review Handbook and establish requirements for assessing data.

But it was adamant the science it relied on, from the U.S. Climate Change Science Program, the National Research Council, and the U.N.'s Intergovernmental Panel on Climate Change, was sound.

#### SCIENCE NOT QUESTIONED

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution pose a threat to the health and welfare of the American people," an EPA source said.

Senator Inhofe said that the EPA relied heavily on the U.N.'s climate science panel to make the finding, a claim rejected by EPA administrator Lisa Jackson who has pointed out it also relied on the National Academy of Sciences, the National Research Council and others.

The EPA issued its endangerment finding after the Supreme Court ruled in 2007 the agency could regulate the emissions under the Clean Air Act. The agency had to conclude the emissions were harmful before regulating them.

Since then the EPA has embarked on rules to reduce the emissions from sources including power plants, oil refineries and vehicles.

Last week the Republican-controlled House passed a bill to block the EPA rules, saying they would cost industry billions of dollars and kill jobs. But the measure faces an uphill battle in the Senate and President Barack Obama has vowed to veto it. [ID:nS1E78M1HT]

Environmentalists said the report did nothing to question the science.

"Nothing in this report questions the agency's ability to move forward with global warming emissions rules," said Francesca Grifo, the science integrity director at the Union of Concerned Scientists.

"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

Betsaida Alcantara [another updated story UPDATE Re...](#) 09/28/2011 05:52:08 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
Date: 09/28/2011 05:52 PM



Subject: Reuters: EPA missed steps on climate finding

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another updated story

## UPDATE Reuters: EPA missed steps on climate finding

10:44pm BST

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- \* Inspector General does not question EPA CO2 rules
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(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)



**Richard Windsor/DC/USEPA/US**  
11/18/2010 07:09 AM

To Bob Perciasepe  
cc "Diane Thompson"  
bcc  
Subject Re: Another Missed 8:45

tx!

Bob Perciasepe Lisa and Diane. At 8:45 I am opening t... 11/18/2010 05:53:36 AM

From: Bob Perciasepe/DC/USEPA/US  
To: "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 11/18/2010 05:53 AM  
Subject: Another Missed 8:45

---

Lisa and Diane.

At 8:45 I am opening the "Social Cost of Carbon" climate impacts valuation workshop this morning at Lisa H's request. I am going directly to the LGAC after.

Sorry so many missed 8:45. An unusual sequence of travel and schedule.

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

**Richard Windsor/DC/USEPA/US**  
03/24/2011 09:26 PM

To Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Brendan Gilfillan  
cc  
bcc  
Subject Re: Ruckelshaus and Whitman - in Post

Very cool.

---

**From:** Bob Perciasepe  
**Sent:** 03/24/2011 06:40 PM EDT  
**To:** Richard Windsor; Diane Thompson; Seth Oster; Adora Andy; Brendan Gilfillan  
**Subject:** Ruckelshaus and Whitman - in Post

I have been told this will be in WashPost tomorrow by Rich Innes

-----  
Undoing 40 years of green gains  
by William D. Ruckelshaus and Christine Todd Whitman  
How soon we forget.

In 1970, speaking from badly polluted Los Angeles, Bob Hope cracked, "I don't trust air I can't see." Most Americans could see too much of their air. So they demanded that Congress and the president do something about it.

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, "disapprove" of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare. This finding was extensively reviewed by officials in the administrations of presidents George W. Bush and Barack Obama. It was finalized by the Environmental Protection Agency in response to a 2007 Supreme Court decision that greenhouse gases fit within the Clean Air Act definition of air pollutants.

As former administrators of the EPA, we have observed firsthand rapid changes in scientific knowledge concerning the dangers posed by particular pollutants, including lead additives in gasoline, benzene and the impact of contaminants on our drinking-water supply. In each of these cases, the authority of our major environmental statutes was essential to protect public health and the most vulnerable members of our society from these hazards, even in the face of remaining scientific debate.

Earlier this year, the House of Representatives approved a bill that would cut the EPA's budget by nearly a third and in certain areas impede its ability to pursue meaningful protections of our air and water.

The EPA was created out of recognition that pollution - largely an unwanted side effect of an increasingly industrialized society - needed to be controlled or America's public health and environment would continue to

deteriorate. The public called on our national government to step in and halt what the states could not or would not do.

As the EPA was being established, Congress passed the Clean Air Act in a burst of nonpartisan agreement: 73 to 0 in the Senate and 374 to 1 in the House.

During the 1970s, many other laws were passed to deal with air and water pollution, drinking-water contamination, radiation, solid waste, pesticides and toxic substances. Sixteen major pieces of legislation were enacted to address aspects of industrial, municipal or human activity that were threatening public health or the environment. Most were passed by a Democrat-controlled Congress and signed into law by a Republican president, and the votes were seldom close.

The EPA was charged with administering these laws, but often it was handed highly technical standards to be achieved with inadequate resources in unrealistic time frames. In other words, mission impossible. The agency did the best it could with the scientific knowledge and human resources at its disposal. Inevitably, some mistakes were made. Enormous progress was also made.

The air across our country is appreciably cleaner and healthier as a result of EPA regulation of trucks, buses, automobiles and large industrial sources of air pollution. There are three times the number of cars on the roads today than in 1970, yet they put out a small fraction of the pollution. The results are cleaner air and healthier Americans.

Likewise, American waterways have shown marked improvement. Lakes and rivers across the nation have shifted from being public health threats to being sources of drinking water as well as places for fishing and other forms of recreation. Lake Erie was declared dead in 1970 but today supports a multimillion-dollar fishery.

Amid the virulent attacks on the EPA driven by concern about overregulation, it is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America's health and environment.

It has taken four decades to put in place the infrastructure to ensure that pollution is controlled through limitations on corporate, municipal and individual conduct. Those of us who have served in the agency are sure of one thing: Dismantling that infrastructure today would ensure that a new one would have to be created tomorrow at great expense and at great sacrifice to America's public health and environment. The American public will not long stand for an end to regulations that have protected their health and quality of life.

Our country needs today what it needed in 1970: a strong, self-confident, scientifically driven, transparent, fair and responsible EPA. Congress should help America achieve that. It should do so not with lowered sights but lowered voices that will result in an EPA fully capable of helping fashion a prosperous, healthy America whose environment continues to improve.

William D. Ruckelshaus was administrator of the Environmental Protection Agency from 1970 to 1973 and 1983 to 1985. Christine Todd Whitman, a former Republican governor of New Jersey, was EPA administrator from 2001 to 2003.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711

(c) +1 (b) (6) Personal Privacy

**Richard Windsor/DC/USEPA/US**  
08/29/2011 11:13 AM

To Bob Perciasepe, Seth Oster, Brendan Gilfillan, Scott Fulton, Arvin Ganesan, Laura Vaught, Michael Goo, Bicky Corman, Gina McCarthy, Mathy Stanislaus, Bob Sussman

cc

bcc

Subject Majority Leader's Memo to House Rs

**In case you haven't seen it...**

## **MEMORANDUM**

TO: House Republicans

FR: Eric Cantor

DT: Monday, August 29, 2011

RE: Upcoming Jobs Agenda

As you know, we released The House Republican Plan for America's Job Creators earlier this year. While the debt crisis has demanded much of our attention, our new majority has passed over a dozen pro-growth measures to address the equally troubling jobs crisis, such as the Energy Tax Prevention Act and the Putting the Gulf of Mexico Back to Work Act. Aside from repeal of the 1099 reporting requirement in ObamaCare, however, each House Republican jobs bill now sits dormant in the Democrat-controlled Senate. You can view the progress of our jobs bills at [MajorityLeader.gov/JobTracker](http://MajorityLeader.gov/JobTracker).

When we return next week, the Joint Select Committee on Deficit Reduction will begin meeting to take an additional incremental step towards addressing our debt crisis. During this time, it is essential that the House continue our focus on the jobs crisis. Below are two areas of our jobs agenda that I want to bring to your attention for our upcoming fall and winter legislative schedule.

## **REPEAL OF JOB-DESTROYING REGULATIONS TO CREATE MIDDLE CLASS JOBS**

Since passage of H.Res. 72 on February 11, our committee chairmen have been investigating and inventorying regulatory burdens to job creators. They've found many that have tied the hands of small business people and prevented job growth. By pursuing a steady repeal of job-destroying regulations, we can help lift the cloud of uncertainty hanging over small and large employers alike, empowering them to hire more workers.

Our regulatory relief agenda will include repeal of specific regulations, as well as fundamental and structural reform of the rule-making system through legislation like the REINS Act, the Regulatory Flexibility Improvements Act, and reform of the Administrative Procedures Act (all three bills are expected on the floor in late November and early December).

The following is a list of the 10 most harmful job-destroying regulations that our committee chairmen have identified, as well as a selective calendar for their repeal. These regulations are reflective of the types of costly bureaucratic handcuffs that Washington has imposed upon



business people who want to create jobs.

### **Top 10 Job-Destroying Regulations:**

- **NLRB's Boeing Ruling (Week of September 12):** On April 20, the National Labor Relations Board (NLRB) issued a complaint against The Boeing Company for the alleged transfer of an assembly line from Washington to South Carolina. Yet, not one union employee at Boeing's Puget Sound facility has lost his or her job as a result of the proposed South Carolina plant. Still, the NLRB is pursuing a "restoration order" against Boeing that would cost South Carolina thousands of jobs and deter future investment in the United States. H.R. 2587, the Protecting Jobs From Government Interference Act, sponsored by Rep. Tim Scott (SC), would take the common sense step of preventing the NLRB from restricting where an employer can create jobs in the United States.
- **Utility MACT and CSAPR (Week of September 19):** The Administration's new maximum achievable control technology (MACT) standards and cross-state air pollution rule (CSAPR) for utility plants will affect electricity prices for nearly all American consumers. In total, 1,000 power plants are expected to be affected. The result for middle class Americans? Annual electricity bill increases in many parts of the country of anywhere from 12 to 24 percent. H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act, sponsored by Rep. John Sullivan (OK), would require a cumulative economic analysis for specific EPA rules, and specifically delay the final date for both the utility MACT and CSAPR rules until the full impact of the Obama Administration's regulatory agenda has been studied.
- **Boiler MACT (Week of October 3):** From hospitals to factories to colleges, thousands of major American employers use boilers that will be impacted by the EPA's new "boiler MACT" rules. These new stringent rules will impose billions of dollars in capital and compliance costs, increase the cost of many goods and services, and put over 200,000 jobs at risk. The American forest and paper industry, for example, will see an additional burden of at least \$5-7 billion. H.R. 2250, the EPA Regulatory Relief Act, sponsored by Rep. Morgan Griffith (VA), would provide a legislative stay of four interrelated rules issued by the EPA in March of this year. The legislation would also provide the EPA with at least 15 months to re-propose and finalize new, achievable rules that do not destroy jobs, and provide employers with an extended compliance period.
- **Cement MACT (Week of October 3):** The "cement MACT" and two related rules are expected to affect approximately 100 cement plants in America, setting exceedingly stringent requirements that will be cost-prohibitive or technically infeasible to achieve. Increased costs and regulatory uncertainty for the American cement industry—the foundation of nearly all infrastructure projects—are likely to offshore thousands of American jobs. Ragland, Alabama, for example, recently saw the suspension of a \$350 million cement production facility, putting 1,500 construction jobs on hold and additional permanent and high-paying plant operation jobs in limbo. H.R. 2681, the Cement Sector Regulatory Relief Act, sponsored by Rep. John Sullivan (OK), would provide a legislative stay of these three rules and provide EPA with at least 15 months to re-propose and finalize new, achievable rules that do not destroy jobs, and provide employers with an extended compliance period.
- **Coal Ash (October/November):** These anti-infrastructure regulations, commonly referred to as the "coal ash" rules, will cost hundreds of billions of dollars, affecting

everything from concrete production to building products like wall board. The result is an estimated loss of well over 100,000 jobs. H.R. 2273, the Coals Residuals Reuse and Management Act, sponsored by Rep. David McKinley (WV), would create an enforceable minimum standard for the regulation of coal ash by the states, allowing their use in a safe manner that protects jobs.

- **Grandfathered Health Plans (November/December):** We all remember when President Obama promised Americans that if they liked their health care plan they could keep it. Now, the Obama Administration has been issuing further restrictions against those previously protected plans. The result, by the Administration's own estimates, will be a loss of 49 to 80 percent of small employer plans, 34 to 64 percent of large employer plans, and 40 to 67 percent of individual insurance plans. Meanwhile, employers losing their grandfathered status will face steep penalties, increasing their costs and negatively affecting wages and job growth. The Energy and Commerce, Ways and Means, and Education and Workforce committees will soon be working on legislation to repeal these ObamaCare restrictions.
- **Ozone Rule (Winter):** This effective ban or restriction on construction and industrial growth for much of America is possibly the most harmful of all the currently anticipated Obama Administration regulations. Consequences would reach far across the U.S. economy, resulting in an estimated cost of \$1 trillion or more over a decade and millions of jobs. Unlike her predecessors, EPA Administrator Lisa Jackson is pushing for a premature readjustment of the current ozone standards, dramatically increasing the number of "nonattainment" areas. The new readjustment rule is expected early this fall and I expect the Energy and Commerce Committee to act swiftly to prevent its implementation, in order to protect American jobs.
- **Farm Dust (Winter):** The EPA is expected to issue revised standards for particulate matter (PM) in the near future. Any downward revision to PM standards will significantly impact economic growth and jobs for businesses and people throughout rural America that create dust, like the farmer in Atkinson, Illinois, who raised his concerns with the President at a town hall earlier this month. While the President may have sent him on a bureaucratic wild goose chase, the House will act promptly on H.R. 1633, the Farm Dust Regulation Prevention Act, sponsored by Rep. Kristi Noem (SD). H.R. 1633 would protect American farmers and jobs by establishing a one year prohibition against revising any national ambient air quality standard applicable to coarse PM and limiting federal regulation of dust where it is already regulated under state and local laws.
- **Greenhouse Gas (Winter):** The EPA's upcoming greenhouse gas new source performance standards (NSPS) will affect new and existing oil, natural gas, and coal-fired power plants, as well as oil refineries, nationwide. While the impact on the economy and jobs are likely to be severe, the rules are quickly moving forward, once again revealing the Administration's disregard for the consequences of their policies on our jobs crisis. Again, I expect Chairman Upton and the Energy and Commerce Committee to move swiftly in the coming months to protect American jobs and consumers.
- **NLRB's Ambush Elections (Winter):** This summer, the NLRB issued a notice of proposed rulemaking that could significantly alter current union representation election procedures, giving both employers and employees little time to react to union formations

in the future. The result will increase labor costs and uncertainty for nearly all private employers in the U.S. The House will soon consider legislation that will bring common sense to union organizing procedures to protect the interests of both employers and their workers.

## **IMMEDIATE TAX RELIEF TO CREATE MIDDLE CLASS JOBS**

The second focus of our jobs agenda this fall and winter will pursue tax relief designed to help American employers create middle class jobs. Small businesses, in particular, are overburdened with taxes that destroy jobs and in a fragile economy, the worst thing government can do is impose tax increases that prevent small businesses from hiring. Instead, government should be focused on ways to enable businesses small and large to unlock more capital and create new jobs.

Therefore, under Chairman Dave Camp's leadership, the Ways and Means Committee will be exploring a number of ways to remove tax burdens for job creators and incentivize small businesses. These targeted efforts will not interfere with House Republicans' continued pursuit of fundamental tax reform, just as we proposed in our budget resolution this spring. Rather, the following proposals represent bipartisan and pro-growth steps that can be taken immediately to help businesses hire those struggling to find a job today.

### **3% Withholding Rule Repeal:**

Beginning in 2013, federal, state, and local governments will be required to withhold three percent of all government payments made to contractors in excess of \$100 million. While the law has been delayed multiple times, its effect once implemented will be massive—causing accounting burdens on governments and potentially harmful cash flow disruptions for contractors and subcontractors across all sectors. Therefore, we will move quickly this fall to repeal this burdensome requirement and relieve construction contractors, medical providers, manufacturers, farmers, and many others providing goods and services under government contracts of the uncertainty the impending law is creating.

### **20% Small Business Tax Deduction:**

Small businesses employ about half of all Americans, yet President Obama is proposing federal tax rates that could take away more than 40 percent of their income. While the previous Democrat majority was pushing through their nearly \$1 trillion stimulus, we began work on a proposal to allow small business people to take a tax deduction equal to 20% of their income. The goal was simple—immediately free up funds for small business people to retain and hire new employees, and reinvest in and grow their businesses. In light of the stimulus's failure, and our current position in the majority, I expect the House to move quickly in the coming months on this common sense and pro-growth small business proposal to create middle-class jobs.

## **FINAL THOUGHTS**

In the weeks and months ahead, we will move aggressively on the items outlined above. But, our

increased focus on the repeal of job-destroying regulations and pursuit of pro-growth tax relief will not distract from other equally important areas of our jobs agenda.

As he has promised in the past, we expect the President to transmit three vitally important trade agreements this fall. When he finally sends them our way, I will not hesitate to schedule them. In addition, the Senate has set up a vote on the House-passed patent reform bill next week. Increased movement in both of these areas on the part of the President and the Senate is welcomed. I hope the Senate and the President will join the House in acting on the other many pro-growth items we have already passed and will be passing in the coming months.

See you next week.

Sincerely,  
Eric

**Richard Windsor/DC/USEPA/US**  
07/21/2011 06:52 PM

To Bob Sussman  
cc  
bcc  
Subject Re: Enviro Release on MTM guidance

Good job kiddo!

---

**From:** Bob Sussman  
**Sent:** 07/21/2011 10:47 PM GMT  
**To:** Richard Windsor  
**Subject:** Enviro Release on MTM guidance

Message from sender:

*Good enviro press release on MTM guidance*

---

## **EPA Issues Final Guidance on Mountaintop Removal Mining To Reaffirm the Clean Water Act and New Science**

Guidance focuses on ensuring compliance with longstanding requirements where stronger oversight is essential to protect water quality and Appalachian communities

July 21, 2011

Washington, D.C. —

Guidance focuses on ensuring compliance with longstanding requirements where stronger oversight is essential to protect water quality and Appalachian communities

Washington, D.C.

**Contact:**

Liz Judge, Earthjustice, (202) 667-4500, ext. 237

Joe Lovett, Appalachian Center for the Economy and the Environment, (304) 645-9006

Sean Sarah, Sierra Club, (330) 338-3740, (202) 548-4589

Debbie Jarrell, Coal River Mountain Watch, (304) 854-2182

Rick Handshoe, Kentuckians For the Commonwealth, (606) 358-4912 or (606) 791-1863

Vivian Stockman, Ohio Valley Environmental Coalition, (304) 360-1979

Jane Branham, Southern Appalachian Mountain Stewards, (276) 679-7505

Ann League, Statewide Organizing for Community eMpowerment, (865) 249-7488, (865) 617-2451

Cindy Rank, West Virginia Highlands Conservancy, (304) 924-5802

July 21, 2011

Today the U.S. Environmental Protection Agency issued [final guidance](#) to assist its staff in meeting longstanding requirements of the Clean Water Act with regard to mountaintop removal coal mines in Appalachia. All mountaintop removal mines must be permitted under the Clean Water Act and must comply with the law, but recent research by EPA and scientists have found these projects create lasting, irreparable harm to streams and water quality.

The [final guidance](#) comes after a more than year-long process during which the EPA examined the science, completed new major scientific reports, received peer review, and considered 60,000 public comments. In addition to improving the agency's oversight and compliance with existing requirements of the law, the guidance reaffirms the essential role of science in evaluating proposed mountaintop removal mining permits. The final guidance is based on the latest peer-reviewed science on stream pollution and protection, including two comprehensive new scientific reports released by EPA this year that reveal information on how mountaintop removal mining harms the integrity of vital waters and natural resources. EPA's guidance is also based on tens of thousands of public comments that EPA considered and received during its notice-and-comment process in 2010.

Represented by Earthjustice and the Appalachian Center for the Economy and the Environment, seven conservation and social justice groups—the Sierra Club, Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, Kentuckians For The Commonwealth, Southern Appalachian Mountain Stewards, and Statewide Organizing for Community eMpowerment—have intervened in a coal mining industry lawsuit to support EPA's use of this guidance and its effort to follow the Clean Water Act, consider the latest science, and protect America's waters from destruction.

“We're glad to see Administrator Lisa Jackson follow through on her commitment to finalize this important staff guidance, which is a considerable step toward giving Appalachian communities their rightful protections under existing law and following sound science,” said **Joan Mulhern**, senior legislative counsel of **Earthjustice**.

“But clearly, as long as mountains are being blown up and leveled in Appalachia, streams are being buried with mining waste, and waters for communities are being contaminated, the Obama administration has more work to do in making sure that the government is following the Clean Water Act,” said **Mulhern**. “This is a strong first step, though, and we hope to see this followed up with serious implementation and a hard look at how much longer our federal government will allow mountains to be destroyed and Appalachian communities to suffer. This guidance is only as protective as its implementation and the test will be whether we finally see compliance with the Clean Water Act which prohibits significant degradation of our nation's waters.”

The EPA first released interim guidance in April 2010 for public comment after scientific breakthroughs offered new information on the lasting, irreparable harm from mountaintop removal mining. The EPA also found that there had been serious non-compliance in the permitting process with important existing legal requirements. In 2010, the EPA requested public comment while also implementing the interim guidance in Appalachia. The EPA stated that it would issue final guidance by 2011.

"In a time when some decision makers focus on scoring political points through empty rhetoric we congratulate Administrator Jackson and the EPA for using existing law and scientific findings to improve protection of Appalachia's communities and environment," said **Mary Anne Hitt**, director of **Sierra Club's Beyond Coal Campaign**. "We need EPA to finally ensure compliance with the Clean Water Act and bring an end to the nation's most destructive coal mining practices."

"Of course we hoped for more, but given the current political climate in Washington, we have nothing but praise and gratitude for EPA finalizing this guidance and reaffirming the scientific support for their actions" added **Cindy Rank** of the **West Virginia Highlands Conservancy**. "Now more than ever the waters of Appalachia and we who depend on them need EPA to stand strong on our behalf."

Said **Rick Handshoe**, member of **Kentuckians For The Commonwealth**, whose Kentucky community is impacted by several coal mining operations and valley fills: "Every week I test the conductivity of the streams in my community, and the creek below a hollow fill and sediment pond never runs below 1500 micro-Siemens. Everything in the stream is dead because Kentucky officials are not doing their jobs. We need action today if we are to have any hope that our streams will one day recover."

Said **Dianne Bady**, co-director of the **Ohio Valley Environmental Coalition**, based in West Virginia: "This science-based guidance is absolutely necessary to safeguard clean water that still exists near current and proposed mountaintop removal mining operations. A healthy economy and healthy communities depend upon safe water. No community should ever again face the contamination of our precious water for short-term corporate gain."

Said **Vernon Haltom**, executive director of **Coal River Mountain Watch** in West Virginia: "In the absence of any meaningful regulation by state agencies, our communities must depend on the EPA to protect our lives, homes, and water. Now, the coal industry and their political allies are working to take away the EPA's ability to use law and science to protect us."

"The Appalachian people have waited long enough for protection of their waters from polluting companies," said **Debbie Jarrell**, assistant director of **Coal River Mountain Watch**. "This decision has come none too soon. Study after study is beginning to come out over the detrimental effects mountaintop removal has on our communities and those that live in them. For us it's not a matter of jobs or money, our very lives are depending on decisions that the EPA make."

"With issuance of this guidance, EPA is acknowledging the significant cumulative impacts that mountaintop removal mining has imposed upon Appalachian communities and landscapes," said **Cathie Bird**, of **Statewide Organizing for Community eMpowerment**, based in Tennessee. "The conductivity science shows we need full protection for our waters in Tennessee, as well as throughout Appalachia. We are confident that the science shows the need to fully protect our waters in Tennessee, specifically from selenium and other mountaintop removal mining wastes."

Said **Jane Branham** of **Southern Appalachian Mountain Stewards in Virginia**: "For far too

long, and against great public outcry, Virginia's state regulatory agencies have worked hand in hand with the coal industry to approve more permits to destroy more mountains, streams and communities. We are appreciative of the EPA's efforts to end this devastating coal extraction practice and ask for their continued support. Further, it is absolutely essential that we have full protection for water quality here in Virginia. The destruction must end.”

**Further Information:**

- [Final Guidance: Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order](#)
- [Information on the EPA's Clean Water Act oversight of Appalachian surface mining activities](#)
- [Information on Appalachian groups' intervention to support EPA in lawsuit filed by the coal mining industry](#)
- Final EPA Scientific Reports on Water Quality and Mountaintop Removal Mining Pollution Impacts:
  - [Field-based Aquatic Life Benchmark \(2011\)](#)
  - [Effects of Mountaintop Mines/Valley Fills \(2011\)](#)
- [Final EPA Report: Review of Clean Water Act § 402 Permitting for Surface Coal Mines by Appalachian States \(2010\)](#)

**Contact:**

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Vivian Stockman, Ohio Valley Environmental Coalition, (304) 360-1979

Jane Branham, Southern Appalachian Mountain Stewards, (276) 679-7505

Ann League, Statewide Organizing for Community eMpowerment, (865) 249-7488, (865) 617-2451

Cindy Rank, West Virginia Highlands Conservancy, (304) 924-5802

**URL:**

<http://earthjustice.org/news/press/2011/epa-issues-final-guidance-on-mountaintop-removal-miniing-to-reaffirm-the-clean-water-act-and-new-science>



**Richard Windsor/DC/USEPA/US**  
12/02/2011 03:54 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: Boilers coverage so far

Cool

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/02/2011 03:30 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Mathy Stanislaus; Lisa Feldt; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Daniel Kanninen; Bob Sussman  
**Subject:** Boilers coverage so far  
EPA eases boiler rule; health benefits unchanged

By DINA CAPPIELLO, Associated Press – 1 hour ago

WASHINGTON (AP) — Facing criticism from industry and lawmakers, the Obama administration on Friday proposed easing rules aimed at reducing toxic air pollution from industrial boilers and incinerators.

But administration officials maintained that the health benefits of the regulation wouldn't be compromised.

"We have found a way to get better protections, lower emissions and lower costs as well," said the Environmental Protection Agency's top air pollution official, Gina McCarthy. In a conference call with reporters, McCarthy said the agency had found the "sweet spot" since issuing the final rule under a court-ordered deadline in March.

That "spot is affordable, practical regulations that provide the vital and long overdue health benefits that Americans demand and deserve," she said.

The changes would require pollution controls at the 5,500 largest and most polluting boilers nationwide, such as those at refineries and chemical plants. Another 195,000 smaller boilers would be able to meet the rule through routine tune-ups.

The bulk of boilers nationwide — about 1.3 million — would not be covered by the rule, since they are too small and emit too little pollution to warrant controls.

The tweaks are the latest for a rule that has undergone numerous revisions, and has been among the most criticized by industry and lawmakers for its cost and its scope. Sen. Lamar Alexander, R-Tenn., has said the boiler rule has "come from another planet", even as he has defended the agency in the face of other Republican rollbacks.

The agency had already found ways to cut the cost of compliance in half, by about \$1.8 billion,

when it announced the final rule in March, promising future revisions.

On Friday, industry groups still were not satisfied.

Jay Timmons, president and CEO of the National Association of Manufacturers, said in a statement that the boiler rules would still do significant harm to job growth.

"We will continue to urge the EPA to extend the compliance time frame and consider a more reasonable approach to setting the emission standards to ensure additional jobs are not put at risk," he said.

The American Chemistry Council, which represents chemical companies, pressed for legislation to delay the rules while acknowledging improvements had been made.

The Republican-controlled House passed a bill in October seeking to delay the boiler regulation and lower the threshold that boiler operators would have to meet from "maximum achievable" pollution control to the "least burdensome." A bipartisan bill pending in the Senate would give the EPA additional time to rewrite the rule and for industry to comply.

Industrial boilers burn coal and other fuels to generate steam and hot water for heat and electricity. They're the nation's second-largest source of mercury emissions, a potent neurotoxin, after coal-fired power plants. But boilers are among a handful of pollution sources that still have no standards for toxic emissions.

## New Pollution Rules for Boilers and Incinerators

By [JOHN M. BRODER](#)

The Environmental Protection Agency on Friday released its much-delayed and oft-revised [air quality regulations for industrial boilers and incinerators](#). The proposal is a modest refashioning of boiler rules introduced earlier this year, which were themselves a major revision of a 2010 plan by the agency that drew heavy political and industry opposition.

The E.P.A. has been recalibrating its approach to pollution regulation in recent months after President Obama made it clear that he was going to give close scrutiny to rules that impose heavy compliance costs on businesses and local governments. In September, he rejected a major E.P.A. proposal on smog-causing pollutants, saying the cost was too high in a fragile economy.

Gina McCarthy, head of the E.P.A.'s office of air and radiation, said Friday that the new rules for boilers and incinerators were written to minimize costs and maximize benefits. She noted that the costs of putting the rules into effect would be 50 percent lower than the original plan that was issued last year and then pulled back after a broad bipartisan outcry.

She said that 99 percent of the 1.5 million boilers in the United States would be exempt from the new rules or could meet them simply by performing routine maintenance and tune-ups. Only a fraction of the 14,000 boilers that are major sources of mercury, soot and other pollutants will be required to install abatement equipment, she said.

The E.P.A. had previously estimated the cost of compliance at about \$2 billion a year, with health and other benefits of \$27 billion to \$67 billion.

“With this action, E.P.A. is applying the right standards to the right boilers,” Ms. McCarthy said in a press release. “Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve.”

She said the new standards would prevent as many as 8,100 premature deaths, 5,100 heart attacks and 52,000 asthma attacks a year by 2015.

The American Lung Association encouraged the E.P.A. to move forward with the proposal as written, with no further delay or dilution. “It is past time to move forward with these lifesaving standards,” the association said in a statement. “For the past two decades, the cleanup of toxic air pollution from boilers has been delayed, allowing these industries to pollute communities across the nation.”

The American Lung Association encourages the E.P.A. to uphold its responsibility as required by the Clean Air Act and clean up toxic air pollution from these boilers to protect public health from mercury and other dangerous air toxics,” it said.

The agency will take public comment on the proposed rule for 60 days and expects to finalize the regulation in April 2012.

## **U.S. proposes less costly pollution rule on boilers**

Reuters

WASHINGTON | Fri Dec 2, 2011 1:52pm EST

WASHINGTON (Reuters) - The U.S. environmental regulator said on Friday it slashed the cost of proposed pollution rules on industrial boilers by \$1.5 billion year by allowing some plants to fine tune existing equipment or burn cleaner fuels.

The Environmental Protection Agency, under pressure from Republicans and industrial groups who accuse it of pushing for clean air rules that will cost companies with billions of dollars, has

been looking for ways to ease costs and increase flexibility.

The EPA on Friday proposed rules it says are more flexible than ones the agency introduced in 2010. The rules allow some plants to do maintenance on equipment, avoiding costs from adding new controls or replacing boilers.

More than 99 percent of the country's boilers, from heavy industry to small businesses and universities, are either clean enough and not subject to the new rules, or will only need to do tune ups and maintenance to comply.

The agency said health benefits from reduced pollution would be maintained.

"Gathering the latest and best technical information and real-world data has helped us find ... the sweet spot that's affordable, practical regulations that provide the vital and long overdue health benefits Americans demand and deserve," Gina McCarthy, the EPA assistant administrator for air, told reporters in a teleconference.

The EPA said the rules would cost industry about \$2.3 billion a year, not the \$3.8 billion in a previous proposal made last year.

The boiler rule would set limits on mercury and other toxic emissions on about 5,500 boilers at refineries, chemical plants, and heavy industry plants, the EPA said.

About 196,000 boilers would need to do annual tune ups and take other steps to minimize toxic emissions.

The agency estimates that for every dollar spent to cut the pollutants, the public will save some \$12 to \$30 in health costs.

Babcock and Wilcox Co and other boiler makers could benefit from the rules, while some big chemical and heavy industry companies could see extra costs.

Boilers burn fuel including coal, fuel oil and biomass to produce steam to make electricity.

A health group cheered the proposed rules. "This is an important step forward by the EPA," the American Lung Association said.

It encouraged the agency to "uphold its responsibility as required by the Clean Air Act" to prevent cancer, heart attacks, and other health problems resulting from particulates and other pollution from boilers and incinerators.

The EPA will hold a 60-day comment period on the rules and expects to finalize them by spring 2012.

# EPA unveils revised air pollution rules for industrial boilers

By Andrew Restuccia, The Hill - 12/02/11 10:53 AM ET

The Environmental Protection Agency proposed revised air pollution regulations for industrial boilers and incinerators Friday that offer industry more flexibility, a response to critics who mounted an opposition campaign to the original rules.

The agency said Friday that the [revised regulations](#), which would require facilities to install technology to reduce harmful air pollutants like mercury and soot, would only apply to about 1 percent of the country's boilers.

The so-called "maximum achievable control technology" standards will offer major public health benefits, according to EPA, including preventing 8,100 premature deaths and 5,100 heart attacks a year starting in 2015.

And they will impose a minimal cost on the industry, agency officials said. The revised regulations are 50 percent less costly than rules proposed in 2010 that industry has blasted as overly burdensome, according to EPA.

"With this action, EPA is applying the right standards to the right boilers," Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation, said in a statement. "Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve."

The agency said Friday that it made a number of changes to the rules in an effort to respond to industry concerns.

From EPA's statement: "EPA is proposing to create additional subcategories and revise emissions limits. EPA is also proposing to provide more flexible compliance options for meeting the particle pollution and carbon monoxide limits, replace numeric emissions limits with work practice standards for certain pollutants, allow more flexibility for units burning clean gases to qualify for work practice standards and reduce some monitoring requirements."

EPA issued revised final regulations for boilers and solid waste incinerators in February under a court-ordered deadline. The final rules were more lenient than draft standards issued by the agency last year, which industry groups had called unworkable. EPA then opened up a reconsideration process on the revised final standards.

The regulations had come under fire from industry groups, Republicans and some centrist Democrats, who argue that the rules will impose a massive burden on the economy. The House voted in October to delay the implementation of the rules.

Clean air and public health groups praised the regulations Friday.

"It is past time to move forward with these lifesaving standards," the American Lung Association said in a statement. "Research has shown that toxic air pollution from industrial boilers harm human health, targeting the circulatory, respiratory, nervous, endocrine, and other essential life systems."

The American Chemistry Council, an industry group, offered reserved praise for the standards.

"We appreciate EPA's thoughtful consideration of these rules and willingness to make sensible changes," ACC President Cal Dooley said in a statement. "While we need to review the rules for technical details, it appears that improvements have been made."

Richard  
Windsor/DC/USEPA/US  
01/03/2012 09:44 AM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: CNN.com: Santorum takes on EPA over mercury limits rule

Nice job.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 01/03/2012 09:27 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Michael Goo; Bicky Corman; Arvin Ganesan; Laura Vaught; Jose Lozano; Bob Sussman  
**Subject:** CNN.com: Santorum takes on EPA over mercury limits rule

## [Santorum takes on EPA over mercury limits rule](#)

Cnn.com

Speaking to voters in Iowa Monday, former Sen. Rick Santorum of Pennsylvania ripped the Environmental Protection Agency's [new rule placing first-ever limits](#) on the amount of mercury that coal-fired power plants can emit into the air.

The GOP presidential contender claimed the new regulations would shut down 60 coal fired power plants in America, and he charged the EPA with basing its study on a philosophy of: "We hate carbon, we hate fossil fuels, we hate blue-collar Americans who work in those areas."

He specifically took issue with the agency's cost-benefit analysis, calling it "absolutely ridiculous" and "not based on any kind of science."

But the EPA's cost-benefit analysis cites peer-reviewed studies extensively in its 510-page "[Regulatory Impact Analysis of the Final Mercury and Air Toxics Standards](#)," which has been two decades in the making.

Santorum did not address the health dangers of mercury and other hazardous pollutants that could be limited by the new regulations. His campaign did not response to questions by CNN.

"Everyone from the EPA and the FDA (Food and Drug Administration) to the National Academy of Sciences have found mercury to be dangerously toxic - especially to children. For someone who claims to be so pro-life, Santorum's baseless statement shows he isn't pro-healthy-life," says Heather Taylor-Miesle, director of the NRDC Action Fund, which is affiliated with the National Resources Defense Council environmental group.

"He needs to get the facts because right now he just sounds like he is pandering to rich

polluters."

The benefits of the new regulation include preventing up to 11,000 premature deaths and 130,000 asthma attacks every year, [according to the EPA](#).

In terms of dollars, the new rule is estimated to save as much as \$9 in health benefits for every dollar spent on installing new technologies to meet new emission limits.

There's a long list of benefits, however, both to human health and the economy that the EPA says it cannot accurately estimate, and therefore leaves outside of the official cost-benefit summary.

For example the established effects of methylmercury beyond IQ loss - such as changes in memory, behavior and the cardiovascular system - and the cancer-causing effects of some hazardous air pollutants are not included. Effects on vegetation and wildlife are also described, but not quantified.



**Richard Windsor/DC/USEPA/US**  
05/25/2011 03:34 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: FEL Coverage so far

Tx

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/25/2011 03:27 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka  
**Subject:** FEL Coverage so far

CNN

New fuel economy labels coming for the 2013 model year  
By Paul Courson

LA Times (Greenspace Blog)

Federal government unveils new fuel economy labels for cars and trucks

USA TODAY

New fuel-savings stickers for new cars unveiled  
By Chris Woodyard

Fox News

New Fuel Economy Labels Set for Showroom Floors

CNNMoney

New-fangled auto fuel economy labels unveiled  
By Peter Valdes-Dapena

Reuters

New car labels feature more on fuel savings

Huffington Post: Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Wall Street Journal: EPA Unveils New Vehicle Fuel Labels  
By JOSH MITCHELL

Wall Street Journal (Washington Wire Blog): Fuel Economy Question Remains: What's the Number for 2025?  
By Joseph B. White

Bloomberg: U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013  
Tuesday, May 24, 2011

LA Times (Money and Company Blog): New fuel economy labels for cars and trucks unveiled by DOT, EPA  
May 25, 2011 | 9:59 am

ABC News (The Note Blog): Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

Detroit Free Press  
New fuel-efficiency labels announced with details on fuel costs, emissions  
BY AARON KESSLER

Full Text of Stories:

CNN  
New fuel economy labels coming for the 2013 model year  
By Paul Courson

Washington (CNN) -- Revised fuel economy labels coming soon for new cars and trucks will show consumers how much they'll save -- or spend -- on fuel, compared to the average new vehicle.

The blue-and-white design continues to feature a large two-digit number to show the miles per gallon the vehicle gets, but the new label will also display the calculated savings -- or expenditure -- on fuel over a 5-year time span, compared to the average new vehicle.

In the fine print, the labels will include additional information that is hoped to make an apples-to-apples comparison easier among conventional, hybrid, and alternate-fuel vehicles.

In remarks prepared for delivery at a Wednesday news conference, Transportation Secretary Ray LaHood said the "labels are a win for automobile consumers and for the nation's energy independence."

The new labels, starting with the 2013 model year, are described as the most dramatic overhaul since the MPG stickers were first required 30 years ago.

LA Times (Greenspace Blog)  
Federal government unveils new fuel economy labels for cars and trucks  
May 25, 2011 | 7:54 am

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled new fuel economy labels for cars and trucks Wednesday. The new labels are their most significant update since 1975, when the federal government first required the EPA to provide fuel economy data about passenger cars and trucks.

Designed to provide more detailed information to consumers about vehicles' fuel efficiency, estimated annual fuel cost and environmental effects, the new labels will go into effect with 2013 model year vehicles, though some manufacturers may voluntarily adopt the new labels for the 2012 model year.

A joint effort between the EPA and DOT, the new labels will, for the first time, allow consumers to compare energy use and cost for new-technology cars, such as plug-in electrics, versus traditional gas-powered vehicles. They will include estimates on the

amount of money consumers will save or spend on fuel for the next five years compared with an average new vehicle.

They will show how one model compares to the average in terms of smog-forming emissions and other emissions contributing to climate change. And they will estimate how much fuel or electricity is required to drive 100 miles.

The labels will also include a quick response, or QR code. Using a smart phone app, consumers can get even more comparative car information online, including fuel economy, and can access more precise information about a vehicle's fuel costs based on a driver's specific commute and driving habits.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood in a statement issued Wednesday. "These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

#### USA TODAY

New fuel-savings stickers for new cars unveiled  
By Chris Woodyard  
10:31 AM

There won't be letter grades, but the Transportation Department and Environmental Protection Agency are unveiling new fuel economy labels on cars that should help consumers figure out which models will go the farthest on gallon of gas.

Instead of a letter grade, the agencies opted for a 10-point scale, like those used for rate energy efficiency of big appliances like refrigerators, to help consumers find the most efficient car.

The agencies call the labels "the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago."

They include estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact.

Starting with model year 2013, the improved fuel economy labels will be required to be affixed to all new passenger cars and trucks – both conventional gasoline powered and "next generation" cars, such as plug-in hybrids and electric vehicles.

The labels will be important since cars are expected to become a lot more fuel efficient under new, tougher regulations.

#### Fox News

New Fuel Economy Labels Set for Showroom Floors  
Published May 25, 2011

Auto shoppers will soon be awash in factoids about the fuel efficiency of new cars, thanks to new labels the Obama administration says it will now require on vehicles.

The labels, rolled out by the Department of Transportation and Environmental Protection

Agency on Wednesday, could start showing up on the showroom floor any day, if dealerships choose to use them. But starting early next year, they will be required on every model year 2013 car and truck.

Transportation Secretary Ray LaHood said in a statement that the labels will give consumers "up-front information" about fuel costs and related stats before they buy.

The labels contain a dizzying amount of information. Most prominent is the vehicle's fuel economy, broken down by average miles per gallon along with MPG ratings for city and highway driving.

Clustered around that statistic will be an array of other auto trivia. On the right-hand side, the label tells consumers how much they'll save in fuel costs over five years compared against an "average" new vehicle. Below that, the label provides the estimated annual fuel cost, as well as a numerical rating for smog and greenhouse gas emissions. The higher the number, the cleaner the car.

The labels coincide with a push to mandate better fuel efficiency in U.S. vehicles. Under the final rules unveiled last year, the federal government will require U.S. vehicles to achieve an average 35.5 miles per gallon by 2016.

The rules will cost the U.S. auto industry billions of dollars in order to comply. Though some of those costs could be passed on to consumers, the administration estimates drivers will save more in fuel costs.

According to the administration, the new rules will save 1.8 billion barrels of oil and save consumers an average of \$3,000 in fuel costs "over the life of the program."

CNNMoney

New-fangled auto fuel economy labels unveiled

By Peter Valdes-Dapena May 25, 2011

NEW YORK (CNNMoney) -- Potential car buyers will see new designs for fuel economy labels, reflecting the increased use of alternatives to gasoline such as electric and diesel.

The Department of Transportation and the Environmental Protection Agency unveiled the three types of new labels Wednesday. One type is for cars that use gasoline or diesel, or hybrids that use only self-generated electricity. A second is for gas and electric hybrids that use some plug-in electricity, and the third is for vehicles running strictly on plug-in power.

"The current fuel economy label that buyers have come to be familiar with has come to be outdated," EPA administrator Lisa Jackson said in a Washington, D.C. press conference.

The new labels will be required on new cars in auto dealer lots beginning with 2013 model year cars, the Transportation Department said. Automakers can begin using the new labels on 2012 model year vehicles if they wish. Potential designs for new labels were first unveiled almost a year ago, and the agencies have been seeking comment from the public since then.

"The new labels, which are the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago, will provide more comprehensive fuel efficiency information, including estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact," the DOT said in the announcement.

No-plug cars: The new label that will go on most vehicles sold in America -- no-plug cars -- features the combined estimated city and highway fuel economy most prominently. Also getting big play on the new label are the estimated annual fuel cost and the amount of money saved -- or spent -- in fuel costs over five years compared to the average new vehicle.

Also shown is the number of gallons burned to travel 100 miles and two charts rating the vehicle's greenhouse gas and smog emissions from 1 to 10, with 10 being the best.

Plug-only cars: For plug-in vehicles, fuel economy is rendered in miles per "gallon equivalent." That's how far the car goes on the equivalent amount of energy contained in one gallon of gasoline. Also, there's the number of kilowatt hours used to travel 100 miles. The label also shows an estimate of how far the vehicle can drive on a single charge.

Plug-in hybrid cars: Vehicles that run on gasoline as well as on electricity taken from a plug such as General Motors' (GM, Fortune 500) Chevrolet Volt and Toyota (TM) Prius Plug-in get the most confusing new labels. For these vehicles, labels feature two boxes of numbers representing energy efficiency. One is for electric-only driving, with estimates expressed in "miles per gallon equivalent", which are the same terms used for pure-electric cars. The other box gives estimates for gasoline-only operation expressed in simple miles per gallon.

6 affordable new cars that go easy at the pump

Just as for a gasoline-only car, the plug-in hybrid label contains an overall estimate of annual fuel costs -- including both gas and electricity -- and the amount saved compared to the average car. Of course, these figures could vary widely depending on how far drivers go between plugging in.

The separate information on electric and gas-powered operation, plus a graph showing electric-only and total driving range, should allow consumers to estimate how cost-effective the vehicle will be for them.

Absent from the new labels are letter grades. Last year, the EPA unveiled several possible designs for fuel economy labels in a bid to elicit public and industry feedback. One design featured prominent letter grades. Vehicles with especially good fuel economy would have gotten A. Those with very good, but not the best fuel economy, would have gotten a B, and so on.

While carmakers didn't like the letter grades, EPA administrator Jackson said, consumers were the main reason the idea was dropped. In tests and surveys, about half of consumers were confused by the letter grades, thinking they represented an overall assessment of the vehicle, not just its fuel economy.

The new labels also include QR codes, box shaped symbols that can be read by smartphones. Taking a snapshot of the QR code box using a smartphone will link car shoppers to a website where they can get more information about the car and its fuel efficiency.

Reuters

New car labels feature more on fuel savings

9:38am EDT

WASHINGTON (Reuters) - Fuel economy labeling unveiled on Wednesday includes information on plug-in electric cars and highlights other advanced technologies aimed at

reducing oil use and tailpipe emissions.

The redesigned window stickers required on all 2013 models will allow consumers in showrooms to quickly and more easily compare fuel savings of vehicles in the same or different class, whether they rely on gasoline or are powered by gas/electric hybrid systems.

"Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance," said Lisa Jackson, the administrator of the Environmental Protection Agency.

The EPA developed new labels with the Transportation Department as part of rules adopted last year requiring a 42 percent jump in average efficiency to 35.5 miles per gallon for 2012-2016 vehicles.

The agencies plan a follow-on requirement in September for 2017-2025 cars and trucks that could push efficiency goals to 60 mpg, a target automakers would probably resist if proposed.

Automakers, who supported the new labels, are overhauling their product lines to meet U.S. government and consumer demands that they offer more efficiency and reduce pollution.

U.S. passenger vehicles account for about 20 percent of the nation's carbon emissions and about 44 percent of its oil consumption, figures show.

Many cars on the road today already meet or exceed the 2016 standard. U.S. and overseas car companies are accelerating output of hybrids and are beginning to introduce vehicles that run only on electricity for everyday driving.

The EPA labels, which were required by Congress, allow consumers to compare cost advantages of different technologies and for the first time include information on electric cars.

For instance, they post estimates of how much fuel or electricity it takes to drive 100 miles, and how much time it takes to charge a plug-in vehicle, like the mainly electric Chevrolet Volt sedan made by General Motors Co or the all-electric Nissan Leaf.

The most fuel-efficient cars and trucks, however, still represent a fraction of overall U.S. vehicle sales. Less fuel-efficient and more powerful pickups and sport utilities remain enormously popular with American motorists.

Detroit Free Press

New fuel-efficiency labels announced with details on fuel costs, emissions

BY AARON KESSLER

May. 25, 2011

WASHINGTON – The U.S. Department of Transportation and the U.S. Environmental Protection Agency today officially announced the new fuel-efficiency stickers.

The new labels will provide more details, such as estimated annual fuel costs and information on the amount of greenhouse gas a vehicle emits.

Left out of the new label was a controversial letter-grade system, which would have ranked cars on a scale of A through D based on their fuel economy and environmental impact.

The labels will be required starting next year, with model year 2013 vehicles, the agencies announced, and will apply to both traditional vehicles and alternatives like plug-in electrics. Automakers can start voluntarily using them even sooner, for their 2012 model year vehicles. The Free Press had previously reported that the new labels would be made public today.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood, in a statement. "These labels will provide consumers with up front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

Among the new information included on the revised labels:

- Methods to compare energy use between gas-powered and electric cars.
- Estimates of costs savings on fuel, emissions information.
- Charge-time and range details for electric vehicles.

The labels will also include a "QR Code," a tool that allows consumers with smartphones to access more detailed information online about a vehicle and estimate their potential operating costs based on their personal commute or driving behavior.

EPA Administrator Lisa Jackson also praised the new labels.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said. "Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance. The new labels provide comprehensive information to American car buyers, helping them make a choice that will save money at the gas pump and prevent pollution in the air we breathe."

Huffington Post

Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Posted: 05/25/11 02:26 PM ET

WASHINGTON -- The Obama administration on Wednesday announced new fuel economy labels for vehicles, including new ratings for plug-in hybrids and electric cars, but nixed a plan to assign vehicles "A" through "D" grades based on efficiency.

Announced this morning by Environmental Protection Agency chief Lisa Jackson and Transportation Secretary Ray LaHood, the new labels offer consumers shopping for a new car information on expected savings over a five-year period, as well as a fuel economy comparison to other cars in the same class.

"These labels will provide consumers with upfront information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," LaHood said in a statement Wednesday. "This is one part of President Obama's plan to provide Americans with relief from high gas prices and break our dependence on foreign oil."

Vehicles are rated from one to 10, with 10 being the most desirable, across a variety of

areas, including smog and green house gas emissions.

The labels feature a QR code allowing consumers at a dealership to personalize fuel cost estimates and compare vehicle models based on fuel economy. By entering information about their commutes and driving behavior, consumers can obtain a more precise estimate of fuel costs.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said Wednesday.

The elimination of letter grades, which would have discouraged consumers from purchasing inefficient vehicles, is considered a victory for automakers. The Alliance of Automobile Manufacturers, the industry's main trade group, has been an especially vocal opponent of the system.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A,'" based on greenhouse gas emissions, said Auto Alliance spokesman Wade Newton in a statement on Thursday.

But when asked in a conference call with reporters on Wednesday why the grades have been dropped, Jackson insisted they were merely unpopular with American consumers.

"When we did focus groups it was split right down the middle ... which told us at least half the people wouldn't be comfortable with a letter grade," Jackson said. "It's all about the consumer here," she added, "and letter grades were something we wanted to test, but they didn't test so high that they were something we wanted to include."

The 2010 fuel economy rule, which covers model years 2012 through 2016, will save an estimated 1.8 billion barrels of oil over the life of the program and the average consumer \$3,000 in fuel costs.

In July, the administration plans to finalize the first-ever standards for commercial trucks, vans and buses built from 2014 to 2018. The standards promote the development and use of alternative fuels and are expected to save hundreds of millions of barrels of oil over the life of these vehicles. The administration is also working on the next generation of greenhouse gas emission standards for model years 2017 to 2025 and plans to announce a proposal in September.

New passenger cars and trucks will be required to display the new labels starting with model year 2013, though automakers may voluntarily adopt the labels earlier for model year 2012 vehicles.

Wall Street Journal  
EPA Unveils New Vehicle Fuel Labels  
By JOSH MITCHELL

WASHINGTON—The familiar price-and-mileage labels affixed to new cars and trucks sold in the U.S. soon will include a five-year estimate of fuel costs compared to an average vehicle in addition to existing miles per gallon and electric-equivalent ratings.

The new labels, which are required beginning with 2013 model vehicles, will contain a car's projected annual fuel costs, its five-year fuel costs compared to the average vehicle in the same class, and a numeric, 1 through 10 rating based on fuel economy and smog pollution.



Electrics and hybrids will be the only cars getting a 10.

The new 10-point scale replaces an earlier administration proposal to assign A-through-D letter grades that drew a chorus of objections from auto makers when it was unveiled last summer.

Environmental Protection Agency chief Lisa Jackson said Wednesday the letter-grade proposal created confusion during tests with consumers. While the letter grades were designed to indicate a car's fuel economy, some consumers perceived them as describing the overall quality of a vehicle, she said.

The addition of fuel costs and savings, along with the 10-point scale, represent the broadest revamp of window stickers since they first appeared on new cars three decades ago. Another added feature: A bar code that will allow consumers to download the data to a smart phone.

"They will let consumers see—both in plain print and on their smart phones—how their family budgets will benefit from purchasing more fuel-efficient cars, whether they're gasoline, electric, or hybrid powered," Transportation Secretary Ray LaHood said at a briefing in Washington, D.C. He portrayed the new stickers as part of a broader strategy to help Americans cope with high gas prices, an issue the administration has struggled with as the price of a gallon of regular has approached \$4 in recent weeks.

Consumer groups applauded the labels, which they said would make consumers more aware of a vehicle's environmental impact. Auto makers also supported the new labels.

Wall Street Journal (Washington Wire Blog)

Fuel Economy Question Remains: What's the Number for 2025?

By Joseph B. White

The Obama administration today rolled out new fuel economy labels for 2013 model cars, but the bigger issue for auto makers and consumers is what number the administration will choose as the fuel efficiency target auto makers must hit in model year 2025.

The administration has promised to release "corporate average fuel economy" targets for the period 2017-2025 this fall, continuing a process in which the Environmental Protection Agency, the Department of Transportation and the state of California are supposed to collaborate and agree on a common standard.

The White House hasn't tipped its hand yet on how aggressively it will push auto makers to boost what's commonly referred to as CAFE. Environmentalists and the state of California want the 2025 target set at 60 miles per gallon. Auto makers worry that will force them to push small, pricey hybrids and electric cars on a buying public that still favors larger rides.

Heather Zichal, a White House aide for energy policy, said this morning at a conference organized by National Journal that she's "confident" the administration can once again forge a consensus among the auto makers, California regulators and the federal agencies, as the administration did when it developed the current fuel economy rules that call for auto makers' 2016 model fleets to average 35 mpg.

Asked if she thought the industry would be happy with the 2025 standards, Ms. Zichal hesitated.

"Say yes, we're going to be happy," prompted Michael Stanton, president of the Association of Global Automakers, who sat next to her during a panel discussion.

"We're confident," Ms. Zichal said.

"One national program is really important to us," Mr. Stanton said.

California and an array of environmental groups have called on the administration to set the 2025 target at 60 miles per gallon – the high end of a range outlined by the administration last year. That would be a more than 70% increase from the industry's target for 2016 of 35 miles per gallon.

California in 2009 agreed to drop its push to set its own fuel economy standards. But the state has hinted it might not sign on to a national standard for 2025 that it considers too weak.

Asked if the administration would support higher gasoline prices in order to support demand for more fuel efficient vehicles, Ms. Zichal was unequivocal: "The short answer is no."

With gasoline prices at around \$4 a gallon, auto makers are finding success selling a new crop of stylish, well-equipped compact cars. But few of them could hit a 60 mpg target. Among current models, those that exceed or come close to a 60 mpg combined mileage score (before the downward adjustments used on the window sticker labels) are electric cars such as the Nissan Leaf, and hybrids such as the Toyota Prius and the Honda Civic hybrid.

Conventional gasoline fueled subcompact-sized cars such as the Mini Cooper get mileage ratings in the 40 mpg range on the government's current tests.

Bloomberg

U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013

Tuesday, May 24, 2011

May 25 (Bloomberg) -- U.S. cars and trucks will carry labels comparing estimated five-year fuel costs with those of the average new vehicle following industry opposition to adding fuel-economy letter grades to the window stickers.

The labels, which will include annual fuel-cost estimates, must be affixed to passenger cars and trucks sold in the U.S. starting with model year 2013, the Washington-based Environmental Protection Agency and Transportation Department said in a statement today. The new stickers will rate vehicles on a scale of 1 to 10 for smog and greenhouse-gas emissions.

"These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," Transportation Secretary Ray LaHood said in the statement.

President Barack Obama's administration is writing rules to improve fuel economy for cars and trucks that may require annual fuel-efficiency improvements of as much as 7 percent from 2017 to 2025. New vehicles have displayed stickers estimating annual fuel costs as of model year 2008. Before that model year, the labels showed how many miles per gallon a vehicle could get in a city or on a highway.

## Electric Cars

According to the rule announced today, plug-in hybrids and fully electric vehicles will have labels that specify how far a car can drive when charged.

The government discarded plans for labels with letter grades after automakers, dealers and federal lawmakers said that consumers may avoid vehicles labeled with lower rankings.

The Alliance of Automobile Manufacturers, whose members include General Motors Co. and Toyota Motor Corp., said before the announcement that it would prefer abandoning the A to F letter-grade proposal.

"A large, brightly colored letter grade" may confuse consumers and "risks alienating" those who drive a vehicle that doesn't receive an A for greenhouse-gas emissions, Wade Newton, a spokesman for the Washington-based group, said in an e-mail.

Environmental groups such the Natural Resources Defense Council, which advocates for higher fuel-economy standards, had supported the letter-grade plan.

The label announced today isn't "perfect, but it was important to get something out there as soon as possible," Luke Tonachel, a senior transportation analyst with the New York-based NRDC, said in an interview. "The new label has some important improvements that will help consumers faced with high gas prices find the cleanest, most-efficient vehicles. Importantly, the vehicle you're looking at is compared with all vehicles in a model year."

LA Times (Money and Company Blog)

New fuel economy labels for cars and trucks unveiled by DOT, EPA

May 25, 2011 | 9:59 am

Federal regulators have unveiled new fuel economy labels for passenger vehicles in the program's most extensive overhaul in 30 years.

Beginning with cars and trucks from model year 2013, fuel costs and comparisons of environmental impact to other vehicles will be displayed on the decals, which were developed by the Department of Transportation and the Environmental Protection Agency.

The labels must be affixed to all new vehicles, including those that run on gasoline, diesel, electricity or a mix. Authorities ditched a proposal to use letter grades after intense opposition from automakers.

"Reducing our consumption and demand for oil is the best way to reduce upward pressure on fuel prices," said EPA Administrator Lisa P. Jackson in a conference call with reporters. "The old cars have become outdated. A new generation of cars requires a new generation of fuel economy labels."

The new decals will display a plethora of details. The estimated annual fuel cost is there. So are the standard miles-per-gallon figures for city and highway driving.

New features, however, include the amount of fuel or electricity the vehicle will need to go 100 miles, as well as the expected savings or cost of fuel over the next five years compared with the average new vehicle.

Drivers will also be able to see how vehicles stack up against others in smog, tailpipe emissions and fuel economy on a one-to-10 scale. The miles-per-gallon range for same-class vehicles is included, as is the highest fuel economy among all vehicles, including electrics.

Plug-in hybrids and electric vehicle decals will also show driving range and charging times, as well as a figure for miles-per-gallon equivalent, or MPGE.

"It's been all hands on deck in this administration letting people know that we're not just sitting around waiting for high gasoline prices to come down," said Transportation Secretary Ray LaHood. "Gasoline prices are killing family budgets."

ABC News (The Note Blog)

Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

May 25, 2011 10:04 AM

News' Devin Dwyer reports: The Obama administration today will unveil revamped fuel economy labels for new cars that it hopes will better help consumers gauge how much they'll have to spend on gas.

The new label design, as seen here and below, still prominently features a car's miles-per-gallon rating and annual estimated fuel cost. But it also highlights how much more a consumer would spend over five years compared to the average vehicle, and how much the car will pollute the environment.

The labels include a car's greenhouse gas rating and smog rating, both on scales of one to 10.

The design also features a new barcode that can be scanned by smartphones and give consumers access to additional government information on the vehicle online.

The label overhaul, the first in more than 30 years, was required by Congress in a 2007 energy law. The new design was conceived jointly by the U.S. Department of Transportation and the Environmental Protection Agency and will take effect beginning with model year 2013.

The Obama administration says the labels will reveal to consumers "the benefits of the historic, bipartisan passenger car and truck fuel economy rule adopted under this administration by the EPA and DOT in 2010."

Transportation Secretary Ray LaHood has called the labels a "win" for consumers and the auto industry.

Auto manufacturers had lobbied intensely against an earlier design of the labels that would have attached a letter grade from "A" to "D" for a car's fuel efficiency. The design spurred concerns that it would hurt sales of SUVs and other larger vehicles.

**Richard Windsor/DC/USEPA/US**  
02/23/2012 08:00 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: MSNBC.com: Actress Lucy Lawless boards ship to protest Arctic oil drilling

Xena  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 02/23/2012 07:25 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Dennis McLerran  
**Subject:** MSNBC.com: Actress Lucy Lawless boards ship to protest Arctic oil drilling

This just got a little interesting...

## Actress Lucy Lawless boards ship to protest Arctic oil drilling

By Becky Bratu, msnbc.com

Actress Lucy Lawless and six other Greenpeace activists boarded an Arctic-bound Shell oil-drilling ship in Port Taranaki, New Zealand, on Friday morning, causing authorities to close the port.

The group scaled a 53-meter derrick on the Liberian-flagged Noble Discoverer around 7 a.m. local time.

Lawless told msnbc.com that her heart was pounding and she was "a little shell-shocked" as they boarded, but that she now felt safe.

"We don't need to trash the Arctic to get three more years' worth of oil," she said in a telephone interview from the ship.

Even as police warned them that they were breaking the law, protesters remained aboard.

Greenpeace and Lawless tweeted the occupation.

"I'm on one of the oldest drill rigs on the planet and it's heading to the Arctic. Tell Shell to

stop," Lawless tweeted.

James Turner, a spokesperson for Greenpeace, told msnbc.com the occupation was the organization's last resort to stop Shell from drilling in the Arctic.

"We simply don't believe Shell's reassurances that this is safe," Turner said.

He said the Arctic is the home of many unique species, and an oil spill would be virtually impossible to contain, given the area's remoteness. Turner also accused Shell of having a "poor record" regarding oil spills.

Shell says it was "disappointed" with Greenpeace's actions, 3 News reported.

"Actions such as this jeopardize the safety of everyone involved," the company said in a statement. "While we respect the right of individuals to express their point of view, the priority should be the safety of Noble Discoverer's personnel and that of the protesters."

"Shell has undertaken unprecedented steps to pursue safe, environmentally responsible exploration in shallow water off the coast of Alaska," the statement said.

The ship was due to depart on a 6,800-mile journey to the Chukchi Sea off the coast of Alaska, New Zealand's 3 News reported.

Turner said that Shell has a limited drilling window, given the Arctic's extreme weather conditions. Drilling can only take place when the sea ice in Alaska melts, usually between July and early fall, he said. During the rest of the year, thick ice makes drilling impossible.

Turner said the occupiers have supplies for several days. "We're there to stop the tanker from leaving," he said.

But Lawless, 43, said she wasn't sure how long they'd last aboard.

"Our main aim is that this be a peaceful protest, but the law will do what the law has to do," [Lawless told 3 News](#). "We do what we feel we have to do." She told msnbc.com that she and the other protesters have respect for the police.

One person was arrested at the port gate, 3 News said.

The police commander for New Plymouth, Inspector Blair Telford, [told the New Zealand Herald](#) that his office's role was to ensure any protest was lawful and that owners and crew of the ship were allowed to go about their lawful business.

"The protesters are clearly breaking the law by trespassing on the ship and we are currently liaising with the Port of Taranaki and the harbormaster to decide the most appropriate course of action. Public safety is paramount."

Lawless is best known for her television title role as "Xena: Warrior Princess" and currently stars in Starz's "Spartacus" as Lucretia.

She told msnbc.com she hopes her children will live in a better world. "Climate change profiteers should not be allowed to destroy our children's future," she said.

"Companies are addicted to oil; they're begging an intervention," Lawless said. "Shell has the technology to be one of the world leaders in a clean energy economy."

Richard  
Windsor/DC/USEPA/US  
06/14/2011 01:02 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: NRDC Blog: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

My  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 06/14/2011 12:40 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Gina McCarthy; Joseph Goffman; Janet McCabe; Daniel Kanninen

**Subject:** NRDC Blog: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

Topper is old - but make sure to read the whole thing.

## Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

You decide.

In choosing whether to enforce current law to dramatically reduce mercury, arsenic, lead and nearly one hundred other toxic air pollutants from power plants — or instead to retreat from these health safeguards —it comes down to this.

Do you believe doctors at the American Lung Association and American Academy of Pediatrics, EPA scientists, and dozens of peer-reviewed studies that power plants' air pollution is very harmful and cleaning it up will deliver significant health benefits to all Americans, especially children?

Or do you believe the nation's most heavily polluting utility company, Washington utility lobbyists and the "hypothesis" of a conservative Congressman that this pollution does not pose significant health risks and controlling the pollution will not deliver real benefits?

Incredibly, that's how industry and political opponents of EPA's mercury and air toxics standards are framing the health choice facing the country. That's how they are framing the question of whether to carry out or kill legal standards that EPA projects will [avoid \[pdf\]](#) the following harms every year:

- Up to 17,000 premature deaths,
- 4,500 cases of chronic bronchitis,
- 11,000 nonfatal heart attacks,



- 12,200 hospital and emergency room visits,
- 11,000 cases of acute bronchitis,
- 220,000 cases of respiratory symptoms,
- 850,000 days when people miss work,
- 120,000 cases of aggravated asthma, and
- 5.1 million days when people must restrict their activities.

Now contrast these enormous benefits with the following three prominent examples of pollution denialism.

(1) Congressman Joe Barton (R-TX) [announced](#) at an April 15th [Congressional hearing](#) his “hypothesis” that exposure to air pollution from power plants such as particulate matter is not linked to premature death. Barton then asserted that EPA findings that reducing such pollution will avoid thousands of premature death every year “are pulled out of thin air.” Barton went so far as to dispute any “medical negatives” from air pollution such as mercury, sulfur dioxide and particulate matter.

Doctors from respected health associations such as the American Academy of Pediatrics, the American Lung Association and the American Public Health Association immediately [wrote](#) [pdf] Barton to strongly reject his contentions. Indeed, Barton’s hypothesis and claims are so thoroughly wrong that the doctors’ letter began by openly declaring their “shock” over Barton’s statements. Their letter noted that:

The health impacts of short-term exposure (over hours to days) of particulate matter [have been] found to include: death from respiratory and cardiovascular causes, including strokes; increased risk of cardiovascular harm, including acute myocardial infarction (heart attacks) and congestive heart failure, especially among the elderly and in people with cardiovascular disease; inflammation of lung tissue in young, healthy adults; increased hospitalization for cardiovascular disease, including strokes; hospitalization for asthma among children; and aggravated asthma attacks in children.

The doctors’ letter concluded by listing 30 peer-reviewed studies establishing “a clear link between air pollution and a range of serious adverse human health effects.” Not surprisingly, Barton's office has failed to respond to the doctors.

(2) Utility industry lobbyists representing the Southern Company and the utility coalition, the Electric Reliability Coordinating Council, have stated that there are “[no incremental health benefits associated with \[EPA’s mercury and air toxics standards\]](#).” These lobbyists have denied further that reducing power plants’ hazardous air pollution, including mercury, “[actually does anything to protect public health](#).” The lobbyists even went so far as to [dispute](#) the association between premature deaths and particulate matter pollution.

Numerous medical organizations [reject](#) [pdf] these preposterous claims, including the American Lung Association, American Thoracic Society, American Public Health Association, the Asthma and Allergy Foundation of America, American Academy of Pediatrics and Physicians for Social Responsibility.

Moreover, the lobbyists' bald contentions conflict with a substantial body of [peer-reviewed scientific studies](#) [pdf] that serve as the foundation for EPA's [extensive findings](#) [pdf, chapters 5 & 6] of health hazards attributed to air pollution from power plants, especially deadly particulate matter.

The lobbyists' claims are not backed by peer-reviewed studies and amount to scattershot rhetoric that is counter-factual and scientifically unsound, but rests on the tired hope of deniers that the claims will sow doubt that will grow with increasing applications of verbal fertilizer.

But falling into the "you-can't-make-this-stuff-up" category, there is one fact that makes these lobbyists' claims even more surreal. One of the two utility industry lobbyists in question is the former political appointee that headed the Bush EPA's air office, Jeff Holmstead. In that capacity, Holmstead delivered testimony before Congress at odds with his current denials on behalf of utility clients.

The left column of the following table quotes statements by Holmstead at a recent [videotaped debate](#) sponsored by the Environmental Law Institute. The right column quotes testimony by Holmstead and related EPA statements, both during his tenure as political head of the agency's air office.

### **2011 Statements by Holmstead, Representing Utility Companies**

"I don't believe that there are thousands of people who are dying because of exposure to these small [particles]," i.e. particulate matter.

"It is pretty hard to say that [mercury from coal-fired power plants] is a significant public health issue."

### **Statements by Holmstead or EPA When Holmstead Headed EPA**

Reducing power plants' air pollution would result in "14,100 fewer "significant health benefits," "by dramatically reducing fine particle emissions." *May 2005 Congressional testimony by Mr. Holmstead.*

EPA estimates that reducing power plants' SO<sub>2</sub> and NO<sub>x</sub> emissions "particulate matter-related annual benefits" that include 13,000-17,000 lives per year. *2005 Clean Air Interstate Rule Overseen by Mr. Holmstead.*

"Mercury is a potent toxin that causes permanent damage to the brain of developing fetuses, depending on the level of ingestion. Most exposures are from contaminated fish. Currently 42 states have advisories warning people not to eat recreationally caught fish due to mercury contamination. Even so, a year to mothers whose blood mercury levels exceed the reference dose is in a margin of safety. Recent actions to reduce mercury emissions from municipal waste combustors are significantly reducing emissions of mercury and compliance with medical waste incinerator and municipal waste combustors are significant mercury emission reductions from these important sources. The largest uncontrolled source of mercury emissions, contributing approximately 40% of anthropogenic mercury emissions in this country." *May 2002 Congressional testimony by Mr. Holmstead.*

(3) Finally, there are the following absurd statements on the [website](#) for the American Electric Power Company, one of the heaviest polluting utility companies in the country:

[S]ignificant bodies of scientific work, including previous conclusions by the EPA, indicate that particulate emissions from power plants are not a significant risk to public health. We believe that particulates generated from the transportation sector are a greater risk to public health.

The first quoted statement is sheer nonsense. There is no such significant body of scientific work, and for good reason the AEP claim is unaccompanied by any source citation.

Moreover, there are no "previous conclusions by the EPA" that support the AEP claim; EPA conclusions about the severe risks from power plants' particulate matter directly contradict the AEP claims. And when I asked several EPA officials what AEP possibly could be talking about in making this startling claim about "previous conclusions by EPA," the agency officials had no idea. (It's also noteworthy that the AEP claim is contradicted by the Bush EPA's consistent [findings](#) [pdf, chapters 1 & 4] that power plant air pollution is deadly and responsible for a litany of health hazards.)

When I questioned a group of AEP officials about the basis for the first statement above, one of the officials responded with the name of a *single* study. *And it turns out that study does not even support the claim on the AEP website; indeed, the study authors have corrected and chastised utility industry lobbyists previously for distorting the study's conclusions :*

Scientists involved in a major Atlanta-area study on the health effects of fine particulate matter (PM2.5) pollution say the utility group funding the research is "inappropriately" interpreting its initial data as evidence that power plant emissions have a negligible impact on cardiovascular health, when compared to other PM2.5 sources such as mobile source emissions. ....

A second scientist, who was involved in an independent review of [the study], adds, "The problem is not so much the study, as how it is being misinterpreted by utility [representatives] as saying that utility pollution is not bad for your health. I and the ARIES study scientists I've spoken to don't believe that is an appropriate interpretation of the results.

[Scientists Accuse Industry of Manipulating Major PM2.5 Study Findings](#), InsideEPA, Jan. 7, 2005 (subscription required).

So why are we now hearing these outlandish denials that mercury, particulate matter and other toxic air pollution are harmful to Americans' health? Why all the disavowals that cleaning up this pollution will deliver tremendous health benefits – saving lives, avoiding heart attacks and asthma attacks, and avoiding brain poisoning and developmental damages to the unborn?

Barton actually supplied the answer to those questions at the [April 15th hearing](#) [pdf]:

[T]he entire premise for going forward with these standards is that you get such a tremendous ratio of benefits to cost because they claim, according to Mr. Walke's

testimony, which he is an honest man and he has got it from somewhere, is \$140 billion annually. But if you really don't have the benefit because you are not having the medical negative, but you really have the cost – and if you don't think the costs are real, just look at how many factories are closing and going to Mexico and China.

Barton recognizes the benefits of EPA's mercury and air toxics standards are so overwhelming that the only way for polluting utility companies to avoid their responsibility for cleaning up that pollution is to pretend the benefits don't exist. To pretend that power plants' air pollution is not harmful. To deny that cleaning up that air pollution will deliver significant, cost-effective health benefits to Americans.

Opponents of EPA's mercury and air toxics standards understand that Americans are sensible and moral people. Americans realize air pollution is harmful and agree that polluters have a legal and moral responsibility to clean it up. The American people support enforcing the law to deliver the resulting clean air benefits to all of us.

All too often, the losing side in political debates in Washington resort to obfuscation and worse, flatly denying the facts when facts are not on their side — to the point of rejecting substantial bodies of peer-reviewed science.

The debate over EPA's mercury and air toxics standards is no different.

So it comes down to this. Do you believe doctors, scientific facts and common sense, or the desperate purveyors of denial?

Richard  
Windsor/DC/USEPA/US  
11/28/2011 08:37 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: Politico: EPA, NERC spar over regulations and potential outages

Nicely done.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 11/28/2011 07:46 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons; Michael Goo; Alex Barron; Joel Beauvais; Gina McCarthy; Joseph Goffman  
**Subject:** Politico: EPA, NERC spar over regulations and potential outages

### **EPA, NERC spar over regulations and potential outages**

By Darius Dixon and Erica Martinson  
11/28/11 7:36 PM EST

New England and large swaths of Texas are at risk of electric power shortages in 10 years in part because of power plant retirements and retrofits needed to meet EPA regulations, according to [a new report](#) the North American Electric Reliability Corp. released Monday.

Existing and proposed EPA rules “may significantly affect bulk power system reliability depending on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability,” the report states.

The EPA says NERC has it all wrong. In [a letter](#) last week, the EPA charged that a draft version of the NERC study, like NERC’s 2010 review, “did not accurately portray the EPA’s regulations or the likely outcomes for the electric grid.”

NERC expects that 36 gigawatts will be retired or retrofitted in 2018 due to the cumulative impact of four EPA regulations, the report states: the proposed Coal Combustion Residuals, utility MACT and cooling water intake structure rules, as well as the final Cross-State Air Pollution rule.

By 2021, New England will barely have enough electric generating capacity in reserve to meet accepted standards while ERCOT, which oversees roughly 85 percent of the Texas grid, will actually fall below.

NERC’s report estimates that the EPA rules will collectively trigger the retirement of nearly 7,500 megawatts to more than 17,844 megawatts by 2015 — with roughly an additional 2,800 megawatts to 5,000 megawatts in capacity lost due to retrofits. But by 2018, with the implementation of the proposed cooling water intake rule, EPA regulations could sink between 32,500 megawatts and nearly 54,000 of power capacity, according to the NERC report.

The report comes as congressional Republicans have suggested EPA power plant regulations — particularly the Mercury and Air Toxics Rule and EPA's final Cross-State Air Pollution Rule — will cause the lights to go out. In its response to NERC, EPA Deputy Director Bob Perciasepe said the report rehashes incorrect assumptions about then-unproposed rules from a 2010 analysis, and ignores EPA history and available regulatory tools to ensure grid operators have the power they need.

"NERC's draft report describes an extreme outcome that arises from a scenario where the most stringent and costly rules imaginable took effect, and no one at the federal, state or local level took any steps to ensure the continued reliability of the grid," the letter says.

"Our analyses indicate that these rules do not threaten the capacity reserve margin targets either nationally or regionally," Perciasepe wrote, noting that the Bipartisan Policy Center has advanced a similar viewpoint.

NERC's analysis looks at companies with "uncontrolled coal units" and assumes they will all adopt the "most expensive controls possible to comply with the standards ([Flue-gas desulfurization] and fabric filters), rather than selecting the most cost-effective technology that works for their facility," the letter says.

But meanwhile, most facility retirements in NERC's analysis come from the agency's EPA's 316(b) cooling water intake rule, due to be finalized this summer. But the assumptions in the analysis, the EPA says, repeat assumptions from a 2010 analysis about the cooling water rule that are "far more stringent and costly than the rule the EPA has actually proposed," the letter says.

The cooling water rule has, in fact, been a disappointment to many environmentalists who were hoping for more stringent and encompassing regulations.

The EPA has completed analysis on both the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards and "will conduct similar analyses prior to finalizing any other rule that may impact the power sector," the letter says.

Richard  
Windsor/DC/USEPA/US  
05/04/2011 01:31 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: Press release: Youth Sue the Government to Preserve  
the Future And Halt Climate Change

Tx  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 05/04/2011 01:26 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster  
<oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Scott Fulton; David  
McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons  
**Subject:** Press release: Youth Sue the Government to Preserve the Future  
And Halt Climate Change

FYI, Administrator, you are named in this suit in addition to the President, Secs. Salazar, Vilsack, Chu, Gates and Locke; they've also petitioned all 50 states for immediate GHG reductions.

## **Youth Sue the Government to Preserve the Future And Halt Climate Change**

**Lawsuits and administrative actions filed against the  
federal government and all 50 States to ensure reduction  
of carbon emissions and prevent climate catastrophe**

***"These unprecedented cases are being prosecuted by some of the most prominent trial attorneys in the country."* – Pete McCloskey, former U.S. Republican Congressman and Purple Heart Winner**

San Francisco, CA — Youth filed legal and administrative actions today against all 50 states and the federal government to force action on climate change. "This is something new – no climate litigation in the past has ever gone back to the first principle that the government must protect the public trust," said former Republican congressman Pete McCloskey. "The large body of litigation brought under environmental statutes is too narrow for the crisis at hand. Science, not politics, defines the fiduciary obligation that trustees must fulfill – it's the most common sense, fundamental legal footing for the protection of our planet."

The team of top legal experts, including McCloskey's firm Cotchett, Pitre & McCarthy, has been assembled by Our Children's Trust to represent the youth, who alongside their parents, are taking legal action out of fear of hitting a tipping point wherein global climate change cannot be stopped.

"Young people will be affected most by climate change and by our government's inaction. We can't vote, and we don't have money to compete with lobbyists," said

Alec Loorz, the 16-year-old founder of iMatter, who has been tirelessly working on the issue of climate change and global sustainability for the past three years. "We do, however, have the moral authority and the legal right to insist that our future be protected."

The legal actions rely on the long established legal principle of the Public Trust Doctrine that requires the government to protect and maintain certain shared resources fundamental for human health and survival.

"The public trust law in our country and around the world says that common resources like water and air are held in trust by the government for the people and for future generations," said Julia Olson, Our Children's Trust executive director. "Lawyers around the nation are providing legal assistance to young people to help them protect their future, since the government has abdicated that responsibility."

The goal of the legal and administrative actions is to force reductions in carbon dioxide emissions and implementation of reforestation programs that will counter the negative impacts of climate change. The youth plaintiffs in the cases are receiving legal support from Our Children's Trust, an organization dedicated to protecting the Earth for current and future generations.

"I am a father and a grandfather and am working with lawyers around the country and the world to hold our government to its job — protecting those resources that are essential for our youth and future generations," said Tom Beers, an attorney from Montana. "Our children deserve a livable world, like the one we have enjoyed. Alec Loorz inspires me to act on behalf of my own children and children everywhere."

The announcement of the lawsuits and administrative actions come just days before young people take to the streets in over a hundred planned marches around the globe, including over 70 cities across the United States, to demand the government act to halt climate change.

Fed-up with inaction to curb climate change, youth leaders led by Alec have announced plans for the iMatter March, the largest-ever mobilization of youth against climate change. Youth leaders across the globe are preparing to march in the streets May 7 - 14. Many of the same youth have joined as plaintiffs and petitioners in the legal and administrative actions that were filed today.

***Our Children's Trust** is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children--and their children's children. <http://www.ourchildrenstrust.org/>*

***iMatter** is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a*



*sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. <http://www.imattermarch.org/> <  
<http://www.imattermarch.org/>>*

####

Richard  
Windsor/DC/USEPA/US  
12/08/2010 10:13 AM

To: Brendan Gilfillan  
cc  
bcc

Subject: Re: The New Republic: Obama's Non Confrontational EPA

Hmmm. Um. Ok.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/08/2010 10:11 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster  
<oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David  
McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Gina McCarthy; Janet  
McCabe; Joseph Goffman  
**Subject:** The New Republic: Obama's Non Confrontational EPA

## The New Republic: Obama's Non Confrontational EPA

by Bradford Plumer

*Bradford Plumer is an assistant editor at The New Republic, where he reports on energy and environmental issues.*

Here's a quick sketch of how environmental policy will get made for the next two years. Congress won't pass any new laws. The EPA will try to use the authority it already has to mop up pollution from coal plants, factories, and vehicles (and the agency has a fair bit of existing authority to do so). Industry groups, Republicans, and more than a few Democrats will moan about the costs. And the Obama administration will then have to decide just how much confrontation it can really stomach. Any bets on how this will all play out?

Yesterday brings a sneak preview: The EPA [just announced](#) that it is asking for a year-long delay in crafting new rules that would lower toxic pollution from industrial boilers and solid-waste incinerators. The D.C. District Court had given the EPA until January 16, 2011, to set new standards that would reduce mercury and soot pollution from sources like oil refineries and paper mills. This isn't just some abstract tree-hugging measure; it would arguably do more for public health than any section of Obamacare: EPA experts [found](#) that cutting toxic pollution could prevent 5,000 deaths and 36,000 asthma attacks *each year*. (All told, the rule would have cost an estimated \$6.4 billion each year while delivering between \$138 billion and \$334 billion in annual health benefits — not a bad deal.) But the affected industries all griped that the costs were way too burdensome and buried the EPA in angry comments.

Now, EPA officials say they're seeking a delay because all those comments made them realize that the air-toxics rule could be structured more carefully. That's plausible. But it's *also* true that the agency has been under excruciating political pressure of late. Nearly 100 lawmakers have complained about the boiler rules. The likely new head of the House energy committee, Fred

Upton, [has bashed the standards](#) and is promising to drag EPA head Lisa Jackson in for enhanced interrogation. (Upton's concern? The Council of Industrial Boiler Owners thinks the costs will be far greater than EPA is projecting. It's worth noting that, historically, pollution rules [tend to be cheaper](#) than even the EPA expects.) And House Republicans will have a say in the agency's budget going forward, so Jackson can't just ignore them.

But this goes beyond one little pollution rule. Right now, the EPA is preparing a whole host of new regulations under the Clean Air Act. There's a national air quality standard for ozone pollution in the works. There's a looming decision about whether to regulate coal ash as a hazardous waste. There are new smog rules that would limit sulfur-dioxide and nitrogen-oxide emissions from coal power plants. And, of course, the EPA is still trying to formulate rules to crack down on greenhouse gas emissions. That last one is pretty much the country's only shot at tackling global warming, now that Congress has no interest in passing climate legislation.

Taken together, these new regulations could have an enormous effect on America's energy mix — [up to 20 percent](#) of the country's coal plants could get retired in the coming decade, potentially replaced with cleaner natural gas or even renewable power. It's hard to overstate what a massive shift that would entail. But, for that to happen, the EPA would actually have to slog ahead in the face of vicious opposition from Congress and industry groups. And it's unclear just how hard the agency is willing to battle. True, Barack Obama has said he'd veto any bill that crippled the EPA's greenhouse-gas authority, and Lisa Jackson [is fond of dismissing](#) apocalyptic cries by industry lobbyists. But today's announcement suggests that even Jackson doesn't want to get too heavy-handed.

Incidentally, this is why *American Electric Power v. Connecticut* is a Supreme Court case worth following closely. At stake is whether states, localities, and environmental groups can get courts to declare CO<sub>2</sub>-spewing power plants a "public nuisance" — and, in effect, get the legal system to force these plants to reduce their heat-trapping emissions. (See [here](#) for a detailed rundown.) The Second Circuit Court of Appeals ruled that, yes, such lawsuits could proceed, so long as the EPA wasn't taking its own steps to reduce greenhouse gas emissions. (So far, the agency [has only issued rules](#) governing *new* power plants, not existing ones.) We'll see what the Supreme Court says, but if these nuisance suits are allowed to go forward, that could push the EPA to speed up its climate regulations — for now, most of the pressure is coming from the opposite direction.

**Richard Windsor/DC/USEPA/US**  
12/07/2010 10:57 AM

To: Brendan Gilfillan  
cc  
bcc

Subject: Re: When does mact stuff go out?

Oh. So I can tell folks?  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2010 10:56 AM EST  
**To:** Richard Windsor  
**Subject:** Re: When does mact stuff go out?

It's shipped.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2010 10:55 AM EST  
**To:** Brendan Gilfillan  
**Subject:** When does mact stuff go out?

**Richard Windsor/DC/USEPA/US**  
12/07/2010 10:57 AM

To: Brendan Gilfillan  
cc  
bcc

Subject: Re: When does mact stuff go out?

Are there TPs?  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2010 10:56 AM EST  
**To:** Richard Windsor  
**Subject:** Re: When does mact stuff go out?

It's shipped.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2010 10:55 AM EST  
**To:** Brendan Gilfillan  
**Subject:** When does mact stuff go out?

**Richard Windsor/DC/USEPA/US**  
06/16/2011 08:48 AM

To: Brendan Gilfillan  
cc  
bcc

Subject: Re: [epa\_e-clips] US EPA - Daily News Clips - Thursday, June 16, 2011

Oh tx. Also - come get the money for the book you bought. Tx.

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

From: Brendan Gilfillan

Sent: 06/16/2011 08:10 AM EDT

To: Richard Windsor; "Larry Elworth" <Elworth.Lawrence@epa.gov>

Subject: Re: [epa\_e-clips] US EPA - Daily News Clips - Thursday, June 16, 2011

It's his weekly column on his Senate office site:

Time to Hold EPA Accountable

Over the past two and a half years, the Environmental Protection Agency (EPA) has grown increasingly intrusive when it comes to regulating agriculture and businesses. This has been reflected in my conversations with many of you. Whether it's a proposed rule to regulate farm dust or farm ponds, or energy plants threatened with shutting their doors due to increased regulations, it's clear EPA is out of touch with a country and economy still working hard to emerge from a recession. The agency's aggressive rulemaking regime highlights the need to take stronger steps to rein it in, which is exactly what I've done.

Making EPA's regulations all the more frustrating is its recent barnstorming charm offensive throughout the Midwest. EPA officials have been touring rural America, maybe even stopping in a town near you, in an effort to convince farmers and ranchers that the agency's aggressive regulations won't negatively impact producers. They are telling you the Obama Administration is not "doing anything new" when it comes to new rules, especially agricultural regulations. It's baffling and disingenuous that they'd tell this to farmers and ranchers while simultaneously telling Congress they won't blink an eye if their regulations put farmers or other job creators out of business.

The double talk at EPA goes all the way to the top. Administrator Lisa Jackson recently stated that EPA plans to meet farmers and ranchers and take their thoughts into account before enacting new proposals. Yet in a letter to 33 concerned U.S. Senators, Assistant Administrator Gina McCarthy wrote that when EPA drafts proposals regarding air quality standards, it is "not focused on any specific category of sources or any activity, including activities relating to agriculture or rural roads." She left no room for confusion by adding, "the agency is prohibited from considering costs." In other words, the costs to American agriculture and businesses have no bearing on EPA's pursuit of its regulatory regime, and despite their best public relations campaign, agriculture will not be exempted.

These words are already bearing bitter-tasting fruit. Earlier this month, American Electric Power announced it would likely close three coal plants in

West Virginia if EPA air quality regulations are finalized, at a cost of thousands of jobs. Everyone wants clean air, and EPA certainly should be focused on policies that improve the environment. But to be so blind to our country's agricultural and economic realities is leading us down a dangerous path.

Congress must now ramp up its oversight of EPA. Just as elected officials are held accountable for their decision-making, EPA officials must be held to the standard of their statements made to our country's farmers, ranchers and business owners. Their overreaching regulations will have rippling effects across the Heartland, and Americans have a right to know the price. Legislation I introduced with Senator Jim Inhofe (R-Okla.) would require a cost analysis of proposed EPA rules before they go into effect. With EPA revving up its charm offensive while pushing for more onerous regulations, it's imperative that everyone involved is aware of exactly how our country and our economy will be impacted. It's time to hold EPA accountable.

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

From: Richard Windsor  
Sent: 06/16/2011 07:59 AM EDT  
To: Brendan Gilfillan; "Larry Elworth" <Elworth.Lawrence@epa.gov>  
Subject: Fw: [epa\_e-clips] US EPA - Daily News Clips - Thursday, June 16, 2011

Can you get me the Johannis article referenced in the first article? Tx.

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

From: "EPA NEWS" [us-epa-reports@vocus.com]  
Sent: 06/16/2011 07:00 AM AST  
To: "EPA E-Clips" <epa\_e-clips@lists.epa.gov>  
Subject: [epa\_e-clips] US EPA - Daily News Clips - Thursday, June 16, 2011

Good Morning. Here are your daily news clips. This is a service provided by HQ's Office of External Affairs and Environmental Education. Please click on the link below for the clips. Contact the Office of Media Relations at 202-564-4355 if you have any questions.

[http://us.vocuspr.com/Publish/518041/Forward\\_518041\\_1458818.htm?Email=epa\\_e-clips%40lists.epa.gov&Date=6%2f16%2f2011+7%3a00%3a48+AM](http://us.vocuspr.com/Publish/518041/Forward_518041_1458818.htm?Email=epa_e-clips%40lists.epa.gov&Date=6%2f16%2f2011+7%3a00%3a48+AM)

-----  
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-----





**Richard Windsor/DC/USEPA/US**  
12/29/2010 05:33 PM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Bob Sussman, "Seth Oster", Betsaida Alcantara, Peter Grevatt, Lisa Garcia, Judith Enck, Steve Owens, Arvin Ganesan, Stephanie Owens, Dru Ealons

cc

bcc

Subject: Re: Dow Jones: EPA Warns of PCB Risks in Schools

Nicely done!  
Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 12/29/2010 05:22 PM EST

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Seth Oster <oster.seth@epa.gov>; Betsaida Alcantara; Peter Grevatt; Lisa Garcia; Judith Enck; Steve Owens; Arvin Ganesan; Stephanie Owens; Dru Ealons

**Subject:** Dow Jones: EPA Warns of PCB Risks in Schools

## EPA Warns of PCB Risks in Schools

### Dow Jones

By [TENNILLE TRACY](#)

WASHINGTON—Federal authorities are urging schools across the U.S. to replace the electrical components in older light fixtures to reduce the threat of contamination from potentially cancer-causing chemicals.

In nonbinding recommendations released Wednesday, the Environmental Protection Agency says many schools built before 1979 use light fixtures that contain polychlorinated biphenyls, a manmade chemical that can affect the immune system and reproductive system and can cause cancer if they build up in the human body.

The agency urges schools to replace the electrical components in the light fixtures to prevent the escape of PCBs into the air. If the chemicals do leak, they would not represent an immediate threat but could present health concerns if they persist over time, the EPA says.

If the electrical components are already leaking PCBs, federal law requires the schools to remove them immediately.

The EPA is urging schools to replace the components after a study of three schools in New York City revealed that many fixtures in the schools were leaking PCBs.

The EPA has also worked with school officials in Oregon, North Dakota and Massachusetts to address leaks.

"As we continue to learn more about the potential risks of PCBs in older buildings, EPA will work closely with schools and local officials to ensure the safety of students and teachers," said

Steve Owens, EPA's assistant administrator for chemical safety and pollution prevention, in a statement.

But the cost of replacing the electrical components, or the entire light fixture, could be high. New York City officials estimate it would cost \$1 billion to remove and replace lighting fixtures in about 800 buildings across the city.

Because of the expense, New York City officials have balked at the EPA's attempts to make sure the city remove and replace the light fixtures on an expedited schedule.

In a Dec. 21 letter to the EPA, New York City Deputy Mayor Dennis Walcott said the costs of replacing the fixtures, "during this difficult fiscal climate," would force the city to lay off staff and delay school-construction projects.

Mr. Walcott also accuses the EPA of singling out the city and says the agency should require all public and private buildings in the U.S. to replace older light fixtures.

Following the release of the EPA's new recommendation Wednesday, New York's U.S. lawmakers called on the New York City Department of Education to step up its testing and remediation efforts.

"PCB contamination is alarmingly widespread and threatens the health of potentially hundreds of thousands of schoolchildren," Democratic Reps. Jerrold Nadler and Joseph Crowley said in a statement Wednesday.

Prior to 1978, when the manufacture of PCBs was banned, lighting companies used PCBs in electrical equipment because they do not readily burn or conduct electricity. The EPA currently regulates the use, storage and disposal of PCBs, but there are still millions of pieces of equipment in the U.S. that were made prior to the rules, according to the EPA.

Richard  
Windsor/DC/USEPA/US  
11/29/2010 05:19 PM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, "Seth Oster", Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons, Bob Sussman, Lisa Heinzerling, Daniel Kanninen, Gina McCarthy

cc

bcc

Subject: Re: Newsweek Q and A; 'The EPA is Not the Villain'

THANKS!!!

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 11/29/2010 05:01 PM EST

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons; Bob Sussman; Lisa Heinzerling; Daniel Kanninen; Gina McCarthy

**Subject:** Newsweek Q and A; 'The EPA is Not the Villain'

## 'The EPA is Not the Villain'

### Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone.

Excerpts:

**People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response?** I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

**House Republicans have said they're going to subpoena you every week. What will be your defense?** I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

**Would there be room for a compromise to push all these regulations back one or two years?** I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO

in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

**One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations.** They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

**Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do?** It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

**Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging?** I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

**How much support have you gotten from the president?** It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
gilfillan.brendan@epa.gov

Richard Windsor/DC/USEPA/US  
10/26/2011 06:53 AM

To Charles Imohiosen  
cc  
bcc  
Subject Re: Banks draw up code on lending for power plants (not earth-shattering, but hey -- it's a start)

Tx

---

**From:** Charles Imohiosen  
**Sent:** 10/25/2011 09:41 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Gina McCarthy; Barbara Bennett  
**Subject:** Banks draw up code on lending for power plants (not earth-shattering, but hey -- it's a start)

## Financial Times

October 23, 2011 5:43 pm

# Banks draw up code on lending for power plants

By Pilita Clark, Environment Correspondent

Dirty coal-fired power plants would not be financed under standards being drawn up by some of Europe's banks, due to the growing pressure on lenders to scale down support for fossil fuels.

HSBC and [Standard Chartered](#) in the UK, and France's [BNP Paribas](#) and [Crédit Agricole](#) have helped develop the [Asset Management](#), in what is believed to be the first time financial institutions have joined together to set such standards.

More

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- [Challenge lies in meeting EU carbon goals](#)
- [Cost fears for carbon capture plan](#)
- [Editorial Market power](#)

"I think this is extremely significant in terms of sending a message that commercial banks are able to take into consideration the financing of coal-fired power plants that take [climate change](#) into consideration," said Francis Sullivan, a former HSBC adviser.

HSBC issued its own [policy](#) in January that prohibits the financing of new coal plants with emissions of more than 100g of CO2 per kWh. BNP Paribas published a similar [policy](#) in September and the two other banks are expected to follow suit. The four banks, like many large international commercial banks, have an extensive background in financing coal plants, which generate more than 40 per cent of the world's electricity and are estimated to account for more than 40 per cent of carbon emissions.

The number of coal-fired plants is expected to soar in coming years, especially in fast-growing economies, making those banks that finance them a target for environmental campaigners.

"The standards apply to any country in which a coal-fired power plant is being built, be it in Europe or elsewhere," said [Climate Group](#), a London-based non-profit body that worked with the banks to develop what it calls "climate-responsible" financing.

"But developing countries are where it has the potential to have the most impact, simply because of the scale of the coal industry there," Roberts said.

HSBC's Mr Sullivan said he could not say if the bank had rejected any applications as a result of its policy on plants with an emissions intensity above 850g of carbon dioxide per kilowatt hour in developing countries and developed nations.

"The challenge we have is that, where we have rejected funding requests, you are never sure if it's just the credit aspects, or other aspects of the project, may have been a contributing factor."

He said it was likely that the policy meant some coal projects would not make it past the early stages of financing, "cutting it off earlier," he said. "It avoids that time-wasting aspect."

A number of coal-fired plants have been financed by HSBC this year, he said, but was not able to say how many.

The guidance note, which The Climate Group hopes other banks will use to form their own policies, is part of a wider effort to reduce coal financing.

It outlines several carbon intensity options, including one that would preclude finance for any new plants with an emissions intensity of more than 850 grammes of carbon dioxide per kilowatt hour, which would exclude many proposed plants in developing countries.

Another limit of 550gCO<sub>2</sub>/kWh would be aimed at plants in developed countries where there is widespread use of environmentally friendly coal plants, such as those that burn plant-based fuels as well as coal.

The Climate Group note urges new coal-fired plants to be made ready for carbon capture and storage technology, which is "unlikely to be available for commercial deployment before 2020-2025", a point underlined in the original document.

[first pilot CCS project](#) last week.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

**Richard Windsor/DC/USEPA/US**  
04/28/2011 06:13 AM

To Charles Imohiosen  
cc  
bcc  
Subject Re: BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

V interesting.  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 04/28/2011 01:07 AM EDT  
**To:** Richard Windsor  
**Subject:** BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

**BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)**

Joel Kirkland, E&E reporter

Wal-Mart may have more to do with expanding solar power in America than homeowners with wide roofs or government subsidies.

Dow Chemical's Elizabeth Singleton calls the idea that one huge retailer can force other big companies to adopt sustainable energy practices the "Wal-Mart effect."

"Why do they care so much about energy? Nobody cares as much about cost as Wal-Mart," Singleton said. "When you sell to them, they drive a very hard bargain across the board. They want to know what suppliers are doing to minimize their risks."

Speaking on a panel about the future of solar power, sponsored by the Department of Energy and George Washington University, in Washington, D.C., Singleton and others said the melding of emerging price competitiveness with conventional energy and longer-term economic incentives will keep U.S. solar power producers in business. For companies like Wal-Mart, they said, driving down volatile electricity costs by first investing in expensive solar panels -- and pressing their vendors to spend money on renewable energy -- is a business decision that shareholders understand.

"It's that driver that takes us back to the economics," Singleton said. "I don't think Wal-Mart would be doing it, otherwise. It drives it down the supply chain."

Slowly but surely, panelists said, renewable energy is moving from a debate about electricity prices to one about the "economic value" in wind or solar power. For product suppliers pressed by Wal-Mart to explain how sustainable their energy supplies are, the underlying "value" in adopting clean energy is a company's future business with Wal-Mart.

U.S. solar power capacity has grown considerably in the past four years, but it's a fraction of U.S. energy output. But U.S. solar companies and big banks are looking for investors. BrightSource Energy Inc., based in Oakland, Calif., filed papers with U.S. securities regulators this week announcing plans to conduct an initial public offering. It hopes to raise \$250 million through the IPO.

Talking value

BrightSource, a maker of concentrated solar power technology, has secured a \$1.6 billion loan guarantee from DOE to help it raise enough money to build the proposed 400-megawatt Ivanpah project in California's Mojave Desert. Google this month also said it will spend \$168 million to help fund the Ivanpah project.

Last week, DOE also offered a \$2.1 billion credit line to Solar Trust of America LLC to help build a 484-megawatt plant in Riverside County, Calif.

With the federal government sinking a hefty direct investment into BrightSource, panelists yesterday said buy-in by private investors remains critical.

"How do we move the discussion about renewables and solar away from price [to] talk about value?" said Andrew Murphy, an executive vice president at NRG Energy, an independent power producer that plans to spend at least \$2 billion on renewable power projects in the near term.

On price, comparisons should be made between building new coal- or natural gas-fired power plants and the capital costs of building utility-scale solar projects.

Kathy Weiss, vice president for federal affairs for First Solar, based in Tempe, Ariz., said solar technology development is driving toward producing electricity for 10 cents per kilowatt-hour. As utilities respond to U.S. EPA efforts to enforce the Clean Air Act by shutting the nation's cheapest but dirtiest power plants, she said solar quickly becomes competitive with the cost of building a high-efficiency coal plant.

"If you're judging renewables versus new coal, versus new nuclear, versus gas peaking, then you're really not very far away from being quite competitive," she said

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry



**Richard Windsor/DC/USEPA/US**  
11/26/2011 10:15 AM

To Charles Imohiosen  
cc  
bcc  
Subject Re: North America 2050 Initiative Created For State Collaboration on Climate, Energy

Tx  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 11/26/2011 07:37 AM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** North America 2050 Initiative Created For State Collaboration on Climate, Energy  
Daily Environment Report: News Archive > 2011 > November > 11/28/2011

North America 2050 Initiative Created For State Collaboration on Climate, Energy

By Carolyn Whetzel

LOS ANGELES—States interested in collaborating on climate change and energy policies have a new forum called North America 2050.

The forum grew out of an effort that began in 2009 when representatives of the Regional Greenhouse Gas Initiative (RGGI) in the East, the Western Climate Initiative (WCI), and the Midwestern Greenhouse Gas Reduction Accord (Midwest Accord) teamed up to share information, Doug Scott, former director of the Illinois Environmental Protection Agency and representative to the Midwest Accord, told BNA Nov. 23.

Political shifts in state houses have prompted states involved in WCI and the Midwest Accord to retreat from plans to pursue regional greenhouse gas emissions cap-and-trade programs, but the states still want to keep working together on a variety of issues, said Scott, now chairman of the Illinois Public Utilities Commission (224 DEN A-13, 11/21/11).

“There are a lot of reasons for states to work together on climate and energy policies,” Scott said. “The ability to promote energy efficiency and create jobs” is something all states can get behind. Sharing and developing strategies for implementing federal regulations, like the new source performance standards for stationary sources the Environmental Protection Agency is proposing, can be helpful, he said.

“All the states are going to have to deal with the federal rule,” Scott said.

Formal Structure Sought

Efforts are under way to formally establish North America 2050 (NA 2050), which will adopt the basic “work group” framework for collaboration established when WCI and the Midwest Accord were formed, Scott said.

Specifically, NA 2050 will create work groups to address the energy, climate change, and economic challenges facing each partner jurisdiction, he said.

The first news of NA 2050 emerged with the Nov. 10 announcement by WCI Inc. that California and the Canadian provinces of British Columbia, Manitoba, Ontario, and Quebec had formed a nonprofit organization to support linking their respective cap-and-trade programs.

A fact sheet on the WCI website said NA 2050 “is open to all U.S. States, Canadian Provinces, and

Mexican States committed to policies that move their jurisdictions toward a low-carbon economy while creating jobs, enhancing energy independence and security, protecting public health and the environment, and demonstrating climate leadership.”

“We plan a face-to-face meeting early in 2012,” Scott said.

The new partnership will aim to coordinate efforts to develop cost-effective policies; advocate for appropriate roles for federal, state, and provincial governments; reduce greenhouse gas emissions; and demonstrate the economic benefits of policies, the fact sheet said.

Creation of Seven Work Groups

NA 2050 envisions the creation of seven work groups to:

- evaluate the benefits of a low-carbon economy,
- better understand and prepare for implementing the new source performance standard requirements for the power sector,
- develop programs to promote industrial energy efficiency,
- examine issues surrounding carbon capture and sequestration,
- evaluate and support the use of harvested biomass fuels,
- develop high-quality offsets that could be used for emissions trading or for other purposes, and
- examine issues related to possible linking of emissions trading programs in the future.

According to Scott, all the original partners of WCI (Arizona, California, Montana, New Mexico, Oregon, Utah, Washington, British Columbia, Ontario, and Quebec); the Midwest Accord (Wisconsin, Minnesota, Illinois, Iowa, Michigan, Kansas, and Manitoba), and RGGI (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont) are expected to continue working together through NA 2050.

In addition, the hope is that other states will join the forum, Scott said.

CARB Chief Supports New Entity

Mary D. Nichols, chairwoman of the California Air Resources Board, said in a Nov. 17 statement in support of NA 2050, “We have high hopes that this effort will enable our state and provincial partners to join us in taking comprehensive action that reduces greenhouse gas emissions and creates economic opportunities.”

“There are many opportunities for states and provinces to take real, measurable steps to cut carbon emissions and reduce petroleum dependency,” the statement said.

Nichols reiterated California's commitment to link its multisector greenhouse gas emissions trading program to those being developed in British Columbia, Manitoba, Ontario, and Quebec.

The fact sheet on North America 2050 is available at

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

**Richard Windsor/DC/USEPA/US**  
05/11/2011 07:15 AM

To Charles Imohiosen  
cc Bob Perciasepe  
bcc  
Subject Re: Bloomberg-Clinton group

Yes!

Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 05/10/2011 11:00 PM EDT  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe  
**Subject:** Bloomberg-Clinton group

Administrator,

Would you be interested in meeting with the leadership of the newly merged Bloomberg (C40)-Clinton Climate Initiative (CCI) organization?

Best,

Charles

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

**Richard Windsor/DC/USEPA/US**  
11/16/2011 01:36 PM

To Daniel Kanninen  
cc  
bcc

Subject Re: Madison Clips - 11/15/2011

Aww

Daniel Kanninen

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

**From:** Daniel Kanninen

**Sent:** 11/16/2011 12:55 PM EST

**To:** Alisha Johnson

**Cc:** Andra Belknap; Arvin Ganesan; Betsaida Alcantara; Brendan Gilfillan; David Bloomgren; Dru Ealons; Elizabeth Ashwell; Heidi Ellis; Jose Lozano; Dan Kanninen <kanninen.daniel@epa.gov>; Laura Vaught; Michael Moats; Richard Windsor; Sarah Pallone; Seth Oster; Stephanie Owens

**Subject:** Re: Madison Clips - 11/15/2011

One more just popped up on my google alerts...with a pic!



Environmental Protection Agency Administrator Lisa Jackson works with first-graders at Leopold Elementary School on a science experiment Tuesday.

## Chalkboard: EPA chief visits Leopold Elementary

SUSAN TROLLER | The Capital Times | [stroller@madison.com](mailto:stroller@madison.com) | Posted: Wednesday, November 16, 2011

It's not often that an elementary school class gets a visit from a member of the President's Cabinet.

On the other hand, Cabinet members don't often meet 6- or 7-year-old scientists wearing lab coats and goggles.

On Thursday afternoon, Lisa Jackson, chief of the Environmental Protection Agency and a top member of President Obama's Cabinet, had a special opportunity to chat with Aldo Leopold Elementary first-graders about things like water quality, acid rain and global warming.

Those are things that are important to Jackson, a chemical engineer, and they appeared to be important to the children, too.

When she asked the first-graders who wanted to be a scientist when they grew up, a dozen small hands shot up.

Earlier in the day, Jackson was talking with older folks at Union South on the UW campus, warning of threats to the state's water quality in the last 40 years.

But in the afternoon it was a happier message as the EPA chief toured Madison's largest elementary school savings and efficiencies in the last couple of years.

The school has been working in partnership with Sustain Dane and Madison Gas and Electric as part of a coalition of businesses, the University of Wisconsin and the city of Madison to use energy more wisely and efficiently. The program, funded through a \$500,000 federal grant and a \$250,000 match from MGE, makes Madison one of just 25 States.

The next step is ramping up energy efficiency and sustainability in local schools. According to Madison Superintendent Leopold, with Leopold and its staff and students leading the way by good example.

"Leopold has done more than any other school in the district to reduce its environmental footprint by saving energy. We're very excited to be working with Sustain Dane and our other partners on making local schools more sustainable."

In her remarks at the school, Jackson made it clear that investing in school buildings would be an important part of the state's energy efficiency plan.

"Right now, a majority of our school buildings in America are over 40 years old. We spend over \$6 billion in energy on school buildings, we spend on computers and textbooks combined," she says, adding that improving energy use and efficiency is a "win/win" proposition for students and for the environment.

Read more:

[http://host.madison.com/ct/news/local/education/blog/chalkboard-epa-chief-visits-leopold-elementary/article\\_43dtMjs3tO](http://host.madison.com/ct/news/local/education/blog/chalkboard-epa-chief-visits-leopold-elementary/article_43dtMjs3tO)

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

Alisha Johnson

All, Below are the clips covering the Ad...

11/16/2011 12:31:21 PM

From: Alisha Johnson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Dan Kanninen <kanninen.daniel@epa.gov>, Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 11/16/2011 12:31 PM  
Subject: Madison Clips - 11/15/2011

All,  
Below are the clips covering the Administrator's visit to Madison, WI yesterday.

- The Capital Times - "EPA head says it's time to halt attacks on environmental laws"
- The Daily Cardinal (UW Madison paper) - "EPA administrator praises UW's environmental leadership"

- The Hill - "Overnight Energy: EPA's Jackson slams GOP 'jobs' plan"
- WisBusiness - "EPA leader criticizes House GOP for undermining regulations"

### **Campus Connection: EPA head says it's time to halt attacks on environmental laws**

The Capital Times

November 16, 2011 6:30 am

Todd Finkelmeyer

If you're a fan of clean air and water, it's time to make your voice heard.

That was the message delivered Tuesday afternoon by Environmental Protection Agency Administrator Lisa Jackson to a crowd of about 400 people on the University of Wisconsin-Madison campus.

"I think there is real value to getting outside the Washington Beltway and really talking to people about environmental issues of the day and engaging them a bit in what's going on in Washington," Jackson said in a short interview after her roughly hour-long presentation in the Varsity Room of the new Union South. "Because whether we like it or not, environmental issues are becoming the focus of some political attention and I don't think that's necessarily going to be good for public health or welfare over the short term or the long term."

During her 20-minute speech and 35-minute question-and-answer session with the student-dominated audience, Jackson noted how the "source of everything we do" can be traced to the efforts of Gaylord Nelson, the U.S. senator from Wisconsin who helped parlay a growing environmental movement into the first Earth Day back in 1970.

That movement led to the creation of the Environmental Protection Agency by Republican President Richard Nixon, also in 1970.

After passage of the 1969 National Environmental Policy Act, Jackson told the audience, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act and the Toxic Substances Control Act were "all passed in very quick succession. That was amazing progress in a very short amount of time. The Civil Rights movement had been a pretty high-profile movement at that time for almost two decades. The anti-war movement had been going on for years and would continue for many more. By contrast, the modern environmental movement went from its inauguration, if you will, at Earth Day to a sweeping set of foundational environmental laws in about six years."

But much of the progress of the past 40 years is in jeopardy, Jackson warned.

"For those who were born after 1970, it could be the first time in your lives that the health and environmental protections you grew up with are not steadily improved, but deliberately weakened," she said.

That's because as the greatest economic crisis since the Great Depression continues, some are voicing concerns that this push for even cleaner air and water is costing us much-needed jobs. Wisconsin Manufacturers & Commerce put out a press release Tuesday asking Jackson to "stop the regulations that are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Kurt Bauer, president and CEO of WMC, said in the news release.

Bauer added that the pending Industrial Boiler MACT Rule, for example, could force the shuttering of 11 paper mills in Wisconsin at the cost of up to 7,500 jobs by forcing the companies to pay more than \$400 million to comply with the rule.

Jackson hadn't read the WMC release so refused to speak to it directly, but noted "there was a study not long ago that said just complying with one of the Clean Air Act's requirements created thousands and thousands of jobs for boilermakers and pipefitters and plumbers who got hired to make sure these boilers were upgraded."

The EPA website also notes the Industrial Boiler MACT standards, which are "currently going through interagency review, are meant to protect Americans from mercury, soot, lead and other harmful pollutants released by boilers and incinerators that can lead to developmental disabilities in children, as well as cancer, heart disease, aggravated asthma and premature death."

To be clear, Wisconsin Manufacturers & Commerce isn't alone in its anti-EPA sentiments. Jackson told the UW-Madison audience that since the start of the year, Republicans in the House have voted 170 times and counting -- nearly a vote for every day the chamber has been in session -- to undermine the EPA and environmental laws. She added that these provisions, if they were to become law, would represent a startling rollback of the Clean Air Act, the Clean Water Act and a range of waste-disposal laws.

And most of the attacks against the EPA, Jackson noted, are using the economy as justification by pushing "unfounded claims" that environmental regulations kill jobs.

"There is not a credible economist out there who thinks that smart, sensible protections for our air and our water and our land are going to harm job growth," she said after her talk.

Jackson told the audience she's no fan of this "pseudo jobs plan that protects polluters." In this regard, Jackson wishes more people would focus on the health costs associated with allowing major polluters to continue with the status quo.

She noted that of the 1,100 coal-fired power plants in the country, more than 40 percent use no pollution controls -- even though they're widely available -- which allows unnecessary amounts of mercury, lead and other pollutants into the air. She said EPA regulations regarding mercury and other pollutants that the agency hopes to have finalized by mid-December could save the country \$140 billion per year in health costs by 2016.

Yet even if you don't think scrubbing additional pollutants out of the air should be a priority, Jackson said the EPA estimates the rules will create 31,000 short-term construction jobs -- and 9,000 long-term -- through modernizing power plants.

Jackson was pleased that just last week the U.S. Senate rejected a proposal to stop the EPA from implementing a rule aimed at limiting pollution that crosses state lines and hurts air quality. The EPA regulation requires coal plants in 27 states to cut emissions.

Nonetheless, Sen. Rand Paul, the Kentucky Republican who introduced the proposal to block the EPA rule, called this another example of a "job-killing regulation" by the Obama administration, according to USA Today.

In other words, there are competing visions for how the country should move forward on these

environmental issues.

Jackson asked, "What's going to win -- the populist view or special interests?"

"One (view) says that we can allow science and law and innovation to protect our health and environment and grow a clean, sustainable economy in the process," Jackson said in her speech. "The alternative vision says that going forward requires rolling back standards to clean air and clean water. It says we have to increase protection for big polluters while reducing the safeguards for the rest of us. After 40 years of progress, the American people still believe in the first vision."

Added Jackson: "More than half of Republican voters recently said that they oppose the congressional proposal to stop the EPA from enacting limits on air pollution for power plants. More than three-quarters of Americans support new EPA standards for mercury and air toxins. So, just like back in 1970, we need a little help. Students and parents and educators and young people have always driven the environmental movement. After all, it is your planet."

### **EPA administrator praises UW's environmental leadership**

The Daily Cardinal

By Alison Bauter

Wednesday, November 16, 2011 2:41 am

Environmental Protection Agency Administrator Lisa Jackson said UW played an important role in the environmental movement.

Loud applause greeted the Environmental Protection Agency's Lisa Jackson as the agency administrator addressed a packed Varsity Hall Thursday on the importance of the EPA's economic role.

President Barack Obama appointed Jackson in 2008 as the EPA's first African-American administrator. Her career has been characterized by a push for conservation-based economic innovation and environmental justice.

"It's good for me as EPA administrator to come into Wisconsin," Jackson said Tuesday. "It's really like coming back to home to the source of everything we do."

Jackson praised UW-Madison for its past leadership in the environmental movement and called upon faculty and students to continue to "drive the environmental movement."

"We need that same nationwide concern mobilized to pull these issues out of the political gridlock of today," Jackson said.

That drive is especially crucial now, as Republican lawmakers vote to "undermine" the EPA and national environmental law, she said.

Jackson attributed anti-environmental legislation to "misinformation" spread by lobbyists, corporations and news organizations, and she sought to dispel common misconceptions. Chief among those, Jackson said, is the misconception that EPA spending and regulation harm the national economy.

Jackson credited Obama for continuing to fund the EPA in the face of economic recession, because the president "knows the choice between the environment and the economy is a false choice."



In the face of "a new generation of environmental challenges," Jackson emphasized tying environmental innovation, like hybrid transportation and green energy, to growing the economy. "It is clear we could have a clean environment and a good economy," Jackson said.

### **Overnight Energy: EPA's Jackson slams GOP 'jobs' plan**

The Hill

By: Ben Geman and Andrew Restuccia

11/15/11

Environmental Protection Agency Administrator Lisa Jackson blasted House Republicans Tuesday for voting to block or delay a slew of clean-air regulations, arguing that the GOP's jobs plan should be renamed "too dirty to fail."

"Since the beginning of this year, Republican leadership in the House of Representatives has orchestrated 170 votes against environmental protection," Jackson said during a speech at the University of Wisconsin-Madison. "That is almost a vote for every day the chamber has been in session to undermine the Environmental Protection Agency and our nation's environmental laws."

Jackson said the votes are a response to "myths and misleading information," including that the EPA is "putting forward a 'train wreck' of regulations that will hobble our economy."

"We all remember 'too big to fail'; this pseudo jobs plan to protect polluters might well be called 'too dirty to fail,'" she said.

The EPA chief blamed the press for giving too much coverage to climate skeptics and EPA opponents.

And, she lamented, citing a series of recent disasters and a slew of scientific evidence, what she called the slow progress on environmental policy.

From the speech:

"You begin to see why we are witnessing an unprecedented effort to roll back the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws; to see why, less than three years after a coal ash spill that covered 300 acres of Tennessee country, the House majority passed legislation preventing EPA from regulating coal ash. You see why, less than two years after the Deepwater Horizon BP spill, the best idea industry groups like the American Petroleum Institute have for creating jobs is to de-regulate drilling. And you see how, after the second-hottest summer on record, followed by a foot of late-October snow on the East Coast and the reversal of a leading climate skeptic, people are still working to stop the EPA from taking vital steps to cut carbon pollution."

**WisBusiness**

11/15/2011

By Andy Szal

Environmental Protection Agency Administrator Lisa Jackson defended her agency's initiatives under the Obama administration before a UW-Madison audience today, chastising House Republicans for a series of votes she says undermine the nation's environmental regulations.

"It would have been easy to tell EPA to just sit and wait," Jackson said of the economic downturn that accompanied the president into office in 2009.

"(But) he directed us to do our job," Jackson said.

Jackson did not shy away from her agency's goals, which included confronting climate change, improving control of conventional air and water pollution, targeting "under-regulated" toxics in consumer products and establishing "environmental justice" in vulnerable areas of the county.

But she said widespread claims about items that aren't on the EPA's radar -- particularly greater regulation of small sources of pollution -- have fostered distrust of the agency.

Jackson cited rumors on regulating dust and commercials charging that the agency is considering regulating livestock.

"If that's the level of our discourse, then I think that's very dangerous," Jackson said.

She also criticized House Republicans, charging that they've taken upwards of 170 votes to restrict environmental protection this year, and arguing that the country is in jeopardy of rolling back those regulations for the first time since 1970.

She dubbed the House GOP approach "too dirty to fail," arguing that rolling back regulations to grow the economy ignores the scale of the challenges facing the country.

Rather, she said, uniform regulation of large industries would foster job creation. She said new mercury standards set to be unveiled next month are alone expected to create 31,000 construction jobs and 9,000 additional permanent positions at the nation's power plants.

Jackson said she hopes to return to the citizen-fueled, bipartisan environmental movement that followed the first Earth Day in 1970. She noted Wisconsin U.S. Sen. Gaylord Nelson's role in establishing that first Earth Day, and praised the state's work on environmental protection -- particularly actions in the last session to rein in phosphorus levels.

"We can have a clean environment and a growing economy," Jackson said.

Wisconsin Manufacturers and Commerce President Kurt Bauer called on Jackson to stop proposed EPA regulations that "are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Bauer said in a statement issued prior to Jackson's visit to UW-Madison's Union South.

He also called on Congress to pass a proposal from U.S. Sen. Ron Johnson, R-Oshkosh, and U.S. Rep. Reid Ribble, R-Sherwood, to put a moratorium on new federal regulations.



Richard  
Windsor/DC/USEPA/US  
03/11/2011 02:01 PM

To David McIntosh  
cc  
bcc

Subject Re: good initial trade press story on the hearing

Agreed! Tx!  
David McIntosh

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


**From:** David McIntosh  
**Sent:** 03/11/2011 01:54 PM EST  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Laura Vaught  
**Subject:** good initial trade press story on the hearing

----- Forwarded by David McIntosh/DC/USEPA/US on 03/11/2011 01:54 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/11/2011 01:52 PM  
Subject: From Greenwire -- CLIMATE: House EPA bill would force U.S. consumers to waste oil -- Jackson

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:



An E&E Publishing Service

**CLIMATE: House EPA bill would force U.S. consumers to waste oil -- Jackson** *(Friday, March 11, 2011)*  
**Gabriel Nelson and Jean Chemnick, E&E reporters**  
 Though top House Republicans have argued that U.S. EPA's climate rules will slam consumers by raising the cost of gasoline, a bill to reject the agency's greenhouse gas regulations would backfire by causing Americans to waste hundreds of millions of barrels of oil, U.S. EPA Administrator Lisa Jackson said today.  
 She made the comments in testimony before members of the House Energy and Commerce Committee, one day after the bill (**H.R. 910**) cleared the Energy and Power Subcommittee. The full panel is expected to pass the legislation next week.  
 House Energy and Commerce Chairman Fred Upton (R-Mich.) and his colleagues have tried to tie the bill to high gas prices, which are flirting with \$4 per gallon and are expected to go even higher as summer driving season approaches. They say the new limits on greenhouse gas emissions from power plants, refineries and other large industrial plants will cause a spike in energy prices, but Jackson said today that people would need to spend more money on gas if EPA is not allowed to set new fuel efficiency standards for cars and trucks.  
 "It would increase our oil dependence by hundreds of millions of barrels," she said of the bill. "It would do so by blocking EPA's common-sense steps under the Clean Air Act on vehicle standards, because that bill -- although it recognizes past standards -- undoes the endangerment finding on which those standards are based, and then takes EPA out of the process for years 2016 and beyond."

During debate on the bill, Republicans cited a 2009 statement by Jackson in which she said Clean Air Act limits on greenhouse gases would cost more than a cap-and-trade bill setting an overall limit on carbon emissions. And according to Republican estimates, the climate bill would already cost households thousands of dollars a year. "Per Lisa Jackson herself, greenhouse gas regulation is expected to impose even greater economic costs than the bills that ultimately failed in Congress," Upton and Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) said in a letter that was circulated before yesterday's vote.

Republicans slammed Jackson on her comments today, pointing to the bill's exemption for tailpipe emissions rules through 2016.

But it would bar the agency from setting future limits on the amount of carbon dioxide that cars and trucks can release for every mile traveled. The measure would not affect the Department of Transportation's ability to set corporate average fuel economy standards for future years, but advocates for the standards say they would likely be less stringent than EPA's tailpipe standards because DOT looks at different criteria when it sets them.

### **The budget divide**

Republicans are hoping to roll back EPA's spending to 2008 levels, which would require a cut of about \$3 billion from the \$10.2 billion that the agency was given in fiscal 2010. There is a \$2 billion gap between their target and the \$9 billion budget President Obama has put forward for fiscal 2012, setting up a spending clash beyond the current spat over funding for the rest of fiscal 2011.

But as the Republicans seek to shrink the deficit, they are also hoping to cut regulations they say are holding back the economy.

EPA's spending request of \$9 billion is a relatively small price tag, considering that this year's deficit is expected to total about \$1.5 trillion, but "the less transparent and vastly larger cost that job creators must pay to comply with your regulations is especially concerning," Upton said in his opening statement.

"We want to trim both," he added.

Democrats on the panel criticized the Republicans' spending plans as well as the bill blocking EPA's climate rules, describing it as a broader assault on environmental programs.

The new Republican majority of the House is both "anti-environment" and "anti-science," Energy and Commerce ranking member Henry Waxman (D-Calif.) said today. Their spending bill for the rest of the current fiscal year, which included a number of amendments to stop EPA from using its funding to follow through on certain programs, was the "most sweeping and reckless assault on health and the environment that we have seen in decades," he said.

Jackson echoed that criticism, cautioning the committee about overriding the scientific finding that greenhouse gases are a threat to human health and welfare.

"You might well be remembered more for that than for anything else you do," she said.

### **Jackson replies on climate settlements**

Yesterday, Jackson sent a [letter](#) to Energy and Commerce Chairman Fred Upton (R-Mich.) rebutting his claim that EPA had gone against the rules of President Obama's new regulatory review initiative by agreeing to create another round of greenhouse gas limits for power plants and refineries behind closed doors.

The agency announced its plan to set the rules, called New Source Performance Standards, after reaching a settlement with environmentalists in December. Industry groups grumbled that they had been left out of the settlement talks, which led to deadlines for the new rules, but EPA and the Justice Department followed the usual process for legal negotiations, Jackson wrote yesterday.

EPA agrees that it is obligated to set the new greenhouse gas limits, she added, saying the settlement was necessary "to avoid wasting taxpayer money on further pointless litigation, and to follow the law as interpreted by the Supreme Court."

Upton and Sen. James Inhofe (R-Okla.) said EPA should have consulted with industry groups before agreeing to the stricter rules for greenhouse gas emissions ([E&E Daily](#) ,

March 3).

But the agency has not chosen any rules yet, Jackson wrote. Since striking the deadline deal, EPA has held five "listening sessions" to get advice on the new rules from businesses, advocacy groups and the states.

"By reaching a settlement that provides deadlines by which EPA will complete a rulemaking process," Jackson added, "the agency avoided the risk that court-ordered schedules would be shorter and prevent EPA from proceeding in a measured and careful manner with the full involvement of all interested persons."

At today's hearing, Jackson said lawsuits could eventually make the agency agree to set the standards for other pollution sources. She was responding to Rep. Lee Terry (R-Neb.), who quizzed the administrator on her plans to formulate similar standards for the electric arc furnaces used in metal production.

"We will have to come out with a schedule at some point to regulate them, but we believe we don't have to do that in the near future," Jackson said.

[Click here](#) to read the letter.

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### About Greenwire

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Richard Windsor/DC/USEPA/US  
11/29/2010 06:05 PM

To David McIntosh  
cc  
bcc

Subject Re: Newsweek Q and A; 'The EPA is Not the Villain'

Thanks Mac.  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 11/29/2010 05:53 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Newsweek Q and A; 'The EPA is Not the Villain'

Very nicely done. These are very compelling.

Brendan Gilfillan	'The EPA is Not the Villain' Administra...	11/29/2010 05:01:38 PM
-------------------	--	------------------------

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
**Date:** 11/29/2010 05:01 PM  
**Subject:** Newsweek Q and A; 'The EPA is Not the Villain'

## 'The EPA is Not the Villain'

### Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

**People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response?** I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

**House Republicans have said they're going to subpoena you every week. What will be your**

**defense?** I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

**Would there be room for a compromise to push all these regulations back one or two years?** I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

**One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations.** They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

**Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do?** It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

**Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging?** I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

**How much support have you gotten from the president?** It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
gilfillan.brendan@epa.gov



Richard  
Windsor/DC/USEPA/US  
11/17/2010 08:15 AM

To David McIntosh  
cc  
bcc

Subject Re: Sen Baucus says he won't support the Rockefeller bill

Tx

David McIntosh

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

**From:** David McIntosh

**Sent:** 11/17/2010 07:15 AM EST

**To:** Richard Windsor; Diane Thompson; Bob Perciasepe; Seth Oster

**Subject:** Sen Baucus says he won't support the Rockefeller bill

Excerpt from the story that is pasted below:

But Sen. Max Baucus (D-Mont.), who previously expressed concerns about EPA's regulations, said he would not support the resolution on the floor. "I'm a little nervous about EPA making a sweeping decision," he said. "On the other hand, I don't support the Rockefeller bill. I don't even know if we are going to get to vote on that subject, because we have other issues that are more imminent."

## **CLIMATE: No schedule yet for Senate vote on EPA resolution (Tuesday, November 16, 2010)**

**Katherine Ling, E&E reporter**

A Senate floor vote on a resolution delaying U.S. EPA regulation of greenhouse gas emissions will depend on Republican cooperation on unemployment insurance extension and other issues, the EPA measure's lead sponsor said today.

Sen. Jay Rockefeller (D-W.Va.) said he plans to meet with Majority Leader Harry Reid (D-Nev.) later today to discuss the timing of a vote on his resolution, but that its consideration could largely depend on Republicans.

Rockefeller cautioned that the GOP could effectively "shut everything down" on the unemployment insurance extension, which is set to expire on Nov. 30. That issue, he said, could mean the difference between an abridged lame-duck session -- with little time to vote on an EPA delay -- and a longer stretch of legislating.

Reid also expressed uncertainty that a vote on the Rockefeller resolution would happen. "It is real hard just to say 'Yeah, we can do this,' because we have limited time to go through all the procedural motions," Reid said after the Democratic caucus meeting today. "But if there is a way we can do it, I will be happy to work with him."

Sen. Kit Bond (R-Mo.), who tried to pass Rockefeller's resolution by unanimous

consent in September, said Republicans are going to try and bring up the resolution on legislation that is moving in the lame duck, although he said he was not sure what that would be.

If Rockefeller's resolution is brought up, Sen. Bob Casey (D-Pa.) said, he and other EPA supporters are weighing an effort to counteract the measure. Casey and Sen. Tom Carper (D-Del.) have floated a countermeasure similar to EPA's "tailoring" rule that would exempt small emission sources while allowing regulation of the largest polluters.

A vote on the Rockefeller resolution "might provide an opportunity for an alternative," Casey said.

"It depends on if there's a vote, what that vote looks like, floor time, agreements -- I mean all the variables that even the leaders can't control," Casey said.

There is disagreement among moderate Democrats, as well.

Sen. Claire McCaskill (D-Mo.), a co-sponsor of the Rockefeller resolution, said earlier today that she was hopeful it would be brought up. But Sen. Max Baucus (D-Mont.), who previously expressed concerns about EPA's regulations, said he would not support the resolution on the floor.

"I'm a little nervous about EPA making a sweeping decision," he said. "On the other hand, I don't support the Rockefeller bill. I don't even know if we are going to get to vote on that subject, because we have other issues that are more imminent."

Richard  
Windsor/DC/USEPA/US  
05/10/2011 10:53 AM

To David McIntosh  
cc  
bcc

Subject Re: The Yes Men target Peabody with a satirical campaign.

Oh my  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 10:40 AM EDT  
**To:** Richard Windsor  
**Subject:** The Yes Men target Peabody with a satirical campaign.

### **Peabody Energy (NYSE: BTU) Announces "Coal Cares™" Initiative, New Nationwide Campaign Against Stigma of Childhood Asthma**

ST. LOUIS, May 10, 2011 / PRNewswire via COMTEX/ -- Peabody Energy today announced the creation of an innovative new public health initiative designed to combat the stigma of asthma among American children ages 0-18. With Coal Cares™ ([www.coalcares.org](http://www.coalcares.org)), Peabody will offer free, custom-branded [inhaler actuators](#) to children living within 200 miles of a coal plant, along with coupons worth \$10 towards the purchase of the asthma medication itself.

"Too many young Americans face daily schoolyard taunting and bullying because of a condition over which they have no control," said Gregory H. Boyce, Chairman and Chief Executive Officer of Peabody Energy. "By re-branding the inhaler as a cool, individualized, must-have accessory, Coal Cares™ will empower children to tell bullies: 'suck it up.'" Children can choose from a variety of youth-themed inhaler cases, from tween faves like "the Bieber" and "My Little Pony," to the "Emo" and "Diamond" inhalers for older, style-conscious youth. There's even "My First Inhaler," for tots.

Coal Cares™ launches today in commemoration of [Asthma Awareness Month](#), the Environmental Protection Agency's effort to call attention to [rising asthma rates](#), especially among children. Coal Cares™ and its Puff-Puff™ line of inhalers is the first, and most ambitious, market-friendly public health initiative of this scope of any privately-owned American company, and testifies to the energy industry's commitment to the well-being of all citizens, including the youngest.

"Our actions are guided by a singular mission: to be a leading worldwide producer and supplier of balanced energy solutions, which power economic prosperity and well-being," said Boyce. "Coal Cares™ brings this mission to life, empowering children everywhere to take control of their destinies, beginning with their own lungs."

"Coal Cares™ is emblematic of the return to self-reliance that healthy entrepreneurship demands," said James Miasmus, Vice President of Government Affairs at Peabody USA.

"Costly 'scrubbing' technology, on the other hand, is an untested and heavy-handed intrusion into our still-vulnerable economy. At Peabody, we're thinking globally but acting locally, and locating preventive action at the point of consumption, where it belongs."

"Coal Cares™ isn't just the name of a campaign," said Kevin Briesslau, Vice President of Communications at Peabody Coal. "It's a philosophy, a way of doing business in harmony with the community we are a part of. After all, coal is the fastest-growing fuel in the world. We're part of America's heritage, and we're here to stay."

To learn more about Peabody's Coal Cares™ initiative, visit: [www.coalcares.org](http://www.coalcares.org).

Peabody Energy (NYSE: BTU) is the world's largest private-sector coal company and a global leader in clean coal solutions. With 2010 sales of 246 million tons and nearly \$7 billion in revenues, Peabody fuels 10 percent of U.S. power and 2 percent of worldwide electricity.

CONTACT:

Vic Ganey

Phone (314) 472-5539

SOURCE Peabody Energy

Richard Windsor/DC/USEPA/US  
06/01/2011 07:52 PM

To David McIntosh, Laura Vaught, Arvin Ganesan, Seth Oster  
cc  
bcc  
Subject FYI

**McConnell blasts EPA in speech to coal industry**

Senate Minority Leader Mitch McConnell (R-Ky.) delivered **a spirited speech** to the Kentucky Coal Association Wednesday.


Some highlights:

- "I'm not sure if you followed this, but Congress extended the PATRIOT Act last week that provides monitoring tools for the Administration to fight terrorism. I only mention that because I've heard EPA is interpreting the legislation to mean they can eavesdrop on any room with three or more energy providers to ensure nobody is doing any business. So watch what you say and please make sure to wipe your shoes off at the door. If anyone tracked any dust in here they'll bust in and shut the place down."
- "People in Washington are always looking for alternatives to coal. What they don't seem to realize, as my friend David Williams has said, is that the alternative to coal...is darkness."
- "Of course the EPA's real goal here is not to see the Kentucky coal industry comply with its boatload of regulations and red tape. It is to see the Kentucky coal industry driven out of business altogether."
- "If we don't have coal and we don't have oil and we don't have gas, what do they expect us to do? Attach sails to our cars and wait for the wind?"

**Richard Windsor/DC/USEPA/US**  
08/11/2011 09:31 AM

To Diane Thompson, Seth Oster, Stephanie Owens, Dru Ealons,  
Lisa Garcia  
cc Jose Lozano  
bcc

Subject from today's clips

**News Headline:** NAACP Passes Resolution Supporting Clean Air Act | 

**Outlet Full Name:** EURweb.com

**News Text:** \*The NAACP passed a resolution at the 102nd NAACP Annual Convention encouraging NAACP units to support the Clean Air Act.

The resolution was voted on by a majority of the approximately 2,200 delegates at the convention. It arrives in the wake of Congressional attempts to defund and weaken the Act, which regulates toxic air pollution in order to mitigate its negative health effects.

"The Clean Air Act is a bedrock policy for the protection of environmental and human health and wellbeing," stated Jacqueline Patterson, NAACP Director of Environmental and Climate Justice Programs. "Air pollution has a disproportionate impact on low-income communities and communities of color. We plan to use the most powerful tools at our disposal – on-the-ground organizing and civic empowerment – to address this inequity."

According to the resolution, African Americans are more likely than Whites to be exposed to higher air toxic concentrations in every one of the United States' major metropolitan areas. African American communities suffer from higher rates of asthma, negative birth outcomes, educational and behavioral outcomes and other health issues that have been linked to air pollution.

The resolution concludes that "the NAACP will put the power and resources of the Associations' 1200 units and 300,000+ members behind protecting and defending the environmental policies designed to provide safeguards to ensure that all communities are breathing clean air, ingesting clean water, and living and thriving on safe lands."

Recently, the NAACP came out in support of the EPA's Cross-State Air Pollution Rule, and co-sponsored the "Clean Air Act: Reducing Pollution, Saving Lives Conference" in Washington, DC. on July 18.

Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. Its members throughout the United States and the world are the premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors.

source

Ben Wrobel / NAACP  
bwrobel@naacpnet.org



**Richard Windsor/DC/USEPA/US**  
12/23/2011 02:22 PM

To Eric Wachter  
cc  
bcc  
Subject Re: MACT-MATS

Oh. Say thank you and H Holidays!  
Eric Wachter

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

**From:** Eric Wachter  
**Sent:** 12/23/2011 01:41 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: MACT-MATS

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/23/2011 01:41 PM -----

From: Brian Hope/DC/USEPA/US  
To: Eric Wachter/DC/USEPA/US@EPA  
Date: 12/23/2011 01:40 PM  
Subject: Fw: MACT-MATS

**Message Information**

**Date** 12/23/2011 09:16 AM12/23/2011 02:22:58 PM  
**From** John Wathen/DC/USEPA/US  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** MACT-MATS

**Message Body**

Ms Jackson--

This is the proudest day for the U.S.EPA. Thank you so much for seeing the MACT-MATS rules through.

Most sincerely,

~John Wathen

John Wathen, Assistant Chief  
Fish, Shellfish, Beaches, & Outreach Branch (4305 T)  
<}}>< \_/)^~~~ <}}>< \_/)^~~~ <}}><  
Standards and Health Protection Division  
Office of Science and Technology  
Office of Water  
US Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460  
202-566-0367 phone  
202-566-0409 fax



<http://www.epa.gov/waterscience>

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**OEX Processing Information**

<b>Processed Date:</b>	12/23/2011 01:40 PM
<b>Processed By</b>	Brian Hope
<b>PO Office</b>	<b>Category:</b>
OEX	CMS
<b>Message Count</b>	1

**Richard Windsor/DC/USEPA/US**  
04/04/2011 04:54 PM

To: Gina McCarthy  
cc  
bcc

Subject: Fw: From E&ENews PM -- EPA: Agency's supporters weigh in ahead of House vote

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/04/2011 04:55 PM -----

From: David McIntosh/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 04/04/2011 04:35 PM  
Subject: Fw: From E&ENews PM -- EPA: Agency's supporters weigh in ahead of House vote

Pls note the reference below to a new, and helpful, UAW letter.

**From:** David McIntosh  
**Sent:** 04/04/2011 04:30 PM AST  
**To:** David McIntosh  
**Subject:** From E&ENews PM -- EPA: Agency's supporters weigh in ahead of House vote

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

**Personal message:**

### An E&E Publishing Service

**EPA: Agency's supporters weigh in ahead of House vote** *(Monday, April 4, 2011)*

**Jean Chemnick, E&E reporter**

Congress has been debating for months whether to strip U.S. EPA of its power to regulate greenhouse gas emissions, and the arguments for and against such legislation have been visited time and again.

But with the House planning a Wednesday vote on the EPA pre-emption bill sponsored by Energy and Commerce Chairman Fred Upton (R-Mich.), Democrats and other proponents of carbon regulation are rushing to register their disapproval.

In a letter to House Speaker John Boehner (R-Ohio), more than 150 Democrats -- enough to sustain a presidential veto -- led by Energy and Commerce ranking member Henry Waxman (D-Calif.) touted the bipartisan history of the Clean Air Act, the law that EPA would use to regulate carbon.

"The law has led to unprecedented environmental and public health strides, while at the same time our economy has more than tripled," they said.

Supporters of the Upton bill have said EPA's current and proposed greenhouse gas regulations are an example of runaway regulation, but EPA backers counter that the agency has shown a willingness to consider industry interests in crafting rules.

"Indeed, EPA has already wisely used this authority to implement one notational automobile standard to reduce our dependence on foreign oil and reduce carbon emissions," the group wrote, referring to a 2009 agreement brokered by the Obama administration with input from automakers, states and environmentalists.

That agreement calls for a 35.5-mile-per-gallon standard for motor vehicles by model year 2016. The Upton bill would allow that agreement to proceed, but it would bar EPA and the states from crafting similar tailpipe emissions standards in the future.

The letter supporting EPA was signed by Rep. John Dingell (D-Mich.), a supporter of his home

state's auto industry and a longtime opponent of increased fuel economy standards for cars and trucks.

United Auto Workers also released a letter to lawmakers today asking them not to pass the Upton bill, in part because it would jeopardize future agreements like the tailpipe emissions rule.

"When announced, this national program was applauded by all participants," the union said. "We view this federal regulation as a 'win-win,' providing certainty to the auto industry, while leading to significant oil savings and a cleaner, healthier environment. Moreover, this regulation, in combination with federal policies to support domestic manufacturing of advanced technology vehicles and their key components, is leading to the creation of tens of thousands of new jobs in the auto sector."

Finally, more than 500 environmental, public health and other advocacy organizations signed a letter to Congress asking lawmakers not to tinker with EPA's regulatory authorities. The group stressed the effect emissions have on public health, an argument that proponents of EPA regulation have focused on throughout this year's congressional debate.

"Over the coming years the EPA will be fulfilling its duty to reduce the smog and soot pollution, air toxics, and global warming pollution that are the cause of these public health threats," the coalition said. "We urge you to fully support the EPA in fulfilling this responsibility. Doing so is quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more."

Environmentalists say rising temperatures linked to greenhouse gas emissions contribute to the formation of smog, but opponents of EPA climate rules note that direct exposure to carbon does not present a threat to human health.

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01268-EPA-7367

Richard  
Windsor/DC/USEPA/US  
05/18/2011 12:59 PM

To hedman.susan  
cc  
bcc

Subject Fw: Talking Points for conversation with Chicago Mayor

Tx Susan.

(b) (5) Deliberative

Thanks.

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/18/2011 12:56 PM -----

From: Susan Hedman/R5/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: "Sarah Pallone" <pallone.sarah@epa.gov>, Janet Woodka/DC/USEPA/US@EPA  
Date: 05/18/2011 12:53 PM  
Subject: Talking Points for conversation with Chicago Mayor

#### Chicago Area River System / Talking Points

Thank you very much for your support of the Agency and our determination to upgrade water quality standards on the Chicago River. As you know, Chicago is the only major city in the U.S. to not disinfect its water.

I'm sure you saw that American Rivers called the Chicago River the "4th most endangered river in the country."

We are hopeful that our action here will help with that.

The next step is for Illinois to act quickly and conduct a State rulemaking. EPA, through the Region, is there to help the State with this process. Anything you could do to move the state along would be helpful. Upgraded standards are technically feasible, scientifically necessary and affordable. Using MWRDGC's own (inflated) numbers as a worst case scenario, EPA's analysis demonstrates that water quality can be improved with existing technology at a reasonable cost (under \$40 a year for the average Cook County homeowner).

#### Background

- EPA has determined that Illinois needs new or revised water quality standards for the Chicago Area Waterway System. Over the last 25 years, water quality in the river system has improved so much that it has become a recreational asset for Chicago and its suburbs and the number of people using it for recreation continues to increase. Upgrading these standards is the next important step toward achieving the Clean Water Act's goal of making the river system safer for recreational activities that bring the public into contact with the water.
- The State of Illinois is long overdue on updating its water quality standards to provide the Clean Water Act protections that must accompany this transformation.
- Since 2007 EPA has been consistent in recommending that Illinois upgrade its water quality standards for the Chicago River system and the Lower Des Plaines River so that they are eventually safe for recreation in and on the water. EPA's evaluation of new information indicates that it is technically and economically possible to attain this standard of cleanliness.
- Because of this determination EPA expects Illinois to revise its designated uses and water quality criteria to protect recreation in and on the water for those sections. EPA will propose its own regulations for those sections if Illinois fails to do so.

#### H. Kramer facility in Chicago's Pilsen neighborhood / Talking Points

On April 21, EPA again cited H. Kramer for Clean Air Act violations. H. Kramer is secondary copper smelter located in Chicago's largely Hispanic Pilsen neighborhood. This was the second time since March that EPA cited H. Kramer for air violations. EPA expects H. Kramer to take immediate steps to reduce lead emissions. Reducing air pollution in Chicago's Pilsen neighborhood is a high priority for EPA.

#### Fisk and Crawford coal-fired power plants / Talking Points

EPA began its enforcement case lawsuit against Midwest Generation in July 2007 and the U.S. filed suit in August 2009.

After two dismissals in Federal court, EPA is evaluating its options for appeal.

The case concerns six power plants owned by Midwest Generation in the Chicago area.

Fisk and Crawford plants are in environmental justice areas of concern in the Chicago area.

EPA's case alleged Clean Air Act violations including violations of PSD, Title V, and the Illinois SIP limits for opacity and particulate matter.

Several environmental groups had intervened in the lawsuit.

Richard  
Windsor/DC/USEPA/US  
08/21/2011 09:24 PM

To Jeffrey Corbin  
cc Bob Perciasepe, Bob Sussman, Diane Thompson, Heidi Ellis,  
"Jose Lozano", "Elizabeth Ashwell", "Seth Oster", "Brendan  
Gilfillan"  
bcc

Subject Re: Invitation to speak at the Virginia Blue Planet Forum

Happy to do it if it works for scheduling and comms. Lisa  
Jeffrey Corbin

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

**From:** Jeffrey Corbin  
**Sent:** 08/21/2011 08:43 PM EDT  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; Bob Sussman; Diane Thompson; Heidi Ellis  
**Subject:** Invitation to speak at the Virginia Blue Planet Forum

Administrator - Below is an invitation from the Ches Bay Foundation to speak at the Blue Planet Forum in the Fall. I worked with them to have Gov Kaine speak there back in '09. It's a fairly big deal - sponsored by NOAA, Nauticus, ODU and CBF. It's a great audience, big participation, press...and plenty of flexibility with regards to your topic and schedule.

If you have an interest in doing it I will pursue logistics.

Thanks...jc

Jeff Corbin  
Senior Advisor to the Administrator for Chesapeake Bay and Anacostia River  
U.S. EPA  
(215)667-9304

----- Forwarded by Jeffrey Corbin/CBP/USEPA/US on 08/21/2011 08:34 PM -----

From: "Ann Jennings - ext. 301" <AJennings@cbf.org>  
To: Jeffrey Corbin/CBP/USEPA/US@EPA  
Cc: Christy Everett <CEverett@cbf.org>  
Date: 08/21/2011 11:58 AM  
Subject: Informal Request regarding Virginia Blue Planet Forum

---

Dear Jeff,

Per our conversation last week, I'm sending this informal request regarding the next *Blue Planet Forum: Exploring the Bay and Beyond* lecture. As we discussed, CBF would like to know if it's even appropriate and feasible to host the Forum this fall with Administrator Jackson as the speaker. If you give us the green light, we will send a formal invitation to Administrator Jackson from Will Baker. In fact, all of the Blue Planet Forum partners - Chesapeake Bay Foundation, National Oceanic and Atmospheric Administration, Nauticus, and Old Dominion University, would enthusiastically welcome the opportunity to invite Administrator Jackson!

As a reminder, the Blue Planet Forum, held at Nauticus in Norfolk, VA, is a

lecture series that educates and engages citizens on important environmental issues affecting Hampton Roads and the nation. We have sought throughout its inception to feature high-profile speakers, from Jim Woolsey, former CIA Director who spoke on climate change to Governor Tim Kaine, who spoke on the Renew Virginia initiative (video [here](#)). The Blue Planet Forum has consistently drawn hundreds of people. Each audience has represented a diverse cross section of Hampton Roads residents, including elected officials, citizens, professionals, college students, and the military community.

We would certainly offer Administrator Jackson the flexibility to create her own desired topic, but suggest a timely and appropriate topic would certainly be the Chesapeake Bay TMDL. We are also flexible on the date and would look for a mutually agreeable date in the Fall of 2011. The presentations typically begin at 7:00 p.m and are approximately 30 to 45 minutes, followed by a short audience question and answer segment.

Jeff, we thank you for any assistance you can provide. Please advise at your earliest convenience if we should pursue a formal invitation to Administrator Jackson. Thank you!

Sincerely, Ann

**Richard Windsor/DC/USEPA/US**  
12/28/2011 11:04 AM

To Jim Martin  
cc  
bcc  
Subject Re: Hg edittorial

Nice work. Thanks!  
Jim Martin

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

**From:** Jim Martin  
**Sent:** 12/28/2011 09:03 AM MST  
**To:** Betsaida Alcantara; Brendan Gilfillan; Gina McCarthy; Janet McCabe  
**Cc:** Richard Mylott  
**Subject:** Hg edittorial

Sorry for the format -- cannot figure out how to fix that. But very good piece from today's Denver Post.

jim

opinion

## **Editorial: Long time coming for mercury rules**

Until now, the U.S. essentially had no federal limits on certain toxic pollutants from power plants.

Posted: 12/28/2011  
01:00:00 AM MST

**By The Denver  
Post**





EPA Administrator Lisa Jackson speaks about new mercury emission regulations during a news conference at the Children's National Medical Center on Dec. 21, 2011, in Washington, D.C. (Mark Wilson, Getty Images)

Stringent new federal standards on emissions of mercury and other air toxics are a landmark public health victory that will have lasting effects in Colorado and the nation.

For all practical purposes, our country until now had no national limits on how much of these substances power plants could emit.

After 20 years of fighting over the shape of these rules, it's about time.

You might think that Colorado's recent action to regulate mercury would mean the federal rules wouldn't change much here.

However, mercury emitted from power plants travels a long way, and has been contaminating Colorado's lakes and fish for decades.

Federal regulation of this potent

neurotoxin, long overdue, will make every state adhere to the same sort of tough standards Colorado already has adopted.

We're glad to see it.

Contaminated fish is the main way that people ingest mercury. It's particularly dangerous for infants, children and developing fetuses, who would be exposed if their mothers ate contaminated fish. The primary effect is impaired neurological development.

Such exposure can result in problems with cognitive thinking, attention span, memory and fine motor skills, according to studies cited by the U.S. Environmental Protection Agency.

Even a mother who shows no symptoms of nervous-system problems can give birth to a child with profound disabilities.

Clearly, this is dangerous stuff.

A couple years back, The Denver Post published a story saying 20 percent of Colorado's lakes and reservoirs tested by the state contained mercury-tainted fish.

About half of the mercury emitted into the environment comes from coal-fired power plants. Mercury can remain in the atmosphere for a year and doesn't respect state lines.

It has been more than two decades since federal lawmakers passed measures requiring the EPA to regulate emissions of toxic substances.

Since then, coal-burning utilities have fought the rules, saying they would require the installation of costly pollution-control devices.

It's true that the rules will add incrementally to the price of electricity. However, for every dollar spent on pollution control, the EPA estimates a \$3 to \$9 return in health benefits.

Beyond the environmental and health benefits, the rules will have a positive effect on the clean-energy industry, particularly in Colorado.

A Littleton company, ADA-Environmental Solutions, is an industry leader in mercury-scrubbing technology and is poised to gain quite a bit of business from the rules. That means jobs for Colorado.

"It's a pretty significant event for the company," Mike Durham, president and chief executive, told us.

We think it's a significant — and welcome — turn of events for the nation as well.

Read more: [Editorial: Long time coming for mercury rules - The Denver Post](http://www.denverpost.com/opinion/ci_19627470#ixzz1hqUw2WPS)

[http://www.denverpost.com/opinion/ci\\_19627470#ixzz1hqUw2WPS](http://www.denverpost.com/opinion/ci_19627470#ixzz1hqUw2WPS)

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James Martin

Regional Administrator

Region 8

U.S. Environmental Protection Agency

**Richard Windsor/DC/USEPA/US**  
01/03/2012 04:26 PM

To Jim Martin  
cc Owens.Stephanie, Gilfillan.Brendan  
bcc  
Subject Re: Salt lake Trib on Hg MACT

thx!

Jim Martin

Can't take any credit for this, making it...

01/03/2012 03:46:55 PM

From: Jim Martin/R8/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 01/03/2012 03:46 PM  
Subject: Salt lake Trib on Hg MACT

---

Can't take any credit for this, making it even better.

<http://www.sltrib.com/sltrib/opinion/53155773-82/plants-power-coal-close.html.csp>

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

**Richard Windsor/DC/USEPA/US**  
03/22/2011 02:27 PM

To Judith Enck  
cc  
bcc

Subject Re: newark star ledger on air toxics standards

Saw it. Thanks. Good work.  
Judith Enck

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

**From:** Judith Enck  
**Sent:** 03/22/2011 09:20 AM EDT  
**To:** Seth Oster; Gina McCarthy; Richard Windsor  
**Subject:** newark star ledger on air toxics standards

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## **New EPA proposals would reduce coal plants' mercury emissions**

The Star-Ledger

Monday, March 21, 2011, 6:54 PM

By Seth Augenstein

The teenaged girl had become withdrawn, her grades worsened and the family was worried. Her mother took her to several doctors before a test finally revealed the problem.

Her blood contained a level of mercury several times what it should be. The family frequently ate fish for its perceived health benefits, but were unaware it is also a common source of mercury, said Robert Laumbach, the doctor who treated the girl last week.

The mercury, he said, is directly attributable to the country's coal-fired power plants, which have historically had no regulations on how much mercury they pump into the air, all of which eventually ends up in water, then fish, and then humans, Laumbach said.

"We all have mercury in our bodies from the emissions from power plants," said Laumbach, an assistant professor at the Environmental and Occupational Health Sciences Institute in Piscataway.

Those coal-fired power plants may soon have to cut back their emissions, after the Environmental Protection Agency last week unveiled the first-ever national standards for mercury, arsenic and other toxic air pollutants.

Under the proposed regulations, mercury emissions would be reduced by 91 percent, according to the EPA, which estimates the new rules could prevent 17,000 premature deaths per year nationwide, as well as thousands of illnesses, like heart attacks and asthma.

About half the nation's coal plants employ pollution-control technologies but still

emit nearly half the country's toxic mercury, the EPA said.

New Jersey's standards are already more stringent than the federal proposal — and have been for almost a decade — but limiting emissions elsewhere will have important benefits here, officials said.

"These proposed standards will have a dramatic impact on the health of children here in New Jersey and across the country," said Judith Enck, the EPA's regional administrator. "These standards simply require power plants to install widely available and proven technology to control these pollutants."

Much of the industry is opposed to the changes. Scott Segal, the director of the Electric Reliability Coordinating Council, a coalition of power companies, said the changes could endanger half of the country's power generation — and the public health benefits are being exaggerated.

"Their benefits analysis is completely smoke and mirrors," he said. "You don't regulate yourself to prosperity."

However, other companies support of the proposal. PSEG invested \$1.3 billion to reduce emissions by 90 percent at its plants in Hudson and Mercer counties, and is urging the EPA to finalize the rule as soon as possible.

"It can be done — we've done it here in New Jersey," said Jenn Kramer, a PSEG spokeswoman. "It's too great of a cost not to make these investments."

New Jersey passed its law limiting emissions in 2004. But it's down-wind from other power plants not currently regulated. In fact, a single power plant across the border in Pennsylvania — the Portland Generating Station in Mount Bethel — accounts for more mercury emissions than all five of New Jersey's power plants combined, according to the state's Department of Environmental Protection.

The EPA will hold a 60-day public comment period before finalizing the rule.

Mitsu Yasukawa/The Star Ledger / A 2008 file photo of the PSEG Hudson coal plant, located in Jersey City.

Richard  
Windsor/DC/USEPA/US  
08/04/2011 10:16 AM

To Judith Enck  
cc  
bcc

Subject Re: Newsday editorial: Stop chipping away at the EPA

Tx!

Judith Enck

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

**From:** Judith Enck  
**Sent:** 08/04/2011 09:23 AM EDT  
**To:** Seth Oster; Richard Windsor; Janet Woodka  
**Subject:** Newsday editorial: Stop chipping away at the EPA

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NEWSDAY

**Keeler: Stop chipping away at the EPA**

August 3, 2011 7:04 PM

By BOB KEELER

Bob Keeler is a member of the Newsday editorial board.

Long before he became our president, Ronald Reagan was widely known for a line he delivered often: "At General Electric, progress is our most important product." What he didn't emphasize was GE's other important product: pollution.

The huge company is fully or partly responsible for dozens of Superfund sites. One example: GE dumped an estimated 1.3 million pounds of a carcinogen, polychlorinated biphenyls (PCBs) into the Hudson River north of Albany from 1947 to 1977.

GE is dredging the Hudson, to remove PCBs from its sediment, so the chemicals can no longer contaminate the fish and endanger the humans who eat them. But this dredging is not an act of corporate altruism. The company had to be pushed, by the federal Environmental Protection Agency. Without the EPA, it's a safe bet that GE's solution, leaving the PCBs in the sediment, would have prevailed.

All this is to point out that the EPA does a vital job, protecting us from environment-killing polluters. But current Republican orthodoxy labels the EPA a "job-killing" pariah.

That expression was polished to a high shine in the GOP phrase factory. Republican candidates at every level use it a lot, usually to describe taxes and regulation. One presidential candidate, Rep. Michele Bachmann (R-Minn.) has used that epithet often, usually when she promises to do away with the EPA if she becomes our president.

But we don't have to wait for the 2012 election to know what lies in store for the



EPA -- and for the core legislation that it enforces, such as the Clean Air Act and the Clean Water Act -- if that sort of anti-regulation ideology carries the day.

Last month, the Republican-controlled House of Representatives passed something called the "Clean Water Cooperative Federalism Act of 2011." It sounds innocuous enough. But what it basically means is this: The federal government, through the EPA, will no longer be able to protect the public from water pollution when the states don't do an adequate job.

"This was the first time in 40 years where a house of Congress voted to essentially overturn a base environmental statute," said Scott Slesinger, legislative director of the Natural Resources Defense Council.

So, the EPA couldn't protect one state from what's dumped in the water of another. We have an example right here. The EPA used the Superfund law in the GE situation, but it uses the Clean Water Act to protect Long Island Sound from pollution, by New York, Connecticut or any other state.

For the incurably nostalgic, the death of the EPA can bring back vignettes from days gone by. One that leaps to mind is the day in 1969 when Ohio's Cuyahoga River caught fire. It wasn't the first fiery day on the Cuyahoga. But it was the one that helped lead to the passage of the Clean Water Act in 1972.

For those more interested in health than nostalgia, this bill is pernicious in a bipartisan way. Most of those who voted for it, including Rep. Peter King of Seaford, are Republicans, but a handful of Democrats went along. That includes its co-sponsor, Rep. Nick Rahall of West Virginia. He's upset about the obstacles standing in the way of a coal-mining method called mountaintop removal. Where does the debris end up? In the rivers. And which evil agency is standing in the way? Of course, the EPA.

Happily, it's not likely to pass in this Senate. And the White House has made crystal clear that President Barack Obama would veto it. But if there's a Republican Senate and a Republican president, get ready for dirtier water. Overnight, the guiding principle will change from "the polluter pays" to "polluting pays."

Photo credit: TMS illustration by Matt Wuerke |

**Richard Windsor/DC/USEPA/US**  
12/21/2011 04:19 PM

To: Laura Vaught  
cc  
bcc  
Subject: Re: EEI statement

Tx!

Laura Vaught

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

**From:** Laura Vaught  
**Sent:** 12/21/2011 02:43 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; Bob Perciasepe; "goo michael" <goo.michael@epa.gov>; Gina McCarthy  
**Subject:** EEI statement  
December 21, 2011

The Edison Electric Institute today released the following statement on the U.S. Environmental Protection Agency's final utility MACT rule:

WASHINGTON - EPA's MACT rule is the most expensive rule in the agency's history. It will require a significant number of electric generating units to design, obtain approval for and install complex controls or replacements in a very short timeframe. In some cases, it will mean that new transmission and natural gas pipelines will have to be built.

EPA has made useful technical changes from its original proposal. Nevertheless, we believe the Administration is underestimating the complexity of implementing this rule in such a short period of time, which can create reliability challenges and even higher costs to customers. The Administration is not using all the available authorities in the Clean Air Act to coordinate implementation, to ensure electric reliability, and to avoid excessive costs.

Brian V. McCormack

Vice President, Political and External Affairs

Edison Electric Institute

701 Pennsylvania Avenue NW

Washington DC 20004

**Richard Windsor/DC/USEPA/US**  
04/13/2011 02:19 PM

To: Laura Vaught  
cc  
bcc  
Subject: Re: FYI for 3:00 meeting

Tx  
Laura Vaught

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

**From:** Laura Vaught  
**Sent:** 04/13/2011 01:23 PM EDT  
**To:** Richard Windsor  
**Cc:** David McIntosh; Aaron Dickerson  
**Subject:** FYI for 3:00 meeting

FYI for your 3:00 meeting with Tom Fanning - CEO of Southern. He has evidently now appeared before the Commerce Committee at their hearing entitled "Recent EPA Rulemakings Relating to Boilers, Cement Manufacture

We expect the hearing to focus on yet to be seen draft legislation to delay at least the utility

Aaron - would you mind printing this out if more appropriate given timing? Thanks.

From: "Cheatham, Melissa Bez" <Melissa.Cheatham@mail.house.gov>  
To: Diann Frantz/DC/USEPA/US@EPA  
Date: 04/13/2011 12:47 PM  
Subject: Witness list for Friday

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**Michael J. Bradley** (invited at the request of the Minority)  
Executive Director  
Clean Energy Group

**John Walke** (invited at the request of the Minority)  
Senior Attorney and Clean Air Director  
Natural Resources Defense Council

**Anthony S. Early, Jr.**  
Executive Chairman  
DTE Energy

**Tom Fanning**  
Chairman, President and Chief Executive Officer  
Southern Company

**Paul Kempf**  
Director of Utilities

University of Notre Dame

**Dirk Krouskop**

Vice President, Safety, Health & Environment  
MeadWestvaco Corporation

**Aris Papadopoulos**

President and CEO  
Titan America LLC

**Richard Windsor/DC/USEPA/US**  
04/25/2012 07:44 PM

To: Laura Vaught  
cc  
bcc  
Subject: Re: Rockefeller: Coal ash language 'going down'

Indeed. Tx.

---

**From:** Laura Vaught  
**Sent:** 04/25/2012 07:41 PM EDT  
**To:** Richard Windsor  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>  
**Subject:** Fw: Rockefeller: Coal ash language 'going down'

FYI - some nice Rockefeller quotes in this.

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 04/25/2012 07:35 PM AST  
**To:** Laura Vaught  
**Subject:** Rockefeller: Coal ash language 'going down'

## **Rockefeller: Coal ash language 'going down'**

By Darren Goode  
4/25/12 7:34 PM EDT

Sen. Jay Rockefeller (D-W.Va.) said a coal ash provision he once supported and now opposes won't make it through House-Senate talks on the transportation bill.

"It's going down," Rockefeller told POLITICO on Wednesday.

He was referring to language included in a House-passed 90-day transportation extension that would give states oversight of coal ash residue from power plants and block EPA from regulating it as a hazardous waste.

A proposed EPA regulation has been collecting dust for a couple of years after heavy edits made at the White House Office of Management and Budget.

But the House's 90-day extension included coal ash language from a bill by Rep. David McKinley (R-W.Va.) that was co-sponsored by Rep. Nick Rahall (D-W.Va.) and won support from 37 House Democrats in October. It was tacked onto the extension last week on a voice vote.

A related coal ash bill in the Senate, introduced by Sen. John Hoeven (R-N.D.) on Oct. 20, had won the backing of five Democrats — including Rockefeller.

But now Rockefeller said he's not backing the bill itself or as part of a final transportation agreement.

"I was subject to evolution, something like that," he said. "I didn't feel comfortable with it."

He spoke of how the mercury in the coal ash causes damage, including lowering the IQ of fetuses.

"The health effects are stupendously awful. Nobody ever talks about it," he said.

Rockefeller used the issue as an example of how his voting record of late perhaps has taken a greener hue.

"The coal ash thing is one of those things I was intrigued by, but if you'll notice my voting record in the last year, it's been very environmental, or what I would say is very pro-health," he said.

Rockefeller and Hoenes are two of the 14 Senate members on the transportation conference.

Hoenes noted the bipartisan backing for his bill to reporters Wednesday.

"It's going to depend on the conferees," he said of its chances in the bicameral transportation talks.

"Obviously there's very strong support on our side and there's very strong support in the House.

"So you start on the merits. On the merits it just makes sense," he said, emphasizing that the bill would encourage recycling of coal ash as a material to build highways.

Other Democratic co-sponsors of Hoenes's bill were Sens. Kent Conrad of North Dakota, Mary Landrieu of Louisiana, Joe Manchin of West Virginia and Ben Nelson of Nebraska.

To read and comment online:

<https://www.politicopro.com/go/?id=11023>

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**Richard Windsor/DC/USEPA/US**  
04/28/2011 10:43 AM

To Malcolm Jackson  
cc "Bob Perciasepe"  
bcc  
Subject Re: Software demo on Monday

Perfect. Tx.  
Malcolm Jackson

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

**From:** Malcolm Jackson  
**Sent:** 04/28/2011 10:34 AM EDT  
**To:** Richard Windsor  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Software demo on Monday

Lisa,

I wanted to make you aware I have been working with Bob P. to demo the Microsoft suite of tools Monday in the Green Room.

This will be done using a wireless network to access Microsoft's network. We will have the ability to use Microsoft software for document sharing, video conferencing and their email system. I have enlisted the help of the Gwen, Al and Jared to demonstrate the power of collaboration. Additionally, we are setting up a machine for you to use and participate.

It is my hope to educate our leadership team to the opportunities available and to help everyone better understand what technology is available and how it might help drive down cost while improving productivity across the Agency.

I feel strongly this is an opportunity even in the difficult budget climate the Agency is in. Let me know if you have any questions.

Malcolm

Richard  
Windsor/DC/USEPA/US  
12/08/2011 01:06 PM

To Mathy Stanislaus  
cc  
bcc  
Subject Re: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse  
Risk Analysis Ahead Of Final Rule

Sure  
Mathy Stanislaus

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

**From:** Mathy Stanislaus  
**Sent:** 12/08/2011 01:00 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk  
Analysis Ahead Of Final Rule  
I'd like to speak to you about this in the next day or so.  
Andra Belknap

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

**From:** Andra Belknap  
**Sent:** 12/08/2011 10:13 AM EST  
**To:** Lisa Feldt; Mathy Stanislaus  
**Cc:** Betsaida Alcantara  
**Subject:** Inside EPA: EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis  
Ahead Of Final Rule

## EPA Eyes Late 2012 For Coal Ash Reuse Risk Analysis Ahead Of Final Rule

Posted: December 7, 2011

EPA Administrator Lisa Jackson is for the first time outlining a target late 2012 date for issuing an analysis on the potential health risks from beneficial reuse of coal ash in products such as cement, a study long sought by proponents of strong ash controls that could inform the agency's final coal ash disposal rule also due late next year.

EPA plans to release the study ahead of the final rule, meaning it could help shape the agency's final decision on whether to regulate coal combustion residuals (CCRs) as solid waste under subtitle D of the Resource Conservation & Recovery Act (RCRA) or subject to stricter hazardous waste controls under subtitle C of the waste law. But proponents of stricter ash disposal regulations say that the agency needs to offer more details on its pending risk study.

"I think it's going to be towards the end of the year," Jackson said of the final rule, in remarks at a Dec. 6 Duke University event in Durham, NC. Jackson also said that the agency is conducting a risk analysis on the beneficial reuse of coal ash, with an eye toward releasing the analysis before the agency releases the final rule.

As to why the agency is doing the analysis, Jackson said "We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgments without information."

Jackson's comments appear to mark the first time EPA has provided any indication of when the agency would move forward with a risk analysis for the material. EPA told the agency's Inspector General (IG) in June that it would roll an assessment of beneficial reuse into its CCR rule, despite a March IG report that recommended the agency "define an implement risk evaluation practices to determine the safety of CCR beneficial uses EPA promotes."

EPA until recently promoted beneficial reuse of coal ash through its suspended Coal Combustion Products Partnership (C2P2) website. The site included details on environmental benefits of reuse of coal ash, including reduced land disposal, but EPA has suspended the C2P2 website while it works to complete the RCRA rule.

The IG report said EPA applied "significantly limited" risk screening, testing and modeling for the 15



categories of beneficial reuse it promoted through C2P2. Without adequate safeguards, coal waste contaminants can leach into ground water and migrate to drinking water sources, posing a potential human health risk, the report says.

Whistleblower group Public Employees for Environmental Responsibility (PEER) has called on EPA to strictly regulate beneficial reuse of CCRs as part of the agency's ongoing efforts to regulate disposal of the wastes.

Companies that beneficially reuse coal ash in wallboard, cement and other products have, however, argued that EPA should ensure the final rule does not harm the industry. The companies fear that a hazardous waste subtitle C rule would give coal ash a stigma harming its prospects as a reuse material, decimating their industry.

EPA waste chief Mathy Stanislaus in a June 16 response to the IG report said, "Since we are still evaluating the comments received on the CCR proposed rule, and making decisions on how best to proceed, we do not yet have a timeline for developing the evaluation process regarding the beneficial use of CCRs."

The IG in a July 6 reply criticized the agency's response, noting "without a corrective action plan and estimated milestone completion dates, your response to the subject report is incomplete."

Jackson in her comments at the Dec. 6 Duke University event noted the IG's report on the issue, and that the final risk analysis "should help to clarify whether or not there's any concern there."

**A PEER source says, "We don't know the scope of what they're doing," noting that** while EPA's intent to do an analysis has been known, the timing or direction of the report remains largely unclear. The source says that many including PEER believe that EPA's failure to do a risk analysis while at the same time promoting CCR reuse is "utterly irresponsible," saying as well that "if there are no standards, we don't know if these uses are safe."

The source worries as well that EPA appears to be "putting the cart before the horse" and may be making assumptions about the benefits of material before finding out whether or not it is detrimental to human health. The source also worries that as new mercury standards on power plants are put in place through EPA's utility air toxics rule, the mercury content of coal ash is likely to rise significantly, raising renewed questions about its safety.

Sources have said EPA's RCRA proposal walks a "fine line" on CCR reuse, because it rejects industry claims that a strict hazardous designation for the waste would harm the reuse industry but also questions the safety of some reuses and seeks comment on "potential refinements for certain beneficial uses" (*Inside EPA*, June 11).

Jackson in her remarks also noted that the CCR is politically charged issue, citing push-back from states and the GOP on the proposed option of hazardous waste ash rules. Critics of the proposal want EPA to follow through on the alternative subtitle D solid waste plan, which would give states primary authority on ash regulations. The House Oct. 14 approved a bill that would preempt EPA action on coal ash in favor of establishing state-based programs.

However, the legislative push to restrict EPA's CCR rules faces a tough road to passage in the Democrat-controlled Senate, particularly as environmental groups have raised broad concerns about the House approach.

Jackson criticized the House-passed bill, calling it ironic that just a few years after a massive coal ash spill at a Tennessee Valley Authority facility in late 2008, the House has approved a bill to largely prevent EPA from regulating coal ash. She also said that while a majority of states have said "please let us handle it" with regards to regulating coal ash, "that by the way is what was happening when the Tennessee spill happened."

**During the Duke University event, Jackson also touched on a number of other challenges**

facing environmental regulators in the coming years. For instance, she argued that "one of the biggest threats to our environmental health . . . are the huge numbers of cuts we're seeing across the country at the state level" in state environmental budgets.

Noting that states perform the vast majority of delegated federal environmental permit writing and enforcement, she feared that cuts in staffing and funding levels could significantly impair states' ability to do this work. "It is fine to have epic battles about what the mercury and air toxics standard should say, but then not having one single qualified person in the state who can write the permit to ensure that it gets implemented would be a huge problem," she said.

Jackson expressed concern that the combination of cuts to EPA's budget that Congress is pursuing, plus losses in state resources, could mean that "What you start to see is EPA fighting with states -- who I think are well-motivated at the career level -- to say 'thanks, we'd love to, but we can't take on one more single thing.'"

She added that the numbers of state professionals working in the field are dropping off, saying that

"it's like 30 percent less doctors in some ways. These are public health professionals."

Jackson also spoke to the challenge of how to approach nonpoint source pollution from stormwater runoff. Calling runoff "the number one threat," she said, "I'm still hopeful that we find solutions to that issue, but that is a program that is much less adaptable to a regulatory solution than to community partnerships."

Rather, Jackson said that energy within communities to address those issues should be there given broad support for environmental protections, adding, "I think the breakthrough is going to be a series of regional breakthroughs."

These comments are in line with Jackson's comments to the Milwaukee Water Summit on Sept. 20, where she touted the regional successes of efforts to clean up the Great Lakes, the Chesapeake Bay and the Puget Sound. -- *Bobby McMahon*

2384246

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

Betsaida Alcantara + Stacy who received it. Stacy is he... 12/08/2011 09:23:29 AM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Lisa Feldt/DC/USEPA/US@EPA, Stacy Kika/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 09:23 AM  
 Subject: Re: Important: coal ash

+ Stacy who received it. Stacy is he holding off on writing until we get an answer?

Lisa Feldt Also since his deadline was noon yeste... 12/08/2011 08:59:32 AM

From: Lisa Feldt/DC/USEPA/US  
 To: Betsaida Alcantara/DC/USEPA/US@EPA  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Date: 12/08/2011 08:59 AM  
 Subject: Re: Important: coal ash

Also since his deadline was noon yesterday, did we send anything over or are we working on different deadline?

Lisa Feldt  
 Deputy Assistant Administrator  
 Office of Solid Waste & Emergency Response  
 U.S. Environmental Protection Agency  
 Phone: (202) 566-0200:  
 Fax: (202) 566-0207  
 feldt.lisa@epa.gov

Betsaida Alcantara Mathy and Lisa, I think this rises to... 12/08/2011 08:52:45 AM

From: Betsaida Alcantara/DC/USEPA/US  
 To: "Lisa Feldt" <Feldt.Lisa@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>  
 Cc: "Andra Belknap" <Belknap.Andra@epamail.epa.gov>  
 Date: 12/08/2011 08:52 AM  
 Subject: Important: coal ash

Mathy and Lisa,

I think this rises to you because inside epa is alleging that Mathy and LPJ have contradicted eachother. See below. What's the answer here?

Hi Stacy,

Administrator Jackson at the Duke University event today said that the agency as part of the coal ash proposed rule was working on a risk analysis of ash as a beneficial reuse material. Here's the quote from her answer to a question.

"We've been doing a risk analysis of the beneficial reuse material. We had no data. We've been allowing people to beneficially reuse this material, but there was no scientific study to show what the risk of that was. One would think it's not very high, but EPA shouldn't be making those kinds of judgements without information." She added that this issue was brought up in a report by the IG and that the analysis should "help to clarify whether or not there's any concern there."

But it's my understanding that EPA in the response to the IG's report said it did not have plans to undertake such an analysis on the risks of beneficial reuse of coal ash. In a June 16 response, Mathy Stanislaus said, "Since we are still evaluating the comments received on the CCR proposed rule, and making decisions on how best to proceed, we do not yet have a timeline for developing the evaluation process regarding the beneficial use of CCRs."

This would appear to me that EPA reversed its view on a risk analysis on beneficial reuse was warranted, so here are my questions -- what changed for EPA to decide that a risk analysis on beneficial reuse material was necessary? Has EPA previously announced that such an analysis was being undertaken and was slated for release before the final CCR rule? Was there subsequent correspondence between the IG and EPA about this risk analysis? Is EPA planning to release a draft version of the analysis for comment?

My deadline on this is noon tomorrow (Wednesday), and I appreciate your efforts on this. Thanks, and I look forward to hearing from you soon.

Best,  
Bobby

--

Bobby McMahon  
Associate Editor

Inside EPA [www.insideepa.com](http://www.insideepa.com) <<http://www.insideepa.com>> phone: 703-416-8536  
fax: 703-416-8543 [bcmcmahon@iwpnews.com](mailto:bcmcmahon@iwpnews.com) <<mailto:bcmcmahon@iwpnews.com>>

~~~~~

**Richard Windsor/DC/USEPA/US**  
05/06/2011 01:38 PM

To Mathy Stanislaus  
cc  
bcc  
Subject Re: My apologies

Tx

----- Original Message -----  
From: Mathy Stanislaus  
Sent: 05/06/2011 01:34 PM EDT  
To: Richard Windsor  
Subject: Fw: My apologies

This relates to the Rolling Stone article

----- Original Message -----  
From: Lisa Feldt  
Sent: 05/06/2011 01:04 PM EDT  
To: Mathy Stanislaus; Barry Breen  
Subject: Fw: My apologies

Lisa Evans e-mail

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 05/05/2011 03:15 PM MST  
To: Lisa Feldt  
Subject: My apologies

Lisa--

I want you to know that I sincerely appreciate the time and effort that you have dedicated to the coal ash rule. I believe Emily has spoken with Dru and explained how I was misquoted by Jeff Goodell in his Rolling Stone blog today. I have contacted Jeff, and I am hoping that he will publish a clarification. While I stated in a brief email to Jeff, in response to his query, that EPA was working hard to complete the rule, I also relayed your statement that completion this year was unlikely-- not that the rule would not be completed until 2013.

I hope that we can continue to have frank conversations and work together productively on this important issue. I regret any problems this blog created.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
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Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**Richard Windsor/DC/USEPA/US**  
12/09/2011 08:19 AM

To Michael Goo  
cc  
bcc  
Subject Re: Ralph Izzo article below

Tx  
Michael Goo

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

**From:** Michael Goo  
**Sent:** 12/09/2011 08:17 AM EST  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Bob Sussman" <sussman.bob@epa.gov>; Laura Vaught  
**Subject:** Ralph Izzo article below  
Makes clear he is not part of EEI working group due to mercury issue.

<http://www.nationaljournal.com/member/energy/epa-mercury-rule-ruffles-utility-group-20111208><  
<http://www.nationaljournal.com/member/energy/epa-mercury-rule-ruffles-utility-group-20111208>>

EPA Mercury Rule Ruffles Utility Group

By Amy Harder<<http://www.nationaljournal.com/reporters/bio/31>>

Updated: December 8, 2011 | 7:33 p.m.  
December 8, 2011 | 6:30 p.m.

Internal rifts within the nation's largest utility trade group keep popping up as the Obama administration's new rules for mercury emissions loom.

An executive of a major power company told National Journal he is pulling away from the formal position the Edison Electric Institute has taken in objecting to the Environmental Protection Agency's mercury standard for power plants, which EPA plans to finalize on Dec. 16.

Ralph Izzo, chairman and CEO of Public Service Enterprise Group, a New Jersey-based utility, said in an interview on Thursday that his company was willing to compromise on delays to the rule, but when EEI started discussing increasing by 20 percent the amount of mercury pollution allowable under the rule, that was the last straw. His company pulled out of the internal negotiations and consensus position two weeks ago.

It remains unclear whether EEI, which chose not to comment for this story, ultimately ended up pitching the higher allowable pollution level to the White House or EPA. The rule is currently going through regulatory review at the White House's Office of Management and Budget.

"The cumulative weight of the concessions finally came crashing down when the mercury standard began entering into debate," Izzo said. PSEG's power generation mostly comes from natural gas and nuclear power—energy sources not affected by EPA's mercury rule—and about 18 percent from coal, the dirtiest form of electricity, which will be affected the most by EPA's mercury rule. Coal is also the cheapest and most prevalent, providing nearly half of the nation's electricity.

Current law requires companies to comply with the rule by 2015.

Izzo said that his company was originally part of a group of EEI member companies that had agreed to EEI's consensus position despite not being wholeheartedly on board with some of those provisions. Those provisions include a one-year blanket delay for all power companies to comply and the possibility of invoking a presidential exemption that would allow for two or more years to comply if national security was at risk. If a power plant that generates electricity for a military base is shut down because of an EPA rule and grid reliability is jeopardized, the reasoning goes, that could present a national-security concern.

"We weren't fond of the one-year delay and we weren't fond of the presidential exemption," Izzo said. "But in the interest of compromise and getting a rule we could all live with and not spend the rest of eternity battling in the courts ... we were willing to compromise on several of those provisions."

Izzo, who has been with PSEG in various executive positions since 1992, said he has never known a time when his company departed from EEI's consensus position before.

"EEI does a lot of very good things that we're supportive of," Izzo said. "This disagreement would not push me to leave the organization."

Internal divisions with a trade group as diverse as EEI are not uncommon and should not be surprising despite the media attention such rifts generate. Unity is critical when trying to convince the White House and EPA to delay or change the rule in any significant way, such as whether companies should have blanket extensions to comply or whether mercury pollution levels should be weakened.

While coal utilities like Southern Company and American Electric Power have been the most vocal about asking for more time, even some clean-burning utilities that will be able to comply within three years are fully on board with EEI's request for more time, further complicating the internal dynamics of the group.

"It's hard to get anybody's assurances that they will get the flexibility they need the way the draft rule proposal has been written," Lewis Hay, chairman and CEO of NextEra Energy, said in a phone interview last week. "That's why I strongly support the one-year blanket extension." NextEra Energy is the largest generator of wind and solar power in the country.

Amy Harder

Energy and environment reporter

National Journal Daily

**Richard Windsor/DC/USEPA/US**  
11/28/2011 12:36 PM

To: Michael Goo  
cc  
bcc  
Subject: Re: Ready or not, here MACT comes

Tx

---

**From:** Michael Goo  
**Sent:** 11/28/2011 09:37 AM EST  
**To:** fulton.scott@epa.gov; Laura Vaught; Bob Sussman; Bob Perciasepe; Richard Windsor  
**Subject:** Fw: Ready or not, here MACT comes

Here is the piece on the CEG report.

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 11/28/2011 05:34 AM EST  
**To:** Michael Goo  
**Subject:** Ready or not, here MACT comes

## **Ready or not, here MACT comes**

By Erica Martinson  
11/28/11 5:33 AM EST

Most energy companies are prepared to meet the EPA's upcoming mercury and air toxics rule for power plants, a [study](#) to be released Monday says.

The Clean Energy Group, a coalition of utilities in favor of the EPA's regulations, is releasing the updated report assessing the impact of the agency's utility MACT rule on the reliability of the electric grid. The rule is due Dec. 16.

Thirty companies, including Ameren, Constellation, Exelon and NextEra, are quoted in the report — mainly based on corporate quarterly earnings calls this year — as saying they will be able to meet the EPA rule deadlines without problems. Many of the companies say they have been planning for this eventuality for nearly a decade, and others say increased demand stemming from likely coal plant retirements will bolster their profits.

The report argues against a number of contentions that critics have made about the EPA's air rules, including claims that the rules don't allow enough time for plants to upgrade or shut down; that they don't take power reliability concerns seriously; that the rules will be too expensive; or that the rules will leave power customers in the dark.

The EPA's stringent new rule to cut toxic emissions from power plants is expected to be costly for many companies, and too costly for numerous old coal-fired power plants. Most of those



plants will be retired in the three-year period allowed to implement the rule.

But some utility critics and energy planners have [charged](#) that the EPA has not done enough to consider whether the rule, along with other upcoming regulations, could affect the ability of power plants to deliver electricity to customers, particularly during peak demand periods.

On the contrary, though, the new report argues that 38 gigawatts of generating capacity is under construction, which will bolster capacity in the face of coal plant shutdowns. While those could typically take two to four years to develop, “demand side resources (e.g., emergency generators)” could be brought online in much shorter time frames if necessary.

Beyond that, the report says the EPA has plenty of authority under the Clean Air Act to allow unit-by-unit extensions of one year to install pollution controls. The EPA has done it before, the report says, noting plants in Maine, North Carolina, Iowa and Washington that were given 10- to 12-month extensions to comply with previous air toxics rules.

Beyond a four-year time frame, the report says, the EPA could enter into consent orders or consent decrees with power plant operators to allow more time to install the controls.

The report also says corporate earnings statements show that at least 30 power generating companies, including 11 of the top 15 largest coal fleet owners in the U.S., have assured investors that they “are well positioned to comply [with EPA air rules] because of earlier investments in their fleets.”

And the report says critics’ contentions that EPA rules will lead to mass power outages are incorrect.

Beyond allowing additional time for plants that are key to some power grids, the report says that reserve margins — capacity above actual used power — are well above targets for most FERC regions. All regions have at least 5 percent additional gigawatts of reserve margin projected for 2014, the report says.

To read and comment online:  
<https://www.politicopro.com/go/?id=7526>

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Richard Windsor/DC/USEPA/US  
05/13/2011 10:10 AM

To Michael Moats  
cc Adora Andy, Brendan Gilfillan, David McIntosh  
bcc  
Subject Re: Chicago Tribute joint op-ed by Exelon and the Environmental Law & Policy Center

I sure am!  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 05/13/2011 09:31 AM EDT  
**To:** Richard Windsor  
**Cc:** Adora Andy; Brendan Gilfillan; David McIntosh  
**Subject:** Re: Chicago Tribute joint op-ed by Exelon and the Environmental Law & Policy Center

We cool with posting a link to this on Facebook?

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

Richard Windsor V cool. ----- Original Message ----- 05/13/2011 08:41:14 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
Date: 05/13/2011 08:41 AM  
Subject: Re: Chicago Tribute joint op-ed by Exelon and the Environmental Law & Policy Center

V cool.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/13/2011 08:20 AM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Michael Moats  
**Subject:** Chicago Tribute joint op-ed by Exelon and the Environmental Law & Policy Center

**News Headline:** Clearing the air: When opposites actually agree | 

**Outlet Full Name:** Chicago Tribune - Online  
**News OCR Text:** Environmental advocacy organizations and major electric utilities don't always see eye to eye on government standards. But the Environmental Law & Policy Center and Exelon Corp. agree that the Environmental Protection Agency's action to protect public health and clean up our nation's oldest and dirtiest power plants is not only essential to safeguard the health of thousands of Illinois residents

— it will also be good for creating jobs and boosting the state's economy.

We believe that efforts by some in Congress to derail this action should be vigorously resisted.

The intense national debate over proposed new federal standards to reduce hazardous air pollutants from power plants comes to Chicago on May 24. The EPA will hold a public hearing here on its proposed standards setting federal limits — for the first time — on mercury, arsenic, lead, hydrochloric acid and other hazardous air pollutants.

The "toxics rule" is one of two key safeguards the EPA has proposed under the Clean Air Act to protect public health and the environment. The other is the Clean Air Transport Rule, which will reduce the downwind transfer of sulfur dioxide and nitrogen oxide emissions. Both standards are expected to be finalized this year.

These new standards will achieve cleaner air and safeguard public health. They target for cleanup life-threatening air pollutants that have been linked to cancer, heart disease, neurological damage, birth defects, asthma attacks and even premature death, and especially affect children and the elderly.

For example, mercury is a neurotoxin that causes fetal brain damage. State public health officials have issued "advisories" on every river, lake and stream in the Great Lakes states, warning people — especially pregnant women — to severely limit their consumption of fish. Sad isn't it, that it's not safe for people to eat the fish that they catch here?

Old, inefficient coal-fired power plants in the Midwest are the largest source of these air pollutants. In fact, two coal plants in Chicago are among the oldest operating in the nation. The Clean Air Task Force recently reported that coal plant pollution causes more than 1,000 heart attacks and 450 hospital admissions every year in Illinois.

The proposed new EPA clean-air standards will help prevent these unnecessary illnesses and also protect our environment. They will drive power plant owners to decide whether to clean up or retire their oldest, highest-polluting plants. Taking the dirtiest plants off the grid will enable newer, more efficient power plants to be built, resulting in more jobs, cleaner air and lower health costs. Exelon and other utilities have already taken steps to install pollution controls and transition to cleaner resources. For example, Exelon in 2009 announced plans to retire several units at two older coal plants. Plus, there are many proven pollution-control technologies available, some of which take only 18 months to install. In fact, well over half of the nation's power plants have already installed pollution controls.

The University of Massachusetts at Amherst estimated earlier this year that compliance with new clean air standards will create more than 122,000 capital investment jobs in Illinois over the next five years, and nearly 1,500 permanent jobs operating and maintaining the new equipment here. Accordingly, Illinois will be one of the states poised to benefit most from the EPA's new standards. (These are skilled, high-paying jobs that the state badly needs.) And it's not just jobs. Another new report titled "Expensive Neighbors: The Hidden Cost of Harmful Pollution to Downwind Employers and Businesses" found that the longer the EPA's transport rule is not implemented, the longer Illinois will suffer from about \$450 million in lost

income and tax revenue each year. These losses result from reduced productivity from air pollution that wafts into Illinois from other states.

Those who oppose EPA's clean air standards point to likely power plant retirements. In true Chicken Little form, they warn there won't be enough electricity left to supply our needs. But the electric power industry is well-prepared for the changes and can maintain system reliability — a fact that several recent reports have corroborated. M.J. Bradley & Associates notes that the United States already has a strong foundation of more than 100 gigawatts of excess power plant capacity, double the amount of capacity that can be expected to retire under the new EPA standards.

The EPA's common-sense health protections are required by the Clean Air Act and long overdue. They will dramatically improve public health, create much-needed jobs, and transition us to a cleaner energy future. This is an important case where Exelon and the Environmental Law & Policy Center stand together — as we all should — to protect public health, our environment and the Illinois economy.

John W. Rowe is chairman and CEO of the Chicago-based Exelon Corp. Howard A. Learner is president of the Environmental Law & Policy Center, a Midwest public interest advocacy organization.

**Richard Windsor/DC/USEPA/US**  
04/05/2012 02:33 PM

To Michael Moats, Gwendolyn KeyesFleming, Brendan Gilfillan, Bob Perciasepe  
cc  
bcc  
Subject Fw: Georgia power plant and a small town's fears

I found this fascinating...

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/05/2012 02:32 PM -----

From: Lisa At Home <(b) (6) Personal Privacy>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/01/2012 12:06 AM  
Subject: Georgia power plant and a small town's fears

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Hey, check this out from CNN:  
Georgia power plant and a small town's fears  
<http://www.cnn.com/2012/03/31/us/georgia-coal-power/index.html>

Sent from my iPad

**Richard Windsor/DC/USEPA/US**  
05/04/2011 09:31 AM

To phaedra  
cc  
bcc

Subject Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

FYI. Feel better..

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/04/2011 09:31 AM -----

From: "Yolanda Caraway" <ycaraway@THECARAWAYGROUP.COM>  
To: Richard Windsor/DC/USEPA/US@EPA, <(b) (6) Personal Privacy  
Date: 05/04/2011 08:57 AM  
Subject: Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

---

Yolanda Caraway  
President and CEO  
The Caraway Group, Inc.  
1010 Wisconsin Ave. NW  
Suite 550  
Washington, DC 20007  
(202) 965-2810 Office  
(202) 965-2812 Fax  
yolanda@thecarawaygroup.com

\*Sent from my BlackBerry Wireless - Please excuse any typos

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

From: Rae Robinson Trotman  
To: Yolanda Caraway; Tonya Williams (Tonya@thecarawaygroup.com); Darrell Jackson (Darrell@thecarawaygroup.com) <Darrell@thecarawaygroup.com>; Phallan Davis <phallan@thecarawaygroup.com>  
Sent: Wed May 04 08:45:41 2011  
Subject: Post article - Congregation is first black church in D.C. to be powered by solar energy

C <<image001.jpg>> ongregation is first black church in D.C. to be powered by solar energy

By Darryl Fears, Tuesday, May , 6:52 PM

A historic black church that has sat on the same corner in LeDroit Park for 99 years has become the first African American church in the District to rely on renewable solar energy for electrical power.

Florida Avenue Baptist's <<http://www.flavbc.org/>> installation of 44 solar panels was hailed at a ribbon-cutting Tuesday by Environmental Protection Agency Administrator Lisa P. Jackson and other government officials as a breakthrough in the black community, where the clean-energy divide mirrors its well-known high-tech digital divide with the white community.

"This is an important first," said Jackson, whose agency recently started a faith-based initiative to increase clean-energy awareness among religious groups. "They're saying: We're going to take the lead in helping African American homes to become energy efficient."

The church's pastor, the Rev. Earl D. Trent Jr., said the panels' installation, by a North Carolina-based company in March, was important not only because the church will save money on its \$3,000 monthly electric bill from Pepco but also because it will reduce "dirty" coal-fired energy and enable him to establish a "green ministry" that could awaken churchgoers who know little to nothing about clean energy and its benefits.

African Americans tend to live in older, less energy-efficient homes equipped with older appliances and, therefore, have higher energy bills.

According to "Energy Democracy <  
[http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy\\_Democracy\\_Report\\_\(WEB\).pdf](http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy_Democracy_Report_(WEB).pdf)>," a 2010 report by the Center for Social Inclusion, African Americans spent an average of \$1,439 on electric bills in 2008, more than what Latino and Asian Americans spent, and significantly higher than what white Americans paid.

"We want to be a model for green energy," Trent said in an earlier interview. "I've gotten calls from pastors who want to find out how they can do this," he added, raising his hope that the renewable-energy divide can be bridged.

African American churches have historically led social change in black communities, raising awareness of civil rights in the past and now, possibly, environmental justice, Trent said. Helping to lower coal-energy production, even marginally, at power plants is a symbolic step in a nation where, he said, many black people live near such plants and their smokestacks.

"African Americans have more sources of pollution in their neighborhoods than others," Jackson said, standing on the roof of the church near Howard University Hospital as the sun beat down. "We have mercury, neurotoxins building up in our bodies . . . mothers pass it to children. We have . . . developmental disorders. All that comes back to this," she said, pointing to the row of solar panels.

"I think it's an extraordinary thing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities. "For me, this is a big story, even if it's just one church. You know how black churches are. If one pastor does it, the others have to do it because they don't want to be outdone."

When ministers inquire about getting panels, they'll learn that they'll have to spend green to go green.

At Florida Avenue Baptist, which has 500 members, the cost was \$60,000. With prayer, and 12 members of the flock who were willing to invest money in exchange for Solar Renewable Energy Certificates <  
[http://www.epa.gov/greenpower/documents/gpp\\_basics-recs.pdf](http://www.epa.gov/greenpower/documents/gpp_basics-recs.pdf)>, the cost was overcome.

The certificates are a kind of energy credit that companies such as power plants buy to sidestep government regulations and penalties for producing too much pollution.

The idea to go solar came to Trent through Gilbert Campbell III, a co-owner of Volt Energy <  
<http://volt-energy.com/>>, a North Carolina clean-energy company with an office in Washington. Campbell, a Howard University graduate who met Trent years earlier through his father, a pastor, had a proposition.

"I want to share with you the benefits of the church looking at solar," Campbell recalled saying in December. "You have an opportunity to educate younger students in the church," he said. "There's a value associated with that."

Volt Energy helped Florida Avenue Baptist set up a business, allowing it to make the investment and receive the certificates. The investors recouped \$18,000 within 60 days from a federal tax credit that for-profit entities receive for making investments in renewable technology.

Volt Energy also customized a curriculum for the church, teaching energy efficiency, recycling, and the how-tos of using energy-efficient light bulbs and reading energy bills to children.

Last week, Pepco turned on the power generated by the panels.

The church is expected to save 15 percent, about \$450, on its monthly bill, Campbell said. More money will probably be saved after an energy audit of the church and the installation of energy-efficient doors, windows and light fixtures, he said.

The church plans to eventually install a monitor outside the sanctuary so that its members can see the amount of energy being produced and the money being saved, Trent said.

“They’re excited,” he said. “They can’t wait to see.”

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Rae Robinson Trotman| Chief of Staff | The Caraway Group, Inc. |1010 Wisconsin Avenue, NW | Suite 550 | Washington, DC 20007 |202-243-7653 (direct) |202-965-2812 (fax) |www.thecarawaygroup.com|

<http://twitter.com/TheCarawayGroup> <<http://twitter.com/TheCarawayGroup>>

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

**Richard Windsor/DC/USEPA/US@EPA**

To Richard Windsor

cc

bcc

05/21/2012 11:07 AM

Subject G8: Leaders open up vital new front in the battle to control global warming - Telegraph Blogs

Hi,

I thought you'd like this:

<http://soc.li/CVypeKf>

G8: Leaders open up vital new front in the battle to control global warming – Telegraph Blogs

It seems to have gone virtually unnoticed, but the world leaders at the weekend's G8 summit look as if they have taken the biggest step in years in tackling climate change. And it's quite apart from anything to do with carbon dioxide. The summit's final communiqué, the Camp David Declaration, supports “comprehensive actions” to reduce [...]

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**Richard Windsor/DC/USEPA/US**  
07/10/2011 08:48 PM

To Sarah Pallone  
cc  
bcc  
Subject Re:

Sent you the picture.

---

**From:** Sarah Pallone  
**Sent:** 07/10/2011 08:46 PM EDT  
**To:** Seth Oster; Richard Windsor  
**Subject:** Re:

Excellent!

---

**From:** Seth Oster  
**Sent:** 07/10/2011 08:33 PM EDT  
**To:** Bob Sussman; Lisa Garcia; Scott Fulton; "Michelle DePass" <depass michelle@epa.gov>; "Paul Anastas" <anastas.paul@epa.gov>; Gina McCarthy; Steve Owens; Mathy Stanislaus; Lisa Feldt; "Shalini Vajjhala" <vajjhala.shalini@epa.gov>; Cynthia Giles-AA; Barbara Bennett; Malcolm Jackson; Curt Spalding; Judith Enck; Al Armendariz; Susan Hedman; Jim Martin; "Jared Blumenfeld" <blumenfeld.jared@epa.gov>; "Dennis McLerran" <mcclerran.dennis@epa.gov>; Gwendolyn KeyesFleming; Jose Lozano; Heidi Ellis; Daniel Kanninen; "Eric Wachter" <wachter.eric@epa.gov>; Janet Woodka; Sarah Pallone; Arvin Ganesan; Laura Vaught; Charles Imohiosen; Dru Ealons; Stephanie Owens; Matt Bogoshian; Nancy Stoner; Craig Hooks; Michael Goo; Bicky Corman; "Aaron Dickerson" <dickerson.aaron@epa.gov>; Shawn Garvin; Jeffrey Corbin; Debbie Dietrich; Ryan Robison; Marcus McClendon  
**Cc:** "David Cohen" <cohen.david@epa.gov>; Adora Andy; Alisha Johnson; Andra Belknap; Shira Sternberg; Michael Moats; Vicki Ekstrom; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Candace White; Roxanne Smith; Larry Jackson

Wantd to share with you an editorial just posted today in the Baltimore Sun about EPA and Administration Jackson.

Seth

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

[www.baltimoresun.com/news/opinion/editorial/bs-ed-lisa-jackson-20110709,0,6614641.story](http://www.baltimoresun.com/news/opinion/editorial/bs-ed-lisa-jackson-20110709,0,6614641.story)

**Baltimore Sun**

# EPA administrator stands tall

**Our view: With latest rules, federal agency puts public health and welfare ahead of the financial interests of polluters**

8:00 AM EDT, July 10, 2011

For those who long for clean water, breathable air and perhaps even a healthy Chesapeake Bay, there's at least one public figure willing to fight for your cause, and she's a former chemical engineer who has never held elected office.

U.S. Environmental Protection Agency Administrator Lisa P. Jackson has emerged as one of the most effective figures in the Obama administration to date. She's a tough, no-nonsense, plain-spoken regulator who doesn't seem especially fazed by constant attacks from House Republicans who insist that EPA rules are costing the nation precious jobs.

Of course, the EPA is not the economic boogeyman that conservatives claim. While polluters must sometimes dip into profits to meet minimum environmental standards, studies have shown the net effect on the economy is hardly disastrous. A recent Office of Management and Budget report found the benefits of EPA regulations over the past 10 years outweigh the costs anywhere from 3-to-1 to as much as 20-to-1.

How is that possible? Because for every polluter who must toe the line – install scrubbers to take sulfur dioxide out of factory emissions, for instance – there are new jobs created in building and installing those scrubbers, opportunities in next-generation factories to replace aging technology, as well as health benefits to people living downwind from the facility.

The EPA is no jobs killer; it's often a job creator. But the agency's chief role is to look out for the health and welfare of the public by creating rules and procedures polluters must follow so that their profits are not based on choking or poisoning the American people.

One of the best examples came on Thursday, with the new EPA rules governing power plant emissions that contribute to soot, smog and acid rain. The agency estimates that for an additional \$1 billion investment to upgrade these plants, the public will be spared 34,000 premature deaths, 15,000 nonfatal heart attacks and countless cases of asthma and other respiratory ailments.

That's particularly helpful to residents of Maryland, where the state has already taken great strides to clean up local power plants but is powerless to do anything about coal-fired plants in the Midwest that send air pollution streaming eastward.

Of course, that won't stop the polluters and their allies in Congress from complaining about how the regulations will drive up costs while completely ignoring the billions of dollars in lost productivity and health care costs such air pollution causes downwind. Why should Maryland residents pay with their lives so others can run their air conditioners more cheaply?

But that's not the only battle Ms. Jackson and the EPA are taking on this summer and fall. New rules governing mercury emissions, mining wastes, vehicle emissions and, most controversial of all, climate change, are also coming out – much to the chagrin not only of Republicans but some Democrats facing re-election in 2012.

That Ms. Jackson so far seems resolute in her agency's efforts is a tribute to her professionalism and integrity. No doubt there are even some in the White House who would prefer that the EPA soften or delay its approach.

Closest to home, she's also been a driving force in the Obama administration's efforts to create a

"pollution diet" for the Chesapeake Bay by holding states in the watershed accountable. That's drawn howls of protest from farmers, builders and others who may face increased regulations – and costs – as a result. But it's the best hope in a generation for a cleaner Chesapeake Bay, and Marylanders should be thrilled by Ms. Jackson's advocacy.

That's not to suggest that everything ever written by an EPA bureaucrat is above criticism or should be the last word in public policy. But the reality is that the agency is not caving to industry as it did so often during the George W. Bush years. It is putting the public's best interests ahead of polluters, even the deep-pocketed, politically influential kind. That's reason to cheer.

Richard  
Windsor/DC/USEPA/US  
12/08/2010 08:27 AM

To Sarah Pallone  
cc  
bcc  
Subject Re: From Business Week

Cool  
Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 12/08/2010 08:24 AM EST  
**To:** Richard Windsor  
**Subject:** From Business Week

This was on Politicker's site:

# Scientists offer NJ gov climate change message

By ANGELA DELLI SANTI

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## TRENTON, N.J.

Three scientists who specialize in climate change delivered a message to New Jersey Gov. Chris Christie on Tuesday: Global warming is real, it's caused mostly by people and it has already increased the frequency of severe weather in the Garden State. The Rutgers University scientists came to the Statehouse with reams of documents in the hope of convincing Christie, who has said he is reserving judgment on the issue.

Christie did not meet with the experts. Instead, his representatives sat in on their presentation. Afterward, governor's spokesman Michael Drewniak declined to comment.

The governor told a town hall meeting last month that he'd seen evidence on both sides of the climate change issue and was reserving judgment.

"To be honest with you, I don't know. And that's probably one of the reasons why I became a lawyer and not a doctor, or an engineer, or a scientist -- because I can't figure this stuff out," Christie said at the time. "But I would say at this point, that has to be proven, and I'm a little skeptical about it."

Meteorologist Alan Robock of Rutgers' Environmental Studies Department said if he could send one message to the governor, it would be this: "Global warming is real. Humans are causing it, and there's no doubt about that."

Robock, who wondered aloud whether Christie's comments were engineered to appeal to conservatives, said he wrote the governor after hearing his comments. In the letter, Robock said, he explained that the only scientifically credible explanation for global warming is that it stems mostly from human activity. He said the state's energy policy hangs in the balance of the governor's beliefs.

Oceanographer Paul Falkowski, who teaches at the Rutgers' Institute of Marine & Coastal Sciences, faulted the governor for discouraging mass transit use by hiking rail fares while encouraging driving by refusing to raise the gasoline tax, which at 14.5 cents is the third lowest in the country.

"While this governor has raised the cost of NJ Transit, he has not yet increased by even one cent the cost of gasoline," said Falkowski. "Behavioral changes are simply modified by cost."

Overall, the experts rated New Jersey's energy policy as uneven. Environment New Jersey Executive Director Dena Jaborska, whose group hosted the event, said Christie has been "a real champion" in pursuing wind energy but has not yet affirmed his commitment to the state's renewable energy goals on solar energy. He has also yet to commit to the regional greenhouse gas reduction initiative known as RGGI.

Jim Miller, a climatologist who also teaches at the Department of Marine and Coastal Sciences, said the climate is changing, with

more floods and droughts in New Jersey, for example. He said it's time to decide how much to invest in adapting to the climate change that's already been caused and how much to invest in mitigating against future damage.

Falkowski said he hopes decisions on climate change and energy policy can be made rationally, beyond the sphere of politics.

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



**Richard Windsor/DC/USEPA/US**  
12/22/2011 04:00 PM

To Sarah Pallone  
cc  
bcc

Subject Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

Cool !

Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 12/22/2011 03:56 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

FYI

Arnita Hannon

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

**From:** Arnita Hannon  
**Sent:** 12/22/2011 03:36 PM EST  
**To:** Sarah Pallone  
**Cc:** Rebecca Cook; Dru Ealons; John Larmett  
**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

FYI - See a note from Council member MacNeille of Millbourne, PA and how they have long-standing support for the Standards and laud EPA's latest action!

M. Arnita Hannon  
Intergovernmental Liaison  
US Environmental Protection Agency  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: 202-564-3704  
Fax: 202-501-1545  
Mobile: 202.302.9109  
Cell: 240.602.7118

----- Forwarded by Arnita Hannon/DC/USEPA/US on 12/22/2011 03:34 PM -----

From: Jeanette MacNeille <jeanette@eclipseservices.com>  
To: Arnita Hannon/DC/USEPA/US@EPA  
Date: 12/22/2011 03:16 PM  
Subject: Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

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Ms. Hannon,

Millbourne Borough, one of the smallest Borough's in PA, passed a resolution in support of these standards about a year ago. Anyone who is closely familiar with the health effects of mercury contamination and air pollution can only cheer.

Please tell Ms. Jackson "thank you" from all our residents and elected officials.

Best,

Jeanette MacNeille  
President, Millbourne Borough Council  
9 Park Avenue  
Millbourne, PA 19082  
Cell (b) (6) Personal Privacy

On Dec 22, 2011, at 2:35 PM, Arnita Hannon wrote:

>  
> CONTACT:  
> press@epa.gov  
>  
> FOR IMMEDIATE RELEASE  
> December 22, 2011  
>  
> They're Still Talking About Historic Mercury and Air Toxics Standards  
>  
> WASHINGTON - Yesterday the U.S. Environmental Protection Agency (EPA)  
announced the  
> first national standards to protect American families from power plant  
emissions of  
> mercury and air toxics like arsenic, acid gas, nickel, selenium, and  
cyanide. These new  
> Mercury and Air Toxics Standards will slash emissions of these dangerous  
pollutants by  
> relying on widely available, proven pollution controls that are already in  
use at more  
> than half of the nation's coal-fired power plants.  
>  
> Today, leaders from across the country are still talking about these  
historic  
> standards. Here's what they're saying about Mercury and Air Toxics  
Standards:  
>  
> Larry Schweiger, National Wildlife Federation:  
> "Our children and grandchildren will inherit a safer world thanks to the  
leadership of  
> President Obama and Administrator Jackson. At long last, these prudent and  
overdue  
> limits on unchecked mercury and toxic air pollution will ensure our fish  
will be safe  
> to eat, and our children can breathe easier."  
>  
> Gene Karpinski, League of Conservation Voters:  
> "Today is a historic day for the health and safety of our children. We  
strongly applaud  
> the Obama administration for setting new limits on mercury and other toxic  
air  
> pollution from power plants - limits that will save lives, prevent illnesses  
like  
> asthma and bronchitis and create jobs in pollution control technology."  
>  
> PJM:

> "PJM and four other RTO/ISOs proposed in comments to the EPA a process to ensure that  
> reliability in our respective regions can be maintained as the final Mercury and Toxics  
> Standards (MATS) Rule is implemented. The final MATS rule will have different degrees  
> of impact in various parts of the country. We at PJM are pleased that the EPA  
> Administrator has included the key elements of our proposed process to preserve  
> reliability into documents accompanying the Final Rule. We at PJM intend to work with  
> EPA, FERC, the states and others to ensure that process can be effectively utilized to  
> address particular reliability challenges and ensure that the reliability of the  
> electric grid is maintained during this critical period."  
>  
> Senator Patrick Leahy (Vt.):  
> "I commend the Environmental Protection Agency for doing the right thing, under  
> tremendous special interest pressure, in standing up for the public's interest. The  
> Utility Air Toxics Rule to control toxic air pollutants such as mercury is a health and  
> environmental breakthrough for the American people, and especially for Vermonters.  
> Finally, after 20 years of dodging regulation, coal- and oil-fired electric power  
> plants, the largest contributors of these toxics, will be held accountable for the  
> pollution they emit, just as many other industries are."  
>  
> Senator Ben Cardin (Md.):  
> "Clean air is essential for the health of every American and it's also good business.  
> It's time for the rest of the country's electricity generation sector to catch up with  
> Maryland and do what our power producers have been doing for years now to protect  
> children from toxic mercury and air toxics pollution...Mercury is an extremely harmful  
> neurotoxin that our country's largest source producers, power plants, must act to  
> address. The doomsday scenarios described by our nation's power companies who  
> irresponsibly continue to operate the nation's oldest and dirtiest power plants are not  
> based in reality. The rule being finalized today is the result of litigation demanding  
> EPA to comply with the Clean Air Act."  
>  
> Senator Tom Carper (Del.):  
> "With this decision, I believe the Environmental Protection Agency has provided a  
> reasonable and achievable schedule for our dirtiest power plants to reduce harmful air  
> toxic emissions. At the same time, I believe the Environmental Protection Agency has  
> given enough flexibility to industry and states to meet those targets and

address any  
> possible local reliability concerns. These clean air investments will be a win-win-win  
> as we save thousands of lives, save billions of dollars in health care costs and work  
> productivity, and create good paying jobs here at home by cleaning up these dirty power  
> plants. In fact, this new rule is expected to produce 46,000 jobs in the near term  
> during the installation of the needed clean air technology, and thousands more for  
> long-term utility jobs."  
>  
> Senator Bernie Sanders (Vt.):  
> "I strongly support the Clean Air Act standards announced today that will slash toxic  
> air pollution, such as mercury and arsenic, from our nation's power plants. We know  
> from the Centers for Disease Control and Prevention that mercury can cause brain damage  
> and is particularly harmful to infants and young children. We also know that installing  
> the necessary pollution control scrubbers and equipment will create jobs as we update  
> our power plants. This clean air rule is long overdue, and I commend EPA Administrator  
> Lisa Jackson for protecting our families' health and wellbeing."  
>  
> Frances Beinecke, Natural Resources Defense Council:  
> "The magnitude of these health benefits could make this rule one of the biggest  
> environmental accomplishments of the Obama administration. I applaud the  
> administration's continued leadership in making our air cleaner and safer to breathe."  
>  
> U.S. Commerce Secretary John Bryson:  
> "For business leaders, there are few challenges greater than uncertainty, and by  
> issuing today's ruling, this Administration has answered definitively a question that  
> has hung over the U.S. energy industry for nearly 20 years," Bryson said. "These new  
> standards have benefits that far exceed costs, and the flexibility built into their  
> adoption will help guarantee that implementation will proceed in a thoughtful,  
> common-sense way that limits negative impacts on businesses."  
>  
> U.S. Agriculture Secretary Tom Vilsack:  
> "By reducing emissions of highly toxic pollutants such as mercury, we are ensuring that  
> our air and water are cleaner and American families are safer. Folks in rural America  
> have a great appreciation for the land and work hard to preserve our environment for  
> future generations. These standards support their efforts by improving millions of  
> acres of polluted ecosystems that will create better habitat for fish and wildlife and  
> provide more recreational opportunities for all Americans to enjoy."

>  
> Energy Action Coalition:  
> "Young voters are thrilled that EPA Administrator Lisa Jackson and the Obama  
> Administration are standing up to big polluters to protect our generation's  
health and  
> spur job creation in the clean energy economy. This decision shows the Obama  
> Administration's commitment to stand up to Big Coal and Oil to protect the  
air we  
> breathe. We hope the Administration will continue to stand up for the health  
and safety  
> of Americans and the environment in the coming year."  
>  
> Senator Sheldon Whitehouse (R.I.):  
> "Today, the EPA has taken an important step to protect public health,  
particularly the  
> health of children. After years of Rhode Island receiving pollution from  
out-of-state  
> power plants, the largest sources of toxic air pollution will finally be  
required to  
> reduce emissions of these dangerous chemicals. I applaud our local utility,  
National  
> Grid, for its support of these new clean air protections."  
>  
>  
> Senator John Kerry (Ma.):  
> "The bottom line is, this will mean fewer heart attacks and asthma attacks,  
fewer kids  
> exposed to mercury, and thousands of good jobs for the American workers who  
will build,  
> install, and operate the equipment to reduce these toxic pollutants. Smart  
health and  
> environmental protections go hand in hand with economic growth and reliable,  
affordable  
> energy."  
>  
> Representative Elijah Cummings (Md.):  
> "These new standards, which have been twenty years in the making, will  
safeguard  
> American families and protect our environment from dangerous mercury and  
toxic air  
> pollution. I commend the EPA for finalizing rules that will prevent  
thousands of  
> premature deaths and hundreds of thousands of heart attacks and other  
illnesses. These  
> new national standards will create thousands of American jobs and generate  
health and  
> economic benefits worth tens of billions of dollars."  
>  
> Representative Ed Markey (Mass.):  
> "This rule to limit mercury and other dangerous toxics is one of those times  
when you  
> can truly say 'we're doing it for the kids. While the Obama administration  
wants to cut  
> mercury pollution to protect kids and pregnant mothers, Republicans want to  
knife the  
> MACT, stopping these standards from ever going into effect. The 91 percent  
reduction in  
> mercury in Massachusetts since 1996 shows that these standards are  
attainable. The  
> standards will reduce mercury by increasing innovation, as entrepreneurs and

inventors

> will discover new and better ways to cut pollution and move to cleaner forms of energy

> that produce no pollution at all, like wind and solar power. I commend the Obama

> administration, EPA Administrator Lisa Jackson, and the staff at the EPA for their

> dedication to the health and well-being of America's kids."

>

> Business Council for Sustainable Energy:

> "Uncontrolled toxic air emissions are real and sizeable threats, both to public health

> and to the economy. Families, companies and investors need certainty on air emissions

> policy for healthier living and for economic growth. The finalization of the Mercury

> and Air Toxics Standards provides more certainty on emissions policy and will drive

> investment in innovative technologies and America's energy infrastructure. American

> businesses can keep the lights on and grow the economy while protecting public health.

> Shifting to lower emissions technologies and resources while upgrading our nation's

> electric generation infrastructure will help drive economic growth and create jobs."

>

> Senator Barbara Boxer (Calif.):

> "Power plants are not only the nation's largest source of dangerous mercury emissions,

> but they also pollute the air we breathe with lead, arsenic, chromium, and cyanide.

> These hazardous air pollutants are known to cause cancer, harm children's development,

> and damage the brain and nervous system of infants. EPA estimates that this new clean

> air rule will annually prevent up to 11,000 premature deaths, 4,700 heart attacks,

> 130,000 asthma attacks and many other health benefits. The science and methodology used

> to determine these benefits have been extensively peer reviewed by EPA's independent

> Science Advisory Board and the National Academies of Science. The agency estimates that

> this clean air rule will also provide up to 46,000 construction jobs and 8,000

> long-term jobs in the utility industry. EPA's action today will generate jobs and

> protect the health and safety of families across the country."

>

> Illinois Governor Pat Quinn:

> "In Illinois, we have seen the benefits of enacting stringent requirements for reducing

> mercury emissions over the last several years. As a result, thousands of pounds of

> harmful mercury emissions have been kept out of our air. The President's action will

> protect millions of Americans from these dangerous emissions just like we have been

> doing in Illinois."

>  
> U.S. Health and Human Services Secretary Kathleen Sebelius:  
> "When the Environmental Protection Agency announced achievable new standards  
today for  
> mercury and other toxic pollutants from power plants, it took a critical  
step forward  
> in promoting a safe and healthy environment where all families can raise  
their children  
> free from dangerous chemical exposure. At the Department of Health and Human  
Services,  
> we know that people's health is not just determined by what happens in the  
doctor's  
> office. It depends on where we live and work, what we eat and the air we  
breathe."  
>  
> R367  
>  
>  
>  
>  
>  
>  
>  
>  
>  
> M. Arnita Hannon  
> Intergovernmental Liaison  
> US Environmental Protection Agency  
> Office of Congressional and Intergovernmental Relations  
> 1200 Pennsylvania Avenue, NW  
> Washington, D.C. 20460  
> Phone: 202-564-3704  
> Fax: 202-501-1545  
> Mobile: 202.302.9109  
> Cell: 240.602.7118

**Richard Windsor/DC/USEPA/US**  
10/29/2011 01:20 PM

To Scott Fulton  
cc  
bcc  
Subject Re: EGU GHG NSPS settlement

Tx. U too!

---

**From:** Scott Fulton  
**Sent:** 10/29/2011 01:16 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Seth Oster; Arvin Ganesan; Diane Thompson; Michael Goo  
**Subject:** EGU GHG NSPS settlement

Attached is the extension of the forbearance period for the EGU GHG NSPS until November 30. Have a good weekend, everyone.

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

From: "Doniger, David" [ddoniger@nrdc.org]  
Sent: 10/28/2011 10:15 PM AST  
To: Avi Garbow; "Michael J. Myers" <Michael.Myers@ag.ny.gov>  
Cc: "David (ENRD) Gunter" <David.Gunter2@usdoj.gov>; <mceronsky@edf.org>; "Joanne Spalding" <Joanne.Spalding@sierraclub.org>; <vpatton@edf.org>; Patricia Embrey; Joseph Goffman; Scott Jordan; Elliott Zenick; "Thomas (ENRD) Lorenzen" <Thomas.Lorenzen@usdoj.gov>  
Subject: RE: Boiler NSPS settlement

Avi,

Thank you for your email.

Attached is a letter from Mike Myers on behalf of the petitioners agreeing to extend the forbearance period to November 30th.

David

David D. Doniger  
Policy Director, Climate and Clean Air Program  
Natural Resources Defense Council

Please note our new address:  
1152 15th Street, NW, Suite 300  
Washington, DC 20005

Phone: (202) 289-2403



Cell: (202) 321-3435

Fax: (202) 289-1060

ddoniger@nrdc.org

on the web at [www.nrdc.org](http://www.nrdc.org)

read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

**Richard Windsor/DC/USEPA/US**  
06/20/2011 02:00 PM

To Seth Oster  
cc  
bcc  
Subject Re: Breaking News

Oh - how horrible.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 06/20/2011 02:00 PM EDT  
**To:** Richard Windsor  
**Subject:** Breaking News

Three workers trapped in flooded Kentucky coal mine -- FYI.

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

**Richard Windsor/DC/USEPA/US**  
07/12/2011 08:52 AM

To Seth Oster  
cc  
bcc  
Subject Re: Gore Project

Cool  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 07/12/2011 08:06 AM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Gore Project

Just FYI.

Former Vice President Gore and The Climate Reality Project (formerly the Alliance for Climate Protection) today will announce "a new global campaign to broadcast the reality of the climate crisis and mobilize citizens to help solve it. The campaign kicks off with '24 Hours of Reality,' a worldwide, live-streamed event Sept. 14-15. Scientists, celebrities, business leaders and concerned citizens ... will connect the dots between recent extreme weather events and ... manmade pollution ... From Tonga to Cape Verde and Mexico City to Beijing, the event will be live online over 24 hours, in 24 time zones and in multiple languages. Joining the campaign to bring a fresh perspective to the cause is Alex Bogusky, Adweek's 'Creative Director of the Decade.' Bogusky is an architect of the anti-teen-smoking Truth campaign."

Richard  
Windsor/DC/USEPA/US  
06/17/2011 07:50 AM

To Seth Oster  
cc  
bcc  
Subject Re: NAT'L JOURNAL: Power Company Contradicts Itself on  
EPA Rules

Tx!  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 06/17/2011 07:20 AM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Fw: NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules

Alisha Johnson

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

**From:** Alisha Johnson  
**Sent:** 06/17/2011 06:34 AM EDT  
**To:** Seth Oster; Adora Andy; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Shira Sternberg; Dru Ealons; Stephanie Owens; Michael Moats; Vicki Ekstrom  
**Subject:** NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules  
Power Company Contradicts Itself on EPA Rules  
National Journal

By Amy Harder  
Wednesday, June 15, 2011 | 9:06 p.m.

American Electric Power, one of the nation's biggest coal utilities, downplayed the impact of EPA regulations to its investors while forecasting a doom-and-gloom outcome for Washington policymakers.

AEP has come under scrutiny after announcing on June 9 that it would have to close five of its coal-fired power plants and post a net loss of 600 jobs because of Clean Air Act regulations.

Other utilities employ this strategy, too. Investors have different concerns than average Americans and lawmakers, after all. But the seemingly contradictory comments are drawing renewed scrutiny as EPA Administrator Lisa Jackson works to finalize a slew of controversial standards for major polluters that could potentially change the economy. EPA plans to regulate everything from mercury to greenhouse gases. Republicans have attacked those regulations and introduced legislation to curb the agency's power.

"Because of the unrealistic compliance timelines in the EPA proposals, we will have to prematurely shut down nearly 25 percent of our current coal-fueled generating capacity, cut hundreds of good power-plant jobs, and invest billions of dollars in capital to retire, retrofit, and replace coal-fueled power plants," AEP chairman and CEO Mike Morris said in a statement last week. "The sudden increase in electricity rates and impacts on state economies will be significant at a time when people and states are still struggling."

A week earlier, Morris had sought to allay investors' concerns about the plant closures and their effect on AEP's bottom line at a June 1 investors conference.

"On balance, we think that is the appropriate way to go," Morris said of the closures. "Not only to treat our customers, but also to treat our shareholders, near and long term, with that small amount of the fleet going off-line."

Most of what AEP said it will have to shutter is spare capacity, used when it's very hot or cold. (The plants were used, for example, during last week's Midwestern heat spell.) That fact was not included in the company's release, but Morris made sure to remind investors.

"As you know, those are high-cost plants and dispatch infrequently," Morris said. He went on to add that most of them didn't run at all in 2009 because natural-gas prices were so low.

AEP spokeswoman Melissa McHenry told National Journal Daily that the plants slated for closure haven't been used much in recent years because of low natural-gas prices, but that having them available for use in times of extreme temperatures seems crucial.

McHenry said costs made closing plants a better alternative than retrofitting them. Consumers would still face surging electricity prices because of the time frame, which AEP and many other coal utilities say is unrealistic. Companies must comply with two of EPA's major set of rules by 2015. AEP wants the compliance time frame extended to 2020.

Southern Co., another major coal utility, also fights EPA's regulations and tries to walk a fine line. CEO Tom Fanning told investors in the first-quarter earnings statement that he remains "confident or optimistic perhaps that we've been able to work through some tough complex issues in the past." He also said that extending the compliance timeline to 2018 would make him "feel a lot more comfortable about being able to run our portfolio."

EPA's Jackson was not impressed with the AEP announcement last week. She said after a hearing on Wednesday that it was "misleading at best, scare tactics at worst."

Southern's Fanning, meanwhile, had positive words to say about the agency's administrator.

"In my constructive conversations with Lisa Jackson, she, I think, recognizes that the EPA—last thing they want us to create [is] reliability crises," he said in the earnings statement.

Richard  
Windsor/DC/USEPA/US  
06/13/2011 02:26 PM

To Seth Oster  
cc  
bcc  
Subject Re: NY Times (Semple) Editorial Today -- in case you missed it

Sigh. I hadn't. Tx.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 06/13/2011 01:08 PM EDT  
**To:** Richard Windsor  
**Subject:** NY Times (Semple) Editorial Today -- in case you missed it

June 12, 2011

## Mr. Babbitt's Protest

Former Interior Secretary Bruce Babbitt declared in a speech last week that President Obama's failure to mount a persuasive counterattack to the Republicans' "radical" assault on the country's environmental safeguards amounts to a "form of appeasement."

It is rare for someone of Mr. Babbitt's stature to use such caustic language about a sitting president from his own party. But he was reflecting growing concern — which we share — that the president and his top aides have decided for political reasons to back away from the fight. In recent months the White House has been far too quiet on the problem of climate change, and its once-promising efforts to regulate industrial pollution, toxic coal ash and mountaintop mining are flagging.

Mr. Babbitt's main complaint involved Mr. Obama's failure to do more to conserve open space and protect sensitive areas threatened by imminent development. He was particularly dismayed by the White House's acceptance of a Republican budget rider — pushed by the oil and gas industry — undercutting the Interior Department's authority to identify and set aside valuable public lands for future designation as permanent wilderness.

Mr. Babbitt said Mr. Obama still represented "the best, and likely only, hope for meaningful progress" on energy and the environment, and we must hope, as he does, that the president's temporizing is merely temporary. Even bigger fights lie ahead. The administration has proposed to limit power plant emissions of toxic pollutants like mercury and impose new rules governing power plant emissions of greenhouse gases. Any retreat from these pledges would be disastrous.

Mr. Babbitt also said President Obama should emulate President Bill Clinton, Mr. Babbitt's old boss, who faced similar opposition after the 1994 Republican revolution but came roaring back. After wavering for a while, he seized the lead on conservation issues and threatened to veto all anti-environmental legislation. The public supported him; the Republicans retreated. It is sound advice.

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

**Richard Windsor/DC/USEPA/US**  
12/01/2010 09:43 AM

To Seth Oster  
cc  
bcc

Subject Re: Politico: GOP plans strategy to stymie EPA

Yup. Tx.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 12/01/2010 09:28 AM EST  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe; Arvin Ganesan; David McIntosh; Bob Sussman; "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>; Barbara Bennett  
**Subject:** Politico: GOP plans strategy to stymie EPA

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/01/2010 09:24 AM EST  
**To:** Seth Oster; Adora Andy; Brendan Gilfillan; Alisha Johnson; Andra Belknap  
**Subject:** Politico: GOP plans strategy to stymie EPA

GOP plans strategy to stymie EPA

By: Robin Bravender

December 1, 2010 04:56 AM EST

Get ready for a string of up-or-down votes on the Obama administration's environmental record.

Republicans plotting their offensive against the Obama administration's environmental policies are eyeing a powerful weapon that would force the Democratic-held Senate to schedule votes on nullifying controversial regulations.

GOP lawmakers say they want to upend a host of Environmental Protection Agency rules by whatever means possible, including the Congressional Review Act, a rarely used legislative tool that allows Congress to essentially veto recently completed agency regulations.

The law lets sponsors skip Senate filibusters, meaning Republicans don't have to negotiate with Majority Leader Harry Reid (D-Nev.) for a floor vote or secure the tricky 60 votes typically needed to do anything in the Senate.

The House doesn't have the same expedited procedures, but it's assumed the GOP majority would have little trouble mustering the votes needed to pass disapproval resolutions.

A spate of contentious EPA rules that are soon to be finalized could be prime targets, including the national air quality standard for ozone, toxic emission limits for industrial boilers and a pending decision about whether to regulate coal ash as hazardous waste.

"We're not going to let EPA regulate what they've been unable to legislate. And if I'm chairman, we're going to have a very aggressive, proactive schedule," Rep. Fred Upton (R-Mich.), the likely incoming chairman of the Energy and Commerce Committee, told POLITICO.

Upton said specific legislative plans won't be made for the Energy and Commerce Committee until the



fight for the chairmanship shakes out. Rep. Joe Barton of Texas and several other Republicans are challenging Upton for the slot.

Once the chairmanship is nailed down, "then we will launch a full offensive," Upton said. As far as specific options, he said, "the Congressional Review Act certainly is a good one."

But the law comes with complications. For one thing, direct attacks against the administration's policies would certainly face White House opposition and difficulty getting the two-thirds vote needed in both chambers to overcome a veto. And it might look bad politically to be seen as simply undoing environmental regulations with no replacement or direction.

"It's kind of a blunt instrument," a former House Republican aide said of the review act. "Whatever it is you're doing, you're knocking it out of the box. That doesn't necessarily get you the right policy result."

And Republican efforts to demonize EPA could come back to bite them, a former Senate Democratic staffer said. "The risk in that strategy is being seen as politically motivated even though public health is at stake."

The review act has been successful only once since it was enacted in 1996. In 2001, the Republican-controlled Congress voted to overturn the Clinton administration's ergonomics rule. The resolution was signed by incoming President George W. Bush.

Sen. Lisa Murkowski (R-Alaska) attempted to use it in June to block EPA climate regulations, but her resolution narrowly failed to clear the chamber by a vote of 47-53 after a furious lobbying effort from the White House and Democratic leadership. Several moderate Democrats were placated by a promise to hold a vote on a two-year delay of the EPA climate rules, which has yet to be scheduled.

Matt Dempsey, spokesman for Sen. Jim Inhofe (R-Okla.), predicted several Democrats would join the GOP in voting to roll back energy regulations. "Democrats received the message loud and clear about the Obama agenda" after this fall's election, he said. "I wouldn't be surprised at all if Democrats joined Republicans in stopping some of these regulations coming down the pike."

Jeff Holmstead, an industry attorney and former EPA air chief during the George W. Bush administration, said the mere threat of a congressional vote could prod EPA to issue less aggressive rules.

"In some ways, the threat of the CRA may be just as useful as actually doing a resolution of disapproval because if the White House believes that a rule is controversial enough or may be controversial enough, they certainly don't want to be in a position to have to veto," he said. "I think they are certainly and legitimately concerned about being viewed as anti-industry and anti-business."

Republicans are also considering efforts to force the administration to win congressional approval before major rules are final.

Upton suggested such an approach in an October Washington Times op-ed. "Federal government agencies have overstepped their authority and have not been held accountable for their aggressive actions," he wrote. "No significant regulation should take effect until Congress has voted to approve it and the president has had an opportunity to approve or veto congressional action."

One option being floated is to reform the Congressional Review Act to force lawmakers to endorse major rules before they take effect, said industry attorney Scott Segal. "In essence, for some smaller category of regulations, the burden of proof would be reversed relative to the existing CRA," he said.

"Such a proposal has analogs in certain states and would be consistent with several of the 2010 campaign themes: smaller government, economic recovery and forcing elected officials to take responsibility for the actions of government," Segal said.

While a direct assault on environmental regulations might not work, Republicans and EPA foes have other weapons at their disposal. A popular strategy in both chambers next year will be to choke off funding for contentious EPA regulations, including efforts to address global warming.

"You're going to see House Republicans aggressively oppose efforts through the front door or the back door to implement a national energy tax, which continues to be the president's approach to energy," Rep. Mike Pence (R-Ind.), former House GOP Conference chairman and a possible 2012 presidential candidate, told POLITICO.

"We think that's the wrong approach, and you'll see House Republicans use the power of the purse to prevent any regulatory effort to implement that," Pence added.

During this year's markup of EPA's annual spending bill, House members defeated several amendments aimed at limiting EPA's authority to regulate greenhouse gas emissions.

"I suspect we will have more success with that type of thing in this coming session," said Idaho Rep. Mike Simpson, the top Republican on the House subcommittee that oversees EPA's spending. "There's obviously concern about EPA regulating greenhouse gases."

Rep. Jerry Lewis (R-Calif.), seeking to reclaim the Appropriations Committee chairmanship, said this week the panel "will be exercising its prerogative to withhold funding for prospective EPA regulations and defund through the rescissions process many of those already on the books."

Other "must-pass" bills could be used to attack EPA, as well.

"The most dangerous, or draconian, scenario would be one in which a rider prohibiting any EPA spending on climate issues is attached to, say, DOD appropriations," the former Democratic aide said, because the administration would face a tough political choice over whether to veto the massive spending bill.

EPA officials and greens have warned that the impending campaigns against EPA rules pose a threat to public health, and the White House has consistently opposed efforts to hamstring the agency.

"This comes back to public health. It's extremely important for EPA to base its decisions on the best science, to be in concert with the law," EPA Administrator Lisa Jackson said Monday during a panel discussion.

"The environment is not a partisan issue," she added. "It shouldn't be."

And the environmental community plans to fight "tooth and nail" against any efforts to stymie EPA regulations, said Joe Mendelson, director of global warming policy at the National Wildlife Federation. "In the end, we don't think they will prevail, because when faced with a vote between more pollution [and] protecting public health, public health will win."

**Richard Windsor/DC/USEPA/US**  
10/13/2011 12:36 PM

To Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

----- Forwarded by Richard Windsor/DC/USEPA/US on 10/13/2011 12:36 PM -----

From: Google Alerts <googlealerts-noreply@google.com>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/13/2011 10:22 AM  
Subject: Google Alert - lisa jackson epa

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News

1 new result for **lisa jackson epa**

[Fox News' War On The EPA](#)

Media Matters for America

A National Journal article noted that "a stack of court-ordered environmental regulations, some dating back 20 years" met EPA Administrator **Lisa Jackson** when she took office. The article also said: "Privately, coal chiefs and Republicans say they ...

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Richard Windsor/DC/USEPA/US  
09/13/2011 12:29 PM

To Seth Oster  
cc  
bcc

Subject Re: Former EPA climate director Kruger discusses future of air rules, GHG reporting program

v nice

Seth Oster

Haven't read it. But FYI. EPA:

09/13/2011 11:22:48 AM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan <(b) (6) Personal Privacy>, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA  
Date: 09/13/2011 11:22 AM  
Subject: Former EPA climate director Kruger discusses future of air rules, GHG reporting program

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Haven't read it. But FYI.

## EPA: Former EPA climate director Kruger discusses future of air rules, GHG reporting program

How will data from U.S. EPA's greenhouse gas reporting program change the game for industry? During today's OnPoint, Dina Kruger, principal at Kruger Environmental Strategies and the former director of EPA's climate change division, explains how the greenhouse gas reporting program, which is set to begin rolling out data at the end of this month, will affect business and public relations for participating industries. She also reacts to the Obama administration's rollback of ozone regulations.

### Transcript

**Monica Trauzzi:** Hello and welcome to OnPoint. I'm Monica Trauzzi. Joining me today is Dina Kruger, principal at Kruger Environmental Strategies and the former director of EPA's Climate Change Division. Dina, it's great to have you here.

**Dina Kruger:** Nice to be here.

**Monica Trauzzi:** Dina, this month's decision by the Obama administration to roll back on ozone regulations has left many questions about the impact of regulations on the economy and also the future of these regulations and environmental rules. What's your take on the strategy behind the Obama administration's decision?

**Dina Kruger:** Well, I think that in this -- I mean in our current climate, our economic climate, we're really dealing with the challenge of can you do environmental protection and economic growth together? Now, I'm someone who believes that these two things can go hand in hand, but, as we know, there's a lot of people that don't hold that view. And I think that at the end of the day, I don't know why exactly the Obama administration made that decision, but they made a call that they were going to pull this one back. I mean I'm optimistic and hopeful that EPA is going to be able to continue forward with the other regulations that it's doing. There's a lot of really important steps that they've taken so far and I think they're on a good path.

**Monica Trauzzi:** There's some thinking that the ozone rule was probably the easiest one to roll back on. Is that your thinking as well?

**Dina Kruger:** Well, I don't know if it's the easiest, but I think that it was certainly a rule that, as the president said in his statement, that because there will be another -- there's a planned review of this ozone NACS coming up in 2013, it's not like there won't be another opportunity to move forward.

**Monica Trauzzi:** So, you left EPA in February after 22 years working there. With so much happening at EPA under Lisa Jackson, why did you feel compelled to leave at this time?

**Dina Kruger:** I really thoroughly enjoyed my time at EPA and I loved working for Administrator Jackson. We got a lot done. When I was there I was able to put out the greenhouse gas reporting rule and also manage the endangerment finding that we did. I just found after 22 years I think I was ready for change and I'm thoroughly enjoying my new opportunities as well. So, it was a good time to be there and a fine time to leave too.

**Monica Trauzzi:** And now you are working directly with companies and NGOs that are interested in some assistance on a Greenhouse Gas Reporting Program and we're going to start seeing data coming out of that program at the end of this month. What are the key challenges that you've encountered with these companies when it comes to preparing for the release of this data?

**Dina Kruger:** I think what we're finding, and the companies have been very engaged -- are very engaged in the program, but I think what we're finding is making sure that across all of the facilities that they have that they're operating consistently, that they're doing the same things for the same types of facilities, that they've got the right kind of documentation and keeping the records that they're supposed to be keeping. And then I think, as they have the data now in hand, that they have two opportunities and two challenges and to challenges with respect to how they move forward. One is understanding what it means, what they can learn from the data, from the emissions data and how they can understand sort of where their plants are fitting within their own company and within the sector and what opportunities they have to reduce emissions. And then also thinking forward about how their stakeholders are going to react when the emissions are made public by EPA.

**Monica Trauzzi:** There was some concern at one point about EPA potentially releasing

confidential information. How have they come down on that?

**Dina Kruger:** Yeah, EPA put out a proposal back about a year ago and actually talked about how it was planning on dealing with confidential information and there was a lot of reaction from industry concerned that some of the data that EPA had said they thought they would release or would need to release was going to be confidential. EPA has since pulled back on that and is taking more time to work through these issues and to make sure that confidential information won't be released. So, at this point, with the information being reported at the end of this month, there aren't any problems with confidentiality.

**Monica Trauzzi:** Are there concerns from within the business community about how some of this data might be used, say by the media?

**Dina Kruger:** I haven't heard that there are major concerns, but I think that smart companies should be looking at their own data and trying to think forward about what kinds of questions or potential concerns could arise from the media, from investors, from environmental organizations, from local communities. I think that if they do that kind of planning now and they think about how they're going to explain what their emissions are and why they're emissions are where they are, they can be fully prepared.

**Monica Trauzzi:** So, from your experience, do companies, for the most part, feel it's fair to have to do this or is that kind of still up in the air?

**Dina Kruger:** From my--certainly my impression and my experience when I was working at EPA was we had really excellent engagement with-across a number of industry sectors. And this was a rule that the community seemed to like. They got their questions answered. EPA was very responsive and so I think that, at this point, there's a lot of support behind the rule. It's not a regulation. And nobody is required to install any control technology or reduce their emissions as a part of this rule.

**Monica Trauzzi:** But they may feel compelled to if their numbers appear higher.

**Dina Kruger:** Well, I think -- yeah, but I think that when -- the way to sort of look at that, most of the sectors that are reporting here, I mean the vast majority of the reporters are not in sectors that are on any kind of short list to be regulated, to have their greenhouse gas emissions regulated. So, I think what we're going to see is if the companies -- you know, presumably -- I would advise that the companies should be looking at their emissions and trying to see where they themselves have opportunities. Most of the CO<sub>2</sub> emissions coming from these industries are from fuel combustion. So, if you can find efficiencies, you can reduce your fuel consumption and ideally save some money while you're doing that. I think that they should also be really listening to their stakeholders and trying to hear, you know, what kinds of questions they have and what sorts of concerns or suggestions do they have for moving forward. And then it's really going to be in the hands of each individual company to decide what makes sense to do, based on their own business model and where they are. So, it's not -- I think it should work, I think it has the potential to work really well for them.

**Monica Trauzzi:** And how does this program fit into the broader picture of regulation and all the regulations that we see coming out of EPA right now?

**Dina Kruger:** Well, I think this is a rule that certainly, as EPA moves forward, you know, in the future with greenhouse gas regulations or if Congress decides that it wants to do something to regulate greenhouse gases, this data is really going to be a foundation for the policymaking. I mean having a trend in emissions, understanding where they come from is going to be -- is a really critical piece and one that, prior to this rule, we didn't have in the United States.

**Monica Trauzzi:** OK, interesting stuff. Thank you for coming on the show, nice to see you.

**Dina Kruger:** Thank you.

**Monica Trauzzi:** And thanks for watching. We'll see you back here tomorrow.

*[End of Audio]*

Richard  
Windsor/DC/USEPA/US  
05/06/2011 08:15 AM

To "Arvin Ganesan"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

See last piece... ?

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/06/2011 12:10 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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**Richard Windsor/DC/USEPA/US**  
11/08/2011 09:56 AM

To "Arvin Ganesan", "Brendan Gilfillan"  
cc  
bcc

Subject SL editorial attacking Christie's position on CSAPR

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

From: Lisa Plevin  
To: Lisa At Home  
Subject: Great SL editorial attacking Christie's position on CSAPR  
Sent: Nov 8, 2011 8:56 AM

Christie abandoning big fight to protect the environment

Published: Tuesday, November 08, 2011, 7:09 AM

By Star-Ledger Editorial Board The Star-Ledger

Gov. Chris Christie made it official yesterday: He is abandoning New Jersey's longtime bipartisan effort to force a cleanup of dirty coal plants in states to our west and south.

The governor tried to spin his way out of this by pointing to smaller steps he's taken to guard against air pollution. But make no mistake: This is the big fight and he is sounding a retreat.

Roughly one-third of New Jersey's air pollution comes from states such as Pennsylvania and Ohio, where coal plant operators are not required to install modern pollution controls. So even though New Jersey requires those controls on plants within our borders, the air here remains dirty.

Now, the Environmental Protection Agency has proposed rules that would require a cleanup in those states. For New Jersey, this should be a no-brainer.

Scientists at the EPA say the new rules will prevent up to 1,200 deaths per year in New Jersey, and much larger numbers of heart attacks and asthma cases. And by making the rules more uniform, businesses here will no longer be at such a competitive disadvantage on energy costs, which is why the state Chamber of Commerce supports the EPA position. So do reasonable Republicans, such as former Gov. Tom Kean.

Christie's position is an intellectual muddle. He supports EPA efforts to force cleanups at individual plants in other states, a process that takes years and has uncertain outcomes. (In the past month, New Jersey won one such case and lost another.) But he opposes EPA moves to force a broader cleanup, and won't join a lawsuit defending the agency. What sense does that make?

Our suspicion is that this is all about the governor's standing in the Republican Party. He apparently wants to be vice president, and his party is engaged in a broad assault against EPA authority. So rather than protect the health of New Jersey residents, he is protecting his political prospects.

Richard Windsor/DC/USEPA/US  
12/02/2010 04:50 PM

To "Bicky Corman"  
cc  
bcc

Subject Re: EPA News Release (HQ): EPA Marks 40th Anniversary

It was!

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**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 12/02/2010 04:41 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: EPA News Release (HQ): EPA Marks 40th Anniversary

So that's what you were doing in atlanta. Cool!! Hope your ceremony was great.

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**From:** U.S. EPA <usaepa@govdelivery.com>  
**To:** Corman, Bicky (DDOE)  
**Sent:** Thu Dec 02 16:30:48 2010  
**Subject:** EPA News Release (HQ): EPA Marks 40th Anniversary

**CONTACT:**  
EPA Press Office  
[press@epa.gov](mailto:press@epa.gov)

**FOR IMMEDIATE RELEASE**  
December 2, 2010

## EPA Marks 40<sup>th</sup> Anniversary

**WASHINGTON** – Today marked the 40<sup>th</sup> anniversary of the U.S. Environmental Protection Agency, an event commemorated both by EPA staff and by outside groups and individuals in a variety of ways throughout the week. Below is a list of the activities that took place and will continue to take place this week.

### MONDAY

On Monday, the Aspen Institute - an international nonprofit dedicated to fostering enlightened leadership and open-minded dialogue – unveiled a list of 10 ways the U.S. Environmental Protection Agency has

strengthened America over the past 40 years. That list can be found at the institute's website – <http://www.aspeninstitute.org>. Administrator Jackson joined Aspen Institute President and CEO Walter Isaacson to discuss the list at event in Washington.

## **TUESDAY**

On Tuesday, Administrator Jackson traveled to Atlanta to visit with EPA regional staff and sign an MOU with the Coretta Scott King Young Woman's Leadership academy to provide guest lecturers and project demonstrations and assist the school with their science and math program.

As part of the 40<sup>th</sup> celebration, the administrator also joined National Academy of Sciences President Ralph Cicerone at an event announcing an NAS study into how EPA can better incorporate sustainability into its programs.

Also on Tuesday, EPA's Mountain States and the South Central regional offices held educational events with former regional administrators to discuss the progress made in the past 40 years.

## **WEDNESDAY**

On Wednesday, Administrator Jackson traveled to New York, where she again met with EPA regional staff and held an event with students from the New York Harbor School, who shared their environmental work with the administrator and employees from EPA's regional office.

EPA's Southwest and Mid-Atlantic offices also held events Wednesday, including an employee acknowledgement ceremony in the heart of Los Angeles and an employee reunion spanning EPA's 40 years in Philadelphia.

## **THURSDAY**

Thursday – the anniversary of the day EPA opened its doors for business – Administrator Jackson held an event with EPA staff at headquarters that was also broadcast to the regional offices. Administrator Jackson was joined by Department of the Interior Secretary Ken Salazar, Department of Homeland Security Secretary Janet Napolitano, Department of Labor Secretary Hilda Solis and Department of Transportation Secretary Ray LaHood at the event. California Governor Arnold Schwarzenegger also spoke to EPA employees via satellite. The full text of Administrator Jackson's remarks is below.

Also today, EPA will host an educational panel discussion in Seattle and an event highlighting interesting and unusual EPA jobs in New York City.

## **FRIDAY**

Finally, tomorrow, December 3, Harvard University will hold a daylong conference in honor of EPA's 40<sup>th</sup> anniversary. There will be several panel discussions featuring representatives from EPA and other government bodies, academia and the non-profit and private sector.

EPA was officially created by President Richard Nixon on December 2, 1970, the result of a growing grassroots movement for clean air, clean water and clean land.

More information on EPA's 40<sup>th</sup> anniversary events: <http://www.epa.gov/40th>

**Administrator Lisa P. Jackson**  
**Remarks to EPA Staff at the 40th Anniversary Event at the Mellon Auditorium**  
**December 2, 2010**

**As prepared for delivery.**

40 years ago today the U.S. Environmental Protection Agency opened its doors for the very first time.

And what started four decades ago today began a history of tangible improvements to the health and the environment of the American people. Let me begin by saying that this is very special to me personally. I started my career at this agency. I came to EPA because of my love of science, and because I wanted to use that love of science to help people. I came to EPA because of the value I placed on the natural environment, after growing up on the Gulf Coast in New Orleans, living by the water and studying in the wetlands. And I came here because, after seeing events like Love Canal, I knew that EPA would give me a chance to come to work and serve people. As it is for so many of you, the protection of our health and the environment is not just my job – it's my lifelong passion.

I've seen EPA change and grow under three presidents and six different administrators. Since becoming Administrator I've had the chance to speak with some of my predecessors who have taught me a great deal about this job. Leaders like William Ruckelshaus, our first administrator. William Riley, Michael Leavitt, Christine Todd Whitman, and my colleague in the administration, Carol Browner. It is my pleasure and my privilege to follow in their footsteps and to lead this agency on the occasion of our 40th anniversary.

As you know, today culminates a year of events to mark this milestone. We had a truly excellent Speakers Series that brought in environmental chefs to talk about sustainable food, environmental authors to discuss their books, great thinkers like Thomas Friedman and Amory Lovins, actors and entertainers with environmental messages and distinguished moderators like Gwen Ifill. Earlier this year, we commemorated the success of the Clean Air Act – obviously one of the major parts of EPA's 40-year history. And across the country our Regional offices have been marking this occasion. This week I've spoken to everyone from students to EPA staff in Georgia and New York. Tomorrow I'll be heading off to Boston to visit our regional offices there and to be part of Harvard University's commemoration of EPA's 40th birthday.

At a meeting with the National Academies of Science we looked back at our 40 years of successes, and then looked ahead by initiating a process for the National Academies to help us increase sustainability in our work. I was also invited to the Aspen Institute, a leading think tank that brought together leaders from the history of this movement to highlight 10 ways the EPA has made America stronger. These are initiatives that every one of you has probably had a hand in. Those include:

Removing Lead from Gasoline and from the Air – a change that has saved hundreds of thousands of lives. Removing the Acid from Rain – an innovative, cost-effective effort EPA undertook to handle a complex challenge. Clearing Secondhand Smoke – which helped children and families and everyone else live healthier lives. Vehicle Efficiency and Emissions Control – thanks to EPA, cars today are far cleaner than they were a generation ago. Controlling Toxic Substances – a critical children's health issue. Banning Widespread Use of DDT – the subject of Rachel Carson's book *Silent Spring*; a chemical that was reported to be in nearly every meal in America; a toxin that almost wiped out our national symbol, the bald eagle; banned because of EPA's efforts. Rethinking Waste as Materials – an effort that continues to grow in both utility and importance, especially as we deal more and more with electronic wastes. A Clean Environment for All/Environmental Justice – an issue that ensures we are reaching every single community, helping them see their stake in a clean environment, and empowering them to get there. Cleaner Water – something every American holds dear and one of the places where EPA touches our daily lives the most. And The "Community Right to Know" Act – an essential part of the work we do.

All of this – the year of events, today's special guests and the cabinet members who came to thank you, the Aspen list and the many other expressions of support and gratitude from individuals and environmental groups – is for you. And as we look back 40 years, let me pause a moment to say thank you for the last two years. Since January of 2009 this agency has accomplished incredible things.

We have built a strong foundation for the seven priorities that will shape EPA's future in the next 40 years. We are Taking Action on Climate Change through the Endangerment Finding and the clean cars program. We are Improving Air Quality with tough new standards for smog, the first national limits to reduce mercury from cement plants and the first new standards for NO<sub>2</sub> in 35 years. We are Assuring

the Safety of Chemicals with specific action plans for managing widely-used chemicals. We are Cleaning Up Communities, primarily through swift implementation of the Recovery Act. That effort funded numerous Superfund and Brownfields cleanups, along with investments in water infrastructure, clean diesel technology, and repairs to leaking underground storage tanks. We are Protecting America's Waters with new levels of engagement in the Chesapeake Bay, the Great Lakes, Puget Sound and the Gulf of Mexico. WE are Expanding the Conversation on Environmentalism and Working for Environmental Justice by welcoming new voices to these discussions and issuing guidance on how every office can incorporate EJ into their decision making. And last but certainly not least, Building Strong State and Tribal Partnerships by working closely with our partners at the state level and relocating our Tribal initiatives into the Office of International and Tribal Affairs.

You have done incredible work. I thank you for that. The highest honors of this 40th anniversary go to the people of this agency. And that is what I want to do today: honor you. You have seen and heard over the course of this event the thoughts of your co-workers on what it means to work at EPA. That is what I want to share with you today. I want to talk about the people who make this place what it is.

Some of you decided long ago that you wanted to protect the environment. Like the young woman who determined in the 7th grade that she wanted to work at EPA, and today serves in our Region 8 office. We have a colleague in Region 5 who learned about the ozone layer in 3rd grade and never considered another career path than the one that brought him to EPA.

One employee in the Superfund Division used to play on the shores of Jamaica Bay in New York, where her mother warned her not to touch the polluted water. At nine years old, she took samples with an eye dropper and put them under her microscope. She said, "Just like Derek Jeter knew he wanted to be a New York Yankee as a child, I knew I wanted to be a scientist and work for EPA." She started with EPA as a summer intern in 1985 and is still working here today. She said, "I'm still thinking about contaminated water. Forty years ago, I couldn't do much about it. But, over the past twenty-five years, I have."

In the last 40 years, many members of our workforce have come to EPA because of the events in their own lives. Some of you experienced asthma as children, or like me, have a family member who fights this disease. My youngest son has asthma – and I'm grateful every day for EPA's work to keep the air clean around our home, his school, our church and everywhere we go.

Maybe you're like our co-worker in OCSPP, who has been at EPA for 32 years and believes she's making up for the damage her Great Grandfather did as a gold rusher decades ago. Maybe your story is similar to that of our colleague who learned to swim in Lake Michigan, and came back one summer to find a beach covered with dead fish. When that happened, she said, "on that beach I made a decision to devote my life to working for environmental protection." She serves today in Region 8 and has been with EPA for 22 years. Or perhaps you're like the young man who started at EPA just two years ago. His mother was diagnosed with leukemia, part of a cancer cluster around a chemically polluted river near her childhood home. EPA helped clean up the river and removed the threat to future generations. Today his mother is in remission, and he has never forgotten EPA's efforts. He said, "When I come to work every day, I remember what EPA did for my mother and her friends...If I have been able to make a difference for at least one community in my time with the Agency, then I have succeeded at paying it forward for what EPA has done to help my mom."

Many of you have shared stories of the progress you witnessed here at EPA. For example, a Brownfields cleanup in Milwaukee's Menominee Valley. It began in 1998 as a contaminated lot and today is home to soccer fields, a biking trail and a business park that is about to welcome a wind turbine manufacturer. Or a Superfund site in Joplin, Missouri, where EPA removed 100-foot-high piles of mining waste. Since 1991 EPA and the responsible parties there have provided about 500 households with public water supplies, cleaned up day care centers, schools and about 2,600 residential yards with lead-contaminated soils.

A woman working with the Tools for Schools program on indoor air heard reports from a school nurse that

simple changes have reduced by half the number of kids coming to the office for their asthma inhalers. Another woman, a 30-year agency veteran, said her favorite project was in Libby, Montana – a community already facing high levels of exposure to asbestos. She was part of the EPA team that helped replace dirty-burning wood stoves in Libby and reduced particle pollution enough for the area to attain the National Ambient Air Quality Standards for particulate matter. We even heard from a 20-year agency veteran whose top EPA memory is from a project he didn't even work on. As he was driving home from a wildlife refuge, he passed his old hometown – the city where he grew up and went to college. He was proud to see a sign on the local wastewater treatment plant that read "Funded by a grant from USEPA." He said, "it was nice to see the Agency I work so hard for all these years do something good for the poor city in which I grew up."

Many of you have also worked with EPA through hard times, including incidents like the BP spill. This was one of the greatest challenges this agency has ever faced. Many of you gave up nights and weekends and birthdays and holidays to be part of the response. Some people gave up their entire summer, and are still hard at work today. EPA's history is made in these challenging moments – and we are all part of this moment in our history. I would like today to recognize everyone who took part in the BP spill response. I ask you to please stand.

There is another group I want to recognize as well. On July 26 – a few months after the BP spill began – a 30-inch oil pipeline ruptured near Marshall, Michigan. The release was estimated at more than 800,000 gallons of oil. The spill made its way into the Kalamazoo River, heading towards Lake Michigan. But within two days the spill was contained – approximately 80 river miles from the Lake. That success was thanks in no small part to the quick work of EPA. Even while we had enormous resources tied up on the Gulf Coast, our workers stepped up to address yet another emergency. And they did so with extraordinary skill. I'm happy today to recognize those workers in Region 5 and beyond.

The 40-year history of EPA is a history of people like us. These are your stories. We are all part of this, from the individuals who started 3 months ago, to our charter members – who are here with us today in the front row – to the people who have been here 39 or 35 or 20 or 10 years.

Let me close with the words of one of our colleagues from the air office, who is retiring tomorrow after 37 years with EPA. Of his years as part of this agency he said, "I will always be proud to have been a part of one of America's greatest endeavors." Our people – all of you – made the last 40 years so incredible. Our work as One EPA is the foundation for our next four decades of success. At 40 years old, EPA should be ready to perform at a higher level than ever before. The future of this agency is in all of you – those who make an extraordinary difference, day in and day out. I am proud to be with you today, and to come to work by your side every day. Thank you very much. Happy 40th anniversary.

Note: If a link above doesn't work, please copy and paste the URL into a browser.

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**Richard Windsor/DC/USEPA/US**  
04/23/2012 11:02 AM

To "Bicky Corman", "Glenn Paulson", "Barbara Bennett",  
"Stephanie Owens", "Jose Lozano"  
cc  
bcc  
Subject FYI

climate adaptation efforts (BusinessGreen)

GE, Ford, and Intel are among the top US companies leading the way in clean tech innovation and so-called "climate management", according to new league table released today.



Richard  
Windsor/DC/USEPA/US  
05/05/2009 05:54 PM

To "Bob Sussman", "Diane Thompson"  
cc  
bcc  
Subject Fw: Warming, energy bill going straight to full committee --  
Waxman

Fyi  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/05/2009 05:24 PM EDT  
**To:** Richard Windsor  
**Cc:** Lisa Heinzerling  
**Subject:** Warming, energy bill going straight to full committee -- Waxman

## **CLIMATE: Warming, energy bill going straight to full committee -- Waxman (05/05/2009)**

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) said today that he will bypass regular order on a major climate change and energy bill and mark up the legislation before the entire 59-member panel.

The change in plans means the Energy and Environment Subcommittee will not mark up the bill as previously scheduled. Waxman and subcommittee Chairman Ed Markey (D-Mass.) planned to hold a subcommittee markup beginning last week, but ongoing intra-party negotiations have yet to produce a new draft bill.

The full committee markup will not begin until next week at the earliest, Waxman told reporters this afternoon. The lawmaker plans to report the bill by the Memorial Day recess.

Democrats on the Energy and Commerce Committee have been working for several months to reach agreement on a sweeping overhaul to U.S. energy and climate policy. So far, they have struggled to reach consensus as about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West resist the aggressive path that Waxman and Markey set out in a 648-page draft proposal.

Waxman and Markey are now in talks with the moderate Democrats on a range of issues, including emission limits, the use of offsets to ease industrial compliance costs, allocation of valuable allowances and the structure of a nationwide renewable electricity standard. Committee Democrats met with President Obama at the White House today and said they are making progress.

"We are exchanging concepts and where we reach agreement, we're working on language," said Rep. Rick Boucher (D-Va.), a lead negotiator for the moderate Democrats.

Rep. G.K. Butterfield (D-N.C.) said Democratic talks had picked up in recent days, and he predicted a proposal from committee leaders to the wavering moderates within days, if not hours. "I discern some movement," Butterfield said.

The upbeat prognosis for the House climate talks came shortly after a roughly 90-minute White House meeting with Obama and Vice President Joe Biden. According to several lawmakers at the session, Obama urged the Democrats to reach consensus on the issue by Memorial Day so that the committee can turn its attention to health care reform in June.

"He didn't want to see this slip by the wayside," said Rep. Mike Doyle (D-Pa.). "He wants us to keep working."

Democrats said Obama was well briefed on the details and complexities of the climate issue. "He has mastered the details," Boucher said.

Yet, they also said the president wants the committee members to work through the sticking points themselves. "He wants us to try to work out our bill, and he's giving us a lot of latitude to do that," Waxman said.

Because of their regional diversity, Obama also suggested that Democrats on the Energy and Commerce Committee could help propel the entire issue forward -- including through the Senate -- if they can strike a deal among themselves.

"If we can reach agreement with the coal sector, with the steel, with the auto sector, with the refining sector on our committee, which is very representative of the Congress as a whole, then we believe that'll be a template for passage in the Senate, as well," Markey said. "Because the agreements we'll reach will be the very same agreements that those industry leaders ... will be able to represent to senators are the basis for passage of legislation that they can support."

Obama addressed a key sticking point in negotiations, telling the Democrats that he is open to giving away some of the emission credits for free to industry, a clear shift from last year's presidential campaign and the administration's budget proposal in favor of a complete auction of the allowances.

"I wouldn't say it's contrary," Waxman said. "He wants us to get to a point where we're going to have an auction, and eventually we will get to an auction."

Any free credits, Waxman added, would not undercut the goals of the legislation.

"It's going to require during that transition period of decades for the Congress to deal with the cost to consumers, and the cost to different industries and the development of the new technologies," he said. "We're trying to be mindful of the regional concerns and the ratepayers, particularly the consumers."



**Richard Windsor/DC/USEPA/US**  
05/05/2011 08:47 AM

To "Bob Sussman", "Mathy Stanislaus", "Adora Andy"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

What announcement is this?

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/04/2011 11:07 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

[Big Coal Fights Off Crackdown on Toxic Ash](#)

RollingStone.com (blog)

Evans was among a group of activists from 50 states who met with **EPA Administrator Lisa Jackson** and others on Capital Hill to push for tougher clean air regulations. No surprise there: Big Coal has lobbied hard against the toxic ash rules — since they ...

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[RollingStone.com](#)  
(blog)

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**Richard Windsor/DC/USEPA/US**  
11/02/2011 08:06 PM

To "Brendan Gilfillan"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/02/2011 11:58 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

[EPA chief's toxic emissions](#)

Washington Times

By Steve Milloy It is time for **Lisa P. Jackson** to resign. Last Friday at Howard University, the administrator of the **Environmental Protection Agency (EPA)** railed against the coal industry, saying, "In [the coal industry's] entire history - 50, 60, ...

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**Richard Windsor/DC/USEPA/US**  
12/07/2010 10:55 AM

To "Brendan Gilfillan"  
cc  
bcc  
Subject When does mact stuff go out?

Richard  
Windsor/DC/USEPA/US  
07/06/2011 04:16 AM

To "Carolyn Hewlett"  
cc  
bcc  
Subject Fw: NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

FYI...

---

**From:** Seth Oster

**Sent:** 07/05/2011 11:48 PM EDT

**To:** Bob Perciasepe; Janet Woodka; Diane Thompson; Scott Fulton; Barbara Bennett; "Paul Anastas" <anastas.paul@epa.gov>; Craig Hooks; Mathy Stanislaus; Lisa Garcia; "Michelle DePass" <depass.michelle@epa.gov>; Steve Owens; Daniel Kanninen; "Eric Wachter" <wachter.eric@epa.gov>; Bob Sussman; Arvin Ganesan; Laura Vaught; Sarah Pallone; Bicky Corman; Michael Goo; Gina McCarthy; Cynthia Giles-AA; Nancy Stoner; Charles Imohiosen; Christopher Busch; "Aaron Dickerson" <dickerson.aaron@epa.gov>; "Gladys Stroman" <stroman.gladys@epa.gov>; Jose Lozano; Heidi Ellis; Stephanie Owens; Dru Ealons; Lawrence Elworth; Avi Garbow; Malcolm Jackson; Curt Spalding; Judith Enck; Shawn Garvin; Gwendolyn KeyesFleming; Susan Hedman; Al Armendariz; "Jared Blumenfeld" <blumenfeld.jared@epa.gov>; "Dennis McLerran" <mclerran.dennis@epa.gov>; Joel Beauvais; Alex Barron; Ryan Robison

**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Adora Andy; Brendan Gilfillan; Shira Sternberg; Alisha Johnson; "David Cohen" <cohen.david@epa.gov>; Andra Belknap; Michael Moats; Vicki Ekstrom

**Subject:** NY Times: "EPA Chief Stands Firm as Tough Rules Loom"

All,

Wednesday's New York Times will have a lengthy story about EPA and Administrator Jackson. The story is pasted below and this is the link to it online.

<http://www.nytimes.com/2011/07/06/science/earth/06epa.html?pagewanted=2&hpw>

Seth

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
[oster.seth@epa.gov](mailto:oster.seth@epa.gov)

July 5, 2011

## E.P.A. Chief Stands Firm as Tough Rules Loom

By [JOHN M. BRODER](#)

WASHINGTON – In the next weeks and months, [Lisa P. Jackson](#), the [Environmental Protection Agency](#) administrator, is scheduled to establish regulations on smog, mercury, carbon dioxide, mining waste and vehicle emissions that will affect every corner of the economy.

She is working under intense pressure from opponents in Congress, from powerful industries, from impatient environmentalists and from the Supreme Court, which just [affirmed the agency's duty](#) to address [global warming](#) emissions, a project that carries profound economic implications.

The new rules will roll out just as [President Obama](#)'s re-election campaign is getting under way, with a White House highly sensitive to the probability of political damage from a flood of government mandates that will strike particularly hard at the manufacturing sector in states crucial to the 2012 election.

No other cabinet officer is in as lonely or uncomfortable a position as Ms. Jackson, who has been left, as one adviser put it, behind enemy lines with only science, the law and a small band of loyal lieutenants to support her.

Ms. Jackson describes the job as draining but says there are certain principles she will not compromise, including rapid and vigorous enforcement of some of the most far-reaching health-related rules ever considered by the agency.

"The only thing worse than no E.P.A. is an E.P.A. that exists and doesn't do its job – it becomes just a placebo," she said last week in an hourlong interview in Houston. "We are doing our job."

Although she has not met with the president privately since February, Ms. Jackson said she was confident that he would back her on the tough decisions she had to make. "All of us are mindful that he has a lot of things to do," she said.

Attacks on her and her agency have become a central part of the Republican playbook, but she said she wanted no sympathy.

"Any E.P.A. director sits at the intersection of some very important issues – air pollution, clean water, and whether businesses can survive," said Ms. Jackson, a chemical engineer trained at Tulane and Princeton Universities and a former director of the New Jersey Department of Environmental Protection. "No one knows this job unless they've sat in the seat."

Ms. Jackson said she intended to go forward with new, tougher air- and water-quality rules, including those that address climate change, despite Congressional efforts to override her authority and even a White House initiative to weed out overly burdensome regulations.

The first of these new rules is expected to be announced Thursday, imposing tighter restrictions on soot and smog emissions from coal-burning power plants in 31 states east of the Rockies. The regulation is expected to lead to the closing of several older plants and will require the installation of scrubbers at many of those that remain in operation. One former E.P.A. administrator, [William K. Reilly](#), who served under the first President George Bush, is a sometime adviser to Ms. Jackson. He said she was taking fire from all sides.

"She's got three very large challenges," Mr. Reilly said. "First, she's got to administer the [Clean Air Act](#) to try to accomplish something for which it was never designed, the control of carbon dioxide, a difficult regulatory challenge in itself. Second, she has to do that and cope with all these other regulations which are not of her making and have come to land on her desk in a climate of intense political polarization and economic distress."

"And the third challenge," he continued, "is that the White House – any White House – doesn't want to hear an awful lot from the E.P.A. It's not an agency that ever makes friends for a president. In the cabinet room, many of the secretaries got along with each other, but they all had an argument with me. It's the nature of the job."

Mr. Reilly said the White House had left Ms. Jackson out on a limb when it failed to push hard for the [cap-and-trade climate change bill](#) that passed the House in 2009 but stalled in the Senate last year. Administration officials had argued that legislation was far superior to agency regulation as a means of



addressing climate-altering emissions. But when the bill ran up against bipartisan opposition in the Senate, Mr. Reilly said, "the White House didn't lift a finger," an assertion administration officials dispute.

The White House said that it fully supported the agency's aggressive standards for a variety of pollutants to protect public health and the environment and denied that it was resisting further regulatory action for political reasons.

"It's simply a matter of choosing the health and safety of the American people over polluters," Clark Stevens, a White House spokesman, said in an e-mailed statement, "and doing so in a common-sense way that allows us to protect public health while also growing the economy – which will continue to be a shared goal of this entire administration."

One of Ms. Jackson's most vocal critics is [Representative Edward Whitfield](#), Republican of Kentucky and chairman of the energy and power subcommittee of the House Energy and Commerce Committee. He has held several hearings at which Ms. Jackson served as target practice for opponents of E.P.A. regulation of carbon dioxide and other pollutants. Ms. Jackson said that was the roughest treatment she had gotten in her two and a half years in Washington.

Mr. Whitfield, who has never met privately with Ms. Jackson, was unapologetic.

"It is unprecedented the number of major regulations this administration is putting out," he said, "and I can't tell you how many calls and meetings and letters I have asking, 'Is there any way to slow E.P.A. down?'"

"What's troubling to us," Mr. Whitfield continued, "is that President Obama on the one hand is saying we have to be really careful about these regulations and consider the impact on jobs and the economy, but over at the agency they're just going full speed ahead with minimal attention or analysis on job impact."

One hot spot where Ms. Jackson can count on friendly treatment is "The Daily Show," where she has [appeared](#) three times in two years. Questioning from the host, Jon Stewart, was gentle, to say the least, referring in a recent show to the agency's "unassailable successes" in dealing with air and water pollution and to the "tremendous corporate interests" arrayed against her.

Even those most supportive of Ms. Jackson say that the agency has taken on a virtually unmanageable set of challenges across the range of policy, from mountaintop-removal coal mining to wetlands preservation to the control of toxic emissions from power plants and refineries. She is also in charge of federal restoration efforts in the Gulf of Mexico after the BP [oil spill](#).

"Have they bitten off more than they can chew?" asked Jason S. Grumet, president of the [Bipartisan Policy Center](#), who has close ties to the White House and the agency. "Yes. But that's a testament to their aspirations, and now reality is setting in."

The reality being that there is often political fallout whenever tough policy decisions are made, and that the timing of Ms. Jackson's rule setting could not be more inopportune for Mr. Obama. "It's always the case that there are conflicts between good policy and good politics, and the E.P.A. is often the crucible of those challenges," Mr. Grumet said.

One of the toughest pending decisions, he said, concerns a standard for permissible levels of smog-causing compounds including [ozone](#). The agency's scientific advisory panel has recommended setting a high bar that could put hundreds of counties out of compliance with the law, forcing them to take action to reduce emissions, even though the pollutants may be generated beyond their jurisdiction.

The law requires that E.P.A. make such decisions based solely on the health effects of the pollution, not on the possible cost of compliance, creating a huge political problem.

"Telling a government that has to stand for re-election that it should make decisions with no consideration of cost is understandably going to create great agita in the political offices," Mr. Grumet said.



Richard Windsor/DC/USEPA/US  
04/25/2011 06:57 PM

To "David McIntosh"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

FYI on 2nd article...

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 04/25/2011 07:08 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

[EPA to seek comment on new coal ash data](#)

Solid Waste & Recycling

The volume of comments led **EPA** and Administrator **Lisa Jackson**, who had originally sought to issue a final rule in 2011, to postpone any rulemaking and instead seek further analysis. Among the comments are several from industry and environmental groups ...

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[Citing Jobs and Environment, More Unions Backing \*\*EPA\*\*](#)

truthout

It cited a letter from a coalition including Boilermakers, Mine Workers, and Utility Workers to **EPA** Administrator **Lisa Jackson** saying that aa tightening of standards on ground-level ozone would "have a significant impact on our states' workers. ...

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**Richard Windsor/DC/USEPA/US**  
05/22/2012 08:25 AM

To "Gina (Sheila) McCarthy"  
cc  
bcc  
Subject Fw: [From: I ] Heartland Institute facing uncertain future as staff depart and cash dries up

FYI

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

From: "guardian.co.uk" [noreply@guardian.co.uk]  
Sent: 05/22/2012 01:24 PM CET  
To: Richard Windsor  
Subject: [From: l l] Heartland Institute facing uncertain future as staff depart and cash dries up

l l spotted this on the guardian.co.uk site and thought you should see it.

To see this story with its related links on the guardian.co.uk site, go to <http://www.guardian.co.uk/environment/2012/may/20/heartland-institute-future-s-taff-cash>

Heartland Institute facing uncertain future as staff depart and cash dries up

Free-market thinktank's conference opens in Chicago with president admitting defections are hurting group's finances

Suzanne Goldenberg, US environment correspondent  
Sunday May 20 2012  
[guardian.co.uk](http://www.guardian.co.uk)

<http://www.guardian.co.uk/environment/2012/may/20/heartland-institute-future-s-taff-cash>

The first Heartland Institute conference on climate change in 2008 had all the trappings of a major scientific conclave ? minus large numbers of real scientists. Hundreds of climate change contrarians, with a few academics among them, descended into the banquet rooms of a lavish Times Square hotel for what was purported to be a reasoned debate about climate change.

But as the latest Heartland climate conference opens in a Chicago hotel on Monday, the thinktank's claims to reasoned debate lie in shreds and its financial future remains uncertain.

Heartland's claims to "stay above the fray" of the climate wars was exploded by a billboard campaign earlier this month comparing climate change believers to the Unabomber Ted Kaczynski, and a document sting last February that revealed a plan to spread doubt among kindergarteners on the existence of climate change.

Along with the damage to its reputation, Heartland's financial future is also threatened by an exodus of corporate donors as well as key members of staff.

In a fiery blogpost on the Heartland website, the organisation's president Joseph Bast admitted Heartland's defectors were "abandoning us in this moment of need".

Over the last few weeks, Heartland has lost at least \$825,000 in expected funds for 2012, or more than 35% of the funds its planned to raise from corporate donors, according to the campaign group Forecast the Facts [ <http://forecastthefacts.org/sponsors/heartland-institute/>], which is pushing companies to boycott the organisation.

The organisation has been forced to make up those funds by taking its first publicly acknowledged donations from the coal industry. The main Illinois coal lobby is a last-minute sponsor of this week's conference, undermining Heartland's claims to operate independently of fossil fuel interests.

Its entire Washington DC office, barring one staffer, decamped, taking Heartland's biggest project, involving the insurance industry, with them.

Board directors quit, conference speakers cancelled at short-notice, and associates of long standing demanded Heartland remove their names from its website. The list of conference sponsors shrank by nearly half from 2010, and many of those listed sponsors are just websites operating on the rightwing fringe.

"It's haemorrhaging," said Kert Davies, research director of Greenpeace, who has spent years tracking climate contrarian outfits. "Heartland's true colours finally came through, and now people are jumping ship in quick order."

It does not look like Heartland is about to adopt a corrective course of action.

In his post, Bast defended the ads, writing: "Our billboard was factual: the Unabomber was motivated by concern over man-made global warming to do the terrible crimes he committed." He went on to describe climate scientist Michael Mann and activist Bill McKibben as "madmen".

The public unravelling of Heartland began last February when the scientist Peter Gleick lied to obtain highly sensitive materials [ <http://www.guardian.co.uk/environment/2012/feb/15/leak-exposes-heartland-institute-climate>], including a list of donors.

The publicity around the donors' list made it difficult for companies with public commitment to sustainability, such as the General Motors Foundation, to continue funding Heartland. The GM Foundation soon announced it was ending its support of \$15,000 a year.

But what had been a gradual collapse gathered pace when Heartland advertised its climate conference with a billboard on a Chicago expressway comparing believers in climate science to the Unabomber.

The slow trickle of departing corporate donors turned into a gusher.

Even Heartland insiders, such as Eli Lehrer, who headed the organisation's Washington group, found the billboard too extreme. Lehrer, who headed the biggest project within Heartland, on insurance, immediately announced his departure along with six other staff.

"The ad was ill advised," he said. "I'm a free-market conservative with a long rightwing resum? and most, if not all, of my team fits the same description and of us found it very problematic. Staying with Heartland was simply not

workable in the wake of this billboard."

Heartland took down the billboard within 24 hours, but by then the ad had gone viral.

Lehrer, who maintains the split was amicable, said the billboard had undermined Heartland's claims to be a serious conservative thinktank.

"It didn't reflect the seriousness which I want to bring to public policy," Lehrer said in the telephone interview. "As somebody who deals mostly with insurance I believe all risk have to be taken seriously and there certainly are some important climate and global warming related risks that must be taken account of in the insurance market. Trivialising them is not consistent with free-market thought. Suggesting they are only thought about by people who are crazy is not good for the free market."

Other Heartland allies came to a similar conclusion. In a letter to Heartland announcing he was backing out from the conference, Ross McKittrick, a Canadian economist wrote: "You can not simultaneously say that you want to promote a debate while equating the other side to terrorists and mass murderers."

A number of other experts meanwhile began cutting their ties with Heartland, according to a tally kept by a Canadian blogger BigCityLiberal [<http://bigcitylib.blogspot.com/>].

Meanwhile, there was growing anger that Bast failed to consult with colleagues before ordering up the Kaczynski attack ads.

Four board members told the Guardian they had not been consulted in advance about the ad. "I did not have prior approval of the billboard and was in favor of discontinuing the billboard when I was made aware of it," Jeff Judson, a Texas lobbyist and board member wrote in an email.

Could the turmoil and discontent at Heartland eventually prove its undoing? Campaigners would certainly hope so. "We are watching the consequences of organisation that acts quite randomly and that is actually an extremist organisation in the end," said Davies. "They are not built to be at the hump of the climate denial movement."

But while more mainstream corporate entities are deserting Heartland, others are stepping into the breach, including the coal lobby and conservative groups such as the Heritage Foundation.

Both the Illinois Coal Association and Heritage stepped in to fund this week's conference, after other corporate donors began backing out in protest at the offensive Kaczynski ad.

Meanwhile, a Greenpeace analysis of the other smaller conference sponsors suggests they have collectively received \$5m in funds from Exxon and other oil companies.

The Coal Association and Heritage were not listed on the original conference sponsor list, but appeared to come in about a week or so after the appearance of the offending Kaczynski ad.

Phil Gonet, the chief lobbyist for the 20 coal companies in the association, said he had no qualms about stepping in to fund the Heartland conference.

"We support the work they are doing and so we thought we would finally make a contribution to the organisation," he said, calling criticism of the ad

"moot", "pointless" and "absurd".

Gonet went on: "I made a contribution mainly in support of a conference that is designed to make balanced information available to the public on the issue of global warming ? In general, the message of the Heartland Institute is something the Illinois Coal Association supports."

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**Richard Windsor/DC/USEPA/US**  
11/17/2010 09:09 AM

To "Gina (Sheila) McCarthy"  
cc  
bcc  
Subject We should chat one on one on boiler MACT at some point today. Will call.



**Richard Windsor/DC/USEPA/US**  
05/18/2011 02:04 PM

To "Gina (Sheila) McCarthy", "Janet McCabe", "Joseph Goffman", "Laura Vaught", "Michael Goo", "Bicky Corman", "Bob Sussman"

cc

bcc

Subject Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 05/18/2011 01:36 PM EDT

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen; Janet Woodka

**Subject:** Politico Pro: Former Obama aide sees room for CES-EPA deal

## **Former Obama aide sees room for CES-EPA deal**

By Robin Bravender  
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

“I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority,” Aldy said at a clean energy event hosted by the Brookings Institution. “And then I think there’s eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority.”

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035 to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

“Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act,” Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade

legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

**Richard Windsor/DC/USEPA/US**  
05/12/2011 07:43 AM

To "Gina (Sheila) McCarthy", "Margo Oge"  
cc  
bcc  
Subject Fw: California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

Fyi  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 05/12/2011 07:13 AM EDT  
**To:** Richard Windsor; Barbara Bennett; Bob Perciasepe; "David McIntosh" <mcintosh.david@epa.gov>  
**Subject:** California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

Daily Environment Report: News Archive > 2011 > May > 05/12/2011 > News > Climate Change:  
California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

California Air Board Chair, Investors  
Join in Promoting Stricter Vehicle Standards

LOS ANGELES—California Air Resources Board Chairman Mary D. Nichols joined investment analysts May 11 in touting the potential economic benefits of stricter vehicle fuel economy and greenhouse gas standards.

Speaking at a conference in Oakland, Nichols said the state's decades-long battle for the cleanest cars possible and reductions in air pollution has yielded trillions of dollars in benefits by reducing hospital stays and increasing worker productivity.

"We've made our citizens better off and we've got great cars," Nichols said during a session at a conference sponsored by Ceres, which continues May 12. Ceres is a national network of investors, environmental organizations, and other public interest groups that promote sustainability.

Nichols spoke briefly on the joint effort under way by California and the Obama administration to draft a new generation of national standards for 2017-2025 model year vehicles, but offered no specifics on the proposed rulemaking other than to say it is due in September.

"I'm very interested in the results of the Ceres report" that came out in March, which indicated that the most stringent standards the Environmental Protection Agency and Department of Transportation are considering could boost profits for U.S. automobile makers 8 percent by 2020 and save drivers \$3,000 a year in fuel costs, Nichols said.

Released March 30, the report was based on an assumption that fuel economy standards would increase by 6 percent a year between 2017 and 2025 (62 DEN A-3, 3/31/11).

Fuel Economy Boost Sought

In a notice of intent and technical analysis released in October, EPA and the National Highway Traffic Safety Administration asked for comment on a range of new standards that would boost fuel economy from 3 percent to 6 percent each year.

Investment analysts on the panel stressed the need for the new national standards to provide the regulatory certainty needed to attract investment in advanced vehicle technologies in the United States.

In the opening session at the conference, California Public Employees' Retirement System Chief Executive Officer Anne Stausboll announced the pension plan has made commitments to integrate the Ceres environmental, social, and governance goals into its practices and its work to encourage signatories of the Investor Network on Climate Risk to address environmental sustainability issues.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

**Richard Windsor/DC/USEPA/US**  
02/08/2012 10:54 AM

To "Gina (Sheila) McCarthy", "Margo Oge", "Bob Perciasepe"  
cc  
bcc  
Subject Fw: Bloomberg Fuel Fix Blog: Americans gaining energy independence

Good story. Congrats on EPA's role. Lisa  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 02/08/2012 10:17 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Michael Goo; Arvin Ganesan; Laura Vaught; Bicky Corman; Scott Fulton; Janet Woodka; Janet McCabe; Joseph Goffman; Stephanie Owens; Dru Ealons; Heidi Ellis; Jose Lozano; Christopher Busch; Charles Imohiosen  
**Subject:** Bloomberg Fuel Fix Blog: Americans gaining energy independence

## Americans gaining energy independence

<http://fuelfix.com/blog/2012/02/07/americans-gaining-energy-independence/>

The U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency, a goal the nation has been pursuing since the 1973 Arab oil embargo triggered a recession and led to lines at gasoline stations.

Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal.

Methanex Corp., the world's biggest methanol maker, said it will dismantle a factory in Chile and reassemble it in Louisiana to take advantage of low natural gas prices. And higher mileage standards and federally mandated ethanol use, along with slow economic growth, have curbed demand.

The result: The U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011, according to data compiled by Bloomberg from the U.S. Department of Energy. That would be the highest level since 1992.

"For 40 years, only politicians and the occasional author in Popular Mechanics magazine talked about achieving energy independence," said Adam Sieminski, who has been nominated by President Barack Obama to head the U.S. Energy Information Administration. "Now it doesn't seem such an outlandish idea."

The transformation, which could see the country become the world's top energy producer by 2020, has implications for the economy and national security — boosting household incomes, jobs and government revenue; cutting the trade deficit; enhancing manufacturers' competitiveness; and allowing greater flexibility in dealing with unrest in the Middle East.

### Output Rising

U.S. energy self-sufficiency has been steadily rising since 2005, when it hit a low of 70 percent, the data compiled by Bloomberg show. Domestic crude oil production rose 3.6 percent last year to an average 5.7 million barrels a day, the highest since 2003, according to the Energy Department. Natural gas output climbed to 22.4 trillion cubic feet in 2010 from 20.2 trillion in 2007, when the Federal Energy Regulatory Commission warned of the need for more imports. Prices have fallen more than 80 percent since 2008.

At the same time, the efficiency of the average U.S. passenger vehicle has helped limit demand. It increased to 29.6 miles per gallon in 2011 from 19.9 mpg in 1978, according to the National Highway Traffic Safety Administration.

The last time the U.S. achieved energy independence was in 1952. While it still imported some petroleum, the country's exports, including of coal, more than offset its imports.

### **Environmental Concern**

The expansion in oil and natural gas production isn't without a downside. Environmentalists say hydraulic fracturing, or fracking — in which a mixture of water, sand and chemicals is shot underground to blast apart rock and free fossil fuels — is tainting drinking water.

The drop in natural gas prices is also making the use of alternative energy sources such as solar, wind and nuclear power less attractive, threatening to link the U.S.'s future even more to hydrocarbons to run the world's largest economy.

Still, those concerns probably won't be enough to outweigh the benefits of greater energy independence.

Stepped-up oil output and restrained consumption will lessen demand for imports, cutting the nation's trade deficit and buttressing the dollar, said Sieminski, who is currently chief energy economist at Deutsche Bank AG in Washington.

### **Cutting Trade Deficit**

With the price of a barrel of oil at about \$100, a drop of 4 million barrels a day in oil imports — which he said could happen by 2020, if not before — would shave \$145 billion off the deficit. Through the first 11 months of last year, the trade gap was \$513 billion, according to the Commerce Department. Crude for March delivery settled at \$96.91 a barrel yesterday on the New York Mercantile Exchange.

The impact on national security also could be significant as the U.S. relies less on oil from the Mideast. Persian Gulf countries accounted for 15 percent of U.S. imports of crude oil and petroleum products in 2010, down from 23 percent in 1999.

"The past image of the United States as helplessly dependent on imported oil and gas from politically unstable and unfriendly regions of the world no longer holds," former Central Intelligence Agency Director John Deutch told an energy conference last month.

### **Arab Oil Embargo**

That dependence was underscored in October 1973, when Arab oil producers declared an embargo in retaliation for U.S. help for Israel in the Yom Kippur war. The U.S. economy contracted at an annualized 3.5 percent rate in the first quarter of the next year. Stock prices plunged, with the Standard & Poor's 500 Index dropping more than 40 percent in the year following the embargo.

Car owners were forced to line up at gasoline stations to buy fuel. President Richard Nixon announced in December that because of the energy crisis the lights on the national Christmas tree wouldn't be turned on.

Today, signs of what former North Dakota Senator Byron Dorgan says could be a "new normal" in energy are proliferating. The U.S. likely became a net exporter of refined oil products last year for the first time since 1949. And it will probably become a net exporter of natural gas early in the next decade, said Howard Gruenspecht, the acting administrator of the EIA, the statistical arm of the Energy Department.

Cheniere Energy Partners LP may receive a construction and operating permit as early this month from the Federal Energy Regulatory Commission for the first new plant capable of exporting natural gas by ship to be built since 1969 in the U.S.

Houston-based Cheniere said it expects the \$6 billion plant to export as much as 2.6 billion cubic feet of gas per day.

### **Mitchell the Pioneer**

The shale-gas technology that's boosting U.S. natural gas production was spawned in the Barnett Shale around Dallas and Fort Worth by George P. Mitchell, who was chairman and chief executive officer of Mitchell Energy & Development Corp.

Helped by a provision inserted in the 1980 windfall oil profits tax bill to encourage drilling for unconventional natural gas, the Houston-based oil man pursued a trial-and-error approach for years before succeeding in the late-1990s. The fracking method he devised cracked the rock deep underground, propping open small seams that allowed natural gas trapped in tiny pores to flow into the well and up to the surface.

Recognizing that Mitchell was on to something, Devon Energy Corp. bought his company in 2002 for about \$3.3 billion and combined it with its own expertise in directional drilling, a method derived from offshore exploration.

### **Hunting for Oil**

Traditional vertical drilling bores straight down, like a straw stuck straight in the earth. Directional drilling bends the straw, boring horizontally sometimes a mile or more through the richest layer of rock, allowing more of the trapped fuel to make it into the well. This slice of rock is like the kitchen, where ancient plants and creatures came under so much pressure that they cooked into natural gas and oil.

The oil boom a century ago tapped reservoirs of fuel that rose out of those layers and got trapped in large pockets closer to the earth's surface, or used vertical wells that could get out only a portion of the fuel stored in the rock. The new technology has Devon and its competitors hunting beneath decades-old oil plays long thought depleted.

About an hour's drive north from where Devon's soon-to-be-completed new glass headquarters towers 50 stories above downtown Oklahoma City, the company is exploring for oil in the Mississippian and other formations, where oil majors once made their fortunes. It's racing companies such as Chesapeake Energy Corp. and SandRidge Energy Inc. to buy leases and drill wells.

### **North Dakota Booming**

Crude production in the U.S. is already increasing. Within three years, domestic output could reach 7 million barrels a day, the highest in 20 years, said Andy Lipow, president of Lipow Oil Associates in Houston, a consulting firm. The U.S. produced 5.9 million barrels of crude oil a day in December, while consuming 18.5 million barrels of petroleum products, according to the Energy Department.

North Dakota — the center of the so-called tight-oil transformation — is now the fourth largest oil-producing state, behind Texas, Alaska and California.

The growth in oil and gas output means the U.S. will overtake Russia as the world's largest energy producer in the next eight years, said Jamie Webster, senior manager for the markets and country strategy group at PFC Energy, a Washington-based consultant.

While U.S. consumers would still be susceptible to surges in global oil prices, "we'd end up sending some of that cash to North Dakota" rather than to Saudi Arabia, said Richard Schmalensee, a professor of economics and management at the Massachusetts Institute of Technology in Cambridge.

### **1.6 Million Jobs**

The shale gas expansion is already benefiting the economy. In 2010, the industry supported more

than 600,000 jobs, according to a report that consultants IHS Global Insight prepared for America's Natural Gas Alliance, a group that represents companies such as Devon Energy and Chesapeake Energy.

More than half were in the companies directly involved and their suppliers, with the balance coming at restaurants, hotels and other firms. By 2035, the number of jobs supported by the industry will rise to more than 1.6 million, IHS said. Some 360,000 will be directly employed in the shale gas industry.

The oil boom is also pushing up payrolls. Unemployment in North Dakota was 3.3 percent in December, the lowest of any state. Hiring is so frantic that the McDonald's Corp. restaurant in Dickinson is offering \$300 signing bonuses.

State governments are reaping benefits, too. Ohio is considering a new impact fee on drillers and increasing the tax charged on natural gas and other natural resources extracted, Governor John Kasich has said.

In Texas, DeWitt County Judge Daryl Fowler has negotiated an \$8,000-per-well fee from drilling companies to pay for roads in the district, southeast of San Antonio.

### **Lot of Traffic**

"It takes 270 loads of gravel just to build a pad used for drilling a well, which means a lot of truck traffic on a lot of roads that nobody except Grandpa Schultz and some deer hunters may have used in the past," said Fowler, whose non-judicial post gives him administrative control over the county.

The federal government will see tax payments from shale gas rise to \$14.5 billion in 2015 from \$9.6 billion in 2010, according to IHS. Over the period 2010 to 2035, revenue will total \$464.9 billion, it said.

Manufacturing companies, particularly chemical makers, also stand to win as the shale bonanza keeps natural gas cheaper in the U.S. than in Asia or Europe.

Dow Chemical Co., which spent a decade moving production to the Middle East and Asia, is leading the biggest expansion ever in the U.S. The chemical industry is one of the top consumers of natural gas, using it both as a fuel and feedstock to produce the compounds it sells.

### **First Since 2001**

Midland, Michigan-based Dow is among companies planning to build crackers, industrial plants typically costing \$1.5 billion that process hydrocarbons into ethylene, a plastics ingredient.

The new crackers will be the first in the U.S. since 2001, said John Stekla, a director at Chemical Market Associates Inc., a Houston-based consultant.

Vancouver-based Methanex said last month it plans to take apart the idled Chilean factory and ship it to Louisiana to capitalize on natural gas prices.

The shift to increased energy independence is also the result of government policies to depress oil demand.

"Vehicles are getting more efficient, and people who travel won't be driving more miles," said Daniel Yergin, chairman of IHS Cambridge Energy Research Associates.

Automakers have agreed to raise the fuel economy of the vehicles they sell in the U.S. to a fleetwide average of 54.5 miles per gallon by 2025 under an agreement last year with the Obama administration.

### **No 'Silver Bullet'**



The 2008-09 recession helped lower oil demand, and consumption has lagged even as the economy has recovered, said Judith Dwarkin, director of energy research for ITG Investment Research in Calgary. Coupled with higher domestic output, "this has translated into an import requirement of some 15.4 barrels per person per year — about on par with the mid-1990s."

She cautioned against thinking that rising oil and gas production is a "silver bullet" for solving U.S. economic woes.

Michael Feroli, chief U.S. economist at JPMorgan Chase & Co. in New York, agreed, saying in a Jan. 20 note to clients that oil and gas output accounts for just 1 percent of gross domestic production and isn't likely on its own to be able to pull the economy into above-trend growth.

### **Cooling on Wind**

Some companies are hurting from the shale gas glut. With abundant supplies making it the cheapest option for new power generation, Exelon Corp. scrapped plans to expand capacity at two nuclear plants, while Michigan utility CMS Energy Corp. canceled a \$2 billion coal plant after deciding it wasn't financially viable. NextEra Energy Inc., the largest U.S. wind energy producer, shelved plans for new U.S. wind projects next year.

Investors also are cooling on wind investment, partly because of falling power prices. T. Boone Pickens, one of wind power's biggest boosters, decided to focus on promoting natural gas-fueled trucking fleets after dropping plans for a Texas wind farm in 2010.

"Wind on its own without incentives is far from economic unless gas is north of \$6.50," said Travis Miller, a Chicago-based utility analyst at Morningstar Inc. Natural gas for March delivery settled at \$2.55 per million British thermal units on New York Mercantile Exchange yesterday.

When Obama lauded increased energy production in his State of the Union speech on Jan. 24, he drew criticism from some environmentalists opposed to fracking.

### **Waning Confidence**

"We're disappointed in his enthusiasm for shale gas," said Iris Marie Bloom, director of Protecting Our Waters in Philadelphia. Obama "spoke about gas as if it's better for the environment, which it's not."

Deutch, who headed an advisory panel on fracking for the Energy Department, voiced concern that public confidence in the technology will wane if action isn't taken to address environmental concerns. The potential positive impact of increased North American production are "enormous," he said.

Higher U.S. output lessens the ability of countries like Iran and Russia to use "energy diplomacy" as a means of strengthening their influence, Amy Myers Jaffe, director of the Baker Institute Energy Forum at Rice University, and her colleagues wrote in a report last year.

While the U.S. will still have to pay attention to issues such as Israel's security and Islamic fundamentalism in the Mideast, which could affect oil prices, it won't have to be as worried about its supplies.

### **Positive 'Shock'**

Carlos Pascual, special envoy and coordinator for international energy affairs at the State Department, suggested at a Council on Foreign Relations conference in December that the increased production in the U.S. and elsewhere gives Washington more "maneuverability" in using sanctions to deal with Iran and its nuclear aspirations.

The increased U.S. production of oil and natural gas is a "positive supply shock" for the economy and for national security, said Philip Verleger, a former director of the office of energy policy at the Treasury Department and founder of PKVerleger LLC, a consulting firm in Aspen, Colorado.

"We aren't there yet, but it looks like we're blundering into a solution for the energy problem," he said.

**Richard Windsor/DC/USEPA/US**  
02/14/2012 02:23 PM

To "Gina (Sheila) McCarthy", "Michelle DePass"  
cc  
bcc

Subject Fw: Check Out This Article

Ozone and soot? Gee. This is part of Todd's stuff?

---

**From:** Richard Windsor  
**Sent:** 02/14/2012 02:21 PM EST  
**To:** Richard Windsor  
**Subject:** Check Out This Article

**CHECK OUT THIS ARTICLE**

Your friend, [windsor.richard@epa.gov](mailto:windsor.richard@epa.gov), thought you would be interested in this article from TheHill.com:

**How to cut climate change in half - The Hill's Congress Blog**

To enjoy more great articles visit us on [TheHill.com](http://TheHill.com)

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**Richard Windsor/DC/USEPA/US**  
07/19/2011 11:16 AM

To "Gina (Sheila) McCarthy", "Scott Fulton", Avi Garbow, "Janet McCabe", "Mathy Stanislaus", "Lisa Feldt", "Bob Sussman", "Diane Thompson"  
cc "Arvin Ganesan", "Bob Perciasepe"  
bcc

Subject Boiler MACT/NHSM delay bills

Collins et al are about to introduce the Senate version of the Boiler Mact bill.

(b) (5) Deliberative  
Need in next day or so.

Tx. Lisa

**Richard Windsor/DC/USEPA/US**  
01/30/2012 08:59 PM

To "Gina (Sheila) McCarthy", "Scott Fulton", "Laura Vaught"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

Fyi

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 01/31/2012 01:57 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**News**

**1 new result for lisa jackson epa**

[Xcel emission plan gets support from St. Paul congresswoman](#)

Pioneer Press

Betty McCollum is supporting Xcel Energy in its bid to get the US **Environmental Protection Agency** to change a new rule designed to reduce emissions at coal-fired power plants. McCollum, D-St. Paul, said in a letter to **EPA** chief **Lisa Jackson** that the ...

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Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more.](#)

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[Manage](#) your alerts.

**Richard Windsor/DC/USEPA/US**  
06/02/2011 12:13 AM

To "Gwendolyn KeyesFleming", "Shawn Garvin"  
cc  
bcc  
Subject Fw: Colbert

Adora Andy

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

**From:** Adora Andy  
**Sent:** 06/02/2011 12:01 AM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Re: Colbert

Kennedy says mtm is illegal. He called Massey Coal a criminal enterprise.  
Colbert said, "if these poor people don't want their mountains blown up, why don't these poor people just hire lobbyists."  
Kennedy: "...they've corrupted the legal system, they've corrupted the judges.."  
No talk of EPA  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 06/01/2011 11:56 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Colbert

Has Bobby Kennedy on talking about the mtm documentary The Last Mountain.

**Richard Windsor/DC/USEPA/US**  
11/30/2010 11:01 AM

To "Janet Woodka", "Seth Oster"  
cc "Bob Perciasepe"  
bcc

Subject Fw: Clips

Cool. Let's ensure we send to RAs, AAs, and other staff.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 11/30/2010 10:46 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons; Bob Sussman; Lisa Heinzerling; Daniel Kanninen; Gina McCarthy; Alisha Johnson; Andra Belknap; Paul Anastas; Cynthia Giles-AA; Peter Silva; Nancy Stoner; Steve Owens; Mathy Stanislaus  
**Subject:** Clips

All -

Below are a few noteworthy clips from yesterday. We'll also circulate additional clips from this week's 40th events late each day.

Thanks.

- Brendan

[The EPA and Lisa Jackson: What Stands Between You and Polluters](#)  
[Peter Lehner](#)

Executive Director, Natural Resources Defense Council

Huffington Post, November 29, 2010 03:23 PM

I met with Lisa Jackson last week, and I was once again struck by how forcefully she fights to protect the health of American families. As the head of the Environmental Protection Agency, she is helping make our air safer to breathe and getting toxins out of everyday products.

Still, it has become commonplace these days to bash the government and to question the service of public officials--particularly Jackson.

Yet attacking Jackson is like attacking our doctors and pediatricians. Congress charged the EPA with protecting our health, and like medical professionals, Jackson and her colleagues study the science and determine affordable ways to keep people healthy--instead of treating them after they get sick.

And let's face it: If the EPA doesn't stand up for our health and set limits on the pollution that causes asthma, heart disease, and cancer, who will? Do you think BP is protecting you? Do you think the American Petroleum Institute is protecting you?



Oil companies are looking out for their own interests--that's fine, that's what businesses do. But our interests need to be represented as well.

Imagine if an oil refinery or a power plant was pumping toxic pollutants into your body--and you are left paying the medical bills and taking your child to the ER when she has an asthma attack.

It is extremely difficult for an individual to demand that a major polluter clean up its act. But Congress gave the EPA the authority to do just that. And Jackson uses this authority on behalf of you and me and our children.

Jackson first got into environmental protection because she saw it as a form of people protection. She grew up in New Orleans, the daughter of a postman, and studied chemical engineering at Tulane. During her graduate work, she realized that her training as an engineer could be used to clean up hazardous waste--or better yet, stop it from occurring in the first place.

But Jackson isn't only an engineer or a public official; she is also the mother of two sons. She wants to keep her children safe from illness just like I do and just like every other parent does.

That's why Jackson tells industry: you can conduct your business, but you have to do it without giving our kids asthma or giving our parents respiratory disease. Some lawmakers think that makes Jackson an example of government overreach. I think that means she is doing the job Congress gave her. And the job we need her to do - because no one else can or will do it.

### **Agency's success presents new challenges -- Jackson (11/29/2010)**

#### **Gabriel Nelson, E&E reporter**

With U.S. EPA taking intense criticism from Republicans and businesses, Administrator Lisa Jackson said today her 40-year-old agency is battling a new problem: Americans are taking a healthy environment for granted.

When EPA was created in 1970, Cleveland's Cuyahoga River was so polluted that it caught fire. Pittsburgh and Los Angeles were choking on smog on a daily basis. And the widespread use of DDT and other toxic chemicals was killing off bald eagles -- the very symbol of the United States.

The nation's rivers aren't burning anymore, Jackson said. The air is clean enough that many people don't notice it. Struggling species have rebounded. But because younger people have no memories of those days, they might not realize why the agency was created in the first place, she said.

Critics say EPA has already picked all the low-hanging fruit in the Clean Air Act and other statutes. But Jackson said there are still ways for the agency to address public health and the environment -- especially by imposing more rules on electric utilities.

"We've made enormous progress," she said. "We've gotten to the point now where we don't see the pollution as often as we did, and in some ways, that makes our job a little bit

harder. It's pollution that's less easy to photograph and less easy to get people riled up about."

The talk today at the Washington, D.C., headquarters of the Aspen Institute, a think tank, kicked off a week of events commemorating EPA's creation on Dec. 2, 1970. Jackson is scheduled to tout the agency's focus on children's health tomorrow at a charter school in Atlanta and to speak Friday during a symposium on U.S. environmental policy at Harvard University.

During the series of appearances, Jackson will be playing defense as well as reflecting on the agency's past. When they take control of the House next year, the Republicans intend to increase oversight of the agency's programs and try to rein in rules they consider excessive.

They say the cost of new regulations is pushing existing jobs overseas and preventing companies from investing in costly new facilities.

The agency's regulations were challenged again today by incoming House Oversight Committee Chairman Darrell Issa (R-Calif.) and Rep. Fred Upton (R-Mich.), who is competing for the gavel of the Energy and Commerce Committee. Regulations such as the upcoming revision to the national smog standard "may devastate our economy and send us into a prolonged recession," the lawmakers said.

"Now that Republicans have recaptured the House, we think it is time for a fundamentally different approach in the defense of liberty," they wrote in a *Washington Times* op-ed. "Committees with significant oversight duties must work together to block agencies from freely passing regulations that have no regard or concern for the potential damage to job growth and the economy."

### **Regs won't hurt economy -- Jackson**

Jackson said she is "absolutely adamant" that the government can provide a cleaner environment to Americans without stopping economic growth, especially after a quarter in which American businesses made record profits. She acknowledged that EPA's programs are less fruitful now than they were in the beginning, but the numbers still show more benefits than costs.

According to annual figures compiled by the White House Office of Management and Budget, EPA regulations produced between \$82 billion and \$533 billion in benefits between 1999 and 2009, compared with between \$26 billion and \$29 billion in costs.

Though the agency produced 30 or 40 times more benefits than costs in its earlier years, the equation still favors the programs, Jackson said.

"I don't think that this should ever be framed to people as, 'OK, it's time to choose: Do you want a job, or do you want a clean environment?'" Jackson said. "We are not there. We are nowhere near that line, and we can have both."

### **'The EPA is Not the Villain'**

**Administrator Lisa Jackson talks about working with a new GOP majority.**

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and

water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

**People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response?** I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

**House Republicans have said they're going to subpoena you every week. What will be your defense?** I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

**Would there be room for a compromise to push all these regulations back one or two years?** I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

**One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations.** They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

**Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do?** It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

**Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging?** I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

**How much support have you gotten from the president?** It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

**Richard Windsor/DC/USEPA/US**  
05/03/2011 09:40 AM

To "Karl Brooks", "Susan Hedman", "Jared Blumenfeld", "Jim Martin", "Al Armendariz", "Gwendolyn KeyesFleming", "Shawn Garvin", "Judith Enck", "Curt Spalding", "Dennis McLerran"  
cc "Janet Woodka"

bcc

Subject Fw: EPA tries to win back farm states

Thanks for your help in this effort. Lisa  
Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 05/03/2011 08:31 AM EDT  
**To:** Richard Windsor  
**Subject:** EPA tries to win back farm states

FYI

# POLITICO

## EPA tries to win back farm states

By: [Robin Bravender](#)  
May 3, 2011 04:44 AM EDT

Lisa Jackson is looking for some friends down on the farm.

Farm-state voters have seemingly lost patience with Democrats in Washington. Last fall, the governorships and a combined 16 congressional seats in several key states that supported President Barack Obama in 2008 flipped to Republicans, including Iowa, Michigan, Ohio, Pennsylvania and Wisconsin.

At the center of complaints from farm-state lawmakers: the Environmental Protection Agency's air and water regulations, which they claim will put farms out of business.

In an effort to repair its image in the heartland, EPA Administrator Lisa Jackson and other Cabinet officials are hitting the road and the airwaves.

Jackson traveled to Iowa last month and California farm country in March, and EPA says additional trips are in the works. She has also been trying to improve EPA's image through appearances on local radio stations and with op-eds in farm states.

"Part of the reason for being here is to speak directly to folks outside of that echo chamber that's the Washington, D.C., world about what's really happening," Jackson told Des Moines, Iowa, radio station WHO last month.

"I call it sort of my 'debunking the myths' tour," she said.

Jackson admits she doesn't have a background in agriculture. "I'm a city girl," the New Orleans native said.

She insists EPA isn't out to put farms out of business but has failed to make much headway on Capitol Hill, where the agency's farm policies have come under fire from Democrats and Republicans alike.

At a heated March House Agriculture Committee hearing, California Democrat Dennis Cardoza told Jackson her agency was "the most unpopular agency in farm country from sea to shining sea, bar none."

The committee's top Democrat, Collin Peterson of Minnesota, said EPA appears to farmers like "an out-of-control agency that doesn't understand agriculture and doesn't seem to want to understand it." And Illinois Republican Tim Johnson told Jackson that her agency has been the "poster child ... for usurpation of legislative authority."

Among the most common anti-EPA talking points: The agency plans to clamp down on farm dust, regulate spilled milk like spilled oil and impose a "cow tax" on farmers for the greenhouse gases emitted by livestock.

Jackson says those are all myths. She told the House panel that the "mischaracterizations" about her agency "are more than simply a distraction" and "could prevent real dialogue to address our greatest problems."

Jackson insists that EPA has no plans to regulate dust on farms, although she hasn't ruled out the possibility. Last month, EPA made good on its promise to exempt milk containers from rules aimed at preventing oil spills from reaching water supplies.

And Jackson says the "cow tax" rumors are hot air. "That myth was started in 2008 by a lobbyist" and quickly debunked by a nonpartisan, independent group, she said at the hearing.

"I have a tremendous respect for the agricultural sector," she said. "Farmers and ranchers are an essential part of our economy; they give us food, fiber and fuel."

Jon Doggett, vice president of public policy of the National Corn Growers Association, said he often hears concerns from growers about not just what they see happening now at EPA but also "what they see coming in the future."

But he said it's a welcome sign that EPA officials are heading out to talk to farmers. "The thing that gets our folks most upset is the feeling that EPA doesn't know what we're doing out on farms," he said.

Pairing Jackson with Agriculture Secretary Tom Vilsack could help on that front.

Jackson and the former Iowa governor last month visited a livestock farm, a row crop farm and a biodiesel plant.

The two also penned an op-ed in The Des Moines Register last week touting the "shared goals" of EPA and farmers and again sought to set straight "some of the misconceptions and myths about the EPA."

Jackson is also known for her ability to put even her fiercest critics at ease when she meets them face to face. She's friendly with the Senate's top climate skeptic, Jim Inhofe (R-Okla.), who regularly berates the administration's environmental policies.

The EPA chief would do well to make stops in places such as Fort Wayne, Peoria or Evanston and answer questions about what much-feared regulations will really do, said a former Senate Democratic aide.

"Lisa Jackson does a very good job in that environment," that person said, because she can easily relate to people and doesn't get rattled.

Jackson also met with farmers and ranchers in Fresno, Calif., in March. In an op-ed in the Fresno Bee, she touted EPA's partnerships with agriculture and said its top brass has met with hundreds of farmers and ranchers across the country in the past year.

Norm Ornstein, a political analyst at the American Enterprise Institute, said the administration is likely trying to avoid fights in states that still rely heavily on agriculture.

"The last thing you want to do is piss them off for no good reason," he said.

And the attacks from farmers have been amplified amid Republicans' constant criticism of EPA and the Obama administration's environmental agenda.

"If you're aiming at the White House, you're going to use every weapon in your arsenal and everything that you can do to raise the dissatisfaction level in people," Ornstein said.

House Republicans on the Agriculture and Natural Resources committees plan to continue their assault Tuesday with a joint hearing titled "At Risk: American Jobs, Agriculture, Health and Species — the Costs of Federal Regulatory Dysfunction."

Jackson isn't scheduled to testify, but with fights ahead on 2012 appropriations, skyrocketing gas and oil prices and a possible farm bill in the offing next year, she'll need to keep up the effort.

"In the end, the proof is in the pudding, you look at what happens day to day," said Paul Schlegel, director of environment and energy policy at the American Farm Bureau Federation.



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FD HIDDEN DIV  
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for Intergovernmental Relations  
Office of the Administrator  
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pallone.sarah@epa.gov

**Richard Windsor/DC/USEPA/US**  
11/18/2011 05:24 PM

To "Laura Vaught", "Arvin Ganesan", "Michael Goo", "Bob Perciasepe", "Diane Thompson", "Scott Fulton"  
cc  
bcc

Subject Fw: DOMINION: Chicago-area coal plant to shut down earlier than expected - State Line Power Station to close by March instead of 2014

Susan Hedman

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

**From:** Susan Hedman  
**Sent:** 11/18/2011 04:13 PM CST  
**To:** Richard Windsor; Cynthia Giles-AA; Bob Sussman  
**Subject:** DOMINION: Chicago-area coal plant to shut down earlier than expected - State Line Power Station to close by March instead of 2014

## chicagotribune.com

### **Air pollution: Chicago-area coal plant to shut down earlier than expected**

#### **State Line Power Station to close by March instead of 2014**

By [Michael Hawthorne](#), Chicago Tribune reporter

November 18, 2011

After deciding it isn't worth cleaning up one of the nation's dirtiest power plants, the owners of an aging coal-burner along the southwestern shore of Lake Michigan are shutting it down sooner than expected.

In its latest financial documents, Virginia-based Dominion Resources says it will shutter the State Line Power Station by March instead of 2014, a move that will scrap one of the Chicago area's biggest sources of lung- and heart-damaging air pollution.

Sandwiched between Lake Michigan and the Chicago Skyway at the Illinois-Indiana border, the plant has a Hammond address but is surrounded by Chicago on two sides. It emits more lung-damaging nitrogen oxide than two other former ComEd plants in the city and churns more smog-forming sulfur dioxide and toxic mercury into the air than either plant, according to a Tribune analysis of federal records.

Dominion, which bought the plant in 2002 amid a rush of interest in dirty-but-plentiful coal, opted earlier this year to withdraw State Line from an auction for long-term electricity contracts. If it had included the plant in its bid, the company said, it would have needed to spend several million dollars installing new pollution controls to meet federal rules requiring cleaner air in the



Midwest, Northeast and South.

The prospect of spending more money on State Line — combined with shrinking profit margins and a federal complaint alleging the plant was illegally upgraded to extend its operating life — led Dominion to join other power companies that are closing dozens of coal plants built in the middle of the last century. ComEd built State Line in the 1920s and installed its latest electric turbines in the 1950s and '60s.

In an email response to questions, Jim Norvelle, a Dominion spokesman, said cheaper natural gas and more expensive coal are "challenging the profitability of the station." About 110 employees at the plant will work through June to complete the shutdown, Norvelle said, then will be offered chances to apply for jobs at other Dominion sites.

Closing State Line portends new uses for prime lakefront property tucked between Chicago's [Calumet Park](#) and a Hammond bird sanctuary. Dominion is studying what it would take to clean up the site.

"Now that they're on the path to shutting down, the question is how soon the site will be ready for redevelopment," said Howard Learner, president of the Environmental Law and Policy Center. "We have an opportunity to replace a dirty clunker with an extension of open space along Lake Michigan."

The Tribune [reported last year](#) that State Line had largely been ignored during a decades-long effort to clean up Chicago's smog- and soot-choked air. During the 1970s, federal and state regulators exempted dozens of old coal plants like State Line from the toughest provisions of the Clean Air Act after utilities said they wouldn't be running much longer.

Rules pushed first by President George W. Bush's administration and later by the Obama administration are prompting energy companies to finally abandon their oldest, dirtiest power plants. During the past two years, utilities have retired nearly 300 coal-fired units across the nation, clearing the way for more cleaner-burning natural gas plants and pollution-free wind and solar power, according to federal records reviewed by the Sierra Club.

Illinois and Indiana alone added more than 800 megawatts of wind energy last year, substantially more than the electricity generated by the 515-megawatt State Line plant.

The changing landscape also is increasing financial pressure on Midwest Generation, owner of coal plants in Chicago's Pilsen and Little Village neighborhoods and in suburban Joliet, Romeoville and Waukegan. Under a deal with Illinois officials, the company has pledged to clean up or shut down the former ComEd plants by 2018, but environmental groups and Mayor Rahm Emanuel are pushing for an earlier deadline.

This month, Illinois House Speaker Michael Madigan killed a deal that would have required the state to sign a long-term contract to buy electricity from a new Midwest Generation wind farm in return for closing the Chicago coal plants next year. The company is searching for ways to pay off a \$190 million loan it secured to finance its wind project.

Another regional utility, Northern Indiana Public Service Co., is closing an idled coal plant in Gary and spending \$600 million to clean up three others along or near Lake Michigan. The project is expected to create hundreds of construction jobs and preserve hundreds of others at the power plants.

[mhawthorne@tribune.com](mailto:mhawthorne@tribune.com)

Susan Hedman  
Regional Administrator - Region 5  
Great Lakes National Program Manager  
U.S. Environmental Protection Agency  
77 West Jackson, 19th Floor  
Chicago, IL 60604

**Richard Windsor/DC/USEPA/US**  
09/29/2011 01:37 PM

To "Lisa Jackson"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**News**

**1 new result for lisa jackson epa**

[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with EPA's southern region administrator, **Lisa Jackson**, was rejected by EPA headquarters. ...

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**Richard Windsor/DC/USEPA/US**  
05/11/2011 07:16 AM

To "Mathy Stanislaus"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

FYI

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 05/11/2011 05:13 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

[Editorial: EPA should act on coal ash regulations](#)

Knoxville News Sentinel

The delay is frustrating, especially in light of US Environmental Protection Agency Administrator **Lisa Jackson's** promise to expedite the rule-making process after the massive spill at the Kingston Fossil Plant in December 2008. The **EPA** put developing ...

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**Richard Windsor/DC/USEPA/US**  
04/21/2011 05:32 PM

To "Michael Goo"  
cc  
bcc

Subject Fw: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

FYI re reg review  
Charles Imohiosen

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

**From:** Charles Imohiosen

**Sent:** 04/21/2011 10:02 AM EDT

**To:** Richard Windsor; Barbara Bennett; Seth Oster

**Subject:** Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

Daily Environment Report: News Archive > 2011 > April > 04/21/2011 > News > Sustainability: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

77 DEN A-3

Sustainability

Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

Governments need to design regulations that will encourage businesses to invest in sustainability and foster accurate measurements to verify environmental gains, according to an April 18 report by the consulting firm KPMG.

The report, Corporate Sustainability: A Progress Report, surveyed 378 executives from a range of industries across the globe on their businesses' sustainability plans. It found that 62 percent of businesses have corporate sustainability plans, up from 50 percent in 2008. Only 5 percent of surveyed businesses said they had no plans to address sustainability issues, while the remainder said they were working on their plans.

However, only one-third of those that have such plans publicly report their progress. Half of the executives surveyed thought sustainability programs would improve their company's profitability.

The report defined corporate sustainability as "adopting business strategies that meet the needs of the enterprise and its stakeholders today while sustaining the resources, both human and natural, that will be needed in the future."

The report identified three obstacles to encouraging businesses to invest in sustainability programs:

- a lack of financing options that would allow longer-term benefits of sustainability to compete with cheaper short-term options,
- a lack of common measurements and credible information to perform the required analyses, and
- international regulation to provide businesses with the certainty they need to make the investments.

Source of Innovation

"These initiatives need to succeed because it is clear from our investigations that sustainability can be a source of innovation and growth, if governments help businesses make it so," according to the report.

"The large amount of private sector funds necessary to achieve climate change goals will be released only when investors are confident that governments are committed to making these new systems work."

Additionally, properly crafted regulations could meet environmental goals and "create a self-sufficient market for sustainability," according to the report.

In 1996, about 300 businesses had developed corporate sustainability reports. That number has grown to more than 3,100 in 2010, according to the report. The growth in sustainability planning requires industries to have reliable data to plan properly and to calculate return on investment, the report said.

"For sustainability programs to be properly integrated into operational strategy, meaningful and reliable metrics must be developed along with the underlying processes and systems to produce such information," according to the report.

The survey was done in October 2010 before the United Nations Framework Convention on Climate Change talks in Cancun, Mexico. At those talks, negotiators from 194 countries adopted a series of agreements recognizing the need for deeper cuts in greenhouse gas emissions, providing a foundation for broad forest protection, and helping developing countries adapt to climate change (238 DEN A-4, 12/14/10).

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

**Richard Windsor/DC/USEPA/US**  
05/21/2012 11:09 AM

To "Michelle DePass", "Gina (Sheila) McCarthy", "Janet McCabe", "Bob Perciasepe", "Diane Thompson"  
cc  
bcc  
Subject Fw: G8: Leaders open up vital new front in the battle to control global warming - Telegraph Blogs

Short-Lived Climate Forcers

---

**From:** Richard Windsor  
**Sent:** 05/21/2012 11:07 AM AST  
**To:** Richard Windsor  
**Subject:** G8: Leaders open up vital new front in the battle to control global warming – Telegraph Blogs

Hi,

I thought you'd like this:  
<http://soc.li/CVypeKf>

G8: Leaders open up vital new front in the battle to control global warming – Telegraph Blogs  
It seems to have gone virtually unnoticed, but the world leaders at the weekend's G8 summit look as if they have taken the biggest step in years in tackling climate change. And it's quite apart from anything to do with carbon dioxide. The summit's final communiqué, the Camp David Declaration, supports “comprehensive actions” to reduce [...]

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Richard Windsor/DC/USEPA/US  
04/29/2011 10:14 AM

To "Nancy Stoner", "Cynthia Giles-AA", "Marcia Mulkey"  
cc  
bcc  
Subject Fw: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

FYI...

Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 04/29/2011 10:04 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Arvin Ganesan

**Subject:** Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling  
Definitely a novel approach:

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

## Gov. Tom Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Published: Thursday, April 28, 2011, 4:16 PM Updated: Thursday, April 28, 2011, 5:48 PM



By **The Associated Press**

EDINBORO — Some Pennsylvania universities should consider drilling for natural gas below campus to help solve their energy needs, Pennsylvania Governor Tom Corbett said today.

**The Erie Times-News reported** that Corbett made the suggestion during an appearance at a meeting of the Pennsylvania State System of Higher Education at Edinboro University.

Corbett said six of **the 14 campuses in the Pennsylvania State System of Higher Education** are located on the region of underground natural gas deposits that are currently being explored and extracted.

**The Republican governor's proposed budget** for the fiscal year that starts in July would cut \$2 billion from education and higher education by 50 percent. The newspaper said Corbett emphasized the cuts are only proposals and that funding for education would be restored through the budget with state lawmakers.

The Marcellus Shale formation lies primarily beneath Pennsylvania, New York, West Virginia and Ohio; Pennsylvania, however, has more than 2,000 wells drilled in the past three years and many thousands more planned. Drilling for gas in deep shale deposits is emerging as a major new source of energy that supporters say is homegrown and more cost-effective than coal or oil.

But shale drilling requires injecting huge volumes of water underground to help shatter the rock — a process called hydraulic fracturing. The water returns to the surface, in addition to the gas, as ultra-salty brine tainted with metals like barium and strontium, trace chemicals injected by the drilling companies.

Most big gas states require drillers to dump their wastewater into deep shafts drilled into the earth to prevent it from



has moved to limit it, Pennsylvania still allows hundreds of millions of gallons of the partially treated drilling wastewater communities draw drinking water.

**Richard Windsor/DC/USEPA/US**  
04/21/2011 05:31 PM

To "Paul Anastas", "Marina Moses"  
cc  
bcc  
Subject Fw: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

A good data point...  
Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 04/21/2011 10:02 AM EDT  
**To:** Richard Windsor; Barbara Bennett; Seth Oster  
**Subject:** Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs  
Daily Environment Report: News Archive > 2011 > April > 04/21/2011 > News > Sustainability: Report Finds 62 Percent of Businesses Have Corporate Sustainability Programs

77 DEN A-3

Sustainability

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The survey was done in October 2010 before the United Nations Framework Convention on Climate Change talks in Cancun, Mexico. At those talks, negotiators from 194 countries adopted a series of agreements recognizing the need for deeper cuts in greenhouse gas emissions, providing a foundation for broad forest protection, and helping developing countries adapt to climate change (238 DEN A-4, 12/14/10).

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

**Richard Windsor/DC/USEPA/US**  
11/23/2011 02:32 PM

To "Scott Fulton"  
cc  
bcc  
Subject Fw: The Hill: UK official: Obama needs to 'put his money where his mouth is' on climate

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 11/23/2011 02:11 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Michelle DePass; Gina McCarthy; Seth Oster; Brendan Gilfillan; Diane Thompson; Jose Lozano  
**Subject:** The Hill: UK official: Obama needs to 'put his money where his mouth is' on climate  
UK official: Obama needs to 'put his money where his mouth is' on climate  
By Ben Geman - 11/23/11 10:54 AM ET

A senior official from the United Kingdom is calling out President Obama on climate change, alleging the president hasn't put enough political capital into battling global warming.

The comments by Greg Barker, the minister of state for energy and climate change, are an unusually blunt assessment of the White House's climate record from a key ally.

"We need Obama not just to make speeches, but he needs to put his money where his mouth is and invest political capital domestically," Barker said in London Tuesday, according to Bloomberg.

"Unless the U.S. joins with the rest of the world and shows real leadership on this green agenda, we are not going to get a global agreement," he said.

The comments come ahead of the next round of United Nations climate change talks that begin next week in Durban, South Africa.

The U.S. currently lacks binding greenhouse gas emissions cuts, which have been among the many factors that have sapped hopes for a global climate treaty in recent years.

Obama, speaking in Australia about climate change earlier this month, said cutting emissions can provide economic benefits, while arguing that China and India must also face commitments under any international deal.

"So part of our insistence when we are in multilateral forum – and I will continue to insist on this when we go to Durban – is that if we are taking a series of steps, then it's important that emerging economies like China and India are also part of the bargain," Obama said.

Resistance from China, the world's largest emitter, to binding cuts has been a sticking point in international talks.

"Unless the U.S. joins with the rest of the world and shows real leadership on this green agenda, we are not going to get a global agreement," Barker said.

"There hasn't, I believe, been a concerted political effort by the administration at a time when there was an opportunity potentially to push the agenda forward. Not acting then proved to be a huge loss," Barker said, according to Bloomberg.

Obama has had mixed results on green energy and climate change. Administration officials point to major increases in auto efficiency standards that will reduce emissions, and expanded investment in green energy research and projects, among other accomplishments.

But climate change legislation collapsed in the Senate last year, and some environmentalists felt that Obama didn't put enough political muscle behind the bill.

The Environmental Protection Agency, meanwhile, is moving ahead with greenhouse gas regulations after the Bush administration refused to do so.

EPA is preparing to float first-time emissions standards for power plants and refineries, but the rules have been delayed. The agency currently plans to propose the power plant rules early next year.

This post was updated at 11:03 a.m.

**Richard Windsor/DC/USEPA/US**  
05/06/2011 01:39 PM

To "Seth Oster", "Adora Andy"  
cc  
bcc  
Subject Fw: My apologies

Fyi

----- Original Message -----  
From: Mathy Stanislaus  
Sent: 05/06/2011 01:34 PM EDT  
To: Richard Windsor  
Subject: Fw: My apologies

This relates to the Rolling Stone article

----- Original Message -----  
From: Lisa Feldt  
Sent: 05/06/2011 01:04 PM EDT  
To: Mathy Stanislaus; Barry Breen  
Subject: Fw: My apologies

Lisa Evans e-mail

----- Original Message -----  
From: Lisa Evans [levans@earthjustice.org]  
Sent: 05/05/2011 03:15 PM MST  
To: Lisa Feldt  
Subject: My apologies

Lisa--

I want you to know that I sincerely appreciate the time and effort that you have dedicated to the coal ash rule. I believe Emily has spoken with Dru and explained how I was misquoted by Jeff Goodell in his Rolling Stone blog today. I have contacted Jeff, and I am hoping that he will publish a clarification. While I stated in a brief email to Jeff, in response to his query, that EPA was working hard to complete the rule, I also relayed your statement that completion this year was unlikely-- not that the rule would not be completed until 2013.

I hope that we can continue to have frank conversations and work together productively on this important issue. I regret any problems this blog created.

Sincerely,  
Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

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**Richard Windsor/DC/USEPA/US**  
04/26/2011 06:35 PM

To "Seth Oster", "Brendan Gilfillan"  
cc  
bcc  
Subject Fw: Google Alert - lisa jackson epa

Cute from Ben German.

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 04/26/2011 10:20 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

[Hydraulic-Fracturing Rules Target Diesel Fuel](#)

Wall Street Journal

By RYAN TRACY WASHINGTON—The Environmental Protection Agency plans to publish guidelines on permits for companies that use diesel fuel in the hydraulic-fracturing process, **EPA** administrator **Lisa Jackson** said Tuesday. Ms. Jackson said **EPA** is talking ...

[See all stories on this topic »](#)

[Wanted by \*\*EPA\*\*: Scientists for controversial climate mission](#)

The Hill (blog)

**EPA's** view is that biomass energy is green energy — if done right. Administrator **Lisa Jackson**, when announcing the permitting delay in January, said, “Renewable, homegrown power sources are essential to our energy future, and an important step to ...

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



Richard Windsor/DC/USEPA/US  
04/29/2011 10:12 AM

To "Shawn Garvin"  
cc  
bcc  
Subject Fw: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 04/29/2011 10:04 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Arvin Ganesan  
**Subject:** Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling  
Definitely a novel approach:

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

## Gov. Tom Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Published: Thursday, April 28, 2011, 4:16 PM Updated: Thursday, April 28, 2011, 5:48 PM



By **The Associated Press**

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**The Erie Times-News reported** that Corbett made the suggestion during an appearance at a meeting of the Pennsylvania State System of Higher Education at Edinboro University.

Corbett said six of **the 14 campuses in the Pennsylvania State System of Higher Education** are located on the region of underground natural gas deposits that are currently being explored and extracted.

**The Republican governor's proposed budget** for the fiscal year that starts in July would cut \$2 billion from education and higher education by 50 percent. The newspaper said Corbett emphasized the cuts are only proposals and that funding for education would be restored through the budget with state lawmakers.

The Marcellus Shale formation lies primarily beneath Pennsylvania, New York, West Virginia and Ohio; Pennsylvania, however, has more than 2,000 wells drilled in the past three years and many thousands more planned. Drilling for gas in deep shale deposits is emerging as a major new source of energy that supporters say is homegrown and more cost-effective than coal or oil.

But shale drilling requires injecting huge volumes of water underground to help shatter the rock — a process called hydraulic fracturing. The water returns to the surface, in addition to the gas, as ultra-salty brine tainted with metals like barium and strontium, trace chemicals injected by the drilling companies.

Most big gas states require drillers to dump their wastewater into deep shafts drilled into the earth to prevent it from

has moved to limit it, Pennsylvania still allows hundreds of millions of gallons of the partially treated drilling wastewater communities draw drinking water.

Richard Windsor/DC/USEPA/US  
05/04/2011 09:30 AM

To "Yolanda Caraway"  
cc  
bcc

Subject Re: Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

Very very nice. Thanks.

"Yolanda Caraway" Yolanda Caraway President and CEC 05/04/2011 08:57:58 AM

From: "Yolanda Caraway" <ycaraway@THECARAWAYGROUP.COM>  
To: Richard Windsor/DC/USEPA/US@EPA, <(b) (6) Personal Privacy  
Date: 05/04/2011 08:57 AM  
Subject: Fw: Post article - Congregation is first black church in D.C. to be powered by solar energy

Yolanda Caraway  
President and CEO  
The Caraway Group, Inc.  
1010 Wisconsin Ave. NW  
Suite 550  
Washington, DC 20007  
(202) 965-2810 Office  
(202) 965-2812 Fax  
yolanda@thecarawaygroup.com

\*Sent from my BlackBerry Wireless - Please excuse any typos

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

From: Rae Robinson Trotman  
To: Yolanda Caraway; Tonya Williams (Tonya@thecarawaygroup.com); Darrell Jackson (Darrell@thecarawaygroup.com) <Darrell@thecarawaygroup.com>; Phallan Davis <phallan@thecarawaygroup.com>  
Sent: Wed May 04 08:45:41 2011  
Subject: Post article - Congregation is first black church in D.C. to be powered by solar energy

C <<image001.jpg>> ongregation is first black church in D.C. to be powered by solar energy

By Darryl Fears, Tuesday, May , 6:52 PM

A historic black church that has sat on the same corner in LeDroit Park for 99 years has become the first African American church in the District to rely on renewable solar energy for electrical power.

Florida Avenue Baptist's <<http://www.flavbc.org/>> installation of 44 solar panels was hailed at a ribbon-cutting Tuesday by Environmental Protection Agency Administrator Lisa P. Jackson and other government officials as a breakthrough in the black community, where the clean-energy divide mirrors its well-known high-tech digital divide with the white community.

"This is an important first," said Jackson, whose agency recently started a faith-based initiative to increase clean-energy awareness among religious groups. "They're saying: We're going to take the lead in helping African American homes to become energy efficient."

The church's pastor, the Rev. Earl D. Trent Jr., said the panels' installation, by a North Carolina-based company in March, was important not only because the church will save money on its \$3,000 monthly electric bill from Pepco but also because it will reduce "dirty" coal-fired energy and enable him to establish a "green ministry" that could awaken churchgoers who know little to nothing about clean energy and its benefits.

African Americans tend to live in older, less energy-efficient homes equipped with older appliances and, therefore, have higher energy bills.

According to "Energy Democracy <[http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy\\_Democracy\\_Report\\_\(WEB\).pdf](http://www.centerforsocialinclusion.org/publications/wp-content/plugins/publications/uploads/Energy_Democracy_Report_(WEB).pdf)>," a 2010 report by the Center for Social Inclusion, African Americans spent an average of \$1,439 on electric bills in 2008, more than what Latino and Asian Americans spent, and significantly higher than what white Americans paid.

"We want to be a model for green energy," Trent said in an earlier interview. "I've gotten calls from pastors who want to find out how they can do this," he added, raising his hope that the renewable-energy divide can be bridged.

African American churches have historically led social change in black communities, raising awareness of civil rights in the past and now, possibly, environmental justice, Trent said. Helping to lower coal-energy production, even marginally, at power plants is a symbolic step in a nation where, he said, many black people live near such plants and their smokestacks.

"African Americans have more sources of pollution in their neighborhoods than others," Jackson said, standing on the roof of the church near Howard University Hospital as the sun beat down. "We have mercury, neurotoxins building up in our bodies . . . mothers pass it to children. We have . . . developmental disorders. All that comes back to this," she said, pointing to the row of solar panels.

"I think it's an extraordinary thing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities. "For me, this is a big story, even if it's just one church. You know how black churches are. If one pastor does it, the others have to do it because they don't want to be outdone."

When ministers inquire about getting panels, they'll learn that they'll have to spend green to go green.

At Florida Avenue Baptist, which has 500 members, the cost was \$60,000. With prayer, and 12 members of the flock who were willing to invest money in exchange for Solar Renewable Energy Certificates <[http://www.epa.gov/greenpower/documents/gpp\\_basics-recs.pdf](http://www.epa.gov/greenpower/documents/gpp_basics-recs.pdf)>, the cost was overcome.

The certificates are a kind of energy credit that companies such as power plants buy to sidestep government regulations and penalties for producing too much pollution.

The idea to go solar came to Trent through Gilbert Campbell III, a co-owner of Volt Energy <<http://volt-energy.com/>>, a North Carolina clean-energy company with an office in Washington. Campbell, a Howard University graduate who met Trent years earlier through his father, a pastor, had a proposition.

"I want to share with you the benefits of the church looking at solar," Campbell recalled saying in December. "You have an opportunity to educate younger students in the church," he said. "There's a value associated with that."

Volt Energy helped Florida Avenue Baptist set up a business, allowing it to make the investment and receive the certificates. The investors recouped \$18,000 within 60 days from a federal tax credit that for-profit entities receive for making investments in renewable technology.

Volt Energy also customized a curriculum for the church, teaching energy efficiency, recycling, and the how-tos of using energy-efficient light bulbs and reading energy bills to children.

Last week, Pepco turned on the power generated by the panels.

The church is expected to save 15 percent, about \$450, on its monthly bill, Campbell said. More money will probably be saved after an energy audit of the church and the installation of energy-efficient doors, windows and light fixtures, he said.

The church plans to eventually install a monitor outside the sanctuary so that its members can see the amount of energy being produced and the money being saved, Trent said.

"They're excited," he said. "They can't wait to see."

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Rae Robinson Trotman | Chief of Staff | The Caraway Group, Inc. | 1010 Wisconsin Avenue, NW | Suite 550 | Washington, DC 20007 | 202-243-7653 (direct) | 202-965-2812 (fax) | [www.thecarawaygroup.com](http://www.thecarawaygroup.com)

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This Email message contained an attachment named image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

Sarah Pallone/DC/USEPA/US  
04/29/2011 10:04 AM

To Richard Windsor, Bob Sussman  
cc Arvin Ganesan  
bcc  
Subject Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Definitely a novel approach:

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

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But shale drilling requires injecting huge volumes of water underground to help shatter the rock — a process called hydraulic fracturing. The water returns to the surface, in addition to the gas, as ultra-salty brine tainted with metals like barium and strontium, trace amounts of radioactive materials and other chemicals injected by the drilling companies.

Most big gas states require drillers to dump their wastewater into deep shafts drilled into the earth to prevent it from contaminating surface water. Pennsylvania has moved to limit it, Pennsylvania still allows hundreds of millions of gallons of the partially treated drilling wastewater to be discharged. Some communities draw drinking water from the same aquifers.

Seth Oster  
(b) (6) Personal Privacy  
09/04/2011 01:28 AM

To Richard Windsor, Bob Perciasepe  
cc  
bcc  
Subject Sunday Wash Post Story

## Obama's decision on smog rule offers hints on regulation strategy

By [Juliet Eilperin](#) and Peter Wallsten, Published: September 3

President Obama's controversial [decision last week](#) to suspend new anti-smog standards offered hints – but not the full road map – of how the White House will navigate politically explosive battles with congressional Republicans over which industry regulations to sacrifice and which ones to fight for this fall.

The Friday decision, which angered many environmental activists and won praise from business groups, represented the most high-profile case in a debate that carries deep implications for Obama's reelection campaign as he tries to spur job creation, woo business donors and fire up his voting base. It came as the president prepares for a major address Thursday night to lay out a new employment strategy.

Most notable in the [smog](#) decision was that Obama made it himself – undercutting his own Environmental Protection Agency leadership and siding with industry officials who warned that stricter ozone standards risked further damage to a fragile economy.

And yet, as the administration signals that it will stand by other rules opposed by industry groups, advocates on both sides are left wondering what broader strategy may be guiding the White House as it reviews existing and proposed regulations.

"I do not have a sense of the administration's philosophy here or where or how they determine to draw a line between economic impacts versus outside organizational pressures," said R. Bruce Josten, the top lobbyist for the [U.S. Chamber of Commerce](#), which represents the nation's businesses.



The Chamber heaped praise on the White House for its ozone decision. But Josten, who said he is in frequent contact with White House Chief of Staff William Daley and other top officials, said the administration "still has a heavy hand" with hundreds of regulations in the pipeline, from those affecting the environment to labor and capital markets.

Activists on the left, too, are curious. "Does Obama have an environmental bottom line?" asked Bill Snape, senior counsel for the Center for Biological Diversity, in an e-mail. "I cannot discern it."

### **Shift in warfare**

The ozone decision signaled a new phase in Washington warfare. For their first two years, Obama and his team pushed through ambitious legislative initiatives such as the economic stimulus, the health-care overhaul and a rewrite of the financial regulatory system.

Now, newly empowered congressional Republicans are driving an agenda of smaller government, deficit reduction and regulatory rollbacks that GOP lawmakers say will help spur job growth.

And Obama, his presidency on the line amid fading hopes of a near-term economic recovery, is eager to show that he, too, recognizes the need to curb government overreach. At the same time, he needs to reassure anxious advocates on the left, many of whom have complained since last month's debt-ceiling deal that the president has become too easily cowed by Republican arguments.

It is a delicate balancing act for a president still searching for the right formula to spark the economy to life at the same time that he hopes to win back crucial independent voters.

A late August poll by Pew found that just about a third of Americans approved of Obama's handling of the economy, while six in 10 disapproved.

Obama in January launched a [broad regulatory review](#), but skeptical GOP lawmakers are pressing ahead this month — seeking to overturn 10 federal rules spanning health care, workplace safety and the environment. Officials say the review, recently completed across 26 agencies, resulted in plans that could save businesses more than \$10 billion over the next five years.

Moreover, Obama, in a letter last week to House Speaker John A. Boehner (R-Ohio), sought to show flexibility on a number of

potential new rules being suggested by his agencies. Those ideas, he wrote, "are merely proposed, and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives."

One early indication of the president's new focus on regulation came in January, when the Occupational Safety and Health Administration withdrew a proposed rule that would have required employers to record repetitive-motion injuries.

The ozone standard was one of several controversial air-quality measures under consideration, including new limits on mercury and air toxins.

Industry and advocacy groups – many of them caught off guard by the ozone ruling – are struggling to assess its larger meaning.

Cass Sunstein, head of the Office of Information and Regulatory Affairs, said in an interview Saturday that the White House's approach involved a "careful analysis of costs and benefits, trying to make sure the benefits justify the costs."

"We're committed to protecting public health and welfare, but in a way that's attuned to the economic situation," he said.

But Sunstein said observers should not draw larger conclusions based on the ozone action, which was Obama's personal decision. The president's arguments, Sunstein added, "are very distinctive to the discussion of ozone."

In some ways, the ozone regulation was easier to jettison than others, because it will come up for review again in 2013 and other air-quality rules could achieve some of the same outcomes. Key industries had made powerful economic arguments against it, warning the White House that they might not open new facilities out of concern that the standards would block their operating permits.

Natural-gas companies, for example, argued to the administration that the rule might hamper their ability to take advantage of newly accessible natural-gas reserves.

Cal Dooley, president and chief executive of the American Chemical Council, said his members made it clear that they were "really poised to make billions of dollars in investments in the United States."

Stephen Brown, vice president and counsel for Tesoro Cos., said people would be wrong to assume that the administration will

abandon several of the other controversial air-quality regulations the EPA is planning to finalize this year.

"They are not backing down from using the Clean Air Act to regulate across the board," Brown said. "This was probably the weakest one to fight on, politically. They opted not to; that's all it is."

In private meetings and public statements, White House officials emphasized Friday that they would still push to enact measures such as the mercury and air toxins rule and touted these regulations as part of the administration's environmental commitment.

But Daniel J. Weiss, who directs climate strategy for the liberal research group Center for American Progress, said administration officials were naive if they thought that Republicans would be satisfied with one regulatory concession on air pollution.

"It's hard to understand why they made this decision, which will only embolden their enemies and alienate their allies," Weiss said, adding that since House Republicans have identified mercury as one of the six EPA rules they plan to roll back this fall, "they're going to have to fight even harder to protect it because their opponents just won on one of their six items."

### **Compromising**

For weeks, the Obama administration had struggled with how to split the difference on the smog rule, which had both enormous economic and public-health implications. At a closed meeting with environmentalists in mid-July, Daley wondered aloud why the two sides couldn't reach the sort of agreement the White House recently brokered on fuel efficiency for cars and light trucks. Advocates noted that it was easier to negotiate with a single industry, especially one that had been bailed out by the federal government and faced the possibility of strict regulations on the state level.

While both industry and activists will be scrutinizing Obama's upcoming jobs speech for further clues to his regulatory strategy, the unease among his supporters is palpable. Nearly 250 climate activists [were arrested](#) Saturday at the White House protesting the proposed Keystone XL pipeline that would connect Canada's oil sands to the Gulf Coast.

Courtney Hight, who ran Obama's 2008 youth vote operation in Florida and coordinates youth activists as co-director of the Energy Action Coalition, said Friday's news made her nervous about other decisions facing the president.

"We want to see him stand up and fight," said Hight, who was arrested at the White House on Thursday.

Seth Oster  
<(b) (6) Personal Privacy>  
01/20/2010 09:34 PM

To Richard Windsor, Bob Sussman, Arvin Ganesan, Bob Perciasepe  
cc  
bcc  
Subject RFK, Jr. versus CEO of Massey

This is taken from an Alec Baldwin blog on the Huffington Post:

**Bobby Kennedy Jr. will debate the CEO of Massey coal, Don Blankenship, about the destructive effects of coal production and consumption, on Thursday, January 21st (tomorrow) at 6:15 pm, eastern, from the University of Charleston, West Virginia. The program will be carried online at [www.wowktv.com](http://www.wowktv.com), as well as by other local media. You can visit [www.ucwv.edu](http://www.ucwv.edu) for more information.**

**The coal industry in general, and Blankenship in particular, are responsible for some of the most egregious environmental devastation of the last one hundred years. To listen to Kennedy debate these issues, such as mountaintop removal, is something you won't want to miss.**

**Thursday, January 21st, 6:15 pm. One of the great environmental heroes of our time takes on one of the greatest environmental villains. You may not have made it to Banff, but don't miss Bobby versus Blankenship.**

Shawn Garvin/R3/USEPA/US  
04/29/2011 10:26 AM

To Richard Windsor  
cc  
bcc  
Subject Re: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Thanks.

Sent by EPA Wireless E-Mail Services  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/29/2011 10:12 AM EDT  
**To:** Shawn Garvin  
**Subject:** Fw: Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling

Sarah Pallone

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

**From:** Sarah Pallone  
**Sent:** 04/29/2011 10:04 AM EDT  
**To:** Richard Windsor; Bob Sussman  
**Cc:** Arvin Ganesan  
**Subject:** Governor Corbett suggests Pa. universities raise money through Marcellus Shale drilling  
Definitely a novel approach:

Sarah Hospodor-Pallone  
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Shawn Garvin/R3/USEPA/US  
06/02/2011 12:39 AM

To Richard Windsor, Gwendolyn KeyesFleming  
cc  
bcc  
Subject Re: Colbert

Thanks

Sent by EPA Wireless E-Mail Services  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 06/02/2011 12:13 AM EDT  
**To:** Gwendolyn KeyesFleming; Shawn Garvin  
**Subject:** Fw: Colbert

Adora Andy

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

**From:** Adora Andy  
**Sent:** 06/02/2011 12:01 AM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Re: Colbert

Kennedy says mtm is illegal. He called Massey Coal a criminal enterprise.

Colbert said, "if these poor people don't want their mountains blown up, why don't these poor people just hire lobbyists."

Kennedy: "...they've corrupted the legal system, they've corrupted the judges.."

No talk of EPA

Adora Andy

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

**From:** Adora Andy  
**Sent:** 06/01/2011 11:56 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>  
**Subject:** Colbert

Has Bobby Kennedy on talking about the mtm documentary The Last Mountain.



**Stephanie  
Owens/DC/USEPA/US**  
12/12/2011 03:30 PM

To Richard Windsor, Betsaida Alcantara, Brendan Gilfillan,  
Michael Moats, Dru Ealons, Heidi Ellis, Alisha Johnson,  
Andra Belknap  
cc  
bcc  
Subject Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss  
Need

We can make that happen!  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/12/2011 03:04 PM EST  
**To:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Dru Ealons;  
Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Re: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need  
V cool. The BUS! Would love to met him!  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/12/2011 02:54 PM EST  
**To:** Richard Windsor; Brendan Gilfillan; Michael Moats; Dru Ealons;  
Stephanie Owens; Heidi Ellis; Alisha Johnson; Andra Belknap  
**Subject:** Fw: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss Need  
nice

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

From: Emma Post <epost@sloanep.com>  
To: epost@sloanep.com  
At: 12/12 14:07:55

MEDIA ADVISORY

NFL Legend Jerome Bettis, Clean Air Council and Former Assistant Energy  
Secretary Sue Tierney to Discuss Need for Timely Implementation of EPA's  
Utility MACT Rule

WHO: Jerome "The Bus" Bettis, Former NFL  
All-Pro Player, Asthma Sufferer and Activist

Katie Feeney, Policy Analyst, Clean Air Council

Dr. Sue Tierney, Managing  
Principal, Analysis Group and former Assistant Secretary for Policy at the  
U.S. Department of Energy

WHAT: Bettis, Feeney and Tierney will discuss  
the need for timely implementation of the Utility MACT Rule, and the  
life-saving effects the rule will have - especially for those who suffer from  
asthma and other respiratory diseases by reducing hazardous emissions from  
power plants.

WHY: EPA is expected to sign the final  
Utility MACT rule on December 16th. The rule has faced criticism from some in

the utility industry and Republican members of Congress. Bettis and Feeney are in Washington, D.C. to educate Members about the staggering health benefits that will come from the rule, including the prevention of 17,000 premature deaths and 120,000 cases of aggravated asthma annually, according to EPA. Dr. Tierney will speak to how the utility industry can comply with the rule.

WHERE: Cannon House Office Building, Room 122

WHEN: Thursday, December 15, 2011  
1 PM EST

RSVP: Please confirm attendance

Emma Post, 212 446 1878

#### About Jerome Bettis

The former Pittsburgh Steelers Running Back is one of the greatest running backs in the NFL history (5th overall in rushing). Diagnosed with asthma at age 14, Bettis is a tireless advocate for asthma awareness. Bettis also established "The Bus Stops Here Foundation" in 1996 to help improve the quality of life for disadvantaged and underprivileged children. In 2001, Jerome Bettis was the recipient of the Walter Payton Man of the Year Award.

#### About Clean Air Council

Clean Air Council is a member- supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.

# # #

Emma Post

Sloane & Company

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